

# PART I. - CRIMINAL JURISPRUDENCE IN THE ENVIRONMENTAL SPHERE IN HUNGARY

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# JUDICIAL FRAMEWORK

- Specialisation of judges (military with chambers, juvenile with no training, economic crimes and traffic crimes – centralised)
- The example of the traffic case judges (technical knowledge, working with experts)

# Constitutional and criminal principles

- Legality principle (no retrospective measures, strict consideration of the rules of term of limitation – env.: longstanding status and consequences, floating border)
- Officiality principle (hardly can find exemptions, only in case of low level of actual danger)
- Plea bargaining (only in practice, although env. matters would require it), renovation or restoration can lead to reducing the punishment without limitation

# Statistics (prosecutorial)

	1998	1999	2000	2001	2002
Air, water and radiation					
Prosecutions (cas.started)	90	52	71	67	115
Indictments (convictions)	35	23	29	29	24
Waste and chemicals					
Prosecutions	36	47	51	120	60
Indictments	22	26	29	88	24
Nature					
Prosecutions	52	55	71	129	227
Indictments	33	22	48	83	166

# Statistics of the applied sanctions

Imprisonment (-served)	6-1	10-3	29-3	23-5	34-2
Fines	7	16	40	34	75
Others (p.i.work, sec.p., probation, reprimand)	10	6	10	20	14
Acquittals	4	18	16	6	14

# Precedent cases of the Supreme Court

- BH 2001.512

Horse tramping of illir trees – irreversible effects on a highly protected land. No fence, no supervision of 12 straying horses. Manure, grazing. 17 ha, 1200 trees. 300 days equivalent fine (500 HUF – 2 Euro) and the damages. Interests and procedural fee.

# Precedent cases of the Supreme Court, 2

- BH 2001.264

Purchasing a land, undertaking the clean up in the contract with the liquidator, than failing to do that. Dozens of barrels of mixed unknown materials and contaminated soil (estimated price was 5500 Euro). 10 months imprisonment, suspended for 1 year and 200.000 HUF (800 Euro) secondary fine

# Green commando

- Started in 2004 – joint survey and on site measures of the environmental, municipal, police and other authorities.
- With special targets (2004: dangerous facilities, 2005-6: transport of dangerous chemicals and dismantle of used cars, 2007: illegal waste shipment, 2008: illegal collection of coloured metals)



# Green commando cont.

- 625 surveys in half a year, 232 only the inspectorate, 75 the municipality clerck, 357 police, border guard or tax authority, 42 NGOs
- Measures: 309 – inspectorates (call for action, fine), 6 – clerck, 16 criminal cases, 12 measures from other authorities

PART II – AN INTERNATIONAL  
COMPARATIVE STUDY OF  
CRIMINAL AND  
ADMINISTRATIVE  
SANCTIONS  
EMLA, 2004

