

## *4.1. Activity of the Parliamentary Commissioner for Future Generations*

### **4.1.1. Evaluation of the state of right to a healthy environment**

#### *4.1.1.1. The role of the right to a healthy environment and the interests of future generations in the Fundamental Law*

For the Office of the Parliamentary Commissioner for Future Generations (hereinafter referred to as ‘the FGO’, i.e. Future Generations’ Ombudsman) giving an opinion on the Fundamental Law, drafted in 2011, was a task of high priority. We participated in the work of the Ad-hoc Parliamentary Committee for the Preparation of the Constitution, explained our position at numerous academic conferences and we even organised a two-day international conference on the constitutional role of the right to a healthy environment. We prepared several draft versions on the right to a healthy environment and the rights of future generations and these versions had at many points a significant influence on the development of the final text of the Fundamental Law.

As the Parliamentary Commissioner for Future Generations stated in his speech during the general debate of the new Fundamental Law, its draft contained numerous very progressive provisions showing responsibility for future generations. Sándor Fülöp, however, also drew attention to the fact that the draft text also constituted a step back in comparison to the Constitution in force until the end of 2011, since the original draft did not contain the right to a healthy environment and put an end to the autonomous and independent institutional representation of future generations. In the reasoning of its written opinion, the FGO made it clear that for the effective realisation of environmental objectives it is indispensable that the Constitution declare everyone’s fundamental right to a healthy environment and that a fundamental right guaranteed for twenty years by the Constitution in force should not be withdrawn from the Fundamental Law. Besides, the enforcement of this fundamental right and the effective implementation of the tasks of the State could be greatly facilitated by an autonomous Parliamentary Commissioner for Future Generations. Otherwise the environmental outcomes of the making of the Constitution would remain formal and lack substance in the practice.

The FGO also proposed that the internationally recognised basic principles of environmental protection, which were also endorsed by the founding Treaties of the EU, such as the principles of precaution, prevention, polluter pays and integration, should not only pertain to environmental law but also permeate the functioning of the whole legal system. This could only be ensured if the legislator lays this down at the level of the Fundamental Law. The FGO pointed out that an effective environmental protection could only develop from the joint realisation of human rights and state responsibility; the activity of state organs alone could not lead to a sufficient level of environmental protection, and local environmental protection, without the participation rights that can be deduced from the constitutional rights of the citizens and the activities based thereon, would even now be absolutely impossible. Based on all the above, the FGO proposed to lay down in the text of the Fundamental Law that, within the framework determined by an Act, everyone shall have the right to participate in the decisions affecting their environment. Furthermore, we proposed to qualify natural resources as national assets, which could be an important guarantee of their preservation for future generations.

Parliament found several opinions prepared by the FGO worthy of further reflection. In the making of the Constitution one could consider as the most important achievement that the right to a healthy environment was finally included into the text of the draft. Moreover, the

decision-makers accepted our proposal that whoever causes any damage to the environment shall be obliged, as specified in an Act, to restore it or to bear the costs of restoration. In the reasoning of the proposal for an amendment with the same purpose, it was explained as the realisation of the 'polluter pays' principle, but the FGO only partly agreed with that view. In our opinion the obligation of the polluter or user cannot be limited to the restoration of the damage caused; over and above that the user of the environment also has to bear the costs of prevention and control. That is why we proposed to include expressly in the Fundamental Law the 'polluter pays' principle, together with the most important principles of environmental protection, but this proposition of ours was not adopted.

On 18 April 2011 Parliament adopted the Fundamental Law of Hungary. On the day of its publication (25 April) in the Hungarian Official Gazette, the FGO declared in its Statement that it considers it extremely important that a commitment had been formulated according to which the State wishes to shape its social policy and development taking into consideration the protection of the environment and taking account of its responsibility for future generations. Generally, the FGO stated that the Fundamental Law extended and further strengthened the constitutional foundations of domestic environmental law, and elevated to a higher legal level the responsibility for future generations. The Ombudsman urged that adequate detailed rules and other measures be adopted in accordance with the provisions of the Fundamental Law on environmental protection and future generations, which are in keeping with the intention of the makers of the Fundamental Law. Thus, the Fundamental Law, by maintaining the fundamentals, primarily by stating and strengthening the right to a healthy environment, ensures the continuity of the legal interpretation of the environmental law of the past twenty years.

The Fundamental Law, however, has not only preserved the previous values and constitutional achievements, but in several respects it contains further substantial achievements and, with its progressive provisions, creates the possibility for effective advancement and development. With the incorporation of the necessity-proportionality test into the Fundamental Law, the legislator has expressly laid down the principle of a strict constitutional limit on stepping backwards (regression), which was elaborated by the Constitutional Court. By mentioning several times the protection of the interest of future generations and emphasising our joint responsibility, by protecting the common heritage of the nation and of its national assets, by prohibiting the use of genetically modified organisms in agriculture and by underlining the need for healthy food, the Fundamental Law has in fact enshrined the requirement for sustainable development at a constitutional level. The Fundamental Law extends the requirements of sustainability and of the protection of future generations to the budgetary management and foreign policy of Hungary as well. All in all, one can say that Parliament adopted a Fundamental Law which takes account of the issues of the 21st century related to sustainable development and of global environmental conflicts.

#### *4.1.1.2. The enforcement of the right to a healthy environment in concrete cases*

##### **Inquiries related to water protection**

Water, as an environmental element of outstanding importance, was examined from two aspects by the FGO. One is the protection of water, as an element of the environment, from human polluting activity; this protection may be realised by way of plans for the management of catchment areas in order to attain the objective of a good ecological status and by promoting sustainable management of water, a finite natural resource. The other aspect is protection against harmfully too much or harmfully too little water, such as the protection of human lives and property, the prevention of floods and inland waters, or the mitigation of damage. The realisation of both aspects requires a complex, future-oriented and long-term

thinking of politics, the economy and society. If a major step is taken in one area, immediately or in the longer term it will be felt in numerous related areas. Good examples for this are the budgetary cuts in 2011 affecting the whole sector, or the transformation of the administrative system of water management and environmental protection.

The FGO received numerous complaints related to the treatment of sewage-water: the complainants either objected to the operation of sewage plants or drainage systems (protested against the odour), or disagreed with the solutions for disposal of the liquid waste of municipalities. In accordance with those set forth in previous reports of the Parliamentary Commissioner for Civil Rights, the FGO examined primarily whether the organs competent to take measures had done everything to remedy the problems.

In its Statement related to the decrease of the water level of the Nagybereki Fehérvíz Nature Protection Area, the FGO assessed the enforcement of the nature protection requirements in water law licensing proceedings; in the Statement it established that the first instance water law operating licence, issued on the basis of guidance from the second instance water management authority, had resulted in a violation of the law since the stipulations related to the regulation of water did not take into consideration the nature protection status and multiple protection of the area.

### **Inquiries related to urban planning proceedings**

Urban planning plays an outstanding role in the practice of environmental protection since it has a major influence on the shaping of the environment, it can be a move towards sustainability or, on the contrary, start irreversible harmful processes, so quite often it has an impact on the quality of life of a large number of citizens, and on the exercise of their right to a healthy environment.

In this field the activity of the FGO can be divided into two parts. On the one hand, we have cases where we examined urban planning proceedings in progress, and, on the other hand, we have cases where we examined closed urban planning proceedings. The time factor has a particular significance in the examination of urban planning proceedings. First, keeping in mind the principle of prevention and using the possibilities offered by the Act on Parliamentary Commissioners, the FGO made every effort to make statements and adopt Statements at a time when actual harmful effects could still be avoided. In the case of local governments making a decision in issues of urban planning, this means that before the decision is made we draw their attention to the improprieties of the planned measure and to its possible future consequences. In our experience this is mostly welcomed by the local governments concerned, since getting to know the legal position of the FGO gives them the opportunity to review the decision planned, to rethink, modify or even reject the proposals submitted for adoption and thus to avoid later claims for damages and major consequences for unlawful decisions, which could significantly influence their operation.

