

Additional comments on question by the Implementation Committee under the Espoo Convention on Belgian implementation of articles 3(8) and 4(2) Espoo Convention

Federal government

These comments address the Belgian federal implementation of articles 3(8) and 4(2) Espoo Convention. Due to the Belgian repartition of competencies, the **federal government** is merely competent in first line for environmental matters **in relation to the Belgian maritime area** (territorial sea and exclusive economic zone). **On land**, the **Regions** bear responsibility.

On article 3(8)

In case Belgium is the State of origin, article 19 of the Royal Decree of 7th of September 2003 concerning the procedure for the authorization and the permit of specific activities in the maritime area under Belgian jurisdiction (officially in Dutch: koninklijk besluit houdende de procedure tot vergunning en machtiging van bepaalde activiteiten in de zeegebieden onder de rechtsbevoegdheid van België) is applicable.

This article entails that the MUMM, the institute in charge of the conduction of the environmental impact assessment, has to send a copy of the demand for an authorization/permit to the competent authorities of an affected State, on its own initiative or on the request of the affected State. This communication also incorporates an overview of the procedure, including the timing and the possible decisions. Belgium leaves it up to the competent authorities of the affected State to reach out to the stakeholders and the public.

Within a period of 75 days after the communication by Belgium, the competent authorities, stakeholders and public of the affected State are allowed to comment on the demand. Moreover, the competent authorities, stakeholders and public of the affected State are also allowed to participate directly in the Belgian national consultation process.

Within a period of 90 days after the communication by Belgium a consultation may take place between the Belgian competent authorities and the authorities of an affected State on the potential cross-border effects of the activity and on possible measure to minimize prevent the effects.

In case Belgium is the affected State, The Costguard Structure, a cooperation agreement between all authorities having a competency at sea, is used to adopt a compiled or coordinated answer within the timeframe set by the State of origin. In case of a peculiar interest for stakeholders or the public, a special communication towards those groups might be organized.

On article 4(2)

This is prescribed by the aforementioned article 19.

Flemish Region

The Department of Environment and Spatial Development of Flemish Region (Belgium) has set up an in house ad hoc working group to initiate informal exploratory discussions with neighboring states and with other Belgian Regions to outline an administrative arrangement which should enhance involvement by the public as stated in article 3.8 and 4.2 of the Convention when Flemish region or parts of it are affected by a project in a neighboring state or in another Belgian Region.