
Questionnaire for the report of BELGIUM on the implementation of the Convention on Environmental Impact Assessment in a Transboundary Context in the period 2013–2015

Information on the focal point for the Convention

1. Name and contact information:

- **Flemish Region:**

Mr. Kristof De Cock

Country: Belgium – Flemish Region

Surname: De Cock

Forename: Kristof

Institution: International Policy Division, Environment, Nature and Energy Department, Flemish Government

Postal address: Koning Albert II laan, 20, 1000 Brussels

E-mail address: Kristof.decock@lne.vlaanderen.be

Telephone number: 0032-(0)2/553.13.89

- **Federal government (federal matters a.o. marine):**

Mr. Steven Vandendorre

Country: Belgium – federal government

Surname: Vandendorre

Forename: Steven

Institution: DG Environment

Postal address: 1060 Brussels

E-mail address: steven.vandendorre@milieu.belgie.be

Telephone number: 0032-(0)2/524.96.29

- **Walloon Region:**

Ms. Marie-Charlotte Delvaux

Country: Belgium – Walloon region

Surname: Delvaux

Forename: Marie-Charlotte

Institution: Département des politiques européennes et des accords internationaux

Postal address: Rue d'Arlon 53, 1040 Bruxelles

Email: mariecharlotte.delvaux@spw.wallonie.be

Telephone number: +32 (0)2 233 83 23

- **Brussels Capital Region:**

Mr. Paul-Henri Philips

Country: Belgium – Brussels Capital region

Surname: Philips

Forename: Paul-Henri

Institution: Bruxelles-International - Relations multilatérales et Organisations Internationales

Postal address: Boulevard du Jardin Botanique 20, 1035 Bruxelles

Email: phphilips@sprb.irisnet.be

Telephone number: ++32 (0)2.800.32.77

Information on the point of contact for the Convention

2. Name and contact information (if different from above):

- **Flemish Region:** Mr. Kristof De Cock

- **Federal government** (federal matters a.o marine): Mr. Steven Vandenborre

- **Walloon Region:** Ms. Marie-Charlotte Delvaux

- **Brussels Capital Region:** Mr. Paul-Henri Philips

Information on the person responsible for preparing the report

3. Country: Belgium

4. Surname:

5. Forename:

6. Institution:

7. Postal address:

8. E-mail address:

9. Telephone number:

10. Fax number:

11. Date on which report was completed:

Flemish Region: 3 March 2016

Federal Government: 23 March 2016

Walloon Region: 4 February 2016

Brussels Capital Region: 28 March 2016

PRELIMINARY OBSERVATION:

Belgium is a federal State sui generis. Regarding environmental matters, the federal nature is reflected in the distribution of legislative and administrative powers over 3 autonomous Regions (Flemish Region, Walloon Region and Brussels Capital Region) and one autonomous federal government.

Part one

Current legal and administrative framework for the implementation of the Convention

In this part, please provide the information requested, or revise any information relative to the previous report. Describe the legal, administrative and other measures taken in your country to implement the provisions of the Convention. This part should describe the framework for your country's implementation, and not experience in the application of the Convention.

Please do not reproduce the text of the legislation itself but summarize and explicitly refer to the relevant provisions transposing the Convention text (e.g., EIA Law of the Republic of ..., art. 5, para. 3, of Government Resolution No. ..., para. ... item...)

Article 1

Definitions

I.1. Is the definition of impact for the purpose of the Convention the same in your legislation as in article 1?

- (a) Yes
- (b) Yes, with some differences (please provide details):

- **Walloon Region:** Decree of the Government of Wallonia of 11th March 1999 on environmental consent, Article 1, 20 ° "pollution" : "*The direct or indirect introduction by human activity, of substances, vibrations, heat, noise in water, air or soil, that are likely to harm human health or to deteriorate the quality of the environment, to damage material assets, to damage or interfere with pleasantness of the environment or other legitimate uses of environment* "

- **Brussels Capital region:** More detailed to include long-term and indirect effect, same definition as directive 2011/92/EU

- (c) No (please provide the definition):
- (d) There are no definitions of impact in the legislation (**Flemish Region / Federal government**)

Your comments:

Federal government: The impact is evaluated, along the lines of the Convention, by the national scientific body MUMM and/or by the neighbouring state that expects an impact of the project (e.g. Royal Decree Procedure, 7 September 2003, article 19).

I.2. Is the definition of transboundary impact for the purpose of the Convention the same in your legislation as in article 1? Please specify each below.

- (a) Yes **Brussels Capital Region**
- (b) Yes, with some differences (please provide details): (**Walloon Region**)

Walloon legislation clearly states the procedure to be used when a project is likely to have significant effects on the environment.

- (c) No (please provide the definition):

(d) There are no definitions of transboundary impact in the legislation **(Flemish Region / Federal government)**

Your comments:

Federal Government: The transboundary impact is evaluated, along the lines of the Convention, by the national scientific body MUMM and/or by the neighbouring state that expects an impact of the project (e.g. Royal Decree Procedure, 7 September 2003, article 19).

I.3. Please specify how major change is defined in your national legislation:

- **Flemish Region:** Major change is not defined in the legislation

- **Federal government:** This is not defined in the Royal Decree Procedure, 7 September 2003,. However, the revision of a permit, entailing the whole change of the project, has to be subjected to a new permit procedure.

- **Walloon Region:** Decree of the Government of Wallonia of 11th March 1999 on environmental consent, Article 10, 2 °: " *The transformation or extension of an establishment of class 1 or class 2, when it entails the application of a new category of classification other than class 3 or is likely to increase directly or indirectly hazards, nuisances or disadvantages with regard to man or the environment or when it reaches the capacity thresholds set by the government*".

- **Brussels Capital Region:** In the Code of the Region of Brussels-Capital on Town and Country planning (COBAT), such change is defined by "any extension or modification of an existing activity which could have major negative impact on the environment"

I.4. How do you identify the public concerned? Please specify (more than one option may apply):

(a) Based on the geographical location of the proposed project **Flemish Region / Federal government / Walloon Region / Brussels Capital Region**

(b) By making the information available to all members of the public and letting them identify themselves as the public concerned **Brussels Capital Region**

(c) By other means (please specify): **Federal government:** Via the notification, joint by all relevant information on the project, to the neighbouring State that will be potentially affected by the project. The connection authority-public should be made by the neighbouring State.

