

**REPORT OF BELGIUM ON THE IMPLEMENTATION
OF THE CONVENTION ON ENVIRONMENTAL
IMPACT ASSESSMENT IN A TRANSBOUNDARY
CONTEXT**

in the period 2006–2009

Information on the focal point for the Convention

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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.

Article 2

General Provisions

DOMESTIC IMPLEMENTATION OF THE CONVENTION

- 1. List the general legal, administrative and other measures taken in your country to implement the provisions of the Convention (art. 2.2).*

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 (the Region of Flanders, the Region of Wallonia and the Region of Brussels-Capital) and one federal government. The regions and the federal government exercise their legal powers on the same footing. Most of the legislative and administrative powers in environmental matters are conferred on the Regions. Each of those Regions is competent for the protection of the environment as a whole, with the exception of the regulation of ionizing radiation, radioactive waste, the transfer of waste and the environmental aspects of product policy. The power to regulate the latter matters is conferred on the federal government. The protection of the marine environment is also a competence of the federal government. Each of the Regions as well as the federal government have legal competence in (transboundary) EIA matters. So, the following legislation and administrative entities are important in the context of the implementation of the Convention in Belgium:

FEDERAL LEVEL:

* **FEDERAL AGENCY FOR NUCLEAR CONTROL** (regulation of ionizing radiation and nuclear matters): Federal law of 15th April 1994 regarding the safeguarding of the population and the environment against ionizing radiation and regarding the establishment of the Federal Agency for Nuclear Control executed by the Royal Decree of 20th July 2001 regarding the safeguarding of the population, the labour environment and the environment against ionizing radiation (hereinafter 'Royal Decree of 20/07/2001').

* **MANAGEMENT UNIT OF THE MATHEMATICAL MODEL OF THE NORTH SEA:** Federal Law on the Protection of the Marine Environment of 20th January 1999, executed, regarding (transboundary) EIA, by the Royal Decree of 7 the September 2003 and the Royal Decree of 9th September 2003.

REGION OF FLANDERS:

Act of the parliament of the Region of Flanders 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 Flanders of 10th december 2004 on EIA (hereinafter 'Flemish EIA decree of 10/12/2004')

REGION OF WALLONIA:

The EIA chapters 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)

REGION OF BRUSSELS-CAPITAL:

The provisions of the convention are implemented in the Code of the Region of Brussels-Capital on Town and Country planning (COBAT) article 18 § 6, art 25 § 6, art 35 § 3 and art 48 § 5.

2. *Indicate any further measures to implement the provisions of the Convention that are planned for the near future.*

FEDERAL AGENCY FOR NUCLEAR CONTROL: a new regulation will be proposed for the disposal of radioactive waste

TRANSBOUNDARY ENVIRONMENTAL IMPACT ASSESSMENT PROCEDURE

3. *Describe your country's national and transboundary environmental impact assessment (EIA) procedures and authorities (art. 2.2):*
 - a. *Describe the EIA procedure in your country and indicate which steps of the EIA procedure include public participation;*

FEDERAL AGENCY FOR NUCLEAR CONTROL:

No modifications have taken place since the publication of the previous report.

All nuclear activities listed in Appendix I of the Convention are classified as so called "Class I facilities" in the Royal Decree of 20/07/2001 (article 3). The license procedure for such establishments is prescribed in article 6 of the Royal Decree. The EIA-report must be part of the license application.

If the license application is complete, it is transferred to the Scientific Council for Ionizing Radiations of the FANC for a first assessment. The Council gives a preliminary advice. Then the license application - together with the preliminary advice of the Council - is transferred to the mayor of the town where the facility is located. When other towns are located within a radius of 5 km, the same procedure applies to these towns. The public is notified by a public notice at the town hall. The license application, including the EIA report can be consulted by the public during 30 days. The public has the opportunity to give written comments. After this public enquiry, the town council gives an advice concerning the license application. The result of the public enquiry and the advice of the town council are sent back to the FANC by the mayor within a term of 60 days after the receipt of the license application.

Afterwards the license application is sent to the Provincial council. Again an advice has to be given within a term of 30 days.

In parallel with the consultations of the local authorities and the provincial council, some international consultations may take place. In the cases provided by article 37 of the Euratom Treaty, the FANC seeks the advice of the European Commission. There are similarities between the EIA and the reporting to the European Commission under the obligation of article 37, although the latter has nothing to do with the implementation of the Convention. The nature of the concerned nuclear activities and the minimum content of this reporting are described in the Recommendation 1999/829/Euratom of the European Commission of 6 December 1999 on the application of Article 37 of the Euratom Treaty. Although both

assessments contain similar information, the one to the European Commission is not open for public consultation and participation.

The Scientific Council of the FANC can also consult the European Commission about the general and specific aspects on safety of a facility or the effect on the environment. Then, the Scientific Council of the FANC is consulted again and gives a final advice.

Finally, the Minister of the Interior decides whether the license will be granted or not. The permit is issued by Royal Decree.

REGION OF FLANDERS:

Scheme of the EIA procedure used for the projects mentioned in annex I of the Flemish EIA Decree of 10/12/2004:

Notification by the proponent to the EIA-authority --> EIA-authority decides about contents and completeness of the notification --> consultation of public, administrations and the town council --> EIA-authority decides on the guidelines --> final EIA-report --> EIA-authority performs a quality control and takes a decision about the final EIA-report.

Article 4.3.4 §4 of the Flemish SEA/EIA Act of 18/12/2002 provides 30 days for the public to give their comments. The public can consult the notification in the town hall, the town council is free to choose the way in which they announce the public consultation, often the announcement is made by a public letter at the town hall. The public can send their comments on the notification to the EIA-authority or they can send their comments to the mayor and the mayor sends the comments to the EIA-authority.

Article 4.3.5 §1 sub 2° of the Flemish SEA/EIA Act of 18/12/2002 states that the EIA-authority has to take into account the comments made by the public when the EIA-authority decides on the guidelines.

Article 4.3.9 §1 of the Flemish SEA/EIA Act of 18/12/2002 provides that the final EIA-report, the decision about the approval of the EIA-report and the guidelines can be consulted by the public at the office of the EIA-authority after the decision about the approval of the final EIA-report has been sent to the proponent.

Scheme of the EIA procedure used for the projects mentioned on annex II of the Flemish EIA Decree of 10/12/2004:

Reasoned request (screening and scoping) by the proponent to discharge the project of a full EIA-procedure (the scheme of the full EIA-procedure you can find above) --> within 60 days the EIA-authority decides about the request.

Article 4.3.3 §6 of the Flemish SEA/EIA Act of 18/12/2002 states that the decision is a public document, that can be consulted by the public at the office of the EIA-authority, 70 days after the motivated request done by the proponent.

REGION OF WALLONIA:

The legislation (article D.29-1 and following and R.41-1 and following) prescribes that a public consultation shall be organized by the developer before the introduction of the permit's request (art. D.29-5) The pertinent public remarks and observations shall be examined in the EIA. After the introduction of the request, a public hearing is organized (30 days) during which the public may introduce its final observations (art D.29-7) The decision shall take those observations in consideration. The decision is posted (art.D.29-21)

REGION OF BRUSSELS-CAPITAL:

There are two mandatory public consultations prescribed in our legislation :

- at the stage of the scoping (it allows the taking into account in the specification sheets of local characteristics and the specific knowledge by the residents of the local problems);
- when the EIA was declared complete by the Steering Committee after eventual amendments introduced by the developer to its original demand.

MANAGEMENT UNIT OF THE MATHEMATICAL MODEL OF THE NORTH SEA

Before being granted or denied, projects defined in the law on the protection of the marine environment have to pass through an environmental permit procedure. Briefly, this procedure includes an environmental impact assessment (EIA) by the Management Unit of the North Sea Mathematical Models (MUMM). This EIA is based on an environmental impact study (EIS) submitted by the applicant. In the framework of its evaluation the MUMM can, if necessary, carry out, or order additional studies and research. The public is also consulted: during 45 days a public consultation is organised in Belgium and if impacts could cross international borders, consultation with the concerned country is arranged. Based on this EIA and on the results of the public consultation, the MUMM advises the federal Minister responsible for the marine environment. In this advice the MUMM gives an opinion on the acceptability of the project concerning the marine environment and on the conditions which the project must fulfil to be acceptable. The Minister decides whether the environmental permit should be granted. A similar, but separate procedure is applicable for the exploration and exploitation of non-living resources of the territorial sea and the continental shelf.

- b. *Describe how the different steps of the transboundary EIA procedure set out in the Convention fit into your country's national EIA procedure;*

FEDERAL AGENCY FOR NUCLEAR CONTROL:

The applicant prepares the EIA-report and submits it to the FANC. When the Scientific Council decides that the proposed activity can have a significant transboundary impact, the FANC has to send the notification directly to the affected States and the local communities within the 5 km range. Their advice will be taken into account.

In case of the applicability of art. 37 of the Euratom Treaty, not only the affected States have to be informed about the proposed activity. All European Member States will receive the information gathered under article 37 of the Euratom Treaty, which is very similar to the EIA-report. As already mentioned the Euratom-consultation is not open for the public.

