



MINLEX - Belgium Country Report

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1. BELGIUM

1.1. Summary of findings

Belgium is a federal state comprising three Regions: Flanders, Wallonia, and the Brussels Capital region. Extraction activities are located in the first two, and there is one sand-quarry active on the Brussels-Flanders border. In Flanders, since the discontinuation of coal-mining operations, clay, loam, sand, and gravel have now become the only extracted and commercialised mineral resources. In Wallonia, since the discontinuation of coal and metal mining activities, the main extracted minerals include stones, dolomite, cement limestone, ornamental rock (marbles), hard rock (limestone, sandstones, quartzites, porphyres) and also construction sand (for the construction and glass industries) and alluvial aggregates. Another mineral extraction area is the Belgian part of the North Sea, where sand is extracted. Since the passing of the Special Institutional Reform Act of 8 August 1980, onshore industrial minerals and building materials belong to the landowner or to the mine owner and minerals in the continental shelf to the federal government. According to such Special Act, also legislation and permitting procedures have become the responsibility of the three Regions, whereas offshore remains under the control of the federal government. All onshore minerals not listed as "mines" (energetic and metallic minerals and ore) and not conceded are owned by the landowner whereas those located in the Belgian part of the North Sea are owned by the federal government.

Licensing in Flanders is governed by the "omgevingsvergunning" (integrated environmental permit or physical aspects permit). All permit applications are digitally submitted at one contact point. The authority that is responsible for issuing or refusing the permit depends on the activity. For extraction, in most cases the Provincial Executive of the province is the competent authority. Advisory bodies include the municipality and several divisions of the Flemish administration. The surface mineral resources are the property of the licensee. A permit for an extraction site can only be approved if the area is part of an extraction zone in the spatial planning. A procedure to create new zones for extraction is in place and is linked to the management of surface mineral resources in Flanders.

In the **Belgian part of the North Sea**, the main regulations relevant to NEEI permitting are the **Royal decree of September 1st 2004** on the procedure for the granting of exploration and exploitation of mineral and other non-living resources in the territorial sea and the continental shelf, the **Royal decree of October 21st 2018** setting the rules for environmental impact assessment in application of the law of 13 June 1969 on the exploration and exploitation of non-living resources of the territorial sea and the continental shelf and the **Royal decree of 20 March 2014** establishing the marine spatial plan.

In Wallonia, all legislation on extractive industries is based on the distinction between mines and quarries which are defined according to the substance extracted (quarries encompass construction and industrial minerals and mines energetic and metallic minerals). Quarries are mainly governed by the "Carrières" decree of 04 July 2002, by the Decree of 11 March 1999 on environmental permits (PE) – combined with urbanistic permits, in "single permits (PU)", - and the Land Development Code (CoDT). The key permitting authorities involve the local authority, the "Communal College" which is the one that issues extraction permits after various stages which involve other public authorities such as the SPW Agriculture, Natural Resources and Environment and the SPW Territorial Development and Town Planning, as well as various advisory committees (CWEDD, CRAT, CRAEC), after a public survey. Mines are governed by the decree on mines of the Walloon Regional Council of 7 July 1988 which established the granting of concessions to exploit a mine. The concessions are granted by the Walloon Government (or its delegated minister), who can decide alone, on the conditions of standard specifications fixed by the "Arrêté" of the Walloon Regional Executive of 26 July 1990.

Currently a major reform of the Mining Code is being considered (which would be published at the earliest in 2020) and will become, after a transitional period, a kind of Underground Code that will integrate 'Mines' and all new uses of the underground (heat exploitation, gas storage, ...). Quarries would stand alone for the permit procedure but will be integrated in a strategic view and planning with the other concerned industries.

In Wallonia, nowadays no exploration permits are required to explore for quarry minerals, just the consent of the landowner is necessary and a declaration to the Administration (just to inform the geological description). ***Exploration for mines*** (coal, lignite or metallic/iron minerals) can be achieved by: i) by the landowner or with his consent, by simple declaration and an annual report addressed to the Administration; ii) in case of absence of the landowner's consent, with the authorisation of the Executive who will have previously met the owner, iii) by the holder of a research/exploration permit, granted by the Executive (Walloon Government), supported by the Administration (the Mining Engineer of the SPW Agriculture, Natural Resources and Environment), after Public Survey (rather a call for concurrent projects and objections) organized by the Province(s).

With regards to extraction permits, for quarries, it depends whether the parcel of land is already included in a Sector Plan as "extraction zone" or not. If included, a request of Permit (PE or PU), with EIE (Environmental Incidences Study) needs to be submitted if the quarry's area is > 25 ha. If not included, a request for inclusion should be submitted along with an EIP (Incidences Study on Plan). Afterwards, a request of permit (PE or PU) along with an EIE needs to be submitted. The time required for an investor to obtain an operating license, i.e. the Environmental Permit or the Single Permit, is theoretically from 7 months (class 2) to 9 months (class 1); to this must be added the duration necessary for the impact studies, which precede the introduction of the permit application. In the quarry sector, almost all applications for permits (for the extension of quarries or the establishment of new outbuildings or installations) give rise to a refusal by the Municipal College but after appeals in 1st or 2nd instances, lead in the majority of cases to a grant of permits (PE or PU) by the Minister of the Walloon Government, without appeal to the Council of State. The FEDIEX (Federation of the Extractive Industry) reports that a modification of the Sector Plan alone can take many years, in extreme cases up to 20 years.

For mining concessions in Wallonia, the concession request is addressed to SPW Agriculture, Environment and Natural Resources, with a copy to the Minister. After verification of the compliance of the documents, the Mining Engineer sends plans and documents to the Governors of the Provinces concerned, who make public advertising and ask the concerned Communes/Municipalities to organize a public inquiry. The applicant meet the Communal authorities before and after the public enquiry to present the project and be informed of the inquiry results. After that, the Communes/Municipalities communicate their report and inquiry results to the administration. This can decide then to permit competitors to introduce competitive projects of concession (repeating procedure described above for the public enquiry). The Mining Engineer analyses all the documents and inquiry results (first applicant & competitors), draws up a synthesis report and gives its opinion to the Minister. The Government grants or rejects the application for the concession by reasoned Arrêté. The minimum duration of the procedure for obtaining an extraction permit - assuming an average duration of 1 month for the public inquiry - is theoretically 10 months and 8 days if only 1 applicant, but 15 months and 8 days if competitors, with possible extensions (several periods of 4 months) per reasoned decision of the Walloon Government. No mining concessions have been sought for many years, although the purchase of existing concessions (non-delisted, they are perpetual properties) might be of interest to some (for new uses of old mines and an economy of the whole procedure for applying for a new concession).

In Brussels for mines and quarries there are two categories (1A and 1B) depending on the surface of exploitation, respectively, larger or smaller than 25,000 m². The Regulation dated April 22nd 1999 is valid for Category 1A activities and the Decree dated March 4th 1999 for Category 1B, II and III activities. Category 1A and 1B activities are regarded as being the most impacting ones. For the Category 1A an Environmental Impact

Report is necessary, for the Category 1B an Environmental Impact Assessment is necessary. The procedure for Category 1A takes between 230 and 320 days but not longer than 450 days. The procedure for a Category 1B takes between 170 and 290 days. Permits are valid in principle for a period of 15 years.

In the **Belgian part of the North Sea** the license areas are defined in the Marine special plan and shared by all licensees having obtained a permit for that area those areas. The licensing procedure is identical for exploration or exploitation, though no prior exploration is required to apply for an exploitation license.

1.2. General introduction

Belgium is a federal state comprising three Regions: the Flemish (Flanders), the Walloon (Wallonia), and the Brussels-Capital region. Each Region's administrative division consists of provinces: 5 provinces in Flanders, 5 in Wallonia, whereas the Brussels-Capital region is divided in 19 municipalities. Since the passing of the Special Institutional Reform Act of 8 August 1980 in Belgium, the management of the onshore mineral resources (legislation and the permitting system) has become the responsibility of the three Regions.

Flemish region

The subsoil in the Flemish Region is mainly composed of sedimentary deposits of Tertiary and Quaternary formations. Hence, surface mineral resources include construction and industrial minerals like clay, loam, sand and gravel. Since the discontinuation of underground coal-mining operations in the 1990s, these minerals have now become the only extracted and commercialised mineral natural resources in the Flemish Region. Extraction takes place in open-pit quarries, above and under the groundwater table. Construction minerals are essential resources for the economically and socially important building and infrastructure sectors. Bricks, tiles, argex granules, glass, mortar, concrete and glazed stoneware pipes are all fabricated with Flemish surface raw materials. Quartz sand and its derived products, such as cristobalite, silicon and water glass (sodium silicate), have numerous high-grade applications. They are used as important additives or fillers in paints, detergents, good-quality plasters, paper, toothpaste, automobile tyres, tile cements, transparent plastic films, et cetera. Silicon is also the main base material for the production of semiconductors like chips and solar cells.

On a limited basis, there is also the extraction of natural stone. For the moment, only one quarry is active (Balegem) but there's a need for natural stone (more specific iron sandstone) in order to produce this natural stone for the restauration of old buildings.

Approximately 90 quarries (25 clay, 15 loam, 56 sand, 6 gravel and 1 natural stone, with for some quarries a combination of several mineral resources) are currently active. In addition, sand is dredged in the river Scheldt.

In the legislation, a distinction is made between gravel on the one hand and the other surface mineral resources on the other hand. This distinction has grown historically and is the result of the limited geographical area in which extractable gravel occurs. give direct employment in the extraction industry of about 350 jobs in the Flemish Region and additionally another indirect 350 jobs. Talking into account the Flemish construction industry, more specific the production of concrete, asphalt and ceramics, which is dependent on a continuous supply of construction minerals production of concrete, asphalt and ceramics another 10,000 jobs can be added.

Mineral ownership

- Surface mineral resources
 - o All surface mineral resources other than gravel

An extractor of surface mineral resources (= licensee) must either own the land area or have the permission of the owner, e.g. in the form of a concession or agreement, or have an extraction authorisation (“ontginningsmachtiging”) from the Flemish government. The surface mineral resources are the property of the licensee.

The extraction authorisation is an administrative or ministerial decision in which a company can be temporarily granted the right to extract surface mineral resources on a certain parcel, even without the permission of the owner. The conditions for granting an extraction authorisation are listed in article 10 of the decree on surface mineral resources.

- o Gravel

The licensee must own the land or have the permission of the owner. The tout-venant (i.e. the mixture of gravel and sand that is extracted) is the property of the licensee.

- Deep subsurface

The Flemish decree for the deep subsurface of 8 May 2009 defines the “deep subsurface” as that part of the subsurface from at least -500m depth with respect to the TAW (*Tweede Algemene Waterpassing*, the Flemish official zero level; art. 2).

The ownership and conditions for exploitation are explicated for all applications that are regulated by the decree for the deep subsurface. Hydrocarbons (coal, oil and gas) in the deep subsurface are owned by the Flemish Region. Through an exploitation permit the ownership of the extracted hydrocarbons (i.e. the resource, not the land) is transferred to the owner of the permit. For instance, coal is owned by the Region, but with a permit a coal mine would be owned by the owner of the permit for the duration of the permit. The ownership for geothermal energy is not regulated through the decree, because it concerns a property of the underground, not a physical matter. Nevertheless, art. 63/1 explicates that extraction of geothermal heat from the deep subsurface is allowed only with a permit issued by the Flemish government.

The decree does not contain a chapter for ore extraction, so the ownership is not explicated. It would thus not be possible to start a deep (below -500m TAW) mine under the current legislation. In the past, Belgium had a national legislation for mines: the coordinated mine acts. Both hydrocarbons and mineral resources fell under these acts. Through several state reforms the competence for the subsurface was transferred to the regions, except for some applications that were considered of national strategic value, such as underground storage of highly reactive nuclear waste and high-volume strategic storage of fuel gases. With the coming in force of several regional and federal legislations and the closure of ancient coal mines the coordinated mine acts lost their practical use and they did not respond to more recent EU directives. The Flemish Region stopped this national act in 2011, two years after the coming in force of the Flemish decree for the deep subsurface. The relevant articles regarding liability for (post)mining damage and maintenance of the mines were included in the Flemish decree. The reason that no coverage for ore extraction was further foreseen in the Flemish decree is the lack of evidence for any commercial ore concentrations below -500m depth in Flanders. The legislator decided not to elaborate a specific regulatory framework for a hypothetical resource.

Flanders has a series of ancient coal mines without active permits. These mines can be used for other applications, such as geothermal energy extraction or energy storage.

- Shallow mines

The casus of shallow mines, i.e. located above -500m TAW but too deep for quarry excavation, is neither covered by the decree for the deep subsurface nor the decree for surface mineral resources. This might become a problem in one small area (< 50km²) where the geology could contain ore deposits. When exploration or more detailed mapping uncover such potential, the legal framework would be extended.

Wallonia region

The territory of the Walloon Region (southern part of Belgium) benefits from a particular geological situation on the northern edge of the Ardennes, which has a lot of mineral resources (coal, metallic, industrial & construction minerals). All the geological stages are represented, from the Primary to the Quaternary, with however a dominant exposure of the essentially sedimentary primary formations.

Very active in the Walloon Region, extraction in/of open pit "**quarries**" continues to develop producing the stones and minerals needed for industry, construction and civil engineering: limestone, dolomite, cement limestone, lime limestone, ornamental rock (marbles), hard rock (limestone, sandstones, quartzites, porphyres) and also construction sand (for construction & glass industry) and alluvial aggregates. As for "**metallic mines**" formerly exploited in Wallonia - mainly iron, manganese, zinc, lead and pyrite, and more anecdotal, gold (alluvial) and copper - none of these mines are in use today. Coal has been exploited as soon as the mid-10th century to 1984, from surface to more than 1000 m deep.

DISTINCTION BETWEEN MINES & QUARRIES

It is important, from a technical, legal and administrative point of view, to distinguish between mines and quarries. A single element distinguishes mines from quarries: the nature of the substance exploited. The underground or open nature of an operation does not influence its category.

The following substances are considered to be "mines": substances known to contain, in veins, layers or clusters, the following substances (list according to Décret Mines of 7 July 1988) classified in this report into 3 categories:

- Metallic substances known to be exploitable in Belgium: gold, lead, iron in veins or in layers, zinc, calamine, manganese, alum, other metallic materials and their salts and oxides;
- Metallic substances not known to be exploitable in Belgium: silver, platinum, copper (anecdotal), antimony, mercury, tin, bismuth, cobalt, arsenic, molybdenum, sulphur;
- Non-metallic substances (not concerned by this report): coal or fossil wood stone, bitumens.

All other substances (slates, sandstones, marbles, limestone, chalk, marl, sands, flints, clays, phosphates, etc.) are considered as "quarries" (in French carrière).

Mineral ownership – Quarries

(See: SPW Agriculture, Natural Resources and Environment -Direction of Industrial, geological and mines risks)

According to the Civil Code (Art. 552), the surface owner owns all of his basement, with no depth limit, except mines granted. The subsoil therefore belongs neither to the State nor to the Region. Quarries include everything that is not defined as mines or shallow open pit mines: slates, sandstones, marbles, limestone, chalk, marl, sands, flint, clays, phosphates, etc. These are always quarries, either open pit or with underground galleries.

The quarry belongs to the owner of the surface. The owner is the only one who can exploit it or authorize a third party to do so; however, a landowner also needs the consent of the respective authority as the parcel of land, where the quarry is to be located, needs to be included and defined as "extraction zone" within a Sector Plan. Initially free, it was subsequently subjected to administrative supervision, then declaration (1852/1935 underground and 1899/1933 open pit), and then submitted to a permit since 1988. Once the exploitation is stopped, the quarries are no more under the supervision of the Administration. They always belong to the owners of the surface in plumb, who are responsible for it.

Mineral ownership - Mines

(See: SPW Agriculture, Natural Resources and Environment -Direction of Industrial, geological and mines risks)

According to the Civil Code (Art. 552), the surface owner owns all of his basement, with no depth limit, except mines granted. The subsoil therefore belongs neither to the State nor to the Region. Mines are defined by the law as deposits (layers, veins or clusters) of a series of precise substances (gold, metallic minerals, deep iron deposits, coal, coal, lignite, bitumen, alum, etc.). A mining or mining operation always remains a mine, whether underground or open pit. A mine may only be operated under cover of a concession. By this act, the Government creates a new property, the "concession", distinct from those of the surface and perpetual (separation of mineral rights from surface rights). This property includes only the layers, clusters or veins of the substances listed in the Act (e.g. coal veins or galena veins) and wells, galleries and mine works. The surface owner retains ownership of all the rest of his basement.

The Government grants the concession, with the right of exploitation, to a concessionaire, chosen for its capacity to exploit the mine in the general interest. The concession ends only with its cancellation by the Government: it disappears and does not return to the State or the Region. The mines are and remain under the special supervision of the Administration.

