Barriers of Access to Justice

Hungary

Clarification and assessment of status quo regarding barriers of access to justice in the Member States

Country Study

Justice and Environment 2018

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I. INTRODUCTION

There are a number of barriers in front of effective access to justice (legislative and practical) in each Member State. The current survey is supposed to produce a clear, first-hand information from practitioners from the EU MS on the range and gravity of barriers of effective access to justice in environmental matters. For this, we are using a combination of research and polling to identify and categorize the barriers of access to justice. There will be 5 major blocks identified by the objectives of regulation and there will be 3 types of questions in each block, i.e. legislative, practical and scoring. Within each type, there may be more questions depending on the number of issues analyzed.

II. THE BARRIERS IN DETAIL

Objective	Indicator (example)
Sufficient legal standing	conditions of standing for individuals (e.g. affectedness) conditions of standing for eNGOs preconditions of access (e.g. prior participation)
a) legislation	- What are the criteria of legal standing for individuals in environmental matters? Environmental matters are decided in administrative procedures and the latter are regulated by the General Administrative Order Act (Act No. 150 of 2016[1]) that entered into force on 1 January 2018. The legal standing of individuals is based on affectedness. Article 10 of the General Administrative Order Act regulates those having standing (calling them "clients" using a not exactly precise but literal translation of the Hungarian term "ügyfél"). The law says: (1) Client means any natural or legal person, other entity whose rights or legitimate interests are directly affected by a case, who is the subject of any data contained in official records and registers, or who is subjected to regulatory inspection. (2) An act or government decree may define the persons and entities who can be treated as clients - in connection with certain specific types of cases - by operation of law. Firstly, individual legal standing is based on the direct affectedness of rights or legitimate interests of natural persons. Any preferential standing i.e. standing without the examination of the foregoing

[1] https://net.jogtar.hu/jogszabaly?docid=a1600150.tv&dbnum=62&getdoc=1

direct affectedness must be defined by an Act of Parliament or a Government Decree. There is no example for such an ex lege legal standing yet.

- What are the criteria of legal standing for eNGOs in environmental matters?

As was cited above, the rules on legal standing of legal persons including NGOs are also covered by the General Administrative Order Act. However, direct affectedness of NGOs is mostly a non-existent category and NGOs are rarely affected by their rights or legitimate interests in a way that would result in their legal standing according to the standards of the General Administrative Order Act. What helps in this situation is the Act on the General Rules of Environmental Protection (Act No. 53 of 1995). Its Article 98 defines ex lege conditions of legal standing for NGOs. According to this, all NGOs that are

- created for the protection of environmental interests
- not political parties or trade unions
- active on the impact area of an activity in question

have legal standing in environmental administrative procedures if they defined their area of operation to cover the foregoing impact area.

While the above criteria cover the issue of Art. 9.2 legal standing by the Aarhus Convention, Art. 9.3 standing is regulated by the Article 99 of the Act on the General Rules of Environmental Protection in Hungary. According to this, environmental NGOs (meeting the same criteria as above) can start a lawsuit against a polluter and ask the court to order the ceasing of the activity or the introduction of preventive measures by the polluter.

- Are there preconditions of access to justice in environmental matters (besides of course fulfilling the criteria of legal standing)?

There is a prior participation requirement in some administrative cases. These cases are those related to railway construction and general house building. In the related permitting procedures, no administrative remedy can be applied in case the person having legal standing has learned about the process but has not expressed its views in the first instance process. This requirement is not applicable in environmental, nature conservation or water management cases.

