

**Act LXXIV**  
**on the management and organization for the prevention of**  
**disasters and the prevention of major accidents involving**  
**dangerous substances of 1999**\*

In order to facilitate due performance of the tasks emanating from the Constitution, relevant international agreements, and for the purposes of the implementation and operation of an integrated management system for the prevention of natural and civilian disasters threatening the security of the life and properties of the population and endangering the natural environment and human settlements, as well as for the enhanced protection against their harmful consequences, furthermore, the introduction of the regulations to be applied in emergency situations or in devastated areas, the National Assembly hereby adopts the following Act:

**SECTION ONE**

**GENERAL PROVISIONS**

**Definitions**

**§ 3**

For the purposes of this Act:

- a) **Internal emergency plan:** shall mean a plan drawn up to conduct search and rescue of life and properties as well as to mitigate actual damages within the installations in the event of the occurrence of a disaster situation or a disaster.
- b) **Safety analysis:** shall mean a document prepared by the operator of a hazardous installation, which shall include the operator's overall principles on major-accident prevention, as well as the introduction of the management and control systems and equipment ensuring a high-level protection for man and the environment.
- c) **Safety report:** shall mean a document prepared by the operator of a hazardous establishment, which shall demonstrate that a major-accident prevention policy and a safety and management method for implementing it have been put into effect; the major-accident hazards have been identified; the necessary measures have been taken to prevent such accidents and that adequate safety and reliability have been incorporated into the operation of any installation, and that internal emergency plans have been drawn up. The report shall supply sufficient information to draw up external emergency plans and shall provide information to the competent authorities to enable their opinions to be formed.
- m) **Risk:** shall mean the likelihood of the occurrence of a specific hazard endangering human health and the environment within a specified period and under specified circumstances.

\* This Act was adopted by the National Assembly of the Republic of Hungary on June 22, 1999.

- n) **External emergency plan:** shall mean a plan drawn up to identify the arrangements to be made, the executive organization, the management, and the means of information exchange with a view to rescue the population residing in the vicinity of the hazardous installation and to limit consequences of the damage to material assets and the environment.
- p) **Incident:** shall mean the occurrence of such an unforeseen event in the hazardous installation, in the course of its routine operations or applied technological processes which requires immediate intervention, furthermore, incorporates the potential for the developments to get out of control.
- s) **Operator:** shall mean any company (determined by Company Law), individual or corporate body, organization without legal status in charge of the operation or maintenance of a hazardous installation or a hazardous industrial establishment.
- t) **Hazard:** shall mean the intrinsic property of a dangerous substance or physical situation, with a potential for creating damage to human health or the environment.
- u) **Dangerous substance:** shall mean a substance, mixture or preparation fulfilling the criteria laid down in the government decree stipulating the implementation of the provisions of this present Act and reaching the qualifying quantities (critical mass) identified and quantified in the annex of the government decree, which are present as a raw material, product, by-product, residue or intermediate, including those substances of which it is reasonable to expect that may be generated in the event of accident.
- v) **Major accident involving dangerous substances:** shall mean an occurrence of such an incident which involves the emission of dangerous substances in significant quantities, major fires, or explosions resulting from uncontrolled developments in the course of the operation of any hazardous installation, and leading to major hazards or damages, to human health or the environment, immediate or delayed, inside or outside the installation.
- w) **Hazardous industrial establishment:** shall mean the whole area under the control of an operator where dangerous substances are present in quantities exceeding thresholds stipulated by the relevant and separate legal regulations in one or more hazardous installations, including common or related infrastructures or activities.
- x) **Hazardous installation:** shall mean an area (machinery, other technological unit of construction) under the control of an operator in which dangerous substances are being produced, used, handled or stored. It shall include all the equipment, structures, pipework, machinery, tools, private railway sidings, docks, unloading quays serving the installation, furthermore, jetties, warehouses or similar structures, floating or otherwise, necessary for the operation of the installation.
- y) **Hazardous activity:** shall mean any activity conducted via the utilization of such industrial, biological (agricultural), and chemical processes which, in case of getting out of control, has the *en masse* potential to endanger or damage human health and the environment, furthermore, to threaten the security of the life and property of the population.

zs) **Domino effect:** shall mean an accident in the hazardous installation the consequences of which spreading to an other hazardous establishment sited in the vicinity thereof increase the likelihood and possibility of major accidents or aggravate their consequences.

