

# Questionnaire for the report of BELGIUM on the implementation of the Convention on Environmental Impact Assessment in a Transboundary Context in the period 2016–2018

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11. Date on which report was completed:

Walloon Region: 22/03/2019

Flanders Region: 29/03/2019

Brussels Capital Region: 21/03/2019

Federal Government: 27/03/2019

**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): x

**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 x **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 neighboring state that expects an impact of the project (e.g. Royal Decree Procedure, 7 September 2003, article 19).

**Federal government:** Specific for nuclear projects (following under the application of the Federal law of 15<sup>th</sup> of April 1994): chapter IIIter of the federal law of 15 April 1994 refers to the Convention for the evaluation (federal law of 15<sup>th</sup> of April 1994, article 27/5 §6).

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 **x 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 **x 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 neighboring state that expects an impact of the project (e.g. Royal Decree Procedure, 7 September 2003, article 19).

**Federal government:** Specific for nuclear projects (following under the application of the Federal law of 15<sup>th</sup> of April 1994): chapter IIIter of the federal law of 15 April 1994 refers to the Convention for the evaluation (federal law of 15<sup>th</sup> of April 1994, article 27/5 §6).

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

**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".

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

**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"

**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.

**Federal government:** Specific for nuclear project (following under the application of the Federal law of 15<sup>th</sup> of April 1994), every change has to be notified to the Federal Agency for nuclear control (article 12 of the Royal decree of 20th of July 2001) and when a permit is necessary, the rules as described for an original permit will be followed.

- 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 x **Walloon Region, Flemish Region, Brussels Capital Region, Federal Government**
  - (b) By making the information available to all members of the public and letting them identify themselves as the public concerned x **Brussels Capital Region**
  - (c) By other means (please specify): **Federal government:** Via the notification, joint by all relevant information on the project, to the neighboring State that will be potentially affected by the project. The connection authority-public should be made by the neighboring State.

Your comments:

## 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:

**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)

**Flemish Region:**

During the period 2016-2018 the licensing procedure and the EIA procedure has changed. The urban development permit, allotment permit and environmental permit were merged into a new 'integrated environment permit'. Moreover, the original scheme where EIA preceded the permit granting procedure was replaced by a scheme where EIA and permit granting procedure are integrated. In some questions these changes lead to different answers. The difference is explained. from a consecutive procedure to an integrated procedure

Legislation in Flemish Region on EIA :

- 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 'Flemish EIA act of 10 December 2004' sets the list of activities for which drafting an EIA is mandatory, and two lists of activities that can be screened for significant impact.

The legislation defining the 'integrated environment permit' procedure is:

- Decree of 25 April 2014 regarding the integrated environment permit
- Order of 27 November 2015 executing the Decree of 25 April 2014 regarding the integrated environment permit
- Order of the Flemish Government of 17 February 2017 on further rules for environmental impact assessment of projects and for environmental safety reporting

The following legislation defines the procedure for certain complex projects with an integrated EIA and SEA:

- Decree of 25 April 2014 regarding complex projects
- Act of 12 December 2014 executing the decree of 25 April 2014

**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.

**Federal government:** Royal Decree Procedure

**Federal government:** Specific for nuclear projects (following under the application of the Federal law of 15<sup>th</sup> of April 1994): Federal law and Royal Decree Procedure

- (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

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

(b) It differs slightly  (please specify):

**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.

**Flemish Region:** All the activities of Appendix I are transposed into the 'Flemish EIA act of 10 December 2004'. The legislation of the Flemish Region covers more activities than those listed in appendix I. The Flemish EIA Act of 10 December 2004 covers all activities which are subject to a (transboundary) EIA-procedure, according to the EU-directive 2011/92/EU, as amended by 2014/52/EU.

**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.

**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 **x 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:

**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.

**Flemish region:** In the Region of Flemish the competent authority on EIA is the Flemish EIA/SEA Unit of the Department of Environment and Spatial Development. (note: the EIA reports are drafted by accredited experts (consultants), not by the EIA/SEA Unit).

