

Development and/or Sustainability?: Path Dependency in the Hungarian Environmental Policy Integration

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Introduction

With strengthen and far-reaching affect of the environmental policy the idea of environmental policy integration (EPI) came to the front in the last decades. The fifth EU Environmental Action Programme urged the assessment of the environmental impact in policy planning, consideration of environmental costs and benefits, monitoring of environmental effects, co-operation with environmental authorities and public availability of environmental information (Lenschow, 1999). Since the regional/development policy, the land use planning and their decision making processes themselves are not unambiguous or not lacked of conflicts and clash of interests, therefore the environmental policy integration into the development policy/land use planning policy and into its decision making process is crucial in order to result the feasibility of the idea of sustainable development - if the circumstances and the tools are adequate.

The well known idea “sustainable development” since 1987 (WCED, 1987) has played more and more important role in policy making. In regional policy, in regional planning there are several evaluating tools in order to have a better development plan, program or policy. First in 1988, during the reform of Structural Funds the ex-ante and mid-term evaluation was drawn up and became obligatory in programs and plans. Then between the period of 1994 and 1999 the concept of the ex-ante and ex-post evaluation in members’ programs was defined. Parallel these evaluation tools - which are mainly focusing on economic aspects - environmental evaluation was coming into forefront. For the safekeeping of the natural environment, the European Community introduced the Environmental Impact Assessment (85/337/EC). This assessment “only” concerned to concrete building projects in order to reveal the dangers of investments to the nature. Later on, extending the Assessment and using the practice of some developed countries, the EU introduced the Strategic Environmental Assessment (SEA) in its “Directive 2001/42/EC of the European Parliament and the Council on the assessment of the effects of certain plans and programs on the environment”. It should have been implemented by the Member States by July 2004, but several countries have not enacted the SEA in their legislation within the specified time.

As we can see the SEA became a proper method which can be applied as a tool of EPI into planning policy/land use planning. This evaluation tool is a new (in some countries not as new as it is in new member states) assessing method, a new possibility where the environmental interests can appeared in planning policy. Hence its application depends on the institutional settings of a certain country and several other aspects. Here there will be shown the most crucial ones.

During the systemic change, at the beginning of the nineties, the Hungarian political elite rejected all elements of public politics which they considered as dominant features of the former state socialist system. Among others this happened in the case of planning too.

When it turned out during the preparation for the EU accession that strategic planning would be in great demand, the rehabilitation of planning activities started; nevertheless there is still a weak link among the means of the governance. In such a situation it is understandable that the preparing of the National Development Plan was a big challenge how to adapt as the European requirements were incompatible in many respects with the domestic practice.

The Europeanization process plays a crucial role in the transformation of the Hungarian governance structure. The adaptation processes are significantly dependent on the learning capacity of the pre-existing institutional „infrastructure” (Pálné–Paraskevopoulos–Horváth, 2004). This paper seeks out how these factors and “infrastructures” or institutional settings affect on the application and adoption of SEA.

In this paper, firstly the author looked through the antecedent experience in the Hungarian land use planning. Then using empirical work, choosing the seek of certain plans and their SEAs the author - with the tool of SEA - analyze the promotional and obstructive factors of the application of EPI.

Tendencies in the Hungarian SEAs

The author introduces the Hungarian philosophy of SEA based on the literature, since this method is fairly new in Hungary even in professional circles. It is crucial however what kind of requirements concerning the SEA were formulated by the planners and environmental assessment practitioners, experts besides of the existing legal regulation. Until now SEA – mainly - has been prepared regarding the national (regional) development planes claimed by the need for achieving the Structural Funds.

Although the 2/2005 (I.11.) government decree on the environmental assessment of plans and programs took effect more than 6 months later than the deadline was set by the EC directive 2001/42/EC, Hungarian professionals were concerned for longer time with the manner of SEA (with its methods and procedures).

The first practical work has been launched before the Hungarian regulation, and therefore a part of the later literature were based on these practical experiences. The first Hungarian SEA was carried out by an SEA team set up by the VÁTI Hungarian Public Nonprofit Company for Regional Development and Town Planning, the Ministry of Environment and Water and the Regional Environmental Centre and treated the Regional Operational Program of the First National Development Plan (2004-2006). The study prepared by the SEA team was the first professional material which tried to formulate the Hungarian philosophy of SEA based basically on the EU directives and former international experiences.

