Q&A on Environmental Law in Belgium

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Contents

Introduction

Using a Q&A format, this article provides a guide to environmental law in Belgium and gives a practical description of a wide range of topics including:

- Emissions to air and water
- Environmental impact assessments
- Waste
- Contaminated land
- Environmental issues in transactions

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Environmental regulatory framework

1. What are the key pieces of environmental legislation and the regulatory authorities in your jurisdiction?

Main environmental regimes

Like in the other EU member states, environmental law in Belgium originates mainly from EU law, whether through directly applicable regulations or directives that are implemented into Belgian national law. The main environmental law regimes are:

- Environmental Permitting Regime (EPR), combining the pollution prevention and control (PPC) regime and certain aspects of waste management licensing (see *Question 5*).
- Water (aspects not dealt with under EPR, see *Question 6*).
- Waste (aspects not dealt with under EPR, see *Question 12*).
- Contaminated land (*see Questions 14 to 17*).
- Conservation of nature, wildlife and habitats.
- Environmental impact assessments (EIAs) (*see Question 11*).

Health and safety requirements are strongly interlinked with certain environmental law regimes. For example, certain requirements regarding asbestos management are imposed through the legal framework on workers' safety (*Arrêté royal du 16 mars 2006 relatif à la protection des travailleurs contre les risques liés à l'exposition à l'amiante/Koninklijk besluit van 16 maart 2006 betreffende de bescherming van de werknemers tegen de risico's van blootstelling aan asbest*).

There is also a strong link between urban planning law and environmental law. For example, applying for an urban planning permit for the development of a real estate project under can trigger the requirement to conduct a soil survey and, if necessary, clean up under the soil clean-up statute (see *Questions 14 to 17*).

Regulatory authorities

The reforms of the Belgian state resulted in the following three regions, created as separate legislative and executive bodies:

- Walloon Region.
- Brussels Metropolitan Region.
- Flemish Region.

The regions became responsible for most matters in relation to environmental protection.

However, the federal state remains responsible for certain matters that are related to environmental protection, in particular product safety requirements, the transit of waste and environmental issues affecting the territorial sea.

Various ministries or public law entities are in charge of implementing the environmental policies that are enacted by the regions or the federal state (*see Page 21, The regulatory authorities*).

Municipalities and provincial authorities play an important role in the granting of environmental and urban planning permits as a permit granting authority or as an advisory body.

Regulatory enforcement

2. To what extent are environmental requirements enforced by regulators in your jurisdiction?

Most breaches of environmental law can lead to:

- Criminal sanctions, such as imprisonment and criminal fines.
- Administrative sanctions, such as administrative fines or an order to stop the operation of the relevant activity or equipment until the breach has been rectified.

The criminal fines that can be imposed are relatively significant and can amount to several millions of euros. Administrative fines are lower. The exact amounts of potential fines depend on the applicable environmental law regime.

In practice, often only the most severe breaches lead to criminal prosecution. Consequently, it is relatively rare that breaches of environmental law lead to severe criminal sanctions.

In all three regions, a system of administrative fines has been developed for breaches in a number of areas of environmental legislation. Under this system, the authorities can impose an administrative fine as a sanction for a breach provided that the public prosecutor has not started a criminal prosecution within a certain period of time after receiving the relevant statement of breach. The exact applicable period depends on the relevant regulatory framework but is generally several months. Once an administrative fine has been imposed and paid, the relevant breach can no longer lead to criminal prosecution.

If breaches are identified, the authorities often grant a grace period to rectify the situation without imposing any sanctions, especially if they consider that the situation does not present any risk for the environment or public health, and if they consider that the relevant party is willing to rectify the situation. The willingness of the authorities to grant this period of grace and its duration will largely depend on the specific circumstances of the matter.

Environmental NGOs

3. To what extent are environmental non-governmental organisations (NGOs) and other pressure groups active in your jurisdiction?

Several NGOs are active in Belgium, particularly in influencing public opinion and policy makers.

NGOs are often involved in legal proceedings as they have the right to challenge any acts or decision by the authorities, such as new environmental legislation or the issue of permits that prejudice their social goal. Also, environmental NGOs can demand the cessation of activities that are harmful to the environment through summary proceedings.

NGOs that are active in Belgium include:

- Greenpeace (active in the entire country).
- World Wide Fund for Nature (WWF) (active in the entire country).
- *Bond Beter Leefmilieu* (general environmental pressure group, mainly active in the Flemish Region).

- *Vogelbescherming Vlaanderen* (focuses on the protection of birds and their habitats, mainly active in the Flemish Region).
- *Natuurpunt* (general environmental pressure group, mainly active in the Flemish Region).
- *Natagora* (general environmental pressure group, mainly active in the Walloon Region).
- *Brusselse Raad voor het Leefmilieu* (BRAL) (general environmental pressure group, also focussing on urban development issues, active in the Brussels Metropolitan Region).

When important projects are being developed, people living in the vicinity of the project often organise ad hoc pressure groups. An example of such pressure groups is *Ademloos*, which focuses on issues in relation to road projects in the Antwerp area.

Environmental permits

4. Is there an integrated permitting regime or are there separate environmental regimes for different types of emissions? Can companies apply for a single environmental permit for all activities on a site or do they have to apply for separate permits?

Integrated/separate permitting regime

In all three regions, an integrated permitting regime applies, under which most activities that are operated on a typical industrial site or in an office building are covered by one single permit (environmental permit).

For the operation of certain highly regulated activities, a specific authorisation in addition to the environmental permit may be required by virtue of another legal framework. Activities that are regulated by a specific legal framework include the production of energy, the handling of radioactive substances or the handling or production of foodstuffs or medicines.

In all three regions, the environmental permit statute contains the basic rules and principles regarding the permitting regime. In addition to the statute, enacting decrees provide for more detailed or more specific provisions, such as in operating conditions for certain types of technical equipment.

The permitting regime in each region uses a classification system to determine the level of regulation applied to activities. This runs from Class 1 (most highly polluting/highest risk) activities to Class 3 (lowest polluting/low risk) activities:

- Class 1 installations have special requirements in each region (*see below*).
- Class 2 installations require an environmental permit granted by the College of Mayor and Aldermen (that is, the municipality's executive body).
- Class 3 installations only need notify the College of Mayor and Aldermen (no actual permit is required).

