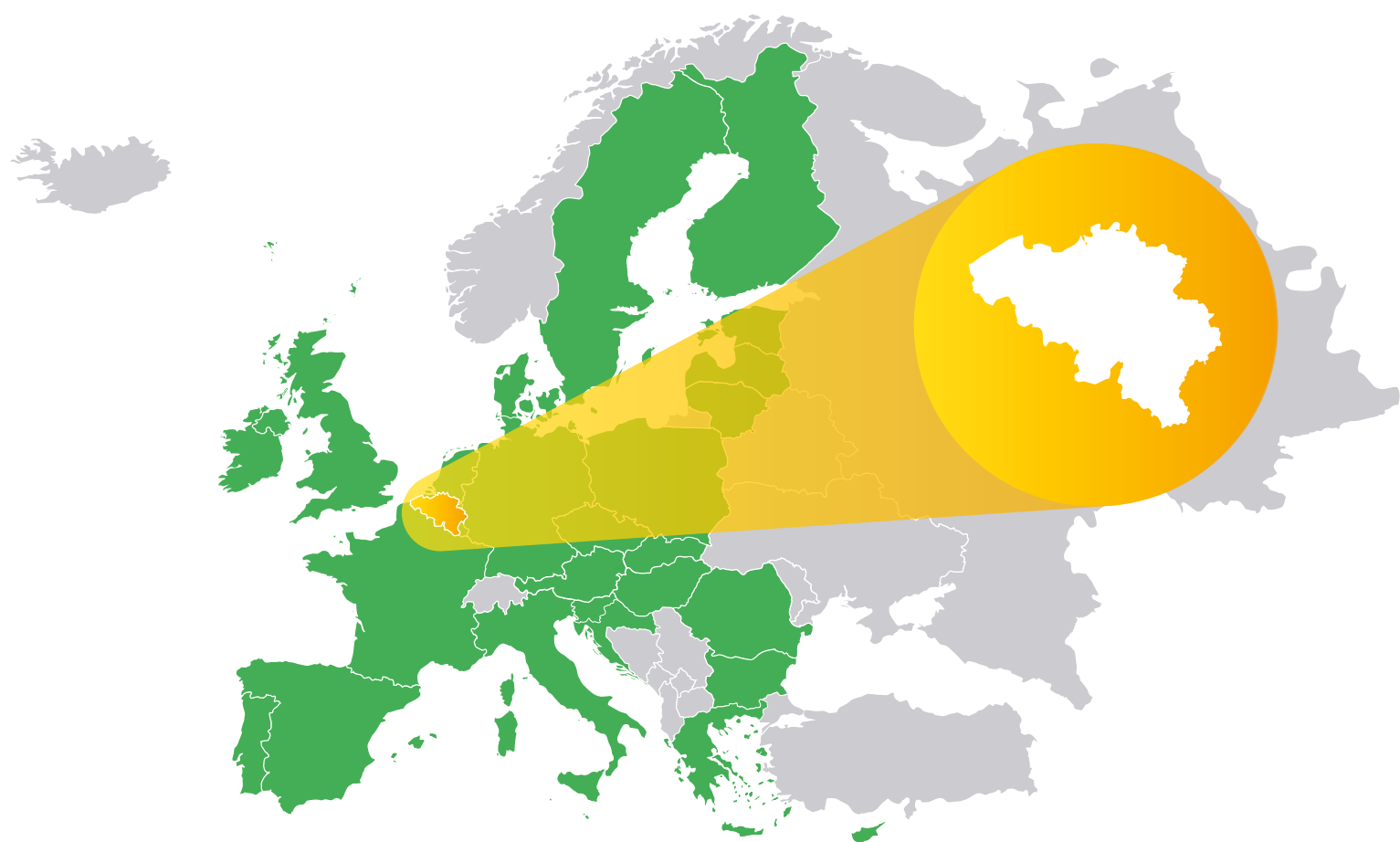


# Minerals Policy Country Profile

## **BELGIUM**



Minerals Policy Country Profile – BELGIUM

<b>POLICY 1</b>	<b>Law of 13 June 1969 on the exploration and the exploitation of non-living resources of the territorial sea and the continental shelf</b>
<b>POLICY 2</b>	<b>Law of 20 January 1999 for the Protection of the Marine Environment and for the organization of marine spatial planning in the sea areas under the jurisdiction of Belgium.</b>
<b>POLICY 1</b>	<b>Law of 22 April 1999 concerning the exclusive economic zone of Belgium in the North Sea</b>
<b>POLICY 2</b>	<b>Law of 13 February 2006 on the assessment of the effects of certain plans and programs on the environment and public participation in the preparation of plans and programs relating to the environment</b>
<b>Minerals policy governance</b>	
<b>Horizontal policy integration</b>	
<b>Mechanisms for ministerial coordination</b>	Consultative Commission on marine spatial planning;
<b>Vertical policy integration</b>	
Mechanisms for governmental organisation coordination	see "Consultative Commission on marine spatial planning"
<b>Stakeholder Integration</b>	
<b>Mechanisms for stakeholder involvement</b>	see "Consultative Commission on marine spatial planning"
<b>Policy evaluation</b>	
<b>Mechanisms for policy evaluation</b>	Annual CC MSP meeting on the progress of implementation

## Minerals Policy Country Profile – BELGIUM

	POLICY 1
	<b>Law of 13 June 1969 on the exploration and the exploitation of non-living resources of the territorial sea and the continental shelf</b>
<b>Title (original language)</b>	Wet van 13 juni 1969 inzake de exploratie en de exploitatie van de niet-levende rijkdommen van de territoriale zee en het continentaal plat Loi du 13 juin 1969 sur l'exploration et l'exploitation des ressources non vivantes de la mer territoriale et du plateau continental
<b>Title (translation in english)</b>	Law of 13 June 1969 on the exploration and the exploitation of non-living resources of the territorial sea and the continental shelf
<b>Year (and identification number if available)</b>	This law was last ammended by law of 22 December 2008 (doc id: 2008-12-22/33)
<b>Short description</b>	<p>This law defines the Belgian Continental shelf and provides the framework for the exploration and exploitation of the non-living resources on the seabed in the territorial sea and on the continental shelf of Belgium, as well as for artificial islands, installations and other devices, necessary for the exploration and exploitation of the non-living resources on the seabed and for the laying of cables and pipelines.</p> <p>This law is in compliance with the parts of UNCLOS, Part II (Territorial Sea and Contiguous Zone), Part VI (Continental Shelf) and Part XII (Protection and Preservation of the Marine Environment) which relates to the matters mentioned above.