### **Scope of the act**

#### **§ 4**

- (1) The scope of this present Act shall apply to disaster situations or – with a view to the prevention (including the protection against major industrial accidents) – activities conducted in the territory of the Republic of Hungary and involving the hazard of a disaster, furthermore, to situations where protection against the harmful effects of a disaster is necessary in the territory of the Republic of Hungary.
- (2) The section four of this present Act shall apply to all hazardous installations using dangerous substances exceeding threshold quantities, stipulated by the relevant and separate legal regulations, furthermore the relevant public administrative and municipal organizations, as well as corporate bodies and citizens involved in the prevention of and protection against major industrial accidents.
- (3) The scope of this present Act shall not apply to:
  - a) the safety measures to be implemented in order to limit the effects of ionization radiation as stipulated for Paragraph (1) of § 1 of Act CXVI on Atomic Energy of 1996;
  - b) the transportation by road, railroad, or waterways of hazardous substances off-site a hazardous installation, or their temporary storage outside such an establishment;
  - c) the transportation via pipelines of hazardous substances off-site a hazardous installation, including pumping-stations;
  - d) the excavation of deepworking or outcrop mines;
  - e) waste dump-sites,
  - f) military installations, including storage facilities.

### **SECTION TWO**

#### **THE MANAGEMENT FOR THE PROTECTION AGAINST DISASTERS**

...

### **SECTION THREE**

#### **ORGANIZATIONS TO RESPONSE DISASTERS AND THEIR TASKS UNDER THE SUPERVISION OF THE MINSTER OF THE INTERIOR**

...

## **SECTION FOUR**

### **REGULATIONS RELATED TO THE PROTECTION AGAINST MAJOR ACCIDENTS INVOLVING DANGEROUS SUBSTANCES**

#### **§ 30**

- (1) Licensing the construction and the bringing into use of a hazardous installation, furthermore the commencement of hazardous activities shall only be permitted upon obtaining the approval of the National Directorate General for the Prevention of Disasters at the Ministry of the Interior (hereinafter referred to as the Authority) with the special-authoritative consent of the Technical Safety Inspectorate (hereinafter referred to as TSI). The operator shall submit a formal application to the Authority. The operator shall file a copy of the safety report or the safety analysis attached to the formal application.
- (2) The operator of a hazardous installation operating already on the day of the entry into force of this present Act shall notify the Authority of its activities no later than December 31 of the third year after the entry into force of Section 4 of this present Act by also filing a copy of the safety analysis or the safety report attached to the notification document, and it shall be understood that the operator is bound by the stipulations of this present Act immediately upon its entry into force regarding compliance.
- (3) To installations being designed or constructed on the day of the entry into force of this present Act and subject to the provisions of this present Act, subparagraph (2) shall apply.

#### **§ 31**

- (1) The realization, extension or closing-down of a hazardous installation, furthermore the borders of the critical area around a hazardous installation shall be indicated on the regional development or land-use plans, in accordance with the relevant and separate legal regulations. To authorization of constructions in the surroundings of such installations shall, with reference to the safety requirements, the relevant and separate legal regulations apply.
- (2) The operator shall notify the Authority about the closing-down of the hazardous installation or the temporary suspension of its activities, furthermore, if the quantities of the dangerous substances being present in the hazardous installation are in a significant excess (with 25 %) of the previously notified extent indicated in the safety analysis or the safety report. The operator shall also notify the Authority if the establishment, installation, storage facility or the applied technology or the nature of the dangerous substances applied is – respective to safety - significantly changed. The operator shall, with the exception of a closing-down of the hazardous installation or a temporary suspension of its activity, file a copy of the revised safety analysis or the safety report attached to the notification document.

