

**Format for the Aarhus Convention implementation
report in accordance with Decision IV/4
(ECE/MP.PP/2011/2/Add.1)**

**The following report is submitted on behalf of the Federal
Authority, the Brussels-Capital Region, the Walloon Region and
the Flemish Region of the Kingdom of Belgium in accordance
with decisions I/8, II/10 and IV/4.**

Name of officer responsible for submitting the national report: Kristof De Cock

Signature: 05/03/2025 Kristof De Cock

Date: 28/01/2025

Implementation report

Please provide the following details on the origin of this report

Party: The Kingdom of Belgium

National Focal Point:

Full name of the institution: Flemish authorities
Departement Omgeving (Department of
Environmental and Spatial Development)
Afdeling Stafdiensten en Internationale
werking (Staff Services and International
Affairs)

Name and title of officer: Toon Denys, Secretary General

Postal address: Koning Albert II-laan 15, bus 553, 1210
Brussels

Telephone: + 32 2 553.75.86

Fax:

E-mail: AarhusConvention@vlaanderen.be

Contact officer for national report (if different):

Full name of the institution: Flemish authorities
Departement Omgeving (Department of
Environmental and Spatial Development)
Afdeling Stafdiensten en Internationale
werking (Staff Services and International
Affairs)

Name and title of officer: Sophie Thys
Legal policy advisor

Team International Policy

Postal address:

Koning Albert II-laan 15 bus 553, 1210
Brussel

Telephone:

+ 32 471 30 24 68

Fax:

E-mail:

AarhusConvention@vlaanderen.be

I. Process by which the report has been prepared

Provide a brief summary of the process by which this report has been prepared, including information on the type of public authorities that were consulted or contributed to its preparation, how the public was consulted and how the outcome of the public consultation was taken into account, as well as on the material that was used as a basis for preparing the report.

Answer:

In Belgium the Convention on Access to Information, Public Participation in Decision-Making and Access to Justice in Environmental Matters is a “mixed” convention, meaning that several authorities are responsible for implementing it: the federal authority and the three federal entities (Walloon Region, Brussels-Capital Region and Flemish Region). Each authority therefore replied internally to this report on matters within its own remit.

This document is a synthesis of all four Belgian reports. Belgium considers it not as its official report but only as a document reflecting the major new points emerging in the seventh reporting cycle reports. This seventh national report was coordinated by the Aarhus network, which decided that each authority would hold a public consultation on its own report, from 21 October to 25 November 2024. The public consultation was organised separately by each authority but also on the national portal by the Federal authority (national node) www.aarhus.be.

Results of the public consultation:

Federal authority:

The federal authorities have received three comments from citizens and two comments from associations related to specific issues with the application of the Aarhus Convention in the community of Uccle (cfr. summary of comments from Brussels Capital Region for more details). The federal authorities have also received two comments from individual citizens, identifying a number of problems and potential solutions related to the three pillars of the Aarhus Convention but, most notably for the federal level, related to the issue of access to justice, including ensuring proper funding for associations to allow them to act before the courts.

General remarks

- Both associations note that the regime established in 2019 for the funding of federations of environmental associations is not always correctly applied, leaving these federations with difficulties to ensure stable funding.
- IEW deplors that recommendations made by the Federal Council for Sustainable Development are insufficiently taken into account by governmental and administrative entities.

Pertaining to access to justice

- IEB welcomes the new case law of the Council of State which recognises the right of environmental protection associations to initiate legal proceedings against decisions based

on article 6, para 1 of the Aarhus Convention. IEB notes, however, that it would be beneficial to codify this case law at the legislative level for the purpose of legal certainty.

- Both IEB and IEW deplore the high cost associated with initiating legal proceedings, in particular those related to barristers' fees, which hamper citizens' and associations' access to justice.

- IEB furthermore deplores the long duration of proceedings before the Council of State, which can take several years. As a consequence of this long duration, it is often difficult to change the outcome of projects through legal proceedings.

Walloon Region:

The comments received from Canopea (previously known under the name of Inter-Environment Federation Wallonia (IEW)), regarding the application of the Aarhus Convention in Wallonia can be summarised as follows:

A. As general remarks, Canopea notes:

- Assistance from officials and authorities: Authorities are not always reactive to requests for access to environmental information, which does not facilitate public participation in decision-making. They also rarely mention the possibilities and means of redress, which does not guarantee access to justice. The implementation of the Charter of ethics and the operational plan of the Public Service of Wallonia Agriculture, Natural resources and environment is a good thing but it must be noted that they are not always respected.
- Education and awareness: Beyond the establishment of regional environmental education centres, Canopea recalls the importance for public authorities to also carry out the dissemination of environmental information to reach and raise awareness of the widest possible public. Actions to promote government actions or the publication of documents to raise awareness of various environmental issues could be useful. This work is complementary to the provision of environmental information.
- Recognition and support for environmental organizations and associations: Canopea is regularly obliged to comment on the financial resources allocated to environmental associations. In this respect, Canopea recall that the effective involvement of environmental associations in participatory processes inevitably requires stable political and financial support.

B. Regarding access to environmental information (art.4 and art.5):

The Federation wishes to highlight the quality of Walloon legislation on access to environmental information upon request. Now, in practice, access to information for obtaining certain data is not always easy due to various reasons (detailed in the opinion)

- Control and organization of the authorities: it seems that the authorities do not always have a good grasp of the regime for access to environmental information. (Note from the administration on this point: At the administration (SPWARNE) level, a discussion is underway with a view, on the one hand, to setting up and disseminating a decision tree to facilitate the understanding and application of the principles of the Aarhus Convention by municipal and regional public authorities, as well as to developing and disseminating awareness-raising and popularization material for public authorities.)
- Public awareness and accessibility: the publication of small brochures accessible to all and available on the site, setting out the rights of each individual in terms of access to information, is a valuable and indispensable tool in this area.
- Access to Information Appeals Board (CRAIE): Canopea would find appropriate for the present report to include various statistics concerning CRAIE's activity.
- Canopea note that the wording from some analysis of the report could be improved: indeed, if the case law of the appeals commission highlights the difficulties of

interpreting Article 4 and the reasons for rejecting requests for environmental information, it nonetheless allows for highlighting appeals deemed to be well-founded and, therefore, for refining the manner of interpreting the provisions relating to the right of access to environmental information.

Globally, Canopea welcomes the ambition and the realization of the Environment portal redesign. While recognizing the added value of this, Canopea nevertheless highlights room for improvement on the following points (Obstacles encountered in the application of article 5):

- Visibility of the SOS Environment-Nature service: Canopea estimates that citizens are regularly at a loss as to which service to contact in the event of an emergency or environmental offenses and that the number 1718 is still too little known. However, the redesign of the Environment portal is an opportunity to highlight this issue and present the different services and their respective skills.
- Possession of environmental information: Canopea highlights certain environmental data that public authorities do not seem to have. This concerns data that they could collect but also studies necessary for the exercise of their functions and the proper information of the public on environmental matters. Canopea notes some examples in the detailed contribution. Canopea also notes that environmental information should be linked to concrete and social realities.
- Updating environmental data: Canopea gives some examples where the available environmental data seems not always updated regularly enough to allow the public to have up-to-date environmental information.
- Making environmental information available to the public in a transparent manner: Canopea estimates that the right of access to information requires authorities to ensure access to administrative and scientific information, as well as to basic and reference data, as processed by the administration. It is also about making the information in its current state accessible to the public (raw data).

C. Regarding public participation in decision making (art. 6 and art. 7):

If Canopea welcomes the possibility left to municipalities to establish an environmental advisor, some issues are encountered by the public in the participation process, globally. The situations observed vary from one municipality to another, and sometimes even from one project to another for the same municipality. They can be grouped as follows:

- Difficulties in accessing documents subject to public inquiry and dematerialization: documents submitted to public inquiry systematically fall within the regime of the right to passive information and must be able to be communicated in the form of a copy or by electronic mail.
- The 15-day deadline for the public inquiry is considered too short, as is the deadline within which the public inquiry must be posted before it takes place (5 days).
- Lack of relay: information on the next steps and follow-up given to the file
- Preliminary information meetings: it would be appropriate for a person acting as a "mediator" to be appointed.

Canopea recall that effective involvement of environmental protection associations in participation processes inevitably requires sufficiently stable political and financial support. The Federation points out that it has funding from regional public authorities, which is essential. Moreover, if the economic and social aspects of environmental policy are always considered, the Federation notes that the reverse is not always the case.

Canopea highlights that some improvements to ensure better mobilization should be considered to promote the public participation process. Furthermore, during public inquiries relating to environmental plans or programmes, it would be necessary for citizens to have access to all the useful/enlightening elements to give a fully informed opinion.

D. Regarding access to justice (Art. 9):

In terms of access to justice, we refer to the opinion drawn up as part of the report produced at the federal level. Nevertheless, the Federation has long deplored the complete absence of third-party rights of appeal in matters of planning permission.

Flemish Region:

The Flemish Region received one (joint) reaction from Bond Beter Leefmilieu (BBL), Natuurpunt and Dryade (see attached document).

Brussels-Capital Region:

The Brussels-Capital Region received 8 contributions during the public consultation phase. They were submitted by 7 individuals and 1 representative of an association, Inter-Environnement Bruxelles (IEB). Most of the comments from individuals concerned public participation, particularly with regard to planning permission (5 out of 7). The following is a summary of the main comments made in relation to the implementation of the Aarhus Convention (the full text of the public contributions is available on the website www.aarhus.be):

- General remarks :
 - It is regrettable that citizen participation is largely the preserve of a demographic with a high socio-economic profile. This trend is accentuated by the digital divide linked to the rapid development of technologies.
 - It is suggested that the participation procedures should be revised to make them accessible to people with a poor command of the written language, Belgium's official languages or who do not have an adequate socio-cultural background.
 - It is regrettable that the annual and therefore unstable funding of associations makes long-term planning difficult. It is suggested that a longer-term funding model be adopted (e.g. five-year) for greater stability. Increased funding for associations would also enable the development of tools to improve public information.
 - Improvements to the recourse mechanisms available to the public are called for, to make them more effective and less costly for citizens/neighbourhood committees.
 - The *Conseil de l'Environnement pour la Région de Bruxelles-Capitale* (Environment Council for the Brussels-Capital Region) is presented as a vehicle for consultation, but the representation of interests that are not solely environmental on this council can sometimes relegate environmental concerns to the background.
- Regarding access to environmental information :
 - There is an element of confusion created by some local authority forms that ask for "reasons for the request", wrongly creating the impression that a particular interest is required.
 - It is regrettable that certain authorities refuse to provide electronic copies of documents, requiring them to be consulted on site, which is impractical for technical files.
 - There is a lack of knowledge on the part of some municipal officials of international obligations and their implementation in domestic law regarding access to environmental information (e.g. limiting access to information to the public enquiry period). As a result, access to information from local authorities is often long and difficult.
 - The efforts made in terms of access to information are recognised by the Brussels authority responsible for the environment.
 - It is regrettable that access refusals do not always have a clear legal basis and, when they are tacit, do not allow the applicant to know the reasons for the refusal.

- It is regrettable that local authority staff on site when work is being carried out are unable to provide information on the project concerned.
 - There is an interest in creating a single regional interface for access to information, shared by the various authorities responsible for urban planning, the environment and regional development.
 - The Brussels-Capital Region has a positive attitude in that it generally does not charge for providing documents.
 - There has been a clear improvement in the availability of land-use plans and regulations following the entry into force of the new legislation on publicity by the authority in the Brussels-Capital Region; however, they are not necessarily published under the "transparency" heading on the websites of the municipalities concerned, and it is difficult to find any trace of the permits issued that have been the subject of an impact study or report, whether online or on openpermit.brussels.
 - The improvement represented by the openpermit.brussels website is recognised; it could however be better supplied with documents.
 - It would be helpful for the contact point for sending responses to the public enquiry on the report on the implementation of the Aarhus Convention to also appear on the web page announcing the enquiry, and not just on the draft report submitted for consultation, as stakeholders do not necessarily read the draft report.
 - The readability of the case law of the *Commission d'accès aux documents administratifs* (Commission for access to administrative documents) could be improved, in particular by classifying the decisions using one word or by adding a keyword to the decisions rather than just classifying them by date.
- Regarding public participation :
 - The improvement achieved in the length of the public enquiry for projects subject to an impact study or report following the reform of COBAT in 2017 is recognised.
 - It is regrettable that the "project meeting" introduced by the new COBAT allows authorities and permit applicants to exchange views prior to public consultation, but does not include the public.
 - It is important to use accredited consultancy firms to carry out the appropriate assessment, which is not always the case in practice. It is also important to rethink the funding mechanisms for design offices to guarantee their independence (e.g. funding via a joint centre rather than directly by the applicant).
 - Few substantial changes have been observed in large-scale projects following a public enquiry (responses to complaints tend to take the form of more detailed explanations of the project).
 - It is important to consult the public as far upstream as possible. For example, the use of a standard set of terms of reference for impact studies, as provided for in the new version of COBAT, deprives the public of the opportunity to give its opinion on the terms of reference and to intervene at an appropriate stage in the procedure.
 - The provisions (Art. 175/1 to 175/21) of COBAT seem insufficient to identify the specific mechanisms put in place to encourage permit applicants to identify the public concerned and inform them of the purpose of their application.
 - Large-scale projects should systematically be presented orally at an information meeting before the permit application is submitted, as is the case in the Walloon Region, to ensure better information and interaction with the public.
 - Raising awareness of citizen participation (processes and tools) is important, particularly at municipal level, and especially in the most disadvantaged and least informed neighbourhoods.
 - The practice of splitting up permit applications is condemned; in some cases this makes it possible to circumvent the obligation to consult the public.
 - It is regrettable that certain projects considered to be of minimal importance are not subject to public consultation.

- It is regrettable that representatives of the environmental authorities are regularly absent from public consultations.
 - It would be helpful for municipal planning departments to systematically check that applications are complete, as they often appear to be incomplete when submitted for public enquiry.
 - The inaccessibility of documents (online in particular) or the incompleteness of the file should be sanctioned, e.g. by renewing the public enquiry period.
 - A request is made for public information meetings to be held at times other than office hours to enable as many people as possible to attend.
 - It is suggested that the decision should be notified to those who took part in the public enquiry. Citizens taking part in a public enquiry are not directly informed of the decision taken; they have to monitor the temporary posting or contact the authority concerned, which is problematic, especially during holiday periods.
 - It is regrettable that the documents submitted for public consultation are often complex and abstract, far removed from the local concerns of citizens; it is therefore difficult to mobilise public interest, particularly the disadvantaged.
 - It is suggested that the consultation period should be extended and that it should avoid overlapping several major public enquiries.
 - It is observed that some authorities circumvent the obligation to consult the public by erroneously considering that certain instruments are not "plans, programmes or a policy" as referred to in Article 7 of the Convention.
- Regarding access to justice, it is referred to the report of the Federal authority.

