

The Role, Powers and Challenges of Environmental Authorities in Environmental Inspections in Hungary¹

Abstract

This article provides a detailed analysis of the environmental inspection system in Hungary, focusing on its competencies, enforcement mechanisms, and practical challenges. It outlines the current governmental institutional framework for environmental protection, from ministries responsible for professional oversight to environmental protection authorities integrated with county-level Government Offices. Building on an overview of the fundamental legal provisions governing inspections, the article explains how inspections are conducted in practice across individual and sector-specific areas of environmental protection, as well as in so-called complex or horizontal cases. Within this framework, it examines the tasks and powers of inspectors in ensuring effective inspections, the organisations involved in the inspection process, the aspects subject to examination, and the documents and evidence generated, as well as their contribution to the application of administrative sanctions. The article also discusses the difficulties faced by authorities, for example when on-site inspections are obstructed, and considers the practical and legal measures available to address such challenges. Furthermore, it explores new opportunities for gathering and presenting evidence through digital tools and highlights their potential benefits. The article reviews recent legislative amendments, considers anticipated future reforms, and identifies measures necessary to improve procedural efficiency. Additionally, it highlights best practices that are recommended for future implementation.

Keywords: Environmental inspections, environmental authorities, inspectors' powers, violation reporting, digital tools digital evidence, best practices, inter-agency cooperation

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1. Introduction and legal basis

1.1. The concept of environmental inspection as a regulatory tool in Hungary

Environmental inspection is a systematic assessment that evaluates project developers' or businesses' (hereinafter collectively referred to as 'users of the environment') compliance with environmental laws, regulations, standards, and permits. In Hungary, environmental inspection mostly refers to environmental licensing as an administrative procedure and their judicial review. These inspections ensure that industries, businesses, and public facilities comply with prescribed environmental practices to protect the environment, for example by minimising air and noise pollution, reducing waste, promoting the circular economy, protecting biodiversity and ecosystems, mitigating the effects of climate change, and promoting sustainability.

Environmental inspections ensure that the activities of users of the environment comply with the above-mentioned requirements. Inspections also play an important role in identifying environmental hazards so that ecological damage can be prevented. In addition, environmental inspections are crucial for protecting both public health and natural ecosystems. Without these inspections, the consequences may have lasting and irreversible effects on the services provided by environmental elements.

1.2. Legal background and dogmatics of environmental law

When defining environmental law, it is important to acknowledge that the environment is a system. The elements of this system are interconnected; therefore, the environment is much more than merely the sum of its elements, and its protection must also extend to the relationships among those elements.²

The aim of the article is to present the role, powers, and challenges of environmental authorities in the field of environmental inspections, examine the applicable legal framework and its adequacy, assess whether existing capacities are sufficient, and analyse the challenges faced by authorities and the ways in which these may be addressed within the current regulatory environment.

Methodologically, the article is based on an examination of the operational practices of the current environmental protection authorities, with particular emphasis on the procedural rules governing environmental inspections, including both general administrative procedural control rules and the specific procedural rules applicable to environmental inspections.

Although environmental inspection is inseparable from permitting, as it primarily concerns activities that deviate from permit conditions or are carried

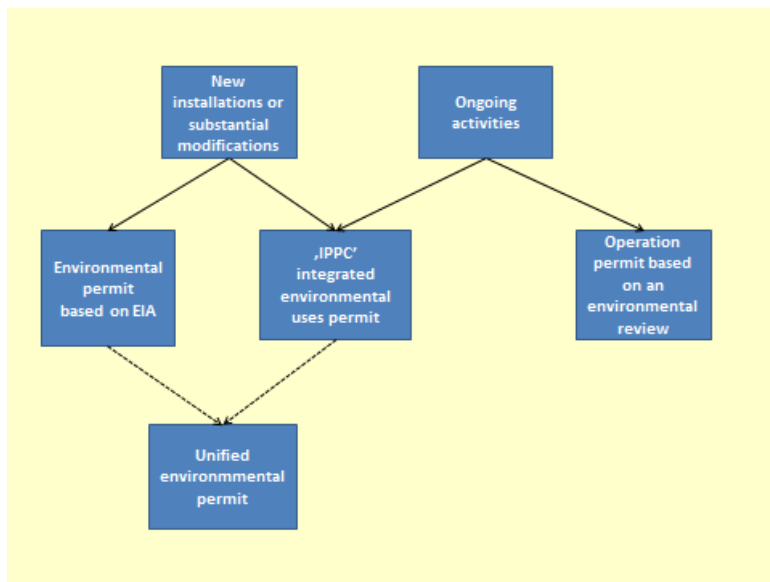
2 | Paulovics 2022, 2; Fodor 2015, 18.

out without permits, this article focuses mainly on the inspection procedure itself rather than on the permitting procedures that form its basis, particularly sectoral permitting or co-decision-making procedures relating to the protection of individual environmental elements.

However, without discussing in detail the legislative background governing the licensing of individual environmental elements, it should be briefly noted that public administration has several tools in the field of environmental protection. Tools specifically aimed at prevention include licensing mechanisms, such as sectoral permits, permits relating to environmental elements, co-decision licences involving specialised authorities, and horizontal or complex (integrated) permits, such as Environmental Permits based on Environmental Impact Assessment, Integrated Pollution Prevention and Control Permits, Environmental Operation Permits based on environmental review or audit, and Unified Environmental Permits. Other preventive tools include related registers, instruments imposing obligations (obligations, prohibitions, and restrictions), cooperation-based instruments, and inspection as a prerequisite for all of these, as well as economic regulatory and market-influencing instruments. Finally, there are sanctioning and liability instruments.³

The cases of so-called complex or integrated permitting, and the permits related to them, are shown in Figure 1 below.

Figure 1: Table of complex or integrated permitting⁴



3 | Bándi 2024.

4 | Bándi 2018.

1.3. The role and legal mandate of the environmental inspection authority in Hungary and the importance of environmental supervision in regulatory enforcement

According to Art. P of the Fundamental Law of Hungary, natural resources, particularly arable land, forests, and water resources, as well as biological diversity, especially native plant and animal species, and cultural values, constitute the nation's common heritage. Responsibility for protecting and preserving them for future generations lies with both the State and every individual.

The Fundamental Law further emphasises in Art. XXI that Hungary shall recognise and implement the right of everyone to a healthy environment. Any environmental damage must, as a priority, be rectified at its source in accordance with the relevant legislation and the principle that the polluter shall pay. The importation of waste into Hungary for the purpose of disposal is prohibited.

These provisions of the Fundamental Law reflect the importance of environmental protection and nature conservation and their place within the Hungarian legal system. Regulations relating to this area appear in several sectoral laws, and their implementation is ensured through both legislative and enforcement processes, including the role and legal mandate of the environmental inspection authority.

Currently,⁵ in Hungary, the Capital and County Government Offices serve as the territorial administrative bodies, including the main environmental authorities, pursuant to Section 2(2) of Act CXXXV of 2018 on Government Administration. The legal status, management, and functions of the Government Offices are regulated by Government Decree 568/2022 (XII. 23) on the Capital and County Government Offices and the District (Capital District) Offices, and by KTM Instruction No. 15/2024 (VI. 28) on the organisational and operational regulations of the Capital and County Government Offices.⁶

According to KTM Instruction No. 15/2024 (VI. 28) on the organisational and operational regulations of the Capital and County Government Offices, the Capital and County Government Offices are, pursuant to Art.17(3) of the Fundamental Law of Hungary, territorial state administration bodies of the Government with general competence.⁷

5 | Formerly, the regional Environmental Protection Inspectorates were the authorities responsible for environmental inspections. These inspectorates were established in 1991 following the societal changes. In 2005, the water management and nature conservation authorities were incorporated into the inspectorates. Following the State Territorial Administration Reform in 2010, the environmental protection and nature conservation functions of these deconcentrated regional inspectorates were integrated into the County Government Offices in 2015. The water protection authorities were merged into the Government Offices only in 2024. Due to space constraints, this study does not provide a detailed historical overview of the organisational system of environmental inspections, which has undergone numerous changes over time. The article is based on the legislation in force during the second half of 2025.

6 | Annex, Section 1(1).

7 | The map shows the areas of jurisdiction of the Capital and County Government Offices. See: Hungarian Central Statistical Office 2026.

Map 1: Area of jurisdiction of Government Offices



The organisational units of Government Offices perform, within the scope of their general official duties, those tasks and exercise those powers for which the Government Offices are designated by law as the competent authority or inspection body. They perform, in particular, the tasks specified in Act LIII of 1995 on the General Rules for Environmental Protection (hereinafter: the Environmental Protection Act), Act LIII of 1996 on Nature Protection (hereinafter: the Nature Protection Act), Act CLXXXV of 2012 on Waste (hereinafter: the Waste Management Act), and Act LVII of 1995 on Water Management (hereinafter: the Water Management Act), as well as further government and ministerial decrees issued pursuant to their authorisation.