The mining concession is both the act of creating and granting the ownership of a mine and the right to exploit it and the legal perimeter within which the rights of the concessionaire, owner and operator of the mine are exercised. The act of concession is the only one that allows the exploitation of a subsoil substance classified as a "mine" by law (mining law of April 21, 1810 and decree of the mines of July 7, 1988), whether underground or open air. The concession shall confer to the owners of the surface the right to the fixed and proportional royalties determined by the concession; to the concessionaire the right of real and perpetual ownership of the mine and, consequently, the right to exploit it and the right to dispose of the proceeds of such exploitation; incidentally, the right to occupy or expropriate land under certain conditions. As a result of these exclusive rights, the concession - whether active or not - has only one operator recognized as such by the Region and its administration: the concessionaire, usually a private company, but possibly a public authority (a commune, an administration).

Quarries - The Walloon Region counts today around 160 extraction sites (open-air quarries) which produce an amount of almost 70 million metric tons per year, especially providing raw materials for construction (cement, lime, granulates, ...), but also stones, ornamental rock (marbles, "pierre bleue"), and granular soils (sand, gravels) and clay. It plays a very important part in the regional economy. The extractive activity is centred on bigger stone quarries focused on the extraction of limestone, dolomite and chalk, which are used for industrial and civil engineering. The sector does not contribute greatly to creating jobs but provides raw materials which are indispensable for sectors very important for creating local jobs: the construction sector, the glass industry. It is thus estimated that indirectly the extractive sector provides around 16,000 jobs.

The Walloon Region is divided into 23 Sectoral plans (Plans de secteur in French) which were drawn up to regulate land use and affect the development of the extractive industry.

Mines - Despite the cessation of all mining operations in Wallonia, since 1976 for iron (Musson-Halanzy), 1984 for coal (Roton Sainte-Catherine) and 1996 for metallic minerals (Barytine de Fleurus), 100 concessions (out of 361) still exist (as at 01/05/2019):

A process for the withdrawal of mining concessions is currently underway, which is expected to free up all the territory for research by 2030. The conditions of release are quite simple (minimalist record with inventory of old wells and securing of a maximum of well heads and exits).

As mentioned in the 1-page summary (section 1.1), no mining concessions have been sought for many years, although the purchase of existing concessions (non-delisted, they are perpetual properties) might be of interest to some (for new uses of old mines and an economy of the whole procedure for applying for a new concession). It should be made clear that the transfer of concessions or research permits, in addition to being submitted to a lighter procedure, still requires proof of technical and financial capabilities and entails the resumption of responsibilities related to Concession. Old wells, prior to the concession, are under the responsibility of the concessionaire for the safety measures to be taken when imposed by the Administration (Art. 76 of the coordinated mining laws).

The SPW Agriculture, Natural Resources and Environment -Direction of Industrial, geological and mines risks manages the legacy of mining activities, among other things: geotechnical risk management (soil settlement, etc.), mine shaft head safety, management of wastes from the mining industry (heaps, rehabilitation of polluted soils, etc.).

The reasons for the cessation of the mining activity of metallic minerals in Wallonia are numerous: high cost of pumping groundwater drainage (deep mines, large volumes from karstic aquifers), small size of some deposits, relocation of steel industry, outdated installations, environmental constraints, urban pressure, etc. There are, however, new prospects: as the reopening of old Zn/Pb mines evocated by Professor Eric PIRARD of the University of Liège (<http://hdl.handle.net/2268/172243>; <http://hdl.handle.net/2268/178027>; <http://hdl.handle.net/2268/185357>) who believes that there is still an important potential buried under our feet, new utilization of old mining sites for water pumping, heat recovery (geothermal), storage of gas or CO₂, degassing of coal, etc., which requires and justifies a complete revision of the mining legislation in order to integrate these new uses (project under study).

Belgian part of the North Sea

The Belgian part of the North Sea consists of two part, the territorial sea (0 to 12 nautical miles from the coastline) and the exclusive economic zone (from 12 nautical miles till the

marine national borders). While it may extend beyond the limits of the exclusive economic zone in other countries, the Belgian continental shelf corresponds to the seabed and subsoil of the exclusive economic zone. The Belgian part of the North Sea is currently only used for the extraction sand. While there have been some minor gravel extractions in the past, this has not been possible since 2014. In order to comply with descriptor 6 (Sea-floor integrity) of the Marine Strategy Framework Directive and due to the limited thickness of the gravel beds, the license areas were redefined in the Marine Spatial Plan 2014 (royal decree of 20 March 2014) to exclude gravel beds. The Belgian part of the North Sea is characterized by numerous tidal sandbanks. These sedimentary bodies stretch out over several tens of km. They reach a height ranging between 10 and 20 m and are separated by parallel swales with a maximum depth of 40 m. **Since the sixties and seventies, the demand for marine sand and gravel as an alternative has increased.** Prejudices regarding marine sand and gravel have been gradually omitted and the arrival of concrete plants with quays along canals made inland shipping possible. **The lower cost price compared to river sand makes marine sand even more attractive.** Since marine sand became one of the basic raw materials for the construction industry during the past thirty years, it indisputably increased its social and economic importance for Belgium. At present about 4,200,000 tons or 2,800,000 m³ of Belgian marine sand is extracted each year for the construction industry. Only small quantities of gravel have been extracted due to the bad quality (chemical and physical heterogeneous) which were used as ballast for, among others, the construction of submarine gas pipes or embankments. Today, beach nourishment is the most important action taken for the protection of the coast line. Beach nourishment produces wider and higher beaches, protecting the coast against flooding during very heavy storm tides. In total, more than 20 million m³ of sand is necessary over a period of 10 years for the coastal works within the framework of the Master plan Coastal Safety. Sand extraction is allowed in by law pre-defined areas, so-called control zones. The quality and diversity of the available sand varies between these areas.

The various zones for sand extraction are legally demarcated in the marine spatial plan 2014-2020 (royal decree of 20 March 2014) which has recently been revised. The new Marine Spatial Plan 2020-2026 will enter into force on March 20th 2020. In order to monitor the impact on the environment, a reference zone where extraction is prohibited, has been delineated. This area is located on the Thornton Bank. The geographical accessibility of the zones for the exploitation and exploration of mineral and other non-living resources in the territorial sea and on the continental shelf have been registered in the royal decree of 1 September 2004 (recently changed by the royal decree of 21 October 2018). Prior to this demarcation, a study about the possible concession zones for sand extraction was conducted. In total, three control zones¹ were demarcated (in 2004) and divided into sectors for which concessions can be obtained. A fourth control zone was defined in 2010, in which 4 new sectors were demarcated based on new exploration data. If a negative seabed evolution occurs due to extraction that does not meet the legal requirements (max. 5 m relative to a reference level), certain sections of the zones can be closed. A control zone is a legally defined area where sand extraction is allowed. There are four control zones: zone 1: Thorntonbank; zone 2: Kwintebank, Buiten Ratel and Oostdyck; zone 3: Sierra Ventana; zone 4: Hinder banks. In these control zones three types of sand are distinguished by use: very fine sand which is used as replenishment sand and for the production of asphalt; fine sand for the production of mortar, concrete and asphalt, as drainage sand and for beach nourishment; medium coarse sand for the production of concrete.

Marine sand and gravel has been extracted in the Belgian part of the North Sea since 1976. Since 1997 a difference is made between sand and gravel extracted for commercial purposes and for offshore projects and beach nourishment. The extraction of sand and gravel in Belgium started in 1976 with an annual production of 29,000 m³. The annual extraction gradually increased between 1981 and 1986 until an average of 500,000 m³ per year. After this period the production strongly increased until 1995 when a production of 1,660,000 m³ was reached. Since then the production fluctuates between 1,400,000 m³ and 2,100,000 m³ sand per year. Since 2007 sand is also extracted for beach nourishment

explaining the strong increase during the past years. In 2014 almost 6,000,000 m³ of sand was extracted of which 60 % was used for beach nourishment.

Mineral ownership

Industrial minerals and building materials on land are owned by the landowner. Minerals in the Belgian part of the North Sea are owned by the federal government.

1.3. Legislation governing mineral exploration and extraction

Since the passing of the Special Institutional Reform Act of 8 August 1980 in Belgium, the management of the onshore mineral resources (legislation and permitting system) has become the responsibility of the three Regions; however, the Belgian part of the North Sea remains under the control of the federal government.

Different kinds of legislation exist. In the tables on legislation presented below some names of laws will be kept in French. At the regional level, regional parliaments pass "Décrets" (except in the Brussels Region where there are "Ordonnances") whose governments specify the content by implementing "Décrets" or "Arrêtés du Gouvernement" ("Arrêtés du Gouvernement Wallon" or "Arrêtés de l'Exécutif Régional Wallon"), both of which are binding. At the federal level, Parliament votes on "Laws" which the Government specifies by "Arrêtés Royaux"; Laws and "Arrêtés" must be complied with.

The procedures for permitting installations and activities in the Flemish region are regulated in the decree "Omgevingsvergunningdecreet" and the associated order "Omgevingsvergunningbesluit".

Provisions on building and changing the landscape are listed in the "Vlaamse Codex Ruimtelijke Ordening" (VCRO) and in its implementing orders. Environmental provisions are set out in title IV and V of the Decree concerning general provisions relating to environmental policy (DABM) and in VLAREM II and III¹. VLAREM II also contains a classification list (annex I). Provisions concerning vegetation changes are contained in the decree on nature conservation and the natural environment and its implementing order.

The "omgevingsvergunning", which can be translated as physical aspects permit or integrated environmental permit replaces and unites various permits:

- former building permit
- former permit for plots of land
- former environmental permit
- former socio-economic authorisation for retail activities
- former nature permit for modifying small landscape elements or for changing vegetation

¹ VLAREM III is not relevant for extraction

Considering the actual extracting activity in the **Walloon Region**, the main law is the Decree “Carrières” of July 4th 2002 as amended by Decree of May 31 2007 and for environmental regulations the Decree of 11th March 1999 governing environmental permits and the Land Development Code (CoDT) of July 20th 2016 and the Decree of April 24 2014, applying to quarry products. Despite the cessation of mining extraction and because of post extraction activities, laws pertaining to “mines” are also listed below.

The sand extraction in the **Belgian part of the North Sea** is regulated by , the Royal decree of September 1st 2004 on the **procedure for the granting of concessions for exploration and exploitation** of mineral and other non-living resources in the territorial sea and the continental shelf (amended in 2018), the Royal decree of October 21st 2018 setting the rules for **environmental impact assessment** in application of the law of 13 June 1969 on the exploration and exploitation of non-living resources of the territorial sea and the continental shelf and Royal decree of March 20th 2014 establishing the **marine spatial plan**, which has recently been revised. The aim of these legislations is to regulate in a sustainable way the exploration and extraction of marine sand in the Belgian part of the North Sea.

Table 1: Flanders. Legislation relevant to exploration and extraction permitting.

Legislative sector	Code	English title	web link	Licensing provisions (Y/N)	Deadlines (Y/N)	Relevant to (Y/N)			Relevant at (Y/N)			Remarks	
						exploration	extraction	post-extraction	local	regional	(central) national		
Mining, concession minerals management, technical safety	BE-L1	Flemish Decree on Surface Mineral Resources 04/04/2003 and amendments <i>Decreet betreffende oppervlaktedelfstoffen</i>	No information available in English https://codex.vlaanderen.be/Zoeken/Document.aspx?DID=1011533&param=inhoud&ref=search&AVIDS=	Y	Y	N	Y	Y	Y	Y	Y	N	

BE-L2	Order of the Flemish Government laying down rules for the implementation of decree on surface mineral resources (VLAREOP) 26/03/2004 and amendments <i>Besluit van de Vlaamse Regering houdende regels tot uitvoering van het oppervlaktedelfstoffen-decreet</i>	No information available in English https://codex.vlaanderen.be/Zoeken/Document.aspx?DID=1013143&param=inhoud&ref=search&AVIDS=1312396,1325297,1055255,1055264,1068033,1108090,1108113,1265686	Y	Y	N	Y	Y	Y	Y	N	
BE-L3	Flemish Decree on Gravel 14/07/1993 and amendments <i>Decreet tot oprichting van het Grindfonds en tot regeling van de grindwinning</i>	No information available in English https://codex.vlaanderen.be/Zoeken/Document.aspx?DID=1000735&param=inhoud&ref=search&AVIDS=1005678,1005686,1005687,1005688,1005691,1005693,1005694,1005695,1005697,1005699,1005701,1005702,1081885,1081886,1101554,1101556,1101559,1101560,1101609,1129777,1129778,1129779,1213743,1257243,1325491,1325493,1325494,1327885,1368134,1368160	Y	Y	N	Y	Y	Y	Y	N	

BE-L4	<p>Flemish Decree on the Deep Subsurface 08/04/05/2009 and amendments <i>Decreet betreffende de diepe ondergrond</i></p>	<p>No information available in English https://codex.vlaanderen.be/Zoeken/Document.aspx?DID=1018090&param=inhoud&ref=search&AVIDS=</p>	Y	Y	Y	Y	Y	N	Y	N	
BE-L5	<p>Order of the Flemish Government laying down rules for the implementation of decree on the deep subsurface and to amend various orders 15/07/2011 and amendments <i>Besluit van de Vlaamse Regering tot uitvoering van het decreet van 8 mei 2009 betreffende de diepe ondergrond en tot wijziging van diverse besluiten</i></p>	<p>No information available in English https://codex.vlaanderen.be/Zoeken/Document.aspx?DID=1020589&param=inhoud&ref=search&AVIDS=</p>	Y	Y	Y	Y	Y	N	Y	N	

Environment	BE-L6	<i>Decreet betreffende de Omgevingsvergunning 25/04/2014 and amendments "Omgevingsvergunningdecreet"</i>	No information in English available https://codex.vlaanderen.be/Zoeken/Document.aspx?DID=1024690&param=inhoud&ref=search&AVIDS=	Y	Y	Y	Y	Y	Y	Y	N	Decree on the combined environmental + building permit
	BE-L7	<i>Besluit van de Vlaamse Regering tot uitvoering van het decreet van 25 april 2014 betreffende de omgevingsvergunning 27/11/2015 and amendments</i>	No information available in English https://codex.vlaanderen.be/Zoeken/Document.aspx?DID=1026496&param=inhoud&ref=search&AVIDS=	Y	Y	Y	Y	Y	Y	Y	N	Implementation of the "Omgevingsvergunningdecreet"

BE-L8	<i>Besluit van de Vlaamse Regering tot aanwijzing van de Vlaamse en provinciale projecten ter uitvoering van het decreet van 25 april 2014 betreffende de omgevingsvergunning 13/02/2015 "Omgevingsvergunningbesluit"</i>	No information available in https://codex.vlaanderen.be/Zoeken/Document.aspx?DID=1025075&param=inhoud&ref=search&AVIDS=	Y	N	N	Y	N	Y	Y	N	List of projects that have to submit their permit application either to the provincial or the Flemish administration
BE-L9	VLAREM II Order of the Flemish Government June 1 1995 concerning General and Sectoral provisions relating to Environmental Safety 01/06/1995 and amendments	https://navigator.emis.vito.be/mijn-navigator?woId=19539	Y	Y	Y	Y	Y	Y	Y	N	Provisions for environmental safety

BE-L10	Decree concerning general provisions relating to environmental policy 05/04/1995 (DABM) <i>Decreet algemene bepalingen milieubeleid + bijlage(n)</i>	No information in English available https://codex.vlaanderen.be/Zoeken/Document.aspx?DID=1002838&param=inhoud&ref=search&AVIDS=	Y	Y	N	Y	N	N	Y	N	
BE-L11	<i>Besluit van de Vlaamse Regering houdende vaststelling van de categorieën van projecten onderworpen aan milieueffectrapportage 10/12/2004</i>	No information in English available https://codex.vlaanderen.be/Zoeken/Document.aspx?DID=1013663&param=inhoud&ref=search&AVIDS=	Y	N	N	Y	N	Y	Y	N	
BE-L12	<i>Besluit van de Vlaamse Regering betreffende nadere regels voor de milieueffectrapportage over projecten en voor de omgevingsveiligheidsrapportage 17/02/2017</i>	No information in English available https://codex.vlaanderen.be/Zoeken/Document.aspx?DID=1028100&param=inhoud&ref=search&AVIDS=	N	Y	N	Y	N	Y	Y	N	

	BE-L13	VLAREL -Order of the Flemish government of 19 November 2010 establishing the Flemish regulation on recognitions relating to the environment 19/11/2010 and amendments <i>Besluit van de Vlaamse Regering tot vaststelling van het Vlaams reglement inzake erkenningen met betrekking tot het leefmilieu</i>	https://navigator.emis.vito.be/mijn-navigator?woId=38542	N	Y	Y	Y	N	Y	Y	N	Regulates reporting obligations for drillings
Nature conservation, forestry	BE-L13	Decree on nature conservation and the natural environment 21/10/1997 and amendments <i>Decreet betreffende het natuurbehoud en het natuurlijk milieu</i>	No information in English available https://codex.vlaanderen.be/Zoeken/Document.aspx?DID=1005915&param=inhoud&ref=search&AVIDS=	N	N	Y	Y	Y	N	Y	N	Nature protection areas

	BE-L14	Forest Decree 13/06/1990 and amendments <i>Bosdecreet</i>	No information in English available https://codex.vlaanderen.be/Zoeken/Document.aspx?DID=1003183&param=inhoud&ref=search&AVIDS=	N	N	Y	Y	Y	N	Y	N	
Water management	BE-L15	<i>Waterwetboek</i> 15/06/2018	No information in English available https://navigator.emis.vito.be/mijn-navigator?woId=75695	N	N	Y	Y	Y	N	Y	N	
	BE-L16	Groundwater Decree of 24/01/1984 and amendments <i>Grondwaterdecreet + bijlage</i>	No informaton in English available https://navigator.emis.vito.be/mijn-navigator?woId=298	N	N	Y	Y	Y	N	Y	N	

Land use planning, spatial development, soil management	BE-L17	<i>Vlaamse codex ruimtelijke ordening (VCRO) 01/09/2009 and amendments</i>	No information in English available https://codex.vlaanderen.be/PrintDocument.ashx?id=1018245&datum=&geannoteerd=false&print=false	Y	Y	Y	Y	Y	Y	Y	N	
transportation, construction, catastrophe protection, police, military	BE-L18	Decree on mobility policy 20/03/2009 and amendments <i>Decreet betreffende het mobiliteitsbeleid</i>	No information in English available https://codex.vlaanderen.be/Zoeken/Document.aspx?DID=1017814&param=inhoud&ref=search&AVIDS=	N	N	N	Y	N	Y	Y	N	
culture heritage	BE-L19	<i>Decreet betreffende het onroerend erfgoed</i> 12/07/2013	No information in English available https://codex.vlaanderen.be/Zoeken/Document.aspx?DID=1023317&param=inhoud&ref=search&AVIDS=	N	N	N	Y	N	Y	Y	N	

	BE-L20	<i>Besluit van de Vlaamse Regering betreffende de uitvoering van het Onroerendergoeddecreeet van 12 juli 2013</i> 16/05/2014	No information in English available https://codex.vlaanderen.be/Zoeken/Document.aspx?DID=1024695&param=inhoud&ref=search	N	N	N	Y	N	Y	Y	N	
public administration, court procedures	No relevant laws identified											

Table 2: Wallonia. Legislation relevant to exploration and extraction permitting.

