

Third National Report of Belgium to the Convention on Biological Diversity

C. ARTICLES OF THE CONVENTION

Article 8 - *In-situ* conservation

[excluding paragraphs (a) to (e), (h) and (j)]

33. On Article 8(i), has your country endeavored to provide the conditions needed for compatibility between present uses and the conservation of biological diversity and sustainable use of its components?

a) No	
b) No, but potential measures are being identified	
c) Yes, some measures undertaken (please provide details below)	X
d) Yes, comprehensive measures undertaken (please provide details below)	X

Further comments on the measures taken to provide the conditions needed for compatibility between present uses and the conservation of biological diversity and sustainable use of its components.

c) **Walloon & Brussels Capital Regions:** fragile habitat types such as wet vegetation habitats, dunes, heaths, forests and alike are protected by law. A specific permit is needed if someone wants to change the vegetation of these habitats and compensation measures are foreseen. Enforcement should however be enhanced for a proper implementation.

North Sea: protection status is foreseen in the law on the marine environment (so-called MMM law - 1999). A Royal Decree is related to the protection of species in marine waters (21.12.2001, Official Journal of 14.02.2002), another Royal Decree on marine protected areas is being finalised.

d) **Flemish Region:** comprehensive measures are undertaken here such as area-specific regulations under the Manure Action Programme as well as actions under the Rural Development Programme, under the Integrated Water Policy and under the EIA regulations. With the following sectors or key stakeholders specific agreements for cooperation for nature conservation have been or are being developed: energy sector, defence and military areas, tourism and recreation, sports, youth, drinking water companies, wind mill companies, infrastructure and railways, water courses and roads departments, agriculture, forestry, inland fisheries, etc.

34. On Article 8(k), has your country developed or maintained the necessary legislation and/or other regulatory provisions for the protection of threatened species and populations?

a) No	
b) No, but legislation is being developed	
c) Yes, legislation or other measures are in place (please provide details below)	X

Further information on the legislation and/or regulations for the protection of threatened species and populations.

Walloon Region: the Decree on the conservation of Natura 2000 sites as well as the wild fauna and flora of 06.12.2001, amending the law on the conservation of nature of 12.07.1973, entered into force on 22.01.2002. Furthermore, the designation of Natura 2000 sites for the protection of priority species and habitats in the framework of the Birds and Habitats Directives covers 220 940 ha and 240 sites.

Brussels Capital Region: there is a specific legislation transposing the Habitats Directive (26.10.2000) and providing special protection to threatened species and populations of habitats mentioned in the Directive.

Flemish Region:

Royal Decree of 16.02.1976 on the protection of some species of native plants. This decision contains three annexes: species in annex A have full protection, except in gardens, parks and agricultural land; species in annex B have protection for their underground parts and species in annex C can not be plucked or harvested for commercial or industrial activities. Exceptions to this Decree can be granted for scientific motives as well as for health purposes.

Royal Decree of 22.09.1980 on the protection of native wild animals that are not included in the legislation on hunting, inland fisheries and bird protection. Species mentioned in the annex to this Decree are fully protected. This protection is aimed directly at the animals and indirectly at their sites and shelters. Exceptions can be granted for purposes with a clear scientific or educational character.

Royal Decree of 09.09.1981 on the protection of birds in the Flemish Region. This Decree offers protection for all bird species occurring in the member states of the European Union, except for species that are included in the legislation on hunting. Six other species, mentioned in the Decree, have only partial protection since they can be controled for a limited number of reasons.

The protection of all other species is limited by specific rules on birds that were born in captivity. The legislation contains a set of conditions under which captive birds have to be marked and registered to be kept legally. Wild specimens of these other species have full protection, although some exceptions exist. These exceptions can be based on reasons of:

- public health and public safety;
- air traffic safety;
- prevention of important damage to crops, cattle, forests, fisheries and surface waters;
- protection of fauna and flora;
- science and education.

Decision of the Flemish Government of 20.05.1992 on the execution of the Law of 01.07.1954 on river fisheries. This Decision contains rules on the protection of fresh water fish, including the strict protection of a number of species.

Decision of the Flemish Government of 21.04.1993 on the introduction into the wild of non-native animal species. This Decision prohibits the introduction of non-native animal species into the wild, unless a special permit is granted.

