

Nature Conservation and Management in Hungary

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From among the different fields of environmental legislation, nature conservation has the longest and most effective history in Hungary, dating back to centuries. We may mention as an early example the decree of Charles III in 1729, regulating hunting and fowling, with requirements such as the prohibition of hunting in the reproductive period. The real institutionalization of nature conservation started with the act on forests in 1879. The ministerial order 26.120/1906 VKM agreed to have a day of birds and trees (May 10), following the very first similar event in 1902 also in Hungary – giving the idea to the world!

The Act IV of 1935 on forests and nature conservation proved to be a widely quoted example of useful and proper legislation in Europe. The act among other things regulated the procedure of creating nature conservation areas, also several requirements related to activities, obligations and prohibitions in connection with protected areas and species. It also regulated the conditions of authorizations, discussed the obligations of landowners, etc.

The current legislation is generally based upon the Act LIII of 1995 on environmental protection and especially on the Act LIII of 1996 on nature conservation. The preamble of the new act reflects the changes, characterizing the new era of nature protection, moving from the original species and area protection towards a general, more comprehensive nature protection (among others biodiversity protection) direction. The most important elements of the preamble are the following:

- the values of nature and the natural areas are specific and irrecoverable natural assets;
- the saving, management, improvement of these assets for the benefit of present and future generations is indispensable;
- the most important condition is the reasonable and prudent management of natural resources, within which the protection of natural heritage and biological diversity is an outstanding condition;
- harmony between man and nature is the basic condition for the survival of mankind, in line with our international commitments.

The objective and the set of definitions of the act clearly reflect that the subject of regulation and protection is the nature as a whole, in particular in the case of those natural assets which are close to their original natural status. Within the set of definitions we may refer to the term ‘natural area’, meaning the land, which is mostly characterized by the near-natural conditions. Near-natural condition means that in the given habitat, landscape, biome has only been influenced by human activities to a minimum extent (leaving qualities similar to the natural ones), within which the internal processes are mostly characterized by self-regulation and which may be sustained without human interference.

The regulation of protected natural values is a genuine part of the above system. The protection here refers to a specific situation, covering the living organisms themselves, the different phases of their evolution, their off-spring, also the habitat of living

organisms, preserved – and consequently receiving nature conservation status – by the act or by other legal regulations, also the caves, minerals, association of minerals and fossil remains. The term ‘habitat’ is also a decisive element of nature conservation, meaning a spatial unit, within which a given living organism or its population or the biome or symbiosis of living organisms are present, and also where those environmental conditions, which are necessary for the subsistence, and increment or breeding of the given organism are available. The subsistence of biological diversity is a central issue. The major idea behind the whole system is sustainable utilization, meaning the use of natural assets in a way and timing, which may not exceed their capacity of renewal, which does not lead to the loss of natural assets and biological diversity, providing the means of living for the present and future generations.

The system of nature protection legislation may be divided into two major and several smaller parts:

1. The general protection, within which we may find:

- landscape protection;
- the general protection of wild fauna;
- the protection of natural areas;
- the general protection of habitats; also
- the general protection of geological resources.

2. Special protection, thus the individual protection provisions, within which there are:

- the protected natural areas;
- the protected species of flora and fauna;
- the caves and all other assets, protected directly by the act and also;
- the protected mineral assets.

Together with the requirements related to the protection of natural assets and areas, there are several obligations, prohibitions and also procedural requirements, among others and principally authorization requirements.

There are several planning obligations related to nature conservation:

- there shall be a National Nature Conservation Plan as a part of the National Environmental Protection Program;
- the minister shall develop regional plans, or such plans, which are specific for the given landscape or protected area or protected asset;
- all the protected areas shall have nature conservation management plans, developed by the natural park directorates;
- and finally, the local governments shall adopt in a decree a management plan in connection with the local protection.

We have to mention also that Hungary is a party to most of the relevant international conventions and in many cases it means an active partnership. The oldest in this line was the International Convention for the Regulation of Whaling (Washington, 1946), where Hungary is a party only since 2004, but we are parties to the Convention on Wetlands of International Importance Especially as Waterfowl Habitat (Ramsar, 1971)

since 1993, or the Convention on the Conservation of Migratory Species of Wild Animals (Bonn, 1979), since 1986, etc.

Natura 2000 in Hungary

One of the major issues in the process of approximation in connection with Natura 2000 proved to be the extension of the original system of biogeographical regions within the EU from the pre-accession six regions with the new three regions, among others the 'Pannon' region, most of which is in Hungary. There are several habitat types and species, which could not be found in the area of the former fifteen Member States, the survival of which is mostly the responsibility of new Member States, first of all Hungary. Otherwise there are forty-six European habitat types, thirty-six plant species, ninety bird species and 105 other members of the fauna which are present in Hungary.

Natura 2000 could serve as the legal basis of several court cases in the past years. From among them one example: The court in a judgment¹ examined the conditions of a car battery recovery project close to a bird protection site – a bird of the Pannon region: great bustard (*otis tarda*). According to the court, the environmental and nature conservation authorities could examine carefully the likely consequences, and there is no reason to believe that there is any significant adverse effect. The court also involved experts, who could not find significant adverse effects either. The court also clearly emphasized, that the Hungarian legislation, in comparison with the EU requirements does not exclude the project in general, but requires that the project development shall be in harmony with the protection interests. In the given case, the project itself serves environmental protection interests. The court finally did not find the authorization unlawful.

Protection and Management of Species

Species protection has the same characteristics as the protection of natural areas – begins with a general framework and contains also the special protection of flora and fauna. The general protection covers the protection of individual organisms, their stocks and also their habitat. There are differences between the following classes:

- indigenous species, living in the past 2,000 years in the Carpathian eco-region;
- those species, settled or introduced intentionally or non-intentionally and became a part of the domestic variety of species;
- alien species, or invasive species which may have a harmful effect on indigenous species;
- finally, the originally extinct indigenous species may be re-settled.

The protection of biodiversity is the major requirement, with several additional obligations and prohibitions. These cover the prohibition of any means and methods of collection, killing, hunting which may result in the mass and non-selective destruction, damage or torture of species, also the artificial modification of genetic substance. There

¹ Hajdú-Bihar Megyei Bíróság, 9.K.30 607/2006/24.

are provisions for the settlement of new species, which may not damage the indigenous species and which shall be authorized, etc. There are special requirements for hunting and fishing, which may not endanger the species protection. Also any business activity shall not damage or hazard the natural protection interests, otherwise it shall be prohibited by the relevant authority.

The special protection of species is regulated in ministerial orders, providing also the list of species. The scope of their protection also covers a wide range of obligations and prohibitions. Many activities require a permit, for example the collection, export and import or transition of species, their dissection, settlement, introduction, several experimental uses, biotechnological uses, genetic modifications, propagation, or even the possession of protected animals, etc.

Those activities and operations which may damage, endanger or disturb the protected species may be prohibited or limited.