**REPORTING FORMAT ON**

**IMPLEMENTATION OF THE UNECE CONVENTION ON THE   
TRANSBOUNDARY EFFECTS OF INDUSTRIAL ACCIDENTS**

8th Report (2014-2015)

Whenever indicated, please provide replies from the last report in which you provided a full reply, before inserting the update for the current reporting round, identifying the changes occurred.

Country: BELGIUM

**Person responsible for reporting** – please provide the contact details of the person who coordinated this report ant who could be contacted by the WGI members in case of questions during the evaluation of the implementation report:

|  |  |  |
| --- | --- | --- |
| Name: | Jurgen Volckaert | Is the person a Focal Point for the Convention?  YES  NO[[1]](#footnote-2) [I-A] |
| Authority | Service public fédéral Intérieur – Direction Générale Centre de Crise | Is this authority designated as a Competent Authority in accordance with Art. 17 of the Convention?   YES  NO [I-B] |
| E-mail | Jurgen.volckaert@ibz.fgov.be |  |
| Phone number | +32.2.506.48.78 |  |

[I-C] **Cooperation** – please list the authorities at national, regional and local level involved in implementing the Convention, indicate their areas of responsibility and check if designated Competent Authority.

**Preliminary note**:

The Cooperation agreement of 21 June 1999 between the Federal Government, the Flemish Region, the Walloon Region and the Brussels Capital Region concerning the control of serious accident hazards involving dangerous substances, as modified by the cooperation agreement of 1 June 2006, implements into Belgium law the European Directive 1996/82/CE[[2]](#footnote-3), ILO Convention No. 174 and this Convention. The Agreement defines three kinds of authorities, each has different missions to apply and implement the Agreement:

* **Coordination services** is a regional service responsible for receiving reports and circulating information to other authorities
* **Evaluation services** are responsible for the evaluation of safety reports. They are at local, regional and federal level.
* **Inspection services** are in charge of systematic inspections of installations. In every region there are teams of inspectors composed of inspectors of the regional environmental service and of the federal service responsible for labour protection. Together they form an **inspection team**.

All these services aim at preventing industrial accidents and limiting their consequences. The agreement defines the model of cooperation for these aspects of the Seveso Directive / Convention, related to the jurisdiction of various authorities (such as environmental protection, public protection, workers protection).

|  |  |  |
| --- | --- | --- |
| Name of authority | Area of responsibility | Competent Authority |
| Service Public Fédéral (SPF) Intérieur | * Point of Contact (DG centre de crise) * Focal point (DG centre de crise) * Evaluation of safety reports (DG centre de crise + DG sécurité civile) * Off-site contingency plans (DG centre de crise) * Information to the public (DG centre de crise) | YES  NO  n.a. |
| Vlaamse Overheid, Dienst veiligheidsrapportering (Dep LNE) | * Coordination of notifications and of safety reports from industries in the Flemish region * Evaluation of safety reports * Provides advices on land-use planning and sitting | YES  NO  n.a. |
| (SPW) Direction des Risques Industriels, Géologiques et Miniers (DGO3 – DRIGM) | * Coordination of notifications and of safety reports from industries in the Walloon region * Evaluation of safety reports * Evaluation of requests for building permits close to Seveso installations. | YES  NO  n.a. |
| Bruxelles Environnement – IBGE, Division permis et partenariats | * Coordination of notifications and of safety reports from industries in the Bruxelles-Capitale region * Evaluation of safety reports * Provides advices on building permits close to existing Seveso installations. | YES  NO  n.a. |
| SPF Emploi, Travail et Concertation sociale, Division du contrôle des risques chimiques | * Evaluation of safety reports * Inspection | YES  NO  n.a. |
| SPF Économie, PME, Classes Moyennes et Énergie, DG qualité et sécurité | * Evaluation of safety reports (explosives / underground gas storage) * Inspection (explosives / underground gas storage) | YES  NO  n.a. |
| Vlaamse Overheid - Dienst Toezicht zwarerisicobedrijven | * Inspection of installations in the Flemish region | YES  NO  n.a. |
| Service Public de Wallonie (SPW) Direction des Risques Industriels, Géologiques et Miniers (DGO3 – DRIGM) | * Inspection of installations in the Walloon region | YES  NO  n.a. |
| Bruxelles Environnement – IBGE, Département contrôles intégrés | * Inspection of installations in the Bruxelles-Capitale region | YES  NO  n.a. |

Add rows if needed

[I-D] How were these authorities involved in the preparation of this report?

Please copy here the content of the last full reply (please note that this might be the one in the last reporting round or in an earlier one)

The cooperation agreement Seveso-Helsinki established a permanent structure for cooperation and consultation among all the competent authorities. The present report has been prepared within this cooperation and consultation commission.

Please indicate only changes from the previous reporting round

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***Answers to all questions found below should not require more than 250-300 words except for Q.1 to which a comprehensive answer is estimated at 1,000-1,200 words.***

###### POLICY FOR IMPLEMENTATION OF THE CONVENTION

1. Provide a general description[[3]](#footnote-4) of your country’s policy for prevention of, preparedness for and response to industrial accidents, especially relating to the implementation of the Convention and explain how this policy is reflected in national legislation and followed up by authorities.

