

**ACT II OF 1976  
ON THE PROTECTION OF THE HUMAN ENVIRONMENT n1**

-----Footnotes-----

n1 Date of promulgation 1 April 1976. A characteristic feature of the period of framing the Act on the protection of the human environment was the passing of the so-called general acts. No statutes of execution were prepared for the Act. Its implementation is served by several legal rules passed at various instances.

-----End Footnotes-----

Chapter I

General Provisions

Section 1

The aim of the Act is to establish the principal rules in connection with the protection, preservation and planned development of the human environment for the purpose of the protection of people's health and the regular improvement of the living conditions of the present and future generations.

Section 2

(1) The protection of the human environment is the interest and the duty of the whole society in the Republic of Hungary. n1/a

-----Footnotes-----

n1/a By entering into force of Act XXXI of 1989 Republic shall be understood instead of People's Republic.

-----End Footnotes-----

(2) Every citizen has the right to live in an environment which is worthy of a human being.

Section 3

The state organs, companies, co-operatives, social organizations and the citizens shall observe the rules serving the protection of the human environment, and have them observed and promote environmental protection in their spheres of activities.

Section 4

(1) The tasks of environmental protection include the promotion of the protection and the planned development of the human environment, the recognition of the causes of pollution harmful to the environment, the establishment of the methods and conditions of their prevention, reduction and/or removal, as well as their enforcement while preserving the interests of society.

(2) The tasks of environmental protection shall be implemented gradually, in harmony with the

plan of the people's economy, in order of their social significance, in proportion to the development and the resources of the people's economy. Tasks of environmental protection which have an advantageous effect on the life and the health of people shall gain priority.

(3) The carrying out of the tasks of environmental protection shall be harmonized with the increase of production and the regular improvement of living standards.

## Section 5

(1) n1/b The requirements of environmental protection shall be taken into consideration at the definition of the objects of the plans of people's economy; and shall be enforced in the course of country planning and country development, furthermore, the placement, economic-technical design and implementation of the facilities.

-----Footnotes-----

n1/b Partly outdated text.

-----End Footnotes-----

(2) The requirements of environmental protection shall be complied with in the course of economic regulation, the passing of economic decisions and official measures, as well as the definition of the conditions of operation.

## Section 6

(1) The solution of the tasks of environmental protection shall be promoted by scientific and technical development, the organization of scientific research work, the practical application of the results of domestic and international scientific research, as well as the training and the further training of specialists.

(2) Modern methods guaranteeing effective and permanent results shall be applied in the course of the protection of the human environment.

## Section 7

The information of the citizens about the tasks and the requirements of environmental protection shall be provided through educational, public educational and information organs. The participation of the population in environmental protection by voluntary work shall be promoted.

## Section 8

The Republic of Hungary promotes the protection of the human environment by its co-operation in the framework of international treaties.

## Chapter II

### Detailed Provisions Concerning the Protection of the Environment

#### The Sphere of Environmental Protection

Section 9

(1) For the purpose of the preservation of the human environment the following are under protection in the Republic of Hungary:

- a) the land,
- b) the water,
- c) the air,
- d) the biosphere,
- e) the landscape,
- f) environment of localities,

(2) The use, utilization and formation of the objects of the human environment under protection can take place with the observation of the legal rules serving the protection of the environment and of the official provisions.

Section 10

(1) The objects of the human environment under protection must not be exposed to pollution, damage or other harmful effects which adversely change their natural characteristics, or harm human living conditions.

(2) The objects of the human environment under protection shall be preserved even from the damage of natural forces.

Section 11

(1) Biological, chemical, radioactive materials may only be produced, stored, delivered, handled and applied, radioactive rays may only be induced in a way that it does not harm or endanger the objects of the human environment under protection, either in form of one time effects or accumulation.

(2) The induction of noises, other vibrations and radiations which are harmful or dangerous to the people and/or the objects of the human environment under protection is prohibited.

The Protection of Land n2

-----Footnotes-----

n2 Also see Act XIX of 1989, as well as Act I of 1987 as amended by Act XXI of 1989, as well as Decree No. 73/1989 (VII.7.) MT and Decree No. 8/1987 (IX.1.) MEM as amended by Decree No. 10/1989 (VII.7.) MEM furthermore. Decree No. 56/1981 (XI.18.) MT.

-----End Footnotes-----

Section 12

The protection of land covers soil, basic rock and mineral substances.

### Section 13

Depending on the function and/or the nature of the area, every land user shall maintain and increase the productivity of soil, furthermore, take care of the application of soil protection methods, instruments and facilities serving the prevention of the damage caused by natural forces (erosion, deflation, alkalization, desiccation and humidity). The branches and ways of cultivation shall be chosen and applied accordingly.