Legislative sector	Code	English title	web link	Licensing provisions (Y/N)	Deadlines (Y/N)	Relevant to (Y/N)			Relevant at (Y/N)			Remarks
						exploration	extraction	post-extraction	local	regional	(central) national	
Mining, concession minerals management, technical safety	BE-L21	“Arrêté Royal” of 5 May 1919 on General Police Regulations on mines, shallow open pit mines & quarries incl. various amendments	http://environnement.wallonie.be/legis/solso/ussol/min010.htm	N	N	N	N	Y	N	Y	N	Mainly for Art. 8 (still applicable) – Specific regulation for mines outbuildings , including mines heaps
	BE-L22	Coordinated laws on mines, shallow open pit mines & quarries,, of 15 September 1919, incl. various amendments (see BE-L23 to BE-L26)	http://environnement.wallonie.be/legis/solso/ussol/min002.htm	N	N	N	Y	Y	N	Y	Y	Only few articles still applicable for “Mines”: 74to77- surveillance of mines by Adm / 114 to117 appeals procedures to the Council of State/122to127- Assessments to Courts & Tribunals
	BE-L23	“Arrêté Royal” of 28 November 1939 - Obligation to report underground exploration	http://environnement.wallonie.be/legis/solso/ussol/soussol001.htm	N	N	Y	N	N	N	Y	N	Declaration of exploration activity (drilling, geophysics,...), report geological description, ... confidentiality of results,...
	BE-L24	Mines Decree of 7 July 1988, incl. various amendments	http://environnement.wallonie.be/legis/solso/ussol/min001.htm	Y	N	Y	Y	Y	N	Y	N	Base Mines Decree. List of “Mines” minerals, exploration, exploitation (concession).

Legislative sector	Code	English title	web link	Licensing provisions (Y/N)	Deadlines (Y/N)	Relevant to (Y/N)			Relevant at (Y/N)			Remarks
						exploration	extraction	post-extraction	local	regional	(central) national	
	BE-L25	Decree of 31 May 2007- Amendment of Base Mines Decree 1988	https://wallex.wallonie.be/index.php?doc=4553&rev=8852-4201	Y	N	N	Y	N	Y	N	N	About participation of the public in environment matter. Partial transposition of Directives 2003/35/CE of 26/05/2003, 85/337/CEE & mining, minerals management, technical safety, concession 96/61/CE
	BE-L26	“Arrêté de l’Exécutif Régional Wallon” of 26 July 1990 – Tender & Procedure for the granting,... of concessions	http://environnement.wallonie.be/legis/solso/ussol/min005.htm	Y	N	N	Y	N	N	Y	N termination, fusion, location or amodiation of concessions ... and of exploration permit
Environment	BE-L27	Decree on Environmental Permit of 11 March 1999 +ANNEXE I. Form of request for PE & PU	https://wallex.wallonie.be/index.php?doc=5006&rev=4302-20713 http://environnement.wallonie.be/legis/pe/pe005ter.htm	Y	Y	N	Y	Y	Y	Y	N	Introduce the Environmental Permit (PE) & Single Permit (PU) for all commercial & industrial activities (permits for new or the expansion of quarries)

Legislative sector	Code	English title	web link	Licensing provisions (Y/N)	Deadlines (Y/N)	Relevant to (Y/N)			Relevant at (Y/N)			Remarks
						exploration	extraction	post-extraction	local	regional	(central) national	
	BE-L28	Walloon Environmental Code Book I: Common and general provisions As amended from "Arrêté du Gouvernement Wallon" of 17 March 2005	http://environnement.wallonie.be/legis/Codeenvironnement/codeLIEnvDispcommunesgenerales.htm	Y	Y	N	Y	Y	Y	Y	N	
	BE-L29	Decree "Quarries" ("Carrières") of 4 July 2002 , as amended by Decree of 31 May 2007	http://environnement.wallonie.be/legis/solsoussol/car010.htm	Y	Y	Y	Y	Y	Y	Y	N	Modification of some dispositions of Decree on Environmental Permit of 11 March 1999
	BE-L30	"Arrêté du Gouvernement Wallon" Quarries ("Carrières") of 2 October 2003, execution of BE-L29	http://environnement.wallonie.be/legis/solsoussol/car011.htm	Y	Y	Y	Y	Y	Y	Y	N	

Legislative sector	Code	English title	web link	Licensing provisions (Y/N)	Deadlines (Y/N)	Relevant to (Y/N)			Relevant at (Y/N)			Remarks
						exploration	extraction	post-extraction	local	regional	(central) national	
Nature conservation, forestry	BE-L31	AGW of 24March 2011, on General preventive measures for Natura 2000 sites	http://environnement.wallonie.be/legis/consnat/cons045.htm	N	N	Y	N	N	N	Y	Y	Some quarries are surrounded by Natura 2000 site & have access road on it ... Nature conservation is part of Environmental Permit (PE)
Water management	BE-L32	Walloon Environmental Code --Book II: Water Code	http://environnement.wallonie.be/aerw/dgrne	Y	Y	Y	Y	Y	N	Y	N	
	BE-L33	"Arrêté Royal" of 3 February 1988 – discharge of waste water in surface water from sector of quarries, cement factories, sand quarries, ...	http://environnement.wallonie.be/legis/eau/eausur054.htm	Y	N	N	Y	N	N	Y	N	Discharge of industrial waters into surface waters – about settling pond

Legislative sector	Code	English title	web link	Licensing provisions (Y/N)	Deadlines (Y/N)	Relevant to (Y/N)			Relevant at (Y/N)			Remarks
						exploration	extraction	post-extraction	local	regional	(central) national	
Land use planning, spatial development, soil management	BE-L34	Land Development Code (CoDT) of July 20 th 2016	http://lampspw.wallonie.be/dgo4/tinymvc/apps/amenagement/views/documents/juridique/codt/CoDT_Fr.pdf	Y	Y	N	Y	Y	Y	Y	N	
					Y							
	BE-L36	Soil Management and Rehabilitation Decree of 1 March 2018	http://environnement.wallonie.be/legis/solsoussol/sol006.htm	N	N	N	Y	Y	N	Y	N	
	BE-L37	and Management of the waste from the extractive industries Decree of 18 December 2008	http://environnement.wallonie.be/legis/deche	N	N	N	Y	Y	N	Y	N	Implements the EC Directive on waste from the extractive industries (2006/21/EC)

Legislative sector	Code	English title	web link	Licensing provisions (Y/N)	Deadlines (Y/N)	Relevant to (Y/N)			Relevant at (Y/N)			Remarks
						exploration	extraction	post-extraction	local	regional	(central) national	
			ts/degen031.htm									
transportation, construction, catastrophe protection, police, military	No laws identified as directly related with "quarries" or "mines" legislation.											
culture heritage	BE-L38	Land Development Code (CoDT) of July 20 th 2016 – art D.IV.89 and 91 Fortuitous archaeological discovery during excavation work	http://lampspw.wallonie.be/dgo4/tinymce/apps/amenagement/views/documents/juridique/codt/CoDT_Fr.pdf	N	N	Y	Y	N	Y	Y	N	-

Legislative sector	Code	English title	web link	Licensing provisions (Y/N)	Deadlines (Y/N)	Relevant to (Y/N)			Relevant at (Y/N)			Remarks
						exploration	extraction	post-extraction	local	regional	(central) national	
public administration, court procedures	No laws identified											

Table 3: Federal legislation relevant to exploration and extraction permitting

Legislative sector	Code	English title	web link	Licensing provisions (Y/N)	Deadlines (Y/N)	Relevant to (Y/N)			Relevant at (Y/N)			Remarks
						exploration	extraction	post-extraction	local	regional	(central) national	
Mining, concession minerals management, technical safety		Law of 13 June 1969 on the exploration and exploitation of non-living resources of the territorial sea and the continental shelf	http://www.ejustice.just.fgov.be/eli/loi/1969/06/13/1969061318/justel	Y	N	Y	Y	N	N	N	Y	None
		Royal decree of 12 August 2000 setting up the advisory commission responsible for coordination between the administrations involved in the management of the exploration and exploitation of the continental shelf and of the territorial sea and establishing their operating modalities and costs	http://www.ejustice.just.fgov.be/eli/arrete/2000/08/12/2000011372/justel	N	Y	Y	Y	N	N	N	Y	None
		Royal decree of 1 September 2004 on the procedure for the granting of exploration and exploitation of mineral and other non-living resources in the territorial sea and the continental shelf	http://www.ejustice.just.fgov.be/eli/arrete/2004/09/01/2004014187/justel	Y	Y	Y	Y	N	N	N	Y	None

Royal decree of 21 October 2018 setting the rules for environmental impact assessment in application of the law of 13 June 1969 on the exploration and exploitation of non-living resources of the territorial sea and the continental shelf	http://www.ejustice.just.fgov.be/eli/arrete/2018/10/21/2018014565/justel	Y	Y	Y	Y	N	N	N	Y	None
Vessel safety law of 5 June 1972	http://www.ejustice.just.fgov.be/eli/loi/1972/06/05/1972060502/justel									
Law of 21 December 1998 on product standards to promote sustainable production and consumption patterns and to protect the environment, public health and workers	http://www.ejustice.just.fgov.be/eli/loi/1998/12/21/1998022861/justel									
Royal decree of 25 April 2016 on certificates for seafarers	http://www.ejustice.just.fgov.be/eli/arrete/2016/04/25/2016014132/justel									
Royal decree of 25 April 2016 on marine equipment and the organization of market surveillance	http://www.ejustice.just.fgov.be/eli/arrete/2016/04/25/2016014132/justel									

Environment	Law of 6 April 1995 on the prevention of pollution from ships	http://www.ejustice.just.fgov.be/eli/loi/1995/04/06/1995025179/justel											
	Royal decree of 27 April 2007 on the prevention of air pollution from ships and the reduction of the sulfur content of some marine fuels	http://www.ejustice.just.fgov.be/eli/arrete/2007/04/27/2007014129/justel											
	Law of 20 January 1999 for the protection of the marine environment and the organization of the management of marine areas under the jurisdiction of Belgium	http://www.ejustice.just.fgov.be/eli/loi/1999/01/20/1999022033/justel											
	Royal decree of 23 June 2010 concerning the marine strategy for the Belgian sea areas	http://www.ejustice.just.fgov.be/eli/arrete/2010/06/23/2010024227/justel											
Nature conservation, forestry	Law of 20 January 1999 for the protection of the marine environment and the organization of the management of marine areas under the jurisdiction of Belgium	http://www.ejustice.just.fgov.be/eli/loi/1999/01/20/1999022033/justel											
	Royal decree of 21 December 2001 on the protection of species in sea areas under the jurisdiction of Belgium	http://www.ejustice.just.fgov.be/eli/arrete/2001/12/21/2002022115/justel											

	<p>Royal decree of 14 October 2005 establishing special protection areas and special areas for nature conservation in sea areas under the jurisdiction of Belgium</p>	<p>http://www.ejustice.just.fgov.be/eli/arrete/2005/10/14/2005022906/justel</p>									
	<p>Royal decree of 14 October 2005 on the conditions, conclusion, implementation and termination of user agreements and the preparation of policy plans for the protected marine areas in the sea areas under the jurisdiction of Belgium.</p>	<p>http://www.ejustice.just.fgov.be/eli/arrete/2005/10/14/2005022907/justel</p>									
	<p>Royal decree of 5 March 2006 establishing a targeted marine reserve in the sea areas under the jurisdiction of Belgium and amending the royal decree of 14 October 2005 establishing special protection zones and special areas for nature conservation in the sea areas under the jurisdiction of Belgium</p>	<p>http://www.ejustice.just.fgov.be/eli/arrete/2006/03/05/2006014065/justel</p>									
	<p>Royal decree of 25 October 2007 on remedial measures as a result of the significant damage to the marine environment and the</p>	<p>http://www.ejustice.just.fgov.be/eli/arrete/2007/10/25/2007023443/justel</p>									

	recovery of the costs of the preventive measures, containment measures and remedial measures											
	Royal decree of 27 October 2016 on the procedure for the designation and management of marine protected areas	http://www.ejustice.just.fgov.be/eli/arrete/2016/10/27/2016024257/justel										
	Ministerial Decree of 2 February 2017 on the adoption of conservation objectives for marine protected areas	http://www.ejustice.just.fgov.be/eli/arrete/2017/02/02/2017010655/justel										
Water management	Law of 20 January 1999 for the protection of the marine environment and the organization of the management of marine areas under the jurisdiction of Belgium	http://www.ejustice.just.fgov.be/eli/loi/1999/01/20/1999022033/justel										
	Royal decree of 23 June 2010 on the establishment of a framework for achieving good surface water status	http://www.ejustice.just.fgov.be/eli/arrete/2010/06/23/2010024228/justel										
	Royal decree of 23 June 2010 concerning the marine strategy for the Belgian sea areas	http://www.ejustice.just.fgov.be/eli/arrete/2010/06/23/2010024227/justel										

Land use planning, spatial development, soil management	<p>Law of 20 January 1999 for the protection of the marine environment and the organization of the marine spatial planning in the marine areas under the jurisdiction of Belgium</p> <p>http://www.ejustice.just.fgov.be/eli/loi/1999/01/20/1999022033/justel</p>											
	<p>Royal decree of 20 March 2014 establishing the marine spatial plan</p> <p>http://www.ejustice.just.fgov.be/eli/arrete/2014/03/20/2014024098/justel</p>											
transportation, construction, catastrophe protection, police, military	<p>Law of 24 November 1975 approving and implementing the Convention on the International Regulations for Preventing Collisions at Sea, 1972, annexed Regulation and its Annexes, made in London on 20 October 1972</p> <p>http://www.ejustice.just.fgov.be/eli/loi/1975/11/24/1975112401/justel</p>											
	<p>Royal decree of 4 August 1981 concerning police and shipping regulations for the Belgian territorial sea, the ports and the beaches of the Belgian coast</p> <p>http://www.ejustice.just.fgov.be/eli/arrete/1981/08/04/1981001557/justel</p>											
	<p>Cooperation agreement of 8 July 2005 between the Federal State and the Flemish Region concerning the establishment of and</p> <p>http://www.ejustice.just.fgov.be/cgi_loi/change_lg.pl?language=fr&la=F&cn=2005070862</p>											

	cooperation in a Coast Guard structure	&table_name=loi										
	Law of 4 April 2006 approving the cooperation agreement of 8 July 2005 between the Federal State and the Flemish Region concerning the establishment of and cooperation in a Coast Guard structure	http://www.ejustice.just.fgov.be/eli/loi/2006/04/04/2006014107/justel										
culture heritage	Law of 4 April 2014 on the protection of the underwater cultural heritage	http://www.ejustice.just.fgov.be/eli/loi/2014/04/04/2014014248/justel										
	Royal decree of 21 September 2016 on regulatory measures for the protection of the underwater cultural heritage	http://www.ejustice.just.fgov.be/eli/arrete/2016/09/21/2016014315/justel										
public administration, court procedures	Coordinated laws of 12 January 1973 on the State Council	http://www.ejustice.just.fgov.be/eli/loi/1973/01/12/1973011250/justel										
	Decree of the Regent of 23 August 1948 regulating the administration of justice for the administrative law section of the Council of State.	http://www.ejustice.just.fgov.be/eli/arrete/1948/08/23/1948082309/justel										

	<p>Royal decree of 5 December 1991 determining the administration of justice in summary proceedings before the Council of State</p>	<p>http://www.ejustice.just.fgov.be/eli/arrete/1991/12/05/1992000679/justel</p>												
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1.4. Authorities governing mineral exploration and extraction

For land-based mineral resources, the responsible authorities are regional ones.