Your comments:

Flemish Region: The public concerned is identified as the people who live in the city where the project is located or live in the surrounding areas which could also be affected by the project.

Article 2 General provisions

I.5. Provide legislative, regulatory, administrative and other measures taken in your country to implement the provisions of the Convention (art. 2, para. 2):

(a) Law on EIA:

- **Flemish Region:** Act of the parliament of the Region of Flemish of 18th December 2002 on SEA and EIA as amended (hereinafter 'Flemish SEA/EIA Act of 18/12/2002') executed

by the Decree of the Government of the Region of Flemish of 10th December 2004 on EIA (hereinafter 'Flemish EIA decree of 10/12/2004')

The provisions are implemented in following articles of the 'Flemish SEA/EIA Act of 18/12/2002': 4.2.3§3ter, 4.2.3§quarter, 4.2.4§1, 4.2.6§3, 4.2.6§4, 4.2.8§5, 4.2.8§7, 4.2.10§2, 4.2.11§2, 4.3.4§5, 4.3.9§4, 4.3.9§5. The 'Flemish EIA Decree of 10/12/2004' gives a list the activities.

- **Federal government:** Royal Decree Procedure

- **Walloon Region:** The EIA chapters (Article D29-11 and R41-9) in Book I of the Walloon Environmental Code (Act of the parliament of the Region of Wallonia of 27th May 2004, executed by the Decree of the Government of the Region of Wallonia of 17th March 2005)

- **Brussels Capital Region:** For the EIA procedure, the provisions of the Convention are implemented in the Code of the Region of Brussels-Capital on Town and Country planning (COBAT), article 127 § 3 and in the brussels legislation on environmental permits (ordonnance du 5/06/1997 relative aux permis d'environnement), Chapter II.

- (b) EIA provisions are transposed into another law(s) (please specify):
- (c) Regulation (please indicate number/year/name):
- (d) Administrative (please indicate number/year/name):
- (e) Other (please specify):

Flemish Region: a guidance concerning general methodology and a practical guidance on the EIA/SEA process in a transboundary context (in progress)

Your comments:

I.6. Please describe any differences between the list of activities in your national legislation and appendix I to the Convention, if any:

(a) There is no difference, all activities are transposed in the national legislation as is (**Federal government**)

(b) It differs slightly (please specify):

- **Flemish Region:** All the activities of Appendix I are transposed into the 'Flemish EIA Decree of 10/12/2004'. The legislation of the Flemish Region covers more activities than those listed in appendix I. The Flemish EIA Decree of 10/12/2004 covers all activities which are subject to a (transboundary) EIA-procedure, corresponding to the EU-directive 2014/52/EU.

- **Walloon Region:** The legislation of the Region of Wallonia covers more activities than those listed in Appendix I to the Convention. In fact all the projects or activities submitted to EIA shall be examined on the transboundary impacts aspect.

- **Brussels Capital Region:** The legislation of the Region of Brussels covers more activities than those listed in Appendix I to the Convention. In fact all the projects or activities submitted to EIA according to the Brussels legislation shall be examined on the transboundary impacts aspect

Your comments: **Federal government:** The positive answer to 1.6, (a) has to do with the direct reference to the convention, as made in Royal Decree Procedure, 7 September 2003, article 17°-18°.

I.7. Identify the competent authority/authorities responsible for carrying out the EIA procedure in your country (please specify):

(a) There are different authorities at national, Regional, local levels (**Flemish Region / Federal government / Walloon Region / Brussels Capital Region**)

(b) They are different for domestic and transboundary procedures

(c) Please name the responsible authority/authorities:

- **Federal government:** For the maritime area, the Management Unit for the Mathematical Model of the North Sea (MUMM) is competent

- **Walloon Region:** As Party of origin, the authority which decides if the request is complete and admissible, passes the file to the concerned authorities. As affected Party, the Government which receives the information passes the file to the municipalities concerned for the organisation of the public inquiry.

(d) There is no single authority responsible for the entire EIA procedure: **(Federal government)**

Your comments:

- **Flemish Region:** There are different at federal and Regional level. In the Region of Flemish there is one authority: the Flemish EIA/SEA Unit of the Department of Environment, Nature and Energy.

- **Brussels Capital Region:** No authorities are explicitly named in our legislation for the different steps of the transboundary EIA procedure, because in practice no cases occur in the Region of Brussels-Capital, since the Region is situated in the middle of Belgium far away from the border with the neighbouring countries. For the transregional procedures, the concerned authorities are the Ministers of Environment of the Party of Origin and the affected Party (the information has to be transmitted through these Ministers).

I.8. Is there an authority in your country that collects information on all the transboundary EIA cases? If so, please name it:

(a) No **(Flemish Region / Federal government / Walloon Region / Brussels Capital Region)**

(b) Yes (please specify):

Your comments: **Walloon Region:** In Wallonia, it is the decentralized Regional body responsible for reporting the complete and acceptable dossier which is responsible for collecting this information for the area where it is competent.

I.9. How does your country, as Party of origin and as affected Party, ensure that the opportunity given to the public of the affected Party is equivalent to the one given to the Party of origin's public, as required in article 2, paragraph 6 (please explain):

- **Flemish Region:** In the Flemish EIA process public participation occurs in two stages: (1) in the scoping phase, the public is given the opportunity to make suggestions for the project-specific guidelines for the content of the EIA documentation; and (2) once the EIA documentation has been prepared and attached to the permit application documentation, there is the opportunity for the public to comment both in writing and orally at a public hearing during the permit application procedure.

- **Federal government:** For maritime cases, Belgium as Party of origin informs the affected Party about the case. The affected Party has 90 days, starting from the national start of the period to deal with the request, to give comments, opinions, etc. It is up to the affected Party to organize a public consultation. For maritime cases, there is no obligation for Belgium to automatically organize a public consultation. Most of the times, a consultation amongst governmental bodies is organized, in order to bring out a Belgian point of view.