REGION OF FLANDERS:

Transboundary steps used for the projects mentioned on annex I of the Flemish EIA Decree of 10/12/2004:

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. Article 4.3.5§1 sub 2° of the Flemish SEA/EIA Act of 18/12/2002 states that the EIA-authority has to take into account the comments made by the transboundary authority when the authority decides on the guidelines. The decision about the guidelines has to be sent to the transboundary authority.

Article 4.3.8 §3 of the Flemish SEA/EIA Act of 18/12/2002 states that the decision about the final EIA-report has to be send to the transboundary authority (when significant environmental effects are expected or when the transboundary authority asks to take part in the procedure) .

Transboundary steps used for the projects mentioned on annex II of the Flemish EIA Decree of 10/12/2004:

Article 4.3.3 §5 of the Flemish SEA/EIA Act of 18/12/2002 states that the reasoned request (screening and scoping) by the propopent to discharge the project of a full EIA-procedure has to be send to the transboundary authority (when significant environmental effects are expected or when the transboundary authority asks to take part in the procedure) for comment. The provided timing for comment is 30 days.

Article 4.3.3 §9 of the Flemish SEA/EIA Act of 18/12/2002 states that the final decision has to be send to the transboundary authority.

REGION OF WALLONIA:

When a project is likely to have significant environmental impacts on the territory of a Party to the Espoo convention or if a Party requests it, all the informations concerning the request of permit and the EIA is send to the affected Party (art.D.29-11 and R.41-9)

REGION OF BRUSSELS-CAPITAL:

When a project is likely to have significant environmental impacts on the territory of a Party to the Espoo convention or if a Party requests it, all the informations concerning the request of permit and the EIA is send to the affected Party. The Government determines the practical modalities for the transmission of this information.

MANAGEMENT UNIT OF THE MATHEMATICAL MODEL OF THE NORTH SEA

The transboundary EIA procedure is conducted in the same period as the national public consultation phase. The period shall be started on the initiative of the MUMM or on demand of the competent authorities of the states involved.

- c. *List the different authorities that are named responsible for different steps of the transboundary EIA procedure (notification, consultation between Parties, public participation, etc.). Also list the authorities responsible for the domestic EIA procedure, if they are different;*

FEDERAL AGENCY FOR NUCLEAR CONTROL: In both cases the FANC is responsible.

REGION OF FLANDERS: In both cases the Flemish EIA-authority is responsible.

REGION OF WALLONIA: As Party of origin, the instance 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.

REGION OF BRUSSELS-CAPITAL: 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.

MANAGEMENT UNIT OF THE MATHEMATICAL MODEL OF THE NORTH SEA

General and non-living resources procedure: MUMM

General permit procedure: Minister competent for the marine environment (in practice assisted by the Directorate-General for Environment)

Non-living resources procedure: Minister competent for Economy and Minister competent for the marine environment (in practice assisted by the Directorate-General for Sand and Gravel Extraction and the Directorate-General for Environment).

- d. *Is there one authority in your country that collects information on all the transboundary EIA cases? If so, name it. If not, does your country intend to establish such an authority?*

No, there is no such authority (Federal Agency for Nuclear Control; Region of Flanders; Region of Wallonia; Region of Brussels-Capital; Management Unit of the Mathematical Model of the North Sea).

4. *Does your country have special provisions for joint cross-border projects (e.g. roads, pipelines)?*

FEDERAL AGENCY FOR NUCLEAR CONTROL:

Not applicable for nuclear projects (no such cross-border activities are known).

REGION OF FLANDERS:

Each case will be considered individually, taking account of its specific characteristics and possibilities. As much as possible, a common procedure will be created or agreed (ad hoc formalisation) taking into account the strongest aspects of both EIA procedures.

REGION OF WALLONIA:

Each case will be considered individually, taking account of its specific characteristics and possibilities. As much as possible, a common procedure will be created or agreed (ad hoc formalisation) taking into account the strongest aspects of both EIA procedures.

REGION OF BRUSSELS-CAPITAL:

No specific provisions in the legislation of the Region of Brussels-Capital 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.

MANAGEMENT UNIT OF THE MATHEMATICAL MODEL OF THE NORTH SEA: no specific provisions

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IDENTIFICATION OF A PROPOSED ACTIVITY REQUIRING ENVIRONMENTAL IMPACT ASSESSMENT UNDER THE CONVENTION

5. *Is appendix I to the Convention transposed into your country's national legislation? Does your country's legislation already cover the revised appendix I in the second amendment (ECE/MP.EIA/6, decision III/7), and if so, how? Please describe any differences between the national list and appendix I to the Convention. Please explain how your country*

interprets terms such as “large” and “major” used in appendix I (including in items 4, 8, 11, 14, 16, 17 and, as appropriate, 22).

FEDERAL AGENCY FOR NUCLEAR CONTROL:

All nuclear activities listed in Appendix I to the Convention are included in the list of the so called "Class I facilities", defined in the Royal Decree of 20/07/2001 (see article 3.1), for which the EIA-obligations are in general applicable. The terms "large" and "major" are not used in the definitions of these nuclear activities.

REGION OF FLANDERS:

The Flemish EIA Decree of 10/12/2004 contains two lists of activities which are subject to an EIA-procedure (see question 3 a), corresponding to the EU-directive 85/337. All the activities of the revised Appendix I in the Second Amendment are in the lists of the Flemish EIA Decree of 10/12/2004. All the activities of the revised appendix I are on the first list (EIA is mandatory) of the Flemish EIA Decree of 10/12/2004. Two activities (17 'deforestation of large areas' and 22 'wind farms') of the revised appendix I are listed on the second list of the Flemish EIA Decree of 10/12/2004 (reasoned request - screening and scoping - by the proponent to discharge the project of a full EIA-procedure is allowed). For those 2 activities the Flemish EIA Decree of 10/12/2004 contains number criteria for deforestation (3 ha) and for wind farms (20 turbines or more / 4 turbines or more when significant impact is possible on protected areas (e.g. bird directive)). So the number criteria are used as an interpretation of the terms 'large' and 'major'.

REGION OF WALLONIA and REGION OF BRUSSELS-CAPITAL:

The list of activities covers more than the one 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.

6. *Please describe:*

- a. *The legislation and, where appropriate, the procedures your country would apply to determine that an “activity”, or a change to an activity, falls within the scope of appendix I (art. 2.3), or that an activity not listed should be treated as if it were (art. 2.5);*

FEDERAL AGENCY FOR NUCLEAR CONTROL:

The Royal decree of 20 July 2001 (art. 3.1) contains a list of activities subject to an EIA procedure, which includes all 'nuclear' Appendix I activities. The aforementioned list contains also some activities not included in Appendix I, for which the EIA-obligations are optional. For these extra activities, an evaluation will taken place based on the criteria of Annex III to the European Union directive 85/337/EEC. Changes to existing activities will be treated in a similar way. In case of a likely significant transboundary impact the EIA-procedures of the Convention will apply .

REGION OF FLANDERS:

The Flemish SEA/EIA Act of 18/12/2002 supplemented the existing Act of the Parliament of the Region of Flanders of 5th April 1995 containing the General Provisions for Environmental Policy Management in the Region of Flanders with a new Title (IV) on EIA and SEA (and safety reporting). This Title IV contains chapters with procedural provisions for EIA and SEA, and content requirements for the EIA documentation for projects or plans. These chapters describe the procedure

to determine whether an EIA is mandatory for an activity. These chapters also include provisions with respect to the implementation of the Espoo Convention. The Flemish EIA Decree of 10/12/2004 contains the lists of EIA obligatory activities. All Appendix I activities fall within the scope of EIA in Flanders. The decree contains more activities than included in Appendix I. For the extra activities, the Convention will also be applied in case of a likely significant adverse transboundary impact.

REGION OF WALLONIA:

The instance in charge of the examination if the request is properly introduced shall estimate if the activity is likely to have transboundary impacts.

If appropriate, the instance sends to the competent authorities of the affected Party the request, the EIA and all the information relating to the transboundary impacts (decree of the parliament of the region of wallonia of 27th May 2004 relating to the book 1 of the environmental code - Art. 76 § 1)

REGION OF BRUSSELS-CAPITAL:

The projects are distributed over two different legislations:

(1) the legislation on town and country planning (COBAT, 2004);

(2) the legislation on the environmental permit for operating (1992, last amendment in 2009).

There is a screening approach for the definition of the kinds of projects and the thresholds that trigger (or not) the EIA procedure. The classification is made using the thresholds. Both legislations make a differentiation between projects for which an EIA conducted and a report elaborated by a certified consultant is always required (lists of projects with classification 1A or from the annex A of the COBAT) and projects for which the developer needs only to submit himself a report on the environmental impacts (lists of projects with classification 1B or from annex B of the COBAT).

MANAGEMENT UNIT OF THE MATHEMATICAL MODEL OF THE NORTH SEA:

The Law on the Protection of the Marine Environment of 20th January 1999, executed by by the Royal Decree of 7 the September 2003 and the Royal Decree of 9th September 2003 (specific on EIA), contains provisions on EIA with respect to activities in the Belgian part of the North Sea (art. 25). All Espoo-listed activities are covered but in practice this means only pipelines. All activities for which a permit is required are subject to public consultation (national and international). An exemption is possible in case the project will have limited impacts but this will never be the case with the projects included in Appendix I of the Espoo Convention.

