

## Annex to the communication ACCC/C/2014/105

### Table of national legal remedies used in the process

Complaint element	National legal remedy used	Result of the legal remedy
<p><b>Point 1 of the Complaint</b></p> <p>The 24<sup>th</sup> of June, 2010 information request from the Paks Nuclear Power Plant Shareholder Company on the total expenses of and the contracts concluded within the frames of the Teller Project</p> <p>After all, the data requested in June 2010 were fully extended to the Energiaklub only in August of 2013 when it could not already serve any meaningful participation – this basic structural shortcoming could not be a subject of any concrete legal remedies on national level, except the Constitutional Court. Why Energiaklub decided not to use this legal remedy is explained in the body text of our letter, under Point 7.</p>	<p>a) In September, 2010 Energiaklub turned to the Szekszárd City Court;</p> <p>b) In February, 2011, Energiaklub appealed to the second instance Tolna County Court;</p> <p>c) In November, 2011, the Energiaklub issued again a complaint to the Szekszárd City court for the remaining information;</p> <p>d) In April 2012, out of procedural faults the second instance Tolna County Court has annulled the first instance decision and instructed the City Court to repeat the procedure;</p>	<p>a) The city court in its sentence No. 27.G.40079/2010/14 dismissed the request;</p> <p>b) The county court in its decision No. 13.Gf.40.024/2011/4 changed the decision of the Szekszárd City Court and ordered to extend all the requested data to the Plaintiff, with the possibility to blacken any data on technical solutions;</p> <p>c) In its decision No.27.G.40.077/2011/5. the city court obliged the Company to send all the requested information to the Plaintiff;</p> <p>d) In the repeated procedure the city court in its decision on the 25<sup>th</sup> of March, 2013 ordered the Company to send 6 documents out of the requested 7;</p> <p>e) In the second instance in its substantial decision, the Tolna County Court on the 19<sup>th</sup> of June, 2013 obliged the company to send 5 documents out of the requested 7 to the Energiaklub.</p>



<p><b>Point 2 of the complaint</b></p> <p>The 18<sup>th</sup> of January, 2011 request of the Energiaklub from the Hungarian Electricity Company (MVM) for information concerning the Lévai Project: the expenses, the timing, the results so far and the participating organisations</p> <p>The information in this case was requested in January, 2011, while in several details was fully fulfilled only in the second half of 2013. Out of similar reasons mentioned in connection with Point 1 above, the Energiaklub did not use further legal remedies.</p>	<p>a) in March, 2011 Energiaklub turned to the Capitol City Court because of the rejected request for information;</p>	<p>a) On the 11<sup>th</sup> of September, 2011 the Capitol City Court admitted the request and obliged the defendant to give out all the requested information with blackening out the secret part if necessary;</p> <p>b) On the 16<sup>th</sup> of February, 2012 the Second Instance Court has consented with the first instance decision;</p>
<p><b>Point 3 of the complaint</b></p> <p>On the 20<sup>th</sup> of March, 2013, the Energiaklub requested information from the Prime Minister about the work of the Nuclear Energy Governmental Council</p>	<p>The representative of the Prime Minister responded to the Energiaklub with formal arguments that could not make a basis for legal remedy.</p>	
<p><b>Point 4 of the complaint</b></p> <p>The first decision-making procedures concerning the extension of the Paks nuclear power plant: the energy strategy of the country from 2008 and the 2009 decision on starting the preparation of the extension of the Paks nuclear power plant;</p>	<p>a) the Energiaklub, on the 12<sup>th</sup> of April, 2011 turned to the Office of the Hungarian Ombudsman for Future Generations (FGO) for legal remedies against the two Parliamentary decisions;</p>	<p>a) The FGO issued its No. JNO-128/2010 analysis and a statement on the Governmental preparation work for the two Parliamentary decisions and invited the Government to publish the results of the environmental impact assessments and strategic assessments, if any, and proceed further with the preparatory work of the extension of the power plant with the fullest inclusion of the</p>



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<p>Only Constitutional Court remedies could have been applied apart from the FGO, but this kind of legal remedy offered few if any results because of the length of the procedure (4-5 years), the wide range of discretion to dismiss the requests and also the indirect way to approach the Court.</p>		<p>general public The Ombudsman Office thereafter has received no answer from the Government on this matter.</p>
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