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Certain Issues of Environmental Administration – With Particular Regard to Liability and the Application of Sanctions in Hungary[1]

Abstract

It has already been proven in the specialised literature that the legal basis of the environmental protection is the right to a healthy environment[2] under Article XX(1) of the Hungarian Fundamental Law,[3] which is supplemented by the state obligation under Article P(1)[4] as the institutional 'side' of the identified fundamental right. The research on which this study is based can be linked to this institutional, state 'side', as it seeks to explore the nature of the rules of administrative procedure applicable to those involved in environmental administration and to analyse their possible consequences, i.e. the potential sanctions. Given that, as we will see later, administrative bodies perform, among other things, official activities in environmental administration, in addition to the above mentioned provisions of the Fundamental Law, reference must be made to the right to fair administrative proceedings, which constitutes the fundamental legal framework for administrative and judicial proceedings [Art. XXIV(1) of the Fundamental

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1 | The research and preparation of this study was supported by the Central European Academy.
2 | See: Paulovics & Jámbor 2022, 17.
3 | "Everyone shall have the right to physical and mental health."
4 | "Natural resources, in particular arable land, forests and the reserves of water; biodiversity, in particular native plant and animal species; and cultural artefacts, shall form the common heritage of the nation, it shall be the obligation of the State and everyone to protect and maintain them, and to preserve them for future generations."

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Law],[5] and the right to a fair trial [Art. XXVIII(1) of the Fundamental Law].[6] Since the aim of the research in this case is not only to demonstrate the enforcement of the right to a healthy environment at the legislative level, but also the enforcement of the rights of potential clients in administrative proceedings and other proceedings resulting in the imposition of sanctions. It must be emphasised here that it will be impossible to avoid demonstrating the (possible) conflict between these fundamental rights at a later stage.
Keywords: Sanctions, environmental procedure, misdemeanour procedure, environmental liability, right to fair procedure

1. Introduction

1.1. The concept of administrative procedure

In defining the concept of administrative authority proceedings, the legal literature is unified in that administrative proceedings are generally related to the issuance of administrative acts (acts). Among the numerous acts generally performed by administrative bodies, the official acts have the greatest significance, as these have an effect outside the administrative body and bring changes in the rights and obligations of the parties concerned.[7] The concept of official proceedings can be summarised as follows: this is a legally regulated system of actions carried out in the affairs of legal entities outside the administrative body, which in the course of handling individual cases within the framework of official law enforcement, results in the issuance or enforcement of individual acts that have direct legal effect, changing the legal situation of the legal entity concerned, deciding on legal disputes, or responding to violations of the law.[8] On this basis, it can be concluded that administrative procedures can basically be divided into three categories, or in other words, they can lead to three types of outcomes: firstly, the establishment of a right or obligation; secondly, the resolution of a legal dispute; and thirdly, the determination of liability and at the same time, the imposition of a sanction or fine, or the determination of liability for an administrative offense.

The general rules of administrative proceedings in Hungary, in accordance with the above, are laid down in Act CL of 2016 on General Public Administration Procedures (hereinafter: Ákr.). The Ákr. first stipulates in its Principles (Section

5 | "Everyone shall have the right to have his or her affairs handled impartially, fairly and within a reasonable time by the authorities. Authorities shall be obliged to state the reasons for their decisions, as provided for by an Act."
6 | "Everyone shall have the right to have any indictment brought against him or her, or his or her rights and obligations in any court action, adjudicated within a reasonable time in a fair and public trial by an independent and impartial court established by an Act."
7 | For details, see: Kalas 2006, 29. Furthermore: Lapsánszky, Patyi & Varga 2024, 327–346; Szalai & Rozsnyai 2024, 159–161.
8 | Ibid., 338.

1) that "in administrative authority proceedings within the meaning of the Administrative Procedure Act – in accordance with Arts. XXIV and XXVIII of the Fundamental Law[9] – all participants in the procedure shall act in accordance with the rules applicable to them and, at all stages of the procedure, shall ensure that the principles and fundamental rules laid down in this chapter are applied," in other words, the Ákr. defines itself as the legal embodiment of the right to fair administration and judicial proceedings. When defining the scope of application (Section 7), the Ákr. defines the concept of an administrative matter as follows: "a case is one in which, in the course of its handling, the authority establishes the rights or obligations of the client, decides on a legal dispute, establishes a violation of the law, certifies facts, circumstances or data (hereinafter referred to as 'data') or keeps records, or enforces its decision concerning these." The general nature of the Ákr. can be inferred from Section 7(1), which states that "shall apply the provisions of this Act in administrative proceedings falling within the scope of this Act (hereinafter referred to as cases) and in the course of official inspections."

