

The Aarhus Convention Task Force on Access to Justice
Sixth meeting
Geneva, 17-18 June 2013
Item 3. Sharing experiences and building capacity

Statement by Serbia

delivered by Ms. Tina Janjatovic, national focal point for the Convention

Ministry of Energy, Development and Environmental Protection of the Republic of Serbia in collaboration with the Regional Environmental Center for Central and Eastern Europe (REC) and the Judicial Academy organized a two-day training seminar for the judges and prosecutors on the subject – „The implementation of the third pillar of the Aarhus Convention – access to justice in environmental matters in the Republic of Serbia” in January 2013. The training was carried out within the framework of the project „Capacity building for the implementation of the Aarhus Convention and Supporting Building of the PRTR systems in South Eastern European (SEE) countries” (funded by the Federal Ministry for the Environment, Nature Conservation and Nuclear Safety and the German Federal Environment Agency).

The first objective of the training seminar was to facilitate the understanding of the Aarhus Convention and to provide knowledge pertaining to the requirements of the Aarhus Convention’s access to justice provisions. Next, the seminar participants were introduced to the access to justice situation, the opportunities, gaps and needs as well as the solutions to remove barriers to access to justice. The participants were also involved in exchanging experiences and acquiring an insight into how access to justice works in the EU and other countries. Finally, the training concluded with instruction on how to build the skills and practical knowledge related to the use of different access to justice mechanisms by analyzing different examples and cases.

Specifically, the training seminar focused on the importance of the Aarhus Convention, the kinds of situations where it can be applied, and the modes of its development and adoption. The EU laws that are relevant to the access to justice were mentioned. This was followed by an overview of the implementation of the Aarhus Convention in Serbia with a special emphasis on the access to justice. Case law analyses were covered as follows: 1) case law analysis from selected EU countries, 2) national case law analysis, and 3) case law of the Aarhus Convention Compliance Committee.

The topics of the seminar included both national and EU legislations in the field of access to justice in environmental matters, while the practical part of the training included activities such as solving a specific case study (group exercise), group discussion on the cases and barriers, and ways to overcome relevant problems arising in them. An important session was devoted to the moot court case.

Participants in the training seminar were misdemeanor and commercial judges and judges from administrative courts.

In May 2013. The Ministry of Energy, Development and Environmental protection of the Republic of Serbia with the support of the Organization for security and Cooperation in Europe (Mission to Serbia), launched a project to create the Rulebook on the Right of Access to Justice in Matters related to Environmental Protection in Administrative Procedures and Administrative Disputes. The Rulebook on the Right of Access to Justice in Matters related to Environmental Protection in Administrative Procedures and Administrative Disputes is intended for civil servants who conduct procedures with elements of environmental law and make environmental decisions mandatorily involving the public in that process; representatives of civil society and general public, as guardians of the collective interest and direct participants in the environmental decision-making; judges dealing with administrative judicial matters, as carriers of the implementation of the third pillar of the Aarhus Convention, related to the right to legal protection in environmental matters; undergraduate and postgraduate students who in accordance with the syllabus for the Environmental Law Course, should become familiar with the complex issue of the right of access to justice in matters of importance for environmental protection.