

**Permit procedures for industrial installations and infrastructure projects:
assessing integration and speeding up**

Report on Belgium (Flemish Region)

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Introduction

In Belgium, the main responsibility for environmental policy and legislation lies with the three regions (the Flemish, Walloon and Brussels Capital Regions). This means not only that the implementation of the SEA, EIA and IE-Directives is an exclusive competence of the regions (without involvement of the Federal State¹), but also that this legislation differs across the three regions, although European environmental legislation ensures a degree of harmonization.

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Traditionally in Belgium a distinction is made between the building permit that is *inter alia* necessary for the construction of projects, including infrastructure projects and industrial installations, and the operation of installations that can cause environmental disturbances, and which are regulated by the operating or environmental permit. A new industrial installation will typically need both those permits² and the EIA is conducted to substantiate both those permits.

In the Walloon Region the aforementioned Directives are implemented through the *Walloon Environmental Code* and the Decree of 11 March 1999 on Environmental Licences (as amended) and its implementing orders. Since the entering into force of that Decree on October 1st, 2002, the “*permis unique*” (integrated permit) was introduced. If a project needs both permits, they are integrated and delivered through a unified procedure, resulting in a building permit (without limitation in time) and an environmental permit with a term of validity of maximum 20 years (renewable), delivered by one authority.

In the Brussels Capital Region EIA and environmental licences are covered by the Ordinance of 5 June 1997 on Environmental Licences (as amended) and its implementing orders. In that region one has also tried to co-ordinate building and environmental permits but in a more lenient way than in the

¹ Except for installations generating ionizing radiations: EIA and Operating Permits for those installations fall under Federal Law: Act of 15 April – General Regulation of 20 July 2001. See: E. De Pue, L. Lavrysen & P. Stryckers, *Milieuzakboekje 2015*, Mechelen Wolters Kluwer, 789-803.

<http://www.fanc.fgov.be/nl/page/reglementering/11.aspx>

² Sometimes additional permits with a specific focus will be necessary.

Walloon Region. In the case of “*mixed project*” both applications are to be introduced at the same time, will be submitted to the opinions of the environmental and planning authorities and a public inquiry at the same time and will result in two decisions taken by the authorities at the same time, resulting in a planning permission that is not limited in time and an environmental permit with a validity of maximum 15 years (renewable).

In the Flemish Region the aforementioned directives have been mainly implemented through the Decree of 5 April 1995 containing general provisions concerning environmental policy (‘DABM’) and the Decree of 28 June 1985 on Environmental Licenses (as amended), supplemented by a series of executive orders (regulations from the regional government to implement the Decree). In the current legislation there is only a sort of a link between the two permit systems, which function in most aspects separately. The Flemish Region is now in a transition period towards a new permitting system, that has been set up by a Decree of 25 April 2014 concerning the “*Omgevingsvergunning*”³ and its main Implementing Order of 27 November 2015. The new system, that will become effective on February 23th 2017, integrates the building and environmental permit in a new integrated permit “*de Omgevingsvergunning*”, that we will designate in this paper with the term “Integrated Permit”. Furthermore, the EIA procedure, that is currently a procedure that precedes the two applicable permitting procedures (see Appendix 1), will be integrated also to a large extent in that new permitting procedure.

As the developments in the Flemish Region are very topical, and it would lead us too far to present the situation in all the regions in depth, we will focus on the Flemish Region in this report, looking primarily to the new permitting system.

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A. Baseline information

I. Industrial Installations

1. *Forms and scope of permits*

Till 22 February 2017 there are two separate permit systems. The *building permit* is necessary to construct, reconstruct, extend or demolish constructions, for deforestation, to cut trees, to modify the relief of the soil and for some other deeds. For the operation of establishments or installations that can cause environmental nuisance and that are listed in an Implementing Order of the Environmental Permitting Decree⁴, an *environmental permit* is necessary. For projects covered by the EIA Directive an EIA should be carried out (or a negative screening decision should be obtained) before the permitting procedure can start (see Appendix 1). As one can see from the flow chart those permits are delivered by different authorities (local government for most of the building permits;

³ This is also the term used in the Netherlands for a similar form of integration of permitting systems.