*Please note that an overall comprehensive question (including past reporting rounds and the updates) is estimated at 1,000-1,200 words*

Please copy here the content of the last full reply (please note that this might be the one in the last reporting round or in an earlier one)

According to the structure of the Belgian state, the purpose of Seveso Directive and this Convention are covered either at federal level or at regional level or even at both levels when they are simultaneously competent (albeit due to a different approach e.g. prevention on safety at work, prevention on environmental protection and off-site security). In the last case, rather than applying an artificial distribution of the competences and giving each authority a particular aspect of a coherent subject as such, authorities decided that all levels concerned would intensively cooperate to use their various expertises at best.

The maximum level of harmonization between the federal and regional level is constantly searched in order to ensure an optimal coordinated implementation and to avoid several different overlapping or contradiction regulations.

That is why the implementation is conducted by a cooperation agreement, which is legally binding (highest federal legislative tool), by decrees and ordinances (highest regional legislative tool), and which is immediately applicable.

Reference: Cooperation agreement of 21 June 1999 between the Federal State, the Flemish and Walloon Regions and Brussels-Capital Region on the control of major accident hazards involving dangerous substances, as amended by the Cooperation agreement of 1 June 2006 (Belgian Official Gazette 16.01.2001 and 26.04.2007).

Regions have the exclusive responsibility for land use planning and decision on new installations and establishments. These aspects are therefore managed by the regional legislation, and are detailed below for each region:

**For the Flemish region:**

* + Decree of 18/12/2002 supplementing Decree of 5 April 1995 on general provisions concerning environmental policy with a title on the assessment of environmental impacts and safety.

*Integration of the Helsinki Convention in environmental law of the Flemish region. Inter alia, inclusion of procedures on reporting on environmental security and spatial security (security at the level of land use planning) in the environmental regulation of the Flemish region.*

* + Decree of 26/01/2007of the Flemish Government on modalities to establish report of spatial security. *The decree describes situations requiring a spatial planning report in the event of new urban companies’ developments called “Seveso”.*
  + Decree of 28/6/1985 on environmental license/permit

*Regulation on environmental license/permit (operating permit) in the Flemish region*

* + Vlaamse Codex Ruimtelijke Ordening (Flemish code for Spatial Planning)  
    *Regulation on the land use planning in the Flemish region*

**For Brussels-Capital region:**

* + Ordinance of 5 June 1997 on environmental licenses/permits as amended. (inter alia the ordinance of 06/12/2001 which implements the Helsinki Convention in the environmental law of the Brussels-Capital region.)
  + Brussels code of spatial planning approved by decree of the Government of Brussels-Capital Region of 9 April 2004 and ratified by the ordinance of 13 May 2004, and its various modifications (inter alia the amending ordinance of 14 May 2004, which in particular provides for the compliance with the obligation of the Seveso Directive and this Convention, on spatial planning and site selection).

**For the Walloon region:**

* + *Legislation on the license/permit to operate*: decree of 11 March 1999 on the environment license/permit. The decree of the Walloon government of 4 July 2002, establishing the list of projects subject to an impact assessment and classified installations and activities, requires that establishments in possession of dangerous substances likely to cause industrial accidents have a license/permit to operate. The decree of the Walloon government of 19 April 2007 establishes the sectoral condition (Belgian Official Gazette: 11 May 2007).
  + *Legislation LUP* :
    - Regarding the control of new installations close from a Seveso site, the Walloon region establishes for each new development, areas that are most likely to be prone to industrial accidents with consequences on human being or goods. These areas are called vulnerable areas around Seveso sites.
    - Any license/permit request (planning, parcelling or environment) or any proposed development plan (sector plan and communal development plan), which relates to a good located in such area, will be subject to the review of the service “RAM” of the Directorate of Mining Risks from DGO3, the administration responsible of the Seveso regulation.
    - The discussion on perimeters called vulnerable areas was included in the legislation of the Walloon region, through the decree of 8 May 2008 modifying articles 4, 33, 40, 42, 50, 85, 116, 127, 136, 150bis, 175 and 181 of the Walloon Code of Town and Country Planning, Urban Development and Heritage (CWATUP) and including article 136bis (M.B. of 22/05/2008, p. 26574).

**The Federal Public Service** is responsible for off-site emergency planning. In this matter, the ministerial decree of 20 June 2008, establishing requirements that operator must take into consideration to define the area that could be affected by a major incident, was published and entered into force.

Please indicate only changes from the previous reporting round

1. To comply with the Seveso Directive 2012/18/EU, a new Seveso-Helsinki cooperation agreement is being published.
2. * *Legislation LUP* :
     + Regarding the control of new installations close from a Seveso site, the Walloon region establishes for each new development, areas that are most likely to be prone to industrial accidents with consequences on human being or goods. These areas are called vulnerable areas around Seveso sites.
     + Any license/permit request (planning, parcelling or environment) or any proposed development plan (sector plan and communal development plan), which relates to a good located in such area, will be subject to the review of the service “RAM” of the Directorate of Mining Risks from DGO3, the administration responsible of the Seveso regulation.
     + The discussion on perimeters called vulnerable areas was included in the legislation of the Walloon region, through the decree of 8 May 2008 modifying articles 4, 33, 40, 42, 50, 85, 116, 127, 136, 150bis, 175 and 181 of the Walloon Code of Town and Country Planning, Urban Development and Heritage (CWATUP) and including article 136bis (M.B. of 22/05/2008, p. 26574).