### Section 14

(1) For the purpose of preserving the productivity of land and the protection of arable land, those who carry out activities of geological research, mining, industry, building and construction, agriculture and other fields of production, shall take increased care. Following the completion of the above activities, the settlement of the area and the conditions of its reutilization shall be taken care of.

(2) The facilities shall be primarily placed on areas which cannot be or cannot properly be used for agricultural production.

(3) For the purpose of guaranteeing the production of mineral substances, restrictions of area use and construction can be ordered on specially allocated areas.

### Section 15

The land may not be polluted by waste or otherwise. Waste and other chemical substances -- irrespective of their physical state -- can be accumulated and/or landfilled by the way defined in legal rules and official provisions.

### The Protection of Waters n3

-----Footnotes-----

n3 Also see Act IV of 1964, as well as Government Decree No. 32/1964 (XII.13.) Korm. as amended by Government Decree No. 12/1966 (TV.1.) Korm., Government Decree No. 39/1968 (X.30.) Korm., Decree No. 10/1984 (II.7.) MT and Decree No. 15/1985 (III.28.) MT.

-----End Footnotes-----

### Section 16

The protection of waters covers the surface and undersurface waters, including mineral and medicinal waters, furthermore, their beds and shores.

### Section 17

(1) The infection and harmful pollution of waters is prohibited.

(2) Materials of any physical state can only be transported in water or on water, stored, handled

or used near water, or placed into water if measures excluding the infection or harmful pollution of water have been taken simultaneously.

#### Section 18

Plants or facilities can only be constructed and operated with a sewage cleaning equipment which excludes the infection or harmful pollution of water. The precleaning of sewage shall also be taken care of in other cases defined in legal rules.

#### Section 19

(1) Machines, water vehicles, floating machines or floating works which infect or harmfully pollute the waters cannot be operated.

(2) The operation of water vehicles can be restricted or prohibited in defined cases.

#### Section 20

The natural flow and/or stream of waters, furthermore, the beds and shores of surface waters may only be changed if the requirements of environmental protection are taken into consideration.

#### Section 21

For the purpose of the preservation of the quantity and the quality of water serving drinking water supply or medical aims, a protecting area and/or a protecting fitting shall be established for the purpose of the protection of the water facilities, works and equipment defined in the legal rules.

#### Section 22

(1) The prevention of the damage caused by waters or the natural forces affecting waters, shall be taken care of in the framework of planned water management.

(2) Water facilities, protecting works shall be established, and/or procedures shall be applied which reduce and/or prevent the possibility of the harmful effect of waters (floods, inland waters, turning into marshes).

#### The Protection of the Air n4

-----Footnotes-----

n4 Also see Decree No. 21/1986 (VI.2.) MT as amended by Decree No. 49/1989 (VI.15.) MT, as well as provision No. 4/1986 (VI.2.) OKTH as amended by Decree No. 8/1989 (VIII.24.) KVM.

-----End Footnotes-----

#### Section 23

The harmful pollution of the air is prohibited.

#### Section 24

Plants, facilities can only be constructed and operated with cleaning equipment that prevents the harmful pollution of the air. The harmful air pollution of the existing plants or facilities shall be reduced to the defined level, or shall be discontinued.

#### Section 25

(1) In the course of mining, industrial, construction, agricultural and other activities, methods and/or procedures that are not accompanied by harmful air pollution shall be applied.

(2) Only fuels, vehicles, machines, heating and other equipment may be produced, imported, sold, and/or operated that do not cause air pollution above the defined level.

#### Section 26

(1) The territory of the country shall be classified into territorial protection categories from the point of view of the protection of the cleanness of the air.

(2) On areas under increased protection and on protected areas activities accompanied by the discharge of air polluting materials (gas, chemical and radioactive substances, dust, soot, smoke, stench, etc.) shall be restricted and/or -- if necessary -- prohibited.

#### The Protection of the Biosphere n5

-----Footnotes-----

n5 Also see Law-Decree No. 4 of 1982, as well as Decree No. 8/1982 (Ill.15.) MT as amended by Decree No. 58/1986 (XII.10.) MT.

-----End Footnotes-----

#### Section 27

The protection of the biosphere covers the flora and the fauna.

#### Section 28

(1) The collection and damaging of plants to a degree and in a method which leads to the harmful change, and/or the extermination of the species or varieties are prohibited.

(2) The damaging of the plant coverage serving the strengthening of the soil, as well as the removal of the living world providing the self-cleaning of waters are prohibited.

(3) Crop lands, plantations and plants (plant groupings, plant species, individual trees, parks, etc.) which are valuable due to their scientific significance, rareness, speciality, and/or from the points of view of culture or other fields of public interest must be declared protected.