However, it should be noted here that while the legal literature defines the misdemeanour cases ending with the imposition of sanctions as a general type of administrative activity, the Ákr. itself excludes the handling of infraction cases from its scope of application in Section 8(1)(a). The provisions of Act II of 2012 on administrative offences (misdemeanour), administrative offence proceedings and the administrative offence registration system (hereinafter: Szabs. tv.) shall apply, supplemented by the provisions issued for its enforcement on administrative offences, the provisions of Decree 22/2012 (IV. 13.) BM on the implementation of Act II of 2012 on administrative offences, administrative proceedings and the administrative offence registration system, and on the amendment of certain related decrees (hereinafter: BM Decree).

In the general introduction, after presenting the main provisions on the settlement of official matters, mention should also be made of the system of sanctions under administrative law. According to the legal literature, administrative sanctions are based on three pillars:[10] on one hand, they can be identified in the law on administrative offenses, on the other hand, they are based on the system of substantive fines, and thirdly, they are based on other administrative disadvantages (e.g. revocation of a license).

In line with this, in addition to the general procedural rules of the Ákr., the legislator has laid down uniform, transparent and consistent rules on the adverse legal consequences that may be imposed by administrative authorities in the event of infringements of the law established in administrative proceedings in Act CXXV of 2017 on sanctions for administrative infringements (hereinafter: Sanctions

9 | See: Paulovics 2022, 85–88.
10 | See: Nagy 2000, 182.

Act), transparent and consistent rules for the adverse legal consequences that may be imposed by administrative authorities in the event of violations of the law established during administrative authority proceedings in Act CXXV of 2017 on sanctions for administrative violations (hereinafter: Sanctions Act). For the implementation of this, the Government has issued Government Decree 714/2020. (XII. 30.) on the implementation of the Act on sanctions for administrative violations (hereinafter: Sanctions Decree).

1.2. The role of administrative procedure in environmental administration

In accordance with Article P) of the Fundamental Law, the Hungarian code on environmental protection, is the Act LIII of 1995 on the general rules of environmental protection (hereinafter: Kvt.). The Kvt. mentions in Section 1(2), which regulates the objectives of the Act, the definition of two state tasks that are relevant to our topic. Namely, in point (h), it mentions the establishment and development of the institutional system of environmental protection, and in point (i), the establishment and development of public administration for the protection and preservation of the environment. The concept of environmental administration is defined by a list in Section 64(1) of the Kvt. which includes, first and foremost, the performance of environmental protection authority activities (in particular the licensing of environmental use and the enforcement of administrative legal responsibility for the environment), data management and information tasks related to the operation of the Information System; the establishment of a system for the classification of materials, products and technologies from an environmental point of view, the authorisation of their marketing and use; and, in the cases specified in the decree issued for the implementation of this Act, the notification of these activities; the organisation of tasks aimed at preventing environmental damage; enforcing the requirements for the application of the most effective solutions and the best available technology; and developing and monitoring the implementation of measures and programs for the protection, improvement, and restoration of the environment.

It should be noted, separately from the administrative authority procedure, that Section 64(2) of the Kvt., as an administrative service, provides for the possibility of initiating professional consultation with the environmental protection authority. This may be concluded with an opinion issued by the authority, however this cannot replace the formal administrative procedure and the substantive decision (resolution) issued as a result thereof. This professional consultation is the reflection of the regulation of the Ákr., in connection with the client's right to information. This needs to be mentioned to make it clear that any so-called 'consultation' with the authority is also possible during the official procedure. There are several references to this in the Ákr.: already in the basic principles, Section 5(2) emphasises that "the authority shall ensure that the client and other participants

in the procedure are aware of their rights and obligations and shall promote the exercising of the client's rights. In addition, the notification sent by the authority regarding the initiation of the procedure *ex officio*, must contain information on the rights and obligations of the client [Section 104(4)]. If the authority calls on the client to make a statement, it shall also inform them of their rights and obligations in this regard [Section 64(3)]. In the case of a full procedure, the authority shall inform the client about the consequences of the administrative deadline and shall also refer to the possibilities of appeal in the substantive decision.