**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).

**Federal government:** For the maritime area, the Management Unit for the Mathematical Model of the North Sea (MUMM) is competent, for the nuclear projects (following under the application of the Federal law of 15<sup>th</sup> of April 1994), the Federal Agency for nuclear control (when falling under the scope of the Federal law of the 15<sup>th</sup> of April 1994).

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

Your comments:

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 **x Brussels Capital Region, Federal Government**

(b) Yes **x** (please specify):

**Walloon Region :**

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.

**Flemish Region:** The Flemish EIA/SEA Unit of the Department of Environment and Spatial Development collects information on all the transboundary EIA cases.

Your comments:

I.9. How does your country, As a Party of origin and as an 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):

**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.

**Flemish Region:**

Former consecutive procedure: 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 (domestic and from affected party) to comment both in writing and participate orally at a public hearing during the permit application procedure.

New integrated environment permitting procedure: The EIA process is integrated in the licensing procedure. The public participation of the EIA report is simultaneous with the public participation of the permit application. The public (domestic and from affected party) can comment in writing during the permit application procedure. On request of the initiator a public participation can also be organized in the preliminary phase.

**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.

**Federal government:****As a Party of origin**

For maritime cases, Belgium as Party of origin informs the affected Party about the case. The affected Party has 75 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.

For nuclear projects (following under the application of the Federal law of 15<sup>th</sup> of April 1994), The affected Party will have at least the same period of time to give his opinion as is given to the public and the other affected national authorities.

**As an affected Party**

In case of maritime cases, a consultation amongst governmental bodies is organized, in order to bring out a Belgian point of view.

### Article 3 Notification

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

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

Your comments:

#### **Flemish region:**

Former consecutive procedure: 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.

New integrated environment permitting procedure: The competent authority notifies the affected party in the beginning of the preliminary phase of the EIA, after the competent authority has received a notification from the initiator. The initiator can choose for a scoping advice. The affected Party will stay informed during the whole procedure.

**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)
- (b) The country has its own format  (please attach a copy)
- (c) No official format used  **Walloon Region, Flemish Region, Brussels Capital Region, Federal government**

Your comments:

**Flemish Region:** The format (table 1, 2, 3 mentioned in decision I/4 (ECE/MP.EIA/2, annex IV, appendix) is not used, but the content of this appendix 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 option may apply):

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



(b) The information required by article 3, paragraph 5 **x Flemish Region, Brussels Capital Region, Federal government**

(c) Additional information (please specify): **Flemish Region:** the notification contains more information on the accredited experts and the coordinator that will draft the EIA.

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 **x Walloon Region**

(b) Yes, it is indicated in the national legislation **x** (please indicate the time frame):  
**Flemish Region:** 40/30 days (see comments), **Federal government**

**Federal Government:** Within 75 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.

**Federal Government:** For nuclear projects (following under the application of the Federal law of 15<sup>th</sup> of April 1994), The affected Party will have at least the same period of time to give his opinion as is given to the public and the other affected national authorities.

(c) It is determined and agreed with each affected Party case by case in the beginning of the transboundary consultations  (please indicate the average length in weeks): **x Brussels Capital Region**

**Brussels Capital 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). 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. The affected Party is invited to send its remarks and observations within an indicative deadline so that the Walloon authority can take it into account in its decision

**Flemish Region:**

Former consecutive procedure: Article 4.3.4 §5 of the 'Flemish SEA/EIA act of 18/12/2002' provides 40 days for the transboundary authority from the affected party (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.

New integrated environment permitting procedure: The transboundary authority (affected party) can provide their comments on the notification during a period of 30 days.

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

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

**Walloon Region:** The consequence is that the Walloon authority cannot take into account the remarks and observations of the affected Party if it sends them too late. A short extension of the deadline is considered.

**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.

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 website<sup>1</sup> **x Flemish Region, Brussels Capital Region**

(b) Other (please specify): **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:

**Flemish Region:** By mutual agreement between the neighboring countries, besides the point of contact, 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.

I.15. On what basis is the decision made to participate (or not) in the transboundary EIA procedure as an 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 the Party of origin **x Walloon Region, Flemish Region**

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

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

(d) Other (please specify): **x 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 **x Walloon Region, Flemish Region, Brussels Capital Region, Federal government**

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

(c) Other (please specify):

Your comments:

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<sup>1</sup> List available from [http://www.unece.org/env/eia/points\\_of\\_contact.htm](http://www.unece.org/env/eia/points_of_contact.htm).