A technical type of precondition exists in EIA procedures where NGOs willing to exercise their legal standing must submit their court registration documents and their by-laws in order to prove the fulfilment of the respective standing criteria.

b) practice	- Do the criteria of legal standing for individuals in environmental matters pose a barrier to access to justice? Yes, the answer is clearly in the positive. When previously, before 1 January 2018, the administrative procedural law required affectedness of rights and legitimate interests of individuals in order to have legal standing, the practice was already quite restrictive. There were numerous examples when house owners living across the street from a new development's site were refused legal standing by the competent authorities, arguing that the two pieces of land are not adjacent but are separated by a public road. From 1 January 2018, there can be an ever stricter construction of the law expected, considering that the new General Administrative Order Act introduced the criterion of direct affectedness for getting legal standing. - Do the criteria of legal standing for eNGOs in environmental matters pose a barrier to access to justice? In itself, the criteria for standing are not too restrictive and are not prohibitive whatsoever. Environmental NGOs are normally created for the protection of environmental interests and they are indeed not political parties or trade unions. Their activity on the impact area of an activity in question and their area of operation can be defined in their bylaws, therefore these requirements are quite easy to meet. However, what is constantly changing is the breadth of the notion "environmental administrative procedure". Stemming from the always recurring restructuring of the state administration institutions in charge of the protection of the environment, less and less cases fall under the category called "environmental" and it results in less and less procedures where NGOs can exercise legal standing. While before 2010 many cases such as water management, forestry, road construction, mining and the like belonged to the category of procedures where NGOs had legal standing, by now hardly any more case types than the EIA and EID (IPPC) cases are those where the legal standing of environmental NGOs is not questionable or questioned by the competent authorities. - Do the preconditions of access to justice in environmental matters (if they exist) pose a barrier to access to justice? The technical precondition of submitting certain documents do not pose any barrier to access to justice for NGOs. The other precondition applied by some laws (the prior participation requirement) are clearly not lawful in light of the case law of the Court of Justice of the European Union. Luckily the environmentally relevant case types are not affected by this precondition. - Cite one or two court cases where either the criteria of standing or preconditions of access meant a barrier to access to justice, etc.

	Criteria of standing Case No. 1 Illegal burning of waste An environmental NGO submitted a complaint to the competent environmental authority about its sighting of an incident involving illegal burning of waste in an open space in Budapest. The competent authority investigated the case and imposed an air pollution fine on the perpetrator but did not involve the environmental NGO into the administrative procedure of fining. Upon the appeal of the NGO, the argumentation of the competent authority was the following: considering that the law does not define an impact area attached to an illegal burning of materials, the standing conditions set by the Act on the General Rules of Environmental Protection are meaningless. Therefore no NGO can be granted legal standing in such cases. The case has not been submitted to court review. Case No. 2 Forest management An environmental NGO submitted a letter to the competent forestry authority requesting to be involved into a case affecting a certain peace of woodland in the countryside under Natura 2000 protection. The competent authority refused legal standing. Its argumentation was the following: in forestry cases, even if they affect forests being Natura 2000 sites, the only ones who can get legal standing are the owners of the forest and the forest managers commissioned by the owners. The case has not been submitted to court review.
c) scoring	On a scale of 1 to 5 please score the following in terms of how strongly they mean a barrier to access to justice in environmental matters: 1: very weak, 2: weak, 3: intermediate, 4: strong, 5: very strong - criteria of legal standing for individuals in environmental matters: 4 - criteria of legal standing for eNGOs in environmental matters: 3 - preconditions of access to justice in environmental matters: 2