The full list of installations that are subject to environmental permit requirements is set under the following acts:

- **Walloon Region**: Decree of the Walloon Government dated 4 July 2002 (*Arrêté du Gouvernement wallon arrêtant la liste des projets soumis à étude d'incidences et des installations et activités classées*).
- **Brussels Metropolitan Region**: Decree of the Brussels Metropolitan Government dated 4 March 1999 and Brussels Statute dated 22 April 1999 (*Arrêté du Gouvernement de la Région de Bruxelles-Capitale fixant la liste des installations de classe IB, II et III, Ordonnance fixant la liste des installations de classe IA*).
- **Flemish Region**: Decree of the Flemish Government dated 6 February 1991 (*Besluit van de Vlaamse Regering houdende de vaststelling van het Vlaams Reglement betreffende de Milieuvergunning*) (VLAREM I).

Non-compliance with environmental permit requirements may give rise to administrative sanctions or criminal prosecution.

In all three regions, administrative sanctions include administrative fines, an order to temporarily stop the operation of the relevant activity or the withdrawal or suspension of the permit (*see Question 5*).

5. What is the framework for the integrated permitting regime?

Permits and regulator

Walloon Region. Environmental permits are regulated by the Walloon Environmental Permit Statute dated 11 March 1999. Installations classified as potentially harmful or unhealthy cannot be operated until the required environmental permit or notification is in place.

Class 1 installations require an environmental permit granted by the College of Mayor and Aldermen, following an EIA study.

A single permit (*permis unique*) must be applied for if the development of a project requires both an environmental and an urban planning permit.

Permits are granted for a maximum of 20 years. They can be transferred by joint notification in writing by both the transferor and transferee to the permit granting authority. At the point of notification, the transferee must:

- Confirm that it is duly informed of the permit provisions and of the applicable operating conditions.
- Confirm that it will continue the activities that are covered by the permit.
- Commit to respect the permit's provisions and applicable operating conditions.

The authorities must in principle accept the transfer. Unless and until transfer takes effect, the former operator remains jointly liable for any issues in relation with the operation of the relevant equipment or plant.

Non-compliance with environmental permit requirements can, among others, result in criminal sanctions. Potential criminal sanctions include imprisonment of up to six months and a fine of up to EUR1 million. The penalties may be increased for repeat offences.

Brussels Metropolitan Region. Environmental permits are regulated by the Brussels Statute on environmental permits dated 5 June 1997 (Brussels Environmental Permit Statute).

Class 1B installations require an environmental permit granted by the Brussels environmental agency (Institut Bruxellois pour la Gestion de l'Environnement) (IBGE). Class 1A installations are considered to be the highest potential risk category. They require a permit by IBGE, which can only be granted after an EIA study.

Permits are granted for a 15-year term, which may be extended for a further 15 years. Permits cannot be extended for more than one period of 15 years. However, after expiry of the extended permit, a new permit can be applied for.

The permit can be transferred by joint notification of both the transferor and transferee to the permit granting authority. The authorities cannot refuse the transfer.

However, if the permit covers the operation of an activity that is considered as potentially polluting under the Brussels Soil Clean-up Statute (see *Question 13*), then the transfer of the environmental permit triggers soil survey requirements of the land where the relevant activity operates. If the survey reveals pollution exceeding the applicable thresholds, the transfer cannot take place before the transferor:

- Undertakes to investigate and detail the extent of contamination and to conduct the necessary clean up or to take the necessary risk management measures, if required.
- Provides the necessary financial security to guarantee these obligations (see *Question 13*).

Non-compliance with environmental permit requirements can, among other things, result in criminal sanctions. Potential criminal sanctions include imprisonment of up to 12 months and a fine of up to EUR5 million. The penalties may be doubled if the infraction was committed voluntarily or to generate financial profits.

Flemish Region. Environmental permits are regulated by the Flemish Statute on environmental permits dated 28 June 1985 (Flemish Environmental Permit Statute) (Decreet betreffende de milieuvergunning) and its enacting decrees (VLAREM I and VLAREM II).

Class 1 installations require an environmental permit granted by the Provincial Government.

Permits are granted for a maximum of 20 years. The permit can be transferred by joint notification of both the transferor and transferee to the permit-granting authority on a standard form.

Non-compliance with environmental permit requirements can, among other things, result in criminal sanctions. Potential criminal sanctions include imprisonment of up to two years and a fine of up to EUR1.5 million

Water pollution

6. What is the regulatory regime for water pollution (whether part of an integrated regime or separate)?

The three regions are responsible for water management on their territory. The federal authority remains responsible for water management in the territorial sea.

Non-compliance with requirements regarding water management, such as a non-authorised discharge, for example, may lead to criminal prosecution or administrative

sanctions. These sanctions are largely similar to the sanctions for breaches of environmental permit requirements (*Question 4*).

Walloon Region. The Walloon Water Code (Code de l'eau) dated 27 May 2004 provides the main regulatory framework for water management in the Walloon Region. It contains various general policy measures to prevent contamination and to take the appropriate corrective measures if contamination occurs.

The Walloon Water Code prohibits the dumping of waste or discharge of any substance into surface waters.

The authorisation to discharge waste water into surface water is integrated in the environmental permit covering industrial plant operations. Also the environmental permit covering the operation of a plant will normally contain various operating conditions regarding the prevention of water contamination.

Brussels Metropolitan Region. The Brussels Statute dated 20 October 2006 regarding water policy (Brussels Water Statute) (Ordonnance établissant un cadre pour la politique de l'eau/Ordonnantie tot opstelling van een kader voor het waterbeleid) provides the main regulatory framework for water management in the Brussels Metropolitan Region.

The Brussels Water Statute:

- Contains general targets, guidelines and principles such as the stand-still principle and precautionary principle, regarding water management.
- Regulates the tasks of the different authorities that regulate water management. The main authorities are the IBGE (responsible for investigations, among other things) and the Brussels Company of Water Management (*Société Bruxelloise de Gestion de l'eau*) (SBGE), which is in charge of the treatment of Brussels domestic waste water.
- Forbids any discharge in surface water, unless such discharge has been expressly authorised.

The authorisation to discharge waste water into surface water is integrated in the environmental permit covering industrial plant operations.

Flemish Region. The Flemish Statute Decree of 18 July 2003 on integrated water policy (Flemish Water Statute) (Decreet betreffende het integraal waterbeleid). contains the main regulatory framework for water management in the Flemish Region.

The Flemish Water Statute establishes an integrated water policy aimed at managing and maintaining water systems through action plans or programmes.

The law of 26 March 1971 regarding the protection of surface (Wet op de bescherming van de oppervlaktewateren tegen verontreiniging) water forbids the following actions, to prevent surface water contamination:

- Dumping of objects or substances into surface waters.
- Discharging waste water into surface waters, unless the discharge is expressly authorised.