</p> <p>Concerning the exploration and exploitation of the non-living resources on the seabed, it declares that:</p> <ul style="list-style-type: none"> <li>* the Kingdom of Belgium has sovereignty over the territorial sea and sovereign rights over the continental shelf for exploration and for exploitation of mineral and other non-living resources;</li> <li>* a concession is needed for exploration and exploitation of these resources, which is granted under the conditions and according to the rules determined in Royal Decrees (on recommendation of the Minister of Economy for sand and gravel (doc id: 2004-09-01/51) and the Minister of Energy for hydrocarbons (doc id: 1997-10-30/36) - the absence of hydrocarbons was not proven when the Royal Decree on this matter was created in 1997);</li> <li>* an application for a concession has to include an environmental impact report and is subjected to an environmental impact assessment, for which rules on the procedure, the content and form are determined in Royal Decree (doc id: 2004-09-01/50), on the joint recommendation of the Minister of Economy and the Minister who has jurisdiction over the marine environment;</li> <li>* a concession can be authorized only by the favorable opinion of the Minister who has jurisdiction over the marine environment;</li> <li>* extractions are subjected to retributions for the execution of the continuous monitoring of the influence of the concerned activities on the sediment deposits and on the marine environment;</li> <li>* an advisory commission shall be created by Royal Decree (doc id: 2000-08-12/83), on the joint recommendation of the Minister of Economy and the Minister who has jurisdiction over the marine environment, with the task to advise the administration and the Minister of Economy on matters related to licencing, monitoring, coorrective measures and policy, and;</li> <li>* a number of penal provisions for infractions on the law and its impementing decrees. For this it refers in part to articles 55 and 56 of the Law of 22 April 1999 concerning the exclusive economic zone of Belgium in the North Sea (see related policy 1).</li> </ul> <p>Major changes in the impementation decrees of this law are only possible after these changes in the policy ware integrated in the marine spatial plan (see mineral policy 2).</p>
<b>Access to document (hyperlink IN NATIONAL LANGUAGES)</b>	<a href="http://www.ejustice.just.fgov.be/cgi_loi/change_lg.pl?language=nl&amp;la=N&amp;table_name=wet&amp;cn=1969061330">http://www.ejustice.just.fgov.be/cgi_loi/change_lg.pl?language=nl&amp;la=N&amp;table_name=wet&amp;cn=1969061330</a> <a href="http://www.ejustice.just.fgov.be/cgi_loi/change_lg.pl?language=fr&amp;la=F&amp;table_name=loi&amp;cn=1969061330">http://www.ejustice.just.fgov.be/cgi_loi/change_lg.pl?language=fr&amp;la=F&amp;table_name=loi&amp;cn=1969061330</a> -