**Federal Government:** Moreover, a consultation meeting is held, within the aforementioned period of 75 days, in order to discuss about the significance of the impact and the potential mitigation measures.

## Articles 3.8 and 4.2

### Public participation

I.17. How can the public express its opinion on the EIA documentation of the proposed project (art. 5)? Please specify (more than one option may apply):

*As a Party of origin*

- (a) By sending comments to the competent authority/focal point  **Flemish Region, Brussels Capital Region, Federal government**
- (b) By taking part in a public hearing  **Walloon Region, Brussels Capital Region**
- (c) Other (please specify):  **Walloon Region and Flemish Region:** By sending comments to the affected municipality.

*As an affected Party*

- (d) By sending comments to the competent authority/focal point   **Brussels Capital Region, Federal government**
- (e) By taking part in a public hearing  **Federal government**
- (f) Other (please specify):

**Walloon Region:** The public concerned of the affected Party can send comments to the municipality concerned of the Party of origin and take part in a public hearing in this municipality.

**Flemish Region:** the public concerned can send comments to the mentioned contact point.

Your comments:

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

I.18. 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  **Walloon Region, Flemish Region, Brussels Capital Region, Federal government**

Your comments:

**Brussels Capital Region:** We ask the affected Party to organize a public consultation with indication of the possibility to be heard at the public hearing in our region.

I.19. Please indicate whether your national EIA legislation requires the organization of public hearings in cases where your country is the affected Party:

- (a) Yes  **Walloon Region**
- (b) No  **Flemish Region, Brussels Capital Region, Federal government**

Your comments:

**Walloon Region:** Article R.41-8 in Book I of the Walloon Environmental Code

**Brussels Capital Region:** Only a public consultation is foreseen.

## Article 4

### Preparation of the environmental impact assessment documentation

I.20. How do you ensure sufficient quality of the EIA documentation As a 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  **Walloon Region, Flemish Region, Brussels Capital Region, Federal government**

(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.21. 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  **Walloon Region, Flemish Region, Brussels Capital Region, Federal government**

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

Your comments:

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

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

**Federal government:** For nuclear projects (following under the application of the Federal law of 15<sup>th</sup> of April 1994), the minimum is defined in the Federal law of 15<sup>th</sup> of April 1994.

I.22. How do you determine “reasonable alternatives” in accordance with appendix II, paragraph (b)?

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

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

(c) Other (please specify):

Your comments:

**Walloon Region:** Reasonable alternatives are alternatives that reduce the environmental impact. Reasonable alternatives must be described by the accredited EIA expert.

**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. The EIA/SEA unit published a manual on alternatives in EIA and SEA on their website.

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

**Federal Government:** For nuclear projects (following under the application of the Federal law of 15<sup>th</sup> of April 1994), implemented in the Federal law of 15<sup>th</sup> of April 1994

## **Article 5**

### **Consultations on the basis of the environmental impact assessment documentation**

I.23. Does your national EIA legislation have any provision on the organization of transboundary consultations 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

(c) It is optional  (please specify):  **Walloon Region, Brussels Capital Region, Flemish Region**

**Walloon Region:** Article D.29-11, §3, of the Walloon Environmental Code,

**Brussels Capital Region:** The Steering Comity will always invite the competent authority of the Affected Party as an expert member of the Steering Comity.

**Flemish Region** : Order of 27 November 2015 executing the Decree of 25 April 2014 regarding the integrated environment permit : art 27

Your comments:

## **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 **x Walloon Region, Flemish Region, Brussels Capital Region, Federal government**
- (b) Comments received in accordance with article 3, paragraph 8, and article 4, paragraph 2 **x Walloon Region, Flemish Region, Brussels Capital Region, Federal government**
- (c) Outcome of the consultations as referred to in article 5 **x Walloon Region, Flemish Region, Brussels Capital Region, Federal government**
- (d) Outcomes of the transboundary consultations **x Walloon Region, Flemish Region, Brussels Capital Region, Federal government**
- (e) Comments received from the affected Party **x Walloon Region, Flemish Region, Brussels Capital Region, Federal government**
- (f) Mitigation measures **x Walloon Region, Flemish Region, Brussels Capital Region, Federal government**
- (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 **x Walloon Region, Flemish 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 **x Walloon Region, Flemish Region, Brussels Capital Region, Federal government**
- (b) Yes  (please specify):

Your comments:

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  **Walloon Region, Flemish Region, Brussels Capital Region, Federal government**

(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:

Your comments:

**Walloon Region:** All listed activities need a final decision which is an environmental consent (environmental permit) or a refusal.