#### Section 29

(1) The total area of forests may not be reduced.

(2) Individual forests, forest strips, lines of trees and green areas can only be reduced, and/or cut or removed in the cases and ways defined by legal rules.

Section 30

(1) Forests shall be planted, forestation, or green areas shall be established round the localities, their living, holiday home or industrial areas and the medical facilities, near traffic routes, as well as at places where it is otherwise necessary for the purpose of the protection of the soil, water and the biosphere.

(2) Park forests suitable for recreation, physical training and hiking, furthermore, forests with the function of welfare and vacationing shall be formed and maintained in order to satisfy the needs of the public. In the forests serving the protection of the soil or facilities, and/or medical, water management and other special purposes, the realization of the basic function shall be primarily guaranteed.

Section 31

(1) For the purpose of the maintenance of animal species and varieties, the planned protection of animals shall be guaranteed.

(2) Animal species and varieties, that are worth protecting due to their speciality or other reasons, furthermore, the places where they live, shall be declared protected animals or nature reserves.

Section 32

The soundness of forests must not be endangered or harmed, they must not be polluted by waste or otherwise; furthermore, it is prohibited to harm or exterminate the plants and animals declared protected.

The Protection of the Landscape n6

-----Footnotes-----

n6 Also see Law-Decree No. 4 of 1982, as well as Decree No. 8/1982 (Ill.15.) MT as amended by Decree No. 58/1986 (XII.10.) MT.

-----End Footnotes-----

Section 33

The protection of the landscape covers the natural regions, territories and objects the preservation or maintenance of which is required from scientific and cultural points of view and other fields of public interest.

Section 34

The natural region, territory or object which are granted protection shall be preserved from all effects which endanger or hurt their existence; their protection shall also be guaranteed in the course of the placement of man made facilities.

Section 35

(1) If it is necessary and possible, the following shall be declared protected:

- a) areas or parts of regions which are especially significant due to their landscape characteristics, advantageous natural features or scientific value;
- b) the geological formations (mountains, rocks, caves, etc.) and waters (springs, waterfalls, marshes, etc.) that are valuable due to their scientific, environmental significance, rareness or speciality, or from cultural points of view and other fields of public interest.

(2) The areas, parts of regions, natural reserves shall be maintained as landscape-protection areas and/or international parks.

Section 36

The natural reserves, regions and objects must not be destroyed or spoiled, and their character must not be changed.

The Protection of the Environment of Localities n7

-----Footnotes-----

n7 No general legal rule of execution exists in respect of the protection of the environment of localities. Concerning the partial rules see footnote Nos. 8 and 9.

-----End Footnotes-----

Section 37

(1) The protection of the environment of localities covers the living, holiday home or institutional areas, furthermore, other territories of human habitation.

(2) In the course of the protection of the environment of localities, the planned, proper and aesthetic formation and development of the environment shall be provided.

Section 38

(1) Only production plants and facilities that have no harmful effect on the living conditions of the population can be constructed and maintained, and/or only activities of this nature can be carried out in the environment of the localities.

(2) For the purpose of preventing the harmful effects of the production plants and facilities to the environment of localities, a protecting area and/or a protecting distance shall be established.

(3) If mine exploitation endangers localities or facilities, necessary measures shall be taken to protect them.

Section 39

(1) On living, holiday home or institutional areas, and/or in their neighbourhood parks, squares, playgrounds serving the recreation and physical training of the public, as well as sports facilities of public interest shall be established and maintained. Their territory cannot be used for other purposes without good reason.

(2) The public areas shall also be provided with plants.

(3) For the purpose of the protection of the environment of the localities, the keeping of animals can be restricted and/or prohibited on defined areas.

#### Section 40

The induction n8 of harmful and dangerous noises, other vibrations (light, tremor, etc.) and radiations (radioactivity, heat, etc.) in the environment of localities is prohibited.

-----Footnotes-----

n8 Also see Decree No. 12/1983 (V.12.) MT, furthermore, Act I of 1980. Decree No. 12/1980 (IV.5.) MT as amended by Decree No. 54/1987 (X.24.) MT.

-----End Footnotes-----

#### Section 41

(1) Machines, machine-tools, vehicles and other means of transport which cause noise of harmful level, and/or harmful or dangerous vibration must not be operated in the environment of localities.

(2) For the purpose of the protection of the environment of localities, the operation of vehicles and other means of transport can be restricted, and/or prohibited on defined areas.

#### Section 42

(1) Every member of the public shall take an effective part in the maintenance of the public sanitation of the localities.