## § 32

- (1) Should the quantities of dangerous substances present in a hazardous installation reach the lower thresholds as stipulated by the relevant and separate legal regulations, but do not exceed the higher threshold the operator shall be obliged to prepare a safety analysis, of which the competent authority shall be notified. The authority shall have the right to proceed to an inspection of the installation to prove the content of the safety analysis. The Authority is obliged to examine whether the change does not imply the occurrence of a domino effect. Should the change imply the occurrence of such an effect, the Authority shall take the necessary measures in order that the accident prevention policy, the safety management system and the internal emergency plans of the establishments or installations are harmonized, the public is informed and the external emergency plans are implemented.
- (2) The provisions of the safety analysis relating to prevention shall ensure the high level of protection of human health and the environment. The safety analysis shall therefore contain also a concept relating to the equipment and the management and control systems.

## § 33

- (1) Should the quantities of dangerous substances present in a hazardous installation reach or exceed the higher thresholds as stipulated by the relevant and separate legal regulations the operator shall be obliged to notify the Authority by also filing a copy of the safety report prepared upon the stipulations of the relevant and separate legal regulations and attached to the notification document.
- (2) The operator of an already operational hazardous installation shall review and revise as necessary the safety report periodically, as stipulated by the relevant and separate legal regulations, yet at least every five years. The revised report shall be submitted to the Authority, on the basis of which the Authority shall decide on the extension of the license and, where necessary, stipulate conditions for the operation.

## § 34

- (1) The Authority shall notify the mayors of the endangered localities, while in the case of the capital the Mayor of Capital, about the institution of the authorization procedure by furnishing them with a copy of the safety report.
- (2) In the event of planned modifications concerning the whole hazardous activity, or adjustments in the internal (i.e. within the establishment) system of protection a new or additional safety report shall be prepared which is to be submitted to the Authority and the mayors of the area concerned, while in the case of the capital the Mayor of Capital, at least sixty days prior to the commencement of the hazardous activity. Should the Authority decline to issue an authorization for the modifications, the adjusted activity shall not be commenced.
- (3) The content of the safety report is public, and the mayors, while in the case of the capital the Mayor of Capital, shall ensure unlimited access to them by anyone interested. Should the safety report contain any pieces of information that can be classified as industrial or

commercial secrets, the Authority can permit that the safety report with the exception of the parts containing the secret pieces of information and prepared by the operator shall be made public.

### **§ 35**

- (1) The preparation of the external emergency plans is the duty of the local organizations of the National Directorate General for the Prevention of Disasters at the Ministry of the Interior and the mayors of the relevant localities. The content of and time limits for the preparation of the external emergency plan shall be stipulated by the relevant and separate legal regulations.
- (2) The Authority shall in accordance with the relevant and separate legal regulations conduct the collection and evaluation of the technical, organizational and command-control pieces of information related to the prevention of and response to major industrial accidents, furthermore, shall prepare the national reports concerning any such incidents.

### **§ 36**

In accordance with the relevant and separate legal regulations the operator of the installation shall in cooperation with the Authority ensure that the public must be able to give its opinion prior to the authorization of new or significantly modified existing hazardous installations, and the extension of the license.

### **§ 37**

- (1) The Authority shall furnish the mayors of the endangered localities, while in the case of the capital the Mayor of Capital, and the competent local and county Chairs of the Defense Committee with a copy of its authorization for conducting a hazardous activity.
- (2) The Authority shall notify, on a regular basis, but at least once a year, the competent county Police Headquarters, the Municipal Fire Headquarters (while in the case of the capital, the Police and Fire Headquarters of Capital), the State Public Health and Medical Officer Service, the competent environmental inspectorate and the local ambulance organization of the State Ambulance Service about those conducting hazardous activities.

### **§ 38**

- (1) The Authority shall revoke its authorization as specified in § 30, shall sanction the operator to introduce the necessary measures for the prevention of major industrial accidents, in case the conditions for safe operations are not met for any reason. Until the introduction of the stipulated measures, the suspension of the continuation of the hazardous activity can be sanctioned.
- (2) Should the operator decline to honor its obligations or conduct the hazardous activity without authorized approval, the Authority can prohibit the continuation of the hazardous activity.

