



**EELF**  
European Environmental  
Law Forum



**JJB**

JENDROŚKA JERZMAŃSKI BAR I WSPÓLNICY



UNIwersytet  
OPOLSKI

**Annual EELF Conference 2016  
Procedural Environmental Rights: Principle X  
in Theory and Practice**

**14-16 September 2016  
Wrocław, Poland**

**Call for submission of abstracts**

The 2016 Annual European Environmental Law Forum (EELF) Conference will be held in Wrocław (Poland), European Cultural Capital 2016.

The Conference will be organized as a joint effort of the European Environmental Law Forum (EELF) and the Faculty of Law of Wrocław University in co-operation with Environmental Law Center, Wrocław, the law firm Jendrośka Jerzmański Bar & Partners Environmental Lawyers and the Faculty of Law of the Opole University.

The Wrocław Conference will be dedicated to Procedural Environmental Rights of the public. The importance of procedural rights is currently widely recognised. They serve not only as a guarantee of the right to environment and a tool to increase participatory democracy and active involvement of the public in environmental protection but also as an effective instrument of monitoring compliance with- and enforcement of- environmental law. Following recognition of their importance, procedural environmental rights have increasingly been acknowledged in legal frameworks at the national, supranational and international level. The first comprehensive approach to procedural environmental rights at the international level was undertaken when access to information, public participation in decision making and access to justice in environmental matters were codified as non-binding principles in Principle X of the Rio Declaration. The binding international standard in relation to procedural environmental rights was set with the adoption in 1998 in the Danish city of Aarhus of the UNECE Convention on access to information, public participation in decision making and access to justice in environmental matters (Aarhus Convention). Since then a number of legal instruments regulating procedural environmental rights have been developed at the national, supranational and international level.

The Conference aims to collect and compare the experience gained with the adoption and implementation of the procedural environmental rights under these various legal instruments.

The organizers are hereby inviting submission of abstracts for presentations at the Conference. Presentations shall focus on the conference theme and address one of the following thematic clusters and subthemes. The subthemes indicated below mark particular interest areas, but they are not exhaustive and presentations addressing other issues under any of the thematic cluster are also welcome.

## **Thematic Clusters and Subthemes**

### **1. Procedural environmental rights and participatory democracy**

- a) Theoretical foundations for participatory democracy and role of the public in environmental protection
- b) Procedural environmental rights and right to environment
- c) Procedural environmental rights and rule of law

### **2. Procedural environmental rights in international law**

- a) Principle X of the Rio Declaration and its role in international law
- b) Procedural environmental rights in the jurisprudence of the European Court of Human Rights, Inter-American Court of Human Rights and other international tribunals
- c) Procedural environmental rights in the transboundary context
- d) Procedural environmental rights at global level
- e) Towards new Principle X instrument for LAC Region
- f) Implementation of UN Bali Guidelines in practice

### **3. Access to environmental information**

- a) Relation between legislations on access to environmental information and general legislations on access to public information
- b) Access to information and secrets: exceptions from the obligation to disclose environmental information
- c) Approach to weighing the interests when applying exceptions

### **4. Public participation**

- a) Procedural arrangements for public participation in the environmental decision making, such as: requirements regarding methods to effectively inform the public, and to ensure effective public access to the files of the case;
- b) Specificity of public participation requirements in case of various decision-making processes;
- c) Approach to the requirement to give the public the possibility to participate early in the environmental decision-making procedures when all options are open;
- d) Place of EIA procedure and public participation in the multi-stage (tiered) decision making process and in the one-stop shop decision-making process
- e) Reasonable timeframes for public participation;
- f) Persons entitled to participate in the environmental decision making and having standing in environmental cases - definition and scope of the notions of: the public and the public concerned,

## **5. Access to justice**

- a) Rights-based vs. interest-based approach
- b) Scope of review (procedural and substantive legality)
- c) Criteria for standing
- d) Towards a new UE instrument on access to justice
- e) Access to justice at EU level - Plaumann test and the Aarhus Convention

## **6. Procedural environmental rights: cross-cutting issues**

- a) Procedural environmental rights: who is entitled and who is obliged
- b) Status and procedural rights of environmental NGOs
- c) Procedural environmental rights and non-discrimination principle
- d) Procedural environmental rights and non-regression principle
- e) Procedural environmental rights and environmental assessments
- f) Procedural environmental rights and decision-making procedures related to GMOs

The Conference is open for presentations addressing procedural environmental rights from various points of view and for participants with various background (not only for legal scholars and practitioners but also for scholars and practitioners in related areas). Presentations providing results of comparative studies or multidisciplinary research, including results of sociological surveys related to practical implementation of procedural environmental rights are particularly welcome.

### **Submission of abstracts**

**We hereby invite scholars and practitioners to submit abstracts for papers to be presented at the Conference.** Abstracts shall be written in English, not exceed 500 words, indicate the precise topic of the proposed paper and the related thematic cluster, and consist of a short description of the content of the contribution and up to three main thesis. Abstracts, together with a short biography of max. 150 words should be sent to [magda.bar@jib.com.pl](mailto:magda.bar@jib.com.pl) by **15th March 2016**.

Abstracts will be reviewed on a rolling basis, as received, with a final decision to be provided by 15 April 2016.

### **Registration and further information**

Registration will open in mid-December 2015 on [www.jib.com.pl](http://www.jib.com.pl). This web site will also provide further information on accommodation, travel, draft program etc. Any questions concerning the conference can be addressed to Ms. Magdalena Bar ([magda.bar@jib.com.pl](mailto:magda.bar@jib.com.pl))

**Please be aware that accommodation should be booked/reserved well ahead of the event in view of the fact that Wroclaw will be well attended as Cultural Capital 2016.**

About 100 hotel rooms have been provisionally blocked; the list of recommended hotels will be placed on [www.jib.com.pl](http://www.jib.com.pl)

## **Organizing Committee**

- Jerzy Jendrośka, Ph.D - Partner at Jendrośka Jerzmański Bar and Partners, Director of European Environmental Law Post-Graduate Studies at Opole University, formerly vice-chair of the Aarhus Convention negotiations and Chair of the Bureau, currently member of the Aarhus Compliance Committee
- Magdalena Bar, Esq - Partner at Jendrośka Jerzmański Bar and Partners, Vice-President of the Environmental Law Center
- Barbara Kowalczyk, Ph.D - Acting Chair of Environmental Law, Wrocław University

**Contact person: Magdalena Bar, [magda.bar@jjb.com.pl](mailto:magda.bar@jjb.com.pl)**