II. Particular circumstances relevant for understanding the report

Report any particular circumstances that are relevant for understanding the report, e.g., whether there is a federal and/or decentralized decision-making structure, whether the provisions of the Convention have direct effect upon its entry into force, or whether financial constraints are a significant obstacle to implementation (optional).

Answer:

§ unchanged in comparison with previous reports.

III. Legislative, regulatory and other measures implementing the general provisions in article 3, paragraphs 2, 3, 4, 7 and 8

List legislative, regulatory and other measures that implement the general provisions in article 3, paragraphs 2, 3, 4, 7 and 8, of the Convention.

Explain how these paragraphs have been implemented. In particular, describe:

- (a) With respect to **paragraph 2**, measures taken to ensure that officials and authorities assist and provide the required guidance;
- (b) With respect to **paragraph 3**, measures taken to promote education and environmental awareness;

(c) With respect to **paragraph 4**, measures taken to ensure that there is appropriate recognition of and support to associations, organizations or groups promoting environmental protection;

(d) With respect to **paragraph 7**, measures taken to promote the principles of the Convention internationally; including:

(i) Measures taken to coordinate within and between ministries to inform officials involved in other relevant international forums about article 3, paragraph 7, of the Convention and the Almaty Guidelines, indicating whether the coordination measures are ongoing;

(ii) Measures taken to provide access to information at the national level regarding international forums, including the stages at which access to information was provided;

(iii) Measures taken to promote and enable public participation at the national level with respect to international forums (e.g., inviting non-governmental organization (NGO) members to participate in the Party's delegation in international environmental negotiations, or involving NGOs in forming the Party's official position for such negotiations), including the stages at which access to information was provided;

(iv) Measures taken to promote the principles of the Convention in the procedures of other international forums;

(v) Measures taken to promote the principles of the Convention in the work programmes, projects, decisions and other substantive outputs of other international forums;

(e) With respect to **paragraph 8**, measures taken to ensure that persons exercising their rights under the Convention are not penalized, persecuted or harassed

Answer:

Federal authority:

(a)

Unchanged § in comparison with previous reports.

(b)

The more detailed report provides an overview of the different campaigns which were undertaken to inform and raise awareness among the public about the different environmental challenges and crises, as well as the responses, which fall under the responsibility of the federal authority, including in the light of the Belgian Presidency of the Council of the European Union.

(c)

Unchanged § in comparison with previous reports.

(d)

Substantively unchanged § in comparison with previous reports.

(e)

Unchanged § in comparison with previous reports.

Walloon Region:

(a) The decree of the Walloon Government dated 18 December 2003 requires agents of the Public Service of Wallonia to comply with the laws and the charter of good administrative conduct, which mandates serving the public interest and promptly handling requests. The

SPWARNE has adopted an operational plan based on competence, transparency, and efficiency to respond to information requests and advise partners on environmental projects.

The SPWARNE brand new website provides a wide variety of environmental information. Awareness-raising is conducted through environmental advisors in municipalities, the possibility to record the public information meetings, a toll-free contact number (1718), and the Espaces Wallonie. The Walloon State of the Environment website offers environmental indicators and allows for the creation of personalised reports. Regular publications, such as the 'Environmental Diagnosis of Wallonia' report, provide detailed analyses of the state of the environment. An Appeals Commission is also in place to handle complaints.

(b) The Environment Code (Book I, Part III, Title II) made it possible to set up a string of Regional Environmental Initiation Centres (CRIEs) for the purpose of promoting general knowledge of the environment in the public at large. The SPWARNE and minister in charge of environmental affairs often conduct various environmental awareness-raising campaigns. In addition, they provide financial, technical and/or logistic support to various activities carried out by NGOs or the public authorities to raise environmental awareness. For concrete and up to date examples, see full report.

(c) Several advisory boards have been set up by decree in order to give the public authorities their opinions prior to the adoption of legislation and regulations in such areas as the environment (Environment Pole of the Economic, Social and Environmental Council of Wallonia), ... If the public authority does not heed these opinions, it must give in some cases the reasons for this. These commissions are composed of representatives of the region's business federations, trade unions, associations, and NGOs. Several framework agreements link the SPWARNE to various bodies representing civil society. The minister in charge of environmental affairs and SPWARNE subsidize a series of NGOs each year via the budget act.

(d) Belgium has promoted for a long-time stakeholder's participation in important multilateral events. As a rule, the Foreign Ministry or a representative of one of the federal or regional authority heads the Belgian delegation. In matters that come under the region's jurisdiction, Wallonia strives to ensure that NGOs are informed and participate through prior internal coordinating activities. Moreover, in September 2023, Wallonia published its third progress report on the implementation of the sustainable development goals (SDGs) developed by the United Nations in 2015. Furthermore, when a plan, programme or project subject to an environmental impact assessment procedure has been considered likely to have significant impacts on the environment of another Region, another Member State of the European Union or another State party to the Espoo Convention of 25 February 1991, the file is transmitted to the competent authorities of this other Region or State at the same time as these documents are submitted to the public inquiry in the Walloon Region. (art. D.29-11 Environmental Code). Finally, the annual report on the state of the Walloon environment, published in April 2024, is widely distributed and available on the Walloon environment portal as well as paper version. This report contains a critical assessment of the various components of the environment (air, water, soil, biodiversity analysis) and the pressures exerted by human activities. Its objective is to provide synthetic, popularized environmental information based on objective data for everyone.

(e) Labour laws and the principles of the Constitution (freedom of expression) are federal powers. See the Federal Government's report (<http://www.health.fgov.be>). However, it should be mentioned that European Directive 2019/1937 on the protection of persons reporting violations of Union law has been transposed in Belgium in the Law of the 28th of November 2022. The main objective of this Directive is to ensure the highest level of protection for persons reporting violations of European Union law within a legal entity in the

private sector, in a large number of areas. In addition, it aims to be able to implement any measure intended to counter possible reprisals, threats and attempts at reprisals that would be organized against the whistleblower, their relatives or the company to which they belong.

Brussels Capital-Region:

For the relevant legal provisions, see the comprehensive report. The main measures of the Brussels Capital-Region in this regard are as follows:

(a)

- Mention of the contact persons in letters and emails from administrations so as to enable citizens to obtain further information.
- Information service within the administration : responds to requests for information from the public, either directly or with the help of specialists or by redirecting the requester to better suited institutions. This service is available by telephone, e-mail and in person.
- Direct access to specific files on request (e.g. permits).
- Information stands: direct discussions with the public at events.
- Training in communications (including digital communication) for administrative staff.
- Website regularly updated and redesigned for maximum accessibility (direct access tabs, easy contact, news, etc.).
- Other communication tools: blog, social networks (Facebook, Instagram, X, LinkedIn)
- Other communication media: videos, graphics, computer graphics, animations, etc.
- Attendance of agents in the citizen participation bodies to respond to any requests from residents.

(b)

Adoption of different tools by the authorities:

- General awareness-raising tools: continuous improvement by Brussels Environment of its website, establishment of a blog for private individuals and professionals, a YouTube channel, a newsletter (upon online registration), organisation of the biennial environment party, dispatch of informative leaflets on environmental issues, publication of a guide on environmental offences to raise awareness on the legislation in force, educational tools (videos and web pages), participative web portals aimed at raising awareness on certain issues by urban.brussels (with a quarterly newsletter for professionals, Facebook page and web application), information sessions, debates and exhibitions.
- Tools to raise awareness in schools: section of the Brussels Environment website dedicated to the environment, various resources available to schools free of charge (themed teaching packs, various media, games, etc.). Ongoing training for teachers, organisation of school visits, information on calls for projects, etc. Blog and website for teachers with a range of resources to help preparing lessons, newsletter on environmental education. Interactive exhibition to raise young people's awareness of climate challenges. Support for thematic projects in compulsory education schools. Funding for environmental education resource centers (advisory services, educational monitoring, creation of tools and training, etc.). Contribution by the Brussels Region to the Agreement on Cooperation between Regions and Communities (reinforcing exchanges of information between authorities on environmental awareness and education).
- Information and awareness-raising tools for businesses: introduction of new digital tools to communicate with businesses since 2022 (monthly general newsletter, regular thematic newsletters, professional portal on the administration's user-oriented website, social networks (LinkedIn) mobilised to raise awareness among the professional target group, blogs and podcasts on various themes. Organisation of campaigns and projects aimed at professional audiences. Specific communication channels set up for certain topics. Organisation of colloquia, study days or training courses aimed at a specialist audience. Local authorities are subsidised for coordination and communication with local residents.

(c)

- Granting of subsidies to associations, listed and published on the Brussels government website (amount, beneficiary and purpose), see in particular: <https://environnement.brussels/pro/transparence>
- Right of access to information recognised for all associations
- Representation of organisations active in environmental matters on the Brussels-Capital Region Environment Council (CERBC), which issues reasoned opinions on all matters falling within the region's environmental remit.

(d)

- Coordination of supra-regional activities by the International and Legal Department (DIJ) within Brussels Environment and use of tools updated daily to inform agents and representatives of supra-regional bodies in addition to data exchanged via (inter)national working groups (e.g. mailing list; weekly press review since).
- Bi-annual presentation of European and international priorities to the Management Board of Brussels Environment and information sessions on emblematic dossiers to the divisions concerned.
- Representation of perspective.brussels in a dedicated unit within several European bodies and provision of information to staff and European bodies; international task force disseminating information within the administration and international and European bodies/networks; awareness-raising via social networks, information sessions (online and face-to-face).
- Bi-annual meetings of European correspondents on the priorities of future European presidencies and on the European Union's external relations
- Biannual stakeholder dialogues on European priorities
- European study and workshop on the impact of European regulations and policies on various themes organised as part of the Belgian Presidency of the European Union; explanatory videos identifying the issues and priorities of the Belgian Presidency.

(e)

- Application of the rules on the protection of personal data within administrations, guaranteeing that data is not processed for purposes that jeopardise citizens exercising their rights to information, participation or access to justice.
- Data processing in accordance with the principles of the GDPR
- Obligation for staff to respect confidentiality when handling files
- Protection of whistleblowers

Flemish Region:

(a)

A portal website has been developed to allow citizens and governments to submit public participation responses through this single digital portal. Furthermore, a note was prepared, which outlines the possible harmonisation of regulations on information on public participation. Moreover, the typescripts and templates for announcing participation periods were rewritten with a 'Heerlijk Helder' (Nice and Clear) approach.

(b)

The Sustainable Education Point is mentioned. This is the Flemish authorities' centre of expertise on sustainability education, offering support to people working in sustainability education with an offering tailored to their needs. Furthermore, the report mentions the organisation by the Environment Department of structural consultation set-ups with key partners within the domain of environmental professionals who are responsible for aligning policy development and policy implementation, as well as the atria through which the exchange of knowledge and involvement of specific local administrations regarding environmental themes is stimulated.

(c)

The Act of 29 April 1991 has been replaced with the new Flemish Parliament Act of 26 April 2024 supporting environmental permits and environmental projects. Furthermore, the Order of 10 October 2024 has been replaced with the Government of Flanders Order of 7 June 2024 laying down the recognition and subsidisation of environmental and nature associations.

(d)

Unchanged § in comparison with previous reports

(e)

Unchanged § in comparison with previous reports.

IV. Obstacles encountered in the implementation of article 3

*Describe any **obstacles encountered** in the implementation of any of the paragraphs of article 3 listed above.*

Answer:

Federal authority

Nihil

Walloon Region:

Nihil

Brussels Capital-Region:

- Difficulties in raising awareness, educating and helping/advising the public during the Covid-19 pandemic due to the compulsory closure of physical counters, the cancellation of awareness-raising events, the reduction in the distribution of brochures, etc.
- Replacement of certain actions by digital initiatives (e.g. webinars)
- Additional efforts made in terms of digital development and accessibility.

Flemish Region:

Nihil

V. Further information on the practical application of the general provisions of article 3

*Provide further information on the **practical application of the general provisions of article 3.***

Answer:

Federal authority:

Unchanged § in comparison with previous report.

Walloon Region:

The Walloon Region organizes public events to raise awareness on environmental issues when appropriate. In addition to the portal on the state of the Walloon environment and its numerous indicators (see Box III), the report develops numerous examples : public awareness campaign on fire control, the Walloon Institute for Evaluation, Foresight and Statistics (IWEPS) and the tools it develops (Walstat, SDG'sp portal, statistics sheets), ENVIEs Plan, Air Climate Energy Plan, Permanent Environment Health Cell, Walloon Plan of Waste Resources, the circular economy's fortnight, the stakeholder's dialogue of the Coordination

Committee for International Environmental Policy (CCIEP) and the European week of waste reduction.

Brussels Capital-Region:

Communication actions (internet and external), training and events linked to the Belgian Presidency of the Council of the European Union to raise awareness of European decision-making processes, the impact of European decisions on the environment, etc.

Flemish Region:

It is mentioned that the Convention is also promoted in Flanders on the internet via a specific website.