⁴ <https://navigator.emis.vito.be/mijn-navigator?wold=32646>

provincial government for the class 1 environmental permits concerning higher impact environmental installations), according different procedures. There is only a so-called “linking provision”, saying that if one need both permits to carry out the project and if one of the permits is refused, the other cannot be delivered or becomes invalid. For the intermediate size installations (class 2) for which the environmental permit is delivered by local government, as is the case for most of the building permits, the possibility was given to parallel applications and procedures via the so called “integrated municipal counter”, but this possibility has in practice not been used very much. However the various procedures, taken as a whole, assure in our opinion - in general⁵ - a more than acceptable level of integrated assessment and control of the environmental impacts in the broad sense (nature, landscape, land use, climate, air, water, noise, soil, energy, mobility, safety...). But as one can see, the various procedures are time consuming and not only the promoter or operator, but also the public concerned and the authorities are confronted with different administrative steps, possible appeals and, as the case may be, judicial procedures. As indicated earlier, from 23 February 2017 onwards, the system will change, when the integrated permit, annex integrated EIA, will become operative. In the parliamentary preparations, the main reasons given for this new approach, is the wish to introduce more simplified and speeded-up procedures, more legal certainty by introducing permits without time limitation⁶ (as opposed to the max. validity of 20 years for environmental permits under the current system), but with interim evaluations and a better quality of permits, by devolving more competences to local government. It is off course too early to assess if those objectives will be achieved or not. One of the most difficult things seems how to make working together different worlds, both on the side of the promoter (architects *versus* environmental engineers and consultants) and of the government. The main administrations involved – urban planning and environmental permitting – have indeed quit different cultures and approaches and local governments fear that they have not sufficient support and qualified staff to run the new system.

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2. Procedures

2.1. Short case study: Can you present a simple flowchart of a permitting procedure for the following installation, indicating the (estimated) time frames of the various steps, key authorities involved, including EIA, and the total time needed to go through the whole procedure in case of administrative appeal ?

Waste disposal installations for the incineration or chemical treatment as defined in Annex I to Directive 2008/98/EC under heading D9 of non-hazardous waste with a capacity exceeding 100 tonnes per day” (Annex I, pt. 10 EIA Directive).

For the current system, we can refer to Appendix 1. As one can see, the time consumed by the EIA procedure is 150 days, off course without the time needed for the promoter and the EIA experts to

⁵ This off course do not exclude that in a particular case decisions are taken that can be criticised.

⁶ This is challenged before the Constitutional Court by some environmental organisations (joined cases 6197,6190 & 6191).

prepare the “Notification of intention to prepare an EIA” and for drafting the EIA and the time needed for preparation of the permit applications. Without complications (e.g. in case of an incomplete application) the building permit procedure will consume 290 days, and the environmental permit procedure 420 days, when the decision term has been prolonged both in first and second administrative instance. The EIA and the permitting procedure together will take 570 days, without the time the promoter needs to prepare its notification, drafting the EIA and preparing its permit applications and without complications (e.g. disapproval of the EIA Report).

The new system is visualised in Appendix 2. As one can see, under the new system, nor scoping of the EIA and the related public participation, nor the quality control of the EIA Report before starting the permitting procedure is mandatory any more, although the promoter of a project can on an optional basis still ask for scoping (without public participation) and for a quality check before starting the permitting procedure. If the promoter do not uses these options, the procedure will be shortened with 90 days compared with the existing situation. If the options are used, there is still a gain of 30 days because there is no public inquiry anymore before a scoping decision is taken by the EIA Administration. The most striking difference is that de building and environmental permit systems will be replaced by one integrated permit system and that the time frames are shorted further (with 20 to 50 days in first instance), so that the procedure, including administrative appeal, will be shorted to 360 days, compared with of 380 to 420 days in the current system.

2.2 What are the main characteristics of the applicable permit procedure or procedures?

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Under the new system there will be 3 levels of *competent authorities*, in first instance, instead of 2 in the current situation. For the smallest projects the local government (municipality) is competent, for the bigger projects it is the provincial government. New will be that the Flemish government (and in some particular cases regional planning and environmental officers) will be competent for some large or potential controversial projects (e.g. big landfills for dredging materials, airports, large electric power plants and wind farms, geological storage of carbon dioxide, large waste incinerators..). This means that there will not be any more for those projects a possibility for administrative appeal, only judicial appeal with the Council of Permit Disputes.

EIA used to be a procedure that should be completed before one could introduce applications for the related permits. This will change to a large extend. Only the first step, seeking approval of the team that will conduct the EIA, will be mandatory before starting the permitting procedure. Scoping and quality control before starting the permitting procedure will be optional.

There are 4 *categories of installations*. For the smallest ones (class 3 installations), only a notification to the local government is required. For intermediate installations a permit is required from local government (class 2 installations). For the largest installations (but not necessary of the size of IPPC or EIA installations) (class 1 installations) a permit from the provincial government is required, except when they are on the list of “Flemish projects” for which the Flemish government is the competent authority. The procedure for class 1 installations is, as a rule, more demanding (additional notifications of public inquiry, mandatory hearing during the public inquiry, more advisory opinions,

mandatory opinion of provincial integrated permitting commission, extra time to take a decision) than for class 2 installations. Over time more and more installations have been reclassified in a lower class, meaning that municipalities are competent instead of the province, or that a permit is no longer necessary, but one can work with a notification. The new system will bring again such a reclassification of certain categories of installations. Installations that fall below the thresholds or are not mentioned in the “List of Classified Installations and Activities”⁷ are exempt from permit or notification.

