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Accompanying the document  
Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions  
Environmental Implementation Review 2022: ***Turning the tide through environmental compliance***

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**Environmental Implementation Review 2022  
Country Report - BELGIUM**

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**Environmental Implementation Review 2022: *Turning the tide through environmental  
compliance***

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## Executive summary

In previous environmental implementation reviews (EIRs), the Commission identified three main challenges for Belgium's implementation of EU environmental policy and law. These three challenges were:

- managing the **Natura 2000 network** towards favourable conservation status for all species and habitats, taking into due account external pressures and threats (such as atmospheric nitrogen emissions), as well as investing in further nature-restoration measures on the basis of the site-level objectives for species and habitats;
- improving **air quality**, in particular nitrogen oxide levels (NO and NO<sub>2</sub>) in urban areas and the transport sector, by both reducing traffic congestion and improving the monitoring of air quality;
- addressing **water pollution from urban waste water and from nitrates** (i.e. manure and fertilisers in Wallonia and nutrient pollution in Flanders) and tackling chemical pollution.

On the **Natura 2000** network, Belgium has made significant progress in recent years with 38 Natura 2000 sites designated as special areas of conservation (SACs). The main challenge in Belgium is now to ensure favourable conservation status for habitats and species, since 74% and 49% of the assessments for respectively habitats and species indicate an “unfavourable-bad” status during the last reporting period under the Habitats Directive. The situation with the EU-protected habitats is the worst in the EU with more than 95 % of habitats in unfavourable conservation status. Furthermore, the situation for Belgian forested areas protected under the Nature Directives is worrisome, as more than half of assessments for these areas show a bad conservation status. Moreover, adoption of conservation measures in marine sites remains challenging, as these measures often imply restrictions to fishing methods (beam trawling) which can only be adopted under the common fisheries policy.

There has been limited progress on **air quality**, with measures taken to reduce NO<sub>2</sub> concentrations. Belgium still fails to ensure compliance with the limit values for NO<sub>2</sub> in one main urban zone, Antwerp. To tackle NO<sub>2</sub> pollution, Belgium has taken further action to reduce air pollution and also decided to set up new air quality monitoring stations. Moreover, Belgium has an average risk of non-compliance with its national ammonia reduction commitment, both for the period 2020-2029 and for 2030 and beyond. This is because agriculture is the main source of ammonia. Strong pressures are being exerted on ecosystems and biodiversity by: (i) intensive

agriculture in Flanders; (ii) growing transport activity, notably to/from Antwerp port; and (iii) relatively high population density in the Flanders and Brussels regions. Actions under the national air pollution control programme (NAPCP) to reduce the main emission sources are needed.

On **water management**, there has been limited and slow progress in reducing the number of non-compliant agglomerations under the Urban Waste Water Treatment Directive in Wallonia. On nitrates, available reports show increasingly worrying water quality trends in Flanders, so additional measures and stronger actions are urgently needed. For Wallonia, the review of nitrates action programmes has fallen behind.

Widespread **flooding** recently devastated the southern part of Belgium, killing many people and causing significant economic damage. These floods suggest that Belgium - and Wallonia in particular - should implement up-to-date preliminary flood-risk assessments and identify areas of significant flood risk.

Belgium continues to make efficient use of EU funds and loan opportunities in particular to support the **circular economy, especially through its recovery and resilience plan (RRP)**. Belgium is one of the EU's best performers on resource productivity, the use of secondary materials and waste management. However, there are differences in the rates of separate collection of waste between the regions. Further progress could be made by introducing new economic instruments to prevent waste by avoiding the incineration of reusable or recyclable waste — especially in the Brussels region — and by making the reuse and recycling of waste more economically attractive.

Belgium's environmental financing for investments came to 0.71% of GDP in 2014-2020, mostly based on national sources. In 2021-2027, the country's environmental investment needs are estimated to be at least 0.85% of GDP, suggesting an environmental financing gap of at least 0.14% of GDP (above baseline financing level). This gap will need to be addressed by mobilising further financial resources to back environmental implementation priorities.

## Part I: Thematic areas

### 1. Circular economy and waste management

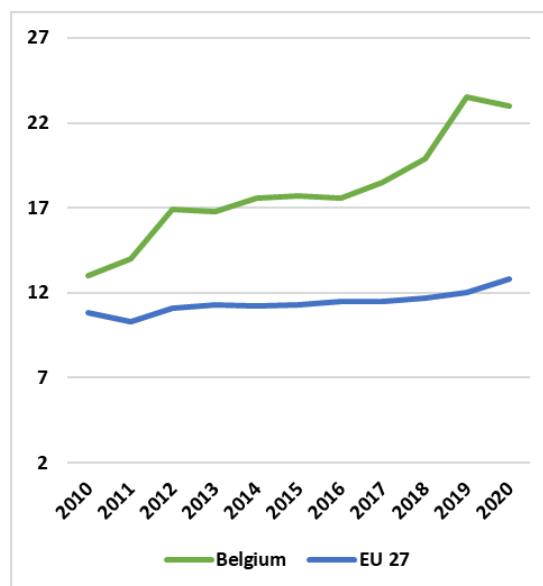
#### Measures towards a circular economy

The new circular economy action plan adopted in March 2020 is one of the main building blocks of the European Green Deal. The EU's transition to a circular economy will reduce pressure on natural resources and will create sustainable growth and jobs. It is also a prerequisite to achieve the EU's 2050 climate neutrality target and to halt biodiversity loss. The action plan announces initiatives along the entire life cycle of products, aiming to reduce the EU's consumption footprint and to double the EU's circular material use rate by 2030. It targets how products are designed, promotes circular economy processes, encourages sustainable consumption, and aims to ensure that waste is prevented and the resources used are kept in the EU economy for as long as possible.

The circular-material-use rate is a good indicator of an economy's circularity, as it includes all the materials that are fed back into our economy. Large differences in the circularity rate exist between countries. To help achieve the goal in the EU's circular economy action plan of doubling the EU's circular material-use rate by 2030, ambitious measures targeting the whole product life cycle are needed at Member States' level. Such measures range from sustainable product design that makes it possible to increase the durability, reparability, upgradability and recyclability of products, to other measures like: (i) "remanufacturing"; (ii) increasing circularity in production processes; (iii) recycling; (iv) boosting eco-innovation; and (v) increasing the uptake of green public procurement.

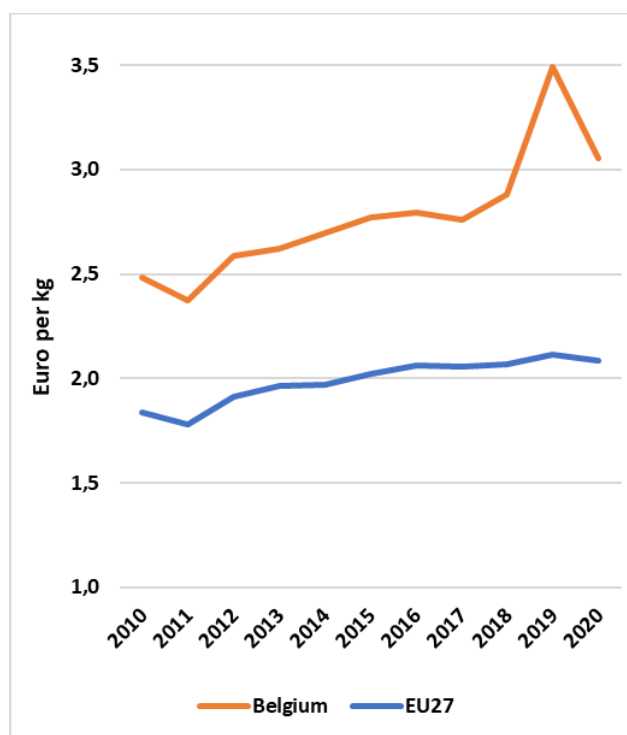
Figure 1 shows that the circular (secondary) use of material in Belgium was 18.9% in 2016 and 23% in 2020, well above the EU average of 12.8%. Belgium has also made good progress in improving its circular secondary-material usage in recent years, such that it is now the EU's second most advanced country for circular secondary material usage, just behind the Netherlands (30.9%) and slightly ahead of France (22.2%).

Figure 1– Circular material use rate (%), 2010-2020<sup>1</sup>



Resource productivity expresses how efficiently the economy uses material resources to produce wealth. Improving resource productivity can help to minimise negative impacts on the environment and reduce dependency on volatile raw material markets. As shown in Figure 2, Belgium generated EUR 3.06 per kg of material consumed in 2020, putting Belgium well above the EU's average for resource productivity of EUR 2.09 per kg. However, the latest figures show there has recently been a decline in Belgian resource productivity.

<sup>1</sup> Eurostat, [Circular Economy Monitoring Framework](#).

Figure 2: Resource productivity 2010-2020<sup>2</sup>

### Circular economy strategies

The Commission encourages Member States to adopt and implement national/regional circular-economy strategies covering the whole life cycle of products. This is because, such strategies are one of the most effective ways to progress towards a more circular economy. Since the launch of the European Circular Economy Stakeholder Platform in 2017<sup>3</sup>, national, regional or local authorities have used the platform to share their strategies and roadmaps.

Belgium adopted in December 2021 a new full-fledged action plan for the circular economy 2021-2024 at the federal level. This plan aims to seize the opportunities related to the circular economy in terms of innovation, job creation and competitiveness in Belgium. This plan, and the transition to a circular economy in general, also aims to combat climate change, biodiversity loss and environmental degradation. Through this plan, the federal state will activate the levers and competences at its disposal, in particular product policy, consumer protection policy, public procurement, tax policy, and the National Recovery and Resilience Plan. In addition,

regional plans are the driving force behind Belgium's transition at the policy level.

In the Brussels Capital Region, the regional government adopted a circular-economy regional plan (BRPCE) in 2016 with 111 measures laying out a strategy to transition from a linear to a circular economy by 2025. The BRPCE sets a ten-year implementation framework to move Brussels' economy towards a circular model. To ensure the BRPCE is kept up-to-date and remains relevant, it is revised every 18 months. From April 2022, the BRPCE will be included in the regional strategy for the economic transition. The enclosed action plan will be revised and adapted every 2 years. The Renolution Strategy<sup>4</sup> aims as a complement to transform the Brussels construction model into a circular model.

In Wallonia, building on the *Plan wallon des déchets-ressources* adopted in 2018, a regional circular economy strategy, 'Circular Wallonia', was launched on 21 January 2020. This strategy used a participatory process to take a systemic approach to the transition towards a circular economy. The "Circular Wallonia" strategy was adopted on 4 February 2021 and is guided by 10 ambitions. It identifies six priority value chains: construction and buildings; plastics; metallurgy (including rare/critical metals and batteries); water; textiles; and food industry and food systems. In 2022, Wallonia has begun the implementation phase of its Circular Wallonia strategy by prioritizing actions and measures within the 6 priority value chains.

In Flanders, the 'Vision 2050' strategy was approved in 2016. Vision 2050 highlights seven transitions that Flanders must make by 2050, with the circular economy being one of these seven transitions. To develop the circular economy, the Flemish government approved a starting paper, *Transitie Circulaire Economie*, at the end of February 2017. This starting paper, focused on the circular city, circular purchasing and circular enterprises. To promote circular public procurement, the Flemish government has also launched a "green deal". The Flemish Regeer Agreement 2019-2024<sup>5</sup> and several policy papers confirm the importance of the transition to a circular economy to: (i) futur-proof the Flemish economy; (ii) better meet the needs for raw materials and water; and (iii) maximise social well-being while reducing society's environmental footprint. Flanders has the ambition to move towards a circular economy. The Flemish Energy and Climate Plan<sup>6</sup> sets an ambition to

<sup>2</sup> Eurostat, [Resource productivity](#).

<sup>3</sup> [Circular Economy Stakeholder Platform](#)

<sup>4</sup> <https://renolution.brussels/fr>

<sup>5</sup> <https://www.vlaanderen.be/publicaties/regeerakkoord-van-de-vlaamse-regering-2019-2024>

<sup>6</sup> <https://energiesparen.be/vlaams-energie-en-klimaatplan-2021-2030>

reduce Flanders' material footprint by 30 % by 2030 and to drastically reduce greenhouse-gas emissions by 2030. To accelerate the transition to a circular economy the public-private partnership Circular Flanders was established in 2017, in co creation with industrial partners, knowledge institutions, public administrations, financial institutions, local authorities and civil society<sup>7</sup>.

Another Flemish policy initiative to address waste and the circular economy is the 2016-2022 implementation plan for household waste and comparable industrial waste, which contains waste-reduction targets for different waste streams as well as targets for the reuse of certain materials. Actions on textiles (separate collection and reducing landfill waste) are also included in the Implementation plan. A new plan is currently developed. Also the Action Plan Circular Food Loss and Biomass (Residual) Flows 2021-2025 was approved in April 2021. This action plan will encourage the prevention, the separate collection and recycling of food loss and biomass residues in order to reduce costs and resource use. This plan offers a framework for the government and stakeholders to close the loop of food loss and biomass (residual) flows and to reach the Flemish and European targets in the period 2021-2025. In addition, a new Action Plan on Plastics 2020-2025 includes 33 actions to increase circularity in the plastics economy spread across 4 areas: (i) the prevention of plastic litter, which includes an integrated action plan on marine litter; (ii) the reduction and efficient use of plastics, focusing on eco-design; (iii) the creation of a sustainable recycling market; (iv) promoting plastics as a fully-fledged secondary raw material. Flanders has also set up a programme called Materials Management in Circular Building Policy. This program encourages cooperation between government and the construction sector to ensure the sustainable management of materials in the construction sector. It addresses five themes, and efforts are bundled into action programmes that run for 2 years, the first of which was concluded in 2016. The third action programme is now ongoing.

On reforms related to Belgium's recovery and resilience plan (RRP), the Flemish Government's relance plan for Flemish Resilience<sup>8</sup> aims to support an accelerated shift towards a maximum circular economy. On the basis of this relaunch plan, resources will be made available at European level to support the circular transition. The Belgium Builds Back Circular federal investment plan will invest EUR 28.97 million from 2022 to 2026 in order to stimulate research and development in companies and research institutions on the following three pillars: eco-

design, substitution of substances of concern and raising awareness and informing SMEs about circular economy.

Overall, Belgium has made progress in strengthening its circular-economy policy framework.

Many LIFE projects in Belgium promote the circular economy. For example, the LIFE project FARBioTY<sup>9</sup> supports the circular economy in the transportation industry, while the LIFE project Green Valleys<sup>10</sup> connects the circular economy with the conservation of natural habitats and biodiversity. The integrated LIFE project Smartlife commits to closing material loops, with a strong focus on plastics, in order to further reduce residual waste and create a litter free environment<sup>11</sup>.

### Eco-innovation

A successful transition to a circular economy requires social and technological innovation. This is because the full potential of the circular economy can only be reached when it is implemented across all value chains. Eco-innovation is an important enabling factor for the circular economy. New approaches to product design and new business models can help to produce systemic circularity innovations, creating new business opportunities.

Following its steep decline in eco-innovation performance between 2013 and 2015, Belgium has not been able to recover its previous levels of performance. It is now ranked 16th in the EU countries on the 2021 Eco-Innovation Scoreboard, with only average eco-innovation performance. Belgium scores close to the EU average for eco-innovation inputs, activities, outputs and resource efficiency outcomes. However, the country's socioeconomic indicators show that Belgium has one of the lowest scores among all Member States for socioeconomic outcomes from eco-innovation. With an average score of 36, Belgium lagged behind other EU countries for socioeconomic outcomes in 2019 (e.g exports of products from eco-industries, employment in the circular economy), and was relatively far from the EU's average score of 100. There are notable regional initiatives on the circular economy in Belgium<sup>12</sup>.

Belgium is ranked 19th in the EU-27 for revenues generated in eco-industries. These revenues represent 1.87% of total revenue across all companies (the EU average is 2.22%). Of the main drivers of eco-innovation in Belgium, the most significant include: (i) the integration of eco-innovation and sustainability goals into industrial and economic policies; (ii) the growing demand

<sup>7</sup> <https://vlaanderen-circulair.be/en>

<sup>8</sup> <https://www.vlaanderen.be/publicaties/relanceplan-vlaamse-regering-vlaamse-veerkracht>

<sup>9</sup> <https://www.life-farbioty.eu/>

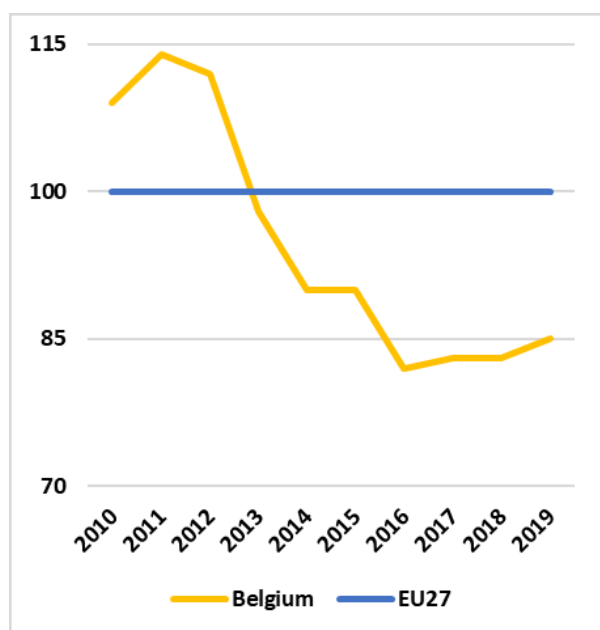
<sup>10</sup> <https://www.natuurpunt.be/pagina/introduction-life-green-valleys>

<sup>11</sup> <https://ovam-english.vlaanderen.be/web/cmartlife>

<sup>12</sup> European Commission, [Country Report European Semester 2020 – p.70 \(SWD 2020/500 final\)](#).

for green technology, products and local markets for recycling; (iii) the country's highly performing education system and (iv) the existence of supporting institutions. Nevertheless, eco-innovation in Belgium is hindered by: (i) difficulties imposed by inter-regional coordination; (ii) a lack of eco-innovation and circular economy related skills in SMEs and (iii) a limited control over product design for most products entering the market.

**Figure 3: Eco-innovation performance, 2010-2019<sup>13</sup>**



### Green public procurement (GPP)

Public procurement accounts for a large proportion of European consumption, with public authorities' purchasing power representing around 14% of EU GDP. Public procurement can help drive the demand for sustainable products that meet reparability and recyclability standards. At present, reporting to monitor the uptake of green public procurement (GPP) is voluntary.

In Belgium, a detailed strategy on sustainable public procurement (SPP) has been in place for the federal government departments since 2014, combining the green and social aspects of public procurement. A revision of this strategy is announced by 2022. Specific regulations in the context of SPP were adopted for wood (2005), vehicles (2009 & 2010 & 2022) and energy

efficiency (2013), with specific legislative and policy documents in the country's three regions and at federal level.

GPP criteria have been developed by Flanders and at federal level thanks to initiatives by several departments. In most cases, the EU GPP criteria are the basis for national-level discussions with stakeholders. To date, federal GPP/sustainable criteria have been developed for about 70 product and service groups.

The Flemish region integrated responsible public procurement in the overall strategy on procurement of the Government of Flanders. The strategy urges procurers to evaluate opportunities for sustainability in every contract.

The Brussels Capital Region has a framework with three levels: development of references e.g. for clean vehicles and sustainable buildings construction and renovation; providing information, training sessions and helpdesk advice; establishing a mandatory framework for the public authorities dependent on the Brussels region.

On 4 February 2021, Wallonia adopted his first strategy for the Circular Economy. Public procurement is here identified as a lever to initiate Wallonia's transition to a circular economy. Wallonia displays different ambitions by 2025 such as:

- 50% of relevant public procurement contracts will integrate circular economy principles or circular criteria.
- 75% of public information and communications technology (ICT) contracts will be circular and ethical.
- All public demolition/deconstruction contracts and subsidized contracts will include a materials inventory and selective deconstruction.
- Reuse materials will be used in all public works contracts and progressively in works subsidized by the Walloon Region.

### EU Ecolabel and the eco-management and audit scheme (EMAS)

The number of EU ecolabel products and EMAS-registered<sup>14</sup> organisations in a given country provides some indication of the extent to which the private sector and national stakeholders in that country are actively engaged in the transition to a circular economy. It also shows how committed public authorities are to

<sup>13</sup> European Commission - Directorate-General for Environment (DG ENV), Eco-innovation Observatory, [Eco-innovation index](#).

<sup>14</sup> EMAS is the European Commission's Eco-Management and Audit Scheme, a programme to encourage organisations to behave in a more environmentally sustainable way.

supporting instruments designed to promote the circular economy.

As of September 2021, Belgium had 5582 products out of 83 590, and 54 licenses out of 2 057, registered in the EU ecolabel scheme, showing a good take-up of the products and licences<sup>15</sup>. Moreover, 55 organisations, amounting to 744 sites from Belgium are currently registered in EMAS, the European Commission's eco-management and audit scheme<sup>16</sup>. Since the last report in 2019, there have been 3 525 new registrations of EU ecolabel products from Belgium, and 5 new licences. For EMAS, there were 5 fewer registrations in Belgium in 2020 than in 2019.

## Waste management

Turning waste into a resource requires:

- (i) full implementation of EU waste legislation, which includes the waste hierarchy, the need to ensure separate collection of waste, the landfill diversion targets etc;
- (ii) reducing waste generation per capita in absolute terms;
- (iii) limiting energy recovery to non-recyclable materials and phasing out the landfilling of recyclable or recoverable waste.

This section focuses on the management of municipal waste<sup>17</sup> for which EU law sets mandatory recycling targets.

Preventing products and materials from becoming waste for as long as possible is the most efficient way to improve resource efficiency and to reduce the environmental impact of waste. Waste prevention and reuse are the most preferred options and are therefore at the top of the waste hierarchy. The amount of municipal waste generated is a good indicator of the effectiveness of waste prevention measures.

After a downward trend, municipal waste<sup>18</sup> generation in Belgium started to increase again in recent years (Figure 4). It came to 416 kg/year/inhabitant in 2020<sup>19</sup>. However, this was still below the EU average (505 kg/year/inhabitant).. In 2020, waste generation was

<sup>15</sup> European Commission, [Ecolabel Facts and Figures](#).

<sup>16</sup> As of May 2018. European Commission, [Eco-Management and Audit Scheme](#).

<sup>17</sup> Municipal waste consists of mixed waste and separately collected waste from households and from other sources, where such waste is similar in nature and composition to waste from households. This does not affect the allocation of responsibilities for waste management between the public and private sectors.

<sup>18</sup> Municipal waste consists of waste collected by or on behalf of municipal authorities, or directly by the private sector (business or private non-profit institutions) not on behalf of municipalities.

<sup>19</sup> [Eurostat, 2021](#)

around 476 kg/year<sup>20</sup> around 448 kg/year/inhabitant in Wallonia (2020<sup>21</sup> and around 700 kg/year<sup>22</sup> in the Brussels Capital Region.

**Figure 4: Municipal waste by treatment in Belgium, 2010-2020<sup>23</sup>**

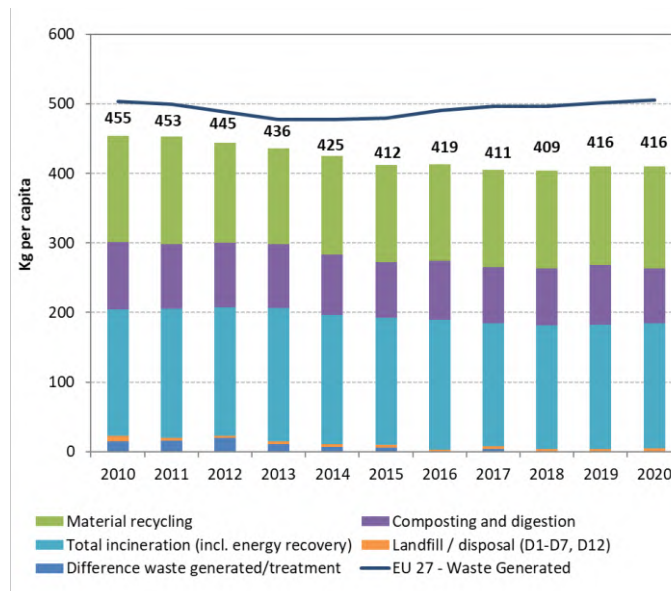


Figure 4 also shows municipal waste by treatment type, in kg per capita. The situation varies by region, but managing waste efficiently remains a significant challenge for Belgium, and especially for the region of Brussels.

All three Belgian regions already have a system in place that taxes incinerated waste and they all encourage heat recovery from waste incineration. Further progress could be made by introducing new economic instruments to prevent waste by: (i) avoiding the incineration of reusable or recyclable waste — especially in the Brussels Capital Region; and (ii) making the reuse and recycling of waste more economically attractive.

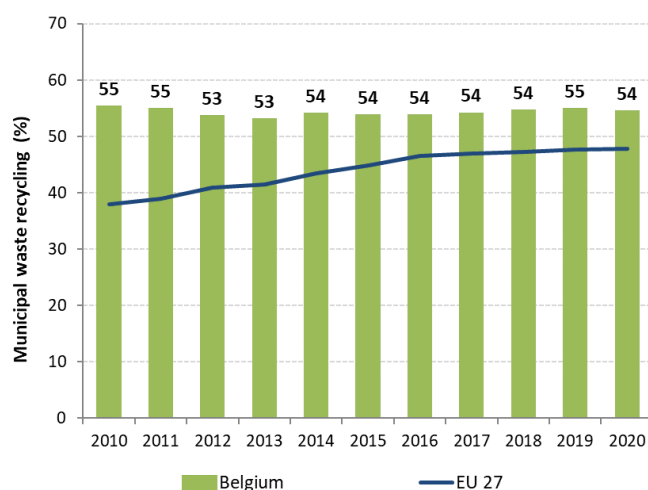
However, Belgium's overall performance in waste generation and management, is good. This can be seen by taking into account the indicator for the recycling and circular material use combined with the country's production of waste per capita, which is below the EU average.

<sup>20</sup> <https://ovam.vlaanderen.be/cijfers-huishoudelijk-afval-en-gelijkaardig-bedrijfsafval>

<sup>21</sup> [State of Environment report – Wallonia 2017](#) p.101

<sup>22</sup> Plan de Gestion des Ressources et des Dechets, [2018](#), page 15

<sup>23</sup> Eurostat, [Municipal waste by waste operation](#), april 2022.

**Figure 5: Recycling rate of municipal waste, 2010-2020<sup>24</sup>**

Belgium is one of the EU's top performers in waste management, with a recycling rate for municipal waste of 54.7% in 2019 (EU average 47.7%), of which 21% is composting waste. This means that Belgium has already met the EU's 2020 target to recycle 50% of municipal waste. However, there are differences in separate-collection rates (i.e. the percentage of waste streams that are collected separately to facilitate recycling) between the regions. The Brussels Capital Region only had a separate-collection rate of 37% in 2017, much worse than Flanders and Wallonia, both of which had separate-collection rates of 70%). This can be attributed to the particularity of the Region, which is only an urban area where sorting is often more complex than in rural areas. The Resource and Waste Management Plan provides measures to improve the performances despite the complex situation.<sup>25</sup> Belgium and especially Flanders have focused on collecting waste separately and on recycling waste over the past ten to fifteen years. However, the market for recycled products is still limited and needs to grow to provide economic opportunities for the separate-collected and recycled products. In addition, recycled products and secondary recycled materials have to compete with non-recycled and primary raw materials. A recent trend has been that more complex products are being placed on the market, making it more challenging to repair, dismantle or recycle them. There is also a lack of transparency about the contents of products, making recycling more difficult.