Decree of 21.10.1997 on nature conservation (Nature Conservation Decree). The decree has a large chapter on site protection (articles 17-50), which indirectly supports the protection of (threatened) species. This Decree also contains a chapter on direct species protection (articles 51-52 and additional article 56). It should be considered as the frame legislation for species protection in the Flemish Region.

North Sea: see under question 33.

35.  On Article 8(I), does your country regulate or manage processes and categories of activities identified under Article 7 as having significant adverse effects on biological diversity?

a) No	
b) No, but relevant processes and categories of activities being identified	
c) Yes, to a limited extent (please provide details below)	X
d) Yes, to a significant extent (please provide details below)	

Further comments on the regulation or management of the processes and categories of activities identified by Article 7 as having significant adverse effects on biodiversity.

North Sea: sand and gravel extraction, dredging and dumping of dredge spoil are subject to licences. The areas where these activities take place are intensely monitored. Further, the Royal Decree of 20.12.2000 (Official Journal of 25.01.2001) 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.).

Flemish Region: sand and gravel extraction, dredging and dumping of dredge spoil, development of

infrastructure are subject to licences and to EIA procedures. In nature and forest areas, and sites of the ecological network, alteration of bottom relief or vegetation are subjected to licences.

Walloon Region: following an Order of the Walloon Government on the protected zones of the 'Code wallon de l'Aménagement du Territoire, de l'Urbanisme et du Patrimoine' (CWATUP, published in the Belgian Official Journal on 23.09.2003), such as hedges, tree rows, habitats of community importance, forest reserves, wetlands of biological interest and underground cavities of scientific interest, these may not be changed anymore without an urban permit.

Furthermore, the Walloon Region developed legislative instruments and adequate techniques through the Water Code, which has *i.a.* following objectives: strengthen the protection of the aquatic environment, improve the water quality through measures aiming to reduce progressively the discharge, emission and leaking of priority substances and to stop or suppress progressively the discharge, emissions and leaking of priority dangerous substances.

Brussels Capital Region: EIA-procedures are imposed for disturbing activities, large building activities, development of infrastructure, etc. Licenses are also needed for every impact such as alteration of bottom relief and vegetation for sites declared as having biological value on the zoning plan and sites belonging to the green network.

Box XLIV.

Please elaborate below on the implementation of this article and associated decisions specifically focusing on:

- a) outcomes and impacts of actions taken;
- b) contribution to the achievement of the goals of the Strategic Plan of the Convention;
- c) contribution to progress towards the 2010 target;
- d) progress in implementing national biodiversity strategies and action plans;
- e) contribution to the achievement of the Millennium Development Goals;
- f) constraints encountered in implementation

Programme of Work on Protected Areas (Article 8 (a) to (e))

36. Has your country established suitable time bound and measurable national-level protected areas targets and indicators? (decision VII/28)

a) No (please specify reasons)	
b) No, but relevant work is under way	
c) Yes, some targets and indicators established (please provide details below)	X
d) Yes, comprehensive targets and indicators established (please provide details below)	

Further comments on targets and indicators for protected areas.

Flemish Region:

- designation of the ecological network (125,000 ha) and interweaving area (150,000 ha) and elaboration of Nature Objectives Plans (NOP's) for these sites by 2008 (indicators: surface designated, surface with and number of NOP's developed);
- development of the conservation objectives and NOP's for the Natura 2000 sites designated by 2008 (about 164,000 ha including overlap between Birds and Habitats Directive sites, some overlap with the above);
- acquisition of 3,000 ha/year of nature and forest areas to be recognised as reserves, by the Flemish Community and NGO's together (indicator: yearly increase of surface of nature and forest reserves); a site specific management plan has to be submitted together with the proposal

for recognition as reserve.

Assessment of the biological value with cross reference to the relevant habitat types is carried out for the Natura 2000 sites to enable the evaluation of the actual conservation status; for the pSCI to be finalised by 2006.

The Decree on Integrated Water Policy transposes the EU Water Framework Directive into Flemish Law. The Decree goes further than the Directive by featuring a number of extra provisions such as:

- a stronger link between water quality and water quantity;
- a stronger link between water policy and environmental planning;
- a planning on subbasin level.