Competent planning and environmental authorities are consulted during the decision-making procedure. They have as a rule 60 days to formulate a preliminary opinion that is presented to the provincial (or regional) integrated permitting commission, in which the various (up to 11, depending on the nature of the installation concerned) agencies are represented. That commission has a further 30 days to come with an *integrated opinion*. If no unanimity can be reached in that commission, the dissenting opinions or added to the opinion of the commission. These opinions or as a rule not binding⁸, but have an important weight in practice. If they are not followed by the permitting authority, that authority should give very carefully expressed *raisons why* that is not the case, otherwise the risk to be censured by the administrative courts is very likely.

Except in particular cases (permits for temporary installations, for limited changes in the installation, permits for existing installations that become subject to the permit system due to a modification of the list of Classified Installations), there is always a *public consultation*. Under the new system, the first opportunity of participation before the EIA Scoping Decision is taken, will however disappear. Public participation will take now place in the first stage of the permitting procedure, on the basis of the permit application and, if applicable, the EIA Report and/or Safety Report. It is announced via posters at the site concerned, on the website of the municipality, in a daily or weekly (if an EIA Report, a Safety Report or an IPPC installation is concerned) and through individual notification (for class 1 installations) of landowners and inhabitants within a 100 meter radius of the plot where the installation is planned. The public inquiry last for 30 days and in case an EIA Report or Safety Report is part of the file, a hearing will be organised. In case of transboundary significant effects or risk for major accidents, transboundary (international and regional) consultation will take place (the authorities of the states or regions concerned can organise also a public consultation for their population). There are no reliable data available on the use of public participation in practice. The impression exists that it is much more used in cases of nearby residential areas than in cases of industrial installations planned in industrial areas that are well separated from residential areas and protected nature areas.

As can be seen from the flow charts in the appendixes, the time needed from the introduction of an application to a decision in first instance for class 1 installations was between 190 and 230 days for environmental permits and around 175 days for a decision on a building permit, provided that the application was admissible and complete. Under the new system this term will be shortened to 170 days. It is noticeable that those terms are *deadlines* and if they are not respected, this results in a *tacit refusal of the application*.

⁷ <http://www.lne.be/themas/vergunningen/omgevingsvergunning/bestanden-omgevingsvergunning/VR%202015%201311%20DOC.1190-10BIS%20Omgevingsvergunning%20-%20bijlage.pdf>

⁸ There are however some exceptions in particular areas of law.

Both explicit decisions and tacit refusals can be appealed with the next higher administrative authority, except, as has been said already, when Flemish Government is the permitting authority in first instance. For class 1 installations, the decision of provincial government can be appealed with Flemish government. The *administrative appeal procedure* is open to the operator or holder of the permit, the public concerned⁹, the heads of the planning and environmental agencies whose opinions are necessary and local government. Compared with the current system in which the fee to pay by members of the public is reasonable (6,20 € for the environmental permit; 62,50 € for the building permit), that fee will rise to 100 €, because there is no distinction anymore between appeals by the operator and by members of the public, although that differentiation has been found in the past by the Constitutional Court as being in conformity with the Constitution¹⁰ There is a 30 days deadline to do that, starting from the day one receives notification or, if one do not receive notification, from the first day of publication of the decision by poster at the site were the installation is planned. The decision on appeal should be taken within 150 days. If the time frame is not respected, the appeal is deemed to be rejected and the initial decision, even if it is a tacit refusal, is confirmed¹¹.

Under the current environmental permit system one has observed a decline in the number of administrative appeals against decisions of local government (class 2 installations) and against decisions of provincial government (class 1 installations), with 63 % (down from 232 to 85) and 42 % (down from 201 to 116) respectively, in the period 2004-2014.

II. Infrastructural Projects

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Example: the construction of a highway of the type indicated in Annex I, point 7, (b), of the EIA Directive

1. Is there a need to draw up a plan or to review a plan in the sense of Directive 2001/42/EC on the assessment of the effects of certain plans and programmes on the environment?

If in the current land use plan space is reserved for the construction of a highway, there is no need to review the plan and to conduct an SEA. If however that is not the case, the land use plan has to be reviewed first and a SEA shall be prepared. In this case it has to be done in the form of a *regional* land use plan, and the regional level is at the command.

In short, this procedure consists of:

⁹ The definition is inspired by that of the Aarhus Convention: the public concerned means "any natural or legal person the public affected or likely to be affected by or having an interest in the decision-making concerning the permit; non-governmental organizations promoting environmental protection and meeting any requirements under national law shall be deemed to have an interest."

¹⁰ Constitutional Court, n° 134/2002, 25 September 2002, *Van Den Steen & Cornelis v. Flemish Region and Mayor of Alost*.

