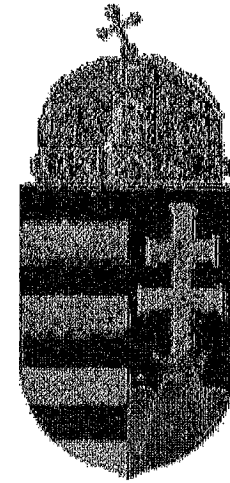


REPUBLIC OF HUNGARY



**Act LXXIV. of 1999
on the direction and organization of disaster protection
and the protection against serious accidents related to
hazardous materials**

1999

Act LXXIV. of 1999
on the direction and organization of disaster protection
and the protection against serious accidents related to
hazardous materials¹

In order to fulfil tasks arising from the Constitution and international conventions and for the purpose of the establishment and operation of a uniform direction system of prevention of natural and man-made disasters threatening life, security of property, natural environment and built structures and of protection against the damaging impact thereof, as well as of the introduction of regulations to be applied during emergencies and on disaster-stricken areas, parliament has enacted the following Act.

Chapter I.

GENERAL PROVISIONS

General rules

§1.

(1) Prevention of disasters and protection against them (hereinafter: disaster protection) is a national responsibility. The uniform direction of protection is a state responsibility.

(2) All citizens, that is, persons, shall be entitled to learn of any threats of disaster existing in their neighbourhood and the rules of conduct related to protection. It is their right as well as their obligation to participate in disaster protection.

¹ The Act was adopted on the 22. June 1999 session of the Parliament of the Republic of Hungary.

§2.

(1) Protection and the elimination of consequences shall be provided, through the coordination of the operation of organs set up for this purpose and of different protection systems, by the participation, that is, involvement of civil protection organizations established on the basis of the Act XXXVII. of 1996 on Civil Protection (hereinafter Act on CP). These organs embrace the following; professional disaster protection organs, the professional fire-fighters of local governments, economic organizations, the Hungarian National Home Defence Forces, the Border Guard, law enforcement organizations and the citizens and the National Meteorological Service, the National Ambulance Service, the State Public Health and Medical Officers' Service, voluntary social organizations, civil and public institutions established for this specific purpose and those causing or bringing about disaster of non-natural type and the state organs and the local governments (hereinafter: participants in disaster protection).

(2) Participants in disaster protection perform their tasks – unless provided otherwise by statutory provision – on the basis of the present Act, that is, under civil protection duty requirement.

Definitions

§3. For the purpose of the present Act:

- a) internal protection plan: in the event of a disaster situation or if a disaster has occurred, a plan related to the protection of life and property within any facility and for evacuation and the mitigation of damages.
- b) security evaluation: document prepared by an operator of a facility containing the general objectives of the operator

of a hazardous facility related to the prevention of serious accidents and the presentation of direction, management and technical tools which provide for a high-level protection of humans and the environment.

c) security report: document prepared by an operator of a facility serving to present existing procedures related to the prevention of significant accidents and security and direction methods serving their implementation and to prove that main threats are identified and the necessary measures for their prevention are taken and the security and reliability of their facilities are of the necessary level. It should also prove that internal emergency plans able to operate are available. The reports shall provide adequate information for the preparation of outer emergency plans and the development of authority opinions.

d) international assistance: transmission of materials and information to the UN, the NATO and directly to the Government based on international agreement as well as upon request for assistance in the framework of regional, border area agreements for the purpose of the elimination of the consequences of disasters and the provision of personnel and equipment sent for rescue and for the elimination of the consequences of disasters.

e) disaster: a state or situation to be declared an emergency or hazard, not reaching a level to be declared a classified situation (e.g. natural, of biological origin or caused by fire) which threatens or damages human life, health, property, essential supplies of the population, the natural environment, natural values in a way or to a degree that the prevention or elimination of damages or the liquidation of the consequences exceeds the protection possibilities, in an order of cooperation defined for organizations appointed for these tasks, and needs the introduction of specific measures and a continuous and strictly coordinated

cooperation of local governments and state organs or the use of international assistance.

f) disaster situation: threat of disaster of a level or disaster has occurred where the head of the authorized state organ determines the fact of the threat or occurrence of disaster and orders the necessary measures to be taken.

g) disaster protection plan: plan related to rescue and the introduction of measures in connection with the mitigation of damage and to the tasks of those participating in disaster protection, prepared for the threat of disaster or disaster.

h) disaster aid: in order to eliminate the consequences of a disaster, the provision of basic sources of subsistence in the disaster-stricken area from reserves established in the central budget.

i) disaster-stricken area: area where the damaging impacts of a disaster have their effects and this is declared by the Government.

j) disaster protection: planning, organization, coordination, execution, direction, establishment, operation, sounding the alarm, data delivery and control activities which serve to prevent the occurrence of disaster, the elimination of direct threats and of sources which may cause disaster, the mitigation of their damaging impact, the protection of life and property of the population, the provision of basic sources of subsistence in the disaster-stricken area, rescue and the establishment of the conditions for recovery.

k) threat of disaster: process or state (e.g. of natural or biological origin or caused by fire) which directly and seriously threatens human health, environment, the safety of life and property when a disaster is likely to occur.

l) disaster-threatening activity: human activity, or failure to perform an activity, as a consequence of which disaster may occur or a threat of disaster develops.