Flanders:

In general, the competence to take a decision on a permit application can lie with Board of the Mayor and Aldermen of the municipality, the Provincial Executive or the Flemish government. Extraction of surface mineral resources is part of the 'Provincial list'. This means that for extraction in most cases the Provincial Executive of the province is the competent authority. If for example the permit application applies to two provinces, the Flemish government is the competent authority.

In Flanders, there are 5 provinces and 300 municipalities.

The lists of advisory bodies for permit applications are listed in articles 30 to 38/4 of the "Omgevingsvergunningbesluit" and for the Environmental Impact assessment in the annex of the "Besluit van de Vlaamse Regering betreffende nadere regels voor de milieueffectrapportage over projecten en voor de omgevingsveiligheidsrapportage".

Examples of advisory bodies for extraction are the divisions competent for natural resources, groundwater, waste, waste water and spatial planning of the Flemish government and the municipality.

In **Wallonia, concerning "Quarries"**, the first public authority concerned with mineral extraction is the **Municipality** ("*Commune*" in Belgian French) in whose territory a new quarry will be established, or in which an existing quarry will be extended. It is this local authority, the "Communal College" which issues the Environmental Permit (PE) or the Single Permit (PU), after various stages that involve other public authorities.

There are 2 main administrations & offices involved in the permitting procedure:

- The SPW Agriculture, Natural Resources and Environment: the public service of Wallonia responsible for Agriculture, Natural Resources and Environment, with its Permits and Authorisations Department (DPA) in charge of instructing the application of the PE and the PU (Single Permit= Environment & Urbanism) with assistance of DGO4, and deals with 2nd instance appeals (Central administration Office of Namur) and 1st instance appeals (External Offices spread over the Walloon territory in Charleroi, Liège, Mons, Namur-Luxembourg).
- the SPW (public service of Wallonia) for Land Use Planning, Housing, Heritage and (non-nuclear) Energy, that reviews applications for urbanistic part (surface installations, buildings) of the Single Permit.

In addition, various advisory committees (CWEDD, CCATM, CRAT, CRAEC) give their opinion, if impact studies are requested: EIP = Plan Impact Study², for revision of the Sector Plan and inscription of the project in "Extraction Zone", and / or EIE/EIA = Environmental Impact Study.

CWEDD: Conseil Wallon de l'Environnement pour le Développement Durable / Environment Walloon Council for Sustainable Development

CCATM: Commission Consultative Communale d'Aménagement du Territoire et de la Mobilité/ Municipal Consultative Commission on Land Use Planning and Mobility

CRAT: Commission régionale d'Aménagement du Territoire / Regional Planning Commission

CRAEC: Commission Régionale d'Avis spécifique pour le secteur des Carrières / Specific Regional Advisory Board for quarries

In case of necessity, a final appeal may be brought before the Council of State (at federal level).

In Wallonia, **for the "Mines" sector, the Walloon authorities involved in the investigation and granting of a mining concession are, in the front line, the Walloon Government (or its Minister in charge of natural resources), the SPW Agriculture, Natural Resources and Environment with its Mining Engineer** complementary with the SPW Land Use Planning, Housing, Heritage and Energy (depending on the matter to be treated) which manage grant applications, review files, compare competing offers and give advice, while the Provinces concerned (and its Governors) and the Communes concerned co-organize the public inquiry. Taking into account the synthetic report (including the public inquiry results, the advises of the Communal College(s), and other consultative commissions), and advise of the Mining Engineer of its

² An EIP is required if the area of the project of new quarry or extension is outside of an 'extraction zone' in the Sector Plan.

administration. In the end, it is the Walloon Government (or its competent minister) that decides alone to grant or refuse the concession (or the exploration permit) requested (public inquiry is just consultative).

For clarification: the **Mining Engineer** is not necessarily holder of the title: it is a procedural function assigned automatically to the Director or the Competent Inspector General. From the practical point of view, since the beginning of 2017, the DRIGM (Directorate for Industrial, Geological and Mineral Risks) will be in charge of the instruction of the "mines" and "hydrocarbons" files. The Mining Engineer is, in practice, the Director of the DRIGM.

For offshore (or marine based resources in the Belgian part of the North Sea), the Continental Shelf Service of the Federal Public Service Economy, SMEs, Self-employed and Energy is the responsible processing the applications for permits for the exploration and extraction of aggregates. It does this in tandem with the Scientific Service Management Unit of the Mathematical Model of the North Sea (MUMM) of the Royal Belgian Institute of Natural sciences, which is in charge of the environmental impact assessment (EIA). The concerned federal and regional administrations are consulted through the advisory commission charged with the coordination of the administrations involved in the management of the exploration and exploitation of the continental shelf and the territorial sea (royal decree of 12 August 2000). Provided favourable opinion of the minister competent for the marine environment, the minister competent for economy makes his decision taking into account the recommendations of the advisory commission and the minister competent for marine environment, when applicable following the conditions linked to the Natura 2000 approval.

Table 4: Wallonia. Relevant authorities in exploration and extraction permitting.

	Code	Name of entity	English name of entity	Address / web access	Role in permitting	Relevant to			Statute or relevant piece of legislation	Remarks
						exploration	extraction	post extraction		
First instance permitting (local, regional, central, national)	BE-E1	Gouvernement Wallon	Walloon Government	Rue Mazy, 25-27 5100 - NAMUR	Granting of "Mines exploration permit & concessions"	Y	Y	Y	Regional Government	
	BE-E2	Provinces	Provinces	5 Provinces: Namur, Liège, Hainaut, Luxembourg, Brabant Wallon	Publicity – public inquiry supervision	Y	Y	Y	Provincial administration	

	Code	Name of entity	English name of entity	Address / web access	Role in permitting	Relevant to			Statute or relevant piece of legislation	Remarks
						exploration	extraction	post extraction		
	BE-E3	'Commune(s)' represented by the 'Collège Communal'	Municipality or Municipalities represented by the 'Communal College'	262 communes = 262 addresses	Public inquiries - granting of PE / PU	N	Y	Y	Local administration BE-L08	
	BE-E4	SPW Agriculture, Natural Resources and Environment > DPA	Public Service of Wallonia for Agriculture, Natural Resources and Environment > Permits and Authorisations Dpt	4 local Offices spread in Wallonia : Charleroi (DPA only), Liège, Mons, Namur-Luxembourg Central Office (Namur): Avenue Prince de Liège, 15 B 5100 - JAMBES	DPA is the leader administration that instructs the application, with SPW Land Use Planning, Housing, Heritage and Energy for PU., and of 1st instance appeals deals	Y	Y	Y	SPW Administration	SPW Agriculture, Natural Resources and Environment includes also Environment and Water Department (consultative services by topics)

Code	Name of entity	English name of entity	Address / web access	Role in permitting	Relevant to			Statute or relevant piece of legislation	Remarks
					exploration	extraction	post extraction		
BE-E5	CWEDD Conseil Wallon de l'Environnement pour le Développement Durable)	Environment Walloon Council for Sustainable Development	Secretariat hosted by: CESRW (Economic and social Council of the Walloon Region) Rue du Vertbois, 13 B 4000 - Liège	Provide advice on extractive industry projects subject to impact studies (EIP and EIA). Control these studies, give advice on quality of them and on project opportunity	N	Y	Y	Advisory Board	Representatives of workers' unions, agricultural, industrial, intercommunal trade unions, cities, municipalities, associations of consumers or the environment, etc.
BE-E6	SPW Land Use Planning, Housing, Heritage and Energy	Public Service of Wallonia for Land use Planning, Housing, Heritage and (non-nuclear) Energy	Central Office (Namur): Rue Brigades d'Irlande, 1 B 5100 - JAMBES + 8 local Offices spread in all "Provinces" of Wallonia : Liège (2) + Eupen, Wavre, Namur, Mons, Charleroi, Luxembourg	It reviews applications for urbanism permits and urbanistic part of Single Permits.	N	Y	Y	SPW Administration	

Code	Name of entity	English name of entity	Address / web access	Role in permitting	Relevant to			Statute or relevant piece of legislation	Remarks
					exploration	extraction	post extraction		
BE-E7	CCATM (Commission Consultative Communale d'AT et de mobilité) &/or CRAT (Commission régionale d'Aménagement du Territoire)	Municipal Consultative Commission on Land use Planning and Mobility &/or Regional Planning Commission	Municipal Administration address &/or At CESRW address, as BE-E3	Provide advice on extractive industry projects subject to impact studies (EIP and EIA), mainly about land use planning and mobility aspects	N	Y	Y	Advisory Board	
BE-E8	CRAEC (Commission Régionale d'Avis spécifique pour le secteur des Carrières)	Specific Regional Advisory Board for "quarries"	At CESRW address, as BE-E3	Examines all general issues, informs the GW on all aspects of quarrying, proposes changes to	N	Y	Y	Quarries Decree of 27 th October 1988, confirmed by Decree of 4 th July 2002	Specific Regional Advisory Board for "quarries": 24 members including 8 from SPW, others from various associations

	Code	Name of entity	English name of entity	Address / web access	Role in permitting	Relevant to			Statute or relevant piece of legislation	Remarks
						exploration	extraction	post extraction		
					the sector plan, etc.					
Second instance permitting (regional, central, national)	BE-E9	SPW Agriculture, Natural Resources and Environment with its DPA	–Public Service of Wallonia for Agriculture, Natural Resources and Environment → Permits and Authorisations Department	Central Office (Namur): Promibra II 15, Avenue Prince de Liège B 5100- JAMBES	DPA in charge of the issuance of permits and authorisations (Environment +Single Permits), 2nd instance appeals deal	Y	Y	Y	SPW Administration	
	BE-E10	Gouvernement Wallon	Walloon Government	Rue Mazy, 25-27 5100 - NAMUR	Administrative appeals (2 nd instance) concerning PE & PE permitting for “quarries”					
Court jurisdiction	BE-E11	“COUNCIL OF STATE”		Rue de la Science, 33 B-1040 BRUXELLES	Last instance appeal for quarries					

1.5. Licensing procedures for exploration

Flanders Region

According to the Order of the Flemish government establishing the Flemish regulation on recognitions relating to the environment, drillings have to be reported to the Flemish administration. This reporting includes a geological description. A 'don't make it public' application can be submitted. If approved, the information is not made available to the general public for a period of 10 years.

Wallonia Region

Common for Mines & Quarries

As for exploration of the subsoil, there is a federal law, which applies to mines, shallow open pit mines and quarries (Royal Decree No. 84 of November 28, 1939), concerning the obligation to declare the explorations of the subsoil to the Geological Survey of Wallonia (since 1993), but also to provide a ground description and samples of the soils / rocks drilled. A confidentiality clause of a maximum duration of 5 years may be requested. All excavation works, including galleries, wells, boreholes, trenches, etc. shall be concerned, provided that they are deeper than 30 m below the surface of the ground, even if they are carried out for purely scientific purposes. A similar reporting obligation is required for any geophysical survey. These obligations also apply to research under the AR of 15 September 1919 (Laws on Mining, Shallow open-pit Mines and Quarries – Art. 18).

In addition, the same laws (sections 16 to 18) indicate that "no one can search for mines" on land that does not belong to him, without the consent of the owner of the surface ... "(Art. 16)in the distance of 100 m from the said fences and dwellings ... (Art. 17).

Permitting Procedure for "quarry" minerals

About **exploration permit**, **no permit** is required relative to research of **quarry** minerals, just the consent of the land owner is necessary and a **declaration** to the Administration

Permitting Procedure for "Mines" research/exploration

Hereafter are detailed the different stages of the application procedure for mining research/exploration according to the Arrêté of the Walloon Regional Executive of 26 July 1990 (see

Table 2, BE-L26).

1. The concession request is addressed by the applicant to SPW- Agriculture, Environment and Natural Resources, by registered mail, in 2 copies per Province concerned, and 1 copy without annex is sent to the Minister; the list of information and documents constituting the application file is detailed in Art. 3;
2. The Administration transcribes the application into a special register of mining titles with the date of reception of the application;

3. The mining Engineer of the DRIGM (Directorate for Industrial, Geological and Mineral Risks) checks the compliance of the documents and requests the missing documents, if necessary (the applicant has 15 days to provide them), and draws a compliance report (1 month from receipt of the application);
 - a. if this compliance report is not available within the deadline of 1 month from receipt of the application, the documents of the applicant are supposed conform;
 - b. if the compliance report shows the documents are not complete, the Administration advises the applicant by register letter;
4. ...then sends (within 8 days from conformity report) certified plans and documents to the Governors of the concerned Provinces;
5. The Governors of Provinces send the documents of the applicant and other documents specified by art. D29-14, a2 to the "Communes"/Municipalities concerned which must organize a public inquiry (duration 15-30-45 days for respectively category A-B-C of project - here supposed to be 30 days for estimation of total procedure time - from a date fixed by the Administration), according to Book1- Environment Code (Title III, Part III);
6. The applicant has 30 days (from closure of the public inquiry) to read the results and answer the questions received by the Municipalities during the public inquiry;
7. After this delay, the "Communes"/Municipalities communicate the results of the public inquiry to the Mining Engineer (8 days);
8. The Mining Engineer writes a synthetic report of all the public inquiries from all the concerned "Communes" ...
9. ... then the competitors (art. 6, al.4 to 6) may decide to introduce a competing application for research/exploration permit (and has 2 months from public inquiry opening to do it); the competing application(s) follow(s) the same steps (3 to 7) as for the first applicant; In this case, the Mining Engineer's report deals with the value and basis of both the original claim and the competing claims.
10. The Mining Engineer writes a synthetic report (about 1st applicant and Opposition request of exploration permit, analysing value and justification of exploration programme (3 months since the closing date of the public inquiry, or 7 months if competitors) ;
11. ...and send this synthetic report, with his own opinion, to the Minister;
12. The Minister sends the complete documents with his own opinion to the Council of State (within 1 month from reception) for advice only;
13. The Government decides (within 8 months from the date of closure of the public inquiry, or within 12 months if competitors, with possible extensions) and grants or rejects the request for research/exploration permit, by reasoned Arrêté;
14. If the concession is granted, an Arrêté is published in the "Moniteur Belge" (MB) identifying the beneficiary of the research/exploration permit and setting out in detail:
 - Obligations relating to the progress of the general program of research over time;
 - Obligations relating to the minimum expenditure to be incurred;
 - The deadlines to provide the Engineer of Mines with the research program to be carried out in the next year and the reports of the research carried out in the past year.

No appeal is possible to the Council of State.

Description of the permitting procedures

Based on expression of interest (first applicant and competitors), competition by "advertising" or possibly public tenders. Competitors – No advertising, No public tenders in this procedure.

Public entities involved in the process

Only for exploring for metallic minerals: The Minister who has the Mines in his attributions & Wallon Government (decision)

Administration SPW Agriculture, Natural Resources and Environment

The Mining Engineer; the Director of the Directorate for Industrial, Geological and Mineral Risks

Provinces / Communes, The Council of State (advice)

Timeframes

The Government decides within 8 months from the date of closure of the public inquiry, or within 12 months if competitors, with possible extensions (several periods of 4 months), to grant or to reject the request for research/exploration permit, by reasoned Arrêté.