- **Walloon Region:** If a project is likely to have transboundary impacts the affected Party receives : the EIA report ; the address of the competent authority with time of the final decision ; the modalities of the public hearing including the dates of starting and closure of the public hearing and the address to which the observations have to be addressed

- **Brussels Capital Region:** The EIA process provides for public participation in two stages: (1) during the scoping phase, the public is given the opportunity to make suggestions regarding the specifications for the contents of the EIA report - EIS - about the project; (2) once the EIS is finished and declared as complete by

the Steering Committee, after the eventual introduction of amendments to the original demand by the developer, there is the opportunity for the public to comment both in writing and orally in the Consultation Committee. The public who is given the opportunity for comments is the so called "public concerned" (relatively large definition) Notification procedure is the same for the affected Party as for the other Belgian Regions. Modalities are agreed through consultations between the Brussels Region and the affected Party.

Article 3

Notification

I.10. As Party of origin, when do you notify the affected Party (art. 3, para. 1)? Please specify:

- (a) During scoping **Flemish Region / Brussels Capital Region**
- (b) When the EIA report has been prepared and the domestic procedure started
Federal government / Walloon Region
- (c) After finishing the domestic procedure
- (d) At other times (please specify):

Your comments:

- **Flemish Region:** The notification of the EIA procedure is sent to the affected party at the same time as the publication of the "notification of intent" takes place domestically (scoping phase). The affected Party will stay informed during the whole procedure.

- **Walloon Region:** The affected Party receives the information at the latest when the public of the Party of origin is informed.

- **Brussels Capital Region:** The affected Party receives the information at the latest when the public of the Party of origin is informed.

I.11. Please define the format of notification:

- (a) It is the format as decided by the first meeting of the Parties in its decision I/4 (ECE/MP.EIA/2, annex IV, appendix) **Flemish Region**
- (b) The country has its own format (please attach a copy)
- (c) No official format used **Federal Government / Walloon Region / Brussels Capital Region**

Your comments:

- **Flemish Region:** The necessary information is included in the letter to the affected party and in the notification/EIA.

- **Brussels Capital Region:** The Government determines the practical modalities for the transmission of this information. No practical experience

I.12. As a Party of origin, what information do you include in the notification (art. 3, para. 2)? Please specify (more than one options may apply):

- (a) The information required by article 3, paragraph 2 **Flemish Region / Federal Government / Walloon Region / Brussels Capital Region**
- (b) The information required by article 3, paragraph 5 **Flemish Region / Federal Government / Brussels Capital Region**

(c) Additional information (please specify):

Your comments: **Walloon Region:** Article D29-11 in Book I of the Walloon Environmental Code

I.13. As a Party of origin, does your national legislation contain any provision on receiving a response to the notification from the affected Party in a reasonable time frame (art. 3, para. 3, “within the time specified in the notification”)? Please specify:

(a) National legislation does not cover the time frame **Walloon Region**

(b) Yes, it is indicated in the national legislation **Flemish Region / Federal Government** (please indicate the time frame):

Flemish Region: Article 4.3.4 §5 of the 'Flemish SEA/EIA act of 18/12/2002' provides 40 days for the transboundary authority (when significant environmental effects are expected or when the transboundary authority asks to take part in the procedure) to give their comments on the notification.

Federal Government: Within 90 days, starting from the national start of the period to deal with the request. The notification has to take place soon after the national start.

(c) It is determined and agreed with each affected Party case by case in the beginning of the transboundary consultations **Brussels Capital Region** (please indicate the average length in weeks): The time frame refers to the time frame of the decision-making procedure as provided for in the relevant legislation (e.g. environmental permit or building permit). Usually the length of the consultations is four to five weeks long.

Your comments: **Walloon Region:** The time frame refers to the time frame of the decision-making procedure as provided for in the relevant legislation (e.g. environmental permit or building permit). In most cases a short extension of the deadline is considered.

Please specify the consequence if a notified affected Party does not comply with the time frame, and the possibility of extending a deadline:

- **Flemish Region:** When the affected Party indicates that the time frame cannot be met, a dialogue is possible to come to a mutual agreement what time frame is reasonable in terms of the whole process. In practice though, there has not been a problem with this time frame.

- **Brussels Capital Region:** In most cases a short extension of the deadline is considered

I.14. How do you inform the public and authorities of the affected Party (art. 3, para 8)? Please specify:

(a) By informing the point of contact to the Convention listed on the Convention website¹ **Flemish Region / Brussels Capital Region**

(b) Other (please specify):

- **Flemish Region:** By mutual agreement between the neighbouring Regions or countries additional authorities (city/province) may receive a notification of a transboundary EIA.

- **Federal Government:** By informing the specific competent authority, if known. The general point of contact is also informed

- **Walloon Region:** In addition to the national authorities of the likely affected Party, the authorities of the cities likely to be affected are consulted.

Your comments:

¹ List available from http://www.unece.org/env/eia/points_of_contact.htm.

I.15. On what basis is the decision made to participate (or not) in the transboundary EIA procedure as affected Party (art. 3, para. 3)? Please specify:

(a) Notified ministry/authority of the affected Party responsible for EIA decides on its own based on the documentation provided by Party of origin **Flemish Region / Walloon Region**

(b) Based on the opinions of the competent authorities of the affected Party **Federal government**

(c) Based on the opinions of the competent authorities and that of public of the affected Party

(d) Other (please specify): **Brussels Capital Region:** No case until now, our Region is in the middle of the country far from national borders

Your comments:

I.16. If the affected Party has indicated that it intends to participate in the EIA procedure, how are the details for such participation agreed, including the time frame for consultations and the deadline for commenting (art. 5)? Please specify:

(a) Following the rules and procedures of the Party of origin **Flemish Region / Federal Government / Walloon Region / Brussels Capital Region**

(b) Following the rules and procedures of the affected Party

(c) Other (please specify):

Your comments: **Federal Government:** Moreover, a consultation meeting is held, within the aforementioned period of 90 days, in order to discuss about the significance of the impact and the potential mitigation measures.

Article 4

Preparation of the environmental impact assessment documentation

I.17. How do you ensure sufficient quality of the EIA documentation as Party of origin? Please specify:

(a) The competent authority checks the information provided and ensures it includes all information required under appendix II as a minimum before making it available for comments **Flemish Region / Federal Government / Walloon Region / Brussels Capital Region**

(b) By using quality checklists **Federal Government**

(c) There are no specific procedures or mechanisms

(d) Other (please specify):

Your comments:

- **Flemish Region:** also based on the EIA Directive 2014/52/EU, different guideline books on methodology and the expertise of the Flemish SEA/EIA Unit

- **Brussels Capital Region:** According to our legislation, a Steering Committee, composed of the main concerned Administrations, follows up the realization of the EIA, and is entitled to approve or rectify the work of the consultant until it answers to all the questions asked in the specification sheets with relevant conclusions and recommendations, and so can be declared complete. The Steering Committee is the guarantor of the quality of the study.