m) risk: probability of development of threat damaging health or the environment which exist in a given area, within a given period of time and under determined circumstances.

n) Outer protection plan: plan related to the introduction of measures to be taken, executive organization(s), direction and the delivery of data in the interest of the protection of the population living in the neighbourhood of a hazardous facility and to the mitigation of damage to material property and the environment.

o) Prevention: any activity or employment of measures directed at the elimination or mitigation, to a minimum level, of situations which may result in a disaster, and at the limitation, to the smallest possible level, of the probability of any damaging impact.

p) extraordinary event: any unexpected event which occurs or may occur in a hazardous facility during normal operation, or in technological processes, which needs immediate intervention or includes the threat that the process may become uncontrollable.

r) serious accident: any event seriously threatening or damaging the life, health and material property of the population or the environment, the consequences of which can be eliminated by forces established for this purpose, and for which there is no need to introduce the special measures related to the event of disaster.

s) operator (runner) of a facility: an economic organization, natural person, legal entity or organization without legal entity operating or maintaining a hazardous facility or a hazardous industrial plant.

t) threat: natural characteristics of any hazardous material or any circumstance which may have a damaging impact on human health or the environment.

u) hazardous material: material, mixture or product reaching a limit value corresponding to criteria defined in Government Order for the execution of the present Act and determined and described in the Annex to the Government Order, which exist as raw material, product, by-product, as or intermediate product, including materials which may probably develop as a result of occurrence of accident.

v) serious accident related to hazardous materials: extraordinary event related to the release of hazardous material, fire or explosion to a degree which takes place, during the operation of a hazardous facility, as an uncontrollable process and which seriously threatens or damages, within or outside a facility, directly or slowly, human health or the environment.

w) hazardous industrial plant: areas under the control of a given operator (of a facility) where, in one or more hazardous facilities (including common or connecting infrastructure), hazardous materials are at present in a quantity bigger than the limit value defined in statutory provision issued for the execution of the Act.

x) hazardous facility: part of an area under the control of an operator (machine, building technology) where hazardous materials are produced, used, transported or stored. This includes all equipment, structures, pipelines, machines, tools, industrial rails, unloading docks, drawing stations, stores, fixed or mobile water facilities.

y) hazardous activity: activities performed by the use of industrial, biological (agricultural) or chemical procedures which, if they become uncontrollable, threaten or damage human health, the environment or the safety of life and property on a mass scale.

z) hazard or hazardous situation: a situation defined in section (2) of § 2. of the Act on CP.

zs) domino effect: any accident occurring in a hazardous facility which, extending to any other hazardous plant situated near, increases the probability of a further serious accident, or aggravates the consequences of the accident which has occurred.

Scope

§4.

(1) The present Act shall be applied to any disaster-related activity to be performed in the event of disaster or for the prevention thereof (including protection against serious industrial accidents) within the territory of the Republic of Hungary, and whenever protection against the impact of a disaster is necessary on the territory of the Republic of Hungary.

(2) Scope of Chapter IV. of the Act shall include hazardous facilities operated, on the area of the Republic of Hungary, with hazardous materials in a quantity exceeding limit value defined in separate statutory provisions, and by public administration and economic organs, local governments and citizens concerned in the prevention of and protection against serious industrial accidents.

(3) Scope of Chapter IV. of the Act shall not include:

- a) activities, powers and obligations defined in section (1) § 1. of the Act CXVI. of 1996 on the Use of Nuclear Energy,
- b) transportation of hazardous materials outside hazardous facilities by public road, rail, air or sea and their temporary storage outside a hazardous facility,

- c) transportation of hazardous materials outside hazardous facilities by lines including pump stations,
- d) above-ground or deep working mines performing exploration,
- e) waste-deposits,
- f) military facilities, including storage facilities.

Chapter II.

DIRECTION OF PROTECTION AGAINST DISASTERS Responsibilities of the Government

§5. The Government shall, related to the organization and direction of disaster protection:

- a) organize the direction of protection against disasters and the coordination of execution and the fulfilment of government-level tasks of planning and the interagency coordination of the performance of tasks related to the preparation for the elimination of the consequences of disasters, and to prevention and execution. For the purpose of this coordination, it shall establish a Government Coordination Committee and determine its rules of procedures – taking into consideration its scope of tasks and range of authority – and approve its Rules of Organization and Functioning,
- b) define responsibilities of the members of the Government and state organs concerned in protection, related to disaster protection,
- c) sign international agreements on mutual information and assistance and cooperation in the field of prevention,
- d) harmonize education, training, scientific research and technical development activities related to disaster protection,
- e) establish a national disaster protection information system,

- f) prepare for announcement of the drafts of decrees containing differing provision(s) from those of acts in force, to be introduced during a hazardous situation and transmit them to persons and organizations responsible for the execution thereof,
- g) make proposals for the annual budgets to estimate financial resources which can be used for home and international assistance,
- h) establish the system of Hungarian participation in international assistance.

§6. During the direction of disaster protection, the Government shall:

- a) decide on the use of foreign (international) assistance necessary for protection and
- b) decide on the provision of assistance for any foreign state.

Measures of the Government

§7.