The authorisation to discharge waste water into surface water is integrated in the environmental permit covering industrial plant operations. That discharge is subject to the payment of an environmental levy.

Air pollution

7. What is the regulatory regime for air pollution (whether part of an integrated regime or separate)?

The general regulatory framework for air pollution includes:

- Walloon and Flemish Regions: the 28 December 1964 law regarding the fight against air pollution (Wet betreffende de bestrijding van de luchtverontreiniging/Loi relative à la lutte contre la pollution atmosphérique).
- Brussels Metropolitan Region: the 25 March 1999 Brussels Statute regarding the control and improvement of air quality (Ordonnance relative à l'évaluation et l'amélioration de la qualité de l'air ambient/Ordonnantie betreffende de beoordeling en de verbetering van de luchtkwaliteit). The 25 March 1999 Brussels Statute regarding the control and improvement of air quality will be replaced by the Brussels Code dated 2 May 2013. The Brussels Code will relate to air, climate and energy management. The exact date of this replacement has not been announced but it is expected to occur in early 2014.

In practice, in all three regions, reducing air emissions and setting air emission thresholds are controlled through:

- Operating conditions imposed on plants under the applicable environmental permit statute and related enacting decrees.
- Specific operating conditions imposed by the applicable environmental permit.

Infractions, such as non-authorised air emissions, can lead to criminal prosecution or administrative sanctions. These sanctions are largely similar to the sanctions for breaches of environmental permit requirements (see *Question 4*).

Climate change, renewable energy and energy efficiency

8. Are there any national targets for reducing greenhouse gas emissions, increasing the use of renewable energy (such as wind power) and/or increasing energy efficiency (for example in buildings and appliances)?

Emissions targets. Belgium is subject to the Kyoto Protocol targets (*see Question 9*).

Increasing renewable energy. Directive 2009/28/EC on the promotion of the use of energy from renewable sources and amending and subsequently repealing Directives 2001/77/EC and 2003/30/EC (Renewable Energy Directive) requires renewable energy to form 20% of total EU energy consumption by 2020. Belgium's contribution to the EU-wide target is 15% by 2020.

In all three regions, a certain proportion of the energy supplied must be from renewable sources. These proportions are as follows:

- **Walloon Region:** 19.4% (for 2013). The proportions will gradually increase from 23.1% in 2014 to 37.9% in 2020.
- **Brussels Metropolitan Region:** 3.25%. At present, no minimum proportion has been set for 2013.
- **Flemish Region:** 8 % until 31 March 2013. As from 2013 the target rises to 14%. The proportions will then gradually increase from 14% in 2013 to 20.5% in 2020.

The production of green energy is subsidised in all three regions and by the federal state through green certificates schemes.

Energy efficiency requirements. In all three regions, minimum energy efficiency standards must be met when constructing new buildings or when performing important renovation works to existing buildings. It is expected that these minimum requirements will gradually become more strict.

In all three regions, Energy Performance of Buildings (EPB) certificates must be provided when entering into property transactions. However, to date, only in the Brussels Metropolitan Region do these obligations apply to properties other than residential properties.

On 25 October 2012, the EU adopted the Directive 2012/27/EU on energy efficiency. This Directive establishes a common framework of measures for the promotion of energy efficiency within the Union. This is to ensure the Union achieves a 20% headline target on energy efficiency by 2020 and to lead the way for further energy efficiency improvements beyond that date. It lays down rules designed to remove barriers in the energy market and to overcome market failures that hinder efficiency in the supply and use of energy. In particular the Directive provides for the establishment of indicative national energy efficiency targets for 2020 and a compulsory requirement for large companies to have energy audits every four years. Member States are required to bring into force the laws necessary to comply with the Directive by 25 June 2014 (*Article 28(1)*). The Directive has been partially implemented in Belgian law.

9. Is your jurisdiction party to the United Nations Framework Convention on Climate Change (UNFCCC) and/or the Kyoto Protocol? How have the requirements under those international agreements been implemented?

Parties to UNFCCC/Kyoto Protocol

The EU and Belgium are parties to the UNFCCC and the Kyoto Protocol.

The EU's emissions reduction target under the Kyoto Protocol was to reduce its greenhouse gas emissions by 8% from 1990 levels in the period 2008 to 2012 (the end of the first commitment period). The EU's target was redistributed among member states, and Belgium agreed to a 12.5% reduction for the first commitment period. A second commitment period has now been agreed until 2020 with parties setting their own reduction objectives. The Parties have also agreed to an amendment to the Kyoto Protocol to provide for an overall objective of reducing emissions by 18% below 1990 levels by 2020 (the original objective was a 5% reduction below 1990 levels in the first commitment period). The EU and Member States have committed to this target on a joint basis (and the EU has pledged to strengthen the

commitment to a 30% reduction if a strong international agreement is reached). Parties that have signed up to the second commitment period will review their emissions reduction objectives in 2014.

Implementation

Belgium implemented the requirements under the Kyoto Protocol through implementing Directive 2003/87/EC establishing a scheme for greenhouse gas emission allowance trading within the Community (Emissions Trading Directive).

10. What, if any, emissions/carbon trading schemes operate in your jurisdiction?

EU ETS overview

As an EU member state, Belgium is covered by the EU Emissions Trading Scheme (ETS), which works in four compliance stages:

- Phase I of the EU ETS ran from 2005 to 31 December 2007.
- Phase II ran from 1 January 2008 to 31 December 2012.
- Phase III started on 1 January 2013 and will run to 31 December 2020 (see below, Phase III).
- Phase IV will begin in 2021.

The EU ETS applies to specified heavy industrial activities and establishes a mandatory cap and trade system. Participants must surrender allowances (or other credits) at the end of each compliance period to match their emissions. Failure to comply can result in a penalty. Each allowance represents the emission of one tonne of carbon dioxide.

Following allocation and auctioning, allowances are subsequently traded in online registries enabling companies to purchase additional allowances to meet their obligations.

Operators can also obtain credits (that can be traded in the EU ETS) by investing in:

- Qualifying projects to reduce emissions in industrialised countries and certain countries in economic transition (known as joint implementation (JI) under the Kyoto Protocol).
- Projects to reduce emissions in developing countries (known as the clean development mechanism (CDM) under the Kyoto Protocol).

Operators can surrender any such credits as well as EU allowances to comply with their obligations under the EU ETS.

Aviation

From 1 January 2012, the EU ETS covers any aircraft operator, whether EU- or foreign-based, operating international flights on routes to, from or between EU airports. There are certain exemptions, including for light aircraft, military flights, flights for government business and test flights. Various complaints were made by non-EU countries at the inclusion of flights to or from destinations outside the EU into the EU ETS. As a result the EU excluded such flights during 2012 from the EU ETS, pending discussions at international level over the future position of international aviation in the scheme.