I. Based on the authorising provision of the Environmental Protection Act, the Government designated the bodies performing environmental protection authority and administrative tasks in Sections 5–10 of Government Decree 624/2022 (XII. 30), which are as follows:

The environmental protection authorities are:

- | the Minister of Energy,
- | the Pest County Government Office (national environmental authority),
- | the Budapest Metropolitan Government Office,
- | the 19 county government offices (territorial environmental authorities),
- | the district environmental authorities,
- | HungaroMet Nonprofit Co. (Hungarian Meteorological Service Nonprofit Corporation),
- | the Lord Mayor and the Mayor,

- | the Notary of the Capital, the District Municipality, and the Municipality (local government), and
- | the Deputy State Secretary.

Generally, the territorial environmental protection authority acts as the environmental protection authority (main environmental authority). The Budapest Metropolitan Government Office acts in cases involving integrated construction and environmental permits. The national environmental protection authority acts, for example, in cases concerning the construction of expressways. The Deputy State Secretary acts as a second-instance authority and exercises supervisory powers, a function that was restored by Government Decree 119/2024 (VI. 10).

In certain areas of air protection, the district environmental protection authority acts as the competent authority, while in certain areas of noise protection, the notary of the municipality (local government), or in the capital the notary of the district municipality (local government), acts as the competent authority. The mayor, or in the capital the Lord Mayor, acts in air-quality protection cases relating to the implementation of the smog alert plan.

The environmental protection administrative bodies are as follows:

- | the Deputy State Secretary (e.g. in relation to tasks connected with IMPEL (European Union Network for the Implementation and Enforcement of Environmental Law)),
- | the national environmental protection authority itself (e.g. maintenance of national registers),
- | the territorial environmental protection authorities (noise, air, water, and radiological laboratory activities), and
- | HungaroMet Nonprofit Co. (air protection and state meteorological activities).

These administrative bodies also play an important role in inspections.

II. The waste management authority is designated by Government Decree 124/2021 (III. 12). Under this decree, the Government designates the county Government Office (territorial waste management authority) as the main waste management authority acting in administrative matters. In addition, the minister is also responsible for waste management. In cases specified by legislation, the Pest County Government Office (national waste management authority) acts with national competence. In certain priority areas, such as radioactive emissions, waste management issues related to national defence, and military construction projects, designated territorial waste management authorities exercise competence throughout the country.

III. A separate government decree, Government Decree 625/2022 (XII. 30), provides for the designation of bodies performing nature conservation authority and management tasks. According to Section 6(1), the Government designates the following as nature conservation authorities:

- | the Minister of Agriculture,
- | the Pest County Government Office (national nature conservation authority),
- | the 19 county government offices (territorial nature conservation authorities),
- | the Chief Notary of the Capital (in the case of protected natural areas of local importance),
- | the notary of the local government (in the case of protected natural areas of local importance).

Unless otherwise provided by government decree, the territorial nature conservation authority acts as the nature conservation authority (main nature conservation authority).

The Government designates the National Park Directorate as the body responsible for the nature conservation management of protected areas of national importance and Natura 2000 habitats, as well as for the conservation of protected species. There are 10 National Park Directorates in Hungary. The National Park Directorate usually participates in inspections involving protected areas and protected values.

IV. The Government designated the following water protection authorities and administrative bodies in Section 1 of Government Decree 366/2015 (XII. 2):

- | the National Directorate of Water (OVF),
- | the regional water management directorates, and
- | the 19 county government offices with water protection competence (territorial water protection authorities).

The main rules governing the conditions for and licensing of environmental use are regulated by the Environmental Protection Act, the Nature Protection Act, the Waste Management Act, and the Water Management Act. The environmental protection authorities act in licensing procedures and in declaratory and compulsory decision-making procedures designated in the Environmental Protection Act, the Waste Management Act, Government Decree 314/2005 (XII. 25) on the Environmental Impact Assessment and Integrated Pollution Prevention and Control Licensing Procedure (hereinafter: Government Decree 314/2005), and other sectoral legislation relating to air, noise and vibration, waste, water quantity and quality, radiation, and remediation. Most authorities operate laboratories to carry out inspections.

The nature conservation authorities exercise the powers prescribed in the Nature Conservation Act and other sectoral legislation relating to landscape protection, Natura 2000 habitats, protected plant and animal species, caves, and protected mineral formations. The water management authorities act in accordance with the Water Management Act and, in particular, Government Decree 72/1996 (V. 22) on the exercise of water management authority powers, as well as numerous other sectoral regulations.

Each of the above-mentioned authorities also exercises inspection powers in matters within its competence.

2. Institutional structure

2.1. The structure of the environmental inspection body and the organisational system in Hungary

Hungary is a centralised state with a continental legal system,⁸ consistent with the EU environmental acquis.⁹ Parliament, *inter alia*, enforces environmental interests through legislation and determines the environmental duties of the Government and local governments. In addition, it approves the funds used to achieve environmental objectives and oversees their use.¹⁰

Hungary has no dedicated Ministry of Environment. Three ministries deal with environmental issues.¹¹ The Ministry of Energy is responsible for environmental policy, including air quality, noise, climate policy, Environmental Impact Assessment, Strategic Environmental Assessment, the circular economy, and waste management. It is also responsible for water management, including drinking water, flood prevention, and remediation, as well as energy-related matters. The Ministry of Agriculture is responsible for nature conservation, forestry, fisheries, land affairs, and agricultural subsidies. The Ministry of the Interior is responsible for disaster management and agricultural irrigation. These ministries work closely together to address environmental issues. The Ministry of Public Administration and Regional Development coordinates the territorial authorities that operate under the professional supervision of the above-mentioned ministries.

At first-instance level, the Departments of Environmental Protection, Nature Conservation, and Waste Management are responsible environmental protection within the relevant Government Offices. In Budapest, this responsibility lies with the Pest County Government Office, while in each of the 19 counties the relevant department of the county Government Office performs these functions at territorial (county) level. The national environmental protection authority is located in Budapest. It is integrated into the Pest County Government Office and deals with matters of national significance.

There is second-instance environmental authority within the Ministry of Energy for certain matters, specifically decisions concerning preliminary examination procedures, environmental permits, environmental operating permits, Integrated Pollution Prevention and Control (IPPC) permits, unified environmental permits, restrictions, suspensions, prohibitions of unlawful activities, and obligations to pay fines. The Deputy State Secretary responsible for these decisions acts independently in exercising these powers.

8 | Country fiche 2019, 8.

9 | OECD 2018, 86.

10 | Environmental Protection Act Section 39.

11 | Government Decree 182/2022 (V. 24.) on the duties and powers of Government members.

In addition, the notary of the local government, as well as the Chief Notary in the capital, acts as a local government environmental protection authority in matters assigned to their competence by government decree. Their supervisory authority is the county Government Office. See the previous chapter for details.

2.2. Laws and regulations that define the role and authority of environmental inspections

In Hungary, Act CL of 2016 on General Public Administrative Procedure (hereinafter: the Act on General Public Administrative Procedure) regulates the general procedural rules governing official inspection procedures, including environmental inspections.

Accordingly, the authority monitors compliance with legal provisions and the fulfilment of the requirements set out in enforceable decisions.

Under the Act, the authority may initiate proceedings of its own motion if any circumstance giving rise to such proceedings exists, particularly if it obtains information regarding an environmental threat or damage, or where otherwise prescribed by law.

Among the environmental laws, Government Decree 314/2005 should be mentioned, as it determines the purpose, frequency, and types of inspections, as well as the organisations that should be involved in the processes. Within the framework of inspections, compliance with legislation and permit conditions, fulfilment of data-reporting obligations, maintenance of operating logbooks, and compliance with best available techniques (BAT) are examined. Emission measurements performed by the operator are also checked. In addition, the authority conducts its own emission measurements.¹²

Government Decree 306/2010 (XII. 23) on Air Protection defines the purpose of air-quality inspections. During such inspections, the authorities examine compliance with the provisions of the Government Decree and relevant ministerial decrees, fulfilment of data-reporting obligations, measurement protocols, the technology used, material balance documentation, maintenance of operating logs, and compliance with permit conditions. Emission measurements may also be performed.¹³

During noise-protection inspections, compliance with the provisions of Government Decree 284/2007 (X. 29) is verified. Facilities emitting noise or vibration into the environment must be designed and operated in such a manner that the resulting noise and vibration levels comply with legal requirements in protected areas, buildings, or rooms.