Concerning its origin, the SEA derives from the environmental impact assessment (EIA). However, in the case of SEA it is not any more the approval or rejection of plans is the target, much more influencing the “how”, the manner. In this respect environment protection appears in plans not only as a system of preconditions and requirements but also a target and a consequence of the impact of the SEA (Tombácz et al., 2003).

The first study mentioned above considers the main characteristics of the Hungarian philosophy of SEA preparation that it is not under control, but it is prepared at the same time with the public policy enforcing the environmental aspects and arguments in the course of the progress. The main objective of the SEA is to identify the existence and scale of environmental conflicts and the dissolution of these conflicts in the programs and plans (Tombácz et al., 2003).

In the Hungarian SEA preparation practically there are several scientific experts playing roles in knowledge transformation, which significantly influenced the practical implementation of SEA philosophy have with their university, academic and civil green background. The book written by one of the participants (Szilvácsku, 2003) introduces primarily the SEA practices of the EU. In the course of the emergence of SEA two specific approaches were developed. The *impact-oriented* SEA is based on the methodology of the EIA, and the main focus is on the precise definition of the expected impacts. The *decision-oriented* SEA focuses on the possible linkages to the planning and programming decision-making processes and the strong integration of environmental aspects in these procedures (Szilvácsku, 2003). The later approach is preferred by both Ferencsik (2004) and Fleischer et al (2004), who irrespectively of each other treat SEA and EIA separately. Therefore SEA does not examine the impacts but focuses on the strategy. Péti (2005) approaches the two SEA types from the aspect of methodology and contemplation. He calls the impact-oriented assessment “technocentric” assessment, which bears in itself the features of project level impact assessment. He considers as a remarkable element of the “ecocentric” school the so called analytical SEA approach, which focuses on the identification of the environmentally relevant so called decision-making windows of planning.

However there is a kind of uncertainty in respect of conceptual definitions too in the Hungarian literature, namely, what the experts mean by plan and program (strategy) that is the subject of SEA. The Hungarian literature considers desirable to carry out the SEA analysis of preliminarily the complex and strategic documents. Therefore in terms of transportation development the main focus is not anymore put on road investments but mainly on the complex strategy making (Fleischer et al., 2004), while – as Ferencsik (2004) highlights – although a waste treatment plan or a water utilization plan is called plan too, but in terms of the SEA plan or program shall indicate a series of projects.

Prior to the effect of the 2/2005 government decree both the 1995. LIII. Act on Environmental Protection, and the 1996. XXI Act on Regional Development has declared that the environmental societal and economic impact assessment must be the part of regional development and physical plans. However these regulations targeted only the creation of an external document with appendix character.

The Hungarian literature considers the process of SEA creation in any case as an iteration process, where accordingly the environmental assessment is prepared parallel to the preparation but prior to the adaptation of the plan. Besides that the environmental report is prepared, which is not an appendix but an integral part of the plan or program documentation, and the content of which is coherent with the plan and its targets and includes the planned measures aimed at the most complete correction or neutralizing possible of the disadvantageous environmental impacts of the program or plan implementation.

The Hungarian literature of SEA also implies a tendency, tending in the SEA process beyond the environmental assessment in closer sense towards a much more complex sustainability assessment, pointing way beyond the impact assessment approach and also the “traditional” SEA focusing on environmental point. This trend is definitely shifting towards the sustainability impact assessment applied for the assessment of concepts (Szilvácsku, 2003). This type of investigations was originally applied in the United Kingdom in the level of regional planning. In practice this is one form of SEA, which considers besides the environmental sustainability the economic sustainability accented. The Hungarian SEA “experiment” also tends to this direction, where besides the EU requirements also the creation of a so called system of sustainability criterion was established (Mozsgai–Somfai, 2004). As a matter of fact the system of sustainability criterion is also applied in the SEAs of climate protection planning as a SEA typological

orientation (Pálvölgyi, 2006). The importance and relevance of the SEA can be caught also in the feature that it is appropriate in the level of plans to insert the environmental impact estimation into the planning process of smaller scale investments not requiring environmental impact assessment (such as the development of SME's from European resources) and therefore the consideration of environmental aspect is not omitted in the case of these investments of separately small but totally significant volume.