¹¹ This system is criticized and is challenged before the Constitutional Court by some environmental ngo's (joined cases 6197, 6190 & 6191).

1. Notification by the regional planning authority to the EIA Administration of its intention to draw up a plan that is subject to SEA and of its intention to prepare an SEA
2. Decision of the EIA Administration that the notification is sufficient or not (20 days)
3. Publication of that notification, including on the website of the EIA Administration¹²
4. Public participation on scoping (30 days)
5. Scoping decision of the EIA Administration (20 days)
6. Drafting SEA under co-ordination of an independent accredited EIA Expert (no time limit set)
7. Quality check of the SEA Report by the EIA Administration (50 days)
8. Draft plan adopted by Flemish Government (no time limit set)
9. Public consultation on draft plan, SEA and related decisions (min. 60 days) + Transboundary consultation if needed + Advisory opinions (60 days)
10. Report on public participation (14 days)
11. Adoption of plan by Flemish Government (180 days)
12. Publication

Judicial review of the plan by the Council of State is possible if a demand for suspension/annulment is introduced within 60 days from the date of publication. There are a lot of such cases.

2. Would there be a need to obtain one or more permits to construct and operate the highway mentioned under point II? Is an EIA necessary? Is there a coordination mechanism integrating the substance and procedure of the permits? If appropriate and available, a flow chart could be attached. What are the characteristics of the procedures?

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Under the new permitting system an integrated permit will be necessary. As highways are defined as "Flemish Projects", the Flemish Government will be the competent authority. The procedure has been explained above and in the Appendix 2. Given the fact that there is no administrative appeal possible, after a decision of the Flemish Government, only judicial review by the Council of Permit Disputes is possible. As the EIA aspect of the procedure is concerned, the construction of a Highway is subject to EIA, being an Annex I Project. However, time can be gained because in the EIA Legislation it is provided that if a project is covered by an SEA Report and in that SEA Report the environment impacts of the project that results from the implementation of the plan have been assessed in sufficient details, that SEA Report can be accepted as being at the same time the EIA Report (art. 4.3.3, § 2, DABM). In case the land use plan is made in particular in view of constructing a highway, it is likely that this short cut can be used.

¹² <http://www.lne.be/themas/milieueffectrapportage/inspraak/lopende-inspraakprocedures>

B. Describing and evaluating integration and speed up legislation

Have there been initiatives in your legal order to introduce specific legislation to integrate and speed up decision making for infrastructure projects/industrial installations?

In the Flemish Region¹³, apart from the simplification that will be the result of the introduction of the new integrated permitting system, combined with the adapted EIA system, it is worth mentioning another initiative, namely the Decree of 25 April 2014 concerning complex projects¹⁴. “Complex projects” are defined as *projects with significant social and spatial importance which require an integrated permit and planning process*. They are considered to be necessary to improve the quality of life, the quality of the environment, the economic development or the mobility of the citizens. Examples might be large-scale city (re)developments, industrial or retail developments with a significant environmental impact and infrastructure projects, etc. It should be noted that the concept of “complex projects” is not exclusively linked to public projects but also applies to projects in the private domain. Complex projects require existing land use plans to be modified, or possibly even the adoption of a new such plans. To limit the time taken by this process, a more integrated and streamlined system is being introduced by the new decree. The core of the integrated process is characterized by what is known as the three- stages approach. First, there is the *exploratory stage*. Here, the developer works with the Government to discuss the project and possible solutions to any potential problems. Other relevant parties may also be involved in this discussion. At the end of the exploratory stage, a competent authority (on the local, provincial or regional level) takes the decision on whether to allow the developer to follow the integrated process. After the go-ahead is given by the Government, a second stage is initiated, which is the *research stage*. During this phase, all possible alternatives which resulted from the discussion on potential problems identified in the exploratory stage are examined. Thus, all relevant alternatives are discussed at the outset and no further examination needs to be undertaken at a later stage. In this stage it is sufficient to draft a general *environmental impact assessment* concerning the preferred alternative option. A more detailed and complete environmental impact assessment is undertaken in the third stage. The research stage is concluded with a statement by the Government, which gives its “*preferred decision*”. In this decision, the Government describes its preferred option and explains why it was chosen. Following public consultation on the decision, it will be declared final. The option chosen will be developed further in the final stage. The final stage is *the development stage*. In this phase, the preferred option is developed into a feasible project and a *detailed environmental impact assessment* is now required. All advisory bodies are involved at this stage. A final decision is made by the Government, known as the “*project decision*”. The project decision is again submitted for public consultation; however, the consultation process cannot lead to a reconsideration of the final

