

Article 14 Impact assessment and minimizing adverse impacts

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| 194. What is the relative priority afforded to implementation of this Article and the associated decisions by your country? | | | | | |
| a) High | | b) Medium | X | c) Low | |
| 195. To what extent are the resources available adequate for meeting the obligations and recommendations made? | | | | | |
| a) Good | | b) Adequate | | c) Limiting | X |
| d) Severely limiting | | | | | |
| Further comments on relative priority and on availability of resources | | | | | |
| <p>Flanders - The procedures for EIA include provision for assessment of the impact on environmental aspects, fauna and flora, as well as development of mitigating and compensatory measures.</p> <p>In the Walloon Region, the decree on EIA of 11.09.1985 will soon be replaced by the entering into force of the decree on environmental permits (11.03.1999). Article 6, paragraphs 3 and 4 of the Habitat Directive, imposing an impact assessment for projects involving habitats and species targeted by this directive, will soon be transposed in legislation within the Walloon Region. For the Brussels Capital Region, the Habitat Directive, and thus also the paragraphs mentioned above, were transposed in the resolution of 26.10.2000.</p> <p>There are no specific budgets for the protection of marine biodiversity as such, but the research budgets currently allocated at federal level for marine research and the promotion of the initiatives taken in the framework of the Convention seem to be adequate.</p> | | | | | |

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| 196. Is legislation in place requiring an environmental impact assessment of proposed projects likely to have adverse effects on biological diversity (14 (1a))? | |
| a) no | |
| b) early stages of development | |
| c) advanced stages of development | |
| d) legislation in place | X |
| e) review of implementation available | |
| 197. Do such environmental impact assessment procedures allow for public participation (14(1a))? | |
| a) no | |
| b) yes - limited extent | X |
| c) yes - significant extent | |
| 198. Does your country have mechanisms in place to ensure that the environmental consequences of national programmes and policies that are likely to have significant adverse impacts on biological diversity are duly taken into account (14(1b))? | |
| a) no | |
| b) early stages of development | X |
| c) advanced stages of development | Wa. |
| d) fully compliant with current scientific knowledge | |

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| 199. Is your country involved in bilateral, regional and/or multilateral discussion on activities likely to significantly affect biological diversity outside your country's jurisdiction (14(1c))? | |
| a) no | |
| b) yes - limited extent | Fl. |
| c) yes - significant extent | Wa. |
| 200. Is your country implementing bilateral, regional and/or multilateral agreements on activities likely to significantly affect biological diversity outside your country's jurisdiction (14(1c))? | |
| a) no | |
| b) no, assessment of options in progress | |
| c) some completed, others in progress | X |
| b) yes | |
| 201. Has your country mechanisms in place to notify other States of cases of imminent or grave danger or damage to biological diversity originating in your country and potentially affecting those States (14(1d))? | |
| a) no | |
| b) early stages of development | |
| c) advanced stages of development | |
| d) mechanisms in place | X |
| e) no need identified | |
| 202. Has your country mechanisms in place to prevent or minimize danger or damage originating in your State to biological diversity in other States or in areas beyond the limits of national jurisdiction (14(1d))? | |
| a) no | |
| b) early stages of development | |
| c) advanced stages of development | |
| d) fully compliant with current scientific knowledge | X |
| e) no need identified | |
| 203. Has your country national mechanisms in place for emergency response to activities or events which present a grave and imminent danger to biological diversity (14(1e))? | |
| a) no | |
| b) early stages of development | |
| c) advanced stages of development | |
| d) mechanisms in place | X |
| 204. Has your country encouraged international co-operation to establish joint contingency plans for emergency responses to activities or events which present a grave and imminent danger to biological diversity (14(1e))? | |
| a) no | X |
| b) yes | |
| c) no need identified | |

Decision IV/10. Measures for implementing the Convention [part]

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| 205. Has your country exchanged with other Contracting Parties information and experience relating to environmental impact assessment and resulting mitigating measures and incentive schemes? | |
| a) no | |
| b) information provided to the Secretariat | |
| c) information provided to other Parties | X |
| d) information provided on the national CHM | |
| 206. Has your country exchanged with other Contracting Parties information on measures and agreements on liability and redress applicable to damage to biological diversity? | |
| a) no | |
| b) information provided to the Secretariat | X |
| c) information provided to other Parties | X |
| d) information provided on the national CHM | |

Decision V/18. Impact assessment, liability and redress

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| 207. Has your country integrated environmental impact assessment into programmes on thematic areas and on alien species and tourism? | |
| a) no | |
| b) partly integrated | X |
| c) fully integrated | |
| 208. When carrying out environmental impact assessments does your country address loss of biological diversity and the interrelated socio-economic, cultural and human-health aspects relevant to biological diversity? | |
| a) no | |
| b) partly | X |
| c) fully | |
| 209. When developing new legislative and regulatory frameworks, does your country have in place mechanisms to ensure the consideration of biological diversity concerns from the early stages of the drafting process? | |
| a) no | |
| b) in some circumstances | X |
| c) in all circumstances | |
| 210. Does your country ensure the involvement of all interested and affected stakeholders in a participatory approach to all stages of the assessment process? | |
| a) no | X |
| b) yes - in certain circumstances | |
| c) yes - in all cases | Wa. |

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| 211. Has your country organised expert meetings, workshops and seminars, and/or training, educational and public awareness programmes and exchange programmes in order to promote the development of local expertise in methodologies, techniques and procedures for impact assessment? | |
| a) no | X |
| b) some programmes in place | Wa. |
| c) many programmes in place | |
| d) integrated approach to building expertise | |
| 212. Has your country carried out pilot environmental impact assessment projects, in order to promote the development of local expertise in methodologies, techniques and procedures? | |
| a) no | X |
| b) yes (please provide further details) | |
| 213. Does your country use strategic environmental assessments to assess not only the impact of individual projects, but also their cumulative and global effects, and ensure the results are applied in the decision making and planning processes? | |
| a) no | X |
| b) to a limited extent | |
| c) to a significant extent | |
| 214. Does your country require the inclusion of development of alternatives, mitigation measures and consideration of the elaboration of compensation measures in environmental impact assessment? | |
| a) no | |
| b) to a limited extent | X |
| c) to a significant extent | X |
| 215. Is national information available on the practices, systems, mechanisms and experiences in the area of strategic environmental assessment and impact assessment? | |
| a) no | X |
| b) yes (please append or summarise) | |

Further comments on implementation of this Article

(196) The general principles described in chapter 2 of the Belgian law of 20 January 1999 on the protection of the marine environment in the areas under Belgian jurisdiction: the principle of preventive action, the precautionary principle, the principle of sustainable management, the polluter pays principle and the restoration principle. The primary purpose of the law is the conservation of the specific character, biodiversity and pristine nature of the marine environment through protection and restoration measures. The royal decree of 20 December 2000 related to the law on the protection of the marine areas under Belgian jurisdiction (MMM law) imposes a procedure of environmental impact assessment.

(201) Such a mechanism is foreseen in the royal decree of 20 December 2000 in relation to marine areas (for more information, see note in relation to question 196).

(213) Flanders - The use of strategic environmental assessments to assess not

only the impact of individual projects, but also their cumulative and global effects, is under development.

(213) A first step towards strategic environmental assessments in relation to the marine environment can be found in Article 28, §4 of the law on the protection of the marine environment mentioning the development of an integrated environmental impact assessment for all similar activities.

(214 c) Development of alternatives required by the royal decree of 20 December 2000 in relation to marine areas (for more information, see comment above in relation to question 196).