

Article 8 In situ conservation [excluding Articles 8h and 8j]

70. What is the relative priority afforded to implementation of this Article and the associated decisions by your country?						
a) High	Fl.	b) Medium	Wa.	c) Low	Br.	
71. To what extent are the resources available adequate for meeting the obligations and recommendations made?						
a) Good		b) Adequate	X	c) Limiting	d) Severely limiting	Br.
Further comments on relative priority and on availability of resources						

72. Has your country established a system of protected areas which aims to conserve biological diversity (8a)?	
a) system under development	Marine
b) national review of protected areas coverage available	X
c) national protected area systems plan in place	
d) relatively complete system in place	X
73. Are there nationally adopted guidelines for the selection, establishment and management of protected areas (8b)?	
a) no	
b) no, under development	
c) yes	X
d) yes, undergoing review and extension	
74. Does your country regulate or manage biological resources important for the conservation of biological diversity with a view to ensuring their conservation and sustainable use (8c)?	
a) no	
b) early stages of development	
c) advanced stages of development	X
d) programme or policy in place	X
e) reports on implementation available	X
75. Has your country undertaken measures that promote the protection of ecosystems, natural habitats and the maintenance of viable populations of species in natural surroundings (8d)?	
a) no measures	
b) some measures in place	Wa. / Br.
c) potential measures under review	Wa.
d) reasonably comprehensive measures in place	Fl.
76. Has your country undertaken measures that promote environmentally sound and sustainable development in areas adjacent to protected areas (8e)?	

a) no measures	
b) some measures in place	Wa.
c) potential measures under review	Wa.
d) reasonably comprehensive measures in place	Fl.
77. Has your country undertaken measures to rehabilitate and restore degraded ecosystems (8f)?	
a) no measures	
b) some measures in place	X
c) potential measures under review	X
d) comprehensive measures in place	
78. Has your country undertaken measures to promote the recovery of threatened species (8f)?	
a) no measures	
b) some measures in place	X
c) potential measures under review	X
d) comprehensive measures in place	
79. Has your country undertaken measures to regulate, manage or control the risks associated with the use and release of living modified organisms resulting from biotechnology (8g)?	
a) no measures	
b) some measures in place	X
c) potential measures under review	X
d) comprehensive measures in place	
80. Has your country made attempts to provide the conditions needed for compatibility between present uses and the conservation of biological diversity and sustainable use of its components (8i)?	
a) no	
b) early stages of development	Wa. / Br.
c) advanced stages of development	
d) programme or policy in place	Fl.
e) reports on implementation available	
81. Has your country made attempts to provide the conditions needed for compatibility between present uses and the conservation of biological diversity and sustainable use of its components (8i)?	
a) no	
b) early stages of development	Marine
c) advanced stages of development	
d) legislation or other measures in place	X
82. Does your country regulate or manage processes and categories of activities identified under Article 7 as having significant adverse effects on biological diversity (8l)?	
a) no	

b) under review	
c) yes, to a limited extent	X
d) yes, to a significant extent	
If a developed country Party -	
83. Does your country co-operate in providing financial and other support for <i>in situ</i> conservation particularly to developing countries (8m)?	
If a developing country Party or Party with economy in transition -	
84. Does your country receive financial and other support for <i>in situ</i> conservation (8m)?	
a) no	
b) yes (if so, please give details below)	X

Decision II/7 Consideration of Articles 6 and 8 of the Convention

85. Is action being taken to share information and experience on implementation of this Article with other Contracting Parties?	
a) little or no action	
b) sharing of written materials and/or case-studies	X
c) regional meetings	X

