



DEPUTY COMMISSIONER FOR FUNDAMENTAL RIGHTS
OMBUDSMAN FOR FUTURE GENERATIONS

General opinion on the availability of the Deposit Return System in Hungary

In the autumn of 2024, the Ombudsman for Future Generations (OFG) issued a general opinion on the constitutional context of the lack of availability of the newly introduced Deposit Return System (DRS).

The general opinion emphasised that the introduction of the DRS is welcome, as examples from several countries demonstrate it can make a significant contribution to the development of a circular, zero-waste economy. Data from Hungary so far also shows that the rate of recycling has increased since the launch of the new system. The DRS could be a suitable element of the solutions needed to meet the requirement of Article P) of the Fundamental Law of Hungary to protect, maintain and preserve natural resources, biodiversity and cultural heritage for future generations, and to ensure the full realisation of the right to a healthy environment as enshrined in Article XXI of the Fundamental Law of Hungary.

However, the implementation of the DRS system in Hungary is currently incomplete, and in many cases not sufficiently accessible to the people. In a number of small towns and villages there are no take-back points available, so people living there cannot return their beverage containers or can only do so at a considerable extra transport cost, putting them at a disadvantage compared to those who can do so locally. This situation also raises concerns about the effectiveness of a key function of the DRS, namely that the introduction of a return fee would encourage people to separately collect and return their beverage containers, even those who were previously not motivated to do so.

According to the relevant regulation the DRS system has to cover the whole territory of the country. At the same time, implementation rules require the mandatory establishment of a take-back point in only two cases: in retail shops larger than 400 m² and in settlements with more than 1 000 inhabitants. In Hungary, almost 60% of the settlements have less than 1000 inhabitants, so there is no legal obligation to have a take-back point in all of these villages and towns.

The obligation for nationwide coverage is clear. However, it is not easy to enforce and monitor the implementation of a general requirement, especially if only the mandatory minimum requirements are regulated, thus rendering the general obligation relative. Therefore, the cases in which a take-back point must be established shall be defined more precisely, in a way that ensures that everyone has equal and easy access to them.

The Constitutional Court of Hungary has defined the right to a healthy environment as a specific fundamental right, in which the objective, institutional protection aspect is predominant. Hence, the State has a primary responsibility and since it has to provide the legal and organisational guarantees necessary for the implementation. Therefore, the State should also be expected to regulate the DRS system in a way that makes it accessible to all, regardless of their place of residence.

The long-term goal is to reach a level of public environmental awareness so that financial incentives are no longer needed to convince people to buy less products with packaging ending as waste. However, we are not there yet, which is why a DRS system with a return fee element is important and necessary. This system can only fulfil its function if it is truly easily accessible everywhere.

The full text of the general opinion in Hungarian can be found here:

https://www.ajbh.hu/documents/10180/0/3669_2024_figyelemfelhivas.pdf

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