Average length to get an exploration permit

No mining exploration permits delivered from many years

Major modifications related to exploration permitting

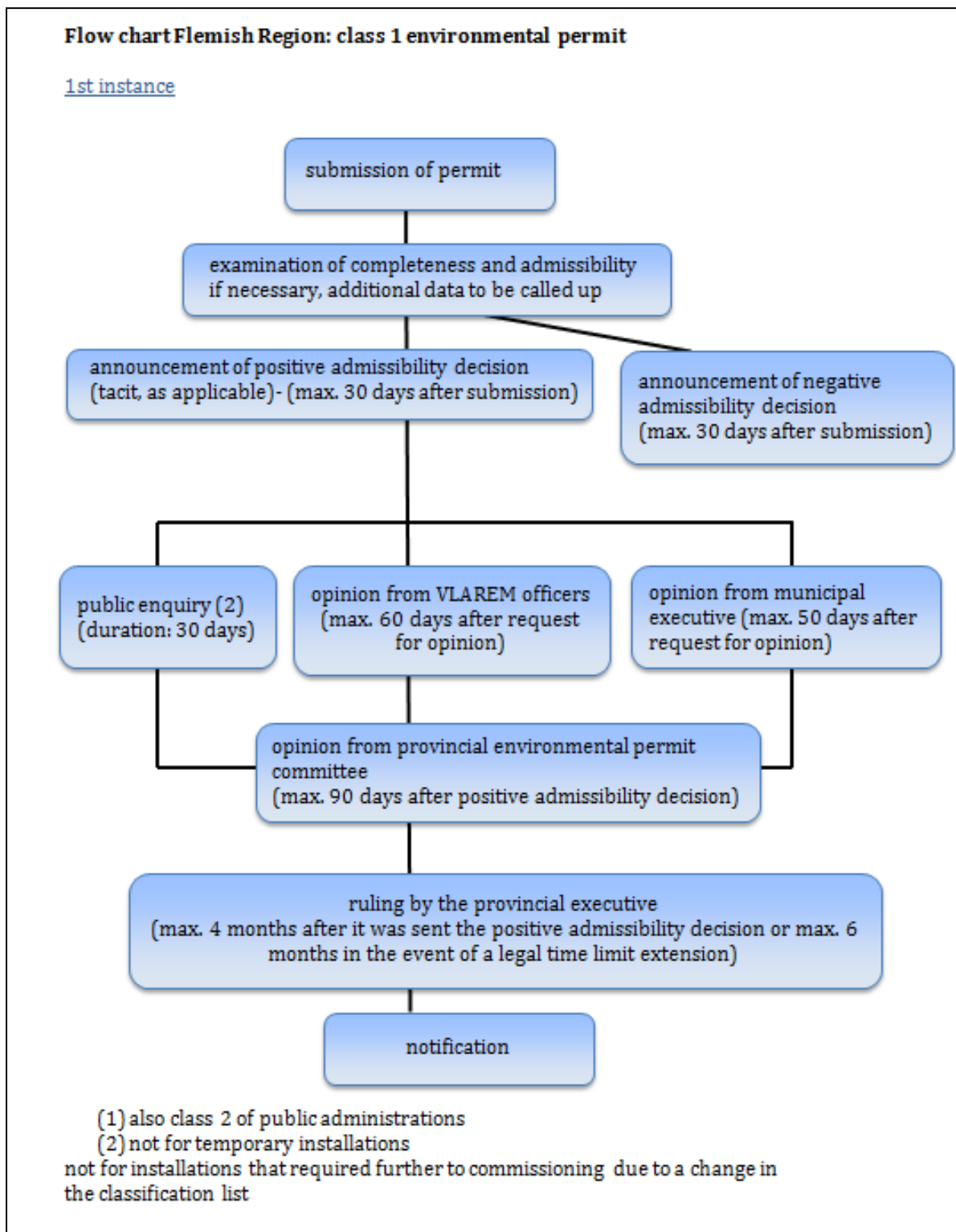
Currently a major reform of the Mining Code is being considered (which would be published at the earliest in 2020) and will become, after a transitional period, a kind of Underground Code that will integrate 'Mines' and all new uses of the underground (heat exploitation, gas storage, ...). Quarries would stand alone for the permit procedure but will be integrated in a strategic view and planning with the other concerned industries.

Belgian part of the North Sea

In the Belgian part of the North Sea, there is no need for extensive prospecting for sand in the existing control zones. Exploration in other areas is only possible when exploration zones are defined in the Marine Spatial Plan. The exploration of such area is either done by licensees, by the involved administrations or through a public private partnership between both. The procedure to obtain an exploration license is identical to the one for an exploitation license.

1.6. Licensing procedures for extraction

Flanders Region



1.6.1 The “omgevingsvergunning”

Licensing in Flanders is governed by the “omgevingsvergunning” (integrated environmental permit or physical aspects permit).

For activities related to extraction, the developer needs a permit prior to interventions in the natural surroundings and landscape. This is regulated via the VCRO legislation (art. 4.2.1). A permit for a project is necessary when changing the relief: when among others the soil is deepened, or levelled up, and the nature of the function of the site will change.

Furthermore, the VLAREM II order and annex include a classification list of potential nuisance activities and facilities. A company must go through this list and enumerate all of its activities that are considered to be nuisances. The classification of a company as a whole (class 1, 2 or 3) corresponds with the category of the company activity that causes the most potential nuisance. A company is subject to the permitting or reporting obligation if it carries out at least one activity that is on the classification list.

Items most relevant for extraction are:

18.1 Quarries and excavations for the industrial extraction of stone, sand, gravel, clay and such with a total area intended for extraction:

1 ° less than 1 ha: class 2

2 ° of 1 ha and more: class 1

The filling of a quarry is part of item 60. Item 55 includes rules on drillings.

The regulation concerning the Environmental Impact Assessment are explained in detail further in the text, under the paragraph 'questions relating to EIA'. For the extraction of surface mineral resources, an EIA or a 'reasoned request' is necessary for areas larger than 10 ha, which is usually the case.

Permit applications, including an EIA if relevant, are submitted digitally at one point of contact, the "omgevingsloket".

The competence to take a decision on the permit application can lie with Board of the Mayor and Aldermen of the municipality, the Provincial Executive or the Flemish Government. The rules in this respect are set out in article 15 of the "Omgevingsvergunningsdecreet". Extraction of surface mineral resources is part of the 'Provincial list'. This means that the Provincial Executive is the competent authority. There are a few exceptions, for example if the permit application applies to two provinces.

The general procedure for extraction is as follows:

1. Prior to the submission of the permit application, a preliminary consultation – project meeting with all relevant parties can be organised at the request of the project initiator. The objective of this meeting is to prepare a "good" application, though without binding guarantees.
2. Submission of the permit application, including EIA or 'reasoned request' if relevant. If the location is in a special designated area, it is possible to file a motivated request for exemption.
3. The Provincial Executive verifies the admissibility and completeness of the application. The decision has to be announced within 30 days.
4. Simultaneous:
 - A public inquiry is organised. During the public investigation, any natural or legal person may submit his views, observations and objections. If the permit application includes an EIA or safety report, the public inquiry also covers the content of that report, unless it has already been approved and is still up-to-date.

- The advice of the provincial integrated environmental permit committee is asked. In order to come to this, the committee asks the advice of the advisory bodies. The regulation concerning the advisory bodies are set out in articles 30 to 38/4 of the 'Omgevingsvergunningsbesluit'.
 - The division responsible for environmental impact assessment and safety reporting gives its decision on the approval or disapproval of the report in application of article 4.3.8, § 3, and article 4.5.7, § 3, of the DABM. In case of a disapproval, the procedure is terminated automatically.
5. The Provincial Executive takes a decision within a period of a 120 days. In specific cases, the time limit can be increased once by 60 days.

The integrated environmental permit is in principle unlimited in time. By way of derogation, the competent authority may grant an integrated environmental permit in whole or in part for a certain duration in a number of cases which include extraction (art. 68 of the decree).

In certain cases, a simplified procedure is possible. The conditions are set out in articles 11 to 14 of the "omgevingsvergunningsbesluit".

The "omgevingsvergunningsdecreet" and "omgevingsvergunningsbesluit" regulate the way in which an appeal can be lodged. Appeals may be submitted digitally or analogously.

For decisions of the Provincial Executive, the Flemish Government is the competent authority for the appeal. Against decisions of the Flemish Government, there is no further administrative procedure possible. A request for suspension or annulment of the decision can be lodged with the "Raad voor vergunningsbetwistingen" or Council for Licence Disputes (own translation), a jurisdictional body.

Appeals against a ruling by the "Raad voor vergunningsbetwistingen" can be lodged with the "Raad van State" or Council of State. This court only examines whether the ruling of the "Raad voor vergunningsbetwistingen" is in conformity with existing regulations and procedures.

The integrated environmental permit entered into force on 1 January 2018, after a transitional period that started on 23 February 2017. Unlike before, changes to the application are possible during the permitting procedure without having to restart from the beginning. This is seen as a time saver. In addition, the new procedure proves to be an administrative simplification.

1.6.2 Spatial planning criteria with respect to permitting

A permit for an extraction site can only be approved if the area is part of an extraction zone in the spatial planning. In fact, the whole Flemish territory has been assigned a specific function. Changes to this assigned function, for example to create new areas for extraction, are possible however, by way of a Spatial Implementation Plan ("RUP").

1.6.2.1 For surface mineral resources except gravel

The management and policy concerning surface mineral resources (other than gravel), as part of the overall Flemish policy, are based on the Decree on Surface Mineral Resources and its associated order, with as main objective to provide in a sustainable way the surface mineral needed to meet current and future societal needs for materials.

In the decree, it is amongst other things stipulated that every five years a General Surface Mineral Resources Plan ("AOD") is drawn up. In the AOD, the reserves for each surface

mineral resource are compared to an estimation of how much of the resource will be needed in the next five year (in which secondary and alternative raw materials and import are taken into account). It also contains calculations for development perspectives for the extractive industry for 25 years and actions for the next five years. A conclusion is drawn about whether new areas for extraction are necessary, however without proposing potential locations.

For assigning new locations to extraction, the decree provides two processes:

- 1) The minister responsible for Natural Resources can propose to the to the council of ministers to start the procedure for a Spatial Implementation Plan based on a Mineral Resources Note. A Mineral Resources Note is a vision document, prepared by the Minister, on the provision driven planning of extraction zones and the management of surface mineral resources in a 'coherent surface mineral resources region', an collection of zones that can be extracted and can be geographically grouped according to the nature of the surface mineral resource and its geological origin.
- 2) A person or company can send a substantiated request to the minister. This request has to be in compliance with the surface minerals resources policy. If the minister approves the request, he or she will propose to the council of ministers to start the procedure for a Spatial Implementation Plan.

The next steps apply to all Spatial Implementation Plans that are drafted by the Flemish Region³:

- Designing phase with
 - o Drafting of a starting note and process note
 - o Consultation of the relevant administrations and the public about the notes
 - o Drafting of scoping note
 - o Drafting of draft Spatial Implementation Plan and draft impact reports and consultation of relevant administrations.
- Provisional approval of the draft Spatial Implementation Plan by the council of ministers.
- Public consultation (60 days), with the aim to give the public the opportunity to raise objections. The consultation during the designing phase aims at bringing everyone up to date and to get knowledge and input.
- The Council of Ministers takes a decision in principle and requests advice from the Council of State.
- Final approval of the Spatial Implementation Plan by the Council of Ministers (no later than 10 months after the end of public research), with the prior approval of relevant impact reports by the division responsible for environmental impact assessment and safety reporting.

³ In Flanders, Spatial Implementation Plans are drafted at three different levels of governance:

at regional level, at provincial level and at the municipal level.

Since extraction is a temporary activity, the function of the zone after the extraction is also assigned. When a company is given a permit in an extraction zone, it is stipulated how the terrain has to be shaped in order to achieve the post-extraction function.

1.6.2.2 For gravel

The policy (including permitting) concerning gravel is based on the fact that in the 1990s a consensus existed that the extraction of gravel needed to end. This was a result of the fact that large volumes had already been extracted in the relatively small geographical area near the river Meuse in which extractable gravel occurs.

The Flemish decree on Gravel of 1993 (with several amendments) stipulated production quota of 100,9 million ton in total and a tax on extracted gravel used for social support for employers that lost their job as a result of the decree, redevelopment of the mined areas and research into replacement granulates and support for commercialization.

The research into replacement granulates had limited results and although Flanders has high recycling rates, the sum of primary and secondary gravel proved not nearly enough to meet the demand. This resulted in large amounts of gravel and crushed rock having to be imported.

Following amendments of the decree on gravel in 2005 and 2009, gravel extraction remains finite but is allowed as a secondary production in the extraction of underlying quartz sand (subject to gravel tax), in infrastructure works (not subject to gravel tax) and as 'project gravel extraction' (not subject to gravel tax).

'Project gravel extraction' is gravel extraction which is accompanied by the realisation of a societal project of major public interest which in itself is not aimed at extracting gravel, for example nature development and flood protection. The integrated environmental permit applies to the entire societal project. When the permit is approved, a separate extraction permit is given, unlike the procedure with the other surface mineral resources.

The area is also given the (temporary) function of extraction zone as regards to spatial planning.

1.6.2.3 Remark on the deep subsurface:

For the exploitation of the deep underground there's a special permit procedure for the prospection and exploitation of gas and oil and underground storage of CO₂ amended in the decree for the deep subsurface.

Brussels Region

Although there is no specific legislation concerning Surface minerals and only 1 sand-quarry active on the border with Flanders, a permitting procedure is present in the Brussels region. For mines and quarries there are 2 categories (1A and 1B) depending on the surface of exploitation, respectively larger or smaller than 25,000 m². Valid is the Regulation dated April 22th 1999 for Category 1A activities and the Decree dated March 4th 1999 for the Category 1B, II and III activities. Category 1A and 1B activities are regarded as being the most nuisant. For the Category 1A an Environmental Impact Report is necessary, for the

Category 1B an Environmental Impact Assessment is necessary. The procedure for Category 1A takes between 230 and 320 days but not longer than 450 days. The procedure for a Category 1B takes between 170 and 290 days. Permits will be in principle for a period of 15 years.

Wallonia region

General Introduction on the Environmental Permit

The Environmental Permit sets out to control the consequences of economic activities on the people and natural environment (water, air, noise, etc.). Depending on their impact (machines, vats, hazardous products, emissions, etc.), the law makes a distinction between class 1, 2 or 3 establishments.

- **Class 1** establishments are those whose activities have the highest potential impact. That is why they are all subject to an environmental impact study before being granted a permit. Once the study has been completed, the decision is given within a deadline of no more than 240 days. To classify as "class 1" as quarry has to be > 25 ha, or >20ha if close (< 125m) to habitations, or real risk for environment. Also the ancillary installations, can be class 1 (i.e. crushing, screening) or class 2 (i.e. explosives storage).
- The **class 2** establishments (most projects), with a lesser impact, require a permit and, to a certain extent, an impact study (maximum deadline of 175 days).
- Finally, the **class 3** establishments, whose environmental impacts are known and can meet so-called "integral" conditions are only subject to a declaration (deadline of 15 or 30 days). The legislation in this matter is enshrined in the Walloon Environment Code.

The various activities and processes were classified by heading, and then integral and sectoral conditions defining for each activity the operating conditions that would be imposed were gradually attached to these headings. Consequently, the applicant can be fully informed of the baseline conditions with which he will have to comply as of the start of the application process.

When a project requires an urbanism permit and an environmental permit, the legislation has provided for a **single permit** ("Permis Unique") that pools together the two procedures. **Wallonia has set up a Single Permit scheme that has been in effect since 2002.** This system is part of an approach to simplify administrative procedures. It enables undertakings that wish to set up a business in Wallonia to apply for the necessary town planning and environment authorisations in a single procedure. The two applications are therefore concentrated to secure more coherence and clarity in the submission, processing and follow through of the applications on the whole. Furthermore, strict deadlines are imposed on the granting of permits.

In brief, the single permit simplifies and clarifies the situation while it also saves time and a great deal of trouble for the company.

To speed up the process for getting authorisations, strict deadlines have been set for each step in the process. All applicants can thus determine at any point the maximum deadline within which the permit will be issued and thus plan his investments accordingly (SPW Agriculture, Natural Resources and Environment , 2014).

The following remains of this section is divided into permitting procedures for Quarries and for Mines.

About Permitting Procedure for extraction in “Quarries”

(Excerpts from the publication 'Quarries in Wallonia - A World to Discover', published in 2010 and distributed by DGRNE, now SPW Agriculture, Natural Resources and Environment, translated from French, with few modifications)

Any project of quarry must be in an "extraction zone" of the sector plan. The area reserved for quarries is the "extraction zone", classified in the "urbanizable" zones (CoDT). The sector plans are drawn up by decrees of the Walloon Government. They may be modified, in particular to register a new extraction zone. The content of the sector plans and their different zones, and the procedures for their elaboration and modification, are defined by the CoDT.

When the area plan needs to be modified to include a new extraction area, a change request must be submitted to the SPW for Land use Planning, Housing, Heritage and (non-nuclear) Energy; the project of sector plan modification must itself be subject to a 'Plan Impact Study' (EIP) regardless of the surface area of the new extraction zone to be entered (CoDT). If an EIE is also to be carried out at the project level, the carrier may be exempted from the aspects already studied during the revision of the sector plan as part of the environmental impact study. All or part of the results and data obtained from a previous environmental assessment may be incorporated into the study and identified as such, provided they are relevant and current.