Therefore it is clear that the Hungarian environmental professionals and researchers (but not the legislators) prefer mainly the decision-making oriented SEA complemented by complex sustainability aspects, which is not an appendix of plans, but the environment oriented plan itself is the output of the SEA process. (Besides that of course a report can be prepared –mainly - on the issues which were not built in the plans, and also indicating the neuralgic point, which special attention must be paid to in the course of implementation.) Moreover the work of the SEA creators must be documented too.

Concerning the mechanisms and the actors of SEA preparation, Czira et al. (2004) considers that the team carrying out the environmental impact assessment as a separate unit of independent “external” expertise is the most optimal. He attributes to this opinion both professional and cost efficiency arguments. (However this group discusses preliminarily the impact oriented SEA.)

Regarding the independency and externality of the expert means “exclusion” at the same time, especially in organizational context where the bureaucratic hierarchical governance culture is dominant (as the above mentioned G-FORS project research shows).

Although the spatial approach is hard to be detected in the SEA due to its character, since in the early phase of planning the regional, territorial delimitation of the plans, programs and concepts (and the exact appointment of the venue of the investments) is hard or actually can rather only be prognosticated, notwithstanding experts wish to enforce the regional approach too. This is true at least in that respect that at the probable venues or in the regional plans local, territorial features should be considered, or to elaborate at least theoretically the methods of avoiding negative impacts and of the increasing effects of positive impacts. Regrettably the ROPs mean development plans at least development according to their names – they do not contain enough facts – e.g. investments bound with concrete venues – in order to enable planners to carry out a comprehensive impact assessment for the set of targets. For instance it is not clear, where exactly a water cleaning plant will be constructed – for instance in a border settlement or in the interior of the country - and therefore it is not possible to forecast, whether the planned investment will have cross-border effects or not.

Objectives and Methods

Having established a position for the research in relation to the Hungarian frame, the discussion will turn to the analyzed cases. The legislation base of SEA was set up by the Hungarian government by the beginning of 2005. The law concerns not only the strategic national and regional plans and programs, but also to local level. SEA is needed for urban and rural development plans, and local sectoral (e.g., economic, waste-management etc.) plans as well.

Although there were several (more or less) successful attempts to use the SEA in planning, the main challenge was the programming period of 2007-2013. Planners had to apply what they had learned.

Here the author turns focus on two levels. Firstly, under the umbrella of the 6th research framework program called G-FORS (Governance for Sustainability), we analyzed the

operational programs of the Second National Development Plan (2007-2013) (National Strategic Reference Framework (NSRF) in the EU terminology), especially focusing on the South-Transdanubian Regional Operational Program as a case study. Secondly the focus has been extended to the local level. The author tried to find out how the application of the new legislation helps to make “greener” the local level.

In the G-FORS research project, it has been made interviews with the actors and analyzed all important documents (plans, minutes, websites etc., altogether about 80 items) concerning the legislation, planning and SEA making process. It has been reached almost all of the actors in the issue of SEA, made more than 20 interviews striving to represent the different types and levels of actors adequately. On the other hand in the case study we could hardly rely on information by the media since there were scarcely any articles concerned with this topic.

Analyzing local level the main interest was on settlements. The research examined whether decision-makers on local level have enough information about the new tool, and if there are any difficulties applying it. In this research the author sent out questionnaires to all the Hungarian settlements where an e-mail address was available (almost 80% of the 3150 Hungarian settlements). Thus it can be reached all the different types of settlements. The author received answers from more than 400 mayors/local governments (16% of the sent questionnaires), however, small villages (fewer than 1000 inhabitants) were underrepresented, and large settlements (settlements over 10000 inhabitants) were overrepresented, therefore data have been weighted.