<sup>24</sup> Eurostat, [Recycling rate of municipal rate](#), april 2022.

<sup>25</sup> European Commission, [Country Report European Semester 2020](#), p.69. The following benchmark of ACR+ confirm this hypothesis: [https://document.environnement.brussels/opac\\_css/elecfile/RAP\\_2020\\_BenchmarkACR.pdf](https://document.environnement.brussels/opac_css/elecfile/RAP_2020_BenchmarkACR.pdf)  
[https://app.bruxellesenvironnement.be/multimedia/ZeroWasteFastForward\\_Colloque-11022020.pdf](https://app.bruxellesenvironnement.be/multimedia/ZeroWasteFastForward_Colloque-11022020.pdf)

(slide 189, Source : ACR+)

Belgium will need to make further efforts will be needed to meet the more ambitious recycling targets for the period up to 2035<sup>26</sup>, in particular the related target to reduce the incineration of municipal waste, which has remained at the same level since 2017 (42.8 %).

Belgium has only one mechanical biological treatment plant in operation due to its low levels of separate collection of waste. Both Flanders and Wallonia report that around 70% of their municipal waste is collected separately<sup>27</sup>, whereas the Brussels Capital Region reports that only around 37% is collected separately<sup>28</sup>. In 2017, the Brussels region extended separate collection to include voluntary separate collection of kitchen waste in an attempt to improve its recycling rate. Furthermore, all three regions have banned the use of lightweight plastic bags. In 2019, Belgium had the highest recycling rate for packaging in Europe (84.2% according to Eurostat), well above the EU average (64.8%)<sup>29</sup>.

### Implementation of the 2018 waste legislative package

By 5 July 2020, EU Member States were required to bring their national laws into line with changes included in the revised Waste Framework Directive, the Packaging and Packaging Waste Directive and the Landfill Directive<sup>30</sup>. By July 2021 Belgium had still not done this for the Landfill Directive and the Waste Framework Directive. For this reason, the Commission sent a reasoned opinion urging Belgium to fully transpose the new EU rules on waste into national legislation. Belgium eventually notified its transposition of the Packaging and Packaging Waste Directive to the Commission. The Commission is now conducting conformity assessment of this transposition. Waste management plans and waste prevention programmes are instrumental for the full implementation of EU waste legislation. These plans and programmes set out key provisions and investments to ensure compliance with existing and new legal requirements (e.g. on waste prevention; on separate collection for a number of specific waste streams; on recycling targets; and on landfill targets). Belgium was due to submit revised waste-management plans and waste-prevention programmes by 5 July 2020.

<sup>26</sup> Directive (EU) 2018/851, Directive (EU) 2018/852, Directive (EU) 2018/850 and Directive (EU) 2018/849

<sup>27</sup> OVAM, 2020, p. 25; Vivre la Wallonie [No 35](#), p. 15

<sup>28</sup> Plan de Gestion des Ressources et des Déchets

<sup>29</sup> Eurostat, 2019

<sup>30</sup> Directive (EU) 2018/851, Directive (EU) 2018/852, Directive (EU) 2018/850 and Directive (EU) 2018/849 amend the previous waste legislation and set more ambitious recycling targets for the period up to 2035.

The most recent resource and waste management plan (Plan de Gestion des Ressources et des Déchets - RWMP) was adopted by the Government of the Brussels Capital Region on 15 November 2018. The RWMP addresses the issue of sober and responsible consumption upstream, as well as traditional waste management downstream, including new practices of a collaborative economy and sharing at intermediate levels. The general objectives of the RWMP are threefold:

- anchoring a transformation to more sustainable and circular consumption practices;
- maximising the preservation and recovery of materials, if possible locally;
- training the supply side of the economy to become circular.<sup>31</sup>

It is under assessment by the Commission services. The revision for waste management plans for Flanders is still ongoing. Belgium has not notified with the Commission its updated Waste Management Plan for Wallonia.

#### 2022 priority actions

- Shift reusable and recyclable waste away from incineration, including through economic instruments.
- Ensure that regional waste management plans in line with the revised Waste Framework Directive are in place.

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<sup>31</sup> Brussels Environnement website: <http://www.environnement.brussels/thematiques/dechets-ressources/action-de-laregion/plan-dechets>

## 2. Biodiversity and natural capital

The 2030 EU biodiversity strategy adopted in May 2020 aims to put the EU's biodiversity on a path to recovery and sets out new targets and governance mechanisms to achieve healthy and resilient ecosystems.

In particular, the strategy sets out ambitious targets to:

- (i) protect a minimum of 30% of the EU's land area and 30% of its sea area and integrate ecological corridors, as part of a true trans-European nature network;
- (ii) strictly protect at least a third of the EU's protected areas, including all remaining EU primary and old-growth forests;
- (iii) effectively manage all protected areas, defining clear conservation objectives and measures, and monitoring them appropriately.

The strategy also sets out an EU nature restoration plan – a series of concrete commitments and actions to restore degraded ecosystems across the EU by 2030, and manage them sustainably, addressing the key drivers of biodiversity loss.

The Habitats and Birds Directives are key legislative tools to deliver on the strategy's targets and are the cornerstone of the European legislation aimed at conserving the EU's wildlife<sup>32</sup>.

The Interministerial Conference of the Environment is made up of the environment ministers of: (i) the federal government; (ii) the three regions (Flanders, the Brussels Capital Region and Wallonia); and (iii) the three language communities (Flemish-speaking, French-speaking and German-speaking). In November 2013, the Interministerial Conference updated the national strategy for biodiversity (initially adopted in 2006). This national strategy summarises the responsibilities of different governments in Belgium with a view to meeting the commitments made at European and international levels. The national strategy also aims to identify priority environmental policy areas, long-term objectives until 2020 and Belgium's vision for the environment by 2050.

The strategy has a vision and a general objective that are in line with the EU's strategic plan for the Convention on Biological Diversity and the EU's own biodiversity strategy to 2020. The long-term objective for nature and biodiversity referred to in Belgium's national strategy relates to the establishment of protected areas: the aim is for national protected areas and Natura 2000 sites to make up 17% of Belgium's land area and 10% of the country's marine area. The national strategy also aims to restore at least 15% of degraded ecosystems.

<sup>32</sup> These should be strengthened by the Nature Restoration Law, according to the new EU Biodiversity Strategy.

### Nature protection and restoration

Natura 2000<sup>33</sup>, the largest coordinated network of protected areas in the world, is the key instrument to achieve the objectives in the Birds and Habitats Directives. These objectives are: (i) to ensure the long-term protection, conservation and survival of Europe's most valuable and threatened species and habitats; and (ii) to maintain or restore the favourable conservation status of these species and habitats. Key milestones towards meeting the objectives of the Birds and Habitats Directives are: (i) the setting up of a coherent Natura 2000 network; (ii) the designation of sites of community importance (SCIs) as special areas of conservation (SACs)<sup>34</sup> and (iii) the setting of site-specific conservation objectives and measures for all Natura 2000 sites.

### Setting up a coherent network of Natura 2000 sites

The implementation of the EU Birds and Habitats Directives and the setting up of the Natura 2000 network are regional responsibilities in Belgium, shared between the Flanders, the Wallonia and the Brussels-Capital Region. The Natura 2000 network in Belgian marine waters is a federal competence.

Belgium is home to 59 habitat types<sup>35</sup> and 86 species<sup>36</sup> covered by the Habitats Directive. The country also hosts breeding populations of 188 bird taxa, 83 of which are listed in Annex I of the Birds Directive<sup>37</sup>.

By January 2022, 12.7% of the national land territory of Belgium was covered by Natura 2000 sites (EU average 18.5%), with special protection areas (SPAs) classified under the Birds Directive covering 10.4% (EU average 12.8%) and special areas of conservation (SACs) under

<sup>33</sup> Natura 2000 comprises Sites of Community Importance (SCIs) designated under the Habitats Directive as well as special protection areas (SPAs) classified under the Birds Directive; figures of coverage and non-coverage do not add up to 100% due to the fact that some SCIs and SPAs overlap. A special area of conservation (SAC) is a SCI designated by the Member States.

<sup>34</sup> SCIs are designated under the Habitats Directive whereas SPAs are designated under the Birds Directive; figures of coverage and non-coverage do not add up to 100% due to the fact that some SCIs and SPAs overlap. A special areas of conservation (SAC) is an SCI designated by the Member States.

<sup>35</sup> EEA, [Article 17 dashboard](#), Annex I total, 2019.

<sup>36</sup> EEA, [Article 17 dashboard](#), Annex II + Annex IV excluding those in Annex II + Annex V excluding those in Annex II, 2019. This counting only takes into account species and habitats for which assessment of conservation status was requested.

<sup>37</sup> EEA, [Article 12 dashboard](#), Annex I, 2020. This counting only takes into account birds taxa for which information was requested.

the Habitats Directive covering 10.7% (EU average 14.2%) of the territory.

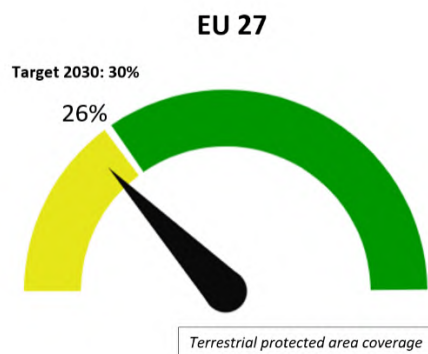
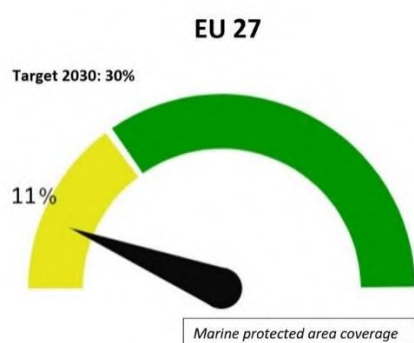
The coverage of the Belgian marine part of the North sea by Natura 2000 sites is 1 317 km<sup>2</sup> (38% of the Belgian marine area), combining 2 SACs (covering 1 178 km<sup>2</sup> or 34% of the marine area) and 3 SPAs (covering 316 km<sup>2</sup> or 9% of the marine area).

Considering both Natura 2000 and other nationally designated protected areas, Belgium legally protects 14,60% of its terrestrial areas (EU 27 coverage 26,4%) and 36,80% of marine areas (EU 27 coverage 10,7%)<sup>38</sup>.

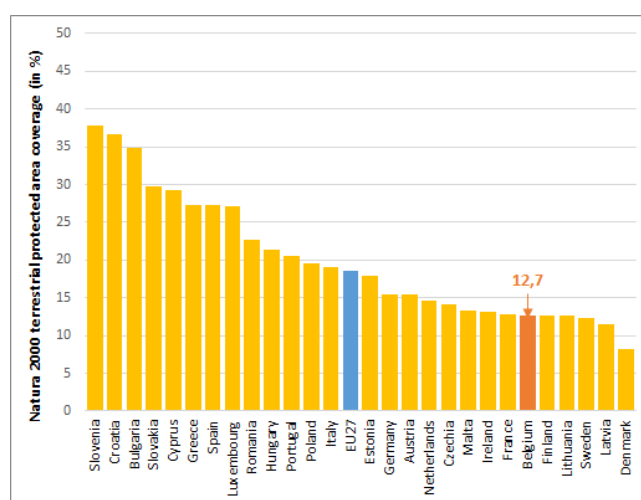
The EU’s assessment of the sufficiency of the SAC network has not been updated for the last 5 years. For this reason, published EU-level data on the sufficiency of the network are not up-to-date. Given the significant updates of the Natura 2000 Standard Data forms that the Belgian authorities have undertaken during this period, it is likely that the remaining insufficiencies of the Belgian Natura 2000 network have mostly been resolved by now. Since the re-designation of the “Vlakte van de Raan” SCI, network sufficiency can also be assumed for the marine part of the network of sites under the Habitats Directive.

The contribution of Belgium on the territorial protected area target is less than the EU average. However, for marine protected area, Belgium ranks above the 30% EU target. Therefore, efforts are still to be made regarding terrestrial protected areas.

**Figure 6: EU-27 marine & terrestrial protected area coverage, 2021<sup>39</sup>**



**Figure 7: Natura 2000 terrestrial protected area coverage, 2021<sup>40</sup>**



**Designating SACs and setting conservation objectives and measures**

All Belgian Natura 2000 sites proposed under the EU Habitats Directive have been designated as SACs.

Both Wallonia and Flanders have regional conservation objectives for their network of sites.

For Flanders, these objectives have been broken down into site-specific conservation objectives for all SACs and SPAs. The remaining SPA areas are thus not yet currently covered by site-specific conservation objectives. Furthermore, it seems that Flanders has not set any regional or site-specific objectives for any migratory bird species not listed in Annex I of the Birds Directive, despite the EU significance of certain migratory breeding bird populations in the region. In 2020 a species protection program for meadow birds with focus on the

<sup>38</sup> European Environment Agency (EEA), [Protected Areas](#), terrestrial protected area percentage (2021) and marine protected area percentage (2019), March 2022.

<sup>39</sup> [EU Biodiversity Strategy Dashboard](#), indicators A1.1.1 and A1.2.1, February 2022.

<sup>40</sup> European Environment Agency, [Natura 2000 Barometer](#), February 2022.

black-tailed Godwit and the Eurasian Curlew (*Numenius arquata*) was adopted in order to improve the conservation status of this species group. Specific conservation objectives and measures for both focus species have been put forward in this program.

At the Walloon level, work is still in progress to break down regional conservation objectives for habitats and species into site-specific conservation objectives. In the meantime, the minimum conservation objectives per site are to maintain what is included in the SACs in terms of habitats and species of community interest.

The setting of conservation measures for the Natura 2000 sites in Flanders and Wallonia is a work in progress. Although Flanders has general management plans at site level, that identify the priority measures necessary for the improvement of the conservation status, more specific management actions have only been drawn up so far for those parts of the network under public or NGO ownership. Although several projects are running or being set up in order to implement the identified priority measures in the field, the remaining work is mostly related to the setting of conservation measures for private lands in Natura 2000. Although it is expected that specific management actions for private land where a nature management plan has been approved in the past will be completed by the end of 2023, this delay is legally problematic insofar as Flanders is currently lacking effective legal provisions to prevent deterioration at site level, except for the effective implementation of Habitats Directive art. 6.3 which is supported by specific guidance and tools (partly available, partly under development). The problem of nitrogen deposition which affects natural areas and ecosystems is tackled by a tightened permit policy and the enhancement of nature restoration projects within a broad programmatic approach (to be fully developed and formally adopted in the near future).

Wallonia, on the other hand, has a highly effective scheme to prevent site-level deterioration that applies to all individual land sections within the Nature 2000 network, irrespective of their ownership status. This scheme is based on a combination of: (i) a legal regime of general restrictions; and (ii) land-parcel-specific restrictions based on the current land-use and restoration potential of individual land parcels (the so-called “management units”). In addition, site-specific management plans are currently being drawn up as part of the ongoing LIFE integrated project (BNIP)<sup>41</sup>.

There are currently no identified deficiencies in the Brussels Capital Region for the designation of SACs or for conservation objectives and measures. The Brussels

Capital Region has set site specific conservation objectives for all SACs, including the description of general conservation measures for the target habitats and ecological demands for the target species. These objectives, measures and ecological demands are further being developed in more detailed management plans for specific sub-sites within the network.

The most worrying deficiency in the management of the Belgian Natura 2000 network is the lack of effective management of the marine Natura 2000 sites. The marine site Vlakte van de Raan has been designated and is already protected, but no conservation objectives and measures have yet been adopted for it. Site specific conservation objectives are set for the Vlaamse Banken. Based on the current scientific knowledge conservation objectives are formulated for all protected species incl. seabirds; at the moment it is, however, not possible to formulate site specific objectives for the 3 SPA's. In these areas the overall objective is to maintain the current status and their function as foraging area. For the Vlaamse Banken and the 3 SPA's management plans including a variety of measures are adopted. The existing sites are currently being deteriorated in an almost systematic way, through regular bottom trawling (including from non-Belgian vessels which are allowed to fish in Belgian waters according to the EU's common fisheries policy). A first proposal for measures to restrict bottom disturbing fisheries via a Joint recommendation under the Common Fisheries Policy was rejected by the European Parliament in 2018. In 2019 the federal government started a new process in order to come to a new, scientifically underpinned, proposal for measures restricting bottom disturbing fisheries. Given their extremely damaging nature, Belgium should ensure that these practices are not carried out in violation of both Articles 6(2) and 6(3) of the Habitats Directive. The adoption in 2016 of the Royal Decree clarifying the procedures for the implementation of Natura 2000 improved the implementation of these articles as the appropriate assessment is now mandatory for many activities including sand extraction. At the moment a revision of the Marine Environment Act is conducted which should further improve the compliance.

#### **Progress in maintaining or restoring favourable conservation status of species and habitats**

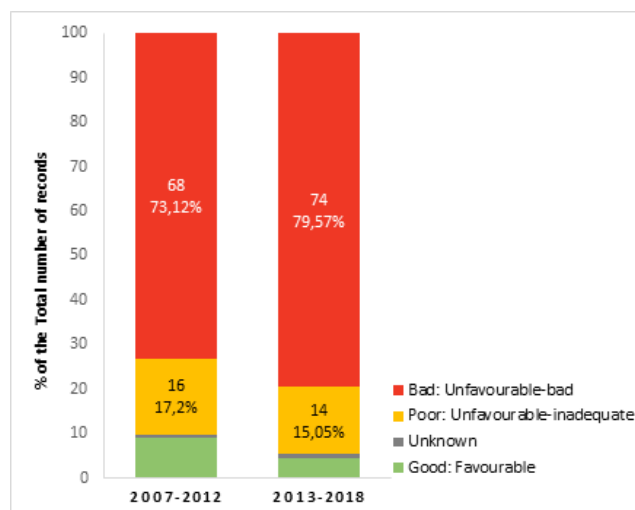
To measure the performance of Member States, Article 17 of the Habitats Directive and Article 12 of the Birds Directive require reportings on the progress made towards maintaining or restoring the favourable conservation status of species and habitats.

According to the report submitted by Belgium on the conservation status of habitats and species covered by Article 17 of the Habitats Directive for 2013-2018, the

<sup>41</sup> BNIP: [Belgian](#) Life integrated project

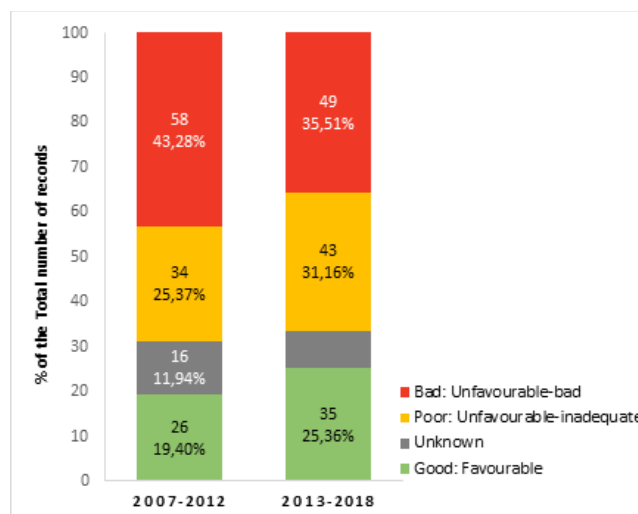
share of assessments for habitats in good conservation status in 2018 is 4.3%. This is lower than the 8,6% reported under the previous reporting period (2007-2012), but this difference might be a result of better data quality in the more recent report.

**Figure 8: Assessments on conservation status for habitats for the 2007-2012 and 2013-2018 reporting periods<sup>42</sup>**



For protected species, the share of assessments in good conservation status in 2018 was 25,4%, which was higher than the 19,4% reported under the previous reporting period (2007-2012)<sup>43</sup>. Again, this difference might be due to a difference in data quality between the two periods.

**Figure 9: Assessments on conservation status for species for the 2007-2012 and 2013-2018 reporting periods<sup>44</sup>**



On birds, 56% of the breeding species in Belgium showed short-term increasing or stable population trends in 2013-2018 compared to 66% for the previous reporting period (2007-2012). For wintering species requiring the designation of Special Protection Areas, the corresponding figure is 7.6% for 2013-2018, but there is a large proportion (69%) of bird species with unknown short-term trends<sup>45</sup>.

<sup>42</sup> European Environment Agency, [Conservation status and trends of habitats and species](#), December 2021. Please note when comparing the figures shown for 2007-2012 and 2013-2018 these may also be affected by changes of methods or due to better data availability .

<sup>43</sup> [Conservation status and trends of habitats and species — European Environment Agency \(europa.eu\)](#)

<sup>44</sup> European Environment Agency, [Conservation status and trends of habitats and species](#), December 2021. Please note when comparing the figures shown for 2007-2012 and 2013-2018 these may also be affected by changes of methods or due to better data availability .

<sup>45</sup> [Winter population trends — European Environment Agency \(europa.eu\)](#)

## Bringing nature back to agricultural land and restoring soil ecosystems

### Agricultural land

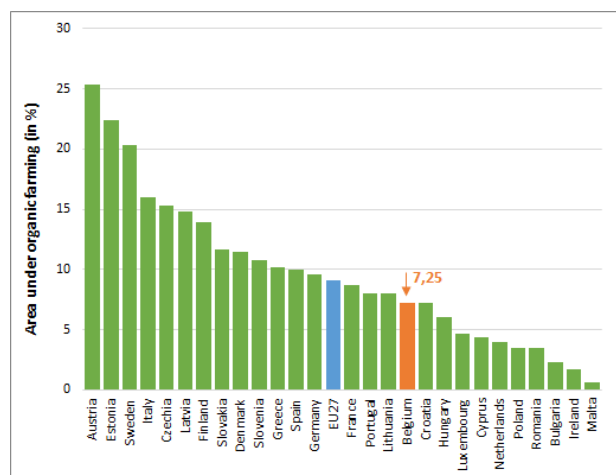
The biodiversity strategy works alongside the new farm to fork strategy and the new common agricultural policy (CAP) to support and achieve the transition to fully sustainable agriculture.

The biodiversity and farm to fork strategies have set four important targets for 2030:

- a 50% reduction in the overall use of – and risk from – chemical pesticides;
- a 50% reduction in the use of more hazardous pesticides;
- a 50% reduction in losses of nutrients from fertilisers while ensuring there is no deterioration of soil fertility (which will result in a 20% reduction in the use of fertilisers);
- bring back at least 10% of agricultural area under high-diversity landscape features and increase areas under organic farming to at least 25%.

Belgium has an estimated 7.25% of its land area under organic farming. This is below the EU average of 9% (2020 data, Eurostat)<sup>46</sup>.

**Figure 10: Share of total utilised agricultural area occupied by organic farming per MS, 2020<sup>47</sup>**



As result of the high agricultural production in Belgium, the sector is characterised by high livestock density and the use of fertilisers. This impacts Belgium's environmental and climate footprint. Greenhouse-gas

<sup>46</sup> [Statistics | Eurostat \(europa.eu\)](https://ec.europa.eu/eurostat/data/browser/view/sdg_02_40/default/table?lang=en)

<sup>47</sup> [https://ec.europa.eu/eurostat/data/browser/view/sdg\\_02\\_40/default/table?lang=en](https://ec.europa.eu/eurostat/data/browser/view/sdg_02_40/default/table?lang=en) (Eurostat, Area under organic farming, February 2022)

emissions from croplands remain much higher than the EU average, and increased by 9% between 2013 and 2018 due to increased fertiliser use. Belgium could promote on-farm carbon assessment tools to help farmers identify the most appropriate measures to improve their climate performance. Wetlands and peatlands can be large sources or wells of atmospheric CO<sub>2</sub> and are ideal tools for mitigating climate change.

Farmland bird indices point to significant decreases in the population of farmland bird species in Flanders, and especially in Wallonia (farmland bird species fell by 40% in Wallonia in 2010-2018). Data on the farmland bird index show a declining trend since 2015 (the index for Belgium was 64 in 2015 and fell to 53 in 2019, whereas the index value for EU-27 in 2019 was 70)<sup>48</sup><sup>49</sup>.

On organic farming, the share of the agricultural area in Wallonia that is farmed organically is well developed (11%) but this share remains very low in Flanders (1.3%). At national level, 66% of Belgium's total organic area is permanent pasture, 34% is under arable crops and only 1% is under permanent crops. A shift to a larger organic area should be encouraged - in particular for permanent crops<sup>49</sup>.

### Soil ecosystems

Soil is a finite and extremely fragile resource. It is increasingly degrading in the EU.

The new EU soil strategy, adopted on 17 November 2021, stresses the importance of soil protection, of sustainable soil management and of restoring degraded soils to achieve the Green Deal objectives as well as land-degradation neutrality by 2030.

This entails:

- (i) preventing further soil degradation;
- (ii) making sustainable soil management the new normal;
- (iii) taking action for ecosystem restoration.

One factor in the degradation is the area of soil ecosystems that is sealed or artificialised<sup>50</sup>: The net land taken (land 'taken' means land that is sealed or artificialised) per year in 2012-2018 can be seen as a measure of one significant pressure on nature and biodiversity - land-use change constitutes an environmental pressure on people living in urbanised areas.

<sup>48</sup> [FBI | Eurostat \(europa.eu\)](https://ec.europa.eu/eurostat/data/browser/view/sdg_02_40/default/table?lang=en)

<sup>49</sup> Idem, p.4

<sup>50</sup> Artificial land cover is defined as the total of roofed built-up areas (including buildings and greenhouses), artificial non built-up areas (including sealed area features, such as yards, farmyards, cemeteries, car parking areas etc. and linear features, such as streets, roads, railways, runways, bridges) and other artificial areas (including bridges and viaducts, mobile homes, solar panels, power plants, electrical substations, pipelines, water sewage plants, and open dump sites).

Despite a reduction in the last decade (land take was over 1000 km<sup>2</sup>/year in the EU-28 between 2000 and 2006), land take in the EU28 still amounted to 539km<sup>2</sup>/year in 2012-2018<sup>51</sup>. The concept of "net land take" combines land take with the return of land to non-artificial land categories (re-cultivation). While some land was re-cultivated in the EU-28 in 2000-2018, 11 times more land was taken than returned.