(1) the Government shall

- a) in a disaster situation of a degree demanding the proclamation of a state of disaster, issue an order proclaiming it and decide on the declaration of the whole area or a determined part of the country as disaster-stricken area. In the event of disaster, it shall initiate the declaration of a state of emergency,
- b) introduce, by an order, according to section (4) of § 199. of the Act CX. of 1993. on National Defence (hereinafter: Act on ND), rules to be applied during a hazardous situation. It shall provide for the taking of the necessary temporary measures in the National Budget and for the provision of information to Parliament to

this end. Measures introduced by orders shall be in force until the threat of disaster passes or the consequences are eliminated, but until a maximum of fifteen days. Parliament is entitled to give authorization for the extension of this period.

(2) During a hazardous situation, the Government shall be entitled to introduce the measures mentioned in section (1) by issuing an order related only to the affected area.

(3) During a pressing event, the orders of the government can also be announced through public service (national, regional and local) broadcasting companies (extraordinary announcements) and can be entered into force from a determined point of time of the day. Orders announced this way shall be published in the next issue of the Hungarian (Official) Gazette.

(4) An order published as an extraordinary announcement shall be published in national and local dailies on the day or the following day of the announcement.

§8. In the event of direct threat of disaster or of disaster the Government shall be entitled, by notifying Parliament and the President of the Republic subsequently, to

- a) order simultaneous mobilization of civil protection organizations,
- b) order the involvement of the Hungarian National Home Defence Forces, the Border Guard and the law enforcement organizations,
- c) in case the forces and assets to be employed in peacetime of the Hungarian National Home Defence Forces are not sufficient for protection or the elimination of consequences, decide on the employment of those obliged to perform military service and are in

reserve, and the keeping of returnees in reserve, and on the duration and order of the fulfilment of service.

Government Coordination Committee

§9. The Government Coordination Committee (hereinafter: the Committee) shall, for the preparation for protection and prevention, establish and enforce uniform requirements of preparation and protection during the preparation of Government decisions related to disaster protection.

§10. In the field of the direction of protection, the Committee shall

- a) coordinate the disaster protection activities of the presidents of the county defence committees and the defence committee of the Capital, and of organs participating in protection,
- b) coordinate protection activities of the ministries and organs with national sphere of authority,
- c) coordinate defence and protection activities of the Hungarian National Home Defence Forces, the Border Guard and the law enforcement organs.

§11. The Head of the Committee shall initiate the use of international assistance necessary for protection and the prevention of threat of disaster towards the Government, and coordinate the activities of the Hungarian and foreign organs and organizations participating in protection.

§12. For the purpose of the prevention of threat of disaster, or during disaster protection, a Working Committee on Protection shall operate in order to deal with the consequences. Direction of disaster protection shall be realized by the participation of line ministers concerned.

Responsibilities of the Minister of the Interior

§13.

(1) The Minister of the Interior shall be responsible for the operation of disaster protection organizations subordinated to him.

(2) The Minister of the Interior shall

- a) appoint or relieve the head and deputy head(s) of the General Directorate of National Disaster Protection, Ministry of the Interior,
- b) approve the Rules of Organization and Functioning of the General Directorate of National Disaster Protection,
- c) decide on the establishment or dissolution of regional and local organs performing disaster protection activities subordinated to him,
- d) order partial employment of civil protection organizations by subsequently informing the Government,
- e) regulate disaster protection tasks of the Border Guard and law enforcement organs subordinated to him,
- f) decide on the use of annual budget estimates remitted to his sphere of competence by the Parliament for the purpose of international assistance.

Responsibilities of competent ministers and heads of organs with national sphere of authority

§14. Appointed ministers and heads of relevant organs with national sphere of authority shall be responsible for planning, organization and direction activity related to disaster protection within their sphere of competence. In the framework of this they shall

- a) determine obligations related to data delivery, reporting and the issuing of permits in connection with the line activity, and perform regulation and law enforcement tasks necessary for the enforcement of these obligations,
- b) direct the fulfilment of preventive protection tasks,
- c) determine, in the system of state budget planning and by the consent of the Minister of Finance, financial conditions necessary for the operation of the line disaster protection system and organs,
- d) establish and have the telecommunication, information technology and measurement and monitoring systems aimed at disaster protection operated in a uniform direction system,
- e) designate subordinate organs to participate in disaster protection and organizations suitable for continuous cooperation, and to broaden activities with local participation, from among economic and voluntary civilian organizations which can be involved in disaster protection, and determine their relevant tasks. Based on statutory provision they shall take measure for their preparation and the establishment of conditions for operation.

Responsibilities of the defence committees of the counties, the capital and the localities

§15.

- (1) Within their sphere of competence, the defence committees of the counties, the capital and the localities shall coordinate the performance of and preparation for tasks related to disaster protection of organs defined in section (1) §66. of the Act on ND.

(2) Tasks of preparation and prevention related to the county, capital and local level coordination shall be fulfilled by defence committees defined in §§ 15. and 17. of the Act on ND, within their sphere of competence, in cooperation with the disaster protection organs of the counties and the capital, respectively.

§16.

(1) The defence committees of the counties and the capital shall direct and coordinate, within their sphere of competence, the disaster protection tasks of the local defence committees and mayors.

