



DEPUTY COMMISSIONER FOR FUNDAMENTAL RIGHTS
OMBUDSMAN FOR FUTURE GENERATIONS

**General opinion on the proper enforcement of nature conservation objectives
when authorising exploration activities for mining purposes (2021)**

In the spring of 2021, news of a newly planned hydrocarbon mine in one of the National Parks in Hungary had reached the Deputy Commissioner for Fundamental Rights, Ombudsman for Future Generations (OFG). In view of the environmental and nature conservation significance of the case – and the risk of infringements directly affecting the interests of future generations – the OFG issued a general opinion to raise public awareness concerning the proper enforcement of nature conservation objectives by the authorities while granting permits for mining exploration activities.

The general opinion argues that – in line with the practice of the Constitutional Court and the Curia – mining activities can not constitute a priority objective of public interest in an area that is under multiple types of nature protection, includes Natura 2000 sites, protected natural areas of national importance and core areas of ecological networks. It has also been highlighted that the primacy of nature conservation over economic interests in protected natural areas has also been confirmed by the Constitutional Court.

Furthermore, the technicalities of mining activities might result in irreversible changes to the environment, so an appropriate and detailed Natura 2000 assessment and impact assessment is essential. If the likelihood of significant impacts cannot be excluded, these effects should be assumed. In other words – in accordance with the obligations arising from the Fundamental Law of Hungary – , the likely impact of certain investments must be assessed on the basis of scientific knowledge, in line with the principle of prevention and precaution and it must be ensured that no environmental degradation or even a risk thereof will occur.

Protected natural areas and Natura 2000 sites are primarily serving nature conservation interests and are therefore directly protected under Articles P) and XXI of the Fundamental Law of Hungary. Hence, in any official permitting procedure, the public interest to be protected is primarily the conservation of nature and not the interests of mining.

The full text of the public statement in Hungarian is available here:

<https://www.ajbh.hu/documents/10180/2926454/A+Szószóló+figyelemfelhívása+a+természetvédelmi+célok+értvényesítéséről>

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