- b. How your country conducts transboundary EIA cooperation (through points of contact, through joint bodies or within bilateral or multilateral agreements);*

FEDERAL AGENCY FOR NUCLEAR CONTROL:

Information is exchanged through regular meetings with sister organisations in the neighbouring countries

REGION OF FLANDERS:

Trough points of contacts

REGION OF BRUSSELS-CAPITAL:

No specific arrangements 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.

c. *How a change to an activity is considered as a “major” change;*

FEDERAL AGENCY FOR NUCLEAR CONTROL:

The Royal decree of 20 July 2001 contains provisions to decide when a change of an activity listed in Appendix I shall be considered as a major change (see art. 12). The criteria mentioned in Annex III to the European Union Directive 85/337/EEC and in the Recommendation 1999/829/Euratom are used.

REGION OF FLANDERS:

The EIA legislation contains descriptions of the changes or extensions of projects for which an EIA is obligatory and for those for which the proponent can choose to ask the competent authority to determine whether an EIA is necessary, given the size, location or effects.

REGION OF BRUSSELS-CAPITAL:

The EIA legislation on town and country planning and on environmental permits for operating contain descriptions of the changes or extensions of projects for which an EIA is obligatory, or which have to be considered by the competent authority to determine whether an EIA is necessary, given the size, location or effects.

MANAGEMENT UNIT OF THE MATHEMATICAL MODEL OF THE NORTH SEA:

The Royal decree of 7 September 2003 stipulates that each modification or transformation of an activity that has been permitted, that may cause greater or other impacts on the environment, should be submitted to the permit procedure including an EIA and consultation.

REGION OF WALLONIA:

The EIA legislation contains descriptions of the changes or extensions of projects for which an EIA is obligatory, or which have to be considered by the competent authority to determine whether an EIA is necessary, given the size, location or effects.

d. *How such an activity, or such a change to an activity, is considered “likely” to have a “significant” adverse transboundary impact (art. 2.3 and 2.5, and the Guidelines in appendix III).*

FEDERAL AGENCY FOR NUCLEAR CONTROL:

It is primarily the decision of the Federal Agency for Nuclear Control (FANC) as competent authority whether an activity is likely to have significant adverse impacts. When such is obvious, using the criteria mentioned in the Recommendation, the FANC sends the notification to the European Commission.

In addition, local authorities of neighbouring countries can be notified and consulted (if within a radius of 5 km of the nuclear installation).

The Scientific Council of the FANC can also consult the European Commission about general and specific security aspects or environmental impacts. If the latter include transboundary aspects, the FANC has to send the notification directly, or on request, to the concerned State.

REGION OF FLANDERS:

It is primarily the decision of the competent authority (i.e. the EIA Unit of the Flemish administration for environmental matters) whether an activity is likely to have a significant adverse transboundary impact. When it is obvious to the competent authority that a proposed activity in Flanders may have a significant adverse impact on the environment in another Party, the competent authority will have to send the notification or the reasoned request (screening and scoping) by the proponent to discharge the project of a full EIA-procedure to the point of contact in the affected Party. The competent authority decides case-by-case, taking into consideration the specific situation, type of activity, type of effects and distance to the border.

REGION OF BRUSSELS-CAPITAL:

Not applicable to the Brussels region as it is situated in the middle of Belgium.

MANAGEMENT UNIT OF THE MATHEMATICAL MODEL OF THE NORTH SEA:

It is the responsibility of the Party of origin (the competent authority) to decide whether an activity is likely to have significant adverse transboundary impacts, in accordance to art. 19 of the Royal Decree of 7 September 2003. The Marine Environment Protection Law of 1999 does not contain criteria regarding 'significance' or 'likely'. In the case of a request by a possibly affected Party, the request to obtain the notification document should be submitted within 60 days.

REGION OF WALLONIA:

The consideration is made on a case-by-case analysis by the instance in charge of the examination if the request is properly introduced. In case of doubt, the likely affected Party is informed of the request and invited to say if it wants to participate in the EIA procedure.

PUBLIC PARTICIPATION

7. *Does your country have its own definition of "the public" in national legislation, compared to article 1(x)? How does your country, together with the affected Party, ensure that the opportunity given to the public of the affected Party is equivalent to the one given to your country's public as required in article 2, paragraph 6?*

FEDERAL AGENCY FOR NUCLEAR CONTROL:

There is no definition of the public in the nuclear legislation. In accordance with the jurisprudence of the Council of State the concerned public includes organisations. The public is notified by a public letter at the town hall and sometimes by a public announcement in relevant newspapers. The public can consult the EIA documentation at the town hall and comment on it in writing. At the same time as the public is informed in Belgium, the public participation in the affected Party takes place.

REGION OF FLANDERS:

The definition in the Flemish legislation (EIA) is the same as article 1(x) and also mentions organisation or groups.

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. At the same time as the public in Flanders is informed, the publication in the affected Party has to take place. This implies that, in the scoping phase,

the notification of intent might be translated and made public in the affected Party and after the EIA documentation has been prepared the summary is translated and the (complete) documentation is made public in the affected Party. All information is immediately available on the website

REGION OF BRUSSELS-CAPITAL:

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)

MANAGEMENT UNIT OF THE MATHEMATICAL MODEL OF THE NORTH SEA:

The authorities in the affected Party are informed at the same time as the public in Belgium. The public in the affected Party has, compared to the Belgian public, one additional month to react, in order to overcome distribution problems for the authorities. All information is immediately available on the website.

REGION OF WALLONIA:

There is no definition of the public. Public means anybody on the territory. In case of EIA, a public hearing is organized during 30 days. 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 where the observations have to be addressed

Article 3

Notification

QUESTIONS TO PARTY OF ORIGIN

8. *Describe how your country determines when to send the notification to the affected Party, which is to occur "as early as possible and no later than when informing its own public"? At what stage in the EIA procedure does your country usually notify the affected Party (art. 3.1)*

FEDERAL AGENCY FOR NUCLEAR CONTROL: No formal requirements are determined in the regulation about the notification.

REGION OF FLANDERS:

In principle, the notification is sent at the same time as the publication of the "notification of intent" takes place domestically (scoping phase).

The reasoned request (screening and scoping) by the proponent to discharge the project of a full EIA-procedure is sent to the affected party at the same time as domestically authorities are asked for advice.

REGION OF WALLONIA and REGION OF BRUSSELS-CAPITAL: The affected Party receives the information at the latest when the public of the Party of origin is informed. .

9. *Does your country provide any information to supplement that required by article 3, paragraph 2?*

FEDERAL AGENCY FOR NUCLEAR CONTROL: No formal notification exists

REGION OF FLANDERS:

Supplementary information is only provided in response to specific requests. The competent authority sends the (translated) 'notification of intent', with an accompanying letter, to the affected Party. In addition, a letter is sent from the regional ministry to the affected Party.

REGION OF WALLONIA and REGION OF BRUSSELS-CAPITAL: The notification contains the informations mentioned in the article 3 § 2 and the EIA. Any additional information is given on request

10. *Does your country use the format for notification (as decided by the first meeting of the Parties, decision I/4, in document ECE /MP.EIA/2)? If not, in what format does your country normally present the notification?*

REGION OF FLANDERS: the format is used. The necessary information is present in the letter to the affected party and in the notification/EIA.

11. *Describe the criteria your country uses to determine the time frame for the response to the notification from the affected Party (art. 3.3, "within the time specified in the notification")? What is the consequence if an affected Party does not comply with the time frame? If an affected Party asks for an extension of a deadline, how does your country react?*

FEDERAL AGENCY FOR NUCLEAR CONTROL: No formal requirements are determined in the regulation about the notification..

REGION OF FLANDERS:

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

REGION OF WALLONIA and REGION OF BRUSSELS-CAPITAL: 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

12. *Describe when your country provides relevant information regarding the EIA procedure and proposed activity and its possible significant adverse transboundary impact as referred to in article 3, paragraph 5. Already with the notification, or later in the procedure?*

FEDERAL AGENCY FOR NUCLEAR CONTROL: No formal requirements are determined in the regulation about the notification.

REGION OF FLANDERS: The information is already submitted as part of the notification or as part of the reasoned request (screening and scoping) by the proponent to discharge the project of a full EIA-procedure .

REGION OF WALLONIA: In most cases, the information is already submitted as part of the notification..

13. *How does your country determine whether it should request information from the affected Party (art. 3.6)? When does your country normally request information from the affected Party? What kind of information does your country normally request? How does your country determine the time frame for a response from the affected Party to a request for information, which should be “prompt” (art. 3.6)?*

FEDERAL AGENCY FOR NUCLEAR CONTROL: No formal requirements are determined in the regulation about the notification.

REGION OF WALLONIA: The legislation sets the minimum content of any EIA according to the criteria of the Annex IV to the EU directive 85/337/CEE. The report is communicated to the competent authorities of the affected Party who are free to request additional information. We expect to have the replies within the delay of public inquiry.