Within this framework, compliance with permit requirements, the technology used, and, where necessary, implementation of the measures included in the action

12 | Tóth, Simkó, Riskó & Bibók 2016, 12.

13 | *Ibid.*, 14–15.

plan (fulfilment of noise-protection requirements) are examined. Standard noise measurements are used to determine whether noise emissions and noise levels comply with the prescribed limit values.¹⁴

The water protection authority investigates information concerning burdens placed on the geological environment and groundwater, including threats to quality, pollution, and environmental damage, in cooperation with the environmental authority and the water management directorate, in order to carry out official measures and procedures.

Taking into consideration material flows and waste management practices, technological processes and emissions, information contained in emergency response plans, and groundwater and soil-monitoring data, the authority conducts on-site inspections to investigate pollution and determine measures for damage prevention and remediation based on risk assessments. A protocol is drawn up following the on-site investigation in accordance with legal requirements.¹⁵

The main objective waste-management inspections is to monitor waste from its point of origin to its final treatment, whether through disposal or recovery resulting in the cessation of waste status. Until waste reaches one of these final stages, its producer or holder remains legally responsible for the environmental risks associated with it throughout the chain of transfers. There must be no gaps in the chain, and the waste cannot simply 'disappear' at its end.

During on-site inspections, the authority examines either individual parts of this chain or the entire chain. Within this framework, it inspects the site itself, the environmental use carried out there in relation to all environmental elements, waste generation and waste-management processes, on-site waste collection, the design of collection points, compliance with permit conditions, site registers, documentation proving waste movements, and possible illegal waste incineration.¹⁶

During nature conservation inspections, compliance with legislation and permit conditions is usually checked with the assistance of the Nature Conservation Guard Service operating within the framework of the National Park Directorates. In this context, the condition, characteristics, and wildlife of a given area are examined, together with the exact location, timing, method, and technical parameters of the activity concerned, including prohibitions, restrictions, or suspensions of certain activities, the methods and materials used, and regulations relating to the preservation, development, and management of green areas. More generally, the impact of the activity on habitats and wildlife is assessed.¹⁷

In addition to inspections carried out by environmental authorities, certain specialised inspections fall within the competence of other authorities.

14 | *Ibid.*, 16.

15 | *Ibid.*, 17.

16 | *Ibid.*, 33–34.

17 | *Ibid.*, 60.

Official inspections of hazardous plants are carried out by the disaster management directorates. For example, in the field of hazardous plants, the National Directorate General for Disaster Management has installed a national meteorological and chemical monitoring system, as well as a public alert system (Monitoring and Public Alert – MoLaRi). In the event of a malfunction or accident at a hazardous plant, dangerous chemical substances may be released into the air. Their concentration is measured by installed probes and simultaneously reported to the emergency services of the disaster management directorate. Following evaluation of the data, the affected population may, if necessary, be alerted through the siren system and informed of the required safety measures.¹⁸

2.3. The relationship with other administrative bodies (e.g. ministries, environmental agencies, prosecutor's offices)

The system of environmental administrative authorities and their competences in Hungary is quite complex.¹⁹ As mentioned above, the authorities primarily responsible for the implementation and enforcement of environmental inspections are the territorial and national Environment Protection, Nature Conservation and Waste Management Departments of the Government Offices. Due to the need for professional and functional management and control, the four ministries discussed in Chapter 2 must work closely together.

According to the legislation, the following organisations (administrative or management bodies) are also involved in environmental inspections:

- | regional water management directorates, supervised directly by the National Directorate of Water and indirectly by the Ministry of Energy,
- | national park directorates, supervised directly by the Ministry of Agriculture,
- | disaster management directorates, supervised directly by the National Directorate General for Disaster Management and indirectly by the Ministry of the Interior,
- | county public health administration bodies, supervised directly by the National Centre for Public Health and Pharmacy and indirectly by the Ministry of the Interior,
- | the National Food Safety Office, acting as the competent authority in fisheries and forestry matters and supervised directly by the Ministry of Agriculture,
- | Herman Ottó Institute Nonprofit Ltd., a nonprofit company owned by the Ministry of Agriculture and active in nature conservation, rural development, and agricultural vocational education, and

18 | NKP 5. 2023, 121.

19 | Country fiche 2019, 10.

| HungaroMet Nonprofit Zrt., supervised directly by the Ministry of Energy and active in the field of air protection, particularly in assessing compliance with national air-pollution emission-reduction obligations.

In addition to the cooperation outlined above, the national and territorial environmental protection authorities cooperate with municipal environmental protection authorities in matters affecting the tasks and powers of local governments and assist them in carrying out their environmental protection responsibilities. The competent departments of the territorial authorities also cooperate with one another in both licensing and inspection procedures.

The prosecutor's office contributes to ensuring the legality of the procedures and decisions of environmental protection authorities. In order to fulfil this function, it is necessary for the prosecution service to receive decisions concerning sanctions, including fines and obligations. In Hungary, an agreement exists between the ministry responsible for environmental protection and the Office of the Prosecutor General under which authorities automatically transmit such decisions to the prosecution service.

Based on these decisions, prosecutors may initiate various legal procedures.²⁰ In cases of environmental endangerment, the prosecutor is entitled to bring legal action seeking the prohibition of an activity or compensation for damage²¹ caused by environmentally hazardous activities. The prosecutor's office also acts in accordance with the provisions of the Criminal Procedure Act where environmental elements have been harmed in a manner prohibited by the Criminal Code.

3. Scope of competencies and inspection powers

3.1. The key responsibilities and powers of environmental inspectors

In legal terms, the key responsibilities and powers of environmental inspectors are primarily defined in their job descriptions and, naturally, in the relevant sectoral legislation. These include the following:²²

20 | Environmental Protection Act, Section 109, Nature Conservation Act Section 60(2).

21 | A good example of the latter is Section 81 of the Nature Conservation Act, which provides that the prosecutor may initiate legal proceedings for compensation for non-material harm arising from the deterioration of the living conditions of society or specific social groups. Any compensation awarded must be paid into a central nature conservation fund. This compensation may be used for nature conservation purposes, development projects, and monitoring activities.

22 | Section 86, para. 2 i) and 3 of Act CXXV of 2018 on Government Administration.

1. Performing environmental licensing²³

- | Performing licensing tasks in individual sectoral permitting procedures (e.g. waste management, air protection, noise protection, and nature conservation),
- | Assisting in the performance of official tasks pursuant to Government Decree 314/2005,
- | Conducting on-site inspections in connection with licensing activities to establish the facts of the case and examine compliance with applicable legislation and previous decisions. Where necessary, proposing or initiating measures to eliminate irregularities.

2. Conducting Environmental Inspections

- | Performing inspection tasks,
- | Participating in the investigation of reports and complaints submitted to the authority, as well as in the implementation of the department's annual inspection plan and other inspection programmes,
- | Carrying out on-site evaluations of industrial facilities, construction sites, waste-management centres, livestock farms, and similar facilities,
- | Assessing compliance with environmental regulations, permits, and safety standards,
- | Identifying potential environmental hazards, damage to nature, environmental threats, hazardous-waste mismanagement, and soil contamination.

3. Enforcing Environmental Regulations

- | Participating in official inspections and arranging procedural actions necessary for conducting proceedings,
- | Initiating enforcement proceedings, fine procedures, and other official measures where violations are detected during inspections,
- | Monitoring compliance with deadlines set out in official permits and, where necessary, initiating measures to restore lawful operation,
- | Issuing warnings and, where authorised, imposing fines or on-the spot fines for non-compliance with environmental legislation,
- | Recommending corrective measures to mitigate environmental damage,
- | Initiating the prohibition, restriction, or suspension of unlawful activities,
- | Cooperating with other authorities and organisations (e.g. water management directorates, national park directorates, and the police) to ensure enforcement and legal compliance.

4. Reporting and Documentation

- | Preparing detailed reports on inspection findings, violations, and corrective measures,
- | Maintaining records of site visits, test results, and compliance history,
- | Providing testimony in legal proceedings where necessary.

23 | In Hungary, the officials responsible for licensing generally also perform inspection tasks. These responsibilities also derive from their job descriptions.

5. Collecting and Analysing Data

- | Working with laboratories operating in county government offices or regional centres in fields such as environmental noise and vibration and air protection. A nationwide radiological laboratory also operates in Hungary,²⁴
- | Taking air, water, soil, and waste samples for laboratory analysis,
- | Using specialised monitoring equipment to measure pollutants and emissions,
- | Analysing environmental conditions in order to assess environmental risks and impacts.

