

DEPARTEMENT DE
L'ENVIRONNEMENT ET DE L'EAU

DIRECTION DE LA PREVENTION DES
POLLUTIONS

CELLULE BRUIT ET EVALUATION DES
INCIDENCES

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**United Nations
Economic Commission for Europe**

Implementation Committee
Convention on Environmental Impact
Assessment in a Transboundary
Context

Palais des Nations
CH-1211 GENEVA 10
SWITZERLAND

RECOMMANDE

Jambes, le 25/6/2009

Vos réf. : EIA/IC/INFO/4
Nos réf. : EIA/ESPOO/SPE/AB/ 09/178
Copy : G. PILLU Ministry of Flanders - LNE

Object : Request for information – 07 April 2009

Dear Mr. President,

In answer to your request of information regarding the public participation in the affected Party (the Netherlands) regarding a planned combined-cycle gas turbine power plant at Visé (Belgium), I have the honour to bring you the following elements.

I. Summary of the EIA procedure.

1. When a project is submitted to an EIA, the proponent shall, prior any administrative procedure and ideally prior the beginning of the EIA report, organize a public information meeting. The purpose of that meeting is to inform the population on the expected project and to give to the population the opportunity to react and to formulate reasonable alternative which have to be investigate in the EIA report.

The remarks and observations of the public can be done rally during the meeting or in writing within 15 days.

2. The EIA is conducted according to the legal requirements and taking in consideration the remarks and observations emitted by the public.

3. When the EIA is finished, the proponent introduces its request with the EIA to the competent authority and a public inquiry starts for a period of 30 days. The public inquiry is announced by an notice in two newspaper and a notice in a city bulletin or a publicity newspaper distributed free of charge to the population.

In case of transboundary impacts, the request, the EIA and any other information relating to the transboundary impacts are send to the foreign authorities with the information regarding the competent authority, the delay for the decision on the request, the method of the public inquiry



that means duration, date of beginning, authority in charge of the reception the public observations.

4. On the basis of the elements included on the request, the EIA, the results of the public inquiry and all the relevant information, the competent authority takes its decision to refuse or grant the permit with or without condition. When the decision has been taken, a copy of the decision is send to the authorities mentioned here above.

4. On the basis of the elements included on the request, the EIA, the results of the public inquiry and all the relevant information, the competent authority takes its decision to refuse or grant the permit with or without condition. When the decision has been taken, a copy of the decision is send to the authorities mentioned here above.

II. Transboundary consultations.

1. Regarding the information meeting, there were 2 meetings. The first one was scheduled for the 15/06/2007 but due to a municipality event it has been postponed and then was held in Visé the 12/07/2007.

At the request of the municipality of Visé, a second but informal meeting was held the 21/08/2007.

Though the Walloon legislation doesn't force to invite the foreign authorities or public the proponent, whom is responsible for the organization of the meeting, has in this particular case officially invited authorities from Flanders and the Netherlands (see attachments):

Minister-President of the Flemish Region Mr. Yves LETERME

Minister of the environment of the Flemish Region Mr. Kris PEETERS

Minister of the economy in the Netherlands Mrs. Maria VAN DER HOEVEN

Minister of the environment in the Netherlands Mrs. Jacqueline CRAMER

Burgomaster of the municipality of Voeren (Flemish Region)

Burgomaster of the municipality of Eijsden (the Netherlands)

A notice was also published in 4 newspapers of the Flemish Region :
Het Nieuwsblad, Het Belang van Limburg, De Standaard and De Weekkrant
and 2 Dutch newspapers
De Etalage and Limburgs dag blad.

For the second informal meeting, a notice has been published in the same newspapers mentioned here above.

Please note that for those two meetings, the presentation has been made in French and Dutch languages so every participant were have the possibility to understand the explanations and to express its opinion in its mother language.

2. Taking into consideration the remarks and observations of the citizens without any difference of their residence, the project has been revised and the EIA has been conducted accordingly.

3. The request for the permit has been introduced the 22/08/2008 and according to the law, the advices has been requested the 09/09/2008 by recorded delivery with acknowledgement of receipt (see attachments) to the :

Ministry of the environment in the Flemish Region (favourable under conditions))

Province of Limburg in the Netherlands (favourable)

Flemish department of the environment, nature and energy (some remarks)

Municipality of Voeren in the Flemish Region (no answer)
Municipality of Eijsden in the Netherlands (unfavourable)

It is of course their own responsibility to organize or not a public inquiry on their territory.

Note that even it is not required by the Espoo convention the proponent send to the Netherlands authorities the non technical summary translated into Dutch.

4. After reception of the different notices from the Walloon Region, the Flemish Region and Dutch authorities and taking in due consideration the remarks and observations, the competent authority has granted the permit and the notification of this decision has been transmitted to the authorities mentioned here above.

The notice mentioned the possibility of appeal according to the article 95 of the decree of March 11 1999 relating to the environment permit. The burgomaster of Eijsden, IVN Vereniging voor Natuur en Milieueducatie (Eijsden), Mr. Wiely Philippens (Eijsden) and Stichting Wienplantaasj Sjtejneberg (Eijsden) have bring an action on that consent. This is actually on the way.

At the question to know if there were any bilateral agreements governing the transboundary EIA procedure, I have to respond NO but there are unofficial agreement which consists to send a request for advice to the municipalities likely to be affected, to the Governor of the Limburg province and to the Minister of the environment in Den Haag.

I hope that those explanations are liable to prove that the Walloon Region has fulfil its obligations next to Espoo Convention.

Yours sincerely,



Alain Bozet

Attachments : Copy of invitation for the first information meeting
Copy of the newspapers advertisement for the 2 information meetings
Copy of the advise requests
Copy of the notification of the decision