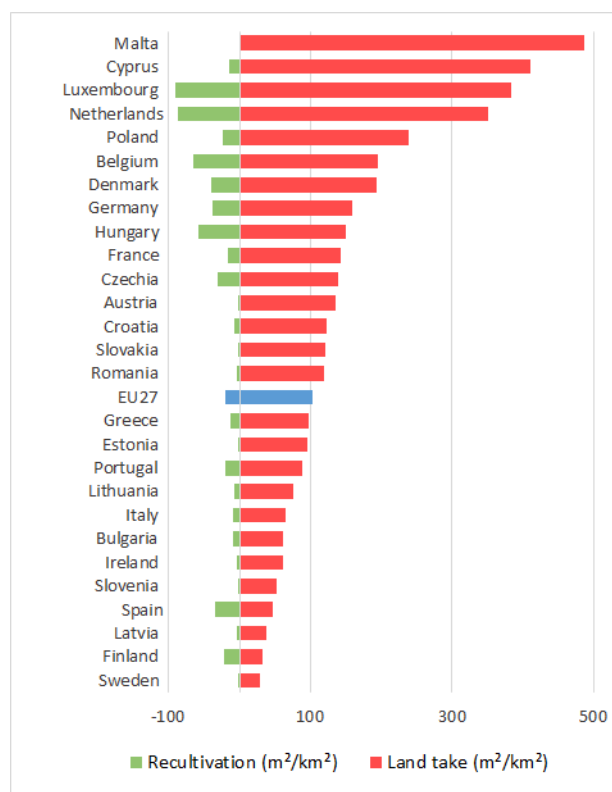
As shown in Figure 11, Belgium, has a net land take of 129.2 m<sup>2</sup>/km<sup>2</sup>. This means that the country ranks above the EU-27 average for land take of 83.8 m<sup>2</sup>/km<sup>2</sup>. However, Belgium was one of the three Member States that led the re-cultivation of land during the last 6 years.

In 2018, Belgium updated its reporting on land degradation according to the Performance Review and Implementation System (PRAIS3) reporting platform<sup>52</sup> with actions intended to remedy the degradation identified.

However, Belgium has not yet committed to set targets for land degradation neutrality under the United Nations Convention to Combat Desertification UNCCD.<sup>53</sup> The Brussels region should set an intermediate target for soil demineralization by 2030. For example, reduce the rate of soil sealing by half by 2030.

The Brussels region is good at dealing with soil pollution but should also deal with other soil damage such as compaction, loss of organic matter, biodiversity and nutrients. Brussels should set a target for 2030 which could be to have at least 50% healthy soils.

**Figure 11: Land take and re-cultivation in the EU-27 (m<sup>2</sup>/km<sup>2</sup>), 2012-2018<sup>54</sup>**



## Forests and timber

The EU forest strategy for 2030, adopted in July 2021, is part of the Fit for 55 package. The strategy promotes the many services that forests provide. Its key objective is to ensure healthy, diverse and resilient EU forests that contribute significantly to the strengthened biodiversity and climate ambitions.

Forests are important carbon sinks, and conserving them is vital if the EU is to achieve climate neutrality by 2050.

Of the 27% of EU forest area protected under the Habitats Directive, less than 15% of assessments show a favourable conservation status<sup>55</sup>. Bad conservation status increased from 27% to 31% in the EU compared to 2015.

Forests cover 44.73% of Belgium<sup>56</sup> and the situation of forest habitats protected under the Habitats Directive is particularly worrying as more than half of the assessed protected forests show a bad status<sup>57</sup>.

<sup>51</sup> [Land take in Europe — European Environment Agency \(europa.eu\)](#) fig 6.

<sup>52</sup> [All Reports | Prais3 \(unccd.int\)](#).

<sup>53</sup> [The LDN Target Setting Programme | UNCCD](#).

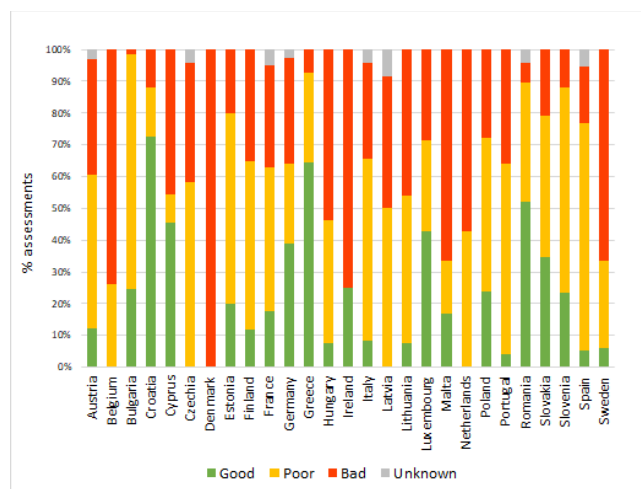
<sup>54</sup> European Environment Agency, [Land take in Europe](#), December 2021.

<sup>55</sup> EEA, [State of Nature in the EU](#)

<sup>56</sup> EEA, [Forest information system for Europe](#).

<sup>57</sup> [COM SWD \(2021\) 652](#)

**Figure 12: Conservation status of forests protected under the Habitats Directive in the EU Member States, 2013-2018 (% assessments)**<sup>58</sup>



The European Union Timber Regulation (EUTR)<sup>59</sup> prohibits the placing on the EU market of illegally harvested timber. In accordance with the EUTR, EU Member States' competent authorities must conduct regular checks on operators and traders, and apply penalties for non-compliance. With the amendment of Article 20 of the EUTR, reporting every 2 years has been changed to annual reporting, and covers the calendar year as of 2019.

In the period from March 2017 to February 2019<sup>60</sup>, Belgium carried out 21 checks on operators importing timber. Over the reporting period, it is estimated that Belgium had 2 340 operators placing domestic timber types onto the internal market and 4 800 operators placing imported timber types onto the internal market. In 2019 and 2020<sup>61</sup>, Belgium carried out respectively 27 and 30 checks on operators importing timber.

The European Commission proposed with the new Deforestation Regulation<sup>51</sup> to repeal and replace the EU Timber Regulation, essentially integrating and improving the existing system to check the legality of timber.

A TAIEX-EIR peer to peer study visit on the implementation of the EUTR was carried out from 29 to – 31 October 2018 in Belgium with Denmark.

In the middle of 2020, The Belgian competent authority conducted an extensive information campaign aimed at

all Belgian companies importing wood and wood products covered by the EUTR regulation in 2019. The letter with several annexes recalled the EUTR requirements, with particular attention to the scope of the Regulation, the types of timber and products concerned, the legal obligations of operators, the guidelines and recommendations for the establishment of a due diligence system and links to assist with the implementation of such system.

Belgium is also partner in the EU LIFE II (2019-2022) programme project 'Enabling Effective Implementation and Enforcement of the EU Timber Regulation in 6 Key Timber Importing Countries'<sup>62</sup>, implemented by Preferred by Nature (previously: NEPCon) and intent on strengthening the implementation of EUTR by providing stakeholder formation (workshops for market participants), tools and detailed risk analyses. The project complements the previous NEPCon LIFE I (2016-2018) project 'Increasing Awareness and Capacity to Support Effective Implementation of the EU Timber Regulation', of which the Belgian CA was also partner, by closing remaining gaps in the EUTR implementation, strengthening capacities where duty holders are still struggling to achieve effective compliance.

### Invasive alien species (IAS)

IAS are a key cause of biodiversity loss in the EU (alongside changes in land and sea use, overexploitation, climate change and pollution).

Besides inflicting major damage on nature and the economy, many IAS also facilitate the outbreak and spread of infectious diseases, posing a threat to humans and wildlife.

The implementation of the EU Invasive Alien Species Regulation and other relevant legislation must be stepped up.

The biodiversity strategy for 2030 aims to manage recognised IAS and decrease the number of 'red list' species they threaten by 50%.

The core of Regulation (EU) 1143/2014 on Invasive Alien Species (the IAS Regulation<sup>63</sup>) is the list of invasive alien species of Union concern.

The total number of IAS of Union concern is currently 66, of which: 30 are animal species; 36 are plant species; 41 are primarily terrestrial species; 23 are primarily

<sup>58</sup> European Environment Agency, [Conservation status and trend in conservation status by habitat group - forests](#), January 2022.

<sup>59</sup> [Regulation \(EU\) No 995/2010 of the European Parliament and of the Council of 20 October 2010.](#)

<sup>60</sup> [COM/2020/629 final](#)

<sup>61</sup> [ec.europa.eu/environment/forests/eutr\\_report.htm](#)

<sup>62</sup> [preferredbynature.org/projects/closing-gaps-illegal-timber-trade.](#)

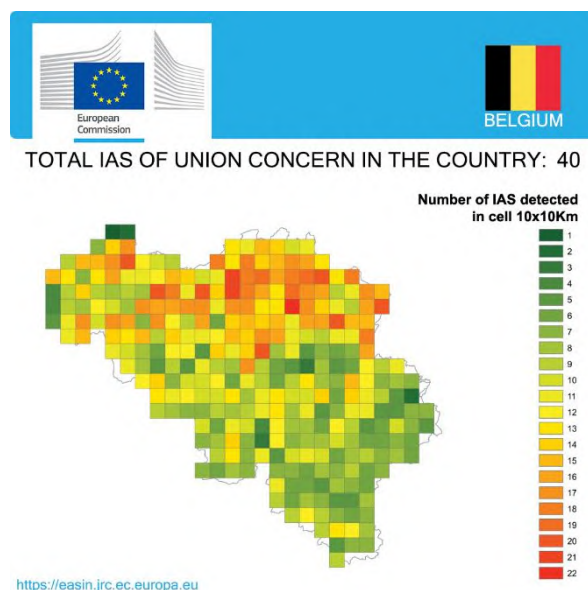
<sup>63</sup> Regulation (EU) No 1143/2014 of the European Parliament and of the Council of 22 October 2014 on the prevention and management of the introduction and spread of invasive alien species

freshwater species; 1 is a brackish-water species; and 1 is a marine species.

According to a 2021 report<sup>64</sup> on the review of the application of the IAS Regulation, the implementation of the IAS Regulation is already starting to deliver on its objectives such as a coherent framework for addressing IAS at EU level and increased awareness of the problem of invasive alien species. At the same time, the above report identified some challenges and areas for improvement. Given that the deadlines for implementing the various obligations of the IAS Regulation applied gradually between July 2016 and July 2019, it is premature to draw conclusions on several aspects of the implementation of the IAS Regulation. A 2021<sup>65</sup> report on the baseline distribution (Figure 13), shows that of the 40 species on the Union list, 40 have been observed in the environment in Belgium. Belgium is finalizing its national action plan. This national plan will cover three thematic action plans in order to prevent the non-intentional introduction of IAS in Belgium :

- 1) Thematic Action plan on the introduction and spread of invasive alien species through public or private possession;
- 2) Thematic Action plan on the introduction and spread of invasive alien species through recreational and commercial/professional use of freshwater;
- 3) Thematic Action plan on the introduction and spread of invasive alien species through transportation of habitat and nursery material and machinery

**Figure 13: Number of IAS of EU concern, based on available georeferenced information for Belgium, 2021**



### 2022 priority actions

- Increase the share of protected and strictly protected areas, as a contribution to the EU Biodiversity Strategy for protected areas
- In the Flemish Region, step up the work in the Flemish region in terms of establishing conservation measures on private lands in Natura 2000, and complete the set-up of conservation objectives of extending the conservation objective setting to migratory bird species
- In the Walloon Region, establish site-specific conservation objectives for all Natura 2000 sites, covering all relevant habitats and species per site, also including Annex I bird species and migratory species; and ensure that the ambition level of management plans and action plans, which are currently being developed, is in line with the conservation objectives at site level.
- In the Natura 2000 sites of the Belgian marine part of the North Sea, ensure the full implementation of Article 6(2) and 6(3) of the Habitats Directive regarding sand extraction; and propose (via a Joint Recommendation under the Common Fisheries Policy) fisheries measures that are suitable to allow the sea-bottom habitats in the marine Natura 2000 sites to recover.
- Reduce non-CO2 emissions from the livestock sector and soil fertilisation. It should maintain and improve carbon-storage capacity by supporting grassland maintenance and conservation/zero-tillage via carbon-farming approaches and the shift to a bio-based and circular economy.
- Support the adaptation of agriculture to future climate changes by promoting adaptive farming practices, landscape-level solutions and investments.
- Contribute to the EU Green Deal target to reduce nutrient losses (of both nitrates and phosphorus).

<sup>64</sup> Report from the Commission to the European Parliament and the Council on the review of the application of Regulation (EU) No 1143/2014 of the European Parliament and of the Council of 22 October 2014 on the prevention and management of the introduction and spread of invasive alien species, [COM\(2021\) 628 final](#), 13.10.2021.

<sup>65</sup> Cardoso A.C., Tsiamis K., Deriu I., D' Amico F., Gervasini E., EU Regulation 1143/2014: assessment of invasive alien species of Union concern distribution, Member States reports vs JRC baselines, EUR 30689 EN, Publications Office of the European Union, Luxembourg, 2021, ISBN 978-92-76-37420-6, doi:10.2760/11150, [JRC123170](#).

- Better protect biodiversity by: (i) ensuring that protected habitats and species return to favourable conservation status; (ii) improving habitats on grassland, on cropland and even in forests; (iii) increasing the share of land under contracts supporting biodiversity and/or landscape management; and (iv) strengthening the protection of nature reserves and the expansion of Natura 2000 areas in line with the priorities identified in the priority action framework.
- Contribute to the EU Green Deal target by promoting organic farming more strongly, especially in Flanders by accelerating the current trend for increasing areas of land to be brought under organic farming.
- Keep promoting sustainable forest management and afforestation; improve multifunctionality, forest protection and restoration of forest ecosystems; increase carbon sinks in forests, their soils and harvested wood products; support the bioeconomy via forestry; build resilience in its forests to threats such as the effects of climate change.

## Marine ecosystems

The EU biodiversity strategy 2030 aims to: (i) substantially reduce the negative impacts on sensitive species and habitats in marine ecosystems; (ii) achieve good environmental status; and (iii) eliminate or reduce the incidental catches of protected, endangered, threatened and sensitive species to a level that allows species recovery and conservation<sup>66</sup>.

The Marine Strategy Framework Directive (MSFD) requires Member States to achieve good environmental status (GES) for their marine waters. To that end, Member States must draw up marine strategies for their marine waters, and cooperate with Member States sharing the same marine region or sub-region. These marine strategies comprise different steps to be developed and implemented over six-year cycles.

The MSFD also requires Member States by 15 October 2018 to draw up a set of GES characteristics for each descriptor (Article 9), and to provide an initial assessment of their marine waters (Article 8). The Commission then assesses whether this constitutes an appropriate framework to meet the requirements of the Directive.

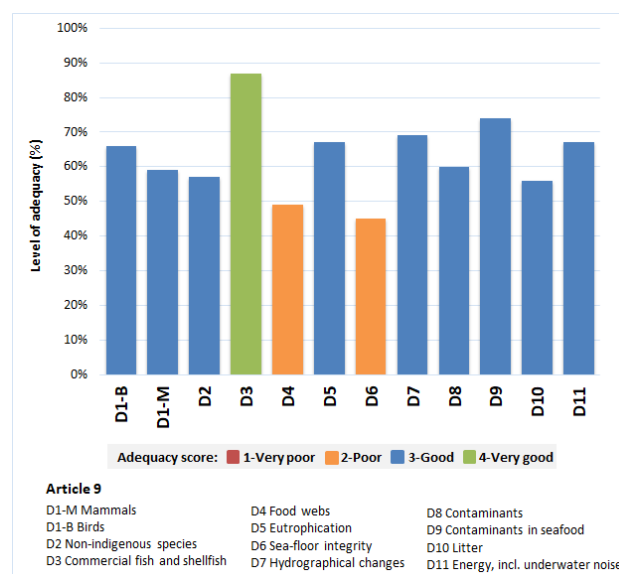
The Commission assessed Belgium's 2018 determinations of GES for each of the MSFD's 11 descriptors<sup>67</sup> and

<sup>66</sup> The EU Common Fisheries Policy (CFP) aims to contribute to the achievement of the objectives of the environmental legislation for marine ecosystems.

<sup>67</sup> Annex I of Directive 2008/56/EC establishing a framework for community action in the field of marine environmental policy (Marine Strategy Framework Directive), OJ L 164, 25.6.2008, p. 19–40.

determined their level of adequacy in relation to the Commission Decision on criteria and methodological standards for Good Environmental Status in marine waters.<sup>68</sup> A good or very good score in the Commission assessment indicates that the national determinations of GES are well aligned with the requirements of the Commission GES Decision, provide qualitative and quantitative national environmental objectives to be achieved for their marine waters.

**Figure 14: Level of adequacy of GES determination by Belgium (ANS region) with criteria set under the Commission GES Decision – Article 9 (2018 reporting exercise)<sup>69</sup>**



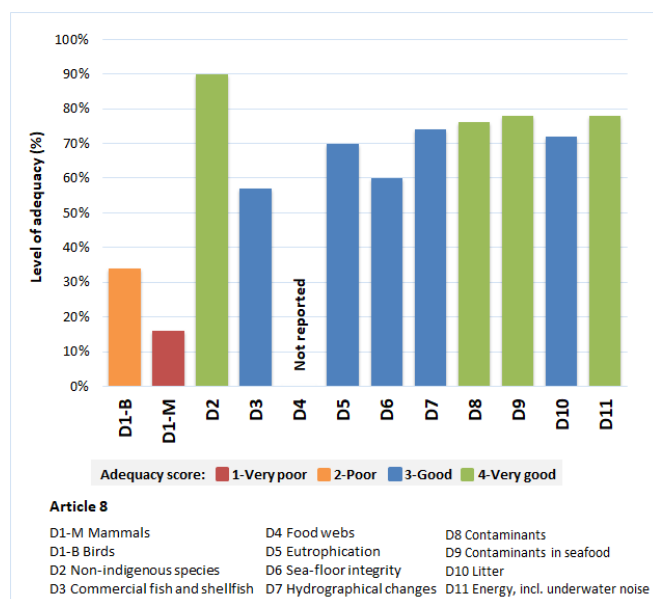
Belgium has one marine sub-region, ANS-NE Atlantic: Greater North Sea. In this marine sub-region, 9 out of 11 determinations of GES were assessed as good or very good. The national determination of GES by Belgium is coherent for 9 out of 11 descriptors.

The MSFD also requires Member States to make an assessment of the current environmental status of their marine waters in relation to the determination of GES. A good or very good score indicates that the Member State has good capabilities to assess their marine environment in accordance with the requirements set out in the Commission GES Decision.

<sup>68</sup> This assessment was made in relation to the "Commission GES Decision", [Commission Decision No 2017/848, pp. 43-74](#).

<sup>69</sup> Assessment carried out by the European Commission of the data reported by the Member States, January 2022. Please note that only two sub-sections of descriptor D1 are displayed (D1-M Mammals and D1-B Birds). For the analysis, these two sub-sections were considered as a whole after averaging them.

**Figure 15: Level of adequacy of national assessment of Belgium's marine environment (ANS region) with criteria set under the Commission GES Decision – Article 8 (2018 reporting exercise)<sup>70</sup>**



Belgium is missing data for one descriptor, D4 Food webs.

In the 2019 EIR, the Commission suggested that Belgium: (i) provide more information about measures to achieve GES; (ii) draw up more measures that have a direct impact on pressures and quantify the expected reduction of pressure as a result; and (iii) ensure regional cooperation with Member States sharing the same marine sub-region to address predominant pressures.

Furthermore, in March 2022, the European Commission published a Communication with recommendations for Member States. The Commission assessment highlights that Member States need to step up their efforts to determine the good environmental status and the use of the criteria and methodological standards according to the Commission GES Decision. The above considerations form the basis for the 2022 priority actions.

### 2022 priority actions

- Implement the Commission's recommendations outlined in the staff working document<sup>71</sup> accompanying the Communication<sup>72</sup> on recommendations per Member State and region on the 2018 updated reports for Articles 8, 9 and 10 of the MSFD.

- Ensure regional cooperation with Member States sharing the same marine sub-region to address predominant pressures.

### Ecosystem assessment and accounting

The EU biodiversity strategy for 2030 calls on Member States to better integrate biodiversity considerations into public and business decision-making at all levels and to develop natural-capital accounting. The EU needs a better performing biodiversity observation network and more consistent reporting on the condition of ecosystems.

In Belgium, environmental policy related to land-use planning is regionalised. The status of activities differs between the three regions: Flanders has finished the mapping and assessment of ecosystems and ecosystem services, while Wallonia has started this process but not finished it, and Brussels Capital Region has taken no initiative so far. There are no initiatives to harmonise ecosystem mapping and assessment at national level. The Belgium Ecosystem Services (BEES) community of practice is a national platform to connect different actors involved in research, practice and policy-making on ecosystem-services.

In Flanders the mapping and assessment of ecosystems and ecosystem services is carried out as part of the reporting on the state of nature in Flanders. The Research Institute for Nature and Forest (INBO) is mandated to report every two years on the state of nature in Flanders.

In Wallonia, an ecosystem-services platform (WalES) was set up by the former regional government to put into practice the ecosystem-services concept across the administration of the Wallonia region. For the last two years, the Walloon Region has increased the resources dedicated to mapping and assessing ecosystems and their services. For example, the map of ecological contexts<sup>73</sup> has been produced.

In Brussels, in 2020 a first comparative study was finalized to measure different ecosystems services delivered by green infrastructure. This first study has delivered recommendations allowing the region to develop in a near future a regional tool for measuring ES delivered by all GI.

Belgium has not provided updated information and therefore no progress has been recorded since January 2016 (Figure 16). This assessment is based on 27

<sup>70</sup> Idem.

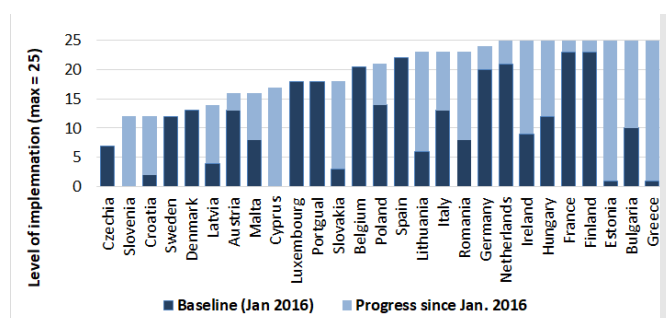
<sup>71</sup> [SWD\(2022\)1392](#).

<sup>72</sup> [COM\(2022\)550](#).

<sup>73</sup> <https://geoportail.wallonie.be/walonmap#BBOX=186522.03968716363,195464.9742396994,110360.51710892707,114607.08810206907#SHARE=CE510F0E4AEB5C13E053D5AFA49D7457>

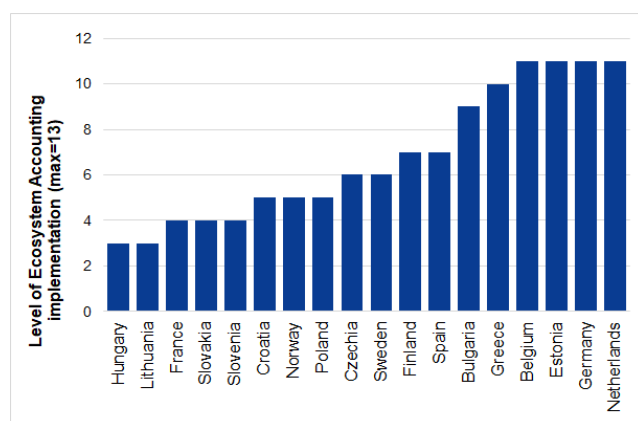
implementation questions and updated every six months.

**Figure 16: ESMERALDA MAES Barometer, January 2016 - March 2021<sup>74</sup>**



Progress on ecosystem accounting implementation is assessed at national scale based on 13 questions (see figure 17).

**Figure 17: Ecosystem accounting Barometer, September 2021<sup>75</sup>**



In Belgium, environmental policy related to land-use planning is regionalised. Therefore the priorities, knowledge gaps, support needed, and state of research depends on the region. The Brussels region has not taken any initiatives yet in developing Natural Capital accounts. Wallonia has just started implementing Nature Value Explorer tool<sup>76</sup>. Therefore the information provided mainly focuses on Flanders.

A key motivation for developing natural capital accounting for Flanders relates to the ambition to bring together and structure data in support of better policy

and public debate. Thematic policy prioritizes four research subjects: climate, health, monitoring of sustainable development goals and development of beyond-GDP indicators, monitoring of land-use change. In Flanders, both the extent account and ecosystem supply and use accounts are published (physical and monetary terms).

Identified challenges with the data in Flanders concern carbon storage in biomass; the health effects of green space; functional biodiversity and its contribution to the supply of ecosystem services as well as the accuracy of the base layers of the land use/land cover map. Moreover the relevant data, knowledge, skills, resources are scattered across different entities, this impedes building appropriate ecosystem models.

### 2022 priority actions

- Continue supporting the mapping and assessment of ecosystems and their services, and the development of ecosystem-accounting. It should do this through appropriate indicators for integrating ecosystem extent, condition and services into national accounts.
- Continue supporting the development of national business and biodiversity platforms, including natural-capital accounting systems to monitor and value the impact of business on biodiversity.

<sup>74</sup> European Commission, Joint Research Centre, Publication Office, [EU Ecosystem assessment: summary for policymakers](#), p. 80, May 2021.

<sup>75</sup> MAIA Portal, Mapping and assessment for Integrated Ecosystem Accounting (EU Horizon 2020 project), 2022. MAIA uses the System of Environmental Economic Accounting – Experimental Ecosystem Accounting (SEEA-EA) as the methodological basis for the ecosystem accounting. The SEEA EA is an integrated and comprehensive statistical framework that is based on five core accounts: ecosystem extent, condition, services and monetary ecosystem asset.

<sup>76</sup> <https://ipbes.net/policy-support/tools-instruments/natuurwaardeverkenner-nature-value-explorer>

### 3. Zero pollution

#### Clean air

EU clean-air policies and legislation need to significantly improve air quality in the EU, moving the EU closer to the quality recommended by the WHO and curbing emissions of key air pollutants.

Air pollution and its impacts on ecosystems and biodiversity should be further reduced with the long-term aim of not exceeding critical loads and levels. This requires strengthening efforts to reach full compliance with EU clean-air legislation and defining strategic targets and actions for 2030 and beyond.

The 2030 zero pollution action plan targets are to reduce the health impacts of air pollution by 55% and to reduce the EU ecosystems threatened by air pollution by 25%.

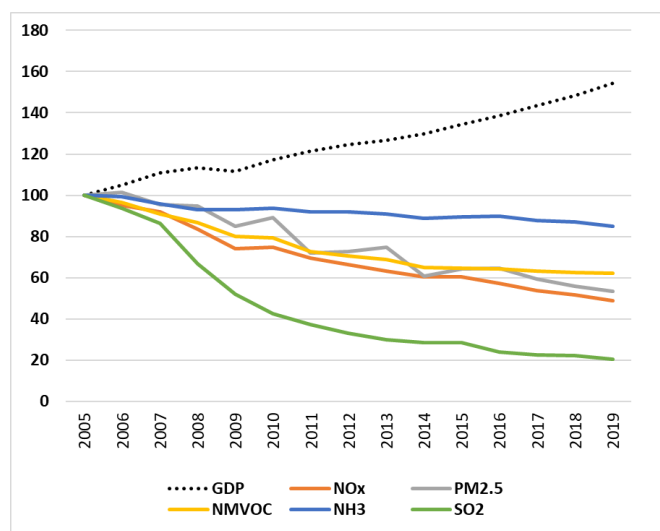
The EU has developed a comprehensive suite of clean-air legislation, which sets health-based air-quality standards<sup>77</sup> and emissions-reduction commitments<sup>78</sup> by Member State for a number of air pollutants.

