

IMPLEMENTATION REPORT

Party	Brussels Capital Region / Belgium
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procedure for drawing up this report:

Answer:

- The consultation of the NGOs was prepared by the federal authority (see national authority's report)
- A press release was drawn up and sent on behalf of the 4 involved authorities
- The public consultation was organised separately by each authority but also on the national portal (national node) www.aarhus.be.

Important circumstances that may help to understand the report.

Answer:

Article 3

a) Paragraph 2:

- **The Info-environment service** (general): by telephone or e-mail.
- **Reception of the public for consultation of certain documents** (permits, incident studies, etc.): directly in certain departments.
- **Training in communications for civil servants who deal with the public**, i.e. park wardens, provides information to the public concerning the parks or the environment in general.
- **Consultation of the public via representative organizations on the Brussels Environment Council**, that issues opinions on draft legislation as well as on draft plans and programmes adopted by the Brussels government.
- **Information on the right of appeal** such information against the decision accompanies all administrative decisions (article 10 Ordinance of 18 March 2004 on access to environmental information).

b) Paragraph 3:

- **General awareness tools: a free quarterly newspaper** (via subscription or Web site), **a very complete Web site** (renewed in December 2007 : contains information for the general public, for professionals and for schools), many **publications** for the public at large or on scientific topics (often free-of-charge), the annual organization of the **Environment Festival** (an event open to the public, with many environmental professionals in attendance. Counting more than 100 info stands and more than 20,000 visitors in 2007).
- **Educational programmes in schools:**
 - Information and training for teachers, school managers...
 - Tools, such as **educational folders, exercise books...**, have been developed and are available on the school section of the website of Brussels Environment.
 - Organised activities in schools.
- **Awareness tools for companies: a free quarterly newspaper** providing information is sent out 7,000+ subscribers and is available on the Web site. A newsletter is sent out 2750+ subscribers. **Brochures** are sent out and many pages on the **Web site** are available for informing companies about their obligations and to give advice concerning eco-management. Brussels Environment also awards the “**Eco-dynamic company**” label to businesses that get involved in a voluntary environmental management plan.
- The organization of different **seminars, workshops and training sessions**, either for the public or a group of specialists or companies.

c) Paragraph 4 :

- **The Environment Council of the Brussels Capital Region (ECBCR)**, on the initiative of the regional government or the Brussels environment minister, has the task of issuing a reasoned opinion on any regional topic dealing with the environment (Decree of 15 March 1990).

- **Subsidies are granted to association active in environmental matters** for information missions relating to energy, social economy and in order to organize activities focusing on nature education.

d) Paragraph 7:

No particular measures were taken by the region.

e) Paragraph 8:

The constitutional guarantees are being observed.

Obstacles encountered

No major obstacle.

Additional information

There is a pre-existing legal framework in light of: (1) ordinances on access to information, disclosure of administrative acts, regular publication of the state of the environment, etc. (2) the Brussels Environment Web site, (3) the organization of public surveys on draft environmental plans and impact studies (4) consultation on the granting of certain environment permits issued jointly with building permits.

Article 4

Ordinance of 18 March 2004 on access to environmental information. (published in the Moniteur Belge of 30 March 2004).

Definitions in art.2: see Ord , Art.3

Art.3 §9: Ord, art.4: no discrimination

(a) §1: see Ord, art.4

(b) §2: see Ord. art.8

(c) §3 and 4: see Ord. art.11,§1 to 3

(d) §5: see Ord. art.12

(e) §6: see Ord. art.11,§5

(f) §7: see Ord. art.13

(g) §8: see Ord. art.5.

Obstacles encountered

No major obstacle.

Additional information

Statistics from the Info-Environment Department: 14,487 calls and 11,543 e-mails were received in 2006. The Web site is also a widely used source of information; the number of visitors increases constantly. A new website was set up on December 2007.

Article 5

See Ordinance of 18 March 2004 on access to environmental information (published in the Moniteur Belge of 20 March 2004).

Paragraph 1:

(i)

- see Ord. art.16,§1
- The environmental observatory has the task of collecting, analyzing and disseminating all information that may be useful in understanding the state of the environment and promoting good management by the responsible authorities.

(ii) see Ord. art.16,§2

(iii)

- see Ord. art.18
- Alerts sent out to the public via the mass media if certain air pollution thresholds are exceeded.
- A “pollumeter” (air quality indicator in Brussels) is available 24/7 on www.ibgebim.be and via a telephone answering machine.
- The population is informed of events that may generate pollution, e.g. risks of a fire at a former industrial site, via the IBGE-BIM Web site and press releases.