(2) The defence committees of the counties and the capital shall, for the purpose of preparation,:

- a) coordinate preparation tasks of organs concerned in disaster protection defined in statutory provisions and professional guidelines,
- b) direct protection preparation activity of the mayors,
- c) direct disaster protection planning activity within their sphere of authority,
- d) organize mutual assistance among localities (or districts of the capital) and notification, raising the alarm and information,
- e) provide for conditions of mutual assistance among counties and the capital,
- f) organize regional level cooperation of public administration institutions, military forces, law enforcement organs and social organizations,
- g) organize preparation and raising the alarm and information of the population and organs concerned in protection,

- h) be responsible for the establishment of regional civil protection organizations based upon civil protection duty requirement,
- i) be responsible for the maintenance and provision of the operational ability of command & control systems necessary for protection.

Responsibilities of the heads of the defence committees of the counties and the capital

§17. The heads of the defence committees of the counties and the capital shall, in cooperation with the defence committees, in the field of the direction of protection:

- a) organize the performance of regional protection tasks defined by the government,
- b) direct protection and initiate measures within the authority of the government,
- c) be entitled to draw direction of protection to their sphere of competence if, according to their own opinion or that of mayors concerned, the protection against disaster exceeds the protection possibilities of a given local defence committee, and shall notify the committee thereof without delay,
- d) during a pressing event, order, as an appropriate to the local situation, the evacuation of the population from threatened areas and inform the government thereof without delay,
- e) continuously evaluate the situation developments and the state of protection, and inform the committee and the public opinion thereof,
- f) order, on the basis of the decree of the Minister of the Interior, or in an urgent case by subsequently informing him, the employment of civil protection organizations,

- g) coordinate the evacuation, displacement, reception and supply of the population and material property and the organization of local protection.

§18. In case cooperation between several organs is necessary in regional or local level protection, leaders responsible for the direct command of protection, within their sphere of competence, shall be designated by the presidents of the defence committees of the counties, the capital, the localities and the mayors, and by the government or its commission if more than one county is affected. Until designation takes place, the leaders of the organs primarily concerned with combatting the consequences of events shall direct protection.

Tasks of the mayors

§19. Mayors shall direct and organize, within their remit, the tasks of preparation and protection. In the framework of this they shall

- a) be responsible for the development of disaster relief plans of the localities and the districts of the capital and for the provision of the conditions of protection, taking local conditions into consideration,
- b) direct preparation for protection,
- c) oblige citizens under civil protection duty requirement, in the interest of disaster protection, to perform civil protection service and assign them to regional, local, district and workplace civil protection organizations for training and exercises,
- d) provide for information on threats of disaster including rules of conduct for persons living or staying in their area of competence,

- e) be entitled to initiate the government to declare, based upon separate statutory provision, a locality, within their sphere of authority, a disaster-stricken area.

§20.

(1) The mayors shall, at the localities, during protection:

- a) direct local disaster protection activity,
- b) during an emergency order necessary temporary measures to be taken for the protection of human life and property and inform the presidents of the defence committees of the counties and the capital thereof without delay,
- c) organize and direct protection, evacuation, displacement, reception and re-settling of the population,
- d) organize and direct protection of property and the supply of the population with subsistence,
- e) order, based on decisions of the presidents of the counties' general assemblies or the mayor of the capital, or during an emergency, by subsequent information thereof, the employment of civil protection organizations,
- f) cooperate with the mayors of other localities and organizations involved in protection, during the fulfilment of disaster protection tasks.

(2) Disaster protection (professional) tasks of the presidents of the defence committees of the counties, the Capital and the localities shall be performed with the participation of law enforcement bodies listed in section (1) § 25.

Miscellaneous organizational provisions

§21.

(1) The presidents of the defence committees of the counties and the capital and the mayors shall be entitled, in the interest of the fulfilment of civil protection duty requirement and the planning and execution of civil protection tasks, to call organs or authorities in the possession of data on employees to transmit personal data defined in section (2) § 33. of the Act on CP and data related to the occupation and skills of employees, or to the technical equipment of the organs or authorities.

(2) Organs in possession of data shall be obliged to deliver it within 15 days.

§22.

(1) The presidents of the defence committees of the counties and the capital and the mayors shall act during the direction and execution of civil protection tasks determined in the present Act in their state administration sphere of authority provided in section (2) § 7. of the Act LXV. of 1990. on Local Governments.

(2) The presidents of the defence committees of the counties and the capital and the mayors shall fulfil their civil protection tasks by the participation of the offices of the counties' general assemblies, the office of the mayor of the capital, the offices of the mayors, the working groups of the defence committees and the competent professional disaster protection organizations.

(3) In order to perform civil protection tasks, civil servants and public employees may be obliged to work overtime.

§23.

(1) Voluntary social and charitable organizations shall render assistance and cooperate if they declare their readiness to do so.

(2) Conditions of eligibility of voluntary organizations and persons shall be determined by the Minister of the Interior or competent minister.

(3) Assignment to protection activity of persons and social and charitable organizations rendering assistance voluntarily shall be under the command of the mayor.

General obligation related to notification and participation

§24.

(1) Those observing a disaster as described under item e) § 3. or a threat of disaster as described under item k) § 3. or becoming aware of it shall be obliged to report it without delay to the professional organs of disaster protection and the fire brigades of the local governments and the offices of the mayors.

(2) Natural persons and organizations shall be obliged, upon call of leaders responsible for direct direction of protection determined in § 18. of the present Act, to assist protection through

- a) delivery of data and other information,
- b) direct participation,
- c) making real estate and/or personal assets suitable for protection available or allowing the use of it.