14. *Please describe:*

- a. *How your country cooperates with the authorities of the affected Party on public participation (art. 3.8), taking into account that the Party of origin and affected Party are both responsible;*

REGION OF FLANDERS: The EIA Unit and the point of contact in the affected Party can best determine by mutual agreement (dialogue between those authorities) how the public is to be informed.

FEDERAL AGENCY FOR NUCLEAR CONTROL: No formal requirements are determined in the regulation about the notification.

REGION OF WALLONIA: In addition to the national authorities of the likely affected Party, the authorities of the cities likely to be affected are consulted.

- b. *How your country identifies, in cooperation with the affected Party, the “public” in the affected area;*

FEDERAL AGENCY FOR NUCLEAR CONTROL: No formal requirements are determined in the regulation about the notification.

REGION OF FLANDERS: The identification of the public depends on the type of activity, the likely impact and the location (distance from the border).

- c. *How the public in the affected Party is notified (what kinds of media, etc are usually used). What is normally the content of the public notification?;*

FEDERAL AGENCY FOR NUCLEAR CONTROL: No formal requirements are determined in the regulation about the notification.

REGION OF FLANDERS:

The EIA Unit and the point of contact in the affected Party can best identify by mutual agreement (dialogue between those authorities) how the public is to be informed. The public is notified by a public announcement in relevant newspapers or in any other way the point of contact in the affected Party may suggest. The announcement contains the names and addresses of the proponent, the EIA Unit and the competent authority for the final decision, together with a description of the

proposed activity (type and size), the location of the proposed activity and the decision or decisions for which the EIA is being carried out. Furthermore, the announcement should include information on the timing and the way suggestions for the content of the EIA documentation can be delivered to the EIA Unit. If an information meeting is to be organized, the public announcement should also contain information on this meeting.

REGION OF WALLONIA:

The notification contains the

- 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 where the observations have to be addressed

- d. *Whether the notification to the public of the affected Party has the same content as the notification to your country's public. If not, describe why not. At what stage in the EIA procedure does your country normally notify the public of the affected Party?*

FEDERAL AGENCY FOR NUCLEAR CONTROL: No formal requirements are determined in the regulation about the notification.

REGION OF FLANDERS:

In principle, the public of the affected Party/Parties is normally notified at the same time and with the same information as the public in Flanders is informed for the first time. This is after the "notification of intent" has been submitted to the EIA Unit.

15. *Does your country make use of contact points for the purposes of notification as decided at the first meeting of Parties (ECE/MP.EIA/2, decision I/3), and as listed on the Convention website (http://www.unece.org/env/eia/points_of_contact.htm)?*

Yes, the points of contact are made use of in this way.

QUESTIONS TO AFFECTED PARTY

16. *Describe the process of how your country decides whether or not to participate in the EIA procedure (art. 3.3)? Who participates in the decision-making, e.g. central authorities, local competent authorities, the public, environmental authorities? Describe the criteria or reasons your country uses to decide.*

FEDERAL AGENCY FOR NUCLEAR CONTROL: In most cases, the notification is followed by a positive response to participate in the EIA procedure. Criteria for participation are the expected transboundary impact and the level of public interest involved.

REGION OF FLANDERS:

In most cases, the notification is followed by a positive response to participate in the EIA procedure or to be kept informed of developments in the procedure. Criteria for participation are the expected transboundary impact and the level of public interest involved.

REGION OF WALLONIA:

When the Government receives information from a Party of origin, it transmits this information to the local competent authorities likely to be affected who are in charge to proceed at a public inquiry and to an environmental council

17. *When the Party of origin requests your country to provide information relating to the potentially affected environment, how does your country determine what is “reasonably obtainable” information to include in its response? Describe the procedures and, where appropriate, the legislation your country that would apply in determining the meaning of “promptly” in the context of responding to a request for information (art. 3.6)*

FEDERAL AGENCY FOR NUCLEAR CONTROL: The information is reasonable obtainable if it is existing information, for example inventories, references to literature, research reports and publications. Usually, no further research has to be carried out. Promptly will have to be interpreted in a way that it takes into consideration the fact that the information will have to be collected from various sources, within a reasonable timeframe and given the relevant authority’s workload.

REGION OF FLANDERS:

The information is “reasonably obtainable” if it is existing information, for example inventories, references to literature, research reports and publications. Usually, no further research has to be carried out. “Promptly” will have to be interpreted in a way that it takes into consideration the fact that the information will have to be collected from various sources, within a reasonable timeframe and given the relevant authority’s workload.

REGION OF WALLONIA: The information is “reasonably obtainable” if it is existing information, for example inventories, references to literature, research reports and publications. Usually, no further research has to be carried out. “Promptly” will have to be interpreted in a way that it takes into consideration the fact that the information will have to be collected from various sources, within a reasonable timeframe and given the relevant authority’s workload.

18. *Please describe:*

- a. *How your country cooperates with the authorities of the Party of origin on public participation (art. 3.8), taking into account that the Party of origin and affected Party are both responsible;*

REGION OF FLANDERS:

The EIA Unit and the point of contact in the Party of Origin can best determine by mutual agreement (dialogue between those authorities) how the public is to be informed.

- b. *How your country identifies the “public” in the affected area;*

The identification of the public depends on the type of activity, the likely impact and the location (distance from the border).

- c. *How the public is notified (e.g. what kinds of media, etc., are usually used). What is normally the content of the public notification?;*

REGION OF FLANDERS:

The public is notified by a public announcement in relevant newspapers . The announcement contains the names and addresses of the proponent, the EIA Unit and the competent authority for the final decision, together with a description of the proposed activity (type and size), the location of the proposed activity and the decision or decisions for which the EIA is being carried out. Furthermore, the announcement should include information on the timing and the way suggestions for the content of the EIA documentation can be delivered to the EIA Unit. If an

information meeting is to be organized, the public announcement should also contain information on this meeting.

d. *At what stage in the EIA procedure does your country normally notify its public?*

REGION OF FLANDERS: At the early beginning (screening/scoping stage) of the EIA procedure.

Article 4

Preparation of the environmental impact assessment documentation

QUESTIONS TO PARTY OF ORIGIN

19. *What is the legal requirement for the minimum content of the EIA documentation (art. 4.1, appendix II)?*

FEDERAL AGENCY FOR NUCLEAR CONTROL: The Royal Decree of 20/07/01 and the European Commission Recommendation 1999/829 of 6/12/99 on the application of Article 37 of the Euratom Treaty.

REGION OF FLANDERS:

Article 4.3.7 §1 of the Flemish SEA/EIA Act of 18/12/2002 describes the necessary content of the EIA.

REGION OF BRUSSELS-CAPITAL: The same as in the EIA Directive - Annex IV and in the Convention.

REGION OF WALLONIA: The content of the annex IV to the 85/337/CEE EU Directive

20. *Describe your country's procedures, if any, for determining the content of the EIA documentation on a case-by-case basis (scoping procedure) (art. 4.1).*

FEDERAL AGENCY FOR NUCLEAR CONTROL: The content of the EIA report is fixed by the Royal Decree of 20/07/01 and the European Commission Recommendation 1999/829 of 6/12/99 on the application of Article 37 of the Euratom Treaty.

REGION OF FLANDERS:

The content of the report is fixed by Article 4.3.7 §1 of the Flemish SEA/EIA Act of 18/12/2002

REGION OF BRUSSELS-CAPITAL: The diverse Administrations concerned by a project prepare specifications for the content of the EIA that are submitted to the 1st public inquiry.

REGION OF WALLONIA: The content is legally defined

21. *How does your country identify "reasonable alternatives" in accordance with appendix II, paragraph (b)?*

FEDERAL AGENCY FOR NUCLEAR CONTROL: 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.

REGION OF FLANDERS:

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.

REGION OF WALLONIA: 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

REGION OF BRUSSELS-CAPITAL: it is a Committee composed of the different concerned Administrations which prepares the specifications and namely defines the reasonable (i.e. suitable to reach the global purpose of the developer) alternatives the consultant will have to analyse in the EIA.

22. *How does your country identify “the environment that is likely to be affected by the proposed activity and its alternatives” in accordance to appendix II, paragraph (c), and how does it define “impact” in accordance with article 1(vii)?*

The “environment” is interpreted to include the elements listed in the definition in Article 1, paragraph (vii) (Federal Agency for Nuclear Control; Region of Flanders; Region of Wallonia).

REGION OF BRUSSELS-CAPITAL: The geographical areas to be considered in the analysis for each kind of impact are defined in the specifications prepared by the Administrations.

23. *Does your country give the affected Party all of the EIA documentation (art. 4.2)? If not, which parts of the documentation does your country provide?*

FEDERAL AGENCY FOR NUCLEAR CONTROL: In principle all of the EIA documentation is given, but in certain cases the proponent may ask for secrecy of certain parts of the EIA documentation

REGION OF FLANDERS: and REGION OF WALLONIA:

In principle all of the EIA documentation is given, but in certain cases the proponent may ask for secrecy of certain parts of the EIA documentation.