In many cases, however, it was only later on, possibly in the stage of concrete licensing by the local planning authority, or the actual way of using the area, the realisation of disturbing activity, that the FGO found out that the environmental conflict went back to an urban planning decision made possibly a decade before in the relevant urban planning proceedings. Among these cases complaints related to changing the status of land to that of a residential area can be considered as typical. In these cases, over and above the difficulties of the inquiry, available legal instruments are limited and the environmental damage is not reversible any more. Such cases are also sensitive from the point of view of legal certainty since it is the basis of even years old land use or legal relationships that become the object of dispute.

The FGO experienced in several cases that guarantee arrangements of professional and community participation in urban planning proceedings do not, in themselves, ensure the

enforcement of the right to a healthy environment. This is particularly well demonstrated by the issue of so-called parallel proceedings, which one can encounter in numerous settlements, mostly in the agglomeration of Budapest. In these cases the local government cuts up the settlement and makes a patchwork regulation for the different areas, simultaneously conducting different urban planning proceedings. If one examines the proceedings separately, they may even be lawful, but considering the whole settlement, especially without the examination of their joint and mutual impact, participants are hardly able to assess the cumulative effect of all these proceedings. These plans will be unsuitable for realising the objectives of urban planning, for developing and protecting the natural, landscape and man-made assets of the environment, for creating harmony between the national, regional, settlement and legitimate private interests, for ensuring the resolution of conflicts of interest, or for promoting prudent use of resources.

### **Inquiries relating to nature protection**

Regarding nature protection, the FGO concentrated primarily on the evaluation of the legal situation of bogs. In its *ex officio* inquiry the FGO has found that the protection of bogs encountered many difficulties because the relevant regulation is improper in several respects. These improprieties are partly due to the provisions of the Act on Nature Protection defining bogs. According to the Act ‘bog is a land area which is permanently or intermittently exposed to the effects of water, and a significant part of which is populated by a biocoenosis or living organisms characteristic of a bog, or the substrate of which is composed of peat of different stages of development, or which is characterised by processes leading to the formation of peat’. This legal definition has been widely criticized both by the world of science and by those who have to apply the law. There is no consensus in scientific circles concerning the definition of bog; hence the difficulty to define it in legal terms. The uncertainties of the definition obviously have an impact on the legal practice, since for each and every habitat it has to be established whether they qualify as a bog or not. The FGO pointed out that the legal definition uses several notions and expressions which require the authorities to exercise discretion and weigh the circumstances of the concrete case.<sup>1</sup> However, neither the Act nor the lower level legal rules determine the criteria to be taken into consideration by exercising such discretion to facilitate the making of the decision. So for example it is not clear how one should interpret the words ‘permanently’, ‘intermittently’, ‘significant part’, what is meant by ‘biocoenosis characteristics’ of a bog or which are the ‘living organisms’ characteristic of a bog.

The FGO also dealt with the practice of the authorities relating to the protection of bogs. Within this we examined as a question of primary importance what ‘*ex lege*’ protection (required by an Act) means. According to the Act, a higher level of protection should be given to assets designated as having *ex lege* protection, i.e. where protection is not provided by a further legal rule, but by the Act itself. This higher level of protection means that in these cases no further assessment, preparation, consideration or legislative act is necessary; the protection does exist by law and is applicable to all bogs, caves etc. In the inquiry relating to *ex lege* protection, the FGO has found that the effective realisation of *ex lege* protection depends on the effectiveness of the work of the authorities involved and on the outcome of possible subsequent proceedings for legal remedy, thus on quite random and subjective elements. If the authority conducts proceedings in order to establish the existence of bogs, i.e. it takes the necessary decisions, the protection may be effectively ensured. In the absence of a decision, however, on the basis of existing legal practice it is not possible to successfully invoke the fact that any area is a bog and enjoys protection as such. In order to establish the

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<sup>1</sup> The administrative action concerning the protection of bogs on the territory of the town of Dunakeszi touched on questions of the legal definition of bogs, in which the Commissioner participated as an intervener in the case.

existence of protection it is necessary to determine the actual coordinates of the bog. All this, however, deprives *ex lege* protection of its essential value, since *de facto* the protection depends on the final decision of an authority and on the enforceability of its decision; this means that the essential difference between *ex lege* protection and other less important types of nature protection simply disappears. Although decisions themselves may not give such protection, in practice it is only by way of a decision that protection can be enforced. The FGO proposed several solutions to this problem; primarily that in the interest of legal certainty and the protection of these valuable natural sites one should ensure the organisational conditions for making an exhaustive list of bogs and registering them in the land registry.

In addition, the FGO also proposed that in proceedings related to necessary technical operational plans for mining, the activity endangering bogs most of all, one should again ensure that environmental authorities have the same powers as they did before the reform of those authorities. Besides the question of the protection of bogs, the FGO examined in several cases the licensing practice related to felling trees on public land.

### **Inquiries related to public participation**

Similarly to the year 2010, the FGO paid special attention to the realisation of the principle of public participation. In addition to environmental protection authority proceedings, the FGO examined the public participation rules related to urban planning proceedings, the conditions for the operation of civil society organisations and the tasks of the State related thereto, since they provide the basis for the realisation of public participation. The FGO also examined legislative activities in this field by giving an opinion on the new Bill on Civil Society Organizations, and we closely followed the Bill on the General Rules of Public Administration Authority Proceedings and Services (hereinafter referred to as 'Administrative Proceedings Act') and on certain Acts related thereto, as well as the Bill on the amendment of certain Acts related to the revision of ministerial authority powers.

In one of its Statements the FGO dealt in general with the operational conditions of environmental civil society organisations (green NGOs); the Statement was issued in connection with the Network of Eco-counselling Offices. Based on consultations with representatives of environmental civil society organisations, our colleagues found that the problems were of a general nature: a decrease in the funding for the operation of domestic green civil society organisations had made their work practically impossible. The FGO dealt with these radical and continuous cuts in budgetary funds in the inquiry relating to the Bill on the Budget of 2012. In our Statement we touched upon several questions: first we set forth the state obligations relating to the operation of an effective organisational and institutional system, then we argued that in practice civil society organisations form an integral part of this structure, since in numerous fields they perform public tasks, and in view of the funds necessary for their operation they perform this more efficiently than state organs. As an example one could mention environmental counselling activities, which constitute a basic element of the pillars that form the essence of access to environmental information and public participation.

Second, the FGO dealt with the relationship between stepping backwards from the achieved level of protection and reducing the financial resources, and stated that decreasing the budgetary funds provided by the National Civil Basic Programme in general, and by the Ministry of Rural Development in particular, for the performance of public tasks, as well as reducing the application possibilities and the extent of specific supports did constitute a failure to comply with the constitutional requirements.

Third, FGO dealt with the relationship between the principle of public participation and the funds provided for civil society organisations, taking into consideration our international

and European Union obligations. We drew attention to the system established by the Aarhus Convention, which envisages that parallel to the decrease of legal and financial regulations restricting the operation of civil society organisations, one should also create a legal and financial environment which is favourable and supportive of their activities. This means that basic financial support necessary for the operation must be ensured or at least maintained, but in no way can a tendency for decrease be tolerated.

On the basis of the above arguments the FGO made a proposal to the Sustainable Development Committee of Parliament and to the Minister for the National Economy to enforce the criteria established during the inquiry in the debate on the Bill of the 2012 Budget of Hungary; the FGO also initiated with the Minister of Rural Development that he should ensure the financial conditions necessary for the operation of the Network of Eco-counselling Offices.

