

THE INFLUENCE OF THE ECONOMIC CRISIS ON THE IMPLEMENTATION OF HUNGARIAN WASTE LEGISLATION

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ABSTRACT

Hungarian environmental policy has made significant progress in the past 25 years. In environmental protection and nature conservation several decades' lag had to be made up in a relatively short time. This could be successful due to the accession to the European Union in 2004. Our lag was the most significant in modern environmental infrastructure and environmental technology development. Large-scale industrial development forced by political considerations during the communist era was a major source of environmental pollution, and environmental investments and remediation fell short due to the lack of resources. As a result, some areas of the country became considerably polluted. The improper treatment of the waste and the pollution caused by it resulted in a catastrophic environmental situation by the end of the 1980s. Another problem was the lack of modern environmental policy and legislation. This was of course closely related to the lack of financing, because it is impossible to apply strict regulations without sufficient resources. The political pressure of the EU-accession extorted the transformation of the Hungarian environmental policy from 1990. In the course of the legal harmonization the legislative background of environmental protection was created in line with the directives of the EU. It was a long and slow process, and the EU-compliant environmental regulations has been established by 2002. The modernization of the regulation had not eliminated the shortage of resources. Because of the lack of adequate financing we were not able to meet the strict requirements set by the new legislation. Fortunately, the European Union not only imposes certain requirements, but also provides professional assistance and financial support to achieve the strategic goals. Right after the change of the political system in Hungary some EU funding was opened to us, resulting in investments in environmental protection infrastructure development. Thus, we could reduce the gap in 10 years after the accession in 2004. Since then the development of environmental policy and environmental legislation has been continuous. The last significant change was made in waste management, the new Waste Act of 2013. The financial crisis of 2008-2009 has made a major impact on European and Hungarian economy. In my research I examined these unfavourable macroeconomic conditions: how and to what extent they influenced the implementation of the new national waste management regulations.

Key words: environmental policies, governmental policies, air pollution

JEL codes: K32, Q28, Q53

Introduction

Hungarian environmental policy has made significant progress over the past 25 years. The country's lag of the earlier decades had to be worked off in a relatively short time in the field of the environmental protection and nature conservation. This success has been one of the results of the accession of Hungary to the European Union.

The main reason of the lag was the lack of modern environmental infrastructure and the deployment of environmental technology. The large-scale industrial development of the communist regime forced by political considerations was the major source of environmental pollution. The environmental investments and the required environmental remediation interventions failed due to the lack of financing resources. As a result, some regions of the country had been considerably polluted by the time of the political system change in 1989. In particular, the pollution caused by the waste and its improper treatment had resulted in a near catastrophic environmental situation by the end of the 80's.

Besides the insufficient financing resources another reason of the Hungarian environmental problems was the lack of modern environmental policy and legislation. The importance of environmental pollution prevention and the remedy of environmental damage had not been realized. Of course, the two reasons, the lack of money and the missing policy are closely related to each other, resulting in high risk and severe pollution.

The political pressure of the EU accession forced the transformation of Hungarian environmental policy, beginning in 1990. The reform of the legal background of environmental protection, the making up for the missing laws and regulations have been accomplished in the framework of the harmonization of the European and the Hungarian legal systems on the basis of the EU directives.

It was a slow and long process, and as a result the Euro-compliant Hungarian environmental regulations have been established by 2002. The minimum of the expected EU requirements were met. But derogation was required in many areas, for example in waste canalization and waste water treatment.

The modernization of the regulation had not eliminated the shortage of resources. Due to lack of funds Hungary was not able to meet the stringent requirements set by the new legislation.

Fortunately, the European Union does not only impose requirements for the accession countries, but helps to achieve the strategic goals with significant professional assistance and different financing funds. After the change of the political system some EU funds have been opened, resulting in investments in infrastructure developments in the field of environmental protection. As a result, Hungary has managed to reduce the gap significantly after the accession in 2004, in 10 years. The development of environmental policy and environmental regulation has been continuous. The last significant change was made in the field of waste management, the new Waste Act became effective 1st, January, 2013.

The 2008-09 financial crisis has had a major impact on the European and Hungarian economy. In my research, using the tools and methodology of implementation research, I examined to what extent these unfavorable macroeconomic conditions hampered and influenced the implementation of the new national waste management regulations.