Should you indicate legislation, please use the table in the next page

Table for reporting legislation and other acts to implement policies under the Convention (for definitions about the type of legislation, please see the guidelines)

|  |  |  |  |  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- |
| **Legislation title/name** | **Type of legislation** | | | | **Area covered by the legislation** | | | | | | |
|  | International agreements | Primary | Secondary | Guidance | Identification and notification of hazardous activities to neighbouring countries | Prevention | Preparedness and response | Mutual Assistance | Scientific technologic cooperation and exchange of information | Participation of the public | Decision-making on siting |
|  |  |  |  |  |  |  |  |  |  |  |  |

1. Please explain:

*Please note that an overall comprehensive question (including past reporting rounds and the updates) is estimated at 250-300 words*

(a) To what extent does your policy deliver the intended results?

Please copy here the content of the last full reply (please note that this might be the one in the last reporting round or in an earlier one)

Policies implemented cover all the areas under the Convention and they allow for an implementation that matches the structure of the Country

Please indicate only changes from the previous reporting round

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(b) Have there been any difficulties with implementing the Convention?

Please copy here the content of the last full reply (please note that this might be the one in the last reporting round or in an earlier one)

A difficulty that needs to be highlighted concerns the different official languages in the country, complicating information campaigns and the use of information to contact neighbouring countries. This difficulty is not due to national legislation, but it is rather linked with the implementation of the Convention.

Please indicate only changes from the previous reporting round

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(c) Are there changes being planned or considered?

Please copy here the content of the last full reply (please note that this might be the one in the last reporting round or in an earlier one)

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Please indicate only changes from the previous reporting round

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###### IDENTIFICATION AND NOTIFICATION OF HAZARDOUS ACTIVITIES WITH THE POTENTIAL TO CAUSE TRANSBOUNDARY EFFECTS

1. Describe briefly the mechanism / arrangements that you have been using for the identification[[4]](#footnote-5) and notification of hazardous activities (please note that notification in questions 3 to 7 is NOT related to the event of an accident. For further information, please refer to Art. 4 of the Convention and to the explanatory note in the guidelines to this document about the meaning of notification in this context). Please also provide information on the mechanism / arrangements to consult with neighbouring countries to assess whether a given hazardous installation would be inserted in the list of activities to be notified.

*Please note that an overall comprehensive question (including past reporting rounds and the updates) is estimated at 250-300 words*

Please copy here the content of the last full reply (please note that this might be the one in the last reporting round or in an earlier one)

Federal and regional regulations provide for two moments where activities with potential transboundary effects in the event of an industrial accident are identified and where the risks to the environment and to humans are evaluated:

1. in the context of an operational/environmental license/permit request (regional competence): in each region an industrial activity requires a permit delivered by the competent authority. During the process of applying for permits, the risks of industrial accidents for the environment and for the population are identified and evaluated.
2. in the framework of the Cooperation agreement Seveso-Helsinki (joint federal-regional competence): the operator of a facility concerned by the Convention is requested to introduce a notification and a safety report. This report shall, in addition to risks for the environment and for the population, establish and describe areas to be used in emergency plans

At both levels clear deadlines are set.

Please indicate only changes from the previous reporting round

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1. How many hazardous activities have been identified[[5]](#footnote-6)?

*Please note that an overall comprehensive question (including past reporting rounds and the updates) is estimated at 250-300 words*

Please copy here the content of the last full reply (please note that this might be the one in the last reporting round or in an earlier one)

Possible transboundary effects are identified through the application of risk assessment for population and environment and through the establishment of emergency planning areas. A different methodology is used, given the different objectives: to evaluate a permit request for an industrial activity, versus to determine the area requiring action form the safety and relief services in the event of an accident. For a complete identification of the installations capable of causing transboundary effects in the event of an accident, the results of two analyses need to be available.

Below is listed by region the result of the first analysis.

* **Région Flamande**: 5 installations for which 1% of the lethal effects are calculated to be transboundary.
* **Région wallonne** : 0 installations
* **Région de Bruxelles-Capitale** : 0 installations

Determining areas of emergency planning is consistent with the first analysis.

Please indicate only changes from the previous reporting round

**Région Flamande**: 9 installations for which 1% of the lethal effects are calculated to be transboundary.

1. Are these the same as in previous report? If no, please explain.

*Please note that an overall comprehensive question (including past reporting rounds and the updates) is estimated at 250-300 words*

YES  NO

5 instalations from the previous cycle still have transoundary effects.

For the period of the current report, 4 other installations have been added.

1. Indicate which Parties/countries have been notified:

|  |  |  |  |
| --- | --- | --- | --- |
| Neighbouring Party/country | Number of hazardous activities notified | Inform whether your country held consultations | Comments |
| The Netherlands | 8 (number of installations with 1% lethal effects beyond the border with the Netherlands) | YES  NO | When effects of 1% lethality beyond the border are calculated in the report, then the completed application permit (including the safety report) is sent to the neighboring country and the neighboring country is involved in the public inquiry. |
| France | 1 (installation with 1% lethal effects beyond the border with France) | YES  NO | When effects of 1% lethality beyond the border are calculated in the report, then the completed application permit (including the safety report) is sent to the neighboring country and the neighboring country is involved in the public inquiry. |
|  |  | YES  NO |  |
|  |  | YES  NO |  |

Add rows if needed

1. Please indicate or describe:

*Please note that an overall comprehensive question (including past reporting rounds and the updates) is estimated at 250-300 words*

(a) How successful is your identification or notification mechanism? And how successful is the mechanism for consultation with neighbouring countries?

