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Introduction of EMLA

- In mid-1994 EMLA identified the need for a legal advisory service to assist the NGO and nonprofit environmental community in Hungary. The *pro bono* services EMLA began providing helped address a wide variety of NGO needs. Since that time, these have covered the full range of legal services, from counsel to representation, with one key idea in mind: to guide in self-advocacy where possible and where not, to provide the best counsel and representation available.



Introduction of EMLA

- over five-hundred cases and four-hundred projects,
- EMLA is governed by an eight-member Board of Directors,
- three full-time lawyers,
- all legal territories,
- further development of legal practice.



CASE STRATEGY of EMLA

- EMLA's all-eating strategy
- Contracting the client
- The summary of the case
- Case strategy in administrative cases
- Case strategy in civil law cases
- Some criminal case issues
- Sell that you have learnt in the cases



Projects of EMLA

- all the activity of the lawyers employed by EMLA apart from the practical law, “courtroom” work, such as writing studies, appearance before the professional and wider circle public, participation in the legislation, in the domestic and international environmental movement, as well as education and popular science activity



Projects of EMLA

- In connection with the significance of the projects, we must not forget about the fact that a part of these works involves significant fee. Our public interest, thus for the clients free of charge environmental lawyers' office cannot renounce this income.



LEGAL STANDING FOR NGOS

Art. 97 of the Environmental Protection Act (1995) mentions 'everybody' as a synonym for 'the public'. Individual members of the public can establish their standing in 'environmental decision-making' by showing their affectedness or likeliness to be affected, or by having an interest in the matter, which are preconditions of standing according to the Administrative Procedure Act as well



LEGAL STANDING FOR NGOS

The criteria set by **Art. 98 of the Environmental Protection Act (1995)**

towards NGOs are twofold:

- First, they have to be properly established and registered according to the general non-profit law of the country;
- second, they have to be associations or other membership NGOs, cannot be political parties or trade unions, have to be created for the representation of environmental interests, and their territorial scope of activity must cover the impact area in question.



LEGAL STANDING FOR NGOS

The notion '**environmental case**':

the **Supreme Court** declared (2004) that every case is environmental where the Regional Environmental Inspectorate is at least a consulted authority (and undoubtedly in every case where such authority makes the substantive decision).



LEGAL STANDING FOR NGOS

The Capital Court of Budapest declared that the Environmental Protection Act providing standing only to membership NGOs is unreasonably limiting, and broadened standing and granted it to foundations as well.



PERMITTING PROCEDURE OF AIRPORTS

Environmental permitting procedure

- assignment of the noise protection zone
- EIA
- establishment of the noise monitoring system

Construction permitting phase



LEGAL STANDING FOR MUNICIPALITIES

Participation is based on the Administrative Procedure Act

- by showing their affectedness or likelihood to be affected, or
- by having an interest in the matter, or
- by being owner of property affected by the activity or project in question

Affected area is defined as the geographical area, where the planned project has regularly or permanently numerous disadvantages besides normal operation (eg. air pollution, noise pollution, shading)