**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.

**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”).

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

## 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):

Your comments:

**Walloon Region:** The inspection services are responsible for verifying whether a revision of the permits is not necessary in the event that the authorized project creates nuisances that have not been sufficiently taken into account in the permit concerned.

**Flemish Region:** Post-project analysis can be included as a licensing permit condition. The monitoring requirements from the EIA directive as amended by directive 2014/52/EU are transposed in Flemish EIA legislation.

**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.

**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.

**Federal Government:** For nuclear projects (following under the application of the Federal law of 15<sup>th</sup> of April 1994), the follow up of the ionising effects, is done by the Federal Agency for nuclear control.

## **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  **x Walloon Region, Flemish Region, Brussels Capital Region, Federal government**

(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

(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 national legislation**

I.32. Please describe how the steps required for a transboundary EIA procedure under your national legislation correlate to domestic EIA in the lead-up to the final decision. If there are



differences in the procedures for screening/scoping or for preparation of the environmental impact assessment and consultation, please specify.

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

Your comments:

**Walloon Region:** The notification of the EIA procedure is sent to the affected Party at the same time as the permit application is introduced in the Walloon Region. The comments of the affected Party are taken into account in the decisions.

**Flemish Region:**

Former consecutive procedure: 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.

New integrated environment permitting procedure:

The preliminary phase differs, depending on the choice for a scoping advice:

- When the initiator request for a scoping advice: the notification of the EIA procedure is sent to the affected party at the same time as this is sent to the domestic advisory agencies. The comments are taken into account and a draft EIA is prepared.
- When the initiator does not request for a scoping advice: the notification is sent to the affected party for advice.

After this phase: the affected Party is informed and involved during the whole process in the same way as the domestic advisory agencies. A public participation on the EIA and permit application is organised. The EIA and permit application is sent for advice to the domestic advisory agencies and the affected party. After the EIA is approved, a decision is taken on the permit.

**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.

**Federal Government:**

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

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  **Walloon Region, Flemish Region, Brussels Capital Region, Federal government**
- (b) Yes  (please specify):
  - (i) Special provisions:
  - (ii) Informal arrangements:

Your comments:

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

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

(b) Yes  (please specify):

(i) Special provisions:

(ii) Informal arrangements:

Your comments:

## Part two

### Practical application during the period 2016–2018

Please report on your country's practical experiences in applying the Convention (not your country's procedures described in part one), whether As a 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  **Walloon Region, Flemish Region, Brussels Capital Region, Federal government**

Your comments:

**Brussels Capital Region:** no cases in this period.

#### 1. Experience in the transboundary environmental impact assessment procedure during the period 2016–2018

##### Cases during the period 2016–2018

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 a 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).

**Walloon Region Table II.2 (a)**  
**Transboundary EIA procedures: As a Party of origin**

Project name	Starting date (date notification sent)	Affected Party/ Parties	Timing of the notification (screening, scoping or preparation of the EIA documentation)	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. <i>Electra bel – 3 7 éoliennes à</i>	07/11/2017	<i>Luxembourg et France</i>	20/11/2017	<i>Conseil général de Meurthe-et-Moselle –</i>			23/03/2018

Project name	Starting date (date notification sent)	Affected Party/ Parties	Timing of the notification (screening, scoping or preparation of the EIA documentation)	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	
Messancy				Ministère de l'Environnement du Luxembourg			
...							

**Federal government**  
**Transboundary EIA procedures: As a Party of origin**

Project name	Starting date (date notification sent)	Affected Party/ Parties	Timing of the notification (screening, scoping or preparation of the EIA documentation)	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. Marine spatial plan 2020-2026	July 2018	UK, Netherlands, France	July 2018, together with notification	None (no requests do so)	None (no knowledge)	to our Spring 2019 (signature Decree adopting the MSP).	2019 Royal Decree adopting the MSP).
...							

