

POSITION OF THE OMBUDSMAN FOR FUTURE GENERATIONS

on the parliamentary decision on the expansion of Paks nuclear power plant

(Summary)

Summary of the findings of the investigation

We found that the resolution proposal number H/9173 was submitted to the Parliament by the government in such a way that

1. it does not reflect whether the government provided adequate environmental, social and professional grounds and conducted the strategic environmental inspection necessary for this volume of nuclear power plant expansion prior to putting forward the resolution proposal, or what results such inspections yielded;
2. in the course of preparing this resolution, the government **did not investigate whether surplus nuclear energy is needed**, and if it is, to what extent;
3. the government did not define the specific contents and concrete material scope of the resolution proposal, it does not include environmental information pertaining to the increase of the nuclear power sector's energy market share assessed in national energy structure plans, neither information on what environmental factors the government took into account when suggesting the expansion of the Paks nuclear power plant.

We assessed that the government, in the course of preparing and submitting the resolution proposal, caused a discrepancy pertaining to the constitutional right to a healthy environment by failing to fulfil its obligations to protect the national institution of the right to a healthy environment.

Recommendations

Based on section 21 of Act LIX of 1993 (hereinafter: Ombudsman Law.) on the Parliamentary Commissioner for Civil Rights (Ombudsman), I hereby recommend to the government of the Republic of Hungary **to make the results and findings of impact studies, strategic environmental studies pertaining to the preparations of the new nuclear power plant public without delay upon completion of such studies.**

Based on section 21 of the Ombudsman Law, I hereby recommend to the government of the Republic of Hungary to inform the public about the current state of preparations for the new power plant block, and **to conduct further preparations with full disclosure.**

Based on section 21 of the Ombudsman Law, I hereby recommend to the government of the Republic of Hungary **to prepare a proposal to the Parliament** upon adequate social, professional and environmental grounds, **emphasizing the principles of publicity, cooperation, prevention and planning**, which proposal includes the use of nuclear energy as well as the long-term energy strategy, the planning of the energy industry, and an analysis of environmental, social and economic impacts with special regard to the plans and measures related to the decrease of energy demand.

Based on section 25 of the Ombudsman Law, I hereby recommend to the government of the Republic of Hungary to prepare a proposal for the amendment of Act CXVI of 1996 on nuclear energy so that the provisions pertaining to the Parliament's approval shall be clearly defined, and that the prior approval can be extended to prolong the operational time of the existing nuclear power plant if necessary. Furthermore, it is necessary to ensure that the individual decisions related to establishing new nuclear facilities, to expanding the existing nuclear power plant with a unit containing a further nuclear reactor, and to the extension of the operational time of the existing nuclear power plant shall comply with national energetic, social, economic and environmental plans.

Based on section 25 of the Ombudsman Law, I hereby recommend to the government of the Republic of Hungary to not only consider the possibility and necessity of expanding the nuclear power plant capacity when preparing energy policy decisions, but to create a complex energy strategy with regard to the long-term planned energy demand of the country and the diminishing amount of available energy sources, which strategy, based on Hungarian and international scientific results, **considers the total cessation of the use of non-renewable energy sources (fossil and nuclear energy)**. One of the most important aspects of this process should be the decrease of energy demand. **Instead of the expansion of the nuclear power plant, the goal should be to provide long-term, climate friendly energy security for Hungary**, and we should choose the most appropriate instrument for that.

Dr. Sándor Fülöp
The Parliamentary Commissionaire for Future Generations

Budapest, 22 April 2011