



Manual

Marine policy instruments and legislation for the Belgian part of the North Sea 2015



Colophon

The Manual 'Marine policy instruments and legislation for the Belgian part of the North Sea' is a derived product of the Compendium for Coast and Sea: An integrated knowledge document on the socio-economic, ecological and institutional aspects of the coast and sea in Flanders and Belgium. The Compendium is the result of a collaboration between numerous research groups, administrations, societal organisations and consultation platforms with regard to the coast and sea. This initiative is coordinated by the Flanders Marine Institute (VLIZ).

The Compendium for Coast and Sea can be consulted online at: www.compendiumkustenzee.be

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Readers guide

The Manual 'Marine policy instruments and legislation for the Belgian part of the North Sea' gives an overview of the most relevant policy and regulatory instruments in the marine or maritime context, that apply in full or in part to the Belgian part of the North Sea (BNS), to the coastal area or to the Scheldt estuary; this means across the different policy levels (i.e. international, European, federal and Flemish). Please note that the legislation mentioned in this document is only a selection of the existing legislative instruments and cannot be considered as an exhaustive list.

On the Flemish and federal level, the manual focusses on 'decrees' and 'laws' respectively. The implementation decisions that are linked to these laws and decrees ('decisions of the Flemish government' and 'royal decrees') do not figure in this publication. In order to consult these decisions, we refer to the consolidated version of these decisions in the [Belgian official journal](#) and in the [Justel-database](#).

The following data with regard to each legislative instrument are listed in this manual: the official reference, the relevant dates, the type of instrument, the geographical reach, the legal coverage in the BNS, the international and national contact point (if identified), the implementation in the federal and Flemish legislation (only applicable to the international and European regulation) and an abstract. In the abstract, we try to display the essence of the policy instrument. The summary, therefore, has no legislative power whatsoever; for the letter of the law, we refer to the relevant legal information platforms and databases (e.g. [Eurlex](#), the [Belgian official journal](#) and the [Justel-database](#)). When a law (federal) or a decree (Flemish) is only an implementation or a ratification of an international treaty, without further national clauses, we do not add a separate sheet. We will however mention these laws or decrees in the sheet of the respective convention.

The manual is organised based on the policy level (international, European, federal and Flemish). Within each policy level, we provide the legislation for each type of instrument. On pages 6 to 11, the policy instruments are thematically visualised. In chapter 2 of the Compendium for Coast and Sea, the regulating instruments are set in their wider context.

The manual is accessible in an interactive way on the Compendium website: www.compendiumkustenzee.be.

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● Expansion of the Western Scheldt	Verdrag tussen het Vlaams Gewest en het Koninkrijk der Nederlanden inzake de verruiming van de vaarweg in de Westerschelde, ondertekend te Antwerpen op 17 januari 1995	p.56
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● Marine knowledge 2020	COM (2010) 461: Communication from the Commission to the Council and the European Parliament - Marine knowledge 2020 - marine data and observation for smart and sustainable growth	p.68
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● Norfra	Convention between Belgium and Norway on the "Norfra" gas pipeline on the Belgian continental shelf, Brussels, 20 December 1996	p.18
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● Exploration and exploitation of non-living resources	Wet van 13 juni 1969 inzake de exploratie en de exploitatie van niet-levende rijkdommen van de territoriale zee en het continentaal plat	p.106

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● BWM	International convention for the control and management of ships' ballast water and sediments	p.26
● CLC	International convention on civil liability for oil pollution damage	p.27
● COLREGs	Convention on the international regulations for preventing collisions at sea	p.28
● CSC	International convention for safe containers	p.29
● FAL	Convention on facilitation of international maritime traffic	p.32
● FUND	International convention on the establishment of an international fund for compensation for oil pollution damage	p.30
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● NUCLEAR	Convention relating to civil liability in the field of maritime carriage of nuclear material	p.39
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● Directive on port reception facilities	Directive 2000/59/EC of the European Parliament and of the Council of 27 November 2000 on port reception facilities for ship-generated waste and cargo residues	p.76
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● Port security directive	Directive 2005/65/EC of the European Parliament and of the Council of 26 October 2005 on enhancing port security	p.82
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● CBD	Convention on biological diversity	p.23
● Bonn convention	Convention on the conservation of migratory species of wild animals	p.24
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● Water framework directive	Directive 2000/60/EC of the European Parliament and of the Council of 23 October 2000 establishing a framework for Community action in the field of water policy	p.77
● Bathing water directive	Directive 2006/7/EC of the European Parliament and of the Council of 15 February 2006 concerning the management of bathing water quality and repealing Directive 76/160/EEC	p.82
● Marine strategy framework directive	Directive 2008/56/EC of the European Parliament and of the Council of 17 June 2008 establishing a framework for community action in the field of marine environmental policy (Marine strategy framework directive)	p.87
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● Law on nature conservation	Wet van 12 juli 1973 op het natuurbehoud	p.107
● MMM law	Wet van 20 januari 1999 ter bescherming van het mariene milieu en ter organisatie van de mariene ruimtelijke planning in de zeegebieden onder de rechtsbevoegdheid van België	p.112
● Dunes decree	Decreet van 14 juli 1993 houdende maatregelen tot bescherming van kustduinen	p.122
● Decree integrated water policy	Decreet van 18 juli 2003 betreffende het integraal waterbeleid	p.126