3.2. Types of inspections (e.g. routine monitoring, targeted enforcement, emergency response)

Inspections can be scheduled or unannounced. Each county government office produces an annual inspection master plan (including the frequency and types of inspections) for all departments. Based on this master plan, the environmental department prepares and implements an annual programme of routine environmental inspections.²⁵

The master plan is published on the office's website and covers waste management, air protection, noise protection, nature conservation, monitoring of permanent environmental damage, remediation interventions, and monitoring activities in general, with or without specifying the facilities to be inspected or the inspection dates.²⁶ For installations requiring an IPPC permit, planning is coordinated with the water management directorates, as they are responsible for related matters.²⁷ Inspection frequency varies from annually to once every three years. For non-IPPC installations, priority is given to facilities that create nuisances in residential areas, waste-handling facilities, and operators that have previously been subject to enforcement action. The frequency of inspections relating to water permits is prescribed by regulation.²⁸

Another type of inspection is the targeted inspection of compliance with the requirements of specific environmental fields (waste management, air protection, noise and vibration protection, water and soil protection, and nature conservation).

Unannounced inspections are also carried out, for example, in cases involving serious irregularities and complaints,²⁹ or when the authority renews or modifies

24 | Government Decree 624/2022, Annex 2.

25 | OECD 2018, 91.

26 | E.g. For planned and unannounced inspections relating to horizontal (integrated) or sectoral environmental matters, see Nógrád County Government Office 2024.

27 | Government Decree 314/2005, Section 22(3).

28 | EIR 2022, 45.

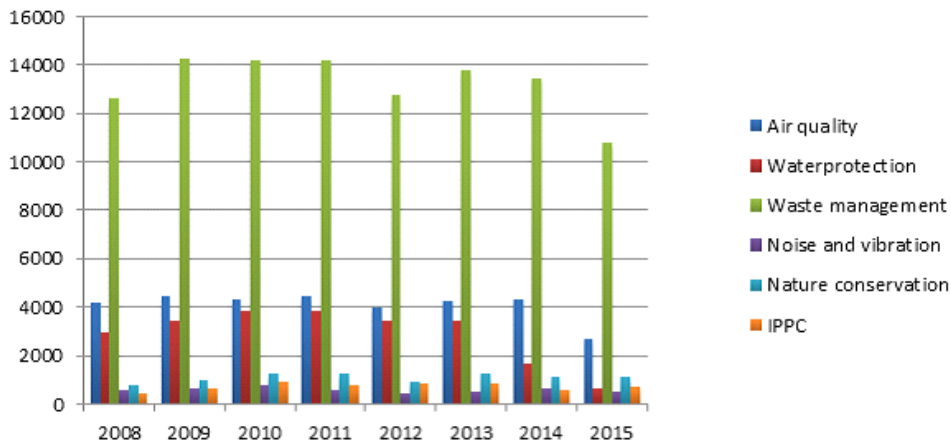
29 | According to research conducted by the National Institute of Criminology on behalf of the Ministry of Agriculture concerning nature conservation cases between 2020 and 2024, the distribution of public interest reports and complaints (which may trigger unannounced inspections) was as follows.

an existing permit. The public has a formal right to notify the environmental authorities of incidents involving environmental damage or the risk of environmental damage. Such complaints are also followed up through inspections.

Table 1: Total number of inspections in Hungary per category³⁰

	Planned	Random	Sum	Non-compliance
Air quality	29954	2678	32632	2208
Water protection	21492	1783	23275	4129
Waste management	100770	5436	106206	9995
Noise and vibration	3271	1344	4615	569
Nature conservation	7971	660	8631	1127
IPPC	5395	321	5716	731
SUM	168853	12222	181075	18759

Graph 1: Total number of inspections per category per year [pieces], 2008–2015³¹

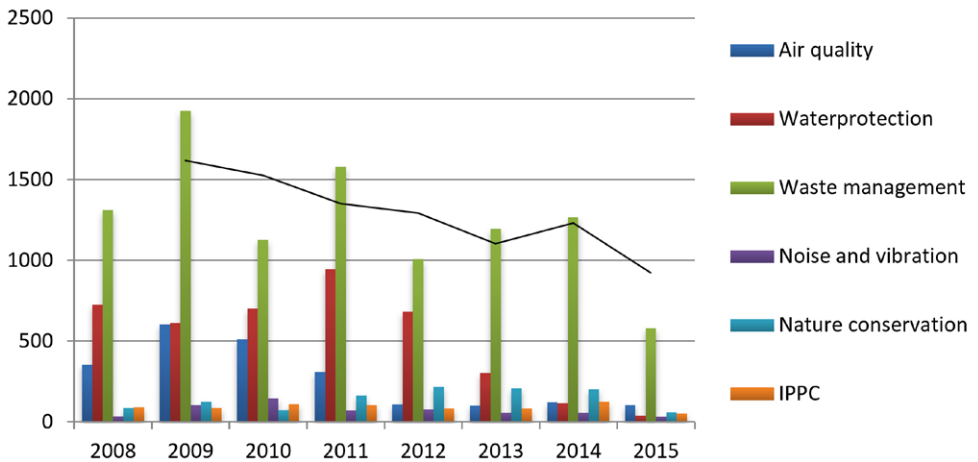


Of the 730 cases examined, proceedings were most often initiated by the National Park Directorates (233 cases), Government Offices (214 cases), and the Airport Directorate of the National Tax and Customs Administration (43 cases). Public interest reports or complaints led to the initiation of 64 cases. The Anglers' Association and Federation initiated proceedings in 29 cases, the police in 16 cases, the Hungarian State Treasury in 9 cases, and members of the public in 7 cases. In addition, the National Bureau of Investigation (5 cases), the competent Chief Prosecutor's Office (4 cases), the disaster management directorate (4 cases), and Balaton Fisheries Management Nonprofit Ltd. (3 cases) also approached the Government Offices to initiate proceedings. In 99 cases, no information was available regarding the source of the initiation.

30 | According to the data collected for OECD Environmental Performance Reviews: Hungary (2018).

31 | Ibid.

Graph 2: Total number of non-compliance cases per category per year [pieces], 2008–2015³²



3.3. Inspectors' powers to access facilities, request data, and conduct environmental assessments

According to the Act on General Public Administrative Procedure,³³ the client must disclose the data necessary for conducting an inspection or reaching a decision when requested by the authority. Failure to comply with disclosure obligations, or the provision of false information, may be sanctioned under the Act.

Where establishing the relevant facts of a case requires the inspection or surveillance of property, the authority may order an inspection. The client or user of the environment must be notified in advance of the inspection if such notification does not jeopardise the success of the inspection. The absence of the client or user of the environment does not prevent the inspection from being carried out, provided that his or her presence is not required.

During an inspection, the inspector is, in particular, empowered:

- | to enter the premises, buildings, and other establishments affected by the inspection,
- | to examine any document, article, or work process,

³² | According to the data collected for the review: The most common reasons for cases of non-compliance were the following: partial or complete operation of the organisation without valid licenses; inadequate infrastructure or facilities (e.g. leakages); carrying out activities not covered by the relevant licenses; failure to maintain inventories of certain facilities, objects, or activities; exceeding prescribed limit values; altering the natural condition of protected areas; and disturbing protected species and their habitats.

³³ | Chapters 6–8.

- | to request information, and/or
- | to take samples.

The Waste Management Act contains similar provisions and provides a more detailed description of inspectors' powers.³⁴

There is also an important provision in Act V of 2013 on the Civil Code that enables employees of public authorities to access facilities for inspections. Art. 5:27 states that the owner of real property is obliged to allow inspectors to enter the property and must tolerate their use of the property for a period of time, the acquisition of rights of use, or other restrictions on ownership rights to the extent necessary for the performance of their duties.

To gain access to property, or where an inspection is obstructed, inspectors may request police assistance. If necessary, the authority is authorised to seize possession of an item (sequestration) and may also seize or confiscate it. In cases of obstruction, a procedural fine may be imposed.

The police may, without prior notice, immediately participate in an inspection at the location and time determined by the authority. If an on-site inspection is necessary in a life-threatening situation, or in a potentially devastating situation requiring immediate procedural action, or where otherwise permitted by law, the authority may conduct the inspection by forcibly opening a locked area, building, or room against the will of the persons present.

When an inspection is conducted in the manner described above, the public prosecutor must be notified in advance, immediately upon the authority's decision to conduct the inspection. The inspection must be carried out with police assistance and, where possible, in the presence of an official witness. If the public prosecutor disagrees with the inspection, he or she may prohibit it.

According to the Waste Management Act, where there is reasonable suspicion that waste abandoned on residential property endangers human life, physical integrity, health, soil, water, air, their components, or living organisms, the waste management authority may enter the property without police intervention.³⁵ This provision significantly facilitates the conduct of inspections.