¹³ I will not go into the initiatives that were taken in the Walloon Region by means of the “DAR legislation” (Decree about Regional Permits, ratified by the Walloon Parliament), that was finally annulled by the Constitutional Court on the basis of the jurisprudence of the CJEU (*Boxus, Solvay, Le Poumon vert de la Hulpe*) See: L. LAVRYSEN, *EUFJE 2013 Vienna Conference, Report on Belgium*, p. 2-3

<http://www.eufje.org/images/docConf/vie2013/BE%20vie2013.pdf>

¹⁴ The Executive Order of 12 December 2014, published on 21 January 2015 has made the Decree operational from March 1st 2015 onwards; E. De Pue, L. Lavrysen & P. Stryckers, *Milieuzakboekje 2015*, Mechelen Wolters Kluwer, 279-291; O. Coopman, “Hoofdstuk 5. Complexe projecten”, in *Zakboekje ruimtelijke ordening 2016*, Mechelen, Wolters Kluwer, 2015, 56-87; E. EMPEREUR & I. VAN GIEL, The new “rocket” procedure speeds up complex projects in the Flemish Region”, DLA Piper, <http://www.lexology.com/library/detail.aspx?g=0b4e50a1-2ce6-43e2-b2b6-450f7a068c25>

preferred decision. The relevant authority will declare the project decision to be final after the approval of the environmental impact assessment. The final project decision can cover all necessary permits and approvals which are within the scope of the regional legislation. The final project decision may also cover the new land use plan, or modification to an existing plan.

The rationale behind this approach is that all possible problems will be detected and resolved at an early stage, avoiding time-consuming conflicts during later stages. With the integrated process, developers are not reliant on the creation or modification of land use plans in order to obtain the necessary permits. These permits will follow automatically from the final project decision. Under this system, only the preferred decision and the project decision can be subject to a suspension and/or annulment appeal before the Council of State. The idea is that the new decree on complex projects will create a more attractive environment for developers interested in undertaking a complex project in the Flemish Region. A website has been designed to assist in the application of this particular procedure¹⁵.

The legislation is relative new and is in its testing phase, with a first project that is underway.¹⁶ It is too early to assess if the objectives of the legislation will be met or not.

The legislation has not been challenged in Court yet. During the drafting of the legislation the need to be in line with International (including the Aarhus Convention) and European Environmental Law (SEA, EIA, Habitat Directive, including the CJEU case law) was taken into account. Although some questions were raised by various advisory bodies and the Legislation Section of the Council of State in this regard, also as the conformity with the Artt. 10, 11 and 23 of the Constitution is concerned, a demand for annulment has not been introduced with the Constitutional Court within the time available for that. Of course that do not exclude future cases by way of references for preliminary rulings.

C. *Locus standi* for a local government within the permitting procedure

When a permit decision has been taken in first instance by the provincial government, or in case of tacit refusal, the municipality, represented by its College of Mayor and Alderman, can appeal against that decision with Flemish Government, provided, under the new permitting system, that it has delivered its opinion on time during the consultation phase or that its right to deliver an opinion has been violated (Art. 53 Integrated Permit Decree). Against decisions taken in first or second instance by Flemish Government the municipality can under the same conditions introduce a demand for suspension or annulment with the Council of Permit Disputes (art. 105 Integrated Permit Decree). Also under the current system local government can introduce such administrative and judicial appeals if the permit concerns its own territory or a neighbouring municipality, with a possible impact on its territory. The municipality and the province can challenge the decisions of a higher administrative authority (province or minister respectively) also in Court. The Council of State accepts that they have an interest to do so, if the permit is related to an activity on their territory, if a higher

¹⁵ <http://www.complexeprojecten.be/>

¹⁶ <http://gentsekanaalzone.be/klein-rusland/>

authority delivers the permit against their negative opinion or when the permit decision is in breach of their local environmental or planning policy. This case law is well established and dates back long before the Aarhus Convention¹⁷.

¹⁷ E.g. Council of State, 29 June 2006, nr. 160.838, *gemeente Overijse*; 7 June 2007, nr. 171.897, *gemeente Kruishoutem*; 22 February 2013, nr. 222.570, *Mertens & gemeente Oosterzele*; 28 May 2014, nr. 227.578, *provincie Vlaams Brabant, stad Leuven and Others*.