Objective	Indicator (example)
Availability of legal remedies and adequacy	review against administrative acts or omissions review against actions or omissions of private persons scope of challenges brought in a review (review of substantive issues, of formal issues, of discretionary decisions, standard of review, general court competence to hear claims, etc.) availability of injunctive relief effective remedies available when challenges are successful
a) legislation	- Is there a review of administrative acts by the court? Yes, the legislation ensures that administrative acts are subject to review by the court. According to the new Administrative Judicial Procedure Act (Act. No. 1 of 2017), both administrative acts and so-called supplementary administrative acts are subject to court review. The latter fall under a simplified review regime with no trial held during adjudication. - Is there a review of administrative omissions by the court? Yes, the legislation ensures that administrative omissions are subject to review by the court. The new Administrative Judicial Procedure Act created a new type of judicial review called Omission Adjudication. In such cases, obligations defined for but omitted by administrative authorities are reviewed and decided by the court. - Is there a review of acts of private persons by the court? While a number of acts of private persons are subject to court review within the realm of the classical traditional private law, its analysis falls outside the remit of this study. As regards environmental matters, Article 99 of the Act on the General Rules of Environmental Protection says that environmental NGOs (meeting the respective criteria) can start a private lawsuit against a polluter and ask the court to order the ceasing of the activity or the introduction of preventive measures by the polluter. - Is there a review of omissions of private persons by the court? While a number of omissions of private persons are subject to court review within the realm of the classical traditional private law, its analysis falls outside the remit of this study. As regards environmental matters,

Article 99 of the Act on the General Rules of Environmental Protection says that environmental NGOs (meeting the respective criteria) can start a private lawsuit against a polluter and ask the court to order the introduction of preventive measures by the polluter (in this case, connected to an omission).

- What is the scope of challenges brought in a review?

In an administrative lawsuit against an administrative act in environmental matters, one can challenge all aspects of the act under review, i.e. the procedure how it was made, its content and also the scientific correctness of the underlying expert documents that served as a basis for the decision-making.

In a private lawsuit against a polluter, an environmental NGO can dispute if the actions or omissions of a private person were in line with the respective environmental regulations and whether their performance/omission resulted in a pollution of the environment as defined by Act on the General Rules of Environmental Protection.

The new Judicial Procedure Act (Act. No. 130 of 2016) introduced a new type of lawsuit called “collective lawsuit”. According to Article 583 of the Judicial Procedure Act, such a collective lawsuit can be started by at least 10 people whose enforced rights are the same and the facts relating to the plaintiffs are substantively identical. One reason why such a lawsuit can be initiated is the following: enforcing claims for health damage and pecuniary damage caused directly by non-foreseeable environmental pollution based on human activity or omission (de facto industrial emergency cases).

- What kind of injunctive reliefs are available in environmental matters?

In administrative lawsuits, an injunctive relief is called “immediate protection”. If the applicant asks for such an immediate protection, the court may suspend or on the contrary, order the applicability of an administrative act under review, can make other interim measures or order the preliminary collection of evidence.

In private lawsuits, an injunctive relief is called “interim measure”. Such an interim measure can include an obligation to act and this ordered action can only be identical with what the applicant can request the defendant to do in the lawsuit.

- What are the conditions of applying an injunctive relief by the court?

In administrative lawsuits, the judge considers, based on proportionality and the public interest as well as the interests of all

	parties to the case whether the lack of granting the immediate protection would cause a more serious harm than the harm caused by the ordering of the immediate protection. The ordering of the immediate protection can be made conditional upon the payment of a bond or cross-undertaking in damages. In private lawsuits, the judge considers whether granting the interim measure would cause a more serious harm to the adversary of the requester than the harm caused by the lack of ordering the interim measure to the requester. The ordering of the immediate protection can be made conditional upon the payment of a bond or cross-undertaking in damages. This happens when the adversary of the requester proves that in case he wins the merits of the lawsuit, the harm caused by the interim measure would serve as a basis for a tort claim against the requester.
b) practice	- What is the scope and depth of review by the courts in practice? Courts in Hungary in administrative lawsuits routinely investigate all aspects of the act under review upon the request of the plaintiff, i.e. the procedure how the act was made, its content and also the scientific correctness of the underlying expert documents that served as a basis for the decision-making. Courts do not question the legitimacy of such requests made by plaintiffs in administrative lawsuits. - What is the practice of courts in applying injunctive relief in environmental cases? Generally, courts do not apply interim reliefs very frequently but the frequency of their application in environmental cases seems not to diverge from the average frequency of use in other cases significantly. This means that the potential aversion of courts from using injunctive relief liberally does not stem from the character of the case (e.g. environmental) but rather from a general view that such legal instruments are to be used sparingly. - Does this mean a barrier to effective access to justice? In fact it does, although this statement may seem contradictory to the previous paragraph. Although we are aware that the frequency of application of injunctive reliefs in environmental cases is the same as in other cases, we do believe that this means a barrier to effective access to justice. The reason is because these are the environmental cases where such legal instruments should be used more frequently than in other types of cases. For this reason, through the average level of application – although prima facie it is not a damage to rule of law – injunctions are not able to fulfil their goals and do not contribute significantly to the protection of environment via legal means.