2. Environmental administrative procedure

2.1. Administrative responsibility in environmental protection

The Kvt. refers to the issue of liability in general terms in Section 9, stating that "the user of the environment shall be liable for the effects of his activities on the environment in the manner specified in this Act and in other legislation." In addition, it devotes a separate chapter to the issue of liability in Chapter IX. Section 101(1) of the Kvt., defining three forms of liability: criminal, civil and administrative. According to Section 101(2) of the Kvt., negative impact on the environment, which also constitutes the conduct giving rise to liability, may take the form of endangerment or damage. It is important to note that, according to Section 102(2) of the Kvt., liability for environmental damage or environmental hazard lies with the owner or possessor (user) of the property at the time of the environmental damage or environmental hazard occurred. This presumption may be rebutted in one case, namely if the owner names the actual user of the property and proves beyond doubt that he is not liable. In administrative law, it is sufficient to establish environmental damage if the consequences of the conduct are measurable and result in a significant adverse change in the environment.[11]

The European Parliament and Council Directive 2004/35/EC of 21st April 2004 (hereinafter: the Directive), which provides for environmental liability with regard to the prevention and remedying of environmental damage, had a decisive influence on the establishment of the rules of administrative liability in Hungary.

Both the Directive and the Kvt. take the principle of prevention into account when establishing regulations.[12] Accordingly, the user of the environment is obliged to take measures to prevent environmental damage as specified in the legislation and to take remedial measures in the event of environmental

11 | Fodor 2020, 42–66.

12 | This article is focusing on the administrative procedural background of environmental protection, on the role of constitutional environmental principles according to the Hungarian Constitutional Court's practice, see: Olajos & Mercz 2022, 79–97; Szilágyi 2021, 130–144; Bándi 2020, 7–22, Hojnyák 2021, 39–54.

damage. In this context, the user of the environment bears also the burden of the compensatory restoration obligation. The authority may require the user of the environment to provide information on cases of direct danger of environmental damage or suspected direct danger, or on damage caused in the event of environmental damage.

The obligation of the environmental protection authority extends, on the one hand, taking the necessary measures to prevent environmental damage and to restore the environment, and on the other hand, taking the necessary measures to prevent environmental damage or to restore the environment itself or have them carried out by others.

The environmental user is exempt from administrative liability in two cases: if the user proves that the environmental hazard or damage was caused by armed conflict, war, civil war, armed uprising or natural disaster; or the damage is the direct consequence of the implementation of a binding official decision or a final court decision.

In case of definitively established environmental damage, the environmental protection authority shall, on an ancillary basis, impose a prohibition on alienation and encumbrance in its decision ordering the restoration measure on the real estate of the person obliged to take the restoration measure, which provide sufficient coverage for the estimated costs of the restoration measures. It shall request the real estate authority to register this.

Regarding administrative liability, it can be concluded that the basis of liability is regulated by administrative law, that liability arises from the failure to comply with or breach of administrative authority's decisions, and that liability is objective, and the legislator regulates only a few exceptions.[13]

2.2. Environmental authority procedure

Since the Kvt. does not expressly exclude it, it can be concluded that the general rules regulating administrative procedures for the protection of the environment are rooted in the Ákr. It should be noted that in line with Section 10(1) of the Ákr., Section 98(1) of the Kvt. also recognises the capacity of organisations established for environmental protection purposes to be clients in their own field of activity.

Administrative procedures may be initiated either upon request or *ex officio*. It is important to note that procedures initiated by the authorities are often preceded by an official inspection (control), which is specifically intended to verify compliance with the provisions of the law and official decisions. Any violation may result in the imposition of a fine or an obligation.

13 | See: Bándi & Szamek 2020, 704.

The possibility of involving the public prosecutor in official proceedings deserves special mention. Section 122 of the Ákr. establishes the possibility of a public prosecutor's request and intervention as a form of an *ex officio* legal remedy. In these cases, the authority may, without restriction, change or annul the decision objected to by the public prosecutor, even if the regulations of administrative proceedings otherwise restricts or prohibits this. According to this, the public prosecutor's office is involved in ensuring the legality of the procedures and decisions of the environmental authorities.

According to Section 109 of the Kvt., the main task of the public prosecutor's office is to identify violations of environmental elements prohibited by the Criminal Code. At the same time, in the event of environmental hazards, the public prosecutor is also entitled to bring an action for the prohibition of the activity or for compensation for damage caused by the environmentally hazardous activity.