At the same time, air quality in Belgium continues to give cause for concern. The latest available annual estimates (for 2019) by the European Environment Agency<sup>79</sup> point to Belgium suffering about 6 500 premature deaths each year (or 69 300 years of life lost (YLL)) attributable to fine particulate matter concentrations<sup>80</sup>; 270 premature deaths each year (3 000 YLL) attributable to excessive ozone concentration<sup>81</sup>; and 750 premature deaths a year (7 900 YLL) attributable to excessive<sup>82</sup> <sup>82</sup> <sup>83</sup>

The emissions of key air pollutants have decreased significantly in Belgium in recent years, while GDP growth has continued (see graph). According to the projections as submitted under Article 10(2) of the National Emission Reduction Commitments Directive (NECD)<sup>84</sup>, Belgium

projects that it will reach emissions reduction commitments for all air pollutants covered by the Directive for the period 2020 to 2029 and for 2030 onwards. Latest inventory data submitted by Belgium, prior to review by the Commission, indicate that Belgium is in compliance with the emission reduction commitments for all pollutants in 2020. Belgium submitted its national air pollution control programme on 1 April 2019.

**Figure 18: Emission trends of main pollutants/ GDP in Belgium, 2005-2019<sup>85</sup>**



<sup>77</sup> European Commission, 2016. [Air Quality Standards](#)

<sup>78</sup> European Commission, [Reduction of National Emissions](#)

<sup>79</sup> [European Environment Agency, Air Quality in Europe –2021 Rapport](#). Please see details in this report as regards the underpinning methodology, p.106

<sup>80</sup> Particulate matter (PM) is a mixture of aerosol particles (solid and liquid) covering a wide range of sizes and chemical compositions. PM10 (PM2.5) refers to particles with a diameter of 10 (2.5) micrometres or less. PM is emitted from many human sources, including combustion.

<sup>81</sup> Low-level ozone is produced by photochemical action on pollution.

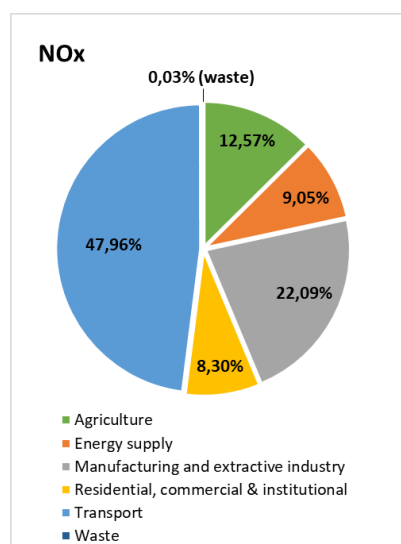
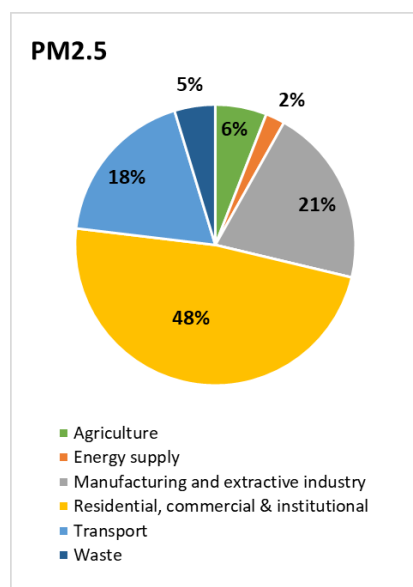
<sup>82</sup> NOx is emitted during fuel combustion e.g. from industrial facilities and the road transport sector. NOx is a group of gases comprising nitrogen monoxide (NO) and nitrogen dioxide (NO2).

<sup>83</sup> Please note that these figures refer to the impacts of individual pollutants, and to avoid double-counting cannot be added up to derive a sum.

<sup>84</sup> Directive 2016/2284/EU.

<sup>85</sup> European Environment Agency.

**Figure 19: PM2.5 and NOx emissions by sector in Belgium, 2019<sup>86</sup>**



In 2020, exceedances above the EU limit values set by the Ambient Air Quality Directive (AAQD) were registered for nitrogen dioxide (NO<sub>2</sub>) in four air-quality zones in Belgium. Furthermore, for several air-quality zones, the target values for ozone concentration have also not been met<sup>87</sup>.

Belgium has not yet ratified the amended Gothenburg Protocol, Heavy Metals Protocol and POPs Protocol under the United Nations Economic Commission for Europe (UNECE) Air Convention.

Persistent breaches of air quality requirements, which have severe negative effects on health and environment, are being followed up by the European Commission

through infringement procedures (mainly for PM<sub>10</sub> and NO<sub>2</sub> exceedances) covering all Member States concerned, including Belgium for exceedances of NO<sub>2</sub> limit values in several air quality zones. The aim is for appropriate measures to be put in place to bring all air-quality zones permanently into compliance.

Of the different sources of air pollutants other than CO<sub>2</sub>, agriculture is the main source of ammonia emissions (93 %). Belgium has an average risk of non-compliance with its national ammonia reduction commitment, both for the period 2020-2029 and for 2030 and beyond<sup>88</sup>. In the 2019 EIR, Belgium received three priority actions from the Commission: The first was to take specific actions under the national air-pollution control programme and the national energy and climate plan. There has been limited progress on this first priority action. The second and third priority actions were to reduce concentrations of nitrogen oxides (NO<sub>x</sub> – NO<sub>2</sub>), particularly in urban areas and the transport sector, and to also upgrade and improve air quality monitoring. Despite measures taken for NO<sub>2</sub>, Flanders still fails to ensure in one main urban zone, Antwerp, compliance with the limit values for NO<sub>2</sub> set under Directive 2008/50/EC. A Reasoned Opinion was adopted in 18 February 2021, in response to it. Belgium has taken further relevant action on air pollution abatement and also decided to set up new monitoring stations in Brussels, Charleroi and Liège. However, the annual air quality report for 2020 (received in September 2021) still indicates exceedances in concentrations of harmful pollutants based on high spatial resolution modelling. And Belgium also received a general priority action from the Commission in 2019 to sign and ratify outstanding international agreements.

### 2022 priority actions

- As part of its national air pollution control programme (NAPCP), take actions towards reducing emissions of air pollutants from the main sources mentioned above.
- Ensure full compliance with the EU air quality standards and maintain downward emissions trends of air pollutants, to reduce adverse air pollution impacts on health and economy with a view to reaching WHO guideline values in the future.
- Belgium is strongly encouraged to accelerate the ratification the amended Gothenburg Protocol, Heavy Metals Protocol and POPs Protocol under the United Nations Economic Commission for Europe Air Convention.

, energy and circular economy policies.

<sup>86</sup> European Environment Agency.

<sup>87</sup> European Environment Agency, [Eionet Central Data Repository](#)

<sup>88</sup> COM(2020)266 final, ANNEX 3

## Industrial emissions

The main objectives of EU policy on industrial emissions are to:

- (i) protect air, water and soil;
- (ii) prevent and manage waste;
- (iii) improve energy and resource efficiency;
- (iv) clean up contaminated sites.

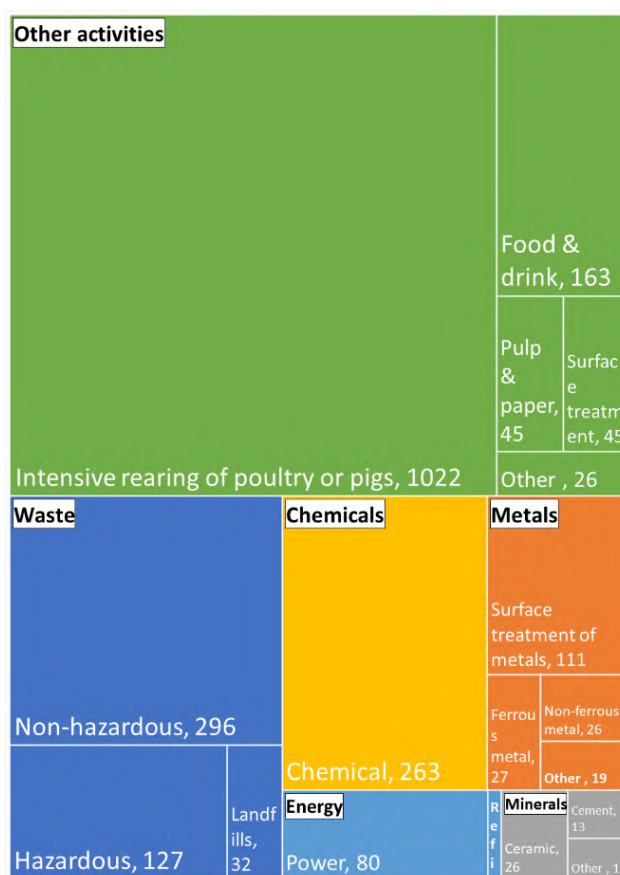
To achieve this, the EU takes an integrated approach to the prevention and control of routine and accidental industrial emissions. The cornerstone of the policy is the Industrial Emissions Directive (IED)<sup>89</sup>. The Commission tabled a proposal in April 2022<sup>90</sup>. The revision seeks to improve the Directive's contribution to the zero-pollution objective, as well as its consistency with climate, energy and circular economy policies.

The overview of industrial activities regulated by the IED below is based on data reported to the EU registry (2018)<sup>91</sup>.

In Belgium, around 2 340 industrial installations are required to have a permit based on the IED. This is an increase of almost 600 installations since 2015, largely due to a sharp increase in both the waste-management sector and in the intensive rearing of poultry or pigs. The distribution of installations is shown in Figure 20 below.

The industrial sectors in Belgium with the most IED installations in 2018 were: (i) intensive rearing of poultry or pigs (44%); (ii) the waste-management sector (19%); (iii) the production of chemicals (11%); (iv) food and drink production (7%); (v) surface treatment of metals (5%); and (vi) the power production sector (3%).

Figure 20: Number of IED industrial installations per sector in Belgium, 2018<sup>92</sup>



The industrial sectors identified as contributing the largest burden to the environment for emissions to air were:

- “Other activities” (mostly the surface treatment of metals, the intensive rearing of poultry or pigs and the production of pulp paper) for non methane volatile organic compounds (NMVOCs), ammonia (NH<sub>3</sub>), copper (Cu), zinc (Zn), cadmium (Cd), nickel (Ni), particulate matter (PM<sub>2.5</sub>);
- chemicals production for NMVOCs, Nitrogen Oxides (NO<sub>x</sub>), sulphur oxides (SO<sub>x</sub>), Ni, arsenic (As) and mercury (Hg);
- metal production for lead (Pb), As, SO<sub>x</sub>;
- the electricity-production sector for NO<sub>x</sub>, Zn, As, Hg, Ni, chromium (Cr), Cd, Pb and dioxins;
- the waste management sector for dioxins.

<sup>89</sup> Directive 2010/75/EU covers industrial activities carried out above certain thresholds. It covers the energy industry, metal production, the mineral and chemical industry, waste management, and a wide range of industrial and agricultural sectors (e.g. intensive rearing of pigs and poultry, pulp and paper production, painting and cleaning).

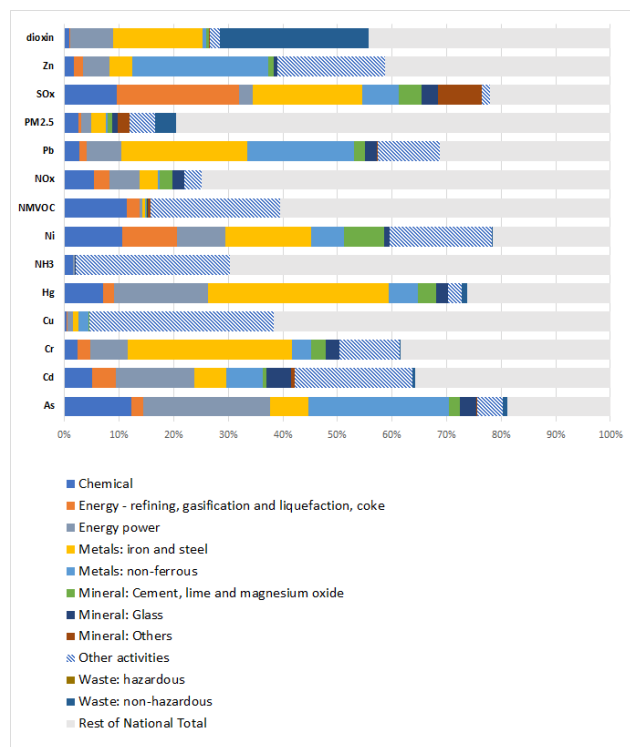
<sup>90</sup>

European Commission, [proposal for a revision of the Industrial Emissions Directive](#), 4 April 2022. The revision of the IED is performed in parallel to the revision of Regulation (EC) No 166/2006 on the European Pollutant Release and Transfer Register (E-PRTR).

<sup>91</sup> European Environment Agency, [European Industrial Emissions Portal](#).

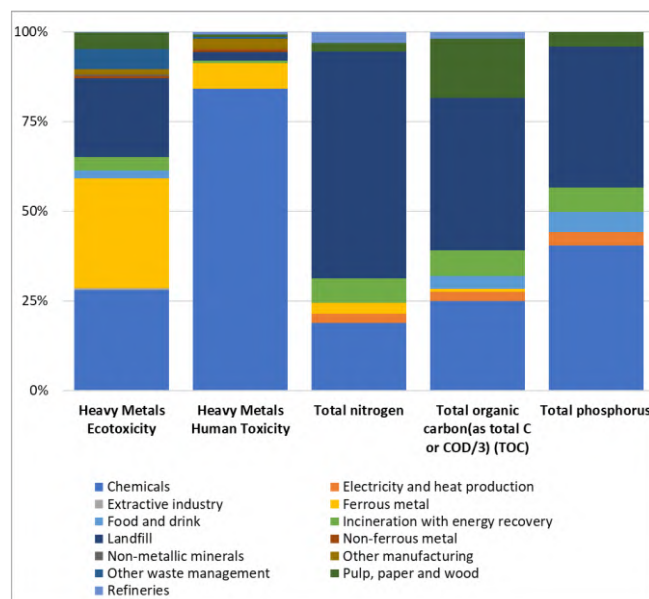
<sup>92</sup> European Environment Agency, EU Registry, [European Industrial Emissions Portal \(data retrieved on 3 November 2021\)](#).

**Figure 21: Emissions to air from IED sectors and rest of national total air emissions in Belgium, 2018<sup>93</sup>**



The environmental burdens for industrial emissions to water mainly result from: (i) landfills for municipal waste; (ii) the production of pulp and paper and chemicals (nitrogen, phosphorous and total organic carbon); (iii) the metals industry; (iv) chemicals production and (v) landfills for heavy metals. The breakdown, based on E-PRTR data, is presented in Figure 22 below.

**Figure 22: Relative releases to water from industry in Belgium, 2018<sup>94</sup>**

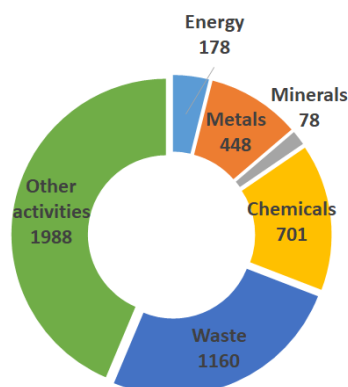


The EU approach to enforcement under the IED creates strong rights for the public to have access to relevant information and to participate in the permitting process for potentially polluting installations. This empowers the public and NGOs to ensure that permits are appropriately granted and that the conditions of these permits are complied with. As part of environmental inspection, competent authorities undertake site visits at IED installations to take samples and to gather necessary information. According to Article 23(4) of the IED, site visits must be carried out between once a year and once every 3 years, depending on the environmental risks posed by the installations. In 2018, Belgium undertook 4 553 site visits. The largest number of visits were at waste management facilities other than landfill sites (23% of visits), rearing of poultry or pigs (19% of visits), chemicals production sites (15% of visits) and sites for food and drink production (15% of visits) under other activities.

<sup>93</sup> European Environment Agency, LRTAP, [Air pollutant emissions data viewer \(Gothenburg Protocol, LRTAP Convention\) 1990-2019 \(data retrieved on 3 November 2021\)](#).

<sup>94</sup> European Environment Agency, E-PRTR, [European Industrial Emissions Portal](#). The heavy metals are presented both as a weighted sum of eco toxicity and human toxicity factors to illustrate both the ecological and human impact (based on USEtox) (data retrieved on 3 November 2021).

**Figure 23: Number of inspections of IED installations in Belgium, 2018<sup>95</sup>**



The development of best available technique (BAT) reference documents (BREFs) and BAT conclusions ensures good collaboration between stakeholders and enables better implementation of the IED<sup>96</sup> Since the last EIR report, the Commission adopted BAT conclusions for: (i) waste Incineration; (ii) for the food, drink and milk industries; and (iii) for surface treatment using organic solvents including wood and wood products with chemicals.

The Commission relies on the efforts of national competent authorities to implement the legally binding BAT conclusions and associated BAT emission levels in environmental permits. This should result in considerable and continuous reduction in pollution.

In 2019, Belgium received priority actions to: (I) review permits to comply with newly adopted BAT conclusions and (ii) strengthen control and enforcement to ensure compliance with BAT conclusions. These actions have been followed up by the Commission through the reporting by Belgium to the EU registry.

Belgium participated in the TAIEX-EIR peer to peer workshop on ammonia-reducing technology and measures, on 16 November 2021 and the TAIEX-EIR Flagship workshop towards zero pollution for air, water and soil, on 07 February 2022.

## Preventing major industrial accidents – SEVESO

The main objectives of EU policy on the prevention of major industrial accidents are to:

- (i) control major accident hazards involving dangerous substances, especially chemicals;
- (ii) limit the consequences of such accidents for human

<sup>95</sup> EU Registry, 2018 (data retrieved on 3 November 2021).

<sup>96</sup> European Commission [BAT reference documents](#)

health and the environment;

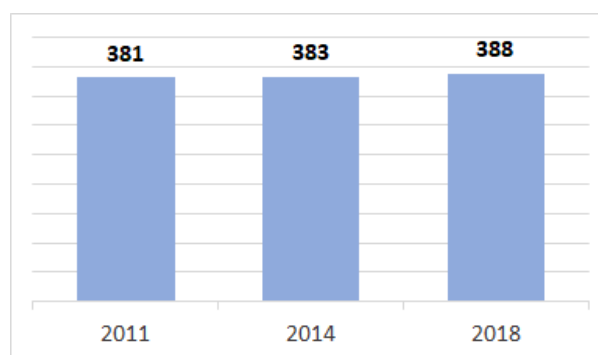
- (iii) continuously improve prevention, preparedness and response to major accidents.

The cornerstone of the policy is Directive 2012/18/EU (the Seveso-III Directive)<sup>97</sup>.

The below overview of industrial plants regulated by the Seveso-III Directive, (hereafter ‘Seveso establishments’), is based on data reported to the eSPIRS database (2018)<sup>98</sup> and the Belgium report on the implementation of the Seveso-III Directive for the period 2015-2018<sup>99</sup>.

In Belgium, of the 388 Seveso establishments, 172 are categorised as lower-tier establishments (LTE) and 216 as upper-tier establishments (UTE) – based on the quantity of hazardous substances likely to be present in them. The UTEs are subject to more stringent requirements. The change in of the number of Seveso establishments is presented in Figure 24.

**Figure 24: Number of Seveso establishments in Belgium, 2011, 2014 and 2018<sup>100</sup>**



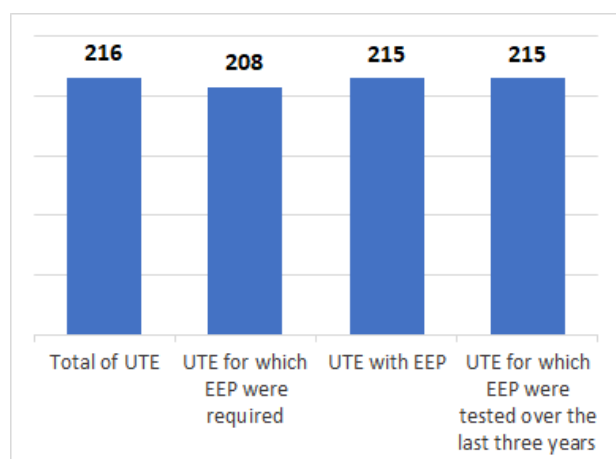
Many Seveso establishments are required to draw up external emergency plans (EEPs). These EEPs are essential to allow proper preparation and effective implementation of the necessary actions to protect the environment and the population should a major industrial accident occur at them. According to Belgium, an EEP is required for 208 UTEs. In 2018, 215 UTEs had an EEP and 215 of these EEPs had been tested over the last 3 years. The summary of EEPs in Belgium is shown in Figure 25.

<sup>97</sup> Directive 2012/18/EU on the control of major-accident hazards involving dangerous substances

<sup>98</sup> European Commission, [Seveso Plants Information Retrieval System](#)

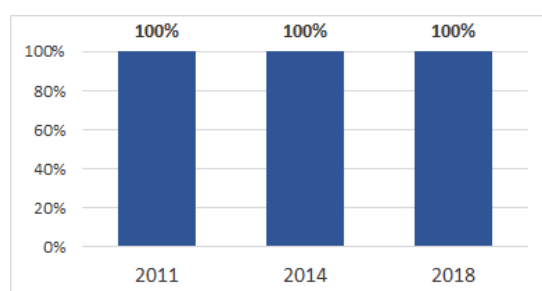
<sup>99</sup> As provided for by Article 21(2) of the Seveso-III Directive

<sup>100</sup> European Commission, [Assessment and summary of Member States' implementation reports for Implementing Decision 2014/896/EU \(implementing Directive 2012/18/EU on the control of major accident hazards involving dangerous substances\)](#), 2022.

**Figure 25: Situation regarding EEPs in Belgium, 2018<sup>101</sup>**

The following types of information are permanently available for 100% of the Seveso establishments in Belgium: (i) information to the public referred to in Annex V of the Seveso-III Directive especially about how the public concerned will be warned if there is a major accident; (ii) information about appropriate behaviour in the event of a major accident; and (iii) information containing the date of the last site visit. This provision on knowledge is an important provision of the Seveso-III Directive, as knowledge of this information by the public may reduce the consequences of a major industrial accident.

The share of UTEs for which information on safety measures and requisite behaviours were actively made available to the public in recent years are presented in Figure 26.

**Figure 26: Share of UTEs for which information on safety measures and requisite behaviours were actively made available to the public in Belgium, 2011, 2014 and 2018<sup>102</sup>**

## Noise

The Environmental Noise Directive<sup>103</sup> provides for a

common approach to avoid, prevent and reduce the harmful effects of exposure to environmental noise although it does not set noise limits as such. Its main instruments in this respect are noise mapping and planning. A key target under the 2030 zero-pollution action plan is to reduce by 30% the share of people disturbed by transport noise compared to 2017.

Excessive noise from aircraft, railways and roads is one of the main causes of environmental health-related issues in the EU. It can cause ischaemic heart disease, stroke, interrupted sleep, cognitive impairment and stress<sup>104</sup>.

In Belgium, based on a limited set of data<sup>105</sup>, environmental noise is estimated to cause at least around 300 premature deaths and 1600 cases of ischaemic heart disease annually<sup>106</sup>. Moreover, some 200 000 Belgians suffer from disturbed sleep. In Belgium, the overall noise exposure increased by 10% between 2012 and 2017 based on reported data. On the basis of the latest full set of information analysed, both strategic noise maps and action plans to manage noise issues and effects have been completed after public consultation.

In the 2019 EIR, Belgium received two priority actions to complete noise maps and action plans. Therefore no priority actions are proposed for 2022.

## Water quality and management

EU legislation and policy requires that the impact of pressures on transitional, coastal and fresh waters (including surface and ground waters) be significantly reduced. Achieving, maintaining or enhancing a good status of water bodies as defined by the Water Framework Directive will ensure that EU citizens benefit from good quality and safe drinking and bathing water. It will further ensure that the nutrient cycle (nitrogen and phosphorus) is managed in a more sustainable and resource-efficient way.

<sup>104</sup> WHO 2018, Environmental Noise Guidelines for the European Region

<sup>105</sup> For further information: European Environment Agency, [Noise Fact Sheets 2021](#).

<sup>106</sup> These figures are an estimation by the European Environmental Agency based on : (i) the data reported by Member States on noise exposure covered by Directive 2002/49/EC; (ii) ETC/ATNI, 2021, Noise indicators under the Environmental Noise Directive 2021: [Methodology for estimating missing data](#), ETC/ATNI Report No 2021/06, European Topic Centre on Air Pollution, Transport, Noise and Industrial Pollution; and (iii) the [methodology for health impact calculations](#), ETC/ACM, 2018, Implications of environmental noise on health and wellbeing in Europe, Eionet Report ETC/ACM No 2018/10, European Topic Centre on Air Pollution and Climate Change Mitigation.

<sup>101</sup> Idem.

<sup>102</sup> Idem.

<sup>103</sup> Directive [2002/49/EC](#)

## Water Framework Directive

The Water Framework Directive (WFD)<sup>107</sup> is the cornerstone of EU water policy in the 21<sup>st</sup> century<sup>108</sup>. The WFD along with other water-related legislation<sup>109</sup> set the framework for sustainable and integrated water management, which aims at a high level of protection of water resources, prevention of further deterioration and restoration to good status.

By March 2022, Member States have to report the third generation of River Basin Management Plans (RBMPs) under the WFD. The Commission will assess the reported status of river basins and progress made in these river basins, checking how the findings identified in the Commission's assessment of the second round of RBMPs<sup>110</sup> have been addressed. Belgium has not yet reported the 3<sup>rd</sup> RBMP<sup>111</sup>.

The Commission published in December 2021 the 6<sup>th</sup> Implementation Report, which assesses implementation of the WFD and the Floods Directive<sup>112</sup>. This report includes an interim assessment of: (i) progress on the implementation of the programmes of measures; and (ii) on monitoring of the "new" priority substances. The assessment report for Belgium<sup>113</sup> that is part of the Implementation Report says that incomplete data mean it is not possible to fully assess progress made, in particular for the Brussels Capital Region and Wallonia. The level of information reported by the Flemish authorities showed that progress is being made in the implementation of measures for the second half of the water management cycle (2016-2021). However, the pace of progress in Flanders has not been great considering how much time has passed. In a nutshell, it seems that measures listed in the second round of Belgian RBMPs have not been implemented as planned, both in substance and timing. Efforts are still needed to reach the objectives of the WFD.

Based on the reporting of the second round of RBMPs and data published in 2020<sup>114</sup>, 26.2% of all surface water bodies<sup>115</sup> in Belgium have reached good ecological status (with only 2.7% of surface water bodies having unknown status) and only 2.2% having good chemical status (with 0.2% having unknown status). For groundwaters, 58.8% of groundwater bodies failed to achieve good chemical status and 10.0% are in poor quantitative status.

Figure 27 illustrates the proportion of surface water bodies in Belgium and other European countries that failed to achieve good ecological status.