Phase III

The main changes for Phase III are as follows:

- There is a single EU registry for all users, which was activated on 20 June 2012, rather than national member state registries.
- There is a single EU-wide cap on emissions, which will decrease annually meaning that the former National Allocation Plans will no longer be required.
- Other GHSs and industrial sectors will be included.
- Allocation of allowances will be replaced to a large degree by auctioning.
- The use of credits from JI and CDM projects is limited.

Environmental impact assessments

11. Are there any requirements to carry out environmental impact assessments (EIAs) for certain types of projects?

In all three regions, certain plans or projects require an EIA. The list of projects requiring an EIA is largely similar to the categories set by Directive 97/11/EC on the assessment of the effects of certain public and private projects on the environment (Amended EIA Directive) as follows: **Annex 1 projects**: developments most likely to have a major environmental impact. For example, crude oil refineries, power stations and motorways must be subject to EIA.

- Annex 1 projects: developments most likely to have a major environmental impact. For example, crude oil

refineries, power stations and motorways must be subject to EIA.

- Annex 2 projects: other projects, including infrastructure, which are subject to EIA if they are likely to have a significant effect on the environment due to factors such as their nature, size or location.

Non-compliance with EIA requirements may lead to the annulment of the relevant permit, programme or plan by the *Conseil d' Etat/Raad van State*, Belgium's highest administrative court.

Walloon Region. Book I, Part V of the Walloon Environmental code (*Code de l'environnement*) holds the Walloon main regulatory framework regarding EIAs for both plans and projects.

The list of projects requiring an EIA is included in Schedule I to the Decree of the Walloon Government dated 4 July 2002 (*Arrêté du Gouvernement wallon arrêtant la liste des projets soumis à étude d'incidences et des installations et activités classes*).

Brussels Metropolitan Region. The Brussels Statute dated 18 March 2004 sets out the procedures and requirements for the conduct of EIAs for plans (*Ordonnance relative à l'évaluation des incidences de certains plans et programmes sur l'environnement/Ordonnantie betreffende de milieueffectenbeoordeling van bepaalde plannen en programma's*).

The Brussels planning code (*Code Bruxellois pour l'Aménagement du Territoire*) (COBAT) and Brussels Environmental permit statute (*Ordonannce relative au permis d'environnement/Ordonnantie betreffende de milieuvergunning*) hold the requirements for the conduct of EIA studies for projects.

The list of projects that require an EIA study is included in Schedule A to the Brussels planning code and in the Brussels Statute dated 22 April 1999 (*Ordonnance fixant la liste des installations de classe IA visée à l'article 4 de l'ordonnance du 5 juin 1997 relative aux permis d'environnement/Ordonnantie tot vaststelling van de ingedeelde inrichtingen van klasse IA van de ordonnantie van 5 juni 1997 betreffende de milieuvergunningen*).

Flemish Region. The Flemish regulatory framework regarding EIA studies is held by Title IV of the Flemish Statute dated 5 April 1995 on general environmental policy (*Decreet houdende algemene bepalingen inzake milieubeleid*).

The list of projects that require an EIA study is included in Schedule I of the Flemish Decree dated 10 December 2004 (*Besluit van de Vlaamse Regering houdende vaststelling van de categorieën van projecten onderworpen aan milieueffectrapportage*).

Waste

12. What is the regulatory regime for waste?

In all three regions, a statute on waste holds the main regulatory framework on waste management, recovery and disposal (see below).

Unauthorised dumping of waste is forbidden and producers of waste must ensure the recovery or disposal of that waste in compliance with environmental law.

Facilities where waste is processed require an environmental permit. Persons that collect or transport waste must obtain a certificate from the waste authority or must notify their activities to that authority, depending on the type of activities they perform.

An overview of all authorised, registered or notified waste management companies is available on the internet at:

- *www.environnement.wallonie.be* (Walloon Region).
- *www.ibgebim.be* (Brussels Metropolitan Region).
- *www.ovam.be* (Flemish Region).

For certain types of waste or for certain types of waste disposal, specific requirements apply, such as for example, for the operation of landfills.

Producers of toxic waste are strictly liable for costs in association with the removal of that waste (*Article 7, Federal law dated 22 July 1974* (*Loi sur les déchets toxiques/Wet op de giftige afval*).

Producers of certain waste forms, including packaging waste, batteries and electrical and electronic waste are subject to take-back requirements, in line with the EU directives in these areas.

Non-compliance with the regulatory framework on waste management can lead to:

- Criminal prosecution.
- Criminal fines.
- Imprisonment.
- Administrative sanctions, such as administrative fines.

The maximum amount of the fine or maximum sentence depends on the region where the breach was committed. However, in all three Belgian regions, these sanctions may be substantial.

Walloon Region. The main regulatory framework is held by the Walloon Statute dated 27 June 1996 on waste (*Décret relatif aux déchets/ Decreet betreffende de afvalstoffen*).

Waste produced outside the Walloon Region can only be dumped or land filled in the Walloon Region's territory if a specific authorisation by the Walloon environmental minister was granted (*Walloon Decree dated 19 March 1987/ Arrêté de l'Exécutif régional wallon concernant la mise en décharge de certains déchets en Région wallonne*).

The main Walloon bodies in charge of waste management and prevention are:

- Office Wallon des Déchets (Walloon waste office), which is part of the Walloon Agriculture Department (Direction Générale opérationnelle de l' Agriculture, des Ressources Naturelles et de l' Environnement) (DGARNE).
- SPAQUE SA, which is mainly in charge of the clean-up of former industrial sites (*www.spaque.be*).

Brussels Metropolitan Region. The main regulatory framework is contained in the Brussels Statute dated 14 June 2012 on waste (*Ordonnance relative aux déchets/Ordonnantie betreffende afvalstoffen*).

The Brussels environmental agency (*Institut Bruxellois pour la Gestion de l'Environnement*) (IBGE (*Brussels Instituut voor Milieubeheer*) (BIM) is in charge of waste prevention and management (*www.ibgebim.be*).

Flemish Region. The main regulatory framework is contained in the Flemish Statute dated 23 December 2011 (*Decreet betreffende het duurzaam beheer van materiaalkringlopen en afvalstoffen*) concerning the sustainable management of materials and waste and its implementing Decree dated 17 February 2012 (*Besluit van de Vlaamse Regering tot vaststelling van het Vlaams reglement betreffende het duurzaam beheer van materiaalkringlopen en afvalstoffen*).