## Flemish Region

### Transboundary EIA procedures: As a Party of origin

#### 1. Transboundary EIA procedures, prior to the licensing procedures:

Project name	Starting date (date notification sent)*	Affected Party/ Parties	Timing of the notification (screening, scoping or preparation of the EIA documentation)	Length of the main steps in months			
				Submission of the environmental report **	Transboundary consultations (expert), if any ***	Public participation, including public hearing, if any ****	Final decision (date of issuing, if information is available) *****
PR232 3	Zandvliet-Lillo-Mercator high-voltage line	the Netherlands	Feb 2016	13/12/2016	province concerned	feb/march 2016)	13/12/2016 6
PR234 4	Uitbreiding en hernieuwing pluimveebedrijf	the Netherlands	April 2016	21/09/2016	province concerned municipalities and provinces concerned, national authority	23/04/2016 - 23/05/2016	21/09/2016 6
PR235 2	Hervergunning en uitbreiding v/d zandwinning VELBO	the Netherlands	May 2016	20/01/2017	municipalities and provinces concerned	30/05/2016 -	19/01/2017 7
PR236 4	Uitbreiding en vroegtijdige hernieuwing leghennenbedrijf	the Netherlands	June 2016	18/10/2016	municipalities and provinces concerned	29/06/2016 -	18/10/2016 6
PR237 9	Hernieuwing en uitbreiding van pluimveehouderij	the Netherlands	August 2016	20/04/2017	province concerned	22/09/2016 -	20/04/2017 7
PR238 6	Hernieuwing en uitbreiding v/e veeteeltbedrijf	the Netherlands	sep 2016	28/04/2017	province concerned	19/09/2016 -	28/04/2017 7
PR239 3	Hervergunning Grondwaterwinning Rijkevorsel	the Netherlands	sep 2016	21/11/2017	province concerned	10/10/2016 -	21/11/2017 7
PR240 5	Uitbreiding en vroegtijdige hernieuwing van 2 varkensbedrijven	the Netherlands	okt 2016	24/07/2017	province concerned	03/11/2016 -	20/07/2017 7
PR240 6	Uitbreiding en vroegtijdige hernieuwing v/e	the Netherlands	okt 2016	20/03/2017	province concerned	18/01/2017 -	20/03/2017 7

	slachtkuikenbedrijf	the broiler farm								
	Uitbreiding, wijziging en vroegtijdige hernieuwing v/e pluimveehouderij	Expansion, modification and early renewal of poultry farming	14/10/2016	the Netherlands	nov 2016	6/03/2017	municipalities and provinces concerned	11/11/2016 - 11/12/2016	06/03/2017 7	
PR2416	Uitbreiding en vroegtijdige hernieuwing slachtkuikenbedrijf	Expansion and early renewal of broiler farm	11/01/2017	the Netherlands	feb 2017	21/11/2017	province concerned	23/02/2017 - 24/03/2017	21/11/2017	
PR2459	Conversion Ombouw R4 west en oost	R4 west and east re-authorization and expansion of Bayer Agriculture project "Spent Fuel Storage Facility" (SF <sup>2</sup> )	18/02/2017	the Netherlands	feb 2017	ongoing				
PR2462	hervergunning en uitbreiding van Bayer Agriculture project "Spent Fuel Storage Facility" (SF <sup>2</sup> )	expansion of Bayer Agriculture project "Spent Fuel Storage Facility" (SF <sup>2</sup> )	18/02/2017	the Netherlands	feb 2017	ongoing				
PR2463	project "Spent Fuel Storage Facility" (SF <sup>2</sup> )	Storage Facility" (SF <sup>2</sup> )	23/02/2017	the Netherlands	feb 2017	ongoing				

\*= the information provided is the date of which the EIA/SEA unit received the notification from the initiator

\*\*= date of submission of the approved environmental report

\*\*\* = only the administration that reacted during the transboundary procedure is mentioned.

