

## CLIMATE CHANGE LEGISLATION IN

# Hungary

*AN EXCERPT FROM*

## The 2015 Global Climate Legislation Study

A Review of Climate Change Legislation in 99 Countries



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# Hungary

## Legislative Process

Hungary is a republic (since the constitutional amendment of 1989) which entered the EU in 2004. It is a unicameral parliamentary democracy governed by the principles of popular sovereignty. The Prime Minister is the head of the government and the President is the head of the state and appoints ministers according to the recommendations made by the Prime Minister. A Prime Minister is officially appointed by the President, subject to the majority vote of Members of Parliament (MPs). Executive power lies with the government and legal power is shared by the government and Parliament, which approves government programmes, and has the right to initiate a motion of no-confidence against the government and elect a new Prime Minister.

The Parliament is comprised of 199 members (down from 386 between 1990 and 2014) of the House of the Representatives, who are directly elected by citizens every four years. The last parliamentary election took place in June 2014, and the next one is expected to take place in 2018. Parliamentary decisions are made by simple majority of the votes of members present, and qualified majority is required for certain decisions. The Parliament adopts the Constitution, elects the President of the Republic and approves international treaties. The President is elected indirectly by the Parliament for a term of five years. The next presidential election is expected to take place in 2017.

There are four sources of law: the Constitution, Acts of Parliament, Decrees and international agreements. The Constitution, the Fundamental Law of Hungary, is the highest level of legal norm that define basic structure and operation of the state. Amendment of the Fundamental Law requires a two-thirds majority of all MPs. The Speaker of the House signs the Fundamental Law or its amendment, which is sent to the President for final signature and the official publication in the Official Gazette within five days of the receipt. A series of amendments to the 1989 Constitution following the 2011 elections attracted heavy international criticism (including from the European Parliament, the European Commission and the US government). Critics say that changes to judicial independence, religious rights, media independence and political campaign ads, weaken Hungary's democracy.

Other forms of legislation are defined by the Act 11 of 1987 on Legislation. Acts of Parliament are adopted by a simple majority of votes in the Parliament (more than half of the MPs present) or qualified majority. Bills are discussed by designated parliamentary committees and the plenary meetings of the Parliament before the final vote to adopt the new bill or its amendment. Nearly 300 bills are submitted each year. While 55% of proposed legislation is submitted by the Government, 40% by MPs and 5% by the committees; 90% of the adopted bills come from the submission of the Government. An average of 130 Acts is passed annually. There are three types of decrees recognised by the Legislation Act, with government decrees being at the top of hierarchy, followed by ministerial decrees and local government decrees. International agreements are acceded to by the government and later promulgated by domestic legislative forms.

## Approach to Climate Change

The UNFCCC was ratified and promulgated into law under the UNFCCC Act of 1995. The Kyoto Protocol was ratified in 2002, and Hungary has a target to reduce emissions by 6% from the average of 1985-1987. In terms of EU commitment, Hungary has a target to reduce its emissions by 18.3%

by 2020. Hungary has submitted six national communications to the UNFCCC, the latest in January 2014.

Between 2003 and 2010, the Ministry of Environment and Water (now taken over by the Ministry of Rural Development) and the Academy of Sciences jointly conducted multidisciplinary scientific research on climate change impacts and responses, and produced the VAHAVA Report. Following this research progress, an overarching climate strategy, National Climate Change Strategy (NCCS) of 2008-2025, was prepared by the Ministry of Environment and Water. It creates the strategic framework for implementation of the UNFCCC and Kyoto Protocol. The strategy defines three main directions and implementation guideline for the government and other stakeholders: reduction of greenhouse gases, adaptation and raising public awareness of climate change. General objectives are defined for different sectors including energy, transport, agriculture, forestry and waste.

As defined in the NCCS, climate policy is an integral component of development policy and society, business and regional actors are expected to be involved. Climate change offers the potential for green growth and enhancement of international economic competitiveness through an increase in the supply of renewable energy and a subsequent fall in long term energy costs. The NCCS is implemented by the National Climate Change Programme that addresses actions for two years.

The Minister of Rural Development is responsible for overall co-ordination of the NCCS, and a Climate Change Working Group ensures co-ordination across different sectors of government. The implementation process is assisted by the Climate Change Commission, a consulting body composed of representatives from relevant ministries, the Academy of Science, NGOs, individuals and business actors.