**Figure 27. Proportion of surface water bodies (rivers, lakes, transitional waters and coastal waters) in less than good ecological status per river basin district<sup>116</sup>**

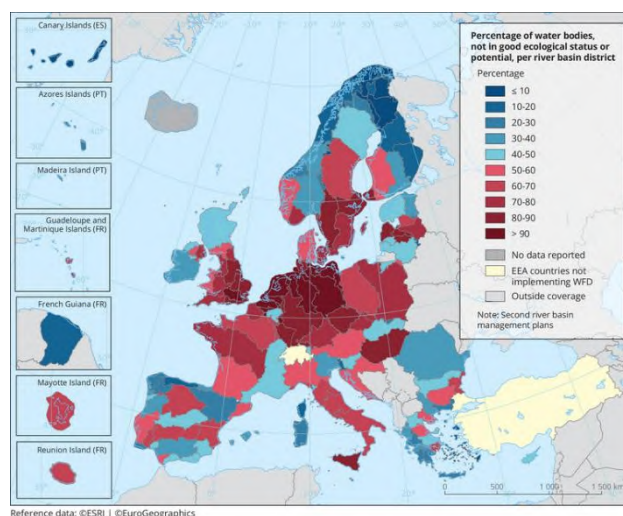


Figure 28 presents the percentage of surface water bodies in Belgium and other European countries failing to achieve good chemical status. For Belgium, the percentage is 97.7%, if one includes water bodies failing due to substances behaving as ubiquitous PBTs (uPBTs – substances that are persistent, bio-accumulative and toxic). Without uPBTs, 25% of Belgian surface water bodies fail to achieve good chemical status.

<sup>107</sup> The [Water Framework Directive \(2000/60/EC\)](#).

<sup>108</sup> The [EU Water Policy](#).

<sup>109</sup> The [Groundwater Directive \(GWD\) \(2006/118/EC\)](#); the [Environmental Quality Standards Directive \(EQSD\) \(2008/105/EC\)](#); the [Floods Directive \(FD\) \(2007/60/EC\)](#); the [Bathing Waters Directive \(2006/7/EC\)](#); the [Urban Waste Water Treatment Directive \(91/271/EEC\)](#); the new [Drinking Water Directive \(2020/2184/EC\)](#), the [Nitrates Directive \(91/676/EEC\)](#); the [Marine Strategy Framework Directive \(MSFD\) \(2008/56/EC\)](#), the [Industrial Emissions Directive \(IED\) \(2010/75/EU\)](#) the [new Regulation on minimum requirements for water reuse \(\(EU\)2020/741\)](#).

<sup>110</sup> Detailed information can be found in the [5<sup>th</sup> Report from the Commission on the implementation of the Water Framework Directive and the Floods Directive](#), as well as in the 2019 EIR.

<sup>111</sup> Based on information provided in April 2022 by Belgian authorities.

<sup>112</sup> See the [6<sup>th</sup> Implementation Report of the WFD and FD](#).

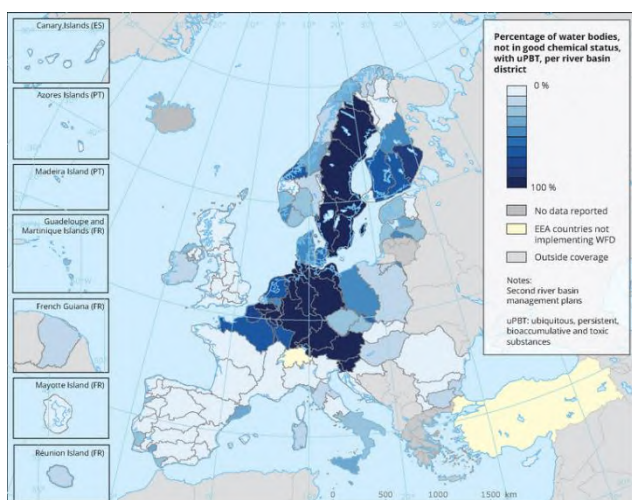
<sup>113</sup> See the [assessment report for Belgium](#)

<sup>114</sup> [WISE Freshwater \(europa.eu\)](#)

<sup>115</sup> Rivers, lakes, transitional waters, coastal waters, and territorial waters.

<sup>116</sup> European Environment [Agency, 2021](#).

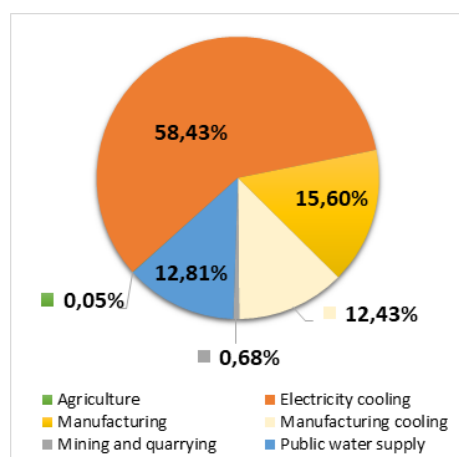
**Figure 28. Percentage of surface water bodies not achieving good chemical status<sup>117</sup>**



Under the IED framework, it should be stressed that Belgium showed a significant decrease the last decade (40.3%) in industrial releases of heavy metals like Cd, Hg, Ni, Pb and (4.4%) in Total Organic Carbon (TOC) to water<sup>118</sup>.

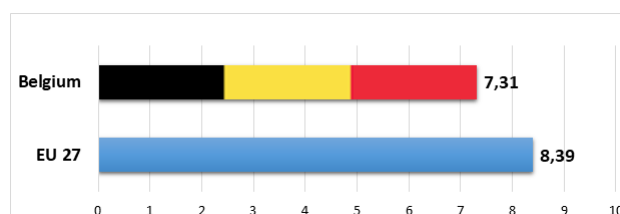
The total water abstracted annually (corresponding to 2019 baseline) from surface and groundwater sources in Belgium is 5846.07 hm<sup>3</sup> (EEA, 2022). The percentage for water abstraction per sector is 0,05% for agriculture, 12.81% for public water supply, 58.43% for electricity cooling, 15.60% for manufacturing, 12.43% for manufacturing cooling and 0.68% for mining and quarrying (Figure 29). Belgium uses a register to monitor water abstractions. Each Region makes use of its own system<sup>119</sup>. Small abstractions do not require permits in Belgium, but most small abstractions are nevertheless registered (at least in recent years).

**Figure 29: Water abstraction per sector in Belgium<sup>120</sup>**



In Belgium, the water exploitation index plus (WEI+)<sup>121</sup> was 7.31% (in 2017), which is less than the 20% that is generally considered to indicate water scarcity<sup>122</sup>. Belgium is ranked 8<sup>th</sup> (with 1st indicating a country that has a high WEI+ and therefore a country with water-scarcity problems) in the EU.

**Figure 30. Water-exploitation index plus (WEI+) inside EU, 2017<sup>123</sup>**



As part of the Belgian RRP<sup>124</sup>, Flanders aims to accelerate its water-retention actions because the region is becoming prone to water shortages due to droughts. Flanders aims to achieve this 'Blue Deal' through: (i) the restoration and creation of wetlands; (ii) integrating waterbodies and other natural environments together into a broader network that spans both cities and rural areas; (iii) the installation of water buffers at large scale;

<sup>117</sup> European Environment Agency, [December 2019](#).

<sup>118</sup> European Environment Agency, June [2021](#) EEA, 2021

<sup>119</sup> No federal competence.

<sup>120</sup> European Environment Agency, [Water abstraction by source and economic sector in Europe](#), 2022. <https://www.eea.europa.eu/ims/water-abstraction-by-source-and>

<sup>121</sup> The Water Exploitation Index plus (WEI+) is a measure of total fresh water use as a percentage of the renewable fresh water resources (groundwater and surface water) at a given time and place. It quantifies how much water is abstracted and how much water is returned after use to the environment.

<sup>122</sup> By May 2022, the EEA will develop a seasonal WEI+ at river-basin and NUTS2 level, which will provide a more complete picture of water stress and water scarcity for each Member State.

<sup>123</sup> European Environment Agency (EEA), [Water exploitation Index Plus](#), 2022.

<sup>124</sup> [Belgium's recovery and resilience plan | European Commission \(europa.eu\)](#)

- (iv) the use of innovative water-saving technologies; and
- (v) investing in research on water conservation.

### Floods Directive

As mentioned earlier, the Commission published in December 2021 the 6<sup>th</sup> Implementation Report, which assesses the implementation of both the WFD and the Floods Directive. The report includes a review and update of the preliminary flood risk assessments drawn up by all Member States during the second cycle (2016-2021).

Within the 6th Implementation Report, the assessment report<sup>125</sup> showed that, all three Belgian regions provided an overview with the required information. However, Belgium's decision to designate the whole country as an area of potential significant flood risk is quite broad and could probably be refined. Yet, smaller-scale data is already used on regional and subregional level where it is more effective for flood risk actions and plans. However, both Wallonia and Flanders have developed practical computer-based map viewers to assess flood risk. These map viewers make it possible to visualise relevant information, and both regions provided good methodologies to assess future flood risks in their preliminary flood-risk assessments. Brussels and Wallonia should consider developing a quantitative methodology to assess the potential impact of future floods and their impact on human health, the environment, economic activity and cultural heritage.

Belgium has not yet reported on the second generation of flood risk management plans (FRMPs) under the Floods Directive. The European Commission will assess progress made since the adoption of the first flood risk management plans and publish a report on this, as it did in 2019.

### Drinking Water Directive

On the Drinking Water Directive<sup>126</sup>, no new assessment of the quality of drinking water is available since the 2019 EIR. The quality of drinking water in Belgium has not been indicated as an area of concern.

The recast Directive<sup>127</sup> entered into force on 12 January 2021, and Member States have until 12 January 2023 to transpose it into their national legal system. Belgium will have to comply with these revised quality standards.

<sup>125</sup> European Commission, Directorate-General for Environment, Assessment of Second Cycle Preliminary Flood Risk Assessments and Identification of Areas of Potential Significant Flood Risk under the Floods Directive : Member State : [Belgium](#), 2022.

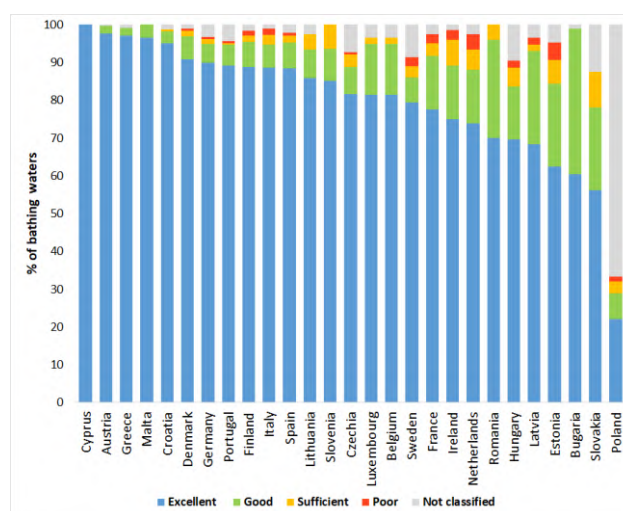
<sup>126</sup> OJ L 330, 5.12.1998, p. 32–54.

<sup>127</sup> OJ L 435, 23.12.2020, p. 1–62.

### Bathing Water Directive

On the Bathing Water Directive, Figure 32 shows that in 2020, out of the 118 Belgian bathing waters, 81.4% were of excellent quality<sup>128</sup>. Detailed information on Belgian bathing waters is available from a national portal<sup>129</sup> and via an interactive map viewer of the European Environment Agency<sup>130</sup>.

**Figure 31: Bathing water quality in Europe in the 2020 season<sup>131</sup>**

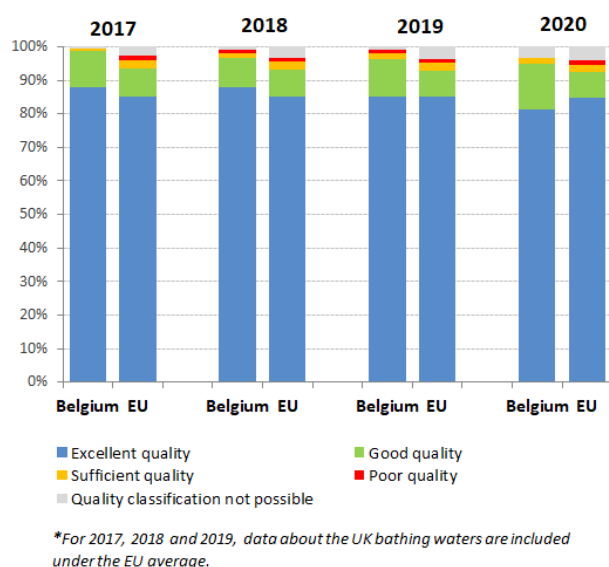


<sup>128</sup> European Environment Agency, 2021. [State of bathing water — European Environment Agency \(europa.eu\)](#), p. 17.

<sup>129</sup> for Belgium-Flanders : [www.kwaliteitzwemwater.be](#) and for Belgium-Wallonia : [http://environnement.wallonie.be/baignade](#)

<sup>130</sup> EEA, [State of bathing waters in 2020 — European Environment Agency \(europa.eu\)](#)

<sup>131</sup> European Environment Agency, [Bathing Water Quality in 2020](#), 2021.

Figure 32: Belgium, Bathing water quality 2017-2020<sup>132</sup>

### Nitrates Directive

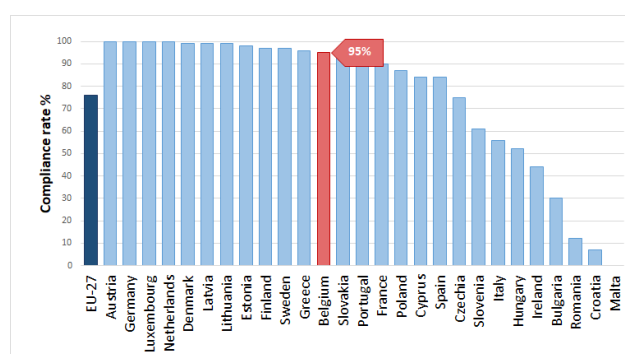
According to the latest information available on the implementation of the Nitrates Directive, pollution by nitrates of ground water and surface water remains widespread in Flanders. Flanders has seen significant increases in certain areas and stable values in other areas, but at levels exceeding the threshold of 50 mg/l of nitrates or remaining very close to that threshold. Almost all (97%) surface waters in Flanders were reported to be in a eutrophic state by the end of 2019. Thus, what was identified as a rather positive trend in the previous EIR reports has now turned into a clearly negative trend, with the pollution of water by nitrates in Flanders being among the highest in the EU. In Wallonia reporting shows that pollution levels are less worrisome overall, with concentrations in ground water generally showing a trend of reduction. However, for surface water, some monitoring stations in Wallonia are starting to show an upward trend. 15% of surface waters are eutrophic. Moreover, the Walloon authorities have fallen behind in carrying out the mandatory review of their nitrates-action plan (Programme de gestion durable de l'azote en agriculture), which is subject to a pending infringement procedure at the stage of reasoned opinion under Article 258 of the Treaty on the Functioning of the European Union.

### Urban Waste Water Treatment Directive

Belgium has, over the years, encountered difficulties in meeting its obligations under the Urban Waste Water Treatment Directive.

Overall, in Belgium, the compliance rate is 95% which is higher than the EU average (76%) in 2018. 13.1% of urban wastewater in Belgium is not collected and/or does not meet the requirements for biological treatment.

Figure 33: Proportion of urban waste water that meets all requirements of the Urban Wastewater Treatment Directive (collection, biological treatment, biological treatment with nitrogen and/or phosphorus removal) in compliant urban areas of the UWWTD ('compliance rate'), 2018<sup>133</sup>



In recent years, there have been improvements in compliance with the Urban Waste Water Treatment Directive, for which the use of EU funding has been fundamental. But despite these improvements, the incomplete implementation of the Urban Waste Water Treatment Directive has led to several rulings of the Court of Justice of the European Union against Belgium<sup>134</sup>. Moreover, the Commission decided in June 2021 to issue a reasoned opinion to Belgium for its failure since 2005 to comply with Urban Waste Water Treatment Directive requirements in 11 agglomerations.

### 2022 priority actions

- Assess new physical modifications of water bodies in line with Article 4(7) of the WFD. In these assessments alternative options and appropriate mitigation measures have to be considered.
- Urgent action to improve water quality - both in surface water and ground water bodies, tackling pollution by nitrates in particular.
- Efforts should be made to improve the coordinated implementation of water, marine and nature policies.

<sup>132</sup> European Environment Agency, European Bathing Water Quality in 2017, 2018, 2019, 2020.

<sup>133</sup> European Commission, [WISE Freshwater](#), 2021.

<sup>134</sup> Cases C-395/13 and C-533/11

- Complete implementation of the Urban Waste Water Treatment Directive for all remaining non-compliant agglomerations.

## Chemicals

The EU seeks to ensure that chemicals are produced and used in a way that minimises any significant adverse effects on human health and the environment. In October 2020, the Commission published its chemicals strategy for sustainability - "Towards a Toxic-Free environment",<sup>135</sup> which led to some systemic changes in EU Chemicals legislation. The strategy is part of the EU's zero pollution ambition - a key commitment of the European Green Deal.

The EU's chemicals legislation<sup>136</sup> provides baseline protection for human health and the environment. It also ensures stability and predictability for businesses operating within the internal market.

Since 2007, the Commission has gathered information on the enforcement of the Regulation on the Registration, Evaluation, Authorisation and Restriction of Chemicals ("the REACH Regulation") and the Regulation on Classification, Labelling and Packaging ("CLP Regulation"). In December 2020, the Commission assessed the Member States' reports on the implementation and enforcement of these Regulations<sup>137</sup>, in line with Article 117(1) of the REACH Regulation and Article 46(2) of the CLP Regulation. According to the latest available data, national enforcement structures have not changed much in recent years since 2015. However, it is apparent from this report that there are still many disparities in the implementation of the REACH and CLP Regulations, and notably in the area of law enforcement. Recorded compliance levels in Member States seem to be quite stable over time, but with a slight worsening trend, which is likely due to: (i) enforcement authorities being more effective in detecting non-compliant products/companies; and (ii) more non-compliant products being put on the EU market.

In August 2021, the Commission published a measurable assessment of the enforcement<sup>138</sup> of the two main EU Regulations on chemicals (the REACH Regulation and the

CLP Regulation) using a set of indicators on different aspects of enforcement.

Responsibility for checking compliance with REACH in Belgium lies within the following authorities:

- Federal Public Service Health, Food Chain Safety and Environment, DG Environment, Environment Inspection Service (also responsible for checking compliance with the CLP Regulation);
- Federal Public Service Employment, Labour and Social Dialogue (also responsible for checking compliance with the CLP Regulation);
- The Flemish government - Environment Department - Enforcement Section;
- Brussels-Capital Region – Bruxelles Environnement;
- Wallonia - Directorate-General for Agriculture, Natural Resources and the Environment (DGRNE)

Belgium has not yet devised a REACH enforcement strategy. It only has a CLP strategy, which is partly implemented<sup>139</sup>. On enforcement, Belgium prioritises areas that are the most sensitive to consumers (children and the general public).

In Belgium, 17.5 full time equivalent workers (FTEs) are allocated to REACH and CLP enforcement<sup>140</sup>. There are 169 REACH controls in the reporting period and 199 CLP controls, well below average. Most of the REACH controls done are proactive, compared with reactive/non-routine CLP controls (i.e. investigations in response to complaints, accidents and referrals)<sup>141</sup>. Although the level of expertise among the Belgian authorities has increased since the last reporting period, it is still not sufficient for some specific tasks under REACH, namely in relation to risk management and some specific areas of concern such as nanomaterials and endocrine disruptors. The high percentage of non-compliance cases out of the total number controls should be underlined<sup>142</sup>.

<sup>135</sup> [COM\(2020\) 667 final](#)

<sup>136</sup> Principally for chemicals: REACH (OJ L 396, 30.12.2006, p.1.); for Classification, Labelling and Packaging, the CLP Regulation (: OJ L 252, 31.12.2006, p.1.), together with legislation on biocidal products and plant protection products.

<sup>137</sup> European Commission, Final Report, on the operation of REACH and CLP, [Final report REACH-CLP MS reporting 2020.pdf \(europa.eu\)](#)

<sup>138</sup> [European Commission, REACH and CLP enforcement: EU level enforcement indicators](#)

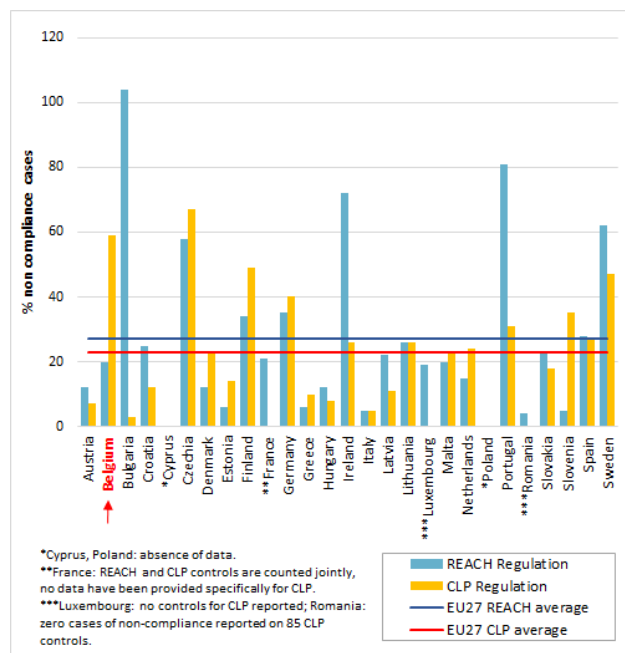
<sup>139</sup> European Commission, Final Report, on the operation of REACH and CLP, [Final report REACH-CLP MS reporting 2020.pdf \(europa.eu\)](#), p. 76

<sup>140</sup> European Commission, Final Report, on the operation of REACH and CLP, [Final report REACH-CLP MS reporting 2020.pdf \(europa.eu\)](#), p. 74.

<sup>141</sup> European Commission, Final Report, on the operation of REACH and CLP, [Final report REACH-CLP MS reporting 2020.pdf \(europa.eu\)](#), p. 96.

<sup>142</sup> European Commission, Final Report, on the operation of REACH and CLP, [Final report REACH-CLP MS reporting 2020.pdf \(europa.eu\)](#), p.88

**Figure 34: Percentage of non-compliance cases out of the total number of REACH and CLP controls during 2019 per Member State and compared to the EU average<sup>143</sup>**



## 2022 priority actions

- Upgrade the administrative capacities in implementation and enforcement towards a policy of zero tolerance for non-compliance.
- Fully implement the enforcement strategy for the CLP Regulation and also devise and implement a strategy for the enforcement of the REACH Regulation.

<sup>143</sup> European Commission, Final Report, on the operation of REACH and CLP, [Final report REACH-CLP MS reporting 2020.pdf \(europa.eu\)](https://ec.europa.eu/eurobarometer/surveys/detail/2444), pp.87-88

## 4. Climate action

In line with the Paris Agreement and as part of the European Green Deal, the European Climate Law sets the EU target of reaching climate neutrality by 2050 and reducing greenhouse gas (GHG) emissions by 55% by 2030 compared to 1990. The law also limits the contribution that carbon removals can make towards emission reductions in 2030, to ensure a sufficient mitigation effort.

The EU and its Member States submitted updated Nationally Determined Contribution (NDC) to the UNFCCC in December 2020.

The EU is working across all sectors and policies to cut GHG emissions and make the transition to a climate-neutral and sustainable economy, as well as addressing the unavoidable consequences of climate change.

EU climate legislation incentivises emissions reductions from power generation, industry, transport, the maritime sector and fluorinated gases (F-gases) used in products.

For road transport, EU legislation requires the GHG intensity of vehicle fuels to be cut by 6% by 2020 compared to 2010<sup>144</sup> and sets binding GHG emission standards for different vehicle categories<sup>145</sup>. Under the F-gas Regulation, the EU's F-gas emissions will be cut by two thirds by 2030 compared with 2014 levels.

From 2021, emissions and removals of GHGs from land-use, land-use-change and forestry (LULUCF) have been included in the EU emission-reduction efforts.

The EU adaptation policy is an integral part of the European Green Deal. From 2021, Member States are required to report on their national adaptation policies<sup>146</sup>, as the EU Climate Law recognises adaptation as a key component of the long-term global response to climate change. Member States will be required to adopt national strategies, and the EU will regularly assess progress as part of its overall governance on climate action. The updated EU adaptation strategy, published in February 2021, sets out how the EU can adapt to the unavoidable impacts of climate change and become climate resilient by 2050.

<sup>144</sup> The Fuel Quality Directive (Directive 98/70/EC) sets strict quality requirements for fuels used in road transport in the EU to protect human health and the environment, and to make road travel across the EU safer.

<sup>145</sup> Regulation (EU) 2019/631.

<sup>146</sup> Article 29 of Regulation (EU) 2018/1999.

### Key national climate policies and strategies

Belgium has an integrated *national energy and climate plan* for years 2021-2030 that includes investments and reforms in line with its target under the Effort Sharing Regulation. The work under the national energy and climate plan is also consistent with Belgium's *long-term strategy to 2050*. The long-term strategies of the regions envisage the following overall emissions reductions:

- The long-term strategy of Wallonia aims to achieve carbon neutrality by 2050, through a reduction of greenhouse gas emissions by 95% compared to 1990, supplemented by measures regarding carbon capture and use, and negative emissions;
- The long-term strategy of Flanders aims to reduce greenhouse gas emissions from the so-called non-ETS sectors by 85% by 2050 compared to 2005, with the ambition to move towards full climate neutrality. As regards the sectors covered by the ETS, Flanders subscribes to the context set out by the EU for these sectors with a decreasing emissions quota;
- The long-term strategy of the Brussels-Capital Region sets the objective of moving closer to the European target of carbon neutrality by 2050, in the urbanised context of Brussels.

The ambition of the Federal State is to achieve climate neutrality by 2050. Belgium is required to contribute to reaching EU climate neutrality by 2050 in line with the EU's Climate Law.

In its RRP, Belgium allocates 50% of the funds to climate change policies and outlines crucial reforms and investments to further the transition to a more sustainable, low-carbon and climate-resilient economy (see Chapter 5).