In connection with a case the FGO dealt with the issue of client legal status, which has to be ensured in environmental proceedings related to the imposition of administrative fines. We explained that it was an improper practice, occurring not only in proceedings relating to the imposition of administrative fines, that the authorities did not interpret the concept of environmental authority proceedings in a uniform way, which infringed the constitutional requirement of legal certainty, and that the often practiced narrow interpretation of the proceedings was contrary to the constitutional content of the right to a healthy environment. The position taken by authorities, according to which client rights depend on whether subsequent sanctioning really exerts a direct influence on the state of the environment or not, is erroneous. What is important is the fact that sanctioning proceedings have an impact not only on one case but on several or even a high number of similar cases: due to general and special prevention and other factors, the sanctioning proceedings and the sanctions imposed decisively affect the state of the environment, and apart from the entity receiving the fine they influence the behaviour of numerous other entities.

In addition to the above mentioned cases the FGO examined several others related to the issue of client status in certain sectoral authority proceedings.

### **Inquiries relating to protection against noise and vibration**

The enforcement of the right to a healthy environment in cases relating to the protection against noise and vibration was assessed by the FGO both on the basis of individual complaints and in *ex officio* inquiries. In concrete cases individuals often complained about the effects of sources of noise in transport, construction, and leisure programmes. On the basis of experience gathered from these submissions the FGO conducted *ex officio* inquiries into the legal regulation of protection against noise and vibration and into events organised in the public domain.

Among the numerous sources of noise and noise-related types of conflict, noise originating from events organised in the public domain deserve special inquiries because of their special features. Events organised in the public domain affect a fairly large part of the population because of their great number and significant impact. Such events (mainly concerts) create environmental conflicts primarily because of their noise emission, which is often further aggravated by increased traffic, various odours, possibly not adequately treated waste, and even public health problems may occur (for lack of a sufficient number of mobile toilets or of their use). Areas where such events are quite frequent are especially seriously affected. It is a further conflict that apart from big or inner city areas such events are also held in great numbers in resort areas which serve primarily for recreation.

Between 2008 and 2011 several complaints were received by the FGO concerning events or festivals organised in the public domain. In the course of the inquiries started on the basis of these complaints, we came to the conclusion that the specific improprieties could be traced

back to the lack of or deficiencies in the relevant regulation. Consequently, the FGO conducted an *ex officio* inquiry to determine what kind of possibilities rules of law offered to counter noise of a disturbing level from the use of public domain, and in how far these possibilities were utilised in practice. In his inquiry the FGO endeavoured to analyse one by one all such problems or uncertainties of a legislative or law application character, as had been raised on the basis of the complaints. In our Statement we endeavoured to give clear guidelines in the issues examined, and to help thereby local governments and the population with a general recommendation to enforce their right to a healthy environment.

### **Inquiries relating to transport**

In 2011 among the cases relating to transport the FGO focused primarily on different questions of road transport; within this area it examined local urban transport as well as long-distance transport. The most typical reason for lodging road traffic related complaints is a modification of the usual order of traffic due to a decision to reorganise traffic, as a consequence of which the traffic is redirected and flows in other directions. At the time of drawing up the annual report of 2010, the FGO was still conducting two inquiries in this matter, and we published our Statements thereon in 2011.

In a case concerning the reorganisation of the public transport system of Kecskemét the FGO examined complaints submitted because of increased traffic (two times two lanes) in front of the complainants' home. The FGO found that the local government had taken its decision on the reorganisation of the traffic after careful consideration and based on the necessary supporting documents. The town had ordered a comparative study for estimating the expected noise and air pollution; however, in the opinion of the complainants the study was not well-founded. We underlined that although the data of the study and their assessment seemed realistic, several foreign studies had found that the territorial extension of the polluting effects of road traffic go way beyond the expectations of decision-makers and experts. Despite the fact that the FGO did not establish specific improprieties related to a constitutional right concerning the measure of the local government, we also stated that the constitutional right to a healthy environment of the population that had to put up with additional pollution (due to the increased intensity of the traffic) was not fully enforced. Since the restriction of their right, i.e. the deterioration of their quality of living, had to be tolerated by a smaller group of inhabitants in the interest of the whole community, one could raise the question whether compensation from the whole population would be justified. In another inquiry concerning a traffic organisation measure of the local government to transform Lövőház Street in the second district of Budapest into a pedestrian zone, the FGO made a recommendation to the local government requesting it to examine the possibility of introducing realistic traffic reduction measures and to order measurements for noise and air pollution, the results of which should be made accessible to the public. In his recommendation the Commissioner also proposed that, in view of the numerous significant investments realised in the past years, the local government should examine and enforce the noise protection requirements determined in the course of the licensing proceedings for these investments.

### **Inquiries relating to energy policy**

In the field of energy policy in 2011, pursuant to complaints submitted earlier by a civil society organisation the FGO published two Statements on the peaceful application of nuclear energy. Besides the published Statements, the FGO gave opinions on the draft national report concerning the security of the use of nuclear energy in 2010 in Hungary, and on the draft of the fourth national report pursuant to the common convention on the safe management of spent fuel and radioactive waste.

In the course of the inquiries preceding the publication of the Statements we found that the preparation of the decisions relating to energy policy planning and determining the future had been carried out without real social dialogue in the two examined cases; the special institution protection proceedings (Strategic Environmental Assessments) guaranteeing a comprehensive assessment and the enforcement of the right to a healthy environment had been restricted, similarly to the right of the public to access data of public interest. This is partly the reason why a situation could occur in which the underground storage facility had not been finished after almost a decade of preparatory work, and as a consequence small and medium intensity radioactive waste had been stored for two and a half years on the surface in premises constructed for the transitional storage of waste. To these concerns the FGO has not yet received a reassuring answer from the competent authorities.

### **Follow-up inquiries**

It is the first time that in the annual report of the Office of the Commissioner for Future Generations there is a section devoted to follow-up inquiries. Following the main inquiries conducted in previous years the FGO has now assessed in an *ex officio* inquiry the practice of taking into consideration the recommendations, initiatives and proposals made as a result of the inquiries in important cases. As implementation here is voluntary, compliance by the concerned organs can be an indicator of the effectiveness of the Commissioner's work. In the course of the follow-up inquiries the FGO examined whether the recommendations, proposals and initiatives were implemented or not, and whether the organs under inquiry complied with the requirements formulated in our Statements. In our view it is especially justified to conduct follow-up inquiries if the previous inquiry has found grave omissions or irregularities (raising the possibility of criminal, minor offence, compensation or disciplinary proceedings) implying personal liability as well. Follow-up inquiries were based on previous information gathered from complainants, the concerned authorities and other organs on the developments since the publication of the Statements.

One of our follow-up inquiries dealt with the urban planning proceedings of Pilisszentkereszt. In the course of the original inquiry the FGO established that the urban planning instruments scheduled for adoption by the municipality of Pilisszentkereszt were contrary on several counts to the provisions of higher level rules of law, and constituted an impropriety in connection with the enforcement of the constitutional right to a healthy environment. We have not yet received any written information on the measures taken, although the local government published a note on its website on the adoption of urban planning instruments, so the FGO started a follow-up inquiry into the matter.

The follow-up inquiry found again that in connection with the constitutional right to a healthy environment there were improprieties in the urban planning proceedings, the environmental impact assessment and the modification of the use of areas classified under Natura 2000. The FGO invited the local government to provide information within 30 days on the measures taken pursuant to the recommendations or on the adoption of the development plan. On the basis of the information provided, we could conclude that the findings of the FGO were on the whole accepted, the indicated deficiencies were corrected and the urban planning instruments objected to by the FGO were not put into effect.

Our office also conducted an inquiry into the practice of preserving plant genetic resources of agricultural and nutritional use. The original inquiry, which was started *ex officio*, analysed the circumstances of the ordering of the obligatory dissolution of the Research Institute for Fruit Growing and Ornamentals of Érd, non-profit co. In the course of the follow-up inquiry the FGO made a proposal for legislation to the Ministry of Public Administration and Justice. Indeed, according to the legal regulation in force, agricultural land with a purpose of conserving genetic resources, owned by the dissolved Institute, may only be

handed over for asset management on the basis of a tender invited by the National Land Management Organisation pursuant to the general rules of the Act on the National Land Fund; it is not possible to hand it over for asset management directly to a Non-Profit Company set up specifically for this purpose. The relevant rule of law does not provide for the possibility of a derogation covering agricultural land with a purpose of conserving genetic resources, although the adoption of a special regulation would be justified indeed. The Ministry of Public Administration and Justice has given no answer yet to our proposal to make legislative changes in order to harmonise the different rules of law.

