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Report on the International Scientific Conference titled “Protection of Future Generations in Central Europe: Good Practices and Developments at Constitutional Level, and Current Challenges in the Legal Order” organized within the Framework of the Central European Professors’ Network (Miskolc, University of Miskolc, 24 November 2022)

*Sprawozdanie z Międzynarodowej Konferencji Naukowej pt. „Protection of Future Generations in Central Europe: Good Practices and Developments at Constitutional Level, and Current Challenges in the Legal Order” zorganizowanej w ramach projektu Central European Professors’ Network (Miskolc, Uniwersytet w Miskolcu, 24.11.2022 r.)*

**Abstract**

*The paper summarizes an international scientific conference devoted to the protection of future generations in Central Europe. The conference, which had a predominantly environmental legal focus, was meant to provide an overview of legal solutions in the Central European countries mainly on the constitutional level with the ultimate goal of safeguarding and preserving the environment. The event was organized by the Central European Academy on the premises of its parental organization, the University of Miskolc as part of a conference series organized within the*

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*framework of the Central European Professors' Network program. The program aims to establish academic cooperation in the Central European region by creating various research groups focusing on the study and comparison of selected legal issues in the home countries of the research group members. The conference was held as an event connected to the activities of the research group responsible for the respective topic. The main aim of this paper is to concisely present the most important thoughts and ideas of the contributors.*

**Keywords:** *conference report, environmental protection, future generations, Central Europe*

### Streszczenie

*Artykuł stanowi podsumowanie Międzynarodowej Konferencji Naukowej poświęconej ochronie przyszłych pokoleń w Europie Środkowej. Konferencja, która w przeważającej mierze dotyczyła kwestii prawnośrodowiskowych, miała na celu przedstawienie przeglądu rozwiązań prawnych, głównie na poziomie konstytucyjnym, w krajach Europy Środkowej, zaangażowanych w ochronę środowiska. Wydarzenie zostało zorganizowane przez Akademię Środkowoeuropejską (Central European Academy) na Uniwersytecie w Miskolcu jako część cyklu konferencji organizowanych w ramach projektu Central European Professors' Network. Projekt polega na nawiązaniu współpracy akademickiej w regionie Europy Środkowej poprzez tworzenie różnych grup badawczych skupiających się na badaniu i porównywaniu wybranych zagadnień prawnych w krajach macierzystych członków grup badawczych. Konferencja miała charakter wydarzenia związanego z działalnością grupy badawczej odpowiedzialnej za dany temat. Głównym celem tego sprawozdania jest związane przedstawienie najważniejszych myśli i idei prelegentów.*

**Słowa kluczowe:** *sprawozdanie z konferencji, ochrona środowiska, przyszłe pokolenia, Europa Środkowa*

On 24 November 2022, an international scientific conference was held in Miskolc, Hungary, devoted to the current problems of environmental law, focusing on the legal responses to these challenges, particularly on the constitutional level. The event's main organizer was the Central European Academy (hereinafter also referred to as "CEA"), an institution aiming at conducting and supporting large-scale academic research and training projects in Central European countries. The venue for the event was provided by the University of Miskolc, the parent institution of the Central European Academy, at its Faculty of Law premises.

Besides the above-mentioned main organizers of the conference, the Ferenc Mádl Institute of Comparative Law, the Central European Association of Comparative Law, and its national organizations were also partners in the conference. The conference itself was held as part of the flagship project of the Central European Academy, the Central European Professors' Network. The project aims to establish a network of academic professionals mainly (but not exclusively) from Central Europe through various research groups focusing on the study and comparison of selected legal issues in the home countries of the members of the research group. As part of their activity in the framework of the Professors' Network, all research groups organize several dissemination events, including international conferences, and publish a number of publications, including a book on the given topic as the main outcome of their research work.

The conference in question was also held in the framework of activities of the research group focusing on the constitutional protection of future generations and the environment. A book on the given topic will also be published shortly as the final result of their scientific cooperation.

The conference itself was opened by Professor István Olajos, from the Department of Labour and Agricultural Law, who was the moderator of the first panel of the conference. After welcoming the participants, he gave the floor to Professor János Ede Szilágyi.

Welcome speech was also delivered by Professor Szilágyi, who is the leader of the research group organizing the conference and the strategic advisor of the Central European Academy. Afterwards, Professor Szilágyi moved on to present the activities and the results of the work of CEA. He first mentioned the overall goals of the institution and presented its central project, the Central European Professors' Network (both touched upon above). He introduced the currently existing research groups by presenting their focus and the researchers belonging to them. He stated that there are currently 47 researchers from 7 countries in 5 different research groups.