Belgium adopted its national climate change adaptation strategy<sup>147</sup> in 2010 and its national adaptation plan<sup>148</sup> in 2017. It has been evaluated in 2019 (at midterm) and in 2021. A new plan is foreseen by the end of 2022. Adaptation in Belgium is addressed at different levels: At the national level, adaptation is addressed within the *national adaptation strategy and plan*, which contains

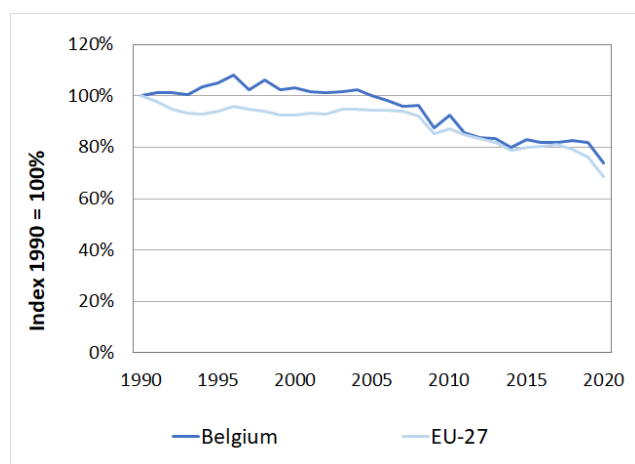
<sup>147</sup> [https://www.cnc-nkc.be/sites/default/files/report/file/be\\_nas\\_2010.pdf](https://www.cnc-nkc.be/sites/default/files/report/file/be_nas_2010.pdf)

<sup>148</sup> [https://climat.be/doc/NAP\\_EN.pdf](https://climat.be/doc/NAP_EN.pdf)

actions that are complementary to those contained in the regional plans (i.e. the plans for Flanders, Wallonia, Brussels Capital). Adaptation is addressed at local level with the municipalities that have signed the Covenant of Mayors on Urban Adaptation to Climate Change. To take national decisions there are commissions and coordination committees where governments (regional and federal) and ministries are represented.

Between 1990 and 2020, economy-wide greenhouse gas emissions in Belgium decreased by 26%, less than the EU average.

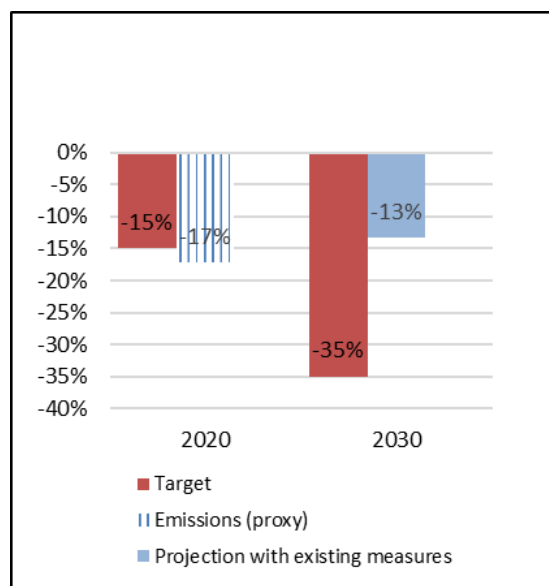
**Figure 35: Total greenhouse-gas emissions (incl. international aviation) in Belgium 1990-2020**



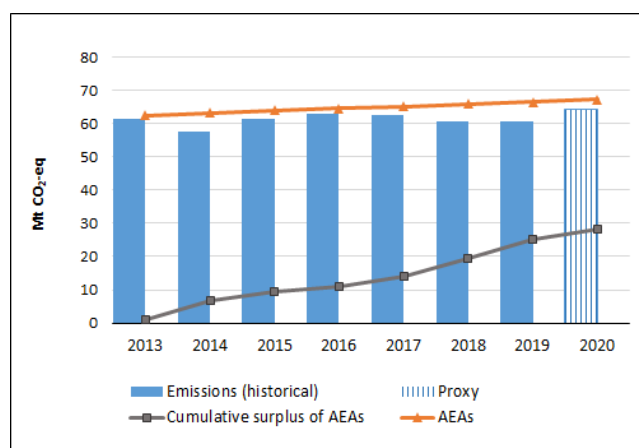
### Effort-sharing target

For emissions not covered by the EU’s emissions trading scheme (ETS), Member States have binding national targets under the Effort Sharing legislation<sup>149</sup>. Under EU legislation, Belgium has a target to reduce greenhouse-gas emissions in the non-ETS sectors (buildings, road and domestic maritime transport, agriculture, waste and small industries) by 15% by 2020 and by 35% by 2030. Belgium’s greenhouse gas emissions in these sectors in 2020 were 17% below 2005 levels (proxy data). The national energy and climate plan foresees the adoption of additional measures to achieve Belgium’s 2030 target of a -35% reduction in emissions for the non-ETS sectors.

**Figure 36: Emissions and targets under the Effort Sharing Decision/ Effort Sharing Regulation in Belgium, 2020 and 2030 as percentage change from 2005**



**Figure 37: Emissions, annual emission allocations (AEAs) and accumulated surplus/ deficit of AEAs under the Effort Sharing Decision in Belgium, 2013-2020**



### Key sectoral developments

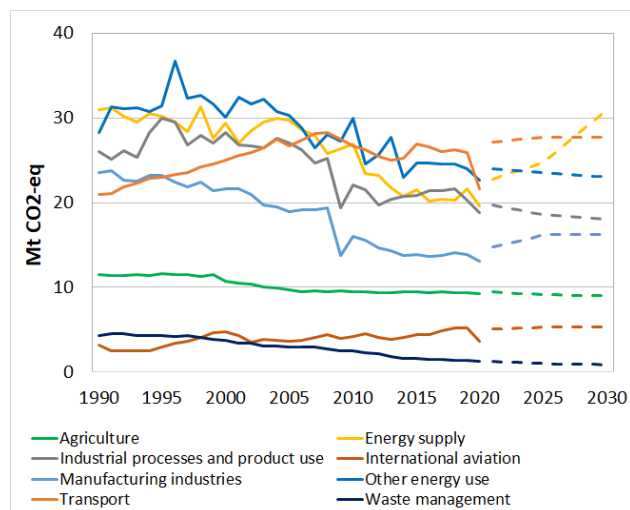
In road transport, the greenhousegas intensity of vehicle fuels in Belgium decreased by 3% from 2010 to 2019. It is therefore unlikely that the 2020 reduction target of 6% will be reached. There are several types of action that Member States can take in this regard, for example: (i) further expanding the use of electricity in road transport; (ii) supporting the use of biofuels, and advanced biofuels in particular; (iii) incentivising the development and deployment of renewable fuels of non-biological origin; and (iv) reducing upstream emissions before refining processes. The Belgian NECP and RRP include several such measures.

Road transport in 2019 in Belgium represented 20% of the country’s total greenhouse gas emissions. Emissions

<sup>149</sup> Regulation (EU) 2018/842

of greenhouse gases from road transport have decreased by 3% compared to 2005.

**Figure 38: Greenhouse gas emissions by sector in Belgium<sup>150</sup> – historical emissions 1990-2020, projections 2021-2030<sup>151</sup>**



On buildings, energy-efficient renovation and fuel switching are major priorities. In its assessment of the Belgian national energy and climate plan, the Commission has recommended that Belgium: (i) reform energy taxes in combination with flanking social measures; (ii) address the current shortage of workers with the necessary skills in the construction sector; and (iii) simplify the procedure for building permits.

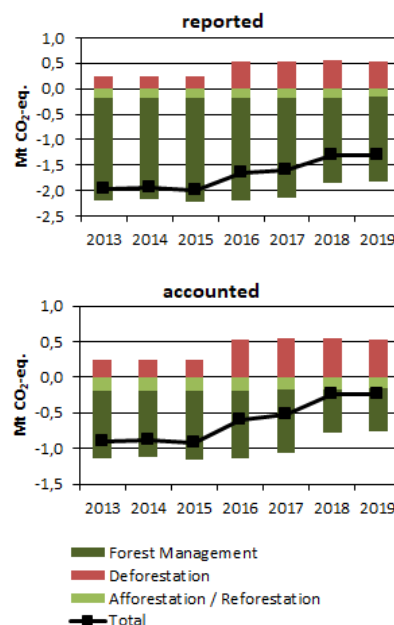
Greenhouse gas emissions from agriculture in Belgium have seen a small reduction.

In the land use, land use change and forestry (LULUCF) sector, Belgium is projected to see moderately increasing net removals of CO<sub>2</sub> equivalent by 2030. Reported quantities under the Kyoto Protocol for Belgium show net removals of, on average, -1.7 Mt CO<sub>2</sub>-eq in 2013 to 2019. Belgium therefore contributes roughly 0.5% to the EU-27's annual average carbon sink of -344.9 Mt CO<sub>2</sub>-eq. Using a separate measurement scheme, carbon accounting for the same period shows net credits (i.e. the equivalent of carbon removals) of, on average, -0.6 Mt CO<sub>2</sub>-eq, which corresponds to 0.5% of the EU-27 accounted sink of -115.0 Mt CO<sub>2</sub>-eq. Reported net removals and accounted net credits show a decrease from 2015 to 2018.

<sup>150</sup> The sectors in the figure correspond to the following IPCC sectors: Energy supply: 1A1, 1B and 1C; Energy use in manufacturing industries: 1A2; Industrial processes and product use: 2; Transport: 1A3; Other energy use: 1A4, 1A5 and 6; Agriculture: 3; Waste: 5; International aviation: 1.D.1.a.

<sup>151</sup> European Environmental Agency, [Total GHG trends and projections](#).

**Figure 39: Reported and accounted emissions and removals from LULUCF in Belgium<sup>152</sup>**



## Use of revenues from the auctioning of EU ETS allowances

Total revenues from the auctioning of emission allowances in Belgium under the EU ETS in 2012-2021 were over EUR 2.2 billion. Between 2013-2015 auctioning revenues were not spent pending a legal decision. The auctioning revenues from 2013 to 2015 have been earmarked and were partly committed and disbursed over the following years. In addition, Belgium's general-government budget is used to finance climate and energy projects.

### 2022 priority actions

- Further reduce greenhouse-gas emissions in the road transport sector, including by promoting sustainable mobility, investing in public transport, and rolling-out infrastructure for electrical and hydrogen powered vehicles, in particular in the context of greening the company-car scheme.
- Produce and distribute new energy vectors, such as hydrogen, and support carbon capture, use and storage.
- Develop substantial clean energy infrastructure.

<sup>152</sup> The differences between reported and accounted emissions from LULUCF under the Kyoto Protocol are described in the 'Explanatory note on LULUCF – accounted and reported quantities under the Kyoto Protocol'.

## Part II: Enabling framework: Implementation tools

### 5. Financing

#### Environmental investment needs in the European Union

Financing environmental measures is essential for their success. Although most financing comes from national sources, various EU funds contribute significantly, helping to close the financing gaps.

Post-2020, environmental measures will also be supported by the EU's COVID-19 Recovery Fund (via the RRF) and the 'do no significant harm' principle which runs across the EU budget. The renewed commitments made at COP26 (Glasgow, October-November 2021) and the Biodiversity Convention (April-May 2022)<sup>153</sup> will also be reflected in the EU budget. Overall environmental investment gaps (EU-27)

#### Overall environmental investment gaps (EU-27)

The EU's investment needs for the green transition cover a range of interlinked areas. The additional investment needs over the baselines (i.e. the gap between what is needed and what is forecast to be invested if no additional action is taken) for climate, energy and transport were estimated in 2021 at EUR 390 billion a year (EU-27)<sup>154</sup> with a further EUR 130 billion a year to deliver the EU's core environmental objectives<sup>155</sup>. The costs of climate adaptation can also be significant, and are estimated to reach a total of EUR 35-62 billion (narrower scope) or EUR 158-518 billion (wider scope) per year<sup>156</sup>. Those investment needs reflect the implementation objectives to 2020 and to 2030 (except for climate-change adaptation, the costs of which are expected to last over a longer time horizon).

A preliminary update of the EU's core environmental investment gap is provided in Table 1<sup>157</sup>. Almost 40% of the environmental investment needs relate to dealing with pollution, which accounts for nearly two-thirds of

the total gap if combined with water management. The investment gap in circular economy and waste is estimated between EUR 13-28 billion a year, depending on levels of circularity implemented. The annual biodiversity financing gap is estimated at around EUR 20 billion.

**Table 1 - Estimated breakdown of the EU's environmental investment needs, by environmental objective, 2021-2030 (per year)<sup>158</sup>**

Environmental objective	Estimated investment gap (EU-27, p.a.)	
	EUR billion	%
Pollution prevention & control	42.8	39%
Water management & industries	26.6	24%
Circular economy & waste	13.0	12%
Biodiversity & ecosystems <sup>159</sup>	21.5	20%
R & D & I and other	6.2	6%
<b>Total</b>	<b>110.1</b>	<b>100%</b>

#### Environmental-investment needs in Belgium

There is a clear shift of investment priorities in Belgium to support climate policies, as can be seen in the Belgian RRP. The focus in the RRP is on sustainable energy and transport reducing greenhouse gases. The Belgian RRP strongly supports the energy-efficient renovation of buildings and the decarbonisation of the energy, industry and transport sectors. These are all areas with major needs for reaching the 2030 energy and climate targets.

<sup>153</sup> [The Convention on Biological Diversity \(cbd.int\); Post-2020 Global Biodiversity Framework | IUCN.](https://www.cbd.int/postes/the-convention-on-biological-diversity-cbd-int)

<sup>154</sup> SWD(2021)621, accompanying proposal COM(2021)557 to amend the REDII Directive (EU) 2018/2001.

<sup>155</sup> SWD(2020) 98 final/2.

<sup>156</sup> SWD(2018)292. Impact assessment accompanying the Proposal for the LIFE Regulation (COM(2018)385).

<sup>157</sup> With decreases due to Brexit and some reconciliation among the objectives.

<sup>158</sup> European Commission, DG Environment, "Study supporting EU green investment needs analysis" (ongoing, 2021-2023) and DG Environment internal analysis "Environmental Investment needs and financing in the EU's green transition", July 2020.

<sup>159</sup> To meet the needs of the 2030 Biodiversity Strategy (Natura 2000, green infrastructure), at least EUR 20 billion a year should be unlocked for nature (COM/2020/380 final) while fully covering the strategy (including restoration) may require EUR 30-35 billion, indicating a gap of EUR 10-20 billion a year compared to current baseline expenditure.

Climate investment priorities address the needs or 'investment gaps' in a wide set of economic sectors such as the energy renovation of housing, e-mobility and transportation infrastructures.

The following paragraphs set out the environmental investment needs in four different environmental priority sectors: pollution prevention and control; water management; waste and the circular economy; and biodiversity and ecosystems.

### *Pollution prevention & control*

The EU's first Clean-Air Outlook<sup>160</sup> under the clean air programme estimated that, to reach the emissions reduction requirements<sup>161</sup> in the NECD by 2030, total air-pollution control costs for Belgium would be equivalent to EUR 2.1 billion per year. This includes EUR 1.2 billion for capital investment (assuming Belgium achieves the 2030 climate and energy targets).

The second Clean-Air Outlook suggests<sup>162</sup> that the EU would largely achieve the reductions of air pollutant emissions that correspond to the obligations under the NEC Directive for 2030 if: (i) all relevant legislation adopted up to 2018 is implemented (including all air pollution and the 2030 climate and energy targets set in 2018); and (ii) Member States also implemented the measures announced in their national air-pollution-control programmes. The only exception is for ammonia for 15 Member States, excluding Belgium. Belgium, has an average risk of non-compliance with its national ammonia reduction commitment (and therefore has a less serious ammonia problem than the 15 Member States), both for the period 2020-2029 and for 2030 and beyond<sup>163</sup>. The NEC Directive also requires certain emission reductions already for the period 2020-2029, including a requirement that Member States make pro-rata progress towards the 2030 targets by 2025 (based on a linear or more flexible trajectory), implying that investments need to be implemented in a timely manner.

<sup>160</sup> International Institute for Applied Systems Analysis (IIASA), *Progress towards the achievement of the EU's air quality and emissions objectives*, 2018. [https://ec.europa.eu/environment/air/pdf/clean\\_air\\_outlook\\_overview\\_report.pdf](https://ec.europa.eu/environment/air/pdf/clean_air_outlook_overview_report.pdf)

<sup>161</sup> Covering the reductions of and the emission ceilings for 5 atmospheric pollutants, SO<sub>x</sub>, NO<sub>x</sub>, PM<sub>2.5</sub>, NH<sub>3</sub> and VOC by 2030, compared to 2005. Requirements are based on [Directive \(EU\) 2016/2284](#).

<sup>162</sup> [COM\(2021\) 3 Final](#) and [Report Annex](#).

<sup>163</sup> International Institute for Applied Systems Analysis (IIASA), *Progress towards the achievement of the EU's air quality and emissions objectives*, 2018.

### *Water management*

According to the OECD study 'Financing Water Supply Sanitation and Flood Protection' (2020)<sup>164</sup>, Belgium experiences low water stress with moderate water resources and also faces a risk of non-compliance with water-quality directives due to pressure from agricultural production and for some quality parameters as phosphorus pressure from households (investment needed in remediation infrastructure). There is a projected significant increase in the value of assets at risk from river, rainfall, and coastal flooding in Belgium. Rivers account for about 40% of Belgium's annual freshwater availability, with net precipitation accounting for the rest. The major aquifers are in Wallonia, which supplies 55% of the country's water, despite only housing 37% of the population. This means that the other regions are highly dependent on water flows from Wallonia. Groundwater meets approximately two thirds of Belgium's needs for drinking water (EurEau, 2017). Industry is the largest user of freshwater resources, accounting for around 85% of total use (WWF, 2018).

EU funding has provided a significant share of public funding for water treatment in Belgium over the past decade<sup>165</sup>. It is also estimated that Belgium will need to invest an additional EUR 3.3 billion euros (around 330 million per year, over baseline investments)<sup>166</sup>, by 2030 in water infrastructure, with 85% of that relating to wastewater.

According to the same study, Belgium is at risk of river-related, rainfall-related, and coastal flooding across its whole territory, with these risks likely to increase due to both demographic changes and climate change. Indeed, the European Commission forecasts North Sea coastal cities as being among the areas most at risk of future flooding (EEA, 2017b). Belgium is one of the European countries facing the largest increase in the value of assets at risk due to possible future river flooding (WRI, 2015). There is a unique risk of flooding in Belgium due to the extensive enclosure of water courses in urban areas. If there is heavy rain, this can cause the system to backup and overflow upstream (OECD, 2007). Ongoing efforts to restore more natural hydromorphology (i.e. to restore rivers to their original shape and direction before humans began altering them) should help to mitigate these risks over time.

<sup>164</sup> European Commission, *Study on investment needs in the waste sector and on the financing of municipal waste management in Member States*, 2019.

<sup>165</sup> [OECD, Financing Water Supply, Sanitation and Flood Protection: Challenges and Options, Factsheet Belgium, 2020](#)

<sup>166</sup> [OECD, Financing Water Supply, Sanitation and Flood Protection: Challenges and Options, 2020](#)

In July 2021, flooding devastated the southern part of Belgium, causing great loss of life and tremendous economic damage. This suggests that Belgium, and Wallonia in particular, should ensure that its latest preliminary flood-risk assessments are still relevant, and identified as areas of significant flood risk are still relevant. The flooding caused great damage to infrastructure and whole districts must now be rebuilt. As a result, Wallonia announced it would redirect EUR 800 million from its own recovery plan to repair the damage caused by the flooding. Wallonia has now set aside EUR 2 billion to deal with the consequences of the flooding. Moreover, the recent 6th Water Framework Directive and Floods Directive Implementation Report<sup>167</sup> and the financial - economic study<sup>168</sup> accompanying it, are also a relevant source of information in this domain.

### *Waste & the circular economy*

Significant investments are included in Belgium's RRP. These include: (i) the federal initiative "Belgium Builds Back Circular" (10 circular projects and awareness-raising among SMEs); (ii) the "Recycling Hub" created by the Flanders (6 investments in new recycling facilities); and (iii) the "Deployment of the Circular Economy" in Wallonia (reuse, upscaling and recycling of metals and construction materials; enhancing eco-design; eco-innovation; and the selective collection/sorting of material flows as well).

According to a Commission study<sup>169</sup>, if Belgium is to meet the recycling targets for municipal waste and packaging waste, it still needs to invest an additional EUR 265 million (around 40 million per year) between 2021-2027 over its baselines in: collection, recycling reprocessors, biowaste treatment, waste sorting facilities and waste-registry digitalisation. Biowaste treatment facility replacement costs are EUR 88 million in 2021-2027.

This does not include the investment necessary in other key waste streams (plastics, textiles, furniture) or the investment needed to increase circularity and waste-prevention across the economy.

### *Biodiversity & ecosystems*

Prioritised action frameworks (PAFs) adopted by the Member States according to Article 8 of the Habitats

Directive present: (i) the conservation priorities for the Natura 2000 network and its supporting green infrastructure; (ii) the costs of these conservation priorities; and (iii) planned funding sources for biodiversity and ecosystems in the period corresponding to the current multiannual financial framework (MFF) for 2021-2027.

The recently submitted PAF<sup>170</sup> for Belgium shows that nature protection costs (including Natura 2000) in 2021-2027 are estimated at EUR 2.4 billion - or around EUR 343 million<sup>171</sup> a year (of which 165 million is annual running costs and 177.8 million are one-off costs). This excludes additional costs to implement the biodiversity strategy to 2030, including additional costs for increased protection and restoration.

### **EU environmental funding 2014-2020**

The MFF for 2014-2020 allocated almost EUR 960 billion (in commitments, 2011 prices)<sup>172</sup> for the EU to spend over this period. The commitment in this 2014-2020 MFF to the green transition included a 20% climate spending target. It also included funding opportunities for the environment, in particular under the European Structural and Investment (ESI) Funds<sup>173</sup>. The 2014-2020 MFF budget was subsequently topped up with over EUR 50 billion (in current prices) from the REACT-EU programme for cohesion-policy action against COVID-19<sup>174</sup>.

Belgium received EUR 3.198 billion from the ESI Funds over 2014-2020 to invest in job creation and a sustainable and healthy European economy and environment. The planned direct environmental investment amounted to EUR 173.3 million of this 3.198 billion with a further 80.7 million identified as indirect environmental investment, totalling EUR 254 million. Figure 41 gives an overview of (planned) individual ESI Funds earmarked specifically to Belgium (EU amounts, without national amounts) for the 2014-2020 period and the environmental investments contained in these earmarked funds.

<sup>167</sup> [WFD and FD Implementation Reports](#) – DG Environment – European Commission.

<sup>168</sup> European Commission, Directorate-General for Environment, [Economic data related to the implementation of the WFD and the FD and the financing of measures](#), Final report. Publications Office, 2021.

<sup>169</sup> European Commission, [Study on investment needs in the waste sector and on the financing of municipal waste management in Member States](#), 2019.

<sup>170</sup> In Belgium, each region has a PAF, i.e. there are three PAFs in total.

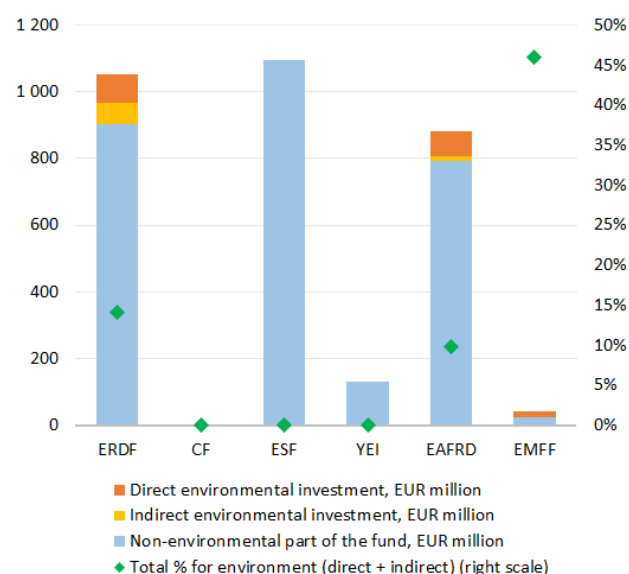
<sup>171</sup> The N2K Group, [Strengthening investments in Natura 2000 and improving synergies with EU funding instruments](#) report to the European Commission, 2021.

<sup>172</sup> Council Regulation (EU, Euratom) No 1311/2013.

<sup>173</sup> The European Structural and Investment (ESI) Funds include the European Regional Development Fund (ERDF), the Cohesion Fund (CF), the European Social Fund (ESF) with the Youth Employment Initiative (YEI), the European Agricultural Fund for Rural Development (EAFRD) and the European Maritime and Fisheries Fund (EMFF).

<sup>174</sup> Regulation (EU) 2020/2221.

**Figure 40: ESI Funds allocated to Belgium, including environmental investments, 2014-2020<sup>175</sup>**



**Table 2: 2014-2020 environmental investments under the ESI Funds in Belgium<sup>176</sup>**

Instrument	Allocations for the environment (EUR million)
<b>Under Cohesion policy (ERDF)</b>	<b>149.0</b>
<u>Direct environmental investments</u>	<u>82.3</u>
waste	2.1
biodiversity and nature	1.9
land rehabilitation	31.1
climate and risk management	47.1
<u>Indirect environmental investments</u>	<u>66.8</u>
renewable energy	5.6
energy efficiency	27.5

<sup>175</sup> European Commission, DG Environment - Data analysis based on ESI Funds Open Data Portal (cohesiondata.ec.europa.eu), [Integration of environmental concerns in Cohesion Policy Funds \(COWI, 2017\)](#), [Regulation \(EU\) No 1303/2013](#), [Regulation \(EU\) 2021/1060](#) and [Implementing Regulation \(EU\) No 215/2014](#). Cut-off date for data: December 2021. Environmental investments here are captured via the combined use of intervention fields and coefficients under the Regulation (EU) No 1303/2013 and Regulation (EU) 2021/1060 allowing for a more precise identification and valuation of relevant environmental investments. N.B. Indirect environmental investments are valued using the Annex I environmental coefficients of the Regulation (EU) 2021/1060 (as opposed to full value).

<sup>176</sup> European Commission, DG Environment - Data analysis. The values of environmental investments identified here in the specific environmental areas may differ from the tracking values at cohesiondata.ec.europa.eu, e.g. for clean air or biodiversity due to two factors: the set of environmental coefficients used and the range of funds assessed. DG Environment's analysis here covered the full range of ESI Funds. See also previous footnote.

other energy <sup>177</sup>	2.6
sustainable transport	17.4
business development, R&I	13.7
<b>Under EAFRD/rural development</b>	<b>85.8</b>
<u>Direct environmental investments</u>	<u>72.7</u>
climate and risk management	72.7
<u>Indirect environmental investments</u>	<u>13.1</u>
renewable energy	1.4
energy efficiency	11.7
<b>Under EMFF</b>	<b>19.2</b>
<u>Direct environmental investments</u>	<u>18.4</u>
environment protection & resource efficiency	18.4
<u>Indirect environmental investments</u>	<u>0.8</u>
business development, R&I	0.8
<b>Under ESI Funds total</b>	<b>254.0</b>
Direct environmental investments	173.3
Indirect environmental investments	80.7

Funding for the environment from the ESI Funds has also been supplemented by other EU funding programmes available to all Member States, such as the LIFE programme, Horizon 2020 or loans from the European Investment Bank (EIB). The LIFE programme<sup>178</sup> is entirely dedicated to environmental and climate objectives. It finances demonstration and best-practice actions for green solutions to be deployed. In the 2014-2020 period, Belgium received EU support for 24 LIFE projects worth EUR 96.9 million from the LIFE programme for nature and environment (out of 1 028 EU-27 LIFE projects financed with a total EU contribution of EUR 1.74 billion)<sup>179</sup>. In 2014-2020, Horizon 2020 allocated about EUR 116.3 million to Belgium for the environment, which is 3.4% of Belgium's total allocation<sup>180</sup> under Horizon 2020. These Horizon 2020 funds directed at Belgian environmental projects focused in particular on the circular economy, raw materials and climate action. From the European Fund for Strategic Investments (EFSI), Belgium did not have environment-related financing<sup>181</sup> in 2014-2020. Environment-related EIB loans to Belgium in this period amounted to 1.59 billion (supporting mostly water and sewerage), out of an overall EUR 12.32 billion in EIB

<sup>177</sup> Intelligent energy distribution systems (smart grids) and high efficiency co-generation and district heating, based on intervention field 53 and 54 respectively (with 40% environmental coefficients) of Regulation (EU) 2021/1060, Annex I.

