

28 June 2019

Mr. Marc Smaers
Department of Environment and Spatial Development
Brussels, Belgium

Mr. Alain Lebrun
Lawyer
Liège, Belgium

Dear Mr. Smaers,
Dear Mr. Lebrun,

Re: Communication to the Aarhus Convention Compliance Committee concerning compliance by Belgium with the Convention in connection with timeframes for responding to information requests (ACCC/C/2015/134)

During the hearing of the above communication at its sixty-second meeting (Geneva, 5-9 November 2018), the Compliance Committee indicated that following the hearing it would send further questions for the written replies of the Party concerned and communicant. Please now find enclosed the questions prepared by the Committee for your attention.

The Committee would be very grateful to receive your replies on or before **Friday, 26 July 2019**. Please send your comments to aarhus.compliance@unece.org, copying the the other party. The other party will have three weeks from the receipt of your answer to provide the Committee with any comments it wishes to make on your reply.

Please do not hesitate to contact the secretariat if you have any questions regarding the above.

Yours sincerely,



Fiona Marshall
Secretary to the Aarhus Convention Compliance Committee

Cc: Damien Remy, Public Service of Wallonia, Belgium
Permanent Mission of Belgium to the United Nations Office and specialized organizations in Geneva

Enc: Questions from the Committee to the parties

Questions from the Committee to the parties:

I. Questions for the communicant

1. For each of the three requests for access to environmental information which are at issue in this communication (concerning the municipal swimming pool in Stavelot, the L'Eau Rouge campsite and the Francorchamps motor-racing circuit), please provide the following information:
 - (a) The date on which proceedings were instituted before the Justice de la paix;
 - (b) The date on which the Justice de la paix made his / her final determination and the details of that determination;
 - (c) The date(s) on which the environmental information requested was actually made available to the requester;
 - (d) The actual costs (e.g. lawyer's fees, judicial fees, etc.) incurred in each of the three cases for bringing proceedings before the Justice de la paix – and documentary evidence confirming these costs. Please also indicate if any judicial fees were refunded where the proceedings were successful before the Justice de la paix.
2. For each of the three requests for access to environmental information which are at issue in this communication, please specify the period of time (in months) that elapsed:
 - (a) Between the date on which the request for access to environmental information was made and the date(s) on which the information requested was actually made available to the requester;
 - (b) Between the date on which proceedings were instituted before the Justice de la paix and the date on which the Justice de la paix made his / her final determination.

II. Questions for the Party concerned

3. Please provide the text of the relevant legislative provisions that govern:
 - (a) The right to request access to environmental information from a public authority and, in particular, the provisions governing the situation where a public authority fails to reply to a request for access within the prescribed timeframe;
 - (b) The right to appeal to the *Commission de recours en matière d'accès à l'information environnementale* ("the CRAIE") and, in particular, the legal status of decisions made by the CRAIE;
 - (c) The procedures that apply before the CRAIE;

- (d) The right to bring proceedings before the Justice de la paix where a public authority fails to comply with a decision of the CRAIE.
4. Please confirm that it is free of charge to bring an appeal before the CRAIE.
 5. Please provide any official data, statistics or evidence held by the CRAIE or other relevant authority, even if in unpublished form, that demonstrates that, in the majority of cases, public authorities implement decisions of the CRAIE requiring them to release environmental information in a timely manner.
 6. Please provide any official data demonstrating the proportion of decisions taken by public authorities that are the subject of appeals to the CRAIE.
 7. What fees or charges apply in order to bring proceedings before the Justice de la paix where a public authority fails to comply with a decision of the CRAIE?
 8. Please confirm that there is no requirement to be represented by a lawyer before the Justice de la paix?
 9. Could the communicant have had recourse to the Constitutional Court and / or the Council of State with respect to the particular issues arising in this communication? If yes, please specify.
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