I. Policy and Implementation

1. Policy and implementation in general

Policy (Public Policy): Revelation of a goal and the means used to achieve the goal (public statement). (Gornitzka 1999)

Policy is not equal to the intervention / reform / innovation (action to change the system): "the policy could be will, action and inaction." (Hogwood, Gunn 1984)

Policy implementation: include the actions of public and private actors/groups that take place in order to achieve the targets of the policy decision. (Van Meter, Van Horn 1974) .

Implementation research: an investigation by scientific instruments and methods, that how much is realized from the policy initiated by the government. (Fullan, Pomfret 1997)

Implementation research on environmental protection: examines the implementation of the initiated environmental policies (regulation) – as a subsystem – by the theoretical modeling and empirical research method.

2 A brief review of implementation research

The basic book of the implementation research Sabatier, Mazmanian (1979):

The Conditions of Effective Implementation

The defined factors affecting the success of the implementation of the following:

- Clear and consistent objectives
- The proposed change rate of the system
- Appropriate causal theory underlying the reform
- Adequacy of financial resources
- Actors commitment
- Social and economic conditions

3. The analytical framework of policy implementation

The implementation of policies can be examined by a number of approaches and instruments. In the analytical framework the following approaches are possible:

- The implementation success/failure
- The actors of the implementation, the behavior of the players, their impact on implementation
- The implementation context
- The levels and the complexity of the implementation
- The implementation process
- The policy

3.1. Success Factors

Starting point: There are commonly accepted influencing factors.

Critical variables (Brynard 2005):

- The content of the policy
- The context: organizational-institutional context, but which also shape the wider context
- Commitment: the attitude of those who responsible for implementation on all levels (regime-level, street-level), is there any "fixer?" (Bardach 1977)
- The sector capacity: structural, functional and cultural ability for the implementation of the governmental targets
- Clients and coalitions: interest groups, opinion leaders behaviour
- Communication
- Other considerations:
 - Clarity of goals v. "Acceptable mix of outcomes"
 - Impact of changes in the socio-economic context
 - Implementation capacity and absorption capacity
 - Ambiguity - conflict matrix → 4 types of implementations,
 - Four critical factors (Matland)
 - Controllable/uncontrollable, linked to the policy makers/implementers

3.2. The implementation actors, their behavior, their influencet on the implementation

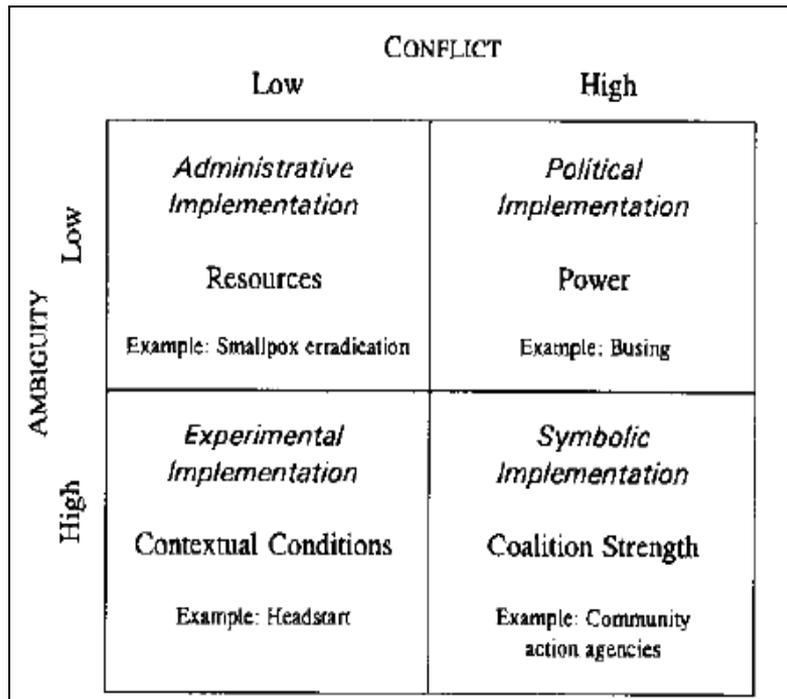
Starting point: the actors of the implementation process are generally not individuals, but usually form coalitions, interest alliances. Sabatier (1998) established the "Coalition Support Framework" (Advocacy Coalition Framework) model, which graphically shows the possible effects of the actors of the implementation in the process of implementation.