Further comments on implementation of this Article

<p>(72) Wallonia - At first, the Walloon Region focused on <i>in situ</i> conservation through protected areas. Nowadays, through the application of the EU Habitats and Birds Directives, the Region is also contributing to the building of the European Natura 2000 network, focusing on biodiversity protection and sustainable use outside protected areas (See also Annex 8.1. for more information about nature conservation in the Walloon Region).</p> <p>The protection of habitats is ensured through several statuses:</p> <ul style="list-style-type: none"> - the government nature reserve: this is a protected area, laid out on lands belonging to the Walloon Region, leased by the Region or made available to it for that purpose. As of 1 June 2001, there were 90 government nature reserves, including underground cavities (caves, quarries, cellars). The 53 government nature reserves above ground totalise 6,400 ha. - the chartered nature reserve: this is a protected area, managed by a natural or artificial person other than the Region and recognised by the Ministry, at the request of the owner of the lands and with the agreement of the occupier. The status of these sites is strengthened and subsidies are granted for the purchase and the management of lands. On 1 June 2001, there were 103 chartered nature reserves for a total of 1,308 ha. - the forest reserve: this is a forest or a part of a forest, protected with the aim of safeguarding characteristic or remarkable sites of plantations of indigenous species and protecting the integrity of the surrounding soil and environment. On 1 June 2001, there were 10 forest reserves totalling 312 ha. - the wet area of biological interest: this status allows the protection of wet areas. As of 1 June 2001, there were 30 recognised wet areas of biological interest, totalling 957 ha. - the underground cavity of scientific interest: this status allows underground cavities of scientific (biological, geological, petrographical, mineralogical or prehistoric) interest to be protected. On 1 June 2001, there were 30 recognised sites.
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- the Special Protection Area (SPAs) / Natura 2000 network: in pursuance of the directive 97/43/EC concerning the conservation of wild birds, special protection areas were named by the Walloon Regional Executive. These are rather vast framework-perimeters in which the habitats that must be the subject of special protection and the most sensitive areas (core areas) are determined. As of 1 June 2001, these core areas represented 6,850 ha. Those areas are part of the Natura 2000 network.

- the Special Areas of Conservation (SACs) / Natura 2000 network: in pursuance of the directive 92/43/EEC concerning the conservation of natural habitats as well as wild fauna and flora, the Walloon Region has officially designated 22,000 ha and the Government will approve 33,000 additional hectares very soon, which will be integrated into the European network.

As far as protection of species is concerned, a large number are legally protected, either totally (protection decrees) or by regulations on specimens (laws on hunting, fishing) (see questions 81-82). Legal protection however is not sufficient to safeguard the species for which the main problem is the disappearance of habitats. This explains why the measures taken are increasingly tending towards the protection of habitats.

(72) Flanders - The number of nature reserves is relatively high (743) but the total surface of the nature reserves is relatively low (21,273 ha). During the period 1998-2000, the number of nature reserves increased from 604 to 743 while the total surface increased from 15,155 ha to 21,273 ha. 21,273 ha represents 1.6% of the total surface of Flanders. The Nature Management Plan 1997-2001 wants to increase this figure up to 3.7% of the total Flemish surface. 9,978 ha is managed by the Flemish Government while NGOs are managing 11,156 ha (NARA-2).

3,000 ha of forest reserve are planned. Both managed and unmanaged surfaces are present or foreseen, with a majority of unmanaged ones (see Annex 8.2.).

Besides the sites mentioned above, about 10,000 ha of the military areas are also being managed by the Direction for Nature.

As of October 2001, Flanders' contribution to the Natura 2000 network includes 23 Special Protection Areas under the Birds Directive (about 97,580 ha) and 38 Special Areas of Conservation under the Habitats Directive (about 102,000 ha).

(72) Brussels Capital Region - Under the Nature Conservation Act (1973), a number of biologically valuable areas received the status of nature reserve, providing an optimum management according to biological diversity. It concerns mostly a few forest areas and a diverse relic farming area with forest and marsh. Areas which are not the property of the Region qualify for the status of recognised nature reserve. So far however, due to the high cost price of land, there is not a single application for the recognition of a private area as nature reserve.

As of 2001, the Brussels Capital Region has designed 11% of its territory as Natura 2000 areas. Although the Habitat-directive criteria are not adapted to the urban situation, an effort was made to incorporate key areas in the network, notably the Brussels Forest of Soignes and three complexes of valley and forest zones.

(72 a) The establishment of marine protected areas is foreseen in the law on the marine environment (so-called MMM law). Royal decree in preparation.

(73-75) Flanders - Overall indications for the selection, establishment and management of protected areas are given in the Nature Conservation Decree (1997). Management plans are being developed for the sites that are under

ownership of the Flemish Regional government or local authorities. The application to receive the status of protected area for a site under private ownership requires a management plan for the area. Nature conservation organisations can receive financial support for the acquisition of sites, the management activities and the monitoring of species and management actions. Specific criteria have been developed for the level of subsidies related to the type of habitats and to the expected outcomes of the proposed management practices.