### **Energy supply**

More than two-thirds of consumed energy is supplied by natural gas and oil, with more than 75% of it imported. 80% of natural gas is imported from Russia. According to the Hungarian Energy Strategy 2030, primary energy intensity in 2007 was nearly 2.4 times the EU average. The reliance on Russian supplies is seen as a vulnerability, and energy security tops the country's agenda. The National Renewable Energy Action Plan (NREAP) adopted in 2010, set a target to source 7.4% of energy from renewable sources by 2012 and 14.65% by 2020; in 2012 the actual figure was 9.6%. A review of this action plan was expected to be completed in 2014. Renewable energy sources considered important are biomass, geothermal and solar sources.

But energy policy is centred on nuclear power as a cost-effective energy source with low GHG emissions. 42% of electricity is generated by the Paks Nuclear Power Plant, which produces the lowest cost electricity in the country (HUF10.67/kWh - USD 0.04 - in 2009). A resolution to extend the service life of Paks Nuclear Power Plant by 20 years was passed in 2005 to ensure long-term domestic electricity supply. In 2009, Parliament approved the commencement of preparatory activities for the construction of new units at Paks. A recent increase in demand has spurred the search for uranium in southwest Hungary. In June 2014, Parliament approved a EUR10bn (USD12.5bn) loan agreement with Russia to finance the construction of two blocks at the Paks Nuclear Power Plant.

### **Energy demand**

The residential sector is the largest final energy consumer, responsible for 30% of total CO<sub>2</sub> emissions. The Green Investment Scheme established under the NCCP arranges the sale of surplus assigned amount units (AAUs) primarily to improve energy efficiency of existing buildings.

The government is developing the National Building Energy Strategy and the National Energy Efficiency Action Plan III. The Environment and Energy Operative Programme of the New National Development Plan 2007-2013 prioritised an increase in energy efficiency and the promotion of

sustainable energy production and consumption patterns. For 2014-2020, energy efficiency improvements, support of renewable energy solutions and adaptation to climate change are among the priority areas of the programme.

### Carbon pricing

Hungary is part of the EU ETS. Connected to the sale of surplus AAUs under the Kyoto Protocol, Green Investment Schemes (GIS) fund projects and programmes to mitigate global climate change. The GIS is being reformed to enable more effective emission reductions. A GIS Credit Guarantee Fund is being set up to enable applicants to draw state-guaranteed credit to fund measures aimed at reducing GHGs. The fund provides credit to finance building energy renovations, which often is not adequately available through traditional mortgage and personal loans.

### REDD+ and LULUCF

The first forestry law dates back to 1791 and was implemented to stop overexploitation and ensure sustainable use of wood. The forestry framework is defined by the 2009 Act on the Forest, Protection of Forestry and Forestry Management. Forest legislation provides a comprehensive framework with detailed operational rules and a centralised database to protect forests from harm and support reforestation.

There was 7.4m ha of forest at the end of 19<sup>th</sup> century, which fell to 1.1m ha by 1930, but forest area has gradually increased since then, reaching 2 million ha by 2010, thanks to afforestation measures. Multiple forest programmes are in place with collaborations with non-governmental organisations including the World Wildlife Fund (WWF).

### Transportation

The transport sector is petroleum intensive, accounting for 68% of the total petroleum consumption in 2009. Two-thirds of transport-derived carbon emissions come from vehicles, because the number of cars has increased while the average Hungarian vehicle is over 10 years old.. The Hungarian State Railway (MÁV) is being reformed to cut public transport costs. The National Transport Strategy initiated by the Ministry of National Development in 2012 was due to lead to adoption of an action plan for 2014-2020 by the end of 2014. The Transport Operative Programme of the New National Development Plan 2007-2013 prioritised improvements in public transport to provide economically and environmentally sustainable alternatives to individual transport and these priorities continue into the 2014-2020 programming period.

## Hungary: Legislative portfolio

<b>Name of Law</b>	<b>Act No.118 of 2010 concerning the promotion of the use of renewable energy for transport and the greenhouse effect reduction of energy used for transport purposes (Biofuels Act)</b>
<b>Date</b>	15 April 2011
<b>Summary</b>	The purpose of this Act is to reduce the impact of climate change caused by transportation-related emission activities. The Act stipulates that at least 10% of energy for transport must be produced from renewable sources by 2020. It sets the specific sustainability criteria and certification process necessary to fulfil the prescribed quota of biofuel. A 2013 amendment relaxed reporting obligations on fuel traders from monthly to annual. This Act is often referred to as the "Biofuels Act" as it widely addresses the promotion of biofuel use to reduce GHGs. This Act transposes Directive 2003/30/EC on the promotion of the use of biofuels or other renewable fuels for transport and Directive 2009/38/EC into Hungarian law.

