

Communication concerning the decision of the Curia of Hungary
in administrative case n° Kfv.III.37.835/2012

The documentation of the preliminary examination concerning the first phase of construction works aiming at the establishment of D. Logistics and Industrial Park was submitted to the first instance environmental authority. The authority found that the execution of the first phase would have no significant environmental impact, and there would be no need to conduct an environmental impact assessment procedure.

The second instance authority thoroughly analysed the environmental impact of the project from the aspects of waste management and water, air, noise and environmental protection.

An environmental association lodged a claim against the decision of the second instance authority. With its final court decision, the competent tribunal rejected the above claim. Based on the association's petition for judicial review, the Curia of Hungary quashed the final court decision along with the decisions of the first and second instance environmental authorities, and ordered the first instance authority to reopen its proceedings. The Curia reasoned that the preliminary examination should also have taken into account the environmental impact of the project.

The Curia particularly argued that, for the purposes of environmental impact assessment in relation to the project, consideration should have been given to air pollution and the harmful effects of noise exposure affecting the adjacent areas, as well as to the possible environmental impact of the subsequent phases of construction works. It should have been also compulsory for the environmental authorities to request the preliminary opinion of the approval authorities, i.e. the notaries of the municipalities concerned.

Consequently, the Curia ordered the first instance authority to reopen its proceedings and act again on the case in full respect of the guiding pieces of legislation and with due regard to the relevant judgements of the European Court of Justice and to the applicable European Union directives.

Budapest, the 16th of October 2013

Administrative and Labour Department of the Curia of Hungary