Minerals Policy Country Profile – BELGIUM

<b>Access to document (hyperlink IN ENGLISH LANGUAGE)</b>		NO HYPERLINK AVAILABLE
<b>Access to document (document name providing information on the policy)</b>		
<b>Responsible for the design of the policy</b>		Federal Public Service (FPS) Economy, SMEs, Self-Employed and Energy
<b>Responsible for the implementation of the policy</b>		FPS Economy, SMEs, Self-Employed and Energy - Directorate-General Quality and Safety (sand and gravel) FPS Economy, SMEs, Self-Employed and Energy - Directorate-General Energy (hydrocarbons) FPS Health, Food chain safety and Environment - Directorate-General Environment (EIA)
<b>Responsible person / policy maker at the ministerial level</b>		Mr Kris Peeters, Minister of Economy (Mr Geert De Poorter, Director-general of DG Quality and Safety) Mrs Marie Christine Marghem, Minister of Energy (Mrs Nancy Mahieu, Director-general of DG Energy) Mr Philippe De Backer, Secretary of State for the North Sea (Mr Roland Moreau, Director-general of DG Environment)
<b>Policy instrument type</b>		Legislation
<b>Stand-alone policy (or to which policy it is subordinate or ancillary)</b>		Yes
<b>Value chain relevance (1=relevant; 0=not relevant)</b>	<b>EXPLORATION (including permitting)</b>	1
	<b>EXTRACTION (incl. Permitting)</b>	1
	<b>mineral and metallurgical PROCESSING (incl. Permitting)</b>	1
	<b>MINE CLOSURE / WASTE management (incl. Permitting)</b>	1
	<b>DEEP SEA MINING</b>	0
	<b>DATA and knowledge base</b>	1

