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Participation of NGOs and Minority NGOs in the Administrative Proceedings in Hungary and Poland

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The aim of the study and the related presentation was to analyze the rules of the Hungarian and Polish administrative procedures in relation to the client status of (minority) NGOs, especially those belonging to the Polish nationality, in order to draw conclusions and make recommendations in the administrative proceedings to develop and promote the participation of non-governmental organizations.
The presence of these organizations, especially in cases where there is a conflict of interest and / or the presence of a large number of clients, can make a major contribution to increasing the transparency of the regulatory process, achieving the actual objectives of the regulatory process and exercising adequate social control.
A comparison of the experiences of Hungary and Poland is made possible by the accession to the supranational legal order of the European Union, which started at a similar time, and by the harmonization processes and similar legal and social conditions.

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Keywords: Administrative procedure; NGO; transparency; client status

I. Introduction

Nowadays, the transparent operation of the public administration and the legal and social control of its actions have become a basic requirement[1]. One of the embodiments of the openness expected from the public administration in recent years[2], with a growing professional interest, is the civil presence in administrative authority proceedings. The role of civil society representatives can be realized in different ways: from informal (lobbying, demonstration) action to formal or even partnership cooperation, and as a branch of this, participation in the official procedure as a client[3].
With the expansion of the traditional concept of the client (which is also followed by the governing procedural laws of Hungary), these actors also appear more and more among the clients, and the goals of these changes are typically the broad vision and authentic experience of civilians in certain fields and local conditions[4].
Taking into account the Hungarian and Polish conditions, it can be stated that nowadays there are basically satisfactory legal frameworks for the participation of non-governmental organizations in the administrative authority procedure, yet very few organizations use this opportunity and even fewer find their real place and role in the process. At least as far as the general characteristics of NGOs in administrative proceedings are concerned.
In the framework of the research, the system of requirements for administrative procedures in Hungary and Poland is compared in the examined subject, in relation to the legal status of non-governmental organizations. In addition, a multi-element empirical study will be conducted, the results of which will analyze the behavior and results of NGOs involved in the official process in selected areas of official law enforcement.
Based on the results of the research related to the lecture, in some well-defined areas of administrative law enforcement, it is essential to take the initiative and assist a wider range of citizens within its field of activity or to represent one, it also assumed the public interest in its memorandum of association within the framework of administrative procedures.
However, in view of the relatively rigid requirements of administrative procedural law, the legal regulation has a special role to play in the capacity and rights of these organizations.
Analyzing the Hungarian and Polish legal systems, there are many similarities when observing the framework rules of official procedure, but there are also perceptible differences in the nature of the regulation and the (client) rights provided.

II. Topic discussion

I.1. Literature review

Regarding the Hungarian literature on the topic, it can be said that the literature was active in this field, especially in the late 2000s and the next decade[5], but the authors are constantly documenting their research and professional results. These mainly dealt with the role of non-

[1] Dyzenhaus, D. - Hunt, M. - Taggart, M.: The Principle of Legality in Administrative Law: Internationalisation as Constitutionalisation. Oxford University Commonwealth Law Journal 2001 Vol 1.1. pp. 5-34.
[2] Bugaric, B.: Openness and transparency in public administration: challenges for public law. Wisconsin International Law Journal 2004. Vol. 22 p. 483.
[3] Stewart, R. B.: Administrative law in the twenty-first century. New York University Law Review 2003. Vol. 78. p. 437.
[4] Doornbos, M.: Good governance': The rise and decline of a policy metaphor?. Journal of Development Studies 2001. Vol. 37.6. p. 101.
[5] Breiner, I.: The Relationship of the Civil Society and the Public Administration System. Budapest, Ministry of Social and Labour Affairs, 2008. p. 9.

governmental organizations in general[6], and there is not much Hungarian literature on nationalities and equal treatment.
The works are typically created within the framework of workshops and associations dealing with civic interest representation and civic professional activity and elaborate the topic with theses based on Hungarian experience[7], but typically of a casuistic nature. In many cases, these works are not only of a scientific or processing nature, but also as an expression of the self-help nature of the civil sector. Less frequently, works dealing with or related to the topic are also the results of higher education and research and development projects[8].
The Hungarian literature establishes the following characteristics of the regulatory and law enforcement practice in the field:

- NGOs, especially those with a national scope in a matter covered by a different geographical area than their headquarters, usually find it difficult to engage in first instance proceedings and acquire client rights there. The situation of the organizations has improved since the 4/2010. KJE decision, but even today the courts of first instance regularly deny organizations the status of clients, which is why organizations usually seek appeals and judicial review.
- In many cases, first-instance authorities are still unprepared for procedures involving NGOs, and in many cases they are reluctant to "protect" the process from the involvement of NGOs, seeking opportunities to exclude them from client status[9].
- unresolved issues in the first instance procedure are usually not resolved in the second instance official procedure and, if passed on, lead to judicial review,
- the most common cause of the above problem is in many cases the so-called "in-house redress", in which the first instance authority and the review body are part of a common organizational system (e.g. a ministry). This makes it much more difficult to take a decision based on objective criteria that ignores the opinion of the supervisory body at the end of the procedure than in other cases[10].
- all this in many cases leads to the emptying of the appeal stage and the lack of a substantive remedy within the official procedure[11],
- Cases that go to court usually go through all levels of the judicial remedy system, thanks to the fact that in proceedings, non-governmental organizations and the applicant usually appeal against court judgments in favor of the other party[12].

The following can be stated as an evaluation of the Polish and related international literature:

- most authors do not deal separately with the participation of NGOs, non-governmental organizations [NGOs in the Anglo-Saxon field, NROs in the German field of law] in

[6] Móré, S.: The Hungarian Minority Groups and NGO's and Their Relations with the Public Bodies. ACTA HUMANA, 2018. Vol. 71. pp. 79-82.
[7] Association of NOSZA: Course Book on the Operation of the NGO's. Budapest, Association of NOSZA, 2014. pp. 4-9.
[8] Boda, Zs. – Gulyás, E.: Civilians and companies: on the social regulation of the economy. Budapest, Corvinus University of Budapest, 2011. p. 29.
[9] Móré, op. cit. pp. 89-91.
Fülöp, S.: *Experiences of the Office of the Parliamentary Commissioner for Future Generations*. In: Pánovics, A. – Glied, V. (Eds.): Act locally - Social participation in environmental issues. Pécs, Publikon, 2012. p. 138.
[10] Kilényi, G.: Commentary on the Administrative Procedure Act. Budapest, Complex, 2009. pp. 372-373.
[11] Fábián, A. – Bencsik, A.: Judgment of the Supreme Court in the case of the NATO radar planned for Tubes. JEMA, 2011. Vol. 4. p. 62.
[12] Móré, op. cit. pp. 91-93.

administrative proceedings, but with the state and, within it, the government and municipalities as a form of cooperation between civilians (and the social groups they represent)[13],

- several authors find the participation of these organizations in the official decision-making process as an "open", transparent, accountable, legally governed administration, an instrument and expression of the democratic rule of law[14],
- Some authors systematically consider the process of civilian participation in state decision-making and, within it, participation in administrative authority proceedings and the development of client status[15]: initially only cooperation practices based on state and civilian aspirations cover a wider range of state activities or in administrative procedure. The reasons for the participation of non-governmental organizations[16] in this case are mostly the representation of the public interest, the enforcement of various areas of law and rights (fundamental rights, consumer, labor and environmental law, rights of the individual) and the prevention of official violations,
- In several cases, the interpolability[17] of the administrative practice of the countries related to the nationality or field of study of the authors appears, which includes the rights of the client, and thus also the civil participation.

I.2. Analysis of legal regulations in Hungary

Despite the fact that when the Act on General Rules of Public Administration[18] entered into force, it was possible for non-governmental organizations to participate in administrative authority proceedings as clients, and in practice Act I of 1981 amending the Act did not change the provisions of the they were typical declarations of principle rather than legal provisions giving the possibility of action, the actual right of the client. Although broadly defined customer rights appeared in the above legislation, guarantees of the enforceability of these rights were largely lacking in the regulation[19].

