

Statement

Raising environmental awareness of judges and public prosecutors in Serbia

In the negotiations on chapter 27, The Republic of Serbia is in the field of environmental protection, and chapters 23 and 24, concerning the rule of law, the independence of the judiciary and the fight against corruption and organized crime, have been opened and, in that regard, it would be necessary primarily for training with an aim to raise environmental awareness of judges and public prosecutors as well as future judges and public prosecutors, beneficiary of initial training.

Therefore in the future, The Judicial Academy will create The Program in environmental matters and according on this Program, will be organized three/four days training for judges and prosecutors on topic: "Environmental law".

Day one will be:

- The role of the Aarhus conventions, the three pillars of the Convention (Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters), Implementation of the Aarhus Convention, the importance of the Convention, Presentation of the application of Directive 2004 /35 / EC and Serbian Laws in Environmental Matters, Article 8 - Right to private and family life, and Article 2 - Right to life, Article 6 - Right to a fair trial of the European Convention on Human rights, work and case-law in environmental matters of the Court of Justice of the EU, and the European Court of Human Rights;

- The Role of The Protector of Citizens (recommendations) and role of the Commissioner for Information of Public Importance and Personal Data Protection (the right to access the environmental information) and other institutions which are very important for environmental protection (such as Ministry of Environmental Protection), the best practice in environmental matters and cooperation of these institutions;

- The role of Aarhus Centre in Belgrade, Kragujevac, Novi Sad and their corporation with another institutions and association (such as NGOs, Courts, Prosecutor 's Office;

Day two will be:

The role of: The Administrative Court (administrative disputes in environmental matters), The Misdemeanor Court (for example: corporation with Inspection for environment protection and their role) and role of The Commercial Court in environmental matters and importance of infringements, economic offenses, criminal offences against the environment - substantive and procedural aspects and Serbian case law in environmental matters;

Day three will be:

- Role of Basic Court in environmental matters and how the civil judge will recognize importance of environmental cases;

- Issues and problems in civil proceedings with the element of environmental protection, such as the costs of court fees, the problem of the legal capacity, the problems of the liberation of litigation costs for natural person but not for NGOs, legal entities, of costs of evidence, involvement of experts or witnesses (very complex and expensive expertise), the lack of a multidisciplinary team of experts (for example the engineers of different profiles);

An issue will be raised by the lecturer whether environmental action could be *actio popularis*. It presents a dilemma for Serbian judges who are dealing with the civil law.

Day four will be a work shop such as:

Moot Court – solve an environmental case or perhaps solve an environmental issue thru mediation according to The Mediation Act, which is being implemented since 2015 (e.g. between NGOs and local authorities, solving problems in making very important environmental decisions);

In October 2017, The Judicial Academy will organize in cooperation with EIPA- European Centre for Judges and Lawyers a two-days seminar on topic: “ Environmental law EU” for judges and prosecutors. The objective of the seminar is to provide the participants with an understanding of the implementing obligations for candidate countries deriving from key pieces of EU environmental law. The methodology is based on a combination of presentations by EIPA experts and interactive elements involving active participation, in particular through a case-study based on a real case, of all the participants. All presentations will extensively refer to the case-law of the Court of Justice of the European.