

Communication par la Belgique en vue de la 49^{ème} réunion du
Compliance Committee de la Convention d'Aarhus (30/06/2015)

Communication 127 – “Consorts Maquoi-Dalemans v. Ville de Huy”

« Belgium has taken note of the communication by Maître Lebrun on behalf of Mr and Mrs Maquoi related to judicial costs they were charged to challenge a building permit granted to their neighbours. They allege that the costs of the different proceedings (13,443.73 €) are prohibitive and would infringe article 9, paragraph 3 and 4 of the Aarhus Convention.

Belgium is of the preliminary opinion that this specific case is not « somehow related to the environment » and therefore, is not falling under the scope of the Aarhus Convention. It appears there is no reason to suppose that the building permit, in this specific case, has an effect on the environment. In case the permit would have an impact on the ‘conditions of human life’, that impact would anyway be very limited and the communication should therefore be considered as de minimis.

Therefore Belgium would like requesting the Committee to examine carefully whether the present communication and the alleged non-compliance fall within the scope of the Convention. Failing that the communication should be declared inadmissible.”

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