[13] Bingham, L.B. - Nabatchi, T. - O'Leary, R.: The new governance: Practices and processes for stakeholder and citizen participation in the work of government. Public administration review 2005. Vol. 65.5. pp. 547-558.
Kusiak-Winter, R..: Partycypacja społeczna w prawie administracyjnym–wybrane zagadnienia na tle ustawodawstwa niemieckiego. Wroclaw, Wydział Prawa, Administracji i Ekonomii Uniwersytetu Wrocławskiego, 2016. pp. 295-301.
Alnoor, E.: Accountability in practice: Mechanisms for NGOs. World Development 2003. Vol. 31.5. pp. 813-829.
[14] Kettl, D. F.: The transformation of governance: Globalization, devolution, and the role of government. Public Administration Review 2000. Vol. 60.6. pp. 488-497.
Gutkowska, A.: *Ewaluacja funkcjonowania poradnictwa prawnego dla uchodźców-analiza prawna i praktyczna*. In: Frelak, W. J. – Klaus, W. (Eds.): Słabe ogniwa. Wyzwania dla funkcjonowania systemu ochrony uchodźców w Polsce. Warszawa, Instytut Spraw Publicznych, 2011. pp. 15-30.
[15] Stewart, R. B. 2003. op.cit. pp. 437-460.
Bogacz-Wojtanowska, E.: *Współdziałanie organizacji pozarządowych i publicznych*. Kraków, Instytut Spraw Publicznych Uniwersytetu Jagiellońskiego, 2011. pp. 35-42.
[16] Weisbrod, B. - Handler, A.J.F. - Komesar, N. K.: Public interest law: An economic and institutional analysis. Berkeley, University of California Press, 1978. pp. 313-348.
[17] Stewart, R. B.: US Administrative Law: A Model for Global Administrative Law?. Law and contemporary problems 2005. Vol. 68.63. pp. 63-108.
[18] Act IV of 1957 Act on General Rules of Public Administration, para 1 (5)
[19] 1005/2003. (I.30) Government Decree on the regulatory concept of the Act on the General Rules of Administrative Procedure

The regulation of the client rights of non-governmental organizations in an expressis verbis manner is regulated by Act CXL of 2004[20]. (hereinafter: GRAPS) and an high court abstract decision[21] issued also in 2004. The decision on legal unity created a uniform interpretation specifically for environmental organizations regarding the classification of organizations as clients: it granted the organizations legal status with regard to rejection decisions and resolutions issued by the competent authority in the environmental case group. As a result, these organizations were able to become clients not only in cases where the environmental authority acted as a court of first instance, but also in cases where that authority participated as a specialist in the official proceedings. The above decision was nuanced by another decision in 2010[22], repealing it. The decision on the right of action and intervention of civil participants in proceedings laid down clear requirements for cases where it is no longer only a question of the participation of these organizations in official proceedings, but of judicial review of a decision taken in official proceedings. This decision was no longer necessarily a milestone not only for environmental and nature conservation organizations, but also for minority NGOs.

However, the application of rules that create a legal environment that seems ideal at first sight has led to abuses and misinterpretations in many cases, and since in most cases this has made it impossible for organizations to participate, many cases have been investigated in the Hungarian Ombudsman's practice.

Legislation withdrawing the basic rules and boundaries of the administrative authority procedure and service - which has been amended several times since - GRAPS provided[23], under certain well-defined conditions, the organizations formed by the law of the merger to participate in the proceedings as clients and thus to exercise client rights.

In the GRAPS, one of the cornerstones was the rights and obligations of the parties involved in the case, who can become a client with an important legal and strategic position in the proceedings.

It can also be considered the implementation of the principle of customer-friendly administration throughout its regulation that non-governmental organizations acting on its behalf may act instead of the population, which otherwise has little information and is less suitable for continuous follow-up of the procedure. However, it is also necessary to mention the difficulties of regulation, as it is difficult to determine who has a direct or indirect legitimate interest in the matter in the official proceedings, and in many cases this can be strongly demonstrated in relation to the organizations representing these actors. The legally justifiable interest that can be taken into account, which the authority decides on in the discretion of certain clients, is even more difficult to establish in the case of the participation of a non-governmental organization based on these interests. The right of these organizations to a specific remedy is therefore based on the “specific territorial impact and operational interest”[24], which we admit, in matters of nationality, moreover, it does not mean much in the subject matter examined.