I.18. How do you determine the relevant information to be included in the EIA documentation in accordance with article 4, paragraph 1? Please specify (more than one option may apply):

(a) By using appendix II **Flemish Region / Federal Government / Walloon Region / Brussels Capital Region**

(b) By using the comments received from the authorities concerned during the scoping phase, if applicable **Flemish Region / Walloon Region / Brussels Capital Region**

(c) By using the comments from members of the public during the scoping phase, if applicable **Flemish Region / Brussels Capital Region**

(d) As determined by the proponent based on its own expertise

(e) By using other means (please specify):

- **Flemish Region:** also the EIA Directive 2014/52/EU, different guideline books on methodology and the expertise of the Flemish SEA/EIA Unit

- **Federal Government:** Appendix II is implemented in national law. This is via Royal Decree EIA, 9 September 2003, articles 8-11.

Your comments:

I.19. How do you determine “reasonable alternatives” in accordance with appendix II, paragraph (b)?

(a) On a case-by-case basis **Flemish Region / Walloon Region / Brussels Capital Region**

(b) As defined in the national legislation (please specify): **Federal Government**

(c) Other (please specify):

Your comments:

- **Flemish Region:** Reasonable alternatives are alternatives that are suitable to reach the purpose set by the proponent. Reasonable alternatives are also alternatives that reduce the environmental impact and fall within the competence of the proponent.

- **Federal Government:** Implemented in Royal Decree EIA, 9 september 2003, article 9, 3°.

- **Walloon Region:** Reasonable alternatives are alternatives that are suitable to reach the purpose set by the proponent. Reasonable alternatives are also alternatives that reduce the environmental impact and fall within the competence of the proponent. Reasonable alternatives must be described by the accredited EIA expert.

Article 5

Consultations on the basis of the environmental impact assessment documentation

(a) Public participation

I.20. How can the public concerned express its opinion on the EIA documentation of the proposed project (art. 5)? Please specify (more than one option may apply):

As Party of origin

(a) By sending comments to the competent authority/focal point **Flemish Region / Federal Government / Walloon Region / Brussels Capital Region**

(b) By taking part in a public hearing **Brussels Capital Region**

(c) Other (please specify):

Flemish Region: By sending comments to their municipality, by filling in the form on the website www.mervlaanderen.be or by email (mer@vlaanderen.be)

A public hearing can be organized during the scoping phase. A public hearing (information meeting) is mandatory after the preparation of the EIA documentation, when the EIA documentation is part of the permit application file.

As affected Party

(d) By sending comments to the competent authority/focal point **Flemish Region / Walloon Region / Brussels Capital Region**

(e) By taking part in a public hearing **Brussels Capital Region**

(f) Other (please specify):

Your comments: **Federal Government:** This depends on the State Party, since it is up to this State to determine the procedure

I.21. Please indicate whether your national EIA legislation requires the organization of a public hearing on the territory of the affected Party in cases where your country is the country of origin:

(a) Yes

(b) No **Flemish Region / Federal Government / Walloon Region / Brussels Capital Region**

Your comments: **Brussels Capital Region:** No practical experience

I.22. Please indicate whether your national EIA legislation requires the organization of public hearings in cases where your country is the affected Party:

(a) Yes

(b) No **Flemish Region / Federal Government / Walloon Region / Brussels Capital Region**

Your comments: **Brussels Capital Region:** No practical experience

(b) Consultations

I.23. Does your national EIA legislation have any provision on the organization of transboundary consultations (expert, joint bodies, etc.) between the authorities of the concerned Parties? Please specify:

(a) Yes, it is obligatory **Federal Government**

(b) No, it does not have any provision on that **Flemish Region / Walloon Region**

(c) It is optional **Brussels Capital Region** (please specify): the other concerned authorities can take part to the support committee for the EIA.

Your comments:

- **Flemish Region:** There are no legal requirements in the Region of Flemish. The cooperation with the affected party proceeds normally via a bilateral agreement or another ad hoc arrangement.
- **Federal Government:** On the significance of the impact and the possible mitigation measures.

Article 6 Final decision

I.24. Please indicate all points below that are covered in a final decision related to the implementation of the planned activity (art. 6, para. 1):

(a) Conclusions of the EIA documentation **Flemish Region / Federal Government / Walloon Region / Brussels Capital Region**

(b) Comments received in accordance with article 3, paragraph 8, and article 4, paragraph 2 **Flemish Region / Federal Government / Walloon Region / Brussels Capital Region**

(c) Outcome of the consultations as referred to in article 5 **Flemish Region / Federal Government / Walloon Region / Brussels Capital Region**

(d) Outcomes of the transboundary consultations **Flemish Region / Federal Government / Walloon Region / Brussels Capital Region**

(e) Comments received from the affected Party **Flemish Region / Federal Government / Walloon Region / Brussels Capital Region**

(f) Mitigation measures **Flemish Region / Federal Government / Walloon Region / Brussels Capital Region**

(g) Other (please specify): **Walloon Region:** monitoring of significant adverse effects on the environment

I.25. Are the comments of the authorities and the public of the affected Party and the outcome of the consultations taken into consideration in the same way as the comments from the authorities and the public in your country (art. 6, para. 1):

(a) Yes **Flemish Region / Federal Government / Walloon Region / Brussels Capital Region**

(b) No

Your comments:

I.26. Is there any regulation in the national legislation of your country that ensures the implementation of the provisions of article 6, paragraph 3?:

(a) No **Flemish Region / Federal Government / Walloon Region / Brussels Capital Region**

(b) Yes (please specify):

Your comments: **Flemish Region** No experience as yet.

I.27. Do all activities listed in appendix I (items 1-22) require a final decision to authorize or undertake such an activity?:

(a) Yes **Flemish Region / Federal Government / Walloon Region / Brussels Capital Region**

(b) No (please specify those that do not):

Your comments:

I.28. For each type of activity listed in appendix I that does require a final decision, please indicate the legal requirements in your country that identify what is regarded as the “final decision” to authorize or undertake such an activity (art. 6 in conjunction with art. 2, para. 3), and the term used in the national legislation to indicate the final decision in the original language:

- **Flemish Region:** A permit is the final decision. The term in national legislation in the original language is: 'vergunning'. All the projects listed in Appendix I require such a decision.