\*\*\*\* = public participation during the EIA process (scoping phase). Also a public participation during the licensing procedure is organised with a finalized (approved) EIA, data is not shown

\*\*\*\*\*= the date of the decision on the EIA report is the same date as the submission of the EIA report to the affected party.

## 2. Transboundary EIA procedures integrated in the integrated environment permitting procedure:

Project name	Starting date (date notification sent)*	Affected Party/  Parties	Timing of the notification (screening, scoping or preparation of the EIA documentation)	Length of the main steps in months			
				Submission of the environmental report	Transboundary consultations (expert), if any **	Public participation, including public hearing, if any ***	Final decision (date of issuing, if information is available) ****
PR3058	Expansion, modification and renewal of a mixed cattle farm 11/04/2018	The Netherlands	November 2017	14/03/2019	province concerned	during preliminary phase: 05/12/2017-04/04/2018 + public participation during licensing procedure during licensing procedure	14/03/2019
PR3067	Re-permit groundwater extraction 19/12/2017	The Netherlands		29/08/2018	province concerned	27/06/2018-26/07/2018	29/08/2018
PR3075	Re-permit with extension / modification of existing establishment, Sappi Lanaken 12/02/2018	The Netherlands	4/04/2018	ongoing	province and municipality concerned, national level	ongoing	ongoing
PR3080	Expansion of broiler farm 28/02/2018	The Netherlands	12/03/2018 (on scoping); 29/11/2018 on licensing application and EIA (not approved yet)	29/01/2019	province and municipality concerned		29/01/2019
PR3081	Haensberg Ophoven infrastructure project 5/03/2018	The Netherlands	15/03/2018	ongoing	province and municipality concerned, national level		ongoing
PR3104	Groundwater extraction Spiere-Helkijn 25/05/2018	France	15/06/2018	05/03/2019	DREAL		05/03/2019
PR3109	Expansion and renewal of the environmental technical unit Louwagie Stefan - Louwagie Derycke 12/06/2018	France	9/07/2018	08/02/2019	DREAL, Préfet de region Nord-Pas-de-Calais Bureau de l'environnement		08/02/2019

PR3111	Expansion and early renewal permit from an animal husbandry company	19/06/2018	France	09/07/2018	ongoing	DREAL, Préfet de region Nord-Pas-de-Calais Bureau de l'environnement		ongoing
PR3116	Re-permit groundwater extraction	7/07/2018	The Netherlands	13/07/2018	ongoing	provinces and municipalities concerned, National level	during preliminary phase: 21/07/2018-19/08/2018	ongoing
PR3119	Elerweerd project	6/09/2018	The Netherlands	13/07/2018	22/02/2019	provinces and National level	during licensing procedure	22/02/2019
PR3120	Galloo expansion scrap storage	19/07/2018	France	11/12/2018	28/02/2019	DREAL, Préfet de region Nord-Pas-de-Calais Bureau de l'environnement	during licensing procedure	28/02/2019
PR3127	Expansion, modification and renewal of poultry farm	8/10/2018	The Netherlands	11/10/2018	ongoing	province and municipality concerned, national level	during preliminary phase: 15/10/2018-15/11/2018	ongoing
PR3129	Expansion and early renewal of the Pluda poultry farm	9/10/2018	The Netherlands	23/10/2018	ongoing	province and municipality concerned		ongoing
PR3131	deepening Europe terminal	19/10/2018	The Netherlands	8/11/2018	ongoing	provinces and municipalities concerned	during preliminary phase: 23/10/2018-30/11/2018	ongoing
PR3134	Wind farm	31/10/2018	The Netherlands	12/12/2018	ongoing	province and municipality concerned		ongoing
PR3135	N34 - Adinkerke detour	13/11/2018	France	19/11/2018	ongoing	DREAL, Préfet de region Nord-Pas-de-Calais Bureau de l'environnement		ongoing
PR3140	wind farm clusters E40 coast - Zone west	7/12/2018	France	19/12/2018	ongoing	DREAL, Préfet de region Nord-Pas-de-Calais Bureau de l'environnement		ongoing
PR3143	Expansion, modification and renewal of poultry farm	18/12/2018	The Netherlands	20/12/2018	ongoing	province and municipality concerned, national level		ongoing
PR3146	wind turbine park	21/12/2018	The Netherlands	29/01/2019	ongoing	province and municipality concerned, national level		ongoing

\* = the information provided is the date of which the EIA/SEA unit received the notification from the initiator

\*\*\* = date of public participation during the preliminary phase is mentioned when relevant. During the licensing procedure also a public participation

is organised on the permit application and the EIA report (that is not approved at that moment).