Please copy here the content of the last full reply (please note that this might be the one in the last reporting round or in an earlier one)

The mechanism has been assessed within the Cooperation Commission Seveso-Helsinki (See I-D) in consultation with the different competent authorities, in particular on the basis of bilateral contacts with neighbouring countries.

Please indicate only changes from the previous reporting round

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(b) Any weaknesses recently identified in identification or notification of hazardous activities, e.g. through applying indicators and criteria (ECE/CP.TEIA/2010/6, Annex II and III) and/or in the mechanism for consultation?

Please copy here the content of the last full reply (please note that this might be the one in the last reporting round or in an earlier one)

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Please indicate only changes from the previous reporting round

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(c) Has your country taken any action in the since the latest reporting round to improve the identification, notification of hazardous activities or consultation with neighbouring countries or are such actions being planned or considered?

Please copy here the content of the last full reply (please note that this might be the one in the last reporting round or in an earlier one)

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Please indicate only changes from the previous reporting round

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###### PREVENTION OF INDUSTRIAL ACCIDENTS

1. Further to general description provided under Q.1 please explain briefly the main preventive measures taken by operators and authorities during all phases of enterprise.

*Please note that an overall comprehensive question (including past reporting rounds and the updates) is estimated at 250-300 words*

Please copy here the content of the last full reply (please note that this might be the one in the last reporting round or in an earlier one)

The obligations of the industry and the authorities to prevent major accidents are those defined in the European Directive 96/82/EC.

The manfacturer is requiered to:

* take all necessary measures to prevent major accidents and to limit their consequences on humans and the environement. He shall be able to demonstrate, at any time, the compliance with this general obligation to relevant inspection services
* conduct a policy to prevent major accident and implement an effective safety management system
* prepare and intoduce a safety report (five-year review)
* exchange information on risks and measures taken and to be taken in case of potential domino effects with neighbouring companies

Authorities are required to:

* assess safety reports (before beginning the operation for new activities).
* develop and test external emergency plans.
* establish an inspection system allowing a planned and systematic review of technical systems, organizational systems and management systems applied in the company.
* identify Seveso companies (broader than the installations covered by the Convention) with the possibility of an interrelated domino effect.
* take into account risks of major accident into the spatial planning policy.
* share and consult with neighbouring countries if effects are likely to happen on their territory.
* Provide active (emergency planning) and passive information to the public.

The cooperation agreement Seveso-Helsinki does not provide direct involvement of NGOs or institutions/unions. The draft text of the cooperation agreement (as well as each draft amendment) has been submitted for review to the Upper Council for prevention and protection at work, to the Socio-Economic Council of Flanders and the Council on environment and nature of Flanders.

Please indicate only changes from the previous reporting round

1. Please indicate or describe:

*Please note that an overall comprehensive question (including past reporting rounds and the updates) is estimated at 250-300 words*

(a) To what extent do your country’s prevention measures deliver the intended results?

Please copy here the content of the last full reply (please note that this might be the one in the last reporting round or in an earlier one)

The obligations deriving from the implementation of the Seveso Directive (implemented in a way that allows to implement at the same time the requirements of the Convention) are considered adequate for carrying out preventive policies both considering provisions concerning the operators and the authorities.

Nonetheless, for an effective implementation and a high level protection authorities have to ensure constant cooperation and communication between themselves and with the industry.

Please indicate only changes from the previous reporting round

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(b) Any weaknesses recently identified in prevention, e.g. through applying indicators and criteria (ECE/CP.TEIA/2010/6, Annex IV)?

Please copy here the content of the last full reply (please note that this might be the one in the last reporting round or in an earlier one)

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Please indicate only changes from the previous reporting round

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(c) Has your country started to take any steps in the current reporting period to improve prevention or does it plan to do so in the near future?

Please copy here the content of the last full reply (please note that this might be the one in the last reporting round or in an earlier one)

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Please indicate only changes from the previous reporting round

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**EMERGENCY PREPAREDNESS AND RESPONSE**

1. Do Internal (On-site) and External (Off-site) contingency plans exist for all hazardous activities identified? Please explain

YES  NO  Partially

All the installations falling under the Convention have on-site and off-site emergency plans.

Please indicate only changes from the previous reporting round

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1. How do these plans take account of the results of the hazard/risk assessment?  *Please note that an overall comprehensive question (including past reporting rounds and the updates) is estimated at 250-300 words*

Please copy here the content of the last full reply (please note that this might be the one in the last reporting round or in an earlier one)

On-site emergency plans are based on risk assessment and have to define an intervention strategy for all the scenarios considered. This neeeds to be used for training and instruction.

Off-site emergency plans are based on the emergency planning areas and they are calculated on the basis of the scenarios identified in the safety reports.