In summary we can conclude that almost all requested organs cooperated with us in the follow-up inquiries, made possible and assisted our inquiries according to the rules of law and provided the information requested by the FGO.

#### **4.1.2. The Environmental Protection Ombudsman's Activity relating to legislation**

##### *4.1.2.1.*

##### *Proposals for legislation*

In the course of its activities in 2011 the FGO turned to the legislator on numerous occasions when, as a result of our inquiries, we found that the reason of a violation of the right to a healthy environment was the inadequacy, incompleteness or lack of legal regulation.

In its inquiry concerning the red-sludge catastrophe the FGO established that at the time of the bursting of the dam it was not clear at all which authority was competent for licensing or supervising the operation of the facility. In view of this the FGO – depending on the outcome of the PILOT-proceedings started by the European Commission – proposed to the Government of the Republic of Hungary to prepare a proposal for Parliament to amend the Mining Act, so that the definition of ‘mining’ (mining activities) be in accordance with EU legislation, and requested the Minister of National Development to ensure the amendment of the Guidance of the Hungarian Office for Mining and Geology in accordance with the rules of law in force.

In a nature protection case the FGO invited the legislator to issue a government decree to be adopted on the basis of the authorisation of the Act on Nature Protection, since in spite of this authorisation the Government had failed to issue the detailed rules on providing nature protection security.

In accordance with the conclusion of its Statement analysing the legal background of the extension of the lifespan of the nuclear power plant in Paks the FGO addressed several proposals for legislation to the legislator; among others it requested the Government to prepare an amendment to the Act CXVI on Nuclear Energy in order to make it clear what Parliament exactly consents to when it adopts a resolution on the enlargement of the power plant in Paks.

Concerning the drainage of the Nature Protection Area of Nagyberek-Fehérvíz, the FGO found that the drainage could be traced back primarily to the absence of the nature protection management plan, which had not yet been issued in the form of a ministerial decree. Consequently, we turned to the Minister of Rural Development urging that the plan be adopted as soon as possible.

In the interest of protecting non-smokers the FGO proposed that the scope of the regulation banning smoking indoors be expressly extended to open-air thermal baths, spas, higher education institutions and residence halls, and that the ban should include the whole territory of open air baths. Pursuant to a case the FGO pointed out the impropriety of the competence rules of a local government decree regulating the licensing of felling trees,

because they assign licensing to the mayor, instead of the notary. The FGO proposed amending the rule of law and the notary concerned agreed with the proposal.

#### *4.1.2.2. Giving opinions on draft legislation*

It is an important task of the FGO to call the attention of the legislator to the deficiencies found in draft legislation, and in 2011, in giving our opinions, we also had the opportunity to approach individual rules of law globally and look beyond the boundaries of specific sectors. It follows from the protection of the interests of future generations that when specific sectoral regulations are completely revised or great organisational structures are transformed, the FGO has to point out negative future effects of the decisions of legislators or errors which are possibly difficult to remedy. In view of this responsibility the FGO drew attention, among others, to the deficiencies of the Bill on Waste, and conceptual errors contained in the package of rules of law prepared on the transformation of the organisational structure of water management, in the disaster management regulation and in the Act on Fees. In addition to these, the Office also gave an opinion on the following draft legislation: Bill on Nuclear Energy, Bill on Public Education, Bill on Civil Society Organisations, Bill on Minor Offences, Bill on Local Governments and the Bill on the General Rules of Administrative Proceedings and Services.

In respect of the transformation of the system of water-related institutions the FGO gave an opinion on the amendment of the Act on Water Management, as well as on the packages of relevant government decrees and ministerial decrees. The FGO stated concerning all three submissions that it did not approve of the planned reorganisation and pointed out that the new structure to be established would risk being inoperative; we doubt that tasks can be effectively performed and that protection against floods can be implemented at an adequate level, which can entail especially serious consequences in extraordinary flood situations in view of the special geographic situation of Hungary and the size of areas threatened by floods and internal waters.

Due to its importance one should also mention the Bill on Waste aiming to transform the system of waste management in several areas. In its opinion the FGO proposed to resolve primarily the problems related to notions in accordance with the other rules of the sector, with special regard to ensuring consistency with the provisions of the new Act on Product Charges.

In the first half of 2011 Parliament amended the provisions of the Act on Disaster Management, so the FGO gave an opinion both on the concept serving as a basis for the amendment and on the amendment itself. The FGO found that to ensure effective action by the state system of institutions in case of a disaster, it would be necessary to consider the attribution of tasks and competences, clarify the system of responsibilities, and adequately determine administrative powers. This can only be guaranteed if the provisions of rules of law clearly define the responsibility of the organs concerned and their competences are unambiguous and separable. In connection with this the FGO drew attention to the fact that in the draft the definition of 'danger of disaster' was not specific enough; it was not clear when a 'process or state preceding a situation of danger' started or when it ended.

A comprehensive concept was adopted on the situation of civil society organisations. As regards the new Act on such organisations, the FGO in the first place welcomed it as a regulation serving the transparency of the system of civil society organisations and a more effective sanctioning of possible fraud, but it also called attention to the fact that strict rules on the operating conditions of civil society organisations raised concern, and pointed out that one should establish a regulation based on an active dialogue of the State and civil society organisations.

#### *4.1.2.3. Petitions to the Constitutional Court*

In 2011 the FGO submitted only one petition to the Constitutional Court, namely in connection with the urban planning instruments of the town of Dunakeszi, but we had already presented certain elements of it in our annual report of 2010. Thus, together with our petitions submitted in previous years, we had four petitions pending in the Constitutional Court in 2011. As of 1 January 2012 the competence rules have been changed, so the Commissioner for Fundamental Rights has turned again to the Constitutional Court requesting it to establish that the government decree on licensing of premises and the ministerial decree on the regulation of noise protection of cultural festivals are contrary to the Fundamental Law; he has also turned to the competent Government Office on account of the urban planning instruments of the village of Páty and of the town of Dunakeszi being contrary to law. No decision has been taken yet in any of the above mentioned cases.

#### **4.1.3. Environmental strategy and environmental policy activities**

Ever since it was set up, the FGO has always considered it an integral part of its activity to carry out inquiries that go beyond individual cases and build on the interconnections of such cases, to articulate basic issues of the sustainability of the environment and to work out proposals for their solution, to promote social communication that can help in solving conflicts between nature, local communities, authorities and the economy, to raise people's awareness, and to increase environmental consciousness both in citizens' lives and in government policies.

In 2011 one of the most important tasks of the FGO in this field was our participation in drawing up the National Sustainable Development Strategy. Here we urged that the forces behind today's unsustainable resource management and the damage to our natural assets be revealed, thus the cause and effect relationship between the "free market" system and the wasting of natural resources be demonstrated. The FGO pointed out that we could not put a stop to damaging the environment without reviewing our whole consumer civilisation. Society, its communities and individuals should realise that their consumption should be kept within the limits nature can support. We also suggested the setting up of an institution to analyse and record changes in natural capital, and to be responsible for its management.