(3) The fulfilment of obligations contained in section (2) may be denied only if through the fulfilment of any obligation human life or health would be directly and seriously threatened.

Chapter III.

ORGANS SUBORDINATED TO THE MINISTER OF
INTERIOR PERFORMING DISASTER PROTECTION
AND THEIR RESPONSIBILITIES

Professional organs

§25.

(1) Professional organs are: General Directorate of National Disaster Protection, Ministry of Interior, participating in the fulfilment of disaster protection, organs integrated from the national organs of the Civil Protection and the State Fire Service and their regional organs, law enforcement organs integrated from county headquarters also performing state administration tasks.

(2) The General Directorate of National Disaster Protection, Ministry of Interior and its regional organs perform tasks determined in statutory provision for the professional state fire brigade and the civil protection organizations.

(3) The disaster protection organization of the Ministry of the Interior shall consist of a central organ with national authority, the General Directorate of National Disaster Protection and regional organs. Their members are professional personnel, civil servants and public employees

(4) The regional organs are the county directorates, to which civil protection branch offices shall operate as local organs. The civil protection organization of the capital shall operate in direct subordination to the central organ; its local organs shall be the district branch offices. The county

directorates shall supervise the activity of both the professional local government and voluntary fire brigades along with those of any local facilities.

The central organ

§26. The central organ shall be the General Directorate of National Disaster Protection, Ministry of the Interior, which has full authority and is financed by the state budget with its own finances. The Director General shall, in cooperation with both the local government and voluntary fire brigades: the fire guards of the local governments and the facilities and the voluntary fire guards:

- a) fulfil tasks defined for him/her in statutory provisions,
- b) determine professional requirements of the performance of civil protection, fire protection, engineering and disaster protection tasks; direct and control the professional work and activity of subordinated organizations,
- c) participate in planning related to the prevention and elimination of possible consequences of disasters, under the direction of the Ministry of the Interior,
- d) elaborate planning, organization and preparation professional principles and requirements related to disaster protection, perform planning and organization tasks related to the protection of the population and direct the activity of the subordinated organizations aimed at combatting the consequences of any events,
- e) participate in international cooperation aimed at the prevention and elimination of disasters,
- f) if appropriate, provide for the availability of organs designated for international assistance and for their

- transportation to any disaster-stricken area of a foreign state; organize the practical aspects of disaster assistance and the transport of supplies; maintain continuous contacts with international disaster protection organizations and involve different charitable organizations, the Hungarian Red Cross and international charitable organizations or their Hungarian divisions which have signed an agreement with the General Directorate, in this activity,
- g) perform authority or specialist authority activities and expert tasks belonging to its sphere of competence,
 - h) fulfil tasks related to the establishment, preparation, supply and employment of civil protection organizations and planning and organizations tasks related to the protection of population and property,
 - i) cooperate with domestic and international disaster protection organizations during disaster relief,
 - j) ensure experts necessary for the organs of defence administration and participate in the planning tasks of the defence administration,
 - k) Cooperate with the disaster prevention organizations of national organizations.

The head of the central organ

§27.

(1) The Director General of the General Directorate of National Disaster Protection, Ministry of the Interior, shall direct the central organ and the operation and professional activity of the regional and local organs of the General Directorate.

(2) The Director General shall be responsible for:

- a) the direction of the operation and professional activity of the regional and local organs,
- b) the performance of tasks determined in statutory provisions,
- c) the continuous preparedness of subordinated organs involved in international assistance; the organization of international assistance and the coordination of related tasks.

§28.

(1) In his/her central direction and sphere of authority, the Director General shall

- a) be entitled to give instructions directly to the heads of the county directorates in cases determined in separate statutory provision,
- b) provide for the development of the Rules of Organization and Functioning and other internal regulations, their conformity and enforcement,

- c) approve the Rules of Organization and Functioning of the county directorates,
- d) exercise employer's right, as determined in separate statutory provision, over the head of the General Directorate and those of the county directorates and the local civil protection bodies.

(2) The Director General shall, in his/her sphere of authority related to the direction and coordination of disaster relief:

- a) provide for the conditions of operation of the professional disaster protection organizations and plan and supervise developments approved for protection against disasters,
- b) submit proposals to the Minister of the Interior for the framing of statutory provisions related to the functioning and areas of activity of disaster protection and of other legal means of state management,
- c) participate in the preparation of international agreements and in the maintenance of international relations,
- d) provide for the full enforcement of the provisions of disaster protection agreements signed by the Government,
- e) provide for the continuous fulfilment of tasks in connection with regional and border area cooperation.

§29. The directorate of the capital and the county directorates are financed by the state budget which act as the authority of first instance, as defined in statutory provisions; fulfil tasks determined for them in statutory provisions and rules of procedure, and direct and supervise branch offices.

Chapter IV.

RULES OF PROTECTION AGAINST SERIOUS ACCIDENTS IN CONNECTION WITH HAZARDOUS MATERIALS

§30.