\*\*\*\* = date of final decision on EIA



### 3. Transboundary EIA screenings procedure

Project name	Starting date (date notification sent)*	Affected Party/ Parties	Timing of the notification (screening, scoping or preparation of the EIA documentation)	Length of the main steps in months			
				Submission of the environmental report	Transboundary consultations (expert), if any **	Public participation, including public hearing, if any ***	Final decision (date of issuing, if information is available) ****
River intervention to limit flooding in common Maas in Geistingen (De Scheepvaart) (PR2328)	19/02/2016	the Netherlands	1/03/2016	not applicable	province concerned	during licensing procedure	decision on screening: 27/03/2017

Table II.2 (b)

#### Transboundary EIA procedures: As an affected Party

#### Walloon Region:

Project name	Starting date (date notification sent)	Affected Party/ Parties	Timing of the notification (screening, scoping or preparation of the EIA documentation)	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. Création d'un site dédié aux sports mécaniques à Regnio welz	30/10/2017	Région wallonne	20/11/2017				

Project name	Starting date (date notification sent)	Affected Party/ Parties	Timing of the notification (screening, scoping or preparation of the EIA documentation)	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	
<i>(France)</i>							
2. Parc éolien à Wincrange (Luxembourg)	30/05/2017	Région wallonne	24/07/2017				
3. Parc éolien Harel-Walter - Eeschpelt (Luxembourg)	26/10/2017	Région wallonne	14/07/2017		Avis du Conseil wallon de l'environnement pour le développement durable		

**Federal Government:**

Project name	Starting date (date notification sent)	Affected Party/ Parties	Timing of the notification (screening, scoping or preparation of the EIA documentation)	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. Several UK windfarm projects							

Project name	Starting date (date notification sent)	Affected Party/ Parties	Timing of the notification (screening, scoping or preparation of the EIA documentation)	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	
2. German grid plan							
...							

## Flemish Region

Project name	Project name	Starting date (date notification sent)*	Affected Party/ Parties	
GO N37	Poultry farm Kunnen in Weert, the Netherlands	25/04/2016	Belgium-Region	Flanders
GO N40	wind energy A16 zone, the Netherlands	21/06/2016	Belgium-Region	Flanders
GO N41	meat pig farm in Hulsel, the Netherlands	16/01/2017	Belgium-Region	Flanders
GO N44	Agro-Wind Reusel wind farm, the Netherlands	8/03/2018	Belgium-Region	Flanders
GO F1	Project recalibrating the Lys consultation, France	23/01/2017	Belgium-Region	Flanders

\*= date notification was sent to Flanders Region

Your comments:

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. The Convention does not mention the translation of EIA documentation as an important prerequisite for the participation of potentially affected Parties in a transboundary EIA procedure. Please explain:

(a) How has your country addressed the issue of the translation of EIA documentation?

**Walloon Region:** When the Walloon Region transmits a file to an affected Party, it ensures that the non-technical summary of the impact study is transmitted in the language of this Party.

**Flemish Region:** We recommend translation of the description of the project and a summary of the transboundary impact.

**Federal government:** no translation

(b) What difficulties has your country experienced with regard to translation and interpretation, both as a Party of origin and as an affected Party, and what solutions has it found?

**Walloon Region:**

The Walloon region does not always receive the presentation of the project in French. So The Walloon region have to ask a translation to the Party of origin.

**Flemish Region:**

As affected party, we experience no difficulties concerning the language since the documents are in Dutch or French.

**Federal government:** none.

(c) Which Party covers the cost of translation of EIA documentation?

(i) As a Party of origin:

**Walloon Region:** the proponent covers the cost of translation

**Flemish Region:** the initiator covers the cost of translation

**Federal government:** Party of origin (summary)

(ii) As an affected Party:

**Walloon Region and Flemish Region:** the affected Party

**Federal government:** Party of origin (summary)

(iii) Other, please specify:

(d) What parts of the EIA documentation does your country usually translate?