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● Improvement of the fairway near Walsoorden	Overeenkomst van 13 juli 1970 tussen de Regering van het Koninkrijk België en de Regering van het Koninkrijk der Nederlanden betreffende de verbetering van de vaarweg voor de Westerschelde nabij Walsoorden	p.19
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● Scheldt estuary development outline 2010	Verdrag tussen het Vlaams Gewest en het Koninkrijk der Nederlanden betreffende de uitvoering van de Ontwikkelingsschets 2010 Schelde-estuarium, en de bijlagen A, B, C, D en E, ondertekend in Middelburg op 21 december 2005	p.55
● Expansion of the fairway in the Western Scheldt	Verdrag tussen het Vlaams Gewest en het Koninkrijk der Nederlanden inzake de verruiming van de vaarweg in de Westerschelde, ondertekend te Antwerpen op 17 januari 1995	p.56

Tourism and recreation

● Coastal and maritime tourism	COM (2014) 86: Communication from the Commission to the Council, the European Parliament, the European Economic and Social Committee of the Regions - A European strategy for more growth and jobs in coastal and maritime tourism	p.72
● Bathing water directive	Directive 2006/7/EC of the European Parliament and of the Council of 15 February 2006 concerning the management of bathing water quality and repealing Directive 76/160/EEC	p.82

Safety against flooding

● Floods directive	Directive 2007/60/EC of the European Parliament and of the Council of 23 October 2007 on the assessment and management of flood risks	p.86
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● Law on nature conservation	Wet van 12 juli 1973 op het natuurbehoud	p.107
● Dunes decree	Decreet van 14 juli 1993 houdende maatregelen tot bescherming van kustduinen	p.122
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Fisheries

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● Whaling convention	International convention for the regulation of whaling	p.57
● Fisheries data	Council Regulation (EC) No 199/2008 of 25 February 2008 concerning the establishment of a Community framework for the collection, management and use of data in the fisheries sector and support for scientific advice regarding the common fisheries policy	p.96
● IUU-fishing	Council Regulation (EC) No 1005/2008 of 29 September 2008 establishing a Community system to prevent, deter and eliminate illegal, unreported and unregulated fishing, amending Regulations (EEC) No 2847/93, (EC) No 1936/2001 and (EC) No 601/2004 and repealing Regulations (EC) No 1093/94 and (EC) No 1447/1999	p.97

● Common fisheries policy	Regulation (EU) No 1380/2013 of the European Parliament and of the Council of 11 December 2013 on the common fisheries policy, amending Council Regulations (EC) No 1954/2003 and (EC) No 1224/2009 and repealing Council Regulations (EC) No 2371/2002 and (EC) No 639/2004 and Council Decision 2004/585/EC	p.99
● Sea fishing in the territorial sea	Wet van 19 augustus 1891 betreffende de zeevisserij in de territoriale zee	p.104
● Belgian fishing area	Wet van 10 oktober 1978 houdende vaststelling van een Belgische visserijzone	p.108
● Agriculture and fisheries policy	Decreet van 28 juni 2013 betreffende het landbouw- en visserijbeleid	p.128

Sand and gravel extraction (incl. exploitation of non-living resources beyond the EEZ)

● Exploration and exploitation of non-living resources	Wet van 13 juni 1969 inzake de exploratie en de exploitatie van niet-levende rijkdommen van de territoriale zee en het continentaal plat	p.106
● Exploration and exploitation of non-living resources beyond the EEZ	Wet van 17 augustus 2013 betreffende de prospectie, de exploratie en de exploitatie van de rijkdommen van de zee- en oceaانبodem en de ondergrond ervan voorbij de grenzen van de nationale rechtmacht	p.118