## Minerals Policy Country Profile – BELGIUM

		POLICY 2	
		<b>Law of 20 January 1999 for the Protection of the Marine Environment and for the organization of marine spatial planning in the sea areas under the jurisdiction of Belgium.</b>	
<b>Title (original language)</b>	Wet van 20 januari 1999 ter bescherming van het mariene milieu en ter organisatie van de mariene ruimtelijke planning in de zeegebieden onder de rechtsbevoegdheid van België. Loi du 20 janvier 1999 visant la protection du milieu marin et l'organisation de l'aménagement des espaces marins sous juridiction de la Belgique.		
<b>Title (translation in english)</b>	Law of 20 January 1999 for the Protection of the Marine Environment and for the organization of marine spatial planning in the sea areas under the jurisdiction of Belgium.		
<b>Year (and identification number if available)</b>	This law was last ammended by law of 22 May 2014 (doc id: 2014-05-22/48)		
<b>Short description</b>	<p>This law provides the framework for nearly all environmental matters and for marine spatial planning in the sea areas under the jurisdiction of Belgium.</p> <p>As most environmental issues for the extraction of non-living resources are already present in the Law of 13 June 1969, only chapter IIa (Marine Spatial Planning) and chapter III (Marine Protected Areas and Protected Species) are relevant, which were implemented by the decree concerning marine protected areas (doc id: 2005-10-14/35), the decree on marine spatial planning (doc id: 2012-11-13/07) and the decree establishing the marine spatial plan (doc id: 2014-03-20/03).</p> <p>Also of concern are the decrees concerning the state of surface waters (doc id: 2010-06-23/04) and the marine strategy for the Belgian marine areas (doc id: 2010-06-23/05).</p> <p>The procedure concerning marine spatial planning refers to article 14 of the Law of 13 February 2006 on the assessment of the effects of certain plans and programs on the environment and public participation in the preparation of plans and programs relating to the environment (see related policy 2).</p>		
<b>Access to document (hyperlink IN NATIONAL LANGUAGES)</b>	<a href="http://www.ejustice.just.fgov.be/cgi_loi/change_lg.pl?language=nl&amp;la=N&amp;table_name=wet&amp;cn=1999012033">http://www.ejustice.just.fgov.be/cgi_loi/change_lg.pl?language=nl&amp;la=N&amp;table_name=wet&amp;cn=1999012033</a> <a href="http://www.ejustice.just.fgov.be/cgi_loi/change_lg.pl?language=fr&amp;la=F&amp;table_name=loi&amp;cn=1999012033">http://www.ejustice.just.fgov.be/cgi_loi/change_lg.pl?language=fr&amp;la=F&amp;table_name=loi&amp;cn=1999012033</a> -		
<b>Access to document (hyperlink IN ENGLISH LANGUAGE)</b>	NO HYPERLINK AVAILABLE		
<b>Access to document (document name providing information on the policy)</b>			
<b>Responsible for the design of the policy</b>	FPS Health, Food chain safety and Environment - Directorate-General Environment		
<b>Responsible for the implementation of the policy</b>	FPS Health, Food chain safety and Environment - Directorate-General Environment		
<b>Responsible person / policy maker at the ministerial level</b>	Mr Philippe De Backer, Secretary of State for the North Sea (Mr Roland Moreau, Director-general of DG Environment)		
<b>Policy instrument type</b>	Legislation		
<b>Stand-alone policy (or to which policy it is subordinate or ancillary)</b>	Yes		
<b>Value chain relevance (1=relevant; 0=not relevant)</b>	<b>EXPLORATION (including permitting)</b>	1	
	<b>EXTRACTION (incl. Permitting)</b>	1	
	<b>mineral and metallurgical PROCESSING (incl. Permitting)</b>	1	
	<b>MINE CLOSURE / WASTE management (incl. Permitting)</b>	1	
	<b>DEEP SEA MINING</b>	0	
	<b>DATA and knowledge base</b>	1	

## Minerals Policy Country Profile – BELGIUM

		<b>POLICY 1</b>
		<b>Law of 22 April 1999 concerning the exclusive economic zone of Belgium in the North Sea</b>
<b>Title (original language)</b>	Wet van 22 april 1999 betreffende de exclusieve economische zone van België in de Noordzee. Loi du 22 avril 1999 concernant la zone économique exclusive de la Belgique en mer du Nord	
<b>Title (translation in english)</b>	Law of 22 April 1999 concerning the exclusive economic zone of Belgium in the North Sea	
<b>Year (and identification number if available)</b>	This law was last amended by law of 3 May 1999 (doc id: 1999-05-03/30)	
<b>Short description</b>	This law defines the Belgian EEZ, brings all the changes needed to be in compliance with UNCLOS, part V - Exclusive economic zone, in existing legislation. The Law on the exploration and the exploitation of non-living resources of the territorial sea and the continental shelf refers to articles 55 and 56 of this law.	
<b>Access to document (hyperlink IN NATIONAL LANGUAGES)</b>	<a href="http://www.ejustice.just.fgov.be/cgi_loi/change_lg.pl?language=nl&amp;la=N&amp;table_name=wet&amp;cn=1999042247">http://www.ejustice.just.fgov.be/cgi_loi/change_lg.pl?language=nl&amp;la=N&amp;table_name=wet&amp;cn=1999042247</a>	
	<a href="http://www.ejustice.just.fgov.be/cgi_loi/change_lg.pl?language=fr&amp;la=F&amp;table_name=loi&amp;cn=1999042247">http://www.ejustice.just.fgov.be/cgi_loi/change_lg.pl?language=fr&amp;la=F&amp;table_name=loi&amp;cn=1999042247</a>	
	-	
<b>Access to document (hyperlink IN ENGLISH LANGUAGE)</b>	NO HYPERLINK AVAILABLE	
<b>Access to document (document name providing information on the policy)</b>		
<b>Responsible for the design of the policy</b>	FPS Foreign Affairs, Foreign Trade and Development Cooperation	
<b>Responsible for the implementation of the policy</b>	Belgian Science Policy Office FPS Economy, SMEs, Self-Employed and Energy FPS Employment, Labour and Social Dialogue FPS Finance FPS Foreign Affairs, Foreign Trade and Development Cooperation FPS Health, Food chain safety and Environment FPS Internal Affairs FPS Justice FPS Mobility and Transport Ministry of Defence	
<b>Responsible person / policy maker at the ministerial level</b>		
<b>Policy instrument type</b>	Legislation	
<b>Stand-alone policy (or to which policy it is subordinate or ancillary)</b>	Yes	
<b>Value chain relevance (1=relevant; 0=not relevant)</b>	<b>EXPLORATION (including permitting)</b>	-
	<b>EXTRACTION (incl. Permitting)</b>	-
	<b>mineral and metallurgical PROCESSING (incl. Permitting)</b>	-
	<b>MINE CLOSURE / WASTE management (incl. Permitting)</b>	-
	<b>DEEP SEA MINING</b>	-
	<b>DATA and knowledge base</b>	-