VI. Website addresses relevant to the implementation of article 3

Give relevant website addresses, if available:

- <https://www.health.belgium.be/> (including an environment part, with pages on the Aarhus Convention: <http://www.environment.belgium.be>)
- <http://www.aarhus.be>
- www.belgium.be
- <https://bebiodiversity.be/biodiversiscape/en/>
- <https://bebiodiversity.be/en/>
- <https://biodiversitree.be/nl>
- <https://www.citesinbelgium.be/>
- <https://klimaat.be/>
- <https://klimaatopschool.be/> (<https://klimaatbrigade.be/> & <https://climatechallenge.be/nl>)
- <https://www.energywatchers.be/>
- <https://www.my2050.be/nl/signup>
- <https://www.nationalenergyclimateplan.be/en>
- <http://www.climateregistry.be>
- <http://www.adept2climate.be>
- <https://www.ournorthsea.be>
- <https://www.endocrinedisruptors.be/>
- <https://www.fedupwithmicroplastics.be>
- <https://lezenvoorgebruik.be/>
- <http://www.nehap.be>
- <http://www.ecolabel.be>
- <http://www.reachinbelgium.be>
- www.info-abeilles.be
- www.biocides.be
- <http://www.fytoweb.be>
- <http://www.helpdeskdpcc.be>
- www.brusselsenvironment.be
- <https://environnement.brussels/guichet/accompagnements>
- <https://urban.brussels/>
- <https://perspective.brussels/fr>
- <http://environnement.wallonie.be/>: Site SPWARNE
- https://wallex.wallonie.be/files/pdfs/3/7100_D%C3%A9cret_relatif_%C3%A0_la_reconnaissance_et_au_subventionnement_des_associations_environmentales_et_modifiant_le_Livre_Ier_du_Code_de_l'Environnement_et_le_d%C3%A9cret_du_6_novembre_2008_portant_rationalisation_01-01-2015-31-12-2016.pdf: Décret du 23 janvier 2014 relatif à la reconnaissance et au subventionnement des associations environnementales
- <http://etat.environnement.wallonie.be/>: Etat de l'environnement wallon

- <https://walstat.iweps.be/walstat-accueil.php>
- <https://isadf.iweps.be/isadf.php>
- <https://icpib.iweps.be/indice-conditions-bien-etre-wallonie.php>
- <http://developpementdurable.wallonie.be/bilan-des-progres>
- <http://environnement.sante.wallonie.be/home/expert/plan-envies.html>
- <http://environnement.sante.wallonie.be/home/en-wallonie/cellule-permanente-environnement-sante.html>
- <https://indicateursodd.iweps.be/odd-accueil.php>
- <http://environnement.wallonie.be/ere/>
- <https://environnement.brussels/>
- <https://environnement.brussels/blog>
- <https://environnement.brussels/pro>
- <https://environnement.brussels/blog-pro>
- <https://environnement.brussels/enseignement>
- <https://environnement.brussels/citoyen/services-et-demandes/conseils-et-accompagnement>
- <https://environnement.brussels/pro/services-et-demandes/conseils-et-accompagnement>
- <https://environnement.brussels/enseignement/accompagnement-et-formation>
- <http://urban.brussels/>
- <https://urbanisme.irisnet.be/>
- <https://quartiers.brussels/>
- <https://patrimoine.brussels/>
- <https://be.brussels/fr>
- <https://www.lez.brussels/mytax/fr>
- <https://mobilite-mobiliteit.brussels/fr/good-move>
- <https://perspective.brussels/fr>
- <http://www.bruxellesenvironnement.be/>
- <https://environnement.brussels/guichet/accompagnements>
- <http://urban.brussels/>
- <https://perspective.brussels/fr>
- <https://environnement.brussels/presidence-belge-ue>
- <https://perspective.brussels/fr/enjeux-urbains/international/presidence-belge-du-conseil-de-lunion-europeenne>
- <https://www.youtube.com/@bruxellesenvironnementleef9881>
- <https://www.vlaanderen.be/uw-overheid/werking-en-structuur/hoe-werkt-de-vlaamse-overheid/informatie-en-communicatie/toegang-tot-bestuursdocumenten-via-openbaarheid-van-bestuur>
- <https://www.vlaanderen.be/duurzaam-educatiepunt>

VII. Legislative, regulatory and other measures implementing the provisions on access to environmental information in article 4

List legislative, regulatory and other measures that implement the provisions on access to environmental information in article 4.

Explain how each paragraph of article 4 has been implemented. Describe the transposition of the relevant definitions in article 2 and the non-discrimination requirement in article 3, paragraph 9. Also, and in particular, describe:

- (a) With respect to **paragraph 1**, measures taken to ensure that:
 - (i) Any person may have access to information without having to state an interest;
 - (ii) Copies of the actual documentation containing or comprising the requested information are supplied;
 - (iii) The information is supplied in the form requested;
- (b) Measures taken to ensure that the time limits provided for in **paragraph 2** are respected;
- (c) With respect to **paragraphs 3 and 4**, measures taken to:
 - (i) Provide for exemptions from requests;
 - (ii) Ensure that the public interest test at the end of paragraph 4 is applied;
- (d) With respect to **paragraph 5**, measures taken to ensure that a public authority that does not hold the environmental information requested takes the necessary action;
- (e) With respect to **paragraph 6**, measures taken to ensure that the requirement to separate out and make available information is implemented;
- (f) With respect to **paragraph 7**, measures taken to ensure that refusals meet the time limits and the other requirements with respect to refusals;
- (g) With respect to **paragraph 8**, measures taken to ensure that the requirements on charging are met.

Answer:

Federal authority:

(a) - (g)

The answer to all paragraphs is unchanged.

Walloon Region:

(a) Access to information shall be given, as the applicant prefers but subject to the conditions set in Art.4.1.b of the Convention, via on-site consultation, free of charge, or either the delivery of copies or by email, the actual cost of which being borne by the applicant. Information held by public authorities must be easily accessible by telecommunications networks or other electronic means.

(b) The information shall be made available to the applicant as soon as possible and within one month from the date on which the request was received or no later than two months if importance or complexity of such information requires to do so.

In any case, the applicant will be informed within one month if the time limit must be extended or if the request needs further clarification from the applicant.

(c) (d) Request may be refused under conditions set in Art.4.3 of the Convention.

Grounds for refusal are interpreted in a restrictive way, considering the public interest served by disclosure. A public authority that is not in possession of the information, points the requester towards the appropriate public authority that holds the information and transfers the request to it.

Public authority sees to establish registers indicating where environmental information accessible to the public is available. Access to those registers is free of charge.

(e) Request may be refused under conditions set in Art.4.4 of the Convention except for information related to emissions for which items a, d, f, g and h are not valid.

Grounds for refusal are interpreted in a restrictive way, considering the public interest served by disclosure.

When it is possible to separate information covered by the scope of the derogations from the rest of the information that is requested, the public authority makes part of the information that has been requested available to the applicant.

(f) All refusals to communicate part of the requested information are duly explained and made in writing. A written answer spelling out the reasons for refusing a request for information must be accompanied by the possible courses of action that are open to the applicant.

Since 1991, an Appeals Commission has been appointed by the Walloon government. This commission is tasked with handling complaints concerning access to information held by Wallonia's public authorities and if necessary, revising the positions taken by these authorities. This Appeals Commission is an administrative independent authority. Its decisions override those of the authority originally empowered to take the decision. If the public authority deemed to be in default does not comply with the decision issued by the Commission, the applicant will then have to apply to the Courts & Tribunals for judicial enforcement of the decision issued. It should be noted that the applicant may also ask the judge to order the public authority to pay a fine for failure to implement the CRAIE's decision and, if necessary, to impose a penalty payment.

(g) Consultation can be on-site or online (free of charge).

Brussels Capital-Region:

For the relevant legal articles, see the comprehensive report. The key Brussels Capital-Region measures in this regard are as follows:

(a)

(i) Right for any natural or legal person to request access to an environmental document/information without having to justify any interest. The steps in the application procedure are published on the Brussels Environment website.

(ii) Copies of the documents requested are recorded for on-site consultation within the administration. Rejection of the request for communication in the form of a copy does not necessarily imply rejection of the request for consultation or explanation. If part of the document/environmental information is withheld from the public, the explanation/copy is limited to the remaining part.

(iii) Communication of the information in the form requested or, failing this, transmission of a justification in writing, indicating clearly, precisely and completely the reasons justifying the refusal and the existence of an appeal to the competent administrative body.

(b)

Communication of information promptly, and at least within one month of the request. Accelerated and emergency procedures provided for.

(c)

(i) Obligation to base refusal of a request for access on the grounds and conditions laid down by the applicable legislation (e.g. risk of misunderstanding, confidentiality, manifestly abusive or overly general request, etc). Prevailing of the public interest served by the publicity over other interests (e.g. confidentiality of deliberations of public authorities, international relations and public security, proper administration of justice, confidentiality of commercial or industrial information, confidentiality of personal data, interests or protection of any person who has supplied information on a voluntary basis, protection of the environment). Reasons and conditions for refusal likely to be further fleshed out by the Commission for Access to Administrative Documents ('CADA'), which decisions are publicly available.

(ii) Balancing of the public interest against all the interests defended in the exceptions.

(d)

Where the authority is incompetent or not in possession of the document or information requested, informing the applicant without delay and giving the name and address of the authority supposed to have it.

(e)

Partial communication in the form of a copy if it is impossible to communicate an administrative document or environmental information in its entirety.

(f)

The time limits for notification of refusal depend on the cases concerned and are provided for in the applicable legislation.

(g)

Any fees charged by the authorities are limited to cost price.

Flemish Region:

(a)

Substantively unchanged paragraphs in comparison with the previous report.

(b)

The relevant websites with respect to access to governmental (environmental) information have been included.

(c)

Article II.33 BD has been amended; it now includes a third refusal ground ("if the application concerns internal communication"). Furthermore, article II.37 BD with respect to requests for public access relating to administrative documents that were drawn up a long time ago, has been amended. Moreover, article II.39 BD with respect to the application of exemptions has been amended.

(d)

Redundant paragraphs have been removed.

(e)

Unchanged paragraphs in comparison with previous report.

(f)

Unchanged paragraphs in comparison with previous report.

(g)

Unchanged paragraphs in comparison with previous report.

VIII. Obstacles encountered in the implementation of article 4

*Describe any **obstacles encountered** in the implementation of any of the paragraphs of article 4.*

Answer:

Federal authority:

Within the framework of the practical application of the provisions relating to access to information (see also the following question), it appears that it is not always easy to determine whether a question must be considered or not as a "request for environmental information" in the sense of the Convention (and if the procedure described should be applied or not).

The Federal Appeals Commission for access to environmental information highlights the fact that it is not always easy to distinguish between the federal *lex specialis* on access to environmental information and the *lex generalis* law on open government and disclosure of public documents in order to know under which law a specific request for information falls.

Walloon Region:

The implementation of the right of access to information raises questions related to other rights, (privacy protection and intellectual property protection).

Brussels Capital-Region:

No major obstacles; in case of uncertainties about the interpretation of the legislation, public authorities and citizens can refer the matter to the competent administrative body to request an interpretative opinion or lodge an appeal.

Flemish Region:

Nihil

IX. Further information on the practical application of the provisions of article 4

*Provide further information on the **practical application of the provisions on access to information in article 4**, e.g., are there any statistics available on the number of requests made, the number of refusals and the reasons for such refusals?*

Answer:

Federal authority:

All the requests received and the answers given are recorded in an electronic database. Statistics concerning the quantity and type of requests are collected on a monthly basis. Between 2021 and 2024, about 5000 requests for information are received annually by the Contact Center of the FPS Public Health. Requests mainly come from firms first (about 60%) and then citizens. The themes that are most often the subject of a request are sound, electromagnetic waves, asbestos and single-use plastics. A small minority of these questions (about 20-40 annually) falls within the scope of the Act of 5 August 2006 on access to environmental information.

Between 2021 and 2024, three requests for information were completely rejected. In addition, 13 requests received a partially positive response (of which 4 relating to pesticides, 1 relating to deep sea mining, 1 relating to chemicals (REACH) and 1 relating to pesticides). Five decisions were appealed before the Federal Appeals Commission, four of which were overruled by the Federal Appeals Commission.

Walloon Region:

The provisions related to the Appeals Commission are spelled out in the Book I of the Environment Code. The case law of the Appeals Commission on cases submitted to the Commission since 1997, as well as all decisions in the case of appeal, have been imported onto the Walloon law website, WALLEX (cf. infra.)

Brussels Capital-Region:

- Recording of the thousands telephone calls and emails received each year from government information departments.
- Registration of all requests made by individuals, private companies, non-profit organisations, citizens' groups and other public authorities. The number of requests is higher than that recorded because requests made directly to the officer in charge of the file are not taken into account.
- Extensive consultation via the administrations' main and secondary websites.
- Annual publication of the Regional Commission for Access to Administrative Documents (CADA)'s report and decisions/interpretative opinions on its website.
- Small prices requested (less than 1 euro) by the administration.

Flemish Region:

The number of decisions of the appeal body is added (more than 5.000 rulings since it was established in 2004).

X. Website addresses relevant to the implementation of article 4

Give relevant website addresses, if available:

- www.health.belgium.be/infoaarhus: Environment Information Desk page, including an electronic form and explanations on the procedure, in accordance with the law of 5 August 2006.
- <http://environnement.wallonie.be/>: Site SPWARNE
- <https://wallex.wallonie.be/fr/home/recherche.html?themes=97deb845-78b4-4719-af28-e9c97978c3de>: Décisions de la Commission de recours (CRAIE)
- <https://wallex.wallonie.be/home.html>: Site du droit de la Wallonie (WALLEX)
- <https://environnement.brussels/>
- <https://environnement.brussels/blog>
- <https://environnement.brussels/pro>
- <https://environnement.brussels/blog-pro>
- <https://environnement.brussels/enseignement>
- <https://environnement.brussels/citoyen/services-et-demandes/conseils-et-accompagnement>
- <https://environnement.brussels/pro/services-et-demandes/conseils-et-accompagnement>
- <https://environnement.brussels/enseignement/accompagnement-et-formation>
- <http://urban.brussels/>
- <https://urbanisme.irisnet.be/>
- <https://quartiers.brussels/>
- <https://patrimoine.brussels/>
- <https://be.brussels/fr>

- <https://www.lez.brussels/mytax/fr>
- <https://mobilite-mobiliteit.brussels/fr/good-move>
- <https://perspective.brussels/fr>
- <http://www.bruxellesenvironnement.be/>
- <https://environnement.brussels/guichet/accompagnements>
- <http://urban.brussels/>
- <https://perspective.brussels/fr>
- <https://environnement.brussels/presidence-belge-ue>
- <https://perspective.brussels/fr/enjeux-urbains/international/presidence-belge-du-conseil-de-lunion-europeenne>
- <https://www.youtube.com/@bruxellesenvironnementleef9881>
- <https://www.vlaanderen.be/uw-overheid/informatie-voor-overheden/openbaarheid-van-bestuur> (for government bodies)
- <https://www.vlaanderen.be/uw-overheid/werking-en-structuur/hoe-werkt-de-vlaamse-overheid/informatie-en-communicatie/toegang-tot-bestuursdocumenten-via-openbaarheid-van-bestuur> (for the public)

XI. Legislative, regulatory and other measures implementing the provisions on the collection and dissemination of environmental information in article 5

List legislative, regulatory and other measures that implement the provisions on the collection and dissemination of environmental information in article 5.