PART 1

International legislative instruments

- Memoranda of understanding
- Agreements
- Conventions

Paris MoU on port state control

Official reference	Paris Memorandum of Understanding on port state control	
Official website	www.parismou.org	
Relevant dates	Document	26/01/1982
	Entry into force	1/07/1982
	Ratification by Belgium	13/09/1998
Policy level	International	
Type of instrument	Memorandum of Understanding	
Geographical reach	Member States (27 countries in 2013) (EU-Coastal States and North-Atlantic Ocean)	
International contact point	Secretariat Paris MoU on PSC	
Competent authority in Belgium	Federal authorities: FPS Mobility and Transport; DG Maritime Transport; Shipping Control Board	
Federal ratification law	Koninklijk besluit van 13 september 1998 houdende havenstaatcontrole en wijziging van het koninklijk besluit van 20 juli 1973 houdende zeevaartinspectiereglement	

// abstract:

This Memorandum of Understanding stipulates that every State and its respective authorities should respect the efficient system for Port State Control (PSC), in order to ensure that foreign freighters calling at the ports, or anchoring in front of these ports, respect the standards set by the international regulating instruments (*AFS* p.20; *Bunkers convention* p.25; *BWM* p.26; *CLC* p.27; *COLREG* p.28; *Convention on load lines* p.36; *MARPOL* p.38; *SOLAS* p.46; *STCW* p.47; *TONNAGE* p.48) (see also section 2 of the Memorandum). Through an information system called 'THETIS', national PSC is informed on the ships that need to be inspected. Each ship has a ship risk profile (SRP) in which the priority, the scope of the inspection and the time interval are stipulated. All ships in 'THETIS' are assigned as high, standard or low risk in the system and are assigned to level I or level II of the priority level.

An initial inspection consists of boarding the ship and includes an examination of all necessary documents and a general check-up on the condition and hygiene of the ship. They also verify if detected shortcomings have been corrected within the time set in the previous inspection report. A more detailed inspection is carried out, if there are clear grounds for suspecting - based upon the initial inspection - that the ship, her equipment or her crew do not meet the requirements mentioned in the relevant instruments.

The Memorandum points out the importance of cooperation and information-exchange between several authorities. Furthermore, each authority needs to work out a suitable procedure for pilotage and for the port authorities in case they perceive clear aberrations that can affect the ship's safety, or that can possibly threaten the marine environment.

ASCOBANS agreement

Official reference	Agreement on the conservation of small cetaceans in the Baltic, North East Atlantic, Irish and North Seas	
Official website	www.ascobans.org	
Relevant dates	Document	13/09/1991
	Entry into force	29/03/1994
	Ratification by Belgium	14/05/1993
Policy level	International	
Type of instrument	Agreement	
Geographical reach	Regional EU-seas (Baltic Sea, North Sea, Atlantic Ocean, Irish Sea)	
(Legal) coverage in the BNS	Territorial sea, exclusive economic zone	
International contact point	ASCOBANS-secretariat	
Competent authorities in Belgium	Federal authorities; FPS Health, Food Chain Safety and Environment; DG Environment; Agency Marine Environment	
Federal ratification law	This agreement has not been ratified by law, and was only published in the Belgian Official Journal (B.S. 20 October 1993), in contrast to other implementation agreements of the Bonn Convention. See A. CLIQUET, o.c., 172, footnote 1056 (<i>Vandamme en Cliquet, 2008</i> ¹²²¹⁹⁸).	

// abstract:

ASCOBANS is an agreement that was adopted under the 'Convention on the conservation of migratory species of wild animals' (*Bonn convention* p.24). The ASCOBANS agreement applies to all species, including sub-species and populations, of toothed whales (Odontoceti) in the specific target areas (Baltic Sea, North East Atlantic Ocean, Irish Sea, North Sea) with the exception of the sperm whale. The aim of the ASCOBANS agreement is to achieve and further a recommendatory conservation status for small cetaceans. It therefore obliges the participating States to take measures for the conservation, research and management of these cetaceans. The management regulations concern the protection and the management of their habitats (preventing discharges), the limitation of bycatch through changing the fishing equipment and fishing practices, the regulation of activities that harm the feeding resources, and the prevention of important nuisance (e.g. noise). On the research level, the States have to estimate the seasonal shifts and the conditions of the populations and the stocks (through developing and improving the methodologies) while also being tasked with highlighting the areas of primary importance for their survival (breeding and alimentation areas). Furthermore, the current and potential threats with regard to each species are identified. The ASCOBANS States are, additionally, pursuing the implementation of a ban on the capture or deliberate killing of small cetaceans, and all actively stand behind the obligation of releasing each healthy animal that has been caught.