24. *How does your country cooperate with the authorities of the affected Party on distribution of the EIA documentation and the submission of comments (art. 4.2), taking into account that the Party of origin and affected Party are both responsible? How does the competent authority in your country (as the Party of origin) deal with the comments (art. 4.2)?*

FEDERAL AGENCY FOR NUCLEAR CONTROL: Usually the comments on the EIA documentation are sent directly to the competent authority as this happens as part of the permit application procedure. The competent authority is the Federal Agency for Nuclear Control. Comments received can be incorporated into the final decision and can lead to specific conditions within the permit.

REGION OF FLANDERS:

Usually the comments on the EIA documentation are sent directly to the competent authority as this happens as part of the permit application procedure. The announcement (advertisement) regarding the public participation and consultation indicates to whom the comments should be sent. General (federal) administrative law and particular regional

environmental legislation require explicit justifications of decisions, including taking into account the comments and recommendations submitted concerning the EIA documentation.

REGION OF WALLONIA: the notification contains the address where the observations have to be addressed.

25. *Describe the procedures and, where appropriate, the legislation that define the time frame for comments provided “within a reasonable time before the final decision” (art. 4.2)? What is the consequence if the affected Party does not comply with the time frame? If an affected Party asks for an extension of a deadline, how does your country react?*

FEDERAL AGENCY FOR NUCLEAR CONTROL: The timeframe for comments is legally defined, being at least a couple of months before the final decision. If the competent authority does not receive the comments in time, the advice will be considered as being positive. An extension will be granted if a good reason is given.

REGION OF FLANDERS and REGION OF WALLONIA: The time frame for comments depends on the specific legislation to be applied. “Within a reasonable time before the final decision” is interpreted so that in any case the comments from the affected party must be able to influence the decision. If the competent authority does not receive the comments in time they cannot be taken into consideration in the decision making process. If the decision-making procedure permits, an extension will be granted.

26. *What material does your country provide, together with the affected Party, to the public of the affected Party?*

FEDERAL AGENCY FOR NUCLEAR CONTROL: the EIA documentation is provided

REGION OF FLANDERS:

In the scoping phase, the notification of intent (translated) and additional information on the procedure and the possibilities for input on scoping issues are provided. After the preparation of the EIA documentation, the EIA documentation (translated summary), and additional information on the procedure and the possibilities for involvement and for making comments, are provided.

REGION OF WALLONIA: the EIA documentation is provided

MANAGEMENT UNIT OF THE MATHEMATICAL MODEL OF THE NORTH SEA: The permit application file, the EIA documentation and a non-technical summary are sent to the affected Party..

27. *Does your country initiate a public hearing for the affected public, and at what stage, whether in the affected Party, in your country or as a joint hearing? If a public hearing is held in your country, as Party of origin, can the public of the affected Party, public authorities, organizations or other individuals come to your country to participate?*

FEDERAL AGENCY FOR NUCLEAR CONTROL: If requested, a public information hearing can be held during the public enquiry in the local communities. This public information hearing can take place either in the Party of origin or the Affected Party.

REGION OF FLANDERS and REGION OF WALLONIA:

The Party of origin does not initiate a public hearing in the affected Party for the affected public as a rule. 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. This hearing is open to

the public of the affected Party, public authorities and other organizations. Joint hearings are possible as long as the relevant legislation is being applied.

MANAGEMENT UNIT OF THE MATHEMATICAL MODEL OF THE NORTH SEA:
A public hearing in the affected Party is not organized, but a consultation among competent authorities of the concerned Parties can be organized. This consultation is held in Belgium or in the other Party.

QUESTIONS TO AFFECTED PARTY

28. *Describe the procedures and, where appropriate, the legislation your country would apply to determine the meaning of the words “within a reasonable time before the final decision”, this being the time frame for comments (art. 4.2)?*

FEDERAL AGENCY FOR NUCLEAR CONTROL: The timeframe for comments is legally defined in the legislation of the Party of Origin.

REGION OF FLANDERS and REGION OF BRUSSELS-CAPITAL: The timeframe for comments is legally defined in the legislation of the Party of Origin.

29. *How does your country cooperate with the authorities of the Party of origin on the distribution of the EIA documentation and the submission of comments (art. 4.2), taking into account that the Party of origin and affected Party are both responsible?*

REGION OF FLANDERS:

The EIA Unit and the point of contact in the Party of Origin can best determine by mutual agreement (dialogue between those authorities) how the public is to be informed.

30. *Who is responsible for the organization of the public participation in the affected Party? Is the public participation normally organized in accordance with your legislation as the affected Party, with the legislation of the Party of origin, with ad hoc procedures, or with bilateral or multilateral agreements?*

FEDERAL AGENCY FOR NUCLEAR CONTROL: Normally, the public participation should be organized in accordance with the legislation of the Party of origin

REGION OF FLANDERS and REGION OF WALLONIA: In principle, the public participation is organized in accordance with the legislation of the Party of origin and with the bilateral agreement or another ad hoc arrangement.

Article 5

Consultations

QUESTIONS TO PARTY OF ORIGIN

31. *At which step of the EIA procedure does the consultation in accordance with article 5 generally take place? Describe the procedures and, where appropriate, the legislation your country would apply to determine the meaning of “undue delay”, with regard to the timing of the entry into consultation? Does your country normally set the duration for consultations beforehand? If there seems to be no need for consultation, how does your country determine not to carry out consultations?*

FEDERAL AGENCY FOR NUCLEAR CONTROL: Consultation takes place after the EIA documentation has been sent to the local authorities or the European Commission. The time frames for responding are legally defined.

REGION OF FLANDERS:

After the EIA documentation has been prepared, it will be sent (without undue delay) to the affected Party, made public and deposited for inspection by the public. In the accompanying letter the question will be posed whether there is a need for consultation. Practical experience with consultation is still limited.

MANAGEMENT UNIT OF THE MATHEMATICAL MODEL OF THE NORTH SEA:

The consultation takes place after the consultation of the public (national and transboundary) has taken place, and before the advice has been sent (on the EIA documentation) to the minister who takes the final decision. The expression "undue delay" is legally defined as 90 days after sending the information, or 90 days before the final decision.

REGION OF WALLONIA and REGION OF BRUSSELS-CAPITAL: The process of consultation is not foreseen by the legislation

32. *On what level do you arrange for consultation: national, regional or local? Who usually participates in the consultation? Describe the responsibilities of the authorities involved. By what means do you usually communicate in consultations, for example by meeting, exchange of written communications?*

FEDERAL AGENCY FOR NUCLEAR CONTROL: The competent authority in the Party of origin (the Federal Agency for Nuclear Control), the European Commission and the local authorities participate. Communication is usually by an exchange of written communication.

REGION OF FLANDERS:

The consultations are preferably organized in the Party of origin. However, if the situation occurs it may be organized in the affected Party as well. Primarily, consultation will have to be carried out at an expert level. If problems remain unsolved, the regional or even the national government level has to be involved besides the relevant regional and local authorities. At first the competent authority in the Party of origin and the point of contact, and other relevant levels of government authorities, in the affected Party (expert level) participate. If no agreement is reached or solution found, the consultation continues involving the regional or even the national government level. Communication is usually in a meeting preceded by an exchange of written communications.

MANAGEMENT UNIT OF THE MATHEMATICAL MODEL OF THE NORTH SEA:

Consultations have been held in both locations; consultation is between the competent administrations (responsible for North Sea matters) of both Parties. In general, the civil servants of the competent authorities participate. Sometimes staff members of the Cabinet of Ministers are present. When no agreement is found, consultation at the ministerial level is needed. Communication is usually in a meeting preceded by an exchange of written communications.

QUESTIONS TO AFFECTED PARTY

33. *On what level is the consultation normally held: national, regional or local? Who normally participates in the consultation? By what means does your country usually communicate in consultations, for example by meeting or by the exchange of written communications? How does your country indicate if there is no need for consultations?*

FEDERAL AGENCY FOR NUCLEAR CONTROL: Consultations are normally held at the expert level. The competent authority in the Party of origin, the European Commission and

the local authorities normally participate. Communication is usually by the exchange of written communications.

REGION OF FLANDERS:

Consultations are normally first held at the expert level. If problems remain the national government level has to be involved besides the relevant local levels. At first the competent authority in the country of origin and the point of contact and other relevant levels of government authorities in the affected Party discuss or exchange information at an expert level. If no agreement can be reached or solution found, the consultation continues involving regional or national government levels. The usual means of communication are a meeting preceded by an exchange of written communications. Practical information is still limited

Article 6

Final decision

QUESTIONS TO PARTY OF ORIGIN

34. *For each type of activity listed in appendix I, identify what is regarded as the “final decision” to authorize or undertake a proposed activity (art. 6 in conjunction with art. 2.3); also provide the term used in the national legislation in the original language. Do all projects listed in appendix I require such a decision?*

FEDERAL AGENCY FOR NUCLEAR CONTROL: The final decision is taken by the Minister of Interior and taken in the form of a Royal Decree.

REGION OF FLANDERS: 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.

REGION OF WALLONIA: All the project of the Appendix I need a permit granted by competent authority

35. *How does the EIA procedure (including the outcome) in your country, whether or not transboundary, influence the decision-making process for a proposed activity (art. 6.1)?*

FEDERAL AGENCY FOR NUCLEAR CONTROL: All advice is evaluated by the Scientific Council and by this way taken into account in the decision-making process.