Explain how each paragraph of article 5 has been implemented. Describe the transposition of the relevant definitions in article 2 and the non-discrimination requirement in article 3, paragraph 9. Also, and in particular, describe:

- (a) With respect to **paragraph 1**, measures taken to ensure that:
 - (i) Public authorities possess and update environmental information;
 - (ii) There is an adequate flow of information to public authorities;
 - (iii) In emergencies, appropriate information is disseminated immediately and without delay;
- (b) With respect to **paragraph 2**, measures taken to ensure that the way in which public authorities make environmental information available to the public is transparent and that environmental information is effectively accessible;
- (c) With respect to **paragraph 3**, measures taken to ensure that environmental information progressively becomes available in electronic databases which are easily accessible to the public through public telecommunications networks;
- (d) With respect to **paragraph 4**, measures taken to publish and disseminate national reports on the state of the environment;
- (e) Measures taken to disseminate the information referred to in **paragraph 5**;

(f) With respect to **paragraph 6**, measures taken to encourage operators whose activities have a significant impact on the environment to inform the public regularly of the environmental impact of their activities and products;

(g) Measures taken to publish and provide information as required in **paragraph 7**;

(h) With respect to **paragraph 8**, measures taken to develop mechanisms with a view to ensuring that sufficient product information is made available to the public;

(i) With respect to **paragraph 9**, measures taken to establish a nationwide system of pollution inventories or registers.

Answer:

Federal authority:

(a)

i) Unchanged § in comparison with previous reports.

ii) The Federal Environmental Report, which details the state of federal environmental policy and the state of the marine environment, between 2019 and 2023, will be submitted to the federal parliament in 2024.

In addition, new legislation on information relating to the decommissioning of nuclear power plants, dated 12 July 2022, has established new reporting obligations, notably the obligation for the Commission for nuclear provisions to report annually on her activities.

(iii) The functioning of the crisis communication team of the Federal Public Service Health has been improved, as part of a reorganisation which has included the establishment of a DG on Crisis Management.

(b)

Environmental information is made available through the portal site www.health.belgium.be and through social media. Brochures, flyers or leaflets are still used but more rarely.

(c)

A number of websites and online databases have been updated or launched, including the interactive Belmap report by Sciensano on antimicrobial resistance.

(d)

The publication of the fourth Federal Environmental Report for the period 2019-2023 is foreseen for 2024.

(e)

Unchanged § in comparison with previous reports.

(f)

Unchanged § in comparison with previous reports.

(g)

The FPS Public Health is participating less in events and fairs and has focused more on the use of social media.

(h)

Unchanged § in comparison with previous reports.

(i)

Several new means of communication have been designed and launched to better inform the public about indoor air quality, in line with the Act of 6 November 2022.

Walloon Region:

(a) The publication and continuous updating on the website of the Walloon State of the Environment (<http://etat.environnement.wallonie.be>) of the Web Indicator Sheets demonstrate the commitment of public authorities to possess and keep up-to-date information on the environment. More than 70 of them have been published and updated since 2021. In addition to these sheets, cross-sectional publications are produced every 2-3 years and published on the same site. In 2021, a 164-page report entitled 'The Walloon environment in 10 infographics' was published in French, Dutch, German and English. This report describes the pressures exerted on the environment, the resulting impacts and the resulting state for each theme. More recently, a new report entitled 'Environmental diagnosis of Wallonia' was published in April 2024. It takes stock of the state of the Walloon environment and carries out analyses on air, water, soil, and biodiversity. Its objective is to provide synthetic, popularized environmental information based on objective data for everyone.

The Environment Code (Book I, Part V) stipulates that an assessment of the environmental plans and programmes subject to public inquiries be done in the course of developing a plan or programme and before it is adopted or submitted for legislative approval, depending on the case.

The decree of 11 mars 1999 on environmental permits and its implementing orders regulate the procedure for issuing operating permits for activities that are likely to have an environmental impact.

Under this decree it is required to assess the impact on the environment of any permit application; either an impact assessment study or an impact assessment note depending on the type of project concerned. The local authorities (communes) and the environment administration keep a register with all the authorizations granted. The permits that are granted must include environmental impact surveillance obligations.

For emergencies, Wallonia has set up an environmental service called SOS Environnement-Nature, which is always accessible to all citizens. If intervention is necessary and in collaboration with the traditional rescue services (Federal Police, local police, fire brigade,...), the guard officer investigates the causes of the pollution on site (interviewing witnesses, taking samples, etc.) and proposes measures to limit the damaging consequences of the phenomenon as much as possible. It also has a policing role since it can draw up reports and set penalties in the event of non-compliance.

Environment code stipulates also that the following information must be made available to the public a.o. by electronic means and where relevant:

- international treaties, conventions and agreements as well as national, regional and local legislation and policies, plans and programmes related to environment;
- implementation reports on those items when held by authorities on electronic form;
- environmental scoreboards;
- data (or a summary) collected within the framework of activities having an impact on environment;

- permits for activities having an impact on environment and impact assessment studies concerning state of the environment or an indication where the information can be accessible;

(b) The SPWARNE website has been recently completely overhauled. The new Environment Portal is richer in information, with a completely revised structure for simplified and intuitive navigation. Citizens will find resources and services related to the environment more easily, thanks to a modernized and user-friendly interface. The launch of this portal has occurred in the end of 2024, with the aim of better meeting the needs of users while facilitating access to essential information.

Decree of 16/03/06 amending Book I of the Environmental Code relating to public access to information on the environment (see also the response concerning art. 4).

(c) In addition to the environmental data already mentioned, the report presents and details several examples of other initiatives as the Wallonia's Geoportal, the INSPIRE Directive, the geographical environmental information (Metawal) and other European transversal legislations data related. More generally, all these initiatives are part of the establishment of the European Green Deal data space and the "GreenData4All" and "Destination Terre" (digital twin of the Earth) initiatives.

(d) See (a) §1 (<http://etat.environnement.wallonie.be/home.html#>)

(e) Complete overhaul of the SPWARNE website (<http://environnement.wallonie.be/>) and regular updating of the Walloon State of the Environment website (<http://etat.environnement.wallonie.be/home.html>)

(f) The Environment Code (Book I, Part V on environmental impact assessment) and the Decree of 11 mars 1999 deal with the procedure for granting permits to installations having an impact on the environment. Under those legislations, an impact assessment is systematically required for all projects listed in Annex I of the Aarhus Convention.

In addition, a 2007 decree amending the decree of 11 mars 1999 on environmental permits, has established a mandatory annual reporting on environmental data for the installations concerned by the PRTR Protocol.

(g) Complete overhaul of the SPWARNE website (<http://environnement.wallonie.be/>).

See under a) for the plans and programmes and for the Web Indicators Sheets on the Walloon environment.

(h) The Walloon Region supports a non-profit organization gathering association of consumer defence and environmental protection associations ("Ecoconso") to raise consumer awareness, inform and help consumers to make more environmentally friendly and healthier consumption choices. In addition, Wallonia participates in the Ecolabel Committee, (European label indicating to citizens "environment-friendly" products or services).

(i) Implementation of the Regulation 166/2006 implementing PRTRs in the EU and the PRTR protocol, is done, in Belgium, by the Regions and the information is made available through the E-PRTR website of the EEA, the websites of each regional authority and the national node Aarhus.be. The Walloon Parliament has ratified the PRTR Protocol on 30/05/07 and transposition through the decree of 11 March 1999 concerning the environment permit, which was recently was repealed in favor of a new decree of the Walloon Government of April 19th, 2024 relating to the obligation of periodic notification of environmental data. In addition, a decree of 22nd November 2007 amending the decree of 11 mars 1999 on environmental permits, adopted in 2007, has established a mandatory reporting on environmental data, on an annual basis for the installations concerned by the PRTR Protocol and Regulation.

Implementation and streamlining of reporting for the industry through an integrated form called newly called REIWa (Register of Walloon Industrial Emissions - <https://reiwa.wallonie.be/home> - former REGINE).

Brussels Capital-Region:

For the relevant legal articles, see the comprehensive report. The key Brussels Capital-Region measures in this regard are as follows:

(a)

(i) Collection, analysis and distribution by the administration of information relating to a good understanding and management of the state of the environment and various publications.

(ii) Coordination of supra-regional and legal activities and management of cross-cutting files and files relating to the environment (mailing list, etc). Distribution of daily readings of the Belgian Official Gazette (M.B.) (legislative and regulatory publications) to other interested institutions. Subscriptions to environmental and legal newsletters (digital/paper), daily press review.

(iii) In the event of an imminent threat, immediate publication of the relevant information on the transparency section of the Brussels administrations and/or on the home page of the site and available via a free downloadable application. Use of a pollumeter which information is permanently available to the public.

(b)

- Easily accessible 'transparency' page on all Brussels Capital-Region websites containing general and specific environmental information.
- Designation of a person responsible for updating the transparency section.
- Publication of the texts of international treaties, conventions and agreements as well as European, federal, regional and local legislations by the authority
- Publication by the government on its website of measures to protect adopted property assets
- Publication of reports on the state of the environment
- Guarantee of inclusiveness and accessibility to all users by Brussels Capital-Region public authorities through the adoption of various measures (at a minimum: physical reception, telephone service, postal contact) and implementation of an alternative to these online communications
- General 'front-line' physical reception service for citizens and possibility to meet, on request, the administrative staff and a specific support service with a physical counter for certain issues.
- Implementation of inclusive measures within the administration for users (improving the accessibility of platforms, simplifying administrative procedures, etc.) and staff training on the problems of digital inequality.

(c)

- Access to environmental information and environmental information gradually made available and distributed to the public systematically
- Generalisation of digital procedures through the establishment of administrative procedures fully available online
- Easier access to environmental data for individuals and professionals (internal inventory)

(d)

- Publication every 4 years of a detailed report on the state of the environment in Brussels and every 2 years of a summary of the main environmental indicators drawn up by the administration.
- Publication of information relating to the state of the environment in Brussels on the 'state of the environment' section of the administration's website, regularly updated and supplemented (e.g. detailed findings by theme, reports or summaries on the state of the environment, animation).

(e)

- Up-to-date publication, in the 'transparency' section of the Government website, of the texts of treaties, conventions, international agreements, federal, European, regional and local legislations concerning the environment.
- Publication by the competent administrative authorities on the transparency section of their website within 30 days of publication of a series of sectoral documents (environmental plans and programmes, development plans and schemes, etc).

(f)

- Specific measures are implemented for Seveso activities and EMAS companies.
- Obligations are also requested through the environmental permits system.
- Different newsletters are circulated to organisations and citizens

(g)

- The administration's website is an exhaustive source of information (legislation, news, rights and obligations, other relevant facts relating to the environment). There are specific pages for each topics. Each legislative file is also accompanied by an accurate description of the context, stakes, goals and means of a given prospective legislation and is published on the Brussels Parliament website.

- A specific page on the administration's website addresses access to information (procedure, legal aspects, useful contacts, forms and useful links : <https://environnement.brussels/bruxelles-environnement/acces-linformation-environnementale/acceder-linformation-environnementale>

- The functioning of the administration is also clearly described on its website : <https://environnement.brussels/bruxelles-environnement>

(h)

- Ongoing public awareness-raising by the authorities to foster people to adopt less environmentally harmful behaviour/products in terms of hazardous products (guides), pesticides (five-year action programmes with training, information and awareness-raising measures for professionals and the general public. Periodic assessments of these programmes available online), plant protection products in public spaces, sensitive areas or other places and establishments catering for vulnerable groups, etc.

- A new regulation adopted in 2024 provides for the collection of regional data on the sale (from 2026) and use (from 2027) of pesticides, which will eventually feed into the report on the state of the environment and nature.

(i)

Different tools are available :

- Air: <https://qualitedelair.brussels/> ; <https://www.irceline.be/fr>

- Noise: <https://app.bruxellesenvironnement.be/WebNoise/Home?langtype=2060>

Flemish Region:

(a)

The monitoring programmes are divided into nature reporting and spatial reporting; the links to the relevant websites are updated. Furthermore, the report mentions the PFAS explorer of the Subsoil Flanders Service Database.

(b)

Unchanged paragraphs in comparison with the previous report.

(c)

The links to the relevant websites are updated.

(d)

The environmental report is no longer drawn up by the Flemish Environment Agency, but by the Environment Department. The environmental report also contains information on spatial planning, in addition to the environment.

(e)

Pursuant to Article II.9; §§1 and 2 of the Governance Decree, the decisions of the Government of Flanders, with the exception of decisions with individual scope, must be systematically published on the central website of the Flemish authorities, together with the accompanying documents. Furthermore, the Flemish regulations in preparation can be found on the internet. Moreover, the Environment Department publishes all Flemish Parliament Acts and Implementing decrees on its website. In addition, the nature report and spatial report have been integrated into one 'regional environmental report'.

(f)

The paragraph on the annual integrated environmental report for specific categories of installations or activities has been reformulated.

(g)

The regional environmental report integrates the nature report and spatial report.

(h)

Unchanged paragraphs in comparison with the previous report.

(i)

The Industrial Emissions Portal Regulation (IEPR) website replaces the European PRTR-website.

XII. Obstacles encountered in the implementation of article 5

*Describe any **obstacles encountered** in the implementation of any of the paragraphs of article 5.*

Answer:

Federal authority:

The main obstacles encountered are inherent in the very nature of administrations. The implementation of the concrete measures to ensure and support access to environmental information as provided for by the Aarhus Convention demands significant funding, which must be mobilized every year.

It has only partially been possible to publish all quantities of specific active substances in biocides that are placed on the market due to the need to respect the confidentiality of commercial data.

Walloon Region:

Nihil

Brussels Capital-Region:

No major obstacle to report.

Flemish Region:

Nihil

XIII. Further information on the practical application of the provisions of article 5

*Provide further information on the **practical application of the provisions on the collection and dissemination of environmental information in article 5**, e.g., are there any statistics available on the information published?*

Answer:

Federal authority:

Many brochures edited by the Federal Environment Authority continue to be used by the public (especially by a well-informed public like teachers, trainers and professionals in the case of chemical products).

Walloon Region:

Nihil

Brussels Capital-Region:

Information on the practical application of these provisions has been included in the answers to the above questions.

Flemish Region:

Unchanged paragraph in comparison with previous report.

