

February 24, 2021

**To:** Virginijus Sinkevičius  
Rue de la Loi / Wetstraat 200  
1049 Brussels  
Belgium

**Joint statement of NGOs  
on the long-term protection of Hungary's lakes and natural environment**

Dear Commissioner Sinkevičius,

On behalf of the undersigned non-governmental organizations, we call to your attention the increasing environmental threats to Hungarian freshwater lakes: Lake Balaton, Lake Fertő, Tata Old Lake and Lake Velence. These unique biodiversity hotspots suffer from increasing pressure of state and private tourism investments.

In September 2019 the Commission received a complaint (CHAP(2020)00230) concerning tourism infrastructure investment in the Natura 2000 site at Fertő Lake. In January 2020, the complaint was further supplemented by additional arguments concerning possible infringement of Article 6(2) and Article 6(4) of the Habitats Directive and Article 6(2) of the EIA Directive. As shown by the most recent developments, indicated further in this letter, also other Hungarian freshwater lakes are experiencing problems similar to the ones of Fertő Lake. It is evident that Fertő Lake is not an isolated case and that the authorities are implementing more investments and using the same flawed legislation. We are alarmed by this situation and ask you to open an infringement procedure to avoid irreversible loss of precious Natura 2000 sites.

Lake Balaton, Lake Fertő, Tata Old Lake and Lake Velence are rich freshwater habitats, providing home to a number of priority species listed in the EU Nature Directives, including Root vole and Mud loach. The lakes are important breeding sites for a number of protected bird species such as Spoonbill, the Bittern, the Squacco Heron and the Little Bittern, the Red-crested Pochard and the rare Ferruginous Duck. Thousands of birds use these lakes as assembly points during migration periods. In recognition of their importance for nature conservation, these areas were designated as Ramsar sites under the criteria of the Ramsar Convention on Wetlands.

Moreover, the lakes were incorporated in the Natura 2000 network<sup>1</sup>. As such, they are protected by European Union legislation, which requires that the competent national authorities agree to a plan or project only after having ascertained that it will not adversely affect the integrity of the Natura 2000 site concerned and, if appropriate, after having obtained the opinion of the general public (Article 6(3) of the Habitats Directive). The public concerned should be given early and effective opportunities to participate in the environmental decision-making procedures (Article 6(4) of the EIA Directive). Reasonable time-frames shall be provided to allow sufficient time for

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<sup>1</sup> Fertő tó HUFH10001 (Birds Directive) and HUFH20002 (Habitats Directive), Velencei-tó HUDI20054 (Habitats Directive) and Velencei-tó és Dinnyési-Fertő HUDI10007 (Birds Directive), Balaton HUBF30002 (both Birds and Habitats Directive), Tata lake Tatai Öreg-tó HUDI10006 (Birds Directive)

informing the public and for the public concerned to prepare and participate effectively in environmental decision-making (Article 6(6) of the EIA Directive).

Unfortunately, a growing body of national legislation in Hungary limits public participation in the protection of Natura 2000 sites by restricting the capacity of non-governmental organizations to take action against harmful investments. Specifically, NGOs face growing obstacles in accessing environmental information and challenging environmental permitting processes. The process started in 2003 with the *Act CXXVIII of 2003 on the public interest character and development of the high-speed freeway network*, which aimed to fast-track administrative procedures for certain economic activities. It continued with the *Act LIII of 2006 on High-Priority Projects of National Importance* that extended the scope and further streamlined the permitting procedures of the largest investments in the country. Soon, the circle of subjects broadened, from the highways to all kinds of projects that might be important economically.<sup>2</sup> Public participation rights have been seriously limited by the above legislation. This includes, among others, (i) lack of transparency in classification process of priority investments, (ii) lack of limit of control mechanism on which investments are to be labelled as priority ones by the government and (iii) lack of notification system for clients concerned by the investment.

The practice shows that these “exceptional” procedures are increasingly used:

-At Lake Balaton, where various holiday cabin and hotel construction projects in Siófok<sup>3</sup> and Balatonaliga are planned,<sup>4</sup>

-At Lake Fertő, the project of construction of a 60 hectare tourism complex inside the Natura 2000 site Fertő tó SPA (SiteCode: HUFH10001) which is also registered as Fertő tó (SiteCode: HUFH20002), was authorised to proceed with construction linked to modify the water regime,<sup>5</sup>

-At Tata Old Lake, where the authorities are changing the local building regulation in order to provide an exception for a private hotel investment right at the shore of the lake<sup>6</sup>,

-At Lake Velence, where the authorities are changing the local building regulation in order to provide an exception for a private hotel investment right at the shore of the lake<sup>7</sup>.

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<sup>2</sup> Stepping stones of this process were *inter alia*: Act XLIX of 2008, Act XC of 2010, Act XXXV of 2012, Act VIII of 2015, Act CLXXXII of 2017 and Act CXV of 2019.

<sup>3</sup> For more information see:

[https://www.hirstart.hu/hk/20200710\\_az\\_allamot\\_kerik\\_hogy\\_ne\\_epuljon\\_meg\\_a\\_lakopark\\_a\\_siofoki\\_obszervatorium\\_mellett](https://www.hirstart.hu/hk/20200710_az_allamot_kerik_hogy_ne_epuljon_meg_a_lakopark_a_siofoki_obszervatorium_mellett)

<sup>4</sup> For more information see: <https://thevip.hu/2020/08/26/civilek-tiltakoznak-az-ujabb-balatoni-szalloda-ellen/>

<sup>5</sup> For more information see: <https://atlatszo.hu/2019/08/19/helyi-lakosokkal-es-ausztriaival-is-konfrontalodik-a-kormany-a-ferto-tavi-oriasberuhazas-miatt/>, <https://magyarepitok.hu/vizgazdalkodas/2020/10/atfogo-beruhazast-kivitelez-a-ferto-tonal-a-meszaros>

<sup>6</sup> For more information see: <https://merce.hu/2020/07/10/tata-sajat-ertekeit-tenne-tonkre-ezrek-tiltakoznak-az-oreg-tohoz-tervezett-szallodaepites-ellen/>, <https://index.hu/belfold/2020/09/19/tata-oreg-to-civil-tiltakozas-lanyi-andras/>

<sup>7</sup> For more information see: <https://merce.hu/2020/08/01/civilek-es-az-imp-vezetosege-tiltakozik-a-velencei-to-partjanak-beepitese-ellen/>, <https://444.hu/2020/07/26/gardonyban-attol-tartanak-hogy-a-polgarmester-beepitetti-a-velencei-to-partjat>, <http://www.atv.hu/belfold/20200723-nagy-a-feszultseg-gardonyban-az-onkormanyzat-tervei-miatt>

Therefore, we are calling on the European Commission to look into the disturbing developments concerning investments within and next to Natura 2000 sites encompassing Lake Balaton, Lake Fertő, Tata Old Lake and Lake Velence. We are also asking the Commission to open an infringement procedure for the complaint registered under CHAP(2020)00230 concerning Fertő Lake. The complaint shows serious problems with the authorities' introducing "exceptional" regulations to circumvent the general requirements for ensuring public participation and conducting environmental assessment.

Hungarian Great Lakes are not only of touristic and economic significance, but they also have a natural value that is outstanding both for Hungary and for European Union. Preserving these natural values is our shared responsibility for future generations.

Yours faithfully,