- **Federal government:** Permit procedure – term: ‘vergunning/machtiging’

- **Walloon Region:** All listed activities need a final decision which is an environmental consent or a refusal

- **Brussels Capital Region:** every activities listed in appendix I require a building authorization (“Permis d’urbanisme or “ stedenbouwkundige vergunning”) . Most of them, (except activity number 7, 8, 9, 11, 17 and 18), also require an environmental authorization (“Permis d’environnement” or “Milieuvergunningen”).

Your comments:

Article 7 Post-project analysis

I.29. Is there any provision regarding post-project analysis in your national EIA legislation (art. 7, para. 1)?:

(a) No **Walloon Region / Brussels Capital Region:**

(b) Yes **Flemish Region / Federal Government** (please specify the main steps to be taken and how the results of it are communicated):

- **Flemish Region:** Post-project analysis can be included as a licensing permit condition.
- **Federal Government:** A monitoring program is adopted, as part of the permit. The program is coordinated by the MUMM. It may lead to changes or even the withdrawal of a permit. There is no fixed communication procedure vis-à-vis the public with respect to the results of the monitoring. In case changes or even the withdrawal of the permit might prove necessary, the permit holder is invited to comment, before the decision is taken.
- **Brussels Capital Region:** No systematic review of the outcome of an EIA is done until now in our Region. The author of the project is in charge of follow-up analysis, i.a. to determine if there are new unforeseen negative impacts; and in that case must take measures to address these impacts. After granting the development consent, the Inspection Services of our Administration can always, according to a special Ordinance about the search for failures, the observation and the repression of the infringements, go and control the installations to be sure of their conformity to the granted permit.

Your comments:

Article 8

Bilateral and multilateral cooperation

(a) Agreements

I.30. Does your country have any bilateral or multilateral agreements based on the Convention (art. 8, appendix VI)?:

- (a) No **Flemish Region / Federal Government / Walloon Region / Brussels Capital Region:**

Flemish Region: There is a draft guidance between the Region of Flemish, the Netherlands, the Region of Wallonia, the Region of Brussels and France. This guidance provides a step-by-step practical guide on the process for those involved. Items dealt with are: the area of application of EIA in a transboundary context, institutional arrangements (contact points) and procedural aspects (notification, public participation, consultation, decision). This draft guidance is still a work in progress and is not formalized yet.

- (b) Yes Please specify with which countries:

If publicly available, please also attach the texts of such bilateral and multilateral agreements, preferably in English, French or Russian.

I.31. What issues do these bilateral agreements cover (appendix VI)? (more than one option may apply):

- (a) Specific conditions of the subRegion concerned
- (b) Institutional, administrative and other arrangements **Flemish Region**
- (c) Harmonization of the Parties' policies and measures
- (d) Developing, improving, and/or harmonizing methods for the identification, measurement, prediction and assessment of impacts, and for post-project analysis
- (e) Developing and/or improving methods and programmes for the collection, analysis, storage and timely dissemination of comparable data regarding environmental quality in order to provide input into the EIA
- (f) Establishment of threshold levels and more specified criteria for defining the significance of transboundary impacts related to the location, nature or size of proposed activities
- (g) Undertaking joint EIA, development of joint monitoring programmes, intercalibration of monitoring devices and harmonization of methodologies
- (h) Other, please specify:

Your comments:

(b) Procedural steps required by the national legislation

I.32. Please describe the steps required in your national legislation for a transboundary EIA procedure:

- (a) When EIA in a transboundary context is part of a domestic EIA procedure:

* **Flemish Region:** The notification of the EIA procedure is sent to the affected party at the same time as the publication of the "notification of intent" takes place domestically (scoping phase). Consultation of the transboundary Party and public occurs at that time. The comments are taken into account and a draft EIA is prepared. The affected Party is informed and involved during the whole process in the same way as the domestic advisory agencies.

*** Federal Government:**

- Notification of the permit request to the affected State;
- Consultation meeting.

*** Brussels Capital Region:** the EIA in a transboundary context is part of the domestic procedure of building or environmental authorization. We have no experience for this kind of procedure yet, no formal steps are required in our legislation. The Government determines the practical modalities for this part of the procedure

(b) When EIA in a transboundary context is a separate procedure (please provide of how this procedure links to the domestic procedure and whether the steps are different):
Flemish Region / Federal Government: EIA in a transboundary context is always part of the domestic procedure.

Alternatively, this question can be answered or supported by providing a schematic flowchart showing these steps.

Your comments:

I.33. Does your country have special provisions or informal arrangements concerning transboundary EIA procedures for joint cross-border projects (e.g., roads, pipelines)?:

(a) No **Flemish Region / Federal Government / Walloon Region / Brussels Capital Region**

(b) Yes (please specify):

(i) Special provisions:

(ii) Informal arrangements:

Your comments: For Project of Common Interest within Belgium, Belgium applies the EU Regulation No 347/2013.

I.34. Does your country have special provisions or informal arrangements concerning transboundary EIA procedures for nuclear power plants (NPPs)?:

(a) No **Flemish Region / Federal Government / Walloon Region / Brussels Capital Region**

(b) Yes (please specify):

(i) Special provisions:

(ii) Informal arrangements:

Your comments:

Part two

Practical application during the period 2013–2015

Please report on your country's practical experiences in applying the Convention (not your country's procedures described in part one), whether as Party of origin or affected Party. The focus here is on identifying good practices as well as difficulties Parties have encountered in applying the Convention in practice. The goal is to enable Parties to share solutions. Parties should therefore provide appropriate examples highlighting application of the Convention and innovative approaches to improve its application.

II.1. Does your country object to the information on transboundary EIA procedures that you provide in this section being compiled and made available on the website of the Convention? Please specify (indicate "yes" if you object):

(a) Yes

(b) No **Flemish Region / Federal Government / Walloon Region / Brussels Capital Region**

Your comments:

1. Experience in the transboundary environmental impact assessment procedure during the period 2013–2015

Cases during the period 2013–2015

II.2. If your country's national administration has a record of transboundary EIA procedures that were under way during the reporting period, in which your country was Party of origin or affected Party, please list them in the tables II.2 (a) and II.2 (b) below (adding additional rows as needed).