XIV. Website addresses relevant to the implementation of article 5

Give relevant website addresses, if available:

- <https://www.health.belgium.be>
- <https://www.energywatchers.be/nl/co2-gids-voor-nieuwe-wagens>
- <http://www.biocide.be>
- <http://www.citesinbelgie.be>
- <http://www.fytoweb.fgov.be>
- <http://www.nehap.be>
- <http://www.biodiversitree.be/>
- <https://www.health.belgium.be/en/environment/environmental-policy/data-and-environmental-indicators>
- <http://www.bandentips.be>
- <https://www.health.belgium.be/en/batteries>
- <http://ww.helpdeskdpcc.be>
- <http://environnement.wallonie.be>: Site SPWARNE
- <http://etat.environnement.wallonie.be>: Site de l'état de l'environnement wallon
- <http://bilan.environnement.wallonie.be>: Pour la collecte de données environnementales via le questionnaire intégré
- <https://reiwa.wallonie.be/home>: Le site PRTR wallon
- <http://www.ecoconso.be/fr/content/lasbl>: Le site Ecoconso
- www.ecolabel.be/fr: Le site Ecolabel
- www.irceline.be/fr: Le site CELINE
- <https://environnement.brussels>
- <https://qualitedelair.brussels>
- <http://www.moniteur.be>
- http://www.parlement.brussels/dossiers-legislatifs/?dos_type=ord
- <https://environnement.brussels/citoyen/a-propos-bruxelles-environnement>
- <https://environnement.brussels/bruxelles-environnement>
- <https://homegrade.brussels/>
- <https://environnement.brussels/citoyen/services-et-demandes/conseils-et-accompagnement/le-mobility-coach-votre-conseiller-pour-faciliter-vos-deplacements-bruxelles>
- <https://environnement.brussels/citoyen/nos-actions/plans-et-politiques-regionales/le-programme-regional-de-reduction-des-pesticides> Nature Academy: Tous les cours (nature-academy.brussels)
- https://document.environnement.brussels/opac_css/
- <https://geodata.environnement.brussels/>
- <https://datastore.brussels/>
- <https://www.vlaanderen.be/uw-overheid/informatie-voor-overheden/openbaarheid-van-bestuur> (for public authorities)

- <https://www.vlaanderen.be/uw-overheid/werking-en-structuur/hoe-werkt-de-vlaamse-overheid/informatie-en-communicatie/toegang-tot-bestuursdocumenten-via-openbaarheid-van-bestuur> (for the public)
- <http://www.vlaanderen.be/>: for general policy information, click ‘Natuur, milieu en klimaat’
- <http://www.emis.vito.be/>: environmental legislation, environment and energy, best available techniques
- <http://milieuklachten.milieuinfo.be/>: environmental complaints register
- <https://www.vlaanderen.be/integraal-milieujaarverslag/online-imjv-loket/>: annual integrated environmental report e-window
- <https://codex.vlaanderen.be/>: Flemish Codex (legislation)
- <http://www.staatsblad.be/>: Belgian legislation
- <http://www.omgeving.vlaanderen.be/>: administrative data and policy information, figures, studies and geo-counters, on nature, environment and land (Environment Department)
- <https://omgeving.vlaanderen.be/omgevingsvergunning/milieueffectrapportage/>: environmental impact reporting
- <https://ovam.vlaanderen.be/>: waste, materials and soil
- <https://www.vmm.be/>: water and air
- <https://www.vlaanderen.be/inbo/home/>: nature and nature report
- <https://www.vlaanderen.be/inbo/home/>: forests and wildlife
- <https://www.vlaanderen.be/inbo/natuurindicatoren/>: nature indicators (INBO) open space (contains among other things data on manure policy, rural and planning projects)
- <https://www.dewatergroep.be/>: Flemish Water Supply Company
- <https://www.vlaanderen.be/inbo/inbo-natuurrapporten/>: nature report
- www.natuurenbos.be/: nature and forests
- <https://indicatoren.omgeving.vlaanderen.be/>: indicators regarding environment nature and land
- <https://www.vlaanderen.be/statistiek-vlaanderen/>: statistics
- <http://vmm.be/data/>: all manner of data on air and water derived from reports and measurement networks
- <https://klimaat.vmm.be/>: maps and datasets on the climate situation, effects or impact in Flanders
- <https://prtr.omgeving.vlaanderen.be/prtr/website/start/start-flow?execution=e3s1>: PRTR-counters Flanders
- <https://www.vlaanderen.be/geopunt/kaarttoepassingen/ruimtemonitor-vlaanderen/>: thematic (map) indicators to support spatial research, reporting and policy in Flanders.
- <http://dov.vlaanderen.be/>: all relevant information on the subsoil in Flanders
- <https://omgevingsloketinzage.omgeving.vlaanderen.be/>: inspection of public consultations, decisions and notifications (‘inzageloket’)
- <https://www.mercator.vlaanderen.be/zoekdienstenmercatorpubliek/>: GIS data from policy area Environment that are in the public domain
- <http://www.geopunt.be/>: GIS data from the entire Flemish region that are in the public domain
- <https://www.leefkwaliteitvlaanderen.be/>: selection of maps that together given an overview of the environment-related quality of life in Flanders.
- <https://omgeving.vlaanderen.be/dsi-platform/>: inter-administrative exchange platform to create a (geographical) digital overview of all the spatial planning plans of the Flemish Region.
- <https://www.statistiekvlaanderen.be/nl/omgeving/>: public statistics on space and the living environment in Flanders
- <https://merregister.omgeving.vlaanderen.be/>: all ongoing EIR files

XV. Legislative, regulatory and other measures implementing the provisions on public participation in decisions on specific activities in article 6

List legislative, regulatory and other measures that implement the provisions on public participation in decisions on specific activities in article 6.

Explain how each paragraph of article 6 has been implemented. Describe the transposition of the relevant definitions in article 2 and the non-discrimination requirement in article 3, paragraph 9. Also, and in particular, describe:

- (a) With respect to **paragraph 1**, measures taken to ensure that:
 - (i) The provisions of article 6 are applied with respect to decisions on whether to permit proposed activities listed in annex I to the Convention;
 - (ii) The provisions of article 6 are applied to decisions on proposed activities not listed in annex I which may have a significant effect on the environment;
- (b) Measures taken to ensure that the public concerned is informed early in any environmental decision-making procedure, and in an adequate, timely and effective manner, of the matters referred to in **paragraph 2**;
- (c) Measures taken to ensure that the time frames of the public participation procedures respect the requirements of **paragraph 3**;
- (d) With respect to **paragraph 4**, measures taken to ensure that there is early public participation;
- (e) With respect to **paragraph 5**, measures taken to encourage prospective applicants to identify the public concerned, to enter into discussions, and to provide information regarding the objectives of their application before applying for a permit;
- (f) With respect to **paragraph 6**, measures taken to ensure that:
 - (i) The competent public authorities give the public concerned all information relevant to the decision-making referred to in article 6 that is available at the time of the public participation procedure;
 - (ii) In particular, the competent authorities give to the public concerned the information listed in this paragraph;
- (g) With respect to **paragraph 7**, measures taken to ensure that procedures for public participation allow the public to submit comments, information, analyses or opinions that it considers relevant to the proposed activity;
- (h) With respect to **paragraph 8**, measures taken to ensure that in a decision due account is taken of the outcome of the public participation;
- (i) With respect to **paragraph 9**, measures taken to ensure that the public is promptly informed of a decision in accordance with the appropriate procedures;
- (j) With respect to **paragraph 10**, measures taken to ensure that when a public authority reconsiders or updates the operating conditions for an activity referred to in paragraph 1, the provisions of paragraphs 2 to 9 are applied, making the necessary changes, and where appropriate;

(k) With respect to **paragraph 11**, measures taken to apply the provisions of article 6 to decisions on whether to permit the deliberate release of genetically modified organisms into the environment.

Answer:

Federal authority:

(a) - (k)

The legislation relating to the North Sea has been revised through the adoption of the Act of 11 December 2022 on the protection of the marine environment and on the organisation of marine spatial planning in the areas under Belgian jurisdiction. Several royal decrees have been adopted in order to further elaborate the procedures set out by this Act, including the royal decree of 26 April 2024.

Walloon Region:

(a) The decree of 11 March 1999 on the environment permit and the decree of 20 July 2016 on the Territorial Development Code (CoDT) cover the procedure of granting permits to establishments that are engaged in activities that have environmental impacts.

The Environment Code (Book I, Part V) requires the implementation of impact assessments of certain projects on the environment before granting permits. In accordance with these texts, prior impact assessments are required for a series of activities that are liable to have significant environmental impacts. For the other activities the applicant must append an environmental impact assessment sheet (notice) to their permit applications.

These texts regulate the public information and participation procedures in these areas, including the matter of deadlines. The public is defined in these decrees as follows: one or more natural or legal persons, as well as their associations, organizations, and groups.

The Environment Code (Book I, Part V) also provides for public participation when it comes to the environmental plans and programmes that are developed by the public authority.

The decree of 31 May 2007 concerning public participation fully transposes the Directive 2003/35, in compliance with the Convention.

This decree reorganises public participation for elaboration of certain plans and programmes relating to environment by harmonising and making uniform rules and procedures applying to public enquiries.

This ensures simplifications and results in better regulation, simplification, and transparency.

In addition, at the local level, municipal authorities have the possibility of setting up a Municipal Advisory Committee for Spatial Planning and Mobility (CCATM), which enables the inhabitants to be involved in the decisions of the municipality in matters of town / country planning. It issues opinions on the dossiers submitted to it by the council and the Municipal Council. It can also give opinions on initiatives on subjects it considers relevant. The CCATM's opinion is mandatory in a series of cases and procedures provided for by the CODT (e.g. the preparation of environmental impact reports and studies).

(b) When an impact assessment is required information meetings at the start of the process of conducting the impact assessment and a public inquiry as part of the environmental permit investigation are planned. Both the information meeting and the public enquiry must be announced in due time to the public. Moreover, Book I of the Environmental Code was amended in April 2024 to allow the project applicant to film the prior information meeting on video using electronic tools, which will allow the public who cannot physically participate in the said meeting to know what was said there.

(c) Fifteen-day deadline for submitting remarks after the information meeting that is part of the impact assessment. Thirty-day deadline for projects submitted to an Environmental Impact Assessment and fifteen-day deadline for other projects for submitting remarks after the request for a public inquiry has been submitted under the environmental permit procedure.

(d) See paragraphs (b) and (c).

(e) In the case of carrying out an impact assessment, the applicant must publish an announcement specifying the nature of the project at least fifteen days before the information meeting.

(f) Under the public inquiry the local administration that oversees issuing the permit must inform the residents and post an announcement that spells out the project consultation procedures.

(g) See (c).

(h) The decree of 11 March 1999 concerning the environmental permit includes an obligation to take into consideration the outcome of the public participation. The CWATUP organizes an administrative appeal procedure against permits granted or refused.

Likewise, the Environment Code as amended by the Decree of 31.05.2007 provides that the outcome of a public participation process should duly be considered.

(i) The Book I of the Environment Code specifies the measures to take to publicize the decisions that are taken by the authority responsible for granting the permits.

(j) The same procedures apply for granting a new permit.

(k) See Federal report (<http://www.health.fgov.be>).

Brussels Capital-Region:

For the relevant legal articles, see the comprehensive report. The key Brussels Capital-Region measures in this regard are as follows:

(a)

- Measures provided for by the applicable legislation and regulations determining the activities not listed in Annex I to which a class is assigned according to the nature/importance of the hazards and nuisances.
- Type of public participation in the decision-making process defined according to the class of the activity.

(b)

- Completion of an environmental impact report in accordance with the applicable legislation, for plans and regulations
- For class 1A permit applications, an impact study is carried out by a certified consultant, followed by an advisory committee (made up of representatives of the municipality and the authorities responsible for implementing town planning, environmental and mobility policy), a 30-day public enquiry is held and an opinion is issued by the consultation committee.
- For class 1B permit applications, an impact report must be drawn up, a 30-day public enquiry held and an opinion issued by the Consultation Commission.
- For class 2 permit applications, a 15-day public enquiry.
- Publication of relevant information on the Brussels Environment website or on 'openpermit' during the public enquiry.

(c)

See applicable legislation, in particular: articles 6, 18 to 20, 25 to 27, 30/3 to 30/8, 33 to 37, 57 to 63, 89, 92 to 93, 97, 175/1 to 175/21 of the Brussels Town Planning Code (COBAT) in its consolidated version of 1 September 2019, articles 30 and 40 of the ordinance of 5 June 1997 on environmental permits.

(d)

Public participation required from the outset of the procedure by the applicable legislation (cf. in particular: articles 6, 30/3 to 30/8, 175/1 to 175/21 of the Brussels Town Planning Code (COBAT) and articles 30 to 40 of the Ordinance of 5 June 1997 on environmental

permits). Relevant information available on the government website and on 'openpermit' during the public enquiry if the application is deemed complete. Opportunity for public participation during the public enquiry and at the consultation committee.

(e)

See articles 175/1 to 175/21 of the Brussels Town Planning Code (COBAT).

(f)

- Requirement for permit applicants to upload all application documents to the open.permit digital platform.

- Any person may consult the information on the online platform or at the municipal administration during the enquiry and obtain technical explanations on the application at least one-half day per week.

(g), (h), (i), (j)

See applicable instruments and in particular: articles 6, 18 to 20, 25 to 27, 30/3 to 30/8, 33 to 37, 57 to 63, 89, 92 to 93, 97, 175/1 to 175/21 of the Brussels Town Planning Code (COBAT).

(k)

See the federal authority's report

Flemish Region:

(a)

The references to relevant legislation are updated. Furthermore, the paragraphs on environmental impact assessment procedures are restructured and adjusted.

(b)

The references to relevant legislation are updated. Further details on the public consultation are included. The 'inspection counter' has been introduced, which allows for public digital inspection during the public consultation, as well as during the appeal period. Via the inspection counter, public consultations, decisions and notifications can be consulted.

(c)

Through the inspection counter, it is possible to submit objections digitally.

(d)

The paragraphs are restructured. The public consultation starts within 10 days instead of 5 days after the application has been declared admissible and complete. Further details on the content of the decision on the licence application have been included.

(e)

The possibility of an informal pre-consultation (prior to the licensing process) is mentioned, as well as the possibility of a project meeting.

(f)

The report mentions the availability of the opinions of advisory bodies during the public consultation for inspection. The 'inspection counter' has been introduced, which allows for public digital inspection of both pending and decided files, during the public consultation and during the appeal period.

(g)

The paragraphs are reformulated.

(h)

Unchanged paragraphs in comparison with the previous report.

(i)

A paragraph on environmental impact assessments on plans and programmes is added.

(j)

The report mentions that any change to the object or duration of the environmental licence as regards the operation of a classified establishment or activity is also subject to the ordinary licensing procedure (with public consultation).

(k)

Unchanged paragraph in comparison with the previous report.

XVI. Obstacles encountered in the implementation of article 6

*Describe any **obstacles encountered** in the implementation of any of the paragraphs of article 6.*

Answer:

Walloon Region:

Nihil

Brussels Capital-Region:

No major obstacles to report.