Ordinary clients involved in the proceedings – ie. persons or organizations whose rights, legitimate interests are involved or who are contacted by the authority through inspections or records, as well as the owners and legal users of properties in each investment area and the authorities concerned - NGOs could also take part in the proceedings as clients or beneficiaries of some of their client rights. However, this requires that the sectoral legislation for the type of case allows these organizations, which are typically concerned with the protection of fundamental rights or the enforcement of the public interest, to become clients. Even without a

[20] Act CXL of 2004 on the General Rules of Administrative Procedure and Service
[21] 1/2004. KJE decision
[22] 4/2010. KJE decision
[23] GRAPS, para 15.
[24] 4/2010. KJE decision, para 2.

special legal provision (according to the GRAPS), organizations had the right to make a statement if they were engaged in the above activity, although this statement was not binding on the authority acting on the matter.

In 2014, the Hungarian Government announced a reform of the procedural legislation on public administration, the aim of which was to reduce bureaucracy and strengthen public confidence in the judiciary.
Based on the Public Administration and Public Service Development Strategy[25], the new regulations on general administrative order and administrative litigation serve to resolve customer cases faster and more efficiently, strengthen the service nature of public administration, and make procedures more transparent and simpler.
As a result of two years of preparatory work, the Government submitted its Code of General Administrative Procedure (Act CL of 2016, hereinafter: CGAP.) on 23 September 2016, the draft text of which (which eventually became the final text) uses the following solution to settle the personal scope of the Act:
„(1) Party means any natural or legal person or any organisation whose rights or lawful interests are directly affected by the case, with respect to whom an official register holds data or who (which) is subjected to administrative audit.
(2) An Act or government decree may specify, in respect of certain types of cases, the scope of those persons and organisations who (which) are considered parties by virtue of the law."
The first paragraph of the regulation retained the GRAPS nor did it change the clientele of the mentioned atypical types of proceedings. The second paragraph of the section also shares the fate of the predecessors, this provision allows sectoral legislation to include certain categories of persons in the scope of the formal procedure.
If we are looking for the answer to what effects GRAPS the following answers can be obtained to shorten and simplify the expanding client-approach introduced by

1. In a formal interpretation, in the CGAP the concept of clients has been significantly shortened, and this can have such a customer-friendly effect that by reducing the length and complexity of the norm on public order, citizens can better review the legislation, thereby increasing their level of awareness of legal provisions and voluntary compliance.
2. However, in the course of material interpretation, it may become apparent that the CGAP got rid of three significant groups of client concepts included in the GRAPS, namely the detailed rules concerning the legal status of non-public authorities, the population of the affected area and non-governmental organizations.
3. The lack of the status of a client of an official authority may be less of a problem, as these bodies ultimately remain linked to the case that is the subject of the official procedure through their tasks, the status of a client in this case was rather complementary.
4. Although less relevant to our topic, it may be interesting in its connection points that in the absence of legal provisions for the affected population, these formerly legal clients cannot engage in official proceedings in time regarding the effects on the property[26] they own or use to represent our rights and legitimate interests there in an appropriate form, they usually find out about the outcome of the administative procedure, the measures and acts of the authority only late, and their possibilities for action in this regard are extremely limited. The following, second paragraph of the section on personal scope, sectoral legislation could create for. All this in itself raises constitutional concerns, as it may run counter to the basic provisions of the fundamental rights on the protection of property.

[25] Public Administration and Public Service Development Strategy http://www.kormany.hu/download/8/42/40000/K%C3%B6zigazgat%C3%A1s_feljeszt%C3%A9si_strat%C3%A9gia_.pdf 16.10.2020
[26] And at the same time, of course, including movables, as the effects could have an effect on these as well.

5. However, from the point of view of our most important topic, the situation regarding the legal status of non-governmental organizations has become similarly problematic. Although the above-mentioned sectoral legislation[27] provides a basic framework for the participation of NGOs in the GRAPS even without the rules on the client status of non-governmental organizations, but these laws do not necessarily provide specific client status to organizations, only certain client sub-rights, and the scope of these sub-rights may differ from sector to sector based on the above.