With reference to the management planning of river basins importance is given to the conservation and restoration of the natural structure of water systems, improvement of the structure quality of the riverbanks and protection of an extra 200 ha riparian buffer zone / bank area of which at least 50% is acquired.

Walloon Region: the major part of the designation of Natura 2000 sites took place in 2002. Actually, the network encompasses about 220,000 ha, equalling 13% of the surface (above European average). The Natura 2000 network was based on the oro-hydrographical network to obtain a functional ecological network.

For each hydrographical basin, the Water Code requires the elaboration of one or more registers of protected zones in that basin. This register contains the zones designated for the collection of water for human consumption, zones designated for the protection of aquatic species with economic importance, water bodies designated for sports or recreation, zones sensitive to nutrients and the protected zones for habitats and species. The Water Code Decree was adopted on 27.05.2004 and the measures in relation to the protected zones still have to be elaborated.

Furthermore, the Nature Direction continues the designation of wetlands of biological interest, underground cavities of scientific interest, forest reserves, domanial and private nature reserves to protect areas important for specific habitats and species (see description of the different protection statutes in the second national report) and the sites of high biological interest.

Brussels Capital Region: a plan of an ecological green network, defined as an objective in the regional development plan of 2001. However, no targets have been defined. Conservation objectives and nature management plans are developed by 2008 for the Natura 2000 sites designated in 2002 (14% of the Brussels Capital Region surface) and accepted by the EC in 2004.

About 240 ha or 1.5% of the Brussels Capital Region territory is designated as nature or forest reserve. About 14% of the territory or +/- 2,320 ha has been designated as SAC. The total area under protection has thus increased. Management plans are under construction for these SAC, and already partially realised. It is very probable that some SAC will receive the status of nature reserve.

North Sea: the establishment of marine protected areas is underway and takes place within the framework of the Law on the marine environment (so-called MMM law). Two Habitats Directive and three Birds Directive zones are under designation.

37. Has your country taken action to establish or expand protected areas in any large or relatively unfragmented natural area or areas under high threat, including securing threatened species? (decision VII/28)

a) No	
b) No, but relevant programmes are under development	
c) Yes, limited actions taken (please provide details below)	X
d) Yes, significant actions taken (please provide details below)	

Further comments on actions taken to establish or expand protected areas.

Flemish Region: actions are taken to expand the surface of 'green destination' and 'forest areas' on the land use planning and maps and to extent the surface of natural areas in the ecological network with the aim to counter further fragmentation of open areas. See also above for more information.

Walloon Region: the Natura 2000 network aims to preserve habitats and species threatened within the European Union. The Walloon Region houses 44 habitat types, of which 10 priority types, 101 bird species and 31 other animal and plant species listed in the annexes of the directives. This network contributes to Target 2010 to halt the loss of biodiversity. See also above for more information.

Not really applied in the **Brussels Capital Region**. However, some protected areas have been expanded in the framework of the Habitats Directive.

North Sea: the Royal Decree establishing MPA's is being finalised. The Decree foresees the establishment of five marine areas in application of the Birds and Habitats Directives.

38. Has your country taken any action to address the under representation of marine and inland water ecosystems in the existing national or regional systems of protected areas? (decision VII/28)

a) No	
b) Not applicable	
c) No, but relevant actions are being considered	
d) Yes, limited actions taken (please provide details below)	X
e) Yes, significant actions taken (please provide details below)	

Further comments on actions taken to address the under representation of marine and inland water ecosystems in the existing national or regional systems of protected areas.

North Sea: Belgium is an active party in fora such as OSPAR (implementation of Annex V). There was a time lag in the implementation of the Birds Directive in the marine areas, but studies are being undertaken to address this problem. Criteria have been identified for the identification of species and habitats in need of protection (OSPAR/HELCOM 2003). The establishment of marine protected areas is foreseen in the Law on the Marine Environment (so-called MMM law). A Royal Decree is in preparation. The Royal Decree on the protection of species in the Belgian marine waters (21.12.2001, Official Journal of 14.02.2002) better protects seabirds and other species, in general.

Flemish Region: inland water systems such as river valleys form the backbone of the development of the ecological network. Dunes as well as coastal and inland wetland systems are protected by law.