The Flemish waste agency (*Openbare Vlaamse Afvastoffenmaatschappij*) (OVAM) is the Flemish authority in charge of matters concerning waste (*www.ovam.be*).

Asbestos

13. What is the regulatory regime for asbestos in buildings?

Since 2001, there has been a general ban on the use of asbestos in Belgium. However, asbestos-containing materials (ACMs) can be found in many existing properties and their presence is, in principle, not illegal.

Employers must prepare inventories of asbestos applications in the workplace and take all necessary measures to prevent asbestos exposure (Royal Decree dated 16 March 2006 (*Arrêté royal du 16 mars 2006 relatif à la protection des travailleurs contre les risques liés à l'exposition à l'amiante/Koninklijk besluit van 16 maart 2006 betreffende de bescherming van de werknemers tegen de risico's van blootstelling aan asbest*)). Non-compliance with this requirement can lead to criminal prosecution or administrative sanctions.

The removal of ACMs is subject to specific permit and safety requirements. Asbestos waste must be disposed of by a certified waste processor.

Employees who contract an asbestos-related illness due to their professional occupation can claim compensation from the Fund for Occupational illnesses (*Fonds des maladies professionnelles/Fonds voor beroepsziekten (www.fmp-fbz.fgov.be*)), which is organised through the Belgian social security system. A compensation fund was established for non-employees (which can cover, for example, visitors to premises and members of the public) who contract an asbestos-related illness (Chapter VI, Federal law dated 27 December 2006 (*Loi de programme/Programmawet*)).

Contaminated land

14. What is the regulatory regime for contaminated land?

In all three regions a statute on soil clean-up applies, which provides a comprehensive regulatory framework regarding managing contaminated land, survey requirements and the allocation of clean-up obligations and liabilities.

In addition, these statutes impose certain formalities that must be complied with in order to verify the condition of land when various types of property-related transactions occur.

All three regional regimes make a distinction between:

- The party that must carry out the clean-up (that is, who must conduct the necessary surveys and clean-up, even though it may not be responsible for causing that contamination) (clean-up party).
- The party that is liable for the contamination (liable party).

Non-compliance with these regional statutes' requirements, including the information, soil survey and clean-up obligations, can lead to criminal prosecution and administrative sanctions.

Walloon Region. On 5 December 2008, the Walloon Parliament approved a statute that introduced a general legal framework regarding the management of contaminated soil (Walloon Clean-up Statute) (*Décret relatif à la gestion des sols*). These rules introduce a system for registering potentially contaminated land, clean-up obligations and provisions regarding liability for clean-up costs.

Operators or any other party that has control over land must inform the authorities of any contamination that exceeds the applicable thresholds or that may migrate to other land (*Article 25, Walloon Clean- up Statute*).

The Walloon Clean-up Statute also contains a list of triggering events, that is, circumstances in which a mandatory soil survey procedure must be completed. These events include (*Article 2,26°, Walloon Clean-up Statute*):

- The transfer of certain property rights in land (for example, the transfer or grant of ownership rights or building rights) or constructions where certain potentially polluting activities have been conducted.
- The entering into, extension or transfer of a lease or financial lease of a property with a duration of more than nine years.
- The cessation of operation of potentially polluting activities.
- The application for an environmental permit covering the operation of potentially polluting activities. A schedule to the Walloon Soil Statute contains the list of potentially polluting activities that trigger soil survey requirements.

However, the Walloon Government has not brought into force the Article of the Walloon Clean-up Statute containing the triggering events. Consequently, this part of the Walloon Clean-up Statute is not yet operational.

The remaining provisions of the Walloon Clean-up Statute entered into force on 18 May 2009 and are operational.

Brussels Metropolitan Region. The Brussels Clean-up Statute dated 5 March 2009 (*Ordonnance relative à la gestion et à l'assainissement des sols pollutes/Ordonnantie betreffende het beheer en de sanering van verontreinigde bodems*) entered into force on 1 January 2010 and replaces the former Brussels Statute on managing polluted land dated 13 May 2004 (*Ordonnance relative à la gestion et à l'assainissement des sols pollutes/Ordonnantie betreffende het beheer en de sanering van verontreinigde bodems*).

The IBGE keeps a soil quality register indicating soil or groundwater quality data in relation to all plots of land in the Brussels Metropolitan Region (Art 3, 15°, Brussels Clean-up Statute). The inventory divides land into four categories:

- **Category 0:** potentially polluted land, that is, land that IBGE presumes may be contaminated, for example because of the current or former operation of potentially polluting activities.
- **Category 1:** land that is not contaminated.
- **Category 2:** land that is contaminated but where the intervention thresholds are not exceeded.
- **Category 3:** land with contamination that exceeds the intervention thresholds but where the risks related to the contamination have been brought to an acceptable level.
- **Category 4:** land with contamination that exceeds the intervention thresholds and where clean-up or risk management measures are required or ongoing.

The Brussels Clean-up Statute requires the conduct of a soil survey at various occasions, including (Art 3, 15°, Brussels Clean-up Statute):

- The transfer of certain property rights that are listed in "category 0" in the soil condition inventory, including, for example, on:
  - the sale of a property;
  - the grant of a usufruct right (usufruit), building right (droit de superficie) or a long lease (emphytéose);
  - corporate transactions including mergers;
  - cessation of certain potentially polluting activities.
- When an urban planning permit or environmental permit is applied for a project that requires excavation works at a land that is registered in the inventory in "category 0" or that may impact on the contamination at that land.

- When contamination is discovered during excavation works.

The entering into lease contracts or concessions on public domain assets and the grant of mortgages or easements does not trigger soil survey requirements.

If the preliminary soil survey reveals pollution that exceeds certain thresholds, then a phase II survey must be conducted. If this survey concludes that the contamination may present a risk, then a risk assessment study is required. This latter study evaluates the risks associated with the contamination. The necessary risk management or clean-up measures are determined on the basis of the results of the risk assessment study.

Every transfer of property rights must be accompanied with a soil certificate, that is, an administrative document in which IBGE summarises the available information regarding the condition of the soil on the relevant land.

In principle, all surveys and risk management or clean-up measures must be completed before property rights can be transferred. However, the transfer can be carried out early under certain conditions (in particular if financial security is required). A transfer effected in breach of the conditions does not bind IBGE, which means that it can still consider the previous owner as the clean-up responsible party. Also, the transferee can make a request to the court to annul any such transfer.

