

International Law & agreements

- 1) Historical background
- 2) Act of Vienna 1815 (art. 113) freedom of navigation on international rivers
- 3) Dutch-Belgian Separation Treaty 1839 includes a special Scheldt statute
- 4) Treaty of Vienna on treaty law (art. 31-32) good faith interpretation
- 5) Espoo Convention 1991 (both countries are party; art. 2(7)!)
- 6) Dutch-Flemish agreement to implement Espoo
- 7) Treaty to protect the Scheldt river (1994) replaced by the Scheldt Treaty 2003 (implements also Water Framework Directive; art. 4 includes transboundary EIA provision): Flanders = party
- 8) 3 memoranda of understanding between The Netherlands and Flanders (2001, 2002, 2005)
- 9) -> different issues : morphology, navigation, protection against flooding, safety, nature protection, recreation
- 10) -> Long term vision (2030) / Development outline (2010) / SEA

EIA-SEA in Flemish legislation

- 6) Decree of 18 December 2002 contains separate chapters on EIA (into force on 13/02/2003) and SEA (21/07/2004)
- 7) 2 procedural SEA-approaches:
 - 6) integration of basic SEA-requirements in planning procedure
 - 7) application of separate SEA-procedure in accordance with decree
- 8) Separate SEA-procedure includes:
 - 6) public consultation of notification document & draft outline of SEA-approach including transboundary consultations
 - 7) EIA/SEA Unit issues guidelines on methodology & contents
 - 8) quality review of the final report: have guidelines been applied?
- Field of application not yet determined... so ad hoc decisions are being taken