Bonn agreement

Official reference	Bonn agreement for cooperation in dealing with pollution of the North Sea by oil and other harmful substances	
Official website	www.bonnagreement.org	
Relevant dates	Document	13/09/1983
	Entry into force	1/09/1989
	Ratification by Belgium	16/06/1989
Policy level	International	
Type of instrument	Agreement	
Geographical reach	North Sea area (see agreement for specific geographical limitations)	
(Legal) coverage in the BNS	Territorial sea, exclusive economic zone	
International contact point	Secretariat of the Bonn Agreement	
Competent authority in Belgium	Federal authorities; FPS Health, Food chain safety and Environment; DG Environment; Agency Marine Environment	
Federal ratification law	Wet van 16 juni 1989 houdende goedkeuring van de Overeenkomst inzake samenwerking bij het bestrijden van de verontreiniging van de Noordzee door olie en andere schadelijke stoffen, en van de Bijlage, opgemaakt te Bonn op 13 september 1983	

// abstract:

The Bonn agreement promotes the cooperation between Coastal States of the North Sea, in order to detect, report and fight the pollution of the North Sea, by oil and other harmful substances, originating from ships and offshore installations. The agreement shall enter into force when pollution or possible pollution of the marine environment by oil or other harmful substances poses a realistic or immediate threat to the coast or to the related interests of one or more ratifying Parties. The agreement states that check-ups and inspections need to be carried out by the States in their zones in order to prevent the violation of environmental regulation, and to detect or fight pollution. Within the agreement, the Parties can conclude bilateral or multilateral agreements concerning operational cooperation for the organisation of monitoring activities in the involved Parties' zones. The agreement also regulates the financial aspects of pollution fighting activities, taking into account whether a partner assists another partner in pollution fighting, on demand or on a voluntary basis.

On the 21st of September 2001, the Bonn agreement was amended through the 'Decision by the Contracting Parties to enable the Accession of Ireland to the Agreement'. This agreement entered into force on the 1st of April 2010. Additionally in 2001, through a decision made by the Contracting Parties, a modification to align the zones of responsibility with exclusive economic zones was made. This process is still ongoing.

Interconnector agreement

Official reference	Convention between the government of Belgium and the government of the United Kingdom of Great-Britain and Northern Ireland on the transport of gas by a pipeline between Belgium and the United Kingdom, Brussels, 10 December 1997	
Relevant dates	Document	10/12/1997
	Entry into force	21/08/2002
	Ratification by Belgium	26/06/2000
	Ratification by Flanders	1/03/2002
Policy level	International (bilateral)	
Type of instrument	Agreement	
Geographical reach	Continental shelf of Belgium and the United Kingdom	
International contact point	Interconnector Commission	
Competent authority in Belgium	Federal authorities; FPS Economy, SMEs, Self-employed and Energy	
Federal ratification law	Law of 26 June 2000 on the approval of the Convention between the government of Belgium and the government of the United Kingdom of Great-Britain and Northern Ireland on the transport of gas by pipeline between Belgium and the United Kingdom, BS 12 September 2002.	
Flemish ratification decree	Decreet van 1 maart 2002 houdende instemming met de Overeenkomst tussen de Regering van het Koninkrijk België en de Regering van het Verenigd Koninkrijk van Groot-Brittannië en Noord-Ierland inzake het vervoer van aardgas door middel van een pijpleiding tussen het Koninkrijk België en het Verenigd Koninkrijk van Groot-Brittannië en Noord-Ierland, ondertekend in Brussel op 10 december 1997	

// abstract:

This agreement regulates the realisation of a pipeline for gas transport between Belgium and the United Kingdom of Great Britain and Northern Ireland. The part of the pipeline that is situated on the continental shelf of the countries is covered by the legislation of the country in question. Each government needs to provide the necessary approvals or authorisations concerning the installation and the exploitation of the pipeline, according to the countries' laws. Within this scope, consultation with the other government is always required. Both Parties need to accept the operator of the pipeline. The agreement also stipulates the regulation that has to be respected by the two countries, concerning the safety of the construction and concerning the exploitation of the pipeline as well as its inspections. Furthermore, the agreement designates regulations for the physical protection of the pipeline, the access and the use as well as the tax scheme regarding the exploitation of the pipeline. The regulation on the subject of supply security and emergency measures is discussed and it is specified that the abandoning of the pipeline happens with respect to the legislation of the respective country. An Interconnector Commission was established for the execution of this convention and for adopting measures in case of disputes.

