Eleventh meeting of the Task Force on Access to Justice under the auspices of the Aarhus Convention

Geneva, 27-28 February 2018

Legal Protection and Right to Environmental Information in the Republic of Serbia

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HUMAN RIGHTS, ENVIRONMENT AND ACCESS TO JUSTICE

PRINCIPLES

- Human rights
- Equality
- Healthy environment
- Public

Information of public importance
- Environmental information
  - Right to healthy environment
  - Right to active and passive access to environmental information
  - Right belongs to everybody under equal conditions
  - Assistance to the parties

Legal Protection

Health Environment

Justified public interest to know
INTERNATIONAL AGREEMENTS

Key agreements

- Law on Ratification Aarhus Convention ("Official Gazette of RS- International Treaties", No. 38/09)

- Law on Ratification on Protocol on Pollutant Release and Transfer Register to the Aarhus Convention "Official Gazette of RS- International Treaties", No. 8/11)

Key agreements

- GMO Amendment to the Aarhus Convention (Kazahstan, 2005)
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<td>Strategy for the implementation of the Aarhus Convention and related Action Plan</td>
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INSTITUTIONAL FRAMEWORK

Ministry of Environmental Protection, Autonomous Province and Local self government

Commissioner for Access to Public Information and Personal Data Protection

Aarhus Centers

Bar Association

Administrative Court

ADMINISTRATIVE PROCEDURE

APPLICATION

Environmental information

AUTHORITIES

ADMINISTRATIVE DISPUTES
PROCEDURE OF ACCESS TO INFORMATION

Request for access to environmental information

Consideration
- Notification
- Examine a document
- Issuing copy of documents
- Submission of documents

Decision on rejection or administrative silence

- Complaint to Commissioner
- Decision
  - Adoption
  - Refusal
  - Termination

Commissioner decision is binding, final and enforceable
SUBMITTED REQUESTS TO THE MINISTRY

2014
- Associations (126)
- Citizens (19)
- Media (8)
- Others (17)
- REQUEST DENIED (12)
- COMPLAINT LODGED (41)

2015
- Associations (80)
- Citizens (10)
- Media (4)
- COMPLAINT LODGED (26)

2016
- Associations (57)
- Citizens (11)
- Media (4)
- COMPLAINT LODGED (16)
COMPLAINTS - STATISTIC DATA

2014
- Total number of complaints: 3929
- Complaints regarding environmental protection: 73 (1.86%)
- Total: 98.1%

2015
- Total number of complaints: 3821
- Complaints regarding environmental protection: 80 (2.09%)
- Total: 97.91%

2016
- Total number of complaints: 3474
- Complaints regarding environmental protection: 113 (3.47%)
- Total: 96.54%
MANUAL
on the Right of Access to Justice in Matters related to Environmental Protection in Administrative Procedures and Administrative Disputes
Access to a document containing requested environmental information is free of charge.

Proceedings before the Commissioner is free of charge.

Court procedure shall be conducted without delay and at the lowest possible cost for the parties and other participants in the procedure.
Frequent reasons for refusal the requested information are:

- partially denies the right of access to environmental information and partially acts upon a request
- administrative silence
- data secrecy
CHALLENGES

The authorities do not meet the deadlines for answering requests for information

Understaffing in the competent bodies

Request for documents after the period during which they had to be kept has expired.

Confidentiality of commercial and industrial information
CONCLUSIONS

- Serbia has established **legal and institutional framework** on the implementation of third pillar of Arhus convention regarding the access to information

- **Raising knowledge of environmental information and legislation** among public authorities, stakeholders, judiciary

- **Lack of specialized environmental units within judiciary**

- **Close cooperation between public authorities, Commissioner and Administrative Court**

- **Trained respective structures** of state authorities (competent authorities, public, judges)
THANK YOU

Ministry of Environmental Protection of the Republic of Serbia

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