Flemish Region:

The obstacle with respect to the lack of an overall regulation with regard to the encouragement of the contact between potential applicants and the public concerned has been reformulated.

XVII. Further information on the practical application of the provisions of article 6

*Provide further information on the **practical application of the provisions on public participation in decisions on specific activities in article 6**, e.g., are there any statistics or other information available on public participation in decisions on specific activities or on decisions not to apply the provisions of this article to proposed activities serving national defence purposes.*

Answer:

Federal authority:

The procedure for the exception for activities urgent or indispensable for the protection of public order and public security, including the defense of the territory, which is foreseen in the new Act on the protection of the marine environment, is still under development.

Walloon Region:

Nihil

Brussels Capital-Region:

The provisions for implementing Article 6 of the Aarhus Convention are rigorously applied in the procedures relating to specific activities.

Flemish Region:

Nihil

XVIII. Website addresses relevant to the implementation of article 6

Give relevant website addresses, if available:

- <https://odnature.naturalsciences.be/mumm/en/>
- <https://www.ournorthsea.be>
- <http://fanc.fgov.be>
- <http://environnement.wallonie.be>: Site SPWARNE
- https://wallex.wallonie.be/files/pdfs/15/12225_D%C3%A9cret_relatif_%C3%A0_la_participation_du_public_en_mati%C3%A8re_d%27environnement_08-03-2008-.pdf: Décret relatif à la participation du public en matière d'environnement
- <http://www.bruxellesenvironnement.be/>
- <https://www.vlaanderen.be/omgevingsvergunning>
- <http://navigator.emis.vito.be/>

XIX. Practical and/or other provisions made for the public to participate during the preparation of plans and programmes relating to the environment pursuant to article 7

List the appropriate practical and/or other provisions made for the public to participate during the preparation of plans and programmes relating to the environment, pursuant to article 7. Describe the transposition of the relevant definitions in article 2 and the non-discrimination requirement in article 3, paragraph 9.

Answer:

Federal authority:

Twenty public consultations on plans and/or programs related to the environment (e.g. on the national biodiversity strategy or the national environment-health action plan) have been organized in the period 2021-2024.

Public consultations have also been organised with regard to programs submitted to strategic environmental assessment, e.g. with regard to the marine spatial plan for the period 2026-2034.

Walloon Region:

The Environment Code (Book I, Part V) provides for public participation when it comes to plans and programmes that are developed by the public authority and affect the environment. The report cites several examples.

The definition of “public” in this code is the one given in the Aarhus Convention.

Article 54 of the Code sets up criteria regarding the impacts on the environment. If a plan is likely to have significant impacts on the environment, its author must append thereto an impact report. A public inquiry is organized, and the author is required to issue an environmental statement summing up how the environmental considerations and opinions submitted were integrated into the plan.

See also answer under Art. 6.a (box XV).

The CoDT contains a Book VIII entitled "public participation and assessment of the impact of plans and programmes" (art. DVIII.1 and following).

Brussels Capital-Region:

- Public inquiries are held during the preparation of each plan and program directed by the administration.

- Plans and programs adopted in the Brussels Capital-Region as well as relevant documents from the environmental evaluation are available on the administration website: <https://environnement.brussels/guichet/plans-et-programmes>

- Since 2024, a page on Brussels Environnement website has been specifically devoted to current public consultations and the outcome of closed consultations (<https://environnement.brussels/citoyen/lenvironnement-bruxelles/participer-aux-decisions>).

Flemish Region:

References to the Annex to the Government of Flanders Order of 12 October 2007 on environmental impact reports on plans and programmes and the Government of Flanders Order of 11 May 2001 designating the institutions and administrations that advise on preliminary drafts of spatial implementation plans are included as examples of the systematic

involvement of stakeholders in policy developments. Furthermore, the paragraphs are reformulated. Moreover, references to relevant legislations are updated.

XX. Opportunities for public participation in the preparation of policies relating to the environment provided pursuant to article 7

Explain what opportunities are provided for public participation in the preparation of policies relating to the environment, pursuant to article 7.

Answer:

Federal authority:

To the extent that policies are contained in federal plans and programs, there is an opportunity for public participation through public consultation. Otherwise, there are no general provisions in federal legislation on opportunities for public participation in the preparation of policies. Concrete domains and legislation do provide for such participation opportunities.

Walloon Region:

Several advisory bodies have been created by decree to give the public authorities their opinions prior to the adoption of legislation and regulations in such areas as sustainable development, water policy and land use. These councils have been integrated into the Environment Department of the Economic, Social and Environmental Council of Wallonia (CESEW). These bodies are made up of representatives of business federations, trade unions, associations, and NGOs.

Brussels Capital-Region:

- See Articles 11 (public enquiries) and 13 (cross-border consultations) of the Order of 18 March 2004 on the impact assessment of certain plans and programmes.
- For concrete examples, see the regional air - climate - energy plan ('PACE'), which aims to support and promote public participation in policy development, in particular through the adoption of a series of commitments
- In the area of spatial planning, the Brussels Environment collaborative platform, which provides citizens with a series of tools and services to help them designing, implementing and managing sustainable, inclusive and innovative neighbourhood projects.
- Perspective.brussels' 'participation service in the Brussels Region', which strengthens participatory democracy across the board.

Flemish Region:

Unchanged paragraph in comparison with previous report.

XXI. Obstacles encountered in the implementation of article 7

Describe any obstacles encountered in the implementation of article 7.

Answer:

Federal authority:

The number of reactions to any public consultation varies greatly. Given the division of competences, federal plans and programmes are generally elaborated from a "meta-strategic" viewpoint. The direct impact on the daily life of citizens is hard to estimate and difficult to

express making it difficult to engage people. However, certain plans do receive a large amount of reactions, which is sometimes due to mobilisation by stakeholders.

Walloon Region:

One of the main challenges is to provide the public with the keys to understand the debate and participate efficiently.

There remain legal difficulties as regards Art. 7 of the Convention: 1) compatibility between the Walloon legislation (art. 57 §3 of Book I of the Environment Code) and the Strategic Environmental Assessment Directive (Directive 2001/42/EC), 2) interpretation of what is meant by plans and programmes.

Brussels Capital-Region:

No major obstacles to report.

Flemish Region:

Nihil

XXII. Further information on the practical application of the provisions of article 7

Provide further information on the practical application of the provisions on public participation in decisions on specific activities in article 7.

Answer:

Federal authority:

Nihil

Walloon Region:

Several recent examples of public participation are developed in the report: the Walloon contribution to the National Energy Climate Plan, the 360° Biodiversity Strategy, the foundations of Wallonia's Forest, the Territorial Development Scheme Project, the National Environment Health Action Plan 2023-2029 (NEHAP3), etc.

Brussels Capital-Region:

Creation of a Citizens' Climate Assembly as part of the 'PACE' programme, made up of citizens chosen by lot to make recommendations to the government, and renewed annually.

Flemish Region:

Nihil

XXIII. Website addresses relevant to the implementation of article 7

Give relevant website addresses, if available:

- <https://www.aarhus.be>: which features the public consultations on plans or programmes that are organised at federal and/or regional level. It is also possible to find former consultations that were organised.
- <http://www.consult-environnement.be/>: federal public consultations
- <http://environnement.wallonie.be/>: Site SPWARNE

- <http://biodiversite.wallonie.be>: Site biodiversité wallon
- <http://airclimat.wallonie.be> <https://awac.be/>: Site de l'Agence wallonne de l'Air et du Climat (AWACPACE)
- <https://www.plannationalenergieclimat.be/fr/le-pnec-c-est-quoi>: Site du Plan National Climat Energie 2030
- <https://territoire.wallonie.be/fr>: Site SPWTLPE (SPW Aménagement du territoire, Logement, patrimoine et Energie)
- <http://environnement.sante.wallonie.be/home.html>: Site Environnement-Santé
- <http://www.bruxellesenvironnement.be/>
- <https://environnement.brussels/guichet/plans-et-programmes>
<https://perspective.brussels/fr/actualites/share-city-le-gouvernement-bruxellois-valide-les-orientations-strategiques-de-la-modification-du>
- <https://participation.brussels/>
- <http://www.milieubeleidsplan.be/>
- <http://www.integraalwaterbeleid.be/nl/stroomgebiedbeheerplannen>
- <https://www.omgeving.vlaanderen.be/nl>
- <https://inspraak.omgeving.vlaanderen.be/>
- <https://grups.omgeving.vlaanderen.be/>
- <https://omgeving.vlaanderen.be/nl/omgevingsvergunning/milieu-effectrapportage/plan-mer>

XXIV. Efforts made to promote public participation during the preparation of regulations and rules that may have a significant effect on the environment pursuant to article 8

Describe what efforts are made to promote effective public participation during the preparation by public authorities of executive regulations and other generally applicable legally binding rules that may have a significant effect on the environment, pursuant to article 8. To the extent appropriate, describe the transposition of the relevant definitions in article 2 and the non-discrimination requirement in article 3, paragraph 9.

Answer:

Federal authority:

§ unchanged in comparison with previous reporting: the Federal Council for Sustainable Development has published about 300 recommendations/advice.

Walloon Region:

See Frame XX.

The Environment Code (Book I, Part V) provides for public participation in plans and programmes drawn up by the public authority which have an impact on the environment. The same applies, in the CoDT, to plans and programmes adopted in the field of land use planning, and which are likely to have an impact on the environment. Art D.49 and following of the Code.-

Brussels Capital-Region:

Public participation is guaranteed by representative organizations brought together in the Brussels Environment Council. See Brussels Decree of 15 March 1990 regulating the creation, functions and composition of the Environment Council for the Brussels Capital Region (published in the Belgian Official Gazette (M.B.) of 6 July 1990). Although its opinions are non-binding, political authorities must provide a justification to depart from them. Opinions, along with its agenda and programmes of its meetings are publicly available on the Brussels Environmental Council's website. Decisions and agenda of the Brussels

Government are made public on the Government's website. Some citizen participation initiatives are also taken on a thematic basis (particularly in the areas of air, climate and energy).

Flemish Region:

References to relevant legislations are updated. Furthermore, it is further clarified that the deadline of 30 days also applies in case of the public consultation in the preparation of a regional spatial implementation plan when a town planning ordinance is drafted.

XXV. Obstacles encountered in the implementation of article 8

*Describe any **obstacles encountered** in the implementation of article 8.*

Answer:

Federal authority:

The COVID-19 pandemic has had a considerable impact on the functioning of the Federal Council on Sustainable Development, both in its role of providing advice to the federal government as in its role as a forum for informing and raising awareness among the public with regard to sustainable development.

Walloon Region:

Nihil

Brussels Capital-Region:

No major obstacles to report.

Flemish Region:

Nihil

XXVI. Further information on the practical application of the provisions of article 8

*Provide further information on the **practical application of the provisions on public participation in the field covered by article 8.***

Answer:

Federal authority:

Nihil

Walloon Region:

Public participation varies according to the citizen's interest in the subject under discussion, despite its technical nature.

Brussels Capital-Region:

Pursuant to the caselaw of the Court of Justice of the European Union, any legislative or regulatory act can constitute a plan or program likely to require an environmental assessment (see in particular : Case C-290/15 of 27 October 2016, *d'Oultermont e.a. v. Walloon Region*, para. 49).

Flemish Region:

Nihil

XXVII. Website addresses relevant to the implementation of article 8

Give relevant website addresses, if available:

- <https://www.frdo-cfdd.be/nl>
- <https://www.developpementdurable.be/nl/icdo>
- <http://environnement.wallonie.be/>: Site SPWARNE:
- <https://www.brupartners.brussels/fr/conseil-de-lenvironnement>

XXVIII. Legislative, regulatory and other measures implementing the provisions on access to justice in article 9

List legislative, regulatory and other measures that implement the provisions on access to justice in article 9.

Explain how each paragraph of article 9 has been implemented. Describe the transposition of the relevant definitions in article 2 and the non-discrimination requirement in article 3, paragraph 9. Also, and in particular, describe:

- (a) With respect to **paragraph 1**, measures taken to ensure that:
 - (i) Any person who considers that his or her request for information under article 4 has not been dealt with in accordance with the provisions of that article has access to a review procedure before a court of law or another independent and impartial body established by law;
 - (ii) Where there is provision for such a review by a court of law, such a person also has access to an expeditious procedure established by law that is free of charge or inexpensive for reconsideration by a public authority or review by an independent and impartial body other than a court of law;
 - (iii) Final decisions under this paragraph are binding on the public authority holding the information, and that reasons are stated in writing, at least where access to information is refused;
- (b) Measures taken to ensure that, within the framework of national legislation, members of the public concerned meeting the criteria set out in **paragraph 2** have access to a review procedure before a court of law and/or another independent and impartial body established by law, to challenge the substantive and procedural legality of any decision, act or omission subject to the provisions of article 6;
- (c) With respect to **paragraph 3**, measures taken to ensure that where they meet the criteria, if any, laid down in national law, members of the public have access to administrative or judicial procedures to challenge acts and omissions by private persons and public authorities which contravene provisions of national law relating to the environment;
- (d) With respect to **paragraph 4**, measures taken to ensure that:
 - (i) The procedures referred to in paragraphs 1, 2 and 3 provide adequate and effective remedies;
 - (ii) Such procedures otherwise meet the requirements of this paragraph;
- (e) With respect to **paragraph 5**, measures taken to ensure that information is provided to the public on access to administrative and judicial review.

Answer:

Federal authority:

a)

(i) The law of 5 August 2006 created a Federal Appeals Commission for access to environmental information. It exercises its mission independently and neutrally.

(ii) The procedure before the Federal Appeals Commission has no costs.

(iii) Since 2008, 178 appeals have been brought before the Federal Appeals Commission Court regarding potential infringements upon the right to access to environmental information. In the period between 2020 and September 2024, 55 appeals have been brought.

b)

§ unchanged in comparison with previous reporting.

c)

The new Penal Code, published on 8 April 2024 in the Moniteur Belge and which will enter into force on 8 April 2026, has introduced the crime of ecocide (article 94).

d)

The creation of the Central Register of Judicial Decisions (CeReBRO Act) on 16 October 2022 is intended to regulate the digitization and publication of judgments and contribute to a more transparent judicial system.

e)

§ unchanged in comparison with previous reporting.

Walloon Region :

(a) As regards §1: see the answer under Art. 4 (Box VII) regarding the Appeal Commission for access to information

Besides this body, the petitioner can take his claim to exercise his rights to the various courts and jurisdictions of the judicial system. The decisions of the Appeals Commission in matters of access to information relating to the environment are subject to appeal before the Council of State (appeal before an administrative court).