Transboundary EIA procedures: As Party of origin

Flemish Region

In general: *Length of the main steps in months:*

- *Submission of the environmental report:* the preparation of an environmental report takes 3-12 months

- *Transboundary consultations:* 40 days

- *Public participation:* 1 month

Table II.2 (a): projects with transboundary EIA procedure. Some of these procedures are still ongoing.

	<i>Title</i>	<i>Location project</i>	<i>Possible affected party</i>	<i>Category of the activity in the Flemish EIA decree of 10/12/2004</i>	<i>Receipt notification of intent</i>
PR0715	Windfarm Maatheide Lommel (EDF)	Lommel	the Netherlands	2.03.i	26/02/2013
PR0722	Windfarm Lommel Maatheide (LW)	Lommel	the Netherlands	3.03.a	19/03/2013
PR0725	Redevelopment Woluwelaan (Machelen) between Kerklaan and	Machelen	Region of Brussels	1.10; A.04.2.13	25/03/2013

	Haachtsesteenweg, including the complex RO/E19/R22				
PR0727	Intensive rearing pigs - Verhaeghe: renewal and extension	Poperinge	France	1.21.c	06/05/2013
PR0730	Intensive rearing of poultry - Zaman: renewal and extension	Sint-Gillis-Waas	the Netherlands	1.21.a	21/05/2013
PR0737	Renewal and extension of different activities on BASF NV	Antwerpen	the Netherlands	1.02.a; 2.06.d; 1.25; 1.06; 2.06.a	14/06/2013
PR0741	Renewal site Wienerberger	Lanaken	the Netherlands	2.05.e	19/07/2013
PR0742	Intensive rearing of pigs - Moons: modification and renewal	Arendonk	the Netherlands	1.21.d; 1.21.c	19/07/2013
PR0746	Extension and renewal of production of Nyrstar	Lommel; Balen	the Netherlands	1.04.b; 2.04.d; 2.10.o.1; 2.11.b.3; 2.06.a; 1.13	25/07/2013
PR0747	Intensive rearing of poultry - Stoop: extension and renewal	Beveren	the Netherlands	1.21.a	30/07/2013
PR0757	Developing small trade on UNAL site	Geraardsbergen	Region of Wallonia	2.10.b	08/10/2013
PR0758	Extension of production of Noordvlees Van Gool	Kalmthout	the Netherlands	2.07.f	21/10/2013
PR0761	River widening works	Dilsen-Stokkem; Maasmechelen	the Netherlands	2.10.h	30/10/2013
PR0763	Renewal and optimalisation waste energy station	Eeklo	the Netherlands	1.14	31/10/2013
PR0765	Intensive rearing of pigs - Beck Vanthillo: new project	Hoogstraten	the Netherlands	1.21.d	08/11/2013
PR0768	Intensive rearing of poultry - Plukon: extension and renewal	Maasmechelen	the Netherlands	2.07.f	29/11/2013
PR0769	Clay and sand extraction and fill with excavated soil	Hoogstraten	the Netherlands	1.23	03/12/2013
PR0773	Manufacturing brickworks: renewal	Lanaken	the Netherlands	2.05.e	23/12/2013
PR0774	Intensive rearing of pigs - Lauwers: extension and renewal	Kluisbergen	Region of Wallonia	1.21.c	07/01/2014
PR0775	Intensive rearing of pigs - Truijen: extension and renewal	Kinrooi	the Netherlands	1.21.c	13/01/2014
PR0776	Pig slaughterhouse Van Landschoot: extension and renewal	Maldegem	the Netherlands	2.13.b; 2.07.f	15/01/2014
PR2000	Intensive rearing of pigs - Snelvri: extension and renewal	Hoogstraten	the Netherlands	1.21.d; 1.21.c	21/02/2014
PR2004	Intensive rearing of poultry - Martens: extension and renewal	Kinrooi	the Netherlands	1.21.b	07/03/2014
PR2007	Building a dam and related installations	Geraardsbergen	Region of Wallonia	2.10.h	17/03/2014
PR2049	Realisation missing link "Extension N60 Ronse"	Maarkedal; Kluisbergen; Ronse	Region of Wallonia	1.09	14/04/2014
PR2055	Realisation GGG Doelpolder	Beveren	the Netherlands	2.10.h	16/05/2014

PR2058	Renewal site ArcelorMittal	Gent	the Netherlands	2.04.a; 2.10.o.1; 1.13; 2.04.k; 2.04.b; 2.05.a; 2.04.e; 2.11.f; 1.04.a	30/05/2014
PR2061	Intensive rearing of poultry - Van Looveren: extension and renewal	Neerpelt	the Netherlands	1.21.b	20/06/2014
PR2073	Intensive rearing of poultry - Mertens; extension and renewal	Wuustwezel	the Netherlands	1.21.a	23/07/2014
PR2074	Intensive rearing of pigs - De Kluyts: extension and renewal	Wuustwezel	the Netherlands	1.21.d; 1.28.a; 1.21.c	25/07/2014
PR2079	Waste Management Facility Doel	Beveren	the Netherlands	2.03.g	13/08/2014
PR2081	Renewal of 3 drinking water abstraction sites	Ronse	Region of Wallonia	2.10.o.2; 1.28.b; 2.13.b; 1.15; 2.13.a; 1.28.a; 3.10.j	
PR2088	Water transport line Oude Moervaart-Groote Meer	Kalmthout; Essen	the Netherlands	2.10.l; 2.10.k.2	09/09/2014
PR2125	Renewal sand extraction	De Panne	France	1.23	26/09/2014
PR2126	Renewal and extension production Lanxess	Antwerpen	the Netherlands	2.03.a; 1.06	26/09/2014
PR2128	Loam extraction	Lanaken	the Netherlands	2.02.a	19/03/2015
PR2129	Windfarm E40	Tienen; Hoegaarden; Oud- Heverlee; Boutersem; Bierbeek	Region of Wallonia	2.03.i	02/10/2014
PR2133	Intensive rearing pigs - Siemons: extension and renewal	Wuustwezel	the Netherlands	1.21.c	20/10/2014
PR2145	Extension production capacity Common Market Meat Company	Hoogstraten	the Netherlands	2.07.f	13/11/2014
PR2159	Intensive rearing pigs/poultry - Cox: extension and renewal	Wuustwezel	the Netherlands	1.21.a	23/12/2014
PR2160	Intensive rearing pigs - Huijbregts: extension and renewal	Arendonk	the Netherlands	1.21.d; 1.21.c	08/01/2015
PR2164	Sibelco Dessel-Lommel	Lommel; Dessel; Mol	the Netherlands	1.23	26/01/2015
PR2167	Intensive rearing poultry - Tuytelaers: extension and renewal	Ravels	the Netherlands	1.21.a	16/02/2015
PR2169	Intensive rearing poultry - Kranenburg: extension and renewal	Zonnebeke	France	1.21.a	19/02/2015
PR2171	Intensive rearing poultry - Brent: extension and renewal	Hoogstraten	the Netherlands	1.21.a	20/02/2015
PR2194	Broadening and deepening Channel to Charleroi	Beersel; Sint- Pieters-Leeuw; Drogenbos; Halle	Region of Brussels	1.11; 2.10.f; 2.13.a; 2.10.g	09/04/2015
PR2198	Junction road Brussels Expo and reconstruction and extension Park Verregat	Grimbergen	Region of Brussels	3.10.e	13/04/2015
PR2201	Intensive rearing pigs - Vermeiren: extension and renewal	Wuustwezel	the Netherlands	2.01.e.6	28/04/2015
PR2202	Plopsaland: extension and renewal	De Panne	France	2.12.a; 2.13.b	28/04/2015