The Act on General Public Administrative Procedure also contains additional legal instruments relating to inspections. Irrespective of its competence or jurisdiction, an authority may take provisional measures of its own motion without delay where a situation or act is likely to result in irreparable damage or danger. In such cases, the authority must promptly inform the competent authority of the action taken.

34 | Para. 78/F(1)–(2): e.g. to inspect equipment, tools, and technological processes; to make photographic or audio recordings to document the procedure; and to take a counter-sample at the request of the client in the case of official sampling.

35 | Para. 78/F(3).

If fulfilment of an obligation is at risk, the authority may order protective measures before the deadline for fulfilment, such as requiring security for pecuniary claims or ordering the seizure or sequestration of specific assets.

The authority also has the right to carry out protective measures and to conduct inspections, seizures, sequestrations, and regulatory inspections in the presence of an official witness in order to corroborate the events occurring during the procedural action and to provide an account of the facts witnessed.

4. Interaction with administrative sanctioning and compliance mechanisms

4.1. Identifying and reporting violations

During inspections, the authorities use the Recommendation of 4 April 2001 of the European Parliament and of the Council providing for minimum criteria for environmental inspections in the Member States.

According to this Recommendation, environmental inspection is an activity that entails, as appropriate:

- (a) checking and promoting the compliance of controlled installations with relevant environmental requirements set out in legislation,
- (b) monitoring the impact of controlled installations on the environment to determine whether further inspection or enforcement action (including the issuing, modification, or revocation of any authorisation, permit, or licence) is required,
- (c) carrying out activities for the above purposes, including:
 - | site visits,
 - | monitoring the achievement of environmental quality standards,
 - | consideration of environmental audit reports and statements,
 - | consideration and verification of any self-monitoring carried out by or on behalf of operators of controlled installations,
 - | assessment of the activities and operations carried out at the controlled installation,
 - | checking the premises and relevant equipment (including the adequacy of maintenance) and the adequacy of environmental management at the site, checking the relevant records kept by operators of controlled installations, and

| investigating environmental damage, determining environmental damage, and taking damage-prevention and remediation measures based on official sampling and comparison of monitoring data.³⁶

A report is prepared during the inspection, also in accordance with the Recommendation of the European Parliament and of the Council. The report includes the purpose, location, date, type of inspection, and the person or activity inspected. It also contains the main findings of the inspection, including whether a legal violation occurred and whether further action is required in the case.

4.2. The role of inspectors in initiating administrative offence proceedings

As noted in Chapter 3, among the key responsibilities and powers of inspectors is the proposal or initiation for measures necessary to eliminate irregularities. For this purpose, inspectors arrange the circumstances necessary for conducting the procedure. As explained in the previous chapter, the inspection report may serve as the basis for initiating proceedings and imposing administrative sanctions.

Once proceedings have been initiated, the authority may, if necessary, amend a license *ex officio* where changes in the circumstances existing at the time of licensing do not require withdrawal of the previously issued permit. The authority may also order an environmental audit to be carried out by the user of the environment.

In addition, the authority may require compliance with the conditions set out in the license and may oblige the user of the environment to prepare an action plan to remedy non-compliance and, if necessary, revise the licence. If the user of the environment fails to comply with this decision, the authority may withdraw the license.

If during an on-site inspection, the environmental protection authority identifies environmental endangerment or pollution, it will repeat the inspection within six months.

For activities covered by an IPPC permit, the authority assesses the results of emission monitoring at least annually. If necessary, it may review previously established emission standards and set new standards. Where the use of the best available techniques no longer ensures compliance with the applicable standards, the authority may require the user of the environment to carry out an environmental review.

36 | See: Recommendation of the European Parliament and of the Council of 4 April 2001 providing for minimum criteria for environmental inspections in the Member States, pt. 2.

Pursuant to the Environmental Protection Act,³⁷ an environmental review may also be carried out to verify compliance with environmental requirements or where the authority identifies environmental endangerment, pollution, or activities carried out without the required permit.

Depending on the significance of the environmental impact, administrative sanctions may include the prohibition, restriction, or suspension of unlawful activities and/or the imposition of a fine. In determining the amount of the fine, the authority takes into account, *inter alia*, the circumstances of the breach or omission and the potential environmental effects of the activity. Where the legal conditions are met, the authority or the inspector may also initiate criminal or infringement proceedings.³⁸

4.3. Cooperation with other administrative authorities and enforcement bodies

Government Offices consolidate inspections falling within their respective tasks and powers where joint procedures are possible, subject to coordination of the location and timing of inspections. An annual consolidated inspection plan is prepared in advance for each calendar year. Government Offices ensure the coordination and implementation of consolidated inspection plans, the joint analysis of experiences, and the development and application of economical and complementary inspection methods.³⁹

Authorities that were previously involved in decision-making, particularly in horizontal licensing procedures, are also involved in inspections in order to verify compliance within their specific fields of competence. These co-decision authorities are designated in the government decrees referred to in Chapter 2:

- | Government Decree 624/2022 (XII. 30),
- | Government Decree 625/2022 (XII. 30),
- | Government Decree 24/2021 (III. 12), and
- | Government Decree 72/1996 (V. 22).

37 | Environmental Protection Act Sections 73–74.

38 | Environmental Protection Act Section 82, Government Decree 314/2005, Sections 22 and 26.

39 | Government Decree 568/2022 (XII. 23), Sections 29 and 39.

Table 2: Questions examined during the following procedures:⁴⁰

<ul style="list-style-type: none"> – Preliminary examination procedure, – Environmental impact assessment procedure, – Unified environmental permitting procedure, – Integrated Pollution Prevention and Control permitting procedure, and – Environmental operating permit procedure 	<p>These procedures typically involve examination of:</p> <ol style="list-style-type: none"> 1. Environmental and public health impacts, including health-related risks and effects, 2. Public health requirements relating to waste, 3. Protection of cultural heritage, 4. Nature and landscape protection, 5. Impacts on agricultural land and forests, 6. Consistency with spatial planning instruments, 7. Protection of surface water and groundwater, 9. Industrial accident risks, and 10. Other relevant issues
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The authorities involved include the building authority, heritage protection authority, land and agricultural authorities (including forestry, game management, fisheries, agricultural land, and soil protection), nature and landscape protection authorities, waste management authorities, public health authorities, water management authorities, disaster management authorities, animal health authorities, plant protection authorities, the transport authority, and the notary.

Naturally, there is also the possibility of verifying compliance with environmental requirements in co-decision procedures, for example in building and mining permits, although this depends on the authority’s capacity. This is facilitated by a Constitutional Court decision stating that the decision issued by the permitting authority must include the environmental authority’s requirements and the justification for those requirements.⁴¹

In addition to the co-decision authorities involved in permitting procedures, the management organisations and bodies described in Chapter 2 may also participate in inspections within their respective fields of expertise. These include, for example, water management directorates, regional disaster management bodies, employees of national park directorates, and nature conservation rangers.

As provided by Government Decree 366/2015 (XII. 2), water management directorates participate in the procedures of environmental protection and water protection authorities and assist their activities, for example in connection with environmental liability rules based on the Environment Liability Directive.⁴²

According to Government Decree 625/2022. (XII. 30),⁴³ where, during a nature conservation authority procedure, information or facts are required for decision-making or clarification of the facts, such as data concerning the condition, structure, and functions of a protected site, the protected species present there, or

40 | Government Decree 624/2022. (XII. 30.) Annex 3.

41 | Constitutional Court Decision No. 4/2019 (IX. 4), initiated by the Ombudsman in connection with the integration of Government Offices, which emphasised the need to ensure that environmental requirements are taken into account in other types of permitting procedures.

42 | Section 5; Section 8 sets out the water protection tasks of the disaster management directorate.

43 | Section 20.

nature conservation objectives, and such information is available to the National Park Directorate or Herman Ottó Institute Nonprofit Ltd., the nature conservation authority shall consult those bodies.

Map 2: Name and area of operation of the National Park Directorates⁴⁴



The Government Office may also conduct simplified official inspections in matters exhaustively listed in government decrees (e.g. consumer protection and food-chain safety) where permitted by law. However, in the field of environmental protection, there is no legal possibility for simplified inspections due to the complexity of the matters involved and the expertise required.⁴⁵

4.4. Cooperation with law enforcement authorities in criminal proceedings

In 2018, Hungary launched a project aiming at establishing a cooperation platform among public authorities, including the police, active in the field of environmental law enforcement. In 2021, a memorandum of understanding was signed by seven bodies establishing a cooperation platform for combatting environmental crime, including the sharing of information and training resources.

The participating bodies are the Ministry of Agriculture, the National Tax and Customs Authority, the Hungarian National Police Headquarters, the Ministry of

44 | Government Decree No. 625/2022 (XII. 30), Annex 2, Parts I–II.