(b) – (e) See the federal government's report www.belgium.be concerning appeals to the Court of Arbitration and Council of State (Council of State – highest administrative authority, functions as the administrative tribunal of last resort).

Flemish Region:

(a)

The report clarifies that in addition to an appeal for annulment, an appeal for suspension can also be lodged with the Council of State against the decision of the appeal body.

(b)

Unchanged paragraphs in comparison with the previous report.

(c)

Unchanged paragraphs in comparison with the previous report.

(d)

Unchanged paragraphs in comparison with the previous report.

(e)

Unchanged paragraphs in comparison with the previous report.

XXIX. Obstacles encountered in the implementation of article 9

*Describe any **obstacles encountered** in the implementation of any of the paragraphs of article 9.*

Answer:

Federal authority:

Regarding Article 9.1, three issues should be noted:

(1) The Federal Appeals Commission for Access to Environmental Information notes that although the Act of 5 August 2006 gives it the power to access any information available to an environmental authority in order to hear an appeal, some environmental authorities oppose it. This forces the Appeals Commission to make interim decisions, which means that a decision can no longer be made within the time limits set by the law. This problem is becoming more acute.

(2) The legislature has responded to the Appeals Commission's request to better protect its members when an appeal is filed against them. The Act of 5 August 2006 was amended to this effect by the law of February 16, 2012. This should allow the Appeals Commission to function in complete independence.

(3) The appeal to the Council of State does not always produce the hoped-for results for the applicant. Indeed, the Council of State can only annul, but cannot decide on the merits of the case, so that an annulment only results in the administrative appeal procedure having to be repeated. As a result, a lot of time is lost.

Flemish Region:

Unchanged paragraph in comparison with the previous report.

XXX. Further information on the practical application of the provisions of article 9

*Provide further information on the **practical application of the provisions on access to justice pursuant to article 9**, e.g., are there any statistics available on environmental justice and are there any assistance mechanisms to remove or reduce financial and other barriers to access to justice?*

Answer:

Federal authority:

The Federal Public Service Justice draws up annual statistics of courts and tribunals, including for environmental dossiers: the number of environmental cases registered by the office of the civil court, the number of environmental cases referred to examining magistrates, and so on.

XXXI. Website addresses relevant to the implementation of article 9

Give relevant website addresses, if available:

- <https://www.just.fgov.be>

- <https://wallex.wallonie.be/fr/home/recherche.html?themes=97deb845-78b4-4719-af28-e9c97978c3de>: Décisions de la Commission de recours en matière d'accès à l'information relative à l'environnement (CRAIE)
- <https://environnement.brussels/qui-sommes-nous/acces-linformation-environnementale/acceder-la-justice-en-matiere-denvironnement>
- <https://be.brussels/a-propos-de-la-region/commission-dacces-aux-documents-administratifs>
- https://www.vlaanderen.be/publicaties?type=beslissing%20Beroepsinstantie%20Openbaarheid%20van%20Bestuur&order_publicationdate=desc
- <https://www.dbrc.be/rechtspraak>

Articles 10-22 are not for national implementation.

XXXII. General comments on the Convention's objective

If appropriate, indicate how the implementation of the Convention contributes to the protection of the right of every person of present and future generations to live in an environment adequate to his or her health and well-being.

Answer:

Federal authority:

§ unchanged in comparison with previous reporting.

XXXIII. Legislative, regulatory and other measures implementing the provisions on genetically modified organisms pursuant to article 6 bis and Annex I bis

Concerning legislative, regulatory and other measures that implement the provisions on public participation in decisions on the deliberate release into the environment and placing on the market of genetically modified organisms in article 6 bis, describe:

- (a) With respect to **paragraph 1 of article 6 bis** and:
 - (i) **Paragraph 1** of annex I bis, arrangements in the Party's regulatory framework to ensure effective information and public participation for decisions subject to the provisions of article 6 bis;
 - (ii) **Paragraph 2** of annex I bis, any exceptions provided for in the Party's regulatory framework to the public participation procedure laid down in annex I bis and the criteria for any such exception;
 - (iii) **Paragraph 3** of annex I bis, measures taken to make available to the public in an adequate, timely and effective manner a summary of the notification introduced to obtain an authorization for the deliberate release or placing on the market of such genetically modified organisms, as well as the assessment report where available;
 - (iv) **Paragraph 4** of annex I bis, measures taken to ensure that in no case the information listed in that paragraph is considered as confidential;
 - (v) **Paragraph 5** of annex I bis, measures taken to ensure the transparency of decision-making procedures and to provide access to the relevant procedural information to the public including, for example:
 - a. The nature of possible decisions;
 - b. The public authority responsible for making the decision;
 - c. Public participation arrangements laid down pursuant to paragraph 1 of annex I bis;
 - d. An indication of the public authority from which relevant information can be obtained;
 - e. An indication of the public authority to which comments can be submitted and of the time schedule for the transmittal of comments;
 - (vi) **Paragraph 6** of annex I bis, measures taken to ensure that the arrangements introduced to implement paragraph 1 of annex I bis allow the public to submit, in any appropriate manner, any comments, information, analyses or opinions that it considers relevant to the proposed deliberate release or placing on the market;
 - (vii) **Paragraph 7** of annex I bis, measures taken to ensure that due account is taken of the outcome of public participation procedures organized pursuant to paragraph 1 of annex I bis;
 - (viii) **Paragraph 8** of annex I bis, measures taken to ensure that the texts of decisions subject to the provisions on annex I bis taken by a public authority are made publicly available along with the reasons and the considerations upon which they are based;

(b) With respect to **paragraph 2 of article 6 bis**, how the requirements made in accordance with the provisions of annex I bis are complementary to and mutually supportive of the Party's national biosafety framework and consistent with the objectives of the Cartagena Protocol on Biosafety to the Convention on Biodiversity.

Answer:

Walloon Region

The Walloon Decree of 20 November 2008 assents to the Almaty amendment. For the remainder, see the Federal report.

Flemish Region:

Unchanged paragraphs in comparison with the previous report.

XXXIV. Obstacles encountered in the implementation of article 6 bis and annex I bis

*Describe any **obstacles encountered** in the implementation of any of the paragraphs of article 6 bis and annex I bis.*

Answer:

Federal authority:

The most important obstacle in the implementation of these provisions is the lack of human and financial resources in an unstable and unpredictable context.

XXXV. Further information on the practical application of the provisions of article 6 bis and annex I bis

*Provide further information on the **practical application of the provisions on public participation in decisions on the deliberate release into the environment and placing on the market of genetically modified organisms in article 6 bis**, e.g., are there any statistics or other information available on public participation in such decisions or on decisions considered under paragraph 2 of annex I bis to be exceptions to the public participation procedures in that annex?*

Answer:

XXXVI. Website addresses relevant to the implementation of article 6 bis

Give relevant website addresses, if available, including website addresses for registers of decisions and releases related to genetically modified organisms:

Answer:

- <https://wallex.wallonie.be/eli/arrete/2002/07/04/2002027814/2002/10/01?doc=4994&rev=4290-7145>
- See Federal Authority's report

XXXVII. Follow-up on issues of compliance

If, upon consideration of a report and any recommendations of the Compliance Committee, the Meeting of the Parties at its last session has decided upon measures concerning compliance by your country, please indicate (a) what were the measures; and (b) what specific actions your country has undertaken to implement the measures in order to achieve compliance with the Convention.

Please include cross-references to the respective sections, as appropriate.

Answer:



Flemish government

Department Environment

Division of Staff Services and International Operation (staff)

Sofie Thys

sofie.thys@vlaanderen.be

Brussels, 22 November 2024

Public Consultation Response on the Implementation of the Aarhus Convention in Flanders – Flemish Regional Report

Dear Sir/Madam,

Bond Beter Leefmilieu, Natuurpunt, and Dryade would like to submit the following comments and proposals regarding the implementation report of the Aarhus Convention in the Flemish Region.

The Aarhus Convention is based on three main pillars: access to environmental information, public participation in decision-making, and access to justice. In this consultation response, we will address these three pillars.

1. Transparency in Public Administration

Public Environmental Permit Portal: The Importance of an Efficient and User-Friendly System

Since the introduction of the unified environmental permit (formerly the building and environmental permit) in 2017, the Flemish government has focused on digitalizing the application and processing of permit requests. The decree also mandated the establishment of a public [Environmental Permit Portal](#), providing interested third parties with the opportunity to submit objections (during public consultations) and/or appeals (following a decision) digitally.

Bond Beter Leefmilieu Vlaanderen vzw

Tweekerkenstraat 47, B-1000 Brussel

+32 2 282 17 20 • info@bblv.be

BTW BE 0416 114 756

BANK BE34 8939 4407 4490 • BIC VDSPBE91

In addition, the platform also offered, in theory, the possibility of making documents from the applicant's file and/or decisions from the licensing authority digitally accessible to the public. However, under the guise of privacy, copyright and the lack of a decree obligation, these documents were often deliberately not uploaded. This included key reports such as environmental impact assessments, suitable assessments, and stricter nature evaluations.

As a result, many stakeholders rightfully argued that this violated transparency in public administration. In such cases, the government is required to provide the requested documents within 30 days. However, by taking up the full period to provide the documents, the timeframe for submitting objections or appeals often expired, preventing citizens from fully exercising their rights.

Moreover, the concerns raised by environmental and nature organizations were not included in the evaluation of the Environmental Permit Decree at the end of 2021. The Flemish government deliberately defined the scope of this evaluation very selectively (see [direct link](#), p. 23), focusing only on the ease and speed of granting permits—without considering whether permits were granted with greater care, whether ecological limits were better respected, or whether public participation, including the functionality of the Digital Environmental Permit Portal, was adequately addressed.

However, after persistent pressure from environmental and nature organizations, these issues were finally addressed and resolved in 2023 with the introduction of a new version of the Public Environmental Permit Portal. Nevertheless, **we wish to use this consultation to once again emphasize the importance of a well-functioning public portal.** Not only does it create a level playing field between applicants and interested

third parties, but it also serves as a compensatory measure for the fact that, since the introduction of the unified permit, the subject matter of public participation and appeals has become twice as complex, while deadlines have been shortened (e.g., the appeal period for environmental aspects has been reduced from 60 to 45 days).

Moreover, a government that presents itself as a 'civil servant' to its citizens, as stated in the coalition agreement, should ensure a user-friendly public portal—not just for permit applicants but also for interested third parties.

There is still much work to be done in this regard. The portal should allow users to search for new applications based on location and subject matter and offer an alert function that notifies third parties of new investigations or decisions. Additionally, all files and their accompanying documents (including advisory opinions) should remain publicly accessible even after the objection and appeal periods have ended, and after a final decision has been made.

Mandatory Notifications Lack Public Participation

Actions requiring only notification (instead of a full permit) do not undergo public

consultation and have no administrative appeal process ([link](#)), making them inherently without public participation or consultation. If issues arise, interested third parties have no other recourse but to immediately take the case to the Council for Permit Disputes (RvVb). However, legal action is not an easy step—it presents significant barriers such as legal fees, court costs, and procedural complexities. As a result, citizens are often discouraged from raising their concerns, ultimately undermining efforts to safeguard the planet's ecological limits. This is particularly relevant when considering the conditions that can be imposed on a permit following public consultation (first instance) or an appeal process (second instance).

Bond Beter Leefmilieu, Natuurpunt, and Dryade therefore urge that this concern be fully considered in the upcoming revision of the classification of "permit-required - notification-required - exempted actions"—a reform that was announced in the previous legislative term but has yet to be implemented.

Deficient Access to Environmental Information on Water and Fertilizer

Another pressing issue is the lack of transparency regarding key environmental data. Environmental and nature organizations frequently encounter difficulties accessing information on summary reports, actual groundwater usage, and fertilizer bank declarations from farmers.

For example:

- When applying for irrigation permits, applicants typically declare large agricultural plots to calculate the annual water quota (usually based on 1,000 m³/ha/year). However, they are not required to provide proof that they actually operate these plots. We deem a summary report listing the plots in exploitation (cadastral) to be necessary as verification. This does not imply ownership—it could also include leased land, even under seasonal leases. To ensure accuracy, a three-year history of agricultural operations, supported by submitted summary reports, would be highly useful. Groundwater extraction undeniably impacts the surrounding environment and ecosystems. Therefore, the parameters used in applications must be verifiable.
- Along the same lines, annual records of actual groundwater usage per extraction site should be made publicly accessible (e.g., via [Databank Ondergrond Vlaanderen](#)).
- The same concerns apply to fertilizer bank declarations and assigned nitrogen emission rights (NERs). The production, storage, and disposal of fertilizer significantly affect the environment and biodiversity. It is only logical that citizens and environmental organizations should have access to individual fertilizer bank reports and assigned NERs for each operation.

Enforcement data is often lacking. When third parties report potential environmental violations, they receive no confirmation or follow-up on whether any penalties were imposed

or corrective measures were taken.

A Fundamental Lack of Water Data

Even worse than restricting access to data is the failure—whether intentional or not—to collect essential information. This is particularly concerning regarding groundwater, as climate change forces Flanders to tackle both floods and droughts more than ever.

- The EU Water Framework Directive requires groundwater layers to be monitored every six years, but there is no publicly available overview of their current status. Without this critical data, even licensing authorities lack the information needed to make sound decisions, effectively failing in their duty.
- Additionally, it is not uncommon for environmental permit applications to contain incorrect information, even when compiled by certified consultancy firms. Whether intentional or not, there should be a mechanism allowing citizens to hold these firms accountable.
- Finally, Class 1 enterprises are required to monitor the quantity and quality of their groundwater usage annually. However, besides concerns about the potential bias of these self-reported studies, there is little to no oversight on whether these assessments are even conducted.

From Passive to Active Information Disclosure

Beyond merely collecting data accurately and granting passive access, the Flemish government should actively inform citizens—especially in cases directly affecting public health.

- For example, while a map of PFAS-contaminated zones exists, residents living in affected areas are often unaware of their exposure. In such cases, an active approach to information disclosure is essential.

2. Public Participation in Decision-Making

Article 6 of the Aarhus Convention mandates early public participation when all options are still open, ensuring meaningful engagement in decision-making.

a. Environmental Impact Assessment (EIA)

The implementation report refers to the Decree on General Provisions for Environmental Policy (DABM) but does not yet acknowledge the new decree of May 17, 2024, which amends the April 5, 1995 decree on environmental impact assessments (EIA). This decree, known as the ‘modernization of EIA’, is set to take effect by December 1, 2025, pending an implementing decision.

