

EU4Environment capacity building event 15  
September 2022 (Zoom)

# ELD practice in Belgium

Farah Bouquelle

# Transposition ELD in Belgium

- Complex
- Federal state: 3 communities, 3 regions
- Regions mainly competent for environmental matters
- Federal state: marine environment, GMOs, civil protection, import, export and transit protected species
- ELD transposed in 3 regional decrees:
- Flemish Region : Titel XV DABM Milieuschade; Walloon region: Book 1 Environmental Code; Brussels-Capital Region: Environmental Code
- Other transposing legislation on federal level

# River Sûre pollution 2014



dreamstime.com

ID 220165147 © Senatorjoanna

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J'aime Partager

## Haute-Sûre: l'eau du lac d'Esch a été polluée

Le barrage d'Esch-sur-Sûre, situé à quelques kilomètres de Bastogne du côté grand-ducal, fournit un tiers de la consommation d'eau potable du Grand-Duché de Luxembourg. Mais depuis hier midi, l'eau de distribution n'est plus puisée dans le lac de la Haute-Sûre, révèlent nos confrères de L'Essentiel.lu



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DroneFlix presents

# THE UPPER SÛRE DAM

Code Natura 2000 : 1029

## Moule perlière

### Carte d'identité

**Nom scientifique :** *Margaritifera margaritifera*

**Classification :** Mollusque, Bivalve, Unionidé

**Longueur :** 9,5 à 15 cm

**Durée de vie de l'adulte :** 50 à 220 ans

**Site de reproduction :** lit des rivières ardennaises pauvres en éléments nutritifs

**Période de reproduction :** en été

**Alimentation :** débris végétaux issus principalement des graminées

**Protection :** préservation des habitats de l'espèce

**Statut :** au bord de l'extinction

### Identifier

Ce mollusque bivalve d'eau douce possède une coquille dont la couleur varie du brun foncé pour les juvéniles



# After the accident

- No real preventive measures, damage was done
- Dilution of the water by fire brigade
- Temporary stop to use dam in Luxembourg water for drinking water production
- Book 1, art. D.93-D.137 Walloon Environmental Code transposed ELD in Walloon Region of Belgium

# Remedial measures

Decision 11 June 2019 Director General Walloon public service for agriculture and natural resources:

- Primary restoration: polluted earth excavation, water collection and filtration device, measurement and monitoring (operator), growing and yearly reintroduction pearl mussel in river Sûre (SPW and subcontractor) (2017-2024)

