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9 December 2005

Attn. Ms. Maud ISTASSE
National Focal Point for the Aarhus Convention
Federal Public Service of Public Health, Food Chain Security and Environment
Directorate-General for Environment
Montagne de l'Oratoire, 20 Bte 3
B-1010 BRUSSELS
Belgium

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Dear Ms. Istasse,

**Re: Communication to the Aarhus Convention Compliance Committee
concerning standing of NGOs under Belgium legislation and case-law
(Ref. ACCC/C/2005/11)**

The Compliance Committee deliberated on the subject matter of the above communication at its 11th meeting (5-7 December 2005). It was highly appreciative of the additional information provided by the Government of Belgium in response to its earlier questions. It felt however that some further clarifications were needed before it could finalize its draft findings. The Committee, in particular, would like to clarify the following:

1. What is the function and legal effect of a "plan de secteur"? In your understanding, would "sectoral spatial plan" be an accurate English translation of this concept?
2. What is the function and legal effect of a "permis d'urbanisme"? Could there be circumstances under which a decision to grant such a permit might be subject to an environmental impact assessment procedure involving public participation?
3. Regarding your response to the second question in our letter of 25 October 2005, the Committee is aware that building permits per se are not listed in annex I. However, different kinds of permits might be needed in connection with an activity of a type listed in annex I (e.g. water discharge permit, air emission permit, noise level permit, integrated pollution permit, building or construction permit, etc). The question is whether a decision to issue a building permit for an activity of a type listed in annex I, and meeting the relevant thresholds or criteria, would be considered to be a decision to permit a proposed activity within the meaning of article 6 of the Convention. We hope that the question is clearer this time.

4. Related to questions 2 and 3, are building permits restricted to permits to construct buildings or do such permits amount to construction permits, e.g. to build a road, an airport, etc, in which case "construction permit" perhaps would be a better translation?

The Committee would like to finalize the draft findings at its next meeting (29-31 March 2006). We would therefore kindly ask you to provide the clarification as soon as possible but at the latest by 15 January 2006.

Many thanks for your kind cooperation.

We look forward to hearing from you.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'J. Wates', is written over a horizontal line.

Jeremy Wates

Secretary

Convention on Access to Information, Public Participation in Decision-making and
Access to Justice in Environmental Matters

Cc: Bond Beter Leefmilieu Vlaanderen VZW, Belgium