The operator must have at least one (or several) license for the cadastral parcels operated as a quarry, as well as for facilities and processing installations in general.

The Extraction Permit, amalgamating the building permit and extraction authorisation (introduced by the "quarries" decree of 27 October 1988 and its implementing decree of 31 May 1990), is currently replaced by the **Environmental Permit (PE)** or **Single permit (PU)**, including the notion of Urbanism) since Decree of 11 March 1999 and AGW of 4 July 2002, which provides, among others, a plan of redevelopment of all extraction sites even before the implementation of the quarry development project (decree of 23 December 1993 amended on 21 January 1999).

In many cases the procedure for obtaining the PE or PU is accompanied by an environmental impact assessment (EIE/EIA), which is mandatory when the application concerns an area of greater than 25 ha and in some other specific cases. Environmental impact assessment has been an obligation since 1985 in a European directive (85/337 / EEC of 26 June 1985), subsequently amended and supplemented by other directives in order to assess the environmental impacts as far upstream as possible. These directives are being progressively transposed into Walloon legislation, as well as in all Member States.

In addition to regional regulation, which focuses on the Environment and Protection of the inhabitants of the neighbourhood (external police), federal jurisdiction remains. We must not lose, particularly for safety, those requirements. For example, additional permits are required for the use and storage of explosives, regulated by several royal and ministerial laws and decrees, as well as for the use of radioactive sources (ionizing radiation), which are useful for detecting levels or passages of materials. And by virtue of the separation of powers (federal and regional), it may happen that a double license is necessary, but this is done in perfect coordination between the administrative entities.

Description of the permitting procedures and timeframes for quarries

Quarries and their facilities can only be operated under the environmental permit within the meaning of the Decree of 11 March 1999 on the environmental permit.

The procedure for obtaining the Environmental Permit or the Single Permit is summarized in the table below, with an indication of the deadlines for each step, if provided for in the legislation. <http://environnement.wallonie.be/legis/pe/pe005ter.htm>

Quarries - project to exploit new parcels of land and / or new outbuildings		Deadlines for authorities to make action or decision by Arrêté	Action by
<p>If the operator is not the surface owner and does not obtain his consent, the operator is allowed to introduce a request to Administration to occupy and exploit the lands of others (Arrêté of October 2, 2003) – in case of enclosed land parcels and quarry extraction in progress from 5 years min.</p> <p>The procedure involves a public inquiry at communal level.</p>		175-190 days	Operator/ Techn. Officer/ Communes /Public Inquiry/ GW decision
The parcels of land are already included in the Sector Plan in an "extraction zone"	The parcels of land are NOT yet included in the Sector Plan in an "extraction zone"		
	EIP (Incidences Study on Plan) - possible appeal at this stage	variable	Applicant / Consultants
	Request for revision of the Sector Plan - Decision		
EIE/EIA (Environmental Incidences Study) requested, in any case for quarry area > 25ha	EIE/EIA (Environmental Incidences Study) required, in any case for quarry area > 25ha (partial exemption because of existing EIP)	variable	Applicant / Consultants

<p>Request of Permit (PE or PU): (Class 2/Class 1)</p> <ul style="list-style-type: none"> - Procedure of verification of request form by Technical Officer until to be deemed as "complete and receivable"; - If complements needed - Procedure of Public inquiry organized by the competent authority: the Commune(s)/Municipalitie(s) concerned by the project - Procedure of consultation of various authorities, administrations, comities, ...consultation meeting(s), ... synthetic report of advices by the Technical Officer-PE sent to Competent Authority (Commune), with possible prorogation 	<p>40 calendar days</p> <p>+90 days</p> <p>45/60 days</p> <p>70/110</p> <p>+ 30 days</p>	<p>Applicant / Commune(s)/ Technical Officer-PE</p>
<p>Granting or refusing of Permit by Competent Authority (Commune) (1st instance)</p>	<p>20/30 days</p>	<p>Commune(s) / Technical officer-PE</p>
<p>Exploitation/Extraction (except if suspensive appeal)</p>		
<p>Appeal (administrative) to the Walloon Government, with possible prorogation</p>	<p>70/90</p> <p>+ 30 days</p>	<p>Technical Officer-appeal / Government</p>
<p>Decision of the Walloon Government (2nd instance)</p>	<p>20/30 days</p>	
<p>Appeal to the Council of State</p>		

It should also be noted that completing the application form, by the applicant or by external consultants, for a PE (or PU) permit is a very complex task (see Request Form, 48 pages) as it must be documented in the greatest detail, and the time resulting could be very long until the permit application is deemed "complete and receivable" by the Administration. To this must be added the duration necessary for the impact studies, when required: EIP (if modification of sector plan is necessary for inscription in "extraction zone") and / or EIE.

Public entities involved in the process in Wallonia

All the Authorities, Administration, Consultative Committees

Timeframe

In first instance, it is the Communal College who grants the Permit (PE or PU)

- If 1 only Commune involved, the decision takes 20 days (project Class 2) or 30 days (projects Class 1) from the reception of the synthetic report and advise from the Technical Officer;
- If there are many Communes involved, the decision will take 90 days (project Class 2) or 140 days (projects Class 1) from the reception of the synthetic report and advise from the Technical Officer;

Geographic areas covered by the permit

The application must make it possible to locate and describe the proposed installations and / or activities;

In particular, a quarry, its installations and its dependencies have in any case to be established in a zone registered in the Sector Plan as an "**extraction zone**". If necessary, an application for the modification of the sector plan must be submitted which will involve the prior realization of a "Plan Impact Study". This process can take months or even very long years, writes FEDIEX (Federation of Extractive Industry) in a publication mentioned under the title "Main problems..." here below.

Rights and duties of the licensee AGW 4/07/2002

Rights: Generally, a permit is granted for a maximum **period** of 20 years. The license may be granted for an **unlimited** period **if it relates to a quarry (art. 50)**

Duties:

The competent authority may, on a proposal from the technical officer included in the summary report, require the operator to provide, before the implementation of the environmental permit, **a security for the Government to ensure performance of the its site remediation obligations**, the amount of which is equivalent to the costs that the public authorities would incur if they had to carry out the restoration. The security interest consists, at the option of the applicant, in a deposit in the Caisse des dépôts et consignations or in an independent bank guarantee or in any other form of security which the Government determines up to the amount specified in the permit.

The operator of an establishment (**art. 58. §2**):

- (1) take all necessary precautions to avoid, reduce or remedy the hazards, nuisances or inconveniences of the establishment;
- (2) immediately notify the competent authority and the technical officer of any accident or incident of such a nature as to prejudice the interest referred to in Art. 2 or any breach of the operating conditions;]

Obligation to periodically notify environmental data [Decree 22.11.2007]
[Art. 76bis. This section applies to facilities and activities determined by the Government.] [Decree 22.11.2007] [Art. 76ter].

§ 1. The operator collects environmental data for each establishment and notifies the environmental administration by completing the form determined by the Government. This form includes environmental data for the calendar year preceding the year of

notification. Without prejudice to other obligations to notify data, the notification shall be annual and shall take place before 31 March of each year.

§ 2. The operator shall guarantee the quality of the environmental data it provides to the environmental administration using the best available information, including monitoring data, emission factors, material balance equations, Indirect or other calculations, technical or other assessments and internationally agreed methods, if any. It shall make available to the environmental administration the environmental data provided and the method used to collect the data for five years

Art. 2 of the decree of the Walloon Regional Council of 30 April 1990 on the protection and exploitation of groundwater and drinking water, amended by the Decree of 23 December 1993, is replaced by the following provision:

"Art. 2. May be subject to an environmental or declaration permit in accordance with the rules laid down in the Decree of 11 March 1999 on the environmental permit:

- (1) groundwater intakes and drinking water intakes;
- (2) water intakes where they are located in a drinkable water zone;
- (3) refills and tests of artificial recharge of groundwater.

The environmental permit relating to a water intake determines the rights and obligations of the holder and in particular the annual volume that may be levied. It may determine the piezometric limits as well as the limits and the speed of the sampling rate. It also covers the methods of controlling the volume of water collected.

The Government shall ensure the sustainable rational exploitation of waters and their equitable distribution among the holders of an environmental permit for a water intake."

Legal nature of the rights

Operator Change Art. 60.

§ 1. Where an establishment is operated, in whole or in part, by a person other than the holder of the environmental permit..., the transferor (or his heirs) and the assignee shall jointly notify the competent authority to issue the license at first instance. The transferee confirms in writing, on this occasion, that he has taken cognizance of the permit ... and any additional conditions prescribed by the competent authority based on Art. 14 (§5), continue the same activity and accept the conditions laid down in the environmental permit or any additional conditions that may be prescribed.

The competent authority shall forthwith act its declaration to the assignee and inform the technical official accordingly.

§ 2. As long as the joint declaration of the transfer has not taken place and, as the case may be, a new security right has not been established, the transferor (or his heirs) remain jointly and severally liable with the assignee for the damage that could result from the failure of the new operator to comply with the operating conditions applicable to the establishment.

§ 3. The Government may prohibit or subject to other conditions the transmission of permits for the establishments it designates.

§ 4. On the occasion of any conveyance or declaration of real rights in the immovable, as referred to in Art. 1 of the Mortgage Law of 16 December 1851, the notary shall read the present article to the parties present and in the act.

Links between the exploration permit and a future license for extraction

Not applicable

Average length to get an extraction permit

The time required for an investor to obtain an operating license, i.e. the Environmental Permit or the Single Permit, is theoretically of 175 days/6 months (for class 2) and 240 days/8 months (for class 1) without any problem or prorogation or appeal, but could become quite longer, until to 541 days/18 months (for class 2) and 636 days/21 months (for class 1) in the worst case (missing documents, prorogations, administrative appeal).

Main problems or major modifications related to extraction permitting

FEDIEX (2014) - EXTRACTIVE AND CHAUFOURNIÈRE INDUSTRY MEMORANDUM: 7 PROPOSALS TO ENSURE THE FUTURE OF THE EXTRACTIVE AND CHAUFOURNIÈRE INDUSTRY

1. Develop a political vision and fiscal framework: Industrial, environmental, energy, economic and territorial policies carried out at different levels of power must provide a concrete response to the challenges facing our society. It is to ensure greater coherence between these different policies and the resulting legislation, to avoid too much compartmentalisation and thus to ensure an effective transversal action that meets the expectations of our society.

>> PROPOSAL 1: Decide on a tax moratorium for the next 5 years

>> PROPOSAL 2: Review Energy Policies resources so as to make them compatible with industrial growth targets.

2. Ensure predictability of decisions on the long term: a sector such as the extractive industry and lime supply has to take decisions that are long-term, often several decades. Such decisions need a stable regulatory and legislative climate.

>> PROPOSAL 3: Restoring legislative stability through the new Territorial Development Code (COT)

>> PROPOSAL 4: Reducing the time required to prepare sector plan amendments: creation of a "Quarries and Facilities" Development Unit. The deadlines to instruct the modification of Sector Plan requests are regularly exceeded. Up to 15 Administrative services and Advisory committees or authorities are potentially consulted when applying for Permits for a project of quarry. This inevitably raises the question of the technical and human resources available in the Administration to carry out its tasks, but also of the cooperation between the different Services and between the Administration and the political power. Fediex therefore argues for a centralization of license applications and allocation of resources, enabling faster and more coherent responses from the Walloon Government.

>> PROPOSAL 5: Continue dialogue within the "Quarries Task Force", an essential tool for dialogue between the Administration, the ministerial Cabinets involved in decisions and the quarry sector.

3. Preserve access to the minerals resources of our country and make easier the modal transfer to users.

The exploitation of the stone and its transformation generate nuisances that operators try to reduce to the maximum of their possibilities. To cope priorities and challenges, while safeguarding the development of the sector potential, it is essential to rely on the objective data provided by the different parties: project promoters, civil society, Administrations, universities and experts.

>> PROPOSAL 6: Protect access to deposits of mineral materials

>> PROPOSAL 7: Accelerate investment in order to develop the transport by water and by rail in Wallonia.

About Quarries and Support Committees⁴

Support committees involving local residents and formed in response to quarry operations started to emerge in Wallonia in the late 1970s. Today many extraction companies and other key stakeholders meet regularly with their local residents' associations in such committees. These committees at first did not constitute an arrangement formalised in legislation but today many of them are formally created when an environmental permit is granted to extraction companies by the public authorities.

These support committees are in fact initially referred to in agreements or charters agreed by different groups of stakeholders, including local residents. Today, the Environmental Code of Wallonia explicitly provides for the establishment of support committees for certain quarry extraction projects activities.

The purpose of support committees is periodically to gather representatives of the three parties concerned by extraction activity (public authority, local residents and the company) in order to negotiate solutions to environmental problems caused by the industry. Prior to the establishment of a support committee, the regional advisory committee on quarrying (*CRAEC: Commission Régionale d'Avis pour l'Exploitation des Carrières*) publishes a model agreement or charter that companies and local residents agree to, with local authorities being responsible for ensuring that its principles are observed by both parties if the authorisation is granted. Under a typical model agreement or charter, the company undertakes to control its environmental impacts and to implement a constructive consultation process. The local residents, for their part, undertake to respect the consultation rules that have been agreed.

Model agreements (also known as charters) are based on the principle of mutual commitments and are the reference document on which support committees involving local residents are established.

The interests of the different stakeholder groups at a local level are articulated around a model agreement or charter, a key document which is drafted prior to the granting of permits and authorisations.

⁴ The information on this section about 'Support committees in Wallonia' has been extracted from the report by CSES (2014) Evaluation and Exchange of Good Practice for the Sustainable Supply of Raw Materials within the EU – Annex A Good Practice Cases. The section called "Model Agreement between support committees and residents in Belgium" was written by Andre Jasienki and Sébastien Loiseau (FEBELCEM). Authors were contacted per e-mail for an update of the section but no response was obtained.

In practice, support committees only become fully operational after an authorisation has been granted. But the model agreement or charter usually determines in advance the composition of those committees, and it is usually good practice for the committee members to get together and start a dialogue prior to the granting of an authorisation.

Model agreements

Model agreements or charters typically set out the pledges made by signatory companies to control their environmental impacts, to implement a constructive dialogue, and develop their environmental competence. On the other hand, they also set out the commitments of residents to respect defined rules of consultation. Once an authorisation has been granted, charters are under the control of the local authority (or authorities) that are in charge of ensuring that the principles are observed by all parties.

These charters initially set out a non-formal partnership between various key local-level stakeholders, including the company, residents and owners of neighbouring property, municipal or local authorities, and a range of other relevant partners (Directorate General for transport and urban planning, industry federations). These partnerships become fully operational support committees in cases where the competent authorities deliver an authorisation for a quarrying project.

Since the minimisation of impacts resulting from raw material extraction is the foundation of any environmental initiative, companies agree to a charter under which they pledge to ensure that their activities do not affect ecosystems (by minimising the environmental impacts on water, air, landscape and biodiversity) or local residents' quality of life (by reducing noise emissions, vibration and dust). Through such charters, companies agree to implement a set of good practices to limit their environmental impacts through the use of the best available technology in consideration of the funds they have at their disposal.

Environmental charters can be articulated in different ways according to the objects referred to, such as the coverage of all the environmental impacts of a quarry site or of a quarry basin, or the targeting of a specific problem on a site or of a particular problem common to several sites within a quarry basin. For quarry basins, in particular, stakeholders are advised to prepare several special charters, each focused on a specific topic such as transportation problems, rather than trying to cover everything in a single document.

A charter describes technically the basic activities common to the entire sector, which are then addressed one by one specifically from an environmental perspective and from a geological perspective (e.g. special features of the extraction site). The aim here is to build a framework which will guarantee good communication and transparent negotiation between the different stakeholder groups.

These charters are valid in a local context. Besides the general principles systematically included in the charters (as described above), there are specific contingencies which vary according to the local context and the length of the operations or projects. These contingencies and other specific principles can be adjusted over time as is necessary. Indeed, on the one hand industrial practices are in constant evolution, and on the other the vicinity is likely to change, in numbers, in its composition, its aspirations and in the organisation of its representation.

There is no absolute rule or method for determining who is considered as a local resident in the formation of support committees. Public surveys are usually conducted by local authorities to establish areas where residents might be directly affected by raw material resourcing operations, but they are often not the most appropriate reference areas to address specific problems such as blasting and noise nuisances, transport nuisances, or dust. The radius is thus variable and may be different depending on the type of operations to be conducted, and it can also be influenced by the direction of prevailing winds and a series of other local circumstances such as territorial continuity within the local area. In

the formation of support committees, the importance here is to establish consistent rules to determine local residents' exposure to operations and not to create discrimination within a neighbourhood. The consistent determination of a neighbourhood radius is useful for enabling residents to organise themselves appropriately as associations.