45 | Government Decree 568/2022. (XII. 23), Annex 6.

Innovation and Technology, the National Directorate General for Disaster Management, the Ministry of the Interior, the Pest County Government Office, and the National Food Chain Safety Office.

The role of the National Environmental Security Taskforce includes improving the enforcement of legislation relating to environmental protection, the protection of natural values and natural areas, and the conservation of biodiversity. The taskforce provides these authorities with an improved framework for cooperation in implementing international operations targeting transnational environmental crime.⁴⁶

The aim of this cooperation is to ensure that ministries, Government Offices, and law enforcement, crime prevention, investigative, and prosecutorial authorities performing professional and official environmental protection and nature conservation tasks exchange information and coordinate their activities accordingly.

To this end, they ensure the exchange of information regarding legal violations and unlawful activities that come to their attention. They hold annual working-group meetings at which priorities and other tasks are determined. Their work is organised around two main thematic groups: the Environmental Protection Thematic Group and the Nature Conservation Thematic Group.

External experts and strategic partners, such as non-governmental organisations, may participate in meetings in an advisory capacity (e.g. BirdLife Hungary and TRAFFIC (Wildlife Trade Monitoring Network)).

The main areas of cooperation include both legal and illegal cross-border waste shipments, trade in endangered plant and animal species, pets, hazardous and radioactive substances, and illegal timber trade. These organisations also cooperate in combatting domestic environmental crime.

The participating organisations jointly conduct on-site inspections and procedural actions. They provide professional support to one another within their respective fields. For example, environmental protection authorities provide information from their registers, such as permit data, while the police pay particular attention to inspecting clothing, vehicles, and packages during enforcement activities.

Within the framework of EMPACT ENVICRIME, Hungary has participated in several successful operations in the above-mentioned areas in recent years. In addition, these authorities also conduct joint crime-prevention campaigns.⁴⁷

46 | EIR 2022, 45.

47 | EMPACT (European Multidisciplinary Platform Against Criminal Threats) is a security initiative driven by EU Member States to identify, prioritise, and address threats posed by organised and serious international crime. It is supported by all relevant EU institutions, bodies, and agencies, including Europol, Frontex, Eurojust, CEPOL, OLAF, EU-LISA, and the European Fisheries Control Agency (EFCA). Third countries, international organisations, and other public and private partners also participate in the initiative.

5. Challenges and shortcomings in environmental inspections

5.1. Limitations that affect the effectiveness of inspections and possible solutions

In Hungary, inspections are mostly carried out by colleagues involved in licensing. This has the advantage that, in the case of a licensed activity, it is easier to monitor compliance with decisions; however, it also reduces the capacity available for licensing tasks.

Exceeding the statutory deadline for authorisation procedures results in reimbursement of the fee paid for the procedure, making it challenging for colleagues to perform both tasks simultaneously. However, some Government Offices have separate colleagues responsible for inspections, or for inspections in certain specialised areas. Since the majority of inspections are planned in advance, personnel capacities can generally be planned and allocated accordingly. An exception is the investigation of public alerts or other ad hoc reports, especially during the summer period (e.g. odor nuisance), which may hinder the implementation of the inspection master plan.

Assessing environmental issues requires expertise involving not only diverse professional knowledge but also legal knowledge, without crossing the boundaries between the two fields of expertise, as each has its own responsibilities. From the State's perspective, retaining qualified professionals through competitive salaries, or salaries close to competitive levels, remains a continuous challenge. A shortage of professionals makes it difficult not only to carry out licensing tasks but also to conduct inspections. At the same time, it can be stated that many professionals fulfil their duties out of dedication.

However, in the case of integrated authorities, it may be advantageous that, during an inspection, if an inspector identifies shortcomings related to another area of expertise, he or she can request the assistance of the relevant colleague or, if that is not possible, record the identified shortcomings in the on-site inspection report.

Another problem is that certain types of inspections can only be carried out during specific periods. For example, in the field of nature conservation, inspections often need to be conducted during the vegetation period. The short licensing deadline does not allow for examination of a complete vegetation cycle, so investors and planners can only rely on data from the databases of the authorities or National Park Directorates, which may subsequently lead to restrictions or prohibitions. The same issue arises in relation to activities, such as construction works and forest management operations, that are subject only to notification rather than licensing requirements.

Similarly, in the field of nature conservation, specialised knowledge of a habitat or species is often required to conduct an inspection, which necessitates the involvement of a member of the Nature Conservation Ranger Service. The involvement of a ranger may be beneficial because, compared with inspectors, rangers have additional powers.⁴⁸

The Act on General Public Administrative Procedure also imposes certain limitations. In *ex officio* proceedings, if the authority exceeds twice the applicable administrative time limit, apart from establishing the infringement and issuing an order to terminate the infringement or restore legality, no other sanctions may be imposed (e.g. a fine). In such cases, new proceedings may not be initiated against the same client on the basis of the same facts and legal grounds.⁴⁹

According to Act CXXV of 2017 on Sanctions for Administrative Violations (hereinafter: the Act on Sanctions), the general limitation period is six months, except in cases involving the maintenance of an unlawful state. In the latter case, the limitation period begins when the unlawful state ceases.⁵⁰ No sanctions may be imposed after the expiry of the limitation period.

According to the Act on General Public Administrative Procedure,⁵¹ if the obligor fails to comply with the authority's instruction set out in its definitive decision, the decision becomes enforceable. Unless otherwise provided by an Act or Government Decree, enforcement is ordered by the authority that issued the decision, or by the first-instance authority in the case of a second-instance decision. Enforcement is generally carried out by the state tax authority.

However, given that the state tax authority often does not possess the necessary tools or expertise for environmental enforcement, the Environmental Protection Act provides,⁵² contrary to the general rule, that enforcement must be carried out by the environmental protection authority itself, which may request the assistance of the state tax authority where necessary. This contributes to more effective enforcement. Similarly, the Waste Management Act explicitly provides that enforcement is the responsibility of the waste management authority.⁵³

48 | Based on Act CLIX of 1997 on Armed Security Guards, a ranger carrying out a nature conservation inspection is entitled and obliged to take certain measures against a person who endangers or damages a protected natural area or species, a vehicle transporting such specimens, or anyone reasonably suspected of doing so.

These measures include guarding buildings, facilities, and other property; preventing unlawful acts; detaining or bringing in an apprehended person; and temporarily taking possession of items. Additionally, rangers are authorised to require identification, inspect clothing, packages, and vehicles, and use coercive measures (e.g. chemical agents, service dogs, and handcuffs). They may also close off protected areas and impose on-the-spot fines. Rangers are further entitled to carry a handgun, which may be openly displayed, thereby supporting the effective performance of their inspection duties.

49 | Section 103(4).

50 | Section 5.

51 | Chapter XI.

52 | Section 91/D.

53 | Section 61.

In environmental protection cases, however, enforcement is often very costly, and in many cases environmental damage accumulated over decades must be restored and remediated. According to a recent amendment to the Environmental Protection Act, remediation tasks are now expressly assigned to the Hungarian National Asset Management Inc. in cases involving significant environmental damage or other extraordinary environmental events where responsibility cannot be transferred to another party. The amendment is expected to simplify and accelerate environmental remediation procedures.

The Waste Management Act also provides that, where the waste management authority removes illegally deposited waste, the costs may be charged to the property concerned. In such cases, the waste management authority may register a mortgage in favour of the Hungarian State over the property owned by the person who illegally disposed of or abandoned the waste, up to the amount of the claim and interest.⁵⁴

The implementation of the above-mentioned tasks is funded primarily from the state budget and, in certain cases, through chapter-managed appropriations or grant schemes.

5.2. Current inspection methods and resources for detecting non-compliance

In addition to the shortage of professionals, the shortage of technical resources should also be mentioned (e.g. availability of vehicles, analytical and technological equipment, and measuring instruments, particularly for laboratory analyses). Currently, Government Offices perform laboratory or laboratory-type tasks at more than 49 locations, but only 10 Government Offices operate accredited laboratories.

In addition, laboratory coverage differs across the country. Laboratories are assigned to counties, and not every county has a specialised laboratory, creating a strong interdependence among them. At the same time, the available infrastructure, operating conditions, and professional capacities differ considerably. In some areas, such as waste management, authorities require reliable, precise, and scientifically robust results to support regulatory decisions (e.g. waste classification, waste assessment, and compliance testing). This requires well-equipped and modern laboratories staffed by highly qualified personnel.

Government Offices carry out inspection tasks using state budget resources. In addition, the chapter-managed appropriation entitled 'Environmental Tasks'⁵⁵ provides funding for activities relating to the protection of environmental elements; implementation of the National Air Pollution Reduction Programme and other

54 | Section 64(24).