- (1) Permission related to the building and use of a hazardous facility, and to commencing any hazardous activity, may be given only by the General Directorate of National Disaster Protection, Ministry of the Interior (hereinafter: Authority), and with the consent of the Technical Security Chief Inspectorate (hereinafter: "MBF", the Hungarian abbreviation)- as special authority. An operator of a facility shall be obliged to submit an application to the Authority in order to get permission. One copy each of the security report or evaluation must be enclosed with the application.
- (2) An operator of a hazardous facility already operating on the day of the entering into force of the present Act shall be obliged to report his/her activity to the Authority by 31 December of the third year following the entering into force of Chapter IV. of the present Act. The provisions of the present Act shall apply with the provision that one copy each of the security evaluation or security report shall be enclosed with the report.
- (3) In case of facilities belonging to the scope of the present Act are in the process of planning or building at the date of the entering into force of the present Act, the provisions of section (2) shall be applicable.

§31.

- (1) The establishment, enlargement or closing down of any hazardous facility and the borders of the hazardous areas thereof shall be indicated in regional development and area settlement plans defined in separate statutory provisions. Activity related to the permission for construction shall be regulated by separate statutory provision, taking the security requirements in the neighbourhood of hazardous facilities into consideration.
- (2) The closing of a hazardous facility or the temporary stopping of any hazardous activity shall be reported. Furthermore it shall be reported if the quantity of hazardous materials present in any hazardous facility exceeds to a significant degree (by 25%) the value reported in the latest security evaluation or security report or if a plant, a facility, storage equipment, the technological procedure or the type of hazardous materials applied changes to a considerable degree and the change has any impact on security. A security evaluation or report on the new circumstances shall be enclosed with the report – excluding the closing of a hazardous facility or cessation of a hazardous activity.

§32.

- (1) If the quality of hazardous materials in any hazardous facility reaches the lower limit value, but it does not exceed the upper limit value determined in the statutory provision, the runner of the facility has to make a security analysis and to present it to the competent authority. The authority may check its validity. The authority shall be obliged to examine whether a change may result in a domino effect. If so,

the authority shall take measures for the coordination of the accident prevention policies, security direction systems and internal emergency plans of plants and facilities concerned, and to inform the population and for the fulfilment of outer emergency plans.

- (2) Provisions of a security evaluation related to prevention shall be developed in a way that the protection of the health and the environment must be ensured at a high level. To this end, it shall contain a concept related to the assets and the system of organization and command and control.

§33.

- (1) If the quantity of hazardous material in a hazardous facility reaches or exceeds the upper value determined in statutory provision, an operator of a hazardous facility shall be obliged to make a report to the Authority on this. A security report, the content of which shall be determined by a separate statutory provision, shall be enclosed with the report.
- (2) In case of a hazardous facility in operation, a security report shall be reviewed by an operator of a hazardous facility in periods as determined by separate statutory provision (in every five years at a minimum) and shall be updated, if necessary. The report supervised shall be sent to the Authority. The Authority shall determine on the basis of the report on the extension of the permit or the conditions of the extension.

§34.

- (1) The Authority shall notify the mayors of the threatened localities or the mayor of the capital of the beginning of the permit procedure by simultaneously sending the security report.
- (2) If the entirety of a hazardous activity or the internal (in-facility) system of protection is changed, a new or additional security report shall be developed which shall be sent, at last sixty days prior to the beginning of a hazardous activity, to the Authority and the relevant mayors. If a permit related to the change is denied by the Authority, the changed activity shall not be allowed to begin.
- (3) Security reports are accessible to the public and the mayors and the mayor of the capital shall be obliged to ensure access to them. If a security report also contains factory or business secrets, the Authority may permit that an extract excluding secret part(s) made by the operator of a facility shall be made accessible to the public.

§35.

- 1) Development of outer protection plans shall be the responsibility of the regional organs of the General Directorate of National Disaster Protection, Ministry of the Interior and the mayors of the localities concerned. Requirements related to the content and the deadline for the preparation of outer emergency plans shall be determined by separate statutory provisions.

- 2) The Authority shall, as defined in separate statutory provisions, collect and evaluate technical, organizational and direction information related to the prevention and elimination of serious industrial accidents, and prepare national reports on the events.

§36. An operator of a facility shall be obliged to ensure, in cooperation with the Authority, as defined in separate statutory provision, the possibility for the public to voice its opinion prior to the issue of permission related to new hazardous facilities or to modification of an existing facility any significant or prior to the issue of extension of permission for operation.

§37.

- (1) The Authority shall transmit copies of permits issued for the performance of a hazardous activity to the mayors of the threatened localities, and the presidents of the defence committees of the counties and localities.
- (2) The Authority shall inform regularly, and at least on one occasion annually, the police headquarters of the counties or the capital, the fire brigade headquarters of the local governments, the State Public Health and Medical Officers' Service, the relevant environment inspectorate and the relevant local office of the National Ambulance Service, of those performing hazardous activity.

§38.

- (1) The Authority shall withdraw a permission defined in §30. and oblige an operator of a hazardous facility to take measures necessary for the prevention of a serious industrial accident if conditions for state operation are not being met for any reason. Until a measure prescribed is taken, the carrying out of a hazardous activity may be suspended.
- (2) If an operator of a facility does not fulfil his/her obligations or begins with a hazardous activity without proper permission, the Authority may prohibit the continuation of a hazardous activity.
- (3) At the expense and for the responsibility of the obliged the Authority may
 - a) prohibit, with the participation of the police, according to separate statutory provision, the entry or stay of persons employed in a facility or of those staying in a facility and order the closure of the premises of a facility using the authority seal,
 - b) order the safeguarding of a facility in a secure way,
 - c) order
 - ca) transportation,
 - cb) destruction, according to environment protection regulations or
 - cc) elimination of the dangerous characteristics of hazardous materials and equipment at the facility.