In its opinion the FGO welcomed the intention to coordinate strategies, since today's sectoral strategies and development programmes often represent the interests of individual sectors and are not aligned with each other or with any framework strategy. The FGO also stated that the National Sustainable Development Strategy should give much more definite guidelines on how to tackle climate change and how to adjust to it. The issue of transport is an inevitable element of sustainability in terms of environmental health, nature protection and resource management. Any sustainability strategy must take a stand for limiting demands of mobility and for curbing means of transport with a heavy nuisance for the environment. We also suggested completing the strategy with specific targets in the fields of energy security, decarbonisation, food safety, soil protection, sustainable water management, gene conservation, and the conservation of natural capital, and also including in it a detailed road map with target dates for changing unsustainable economic and social processes. Without such a context it would be impossible to determine indicators for the following up of processes or to monitor the realisation of targets and time-limits. The FGO named as of key importance to have the necessary regulation in place for ensuring the diversity of wild and agricultural species, the quality of soil and water, and a sustainable use of renewable and non-renewable resources.

Armed with several years' experience in researching sustainable communities and in organising them into networks, the FGO presented its proposals for the National Sustainable Development Strategy taking into consideration the findings of its inquiries on water and soil

protection, on biodiversity, and on agricultural environmental protection. It welcomed the aim to strengthen food sovereignty through promoting domestic and local products. In order to achieve this, our office urged a sales, credit and land policy that would provide fair competition conditions for family farms and small enterprises. As regards the development of the medicinal herbs sector, the FGO pointed out that it would help preserve traditional medicine, local knowledge and biological diversity, enabling at the same time impoverished regions to retain more of their population.

At the conferences organised by the FGO in Győr and Pannonhalma with the representatives of public administration, the academic world, churches and local communities, the participants issued a joint declaration on the principles of sustainable rural development and reviewed the conditions of their implementation in practice. In order to effectively protect the landscape and biological diversity, one should, above all, create the conditions for local communities (among them local governments) well-versed in the traditional use of landscapes to have actual self-determination, and within that to strengthen their economic role by giving land use rights to locals and keeping incomes in the settlements. The FGO also stated its opinion that for grazing lands, forests and water habitats it would be desirable to reinstate community ownership. Through combining different sustainability project elements (food sovereignty, mass catering, species collections, renewable energy projects, educational programmes, cultural enterprises) and involving church communities and local governments, it started a programme to create orchards hosting a collection of different species in the interest of gene preservation and local community building.

Effective protection of soil, water resources and biological diversity can only be achieved by the harmonisation of protection efforts. Landscape-friendly agricultural practice based on conservation tillage and reasonable water retention is what serves most directly the preservation of surface and groundwater resources in terms of both quantity and quality, furthermore it also protects habitats and contributes to stabilising the climate. The effects of sand or gravel mining on our agricultural lands and our water resources are inseparable from the level of waste management. With a reasonable reuse and recycling of construction waste we can prevent the loss of often good quality agricultural areas, and by way of reducing the surface of mine lakes and hence evaporation from them, a decrease in ground water levels. The same purpose can be served by making our rules of law on the protection of agricultural land more stringent and by economic regulations that incorporate the real value of land to be used into the investment costs of mining enterprises. For the framework of all this the FGO suggested working out Hungary's strategy on sustainable mineral assets management.

The same holistic approach is necessary to solve environmental health problems. The issue of air pollution is inseparable from industrial and transport policy as a whole, and the fact that different allergies, as typical illnesses of civilisation, are now prevalent in the whole society shows that due to many factors the human organism has lost its balance. Curbing allergenic weeds is a complex agricultural problem, but the disease itself is closely related to urban air pollution and the omnipresence of artificial food additives. A continuous forest cover forestry strategy, which has been promoted for a long time by the FGO on several fora, and the protection of green areas would also contribute to the fight against ragweed.

The Statements issued by the FGO on the development of Danube ship routes and on the ecological services of the Danube have also contributed to the Hungarian Danube Region Strategy and the related government programme. In these Statements we pointed out that the decree on the parameters of ship routes has applied the provisions of international agreements too strictly and thereby sets requirements that are disadvantageous for our country. It would be enough to simply eliminate shoals, which would cause less damage to the natural systems. We should build more on technology for modernising our fleet and on advanced navigation

methods. Another significant achievement of FGO is that ecological aspects were considered to a greater extent when remapping shipping routes.

Other issues the FGO focused on in 2011 were questions related to forests, bogs, or the relationship between hunting and environmental protection. In connection with the possible amendment of the Act on Forests, and in giving opinions on ministerial decrees in 2011, we stood up for the sustainable management and utilisation of forests as public assets, and for compliance with nature protection commitments laid down by law. The professional quality of our Statements was guaranteed by a research commissioned by the FGO completed in 2011 by the Ecological and Botanical Research Institute of the Hungarian Academy of Sciences on the changes in natural vegetation land cover, as well as by a lecture and workshop organised by the FGO on the Hungarian traditions and possibilities of sustainable forest management.

In the dispute between game management and environmental organisations on whether to allow the hunting of certain protected bird species, the FGO played the role of mediator by organising a professional forum entitled ‘Monitoring methods in game management and nature protection’. In expert consultations with the government, the FGO maintained the opinion that well-founded decisions on the protection status of the given species can only be made if one has uniform and independent estimates of population data.

The FGO’s staff participated in the work of an international working group operating under the United Nations Economic Commission for Europe, and dealt with questions of sustainability education strategy. Based on the conclusions of the working group the FGO organised a conference entitled ‘Learning for Sustainability, Changes for Sustainability’. We also contributed to setting up the ‘Education for Sustainability Roundtable’ of the Sustainable Development Committee of the Hungarian Parliament.

#### **4.1.4. International Activity**

The Act on the Parliamentary Commissioner for Civil Rights provided wide and effective competences for the Parliamentary Commissioner for Future Generations. In the period covered by this report the Commissioner took part in the government’s EU-related decision-making, gave his opinion on proposals to promulgate international agreements in the field of environmental or heritage protection, contributed to reports on the implementation of international agreements in Hungary, monitored and evaluated the implementation of such agreements in Hungary according to the Act’s provisions.

##### **Our activity to promote adequate implementation of international law**

The FGO continuously participates as a co-organiser and professional partner in the work of an expert group called ‘the implementation of the Aarhus Convention in Hungary in respect of issues related to nuclear energy’. The expert group prepared professional documents in this field and we discussed them at our meeting on 4 May 2011. The main topics of the meeting were the following: the functioning of the working group, issues related to the public nature of environmental data and other aspects of the participation of civil society in issues related to nuclear energy. The work done upon the authorisation of these meetings is founded on an effective dialogue touching on most of the important legal issues of the field, and it has a favourable impact on the behaviour of all those affected in the field of public participation.

In June 2012, at the 20<sup>th</sup> anniversary of the Conference of the United Nations on Environment and Development, the Conference of the United Nations on Sustainable Development (Rio+20) will be held in Rio de Janeiro. The main topic of the conference will be green economy in relation to sustainable development and the reduction of poverty, and the

institutional framework of sustainable development. The aim of the conference is to renew political commitment for sustainable development, to assess the progress made so far, to review the deficiencies of implementation in the light of commitments undertaken at important international summit meetings on sustainable development, and to discuss new challenges. In Hungary preparations for the conference are coordinated by the Environmental State Secretariat of the Ministry for Rural Development, in cooperation with the Ministry of Foreign Affairs and other ministries. At the request of the Ministry for Rural Development the FGO is participating in the activities of the working group preparing for the conference.

### **International Conferences**

Colleagues of the FGO were invited to numerous international conferences and events both as speakers and as participants. On 22 and 23 September 2011 the conference 'Renewable energy sources – the future of modern economy' was organised in Warsaw. At this conference a staff member of our international department held a lecture on the activity of the Commissioner for Future Generations and of the office as well as on our Statement relating to the straw-fired power plant in Szerencs.

The Commissioner for Future Generations, as head of the only office in the world dealing with the protection of the interests of future generations, received invitation to give a presentation for young people between the age 15 and 26 at a conference organized in London on 20 November 2011 by TEDxYouth@Thames, which dealt with the future of coming generations and justice between nations. Sándor Fülöp spoke to the participants about climate change, the impact of the changes of biodiversity, sustainable development and the results of the three and half years' work of the FGO. Through examples he showed what would be different in Hungary without the effective operation of the FGO.