Existing EIA & Permitting System in Flanders Region¹

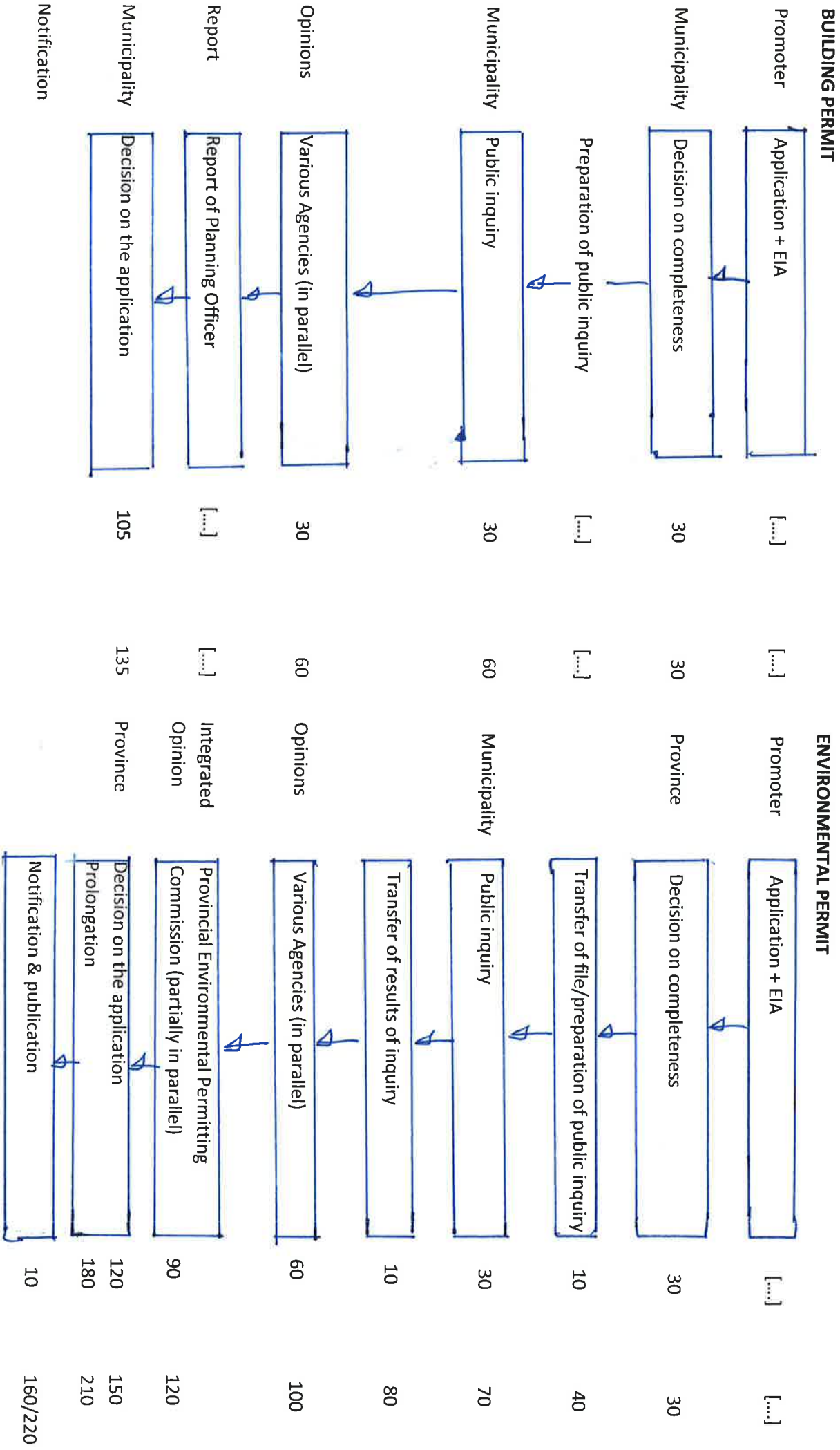
Who	What	Time (in days)	Cumulated Time
EIA Procedure			
Promotor	Notification of intention to prepare an EIA	[.....]	[.....]

EIA Administration	Decision on completeness of notification	20	20
Promotor	Notification of copy to - Permitting authority - Municipality - Advisory administrations - Neighbour companies	10	30
Municipality	Publication of notification	10	40
Municipality/ EIA Administration	Public inquiry on notification/scoping	30	70
EIA Administration	Scoping decision [60 d from date of decision on completeness Of notification]	10	80
EIA Administration	Notification of scoping decision	10	90

Team of Accredited EIA Experts	Drafting the EIA Consultation with EIA Administration	[....]	[....]

EIA Administration	Checking of quality of EIA Prolongation of term for decision	30 20	120 140
EIA Administration	Notification of EIA Report	10	150

¹ "E.g. Waste disposal installations for the incineration or chemical treatment as defined in Annex I to Directive 2008/98/EC under heading D9 of non-hazardous waste with a capacity exceeding 100 tonnes per day" (Annex I, pt. 10 Directive 2011/92/EU) – According Permitting legislation such installations are class 1 installations regardless their capacity



Appendix 2

(3)

Promoter	Publication of the decision	30	175	Municipality	Publication of the decision	30	190/230
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ADMINISTRATIVE APPEAL

Promoter Public Adm.	Administrative appeal with Province	30	175	Promoter Public Adm.	Administrative appeal with Environmental Minister	30	190/230
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Report	Report of Provincial Planning Officer	[...]	[...]	Opinion	Opinion of regional Environmental Permitting Commission	90	294/334
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Province	Decision on application and appeal	105	280	Env. Minister Prolongation	Decision on application and appeal	150	340/380
	Notification	10	290		Notification	10	380/420