Paragraph 2: see Ord. art.10

Paragraph 3:

- see Ord. art.16, §1 al.1 and 3
- see Ord. art.16,§2
- Practically speaking, this means:
 - Publication on www.ibgebim.be of plans and programmes (also published in printed form), reports on the results of public surveys and progress reports on plans and programmes, data on the state of the environment (regularly updated) and many reports on studies. The new website gives access to a part of the virtual library of Brussels Environment. This improves the access to the technical and scientific information for the public.
 - Legal texts on www.ibgebim.be and on www.moniteur.be

Paragraph 4: see Ord. art.17

Paragraph 5: see Ord. art.16 § 2

Paragraph 6: see Ord. art.16 § 2

Paragraph 7: see Ord. art.10 and 16

paragraph 8:

- see Law of 21 December 1998 (published in Moniteur Belge of 11 February 1999) on product standards designed to promote sustainable production means, environmental protection and public health, art.5, §1, 6°.

- Practically speaking, this means: awareness of the public of the need to behave in such a way and buy products that damage to the environment is kept to a minimum (see above).

Paragraph 9: v.Ord. art.16, §2, e

Obstacles encountered

No major obstacle.

Article 6

Paragraph 1:

- AGRBC of 9 April, 2004 adopting the Brussels land use code, title IV, chap III, section III, art 149 to 152 (published in Moniteur Belge of 26 May 2004).
- Ord. of 22 April 1999 setting the list of installations classed as 1A (published in the Moniteur Belge of 5 August 1999).
- AGRBC of 4 March 1999 setting the list of installations classed as 1B, 2 and 3 (published in the Moniteur Belge of 7 August 1999).

Paragraphs 2, 3, 4, 5, 7, 8, 9, 10:

- AGRBC of 9 April 2004 adopting the Brussels land-use code, title IV, chap III, section III, art 149 to 152 (published in Moniteur Belge of 26 May 2004).

Paragraphs 2, 3, 4, 9:

- Ord. of 18 March 2004 on evaluating the impact of certain plans and programmes (published in Moniteur Belge of 30 March 2004)

Paragraph 11:

- See the report from the federal authorities.

Obstacles encountered

No major obstacles.

Article 7

See Ord. of 18 March 2004 on evaluating the impact of certain plans and programmes (published in Moniteur Belge of 30 March 2004).

- See Ord. of 18 March 2004 on evaluating the impact of certain plans and programmes (published in Moniteur Belge of 30 March 2004), art. 11 and 13.
- See Ord. of 7 March 1991 on the prevention and management of waste (art 5) and Ord. of 17 July 1997 on noise abatement in urban settings (art 5 §§ 2 to 8), which provides explicitly for the obligation to organize a public survey on draft waste plans and noise abatement plans.

Public surveys were organized during the drafting of the waste and noise abatement plans. In addition, public surveys were held when the air and climate plan, the management plan for the Soignes Forest and the plan for assigning CO₂ emission quotas to Brussels were being drawn up.

These surveys and consultations were a big success. More than 7,000 responses from the public survey were received concerning the 2nd waste plan, more than 5,000 responses were received concerning the 3rd waste plan and more than 8,000 from the draft noise abatement plan. (Nota bene: the Brussels Capital Region has around 1 million inhabitants.)

Obstacles encountered

No major obstacle.

Additional information

The ordinance of 18 March 2004 has not yet been applied but is the basis for the preparation of future public consultations (in 2008).

Article 8

Public participation is guaranteed by representative organizations brought together in the Brussels Environment Council. See AERBC of 15 March 1990 regulating the creation, functions and composition of the Environment Council for the Brussels Capital Region (published in the Moniteur Belge of 6 July 1990).

Obstacles encountered

No major obstacle.

Additional information

The opinions of the Environment Council are not binding on the public authorities, who must nevertheless justify any decision running counter to the Council's opinions. These opinions are available on www.cerbc.be in addition to the schedule and agendas of the Council's meetings.

Article 9

Paragraph 1:

- Ord. of 18 March 2004 on evaluating the impact of certain plans and programmes (published in the Moniteur Belge of 30 March 2004) .
- Ord. of 30 March 1995 on disclosure by the administration (published in the Moniteur Belge of 23 June 1995).

Paragraph 2:

Appeal to the Council of State (federal level)

Paragraphs 3 and 4:

Law of 12 January 1993 on the right to act in environmental matters (published in the Moniteur Belge of 19 February 1993).

Paragraph 5:

The possibility of appeal must always be described at the bottom of all administrative decisions.