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PÉCSI TUDOMÁNYEGYETEM
ÁLLAM- ÉS JOGTUDOMÁNYI KAR

COOPERATION BETWEEN CROATIA AND HUNGARY IN A FIELD OF ENVIRONMENTAL PROTECTION WITH SPECIAL REFERENCE ON SOME CORE OBLIGATION REGARDING THE PROTECTION OF BOUNDARY RIVERS

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CROATIA

HUNGARY

Drava

Danube

Mura

Nature Park „Kopački rit”

Biosphere reserve Mura – Drava – Danube

COMMON PROJECTS

1. The Hungarian – Croatian cross-border co-operation started in 2002 with the Hungary – Croatia Pilot Small Projects Fund within the framework of the Hungarian National Phare Programme

2. The Hungary – Croatia IPA Cross-border Co-operation Programme 2007 – 2013.

The Programme offers a wide range of opportunities to the potential beneficiaries in the frame of two priorities:

1. Sustainable Environment and Tourism and
2. Co-operative Economy and Intercommunity Human Resource Development

- the most important result of the co-operation: UNESCO declared a transboundary Biosphere reserve Mura – Drava – Danube between Croatia and Hungary, 2012.

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Sources of law:

- Convention on Cooperation for the Protection and Sustainable Use of the Danube River, 1994
- Treaty between the Government of the Republic of Croatia and the Government of the Republic of Hungary on cooperation towards protection from natural and civilization catastrophes, 1997
- Agreement on Co-operation between the Government of the Republic of Croatia and the Government of Republic of Hungary in the field of Environmental Protection and Nature Conservation, 2006
- national legislation regarding information sharing and information to the public in case of natural disasters

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Information sharing

1. Convention on Cooperation for the Protection and Sustainable Use of the Danube River (Danube River Protection Convention)

- Every Contracting Party is obliged to share information in basic topics in a form of reporting process
- obliges the Contracting Parties to exchange different kinds of information
- Parties to the convention have an immediate reporting obligation as well.

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Information sharing

2. Treaty on cooperation towards protection from natural and civilization catastrophe

- it obliges the two States to share every information relevant from the aspect of the field of co-operation

3. Agreement on Co-operation in the field of Environmental Protection and Nature Conservation

- does not mention the exchange of information among the Contracting Parties either, because it is essential for the co-operation among States

- the Contracting Parties also have immediate obligation to inform each other when an event or its imminent threat possibly having transboundary impacts occurs

4. Hungarian national legislation

- Act LIII of 1995 on general rules of environmental protection contains only general rules on this matter with reference to the international treaties of Hungary
- The duty to inform (and to co-operate) exists also towards the European Union and those of its Member States, which can possibly be touched by a damage to the environment

Croatian national legislation

- The right of access to information about the environment in the Republic of Croatia is regulated by the Environmental Protection Act.
- Environmental Protection Act also gives frame for reporting to international bodies and organizations
 - the delivery of data, information and reports and their exchange with international bodies and organizations shall be performed in the manner and within the deadlines set out by each individual document on assuming obligations.
 - A copy of these materials must be delivered to the Croatian Environment Agency (Croatian central information authority)

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Information to the public in case of natural disasters

1. Convention on Cooperation for the Protection and Sustainable Use of the Danube River Danube River Protection Convention

- no provisions on information to the public in case of natural disaster, only immediate information to Contracting Party
- the provisions of the Convention on systems for communication, warning and alarm refer to the whole Danube river basin and in fact serve only to supplement the systems that have been established and function on a bilateral level
- in order to control and reduce the risks from floods including ice-hazards, the competent authorities must immediately inform the downstream Danubian States likely to be affected and the ICPDR

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Information to the public in case of natural disasters

2. Agreement on Co-operation in the field of Environmental Protection and Nature Conservation

- both States are obliged to inform the public on environment and on the measures taken to prevent, monitor, reduce harmful effects on the environment and prevent accidents in the border areas that may have transboundary impact



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Information to the public in case of natural disasters

3. Treaty on cooperation towards protection from natural and civilization catastrophe

- no provisions on information to the public in case of natural disaster, only immediate information to Contracting Party
- Natural and civilization catastrophes are natural disasters, industrial accidents, and other adverse events of natural origin or origins of civilization with devastating effects, which significantly and severely damage or direct threat to life, its conditions, property and the natural environment, and in which case it is necessary to take emergency protective measures.
- both countries must report on the dangers, chances of natural and civilization catastrophes that can put the other State in danger

4. Croatian National Legislation of Information to the Public in case of Natural Disasters

- Environmental Protection Act

- the public has the right of access to environmental information held by public authorities, persons supervised by public authorities and persons holding information for public authorities

- public authorities and polluters shall, immediately upon discovery, notify the public without delay of any exceeding of prescribed limiting values of the emissions to the environment

- Protection and Rescue Act

- prescribes that every person has a right to full and prompt information about all the threats of catastrophe occurrence and possibilities, methods, measures and activities of protection and rescue

5. Hungarian National Legislation on Information to the Public in case of Natural Disasters

- Act LIII of 1995

- declares that every authority is obliged to share environmental information with the public

- does not contain rules, which would oblige State institutions to inform the public in case of emergency, with one exception, namely the local authorities should inform the civil population affected by smog emergency situation.

- 311/2005. (XII. 25.) regulation on the process of access to environmental information by the public

- regulates explicitly the obligation to inform the public in case of emergency situations

RED MUD DISASTER

- on 4th October 2010, the wall of a red mud reservoir has been broken and 800 hectares of territory had been flooded by red mud and alkaline water.
- the pollution did not spread to international rivers, there was no direct threat of transboundary damage.
- right after the catastrophe, Hungary has alarmed the Monitoring and Information Centre of the European Commission through the national authority responsible for civil emergency situations.
- the Croatian National Protection and Rescue Directorate was notified by the Monitoring and Information Centre of the EU mechanisms for cooperation in civil protection
- immediately upon receipt of the information, National Protection and Rescue contacted Directorate for catastrophes of Hungary and was in direct contact with colleagues from Hungary



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THANK YOU!