Flemish Region. The Flemish Soil Clean-up Statute (*Decreet betreffende de bodemsanering en bodembescherming*) distinguishes between "new contamination" and "historical contamination", according to whether the contamination occurred before or after 29 October 1995 (that is, the date of the entry into force of the previous clean-up statute). If the contamination occurred partly before and partly after the entry into force of the statute and it is not possible to distinguish which part of the contamination was caused before that date, the rules relating to new contamination apply.

New contamination must be cleaned up as soon as the applicable thresholds are exceeded. Historical contamination only requires clean-up if it presents a potential risk.

Clean-up of new contamination must aim to achieve the standard values for non-contaminated land, as established by the Flemish government, meaning that the entire contamination must be removed. When it is not feasible to achieve these values using measures corresponding to the best available technology not entailing excessive costs (that is, the Best Available Technology Not Entailing Excessive Economical Costs (BATNEEC) principle), the clean-up must only attempt to improve the current quality of the soil or groundwater or at least manage the risks related to the contamination.

For historical pollution, it is sufficient that clean-up reduces the risks associated with the contamination to an acceptable level.

Transfers of land located in the Flemish Region trigger certain obligations for the transferor, to be complied with before the transfer (Chapter VIII, Clean- up Statute). These obligations are applicable to transfers of land completed on or after 1 October 1996.

The definition of transfer of land is very broad, covering:

- Transfer of ownership rights on land.
- Entering into, termination or transfer of a concession (right to use real estate owned by public authorities).
- Entering into, termination or transfer of a long lease or an agreement related to a building right or of an agreement of usufruct.
- The transfer or termination of a property right, a long lease, a building right or a usufruct in case of the dissolution of a legal entity.
- The merger or demerger of companies if the merged or demerged company is owner of land or relevant land rights, and this land will be transferred to another company (but not a mere transfer of shares in a company).
- Contribution of a universality of goods or a branch of activities.

Before transferring any parcel of land, the transferor must obtain from OVAM a soil certificate and inform the transferee of the contents. A soil certificate is an administrative document in which OVAM summarises the information it has about the condition of the relevant parcel of land. OVAM has one month to deliver the certificate (two months if the land was subject to potentially polluting activities triggering soil survey requirements).

The contents of this soil certificate must be referred to in the private transfer agreement and in the deed. Any agreement entered into that does not comply with this obligation can generally be declared null and void at the request of the transferee and OVAM unless the soil certificate was communicated to the transferee before

signing the deed and the transferee waives its right to claim annulment.

The land can only be transferred following compliance with additional formalities if a potentially polluting activity that triggers soil survey requirements has occurred after the conduct of the most recent preliminary soil survey of the land.

As a first formality, a preliminary soil survey must be conducted at the land, which must be notified to OVAM. OVAM has 60 days to review the survey. If OVAM considers that the survey did not reveal pollution requiring additional measures, or if it did not react within the 60-day period, then the transaction can take place.

If further measures are required, then a descriptive soil survey must be conducted. If this survey concludes that clean-up is required, then the transfer can only take place after all of the following:

- An undertaking is given to OVAM to conduct the clean-up.
- OVAM approves the clean-up plan.
- Sufficient financial security is given.

15. Who is liable for the clean-up of contaminated land? Can this be excluded?

A party responsible for carrying out the clean-up or relevant risk management measures (clean-up party) can be different to the party ultimately responsible for bearing the costs of the clean-up (liable party), which is designated on the basis of civil liability and tort rules (see *Question 13*).

Where the liable party is different from the clean-up party, the clean-up party/ies can seek to recover all or part of their costs from liable party. However in practice, this recovery is often difficult or even impossible, in particular where the liable party cannot be found or no longer exists.

Designation of the clean-up party

Walloon Region. The clean-up party is one of the following:

- The party that caused the contamination.
- If that party cannot be identified or has insufficient financial means, the operator of activities that are subject to environmental permit requirements on the relevant land.
- If no such operator exists, the holder of certain property rights in the land or on the lessee of the land.

Various exemptions apply. For example, and under certain conditions, if the property was already subject to clean-up or if the contamination is due to migration from another land then exemptions may be granted.

Brussels Metropolitan Region. Depending on the type of contamination, the Brussels Clean-up Statute allocates responsibility for the conduct of clean-up and risk management measures to either the party that caused the contamination or to the party that operates or owns the relevant land.

The Brussels Clean-up Statute distinguishes between (*Art 3,16°-19°, Brussels Clean-up Statute*):

- Single contamination (*pollution unique/eenmalige verontreiniging*): contamination caused by the operator of the relevant land or the holder of property rights in that land or, if the pollution was caused after 20 January 2005, by a clearly identified person.
- Mixed contamination (*pollution mixte/gemengde verontreiniging*): contamination caused, in non-identified portions, by different parties including an operator of the relevant land or holder of property in that land or, if the pollution was caused after 20 January 2005, by a clearly identified person.
- Orphan contamination (*pollution orphéline/weesverontreiniging*): all contamination that does not qualify as single or mixed contamination.

Clean-up obligations regarding single and mixed contamination lie with the party or parties that caused the contamination.

Clean-up obligations regarding orphaned contamination lie with either:

- The operator of the land, provided that the contamination was caused after 20 January 2005.
- The holder of property rights in the land if the contamination was caused before 20 January 2005 or if there is no operator on the land.

The primary objective of the Brussels Clean-up Statute is to reduce the risks of harm from contamination to an acceptable level (rather than the removal or a clean-up of all contamination). However, if the clean-up party is the party that actually caused the contamination, then it must in principle remove all identified contamination.

Flemish Region. When an activity subject to an environmental permit is carried out on the relevant land, then the operator of that activity is the clean-up party. If the operator is exempted from clean-up obligations (*see below*)

then the land user is responsible for the clean-up. If both the operator and user are exempted, the owner of the land is the clean-up party.

If no activity subject to environmental permit requirements is carried out on the land, then the land user is the clean-up party. If no such party is available, or if the user is exempted then the landowner is the clean-up party

OVAM can exempt clean-up responsible parties from their obligations. The operator or user is exempted if it can prove that the following conditions are met:

- It has not caused the contamination.
- The contamination dates from before the operator or the user started to operate/use the land.

The owner is exempted if it proves that it meets all of the following conditions:

- It has not caused the contamination.
- The contamination dates from before it acquired the land.
- At the time it acquired the land, it was not and should not have been aware of the contamination.

In cases of new contamination, the owner must also establish that no potentially polluting activity has been carried out on the relevant plot of land since 1993.

In cases of historical contamination, an owner can still be exempted if it was aware or should have been aware of the contamination at the time it acquired the land, provided that:

- The land was acquired before 1 January 1993.
- The person has not caused the pollution.
- The person did not use the land for professional activities.