Please indicate only changes from the previous reporting round

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1. Is the preparation of the plans coordinated between operators and authorities? If so, please explain how

*Please note that an overall comprehensive question (including past reporting rounds and the updates) is estimated at 250-300 words*

YES  NO

Please copy here the content of the last full reply (please note that this might be the one in the last reporting round or in an earlier one)

On-site emergency plans are responsibility of the operators, but they need to be compatible with off-site emergency plans (therefore consultation and cooperation between the authorities and the operators is needed).

Operators are invited to be part of the team responsible to draw-up off-site emergency plans.

Please indicate only changes from the previous reporting round

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1. Are the plans tested, reviewed and updated as necessary? Please explain

*Please note that an overall comprehensive question (including past reporting rounds and the updates) is estimated at 250-300 words*

YES  NO  Partially

Please copy here the content of the last full reply (please note that this might be the one in the last reporting round or in an earlier one)

The Cooperation Agreement Seveso-Helsinki requires that on-site and off-site emergency plans are to be tested, assessed and updated as a minimum every 3 years.

Please indicate only changes from the previous reporting round

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1. Is testing, reviewing or updating done in cooperation with neighbouring countries? Please explain

*Please note that an overall comprehensive question (including past reporting rounds and the updates) is estimated at 250-300 words*

YES  NO  Partially

Please copy here the content of the last full reply (please note that this might be the one in the last reporting round or in an earlier one)

Cooperation agreements have been established, including for tests and exercices ( inter alia provided in the Memorandum of understanding on cooperation on crisis mangment in the event of possible transboundary transboundary consequences between the Kingdom of Belgium, the Kingdom of the Netherlands and the Grand Duchy of Luxembourg, in the event of a crisis wich may have transboundary impacts et the Senningen action plan 2009-20012)

Please indicate only changes from the previous reporting round

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1. Please indicate or describe:

*Please note that an overall comprehensive question (including past reporting rounds and the updates) is estimated at 250-300 words*

(a) How successful are your country’s emergency preparedness and response measures in meeting the aims of the Convention? Which authority(s) is/are responsible for them?

Please copy here the content of the last full reply (please note that this might be the one in the last reporting round or in an earlier one)

The legal requirements in the cooperation agreement Seveso-Helsinki include the objectives of the Convention, for both on-site andd off-site emergency plan.

Please indicate only changes from the previous reporting round

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(b) Any weaknesses recently identified in your country’s emergency preparedness, and response, e.g. through applying indicators and criteria (ECE/CP.TEIA/2010/6, Annex V and Annex VI)?

Please copy here the content of the last full reply (please note that this might be the one in the last reporting round or in an earlier one)

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Please indicate only changes from the previous reporting round

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(c) Whether your country has started to take any steps in the current reporting period to improve emergency preparedness and response or whether is planning to do so in the near future.

Please copy here the content of the last full reply (please note that this might be the one in the last reporting round or in an earlier one)

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Please indicate only changes from the previous reporting round

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1. Do guidance documents concerning contingency planning to support national or regional authorities or operators exist[[6]](#footnote-7)?

*Please note that an overall comprehensive question (including past reporting rounds and the updates) is estimated at 250-300 words*

YES  NO

Please copy here the content of the last full reply (please note that this might be the one in the last reporting round or in an earlier one)

Please indicate only changes from the previous reporting round

1. Is the Industrial Accident Notification (IAN) System established within your country?

*Please note that an overall comprehensive question (including past reporting rounds and the updates) is estimated at 250-300 words*

YES  NO

Please describe

Please copy here the content of the last full reply (please note that this might be the one in the last reporting round or in an earlier one)

A procedure has been established at DG Crisis centre (DG Centre de Crise) to notify industial accident to concerned countries.

Please indicate only changes from the previous reporting round

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1. Do you use another accident notification system[[7]](#footnote-8)

*Please note that an overall comprehensive question (including past reporting rounds and the updates) is estimated at 250-300 words*

YES  NO

Please describe

Please copy here the content of the lastfull reply (please note that this might be the one in the last reporting round or in an earlier one)

Bilateral agreements have been established between the various Belgium authorities and their counterpart in the neighbouring countries.

Please indicate only changes from the previous reporting round

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1. Which authority is the point of contact as of art 17 of the Convention?

*Please note that an overall comprehensive question (including past reporting rounds and the updates) is estimated at 250-300 words*

Please copy here the content of the last full reply (please note that this might be the one in the last reporting round or in an earlier one)

The Crisis and Coordination Centre (CGCCR)

Please indicate only changes from the previous reporting round

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**MUTUAL ASSISTANCE**

1. Has your country identified an authority that would act as point of contact for mutual assistance (as of art. 17 of the Convention)?

*Please note that an overall comprehensive question (including past reporting rounds and the updates) is estimated at 250-300 words*

YES  NO

Please copy here the content of the last full reply (please note that this might be the one in the last reporting round or in an earlier one)

Please indicate only changes from the previous reporting round

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(a) Please provide information on the point of contact responsible to requesting and/ or providing assistance in the event of an accident.

Please copy here the content of the last full reply (please note that this might be the one in the last reporting round or in an earlier one)

Point of contact = The Crisis and Coordination Centre (CGCCR)

National Correspondent = Marc Looze, DG Civil Protection, Rue de Louvain 1, 1000 Bruxelles (0032 2 500 22 34)

Please indicate only changes from the previous reporting round

National Correspondent = Edwin Van Der Eecken, DG Civil Protection, Rue de Louvain 1 , 1000 Bruxelles (0032 2 500 23 68)

(b) Please provide general information on the procedures followed for requesting/and or providing assistance.