2.3. System of administrative authorities in environmental protection

General Administrative Authorities:	**Specialized administrative authorities:**
✓ Ministry of the Interior ✓ County Government Office ✓ Special Administrative Agencies ✓ District Headquarters Town Offices Environmental Protection Authority Department	✓ Ministry of Agriculture ✓ National Environmental and Nature Protection Inspectorate +10 territorial units ✓ National Institute for Environmental Affairs +10 territorial units

Decision 4/2019 (III. 7.) AB of the Hungarian Constitutional Court, in connection with the restructuring of administrative environmental offices

Fifty-two Members of Parliament turned to the Constitutional Court with a petition. They hold that by reforming the regional organisational structure of public administration, the lawmakers had liquidated the guarantees connected to licensing the use of the environment. The petition challenged the rules that introduced into the law on the examination of the professional issue as an alternative to contribution by the specialised authority, integrating the green authorities into the government offices. The Constitutional Court pointed out: the State must not reduce the degree of protection of the environment and of nature as guaranteed under the law, unless it is necessary for the purpose of the enforcement of another fundamental right or constitutional value. Even in the latter case, the degree of protection must not be reduced disproportionately to the desired objective.

The prohibition of step-back applies to the regulation of the system of environmental protection and nature conservation authorities in terms of both substantive law, procedural law and their organisational structure. The Constitutional Court has compared the characteristics of the organisational structure of the specialised authorities with those of the integrated structure. The Court also examined the increase in the risk of adopting official decisions that injure values of nature or elements of the environment.

The Constitutional Court established: the mere fact of integrating the green authorities into government offices does not qualify as a step-back from the level of environmental protection achieved, provided that the persons who exercise the official competence, the government commissioner or the head of the district office do not put, in the course of the decision-making, the aspects of environmental protection subordinated to other sectoral interests. The exercising of the decision-making competencies related to environmental protection and nature conservation shall only be compatible with the provisions of the Fundamental Law – becoming subject to control by the administrative court – if the decision and its reasons are clearly presented in the decision of the authority. The Constitutional Court therefore underlined: the official decision affecting any element of the environment or a value of nature should clearly present the answer to the specific question together with its reasoning. This however, is not required under the present legal regulation. As a result, the Constitutional Court established that an omission had taken place and it called upon the Parliament to meet its legislative duty by June 30th, 2019.

2.4. Environmental misdemeanour procedure

According to Section 1(1) of the Szabs. tv., a misdemeanour may be either an act or an omission if it is dangerous to society and punishable under the Szabs. tv. It is important to emphasise that, according to Section 4(4) of the Szabs. tv., no misdemeanour can be established if the act or omission constitutes a criminal offense, or if the act or omission is punishable by a fine imposed in an administrative procedure under a law or municipal regulation.

The principle of officiality is fundamental in misdemeanour proceedings. It means that the authority and the court are required to initiate the proceedings ex officio, but pursuant to Section 78 of the Szabs. tv., proceedings may also be initiated on the basis of a complaint.

The legal institution of case transfer may be applied in both administrative and misdemeanour proceedings. If the administrative authority finds that it does not have the power and/or jurisdiction to deal with the case, it is obliged to refer the case to a competent body to decide on it.

The Szabs. tv. identifies as the general administrative authority in misdemeanour proceedings concerning the police, and the National Tax and Customs Administration. In cases of administrative offenses punishable by imprisonment, the district courts have competency in misdemeanour cases. In addition to the above, the National Park Directorates also have jurisdiction in cases of environmental misdemeanour.

3. Rights of clients in administrative proceedings concluded in imposing sanctions

Administrative sanctions may be imposed on natural persons, legal persons or organisations without legal personality if the authority has established their responsibility for a misdemeanour. In order to enforce customer rights and proportionality, the Szankció tv. allows for the imposition of the following sanctions: warnings, administrative fines, prohibition from performing activities, and confiscations. The Szankció tv. allows in justified cases, and in specialised administrative fields, an act or governmental decree establish other sanctions.

It should be emphasised that, based on the provisions of the Kvt. already described, objective liability is the main characteristic of this area, since, for example, the owner and user of the given area are jointly liable for environmental damage until the user's liability is proven.

The requirement of proportionality is met by indicating the severity of the administrative sanctions that may be imposed.