After the introduction of the Professors Network, Professor Szilágyi also presented other projects of the Central European Academy, namely the Central European Junior Programme offering young researchers an opportunity to acquire a Ph.D. title at the University of Miskolc through a study program conducted in English focused on comparative law in parallel with a 4-year long internship at the Central European Academy. Besides this, the extensive publishing activity of the CEA was also introduced, listing the book series published so far and the scientific journals managed by the institution.

Professor Szilágyi was followed by Professor Gyula Bándi from the Pázmány Péter Catholic University, who is also Hungary's Ombudsman for Future Generations. In his presentation, Professor Bándi was reflecting upon the current challenges in the environmental legal order. He mentioned that while it is undeniably a success that today's fashionable terms, such as the "right to a clean, healthy and sustainable environment" or "sustainable development" appearing often in the public discourse are being implemented into the law, these terms remain very vague and uncertain. He also mentioned that there may be conceptual problems in how we understand the relationship between development and sustainability, as the former can inherently pose a threat to the latter. Instead, he affirmed that we should refocus our societies on resilience instead of development in an economic sense.

The next speaker of the first panel was Professor Anikó Raisz, the head of the Department of International and Comparative Law at the University of Miskolc, Faculty of Law, who talked about the activities of the Hungarian government in the field of environmental protection and sustainability. She mentioned that the country is strongly committed to the transition to a circular economy, and to a development that allows the preservation of the natural environment and added that Hungary has a favorable legal environment to meet these goals. Besides preservation, she also underlined the importance of the improvement of environmental indicators, which are included in the National Environmental Programme and the governmental action plans. After briefly mentioning the sectoral goals in the protection of various elements of the environment, she emphasised that the government is building its strategy on technological advancement and awareness raising within Hungarian society.

After Professor Raisz, Professor Szilágyi was given the floor back, this time, however, he presented certain conclusions of the studies conducted within the framework of the research group. More precisely, he was introducing good practices and *de lege ferenda* proposals concerning the constitutional protection of future generations in the Central European region. Building on the systematisation of László Fodor, he was trying to show, in which areas of constitutional environmental protection can the members of the research group identify good practices in relation to their own countries, and, in which areas it would be – according to their opinion – reasonable to implement *de lege ferenda* proposals. The role of ombudsmen, the role of the constitutional court, and the definition of natural resources turned out to be the areas, where most researchers identified good practices, while the definition of sustainable development and the definition of future generations were mostly seen as areas where *de lege ferenda* proposals could be implemented.

According to Professor Szilágyi, these two categories can help to determine, which directions might be appropriate to be taken in future research projects in the field. Overall, the roles of the ombudsmen proved to be the most resonating issues, being often identified as relevant from the perspective of good practices and future proposals as well, followed by the definitions of natural resources, sustainable development, and future generations. After presenting the results of the questionnaire, Professor Szilágyi, as the general reporter of the research group, elaborated on

the topic, summarizing, and commenting on the ideas and views, which have emerged as the general trends and the possible ways forward in the constitutional protection of the environment and future generations.

The next speech was given by Professor Bartosz Rakoczy from the Nicolaus Copernicus University in Toruń, who was given the task to introduce the book prepared by the research group, entitled "Constitutional protection of the environment and future generations – Legislation and practice in certain Central and Eastern European countries". Professor Rakoczy expressed his satisfaction with the chosen topic, which he described as topical and far-reaching, having an important impact on the life of every one of us. The Professor praised the innovative methods of research and the devotion of the members of the research group, who have contributed to the development of the topic in question with their valuable work.

The second panel of the conference was moderated by Professor Szilágyi. The first presenter of the panel was Professor Michal Maslen from the University of Trnava, who presented the topic of waste management and its possible development in the Slovak Republic. The presentation focused on the comparison of waste-to-energy utilization techniques with landfilling. He clarified that in the case of non-recyclable waste, there is a gradually strengthening call to use waste-to-energy facilities instead of landfilling. He mentioned that Slovakia lags significantly behind in the use of the energy potential of waste, as there are only two waste-to-energy facilities currently operating in the country. He also mentioned that the COVID-19 pandemic increased the pressure to find better solutions for utilizing non-recyclable waste. Although pointing out that the public is often concerned about the operation of waste-to-energy facilities, this technique has in fact much less harmful environmental impact than landfilling, therefore should be prioritized where recycling is not possible. While noting that waste-to-energy solutions are not perfect, it seems to be a reasonable way to reduce the undesirable reality of landfilling in Slovakia.

The presentation of Professor Maslen was co-referenced by Professor Judit Pump from the Pázmány Péter Catholic University in Budapest. She reflected on Professor Maslen's contribution in three aspects. The first one was concerning the topic of waste incineration. Professor Pump mentioned that the image of this activity must be improved, increasing the trust towards its general environmental friendliness and the trust towards the subjects involved in the process. She also stressed the importance of interpreting the data on waste, which reveals the most important problem of waste management, the high overall volume of waste produced in the European Union, which is still increasing year by year. She then mentioned factors influencing the organisation of municipal waste management services from two main perspectives: of citizens and of consumers. Finally, Professor Pump talked about different waste models emphasising the importance of prevention of waste generation, which is often overlooked while talking about problems concerning waste disposal.