Please copy here the content of the last full reply (please note that this might be the one in the last reporting round or in an earlier one)

There are two scenarios:

1. requesting assistance trhough the European mechanism: application by the requesting country and proposal of assitance by the country providing assitance are introduced in the CECIS system.
2. bilateral request fot assistance: submission ot the demand to the national crisis centre of the governement.

Bilateral consultation with the country providing assistance

Please indicate only changes from the previous reporting round

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1. Has your country established bilateral or multilateral agreements for mutual assistance?

*Please note that an overall comprehensive question (including past reporting rounds and the updates) is estimated at 250-300 words*

YES  NO

Please copy here the content of the last full reply (please note that this might be the one in the last reporting round or in an earlier one)

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Please indicate only changes from the previous reporting round

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**SCIENTIFIC AND TECHNOLOGICAL COOPERATION AND EXCHANGE OF INFORMATION**

22. Has your country set up any bilateral/multilateral activities/programmes to exchange information, experiences and/or technology in order to strengthen cooperation among Parties under the Convention and other (neighbouring) countries[[8]](#footnote-9)? If so, please explain.

*Please note that an overall comprehensive question (including past reporting rounds and the updates) is estimated at 250-300 words*

YES  NO

Please copy here the content of the last full reply (please note that this might be the one in the last reporting round or in an earlier one)

**With the Netherlands in 2012-2013:**

Consultation to establish agreements on the transfer of information between Belgium and the Netherlands. The mutual assistance agreement has been completed with a specific arrangement (air support).

**With BENELUX,** within the framework of consultation “Crisis management”, the working group on risks identification has been re-launched. The purpose of the group is to benefits from the advantages of having a common risk assessment and sharing information between the three countries (Belgium, Netherlands, Luxembourg). The analysis of the identified risks will be conducted later, especially with the SEVESO risk.

**With French authorities in 2013:**

A special arrangement has been developed and negotiated. The objectives of this text focus on:

* International obligation in the field of chemical risk management, experts from both countries meet on a regular basis to work on a transboundary response to these international obligations.
* Concerning nuclear risk and implantation on the ground, the working group “protection of population” established by the exchange of letter from 10 May 1982 has responsive working methods and takes into account reorganisation of services from both countries.
* An overall framework for the information flow, both a national and local level, for any kind of event which may have transboundary effects.
* Public awareness to risks populations face and improve the knowledge of how to behave and of crisis management arrangement implemented under the responsibility of each State.

**With Luxemburg authorities in 2013:**

A new draft bilateral agreement on mutual assistance has been prepared.

**To be mentioned in the same framework:**

The Memorandum of understanding on cooperation on crisis management in the event of possible transboundary consequences between the Kingdom of Belgium, the Kingdom of the Netherlands and the Grand Duchy of Luxembourg, in the event of a crisis which may have transboundary impacts entered into force in 2013

Considering the importance of the incident or accident risks at the border of Benelux and especially because of Seveso companies, the present agreement aims to reinforce the cooperation consequences between the Kingdom of Belgium, the Kingdom of the Netherlands and the Grand Duchy of Luxembourg, in the event of an accident or a menace of an accident with possible transboundary effects, whether the crisis is due to natural causes or man-made disasters. The memorandum stresses the need of coordinating national policies for planning and implementing relevant measures. This cooperation will in particular concern identification of possible risks and an elaboration of a transboundary risk map. A new plan of action 2013-2016 has been signed in June 2013

There are also regular informal consultations among the Belgian competent authorities (at federal and regional levels) with the ones of the neighbouring countries aiming at exchanging information on approaches, methods and procedures followed within the implementation of the Seveso Directive and of this Convention.

Please indicate only changes from the previous reporting round

During the 2014-2015 period consultations on "crisis management" at BENELUX level are still taking place.

**PARTICIPATION OF THE PUBLIC**

23. What opportunities does the public in your country have to participate in establishing or implementing[[9]](#footnote-10)

*Please note that an overall comprehensive question (including past reporting rounds and the updates) is estimated at 250-300 words*

1. preventive measures

Please copy here the content of the last full reply (please note that this might be the one in the last reporting round or in an earlier one)

Belgian legislations identifies two moments where public can actively participate:

* When a request for issuing a licence/permit is filed (1)
* When off-site emergency plans are created and updated (2)

(1) That’s a regional competence. There are different approaches in each region.

(2) It’s an obligation based on the cooperation agreement Seveso-Helsinki.

The procedures for issuing licences/permits include a public hearing for the consultation of the public. It is mandatory to take in consideration the public opinion in the final decision.

Together with active participation described above, the cooperation agreement Seveso-Helsinki entitles the public to consult the safety reports (passive participation).

Please indicate only changes from the previous reporting round

1. preparedness measures

Please copy here the content of the last full reply (please note that this might be the one in the last reporting round or in an earlier one)

For (1) issuing environmental/planning licenses/permits:

* **In the Flemish Region:**
* Decree of 28/6/1985 concerning environmental permits
* Vlaamse Codex Ruimtelijke Ordening *(Flemish code for Spatial Planning)*
* **In Walloon Region:**
* Decree of 11 March 1999 concerning environmental permits
* Walloon Code of Land Management, Urban Planning, Heritage and Energy (CWATUPE)
* **In Brussels-Capital Region:**
* Ordinance of 5 June 1997 on environmental licenses/permits as amended.
* Brussels code of spatial planning approved by decree of the Government of Brussels-Capital Region of 9 April 2004 and ratified by the ordinance of 13 May 2004, and its various modifications.