Designation of the liable party

Where the liable party is different from the clean-up party/ies, the clean-up party/ies can seek to recover all or part of their costs from the liable party.

The liable party is to be identified as follows:

- **Brussels Metropolitan Region**. The party that caused the contamination is strictly liable for the survey, clean-up and other costs in relation to that contamination.

  If the contamination is caused by an activity that is subject to environmental permit requirements, then the operator of that activity is the liable party. However, the operator will not be considered to be the liable party if it can establish that it did not commit any wrongdoing and that the contamination is due to an emission that was duly authorised under the applicable environmental permit or class 3 activity notification.

- **Flemish Region**. For contamination that was caused after 29 October 1995, the Flemish Clean-up Statute provides that the party that caused this contamination is strictly liable. If the contamination is due to an activity that is subject to environmental permit requirements, then the operator of that activity is strictly liable.

  The above strict liability provisions are not applicable to contamination that was caused before 29 October 1995.

  For contamination that was caused before 29 October 1995, the liable party is to be identified on the basis of the civil tort liability rules that applied at the moment that the contamination was caused.

- **Walloon Region**. The Walloon Soil Clean-up Statute does not provide for specific provisions regarding the identification of the liable party.

  However, on the basis of documents and declarations that were issued in the Walloon Parliament at the time the Walloon Soil Clean-up Statute was being drafted, it is clear that also in the Walloon Region, the clean-up party is not necessarily the liable party. The liable party must be identified on the basis of civil tort liability rules.

16. Can a lender incur liability for contaminated land and is it common for a lender to incur liability? What steps do lenders commonly take to minimise liability?

Lender liability

In Belgium a lender cannot incur liability for contaminated land if he is the lender of a party that caused contamination or that owns contaminated land.

However, if land is contaminated, this may have an important impact on its value, which may affect a lender's security. Also, surveys on the land may be required to enforce a mortgage and these surveys may trigger clean-up obligations.

17. Can an individual bring legal action against a polluter, owner or occupier?

An individual can bring legal action against polluters based on tort or strict liability rules. Claims can be based on, among other things:

- Article 1384 of the Civil Code, which provides for strict liability for the holder of a defective object.
- Articles 1382 and 1383 of the Civil Code, which provides for classic tort liability and can be invoked for liabilities resulting from the violation of a legal, regulatory or permit provision, or from negligent or similar acts.
- Article 544 of the Civil Code (protection of ownership rights in cases of nuisance).
- Article 7 of the Federal toxic waste statute dated 22 July 1974, which provides for strict liability for the producer of toxic waste.

Environmental liability and asset/share transfers

18. In what circumstances can a buyer inherit pre-acquisition environmental liability in an asset sale/the sale of a company (share sale)?

Asset sale

In principle, the seller remains liable for all matters relating to the business that occurred before the sale.

However, the buyer becomes liable for the future, both in relation to the authorities and third parties, for all breaches or issues that continue to exist, such as contamination issues or breaches of permit requirements.

Share sale

The buyer inherits all environmental liabilities in relation to the target through the acquisition of its shares as the liabilities remain with the target after the sale. This is also the case whether the liabilities:

- Exist before the acquisition.
- Arise after the acquisition but relate to acts, omissions or circumstances before the acquisition.

Parties are free to provide for specific guarantees, indemnities, representations and warranties regarding these issues to allocate liabilities as between them.

19. In what circumstances can a seller retain environmental liability after an asset sale/a share sale?

Asset sale

See *Question 18*.

Share sale

See *Question 18*.

20. Does a seller have to disclose environmental information to the buyer in an asset sale/a share sale?

Asset sale

The seller must provide in good faith all relevant information on issues affecting the property and cannot deliberately hide or fail to disclose this information. Non-compliance with this obligation can give rise to pre-contractual liability, which can lead to an obligation to pay damages or even to the annulment of the transaction.

In the Brussels and Flemish Regions, the transferor must provide a soil certificate, indicating all information the authorities possess regarding the condition of the subsoil of the relevant land.

Share sale

The seller must provide in good faith all relevant information on issues affecting the property and cannot deliberately hide or fail to disclose this information. Non-compliance with this obligation can give rise to pre-contractual liability, which may lead to an obligation to compensate any damages or even to the annulment of the transaction.

Soil certificates do not have to be provided in share deals

21. Is environmental due diligence common in an asset sale/a share sale?

Environmental due diligence is common for corporate or real estate transactions.

Typically, a phase I assessment is first conducted, that is, a study based on a desktop review and a site visit, covering, among other things:

- The technical condition of the relevant property and equipment.
- Compliance with permit requirements and operating conditions.
- The risk of contamination (for example, to soil and air) and emissions (for example, noise and odour).
- The health and safety situation of the property and plant (for example, fire safety, the presence of dangerous or restricted substances such as asbestos or PCB, compliance with requirements on works safety, safety of electrical installations).
- Energy efficiency.
- Compliance with specifically applicable requirements such as:
  - major chemical plant hazards (under the Seveso directives, which apply to facilities with major industrial accident risks);
  - regulation of explosive environments;
  - food safety requirements.

If the outcome of the phase I assessment is that further verifications are required, then a phase II assessment is conducted, which generally includes sampling (for example, of soil and groundwater) on the relevant property.

Environmental consultants

Environmental consultants are used for environmental due diligence reviews. Close co-operation between the environmental consultants and the legal environmental due diligence team is crucial, to ensure all areas are covered.

The following matters must be considered when instructing an environmental consultant:

- The description of the scope of their mission and deliverables.
- Confidentiality.
- Verifying the limitations of the consultant's liabilities, and other general terms and conditions that are proposed by the consultant.

22. Are environmental warranties and indemnities usually given and what issues do they usually cover in an asset sale/a share sale?

Asset sale

Environmental indemnities and warranties are usually given in the context of transactions. They cover, among other things:

- Compliance with permit requirements.
- Compliance with environmental law.
- The absence of litigation or enforcement action in relation to environmental issues.
- The absence of contamination of property owned or occupied by the business.

The scope of the warranties or indemnities and their duration depends on the characteristics of the transaction, on the sellers' and buyers' bargaining positions and on the issues that were discovered during the due diligence exercise.

Share sale

See above, *Asset sale*.

23. Are there usually limits on environmental warranties and indemnities?

Environmental warranties are generally limited by time and subject to a financial cap. These are subject to negotiation but are often similar to the position on other warranties. The cap often includes all warranty claims and is linked to a percentage of the purchase price. Time limits and caps for environmental indemnities vary according to the scope of the indemnity and the environmental losses it is intended to cover.