### **Cooperation with priority partners**

On 4 March 2011 the second meeting of the committee preparing the United Nations conference on sustainable development was held in New York and the Commissioner for Future Generations was also invited to attend. In his lecture entitled 'The Ombudsmen for Future Generations as institutions promoting the implementation of sustainability' Sándor Fülöp presented our office, our activities and summarised the results achieved by the FGO during the past three years.

On 18 April 2011 Mr. Ban Ki Mun Secretary General of the United Nations met with the Commissioner for Future Generations on his visit to Budapest. At the meeting the Commissioner emphasized that until then only a few countries had attempted to introduce the institutional representation of future generations. He added: 'international support and methodological help is badly needed in all cases, since they help the longer term viability of initiatives taken at the national level'.

On the occasion of its consultations with our legal department, the European Commission's Directorate-General for the Environment called our attention to EU environmental law and professional competence building workshops organised for judges, prosecutors and lawyers by the European Institute for Public Administration. In the framework of such workshops we dealt with questions of environmental impact assessment and strategic environmental study in Omsenie (Slovakia) between 14 and 16 March 2011, as well as with water law issues between 26 and 28 October 2011, in Jönköping (Sweden), and between 22 and 25 November 2012 in Lisbon. Since other Member States and the European Commission are also represented in these workshops, they play an important role in obtaining growing recognition for the international activities of the FGO.

Upon request from the European Commission's Directorate-General for the Environment, the Commissioner talked about the activities, achievements and problems of the FGO at the

‘Monitoring our impact on the environment: the role of Ombudsmen’ session of the 11<sup>th</sup> Green Week conference in Brussels. After that event the Commissioner gave a presentation at the European Parliament’s meeting preparing the ‘Rio+20’ conference.

The Council of Europe, in cooperation with the European Union, intends to adopt a charter on shared social responsibility. The main challenge of the document is to give answers and offer possible solutions to the questions raised by the increasingly deep multidimensional (economic, social, environmental and political) crisis. Consequently, the charter implies several environmental protection aspects, and its main philosophy is that the crisis may only be dealt with by way of redistributing social responsibility, with special regard to the interdependence of generations. In October 2010 the FGO was also requested by the Council of Europe to participate in the work of the team by helping prepare the charter. The seventh team meeting was held on 17 and 18 January 2011 in Paris, where concrete proposals for wording were made. It was followed by a seminar and conference held in Brussels between 28 February and 1 March.

The Commissioner received an invitation to the 5<sup>th</sup> annual general meeting of the World Future Council (WFC) as an official member of the organisation. In his lecture held at the meeting the Ombudsman explained why institutional protection of the interests of future generations is needed, and outlined the necessary institutional framework, the specific responsibilities of the organisation and the proposed working methods. In the second half of his lecture he presented the most important cases and results of the FGO. The Commissioner stressed that institutional representation of future generations could only be more effective at an international level, if the initiative were realised in an environment free of the political and economic pressures of the given country. Upon a request from WFC received in March 2011 on the occasion of the Rio+20 summit, we prepared an international law study on how one could most effectively realise the representation of the interests of future generations within the framework of the United Nations.

### **Meetings with international partners**

As a result of our international activities and reputation two environmental protection Ombudsmen initiated meetings with the Parliamentary Commissioner for Future Generations. In our office Sándor Fülöp met with Mr. Peter Davies, the environmental protection Ombudsman of Wales on 14 September 2011, and with Julia Frischhut, a staff member of the environmental protection Ombudsman of Styria on 5 October 2011. At both meetings the participants talked about the operation of the FGO, its main results, the international relations of the office and the institutional representation of future generations. The Commissioners also explored possible fields of cooperation.

Ms. Jacqueline McGlade, Executive Director of the European Environment Agency met with the Parliamentary Commissioner for Future Generations on 28 June 2011. At their meeting, following the mutual presentation of their institutions and their main activities, they spoke about the possible cooperation between the FGO and the Agency.

The Balaton Group held its annual meeting between 7 and 13 September 2011 in Balatonszemes, where the FGO was represented by the Commissioner as well as staff members working for the Strategic and Scientific Department.

### **Hosting students, assisting research activities**

In the course of student exchanges numerous foreign students visited the FGO with the aim of becoming familiar with the activity of the Commissioner and the structure of the office. Staff members of our office held lectures for several groups of students and provided assistance for research carried out by foreign students.

On 16 March 2011 students of Yale University visited the FGO within the framework of an international traineeship programme.

In the spring semester of 2011 Pázmány Péter Catholic University entrusted to us the guidance of the work of two exchange students of architecture from the University of San Francisco.

The Regional Environmental Center for Central and Eastern Europe (REC) organised a summer internship for students of Minnesota University, they visited the FGO within the framework of their programme on 26 May 2011.

A doctoral student from Japan wrote his thesis on the possible introduction of the environmental protection Ombudsman system in Japan, and he referred to the FGO as the main example to follow.

On 9 September 2011 German students visited the Office of the Parliamentary Commissioners within the framework of an agreement between the Speaker of Parliament of the Republic of Hungary and the Speaker of Bundestag of the Federal Republic of Germany. A staff member of the FGO held a presentation to the students on the structure of the office, its operation, the most important cases of the past years and its international relations.

#### 4.1.5. CV and academic activities of the environmental protection Ombudsman

##### **Sándor Fülöp**

Born: 17 October 1957, Montreal

##### **Marital status**

Married (Ágnes Fülöp, judge, Tribunal of Budapest Region) with two children (Natasa, 27, court clerk at Town Court of Szentendre and Máté, 24, finishing his studies in architecture at Budapest University of Technology)



##### **Qualifications**

Eötvös Loránd University, Faculty of Law, 1977-82

Eötvös Loránd University, Faculty of Arts, psychologist, 1981-87

University of Debrecen, Faculty of Law, doctoral student, research topic: environmental procedural law (at the public defence in December 2011 the thesis obtained the qualification *cum laude*)

##### **Employment**

1984-1991, Budapest Chief Prosecutor's Office (public prosecutor, criminal cases),

1991-1993, Chief Prosecutor's Office (public prosecutor, personnel department, then department of administrative law),

1993-1994, Ruttner and Partners Lawyer's Office (lawyer, mainly economic cases),

1994-2008, Environmental Management and Law Association – EMLA (lawyer, head of the data bank and consultative service in the field of environmental protection),

2008-2011, Parliamentary Commissioner for Future Generations,

As of 2012 Deputy of the Commissioner for Fundamental Rights (responsible for the protection of the interests of future generations)

##### **Other main professional assignments**

1992-, environmental legislation (participation in the codification of the Act on Environmental Protection as NGO legal expert, legal preparation of the governmental decree on environmental impact assessment, preparation of the Act on Strategic Environmental Impact Assessment, legal preparation of the ratification of the Espoo Convention, participation in drafting the Aarhus Convention),

1996-, non-faculty senior lecturer, Eötvös Loránd University, Faculty of Law, environmental law,

1997-, guest lecturer (Pázmány Péter University, Public Administration College of Győr, Central European University, University of Miskolc, University of Gödöllő),

1998-2003, member, then deputy director of the National Council on Environmental Protection,

2000-2008, development and practical application of environmental democracy indicators (as the member of the Core Team lead by the World Resources Institute),

2002-2006, international projects (environmental legislation, trainings, Albania, Bosnia and Herzegovina, Croatia, Kazakhstan, Macedonia)

2002-2008, member of the Aarhus Convention Compliance Committee,

##### **Publications**

Consideration of evidence – Psychology and criminal procedure law – Public Prosecutors' Review, 1991/1

Criminal law responsibility of legal persons - Hungarian Law, 1993/7

EU environmental law harmonization, chapter on the protection of air quality – Study volume, DHV Consult, The Hague, 1993

Citizens' participation in environmental decision-making, handbook, REC, 1994

The Hungarian chapter of the book entitled: The relationship of NGO's to environmental protection and governmental bodies – PELA, Wroclaw, 1998