(3) At the risk and the hazard of the sanctioned party the Authority can issue orders:

- a) to deny entry or exit rights into, furthermore the presence in the installation for those employed in the installation, or staying on the premises of the installation with the help of the police - in accordance with the relevant and separate legal regulations -, to close down the offices of the installation and authenticate it with the authorized seal;
- b) to protect the installation with security guards;
- c) to have the dangerous material and equipment to be found on the premises of the installation
  - ca) transported,
  - cb) destroyed in accordance with environmental protection regulations,
  - cc) have their hazardous qualities neutralized.

### **§ 39**

The operator is obligated:

- a) to ensure the preparation of internal emergency plans containing the description of the equipment and management system within the establishment by means of which the high-level protection of human health and the environment is secured. A copy of the plans shall be submitted to the Authority, as well as to the county and capital Defense Committees. The internal emergency plan shall be prepared in accordance with the relevant and separate legal regulations.
- b) to furnish the local and county local governments with data for the preparation of external emergency plans.
- c) to implement all measures necessary for the prevention of accident hazards, and to limit the harmful consequences, should an accident occur.

### **§ 40**

Should any change enhancing the risk of a major industrial accident occur in the installation, or the organization providing security, the operator shall revise the internal emergency plans, yet in any case shall review them and check them by test alerting at least once in every three years. The revision and review of the plans and the test alerts shall be recorded in a protocol, and the revised plan or the review protocol (in case the plan has not been revised) shall be submitted to the Authority, as well as to the competent county and capital Defense Committees.

### **§ 41**

The task of the operator, the Authority and the relevant public and municipal organizations to limit the consequences of major accidents occurred within the installations shall be stipulated by the relevant and separate legal regulations.

### **§ 42**

The stipulations contained in paragraphs 36-39 shall be implemented within 3 years subsequent to the entry into force of Section 4 of this present Act.

### **§ 43**

The operator shall be obligated to notify without delay the Authority, furthermore, the Chair of the competent Defense Committee, as well as the mayors of all competent local governments via the duty service of the county civil protection organization, while in the case of the capital the capital civil protection organization, about the major accident or incident related to the hazardous activity, concerning:

- a) the circumstances of the major accident or incident;
- b) the dangerous substances involved in the major accident or incident;
- c) the data necessitated for the assessment of the effects of the accidents on the population, material assets, and the environment;
- d) the measures already taken.

## **SECTION FIVE**

### **REIMBURSEMENT FOR AND COVERING OF THE COSTS OF PROTECTION**

...

## **SECTION SIX**

### **CLOSING PROVISIONS**

#### **§ 49**

- (1) This present Act shall – with the exception of Section Four – enter into force on January 1, 2000.
- (2) The entry into force of Section Four of this present Act is stipulated by the Act on the announcement of the Council Directive 96/82/EC on the major-accident hazards of certain industrial activities.

#### **§ 50**

In accordance with the stipulations of § 3 of Act I of 1994, announcing the European Agreement as signed on December 16, 1991 in Brussels on the Establishment of a Partnership of Association between the Republic of Hungary and the European Communities and their Member States, this present Act stipulates regulations compatible with the Council Directive 96/82/EC on the control of major-accident hazards involving dangerous substances.

### **Authorization**

#### **§ 51**

The government shall be authorized to issue decrees concerning:

- f) the scope of dangerous substances qualified by this present Act and the qualifying quantities (critical mass) thereof, furthermore, the industrial activities,
- g) the system of and the requirements for planning and implementing the prevention of major accidents involving dangerous substances,



- h) the aim of and the formal and substantial requirements for the safety report and the safety analysis, furthermore, the scope of those obliged to prepare a safety report and a safety analysis,
- i) the requirements related to keeping the public informed,
- l) the tasks for the scope of authority, specialist authority and expertise of the National Directorate General for the Prevention of Disasters at the Ministry of the Interior, furthermore, the competence thereof.

### **§ 53**

The competent ministers shall be authorized to issue decrees concerning:

- d) the tasks for planning, reporting, notification of the data and cooperation related to the prevention of major industrial accidents and the rules of the establishment and operation of the early warning technical system.