The statute of limitations was also included in the Szankció tv. in order to protect the rights of clients. The passage of time is relevant to the imposition of sanctions. It must be pointed out here that according to the judicial practice, an anomaly can be identified in Part 6. of this article. According to the authors of this article, a special interpretation and regulation of the statute of limitations would be legitimate in environmental administration, since this objective circumstance (time lapse) cannot override the fact of environmental pollution that has occurred in a given case.

The application of administrative sanctions is impossible after six months have elapsed since the authority had become aware of the illegal behaviour. This limitation period is interrupted by any procedural act of the authority. Upon interruption of the limitation period, the limitation period starts again. Administrative sanctions cannot be imposed if a period of three years has elapsed since the commission of the offense.

It is important to note that the three-year limitation period includes repeated proceedings in the same case. It means: in case during administrative proceedings, the court sets aside the decision and orders the authority to conduct new proceedings, or even if the Supreme Court does so during the review proceedings, it is quite possible that the final decision or court decision will be taken after the three-year limitation period has expired, and the sanction will therefore be imposed after the legal deadline.

The principle *of ne bis in idem*, based on Art. XXVII(6) of the Fundamental Law,[14] is enforced through the provision of the Szankció tv., which states that if the court has convicted a natural person who has committed an unlawful act on the basis of the same facts in a final decision and imposed a penalty on him or her, or if it acquits the defendant on the grounds that the criminal offense was not committed by the defendant, no fines or disqualifications may be imposed as administrative sanctions. If the authority imposing the administrative sanction becomes aware that criminal proceedings are pending for the unlawful conduct on which its proceedings are based and that the imposition of the administrative sanction depends on the outcome of the criminal proceedings, it shall suspend its proceedings until the criminal proceedings have been concluded.[15]

According to the practice of the Constitutional Court, the *ne bis in idem* principle is a fundamental principle that applies not only in criminal proceedings but also throughout the legal system as a whole and derives from the principle of legal certainty. The *ne bis in idem* principle is, on the one hand, a fundamental right against the abusive exercise of state criminal power and, on the other hand, a rule serving the enforcement of legal certainty, as it guarantees the finality of substantive court decisions {33/2013. (XI. 22.) AB decision, Reasoning [19]}.

The Constitutional Court emphasised that Art. XXVIII(6) of the Fundamental Law does not in itself prohibit the conduct of multiple proceedings of different functions belonging to different branches of law against a person for the same unlawful act and the application of legal consequences as a result thereof {8/2017. (IV. 18.) AB decision, Reasoning [35]}. However, it does prohibit proceedings aimed at imposing multiple criminal sanctions on a person for the same unlawful act, either consecutively or in parallel, which result in the application of multiple criminal consequences {18/2022. (VIII. 1.) AB decision, Reasoning [66], 13/2024. (V. 30.) AB decision, Reasoning [57] – [58]}.[Section 104(4)].

4. System of legal remedies

4.1. Legal remedies against administrative sanctions

The legislator guarantees the right to legal remedies for clients in the manner specified below in Art. XXVIII(7) of the Fundamental Law.[16] The review of a decision

14 | "With the exception of extraordinary cases of legal remedy laid down in an Act, no one shall be prosecuted or convicted for a criminal offence for which he or she has already been finally acquitted or convicted in Hungary or, within the scope specified in an international treaty and a legal act of the European Union, in another State, as provided for by an Act."
15 | See also: Uhri & Nemes 2024, 225–253.
16 | "Everyone shall have the right to seek legal remedy against any court, authority or other administrative decision which violates his or her rights or legitimate interests."

within the administrative system is only available in a limited number of cases. An appeal may be filed if the decision was taken by local governments' organisations or local law enforcement agencies, except for the local representative bodies.

The general remedy against an administrative authority decision is a judicial review according to the Ákr. The client is entitled to initiate judicial procedure, by claiming that the final decision is unlawful. If an appeal was admissible in the given case as described above, judicial review is possible after the appeal has been finished. Another important guarantee, according to the Ákr., is that the public prosecutor may also initiate judicial procedure if, despite calling on the administrative authority to eliminate the unlawful practice, the authority had failed to do so. The basic rules of administrative judicial review are laid down in Act I of 2017 on the Code of Administrative Litigation.