EU environmental law harmonization, chapters on water protection – Study volume I-VI., Phare, Budapest, 1998

Environmental protection case law and expert activity, Environmental Little Library series, KJK-Kerszöv, Budapest, 2001

The functioning of public interest lawyers' offices, handbook, chapter I – Columbia University, 2001

Hungarian Environmental Protection Encyclopaedia (20 articles) Akadémiai Kiadó, Budapest, 2001

Environmental protection democracy in the practice, handbook on community participation for environmental protection and water management authorities, REC, Szentendre, 2002

Some internal contradictions of environmental law: Is re-codification necessary? (In: Topical questions of environmental legislation and law application, PPKE, Budapest 2002)

Like Minds? Two Perspectives on International Environmental Joint Efforts (with Ruth Greenspan Bell) The Environmental Law Reporter, ELI, Washington, Volume XXXIII, Number 5, May 2003

Preliminary examination – impact study – IPPC, Complex, Budapest, Wolters Kluwer Publishing, 2007

The Spirit of Aarhus Convention – Fundamentum, 2008

Vers une autorité administrative indépendante? Exemple de l'ombudsman des générations futures de Hongrie. In: Quelle responsabilité juridique envers les générations futures?, Paris, 2012

## **Lectures**

Right to a healthy environment and the representation of the interests of future generations in the Constitution in preparation, Office of the Parliamentary Commissioners, Budapest, 14 February 2011

Protection of values and urban development, Fuga Architectural Centre, Budapest, 24 February 2011

Ombudsmen for Future Generations as institutions promoting sustainability, New York, USA, 4 March 2011

A healthy environment – our constitutional right, University of Szolnoktudás, Megyeháza, Szolnok, 16 March 2011

The future of Europe's waters – informal ministerial sitting, Gödöllő, 25 March 2011

Environmental data, environmental indicators, KSH, Budapest, 21 April 2011

Climate change and corruption – the situation in Hungary, Stefánia Park, Budapest, 11 May 2011

The constitutional framework and the guarantees of the implementation of the National Rural Strategy, Ministry for Rural Development, Budapest, 18 May 2011

Sustainable development in the new Fundamental Law of Hungary, Pallas Páholy, Budapest, 19 May 2011

Sustainable Development Governance – how can it be improved?, Brussels, 25 May 2011

The enforcement of environmental rules from the perspective of the authorities, National Institute of Criminology, Budapest, 6 June 2011

The necessity of a Hungarian Climate Act, Aranytíz Cultural Centre, Budapest, 17 June 2011

The Young Generation of the Danube Area as a Key to European Integration – roundtable discussion, Andrásy University, Budapest, 19 June 2011

Ceremonial presentation of the Justitia Regnorum Fundamentum Award, Office of the Parliamentary Commissioners, Budapest, 29 June 2011

Non discrimination in assuring access: addressing inequities between present and future generations, Geneva, 4 and 5 July 2011

Sustainability Futures – in Hungary, the region and the world, Central European University, Budapest, 8 September 2011

The situation and possible means of enforcing interests by green civil society organisations in Hungary, Csopak, 9 September 2011

National values and important factors from the point of view of resilience, factors that need to be preserved and developed, Corvinus University, Budapest, 13 September 2011

Sustainable communities – neighbourhood-friendly agriculture, Győr, 16 September 2011

The place and role of civil society organisations in nature protection, Zenta (Serbia), 23 September 2011

Assuming responsibility = positive energy, 4th Sustainability Day, Millenáris Park, Budapest, 24 September 2011

The Social Role of Environmental Law and Environmental Law Enforcement, American Embassy, Budapest, 4 October 2011

'Risks of corruption in Hungary' discussion forum – National Stakeholder Workshop, Korona Hotel, Budapest, 4 October 2011

Institution for Protection of the Interests of Future Generations, World Future Council, Hamburg, 6 October 2011

The Financial Fallout and the Environmental Disasters, Central European University, Budapest, 12 October 2011

Learning to Change for Sustainability, Parliament Building, Budapest, 19 October 2011

Responsibility and cooperation in environmental protection – civil society and the State, Gellért Hotel, Budapest, 20 October 2011

Social and legal challenges of sustainable development from the point of view of the Parliamentary Commissioner for Future Generations, Miskolc University, 27 October 2011

Energy[Revolution] in Hungary: towards a fully sustainable, renewable energy-based system, Central European University, Budapest, 17 November 2011

Ombudsmen for Future Generations – TEDxYouth, London, 20 November 2011

Development: resources-consuming growth or successful adaptation to changing conditions?, Sugár Business Centre, Budapest, 24 November 2011

Without taboos on nuclear energy and a future with no nuclear energy, Pécs, 25 November 2011

Socio-psychological aspects of society level denial processes – roundtable discussion, Office of Parliamentary Commissioners, Budapest, 29 November 2011

Environmental protection in everyday life, Environmental protection, Nature Protection and Water Management Inspectorate, Budapest, 8 December 2011

(László Jánossy) Getting familiar with Hungarian traditions, possibilities and obstacles of sustainable forest management, Office of the Parliamentary Commissioners, Budapest, 7 April 2011

(László Jánossy, Attila Králl and János Zlinszky) Monitoring methods in game management and nature protection – speeches and lectures at conferences, Office of the Parliamentary Commissioners, Budapest, 22 June 2011

(János Zlinszky) Energy security – secure energy, Office of the Parliamentary Commissioners, Budapest, 26 April 2011

**Other activities**

1994-2008, member of the Presidency of the Society for the Dissemination of Scientific Knowledge – Budapest

1999-2001, chairman of the Association of Public Interest Environmental Lawyers of Central-Eastern Europe

2003-2008, chairman of the board of trustees of the Centre for Environmental Studies Foundation,

2011, Lecturer on environmental law in the Bibó István College,

#### 4.1.6. Academic activity of the staff of the environmental protection Ombudsman

##### Publications of colleagues

Tamás Babai-Belánszky, Katalin Czippán and Sándor Fülöp

Activities of the Parliamentary Commissioner for Future Generations – successes, failures and main cases, In: *Magyarország politikai évkönyve*, Budapest, 2011

Katalin Czippán

(– M. Szokolyné Kraici): Sustainable consumption in the non-formal and informal world of learning. In: S. Kerekes – V. Szirmai – M. Székely (eds.): *Environmental dimensions of sustainable consumption*, Corvinus University of Budapest, Budapest, 2011

(– M. Szokolyné Kraici ed.): Questions of sustainable consumption, Readings for teachers and civil servants, Corvinus University of Budapest, Budapest, 2011

(– M. Szokolyné Kraici ed.): Questions of educating for sustainable consumption, Studies in the field of education and communication, Corvinus University of Budapest, Budapest, 2011

(– M. Szokolyné Kraici): On questions of educating for sustainable development and consumption through a teacher's eyes. In: *Budapesti Nevelő 2011/3-4.*, Mérei Ferenc Pedagogical and Career Guidance Institute, Budapest, 2011

Luca Horváth

A Preliminary Examination of the Possibilities for the Institutional Representation of the Interest of Future Generations and Environmental Protection within the System of the United Nations, Stakeholder Forum's programme on Sustainable Development Governance (SDG) towards Rio+20

László Jánossy and Attila Králl

Future generations and forestry policy (written version of the lecture held on 2 December 2010 at the National Forest Forum in Kőszeg). In: *Múlt és jövő, 3. kötet*, 2011. University of West Hungary

András Lányi

Sustainability and public policy, In: *Magyar Szemle XX/5-6. and 7-8.*, 2011

Are anthropocentric ethics really anthropocentric? In: *Valóság 2011/12.*

Anett Rigó

The theory of common law and its critique by Bentham, In: Gábor Sulyok – András Patyi – Katalin Szoboszlai-Kiss (eds.): *Symposium Iubilaei Facultatis Iaurinensis. In: Jog – Állam – Politika III/különszám*, 2011, pp. 253-262.