Promoter	Publication of decision	30		Municipality	Publication of decision	30	
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JURISDICTIONAL APPEAL

Council of Permit Disputes	45	335	Council of State	60	440/480
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New EIA & Permitting System in Flanders Region¹

Who	What	Time (in days)	Cumulated Time
EIA Procedure²			
Promoter	Notification to EIA Administration of intention to prepare an EIA	[...]	[...]
EIA Administration	Notification to competent authorities in case of significant transboundary effects	ndy	ndy
EIA administration	Approval of EIA Expert Team	ndy	ndy

Promoter	<i>Optional</i> demand for scoping guidance	[...]	[...]
EIA Administration	Notification to relevant authorities	ndy	ndy
EIA Administration	<i>Optional</i> scoping guidance	ndy	ndy

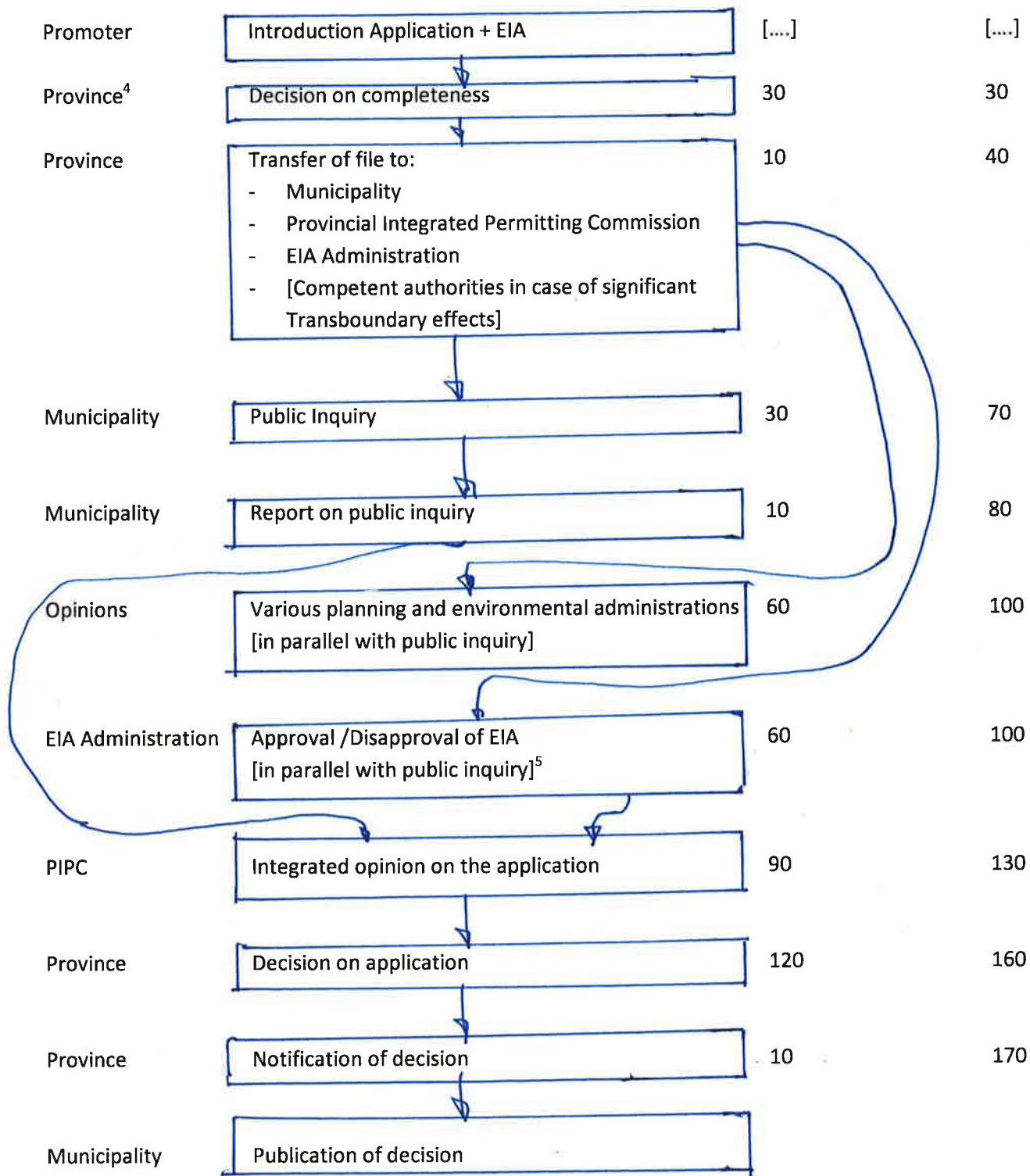
EIA Team	Drafting EIA	[...]	[...]