4.2. Legal remedies in misdemeanor proceedings

The person subject to the proceedings and his or her representative, and in the case of an order for compensation for the damage caused, the victim, may lodge an objection to the decision on the merits only against this provision with the authority which issued the decision on its merits, within eight days of the notification of the decision. If the sum of the fine is set by a specific legal provision, no objection may be lodged on the basis of the sum of the fine. The person subject to the proceedings and his or her representative may lodge a new objection against the decision of the infringement authority which has been changed on the basis of an objection within eight days of the notification. In a repeated objection, only the establishments of the decision affected by the amendment may be challenged.

5. Enforcement of administrative decisions

If the obligated person fails to comply with the obligation imposed by the final decision of the authority, it shall be enforceable. In this case, enforcement shall be ordered by the authority that issued the decision or, in the case of a second-instance decision, by the first-instance authority, either *ex officio* or at the request of the entitled person. Enforcement ordered in this manner shall be carried out by the state tax authority, the National Tax and Customs Administration.

In addition to ordering enforcement, if the obligated person fails to fulfil its payment obligation by the deadline, it shall pay the entitled a late payment penalty equal to the statutory interest rate for the period of the advance payment made by the state.

The right of enforcement expires three years after the last day of the performance deadline. A shorter limitation period may be set by act or government decree.

6. Challenges

From our point of view, the efficiency of administrative procedures in relation with this topic can be examined on two levels: on the one hand, at the level of the regulation of administrative procedures in general; on the other hand, at the level of the regulations applicable to environmental protection administration.

6.1. Challenges in connection with general administrative procedure – the role of digitalism

In the case of general administrative procedures, it must be mentioned that the legislator created Act CIII of 2023 on the digital state and certain rules for the provision of digital services (hereinafter: Dáp tv.) with the aim of facilitating electronic communication with clients.

The constitutional basis of the Dáp tv. is Art. XXVI of the Fundamental Law, which was incorporated into the constitutional provisions in December 2023 during the twelfth amendment to the Fundamental Law.[17] "The two paragraphs of Art. XXVI form an organic whole. Thus, the pursuit of new technical solutions as a state objective is contained in paragraph (1), whereas paragraph (2) already links a different type of regulation, which not only sets out abstract state objectives, but also specific rules relating to digital administration by defining the principle of the general primacy of digital administration."[18]

In the Dáp tv., the legislator has set out as a clear objective the provision of convenient and efficient services and the facilitation of administration, which will also make it easier for citizens to access official registry. It is important to emphasise that, according to the personal scope of the Dáp tv. (Section 2), this option is available to both natural persons and business entities, as well as other legal entities.

6.2. Challenges in connection with fines (as sanctions)

Another question is whether state assistance is available in cases where a client (e.g. as an investor or resident of a municipality) wishes to know in an administrative official procedure, what emissions a business involved in a case has on the environment or what environmental emissions can be expected in the

17 | "Art. XXVI: (1) The State shall strive to use the latest technical solutions and the achievements of science to make its operation efficient, raise the standard of public services, improve the transparency of public affairs and promote equality of opportunity.
(2) To further the objectives set out in paragraph (1), priority shall be given to the digital administration of affairs in Hungary; to this end, the State shall secure for everyone a unique digital identifier as provided for in an Act. The State shall process the data necessary for the digital administration of affairs in a manner and within the scope determined in a decree of the Government."
18 | Árva 2025.

immediate vicinity of a given location. What industrial plants are located in the vicinity of a geographical area, what activities do they carry out, and what emissions affect the environment as a result? The National Environmental Information System (hereinafter: OKIR) provides assistance in answering the aforementioned questions.

The OKIR database covers data stored by authorities in connection with environmental pollution and the state of the environment, including authorities responsible for environmental protection, nature conservation, waste management, and water protection. Some of the available data comes from the regional state administration bodies' own measurements, while other data comes from data provided by environmental users in accordance with legal requirements. The data is entered into a central computer database in such a way that the bodies performing the measurements and processing the data reports upload the data directly to the central database via the IT system operated by the Ministry of Energy.

By clicking on a specific geographical area in the environmental data browser, customers can find out, for example, about waste generation and waste management data, air pollutant emissions, or the quality of groundwater and activities affecting it, and can view the environmental authority decisions relating to the area concerned.

The data browser can also be used to display the searched geographical area on a map, and after selecting an area, the data recorded in the system can be queried in tabular form. The data that can be queried includes the basic data of the geographical area and the associated customers, as well as, among other things, air pollutant emissions, the quantities of waste generated, transferred, received or treated, and the related environmental authority decisions.

