

**Name of Exercise:** Car Battery Dismantling Facility Environmental Impact Assessment

**Location:** Monok, Hungary

**Participation Exercise under which Article?** *Article 6*

**Purpose of Participation Exercise:**

*To gain support for opposition to the proposals for the siting of a car battery dismantling facility in the village of Monok. This exercise was organised by a local NGO.*

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**Participation Techniques Used:**

About 15 years ago Perion Co., Hungary's largest battery producing company, purchased a piece of land near the village of Monok, inside the world-famous Tokaj Vineyard Region. While nothing significant happened in the following years, in 1996 and 1997 Perion Co. applied for permits at the Regional Environmental Inspectorate for collecting hazardous waste on the Monok site. Later this idea grew into the initiative of building a car battery dismantling facility on the site.

On 10 July 1996, Perion Co. applied for an environmental permit through an EIA procedure. As part of the process, the Preliminary Environmental Impact Statement was circulated among the neighbouring villages and towns. No public comment was received on this statement and the permitting proceeded further. However, all the village councils of the region except Monok expressed opposition to the proposal. As required by law, the project developer produced a Detailed Environmental Impact Statement, discussed in detail on 9 February 1998 at a public hearing held in Monok. The hearing was announced in advance in a proper form in the municipalities of the region.

On the same day, a local interest group of vineyard owners called 'Tokaj Renaissance' organised a large demonstration permitted by police against the facility. At the public hearing Tokaj Renaissance officially announced its claim for standing and expressed its opinion on future adverse effects of the facility. In order to be able to represent environmental interests, the bylaws of the Tokaj Renaissance had to be amended and protection of environmental interests was incorporated amongst the aims of the organisation.

However, the Regional Environmental Inspectorate refused standing to 'Tokaj Renaissance', stating that the amendment of the bylaws during the procedure does not enable the organisation to participate in the procedure.

'Tokaj Renaissance' filed a complaint against this decision of the Inspectorate at the County Prosecutor's Office. The latter agreed with the complaint and on 14 April 1998 ordered the Inspectorate to grant standing to the organisation. Tokaj Renaissance joined with the Mayor of the nearby town of Szerencs and the local Vineyard Council to oppose the facility.

A number of challenges were made by 'Tokaj Renaissance' against various aspects of the proposal. The organisation had a mediated discussion with the director and the environmental manager of Perion Co. where Tokaj Renaissance and the local Vineyard Council representatives presented their concerns. While sympathising with these concerns, the Period Co. representatives insisted that the facility would use best available technology, and the original proposal was not changed as a result.

The first level decision of the Regional Environmental Inspectorate permitted the building of the facility on 1 April 1998. Tokaj Renaissance appealed the decision on legal grounds, technical arguments, a marketing opinion (impact of the facility on the marketing of the Tokaj vine) and an environmental management opinion (economic effects of the project). Co-protesters against the decision were Clean Air Action Group (national environmental NGO), local Vineyard Council and four municipalities. Legal representation was performed by EMLA, a Hungarian public interest environmental law firm.

On appeal, the higher administrative authority refused the application for permit and ordered the lower authority to review the process once again. On 2 October 1998 the process officially ended because of no renewed application from Perion Co.

## Techniques used by NGO

Media coverage	Non-legal	Institutionalised	Legal
<ul style="list-style-type: none"> <li>• media coverage – national and local</li> </ul>	<ul style="list-style-type: none"> <li>• demonstrations</li> <li>• personal relationships and political influence</li> <li>• mediation</li> </ul>	<ul style="list-style-type: none"> <li>• active participation at the public hearing;</li> <li>• restructuring the NGO if needed for having standing in the case;</li> <li>• seeking allies in the region and seeking experts in the country</li> </ul>	<ul style="list-style-type: none"> <li>• complaint against refusal of standing;</li> <li>• complaint against funding from Central Environmental Fund;</li> <li>• appeal against first level decision</li> </ul>

### Who participated:

- Public – through demonstrations and public hearing
- Local NGOs
- Municipalities – in the EIA process (neighbouring villages)

The detailed Environmental Impact Statement was commented upon by Tokaj Renaissance, the Vineyard Council, Clean Air Action Group (a national NGO), and local honey producers. Many more people spoke at the hearing. The local mayor, village council, and some local residents spoke in favor of the proposal. According to participants in the process, the Mayor of Monok was a strong supporter of the proposal as evidenced by local media reports and village council resolutions. All other participants spoke against the proposal. Tokaj Renaissance and the local Vineyard Council held a strategic preparatory meeting at which their members' interests were discussed.

### What information was made available:

All available information was publicised either by Tokaj Renaissance or by the project developer. The Regional Environmental Inspectorate made public those data that were officially part of the EIA permitting process. No real information on the economic impacts of the siting was made available, in contravention of legal requirements.

The format Tokaj Renaissance used was the local media and complaints/appeals. Perion Co. did not advertise the proposal actively beyond the minimum legal requirements. The Regional Environmental Inspectorate and the Monok Municipality issued official announcements to the public and the parties to the case. Some charges were paid by Tokaj Renaissance for copying.

### What was the outcome of the public participation exercise:

Tokaj Renaissance was the only organisation whose standing was challenged by the authorities. Through further proceedings it received standing in the case, contributing to the prevention of the siting of the car battery dismantling facility. Also a strong and environmentally aware community was formed in this case. A new battery dismantling facility was being proposed for the southern Hungarian town of Komlo, with a public hearing scheduled for March 2000.

### Comments of participants in process:

The participation was very successful for the NGOs participating; the Mayor of Monok expressed his disappointment on the failure; other participants did not express views.

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**REC view on participation exercise:**

The overall process appears to have been open and fair and comported with many of the requirements of Article 6. However, the participation seems to have been dominated by one or two well-connected NGOs, whose strategic interests may not have corresponded to those of ordinary citizens. It is questionable whether the authorities took the effort to achieve genuine participation of the public at large.

**Significant omissions from requirements of Article 6:**

Facilitation and encouragement of public participation, as found in Article 3 and Article 6.5, were lacking. The documentation was lacking an "alternatives analysis" (6.6 (e)); in this case the developer did not examine other alternatives at all.