Additional considerations:

- Slip/torsion (Pressman, Wildawsky)
- The relationship between policy makers and implementers (Farrar et al.)
- Degree of implementers freedom
- The role of street-level bureaucrats

3.3. Ambiguity and conflict (Source: Matland 1995:130)

Matland focused to the relatiship of ambiguity and the conflicts in the policies in his investigations. His matrix determined four main types of impelementation that have different basic characteristic.



- **Administrative implementation:** the most important guiding principles are the resources
- **Political implementation:** the main guiding principle is the power (an actor or a coalition, who is able to force the other players to accept its own perspectives)
- **Experimental implementation:** the key guiding principles are the contextual conditions
- **Symbolic implementation:** the most important guiding principle is the coalition forces

3.4. The context of the implementation

Starting point: the method of governance – which consider the relationship of the government and the environmental protection – designates the possibilities and scope of the actors during implementation.

Kiindulópont: A kormányzási mód – amely meghatározza a kormányzat és a környezetvédelem viszonyát – az implementáció során kijelöli a szereplők lehetőségeit, mozgásterét

	Sovereign, Rationality-Bounded State	Institutional State	Corporate-Pluralist State	Supermarket State
Environmental protection	Tool of secondary political and social objectives	Protection of environmental and nature values, divided responsibility	Monopoly power and control (competing and legitimate centres of authority and control)	Follow the requirement of the different interest groups (Resource market)
State-environment relationship	Only the necessary actions (The rest of budget principle)	The state is only one actor of the environmental protection	Strict control and punishment	Environmental protection in market circumstances
The method of change	Slow, the result is significant pollution	Possible fast changes (It depends on the available resources)	Depends on interests and powers of the interest groups	Fast and effective if the activities are profitable

(Own work based on Gornitzka 1999)

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Machine Implementation	Game Implementation	Transaction Implementation	Evolutionary Implementation
Developed clear plan behind a legitimate decision-making power	Bargaining and exchange overshadows the plans and policies, characterized by irrationality	Based on the negotiation between the policy and its environment	The policy makers 'influence only' the action potential

(Own work based on Warwick 1982)

Additional considerations may include:

- The role of the macro-environment
- Initial and desired level of development (McKinsey)

3.5. The implementation levels

Starting point: the environmental implementation is a multi-level process.

Levels:

- supranational level (World organizations, EU);
- national level ;
- regional level (regions, cities);
- organizational, institutional level (state, local government and business organizations);
- the levels in the organizations (departments);
- individual level

Note: The policy transfer from one level to the next is not clear and not one-way (Brynard 2005)

Environmental policy implementation: interactions of actors at different levels

3.6. Content and purpose of the policy

Lowi distinguishes four types of public policy (Lowi 1972):

- Distributive (directed to allocation of resources)
- Regulative (target control)
- Redistribution (redistribution of resources, aimed at changing the distribution)
- Constructive (reorganization, creation, development).

II. The Hungarian environmental policies

After the transition (1989) in the Hungarian environmental interventions were clearly recognisable the distributive, regulative, redistributive and constructive elements. In the majority of cases these characteristics were present simultaneously. This should generate conflicts that primarily could be connected to the redistribution (redistribution of resources) and, secondly to the allocation (some people get it and some do not), as both connected to

the loss of the status quo, the field of power conversion, the reorganization of positions. The constructive and regulative interventions are almost always associated with the (re)distributions too, so also carry the conflicts involved.

Prior to the change of regime, can not talk about the merits of environmental policies. The environmental regulation is displayed but there is no effective policy.

1 Environmental regulation in Hungary

Ten years before the EU accession the Hungarian environmental regulation was significantly behind the developed countries of the world. During the legal alignment period the country started catching up to the EU requirements and developed the appropriate environmental regulations. At the moment of the accession, with the exception of derogation areas, domestic regulations have been complied with EU norms.