By searching based on the site and company data, you can find out the Environmental Customer Number associated with the customer name and tax number, and the Environmental Area Number associated with the area.

You can search either by customer name or by geographical location. Searching by customer name, you can select all objects registered to the customer in the register. When searching by location, you must enter a postal address, after which the objects in the vicinity of the address will be displayed. By clicking on an object on the map, you can view a table containing the object's data.

Based on the above, it can be concluded that citizens can easily access data concerning all areas and affecting the environment, even independently of any ongoing administrative (official) proceedings.

On the other hand, the effectiveness of environmental administrative procedures may be promoted by the sanctions applied in these procedures, especially the amount of fines. Certain areas covered by environmental protection, such as air protection, groundwater protection, water protection, protection against noise and vibration, and waste management, are regulated separately in terms

of the imposition of fines. We can also conclude that these fines are determined at a higher level in the legislative hierarchy, but at a relatively easier to amend level of government regulation. From our point of view, determining the level of the norm is important because it allows the executive power, as the legislator, to respond more easily to social and environmental changes that may pose a threat to the existing state of the environment. Examining the level of sanctions in the environmental protection field that can be imposed in the last decade shows that environmental fines have increased significantly, at least doubling, but in line with the severity of the violation, even increasing fortyfold, based on Government Decree 61/2025. (III. 31.) on the amendment of government decrees on individual environmental fines.

The latter was addressed by the Constitutional Court in its decision 5/2017. (II. 10.) AB.[19] The case underlying this decision raised the issue of the connection between the time limit for imposing sanctions and the right to a fair trial. It should be emphasised that the basis of the constitutional court proceedings was the constitutional background the imposition of an environmental pollution fine after the deadline according to the relevant act.

The Constitutional Court stated that the right to a fair administrative procedure requires that the administrative authority may not exceed the time limit for imposing sanctions laid down in specific procedural rules.

The Constitutional Court's decision on the observance of the deadline for the imposition of sanctions by public authorities is significant because it defines the content of the right to fair administrative proceedings guaranteed by Art. XXIV(1) of the Fundamental Law. In its decision, the Constitutional Court formulated a requirement arising from the right to fair administrative proceedings, taking into account Art. R(3) of the Fundamental Law,[20] in relation to compliance by administrative authorities with the time limit for imposing sanctions. The Constitutional Court interpreted the right of the client to a final decision within the time limit set by the given act, as enshrined in Art. XXIV(1) of the Fundamental Law, in conjunction with the obligation of the authorities to comply with the time limit for imposing sanctions. As a result, the obligation to comply with the time limits laid down in specific provisions on the imposition of sanctions is supported by a constitutional system of guarantees in order to protect the rights of clients. Under the Fundamental Law, the Constitutional Court has taken its opinion in this decision about administrative fines imposed by administrative authorities may (in certain cases) violate fundamental rights.

19 | See: Szabó 2021, 705–719.

20 | "The provisions of the Fundamental Law shall be interpreted in accordance with their purposes, the National Avowal contained therein and the achievements of our historic constitution."

7. Conclusions in connection with future legislation

Based on the analysis of legal background and judicial practice of the field of environmental administration, it can be established that the legal consequences affecting the client arise in two areas: namely in administrative proceedings and in misdemeanour proceedings.

According to the authors' point of view, a fundamental legislative obligation for the future – primarily related to Art. XXIV(1), and indirectly to Art. B(1) of the Fundamental Law – is to provide a more precise regulation of these procedural rules, including and in particular, the time limits applicable to the imposition of sanctions.

There can be no overlap between the two areas, because while the sanctions imposed as a result of administrative proceedings are the consequence of acts against the administration, administrative offense proceedings and sanctions are the consequence of acts that are less dangerous to society (compared to criminal offenses). In the field of environmental protection, the unlawful activity of the clients, concluded in sanctions must in all cases cause damage or danger to the environment, which is irreversible in nature. This irreversible characteristic must be reflected in the amount of the fine and also in the proceeding. The fairness of the procedure depends not only on the full enforcement of the client's rights, but also on the assessment of the damage caused.

The examination also pointed out the legislator's obligation, not only in relation between the examined fields, but also between the regulations in connection with specific administrative proceedings and the general administrative proceeding. It can also be concluded that coherent regulation is necessary not only between administrative and misdemeanour proceedings, but also between the general and special rules of administrative proceeding law.

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