Expenses for operator: 250.000 EUR

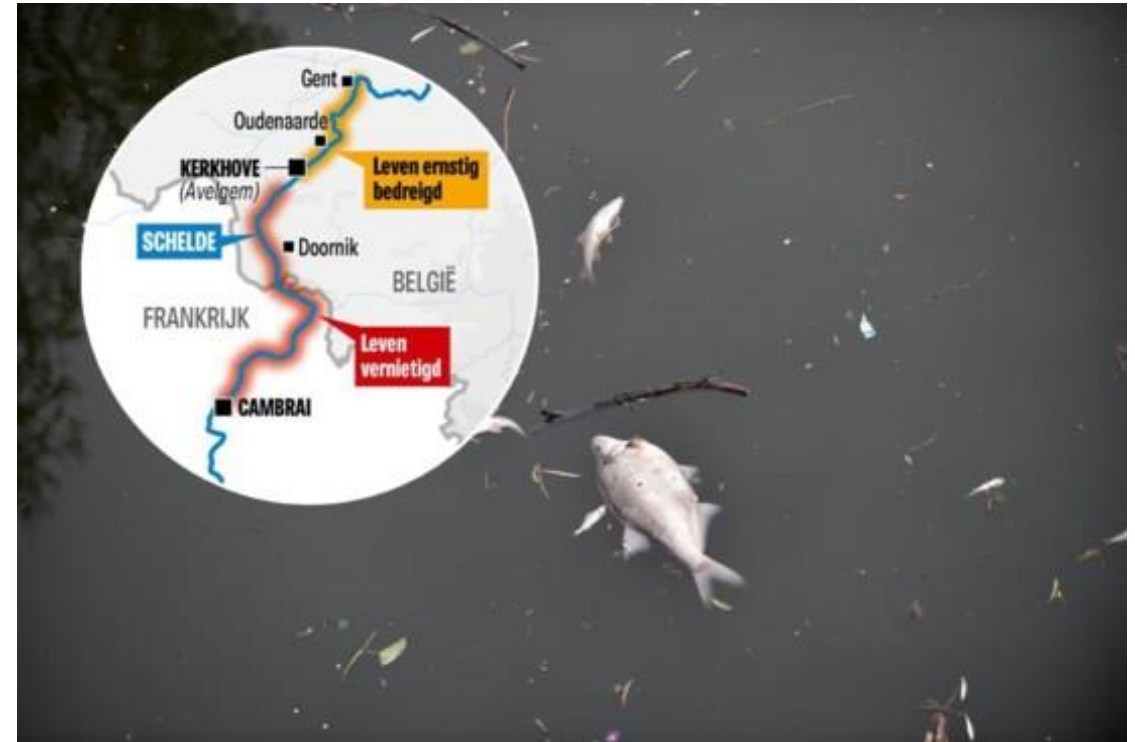
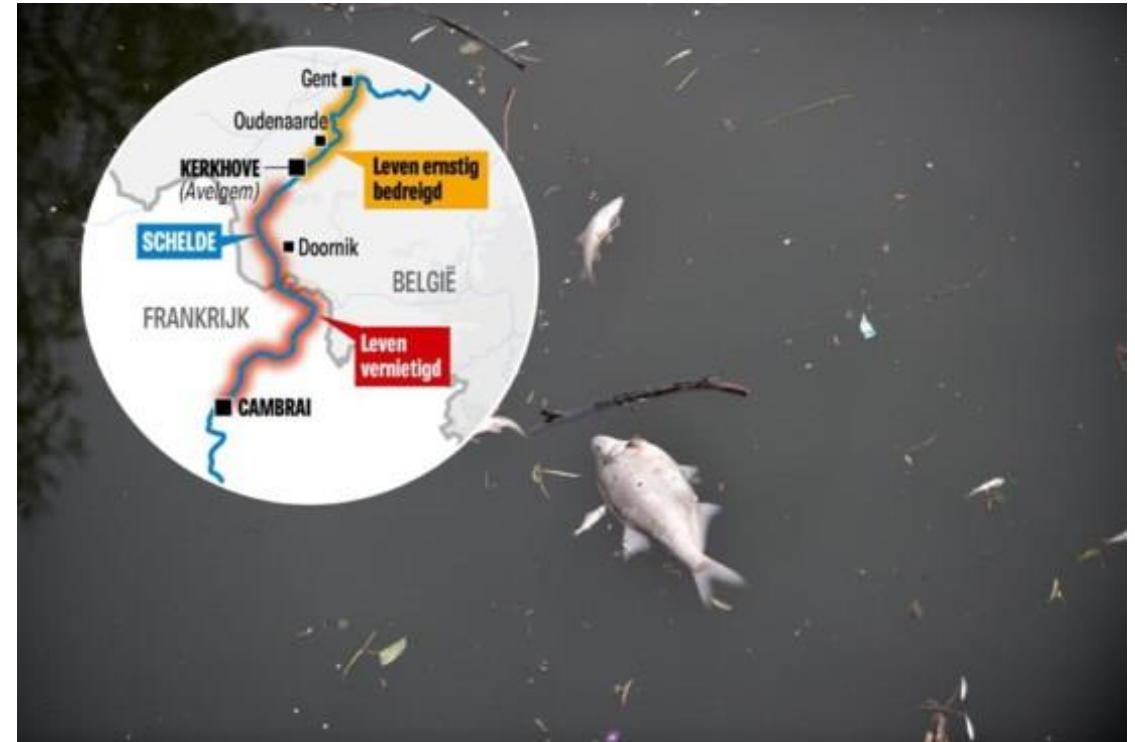
- Complementary restoration measures: creation new forest fords that will avoid fine particles going into the stream (20.000 EUR)
- Compensatory restoration measures: plantation 500 m river cords x 15 years : 7,5 kilometers of buffer strip which will filter water, stop pesticides, fertilizers and give shade (limit eutrophication) (16.250 EUR) (2020-2023)

