



DEPUTY COMMISSIONER FOR FUNDAMENTAL RIGHTS
OMBUDSMAN FOR FUTURE GENERATIONS

**Legislative proposal to integrate the valuation of ecosystem services into the legal system
(2022)**

Our entire lives are directly or indirectly intertwined with our living and non-living environment, ecosystems, and the goods and services they provide, also known as ecosystem services. These seemingly 'free' goods are essential for economic prosperity and human well-being, providing the provisioning, regulating, supporting and cultural services that sustain our economies and societies.

The drastic loss of biodiversity that is now taking place at global and local scales and the degradation of ecosystem functions and services can lead directly to a decline in human well-being. We already know that only ecosystems in good condition are able to provide an adequate quantity and quality of services to humanity. It is therefore very important to raise awareness to the obligation of the State and of everyone to protect, maintain and preserve the elements of the common heritage of the nation, including biodiversity – specifically mentioned in Article P) of the Fundamental Law of Hungary – for future generations.

Under the provisions of the Fundamental Law, when making decisions concerning the common heritage of the nation, it must be ensured that the condition, quantity, quality, functionality and essential processes of natural capital and ecosystem services are preserved for present and future generations. This requires the integration of ecosystem service valuation into the existing regulatory framework, in particular into the development and implementation of long-term plans, programmes and concepts, into the decision-making and also into the authorisation processes of investments that impact natural resources.

In order to put these objectives into practice, the Deputy Commissioner for Fundamental Rights, Ombudsman for Future Generations (OFG) launched a three-session conference with high-level experts and academics in 2021-2022. As a result – based on a review of the relevant literature, consultations with experts and comments received – the OFG issued a regulatory proposal for the incorporation of the ecosystem service valuation into the legal system to support the legislation and the legal practice.

The aim of the proposal is to better enforce the integration of ecosystem-based thinking into the planning and permitting system, which can significantly improve the environmental and natural state of our country, and thereby contribute to the achievement of the state objective declared in Article P) of the Fundamental Law.

In the proposal, the OFG reviewed the constitutional requirements and strategic-level expectations for the valuation of ecosystem services. He also described the requirements of the EU and national legal systems in relation to ecosystem services in detail. In addition, he proposed to complete and revise the legal provisions necessary to conserve biodiversity, ecosystems and the services they provide, outlined possible solutions and discussed how to develop good enforcement practice.

The full text of the legislative proposal in Hungarian can be found here:

https://www.ajbh.hu/documents/10180/3548720/Ökoszisztéma-szolgáltatás+szószólói+javaslat_végleges.pdf

Dr. Gyula Bándi
Ombudsman for Future Generations