<b>Name of Law</b>	<b>Act No.86 of 2011 on Electricity (Electricity Act)</b>
<b>Date</b>	25 March 2011
<b>Summary</b>	<p>The aims of this Act includes the following: to create an efficient electricity market; to exercise the principles of energy efficiency and conservation in the interest of sustainable development; to ensure access to electricity; to supply adequate electricity safely and smoothly at a transparent price; to protect the interest of consumers efficiently; to integrate the national electricity market into EU markets; to promote the establishment of new generation capacity and new network infrastructures and the access of new actors to the electricity market; and to promote the generation of electricity using renewable energy sources and wastes.</p> <p>The provisions of the Act applies to generation, transmission, distribution, trade and consumption of electricity; the operation of the electricity grid and ancillary services; establishment, operation and decommissioning of electrical installations, customer connection systems, consumer equipment and direct lines; and licensing in the electricity sector. This Act is framed in the belief that utilization of renewable energies and waste as fuel shall be promoted in order to protect the environment and nature.</p> <p>Some rules of the Act were modified under the Act No.29 of 2011 on renewable energy resources introducing the terms of green certificate or certificate of origin. This Act also implements provisions of several EU directives, concerning electricity market, electricity production from renewable energy and promotion of cogeneration.</p>

<b>Name of Law</b>	<b>Resolution of the Parliament on the National Climate Change Strategy (Resolution of the Parliament No.29 of 2008)</b>
<b>Date</b>	20 March 2008
<b>Summary</b>	<p>This Resolution adopted the National Climate Change Strategy (NCCS). General objectives and priorities of the period between 2008 and 2025 are set, and the strategy is to be implemented by the National Climate Change Program (NCCP).</p> <p>The NCCS is structured as following: framework for the elaboration of the climate strategy; mitigation of climate change; adaptation to the changing climate; and implementation of the strategy. The reduction target for 2025 is reduction by 16% to 25% from the 1990 level in case of a unilateral 20% reduction by the EU, or 27% to 34% from the 1990 level in case of a conditional target reduction of 30% by the EU. The implementation phase first addresses adoption of a National Climate Change Programme (NCCP) for a two-year period. Monitoring is applicable to NCCS and also the NCCP, which is to be prepared by a set of indexes that reflect the climate change efficiency of the economy or the carbon reduction (e.g. GHG emission per GDP, emission per capita, energy intensity).</p> <p>The NCCS identifies three major directions of actions for the long term climate change policy: to comply with EU and international requirements in order to reduce GHG emissions by reducing overall energy use; to fight against the unfavourable ecological and socio-economic effects of the inevitable climate change and improve adaptability to climate change impacts; and to raise social awareness of climate change. The government prepares annual reports on the progress of implementation of the NCCS to Parliament.</p>

## ***Hungary: Executive portfolio***

<b>Name of Policy</b>	<b>National Renewable Energy Action Plan (NREAP) for 2010-2020</b>
<b>Date</b>	December 2010
<b>Summary</b>	<p>This action plan constitutes the basis for action on resource efficiency and sustainability. The strategic objective of the EU stipulates a 13% increase in renewable energy capacity by 2020. The NREAP supersedes and overwrites the preceding target and renewable energy policy, and aims to increase renewable energy within the total gross energy consumption by 14.65% by 2020. In addition, there is a target of renewable energy accounting for 4.3% of gross final consumption of energy in 2005.</p> <p>The NREAP identifies significant potential in renewable energy sources, but many of them face environmental concerns as barriers and funding limitation. Some 16-17MW of hydropower could realistically be installed by 2020, but environmental concerns are</p>

limiting factors. Wind energy potential reaches several thousand MW, while also considered environmentally friendly, but it needs economic justification as it is highly intermittent. Geothermal energy potential in Hungary exceeds the global average but lack of funding is a significant barrier. Solar energy potential amounts to several tens of thousands of MW, but the most significant limiting factor is large investment cost. Heat pumps have theoretical potential of several hundred PJ, but face funding limitations. Biogas production potential in theory could exceed as much as 20% of energy demand for 2020. Biofuels have significant potential, but are limited by the financial burden of replacing current vehicles. The target trajectory of renewable energy by end use in 2020 is to increase to: 18.9% of heating and cooling; 10.9% of electricity; and 10% of transport.