The next presenter was Professor Miha Juhart from the University of Ljubljana, who was focusing on the right to safe drinking water in the international and Slovenian legal context. After briefly mentioning the international aspects of this right, Professor

Juhart introduced the Slovenian regulation of the right to drinking water, which appears on constitutional and statutory levels as well. These rules stipulate that access to drinking water is a mandatory public service, which must be provided by the local authorities on a not-for-profit basis. Professor Juhart demonstrated other aspects of the right to drinking water through extensive case law.

He mentioned, that in the case of an emergency, access of the local population to drinking water must be prioritized over environmental or agricultural interests. Through the case of *Hudorovič v. Slovenia* (European Court of Human Rights, Case 24816/14), he explained that access to safe drinking water must always be ensured if prescribed by law, even if it involves provisional measures, like a water tank regularly filled by the authorities. He also touched upon the problem of areas that fall outside the circle of settlements specified by law where access to drinking water must be unconditionally provided. Finally, he expressed doubts about the possibility of the suspension of the drinking water supply due to non-payment, a measure that was in 1998 considered permissible by the Slovenian Constitutional Court. He expressed his belief, that this practice may soon be at least restricted in Slovenia thanks to the activities of the ombudsman.

Dr. Károly Benke from the Romanian Constitutional Court was co-referencing to the topic discussed by Prof. Juhart. He elaborated on the question of the right to access safe drinking water and sanitation from an international perspective. He mentioned that these rights are strongly connected to other, more general rights such as human dignity. He elaborated on the nature of the right to access safe drinking water and sanitation and contemplated whether they need to be seen as distinct human rights, or they should be a part of other, more general rights, such as the right to life, health, or decent living standards. He concluded that environmental commitments such as the Rio Declaration contain dimensions that also encompass aspects such as the rights in question and states should take on the responsibility to secure improvements in this regard.

The conference continued with the presentation of Professor Bartosz Majchrzak from the Cardinal Stefan Wyszyński University in Warsaw, who presented Environmental Planning Acts (hereinafter: "EPAs") as instruments of environmental protection in Poland. After describing the legal nature of the environmental planning acts as such (specific legal form of administrative activity, consisting of indicative and imperative provisions as well, which can be considered normative acts), he moved on to the constitutional regulation of EPAs. The professor then presented the systemic, competency, substantive, and procedural requirements provided by the constitution and the law. Professor Majchrzak concluded that EPAs can be issued either by the Council of Ministers or the local authorities (on the local level), their issuance needs a legal (statutory) basis, and that their imperative content must be in accordance with the higher-level norms.

The co-referent to Professor Majchrzak's presentation was Dr. Zsófia Hornyák from the University of Miskolc, who presented the tools of planning in relation to environmental protection in Hungary. She mentioned that the strategy of environmental



protection in the country is encompassed in environmental protection plans. The types of these plans vary according to their territorial coverage and the degree of their specificity. She mentioned three types of environmental plans: comprehensive, thematic, and specific. These types of plans can be further specified in relation to the territory they are intended to cover. On the central (national) level Dr. Hornyák underlined the National Environmental Protection Program (hereinafter: "NEPP"), which forms the general basis for environmental planning, and further specified the nature and the content of this document through the current, fifth NEPP. Besides this topic, Dr. Hornyák also mentioned the process of environmental assessment and the connected environmental report as tools relevant from the perspective of environmental planning.

The next presenter was Professor Michal Radvan from the Masaryk University in Brno, who was presenting the new types of local waste charges in the Czech Republic. After briefly mentioning the previously applied systems of local waste charges, he mentioned that the two new types of charges are based on different principles: while the charge for the municipal waste management system is practically a tax on head, the charge for the disposal of municipal waste from immovable property is based on the pay-as-you-throw principle. Every local authority will be free to decide, which type of charge is more appropriate for them. As a general rule, the charge for the municipal waste management system is paid by all natural persons registered in the municipality, and the tax rate is fixed per taxpayer. On the other hand, the charge for the disposal of municipal waste from immovable property is essentially paid by anyone who is residing on the territory of the municipality (waste producer) and its rate can be based on the volume of the waste produced or the capacity of the bin. This charge is more advantageous for municipalities where many people live without being registered, therefore it is used in Prague, the capital of the country. At the end of his presentation, Professor Radvan compared the two types of charges and presented the rules they have in common.