55 | Decree No. 15/2023 (VII. 25) of the Minister of Energy on the management and use of chapter-based and centrally managed allocations.

air-quality measures; support for the objectives of the National Environmental Protection Programme; preparation of strategic urban noise maps and action plans; and public tasks performed by HungaroMet Co.

The appropriation also covers funding for waste-related mapping, exploration, planning, and remediation activities; water, environmental, and natural-disaster recovery measures; and actions aimed at the eradication of invasive species.

An example of supplementary funding is provided by the Waste Management Act and the above-mentioned decree, which ensures financial resources for the collection and management of waste placed or abandoned under uncontrolled circumstances. Based on these provisions, funds are available annually to cover the costs of waste removal. Ultimately, however, the costs are recovered from the property concerned, as described in the previous section.⁵⁶

5.3. Legal and procedural barriers that hinder enforcement

Not only enforcement but also, in certain cases, decision-making processes may face procedural barriers. In its Decision 8/2017 (IV. 18) AB, the Constitutional Court stated that the legislator must regulate clearly and in sufficient detail the relationship between different procedures, taking into account the *ne bis in idem* principle.

The Act on Sanctions regulates the relationship between sanctions applicable in administrative and criminal proceedings. Accordingly, where a court has convicted a natural person in a final decision based on the same facts and imposed a penalty or measure, or has acquitted that person on the grounds that the offence was not committed by the accused, administrative fines and prohibitions on activity may not be imposed as administrative sanctions.⁵⁷

This may create difficulties because administrative sanctions can often be imposed and enforced more quickly than criminal sanctions and may also have a stronger deterrent effect due to the level of fines that can be imposed.⁵⁸ In addition,

56 | Section 61.

57 | Section 5/A, Section 5/B.

58 | In comparison, the penalty for the offence of damaging the natural environment under the Hungarian Criminal Code is generally a maximum three years' imprisonment. A scientific study examined judicial practice in nature conservation crime cases before the courts and reached the following conclusions. The investigation was based on 123 cases involving 166 defendants who committed offences causing damage to the natural environment. In their final judgements, the courts most commonly imposed suspended prison sentences (55 individuals). The duration of the suspended prison sentences was six months or less for 7 individuals, between seven months and one year for 23 individuals, and between more than one year and two years for 25 individuals. Executable terms of imprisonment were imposed on 5 individuals, mostly as part of cumulative sentences. Fines were imposed on 50 defendants, ranging from 30,000 HUF (75 EUR) to 600,000 HUF (1,501 EUR). Among the measures applied, the court primarily ordered conditional sentences for 35 individuals, confiscation for 27 individuals, and warnings for 10 individuals. Additionally, the courts imposed probation supervision on 7 individuals, community service on 1 individual, and confiscation of assets

environmental law is generally based on objective liability, whereas criminal liability is not, which creates inconsistencies between the two systems in the field of environmental protection.

Prosecutors have also pointed out that special attention should be paid to the cumulative application of sanctions across different legal fields in environmental prosecution. It should also be recognised that the scope of unlawful conduct giving rise to administrative sanctions is significantly broader than the range of criminally punishable conduct. Therefore the absence of criminal liability does not automatically exclude the possibility of administrative sanctions.⁵⁹

In Hungary, criminal measures may be applied not only to natural persons but also to legal persons under Act CIV of 2001 on Criminal Law Measures Applicable to Legal Persons. Due to the *ne bis in idem* principle, double sanctioning is also prohibited in relation to legal persons. Under this Act, the measures that may be imposed include a fine, restriction of activities, or, in more serious cases, termination of the legal person.

To address this issue, an amendment to the Act will enter into force on 1 January 2026. Under the amendment, the application of a criminal measure against a legal person may be omitted where a legal disadvantage has already been imposed by a final decision of an administrative authority or administrative court. In such cases, any payment obligation established by the administrative authority or court must be taken into account when determining the amount of the fine in the criminal proceeding.⁶⁰

6. Future perspectives and conclusions

6.1. Expanding or restructuring environmental inspection powers for better enforcement

Since the article is based on the presentation of the operational practices of the authorities, this chapter, in addition to the matters discussed in Chapter

on 1 individual. Overall, the study found that the entire process, from the filing of a report to the final court judgement, was most frequently completed within one year (51 cases), followed by between one and two years (30 cases), between two and three years (18 cases), and more than four years (6 cases). Furthermore, in 5 cases the proceedings lasted for more than three years, with the longest case taking six years and two months to conclude. See: Tilki 2024.

By comparison, under Hungarian administrative law, the time limit for imposing a nature conservation fine is 60 days. The amount of the fine ranges from 125,000 HUF (312 EUR) to 500,000 HUF (1,251 EUR) per hectare for activities carried out without a permit or in violation of the permit issued for the area. In the case of unlawful acts affecting protected species, the fine may range from 5,000 HUF (12.5 EUR) to 1,500,000 HUF (3,754 EUR) per specimen, depending on the vulnerability of the species and the severity of the violation.

59 | Teszár 2022.

60 | Section 3 (6)–(7).

5, primarily presents already implemented or planned modifications aimed at making practice more efficient.

The Government has recently reorganised environmental enforcement powers, primarily focusing on permitting procedures while also affecting sanctioning procedures. With the promulgation of Act CXV of 2023 on Specific Regulatory Matters, appeals against certain first-instance decisions of environmental authorities became possible,⁶¹ thereby reintegrating the second-instance administrative level into the system of legal remedies. This should help eliminate inconsistent decision-making practices among first-instance authorities and the resulting legal uncertainty. As noted in Chapter 1, the Deputy State Secretary became the national competent second-instance environmental authority.

In the future, it may be necessary to develop laboratory capacity in order to increase the effectiveness of inspection powers and address the shortcomings mentioned in the previous chapter. A well-functioning laboratory network is essential to support the legitimacy of administrative procedures.

In the field of environmental protection, tasks relating to air, water, noise, vibration, waste, and geological medium protection include activities such as examining emissions from air-polluting sources, testing surface water and groundwater, conducting noise and vibration measurements, and assessing the sound pressure levels of industrial, construction, and recreational noise sources. Other tasks involve the qualitative and quantitative analysis of water, including drinking water, bathing water, and natural waters. Monitoring the water quality of rivers and maintaining the Danube River Basin are continuous duties based on international agreements and EU requirements. The fulfilment of these tasks also requires improvement, and nature conservation is no exception.

Significant industrial investments affecting the counties have led to increased and changing measurement requirements. With the continuous evolution of legal requirements in these fields, new measurement tasks and threshold values arise, requiring the review and development of technological, measurement, and technical methodologies, as well as the development of IT infrastructure to align with the specialised systems used by Government Offices. All these requirements and needs call for longer-term reforms.

6.2. Digital tools, AI, or remote monitoring to improve inspection efficiency

Advances in technology have significantly improved the effectiveness, efficiency, and scope of environmental inspections. These innovations have transformed environmental inspections from labour-intensive manual processes into

61 | With the entry into force of the Act on General Public Administrative Procedure on 1 January 2018, appeals as the most common form of legal remedy was abolished and restricted to specific cases, such as appeals against notaries' decisions in the fields of environmental and nature conservation protection.

high-tech, data-driven operations. As technology continues to advance, environmental inspections will become even more proactive, predictive, and effective in safeguarding public health and nature.

A good practice can be mentioned in this regard. A study prepared within the framework of the IMPEL⁶² GIEDA (Geospatial Intelligence for Environmental Damage Assessment) Project⁶³ demonstrates how digital tools, AI, remote sensing, and monitoring can improve inspection efficiency. The GIEDA Report (hereinafter: the Report) presents good practices that contribute to knowledge-sharing and support the development of technical and procedural capacity for producing ex post evidence of environmental damage caused by environmental incidents, violations, and environmental crimes, as well as supporting environmental damage remediation planning.⁶⁴

New technologies and methods for detecting and analysing environmental changes, such as geospatial intelligence, can significantly strengthen monitoring and inspection capacity and support the assessment of environmental damage by providing both qualitative and quantitative information. The combined use of information obtained from various repositories, collected during in situ surveys, or acquired through very high-resolution sensors mounted on satellites or drones enables a more detailed assessment of environmental damage.⁶⁵

The Report collected real cases⁶⁶ demonstrating the use of geospatial intelligence techniques through various approaches, including GIS, remote sensing, spatial analysis, geostatistics, orthophotography, and Google Earth, in order to demonstrate their usefulness in detecting environmental damage such as illegal landfills, waste deposits, unlawful buildings or constructions, drainage works, and vegetation damage.

62 | IMPEL is a Network of the European Union for the Implementation and Enforcement of Environmental Law.