For (2) participation in the framework of the preparation of off-site emergency plans:

The cooperation agreement Seveso Helsinki requires in Article 17 para. 3 that:

* the public must be consulted when defining or updating of off-site emergency plans.
* this consultation implies that the public can issue its observations in a reasonable period of time and that these observations are discussed.

A ministerial decree on the establishment of a procedure for public consultation on draft off-site emergency plans was published 10 December 2012.

Please indicate only changes from the previous reporting round

* **In Walloon Region:**
* Decree of 11 March 1999 concerning environmental permits
* Walloon Code of Land Management, Urban Planning, Heritage and Energy (CWATUP)

24. How do you inform the public of these opportunities?

*Please note that an overall comprehensive question (including past reporting rounds and the updates) is estimated at 250-300 words*

Please copy here the content of the last full reply (please note that this might be the one in the last reporting round or in an earlier one)

Through different means, for instance through billposting locally and in the city halls and information published in local and regional media.

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25. Does the public participate? Please explain

*Please note that an overall comprehensive question (including past reporting rounds and the updates) is estimated at 250-300 words*

YES  NO

Please copy here the content of the last full reply (please note that this might be the one in the last reporting round or in an earlier one)

The amount of participation strongly depends on practices, characteristics and location of the project. Especially for consultations in the framework of impact assessment, participation is quite important.

Please indicate only changes from the previous reporting round

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1. Are the public in neighbouring countries/Parties (who may be affected by hazardous activities) able to participate in the same way as people in your own country?

YES  NO

Please indicate only changes from the previous reporting round

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1. Do natural or legal persons capable of being affected by an industrial accident in the territory of neighbouring countries/Parties have access to the relevant administrative and judicial procedures in your country?

YES  NO

Please indicate only changes from the previous reporting round

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1. Please indicate or describe:

*Please note that an overall comprehensive question (including past reporting rounds and the updates) is estimated at 250-300 words*

(a) How successful has your country been in developing public participation?

Please copy here the content of the last full reply (please note that this might be the one in the last reporting round or in an earlier one)

Public hearings to consult the public in the framework of issuing permits/licences is well-established.

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(b) Any weaknesses recently identified in your country’s system for public participation, e.g. through applying indicators and criteria (ECE/CP.TEIA/2010/6, Annex VII)?

Please copy here the content of the last full reply (please note that this might be the one in the last reporting round or in an earlier one)

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Please indicate only changes from the previous reporting round

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(c) Whether your country has started to take any steps in the current reporting period to improve public participation or whether is planning to do so in the near future.

Please copy here the content of the last full reply (please note that this might be the one in the last reporting round or in an earlier one) (

A ministerial decree on the establishment of a procedure for public consultation on draft off-site emergency plans was published 10 December 2012.

Please indicate only changes from the previous reporting round

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##### DECISION-MAKING ON SITING

1. Has your country established policies on the siting of hazardous activities and on significant modifications to existing activities? If so, please explain.

*Please note that an overall comprehensive question (including past reporting rounds and the updates) is estimated at 250-300 words*

YES  NO

Please copy here the content of the last full reply (please note that this might be the one in the last reporting round or in an earlier one)

**Flemish region**

The Flemish region has two strategies to implement article 12.

New establishments or modification to existing ones are included in the procedure for environmental permits. In this procedure the operators need to prepare an environmental safety report within which upper-tier operators are requested to submit a safety report and the lower tier operators are requested to submit a safety study.

For new developments around existing Seveso installations, it is possible to have a spatial safety report using quantitative risk assessment. On the basis of criteria established by the authorities it is possible to request a spatial safety report after the submission of an implementation spatial plan. The implementation spatial plan needs to be prepared before starting any major change to the spatial planning.

Through the Flemish Government decree of 26 January 2007 on procedures concerning reporting on spatial security, spatial planning is connected to environmental regulations. The competent authority responsible for land-use planning receives a binding opinion about safety of Seveso sites for every new plan for development, whether it is developing new industrial sites with Seveso installations or urban developments in the close neighbourhood of Seveso sites.

This is also established in the Flemish code for spatial planning.

**Walloon region**

The establishment of new sites or their modification is carried out on the basis of regulation on urban and environmental permits.

Regarding the control of new installations close from a Seveso site, the Walloon region establishes for every new development around existing Seveso sites, which areas are most likely to be prone to industrial accidents with consequences on human being or goods. These areas are called vulnerable areas around Seveso sites.

The discussion on perimeters called vulnerable areas was included in the legislation of the Walloon region, through the decree of 8 May 2008 modifying articles 4, 33, 40, 42, 50, 85, 116, 127, 136, 150bis, 175 and 181 of the Walloon Code of Town and Country Planning, Urban Development and Heritage (CWATUPE) and including article 136bis (M.B. of 22/05/2008, p. 26574).

