

Aarhus Convention, MOP-5

STATEMENT- REPUBLIC OF SERBIA

Agenda item 4(c) Access to justice

In May 2013, the Ministry of 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 Guide on the Right of Access to Justice in Matters related to Environmental Protection in Administrative Procedures and Administrative Disputes. The Guide 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; judges dealing with administrative judicial 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 environmental matters.

The Guide on the Right of Access to Justice in Matters related to Environmental Protection in Administrative Procedures and Administrative Disputes comprehensively analyse the proces of access to environmental information and public participation in environmental decision-making in different laws that prescribe particular public participation procedures, as well as in laws that do not prescribe special procedures for public participation and offer answers and solutions for disputable issues related to law enforcement. The Guide also review current administrative and judicial practice regarding public participation in the procedures relating environmental protection, current practice of the Commissioner for Access to Information of Public Importance, practice of the Court of Justice of the European Union in relation to the right of access to justice in environmental matters. Finally, the Guide also examine the practice of the European Court of Human Rights in respect to the right of access to justice in environmental protection issues.

The Ministry organized two public presentations of the Guide on the Right of Access to Justice in Matters related to Environmental Protection in Administrative Procedures and Administrative Disputes; the first one was organized for the students in the Faculty of Law in Belgrade and the second one for the representatives of judiciary and civil servants in the Serbian Chamber of Commerce.

Based on the Guide, the Ministry is planning to organize, in cooperation with the Organization for Security and Cooperation in Europe and Judicial Academy, several training seminars for the representatives of justice throughout Serbia.

In April 2014, with the support of the Organization for security and Cooperation in Europe (Mission to Serbia), the Ministry of Environmental Protection of the

Republic of Serbia launched a project to create the Manual on Environmental Protection in Civil and Criminal Law. The Manual on Environmental Protection in Civil and Criminal Law is intended for criminal and civil court judges, prosecutors, law students, environmental inspectors and civil society. The Manual contains an analysis of environmental liability, environmental damage and environmental damage compensation in different national regulations and international treaties as well as a review of legal instruments governing the protection of the environment through civil and criminal law. The Manual also place strong emphasis on the public role in initiating and participating in environmental criminal and civil procedures.