Brussels Capital Region: there is no special nature legislation on wetland conservation, but most wetlands (relict marshy areas or alluvial forests) are legally protected (nature reserve, forest, site of high biological value and/or Natura 2000 site). In the legislation on land use planning, open water zones are specifically protected.

The programme blue network, which is guiding the Brussels Capital Region policy on small open water systems, has as main objective: the restoration and valorisation of small rivers and marshy areas and humid sites in an ecological way. Most humid ecosystems are also part of Natura 2000 sites.

Walloon Region:

- several wetlands were designated as Natura 2000 site. The Natura 2000 network is partly based on the hydrographical network;
- in application of the Orders of the Walloon Government on the protection of wetlands of biological interest (09.06.1989) and on the protection of underground cavities of scientific interest (18.03.1995), the Region continues the designation of these;
- furthermore, three new sites have been added to the Ramsar list of wetlands of international importance: the emotions cave at My-Ferrières, the valley of the Haute-Sûre and the Hautes Fagnes; they represent an underground cavity, a transboundary river and a peat zone.

39. Has your country identified and implemented practical steps for improving the integration of protected areas into broader land and seascapes, including policy, planning and other measures? (decision VII/28)	
a) No	
b) No, but some programmes are under development	X
c) Yes, some steps identified and implemented (please provide details below)	X
d) Yes, many steps identified and implemented (please provide details below)	
Further comments on practical steps for improving integration of protected areas into broader land and seascapes, including policy, planning and other measures.	
See question 36.	

40. Is your country applying environmental impact assessment guidelines to projects or plans for evaluating effects on protected areas? (decision VII/28)	
a) No	
b) No, but relevant EIA guidelines are under development	
c) Yes, EIA guidelines are applied to some projects or plans (please provide details below)	
d) Yes, EIA guidelines are applied to all relevant projects or plans (please provide details below)	X
Further comments on application of environmental impact assessment guidelines to projects or plans for evaluating effects on protected areas.	
<p>North Sea: the Royal Decree of 09.09.2003 on the assessment of environmental effects (Belgian Official Journal of 17.09.2003) related to the Law on the protection of the marine areas under Belgian jurisdiction (MMM law) imposes a procedure of environmental impact assessment.</p> <p>Flemish Region: a new Decree on EIA, that includes transposition of EC regulations, was published in December 2004. The Decree on Nature Conservation of 1997 was revised in 2002 for transposition of the EU Habitats and Birds Directive Specific including the procedure of art. 6 of the Habitats Directive that requires that an appropriate assessment is to be undertaken in respect of any plan or project which either alone or in combination with other plans or projects would be likely to have a significant effect on a European site, and is not directly connected with the management of the site for nature conservation. Under this procedure an advice of the Nature Division on the assessment is required.</p> <p>A regulation of the Department of Environment & Infrastructure on EIA for projects or plans in Natura 2000 sites was developed in 2001 and revised in 2003. This regulation describes the specific steps to be taken for implementing the procedure mentioned above. Training sessions were organised for all relevant institutions under this Department.</p> <p>Brussels Capital Region: EIA guidelines are applied for projects that have possible effects on protected areas (in general). The Brussels Capital Region transposition of the Habitats Directive includes also the procedure of art. 6 of the Habitats Directive: an appropriate assessment has to be undertaken in respect of any plan or project (not directly connected with the management of the site for nature conservation) which either alone or in combination with other plans or projects could have an significant effect on a Habitatsite.</p> <p>Walloon Region:</p> <ul style="list-style-type: none"> - the Environment Code identifies the projects requiring an impact assessment and the format and 	

minimal elements of the assessment (articles 55 & 56). The articles 57 to 61 define the agreement procedure;

- the Decree in relation to the Environment Permit of 11.03.1999, which entered into force on 01.10.2002, reforms the regime on the environmental impact assessment and on the approval of exploitation (replacing it by the Environment Permit). Objective is to integrate in just one permit all former authorisations required in relation to the environment, such as on exploitation, water collection, discharge of used water, explosives, etc.;
- furthermore, the Decree on the conservation of Natura 2000 sites and wild fauna and flora foresees, in his article 29 §2, that each plan or project subject to licensing [...] which is not directly linked to or necessary for the management of the site, but susceptible to affect the site significantly [...] is subject to an impact assessment as foreseen in the legislation.