## Minerals Policy Country Profile – BELGIUM

		POLICY 2
		<b>Law of 13 February 2006 on the assessment of the effects of certain plans and programs on the environment and public participation in the preparation of plans and programs relating to the environment</b>
<b>Title (original language)</b>	Wet van 13 februari 2006 betreffende de beoordeling van de gevolgen voor het milieu van bepaalde plannen en programma's en de inspraak van het publiek bij de uitwerking van de plannen en programma's in verband met het milieu. Loi du 13 février 2006 relative à l'évaluation des incidences de certains plans et programmes sur l'environnement et à la participation du public dans l'élaboration des plans et des programmes relatifs à l'environnement	
<b>Title (translation in english)</b>	Law of 13 February 2006 on the assessment of the effects of certain plans and programs on the environment and public participation in the preparation of plans and programs relating to the environment	
<b>Year (and identification number if available)</b>	NOT APPLICABLE	
<b>Short description</b>	This legislation provides the framework for strategic environmental assesment.  The procedure for marine spatial planning, established under the Law of 20 January 1999 for the Protection of the Marine Environment and for the organization of marine spatial planning in the sea areas under the jurisdiction of Belgium, refers to article 14 of this law. This article 14 was implemented by decree on the evaluation procedure of the impact of environmental plans and programs likely to have significant effects on the environment in a transboundary context (doc id: 20070605/37).	
<b>Access to document (hyperlink IN NATIONAL LANGUAGES)</b>	<a href="http://www.ejustice.just.fgov.be/cgi_loi/change_lg.pl?language=nl&amp;la=N&amp;table_name=wet&amp;cn=2006021341">http://www.ejustice.just.fgov.be/cgi_loi/change_lg.pl?language=nl&amp;la=N&amp;table_name=wet&amp;cn=2006021341</a> <a href="http://www.ejustice.just.fgov.be/cgi_loi/change_lg.pl?language=fr&amp;la=F&amp;table_name=loi&amp;cn=2006021341">http://www.ejustice.just.fgov.be/cgi_loi/change_lg.pl?language=fr&amp;la=F&amp;table_name=loi&amp;cn=2006021341</a> -	
<b>Access to document (hyperlink IN ENGLISH LANGUAGE)</b>	NO HYPERLINK AVAILABLE	
<b>Access to document (document name providing information on the policy)</b>		
<b>Responsible for the design of the policy</b>	FPS Health, Food chain safety and Environment - Directorate-General Environment	
<b>Responsible for the implementation of the policy</b>	FPS Health, Food chain safety and Environment - Directorate-General Environment	
<b>Responsible person / policy maker at the ministerial level</b>	Mr Philippe De Backer, Secretary of State for the North Sea (Mr Roland Moreau, Director-general of DG Environment)	
<b>Policy instrument type</b>	Legislation	
<b>Stand-alone policy (or to which policy it is subordinate or ancillary)</b>	Yes	
<b>Value chain relevance (1=relevant; 0=not relevant)</b>	<b>EXPLORATION (including permitting)</b>	-
	<b>EXTRACTION (incl. Permitting)</b>	-
	<b>mineral and metallurgical PROCESSING (incl. Permitting)</b>	-
	<b>MINE CLOSURE / WASTE management (incl. Permitting)</b>	-
	<b>DEEP SEA MINING</b>	-
	<b>DATA and knowledge base</b>	-