- Are the judicial remedies effective when challenges are successful?

In administrative cases, up until 1 January 2018, courts only had cassation powers therefore any successful challenge meant that the administrative procedure would start again and perhaps results in the same outcome as before, just the competent authority not committing the same procedural or substantive mistakes in the administrative act as before (without the judicial review). This was not extremely effective, also in terms of time, money and human resources involved in an environmental administrative lawsuit.

Since 1 January 2018, courts in administrative lawsuits may in certain circumstances amend the administrative acts. However, it is such a new legal option that we cannot evaluate its effectiveness as of now. But in sum, we can conclude that if the case law of courts does not alter in this regard, the new system will not be any more effective than the previous one was.

- Cite one or two court cases for any of the preceding issues, e.g. scope and depth of review, injunctive relief, effectiveness of judicial remedies, etc.

Case No. 1
Road construction in a nature reserve
An environmental NGO filed a lawsuit against a road construction company claiming that one of its projects, a small road connecting two villages through a national park and a Natura 2000 site would damage natural values on the spot. The first instance court granted interim relief and prohibited the company to continue building activities. As a result, no construction activities took place for approximately 6 months but after the second instance (appellate) court reversed the first instance court's order, the construction activities quickly resumed and the road was completed already during the course of the lawsuit.

Case No. 2
Construction waste recycling site
An environmental NGO filed a lawsuit against the permit of a construction waste recycling facility. The NGO claimed that the issuing of the permit happened with absolutely no public participation and neither the nearby villagers nor any environmental NGO was informed about the upcoming permitting process. In parallel, the NGO claimed that the court order the operator of the facility to discontinue its operation until the case on the legality of the site's permit is finally finished. The court refused the request of the NGO. It argued that the underlying case is about the legality of an administrative decision and not the operation of the facility. The operator of the facility is not even a party to the lawsuit therefore the court cannot set any obligation on the operator.

c) scoring	On a scale of 1 to 5 please score the following in terms of how strongly they mean a barrier to access to justice in environmental matters: 1: very weak, 2: weak, 3: intermediate, 4: strong, 5: very strong scope and depth of review by the courts: 1 conditions of applying an injunctive relief: 4 effectiveness of judicial remedies: 3

Objective	Indicator (example)
Timeliness of access to justice	deadline for submitting an administrative complaint: deadline for bringing a court action deadline set for administrative review deadline set for judicial review: deadline for requesting and granting an injunction average length of procedures: no general data available; for EIA procedures 18,4 months (median in 2016); 7 months from the time the authority has all necessary documents;
a) legislation	- What is the deadline for submitting an administrative remedy in environmental matters? According to the new General Administrative Order Act, from 1 January 2018 the administrative appeal as such is abolished and there are only certain cases (case categories) where this legal instrument exists. Such cases (case categories) are defined by separate Acts of the Parliament. In those cases, there are 15 calendar days counted from the delivery of the first instance administrative decision to file an appeal, i.e. either submit it electronically or have it mailed via a post office. Environmental, nature conservation and water management cases are such where the regular appeal is available. - What is the deadline for bringing a court action in environmental matters? The new General Administrative Order Act made the judicial review the general remedy against administrative decisions that are made at one instance. It is also a remedy against administrative decisions made at the second instance in an appellate procedure. The deadline is 30 calendar days from the delivery of the administrative decision to file a lawsuit, i.e. either submit it electronically or have it mailed via a post office. - What is the deadline set for the competent authority for administrative review? It is not fully clear from the formulation of obligations in the new General Administrative Order Act how long a second instance administrative authority may take to make a decision. However, if the same rules apply to the appellate decision-making as to the first instance one, then there are 60 days within which the authority must make a decision upon the appeal. Again, we stress that the appeal as such is limited to a few case categories only from 1 January 2018.