Any license/permit request (planning, parcelling or environment) or any proposed development plan (sector plan and communal development plan), which relates to a good located in such area, will be subject to the review of the service “RAM” of the Directorate of Mining Risks from DGO3, the administration responsible of the Seveso regulation.

**Brussels-Capital region**

According to articles 125 and 176 of the Brussels code for land-use planning, established by the decree of 09/04/2004 published in the Belgian Official Gazette 26/05/2004, every request for licence/permit for urban developments in the close vicinity of Seveso installations needs to receive the favourable opinion of the l’Institut Bruxellois pour la Gestion de l’Environnement (IBGE). Perimeters around existing Seveso installations have been created.

To build new Seveso installations it is mandatory to provide an impact assessment study. For companies requiring a class 1A environmental licence/permit, an impact assessment is required in the procedure. For companies requiring a class 1B environmental licence/permit and falling under Seveso regulation, the Government of Brussels-Capital region may require an impact assessment upon recommendation of the Consultation Committee. Since IBGE is part of the Consultation Committee, it will always require an impact assessment when requesting for a class 1B environmental licence/permit for a new Seveso company. The Ordinance on environmental licenses/permits provides for these procedures.

The Ordinance on environmental licenses/permits requires that such impact assessment also include a safety study.

Both for the procedure for requesting licence/permits for urban developments and for requesting environmental licence/permits, the risks for the environment and the population of industrial accidents are identified and assessed. In case of negative results of the assessment, no licence/permit is issued.

Please indicate only changes from the previous reporting round

The discussion on perimeters called vulnerable areas was included in the legislation of the Walloon region, through the decree of 8 May 2008 modifying articles 4, 33, 40, 42, 50, 85, 116, 127, 136, 150bis, 175 and 181 of the Walloon Code of Town and Country Planning, Urban Development and Heritage (CWATUP) and including article 136bis (M.B. of 22/05/2008, p. 26574).

1. How do these policies take transboundary issues into account? Please report on any bilateral activities on siting issues with potentially affected neighbouring countries.

*Please note that an overall comprehensive question (including past reporting rounds and the updates) is estimated at 250-300 words*

Please copy here the content of the last full reply (please note that this might be the one in the last reporting round or in an earlier one)

**Flemish region:**

* Through land-use planning (the service evaluating safety reports needs to be addressed to receive an opinion during a procedure of an spatial implementation plan)
* Through the environmental permits system : the request for permit is sent to the neighbouring country in case of possible transboundary effects.

**Walloon region**: the issue of risks of transboundary effects is assessed for every installation when the operators request licence/permit or during the evaluation of safety reports.

**Bruxelles-Capitale region**: N.A.

Please indicate only changes from the previous reporting round

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1. Please explain or describe:

*Please note that an overall comprehensive question (including past reporting rounds and the updates) is estimated at 250-300 words*

(a) To what extent does your siting policy achieve the intended results?

Please copy here the content of the last full reply (please note that this might be the one in the last reporting round or in an earlier one)

No specific problems found.

Please indicate only changes from the previous reporting round

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(b) Any weaknesses recently identified in your country’s siting policy?

Please copy here the content of the last full reply (please note that this might be the one in the last reporting round or in an earlier one)

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Please indicate only changes from the previous reporting round

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(c) Whether your country has started to take any steps in the current reporting period to improve siting policy or whether is planning to do so in the near future.

Please copy here the content of the last full reply (please note that this might be the one in the last reporting round or in an earlier one)

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**REPORTING ON PAST INDUSTRIAL ACCIDENTS**

1. a Have there been any accidents with transboundary effects during this reporting period?

YES  NO

|  |  |  |
| --- | --- | --- |
| Date | Location | Type of Accident |
|  |  |  |
|  |  |  |

1. b If yes, have you reported on these industrial accidents with transboundary consequences and, if so, which system did you use?

*Please note that an overall comprehensive question (including past reporting rounds and the updates) is estimated at 250-300 words*

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Please indicate only changes from the previous reporting round

1. Clarification on the questions is provided in the guidelines [↑](#footnote-ref-2)
2. This report often refers to the “Seveso” legislation, since the obligations of the Directive respond to this Convention. Its scope includes installations Covered by the Convention. [↑](#footnote-ref-3)
3. For more information concerning the level of details for the information, please refer to the Guidelines for reporting [↑](#footnote-ref-4)
4. For the location criteria please see the document ECE/CP.TEIA/12 available at

   http://www.unece.org/fileadmin/DAM/env/documents/2005/teia/ece.cp.teia.12.e.pdf [↑](#footnote-ref-5)
5. Please refer to the guidelines for explanation of hazardous activities [↑](#footnote-ref-6)
6. Please note that this question also refers to hazardous installations not falling within the scope of the Convention [↑](#footnote-ref-7)
7. Accident notification system is to be understood as a system that authorities can use to inform other countries that an accident has occurred in their territory. The notification system referred to in this report is something to be used during an emergency. Please do not provide information about systems used to report on past accidents or lessons learned. [↑](#footnote-ref-8)
8. Please note that this question refers to examples of good practices for industrial accident prevention within and between countries, independently from the current existence of installations capable of causing transboundary effects in the event of an accident. [↑](#footnote-ref-9)
9. Please note that in replying to this question you should consider whether such possibilities exist in the country independently on whether the country currently has hazardous activities capable of causing transboundary effects in the event of an accident. [↑](#footnote-ref-10)