REGION OF FLANDERS:

The final decision contains the reasons and considerations on which the decision is based. This is explicitly provided for in the Flemish SEA/EIA Act of 18/12/2002.

MANAGEMENT UNIT OF THE MATHEMATICAL MODEL OF THE NORTH SEA:

The EIA elaborated by the competent authorities, the advice to the Minister and the final decision by the Minister all take into consideration these elements.

REGION OF WALLONIA: The decision of the competent authority shall be reasoned and shall take in consideration the comments of the public including those of the affected Party

36. *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. 6.1)?*

Yes, they are taken into consideration in the same way (Federal Agency for Nuclear Control; Region of Flanders; Management Unit of the Mathematical Model of the North Sea; Region of Wallonia)

37. *How is the obligation to submit the final decision to the affected Party normally fulfilled? Does the final decision contain the reasons and considerations on which the decision is based? (art. 6.2)*

FEDERAL AGENCY FOR NUCLEAR CONTROL: Yes, this is provided for by the legislation.

REGION OF FLANDERS: Yes, the final decision contains the reasons and considerations on which the decision is based. This is explicitly provided for in the Flemish SEA/EIA Act of 18/12/2002.

MANAGEMENT UNIT OF THE MATHEMATICAL MODEL OF THE NORTH SEA: The final decision contains the reasons and considerations on which the decision is based, as explicitly provided for in the legislation (Royal Decree of 7 September 2003). The Minister must provide a justification if an advice is not followed.

REGION OF WALLONIA: Yes, the final decision must be reasoned

REGION OF BRUSSELS-CAPITAL: Yes, the final decision contains the reasons and considerations on which the decision is based. This is explicitly provided for in the EIA legislation

38. *If additional information becomes available according to article 6, paragraph 3, before the activity commences, how does your country consult with the affected Party? If need be, can the decision be revised? (art. 6.3)*

FEDERAL AGENCY FOR NUCLEAR CONTROL: No experience as yet.

REGION OF FLANDERS: No experience as yet.

Article 7

Post-Project Analysis

39. *How does your country determine whether it should request a post-project analysis to be carried out (art. 7.1)?*

FEDERAL AGENCY FOR NUCLEAR CONTROL: In case an obvious environmental impact has been identified, post-project analysis will be included as a licensing (permit) condition.

MANAGEMENT UNIT OF THE MATHEMATICAL MODEL OF THE NORTH SEA: Post-project analysis is always obligatory, but its importance may vary according to the type of project..

40. *Where, as a result of post-project analysis, it is concluded that there is a significant adverse transboundary impact by the activity, how does your country inform the other Party and consult on necessary measures to reduce or eliminate the impact pursuant to article 7, paragraph 2?*

FEDERAL AGENCY FOR NUCLEAR CONTROL: No experience as yet.

REGION OF FLANDERS: No experience as yet.

Article 8

Bilateral and multilateral agreements

41. *Does your country have any bilateral or multilateral agreements based on the Convention (art. 8, appendix VI)? If so, list them. Briefly describe the nature of these agreements. To what extent are these agreements based on appendix VI and what issues do they cover? If publicly available, also attach the texts of such bilateral and multilateral agreements, preferably in English, French or Russian.*

REGION OF FLANDERS:

There is a draft agreement between the Region of Flanders and The Netherlands on EIA/SEA in a Transboundary Context. The agreement contains some general principles on applying EIA/SEA in a transboundary context. It also provides step-by step practical guidance on the process for those involved. Items dealt with are:

- The area of application of EIA in a transboundary context;
- Institutional arrangements (contact points);
- Procedural aspects (notification, public participation, consultation, decision); and
- Financial aspects.

The agreement is a kind of practical guidance and is not yet formalized. The agreement mainly deals with the practical institutional administrative aspects of the process of EIA in a transboundary context, Appendix VI (b).

REGION OF WALLONIA and REGION OF BRUSSELS-CAPITAL: No agreements so far

42. *Has your country established any supplementary points of contact pursuant to bilateral or multilateral agreements?*

FEDERAL AGENCY FOR NUCLEAR CONTROL: Yes, there is a European Commission contact point.

REGION OF FLANDERS: Yes, supplementary points of contact were established in the agreement between the Region of Flanders and the Netherlands.

MANAGEMENT UNIT OF THE MATHEMATICAL MODEL OF THE NORTH SEA: Yes, there are contact points for North Sea matters.

REGION OF WALLONIA and REGION OF BRUSSELS-CAPITAL: no

Article 9

Research programmes

43. *Are you aware of any specific research in relation to the items mentioned in article 9 in your country? If so, describe it briefly.*

REGION OF FLANDERS: No

REGION OF WALLONIA: no

MANAGEMENT UNIT OF THE MATHEMATICAL MODEL OF THE NORTH SEA:

No

Ratification of the amendments to the Convention and of the Protocol on Strategic Environmental Assessment

44. *If your country has not yet ratified the first amendment to the Convention, does it have plans to ratify this amendment? If so, when?*

REGION OF FLANDERS: the legislative ratification procedure has been launched in the spring of 2010

FEDERAL GOVERNMENT (ionizing radiation, nuclear and marine environment): It is indeed our intention to ratify this amendment. At this stage, the administrative work is almost complete. We expect to launch the ratification procedure as soon as possible.

45. *If your country has not yet ratified the second amendment to the Convention, does it have plans to ratify this amendment? If so, when?*

REGION OF FLANDERS: the legislative ratification procedure has been launched in the spring of 2010

FEDERAL GOVERNMENT (ionizing radiation, nuclear and marine environment): It is our intention to ratify this amendment jointly with the first amendment. (see nr. 44).

46. *If your country has not yet ratified the Protocol on SEA, does it have plans to ratify the Protocol? If so, when?*

REGION OF FLANDERS: file still in an administrative phase

FEDERAL GOVERNMENT: the federal Parliament ratified the Protocol on 28/01/2010.

PART TWO – PRACTICAL APPLICATION DURING THE PERIOD 2006–2009

Please report on your country's practical experiences of 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.

CASES DURING THE PERIOD 2006–2009

47. *Does your country's national administration have information on the transboundary EIA procedures that were under way during the period? If so, please list these procedures, clearly identifying for each whether your country was the Party of origin or the affected Party. If your country does not have any experience of applying the Convention, why not?*

FEDERAL AGENCY FOR NUCLEAR CONTROL:

- Belgium as Party of origin:

1. EIA concerning the nuclear power station Doel-1 replacement of the steam generators

affected Party: the Netherlands
period: December 2007- March 2008
2. EIA concerning the nuclear power station Doel-4
modification of exploitation regime
affected Party: The Netherlands
period: June 2008- September 2008

- Belgium as affected Party:

1. EIA concerning the nuclear power station Chooz
limits of routine radioactive discharges in the environment
Party of origin: France
period: April 2009 - May 2009
2. EIA concerning the nuclear power station Borssele-2
proposed construction of a second unit
Party of origin: The Netherlands
period: July 2009 - September 2009
3. EIA concerning the nuclear research reactor Pallas
proposed construction of a new reactor at a location in Zeeland
to replace the existing HFR at Petten
Party of origin: The Netherlands
period: November 2009 - January 2010

REGION OF FLANDERS:

51 EIA transboundary procedures started between 2006-2009: 45 procedure according to annex I to the Flemish EIA decree of 10/12/2004 and 6 procedures according to annex II to the Flemish EIA decree of 10/12/2004.

According to annex I to the Flemish EIA decree of 10/12/2004:

- Installations for the intensive rearing of pigs with more than 3 000 places for production pigs (over 30 kg). There were 6 transboundary procedures between Flanders (party of origin) and the Netherlands (affected party). There was another transboundary procedure between Flanders (party of origin) and France (affected party). And another domestic transboundary procedure between Flanders (party of origin) and the Region of Wallonia (affected party).
- Installations for the intensive rearing of broilers with more than 85.000 places . There were 2 transboundary procedure between Flanders (party of origin) and the Netherlands (affected party).
- Inland-waterway construction with possible impact on special protected areas (e.g; natura 2000). There were 3 transboundary procedures between Flanders (party of origin) and the Netherlands (affected party).
- Thermal power station with a heat output of 300 megawatts or more. There were 2 transboundary procedures between Flanders (party of origin) and the Netherlands (affected party).
- Installation for the slaughter of animals. There were 3 transboundary procedures, 2 between Flanders (party of origin) and the Netherlands (affected party) and 1 domestic transboundary procedure between Flanders (party of origin) and the Region of Wallonia (affected party).