1.1. Legislation before the transition (-1989)

During the period of socialism had only been regulating a few environmental areas that were traditionally considered important and where there were formed very significant and dangerous pollution. These areas were as follows:

- Water quality protection, wastewater treatment (1960)
- Air quality management (1970)
- Noise and vibration (1978)
- Hazardous waste treatment (1981)

1.2. The legal alignment process (1990-2003)

Under political pressure to join the EU initiated a comprehensive review and reform of environmental regulation. This took place in the context of the creation and regulation of a number of important areas of environmental law, which had been left out of the legislative process earlier.

- Environmental Protection Act (1995)
- Waste Act (2000)

1.3. Regulation after 2004

After the EU accession, the primary task was to meet the requirements of new environmental legal system, compliance with and enforcement of the rules much stricter than before. To reach this goal significant environmental infrastructure improvements were needed, which was significantly supported during the transitional period longer prior the date of accession to the EU. Sewage and wastewater investments and modern waste management facilities have been built, substantial elimination of pollution, large-scale remediation of contaminated sites took place. The end of the derogation period the regulation and the conditions tightened further and further. The most significant change has

occurred in the waste management legislation, which came into force a year ago. This was one of the most modern and one of the world's most stringent regulation .

- New waste law (January 2013th 01)

2. The policy and implementation before the transition

During the period of socialism, the environmental protection was not a priority, the ideology and the propaganda sharply divorced from reality, at the level of deeds and actions the environmental protection as a stand-alone policy was practically non-existent.

2.1. Environmental protection during the period of socialism

The Cold War period was characterized as a cutthroat competition between the socialist and capitalist countries. The socialist countries wanted to overcome at all costs by strong industrialization, agriculture thus began a complete overhaul ("chemical processing"), which resulted a significant pollution (water and air pollution). In the end some industrialized regions of the country had been completely polluted.

2.2. Environmental regulations in the period of socialism

A politikai rendszer vezetése, a termelési eredmények bővületében nem akart tudomást venni a környezeti károkról és ártalmakról, követő szabályozást (kényszer szabályozás) alkalmaztak, amikor már tarthatatlanná vált a helyzet és kialakultak a tényleges környezeti károk és ártalmak, csak akkor és csak utólag avatkoztak be.

For the political leadership the important was only the production results, they did not want to ignore the environmental damage and hazards, the „follower rules principal” (enforcement regulation) was used. It meant: when became catastrophic situation and developed the actual environmental damage and harm, if and only in that case took place the governmental intervention.

2.3. The implementation characterization

The legislation of the dictatorship could be characterized by irresponsibility (lack of social responsibility), the ideological goals overrode all common sense and rational aspects. The collective irresponsibility (Context: The Sovereign, rationally-bounded state) resulted extreme environmental degradation. Regulation of certain areas were needed after a while, because of the serious pollution and harm. These were „political” type implementation of regulations (implementation by power). The policy making and the legislation process happened without the involvement of the different interest groups of the society and the law and rules enforced by power tools.

3. The policy and implementation during the legal alignment period

The EU environmental policy is the most advanced environmental legislation in the world (The highest quality environmental protection: The Netherlands, EU). The IPPC: Integrated Pollution Prevention and Control principle summarizes the principles, methods, and goals of the modern environmental management and the sustainable development. Detailed regulations are the guidelines (directives) for different subject areas. The EU directives have mandatory application in the development of the member states national legislation.

3.1. Harmonization of the environmental legal system

After the change of regime in Hungary in 1989 the EU accession treaty were signed soon and started the preparation for the accession. Under political pressure to accession to the EU started the alignment (legal harmonization), in which a priority area was the environmental protection. The legislative process was characterized as the „follow up” (enforcement) regulation. The domestic legal system - following a comprehensive review - was needed to convert according the EU policies, and directives.

3.2. The characterization of the implementation

Political types of implementations (necessity) occurred, because the accession criteria had to be fulfilled on time. For the social groups involved in the justification: The EU is all about ! We are emergency, when you want the accession the conditions had to be met. But in the given the situation we go only as long as to had to. (lack of money, derogation) !

4. The policy and implementation after the EU accession

4.1. The national environmental policy after accession

After the accession in 2004 the domestic environmental policy was characterized by duality and remains the same in the present day. The environment is still not a priority (not strategic area), but the EU's environmental policy directives are mandatory. As a result, still following the rules (enforcement regulation).