The problems that arise show that while the issue of the client status of each potential clients could be resolved by calling for its detailed rules, until then the CGAP it significantly complicates the situation of both these persons and entities and law enforcement agencies, as the authority has to keep the actions of individual *"quasi"* clients within the scope of sectoral legislation. Such persons and organizations cannot have some important partial rights, and the framework provided by the law is expected to be attributed to the inflexibility of the administrative body and the rigidity of the official procedure.
This is particularly problematic because the basic reason for creating the new legislation would have been to make the process of the official procedure even more customer-friendly and easily adaptable to the constantly changing circumstances by simplifying the rules.
It should also be noted in this regard that Act CLXXIX of 2011 on the rights of nationalities do not grant additional rights to ethnic NGOs in this regard and thus in any case the sectoral legislation for the Authority may be decisive for the client status of NGOs representing national interests.

I.3. Analysis of legal regulations in Poland

In Poland, after the change of regime in 1989, there was an excellent opportunity to strengthen relations between civil society and the state. According to Rymsza's findings[28], the period 1993-1997 proved to be an excellent period for the legal settlement of relations between NGOs, society and the public administration. During this period, the Polish NGO sector, including minority NGOs, was able to develop in the social environment and was given the opportunity to build an orderly and synergy relationship with the Polish state administration. It should be noted, however, that during this period, foreign co-financing of these organizations was not properly regulated, putting newly organized civil communities in a difficult economic situation, which were often unable to carry out their tasks, e.g. participation in official proceedings could not or could not be adequately ensured[29].
As early as 1960, the Administrative Code[30] involved non-governmental organizations among its clients. Article 28 of the Act states:
"A party to proceedings ("a party") is any person whose legal interests or responsibilities are the object of the proceedings or who requires the intervention of a body in respect of their legal interests or responsibilities."
Further, in Article 31, the Administrative Code sets out exactly what rights social organizations have:

[27] 314/2005. (XII. 25.) Goverment Decree on the environmental impact assessment and the unified environmental use permitting procedure
Act LIII of 1995 on General Rules for the Protection of the Environment
Act LIII of 1996 on nature conservation and other sectoral legislation in the field of environmental administration
[28] Rymsza, M.: Polityka państwa wobec sektora obywatelskiego w Polsce w latach 1987-2007. In: Rymsza, M. - Makowski, G. – Dudkiewicz M. (Eds.): Państwo a trzeci sektor. Prawo i instytucje w działaniu. Warszawa Instytut Spraw Publicznych, 2007. pp. 23-42.
[29] Bogacz-Wojtanowska 2011. op. cit. p. 20.
[30] Act of 14 June 1960 Code of Administrative Procedure Poland (Ustawa z dnia 14 czerwca 1960)

"§ 1. A social organisation can intervene in a matter involving another person with a request to: 1) commence proceedings, 2) participate in proceedings, if such participation is justified by its statutes and where there would be a public benefit in allowing it.
§ 2. The public administration body, in allowing the request of the social organisation, shall make an ex officio decision on commencement of proceedings or on admission of the organisation to proceedings. A decision refusing commencement of proceedings or admission to proceedings can be the made the subject of an interlocutory objection by the social organisation.
§ 3. Social organisations shall participate in proceedings with the rights of a party.
§ 4. In commencing proceedings in a matter involving a third party, the public administration body shall inform the social organisation if it believes that the organisation would be interested in participating in proceedings as a result of its statutory objects and there would be a public benefit in allowing it to do so.
§ 5. A social organisation which is not involved in proceedings with the rights of a party may, with the consent of the public administration body, submit its opinion on the case to the body by way of a resolution or declaration of its statutory representatives.
…"
This legal requirements was included in the text of the Act in 1980[31], when it was expanded with this section.
It can be seen that a much wider system providing full customer status than in Hungary was established, which was based on the involvement and even the initiating role of social organizations and ensured the implementation of legal and socially acceptable and controlled official procedures for decades, surviving the change of regime.
To date, the above legislation has undergone 71 amendments[32], however, the above section has survived the period of regime change without amendments[33], and after several fundamental changes, it still serves the connection of society and public authorities.
There is no specific regulation for minority groups and NGOs in this regard, but the broad general rules allow these organizations to participate fully in administrative proceedings.