SEA on regional level

The mentioned G-FORS project aims to assess how different governance arrangements in different countries may be enabled to generate, transfer different knowledge forms (e.g., institutional, expert, steering, milieu etc.) and accompanied by a certain KnowledgeScape (Matthiesen, 2005; Heinelt et al. 2006). Hungary has a special characteristic in its decision-making process, mainly originating from the soviet era. This specification – besides the impact of Europeanization (Pálné, 2005) – influences governance arrangements.

Hungary is a strongly centralized, unitary country in which especially subsequent to the systemic change the medium tier governance became the weak point. Planning at regional level, the elaboration of regional operational programs (ROP) followed the legal and personal requirements of the EU and the Hungarian central governmental orders. The newer and newer versions of the OPs followed the continuously changing central expectations. The ROPs were made on the residual principle (which actually means that targets not so important for the sectorized ministries were often included), and their content was determined at the National Development Agency (NDA). The Government has concentrated on planning and implementation in the NDA, the ROPs were prepared in a similar linear process, even though the local organizations played significant role in the preparative phase.

Concerning the content of the case-study plans, the regional operational programs were created in the framework of the Second National Development Plan (NDP), mainly based on a kind of remainder principle. This means, that they do not comprise comprehensive and complex regional set of targets but rather less accented elements omitted from the sectorized operational programs, which can be considered locally, were included in these programs. Exactly for this reason, the programs created in the seven NUTS2 regions are in many respects fairly similar, all of them are characterized by thematic compromise and mixed character, since the frameworks were set by the central planner (Pálné–Varjú (eds.) 2008).

Regarding the modes of interaction the planning process of the regional operational programs (ROP) (later on their Action Plans as well) and within them the SEA preparation were carried out in a much formalized system. The basis of this situation were concrete legal regulations (the European Directive and the Hungarian government decree) appointing the element of governance, the actors and the competences. Based on these we can talk about a hierarchical, multilevel governance model which nevertheless has compulsory supplements by the elements of networking (partnership). It is compulsory to consult regional plans and the SEA with the civil partners and the phases of reconciliation and the actors to be involved are also clearly defined.

Although there was experience concerning the assessment of an appropriate SEA, the process was not devoid of ambiguity. On one hand, it was not enough to take into consideration the previous experience since the volume of the SEA related to the second NDP and its operational programs was much higher than the previously made SEA, and besides these circumstances the available time for the whole planning process was also short. On the other hand the bad time management, the hierarchical and centralized way of communication caused that the SEA was a creation, not an iterative part of the planning process. Although the available expert knowledge was enough from the side of SEA “maker”, the dominant knowledge form was the institutional knowledge from the side of central planners, which (bureaucratic) situation caused that the recent situation is not a good milieu for an appropriate environmental appraisal. Although these plans have a certain regard to territorial level, local and milieu knowledge are missing.

During the SEA consultations, the NDA provided a multi-channel option for partner’s comments: partly on the website of the NDA and partly through a web interface. The planner however did not seek for a stronger cooperation with the SEA makers and the consultation partners, but paid only attention to the proper “ready made report”. In the case of the ROP of South-Transdanubia, two SEA forums were held a general one in Budapest together with other ROP’s and a special one for this region within the region, in the city of Kaposvár. The consultation was made available to the general public on the NDA website and in national newspapers.

However, if we take a look beyond the formal procedures we can see that the original logic or philosophy of SEA has been injured from several aspects. First, the SEA makers were not authorized to conduct direct negotiations with the different planner units just through the Department of Evaluation of the NDA, this meant that SEA maker was not the direct partner of the planning process. This indirect manner is demonstrated by the fact that the SEA report was prepared after finishing of the public dispute on the ROP and therefore its dispute also delayed. This was extremely significant mistake criticized also by the participants in the social disputes. Concerning the media publicity of SEA preparation the picture was also depressing. Practically we could hardly find any press organ which would have dealt with the statements and conclusion of the SEA prepared for the NDP and especially for the OP’s. We can not report on a more intensive media interest concerning the preparation of the ROP either, and the SEA phase completely disappeared from the eyes of the wider society. The reason is especially that to communicate of the expert language, and even the sophisticated content of the union plans and programs is a fairly hard task towards the lay public, moreover often even for the politicians participating in the different decision-making organs. Furthermore the introverted attitude of the “planning experts” was explicitly apprehensible during the entire planning period. The fairly hectic and incalculable process of the bottom up and external (EU) reconciliation consumed all the energy of the planners, and acquiring the support of the local society was rather unimportant for them. The communication of the SEA phase as a last stage of the planning

was accelerated by the time-pressure and was not interesting for the stakeholders being too generalized lacking the local issues.