	- What is the deadline set for the court for judicial review? There is no absolute deadline set for the judicial review, also owing to the nature of judicial decision-making. However, the new Administrative Judicial Procedure Act requires the court to hold the first hearing within 60 days from the arrival of the action at the court or from the time when the action is appropriate for adjudication. - What is the deadline for requesting and granting an injunction? There is no deadline for requesting an injunction but according to the new Administrative Judicial Procedure Act, the court shall decide within 15 days on the granting or refusing of the request.
b) practice	- What is the average actual duration of an administrative review process? There is no consistent case law in the matter, there can be no certain answer given to this question. But on an average, appellate administrative procedures may last from 60 days in simpler cases up to 6 months in extremely complicated ones. - What is the average actual duration of a judicial review process? Since the new Administrative Judicial Procedure Act introduced a new system of judicial review of administrative decisions, and there is not yet a consistent case law in the matter, there can be no certain answer given to this question. - What is the average actual duration of a judicial case against a private person? Since the complexity of a legal dispute so much defines the issues to be adjudicated by the court and that, conversely, defines the duration of a judicial case to such an extent, that there can be no certain answer given to this question. - What is the average actual duration of granting an injunction? On an average, based on the case law of the previous Judicial Procedure Act, the duration of granting or refusing a request for injunction ranged from 1 month to 3 months. - Cite one or two court cases for any of the preceding issues, e.g. length of procedure, time to grant and injunction, etc.

	Case No. 1 Road construction in a nature reserve An environmental NGO filed a lawsuit against a road construction company claiming that one of its projects, a small road connecting two villages through a national park and a Natura 2000 site would damage natural values on the spot. The NGO immediately asked for an injunction, meaning the stoppage of the construction activities until the final decision of the court. Although the first instance court eventually granted an interim relief and prohibited the company to continue building activities, it took approximately 6 months for the court, during which the construction continued and practically resulted in a near-ready status of the road. As a result of the injunction, no construction activities took place for the next approximately 6 months but after the second instance (appellate) court reversed the first instance court's order, the construction activities quickly resumed and the road was completed already during the course of the lawsuit.
c) scoring	On a scale of 1 to 5 please score the following in terms of how strongly they mean a barrier to access to justice in environmental matters: 1: very weak, 2: weak, 3: intermediate, 4: strong, 5: very strong the average actual duration of an administrative review process: 3 the average actual duration of a judicial review process: 3 the average actual duration of granting an injunction: 4