Support committees

As mentioned previously, the primary function of support committees (also known as consultative committees, liaison committees) is periodically to gather representatives of the three main parties concerned by the operations of extraction companies (businesses, public local authorities, and residents) to negotiate on solutions to minimise the various environmental impacts caused by quarrying projects, and to communicate these solutions to the competent authorities responsible for delivering authorisations.

Whether they have been formalised or not (i.e. before or after an authorisation has been granted), support committees have a consultative function and, as such, have no decisional powers. It is ultimately local officials and regional parliament members within Wallonia that set environmental conditions in the granting of environmental permits prior to formalisation, and it is then regional administrative bodies that are in charge of monitoring compliance with these conditions once the support committee is fully operational. It is however generally the case that the solutions proposed by the non-formal support committees will often be taken up by the authorities as well as influence authorisation granting decisions, as they are solutions that have been accepted by all the interested parties.

It must be noted that support committees only deal with environmental issues that concern residents. Other issues which may have an environmental dimension such as workers' health are addressed by other specific bodies (e.g. Committee for Prevention and Protection at Work). Support committees also only takes an interest in company-specific standards to be applied to a particular project or activity, and do not deal with standards applicable to all the companies in the raw materials extraction industry (which is the role of the CRAEC: *Commission Régionale d'Avis pour l'Exploitation des Carrières*).

Once formalised and fully operational, these support committees also allow extraction companies to consult other parties officially and in a more transparent way in cases where ad-hoc measures or operations are needed, and to contact and inform effectively other parties in the case of incidents or accidents. The designation of contact persons representing local residents proves to be very useful in this particular regard. The practice of direct relationships with residents on a day-to-day basis therefore coexists with official communication and correspondence.

The main benefits generated by these support committees are that residents can report directly to the operating companies and to the relevant environmental authorities of the various problems they may encounter which result directly from quarry extraction through their representatives. As such the number of problems can be solved more easily and faster than through mail correspondence between residents and authorities, for instance.

Also, conflicts are solved through negotiation rather than through other channels (e.g. judicial processes or the media). Negotiations give rise to agreements between all the parties involved, which is always preferable to a solution imposed from the outside. In this sense, committees are very independent in solving problems. Another considerable advantage is that the representatives of the various parties get to know each other, and therefore to trust each other in finding solutions and agreements.

About the Permitting Procedure for extraction in "Mines"

In the field of mines, it is the obtaining of a **concession** that is worth operating license (environmental/single permit is still required to undertake extraction works). This procedure is the same as for exploration permit, with the exception of item 11 corresponding to the Art. 7 of the Arrêté of the Walloon Regional Executive of 26 July 1990 (see

Table 2, BE-L26). Hereafter are detailed the different steps of the application procedure for **mining concession**:

1. The concession request is addressed by the applicant to SPW- Agriculture, Environment and Natural Resources, by registered mail, in 2 copies per Province concerned, and 1 copy without annex is sent to the Minister; the list of information and documents constituting the application file is detailed in Art. 3;
2. The Administration transcribes the application into a **special register of mining titles with the date** of reception of the application;
3. The Mining Engineer of the DRIGM (Directorate for Industrial, Geological and Mineral Risks) checks the compliance of the documents and requests the missing documents, if necessary (the applicant has 15 days to provide them), and draws a compliance report (1 month from receipt of the application);
 - if this compliance report is not available within the deadline of 1 month from receipt of the application, the documents of the applicant are supposed to conform;
 - if the compliance report shows the documents are not complete, the Administration advises the applicant by register letter;
4. ...then sends (within 8 days from conformity report) certified plans and documents to the Governors of the concerned Provinces;
5. The Governors of Provinces send the documents of the applicant and other documents specified by art. D29-14,a12 to the "Communes"/Municipalities concerned which must organize a **public inquiry** (duration 15-30-45 days for respectively categories A-B-C of project - here supposed to be 30 days for estimation of total procedure time - from a date fixed by the Administration), according to Book1- Environment Code (Title III, Part III);
6. The applicant has 30 days (from closure of the public inquiry) to read the results and answer the questions received by the Municipalities during the public inquiry;
7. After this delay, the "Communes" communicate the results of the public inquiry to the Mining Engineer (8 days);
8. The Mining Engineer writes a synthetic report of all the public inquiries from all the concerned "Communes";
9. ... then the "Contenders" may decide to introduce competitive requests for concession (and has 2 months **from public inquiry opening** to do it);

This competitive request follows the same steps (3 to 7) as for the first applicant
10. The Mining Engineer writes a synthetic report (about 1st applicant and Contender request of exploration permit, analysing value and justification of exploration programme);
11. (Corresponding to Art.7- that not exist in research/prospection permit procedure) If applicable, the Mining Engineer shall, by registered letter, convene the parties concerned to a **conciliation meeting** in order to fix the compensation payable by the applicants for the concessions to the surface owners (*redevance tréfoncière*, in

French) and the discoverer (royalties for discovery) -> (agreement - if not, the parties have 1 month to address their claim to the Mining Engineer - and the latter to make a proposal for compensation);

12. The administration send the synthetic report, with his own opinion, to the Minister (within 3 months **since the closing date of the public inquiry**, or 7 months if competitors);
13. The Minister send the complete documents with his own opinion to the Council of State (within 1month from reception) for advice only;
14. The Government decides (within 8 months from the **date of closure of the public inquiry**, or within 12 months if competitors, with possible extensions) and grants or rejects the request for concession, by reasoned Arrêté;
15. If the concession is granted, an Arrêté is published in the "Moniteur Belge" (MB) identifying the beneficiary of the concession and setting out in detail :
 - Obligations relating to the progress of the general program of research over time;
 - Obligations relating to the minimum expenditure to be incurred;
 - The deadlines to provide the Mining Engineer with the research program to be carried out in the next year and the reports of the research carried out in the past year.

Except in very limited cases, an appeal to the Council of State is always possible.

Public entities involved in the process in Wallonia

Administration SPW-Agriculture, Environment and Natural Resources & its Mining Engineer / Provinces / Communes / **Minister & Wallon Government** (decision)/ Council of State (advice)

Timeframe (legal time it takes the authority to make a decision –approval or denial – of an extraction permit that has been applied for by a company)

The Government decides within **8 months from the date of closure of the public inquiry, or within 12 months** if there are competitors, with possible extensions. It grants or rejects the request for concession, by reasoned Arrêté.

Geographic areas covered by the permit - Décret des mines 7 juillet 1988 (M.B. 27.01.1989 - err. 19.02.1991)

Art. 14. The mine form, within the limits of the concession Act, immovable property separate from the soil. It includes the right to exploit the concession substances, subject to gaining an environmental permit covered by the decree of march 11th 1999 related to environmental permit and, in addition, buildings, areas, waste dumps, wells, galleries and other works established at home, with on the ground or the surface rights y related, as well as machines and tools used to exploitation.

Art. 17. The scope of the concession is set by the Act of concession. It is limited by the surface caused by the vertical lines indefinitely extended in depth and relying on a perimeter defined on the surface. When the circumstances so require, the concession may be limited to specified depths.

Art. 55a. The Government shall insert and classify the mining waste management facilities it determines in the list of installations and activities adopted on the basis of Art. 3 of the Decree of 11 March 1999 relating to the environmental permit. The research permit or

concession document issued for a mine does not cover the operation of such facilities.] [Decree 18.12.2008]

Rights and duties of the licensee

Rights

Art. 34 -Within the perimeter of a concession, the operator of a mine may, in the absence of the consent of the owner of the surface, be authorized by the Executive, after consulting the Council of State, to occupy the necessary land or useful for the operation of its mine and the essential facilities

Art. 37 - The beneficiaries of mining titles are required to pay due compensation to the owner of the surface on the ground that their work was done.

Duties

Art. 21 -The surface owners entitled to an amount determined by the Act of concession. This amount consists of a fixed fee and a fee proportional to the product of the mine due by the concessionaire.

Art. 42 - The concessionaire may be required to provide security for the payment of any compensation if its underground work is likely to cause specific damage in the near future and if there is reason to fear that its resources will not be sufficient to meet its possible liability.

Legal nature of the rights

Art. 32 - The sale, transfer, lease or amodiation of the mine granted in any form whatsoever, in whole or in part, shall take effect only if authorized by the Executive after the advice of the Council of State.

Links between the exploration permit and a future license for extraction

Art. 5.- A research permit grants the exclusive right to prospect within a given area for the concessible substances listed therein. Activities and installations useful or necessary for the research can only be implemented with an environmental permit covered by the decree of march 11th 1999 related to environmental permit and, if required, an urbanism permit covered by the Land Development Code.

Art. 14- During the duration of the validity of a licence to search, its holder may only get a concession with inside the perimeter of this permit, on substances covered by this.

Art. 22.- Questions of compensation to be paid by the owners of mines for research or previous to the Act of concession work are decided by judges in civil cases.

Average length to get an extraction permit

No concession request from many years.

The minimum duration of the procedure for obtaining a concession - assuming an average duration of 1 month for the public inquiry - is theoretically **10 months and 8 days if only 1 applicant, but 15 months and 8 days if competitors**, with possible extensions (several periods of 4 months) per reasoned decision of the Walloon Government.

Main problems or major modifications related to extraction permitting

No concession request from many years. But new uses of the underground, including rehabilitation of old mines could have an interest in the near future. A major reform of the Mining Code is currently under consideration (which would be published at the earliest in 2020).

Belgian part of the North Sea

The exploration and extraction of sand in the Belgian part of the North sea requires a concession permit. In order to obtain a permit, an application form has to be submitted to the director of the General Direction Quality and Safety of the FPS Economy (cf.

Fig. 1), according to the procedure stipulated in the royal decree of 1 September 2004 concerning the granting procedure. Furthermore, the royal decree of 21 October 2018 about the environmental impact assessment (EIA) defines that an environmental impact assessment report has to be submitted to the Management Unit of the North Sea Mathematical Models (MUMM). The reasoned conclusion by MUMM is subsequently transferred to the minister/state secretary competent for the marine environment, who in turn formulates a motivated advice to the federal minister competent for economy, which may contain binding conditions linked to the Natura 2000 approval. A negative advice of the minister/state secretary competent for the marine environment is also binding.

The concessions that have been granted for the exploration and exploitation of the mineral and other non-living resources in the Belgian part of the North Sea are to be found in the ministerial decrees in the Belgian Official Gazette (*Belgisch staatsblad*).

Not including suspensions of the processing of the application, the applicant is informed of the decision on the granting of the permit in less than 240 days after submission. The process is suspended between July 15th and August 15th and if additional research has to be added to the EIA.

As control zones are shared among licensees, no contender procedure is foreseen in the legislation.

Permits can be contested before the administrative law section of the Council of State.

Fig. 1: Belgium part of the North Sea. Procedure for a concession permit.

PROCEDURE FOR A CONCESSION PERMIT AND THE EXPLOITATION OF SAND AND GRAVEL EXTRACTION IN THE BNS

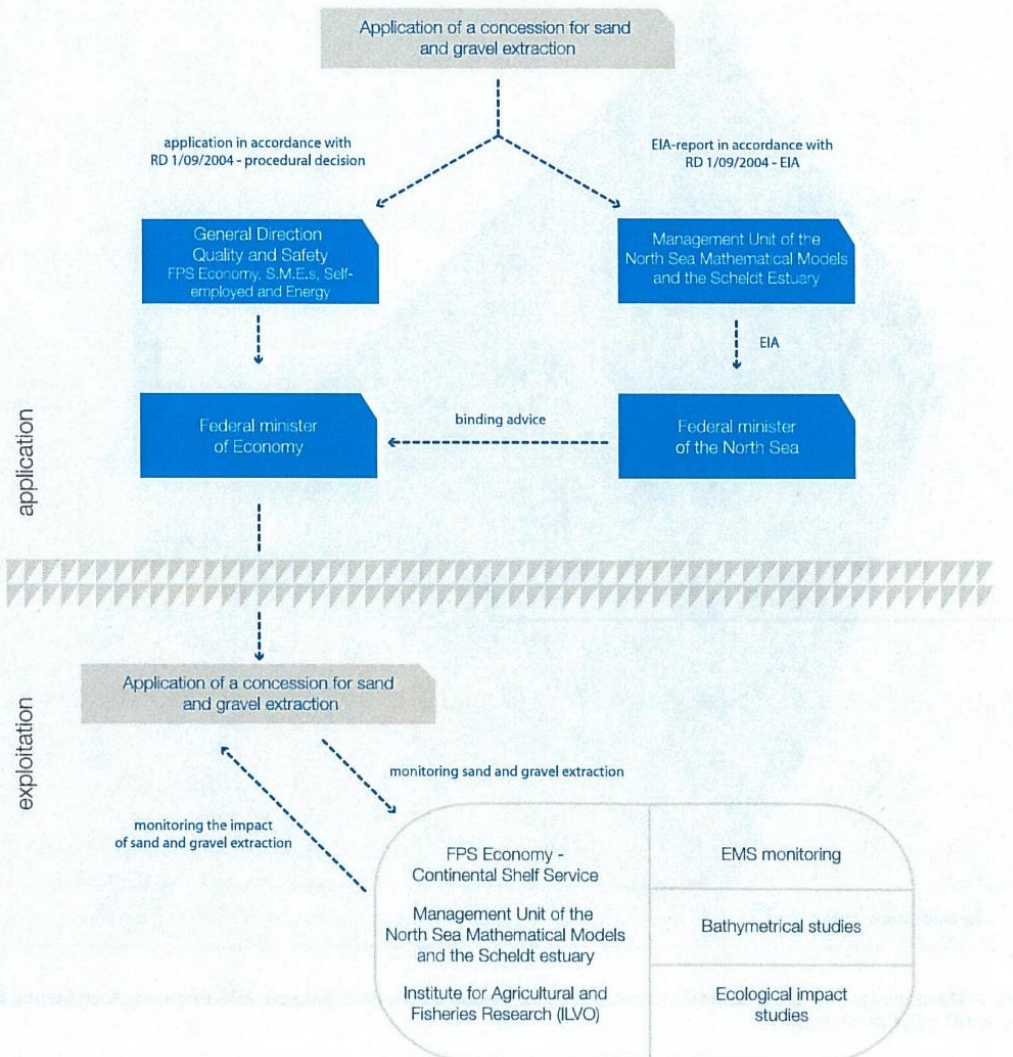


Figure 2. Flowchart of the procedure for a concession permit and the exploitation of sand and gravel extraction in the BNS (law of 13 June 1969 and associated Royal Decrees).

1.7. Court cases on permitting procedures

Belgian part of the North Sea

There were no court cases on permitting procedures during the last 20 years.

1.8. Success rates of exploration and extraction permits

Flanders Region

As informed by LNE, in 2013 12 extraction permitting applications were submitted for aggregates and industrial minerals. In the time period 2013-2015: all 12 extraction permits were approved in the first stage. For 6 permits an appeal was submitted, which

led to 5 approved permits and 1 refused permit. For these 5 approved permits, 1 court case was initiated. Thus, the extraction permitting success rate in the period 2013-2015 was high (11 permits approved, 1 refused, success rate of 92%).

Wallonia Region

There is no specific permit for extraction only. Around 10 PE or PU permits are delivered each year in the "quarries" sector, more often for installations or industrial outbuildings, sometimes for quarry extension, rarely for opening of new quarry.

Belgian part of the North Sea

In the last 20 years near all applications were successful. During the negotiations on the new legislation between 2002 and 2004, no permits were granted. Three applicants from 2002 decided not to resubmit their application.

1.9. EU legislation impacting permits and licenses for exploration and extraction

Flanders Region

- 1) Does your country have any restrictive regulation on the private or legal entities performing the duties of an exploration or extraction concessioner, operator and/or holder of mineral rights as compared to the Services Directive (2006/123/EC)?

No

- 2) Does any of your permitting documentation require the involvement/signature of a geologist or mining engineer? If yes, which are these permits? Does it require a BSc or MSc or PhD or chartered (certified) professional?

No

- 3) Do you have legislation on financial guarantees (with regard to the Extractive Waste Directive, Art. 14)? Is the cost calculation of this guarantee done by an independent third party?

No

- 4) Is there a list of inert mine waste published in your country in accordance with Art. 1(3) of Comm. Dec. 2009/359/EC?

No

- 5) Do you use the risk assessment of 2009/337/EC Commission Decision of 20 April 2009 on the definition of the criteria for the classification of waste facilities in accordance with Annex III of Directive 2006/21/EC of the European Parliament and of the Council concerning the management of waste from extractive industries for abandoned sites as well?

No, see questionnaire on mining waste

- 6) Has your country applied the waiver of the Landfill Directive paragraph 3 of Art. 3: MS may declare at their own option, that the deposit of non-hazardous non-inert mine waste, to be defined by the committee established under Art. 17 of this Directive can be exempted from the provisions in Annex I, points 2, 3.1, 3.2 and 3.3 (location screening, multiple barriers, leachate collection)?

see questionnaire on mining waste

- 7) Does a mine operator has to prepare and submit both a general waste management plan and a mine waste management plan as well? To the same or separate authorities?