63 | IMPEL Final Report 2024.

64 | *Ibid.*, 7.

65 | *Ibid.*, 6.

66 | Based on a report prepared by Hungarian national park rangers, one case concerned grassland damage caused by forestry machinery, resulting in the endangerment of protected species within a natural area. Copernicus Sentinel-2 MSI satellite imagery, available under a free and open-access distribution policy, was first used to determine the timing of the event and estimate the extent of the damaged area. The affected area was then surveyed using UAS imagery to produce an orthomosaic. The orthomosaic was subsequently used to calculate the spatial extent of the damage using QGIS software. The extent of the damaged area was also compared with the biotic database of the National Park Directorate. Due to the large area involved and the difficult terrain conditions, traditional field surveys and handheld GPS measurements were not considered appropriate. Satellite imagery was successfully used to establish the onset of the event, taking advantage of the revisit frequency of the Copernicus Sentinel satellites. UAS surveys and geostatistical analyses can also be repeated over time. These tools make it possible to compare the condition of the natural area before the damage occurred with its condition afterwards, as well as to compare impacted and non-impacted areas. See: Filipponi et al. 2024, 63–64.

The Report identified the following benefits of geospatial intelligence techniques:⁶⁷

- | increasing environmental surveillance through the early detection of environmental crimes,
- | provide evidence of imminent threats of environmental damage or of damage that has already occurred,
- | providing evidence to support the confirmation of environmental crime,
- | providing quantitative information to support the assessment of environmental damage or environmental crime,
- | supporting the establishment of environmental damage,
- | supporting the monitoring of remediation measures, and
- | providing ex post information through satellite remote sensing to analyse the condition of natural resources.

According to the Report, although environmental authorities and management bodies already use these techniques to detect and prove environmental damage, they have not yet been fully adopted in judicial practice. One of the aims of the project was therefore, inter alia, to raise awareness among prosecutors and judges regarding reliable products and evidence generated through geospatial intelligence.⁶⁸

As the report demonstrates, these tools have become essential resources for precise and effective administrative work.

6.3. Transparency and accountability in environmental inspections

The Act on General Public Administrative Procedure regulates a so-called exclusion mechanism, which may be invoked by any party at any stage of the procedure and applies to both the competent official and the competent authority.⁶⁹ The purpose of this mechanism is to ensure that decision-making is not influenced by personal interests.

For the sake of transparency, it should be noted that, under the Environmental Protection Act, non-governmental environmental organisations are entitled to client status in environmental authority proceedings.⁷⁰ Furthermore, management organisations and administrative bodies are automatically recognised as clients by operation of law, which serves not only transparency but also expertise. In addition, environmental legislation, primarily the Environmental Protection Act and Government Decree 314/2005, ensures public participation in decision-making processes, thereby promoting transparency and accountability.

67 | Ibid., 21.

68 | Ibid., 16–17.

69 | Section 22.

70 | Section 98.

Although environmental decisions are generally made at first instance level, clients and other interested parties have access to legal remedies provided under the Act on General Public Administrative Procedure, including administrative actions, amendment or withdrawal of decisions,⁷¹ supervisory procedures, and prosecutorial intervention and action.⁷² Counterpart clients may challenge decisions, and unlawful decisions may also be rectified through the application of nullity rules.⁷³

Nullity applies, for example, where a decision has been made without consulting the specialist authority in a co-decision procedure, without taking into account the specialist authority's assessment, where the content of the decision was influenced by a criminal act, where it is contrary to the judgement of the administrative court in the same case, or where other clients should have participated in the procedure.

As previously mentioned, an amendment to the Environmental Protection Act effective from 1 August 2024 reintroduced the possibility of appeals in certain environmental matters.

Expertise in environmental matters is essential for those preparing licensing documentation in accordance with the detailed and stringent requirements outlined in Government Decree 297/2009 (XII. 21) regarding expert activities. High-quality project documentation facilitates both the permitting process and the subsequent monitoring and inspection of activities. Similarly, the participation of experts in sanctioning procedures may be important.

The revision of legislation governing expert activities is currently underway in order to improve transparency and professional standards, for example through continuous training and examinations and more effective enforcement of liability rules applicable to experts. In addition, every decision is subject to legal review before issuance, involving multiple professionals who assess applications from both technical and legal perspectives.

During the annual comprehensive inspection of environmental authorities within Government Offices, any incorrect or unlawful decisions that come to light are examined *ex officio* by the supervisory authority. In addition, prosecutors and the State Audit Office of Hungary also oversee the work of Government Offices.

According to Government Decree 370/2011 (XII. 31) on the Internal Control System and Internal Audit of Budgetary Bodies, Government Offices are required to establish, operate, and continuously improve their internal control systems, including risk management procedures and audit trails for all activities, including public administration procedures.

71 | Section 114–115.

72 | Section 120–122.

73 | Section 123.

In fields such as environmental protection, nature conservation, and waste management, numerous guidelines have been developed by supervisory bodies (e.g. remediation intervention plans, the Landscape Protection Manual, and supplementary guidance on wetland conservation) or by the authorities themselves, often drawing on EU guidance. These documents are publicly available and promote transparency and accountability through their application. The development of additional guidance would be desirable in order to introduce best practices and facilitate more consistent application of the law.

7. Conclusion

This article examines the regulation, organisational framework, suitability, and adequacy of environmental inspections in Hungary. There has long been debate within the Hungarian institutional system as to whether greater emphasis should be placed on licensing procedures or on inspections. Different organisational solutions have been adopted throughout the history of environmental protection in Hungary. At times, inspections were carried out by the same officials responsible for licensing, while at other times they were conducted by a separate organisational unit. Both approaches have advantages and disadvantages.

In the former case, as discussed in Chapter 5, officials responsible for issuing permits have greater insight into compliance with permit conditions. However, inspection responsibilities reduce the capacity available for licensing procedures, which are already subject to short statutory deadlines. In the latter case, inspectors can focus exclusively on inspection activities, but they may lack knowledge of the reasons underlying specific permit conditions. To understand those requirements, they must first become familiar with the circumstances of the case and the facility being inspected.

In extreme cases, the inspection unit may focus not on examining the lawful operation of the operator or site but on questioning whether the permit conditions themselves were appropriate. This may lead to institutional dysfunction and, ultimately, undermine the effective protection of environmental elements.

Although this article focuses on inspections, Hungarian environmental legislation is largely based on EU standards, and the principles of precaution and prevention must remain paramount. The primary guarantee of these principles continues to be prior authorisation.

At the same time, on 10 December 2025, the European Commission published a draft Regulation of the European Parliament and of the Council on the acceleration of environmental assessments⁷⁴ as part of the environmental simplification omnibus package, which would amend several environmental directives. The

74 | See: European Commission 2025.

general objective of the proposed amendments is to accelerate and simplify environmental assessment procedures while ensuring consistency between different legislative instruments.

The proposals include, *inter alia*, reducing administrative burdens and procedural deadlines, expanding the use of tacit approval mechanisms,⁷⁵ establishing Single Points of Contact (SPOCs), and creating comprehensive digital platforms for service users. The amendments also affect substantive environmental legislation. For example, in certain cases, a Strategic Environmental Assessment would be considered sufficient without requiring an Environmental Impact Assessment. Such changes would affect the Environmental Assessment, Habitats, Wild Birds, and Water Framework Directives and, consequently, Hungarian legislation if the proposed amendments are adopted and enter into force.

The objective of these reforms is to enhance competitiveness without undermining environmental protection goals. While the final outcome of the legislative process remains uncertain, it can already be anticipated that the role of environmental inspections will become increasingly important in the future.

To support this development, adequate budgetary resources and qualified professionals must be provided. Although ensuring such resources remains the responsibility of the Member States, doing so will continue to present challenges for both authorities and governments.

Regardless of how the legal and organisational framework evolves, the organisational structure, including that relating to inspections, must continue to take into account Constitutional Court Decree No. 28/1994 (V. 20), which held that the right to environmental protection is

“primarily an independent and institutional protection in itself, i.e. a specific fundamental right of which the objective, institutional protection side is predominant and determining. The right to the environment raises the guarantees of the fulfilment of the state’s environmental protection obligations to the level of fundamental rights, including the conditions for the derogation of the protection of the environment achieved. Due to the peculiarities of this right, all the tasks that the state performs elsewhere with the protection of subjective rights must be performed here by providing legal and organisational guarantees.”⁷⁶

75 | Tacit approval is one of the most controversial aspects of the proposal. Although it is reportedly not intended to apply to environmental permits, the question remains what should be regarded as an environmental permit and whether permits issued through co-decision procedures should also fall within this category.

76 | Justification III/3.

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