4.2. The domestic environmental regulation after 2004

The period after the accession of Hungary to the EU, the domestic environmental regulation was characterized the compliance with the mandatory content of EU policies (IPCC, guidelines, directives, etc.). In this frame some major legislative changes, tightening had been occurred in the beginning (2010). In addition to the environmental targets appeared other policy objectives for waste management regulations in the past few years.

- Modification of Environmental Act
- Modification of Waste Act (2013)

4.3. The characterization of the implementation

Still have political (power) type of implementation (Context: more or less between the Institutional and Corporate-pluralist state), therefore social or formal consensus can not be possible. Reason: because we still have all of the EU !

III. The implementation of new waste legislation

By the detailed analysis of the new waste law entered into force the 1st of January 2013, I'd like to present a good example of the problems of domestic environmental policy implementations.

1 The new waste management legislation features

The Waste Act and the connecting other rules and regulations contain essentially environmental targets, but significantly appear other objectives in the policy, which of expected future effects are difficult to be calculated.

1.1. Environmental goals

The new legislation is highly advanced and environmentally progressive, and consequently much stricter and much more expensive for the waste producers as the previous legislation. The most important environmental professional objectives of the law are:

- Pollution exclusion
- Promote the selective waste collection and recovery
- Reduction of waste dumping (land filling)
- Strict administrative (record keeping, reporting) and verification system
- Ensuring professional background (certification)
- Ensuring financial background (just on principle)

1.2 . Political (real) points

By the most strict regulation the real goal is the transformation of the existing domestic waste market, the displacement of the foreign-owned service companies from the Hungarian market. The professional environmental goal, which is intended to help ensure the financial background can not be achieved in practice.

1.3. Effects of the new regulation

In addition to a significant increase in the costs of public services, loss of income (reducing overhead), significant operational problems, and the financial difficulties are the expected influences of the new regulation.

2. The implementation of waste legislation

During the research of the implementation process I examined the preparation phase of the regulation (policy) and the experiences of the implementation since the regulation came into force 1st of January 2013 until now.

2.1. Conflicts and disputes concerning the preparation period

The preparation phase of the regulation (policy) could be characterized as a protracted legislative process, after several formal (non-substantive) rounds of negotiations, despite serious objections, in virtually unchanged form have been adopted by the parliament (2/3rd political dominance in possession).

2.2. Significant modifications have been already made within six months

There is no clear, consistent professional content, because there wasn't any substantive consultation with stakeholders (professional bodies). In addition the EU principles are damaged and constitutional concerns (equality, neutrality of competition, ignoring the market economy rules, forbidden state intervention) have also been raised.

2.3. Caused by the increase in cost and overhead reduction malfunctions occur en masse

The most serious consequence is the significant deterioration in financial conditions, which may cause malfunctions in a significant part of the public service, in some cases leads to the impossibility of public services, the consequences can be handled only by state intervention. (Disaster Management Authority) .

3. The characterization of the implementation

3.1. Content and purpose of the policy

In the new waste management legislation are simultaneously present the distributive, regulative, redistributive and constructive elements. The new regulation led to the loss of the status quo, the conversion of the field of power and the reorganization of the positions. Hence the major conflicts. The regulative and constructive interventions associated with resource (re)distributions that have significant consequences are the emergence of conflicts.

3.2. Ambiguity and conflicts

The rules (policy) are characterized by a high level of inconsistency and significant conflicts. The foreign – owned private companies excluded from the domestic market, while causes financial difficulties to the remaining domestic-owned public service companies. The implementation of the policy is essentially a political implementation: the guiding principle is the power, political and legal constraints.

3.3. The context of the implementation

The starting point of the context is mode of governance - which defines the relationship between the government and the environment - during implementation selects the participants scope and options.

According the definition of Gornitzka the transition between the „Institutional state” and the „Corportate-Pluralis State” (Gornitzka 1999) could be the type of governance that characterizes the context of implementations of the examined policy and regulation. In this context is perhaps more dominant the „institutional” nature.