PR2206	Windfarm Maldegem-Eeklo	Eeklo; Maldegem; Kaprijke	the Netherlands	2.13.b; 3.13; 2.13.a; 2.03.i	07/05/2015
PR2213	Intensive rearing pigs - PPS: extension and renewal	Hoogstraten	the Netherlands	1.21.c	22/05/2015
PR2215	Intensive rearing poultry - Hendrickx: extension and renewal	Wuustwezel	the Netherlands	1.21.a	09/06/2015
PR2219	Extension production Inovyn	Antwerpen	the Netherlands	1.06; 2.13.b; 2.06.a	22/06/2015
PR2224	Intensive rearing poultry - Mertens: extension and renewal	Ravels	the Netherlands	1.21.a	02/07/2015
PR2225	Eurostadion Brussels	Grimbergen	Region of Brussels	2.10.b	29/06/2015
PR2237	Intensive rearing poultry - Van De Loch: extension and renewal	Wuustwezel	the Netherlands	1.21.a	04/08/2015
PR2243	Intensive rearing pigs - Van Eynde: extension and renewal	Stekene	the Netherlands	1.21.c	28/08/2015
PR2244	Intensive rearing pigs - Van Looveren: extension and renewal	Kalmthout	the Netherlands	1.21.c	28/08/2015
PR2249	Intensive rearing poultry - Vandebussche: extension and renewal	Poperinge	France	1.21.c	19/09/2015
PR2285	Intensive rearing poultry - Matthysen: extension and renewal	Wuustwezel	the Netherlands	1.21.a	08/10/2015
PR2287	Intensive rearing poultry - Bax: extension and renewal	Ravels	the Netherlands	1.21.a	13/10/2015
PR2292	Intensive rearing poultry - Van Gastel: extension and renewal	Wuustwezel	the Netherlands	1.21.a	28/10/2015
PR2298	Abstraction groundwater in Eisden and Meeswijk	Maasmechelen	the Netherlands	1.15	06/11/2015
PR2299	Intensive rearing poultry - Van Rooy: extension and renewal	Ravels	the Netherlands	1.21.a	17/11/2015
PR2302	Regularisation dikes and future interventions to improve flooding problems along the Dender in Overboelare	Geraardsbergen	Region of Wallonia	2.10.h	27/11/2015

Federal Government

Table II.2 (a)

Transboundary EIA procedures: As Party of origin

Name of case	Starting date (date notification sent)	Length of the main steps in months			Final decision (date of issuing, if information is available)
		Submission of the environmental report	Transboundary consultations (expert), if any	Public participation, including public hearing, if any	
1. Seastar	26 Aug 2013	19 Jul 2013	17 Nov 2013	20 Aug 2013 - 17 Nov 2013	7 Feb 2014
2. Elia Bog	9 Nov 2013	1 Oct 2013	-	1 Nov 2013 - 29 Jan 2014	7 Jul 2014
3. Mermaid	22 Sep 2014	15 Sep 2014	-	11 Oct 2014 - 8 Jan 2015	13 Apr 2015
4. Northwester 2	4 Aug 2015	3 Jul 2015	-	30 Jul 2015 - 27 October 2015	End Dec 2015

Name of case	Starting date (date notification sent)	Length of the main steps in months			Final decision (date of issuing, if information is available)
		Submission of the environmental report	Transboundary consultations (expert), if any	Public participation, including public hearing, if any	
...					

Walloon Region

Article I. Date notification	D	Article II. RGPE	Ref	Article III. Content	Expl	Article IV. Object	O	Article V. Institutions contacted	Inst
12/11/2013		D3100/92094/DIV/2013/287/UF		B.S.T. BELGIAN SCRAP TERMINAL NV Zone rive gauche de la Meuse, au lieu-dit "LE PORT", sur la section AB N° 149 du cadastre de GIVET		Mise à jour d'une autorisation d'exploitation d'un terminal fluvial de recyclage de ferrailles à GIVET (France).		- Préfet des Ardennes (Fr)	
07/04/2015		D3100/82003/DIV/2015/123/GM		Soler SA 2, rue Pierre d'Aspelt L 11 42 Luxembourg		Projet d'implantation de 5 éoliennes sur le territoire de la Commune du Lac de la Haute-Sûre (Lux)		- Administration de l'Environnement (Lux)	
08/10/2015		D3100/81003/PPEIE/2015/1/BJ - PU		NPG Energy Tongersesteenweg 99 3770 Riemst		Construire et exploiter un parc de 6 éoliennes à Attert		- Commune de Ell (Lux) - Commune de Beckerich (Lux)	

Brussels Capital Region: no cases

Transboundary EIA procedures: As affected Party

Flemish Region

Table II.2 (a)