§39. An operator of a facility shall be obliged

- a) to draw up internal protection plans which contain the description of assets and the plant management system so that the protection of human health and the environment is ensured. Copies of the plans shall be transmitted to the Authority and the defence committees of the counties and the capital. Requirements related to the content of an internal protection plan shall be determined by separate statutory provision,
- b) to deliver data for the county and regional level organs of the Authority to support the elaboration of outer protection plans,
- c) to take every measure in order to prevent the risk of an accident and to mitigate the effects of an accident should one occur.

§40. If a change takes place in a facility or an organization performing protection which increases the risk of a serious industrial accident, the operator of the facility shall be obliged to update internal protection plans and to review them at least every 3 years at a minimum and to test them using a trial alarm. The results of updating and reviewing of the plans and the test alarm shall be put on record and sent to the Authority and the defence committees of the affected counties and the capital.

§41. Within a facility, tasks related to the mitigation of the consequences of serious accidents shall be determined by the operator of the facility. The tasks of the Authority, the affected state and local government organs shall be determined by separate statutory provision.

§42. Provisions laid down in §§ 36 – 39. shall be enforced within three years after the entering into force of Chapter IV. of the present Act at the latest.

§43. An operator of a facility shall be obliged to notify without delay the Authority – via the duty services of the disaster organs of the counties and the civil protection organs of the capital – and the president of a competent defence committee and the mayors of the local governments of all affected localities of the following:

- a) circumstances of a serious accident or extraordinary event,
- b) hazardous materials concerned in a serious accident or extraordinary event,
- c) data necessary for the evaluation of the impact on the population, material property and the environment and
- d) measures taken.

Chapter V.

ORDER OF COVERING AND PAYING THE EXPENSES OF PROTECTION

§44. Persons participating voluntarily and those involved in participation in disaster protection shall be entitled to compensation for costs occurred during protection as a consequence of personal participation or making available of assets or services or the use thereof which are not compensated for on the basis of insurance, and their costs arising in connection with this shall be repaid. The State shall be responsible for compensation and the payment of the expenses. The State in turn shall be entitled to compensation from the operator of a facility or a proprietor.

§45.

(1) Persons participating in protection shall be entitled to compensation for losses and the payment of expenses which are not compensated on the basis of social security regulations related to factory accident or illness in connection with their occupation from the State, if damage to their health or accident resulting in death occurs.

(2) For the compensation of persons participating in protection under civil protection duty obligation for any grievance or injury and for their social security care, the provisions of the Act on ND (§§ 164 – 190.) on the social security and accident care of persons performing their national defence obligations shall apply.

Covering the expenses of protection

§46. Expenses for the preparation of the state organs, the defence committees and organizations designated for disaster protection and for the protection against disaster of these organs and organizations shall be borne by the State.

§47. Expenses of preparation shall be planned by those concerned in their annual budget.

§48.

(1) Expenses related to the protection against disaster of bodies and organizations involved in execution shall be paid from the state budget.

(2) As decided by the Government, expenses aimed at the mitigation of damage in a disaster stricken area should also be covered by the state budget.

Chapter VI.

CLOSING PROVISIONS

§49.

- (1) This Act shall come into force – excluding Chapter IV. – on the 1st of January 2000.
- (2) The Act on the announcement of the Guidelines 96/82/EC of the European Council (on threats of serious accident connecting to some industrial activities) shall decide on the coming into force of Chapter IV.

Provision referring to the provisions of the European Commission

§50. This Act contains regulation in the subject matter of the European Agreement signed in Brussels on the 16th of December 1991 on the establishment of association between the Republic of Hungary and the European Commission and its members states, in accordance with § 3. of the Act No. I. of 1994 on the announcement of the agreement which can be harmonized with the Guidelines 96/82/EC of the European Council (on the control of threats of serious accidents in connection with hazardous materials).

Authorizations

§51. The government shall be authorized to regulate the following matters in decree/s/:

- a) the organization and direction of disaster protection, the harmonization of execution, the composition, general conditions of operation, requirements, order of raising the alarm – including reaction time - , order of assembling and operation and detailed tasks of a government committee carrying out interagency coordination of preparation, prevention and execution,
- b) the order of operation and raising the alarm of the members of the government and the state organs concerned in disaster protection related to prevention, preparation and protection – including reaction times – and detailed tasks thereof,
- c) detailed tasks of the presidents of the defence committees and the mayors in connection with disaster protection, related to the declaration of an area as a disaster stricken territory and the rendering of disaster aid,
- d) the rules of declaration of an area as a disaster stricken territory and of the rendering of disaster aid,
- e) the order of the use of the estimate for the purpose of international assistance approved by parliament in the annual budget,
- f) materials classified as hazardous materials by this Act – and the limit values thereof – and industrial activities classified as hazardous activities by this Act,
- g) system and requirements of planning and protection against serious accidents related to hazardous materials,
- h) aims and requirements related to content and form of security report and security evaluation and those obliged to provide a security report and security evaluation,
- i) requirements related to the information of the public,

- j) rules of compensation of the expenses of persons participating in protection,
- k) modifications of the national nuclear accident prevention system and of the rules of protection against water damage in accordance with this Act,
- l) authority, special authority and expert tasks and sphere of authority of the General Directorate of National Disaster Protection, Ministry of the Interior.