(i) As a Party of origin:

**Walloon Region:** the non-technical summary of the impact study

**Flemish Region:** We recommend translation of the description of the project and a summary of the transboundary impact.

**Federal government:** that depends on what is important for the other Party.

(ii) As an affected Party:

**Walloon Region:** the Walloon region doesn't translate the documents received.

**Flemish Region:** Flemish Region doesn't translate the received documents.

(e) Please indicate whether and how the issue of translation is addressed in bilateral agreements between your country and other Parties.

(f) As a Party of origin, in which language do you usually provide EIA documentation to the affected Party?

(i) English

(ii) The affected Party's language  x

**Walloon Region:** (only the non-technical summary of impact study)

**Flemish Region:** Dutch for the Netherlands, when it is recommended: French translation of parts of the report (description of the project and a summary of the transboundary impact) for France.

**Federal government:** Dutch for the Netherlands, no experience with impact on France and UK.

(iii) Other (please, specify)

(g) As an affected Party, from which language do you usually translate?

(i) English

(ii) Language of the Party of origin x **Walloon Region**

(iii) Other (please, specify) **Federal government:** that depends

(h) Describe any difficulties that your country has encountered during public participation procedures and consultations under article 5, for example with regard to timing, language and the need for additional information.

**Flemish Region:** Difficulties concerning the financial cost and time necessary for translation.

**Federal government:** no difficulties experienced.

(i) As a Party of origin:

Experience with public participation

During the period 2016-2018, **the Walloon region and Flemish region** didn't encounter difficulties.

**Federal government:** Public participation is organised by the affected Party, since they are familiar with the national context (procedures and who to contact in particular).

Sometimes, foreign companies, authorities or associations contribute to the Belgian public participation procedure.

Experience with consultations under article 5

During the period 2016-2018, **the Walloon region and Flemish region** didn't encounter difficulties

**Federal government:** During the adoption procedure for the Belgian Marine Spatial Plan for the periode 2020-2026 we have met the French and Dutch colleagues informally in order to share information and to consult on the major cross-border issues. Their input has been taken into account in the end version of the MSP 2020-2026 (e.g. impact the location of a dredging material disposal site nearby a shipping route).

(ii) As an affected Party:

Experience with public participation

During the period 2016-2018, **the Walloon region and the Flemish Region** didn't encounter difficulties. Flemish Region does not receive a lot of notifications.

**Federal government:** no.

Experience with consultations under article 5

During the period 2016-2018, **the Walloon region and Flemish Region** didn't encounter difficulties.

**Federal government.** We have been consulted via an informal meeting several times.

- (i) Please describe how the costs of interpretation during the hearings are covered: **Federal government:** no hearings have been organized.
  
- (ii) By the Party of origin:
- (iii) By the affected Party:
- (iv) Shared by both Parties concerned:
- (v) Developer:
- (vi) Other, please specify

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:

**Federal government:** no difficulties.

**Walloon Region:** during the period 2016-2018, the Walloon region does'nt encounter difficulties

Flemish Region: no difficulties

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  **x Walloon Region, Flemish region, Federal government**

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. Please provide examples from your experience during the reporting period (either complete cases or elements such as notification, consultation and public participation) that, in your view, constitute good practice:

**Walloon Region:** Electrabel (wind turbines à Messancy)

**Flemish Region:** PR3058: a project on a mixed cattle farm

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

- (a) No  **Walloon Region, Flemish Region, Federal government**  
(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  (please indicate which projects, along with the challenges in implementation and any lessons learned): **x Federal government**: monitoring, as part of the permit, has been carried out.

## 2. Experience in using the guidance in 2016–2018

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  **Walloon Region, Flemish Region, Federal government**

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  **Walloon Region, Flemish Region, Federal government**

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  **Walloon Region, Flemish Region, Federal government**

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 a Party of origin or as an affected Party, because of a lack of clarity of the provisions?

No  **Walloon Region, Federal government, Flemish Region**



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

#### **4. Suggested improvements to the report**

II.12 Please provide further suggestions (preferably specific drafting proposals) for how this report could be improved.