##### Lectures

Ilona Agócs

Protection of the fundamental right to a healthy environment – the operation and results of the Parliamentary Commissioner for Future Generations, Town Cultural Centre and Library, Szerencs, 18 October 2011

Tamás Babai-Belánszky

The new Constitution as the basis for the protection of future generations, Office of the Parliamentary Commissioners, Budapest, 14 February 2011

The enforcement of environmental protection and sustainability principles in the new Constitution, Visegrád, 26 May 2011

World Environment Day – 21th Celebration of Creation, Voluntary silence, Place of worship of the Lutheran congregation of Budavár, Budapest, 28 May 2011

Legislative proposals for the protection against noise of the Parliamentary

Commissioner for Future Generations in the light of the Fundamental Law, Pécs, 13 October 2011

Tamás Babai-Belánszky and Sándor Fülöp

CIVIL SOCIETY meeting, Office of the Parliamentary Commissioners, Budapest, 15 December 2011

Eszter Barta

Changing conditions of the production of medicinal herbs – summary of the section's work at the conference of Pannonhalma, Benedictine Archabbey, Pannonhalma, 17 September 2011

Imre Biczó and István Krómer

“Advocates of our grand children” podium discussion, Tokaj, 14 July 2011

Katalin Czippán

Learning for sustainability through civic service, Ministry for National Resources, Budapest, 22 January 2011

Protection of the fundamental right to a healthy environment, Office of the Parliamentary Commissioners, Budapest, 4 February 2011

Control and evaluation in schools – parents for a new European evaluation culture, Tulip Inn Hotel, Budapest, 25 March 2011

Mass catering in schools – environmental education, Benedictine Archabbey, Pannonhalma, 17 September 2011

Learning for Sustainability – the Collective Challenge, Országház, Budapest, 19 October 2011

Ábel Friedrich

Büro des Parlamentsbeauftragten für die künftigen Generationen, [Office of the Parliamentary Commissioner for Future Generations], Office of the Parliamentary Commissioners, Budapest, 9 November 2011

László Jánossy

Donau-Strategie und EU Präsidentschaft in Ungarn [Danube Strategy and the EU Presidency of Hungary], DBU – Danube Workshop, Leányfalu, 28 April 2011

Renewal of the fruit culture – summary of the section's work at the conference of Pannonhalma, Benedictine Archabbey, Pannonhalma, 17 September 2011

László Jánossy and Attila Králl

Danube Strategy and the agriculture, 3<sup>rd</sup> National Agrarian Forum, Kecel, 4 February 2011

Béla Kuslits

Presentation and operation of the Parliamentary Commissioner for Future Generations, Office of the Parliamentary Commissioners, Budapest, 24 May 2011

András Lányi

Do we know what sustainable development is?, Committee on Sustainable Development, Parliament, Budapest, 13 April 2011

István Sárközy

Presentation of the Office of the Parliamentary Commissioner for Future Generations, Office of the Parliamentary Commissioners, Budapest, 16 March and 26 May 2011

János Zlinszky

Right to a healthy environment and the representation of the interests of future generations in the Constitution in preparation, Office of the Parliamentary Commissioners, Budapest, 14 February 2011

Wise laymen – public participation in environmental policy, Office of the Parliamentary Commissioners, Budapest, 29 April 2011

Summer Academy of Ecopolitics, panel discussions – religion and ecopolitics, Horány, 12 August 2011

Unconventional analysis of relations between design and sustainability, covering the prominent roles of cultural-creative industries, Moholy-Nagy Art Academy, Budapest, 6 October 2011

Passive houses and energy-efficient buildings, conference opening, French Institute, Budapest, 25 November 2011

### **Teaching and sitting on examination boards**

Ilona Agócs

Lecturer of environmental law in MSc courses organised within the framework of ecotoxicology education by the Zoological and Animal Ecology Department of the Szent István University.

Tamás Babai-Belánszky

Lecturer of environmental policy and environmental law at the Bibó István College. Lecturer of environmental law in MSc courses organised within the framework of ecotoxicology education by the Zoology and Animal Ecology Department of Szent István University.

László Balásházy

Teaches water and soil protection law at the geological and environmental specialisation of the Faculty of Natural Sciences of Eötvös Loránd University.

Katalin Czippán

Academic head of the “Communication and training” sub-project of the “Sustainable production, consumption and communication” project led by Corvinus University of Budapest.

Member of the working group elaborating teaching competences for the Sustainability Education Strategy of UNCE.

Ábel Friedrich

Lecturer of environmental law in MSc courses organised within the framework of ecotoxicology education by the Zoology and Animal Ecology Department of Szent István University.

Attila Gyűrű

Lecturer of environmental law in MSc courses organised within the framework of ecotoxicology education by the Zoology and Animal Ecology Department of Szent István University.

Miklós Herke

Teaches environmental administration for the Further Training Institute of the Corvinus University of Budapest.

Participated as a censor in the fields of constitutional and administrative law in State examinations in law organised by the Ministry of Public Administration and Justice.

Lecturer of environmental law in MSc courses organised within the framework of ecotoxicology education by the Zoology and Animal Ecology Department of Szent István University.

Luca Horváth

Lecturer of environmental law in MSc courses organised within the framework of ecotoxicology education by the Zoology and Animal Ecology Department of Szent István University.

Anikó Kovács

Lecturer of environmental law in MSc courses organised within the framework of

ecotoxicology education by the Zoology and Animal Ecology Department of Szent István University.

András Lányi

Head of the Human Ecology Master School at the Faculty of Law of Eötvös Loránd University, subjects taught: political ecology, environment and ethics, sustainable rural development, media and environment, paths to ecophilosophy.

Lecturer of environmental policy and environmental law at Bibó István College.

Anna Radnai

Lecturer of environmental law in MSc courses organised within the framework of ecotoxicology education by the Zoology and Animal Ecology Department of Szent István University.

Anett Rigó

Assistant professor teaching Theories of Law and State at the Department of Legal Theory of the Deák Ferenc Faculty of Law of Széchenyi István University.

István Sárközy

Lecturer of environmental law in MSc courses organised within the framework of ecotoxicology education by the Zoology and Animal Ecology Department of Szent István University.

Zsuzsa Szecskó-Tóth

Lecturer of environmental law in MSc courses organised within the framework of ecotoxicology education by the Zoology and Animal Ecology Department of Szent István University.

Korinna Szüts

Lecturer at the Constitutional Law Department of the Faculty of Law of Eötvös Loránd University.

Lecturer at the Language Institute (training of international translators and interpreters) of Budapest University of Technology and Economics.

Invited lecturer at the Budapest College of Communication.

Lecturer of environmental law in MSc courses organised within the framework of ecotoxicology education by the Zoology and Animal Ecology Department of Szent István University.

János Zlinszky

Associate professor at the Environmental and Competition Law Department of the Faculty of Law of Pázmány Péter Catholic University.

Lecturer of environmental policy and environmental law at Bibó István College.

### **Participation in doctoral education**

Attila Gyűrű

Doctoral student of the Law Doctoral School of the Faculty of Law of Eötvös Loránd University, research subject: terrorism and human rights.

Béla Kuslits

Doctoral student of the Economics Doctoral School of Corvinus University of Budapest, research subject: systems of indicators for sustainability and social indicator systems.

Anett Rigó

Doctoral student (final pre-degree certificate) of the Law Doctoral School of the Faculty of Law of Eötvös Loránd University, research subject: problems of sovereignty from the point of view of the theory of law and State.

Korinna Szüts

Doctoral student (final pre-degree certificate) of the Law Doctoral School of the

Faculty of Law of Eötvös Loránd University, research subject: the Constitutional Court.

János Zlinszky

External consultant of the Doctoral School of Central European University, doctoral consultant (Department of Environmental Policy)

*[Translated by Gábor Somogyi]*