§52. The Minister of the Interior shall be authorized to regulate the following matters by decree:

- a) uniform order of the execution of protection related tasks to subordinate organs,
- b) direction and operation order, tasks, spheres of authority of organs defined in §25. of this Act and the structure of regional and local organs,
- c) disaster protection tasks of the Border Guard, the Police and the Fire Brigades of local governments.

§53. The competent ministers shall be authorized to regulate the following matters by decrees:

- a) data delivery, reporting, authority permission tasks in connection with their line activities,
- b) tasks of the establishment and operation of measuring and monitoring meteorological warning and alarm systems for disaster protection purposes,
- c) designation of the participants in disaster protection, their tasks and the conditions of their preparation and operation,
- d) planning, reporting, data delivery and cooperation tasks related to the prevention of serious industrial accidents and the rules of the establishment and operation of early warning systems.

Statutory provisions to be modified

§54.

(1) Section (3) § 15. of the Act on ND shall be replaced by the following provision:

“(3) In the event of extraordinary emergency, emergency, hazard, threat of disaster or disaster occurred, and as defined in section (1) § 19/E of the Constitution, the presidents of the county general assemblies and the mayor of the capital, as relevant, shall have full authority of a defence committee, during the taking of measures introduced.”

(2) Section (1) § 65. of the Act on ND shall be replaced by the following provision:

“The police, the civil national security services, the penal authorities, the Customs and Finance Office, the General Directorate of National Disaster Protection and its regional and local organs and the professional fire-fighters of the local governments (hereinafter referred to as: law enforcement organs) participate, in addition to their basic tasks determined by statutory provisions, in the fulfilment of certain national defence and country mobilization tasks.”

(3) Item g) section (2) § 66. of the Act on ND shall be replaced by the following provision:

[The organs listed in section (1) shall:]

“g) participate in the enforcement and fulfilment of decisions /orders/ and measures defined in section (5) § 199.”

(4) Sections (5) and (6) § 199. of the Act on ND shall be replaced by the following provisions:

“(5)Where “decision” is laid down in the Act, in a state of extraordinary emergency, a decision of the National Defence Council, in a state of emergency, an extraordinary measure of the President of the Republic introduced through a decision, during hazard or in a case defined in section (1) § 19/E of the Constitution, a decision of the government shall be understood.

(6)(Regional) requirements and responsibilities of the implementation of extraordinary measures taken in a state of extraordinary emergency or emergency and of measures introduced by the government during hazard or in a case defined in section (1) § 19/E of the Constitution shall be determined, within their sphere of competence, by the presidents of the county general assemblies and the mayor of the capital, as appropriate, by decision.”

(6) § 200 of the Act on ND shall be replaced by the following provision:

“§200. Any statutory provision contradictory to an extraordinary measure introduced in a state of extraordinary emergency or emergency or a measure introduced by the government during hazard or in a case defined in section (1) § 19/E of the Constitution shall not be applicable.”

(7) Item h) section (2) § 2. of the Act on CP shall be replaced by the following provision:

[For the purpose of the present act the term “hazard” means ...]

“h) extensive, continuous, intensive snowfall or blizzard lasting and remaining more days”.

(5) Where the Act No. LVII. of 1995 on Water Management mentions “Government Commissioner”, shall be understood as the competent deputy of the head of the committee.

§55. Where the statutory provision mentions “professional organs of the Civil Protection, National Commander, county commanders and the Commander of the Capital and national and county headquarters and the Headquarters of the Capital”, shall be understood as the General Directorate of the National Disaster Protection, Ministry of Interior and its commander, county directorates, civil protection branch offices and the Civil Protection Directorate of the capital and its commanders.

§56. Where the Act XXXI. of 1996 on Fire Protection, Engineering and the Fire Guard mentions “National Headquarters of the Fire Guard, Ministry of Interior, county fire-fighting headquarters and the National Commander of the Fire Guard, Ministry of Interior”, shall be understood as the General Directorate of the National Disaster Protection, Ministry of Interior and its commander and the county directorates.

§57. Where the Act XLIII. of 1996 on the Service Statutes of the Professionals of the Military Organs mentions “Civil Protection, State Fire Guard, National Commander of the Border Guard and the National Commander of the Civil Protection”, shall be understood as the General Directorate of the National Disaster Protection, Ministry of Interior and its commander.

Provisions repealed

§58. Simultaneously with the entering into force of the present Act, the following provisions shall be repealed:

- a) item f) section (1) § 97. of the Act XXXIV. of 1994 on the Police,
- b) item f) section (1) § 2. of the Act XXXVII of 1996 on Civil Protection, items b)-f) section (2) § 7., section (2) § 8., §§ 14. and 15.,
- c) item g) § 24. of the Act XXXI. of 1996 on Fire Protection, Engineering and Fire Guard, §§ 25-27, sections (2)-(5) § 30. and section (1) § 41.

Árpád Göncz
President of the Republic

Dr. János Áder
President of the National
Assembly