The basis of the regulation on protection and sustainable use is provided by the legal framework related to the different area categories of the ecological network that is being developed: areas with priority for nature conservation (= large units of natural areas + large units of nature in development), areas where nature receives specific attention besides other functions (= interweaving and connecting areas). Site-specific nature orientation plans that describe the overall goals and indicate the required regulations and instruments for a particular site, are being developed.

(74) An informal project aims at the development of an *in situ* standard tree orchard network as safe duplication methodology for an *ex situ* collection of fruit tree landraces. Two regional projects (one in Wallonia and one in Flanders) have as objective to make an inventory of wild species of *Malus*, *Pyrus*, *Cornus*, *Mespilus*, *Ligustrum*, *Ribes*, etc., for a better management of the *in situ* conservation measures for these species.

(74-75, 81-82) Flanders - Hunting is only possible in well-defined hunting regions and on well-defined animal species, viz.

- Big game: *Cervus elaphus*, *Capreolus capreolus*, *Dama dama*, *Ovis musimon*, *Sus scrofa*;

- Small game: *Lepus europaeus*, *Phasianus colchicus*, *Lyrurus tetrix*, *perdix perdix*;

- Waterfowl: *Anas platyrhynchos*, *Anas strepera*, *Anas clypeata*, *Aythya fuligula*, *Aythya ferina*, *Anas acuta*, *Anas crecca*, *Anas penelope*, *Anser anser*, *Anser fabalis*, *Gallinago gallinago*, *Fulica atra*, *Aythya marila*, *Anser albifrons*, *Anser brachyrhynchus*, *Branta canadensis*, *Gallinula chloropus*, *Vanellus vanellus*, *Anas querquedula*, *Lymnocyptes minimus*, *Pluvialis apricaria*;

- Other game: *Columba palumbus*, *Oryctolagus cuniculus*, *Vulpes vulpes*, *Felis catus*, *Putorius putorius*, *Mustela erminea*, *Mustela nivalis*, *Martes martes*, *Martes foina*.

Only the underlined 'game species', can really be hunted for (cf. periodical opening Decision - 1998-2003). All other species do not belong to the hunting game and can not be hunted for. The hunting regions, the means to hunt and the transport and trade in game are also strictly regulated. For big game, a yearly shooting plan has to be submitted per hunting region or administrative unit, which mentions the quantity of game that can be shot that year. Feral cats can be hunted for the whole year in behalf of nature conservation. Furthermore, it is prohibited to release foxes, rabbits and other wild animals into the wild in Flanders. For pheasants there is an exception: under certain conditions the release of one pheasant per hectare is permitted.

Separate hunting regions can voluntary be put together to larger administrative units in behalf of the game management, the nature conservation and the improved supervision. Projects on nature and game management in acknowledged game management units are stimulated and financially supported by the government. These projects have to implement a game management plan and contribute to the region and specific nature conservation.

In regions appointed as sensitive natural habitats (Wild Birds Directive, Ramsar), extra limitations are imposed to the hunt, such as e.g. for the use of lead shot, the permitted hunting period or hunting can be completely

forbidden.

For manipulation, use for scientific or education purposes or for crop protection reasons of species that are protected by law (such as amphibians, bats, birds, etc.), a specific derogation has to be requested. Reporting of derogations for bird species is being done every year under the EU-Birds Directive, for other species on the Annexes of the Habitats Directive every three years.

(74-75, 81-82) Wallonia - The following legislation is in place in Wallonia:

- Flora: AR 16.02.1976. Protects some wild plant species, including orchids.
- Molluscs: AERW 21.02.1984. Capture of *Helix pomatia* and *Helix aspersa* is restricted from 1 August to 30 September.
- Crustaceans: AERW 29.04.1987 confirmed by AERW 4.03.1993 and AERW 19.02.1998 forbids to fish the red-footed crayfish till 31.12.2002.
- Insects: AERW 9.07.1987 protects 50 species, mainly Lepidoptera and Coleoptera.
- Fish: AERW 19.03.1992 reinforces protection of species. Fishing of the following species is forbidden : *Rhodeus sericeus amarus*, *Acipenser sturio*, *Platichthys flesus*, *Lampetra fluviatilis*, *Petromyzon marinus*, *Misgurnus fossilis*, *Cobitis taenia*, *Lota lota*, *Salmo trutta trutta*, *Salmo salar*.
- Reptiles and amphibians: AERW 30.03.1983, modified by AERW 7.02.1984, protects all indigenous amphibian and reptile species, except for the common green and brown frogs (*Rana esculenta complex*, *Rana temporaria temporaria*) that can be hunted by special permit.
- Birds: AR 20.07.1972 protects most indigenous species, except for game species and huntable species. Legislation for those species has evolved over time.
- Mammals: AERW 30.03.1983 protects a number of wild vertebrate species in Wallonia, except for game species and very common species (such as moles, mice, rats, etc.). AERW 13.08.1992 gives protection status to the otter, the badger, the wild cat and the red squirrel by removing them from the list of huntable species.
- Introduced species: AERW 29.11.1990 aims to prevent the release of non-indigenous animal species in the wild. This legislation can only become effective after its legal publication with an indigenous species list.
- Some species are protected under the Bern Convention, which came into force in Belgium on 1.12.1990.

(77) Examples are nature rehabilitation and development projects.

(78) Flanders - A species management plan has been developed for the following species or species groups: bats, meadow birds, partridge, stork, various owl species, various fresh water fish species, various plant species.

(79) Since 1993, Belgium has implemented measures to regulate, manage or control the risks associated with the use and release of living modified organisms resulting from biotechnology (also called GMOs - genetically modified organisms). These measures are generally based on the implementation of Directives, Decisions, Regulations and Guidelines adopted at the European Union (EU) level. The main relevant EU legislation are: Directive 90/219/EEC on the contained use of genetically modified micro-organisms (as amended by Directive 98/81/EC), Directive 90/220/EEC on the deliberate release into the environment of genetically modified organisms (as recently revised and repealed by Directive 2001/18/EC), Regulation (EC) No 258/97 on Novel Foods, and Regulations (EC) No 1139/98 and No 49/2000 on labelling of food products produced from genetically modified Soybean and Maize.

Belgium has managed an harmonised implementation of EU legislation in its federal and regional legal frameworks. The decisions of authorisation coming from different administrative bodies representing different institutional levels are co-ordinated through a single common science-based biosafety advisory system. In such a system, all regulatory-related aspects of the uses of GMOs are assessed altogether in a co-ordinated way, inside the same procedures, independently of the specific regulation(s) that are involved. The biological safety is assessed on a case by case basis taking the precautionary and the familiarity principles as priorities. This advisory system, established according to the 'Co-operation Agreement of 25 April 1997 between the Federal State and the Regions on the administrative and scientific co-ordination concerning Biosafety' consists of two bodies: the Biosafety Advisory Council and the Service of Biosafety and Biotechnology (SBB).

The recent revision of EU Directives 90/219/EEC and 90/220/EEC will lead in the next few months to an adaptation of the federal and regional regulatory frameworks related to biosafety. This updating will also allow our country to integrate the appropriate legal and administrative measures to implement its obligations under the Cartagena Protocol on Biosafety. Belgium has signed the Protocol on 24 May 2000 and ratification is in progress.

Belgium is also actively participating in the development of scientific methods and regulatory measures to guarantee the unequivocal identification, detection and traceability of GMOs, as well as in the development of technical and administrative measures ensuring public information and participation concerning the use and release of genetically modified organisms.

(80) Flanders - Area-specific regulations under the Manure Action Programme. Actions under the Rural Development Programme.

(81 b) Protection status is foreseen in the law on the marine environment (so-called MMM law). Royal decree in preparation.

(82) Sand and gravel extraction, dredging and dumping of dredge spoil are subject to licences. The areas where these activities take place are intensely monitored. The royal decree of 20 December 2000 (Official Journal of 25 January 2001) establishing the rules related to the environmental impact assessment in pursuance of the law of 20/01/1999 for the protection of the marine areas under Belgian jurisdiction (MMM law), imposes a procedure of environmental impact assessment for a number of activities with an impact to the marine environment (civil engineering, activities changing the water depth, deposition of wrecks, etc.).

(83) Under the GEF Pilot Phase, Belgium has co-financed a project called 'Gestion participative des Ressources naturelles et de la Faune' in Burkina Faso/Côte d'Ivoire on participatory management of natural resources.

In 2001, the Directorate-General for International Co-operation provided funding for *in situ* biodiversity conservation in the D.R. Congo.