- Packing and canning of animal and vegetable products with a production capacity of 100.000 ton a year or more. There was a transboundary procedure between Flanders (party of origin) and the Netherlands (affected party).
- Installation for the intensive rearing of pigs with a weight > 20 kg.. There was a domestic transboundary procedure between Flanders (party of origin) and the Region of Wallonia (affected party).
- Manufacture of vegetable and animal oils and fats with a production capacity of 60.000 ton a year or more. There was a transboundary procedure between Flanders (party of origin) and the Netherlands (affected party).
- Quarries and open-cast mining where the surface exceeds more than 10 hectare. There were 2 transboundary procedures between Flanders (party of origin) and the Netherlands (affected party) and one domestic procedure between Flanders (party of origin) and the Region of Wallonia (affected party)
- Pipelines with a diameter of more than 800 mm and a length of more than 40 km for the transport of gas. There was one transboundary mixt domestic and non-domestic procedure between Flanders (party of origin) and the Region of Wallonia and the Netherlands (both affected party)
- Construction of a tramway. There was one transboundary procedure between Flanders (party of origin) and the Netherlands (affected party).
- Chemical installation with a production capacity of organic chemicals of more then 100.000 ton/year. There were 3 transboundary procedure between Flanders (party of origin) and the Netherlands (affected party).
- Installation for the intensive rearing of poultry with more than 60000 places for hens. There were two transboundary procedures between Flanders (party of origin) and the Netherlands (affected party).
- Installation for the intensive rearing of pigs with more than 900 places for sows. There were 2 transboundary procedures, one was between Flanders (party of origin) and the Netherlands (affected party) and one domestic between Flanders (party of origin) and the Region of Wallonia (affected party) .
- Integrated works for the initial smelting of cast-iron and steel. There was one transboundary procedure between Flanders (party of origin) and the Netherlands (affected party).
- Ground water abstraction with a capacity of 2.500 m³ a day or more. There was 2 transboundary procedures between Flanders (party of origin) and the Netherlands (affected party).
- Installation for the smelting of non-ferrous metals. There was one transboundary procedure between Flanders (party of origin) and the Netherlands (affected party).
- Treatment of intermediate products and production of chemicals. There was one transboundary procedure between Flanders (party of origin) and the Netherlands (affected party).
- Extraction of minarels by marine of fluvial dredging. There was one transboundary procedure between Flanders (party of origin) and the Netherlands (affected party).
- Inland waterways which permit the passage of vessels of over 1350 ton. There was one mixt domestic and non-domestic transboundary procedure between Flanders (party of origin) and France and Region of Wallonia (both affected party).
- A brewing installation with a capacity of than 75. 106 liter a year or more. There was one domestic transboundary procedure between Flanders (party of origin) and the region of Wallonia (affected party).
- An industrial estate development prjoect with a surface of 50 hectare or more. There was one transboundary procedure between Flanders (party of origin) and the Netherlands (affected party).

- Renewal of permit for a nuclear power station. There was one transboundary procedure between Flanders (party of origin) and the Netherlands (affected party).
-

According to annex II to the Flemish EIA decree of 10/12/2004:

- Water management project with possible impact on areas with important nature values. There was a transboundary procedure between Flanders (party of origin) and the Netherlands (affected party) and a domestic procedure between Flanders (party of origin) and the Region of Brussels-Capital (affected party).
- Holiday village project. The transboundary procedure was between Flanders (party of origin) and the Netherlands (affected party).
- Inland waterway construction project. The transboundary procedure was between Flanders (party of origin) and the Netherlands (affected party).
- Oil and pipeline installation project and groundwater abstraction project. The transboundary procedure was between Flanders (party of origin) and the Netherlands (affected party).
- Project including the change of a construction of electrical power lines. The transboundary procedure was between Flanders (party of origin) and the Region of Wallonia (affected party).

REGION OF WALLONIA: As a Party of origin, the proponent has the to organize a public information meeting prior the redaction of the EIA. The competent authorities of the affected Partie is invited to the meeting as well as the public. The meeting is announced in newspapers. When the EIA is done, the proponent introduce its request to the competent administration which send a notification including all relevant information (EIA report, request etc) to the competent authorities at the national and municipalities levels and to the administration of the environment

As an affected Partie, the competent authorities and the administration of the environment are notified by the Partie of origin. The information are send to the municipalities likely to affected and a public inquiry is organized. The advices are even send to the walloon administration of the environment even send directly to the competent authority or competent administration of the Partie of origin

REGION OF WALLONIA

As Partie of origin :

- 6 wind farms
- 1 thermal power plant
- 1 shopping centre
- 1 poultry livestock
- 1 pig livestock

As affected Partie :

- 2 quarries
- 3 wind farms
- 1 manufacture of cement
- 1 renewal of permit for taking water and discharge of gas and water for nuclear power plant
- 1 mushroom bed
- 1 project of forestry and agricultural planning
- 1 storage of scrap iron
- 2 logistic centres

- 1 cake factory
- 1 manufacture of railway equipment
- 1 storage centre for combustible materials.

REGION OF BRUSSELS-CAPITAL: no transboundary cases because of the location of the Region of Brussels-Capital (far from the borders with neighbouring countries)

MANAGEMENT UNIT OF THE MATHEMATICAL MODEL OF THE NORTH SEA:

- * Belwind offshore windfarmproject: party of origin
- * Eldepasco offshore windfarmproject: party of origin

48. *Does your country object to the above list of transboundary EIA procedures being included in a compilation of such procedures to be made available on the website of the Convention? (Indicate “yes” if you object.)*

FEDERAL AGENCY FOR NUCLEAR CONTROL: No

MANAGEMENT UNIT OF THE MATHEMATICAL MODEL OF THE NORTH SEA: No

49. *Are there projects other than those mentioned above for which a transboundary EIA procedure should have been applied, but was not? Explain why.*

REGION OF WALLONIA: no and any request or dispute has been during the period 2006-2009

REGION OF BRUSSELS-CAPITAL: No practical experience because of the location of the Region of Brussels-Capital (far from the borders with neighbouring countries)

MANAGEMENT UNIT OF THE MATHEMATICAL MODEL OF THE NORTH SEA: No

50. *Provide information on the average duration of transboundary EIA procedures, both of the individual steps and of the procedures as a whole.*

REGION OF FLANDERS:

Regarding the duration of the individual steps of a transboundary procedure between the Region of Flanders as a party of origin and the affected party see the answer on question 3a. In case of transboundary EIA, the EIA procedure takes approximately 10 to 30 days more than a merely domestic EIA procedure

REGION OF WALLONIA: As soon as the request is submitted, the competent administration has 20 days to declare the request complete and admissible. In the positive case the documents are sent to the domestic and foreign authorities, administrations and municipalities for public inquiry (30 days long). A report including the main advices and remarks is sent to the competent authority which has, starting from the decision of a complete and admissible request, 140 days for notification of its decision to all the instances which have been contacted. The public and other instances have 20 days for appeal of the decision. The public inquiry is suspended from 15 July to 16 August

REGION OF BRUSSELS-CAPITAL: No practical experience because of the location of the Region of Brussels-Capital (far from the borders with neighbouring countries)

MANAGEMENT UNIT OF THE MATHEMATICAL MODEL OF THE NORTH SEA: +/-
1 month, the affected party informed the origin party not to be interested in transboundary EIA as possible environmental impacts were low

EXPERIENCE OF THE TRANSBOUNDARY ENVIRONMENTAL IMPACT ASSESSMENT PROCEDURE IN 2006–2009

51. *If your country has had practical experience, has the implementation of the Convention supported the prevention, reduction or control of possible significant transboundary environmental impacts? Provide practical examples if available.*

REGION OF FLANDERS: No practical examples available

REGION OF WALLONIA: globally, the answer is yes

REGION OF BRUSSELS-CAPITAL: No practical experience because of the location of the Region of Brussels-Capital (far from the borders with neighbouring countries)

MANAGEMENT UNIT OF THE MATHEMATICAL MODEL OF THE NORTH SEA: no,
cf. nr.50

52. *How has your country interpreted in practice the various terms used in the Convention, and what criteria has your country used to do this? Key terms include the following: “major change” (art. 1 (v)), “a reasonable time” (art. 3.2(c), art. 4.2), “promptly” (art. 3.6) and “a reasonable time frame” (art. 5). (Do not provide references to answers to earlier questions 6 (b), 11, 13, 25 and 31.) If your country experiences substantial difficulties interpreting particular terms, does your country work together with other Parties to find solutions? If not, how does your country overcome the problem?*

REGION OF FLANDERS: The timeframes are legally defined.

REGION OF WALLONIA:

* "major change" : change which has for result an increase of minimum 25 % of production compared with the last permit.

* "reasonable time" (art 3.2.c) : A preliminary public information meeting is announced in newspapers 10 days before the meeting. After the meeting, anybody has the right, within 15 days, to make remarks and observation on the content of the EIA; art 4.2 : The EIA documentation is send to the Partie likely to be affected in the same time than to the domestic instances. The delay of 30 days is the same for all the instances consulted.

"promptly" : there is no special legal prescription but the experience shows the requested information is send to the Partie of origin without delay.

REGION OF BRUSSELS-CAPITAL: No practical experience because of the location of the Region of Brussels-Capital (far from the borders with neighbouring countries)

53. *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.*

a. *How in practice has your country identified transboundary EIA activities for notification under the Convention, and determined the significance and likelihood of adverse transboundary impact?;*

REGION OF FLANDERS:

In practice a transboundary procedure is started for all the projects within 5 km of the border or with possible effects in the area within 5 km of the border. Unless it's a project where transboundary impact is certainly not expected, we notify the transboundary authority that the project is situated within 5 km of the border but we - unless they ask for it - won't start a transboundary procedure. For all the case in an area wider than 5 km of the border, the competent authority decides case-by-case, taking into consideration the specific situation, type of activity, type of effects and distance to the border to decide if a transboundary procedure is necessary.