Objective	Indicator (example)
Costs of access to justice	fees for administrative review: fees for judicial review: rules of bearing costs of procedures: costs for/necessity of expertise: cost capping mechanisms, legal aid, etc.: A
a) legislation	- What are the fees for administrative review in environmental matters? In most of the administrative procedures, there is a payment obligation, called due, prevailing. These dues are regulated by the Act on Dues (Act No. 93 of 1990) that contains a detailed regulatory framework on amounts, sanctions for non-payment and also waivers. One of such waivers says that a NGO that was not subject to corporate tax the preceding year does not have to pay dues in administrative procedures. However, in most of the environmental cases, a different payment obligation called fee prevails. Owing to the fact that such fees do not fall under the Act on Dues, the foregoing waivers do not apply either. Consequently, in case a fee (and not a due) has to be paid in a given case, that amount can be prohibitively high for an NGO, effectively barring it from applying legal remedies. - What are the fees for judicial review in environmental matters? For the judicial review of administrative decisions, a due must be paid. - What are the rules of bearing costs of procedures in environmental matters? In the administrative procedure, in case somebody applies a legal remedy, the respective dues must be paid at the same time as filing the appeal. However, if an NGO files an appeal, as was said in the foregoing, they are exempt from dues in case they did not have to pay a corporate tax in the preceding year. In case of fees, in environmental matters, an NGO that applies a legal remedy has to pay only 1% of the respective fee, thus the regulation provides a preferential status to NGOs and supports access to justice. In the judicial procedure, an ex lege quasi-waiver applies. In all administrative judicial proceedings, the dues do not have to be paid in advance but they are registered in the file, and only at the end of the process, when the winner / loser of the case is decided by the

	court, does the lose have to pay the dues, accordingly. This also means that predominantly a loser pays principle applies in Hungary in judicial procedures. - Are there any cost capping mechanisms, legal aid, etc.? There are a number of cost capping and fee waiver mechanisms, most of them applicable to individuals being in economically fragile or deprived situations. It is the case with administrative procedures and it is the case with judicial procedures as well. There is no such mechanism specifically created for NGOs. Legal aid can be granted to those individuals who meet the financial criteria set by the respective legislation. Legal aid can also be granted to NGOs and those NGOs that are registered as "public benefit" and who start lawsuits in the public interest shall receive legal aid.
b) practice	- What are the average actual fees for administrative review in environmental matters? Both the dues and the fees vary greatly. On an average, an administrative procedural due is between EUR 100 and 300, while an administrative procedural fee is between EUR 300 and 1,000. - What are the average actual fees for judicial review in environmental matters? The amount of dues to be paid for the judicial review of administrative decisions slightly varies but on an average, it is somewhere between EUR 100 and 200. - How do court apply the rules of bearing costs of procedures in environmental matters? Courts do apply the unconditional rules as prescribed by the law but do not grant a fee exempt status to NGOs because the law does not allow it. - What are the typical costs in environmental cases? Typical costs in environmental cases are the following: Administrative phase: Typically there are no costs in this phase because commenting the decision-making process and being present at certain procedural events is free of charge. Judicial phase: The two most significant cost categories are legal representation and expert fees.

	In case the case is lost, the two additional most significant cost categories are the court procedural fee and the expenses of the winning party. - How high are the costs of experts? Expert fees are really high in environmental cases and can be extremely, or even prohibitively high. The average expert fees in environmental matters, using a few examples are EUR 5,000 for a complex analysis in an environmental liability case EUR 1,500 for a 24-hour noise measuring EUR 1,500 for the review of an Environmental Impact Statement EUR 500 for the evaluation of one single real estate's prima facie economic value (in environmental tort cases) - Do the cost capping mechanisms, legal aid, etc. work in practice? Cost capping mechanisms, where applicable, work, especially in cases initiated by individuals. Legal aid unfortunately does not work properly, because the number of hours the scheme is able to cover is too low for any meaningful input, but also for legal aid lawyers not being experts at environmental matters, with a very few exceptions. - Cite one or two court cases for any of the preceding issues, e.g. expert fees, legal aid, etc. Case No. 1. Fees in a road construction case An environmental NGO filed a lawsuit against a road construction company, asking the court to annul the construction permit of the Northern Section of the M0 ring road/bypass highway around Budapest for environmental reasons. One of the reasons was that the heavy traffic and its emissions will contaminate the drinking water reservoirs of Budapest located north of the city. Since the case was not an environmental case, the fee waiver mechanisms did not apply and thus, the NGO had to pay the full amount of court fees and because of losing the case, also the costs of the winning party. All this amounted to approximately EUR 5,000 which was a heavy burden for the NGO.
c) scoring	On a scale of 1 to 5 please score the following in terms of how strongly they mean a barrier to access to justice in environmental matters: 1: very weak, 2: weak, 3: intermediate, 4: strong, 5: very strong average actual fees for administrative review: 2 average actual fees for judicial review: 2

	bearing costs of procedures in environmental matters: 3 typical costs in environmental cases: 5 functioning of cost capping mechanisms, legal aid, etc.: 4

