



Workshop on Access to Justice

14-15 September 2017

The aim of the workshop

The workshop provides an opportunity for judges and legal professionals from Bosnia and Herzegovina, Serbia, and Montenegro to understand better the access to justice requirements of the Aarhus Convention, related EU directives and national legislation and

- It will be an interactive platform to exchange experience
- It will provide insight into how access to justice works in EU and other countries.
- It will address major difficulties and gaps in implementation of the access to justice rights, and solutions for the removal or reduction of barriers to access to justice.

The workshop is organized based on relevant case studies and demonstration court cases to illustrate the most problematic issues related to access to justice in environmental matters relevant to the countries.

The training takes place in Serbo-Croatian and English language with synchronised translation.

Venue

Hotel Mediteran Bečići

Programme

Day 0

Arrivals

18:30 Reception

Day 1

8:30 Side-event “The role of the judiciary in the promotion of the rule of law in environmental matters and the protection of environmental procedural rights” – Montenegro Hotel

10:00 Joint High-level Segment (6th Meeting of the Parties to the Aarhus Convention and 3rd Meeting of the parties to the PRTR Protocol) – Splendid Conference

Opening



Report on credentials with regard to the Protocol's Parties

Thematic session on the role of the Convention and its Protocol in implementing the Sustainable Development Goals – Panel 1

11:35

Coffee break

12:00

Opening and welcome (Mediterranean hotel)

Maja Raicevic, Ministry of sustainable development and tourism, (Montenegro)

Senka Danilovic, President of managing board, Centre for Training in Judiciary and State Prosecution of Montenegro

Tina Janjatovic, Aarhus Convention Focal Point (Serbia)

Suada Numić, Federal ministry of environment and tourism (Bosnia and Herzegovina)

Fruzsina Bögös, European Union Forum of Judges for the Environment (EUFJE)

Tsvetelina Filipova, Head of the Environmental Governance Unit (REC)

12:20

Introduction to the programme, trainers and participants – REC team

12:30

SESSION 1: SETTING THE SCENE

Introduction on the requirements on access to justice in environmental matters:

Aarhus Convention's structure, rights, legal basics, overall application in the UNECE, EU legislation, and national contexts – *Mr. Jerzy Jendroška, expert*

Implementing the Aarhus Convention's third pillar and the role judges can play

Ms. Natasa Novakovic, Ministry of Justice (Montenegro)

Ms. Tina Janjatovic, Aarhus Convention Focal Point (Serbia)

Ms. Suada Numić, Federal ministry of environment and tourism (Bosnia and Herzegovina)

13:00

Lunch

14:00

The CSO perspective on access to justice – Mr. Aleksandar Perović, CSO "Ozon"

Questions-answers, discussion.

14:30

SESSION 2: ARTICLE 9.1 - INFORMATION

Access to justice on access to information under the Aarhus Convention (Art. 9.1) – Mr. Jerzy Jendroška

Solving example(s) from case laws (Aarhus Convention Compliance Committee/the ECJ/national courts) – Moderated by Mr. Jerzy Jendroška

In plenary.

15:15

Access to justice on access to information under the national legislation (Art. 9.1) and solving example(s) from case laws

Dr. Mirjana Drenovak-Ivanovic (Serbia)



*Ms. Mrdović, Ms. Hulusija, Mr. Zadrić, Ms. Stefanović (Bosnia and Herzegovina)
Dr. Maja Kostic Mandic (Montenegro)*

In groups (per country).

- 16:00** Reporting from groups, plenary discussion.
- 16:30** **Preparation for SESSION 5 (moot court exercise):** presentation of the facts and assignment of roles.
- 16:45** **Coffee break**
- 19:30** **Dinner**

Day 2

- 09:00** **Discussion: networking** – Moderated by Ms. Maryna Yanush UNECE and Ms. Fruzsina Bögös EUFJE
- 09:30** **SESSION 3: ARTICLE 9.2 – PARTICIPATION**
- Access to justice on public participation in decision-making under the Aarhus Convention and national legislation (Art. 9.2)** – Mr. Jerzy Jendroška
- Solving example(s) from case laws** (Aarhus Convention Compliance Committee/the ECJ/national courts) – Moderated by Mr. Jerzy Jendroška
- In plenary.
- 10:15** **Access to justice on public participation in decision-making under the national legislation (Art. 9.2) and solving example(s) from case laws**
*Dr. Mirjana Drenovak-Ivanovic (Serbia)
Ms. Mrdović, Ms. Hulusija, Mr. Zadrić, Ms. Stefanović (Bosnia and Herzegovina)
Dr. Maja Kostic Mandic (Montenegro)*
- In groups (per country).
- 11:00** **Coffee break**
- 11:15** Reporting from groups, plenary discussion.
- 11:45** **SESSION 4 – ARTICLE 9.3**
- Access to justice in case of contravening national law relating to the environment under the Aarhus Convention and national legislation (Art. 9.3)** – Mr. Jerzy Jendroška
*Dr. Mirjana Drenovak-Ivanovic (Serbia)
Ms. Mrdović, Ms. Hulusija, Mr. Zadrić, Ms. Stefanović (Bosnia and Herzegovina)*



Dr. Maja Kostic Mandic (Montenegro)

Solving example(s) from case laws (Aarhus Convention Compliance Committee/the ECJ/national courts) – *Moderated by Mr. Jerzy Jendroška*

In plenary

13:00 SESSION 5 – MOOT COURT CASE

Preparation of the moot court exercise: discussion with the participants, and preparation by the players

13:30 Lunch

14:30 Moot court exercise

Feedback, discussion.

16:00 Discussion: identifying the main barriers to access to justice – *Moderated by Mr. Jerzy Jendroška*

16:30 Evaluation of the training. Distribution of diplomas. Closing.

16:45 Coffee break

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