III. Results

Based on the features presented in this paper, it can be clearly stated that no problem-free case law has been established regarding the participation of NGOs and minority NGO's and groups in the administrative proceedings in Hungary. Both the judicial practice before and after the unit law resolutions, both the practice of ombudsman and for the literature the nature of the participation, the content of the rights of the clients and their ability to enforce administrative and judicial practices were disputed.
With regard to all legislation, and in particular the norms regarding public administration that are in daily use with citizens, the personal effect of the relevant legal provision is of great importance, namely to what kind of addressing scope can be applied. In administrative proceedings where, in principle, the authority establishes, modifies, or terminates rights and obligations acting on a case-by-case basis, it is even more important that who may become partakers of the administrative proceedings under the legal status of a client thus exercising the rights and obligations insured in the law determining the procedural provisions.

[31] The announcement of the Prime Minister of March 17, 1980 on the publication of the uniform text of the Act of June 14, 1960 - Code of Administrative Procedure
[32] The Act of June 14, 1960, Code of Administrative Procedure.
http://isap.sejm.gov.pl/isap.nsf/DocDetails.xsp?id=WDU19600300168 16.10.2020
[33] Act of 24 May 1990

The protection of nationalities also deserves a higher level of protection, and it is especially important to be able to ensure their presence in the proceedings relevant to them, because this can ensure the protection of communities and the representation of their interests.
In Polish practice, we see a much more positive overall picture than this: the client status of social, as well as, minority organizations has provided these organizations with extensive rights under the relevant legislation since 1980.
The Polish legal requirements in this field can serve as a model for the Hungarian legislature, which has now stood the test of time and proved that it provides an appropriate legal framework for cooperation between NGOs and public authorities. It has also become clear that the compression and shortening of general administrative authority rules does not necessarily mean one-on-one clarity and does not provide transparency without any conditions.
It is therefore a great responsibility for the legislator and even the persons and committees who set up the draft legislation how to determine the personal scope of the administrative proceedings. From the point of view of administrative proceedings, the number and presence of clients who, under the rules of the administrative system, would no longer enjoy the status of a client, appear to be marginal for the legislature in a case-by-case manner. However, it should not be overlooked that the influence of the affected population and NGOs in certain well-defined groups of affairs has a major role to play in promoting the public interest, and this is in line with the basic aims and purpose of both existing and renewable legislation. These actors must undoubtedly be present during the administrative proceedings, and their participation in a rule of law cannot be ignored.

IV. Conclusion

Nowadays we can say that the legal conditions for the participation of non-governmental organizations, especially the minority NGO's in the administrative proceedings would basically be given, but it cannot be said with such certainty that the administrative and judicial practice of assessing the legal status of a client would have been a consensus point of reference. The provisions of the general administrative order and its regulatory solution further undermine this, entrusting the authorities with the issue of considering the status of a client with less legal "handrails" than before. We can still question in Hungary whether the legal unit resolution decisions of the Hungarian Supreme Court of Justice and the Curia are satisfactory, whether in the field of investigation of the unit law resolution, or in fields that do not belong to the environmental administration and minority affairs, but which provide client rights. In many respects, Polish regulation can serve as a model for resolving problems.
Once the legal status of administrative proceedings is considered to be such a field, it is desirable that the regulation of the area and the management of the law should be sufficiently flexible in relation to the organizational features and non-profit nature of the multi-factor model, taking into account several criteria, but should be effective for rapid administrative proceedings. However, this flexibility should not become a breeding ground for abuse, the right of applicants to a fair trial requires that we draw limits to the participants in the administrative proceedings. To find the ideal limit, it would be crucial to have a precise regulatory framework setting limits or if not available, a High court decision that promotes the uniform application of the relevant law.

References

Dyzenhaus, D. - Hunt, M. - Taggart, M.: The Principle of Legality in Administrative Law: Internationalisation as Constitutionalisation. Oxford University Commonwealth Law Journal 2001 Vol 1.1. pp. 5-34.

Bugaric, B.: Openness and transparency in public administration: challenges for public law. Wisconsin International Law Journal 2004. Vol. 22 p. 483.

Stewart, R. B.: Administrative law in the twenty-first century. New York University Law Review 2003. Vol. 78. p. 437.

Doornbos, M.: Good governance': The rise and decline of a policy metaphor?. Journal of Development Studies 2001. Vol. 37.6. p. 101.

Breiner, I.: The Relationship of the Civil Society and the Public Administration System. Budapest, Ministry of Social and Labour Affairs, 2008. p. 9.