<sup>178</sup> [European Commission, LIFE Programme.](#)

<sup>179</sup> [LIFE Country overview Belgium 2021 \(europa.eu\)](#)

<sup>180</sup> Source: <https://sc5.easme-web.eu/>.

<sup>181</sup> Approved and signed EFSI financing - EIB, 2015-2020: Source: <https://www.eib.org/en/products/mandates-partnerships/efsi/index.htm>.

lending to Belgium in the period<sup>182</sup>. Belgium ranks number 9 in the amount of total EIB lending it received in this period.

In 2020, the EIB provided EUR 24.2 billion in funding across Europe to fight climate change, 37% of its total financing. It also provided EUR 1.8 billion (3% of its financing) for broader environmental lending.<sup>183,184,185</sup>

The total EU environmental financing is estimated to reach EUR 2 billion for Belgium in 2014-2020.

## EU environmental funding 2021-2027

The 2020 European Green Deal investment plan calls upon EUR 1 trillion in green investments (public and private) to be made across EU by 2030. The 2021-2027 MFF and the NextGenerationEU spending programme will mobilise EUR 2.018 trillion (in current prices) to support the recovery from COVID-19 and the EU's long-term priorities, including environmental protection.<sup>185</sup> Following the EU Green Deal's<sup>186</sup> pledge to 'do no harm' and the Interinstitutional Agreement on the 2021-2027 MFF<sup>187</sup>, 30% of the EU budget in 2021-2027 will support climate efforts, while biodiversity will receive 7.5% of the EU budget as of 2024 and 10% as of 2026 that requires increased programming of financial resources for biodiversity, specifically under the 2021-2027 Cohesion policy and the 2023-2027 CAP to reach those targets.

Sustainable finance significantly increases transparency on environmental sustainability (a goal promoted by the EU Taxonomy)<sup>188</sup>. It also strengthens non-financial reporting requirements and facilitates the issuance of green bonds (by developing the EU Green Bond Standard)<sup>189</sup>. Reinforced by the renewed sustainable finance strategy (2020)<sup>190</sup>, sustainable finance will increase investment flows to climate and the

environment. The new strategy on adaptation to climate change<sup>191</sup> can help to close the insurance protection gap, which currently leaves many risks from climate-related events uninsured<sup>192</sup>. The EIB will align 50% of its lending for climate and environment projects by 2025<sup>193</sup> with a EUR 250 billion contribution to the Green Deal investment plan by 2027.

**Table 3: Key EU funds allocated to Belgium (current prices) 2021-2027**

Instrument	Country funding allocation (million EUR)
<b>Cohesion policy</b>	<b>Total: 2 694.9</b> <sup>194</sup>
ERDF	1 152.3
ESF+	1 168.3
ETC (ERDF)	374.3 <sup>195</sup>
<b>Just Transition Fund</b>	<b>182.6</b> <sup>196</sup>
<b>EAFRD/rural development</b>	<b>414.0</b> <sup>198</sup>
under CAP strategic plans 2023-2027 <sup>197</sup>	
<b>European Maritime, Fisheries and Aquaculture Fund (EMFAF)</b>	<b>EUR 40.3</b> <sup>199</sup>
<b>Recovery and Resilience Facility (RRF)</b>	<b>EUR 5 924.952</b> <sup>201</sup> (grants)
2021 – 2026 <sup>200</sup>	

In Belgium, the programming for most EU funds (cohesion policy funds, EAFRD and the European Maritime, Fisheries and Aquaculture Fund) is ongoing.

<sup>182</sup> EIB loans in EU countries in 2014-2020. Source: EIB Open Data Portal: <https://www.eib.org/en/infocentre/eib-open-data.htm>

<sup>183</sup> The EIB Group jointly works with the European Commission in implementing several programs that finance environmental implementation: InvestEU, the successor of EFSI, Pillar II and III of the Just Transition Mechanism. The EIB Group is a key implementing partner for InvestEU with responsibility for managing 75% of the overall budgetary capacity of the mandate.

<sup>184</sup> [EIB Activity Report 2021](#).

<sup>185</sup> European Commission, [2021-2027 long-term EU budget & NextGenerationEU](#).

<sup>186</sup> [COM/2019/640 final](#).

<sup>187</sup> [Interinstitutional Agreement, OJ L 433I](#).

<sup>188</sup> [https://ec.europa.eu/info/business-economy-euro/banking-and-finance/sustainable-finance/eu-taxonomy-sustainable-activities\\_en](https://ec.europa.eu/info/business-economy-euro/banking-and-finance/sustainable-finance/eu-taxonomy-sustainable-activities_en)

<sup>189</sup> [EU Green Bond Standard](#) - 2021/0191 (COD).

<sup>190</sup> COM (2021) 390 Final - European Commission, Strategy for Financing the Transition to a Sustainable Economy.

<sup>191</sup> [COM\(2021\) 82 final](#).

<sup>192</sup> The strategy would support improved coverage of the insurance gap, including through the natural-catastrophe markets as reflected with the EIOPA (European Insurance and Occupational Pensions Authority) dashboard on the insurance protection gap for natural catastrophes. See: [The pilot dashboard on insurance protection gap for natural catastrophes | Eiopa \(europa.eu\)](#)

<sup>193</sup> EIB Climate Bank Roadmap 2021-2025, November 2020

<sup>194</sup> European Commission, [2021-2027 Cohesion policy EU budget allocations](#).

<sup>195</sup> Interreg initial allocations per Member State including ETC transnational and ETC cross-border cooperation.

<sup>196</sup> European Commission, [2021-2027 Cohesion policy EU budget allocations](#).

<sup>197</sup> European Commission, [CAP strategic plans](#).

<sup>198</sup> [Regulation \(EU\) 2021/2115](#), Annex XI.

<sup>199</sup> [Regulation \(EU\) 2021/1139](#), Annex V.

<sup>200</sup> The actual reforms and investments under the RRF have to be implemented until 31 December 2026.

<sup>201</sup> [Council Implementing Decision, FIN 522](#).

However, negotiations have been concluded under the RRF.

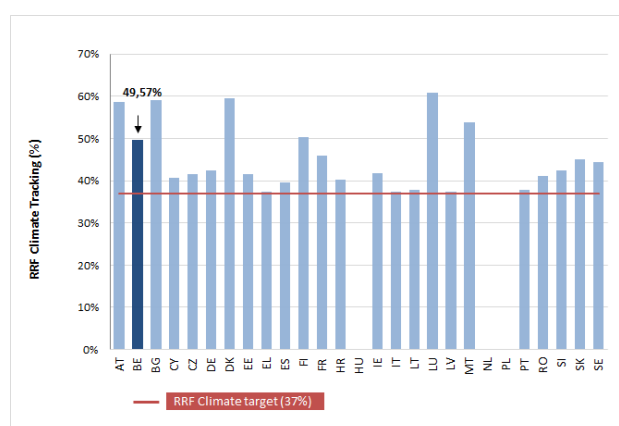
The RRP is the result of an intergovernmental coordination between regions, communities, and the federal authority. Besides the RRP, the federal level and each of the regions adopted their own recovery plan. As part of the EU's Recovery Package, Belgium RRP was approved, and the country will receive EUR 5.92 billion of grants through the RRF instrument. The Belgian RRP in Flanders includes a Blue Deal for water and dealing with ecological fragmentation. The Walloon plan includes a biodiversity project. Three circular economy projects are also proposed (Federal, Flanders & Wallonia), plus a reform on this topic in Brussels. Innovative reforms include dealing with company car taxation, mobility allowance, tax-shift (Federal); project permitting (Flanders and Wallonia); the "Smart Move" and grants for modal shift (Brussels). 50% of the projects have a climate-related tagging, one of the highest in the EU.

Of greatest interest for the environment are those the measures Belgium is planning on: (i) building renovation; (ii) emerging energy technologies; (iii) "soft" mobility infrastructure (i.e. infrastructure for walking and cycling); (iv) encouraging a modal shift in transport, in particular towards rail; (v) the greening of road transport; and (vi) the circular economy. The plan contains 142 measures (37 reforms and 105 investments).

There are two parts of Belgium's RRP that have an especially strong focus on environmental topics. These are set out in the bullet points below:

- Component 1.3 'Climate and environment' focuses on restoring biodiversity, strengthen adaptability and resilience to climate change, as well as water management. In particular, investments will aim at the accelerated creation of a coherent set of natural areas, forests and riverbeds to act as carbon sinks and mitigate the consequences of floods and droughts. This component has a budget of EUR 400 million.
- Component 5.3 'Circular economy' includes reforms and investments to contribute to the development of a circular and low-carbon economy. The projects strive for the development of recycling, reuse and repair, rental, lending, mutualization or industrial symbiosis. In addition, elements of this component aim to support innovation in waste and raw material processing, and to develop circular economy trainings. This component has a budget of EUR 197 million.

Figure 41: Climate expenditure in RRP (2021-2026)<sup>202</sup>



Under NextGenerationEU, the Commission will issue up to EUR 250 billion of EU green bonds (one third of all bonds issued under NextGenerationEU) until 2026 that will comply with the general spirit of the "do no significant harm" principle. However, this EUR 250 billion in green bonds will not be subject to the currently developed delegated acts related to the EU Taxonomy and will not fully align with the proposed EU standard for green bonds.

In addition to EU funds earmarked specifically for Belgium in 2021-2027, there are also funding programmes that can be accessed at the EU level and which are open to all Member States. These include the LIFE programme (EUR 5.4 billion), Horizon Europe (EUR 95.5 billion)<sup>203</sup>, the Connecting Europe Facility<sup>204</sup> (EUR 33.7 billion)<sup>205</sup> or the funds to be mobilised via the InvestEU<sup>206</sup> programme. These other sources of funding will also support the green transition, including through research and innovation activities for environmental protection (Horizon Europe)<sup>207</sup>, clean transport and

<sup>202</sup> European Commission. The contributions to climate objectives have been calculated using Annex VI of the RRF Regulation (EU) 2021/241.

<sup>203</sup> European Commission, [Multiannual financial framework 2021-2027 \(in commitments\) - Current prices](#).

<sup>204</sup> The CEF (Transport) also includes EUR 11.3 billion transferred from the Cohesion Fund. 30 % of the transferred amount will be made available, on a competitive basis, to all Member States eligible for the Cohesion Fund. The remaining 70% will respect the national envelopes until 31 December 2023. Any amount, under national envelopes that is unspent by that date will support all the Cohesion Fund's Member States.

<sup>205</sup> [Regulation \(EU\) 2021/1153](#).

<sup>206</sup> The InvestEU Fund is set to mobilise over EUR 372 billion of investment through an EU budget guarantee of EUR 26.2 billion to back the investment of financial partners such as the European Investment Bank (EIB) Group and others.

<sup>207</sup> European Commission, [Horizon Europe](#).

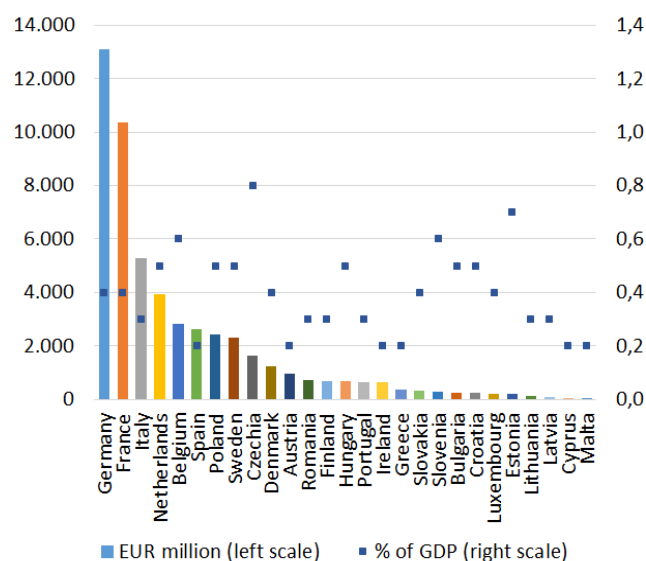
energy (the Connecting Europe Facility)<sup>208</sup> or sustainable infrastructure (InvestEU)<sup>209</sup>.

## National expenditure on environmental protection

Total national expenditure on environmental protection (including all relevant current and capital expenditure)<sup>210</sup> in the EU-27 was EUR 272.6 billion in 2020, representing 2% of EU-27 GDP. This percentage has remained quite stable over time. Although the largest absolute amounts of expenditure are concentrated in a few countries, most countries spend 1-2% of their GDP on environmental protection, with Belgium and Austria spending the greatest share (both direct more than 3% of their GDP on environmental expenditure).

Of this spending, the EU-27's capital expenditure on environmental protection (i.e. investment) amounted to EUR 56.3 billion in 2018, falling to EUR 54.5 billion in 2020, representing around 0.4% of EU-27 GDP. Most Member States invested 0.2-0.5% of their GDP in environmental protection. Belgium invested 0.6% of its GDP in environmental protection in 2020. In 2014-2020, this totalled around EUR 376 billion in environmental investment in the EU-27, and EUR 16.2 million for Belgium.

Figure 42: Environmental protection investments in the EU-27 (EUR million and % of GDP), 2018<sup>211</sup>



By institutional sector, around 43% of Belgium's investment in environmental protection (capital expenditure) came from businesses not specialised in environmental-protection services, 35% from specialist producers (of environmental protection services, e.g. waste and water companies) and 21% from general government. At EU level, 37% comes from governments, 33% from specialist producers and 30% from businesses not specialised in environmental protection).

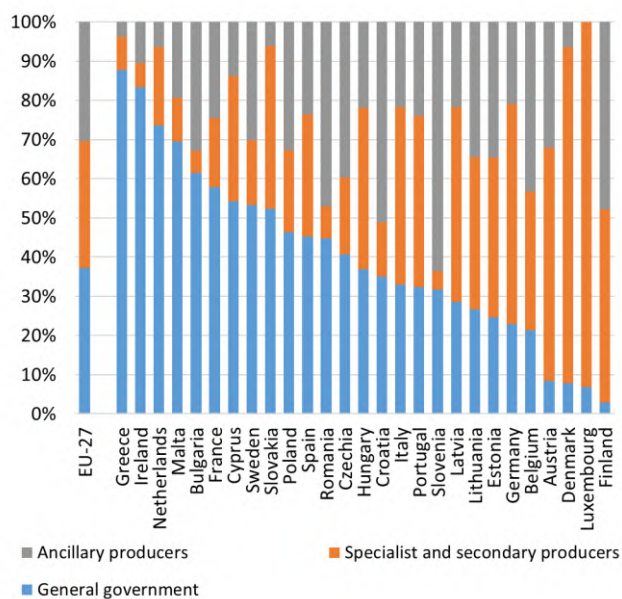
<sup>208</sup> European Commission, [Connecting Europe Facility](#).

<sup>209</sup> European Union, [InvestEU](#).

<sup>210</sup> At economy level, including final consumption, intermediate consumption and capital expenditure of households, corporations and governments related to environmental protection goods and services. It excludes EU funds, although it may include some international expenditure beyond strictly domestic expenditure. Data source: Environmental Protection Expenditure Accounts (EPEA), Eurostat. EPEA accounts are based on the [CEPA 2000 classification](#), excluding climate, energy and circular economy.

<sup>211</sup> Eurostat, Environmental Protection Expenditure Accounts, 2021.

**Figure 43: EU-27 Member States' environmental protection investments (Capex) by institutional sector (Total economy = 100%), 2018<sup>212</sup>**



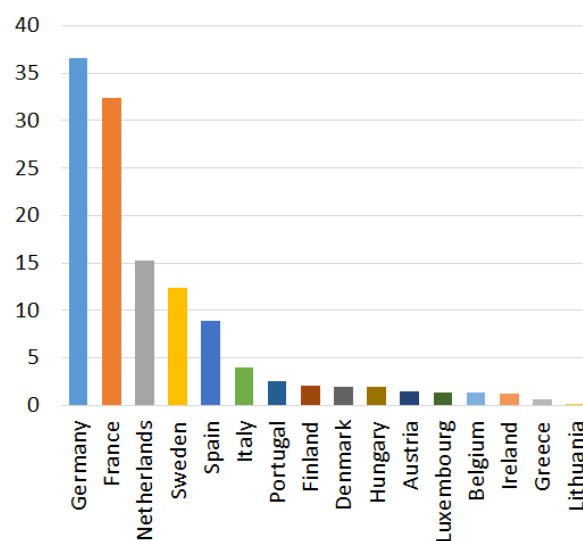
A breakdown of investment by environmental topic is partially available, but only at the level of institutional sectors (rather than at economy level), due to different reporting patterns<sup>213</sup> across the sectors. At Belgium’s general government level, 44% of environmental protection investments went to waste management, 27% to wastewater and 14% to pollution. For the country’s specialist producers of environmental-protection services, waste management received 49% of investment, wastewater 44%, and water and soil protection 4%. For businesses not involved in the specialist production of environmental-protection services, two thirds of environmental-protection investments went to wastewater, with 15% going to reduce air pollution.

In 2020, the total annual issuance of European green bonds (including some non-EU countries)<sup>214</sup> was USD 156 billion (EUR 137 billion<sup>215</sup>), up from USD 117 billion (EUR

<sup>212</sup> Eurostat, Environmental Protection Expenditure Accounts (env\_epe).  
<sup>213</sup> Data reporting is different for the three institutional sectors, leading to aggregation difficulties. Specialist companies provide comprehensive data across all environmental areas (CEPA 1-9), although this is less the case for general government and industry, which often report (the non-obligatory) data in merged categories only (because it is difficult to disaggregate these data) or not at all.  
<sup>214</sup> Green bonds were created to fund projects that have positive environmental and/or climate benefits. Most green bonds issued are green “use of proceeds” or asset-linked bonds. The very first green bond was issued in 2007 with a AAA-rated issuance from multilateral institutions, the European Investment Bank (EIB) and the World Bank.  
<sup>215</sup> At Eurostat’s annual average EUR/USD exchange rates.

105 billion) in 2019. Looking only at EU-27 Member States, green-bond issuance in 2020 was EUR 124 billion. In 2014-2020, 83% of the green bonds issued by European countries served objectives in energy, buildings or transport, while 8% supported water and waste, with a further 6% supporting sustainable land use, with links to ecosystem conservation and restoration. These data are based on the climate bonds taxonomy, which is broadly similar to the EU Taxonomy<sup>216</sup>. In 2020, Belgium issued EUR 1.29 billion of green bonds.

**Figure 44: Annual EU green-bond issuance in 2020 (EUR billion)<sup>217</sup>**

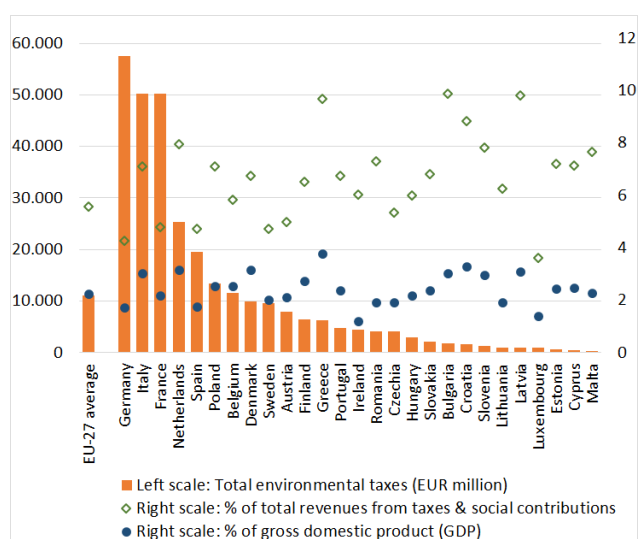


## Green budget tools

### Green taxation & environmental tax reform

Belgium’s revenue from environmentally-related taxes was 2.54% of its GDP (above the EU average) in 2020, as shown in the graphic. Within this, energy and transport taxation account for the largest shares, accounting for 68.6% and 26.3% of total environment taxes respectively in 2020, the share of pollution/resource taxes accounted for 5% of total environmentally-related taxes.

<sup>216</sup> Interactive Data Platform at [www.climatebonds.net](http://www.climatebonds.net). Further information on Climate Bonds Taxonomy: <https://www.climatebonds.net/standard/taxonomy>  
<sup>217</sup> [Climate Bonds Initiative](https://www.climatebonds.net), 2022.

**Figure 45: Environmental taxes in the EU-27, 2020<sup>218</sup>**


The 2019 European Green Deal underlines that well-designed tax reforms can boost economic growth and resilience, foster a fairer society, and promote a just transition. Tax reforms can contribute to this by sending the right price signals and incentives to economic actors. The Green Deal creates the context for broad-based tax reforms, the removal of fossil-fuel subsidies, and a shift in the tax burden from labour to pollution. It achieves this while simultaneously taking account of social considerations<sup>219</sup>. The Green Deal promotes the ‘polluter pays principle’<sup>220</sup>, which stipulates that polluters should bear the cost of measures to prevent, control and remedy pollution. The polluter-pays principle is facilitated by the European Commission’s Technical Support Instrument (TSI) flagship on greening taxes.

### Environmentally-harmful subsidies

Addressing and removing environmentally-harmful subsidies (EHS) is a further step towards wider fiscal reforms<sup>221</sup>. Fossil-fuel subsidies are costly for public budgets and make it difficult to achieve the Green Deal objectives. In many cases these subsidies also counteract incentives for green investments. Annual fossil-fuel subsidies have been around EUR 55 billion in the EU since 2015. They rose by 4% between 2015 and 2019, although some countries (such as Latvia, Lithuania Sweden, Greece

<sup>218</sup> Eurostat, Environmental taxes accounts (env\_eta).

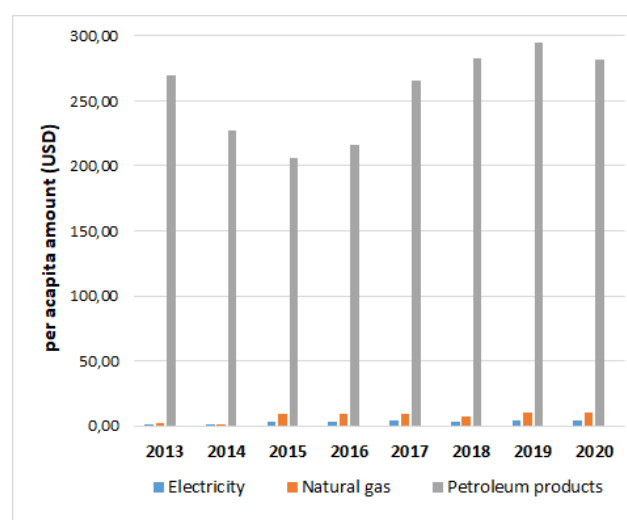
<sup>219</sup> European Commission, The European Green Deal, COM (2019/640 final), p.17

<sup>220</sup> Article 191(2) of the Treaty on the Functioning of the European Union states that: “Union policy on the environment (...) shall be based on the precautionary principle and on the principles that preventive action should be taken, that environmental damage should as a priority be rectified at source and that the polluter should pay”.

<sup>221</sup> European Commission, Study on assessing the environmental fiscal reform potential for the EU28, January 2016 –[Study](#)

and Ireland), managed to decrease them in this period. In the EU, subsidies for petroleum products in sectors such as transport and agriculture continued to increase in 2015-2019. However subsidies for coal and lignite decreased, due to the diminishing role of solid fuels in electricity generation. As a share of GDP, fossil-fuel subsidies ranged from 1.2% in Hungary to less than 0.1% in Malta in 2019 (with an EU average of 0.4%). In Belgium, fossil-fuel subsidies amounted to EUR 3.5 billion in 2019, reaching 0.72% of GDP.

In 2020, the EU-27’s total fossil fuel subsidies decreased to EUR 52 billion (due to falling consumption trends amid the COVID-19-related restrictions). Without Member State actions, these subsidies are likely to rebound as economic activity picks up from 2020.<sup>222</sup>

**Figure 46: Trends in fossil-fuel (electricity, natural gas and petroleum) subsidies—Belgium<sup>223</sup>**


% GDP	2013	2014	2015	2016	2017	2018	2019	2020
Electricity	0,00	0,00	0,01	0,01	0,01	0,01	0,01	0,01
Natural gas	0,01	0,00	0,02	0,02	0,02	0,02	0,02	0,02
Petroleum	0,58	0,48	0,50	0,52	0,60	0,60	0,64	0,63

### Current green budgeting practices

“Green budgeting” encompasses various climate and environmental tagging and tracking practices in budgets. Some EU Member States already use certain green-budgeting practices<sup>224</sup>. Green budgeting helps identify and track green expenditure and green revenues to increase transparency on the environmental implications of budgetary policies. This is aimed at improving policy

<sup>222</sup> State of the Energy Union report, [COM\(2021\) 950 and Annex](#)

<sup>223</sup> OECD, [Fossil Fuel Subsidy Tracker](#).

<sup>224</sup> European Commission, [Green Budgeting Practices in the EU: A First Review](#), 2021.

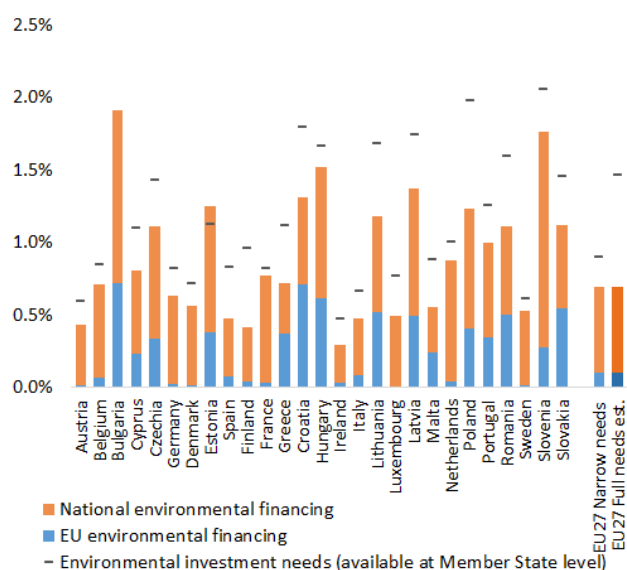
coherence and supporting green policies (including climate and environmental objectives)<sup>225</sup>.

The Commission has also drawn up climate-proofing and sustainability-proofing guidance, as tools to assess project eligibility and a project's compliance with environmental legislation and criteria<sup>226</sup>. The Commission developed a green budgeting reference framework<sup>227</sup> and launched a TSI project on green budgeting in 2021 to help Member States develop national green-budgeting frameworks to improve policy coherence and support the green transition. Belgium participates in the Commission's green-budgeting TSI, which started in 2021.