The type of implementation context according Warwick this is a „Machine” implementation (a well defined clear plan, behind the legitimate decision-making power) (Warwick 1982). The mutual relationships of the implementation of the Hungarian waste management system can be characerized by that formula.

4 The assessment of the implementation and the expected effects

4.1. Analysis of Success Factors

The success factors are:

- The clear and consistent objectives are missing (not known)
- Rate of change (unknown, outcome of the changes are uncertain)
- The underlying of the causal theory of proper reform (elimination of the waste pollution)
- Adequacy of financial resources (uncertain, but there is any money)
- Actors commitment (unknown, more negative)
- Social and economic conditions (non-compliant)

The success factors of the implementation with few exceptions predict the failure of the hole process. It is already established that the risk of probable harmful consequences is extremely high.

4.2. Expected impacts

The total failure without changes and corrections is inevitable within a short period. There are political constraints in this situation because of the elections in 2014. The system must be maintained ont he same way until the end of 2014. Possible temporary solution could be to the end of 2014 the state intervention (compensation, special assistance and supports, disaster management authority intervention).

5. The effects of 2008-9 financial crisis

The 2008-09 financial crisis indirectly has had a major impact in Europe and within the Hungarian economy. After the outbreak of U.S. mortgage crisis emerged in 2008, the financial crisis caused a significant setback on the real economy over the world.

5.1. The general effects of the crisis

Economic growth fell back in a few months and by the end of 2009 Europe 's economy had been in recession (4.2 % decrease). The GDP data showed (Hungary: 6.3 % decrease) significant reduction without exception, the mass of firms were in difficult situation, unemployment had risen significantly (Hungary: from 7.7 % up to 10%. or more). The household income and thus their consumption is also reduced, which further exacerbated the already declining economic performance. The HUF exchange rate from 250 HUF/ € has risen close to 300, sometimes to over 300.

In order to treat the major crisis governmental intervention had taken place in the banking sector (crisis management). The positive effects have occurred in the short term, but in the medium term, because of the risen governmental debt, also raised new problems. (The individual governments to cover the costs of the bank saving interventions used new debts.)

In the case of weaker economies in South and Central Eastern European countries the crisis phenomena have proved to be far more serious and taken for a longer time. The Hungarian economy had been in recession until 2012, and GDP has been started to grow again only in the second half of 2013. During the reporting period the unemployment rate were significantly higher than 10% , but decreased again below to 10% by the end of 2013. The investments, purchasing power and consumption steadily decreased in parallel (in 2009: 7.6 %) and it has changed only in recent months. (Belyó 2011)

5.2. The crisis effects on the waste management policy of Hungary

General condition of the Hungarian economy and the deteriorating social situation of the population was severely affected to the public service providers. The increasing amount of outstandings and the proportion of bad debts significantly worsened the financial position of public service companies in the waste management sector. For this situation the companies have responded by cutting back the necessary renovations and improvements, which can result malfunctions in the medium term. Cost reduction due to financial constraint problems, increased the risk of direct environmental pollution. (If you fall short to prevent and eliminate pollution due to lack of funding measures.)

The crisis developed by the lack of funds made it difficult to make effective cooperation in the implementation of the new waste management regulations (policy) principles for stakeholders.

Legislators (government actors) ignored the expected financial difficulties during the implementation, which were greatly exacerbated by the effects of the crisis. Due to the malfunctioning, the regulation content problems are significantly due to the unfavourable economic environment. Therefore, we can say that the crisis significantly complicates the domestic waste policy implementation.

Summary

Hungarian waste management policy and the related environmental legislation may well be an interesting case study of implementation research. Except a few professional areas it did not measure up to the principles of an effective and successful implementation. With few exceptions the success factors determined by scientific theory and empirical research were not present. There was a huge discrepancy on one hand between the environmental requirements and the terms of financing (public overhead reduction), and on the other hand between the EU regulatory principles and its policies (neutral competitiveness, forbidden governmental intervention).

In addition to the above problems the decision makers ignored the forecasted financial difficulties caused by the financial crisis during the implementation. The regulation content problems are significantly due to the unfavourable economic environment. Therefore, we can say that the crisis considerably complicated the Hungarian waste policy implementation. and increases the risk of the malfunctioning of the public sector in the field of waste management.

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