



DEPUTY COMMISSIONER FOR FUNDAMENTAL RIGHTS  
OMBUDSMAN FOR FUTURE GENERATIONS

---

**General opinion on the rules of compensation for damages resulting from restrictions  
for nature conservation purposes (2021)**

In 2021, following the complaints concerning management and clear-cutting, following the discussions with the expert representatives of the capital city in order to establish a practice ensuring „continuous cover forestry” and the study of the forest management activities of national park directorates, the Deputy Commissioner for Fundamental Rights, Ombudsman for Future Generations (OFG) issued a general opinion on the rules of compensation for damages resulting from restrictions for nature conservation purposes.

The document stated that in the field of forest management both to create coherence between the right to a healthy environment versus the right to property (as competing fundamental rights) and to prevent and resolve conflict situations are priorities. There are a number of ways to compensate for the costs of nature conservation restrictions, e.g. in the form of monetary compensation or using state and EU subsidies.

Based on Article P) of the Fundamental Law of Hungary, the State may restrict the free application of property rights in order to protect forests and biodiversity, as the protection of these values is of highest public interest according to the Constitutional Court. In accordance with the Fundamental Law of Hungary, all stakeholders, including owners, users and managers of forests shall cooperate in the protection of natural values, in the spirit of their social responsibility. In fact, individual economic interests (property rights, business rights) based upon individual proportionality assessment may not enjoy the same level of constitutional protection as environmental rights, which are considered also to be part of the public interest, and whose priority has been recognised by several decisions of the Constitutional Court. Therefore, in certain cases, restrictions on the right to property or on the freedom to conduct a business may be constitutional even without the possibility of compensation, so that nature conservation may prevail.

Nonetheless, there is an appropriate legal system to compensate for the damages caused by the restrictions imposed in the interests of nature conservation. This might ensure a balance between the various competing fundamental rights by compensating the owner (or in this case the forest manager) for certain damages and costs.

The current general opinion helps to reconcile the interests of forest management and nature conservation by clarifying the legal framework and the constitutional requirements.

*The full text of the general opinion in Hungarian is available here:*

<https://www.ajbh.hu/documents/10180/2896961/Elvi+állásfoglalás+kártalanítással+kapcsolatban>

Dr. Gyula Bándi  
Ombudsman for Future Generations