Objective	Indicator (example)
Availability of capacity building	guidance on access to justice in environmental matters available for the public trainings provided for public officials and judges in access to justice access to information regarding judgments in relevant cases recognition of and state financial support to environmental legal advisory services by/to eNGOs
a) legislation	- Is there an obligation by law to have guidance on access to justice in environmental matters available for the public? No, there is absolutely no such legal obligation in Hungary whatsoever. - Are there trainings prescribed for public officials and judges in access to justice? There is no legal requirement that either public officials or members of the judiciary receive training in access to environmental justice matters. - Is access to information regarding judgments in environmental cases regulated by law? There is no specific legislation regarding access to information in relation to environmental judgments. The general Freedom of Information Act prevails and it does not allow access to information in cases where such access would adversely affect the course of justice or personal data. - Are environmental legal advisory services and eNGOs recognized by law? Law does recognize non-governmental organizations but within that broad category, there is no specific recognition according to the character of the organization. Environmental NGOs are treated equally as other NGOs with no additional burdens or benefits as compared with other types of NGOs. Legal aid NGOs, however, are recognized and according to the Legal Aid Act (Act No. 80 of 2003), an NGO can be registered at the Ministry of Justice as a "Legal Aid Organization". Such an organization has to possess an office space suitable for receiving clients and must have a contract with a licensed attorney who would provide legal services in the name of the Legal Aid Organization.
b) practice	- Is there a guidance on access to justice in environmental matters available for the public?

No, there is no such guidance available for the public.

- Are there trainings for public officials and judges in access to justice?

Public officials do not get trainings on access to justice, whereas for the members of the judiciary, there is an institution managed by the Ministry of Justice called Hungarian Justice Academy. Its curriculum contains numerous courses on procedural as well as substantive legal matters but none specifically dedicated to access to environmental justice.

Hungary is one of the 9 participating countries within J&E's EARL project. As part of the project, there will be 6 training sessions held on access to environmental justice for the members of the judiciary between the end of 2018 and the beginning of 2020.

- Is access to information regarding judgments in environmental cases ensured?

The central public website of the courts in Hungary www.birosag.hu contains a function that allows searching most of the judgments made anywhere in the country in any type of cases. This search function displays substantive judgments in an anonymized fashion. In case one wishes to look for environmental cases, the proper combination of the search words would yield meaningful results.

- Are environmental legal advisory services and eNGOs supported by the state?

There is a special government funding scheme called National Cooperation Fund that supports the work of all types of NGOs in the country and beyond, however, there was a strong criticism that the principle of selection of beneficiaries is not free from political implications. The Ministry of Agriculture has a specific fund, although very limited, for environmental NGOs. There is no specific, earmarked grant for environmental legal advisory services but indeed, from the grants dedicated to environmental NGOs, even the legal advisory NGOs may be awarded a grant. EMLA as one of such organizations usually receives a grant from the Ministry of Agriculture, on an average EUR 3,000 annually.

- Cite one or two court cases for any of the preceding issues, e.g. guidance to the public, eNGO support, etc.

N/A

c) scoring	On a scale of 1 to 5 please score the following in terms of how strongly they mean a barrier to access to justice in environmental matters:

	1: very weak, 2: weak, 3: intermediate, 4: strong, 5: very strong lack of guidance on access to justice in environmental matters available for the public: 3 lack of trainings for public officials and judges in access to justice: 3 no access to information regarding judgments in environmental cases: 1 no support for environmental legal advisory services and eNGOs: 5

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