(2) In the environment of the locality waste can only be stored, placed, handled and/or rendered harmless n9 at the place and by the way designated for this purpose.

-----Footnotes-----

n9 Also see Decree No. 1/1986 (II.21.) EVM-F6M, as well as Decree No. 4/1984 (II.1.) EVM, as well as Decree No. 56/1981 (XI.18.) MT.

-----End Footnotes-----

(3) It shall be guaranteed in the course of the transport of the waste that it does not pollute or infect the environment of localities.

(4) The collection, transport, storage, placement, handling, liquidation, rendering harmless and/or reutilization, furthermore, public cleansing shall be provided in an organized way on defined

areas.

### Chapter III

#### Responsibility Due to the Violation of Provisions Concerning Environmental Protection

##### Section 43

(1) Anyone, who causes the pollution, harm or damage of the human environment by his activities or negligence, shall:

- a) restrict or cease the environmental pollution, harm or damage caused by him, furthermore,
- b) establish proper protection.

(2) If, in spite of the applied methods and procedures of protection, the activity still causes significant environmental pollution, harm or damage, the restriction of the activity shall be ordered, and/or the activity shall be prohibited.

##### Section 44

Anyone, who carries out activities in contravention of the legal rules and official provisions that serve the protection of the environment, or fails to perform the obligations prescribed in them, can be obliged to pay fines of environmental protection (sewage, air pollution, etc.) in accordance with the level of the environmental pollution, harm or damage caused, as well as its social danger.

##### Section 45

The payment of the environmental protection fines does not provide exemption from criminal, administrative or compensation responsibility, as well as from the performance of the obligation concerning the restriction or ceasing of the activity, and/or the establishment of the suitable protection.

##### Section 46

Anyone, who causes damage to other persons by activities that endanger the human environment, shall make amends in accordance with the rules of the Civil Code concerning activities accompanied by increased danger n10.

-----Footnotes-----

n10 See Sections 345 and 346 of Act IV of 1977 on the amendment and the unified text of Act IV of 1959 on the Civil Code.

-----End Footnotes-----

##### Section 47 n11

-----Footnotes-----

n11 Repealed by subsection (1), Section 2, Act V of 1979. The effective regulation of criminal law is included in Sections 280 and 281 of Act IV of 1978 on the Penal Code.

-----End Footnotes-----

## Chapter IV

### The Management and Organization of Environmental Protection

#### Section 48

The management, coordination, control and development of the activities of environmental protection is the task of the Council of Ministers n11/a.

-----Footnotes-----

n11/a With effect from 23 March 1990 Government shall be understood wherever Council of Ministers is indicated in the text.

-----End Footnotes-----

#### Section 49

(1) The provision of the departmental and official tasks in connection with environmental protection -- if an act or law-decree does not provide otherwise -- belongs to the sphere of authority of the state administration organs defined in a special legal rule. n12

-----Footnotes-----

n12 Text established by Section 84 of Act XX of 1991.

-----End Footnotes-----

(2) A company, co-operative or other economic organ can also be obliged to develop defined protection, and/or to restrict or to cease its activities by the organ providing supervision. In the case of cooperatives the organ providing supervision can also be the organ exercising legal state supervision.

#### Section 50

The social organizations shall promote the implementation of the goals of environmental protection by their particular means.

#### Section 51

The detailed rules in connection with the management and the organization of environmental protection are defined by the Council of Ministers n13.

-----Footnotes-----

n13 For its execution see Decree No. 22/1988 (IV.8.) MT and Decision No. 1003/1979 (II.6.)

MT. Also see Act VII of 1987.

-----End Footnotes-----

## Chapter V

### Miscellaneous Regulations and Regulations Entering Into Force

#### Section 52

(1) Revenues originating from environmental protection fines shall be primarily used for the realization of the tasks of environmental protection.

(2) In the application of this Act, the pollution or harm which exceed the limit value defined in the special legal rule are considered harmful or dangerous.

#### Section 53

(1) This Act enters into force on the day of its promulgation. n14 The execution of the Act is provided for by the Council of Ministers. In course of this -- within the framework of subsection (2), Section 4 -- the Council of Ministers defines the pace of the realization of the tasks of environmental protection, as well as the material and other conditions necessary to it.

-----Footnotes-----

n14 Entered into force on 1 April 1976.

-----End Footnotes-----

(2) This Act does not affect the provisions in connection with the separate legislation on mining, the protection of lands of agricultural function, the forests and game management, fishing, construction, water management, health, the protection of land areas of archaeological and historical significance, nature conservation, plant protection, radio active materials and preparations and the protection of the cleanness of the air. The provisions of these legal rules shall be applied -- in conformity with this Act -- for the protection of the human environment.