# Lessons learnt:

- Financial warranty: 281.138 EUR
- Farmer, large amounts
- Covered by insurance company -> importance of insurance!
- Good cooperation with authorities -> consensual approach
- Measures are being realised according to schedule
- After evaluation, proposal for extra complementary measures -> plantation of 1 km valley forest (5.000 EUR); insurance company accepted -> primary remediation duty ended
- File against farmer ended
- No damage claim from Grand Duchy of Luxembourg



# River Scheldt pollution April 2020







ALLE ZUURSTOF IS UIT RIVIER VERDWENEN OVER TRAJECT VAN BIJNA 100 KILOMETER

## De Schelde herleefde, tot de bietenpulp kwam

In de Schelde voltrekt zich momenteel een 'ecologische ramp', die tot massale vissterfte leidt en alle herstel van de voorbije tientallen jaren 'met één klap tenietdoet'.



LAATTIJDIGE WAARSCHUWING HEEFT DESASTREUZE GEVOLGEN

## Vervuilde Schelde zet kwaad bloed over 'nalatige' Fransen

Vlaanderen kon door een grootschalige operatie zijn vissen redden, maar voor Wallonië was het te laat. 'Wij zullen de schade op de vervuiler verhalen.'



De Gentse brandweer pompt extra zuurstof in de Schelde met waterkanonnen. © Nico Vereecken/pn

# Preventive measures

Accident on 9-10 April 2020 – no or late communication by French authorities

Damage noticed incidentally in Walloon Region around 19 April 2020 – 10 days later!

- Walloon Region: injection oxygen -> too late
- Flemish and Dutch authorities warned by Walloon (WASS procedure River Scheldt Treaty)
- Flemish authorities: inject oxygen, dilute or purify water, aerators, moving healthy fish -> successful

# Lessons learnt:

- Cooperation between MS (art. 15 ELD)
- Environmental damage affecting several MS: "appropriate" (=speedy!) exchange of information
- In this case France alerted only after 10 days: too late to avoid massive fish death in Wallonia! Damage and expenses could have been limited!
- MS where environmental damage originates must provide information to potentially affected MS; regardless of where pollution comes from (e.g. Oder river)
- MS confronted with damage not caused within borders may report to Commission and other MS, make recommendations for measures and seek to recover costs

# Remedial measures

Decision 31 August 2021 Prefect North France:

- Restoration of 10 hectares of river and wetland habitat to allow fish breeding
- Measures to improve fish migration at certain locks
- Measures to allow access to Scheldt to allow recolonisation of listed fish populations along the river
- Measures to improve natural regeneration capacity of the river and its affluents
- Scientific monitoring

# Remedial measures

Decision 31 August 2021 Prefect North France:

- Evaluation return in good ecological status Scheldt by monitoring bird population feeding and breeding along the river (e.g. Spoonbill, Great White egret, Mute swan)
- International group of experts: consultative advice on each step: composed of French, International Scheldt Commission Flemish and Walloon authorities
- End restoration measures: 2024
- Scientific evaluation fish and bird population after 7 years

# Claims Walloon and Flemish region of Belgium

- Recovery of costs from operator?
- Walloon and Flemish region want to recover costs
- Transboundary civil/criminal case? -> each region appointed lawyer
- No further information
- Flemish authorities: “civil party” with investigating judge in Kortrijk, start of criminal case: preventive measures estimated at minimum 200.000 EUR



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