Public Participation in the Scoping Phase of Plan EIAs Becomes Optional

The new decree removes the mandatory public participation in the scoping phase of a plan EIA, making it optional (new Art. 4.4.2, §3 – DABM: *“The initiator may organize public participation in the scoping phase.”*). This is a step backward for early public involvement, as the Aarhus Compliance Committee recognizes public input during scoping as a best practice.

Public participation after the scoping phase—during the formal public inquiry into the final plan—is too late to suggest alternatives. This can cause delays, as additional alternatives might need to be analyzed afterward, requiring revisions to the EIA.

For project EIAs, public participation in scoping had already been made optional in a previous amendment. However, in the integrated RUP/EIA procedure, stakeholders can propose alternatives before the EIA investigation begins—this is the best practice we should follow.

BBL, Natuurpunt, and Dryade urge policymakers to reintroduce the option for the public to propose alternatives before an EIA is developed—both for plan EIAs and project EIAs. While this does not need to be a formal public inquiry with fixed deadlines, the option should always be available during the notification phase, which must be publicly accessible by law.

In their joint opinion, Mina/SERV assess these issues as follows:

"Pay attention to the added value of consultation at an early stage. Once the Environmental Impact Report (EIR) has been finalized, it is submitted for consultation to the public and the competent advisory bodies, as well as—where applicable—to the competent authorities of the relevant treaty party, member state, or region if the action may have significant cross-border or interregional environmental effects. This is stated in the explanatory memorandum. The councils note that the consultation focuses on the concerned public. Genuine participation in decision-making allows the public to express opinions and concerns that may be relevant to these decisions, enabling decision-makers to take them into account. This enhances accountability and transparency in decision-making and contributes to public awareness of environmental issues and support for the decisions made. The information obtained through public consultation can also be valuable in identifying and developing alternatives. However, under the draft proposal, the moment for participation is pushed further back in time, potentially making it too late to propose alternatives. The councils believe that certain knowledge is thus left unused, even though it could be valuable in the context of researching reasonable alternatives. The councils advise that, even in the case of a plan-EIR and a project-EIR, there should be an optional possibility to propose alternatives before the EIR is drawn up. This can be done informally during the notification phase."

BBL, Natuurpunt, and Dryade therefore request that the public be given the opportunity to propose alternatives during the notification phase, without this necessarily having to take place through a mandatory public inquiry.

Exclusion of Informal Associations

The term 'public' should be defined as broadly as possible to ensure the widest possible support. Environmental organizations call for further examination of the definitions of 'public' and 'the public concerned.' The definition of 'the public concerned' (Article 4.1.1, 2° of the DABM, not yet in force) is currently limited to natural persons and associations, organizations, or groups with legal personality. As a result, informal associations are no longer considered 'the public concerned' under the DABM. This raises the question of whether this is in line with the Environmental Impact Assessment (EIA) Directive and the Aarhus Convention.

Minaraad and SERV state the following in their opinion:

"Justify why informal associations should have no role in environmental impact assessments. The draft legislation aligns the definition of 'the public concerned' with that in the Environmental Permit Decree. The EIA Directive defines 'the public concerned' as: 'the public affected or likely to be affected by, or having an interest in, the environmental decision-making procedures referred to in Article 2(2).' Non-governmental organizations promoting environmental protection and meeting national legal requirements are considered to have an interest. The term 'public' is defined as: 'one or more natural or legal persons, and, in accordance with national legislation or practice, their associations, organizations, or groups.' According to the definition of 'the public concerned' in the Environmental Permit Decree, the mentioned associations, organizations, or groups must have legal personality. The same definition is now being introduced for environmental impact assessments. As a result, informal associations without legal personality are no longer recognized as 'the public concerned.' The councils acknowledge that the lack of legal personality presents challenges—an informal association can only take legal action collectively through all its members, although a representative can act on their behalf via a power of attorney. However, they believe that this change requires justification. The requirement of legal personality is not included in the definition of 'the public concerned' under the Aarhus Convention (Article 2, fifth paragraph). The Convention does allow for some flexibility for contracting states, as associations, organizations, or groups fall under the 'public concerned' insofar as this is consistent with national legislation or practice. To ensure broad public engagement in environmental assessments, it is desirable to involve the general public as much as possible."

The non-technical summary falls short

The 'non-technical summary' in many EIAs (Environmental Impact Assessments) is often still very detailed and technical. This makes the readability and comprehensibility of many EIAs difficult for an average citizen. The content of a non-technical summary could, in our opinion, be better defined in the decree or in the implementing decision, so that such a summary is truly non-technical and not overly detailed. According to BBL, Natuurpunt, and Dryade, a summary 'fact sheet' providing an overview of the relevant emissions to air, water, soil, climate impact, number of traffic movements, raw material usage, etc is necessary.

Transfer of responsibilities to local authorities

Article 4.4.7 of the new decree: the Expert Centre for EIA will eventually only provide quality advice on a project EIA and will no longer make approval or rejection decisions. Currently, Team EIA / the Flemish expert centre for EIA also takes into account the responses from the public consultation and the advice related to the EIA. In the future, this responsibility will lie with the competent authority. This means that it will be up to that authority to take into account the responses and (often very technical) advice given. We question the capacity and availability for this. If it has less expertise, doesn't this represent a step backward?

b. Environmental Decree

Environmental Decree: The "Decree on the modular environmental permitting procedure and environmental decree" of May 17, 2024 introduces the so-called environmental decree. This is a new instrument that allows changes to the designation of the regional planning or the spatial implementation plan (RUP), when applying for an environmental permit. This is done at the request of the private party applying for the permit. It is a new exception rule to allow deviation from spatial plans.

The decree also creates a distinction in how stakeholders' participation and legal protection are handled. Unlike a RUP procedure, there is no participation moment for the start note, no explanatory note, no plenary session, halved advisory periods for the Municipal Planning Commission (GECORO), and no administrative appeal to a higher authority in the case of an environmental decree.

Although a spatial plan must also be submitted with the permit application, this spatial plan is rather a simplified 'mini-RUP'. This is far removed from the spatial implementation plans we know today. For instance, a RUP that is part of an environmental decree does not have to include an explanatory note. Therefore, no clear justification will be provided. There is also no start note, no consultation process, no EIA, and no mandatory preparation by a registered spatial planner. A 'simple' graphic plan suffices. Moreover, this mini-RUP can also deviate from a Spatial Planning Policy Plan and does not have to take into account a municipal structural plan.

The projects for an environmental decree will, moreover, be controversial projects. For instance: a zone-exceeding enterprise wishing to expand, a new apartment complex in a village centre, etc. Such projects would greatly benefit from being well integrated into their surroundings. This will not be achieved with just a deviation permit. A participatory process to create a widely accepted spatial plan is therefore essential. The result will be more robust and legally certain with a spatial plan than with a permit.

As mentioned, a spatial implementation plan in an environmental decree does not have to originate from a start note, as is the case in a regular RUP. There is therefore no preliminary process for allowing public participation. As a result, the most important part of the participation process is eliminated. During the start note phase, only the broad outlines are

defined, and a genuine public debate is possible. Now it is replaced by a formal public consultation during the permit application process, where only formal legal objections can be made, and lawyers are involved, eliminating any possibility for public debate. And this for projects that will always be sensitive: densification projects in the center and zone-exceeding companies or zone-exceeding infrastructure in open spaces.

This decree is also a step backward in terms of appeal possibilities. It is, after all, not possible to appeal an environmental decree to a higher authority. In the case of an environmental permit, this is possible. Against an environmental decree, only a procedure at the Council for Permit Disputes is possible.

Again, the political motivation is 'speed'. There are too many appeals, and it takes too long. But since you can no longer ask for a second review from a higher authority, as is the case with most permits, more procedures will be initiated at the Council for Permit Disputes. The buffer of an appeal to a higher authority is removed. In the end, the real delays are at the Council for Permit Disputes. Therefore, there is a good chance that the environmental decree will lead to the opposite result from what it was intended for. Instead of faster procedures, it is highly likely that it will cause more delays.

3. Access to the courts

Contrary to the framing: legal procedures are the exception

The Flemish Government has shown a deeply rooted mistrust towards concerned citizens over the past decade. This is also evident from the recent coalition agreement and the policy note on the environment (2024-2029), which presents a distinctly negative image of the citizen, as though every permit is being contested and access to the courts is being abused. This narrative is eagerly adopted by the media but does not align with the reality.

Figures from the Flemish Ombudsman ([direct link](#)) show that 80,000 permits are issued annually in Flanders. Only 3,000 of these (a mere 3.75%) are subject to administrative appeal. These appeals are not all initiated by concerned citizens. They also include appeals by applicants themselves (in response to a refusal or imposed conditions), as well as by higher authorities, for example, when they believe a lower-level government has made an unreasonable decision. For instance, a permit in a flood zone. Only 1% is contested in court, a tiny fraction. In as many as 60% of these cases, the court rules that the permit was illegal and that the applicant (often a citizen) was right. Sometimes, even well-founded cases, such as social housing or town centre reinforcement, stumble due to overly complex regulations—this cannot be denied. However, the legislator can solve this with better rules, not by denying citizens access to the courts.

Yet, it is this very path that the Flemish government has pursued for three consecutive terms. Subsequent requests for annulment by the environmental and nature movements have shown that restricting access to the courts is contrary to the Constitution / Aarhus Convention. A brief overview:

- Government term 2014-2019

As part of the so-called 'codex train', the previous Flemish government (and parliament) first attempted to limit access to the courts with the claim 'failure to file an objection means no right to appeal' (see [procedure history](#) of decree amendment).

At the request of the environmental and nature movements, the Constitutional Court reviewed the case and concluded that the condition was unconstitutional, thereby annulling the provision ([ruling of March 14, 2019](#)).

- Government term 2019-2024

In the context of a so-called 'optimization decree', the subsequent Flemish government (and parliament) once again attempted to limit access to the courts with the 'relativity requirement' and 'duty of care' (see [procedure history](#) of decree amendment).

At the request of the environmental and nature movements, the Constitutional Court again reviewed the case and concluded that these requirements violated 'the right to access to the courts' and 'the right to protection of a healthy environment', thereby annulling the contested provisions ([ruling](#) and [press release](#) of April 11, 2023).

- Government term 2024-2029

Despite these two clear rulings, the new Flemish government now plans to limit or restrict access to the courts for a third consecutive term.

In the coalition agreement ([direct link](#)), this is stated as follows:

- (p. 5) "Legally secure government decisions are a horizontal objective across all areas of responsibility. Together with experts and civil society, we will review the permitting policy to remove barriers. By introducing the principle of agents of change, we will limit the avalanche of objections against existing activities." (p. 5)
- (p. 82) "Legally secure, robust permits are a priority. Therefore, the Flemish Government will appoint a mixed commission with experts, government, academia, and legal experts (Council for Permit Disputes and Council of State), which will provide advice within one year of the start of this legislature, with concrete measures for the development of an action program by the Flemish Government. In preparing this opinion, there will also be a consultation round by this committee with the broad civil society.

The action program will focus on:

- faster court rulings for important societal and strategic projects
- technical expertise to support the courts and emphasize the special evidentiary value of scientific research
- how to achieve more constructive and meaningful, solution-oriented public

- participation
- contestability of the content of a favorably advised suitable assessment and environmental impact report
- defining marginal review standards and examining how the judge can give more weight to the general societal interest in his rulings
- exploring possibilities to introduce the concept of 'integrated societal approach'
- defining demonstrated interest and preventing abuse of procedures and access to the courts

Notably, there is no reference to the Aarhus Convention in this list.

The Environmental Policy Note ([direct link](#)) reiterates these controversial ambitions.

If the Flemish government (and Parliament) persists, the environmental and nature movements will again be forced to consider legal action. This does not help anyone progress.

Proper recognition and support for associations pursuing legal actions

Article 3, 4 (c) of the Aarhus Convention states that measures must be taken to ensure appropriate recognition of and support for associations, organizations, or groups that promote environmental protection.

The Flemish implementation report refers, among other things, to the Decree of April 26, 2024, to support environmental associations and projects (Belgian Official Journal, June 19, 2024) and the related Decree of the Flemish Government of June 7, 2024, for the recognition and subsidization of environmental associations (Belgian Official Journal, August 21, 2024).

However, it should be noted that the note to the Flemish Government with the aforementioned Decree of April 26, 2024, includes the following provision:

"[Funds] may not be used for legal costs, including attorney fees, for initiating procedures against the Flemish Region."

This provision is also included in Article 18 of the explanatory memorandum for this decree. The question arises as to whether this provision aligns with the Aarhus Convention.

Moreover, in January 2024, the Flemish Minister of Environment withdrew Dryade's start-up subsidy under the previous decree supporting environmental associations and projects. This decision was essentially based on the fact that Dryade uses "a legal, reactive toolset". This premise runs through the entire decision, where Dryade was also accused of acting on behalf of other environmental organizations and providing them with legal assistance, thus acting conflictually.

On October 17, 2024, the Council of State annulled the Minister's decision due to exceeding authority ([ruling no. 261.073](#)). The Minister was not authorized to review and withdraw the decision of her administration. In this procedure, it was also argued that this represented a

limitation on the right of access to the courts (Article 9 of the Aarhus Convention) and retaliation for the exercise of the right to access the courts in environmental matters (Articles 3.4 and 3.8 of the Aarhus Convention). The Council of State did not comment on this issue, as it had already annulled the decision on other grounds.

Conclusion

Rather than stigmatising citizens and NGOs, embrace them

Reiterating that barely 1% of all permit applications lead to a lawsuit, BBL, Natuurpunt and Dryade ask in conclusion that the Flemish government and parliament safeguard the existing access to justice, but above all embrace and seize participation in order to arrive at broadly supported solutions in spacial and environmental affairs.

'Only once principle' for permit applications

Instead of putting a stop to what the new Flemish government refers to as an avalanche of appeals, the government should rather put a stop to the practice whereby permit applicants, in the event of a refusal (or annulment) of a specific project at a specific location, repeatedly submit new, almost unchanged applications with the same object at the same location. The same applies to governments when the courts have annulled an earlier, almost identical permit on substantive grounds.

According to the 'only-once principle', interested citizens cannot and should not be expected to have to file the same objection or appeal over and over again, or to go to court and incur the accompanying costs again and again.

We trust that the arguments in this public participation response will be assessed on their merits and taken into account in further decision-making.

Sincerely,



Danny Jacobs,

Director Bond Beter Leefmilieu Vlaanderen vzw

Also on behalf of Natuurpunt vzw en vzw Dryade