	Party of origin	Title	Receipt notification
GO20	the Netherlands	Extension nuclear power plant Borssele	27/03/2013
GO23	the Netherlands	Railway Flemish-Maastricht	26/04/2013
GO25	the Netherlands	Hedwige polder	13/08/2013
GO26	the Netherlands	Extension intensive rearing of pigs Wintelre	17/09/2013
GO27	the Netherlands	Project Zwin	26/09/2013
GO29	the Netherlands	Sealock Gent-Terneuzen	3/12/2013

GOB2	Region of Brussels	Erasmus clinic Anderlecht	2/05/2013
GOB3	Region of Brussels	Tunnel Woluwelaan Machelen	29/05/2013
GOB5	Region of Brussels	Sorting office Vilvoordsesteenweg Neder-Over-Heembeek	5/05/2014
GOB6	Region of Brussels	Prison Haren	26/08/2014
GOB8	Region of Brussels	PPAS Heizel	28/05/2015
GOB9	Region of Brussels	Parking C - verregatpark Brussel	28/07/2015
GOB10	Region of Brussels	Carpoolparking Anderlecht	9/12/2015
GOW3	Region of Wallonia	Motor sport	27/03/2013
GOW4	Region of Wallonia	Wind farm Oreya	25/10/2013
GOW5	Region of Wallonia	Construction and exploitation of a grass runway for ULM	28/11/2013
GOW7	Region of Wallonia	Brenntag NV Mouscron	23/01/2014
GOW8	Region of Wallonia	Dumping ground Cour-au-Bois Braîne-le-château	
GOG1	UK	Hornsea offshore wind farm	1/02/2013
GOG2	UK	Walney extension offshore wind farm	4/03/2013
GOG3	UK	Proposed Rhiannon offshore wind farm	4/03/2013
GOG4	UK	Dong energy Walney extension	5/08/2013
GOG5	UK	Navitus bay wind park	4/09/2013
GOG6	UK	Dogger bank Creyke Beck	10/10/2013
GOG7	UK	East Anglia THREE offshore wind farm	21/04/2014
GOG8	UK	Tidal lagoon Cardiff	1/06/2015

Federal Government

Since answering this question would engender a reconstitution of a lot of cases, often with information that is in the hands of the Parties of origin, and since this information will be furnished by the Parties of origin, the federal government would like to refer to the answers from the UK, the Netherlands, France and Germany.

Please share with other Parties your country's experience of using the Convention in practice. In response to each of the questions below, either provide one or two practical examples or describe your country's general experience. You might also include examples of lessons learned in order to help others.

II.3. Translation is not addressed in the Convention. How has your country addressed the question of translation? What difficulties has your country as Party of origin and affected Party experienced relating to translation and interpretation, and what solutions has your country applied? (Please specify, among others, the parts and type of the documentation translated, language, costs, etc.):

(a) As Party of origin:

- **Flemish Region:** We recommend translation of the project and a summary of the transboundary impact.
- **Federal Government:** none
- **Walloon Region:** The developer should provide a non-technical summary translated in German or Dutch

(b) As affected Party:

- **Flemish Region:** We experience no difficulties concerning the language since the documents are in Dutch or French.

-
- **Federal Government:** none
 - **Walloon Region:** Documents proposed to the public inquiry are not translated and that causes problems. It's due to the time-frame for the duration of the consultation period.

II.4. Describe any difficulties that your country has encountered during transboundary public participation (expert consultation, public hearing, etc.), including on issues of timing, language and the need for additional information:

- **Flemish Region:** Difficulties concerning the financial cost and time necessary for translation.
- **Federal Government:** none
- **Walloon Region:**
 - Misunderstanding of the documents proposed to the public inquiry because they are not translated
 - Time-frame for the duration of the consultation period are too short (lack of standardization between the Member States)
 - Remarks of the affected Party are not taken into account because they are arrived out of time

II.5. Does your country have successful examples of organizing transboundary EIA procedures for joint cross-border projects or that of an NPP?:

- (a) Yes
- (b) No **Flemish Region / Federal Government / Walloon Region**

II.6. If you answered yes to question II.5, please provide information on your country's experiences describing, for example, means of cooperation (e.g., contact points, joint bodies, bilateral agreements, special and common provisions, etc.), institutional arrangements, and how practical matters are dealt with (e.g., translation, interpretation, transmission of documents, etc.):

- (a) For joint cross-border projects:
- (b) For NPPs:

II.7. Name examples of good practice cases, whether complete cases or good practice elements (e.g., notification, consultation or public participation) within cases: /

II.8. Would your country like to introduce a case in the form of a Convention "case study fact sheet"?:

- (a) No **Flemish Region / Federal Government / Walloon Region**
- (b) Yes (please indicate which cases):

II.9. Has your country carried out post-project analyses in the period 2013–2015:

- (a) No **Walloon Region**
- (b) Yes **Federal Government** (please indicate which projects, along with the challenges in implementation and any lessons learned):

Flemish Region Post-project analysis can be included in the permit as a permit condition.

2. Experience in using the guidance in 2013–2015

II.10. Has your country used in practice the following guidance, adopted by the Meeting of the Parties and available online?:

(a) Guidance on Public Participation in Environmental Impact Assessment in a Transboundary Context (ECE/MP.EIA/7):

No **Flemish Region / Federal Government / Walloon Region**

Yes (please provide details):

Your experience with using this guidance:

Your suggestions for improving or supplementing the guidance:

(b) Guidance on subRegional cooperation (ECE/MP.EIA/6, annex V, appendix):

No **Flemish Region / Federal Government / Walloon Region**

Yes (please provide details):

Your experience with using this guidance:

Your suggestions for improving or supplementing the guidance:

(c) Guidance on the Practical Application of the Espoo Convention (ECE/MP.EIA/8):

No **Flemish Region / Federal Government / Walloon Region**

Yes (please provide details):

Your experience with using this guidance:

Your suggestions for improving or supplementing the guidance:

3. Clarity of the Convention

II.11. Has your country had difficulties implementing the procedures defined in the Convention, either as Party of origin or as affected Party, because of a lack of clarity of the provisions?:

No **Flemish Region / Federal Government / Walloon Region**

Yes (please indicate which provisions and how they are unclear):

4. Suggested improvements to the report

II.12 Please provide suggestions for how this report may be improved. /