Promoter	<i>Optional</i> demand to EIA Administration for quality check	[...]	[...]
EIA Administration	Approval /Disapproval of EIA	ndy	ndy

¹ “E.g. Waste disposal installations for the incineration or chemical treatment as defined in Annex I to Directive 2008/98/EC under heading D9 of non-hazardous waste with a capacity exceeding 100 tonnes per day” (Annex I, pt. 10 Directive 2011/92/EU) – According Integrated Permitting legislation such installations are class 1 installations when they have stocking capacity of more than 1 ton.

² The optional steps are indicated in green fluo. Ndy= not determined yet. Flemish Government still has to issue an Implementing Order on this issue

Integrated Permitting Procedure³



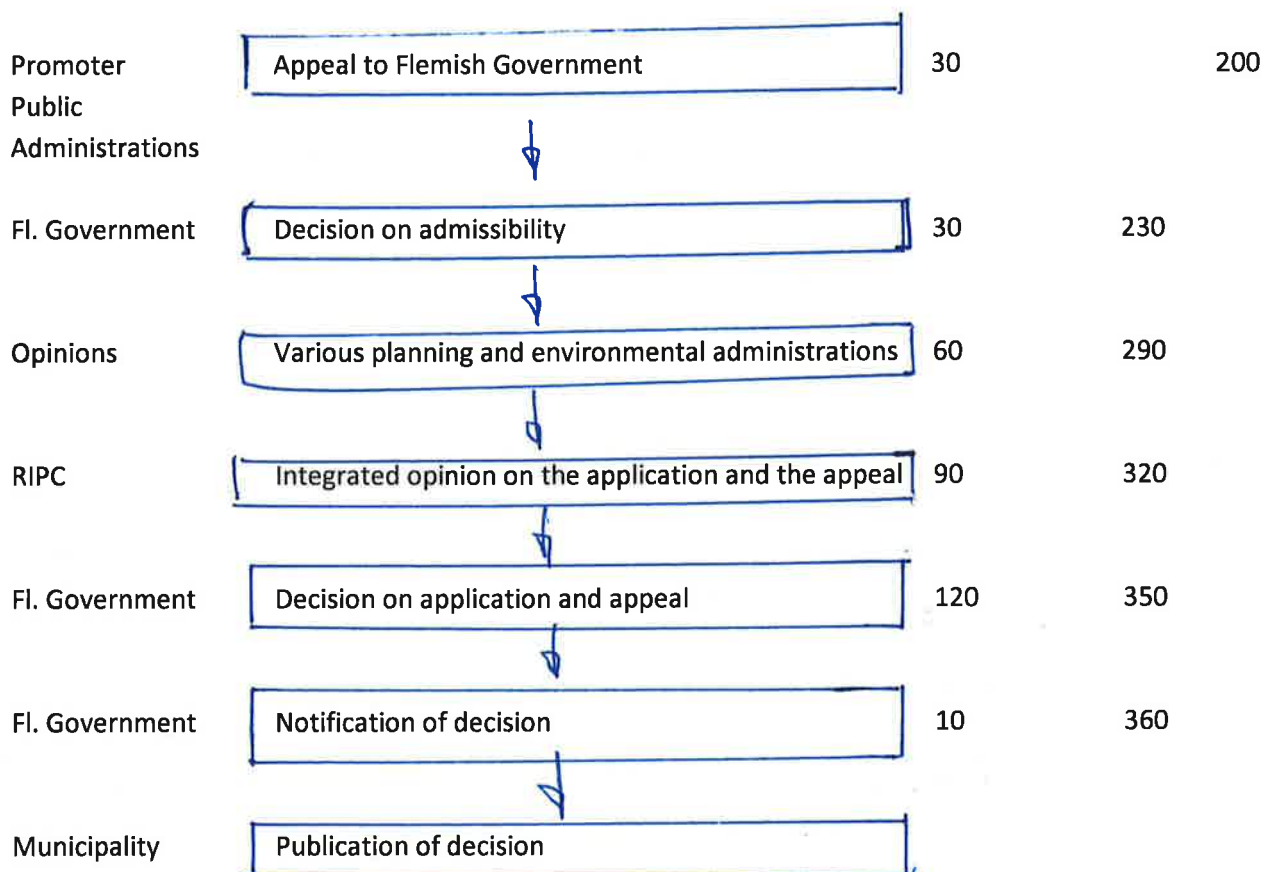
³ In case there are no particular complications.

⁴ In case the capacity of the installation is 50.000 tonnes a year or more, Flemish Government would be the competent authority

⁵ In case there was not already an optional quality check and approval.

Appendix 2

ADMINISTRATIVE APPEAL



JURISDICTIONAL APPEAL