REGION OF WALLONIA: For the projects submitted to EIA, the competent administration shall determine which municipalities are likely to have significant impacts. It is then on a case-by-case basis that the decision is taken.

REGION OF BRUSSELS-CAPITAL: No practical experience because of the location of the Region of Brussels-Capital (far from the borders with neighbouring countries)

MANAGEMENT UNIT OF THE MATHEMATICAL MODEL OF THE NORTH SEA: Offshore windfarm project at 500m or less of border = transboundary EIA activity

- b. Indicate whether a separate chapter is provided on transboundary issues in the EIA documentation. How does your country determine how much information to include in the EIA documentation?;*

REGION OF FLANDERS: A separate chapter on transboundary issues is provided in the EIA documentation, the transboundary impact is described in that chapter.

REGION OF WALLONIA: Not so far, but the exchange of experience and good practice shows that it should be a must

REGION OF BRUSSELS-CAPITAL: No practical experience because of the location of the Region of Brussels-Capital (far from the borders with neighbouring countries)

MANAGEMENT UNIT OF THE MATHEMATICAL MODEL OF THE NORTH SEA: yes separate chapter is provided

- c. What methodology does your country use in impact assessment in the (transboundary) EIA procedure (e.g. impact prediction methods and methods to compare alternatives)?;*

REGION OF FLANDERS: The methodology is the same for transboundary and non-transboundary cases. The methodology is determined case by case.

REGION OF WALLONIA: Depending on the type of impact both methods are used

REGION OF BRUSSELS-CAPITAL: No practical experience because of the location of the Region of Brussels-Capital (far from the borders with neighbouring countries)

- d. Translation is not addressed in the Convention. How has your country addressed the question of translation? What does your country usually translate? What difficulties has your country experienced relating to translation and interpretation, and what solutions has your country applied?;*

REGION OF FLANDERS:

The notification, the non-technical summary and the specific chapter in the EIA about transboundary impact is translated. Translation is organized in cooperation between the proponent and the EIA-authority.

REGION OF WALLONIA: Actually only the non-technical summary is translated. According to the point b, the chapter dedicated to the transboundary impacts would also be translated

MANAGEMENT UNIT OF THE MATHEMATICAL MODEL OF THE NORTH SEA: as Belgium is bilingual french -dutch and those are the languages spoken in the neighbouring countries no problems arise for transboundary EIA documents
Non technical summary is also available in English

- e. *How has your country organized transboundary public participation in practice? As Party of origin, has your country organized public participation in affected Parties and, if so, how? What has been your country's experience of the effectiveness of public participation? Has your country experienced difficulties with the participation of its public or the public of another Party? (e.g. have there been complaints from the public about the procedure?);*

REGION OF FLANDERS: Transboundary participation has been organized by the affected party in agreement.

REGION OF WALLONIA: As Party of origin, we give to the public of the affected Partie the same rights as the domestic public. Nevertheless the Region of Wallonia doesn't interfere with the legal procedure of the affected Party. We only notice one problem (BE/NL for the TGV power plant in Visé) but the Committee of implementation of the Espoo Convention concluded that there was no infringement of the Convention

REGION OF BRUSSELS-CAPITAL: No practical experience because of the location of the Region of Brussels-Capital (far from the borders with neighbouring countries)

MANAGEMENT UNIT OF THE MATHEMATICAL MODEL OF THE NORTH SEA: Consultation of the public in affected party's country is organised by the responsible authority of the affected party

- f. *Describe any difficulties that your country has encountered during consultations, for example over timing, language and the need for additional information. As an affected Party, have consultations under article 5 supported the prevention, reduction or control of possible significant transboundary environmental impacts?;*

REGION OF FLANDERS: No difficulties to report

REGION OF WALLONIA: As Party of origin we got few comments about a lack of translation of the entire EIA.
As an affected Party we can sometimes regret that even the non-technical summary is translated.

REGION OF BRUSSELS-CAPITAL: No practical experience because of the location of the Region of Brussels-Capital (far from the borders with neighbouring countries)

MANAGEMENT UNIT OF THE MATHEMATICAL MODEL OF THE NORTH SEA: no special difficulties to report

- g. *Describe examples of the form, content and language of the final decision, when it is issued and how it is communicated to the affected Party and its public;*

REGION OF FLANDERS: The final decision on the EIA is a report, which can be followed by a permit. Both decisions (on the EIA and the permit) are sent to the authority of the affected party.

REGION OF WALLONIA: A copy of the decision including recitals, advices of the administrations and authorities consulted, conditions of operation taking in consideration the different observation, remarks and recommendations, duration, is sent to all the instances which have been consulted including the foreign instances. A notice of the existence of the decision is posted and anybody has the right to consult the entire document. The language used is the official language of the Region of Wallonia (french) because the document is an official one

REGION OF BRUSSELS-CAPITAL: No practical experience because of the location of the Region of Brussels-Capital (far from the borders with neighbouring countries)

MANAGEMENT UNIT OF THE MATHEMATICAL MODEL OF THE NORTH SEA: final decision is communicated by official letter to the affected Party.

- h. *Has your country carried out post-project analyses and, if so, on what kinds of project?;*

REGION OF FLANDERS: no

REGION OF WALLONIA: No

MANAGEMENT UNIT OF THE MATHEMATICAL MODEL OF THE NORTH SEA: no

- i. *Does your country have successful examples of organizing transboundary EIA procedures for joint cross-border projects? Please provide information on your country's experiences describing, for example, means of cooperation (e.g. contact points, joint bodies, bilateral agreements), institutional arrangements, and how practical matters are dealt with (e.g. translation, interpretation, transmission of documents, etc.);*

REGION OF FLANDERS: no examples

REGION OF WALLONIA: No

REGION OF BRUSSELS-CAPITAL: No practical experience because of the location of the Region of Brussels-Capital (far from the borders with neighbouring countries)

- j. *Name examples of good practice cases, whether complete cases or good practice elements (e.g. notification, consultation or public participation) within cases. Would your country like to introduce a case in the form of a Convention's "case study fact sheet"?*

REGION OF FLANDERS: no examples to introduce

REGION OF WALLONIA: As Party of origin, wind farm close to France. As affected Party, nuclear power plant in Chooz (France)

REGION OF BRUSSELS-CAPITAL: No practical experience because of the location of the Region of Brussels-Capital (far from the borders with neighbouring countries)

- k. *Identify the most common means of applying the Convention (e.g. through focal points, joint bodies, multilateral agreements).*

REGION OF FLANDERS: through focal points

REGION OF WALLONIA: Bilateral informal agreements

CO-OPERATION BETWEEN PARTIES IN 2006–2009

54. *Does your country have any successful examples of how it has overcome difficulties arising from different legal systems in neighbouring countries?*

REGION OF FLANDERS: No examples.

REGION OF BRUSSELS-CAPITAL: No practical experience because of the location of the Region of Brussels-Capital (far from the borders with neighbouring countries)

EXPERIENCE IN USING THE GUIDANCE IN 2006–2009

55. *Has your country used in practice the following guidance, adopted by the Meeting of the Parties and available online? Describe your country's experience with using these guidance documents and how they might be improved or supplemented:*

- a. *Guidance on public participation in EIA in a transboundary context;*

REGION OF FLANDERS: no

REGION OF WALLONIA: No

MANAGEMENT UNIT OF THE MATHEMATICAL MODEL OF THE NORTH SEA: no

- b. *Guidance on subregional cooperation;*

REGION OF FLANDERS: no

REGION OF WALLONIA: No

- c. *Guidelines on good practice and on bilateral and multilateral agreements.*

REGION OF FLANDERS: no

REGION OF WALLONIA: No

MANAGEMENT UNIT OF THE MATHEMATICAL MODEL OF THE NORTH SEA: no

CLARITY OF THE CONVENTION

56. *Has your country had difficulties implementing the procedure defined in the Convention, either as Party of origin or as affected Party? Are there provisions in the Convention that are unclear? Describe the transboundary EIA procedure as applied in practice, where this has varied from that described in part one above or in the Convention. Also describe in general the strengths and weaknesses of your country's implementation of the Convention's transboundary EIA procedure, which your country encounters when applying the Convention.*

REGION OF WALLONIA: The major strength is the fact that the public and authorities are very early informed of the existence of a project (information meeting). This allows the different partners to indicate if they want to participate to the EIA procedure. The weak point is the lack of formal bilateral agreements

AWARENESS OF THE CONVENTION

57. *Has your country undertaken activities to promote awareness of the Convention among stakeholders (e.g. the public, local authorities, consultants and experts, academics, investors)? If so, describe them.*

REGION OF FLANDERS: no

REGION OF WALLONIA: No

58. *Does your country see a need to improve the application of the Convention in your country and, if so, how does it intend to do so? What relevant legal or administrative developments are proposed or ongoing?*

REGION OF FLANDERS: no

REGION OF WALLONIA: No

SUGGESTED IMPROVEMENTS TO THE REPORT

59. *Please provide suggestions for how this report may be improved.*

* * * * *