41. Has your country identified legislative and institutional gaps and barriers that impede effective establishment and management of protected areas? (decision VII/28)

a) No	
b) No, but relevant work is under way	
c) Yes, some gaps and barriers identified (please provide details below)	X
d) Yes, many gaps and barriers identified (please provide details below)	

Further comments on identification of legislative and institutional gaps and barriers that impede effective establishment and management of protected areas.

Pressure on open areas is very high due to the high population density, the important economic and agricultural development and the recreational needs.

42. Has your country undertaken national protected-area capacity needs assessments and established capacity building programmes? (decision VII/28)

a) No	
b) No, but assessments are under way	X
c) Yes, a basic assessment undertaken and some programmes established (please provide details below)	
d) Yes, a thorough assessment undertaken and comprehensive programmes established (please provide details below)	

Further comments on protected-area capacity needs assessment and establishment of capacity building programmes.

43. Is your country implementing country-level sustainable financing plans that support national systems of protected areas? (decision VII/28)

a) No	
b) No, but relevant plan is under development	
c) Yes, relevant plan is in place (please provide details below)	X
d) Yes, relevant plan is being implemented (please provide details below)	

Further comments on implementation of country-level sustainable financing plans that support national systems of protected areas.

Flemish Region: management and protection of Natura 2000 sites and the implementation of the Habitats Directive includes thorough use of the existing Community co-financing instruments, including agri-environment measures under the Flemish rural development programme and management packages. Nature and forest reserves acquired or managed by NGO's are subsidised. Local authorities are subsidised for projects including nature and water protection.

Walloon Region: a budget is foreseen to elaborate management plans for the Natura 2000 sites and other protected areas. The Nature Direction disposes of a budget for the acquisition of protected zones.

Brussels Capital Region: the Brussels Institute for Management of the Environment is responsible for the management and protection of most Natura 2000 sites. For the other, not regional sites, the BIME has foreseen a budget for the elaboration of management plans. Probably, subsidies for management contracts will be foreseen.

44. Is your country implementing appropriate methods, standards, criteria and indicators for evaluating the effectiveness of protected areas management and governance? (decision VII/28)

a) No	
b) No, but relevant methods, standards, criteria and indicators are under development	
c) Yes, some national methods, standards, criteria and indicators developed and in use (please provide details below)	X
d) Yes, some national methods, standards, criteria and indicators developed and in use and some international methods, standards, criteria and indicators in use (please provide details below)	

Further comments on methods, standards, criteria and indicators for evaluating the effectiveness of protected areas management and governance.

Methodology for monitoring and evaluation of management effectiveness in nature reserves has been developed and testing in pilot areas is ongoing. The nature conservation institutes of the Regions have developed and manage databases on protected areas. Monitoring data from protected areas (a compulsory measure for NGO's) are being sent to the nature conservation institutes to be included in the databases and to be analysed.

North Sea: the Royal Decree on Marine Protected Areas will be published together with management plans of human activities for those areas. Monitoring and follow-up are foreseen.

Box XLV.

Please elaborate below on the implementation of this article and associated decisions specifically focusing on:

- a) outcomes and impacts of actions taken;
- b) contribution to the achievement of the goals of the Strategic Plan of the Convention;
- c) contribution to progress towards the 2010 target;
- d) progress in implementing national biodiversity strategies and action plans;
- e) contribution to the achievement of the Millennium Development Goals;
- f) constraints encountered in implementation.

The project 'Système de Gestion d'Information pour les Aires Protégées' (SYGIAP) aims to establish an information and cartography system to protect World Heritage sites in the DR Congo. In close collaboration with the World Heritage Center of the UNESCO, the Belgian Science Policy establishes a network of Belgian scientific institutions (universities of Louvain-la-Neuve and Ghent, in collaboration with the Royal Museum for Central Africa, the National Botanic Garden of Belgium and the Royal Belgian Institute of Natural Sciences) ready to combine their efforts to assist the 'Institut Congolais de la Conservation de la Nature' (ICCN) towards the establishment of a real information system on the World Heritage sites and its implementation through the production of reference maps. See also

<http://geoweb.ugent.be/sygiap/index.asp>.