Having taken into consideration the above mentioned findings it seems that the over-centralized and hierarchical governing methods do not serve the emergence of environmental aspects. On the other hand, if we look– for instance – at the Dutch environmental appraisal model we can find a similar and different situation. This system – partly according to its “legislation-based situation” – has hierarchical steering elements, and it is centralized in the sense that in the Netherlands all the EIAs and a number of SEAs go to an independent expert committee called Netherlands Commission for Environmental Assessment (NCEA). It is a private foundation having its own budget funded through governmental subsidies. Although not all the SEAs go to this committee, however, the experience of the Dutch G-FORS research shows that most of the SEAs landed at the committee on a voluntary base, ensuring the expert knowledge and guarantee the emergence of environmental aspects (Coenen, et al. 2008).

Local level

The Hungarian legislation prescribes that SEA is needed for national, regional and local development plans as well. These include not only territorial plans, but plans on sectoral level as well (e.g., regional and local plans on waste management, electricity production, land development and drinking water supply etc.).

For the local level analyses the author sent questionnaires to the leaders of municipality level (similar to the one I sent to the settlements). As the research shows neither of the county governments that have heard about the SEA law have applied it (although some of them did not modify or create a new plan which needed the environmental assessment). The main problem was here that county government had not enough information, experience on the SEA.

Analyzing the settlement level we have different experience. The fundamental problem is that 45.1% of the respondents have not heard about the SEA at all. On the other side, 11% of them have already applied the SEA as a new method of environmental appraisal. The 11% is modulated by the fact that since the introduction of the SEA legislation in Hungary (in 2005), 73% of the respondent created such development plans which needed environmental assessment. 28% of the settlements (local governments) that have heard about the SEA and have had “obligated” development plan (54% of all the respondents) carried through the SEA process (during the analyses period (January 2005 – August 2008)).

The missing of the SEA has several occasions. The first one is similar to the reason at the county level: the lack of information. Beside the fact that almost the half of the settlements does not have any information about the SEA, most of them do not have enough financial resources for the environmental appraisal as well. Half of the local government that did SEA for a certain plan used the budget of the plan as a resource to do the SEA, and allocated the task to the plan makers. The other half used separate budget with separate group for the environmental assessment.

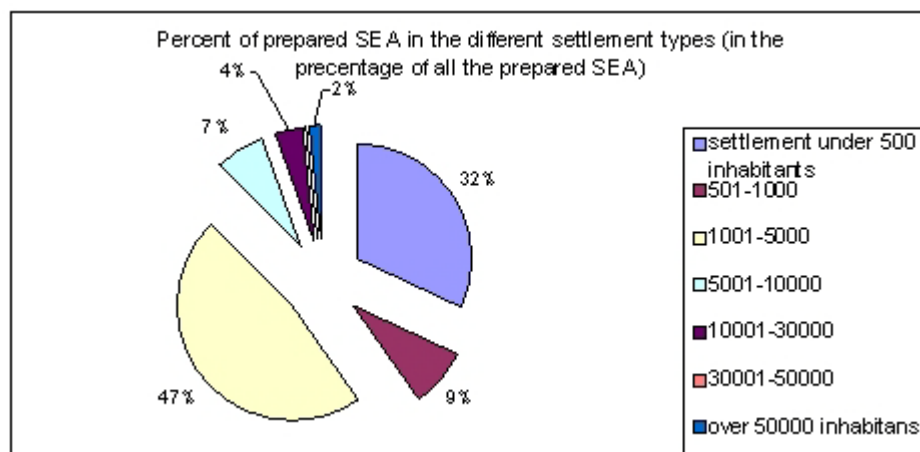
With regard on the lack of information we had to face that the absence of knowledge led to a misunderstanding. Some of the settlement thought that the SEA is not needed because there is an EIA at the end of the process. However, as it has been presented before, the SEA has another task in the planning process. On the other, a number of local governments said that SEA is the same that settlements’ environmental programs. Certainly this is false information. The environmental program of local government is prescribed by the Act of Environmental Protection (Act LIII/1995) as a mandatory task and local governments have