The NREAP provides that the following will be financed: green economy development, research and development, adaptation to use of green electricity, biofuel benefits, tariffs and tax issues. It also aims to formulate incentives through regulatory and comprehensive programmes on sustainable energy management, renewable energy, simplification of authorisation procedures, establishment of regional energy agencies, and review of energy certification procedures for buildings. Social measures such as employment, national and regional training, social awareness-raising and network of energy experts are among the planned measures outlined in the action plan. Specific laws and programmes in question and associated details are included at the end of the NREAP.

<b>Name of Policy</b>	<b>Governmental Decree No.343 of 2010 concerning the requisites and certification of sustainable biofuel production</b>
<b>Date</b>	28 December 2010
<b>Summary</b>	This Decree provides for the requisites of sustainable production of biofuel. It also sets out rules regarding the sustainable production of biomass and the certification of sustainability. It contains rules on the compulsory share of biofuels in relation to traditional fuels, traceability of and reporting on the quantity of marketed biofuels, registration of biomass traders, processors and of fuel distributors. The Decree establishes the biofuel greenhouse gas emission database. It also foresees penalties for offenders. The authority that concerns agricultural matters is the Central Agricultural Centre.

<b>Name of Policy</b>	<b>Governmental Decree No.176 of 2008 on certification of buildings energetic features</b>
<b>Date</b>	30 April 2008
<b>Summary</b>	This Decree defines certification criteria of energy features in buildings. It obligates the issuance of energy certificate in the following areas: occupancy permission of the new estates; long term real estate rentals and buildings with net area over 1000 square meters; and occupancy by public authorities and institutions providing public services. The certification is voluntary for buildings and flats that were sold until 31 December 2011; from 1 January 2012 the energy certificate is compulsory.

This decree transposes European Commission Directives on energy end-use efficiency and energy services.

<b>Name of Policy</b>	<b>Governmental Decree No.2019 of 2008 adopting the National Energy Efficiency Action Plan</b>
<b>Date</b>	2008
<b>Summary</b>	This Decree adopts the National Energy Efficiency Action Plan (NEEAP). The first NEEAP outlined the existing planned energy efficiency measures to decrease the energy consumption by 1% annually during the nine years between 2008 and 2016. The objectives of the NEEAP I are as follows: alignment of Hungary's energy policy initiatives with those of the EU; finding the most cost-effective solutions for utilization of energy-saving potential; shaping consumer awareness and influencing the market in order to achieve long-term energy efficiency; informing market players of the structure and time frame of the plans; realization of the EU's energy efficiency expectations of member states; and consideration of climate protection aspects. According to the NEEAP and the Governmental decree No.64 of 2009, the Ministry of National Development (former Ministry of Transport, Telecommunication and Energy) is responsible for the preparation of NEEAPs. Co-

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ordination of the implementation of NEEAP and the verification of its progress falls under the responsibility of the Energy Centre, a government-owned energy efficiency, environment and energy information agency non-profit company. It is the national agency responsible for energy efficiency and renewable energy.

The Plan also notes that actions including the following could further save energy: extension of state aid to upgrade household appliances and lightbulbs; state aid to develop energy saving awareness activities; making the use of energy efficient office equipment obligatory; promotion of the dissemination of energy-saving building technologies; and strengthening the energy aspect of environmental and traffic safety considerations in connection with the import of used vehicles.

The NEEAP was modified in 2010 under the Governmental Decision No.1076 of 2010 on the Modified National Energy Efficiency Action Plan of Hungary (MNEEAP) and the second NEEAP (NEEAP II) was adopted under the Governmental Decision No.1374 of 2011. The NEEAP II includes shortcomings and an action plan aiming to solve them, national energy saving targets and measures in energy end-use, sectoral measures for energy saving and institutions responsible for implementation and monitoring. Identified shortcomings includes the lack of following: overarching, nationwide demand forecast based on reliable fuel and electricity demand forecast; sufficient monitoring of implementation of the measures in NEEAP I; reliable information on opportunities for energy savings in industry; energy data of dwelling houses; and reliable data about the energy consumption of public buildings.

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