No

- 8) Has your national legislation transposed the Accounting Directive (2013/34/EC), with special regards its Art. 41-48 on the extractive industry? Do these rules on financial reporting appear in the concession law or mining act either?

Only transposed at federal level. Flanders has an advisory function in this matter.

- 9) Has your national legislation transposed the Transparency Directive (2004/109/EC, 2013/50/EU), especially Article on the extractive industry? Do these rules appear in the concession law or mining act either?

Only transposed at federal level. Flanders has an advisory function in this matter.

- 10) Does your competent authority ask for or check the CE marks of the exploration or extraction equipments when permitting or when having on-site inspections? Does the mining authority have a regulatory/supervision right in product safety/market surveillance in accordance with Regulation (EC) No 765/2008 of the European Parliament and of the Council of 9 July 2008 setting out the requirements for accreditation and market surveillance?

No, the mining authority is a Flemish authority. Product standardisation and control are federal competence.

Questions relating to EIA:

1. Do you have national or regional guidance document or a piece of legislation specific to the Environmental Impact Assessment (EIA) on mineral extraction (incl. mineral processing, waste management, closure)? If yes, please provide link and/or text in English and/or in original language.

The EIA/SEA unit of the Department of Environment and Spatial Development, from the Public Service of the Flemish Region prepared a guidance document for EIA on mineral extraction. It is available at the website of the EIA/SEA unit: <https://www.lne.be/sites/default/files/atoms/files/ontginningen.pdf>.

Furthermore, the EIA/SEA unit published a guidance document on the interpretation of the categories on mineral extraction (see question 3): <https://www.lne.be/sites/default/files/atoms/files/handleiding%20ontginningen.pdf>

2. Could you please specify that at which permitting stage (value chain stage, e.g. non-penetrative prospection, exploration, setting mining plot, approving technical operation plan, starting extraction) is a detailed EIA is required in your country?

Following the Flemish legislation the developer needs a permit prior to interventions in the natural surroundings and landscape. This is regulated via our VCRO legislation (art.4.2.1). A permit for a project is necessary when changing the relief: when among others the soil is deepened, or levelled up at some sites, and the nature of the function of the site will change.

Furthermore, the Flemish sectoral legislation regulates the exploitation of mineral extraction (VLAREM II act and annex). These projects are divided into 3 classes (classes 1, 2, 3), depending on the size of the activities for extraction of surface minerals or depending on the volume for dredging. Classes 1, 2, 3 indicate the degree of potential nuisance of the project. When a detailed EIA is required (see the following

question), the whole project is assessed in the EIA. Our permitting procedure and EIA procedure are integrated.

The permit is necessary before starting extraction.

3. Does your country apply the option of Article 4(b) of the EIA Directive (2011/92/EU) („... for projects listed in Annex II, Member States shall determine whether the project shall be made subject to an assessment in accordance with Articles 5 to 10 ... through thresholds or criteria set by the Member State”) for mining projects? If yes, under what criteria?

Yes, in Flanders Region, we apply the option of Article 4(b) of the EIA Directive. In the act of the Flemish Government of 10 December 2004, 3 categories of projects are listed. Besides the Annex I, containing categories of projects that require an EIA, this act contains categories of projects applying the option of article 4 (b). These categories are collected in Annex II. Furthermore the act of 10 December 2004 contains an Annex III, containing categories of projects without criteria, applying article 4.

More information on the annexes:

- Annex I projects: for these list of categories an EIA is necessary.
- Annex II projects: This list contains categories of projects containing thresholds. When one of these categories is applicable, the developer has the possibility to argue in a ‘reasoned request’ that the project will not cause significant impact. The EIA/SEA unit investigates the content of the document, and takes a decision whether the project should be subject to an EIA, taking into account the criteria of annex III of the EIA directive (= a case-by-case examination).
- Annex III projects: This list contains categories of projects without thresholds. When a project does not fall within a category of annex I and annex II, the developer has to check if the project falls within a category of annex III. In that case they have to argue that the project will not cause significant impact, by filling out a form accompanying the request of the development consent. The licensing authority decides whether the project should be subject to an EIA, taking into account the criteria of annex III of the EIA directive (= a case-by-case examination).

The criteria on mining projects as defined by the act of the Flemish Government of 10 December 2004:

Annex II. 2:

Extractive companies

- a) Extraction of surface minerals or gravel in areas that have an extractable area of 10 ha or more, according to the land use plans.
- b) Underground mining.
- c) Extraction of minerals by dredging the sea or river bottom with a volume of 100,000 m³ per year or more or which can have a significant impact on a special protected area (*).
- d) Deep drilling, in particular:
 - geothermal drilling from a depth of 500 m
 - drilling for the storage of nuclear waste from a depth of 100 m
 - drilling for water supply from a depth of 500m, with the exception of drillings for the research of the stability of the soil.
- e) Surface installations from companies for the extraction of ores, from bituminous schists and hydrocarbons, as defined in Article 2, 2 °, of the Decree of 8 May 2009 concerning the deep subsurface.

(*) the special protected areas are defined by the act of the Flemish Government of 10 December 2004

Annex III. 2:

Extractive companies

(a) quarries, opencast mines, including surface minerals or gravel, and peat extraction (projects not covered by Annex I or II)

b) extraction of minerals by dredging the sea or river bottom

c) deep drilling, insofar as they do not relate to the expected effects on the environment related with the protection against ionizing radiation, in particular:

- geothermal drilling;*
 - drilling for the storage of nuclear waste;*
 - drilling for water supply*
- excluding boreholes for soil stability studies*

4. Was there any case in your country when Article 10 of the EIA Directive (2011/92/EU) was applied („limitations ... with regard to commercial and industrial confidentiality, including intellectual property, and the safeguarding of the public interest“)? Which were these exclusions, if any?

- Concerning copyright, architectural plans are not visible on the internet during public participation. Citizens can look into these plans in the town hall of the municipality concerned. Not many extraction projects have architectural plans.*
- Due to privacy reasons, certain names and addresses of applicants are not published on the internet during public participation.*

With regard to commercial and industrial confidentiality, the developer can request the EIA/SEA unit to withdraw certain parts of the EIA from the public participation during the permitting procedure. (The permitting procedure and EIA procedure are integrated in Flemish Region). In Flanders Region, we had about 14 EIA procedures in which the developer requested this withdrawal of publicity. These files were not dealing with mineral extraction or mining. This means in Flanders region Article 10 of the EIA Directive (2011/92/EU) has not been applied in extraction projects. The exclusions were among others the justification of the project, the description of parts of the future installations, procedures and materials; water balance and description of waste water treatments; alternatives; the description of new technology that will be applied; a list of raw materials that will be used that is linked with the technology; the description of the emission sources,

Wallonia Region

1) Does your country have any restrictive regulation on the private or legal entities performing the duties of an exploration or extraction concessioner, operator and/or holder of mineral rights as compared to the Services Directive (2006/123/EC)?

No

2) Does any of your permitting documentation require the involvement/signature of a geologist or mining engineer? If yes, which are these permits? Does it require a BSc or MSc or PhD or chartered (certified) professional?

Yes, the checking of mining plans by a Mining Engineer MSc holder is required

3) Do you have legislation on financial guarantees (with regard to the Extractive Waste Directive, Art. 14)? Is the cost calculation of this guarantee done by an independent third party?

Yes, the general technical specifications note for mines (<http://environnement.wallonie.be/legis/solsoussol/min004.htm>) includes a financial guarantee. The calculation is based on a proposal from the permit holder, not a third party.

- 4) Is there a list of inert mine waste published in your country in accordance with Art. 1(3) of Comm. Dec. 2009/359/EC?

Yes, there is a list of waste types (arrêté of July 10th 1997)

- 5) Do you use the risk assessment of 2009/337/EC Commission Decision of 20 April 2009 on the definition of the criteria for the classification of waste facilities in accordance with Annex III of Directive 2006/21/EC of the European Parliament and of the Council concerning the management of waste from extractive industries for abandoned sites as well?

Yes

- 6) Has your country applied the waiver of the Landfill Directive paragraph 3 of Art. 3: MS may declare at their own option, that the deposit of non-hazardous non-inert mine waste, to be defined by the committee established under Art. 17 of this Directive can be exempted from the provisions in Annex I, points 2, 3.1, 3.2 and 3.3 (location screening, multiple barriers, leachate collection)?

No

- 7) Does a mine operator has to prepare and submit both a general waste management plan and a mine waste management plan as well? To the same or separate authorities?

Yes, through the environmental permit. This is the same authority.

- 8) Has your national legislation transposed the Accounting Directive (2013/34/EC), with special regards its Art. 41-48 on the extractive industry? Do these rules on financial reporting appear in the concession law or mining act either?

No.

- 9) Has your national legislation transposed the Transparency Directive (2004/109/EC, 2013/50/EU), especially Article on the extractive industry? Do these rules appear in the concession law or mining act either?

See answer for the North Sea part (federal authority)

- 10) Does your competent authority ask for or check the CE marks of the exploration or extraction equipments when permitting or when having on-site inspections? Does the mining authority have a regulatory/supervision right in product safety/market surveillance in accordance with Regulation (EC) No 765/2008 of the European Parliament and of the Council of 9 July 2008 setting out the requirements for accreditation and market surveillance?

Outside the scope of inspection by the Regional authority

- 11) Do you have national or regional guidance document or a piece of legislation specific to the Environmental Impact Assessment (EIA) on mineral extraction (incl. mineral processing, waste management, closure)? If yes, please provide link and/or text in English and/or in original language.

Not for mines but for quarries, yes.

- 12) Could you please specify that at which permitting stage (value chain stage, e.g. non-penetrative prospection, exploration, setting mining plot, approving technical operation plan, starting extraction) is a detailed EIA is required in your country?

It is required for the application for an exploration or an extraction permit

- 13) Does your country apply the option of Article 4(b) of the EIA Directive (2011/92/EU) („... for projects listed in Annex II, Member States shall determine whether the

project shall be made subject to an assessment in accordance with Articles 5 to 10 ... through thresholds or criteria set by the Member State”) for mining projects? If yes, under what criteria?

Thresholds exist but the assessment is needed in any cases.

- 14) Was there any case in your country when Article 10 of the EIA Directive (2011/92/EU) was applied („limitations ... with regard to commercial and industrial confidentiality, including intellectual property, and the safeguarding of the public interest”)? Which were these exclusions, if any?

No

- 15) Do competent authorities in your country apply the IPPC permit and the Extractive Waste BREF for mining under the scope of the Industrial Emissions Directive?

For quarry, yes (no currently active mine so not relevant for now)

- 16) Furthermore, the Reference Document on Best Available Techniques for the management of tailings and waste-rock in mining activities does cover aggregates, as they don't generate tailings. Do you have national BREF(s) (Best Available Technique Reference Document(s)) specific to the whole (or stages or subsectors) minerals extractive sector?

No

Belgian part of the North Sea

- 1) Does your country have any restrictive regulation on the private or legal entities performing the duties of an exploration or extraction concessioner, operator and/or holder of mineral rights as compared to the Services Directive (2006/123/EC)?

No

- 2) Does any of your permitting documentation require the involvement/signature of a geologist or mining engineer? If yes, which are these permits? Does it require a BSc or MSc or PhD or chartered (certified) professional?

No

- 3) Do you have legislation on financial guarantees (with regard to the Extractive Waste Directive, Art. 14)? Is the cost calculation of this guarantee done by an independent third party?

In application of art. 2 (2)(b) of the Extractive Waste Directive, waste resulting from the offshore prospecting, extraction and treatment of mineral resources is excluded from the scope of the aforementioned Directive. The applicable directive is directive 2000/59/EC on port reception facilities for ship-generated waste and cargo residues. No provisions on financial guarantees are found in this directive.

- 4) Is there a list of inert mine waste published in your country in accordance with Art. 1(3) of Comm. Dec. 2009/359/EC?

Not applicable for offshore prospecting, extraction and treatment of mineral resources. See art. 2 (2)(b) of the Extractive Waste Directive.

- 5) Do you use the risk assessment of 2009/337/EC Commission Decision of 20 April 2009 on the definition of the criteria for the classification of waste facilities in accordance with Annex III of Directive 2006/21/EC of the European Parliament and of the Council concerning the management of waste from extractive industries for abandoned sites as well?

Not applicable for offshore prospecting, extraction and treatment of mineral resources. See art. 2 (2)(b) of the Extractive Waste Directive.

- 6) Has your country applied the waiver of the Landfill Directive paragraph 3 of Art. 3: MS may declare at their own option, that the deposit of non-hazardous non-inert mine waste, to be defined by the committee established under Art. 17 of this Directive can be exempted from the provisions in Annex I, points 2, 3.1, 3.2 and 3.3 (location screening, multiple barriers, leachate collection)?

Not applicable for offshore extractive industries, as art. 3 (3) of the Landfill Directive refers to management of waste from land-based extractive industries.

- 7) Does a mine operator has to prepare and submit both a general waste management plan and a mine waste management plan as well? To the same or separate authorities?

All ships of 100 gross tonnage and above, every ship certified to carry 15 persons or more, and every fixed or floating platform must carry a garbage management plan on board, which includes written procedures for minimizing, collecting, storing, processing and disposing of garbage, including the use of the equipment on board (regulation 10.2 of MARPOL Annex V). The garbage management plan must designate the person responsible for the plan and be written in the working language of the crew.

- 8) Has your national legislation transposed the Accounting Directive (2013/34/EC), with special regards its Art. 41-48 on the extractive industry? Do these rules on financial reporting appear in the concession law or mining act either?

The Accounting Directive (2013/34/EU) has been transposed, but doesn't appear in the concession law. It has been transposed in the Royal Decree of 30 January 2001 implementing the Companies Code (See art. 191/7 of the amended decree).

- 9) Has your national legislation transposed the Transparency Directive (2004/109/EC, 2013/50/EU), especially Article on the extractive industry? Do these rules appear in the concession law or mining act either?

The Transparency Directive (2004/109/EC, 2013/50/EU) has been transposed, but doesn't appear in the concession law. It has been transposed in the Royal Decree of 14 November 2007 on the obligations of issuers of financial instruments admitted to trading on a regulated market. (See art 14 of the amended decree)

- 10) Does your competent authority ask for or check the CE marks of the exploration or extraction equipments when permitting or when having on-site inspections? Does the mining authority have a regulatory/supervision right in product safety/market surveillance in accordance with Regulation (EC) No 765/2008 of the European Parliament and of the Council of 9 July 2008 setting out the requirements for accreditation and market surveillance?

Offshore, following directives apply:

Directive 2009/15/EC of the European Parliament and of the Council of 23 April 2009 on common rules and standards for ship inspection and survey organisations and for the relevant activities of maritime administrations;

Directive 2009/16/EC of the European Parliament and of the Council of 23 April 2009 on port State control;

Directive 2014/90/EU of the European Parliament and of the Council of 23 July 2014 on marine equipment and repealing Council Directive 96/98/EC.

The mining authority is not authorised to perform these inspections.

- 11) Do you have national or regional guidance document or a piece of legislation specific to the Environmental Impact Assessment (EIA) on mineral extraction (incl. mineral processing, waste management, closure)? If yes, please provide link and/or text in English and/or in original language.

Yes, the royal decree of 21 October 2018 on the rules concerning the environmental impact assessment pursuant to the Law of 13 June 1969 on Exploration and

Exploitation of the Non-Living Resources of the Territorial Sea and the Continental Shelf.

- 12) Could you please specify that at which permitting stage (value chain stage, e.g. non-penetrative prospection, exploration, setting mining plot, approving technical operation plan, starting extraction) is a detailed EIA is required in your country?

A detailed EIA is required when submitting an application for a license, whether it is for exploration or exploitation.

- 13) Does your country apply the option of Article 4(b) of the EIA Directive (2011/92/EU) („... for projects listed in Annex II, Member States shall determine whether the project shall be made subject to an assessment in accordance with Articles 5 to 10 ... through thresholds or criteria set by the Member State”) for mining projects? If yes, under what criteria?

No, the EIA is mandatory.

- 14) Was there any case in your country when Article 10 of the EIA Directive (2011/92/EU) was applied („limitations ... with regard to commercial and industrial confidentiality, including intellectual property, and the safeguarding of the public interest”)? Which were these exclusions, if any?

No

- 15) Do competent authorities in your country apply the IPPC permit and the Extractive Waste BREF for mining under the scope of the Industrial Emissions Directive?

The Industrial Emissions Directive applies to stationary installations, which ships are not. However, Directive (EU) 2016/802 of the European Parliament and of the Council of 11 May 2016 relating to a reduction in the sulphur content of certain liquid fuels, does apply.

- 16) Furthermore, the Reference Document on Best Available Techniques for the management of tailings and waste-rock in mining activities does cover aggregates, as they don't generate tailings. Do you have national BREF(s) (Best Available Technique Reference Document(s)) specific to the whole (or stages or subsectors) minerals extractive sector?

Not applicable to offshore extraction of aggregates.