An environmental indemnity is usually also subject to trigger events that must occur before a buyer can make a claim. Limitations on liability due to events after completion are usually included.

Reporting and auditing

24. Do regulators keep public registers of environmental information? What is the

procedure for a third party to search those registers?

Authorities keep registers of all permits issued regarding a certain site and all related correspondence.

The permits issued can be consulted by every interested party at the local authorities' office. In practice, authorities require a proxy from the property's owner before granting access to this information or before providing any copies of the documents. However, this is not in line with the regulatory framework regarding access to environmental information.

The Brussels and Flemish authorities keep a register listing all contaminated or potentially contaminated land, which can be accessed by any interested party by applying for a soil certificate regarding the relevant land.

25. Do companies have to carry out environmental auditing? Do companies have to report information to the regulators and the public about environmental performance?

Environmental auditing

There is no general obligation to carry out environmental audits.

Reporting requirements

The seller must provide in good faith all relevant information on issues affecting the property and cannot deliberately hide or fail to disclose this information. Non-compliance with this obligation can give rise to pre-contractual liability, which can lead to an obligation to pay damages or even to the annulment of the transaction.

In the Brussels and Flemish Regions, the transferor must provide a soil certificate, indicating all information the authorities possess regarding the condition of the subsoil of the relevant land.

26. Do companies have to report information to the regulators and the public about environmental incidents (such as water pollution and soil contamination)?

In all three regions, companies must report environmental incidents to the relevant authorities.

Also, operators of environmental permits requiring installations must take all necessary measures to prevent accidents, damage or nuisance. If an accident occurs they must take all measures to limit the effects to the environment and public health as much as possible. This includes an obligation to report environmental incidents or important environmental risks to the authorities

27. What access powers do environmental regulators have to access a company?

In all three regions, the authorities have far-reaching access powers to verify companies' environmental compliance. These powers include:

- Accessing the company's premises.
- Taking samples.
- Questioning employees.

Environmental insurance

28. What types of insurance cover are available for environmental damage or liability and what risks are usually covered? How easy is it to obtain environmental insurance and is it common in practice?

Several types of classic insurance products cover environmental damages. The most well-known are:

- Professional liability or all-risk insurance.
- Fire insurance.

More specific insurance products covering environmental risks, such as risks in association with clean-up requirements, are also available on the market. These specific insurances include:

- **Pollution liability insurance (PLI)**. PLI protects against losses associated with pollution including historic contamination. It usually covers claims by third parties for property damage (on-site and off-site) and clean-up costs where clean-up is required by environmental authorities. Cover for operational pollution risks (such as discharges) and investigation costs is also possible.
- **Remediation cost cap insurance (RCCI)**. RCCI can be obtained to cover cost overruns in carrying out remediation of contamination.

However, in practice, these specific insurance products are less commonly used.

Environmental tax

29. What are the main environmental taxes in your jurisdiction?

Various environmental taxes or levies apply.

The applicable rates and relevant authorities vary depending on the type of tax and the location where the relevant activity is being performed. Generally, taxes are payable by the operator of the relevant activity.

The most important of the taxes and levies include:

- **Federal tax**. This is a levy on the operators of certain activities or equipment that generates an increased risk of severe accidents.
- **Walloon Region**. The following levies apply, among others:
  - waste water discharge;
  - underground water pumping;
  - waste disposal or treatment.
- **Brussels Metropolitan Region**. The following levies apply, among others:
  - waste water discharge;
  - household waste collection and treatment.
- **Flemish Region**. The following levies apply, among others:
  - waste water discharge;
  - waste disposal or treatment;
  - underground water pumping;
  - surface water use.

Reform

30. What proposals are there for significant reform (changes) of environmental law in your jurisdiction?

Flemish Region

The Flemish Region is working on a draft statute providing for one single permit covering both the construction and operation of industrial projects. Currently, construction and operation are covered by two separate permits (that is, a building permit and an environmental permit).

Brussels Metropolitan Region

On 2 May 2013, the Brussels Metropolitan Region's parliament approved the Brussels Code on Air, Climate and Energy Management. The Code contains several measures which have caused controversy. These include, for example, stringent maximum capacity thresholds for the car parks of existing office buildings, and binding energy efficiency requirements for buildings occupied by public law entities which are stricter than the requirements for buildings occupied by private law entities. The Code is likely to enter into force in the first quarter of 2014 after the issuance of the necessary enacting decrees by the Brussels Government.

The regulatory authorities

Federal authority: Federal Public Service for Health, Foods Chain Safety and Environment

Main activities. This body is a Federal Ministry and is mainly in charge of environmental matters in relation to the territorial sea and feed-stuff or food safety issues, public health matters and product safety requirements.

W *www.health.belgium.be*

Walloon Region: *Direction Générale opérationnelle de l'Agriculture, des Ressources Naturelles et de l'Environnement*

Main activities. This body is a Walloon Ministry in charge of most environmental matters in the Walloon Region, including matters in relation to soil pollution, waste, water, nature protection, permitting and environmental inspection.

W *www.environnement.wallonie.be*

Brussels Metropolitan Region: *Institut Bruxellois pour la Gestion de l'Environnement* (IBGE) (*Brussels Instituut voor Milieubeheer*) (BIM)

Main activities. IBGE/BIM is a Brussels public law entity and is in charge of most environmental matters in the Brussels Region, including matters in relation to soil pollution, waste, permitting, energy efficiency and environmental inspection.

W *www.ibgebim.be*

Flemish Region: *Vlaams Ministerie van Leefmilieu, Natuur en Energie* (LNE)

Main activities. LNE is a Flemish Ministry and is in charge of nature and environmental protection in the Flemish Region.

W *www.lne.be*

Openbare Vlaamse Afvalstoffenmaatschappij (OVAM)

Main activities. OVAM is a Flemish public law entity in charge of waste management matters and soil clean-up.

W *www.ovam.be*

Vlaamse Miliuemaatschappij (VMM)

Main activities. VMM is a Flemish public law entity in charge of surface and groundwater protection.

W *www.vmm.be*

Online resources

Belgian environmental legislation can be consulted at the websites listed below. English translations are not available on the websites.

W *www.justitie.belgium.be*

Description. This is the website of the Federal Ministry of Justice, which contains legislation that is issued by both the Federal Authority and the Regions.

The website is only available in Dutch and French. Certain documents have also been translated into German.

W *www.wallex.wallonie.be*

Description. This website contains legislation issued by the Walloon Region. It is only available in French.

W *www.codex.vlaanderen.be*

Description. This website contains legislation issued by the Flemish Region. It is only available in Dutch.

Appendix: Author details

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