Professor Zoltán Nagy from the University of Miskolc was co-referencing the presentation of Professor Radvan. Professor Nagy talked about the advantages and disadvantages of environmental taxation. After a general introduction to the issue of taxes, Professor Nagy drew attention to the threats of environmental taxes and specified, what factors must be taken into consideration when introducing a new type of environmental tax. He mentioned that relevant authorities should always consider that the tax burden will be passed on to other subjects, whenever possible. He also mentioned that to optimise costs, tax collection should remain in the hand of general tax authorities, and, if possible, environmental aspects should be integrated into the already existing types of taxes. A further important point made by Professor Nagy was that even though environmental taxes are responsible for a small share of tax revenues, their introduction may threaten competitiveness and economic stability. Nevertheless, he ultimately was of the opinion, that well-designed environmental taxes have their place in the tax systems of states, as they can serve as incentives for modernization and pollution reduction.

The next presentation was delivered by Professor Sanja Savčić from the University of Novi Sad, who spoke about the private law aspects of environmental protection. She mentioned that environmental law is directly linked to private law for example through the issues of damage compensation, *actio negatoria*, *actio popularis*, and the restriction of civil rights due to environmental interests. She also mentioned that these two branches of law are indirectly linked via the regulation of green innovation technologies in intellectual property law, and also in the indications of geographical origin.

As the co-referent, Dr. Erika Farkas Csamangó from the University of Szeged was reflecting on the presentation of Professor Savčić in two aspects: green innovation and sustainability. After defining innovation in general and mentioning the efforts of the European Union to promote innovation, she proceeded to introduce the concept of eco-innovation and its importance in today's societies. She clarified that eco-innovation means progress towards the sustainable functioning of societies, for example in the form of technologies, which are using natural resources more thriftily, or which increase resilience towards global environmental challenges. Moving to the topic of sustainability in relation to Hungary, she mentioned the National Framework Strategy on Sustainable Development 2024, which has the goal of creating a business environment that is favorable towards enterprises committed to innovation and sustainability.

The conference continued with the presentation of Professor Frane Staničić from the University of Zagreb, who was presenting the topic of public participation and access to justice in environmental matters in Croatia. Professor Staničić noted that while the state has the primary duty to protect the environment, every one of us has his or her share in this goal. And while we can protect the environment in various ways, a very important legal aspect of such protection is the right to participate in administrative procedures. Professor Staničić mentioned that this right has a clear connection to the constitution and international conventions and that narrowing it by referring to potential economic gains seems to be highly problematic from this perspective. He also mentioned the Aarhus Convention as an important tool for gathering information and for the participation of the subjects concerned, but also from the perspective of defining the public. Finally, he underlined the particular importance of public participation in the field of spatial planning.

The role to reflect on the thoughts of Professor Staničić was assigned to Dr. Attila Pánovics from the University of Pécs. Dr. Pánovics opened his speech by pointing out why is public participation in the field of environmental protection receiving increased attention. According to him, the reason behind this trend is not just its awareness-raising impact, but also the fact that public participation is reducing the enforcement deficit of environmental rules. He then moved on to emphasize the procedural dimension of environmental rights and underlined the importance of the Aarhus Convention in this regard. He mentioned that meaningful public participation in administrative procedures with an environmental aspect requires necessary expertise, and this can be achieved by granting procedural rights to NGOs



being active in the area affected by the respective procedure. He also mentioned that these administrative procedures must not be too lengthy and complicated to deter the involvement of the public. Finally, Dr. Pánovics underlined the importance of creating state authorities entrusted with tasks in the field of environmental protection, such as environmental inspectorates and a separate ministry responsible for the topic.

The last presentation of the conference was given by Dr. Enikő Krajnyák from the University of Miskolc, who summarised the constitutional protection of future generations in the Hungarian Fundamental Law and the activities of the Ombudsman for Future Generations. After briefly mentioning the concept and the protection of future generations in international law, she mentioned that in Hungary, the position of the Parliamentary Commissioner for Future Generations was established in 2007 with strong competencies. Besides this, the new Hungarian constitution (Fundamental Law) adopted in 2011 refers to future generations in several cases. In the same year, the office of the Commissioner for Fundamental Rights was also set up, in the framework of which the Ombudsman for Future Generations found its place as well. The Ombudsman is intended to represent the interests of future generations before the Commissioner. Dr. Krajnyák mentioned that, *inter alia*, the Ombudsman is entitled to request the Commissioner to turn to the Constitutional Court, or to propose the adoption or modification of laws concerning the interests of future generations. She, then, introduced the most important decisions and legislative proposals as well as other activities connected to the Ombudsman for Future Generations and concluded that this office can serve as a role model for similar institutions to be established in the future.

After the presentation of Dr. Krajnyák, Professor Bándi, the moderator of the panel thanked the participants for their attention and closed the conference.