## Minerals Policy Country Profile – BELGIUM

<b>Horizontal policy integration</b>	
<b>Mechanisms for ministerial coordination</b>	Consultative Commission on marine spatial planning;
<b>MECHANISM 1</b>	Consultative Commission on marine spatial planning;
<b>1.1 Status</b>	on-going
<b>1.2 Number of ministries involved</b>	12+
<b>1.3 Ministries involved</b>	<p>Federal:</p> <p>Ministry of Environment;  Ministry of Economy (2 seats: 1 for Energy and 1 for Economy);  Science Policy Office;  Ministry of Foreign Affairs;  Ministry of Mobility and Transport;  Ministry of Internal Affairs (3 seats: 1 for Maritime police, 1 for Crisis Centre and 1 for Civil Security);  Ministry of Defence;  Federal Institute for Sustainable Development</p> <p>Regional:</p> <p>1 or more delegates of the Flemish authorities to be determined by the Flemish government</p>
<b>1.4 Practical implications of the process</b>	
1.4.1 Purpose and objective of the mechanism	The Consultative Commission on marine spatial planning (further: CC MSP) is a hybrid coordination mechanisms bringing together different actors (federal & regional governmental representatives and invited experts) to raise concerns about the first draft on the marine spatial plan (further: MSP) elaborated by the Minister for the Marine Environment (further: the minister).
1.4.2 Representatives participating	the representative of the minister, the representatives of the ministries defined in 1.3. (voting members) and invited experts (non-voting members).
1.4.3 Regularity of meetings	Every 6 years for to advise on the first draft of the MSP and on-demand for the preparation of modifications to the MSP
1.4.4 Process description	<ol style="list-style-type: none"> <li>1. The minister elaborates a preliminary draft of the MSP (this is done by a consultant, which use an end-user group constituted of the CC MSP, local authorities, representatives of the concerned industries and NGO's to get the required information and to validate the rough draft) ;</li> <li>2. The preliminary draft is submitted to the CC MSP for advice;</li> <li>3. After taking the opinion of the CC MSP into consideration and having received a basic agreement of the Council of Ministers, the minister transforms the first draft in a conceptual MSP;</li> <li>4. 1. This concept MSP is then subjected to a public consultation on the environmental and socio-economic effects of this plan;</li> <li>4.2. The concept MSP is also transmitted for advice to the Federal Council for Sustainable Development, the regional governments, the Coast guard and each other institutes the minister deems appropriate;</li> <li>4.3. The minister organises during the public consultation period at least one public consultation meeting;</li> <li>4.4. At the same time, the concept MSP is delivered to the competent authorities of the Netherlands, France, the United-Kingdom and each other country the minister deems appropriate;</li> <li>5.1. After having taken into account the received opinions, the minister transforms the concept MSP in concept royal decree, which he submits for approval to the Council of Ministers;</li> <li>5.2. The minister elaborates a statement summarizing how account was taken of these opinions, which are: <ol style="list-style-type: none"> <li>a) submitted to the Council of Ministers;</li> <li>b) published on the website of the Ministry of Environment;</li> <li>c) communicated by e-mail to the participants of the public consultation;</li> <li>d) communicated by letter to the federal, regional and foreign institutes and governments who participated in the consultation</li> </ol> </li> </ol>



## Minerals Policy Country Profile – BELGIUM

1.4.5 Effectiveness and Outcomes	Having experts from different areas (policy as well as the private sector) allow for a more cohesive (ie. involving different ministries and levels of government) and comprehensive (ie. taking into account the needs of different economic sectors) approach for marine planning.
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<u>Vertical policy integration</u>	
Mechanisms for governmental organisation coordination	see "Consultative Commission on marine spatial planning"

<u>Stakeholder Integration</u>	
Mechanisms for stakeholder involvement	see "Consultative Commission on marine spatial planning"

<u>Policy evaluation</u>	
Mechanisms for policy evaluation	Annual CC MSP meeting on the progress of implementation