Norfra convention

Official reference	Convention between Belgium and Norway on the “Norfra” gas pipeline on the Belgian continental shelf, Brussels, 20 December 1996	
Relevant dates	Document	20/12/1996
	Entry into force	13/07/2003
	Ratification by Belgium	13/05/2003
Policy level	International (bilateral)	
Type of instrument	Agreement	
(Legal) coverage in the BNS	Belgian continental shelf	
Competent authority in Belgium	Federal authorities; FPS Economy, SMEs, Self-employed and Energy	
Federal ratification law	Law of 13 May 2003 on the approval of the Convention between Belgium and Norway on the “Norfra” gas pipeline on the Belgian continental shelf, BS29 October 2003.	

// abstract:

This agreement defines the construction and route of the Norfra pipeline (also called ‘Franpipe’) on the Belgian continental shelf (BCP). The agreement was established under the relevant articles (art. 58, 79, 86 and 297) of *UNCLOS* (1982) (p.50) on underwater pipelines. The agreement stipulates that the section of the pipeline situated on the Belgian continental shelf will be constructed by the Norwegian company Statoil and will fall under Norwegian jurisdiction. Additionally, the agreement stipulates that a mechanism of cooperation will be established between the relevant Norwegian and Belgian authorities. In the case of a dispute that is not resolved by this mechanism or by diplomatic means, the settlement process stipulated under Section XV of UNCLOS will be enacted. The Annex of the agreement stipulates the route of the pipeline, the approval process, and the regulation of the Norfra pipeline on the BCP (technical and operational terms and exploitation conditions).

Agreement on the improvement of the fairway near Walsoorden

Official reference	Overeenkomst van 13 juli 1970 tussen de Regering van het Koninkrijk België en de Regering van het Koninkrijk der Nederlanden betreffende de verbetering van de vaarweg voor de Westerschelde nabij Walsoorden	
Official website	www.vnsc.eu	
Relevant dates	Document	13/07/1970
	Entry into force	14/07/1972
	Ratification by Belgium	4/04/1972
Policy level	International (bilateral)	
Type of instrument	Agreement	
Geographical reach	Scheldt estuary and the Western Scheldt	
Federal ratification law	Wet van 4 april 1972 houdende goedkeuring van de Overeenkomst tussen de Regering van het Koninkrijk België en de Regering van het Koninkrijk der Nederlanden betreffende de verbetering van de vaarweg door de Westerschelde nabij Walsoorden, met bijgevoegd plan, ondertekend te 's-Gravenhage op 13 mei 1970	

// abstract:

This agreement stipulates the work necessary to improve the waterway of the Western Scheldt near the level of Walsoorden. Moreover, it deals with the preparation and the execution of the work, as well as the maintenance and the renovation. In this agreement, the Netherlands ensure the planning and execution of the work. However, Belgium has to agree to the plans. Additionally, the costs and payment of these costs are fully disclosed in the agreement. The costs are to be paid by Belgium for the planning and execution of the works while the Netherlands have to pay for the renovation and maintenance of the changes. The agreement ends with a stipulation on how disputes between Belgium and the Netherlands should be dealt with through the help of an arbitration commission.

AFS convention

Official reference	International convention on the control of harmful anti-fouling systems on ships	
Official website	www.imo.org	
Relevant dates	Document	5/10/2001
	Entry into force	17/09/2008
	Ratification by Belgium	16/02/2009
	Ratification by Flanders	9/05/2008
Policy level	International	
Type of instrument	Convention	
Geographical reach	World seas	
International contact point	International Maritime Organisation (IMO)	
Federal ratification law	Wet van 16 februari 2009 houdende instemming met het Internationaal Verdrag van 2001 betreffende de controle op schadelijke aangroeiwerende systemen op schepen, en met de Bijlagen, gedaan te Londen op 5 oktober 2001	
Flemish ratification decree	Decreet van 9 mei 2008 houdende instemming met het Internationaal Verdrag betreffende de controle van schadelijke aangroeiwerende systemen op schepen, opgemaakt in Londen op 5 oktober 2001	

// abstract:

The AFS convention forbids the use of harmful organotin in anti-fouling paints for ships and introduces a mechanism that prevents the future use of other harmful substances in anti-fouling systems. One of the most effective anti-fouling paints contains the organotin, tributyltin (TBT), of which the regulated use, including the associated data, is discussed in Annex 1 of the convention. Moreover, Annex 1 stipulates that ships are not allowed to reapply any organotin compounds that act as biocides in anti-fouling systems. The convention also establishes a 'technical group' that will regulate new or other proposals for chemicals used in anti-fouling systems that can be considered harmful. The convention, furthermore, stipulates that the Partner States need to take the necessary measures with the aim of removing the anti-fouling paints in an appropriate and environmentally friendly way. The convention also demands that the partners facilitate measures that enable scientific research on the effects of anti-fouling paint and that enable the monitoring of these effects. The agreement discusses the exchange of relevant information between the partners, as well as the information to be communicated to the IMO annually. Additionally, the inspection of ships and the detection of violations are also discussed. Finally, the convention includes a clause stipulating that a ship can apply for a compensation for the losses suffered in case the ship is innocently detained or delayed by the inspection for possible violations.

Regulation (EC) No 782/2003 on the prohibition of organotin compounds on ships is the European implementation of the AFS Convention's obligations.

Salvage convention

Official reference	International convention on salvage	
Official website	www.imo.org	
Relevant dates	Document	28/04/1989
	Entry into force	14/07/1996
	Ratification by Belgium	13/05/2003
	Ratification by Flanders	7/05/2004
Policy level	International	
Type of instrument	Convention	
Geographical reach	World seas	
(Legal) coverage in the BNS	Internal waters, territorial sea, exclusive economic zone	
International contact point	International Maritime Organisation (IMO)	
Competent authority in Belgium	Flemish authorities; Policy domain Transport and Public works (MOW); department MOW; section Maritime Access -> Salvage of obstacles impeding the maritime access	
Federal ratification law	Wet van 13 mei 2003 houdende instemming met het Internationaal Verdrag inzake de hulpverlening, opgemaakt te Londen op 28 april 1989	
Flemish ratification decree	Decreet van 7 mei 2004 houdende instemming met het Internationaal Verdrag van 1989 inzake hulpverlening, opgemaakt in Londen op 28 april 1989	

// abstract:

This convention substitutes the 'Convention for the Unification of Certain Rules of Law respecting Assistance and Salvage at Sea', which had introduced the 'no cure, no pay'-principle, according to which a salvage company could only be paid for its services if the operation had been succesful.

Even though the core philosophy proved favourable in most cases, it did not take into account environmental pollution. A salvage company that prevented environmental pollution (for instance, through towing an unharmed oil tanker out of a vulnerable area), but did not manage to save the ships or the cargo, was not paid. As a result, salvage companies were not willing to start an operation with little chance of success.

This convention tries to rectify this problem by providing an increased compensation ('special compensation'), taking into account the efforts of the salvage company regarding the prevention and restriction of environmental harm. The compensation includes the costs made by the salvage company, plus a maximum of 30% of these costs, if the efforts helped to minimise or prevent environmental harm. The court that determines the degree of compensation may increase the compensation up to a 100% of the costs if it considers this fair. If the salvage company is charged with negligence, and therefore did not manage to prevent or minimise the environmental harm, the special compensation can be refused or reduced. The payment of this compensation needs to be done by the interested Parties (ship, other properties) in relation to their respective salvage costs.

Bern convention

Official reference	Convention on the conservation of European wildlife and natural habitats	
Official website	www.coe.int/t/dg4/cultureheritage/nature/bern/default_en.asp	
Relevant dates	Document	19/09/1979
	Entry into force	1/06/1982
	Ratification by Belgium	20/04/1989
	Ratification by Flanders	15/05/2009
Policy level	International	
Type of instrument	Convention	
Geographical reach	Countries that are part of the Council of Europe and the EU, Belarus, Burkina Faso, Morocco, Senegal and Tunisia	
(Legal) coverage in the BNS	Flemish region, internal waters, territorial sea, exclusive economic zone	
International contact point	Standing Committee of the Bern Convention	
Competent authority in Belgium	Federal: FPS Health, Food chain safety and Environment; DG Environment Flemish authorities: Policy domain Environment, Nature and Energy (LNE)	
Federal ratification law	Wet van 20 april 1989 houdende goedkeuring van het Verdrag inzake het behoud van wilde dieren en planten en hun natuurlijk leefmilieu in Europa en van de Bijlagen I, II, III en IV, opgemaakt te Bern op 19 september 1979	
Flemish ratification decree	Besluit van de Vlaamse Regering van 15 mei 2009 met betrekking tot soortenbescherming en soortenbeheer (aangehaald als: het Soortenbesluit)	

// abstract:

The aim of this convention is the conservation of wildlife, flora and their natural habitats, with special attention for those habitats that extend across several States and therefore require cooperation between States. Special attention is given to endangered and vulnerable species, including migratory species.