### Overall financing compared to the needs

The EU's overall financing for environmental investments is estimated to have been 0.6-0.7% of GDP in 2014-2020, comprising both major EU funds and national financing. This ranged from 0.3% (Ireland) to 1.91% (Bulgaria), depending on the level of environmental challenges in different Member States. In 2021-2027, it is estimated that the EU's environmental investment needs will range between 0.9-1.5% of the projected 2021-2027 GDP, suggesting a potential environmental financing gap of 0.6-0.8% of GDP at EU level, compared to previous financing levels<sup>228</sup>.

**Figure 47: Total environmental financing baseline (2014-2020) and estimated needs (2020-2030) in the EU27 (% of GDP)<sup>229</sup>**



Belgium's financing for environmental investments came to an estimated 0.71% of GDP in 2014-2020 (slightly above the EU average), mostly based on national sources. In 2021-2027, the country's environmental investment needs are estimated to be at least 0.85% of GDP (with partial information, available at country level), suggesting an environmental financing gap of at least 0.16% of GDP, likely to be higher when also accounting for needs identified at EU level (e.g. water protection, circularity, biodiversity strategy etc.). Belgium plans to address this gap by mobilising further financial resources to back environmental implementation priorities.

### 2022 priority actions

- Tackle the main environmental challenges affecting the country, through appropriate funding, including through the mobilisation of investments and the use of EU funds.

<sup>225</sup> European Commission, [European Commission Green Budgeting Reference Framework](#), European Commission, [Green Budgeting in the EU Key insights from the 2021 Commission survey](#).

<sup>226</sup> European Commission, [Technical guidance on sustainability proofing for the InvestEU Fund](#).

<sup>227</sup> European Commission, Green Budgeting Reference Framework, based on the review of the OECD Paris Collaborative on Green Budgeting initiative, 2017.

<sup>228</sup> DG Environment data analysis. EU financing sources covered: ESI Funds (ERDF, CF, ESF, YEI, EAFRD, EMFF), Horizon 2020, LIFE, EFSI (EU amount), EIB loans. National financing: total national environmental protection capital expenditure (investments) - source: Eurostat EPEA dataset. Cut-off date for data: end 2021. N.B. Total financing may be higher, in particular through further indirect investments, requiring further analysis in the future.

<sup>229</sup> Eurostat, [ESI Funds Open Data](#), 2021.

## 6. Environmental Governance

### Information, public participation and access to justice

Citizens can more effectively protect the environment if they can rely on the three 'pillars' of the Aarhus Convention:

- (i) access to information;
- (ii) public participation in decision-making;
- (iii) access to justice in environmental matters.

It is of crucial importance to public authorities, the public and business that environmental information is shared efficiently and effectively<sup>230</sup>. Public participation allows authorities to make decisions that take public concerns into account. Access to justice is a set of guarantees that allows citizens and NGOs to use national courts to protect the environment<sup>231</sup>. It includes the right to bring legal challenges ("legal standing")<sup>232</sup>.

#### Environmental information

This section focuses on Belgium's implementation of the INSPIRE Directive. The INSPIRE Directive aims at setting up a European spatial-data infrastructure for sharing environmental spatial information between public authorities across Europe. It is hoped that this will help policy-making across boundaries and facilitate public access to this information. Geographic information is needed for good governance at all levels and should be readily and transparently available.

There are four Geoportals in Belgium: one for each legally responsible entity for the implementation of INSPIRE. Belgium's implementation of the INSPIRE Directive could be better. Belgium's performance has been reviewed based on the country's 2021 country fiche<sup>233</sup>. Belgium has made good progress in data

identification and documentation, and implementation levels are good. However, more efforts are needed to:

- (i) make the data more widely accessible;
- (ii) prioritise environmental datasets in implementation, especially those identified as high-value spatial datasets for implementing environmental legislation<sup>234</sup>.

**Table 4: Country dashboard on the implementation of the INSPIRE Directive, 2016-2020<sup>235</sup>**

	2016	2020	Legend
<b>Effective coordination and data sharing</b>			<p>■ Implementation of this provision is well advanced or (nearly) completed. Outstanding issues are minor and can be addressed easily. Percentage: &gt;89%</p>
<b>Ensure effective coordination</b>	■	■	
<b>Data sharing without obstacle</b>	■	■	
<b>INSPIRE performance indicators</b>			
<b>i. Conformity of metadata</b>	■	■	<p>■ Implementation of this provision has started and made some or substantial progress but is still not close to be complete. Percentage: 31–89%</p>
<b>ii. Conformity of spatial data sets<sup>236</sup></b>	■	■	
<b>iii. Accessibility of spatial data sets through view and download services</b>	■	■	
<b>iv. Conformity of network services</b>	■	■	<p>■ Implementation of this provision is falling significantly behind. Serious efforts are necessary to close implementation gap. Percentage: &lt;31%</p>

<sup>230</sup> The Aarhus Convention, the Access to Environmental Information Directive (Directive 2003/4/EC) and the INSPIRE Directive, (Directive 2007/2/EC) together create a legal foundation for the sharing of environmental information between public authorities and with the public. This EIR focuses on the INSPIRE Directive's implementation.

<sup>231</sup> The guarantees are explained in Commission Notice on access to justice in environmental matters, OJL 275, 18.8.2017 and a related Citizen's Guide.

<sup>232</sup> This EIR report focuses on the means implemented by Member States to guarantee rights of access to justice, legal standing and to overcome other major barriers to bringing cases on nature and air pollution.

<sup>233</sup> <https://inspire.ec.europa.eu/INSPIRE-in-your-Country/BE>.

<sup>234</sup> European Commission, [List of high value spatial data sets](#).

<sup>235</sup> INSPIRE [knowledge base](#).

<sup>236</sup> In 2016, the deadlines for implementation of the spatial data interoperability were: 23/11/2017 for Annex I data and 21/10/2020 for Annex II and III data. In many cases, this conformity indicator will never reach 100% conformity as most countries provide as-is-data sets in addition to the INSPIRE harmonised data sets.

## Public participation

Belgium has a federal website for implementation of the Aarhus Convention<sup>237</sup>. This website provides a one-stop shop describing how public engagement is organised across the country. The website includes information on past or current public consultations on draft legislation, plans or programmes that are organised at federal and/or regional level.

At the regional level, only Flanders currently has platforms in place to enable public participation in licensing procedures<sup>238</sup> and planning procedures for regional plans and programmes<sup>239</sup>. In the Brussels Capital Region, Bruxelles Environnement is planning to set up a single consultation webpage.

However, statistics on the level of public participation in environmental impact assessment (EIA) and strategic environmental assessment (SEA) procedures are not available at either federal or regional level in Belgium.

The 2019 EIR recommended to Belgium that Belgium facilitate public participation in the implementation of EU environmental legislation. Since 2019, Belgium made some progress on this issue.

## Access to justice

On the standing of NGOs, the jurisprudence of Belgium's Council of State, which had been developed in a strict way in the past (i.e. in a way that made it difficult for NGOs to gain standing), was relaxed more than a decade ago under the influence of the case-law of the Belgian Constitutional Court, the Court of Justice of the European Union, and the European Court of Human Rights. It has now been brought into line with the Aarhus Convention, making it easier for NGOs to gain standing.

The procedure for judicial review of administrative decisions by Belgium's Council of State is laid down in its basic act (lois coordonnées sur le Conseil d'Etat) and complementary regulations. This procedure can be used to challenge any unilateral, final, legally binding act of a Belgian administrative authority, whether of an individual or regulatory nature (i.e. administrative decisions in individual cases as well as executive orders and administrative regulations laying down generally

applicable rules). An action to annul an administrative act can be brought by any party (any natural or legal person) which has been "harmed" or has an "interest" at stake. Meeting this requirement does not pose particular problems for individual claimants (legal or natural persons) in environmental cases, and the standing requirements do not vary according to the type of environmental legislation concerned. Proof of actual harm is not required. A legitimate interest in the contested act is sufficient. This need to have a legitimate interest is not necessarily based on a legally recognised subjective right. Whether a natural person has the interest required to seek judicial review of an administrative decision affecting their environment is essentially a factual matter, which will be judged by the Council of State based on the specific circumstances of the case. The Council will examine whether the claimant will be - or may be - affected by the environmental effects of the implementation of the decision. The nature and range of those effects will be taken into account. If there is any uncertainty, the decision on standing tends to be in favour of the claimant.

In Flanders, a Council for Permit Disputes ('RVVB') has been recently established (currently part of the so-called Flemish Administrative Law Tribunal, 'DBRC'). The Council rules on all explicit or tacit decisions concerning the single environmental permit, taken in the last administrative instance. As a result, an important environment-related dispute settlement has been shifted from the Council of State to this specialised Flemish administrative Court. The affected or likely to be affected public can lodge an appeal with the RVVB if a direct or indirect causal link can be established with the contested decision. It is provided that the RVVB may decide to waive court fees if the applicant can prove that his or her income is insufficient.

Costs might be an obstacle for access to environmental justice by ordinary people and NGOs in Belgium. These costs include court fees, and the risk of having to pay a judicial allowance as intervention in the lawyers' fees and costs of the winning party if the case is lost. If these costs are not covered by insurance (which can often be the case when a private party is suffering damages that can be considered as environmental), a party might often hesitate before launching procedures. Although procedures in Belgium cannot be considered "prohibitively expensive", lawyers' fees and the new

<sup>237</sup> [Bienvenue sur le portail national sur la Convention d'Aarhus | SPF Santé publique \(belgium.be\)](https://www.belgium.be/fr/legislation/convention-de-aarhus)

<sup>238</sup> <https://www.omgevingsloket.be/omvPubliek/?openbaaronderzoek>

<sup>239</sup> <https://inspraak.omgeving.vlaanderen.be/>.

system of court fees, judicial allowances and VAT might have a dissuasive effect. However, while it cannot be excluded that the costs of environmental court procedures might constitute a hindrance to access to justice for a middle-income individual, there are fee waiver regulations and other similar support measures in operation.

In Belgium, there is abundant information available on access to environmental justice at all state levels. On the federal level, information - including the applicable rules - can be found through several multilingual websites<sup>240</sup>.

Information about the Federal Appeals Commission for access to environmental information is accessible through a separate website<sup>241</sup>. There are also separate websites on access to justice in the Flemish Region<sup>242</sup>, the Walloon Region<sup>243</sup>, and the Brussels-Capital Region<sup>244</sup>.

In 2019 a priority action was addressed to Belgium to better inform the public about its rights to access environmental justice, and this action is considered to have made substantial progress.

## 2022 priority actions

- Improve access to spatial data and services by: (i) making stronger linkages between the four geoportals; (ii) identifying and documenting all spatial datasets required for the implementation of environmental law<sup>245</sup>; (iii) making the data and documentation at least accessible 'as is' to other public authorities and the public through the digital services provided for in the INSPIRE Directive.
- Ensure that costs are not a hindrance to effective access to justice in environmental matters.

<sup>240</sup> <https://www.health.belgium.be/nl/milieu/milieurechten/toegang-tot-milieu-informatie>  
<https://www.health.belgium.be/fr/environnement/droits-environnementaux/laces-aux-informations-environnementales>  
<https://www.health.belgium.be/de/umwelt/umweltrechte/das-allgemeine-recht-auf-information>

<sup>241</sup> <https://www.ibz.rn.fgov.be/fr/commissions/acces-aux-informations-environnementales/introduction/>

<sup>242</sup> <https://overheid.vlaanderen.be/openbaarheid-van-bestuur>

<sup>243</sup> [http://environnement.wallonie.be/rapports/dpe/iew/acces\\_info.htm](http://environnement.wallonie.be/rapports/dpe/iew/acces_info.htm)

<sup>244</sup> <https://leefmilieu.brussels/leefmilieu-brussel/toegang-tot-informatie/toegang-tot-milieu-informatie>

<sup>245</sup> European Commission, [INSPIRE](#).

- Set up websites providing information on and facilitating participation in EIA and SEA processes in Wallonia and the Brussels Capital Region.
- Record and regularly publish information on levels of public participation in EIA and SEA processes, as well as on their outcomes and on the extent to which public comments were taken into account in the final decision, at both the federal and regional levels.

## Compliance assurance

Environmental compliance assurance covers all the work undertaken by public authorities to ensure that industries, farmers and others fulfil their obligations to protect water, air and nature, and manage waste<sup>246</sup>. It includes support measures provided by the authorities such as:

- (i) compliance promotion<sup>247</sup>;
- (ii) the inspections and other checks that they carry out, i.e. compliance monitoring<sup>248</sup>;
- (iii) the steps that they take to stop breaches, impose sanctions and require damage to be remediated, i.e. enforcement<sup>249</sup>.

Citizen science and complaints enable authorities to focus their efforts better. Environmental liability<sup>250</sup> ensures that the polluter pays to remedy any damage.

## Compliance promotion and monitoring

Additional efforts appear to have been made by the Walloon and Flemish authorities to provide information to duty holders (i.e. people with a specific responsibility under environmental law) on compliance with obligations on nitrates and on nature protection.

In Flanders, government websites provide guidance on compliance with nature-protection obligations for licensing authorities to help them assess the impact on nature of permits in agricultural areas<sup>251</sup>. Farmers can also get free advice via the KRATOS e-counter, which contains modules on various issues, such as the links

<sup>246</sup> The concept is explained in detail in the Communication on "EU actions to improve environmental compliance and governance" COM(2018)10 and the related Commission Staff Working Document, SWD(2018)10.

<sup>247</sup> This EIR focuses on the help given to farmers to comply with nature and nitrates legislation.

<sup>248</sup> This EIR focuses on inspections of major industrial installations.

<sup>249</sup> This EIR focuses on the availability of enforcement data and coordination between authorities to tackle environmental crime.

<sup>250</sup> The Environmental Liability Directive, 2004/35, creates the framework.

<sup>251</sup> [Helpdesk voor vergunningverleners | Agentschap voor Natuur en Bos](#).

between biodiversity and agri-ecosystem resilience<sup>252,253</sup>. Flanders facilitates compliance with the Nitrates Directive by a wealth of online tools made available to farmers, including a 'Manure Bank' (an advisory platform which also organises regular information and training events for farmers) or DEMETER (which helps farmers to calculate of optimal and sustainable fertilisation levels for single parcels). In addition, an advisory body – B3W – was set up in 2021 to promote peer-to-peer learning between farmers for a better soil and water quality. In Wallonia, information to help farmers comply with their environmental obligations is still mainly provided through NGOs such as Natagriwal<sup>253</sup> and Agr'Eau. However, a governmental website provides information on species, habitats, sites, and relevant legislation<sup>254,255</sup>. The Walloon website dedicated to agriculture also has a specific section on the environment, including biodiversity protection<sup>256</sup>.

For Brussels Capital Region, websites provide guidance on compliance with environmental obligations in order to prevent environmental law infringements<sup>257</sup>. The Brussels Capital Region continues the good practice of regularly publishing inspection plans and inspection reports for industrial installations. However, progress on this issue is still needed for Wallonia and Flanders. The IED section of the relevant governmental website in Wallonia mentions the obligation to draw up an environmental inspection plan and to revise and update this plan regularly, although it provides no link to such plans<sup>258</sup>. The website of the Flemish Department of the Environment ('Departement Omgeving') publishes the annual environmental enforcement plans of its enforcement division, which contain a section on the IED inspections programme. However, the IED inspection programmes themselves are not directly available.

## Complaint handling and citizen science

Information on how to submit complaints or report environmental damages is readily available in Wallonia<sup>259</sup> and Flanders<sup>260</sup>, although no specific online tools to this end were identified. However, Wallonia does provide several emergency contact numbers to report situations or activities that are damaging to nature or the environment. The general public in the Brussels Capital Region now also has access to clear information on how to make environmental nuisance complaints via the Bruxelles Environnement website, along with complaint forms for specific complaint types in addition to a general form<sup>261</sup>. The Info Bruit portal<sup>262</sup> further enables the public to directly submit complaints about nuisances noise.

Although no specific policy was identified on this issue, there are many citizen science projects in Belgium with governmental support. For example, the Flemish Knowledge Centre for Citizen Science ('Scivil') was launched in 2019 with support from the Flemish government. It carries out projects in its main focus areas of communication, education, data management, air quality and biomonitoring. There are several citizen science projects in air-quality monitoring and this contributes to citizen awareness and compliance with this issue. Civil works together with the Flemish Environment Agency to improve the measurements of air quality in Hasselt<sup>263</sup>. The Curieuzenair project<sup>264</sup> in Brussels is another air-quality monitoring project, which has the Brussels Capital Region and Bruxelles Environnement among its partners. Other citizen air quality monitoring campaigns were set up by civil-society in Brussels<sup>265</sup> and Liège<sup>266</sup>.

<sup>252</sup> [Landbouwers | Departement Landbouw & Visserij \(vlaanderen.be\)](#)

<sup>253</sup> [Natagriwal](#); [A5-Mesures-Gestion-Cover-FR-032021-WEB-Complet.pdf \(natagriwal.be\)](#)

<sup>254</sup> Les sites Natura 2000 | Natura 2000 | La biodiversité en Wallonie; [Klachten over milieuhinder | Vlaanderen.be](#) en

<sup>255</sup> [Rechercher un site intéressant ou protégé | Sites | La biodiversité en Wallonie](#)

<sup>256</sup> [Environnement - Portail de l'agriculture wallonne \(wallonie.be\)](#)

<sup>257</sup> [Guide for | Professionals Brussels Environment \(environnement.brussels\)](#) and [Les conditions spécifiques d'exploitation | Bruxelles Environnement](#)

<sup>258</sup> [Emissions Industrielles \(wallonie.be\)](#)

<sup>259</sup> [Réagir à des nuisances - LE PERMIS D'ENVIRONNEMENT \(wallonie.be\)](#); [Portail environnement de Wallonie](#) ; <http://environnement.wallonie.be>;

<https://www.wallonie.be/fr/demarches/porter-plainte-en-cas-de-negligence-ou-de-maltraitance-dun-animal>

<sup>260</sup> [Klachten over milieuhinder | Vlaanderen.be](#); [Wie contacteer ik bij milieuerontreiniging of -hinder? — Vlaamse Milieumaatschappij \(vmm.be\)](#)

<sup>261</sup> [Nuisances environnementales : introduire une plainte | Bruxelles Environnement](#)

<sup>262</sup> [Accueil — InfoBruit](#)

<sup>263</sup> [HASSELair | Scivil](#)

<sup>264</sup> <https://curieuzenair.brussels/nl/doe-mee/>

<sup>265</sup> [Envie de savoir ce que vous respirez ? \(leschercheursdair.be\)](#)

<sup>266</sup> <https://www.iew.be/particules-ultrafines-et-science-citoyenne-dans-la-cite-ardente/>

## Enforcement

Reporting on enforcement of environmental offences is available for each of Belgium's three regions. Flanders continues to publish annual enforcement reports containing detailed information on the origin, state of progress and grounds for dismissal of official infringement reports ('*procès-verbaux*')<sup>267</sup>. Wallonia publishes statistics on the infringements found during checks carried out by the Department of Police and Controls (DPC) – which is responsible for enforcing of the legislation transposing the Environmental Crimes Directive – and its specialised units<sup>268</sup>. In 2019, the Brussels Capital Region published a technical report with statistics on environmental offences for 2014-2018<sup>269</sup>. The vast majority of environmental offences in Belgium are dealt with via a system of alternative administrative fines rather than being prosecuted.

Cooperation systems exist at federal level and in Wallonia, but none were identified for Flanders.

In September 2020, a new federal police unit was set up to counteract trafficking in wildlife, pesticides and waste. This unit conducts surveillance operations, phone tapping and increased surveillance of parallel markets on the web. The Federal Unit for Public Health & Environmental Crime aims to achieve more effective and coordinated action on these issues<sup>270</sup>. Another important federal structure is the Environmental Expertise Network, which coordinates criminal enforcement actions in areas of federal jurisdiction (e.g. the transport and export of hazardous waste). It also: (i) analyses legal and practical problems and promotes the flow of information between members of the public prosecutor's office<sup>271</sup> and (ii) also issues recommendations and drafts circulars to enable the College of Procurators General to pursue a coherent and coordinated criminal policy.

In Wallonia, a Network Against Environmental Delinquency was recently set up, to coordinate the action of all professionals active in this field in the region<sup>272</sup>.

<sup>267</sup> <https://www.vlaanderen.be/publicaties/environmental-enforcement-report>

<https://www.vlaanderen.be/publicaties/environmental-enforcement-report>

<sup>268</sup> [Constatation et répression des infractions environnementales par le pouvoir régional \(wallonie.be\)](#)

<sup>269</sup> [Template Rapport Technique \(environnement.brussels\)](#)

<sup>270</sup> FLYER\_FR\_FUPHEC\_2021.pdf (police.be)

<sup>271</sup> [Collège des procureurs généraux - Les réseaux d'expertise | Ministère public \(om-mp.be\)](#)

<sup>272</sup> [Réseau de lutte contre la délinquance environnementale \(reseau-delinquance-environnementale.be\)](#)

## Environmental Liability Directive

There does not appear to be a central database recording cases under the Environmental Liability Directive (ELD) or other serious environmental damage. Nevertheless, databases exist in each of the regions for soil contamination<sup>273</sup>. The database for Flanders in particular records “new contaminations” corresponding to incidents of damage to soil that fall under to the scope of the Environmental Liability Directive.

Although there are no legal requirements for mandatory financial securities for ELD liability in Belgium, stand-alone environmental insurance policies for ELD and other environmental liabilities are widely available. These cover the costs of preventive measures under the ELD, as well as primary, complementary and compensatory remediation.

The 2019 EIR recommended Belgium improve financial security for liabilities and ELD guidance, and publish information on environmental damage. Since 2019, Belgium made no progress on those issues.

### 2022 Priority actions

- Provide further information and support to farmers in Wallonia via governmental tools and websites on compliance with obligations under the Nature and Nitrates Directives.
- Publish inspection plans and inspection reports on industrial installations in both Wallonia and Flanders.
- Develop online systems and information to enable citizens' complaints from the public on environmental damages or on issues of compliance with environmental legislation in Wallonia and Flanders.

### Effectiveness of environmental administrations

Those involved in implementing environmental legislation at EU, national, regional and local levels need to have the knowledge, tools and capacity to ensure that the legislation and the governance of the enforcement process bring about the intended benefits.

<sup>273</sup> Flanders : <https://www.ovam.be/gir> ; <http://services.ovam.be/geoloket/> ; Wallonia : [Banque de Données de l'Etat des Sols \(wallonie.be\)](#); Brussels Capital Region : [Wat is de kaart van de bodemtoestand? | Leefmilieu Brussel](#)

### Administrative capacity and quality

Belgium is a country with complex institutional arrangements. Since 1993, Belgium has constitutionally been a Federal State composed of three Regions and three Communities. This federal mechanism has repercussions on environmental competences, as these are shared between the federal authority and the three regions. The three regions are federated, separate entities which are not subordinated to the federal authority or the other Regions. They exercise their own authority in accordance with their territorial base which defines their scope of geographic action. The distribution of competences, notably in environmental matters, is governed by the law of 08/08/1980 on institutional reforms and its subsequent modifications. Flanders, Wallonia and the Brussels Capital Region are mainly responsible in each of their territories for: (i) land-use planning; (ii) the protection and conservation of nature; (iii) the protection of soil, water and air; (iv) noise control; (v) waste policy; (vi) the production and supply of water; and (vii) the monitoring of industrial activities. As part of the 6th State reforms, the responsibilities relating to the transit of waste and animal welfare were transferred<sup>274</sup> to the regions.

The federal government is solely responsible for: (i) product standards; (ii) protection against ionising radiation; (iii) import, export and transit of non-native plant and animal species and their remains; and (iv) the protection of the North Sea. Furthermore, the Belgian federal authority remains the relevant body as regards the jurisdictional aspect of the 'access to justice' part. To ensure that Belgium speaks with one voice in a European and international context, the federal and regional authorities consult each other in a permanent coordination committee for international environmental policy (CCIM/CCPIE). This network is managed by the federal service.

Environmental issues that require cooperation between the regions and the federal government are dealt with by the Interministerial Conference for the Environment (ICE), formed of representatives of ministers for environment in the regions and at the federal level.

The federal and regional inspection services control the implementation of environmental policy in Belgium. When implementing environmental policy, Belgian public authorities consult with business federations, unions and

<sup>274</sup> This transfer came into effect on 1<sup>st</sup> July 2014.

specialised non-governmental organisations. This consultation is organised by topic or by file. The CCIM/CCPIE also organise a stakeholder's dialogue that occurs every 6 months.

Belgium ranks 15th out of 180 countries in the 2020 Environmental Performance Index<sup>184</sup>.

### Coordination and integration

As mentioned in the 2017 EIR, the transposition of the revised Environmental Impact Assessment Directive (EIA Directive)<sup>275</sup> provides an opportunity to streamline the regulatory framework on environmental assessments. Despite a delay in ensuring full transposition, Belgium has now transposed the revised Directive. The quality of the transposition is currently under assessment through a conformity check by the Commission.

The Commission encourages the streamlining of the environmental assessments to reduce duplication and avoid overlaps in environmental assessments applicable to projects. Moreover, streamlining helps to reduce unnecessary administrative burden and accelerates decision-making, provided it is done without compromising the quality of the environmental-assessment procedure<sup>276</sup>. Belgium had already introduced the streamlining of environmental assessments under the EIA and Habitats Directives before the revision of the EIA Directive. Coordinated procedures have been decided for EIA Directive, the WFD and the IED.

A good practice that can be highlighted is Belgium's single environmental permitting platform, which has been developed to operationalise the single environmental permitting regime, which simplifies and harmonises many environmental permits in the country.

### Reforms through the Commission's Technical Support Instrument (TSI)

The Commission supports environmental implementation and the green transition, not only through the EU

<sup>275</sup> Directive 2014/52/EU of the European Parliament and of the Council of 16 April 2014 amending Directive 2011/92/EU on the assessment of the effects of certain public and private projects on the environment

<sup>276</sup> The Commission issued a guidance document in 2016 on the setting up of coordinated and/or joint procedures that are simultaneously subject to assessments under the EIA Directive, Habitats Directive, Water Framework Directive, and the Industrial Emissions Directive, OJ C 273, 27.7.2016, p. 1.

financing programs, but also granting technical assistance such as the Technical Support Instrument (TSI).

The Commission's TSI supported several environment-related projects during the reporting period in Belgium, including a project on the Green Finance Strategy and a project on green skills roadmap in 2021. Under the TSI

2022, three projects have been selected: a project dedicated to the implementation of sustainability framework for Belgian National Promoting Banks (NPBs), a project for smart and fair mobility under the "Recharge and Refuel" flagship and a project supporting building renovation in Wallonia.

### TAIEX peer-to-peer Projects

The TAIEX-EIR peer-to-peer tool<sup>277</sup> has been launched in 2017 by the Commission to facilitate peer-to-peer learning between environmental authorities. During the reporting period, Belgium has taken part in four TAIEX EIR Peer-to-Peer events on different topics: a workshop on sustainable urban development (2019), another on environmental governance (2020), and two multicountry workshops on Ammonia reducing technology and measures (2021) and zero pollution (2022).

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[https://ec.europa.eu/environment/eir/p2p/index\\_en.htm](https://ec.europa.eu/environment/eir/p2p/index_en.htm)