Móré, S.: The Hungarian Minority Groups and NGO's and Their Relations with the Public Bodies. ACTA HUMANA, 2018. Vol. 71. pp. 79-82.

Association of NOSZA: Course Book on the Operation of the NGO's. Budapest, Association of NOSZA, 2014. pp. 4-9.

Boda, Zs. – Gulyás, E.: Civilians and companies: on the social regulation of the economy. Budapest, Corvinus University of Budapest, 2011. p. 29.

Fülöp, S.: Experiences of the Office of the Parliamentary Commissioner for Future Generations. In: Pánovics, A. – Glied, V. (Eds.): Act locally - Social participation in environmental issues. Pécs, Publikon, 2012. p. 138.

Kilényi, G.: Commentary on the Administrative Procedure Act. Budapest, Complex, 2009. pp. 372-373.

Fábián, A. – Bencsik, A.: Judgment of the Supreme Court in the case of the NATO radar planned for Tubes. JEMA, 2011. Vol. 4. p. 62.

Bingham, L.B. - Nabatchi, T. - O'Leary, R.: The new governance: Practices and processes for stakeholder and citizen participation in the work of government. Public administration review 2005. Vol. 65.5. pp. 547-558.

Kusiak-Winter, R..: Partycypacja społeczna w prawie administracyjnym–wybrane zagadnienia na tle ustawodawstwa niemieckiego. Wroclaw, Wydział Prawa, Administracji i Ekonomii Uniwersytetu Wrocławskiego, 2016. pp. 295-301.

Alnoor, E.: Accountability in practice: Mechanisms for NGOs. World Development 2003. Vol. 31.5. pp. 813-829.

Kettl, D. F.: The transformation of governance: Globalization, devolution, and the role of government. Public Administration Review 2000. Vol. 60.6. pp. 488-497.

Gutkowska, A.: Ewaluacja funkcjonowania poradnictwa prawnego dla uchodźców-analiza prawna i praktyczna. In: Frelak, W. J. – Klaus, W. (Eds.): Słabe ogniwa. Wyzwania dla funkcjonowania systemu ochrony uchodźców w Polsce. Warszawa, Instytut Spraw Publicznych, 2011. pp. 15-30.

Stewart, R. B. 2003. op.cit. pp. 437-460.

Bogacz-Wojtanowska, E.: Współdziałanie organizacji pozarządowych i publicznych. Kraków, Instytut Spraw Publicznych Uniwersytetu Jagiellońskiego, 2011. pp. 35-42.

Weisbrod, B. - Handler, A.J.F. - Komesar, N. K.: Public interest law: An economic and institutional analysis. Berkeley, University of California Press, 1978. pp. 313-348.

Stewart, R. B.: US Administrative Law: A Model for Global Administrative Law?. Law and contemporary problems 2005. Vol. 68.63. pp. 63-108.

Public Administration and Public Service Development Strategy http://www.kormany.hu/download/8/42/40000/K%C3%B6zigazgat%C3%A1s_feljeszt%C3%A9si_strat%C3%A9gia_.pdf 16.10.2020

Act IV of 1957 Act on General Rules of Public Administration, para 1 (5)

Act LIII of 1995 on General Rules for the Protection of the Environment

Act LIII of 1996 on nature conservation and other sectoral legislation in the field of environmental administration

Act CXL of 2004 on the General Rules of Administrative Procedure and Service

Act CL of 2016 Code of General Administrative Procedure

1005/2003. (I.30) Government Decree on the regulatory concept of the Act on the General Rules of Administrative Procedure

314/2005. (XII. 25.) Goverment Decree on the environmental impact assessment and the unified environmental use permitting procedure

1/2004. KJE decision

4/2010. KJE decision

Act of 14 June 1960 Code of Administrative Procedure Poland (Ustawa z dnia 14 czerwca 1960)

Act of June 14, 1960, Code of Administrative Procedure.

http://isap.sejm.gov.pl/isap.nsf/DocDetails.xsp?id=WDU19600300168 16.10.2020

The announcement of the Polish Prime Minister of March 17, 1980 on the publication of the uniform text of the Act of June 14, 1960 - Code of Administrative Procedure

Act of 24 May 1990

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