The Parties are required to adopt the measures necessary for the protection of the natural habitats of the fauna and flora, as specified in the Appendices I, II and III of the convention. Cooperation and coordination between states is considered favourable as it increases the effectiveness of the convention and is therefore highly emphasised in the convention.

The Convention Parties, as stipulated in the convention, have to advocate national policies that promote the protection of the mentioned fauna and flora. Moreover, the Contracting Parties have to promote education programmes and spread general information on the species specified in the three Appendices and their habitats. A standing committee is established, consisting of one or more deputies of the Convention Parties. The tasks of the standing committee are to monitor the application of the convention, examine the amendments proposed by the Parties, and act as a settlement body for disputes between the Parties.

The *Habitats Directive* (92/43/EEC; p.74) and the Natura 2000 network result from the obligations of the EU regarding habitat protection in the context of the Bern Convention, to which the EU is a Convention Party. The Emerald Network (Bern convention) and the Natura 2000 network are therefore based on the same principles, with the former de facto being an extension towards non-EU Member States.

Convention on biological diversity

Official reference	Convention on biological diversity	
Official website	www.cbd.int	
Relevant dates	Document	5/06/1992
	Entry into force	29/12/1993
	Ratification by Belgium	11/05/1995
	Ratification by Flanders	19/03/1996
Policy level	International	
Type of instrument	Convention	
Geographical reach	Worldwide	
International contact point	Secretariat of the Convention (CBD)	
Competent authorities in Belgium	Belgian National Focal Point for the Convention on Biological Diversity (KBIN)	
Federal ratification law	Wet van 11 mei 1995 houdende goedkeuring van het Verdrag inzake biologische diversiteit, en Bijlagen I en II, gedaan te Rio de Janeiro op 5 juni 1992	
Flemish ratification decree	Decreet van 19 maart 1996 houdende goedkeuring van het Verdrag inzake biologische diversiteit, en van de bijlagen I en II, ondertekend te Rio de Janeiro op 5 juni 1992	

// abstract:

The Convention on biological diversity (CBD) was established at the United Nations Conference on Environment and Development (3-14 June 1992, Rio de Janeiro). It discusses all ecosystems, species and genetic resources. The convention has three main goals: (1) the conservation of biodiversity; (2) the sustainable use of biodiversity; (3) and the fair and equitable sharing of the benefits arising from the use of genetic resources.

National strategies, plans or programmes that enable the conservation of the biodiversity of each State are demanded by the convention. For these strategies, plans or programmes, cooperation between different States, if possible and appropriate, may be set in place directly between the two States or through an appropriate international organisation.

A few aspects of the convention concern:

- Measures for the conservation and the sustainable use of the biological diversity;
- Attention paid in the national legislation to the conservation and sustainable use of biological resources;
- Measures for the stimulation of biological diversity;
- Raising awareness in connection with the importance of biological diversity (education and outreach);
- A global initiative concerning taxonomy;
- Environmental Impact Assessment;
- Information exchange regarding the conservation and the management of biological resources;
- Technical and scientific collaboration in the field of the conservation and the sustainable use of the biological diversity;
- Offering financial support regarding national activities that pursue the realisation of the convention's aims;
- The creation of a financial mechanism for financial strengthening;
- The creation of a few organs: the Conference of the Parties, the secretariat and the Subsidiary Body on Scientific, Technical and Technological Advice.

Bonn convention

Official reference	Convention on the conservation of migratory species of wild animals	
Official website	www.cms.int	
Relevant dates	Document	13/06/1979
	Entry into force	1/11/1983
	Ratification by Belgium	27/04/1990
Policy level	International	
Type of instrument	Convention	
Geographical reach	Areas covered by the jurisdiction of the Member States	
International contact point	CMS secretariat	
Competent authorities in Belgium	At sea: Federal authority; FPS Health, Food Chain Safety and Environment; DG Environment; Agency Marine Environment Inland: Flemish authority; policy domain Environment, Nature and Energy (LNE)	
Federal ratification law	Wet van 27 april 1990 houdende goedkeuring van het Verdrag inzake de bescherming van trekkende wilde diersoorten, en van de Bijlagen I en II, opgemaakt te Bonn op 23 juni 1979	