to renew it periodically. In turn the SEA was introduced in the governmental decree 2/2005 as a mandatory task in the case of the creation of new development plans. Besides the mentioned explanation some of the respondents thought that the SEA should have been delegated to upper decision-making levels (in the case of county, regional or national development plans).

However, we have to bear in mind that the Hungarian and the EU legislation as well define the need for the SEA "...into the preparation and adoption of certain plans and programs which are likely to have significant effects on the environment..."¹. Therefore we cannot say that those local governments that did not prepare SEA for their development plans have broken the law, but they may declare (as some of them have done) that the development plan or its modification does not affect significantly the environment.

Analyzing the different settlement types we can find that mainly the small villages and towns have already prepared SEA (from the obligated settlements) (Figure 1).

Figure 1. Prepared SEA from "obligated" settlements, concerning type of settlement (weighted data).



Source: Created by the author

As Figure 1 shows, despite the fact that small villages were underrepresented in the data-collection (since they do not have e-mail address or developed information system (i.e. fast (dsl) internet connection)) they are much more sensitive regarding their environment and environmental question in general. This fact was supported by the open questions of the questionnaires as well.

Conclusion

After the millennium, Hungarian environmental legislation dealt with the EU law-harmonization which resulted that almost all EU requirements had been introduced by the accession. The legislation regarding the SEA – after some minor delay – has also been

introduced. Since then it is the planners' responsibility to use the SEA in an appropriate way, and it is the central decision-makers', authorities' and experts' task to inform the regional and local decision-makers, stakeholders and other actors about the proper way to make the SEA.

The given national case can not be understood of course without the concrete physical, social, cultural environment (attributes of community) and the general model of governance (Ostrom, 2005). The Hungarian case study supported the opinion that general frameworks of governance are crucial factors from the aspect of the concrete action arena they may even overwrite the special regulation and institutional environment.

Both ROP and the SEA are novelties for the Hungarian land use planning system requiring decentralized governance, partnership of non public actors, networks for arguing and bargaining, measurement the quality and efficiency of decisions, and respecting the normative value of sustainability.

Focusing on the results of the research we found that in Hungary – by the reason of bureaucratic system – during the preparation of SEA an “attached-integration” was carrying out (Partidário–Voogd, 2004). Namely – as our research shows – it happened that the planning process was closed but the SEA process had just started. In this case there is no chance for the outputs of the SEA process to prevail in the original plan iteratively. Here, the SEA is only an attachment of the plan.

As László–Magay, (2005) state, spatial development is a complex activity, where the main aim is to prevent the formation of underdeveloped territories and to develop them. The development has to be based on local values and local social partnerships (László–Magay, 2005:56). In order to achieve this goal environmental appraisal (mainly in the form of SEA) has to be an inherent part of the planning process and it should be based not only on information provided by central service authorization but also on wide (mainly) local iterative partnerships and information.

In Hungary, central decision-makers should have considered the introduction of the model with an independent body what exists in the Netherlands. Maybe this task can be integrated into the means of the Hungarian Environmental Protection Committee. This committee already functions as an external, independent expert body giving advices to the national decision-making level; therefore their tasks might be extended with a control charge on the proper SEA making.

Acknowledgement

We would like to thank our colleagues in the institute namely Ilona Pálné Kovács, László Faragó, István Finta, István Fodor who contributed to the elaboration of the research. We also would like to express our sincere to our interviewee, especially to the planners, fellows and leaders of the regional and national development agencies who gave us necessary information in order to disclose the analyzed processes as deeply as possible.

Notes

¹ Directive 2001/42/EC of the European Parliament and of the Council of 27 June 2001 on the assessment of the effects of certain plans and programmes on the environment.

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