// abstract:

The Bonn convention is an intergovernmental convention under the auspices of the 'United Nations Environment Programme' (UNEP). The aim of the convention is to protect migrating wildlife and, additionally, to secure their habitats and migration routes. This concerns both terrestrial, flying and aquatic animal species. Through this convention, two types of animal species are protected:

- The endangered migratory species that are listed in the Appendix I and for which the Bonn convention provides direct protection. The signatories commit themselves to protecting these endangered species, and to repair or safeguard their habitats. The signatories also aim to prevent, remove, compensate, or decrease the obstacles in the migration routes of the protected species.
- The migratory species with an unfavourable survival perspective (Appendix II) which require international agreement regarding their conservation and management. In this context, the convention has to be considered as a framework, wherein agreements or Memoranda of Understanding can be concluded in order to provide specific protection for migratory species in certain areas (e.g. *ASCOBANS* p.15).

The decision-making organ of the convention is called the Conference of the Parties. It was established to create and control financial regulations and, additionally, to review the implementation of the convention. The Conference of the Parties also appoints a Scientific Council charged with giving advice about scientific matters. Lastly, the convention established a Secretariat that takes care of the administration of the convention.

Bunkers convention

Official reference	International convention on civil liability for bunker oil pollution damage	
Official website	www.imo.org	
Relevant dates	Document	23/04/2001
	Entry into force	21/11/2008
	Ratification by Belgium	12/07/2009
Policy level	International	
Type of instrument	Convention	
Geographical reach	World seas	
(Legal) coverage in the BNS	Internal waters, territorial sea, exclusive economic zone	
International contact point	International Maritime Organisation (IMO)	
Federal ratification law	Wet van 12 juli 2009 houdende instemming met het Internationaal Verdrag van 2001 inzake de burgerlijke aansprakelijkheid voor schade door verontreiniging door bunkerolie, en met de Bijlage, gedaan te Londen op 23 maart 2001	

// abstract:

This convention ensures an adequate and effective compensation with respect to people harmed by bunker oil pollution. This convention does not apply to damage as is defined under the [CLC convention](#) (p.27). The ship owner responsible for the incident is liable for the damage, except for the cases described in the convention (e.g. act of war). This convention does not detract from the ship owner's right to restrict his liability, according to national or international legislation (e.g. [CLC convention](#) p.27; [FUND convention](#) p.30; [LLMC convention](#) p.35). An important requirement of this convention is that the ship owners (> 1.000 GT) are obliged to conclude an insurance or another type of financial security to cover their liability.

BWM convention

Official reference	International convention for the control and management of ships' ballast water and sediments	
Official website	www.imo.org	
Relevant dates	Document	13/02/2004
	Entry into force	not yet
	Ratification by Belgium	not yet
	Ratification by Flanders	12/01/2012
Policy level	International	
Type of instrument	Convention	
Geographical reach	World seas	
International contact point	International Maritime Organisation (IMO)	
Flemish ratification decree	Decreet van 12 januari 2012 houdende instemming met de Internationale Overeenkomst inzake controle en beheer van ballastwater en afzettingsmateriaal van schepen, opgemaakt te London op 13 februari 2004	
Note	The entry into force will take place 12 months after the ratification by thirty states, that in total need to constitute 35% of the global tonnage of ships' stores. By 28 May 2012, 35 states had ratified the BWM convention, representing a total of 27.95% of the tonnage.	

// abstract:

The BWM convention stipulates that the Parties of the convention need to develop a national policy, strategies and programmes for the management of ballast water in ports (e.g. sediment reception facilities) and the waters covered by their jurisdiction. Sediment reception facilities in which the ballast tanks can be cleaned are to be made available in the ports designated by the respective Party to the convention.

In addition, the Parties have to facilitate scientific and technical research for ballast water management and the monitoring of its effects. These are necessary for the prevention of the spreading of non-indigenous aquatic organisms through ballast water and sediments. The convention also stipulates that this research should be made available to all other Parties of the convention. Furthermore, the convention also includes clauses concerning the availability of relevant information regarding the other Contracting Parties, ships' certification, infringements and inspection of the convention's rules.

In order to prevent the introduction of non-indigenous species through ships' ballast tanks, the convention obliges ships to set up a ship-specific management plan for ballast water and sediments. Moreover, ships need to carry aboard an international ballast water management certificate as well as a ballast water report file wherein all ballast operations are listed. The ballast water management needs to follow the standard procedures. Another element in the convention concerns the ballast water exchange at sea, that needs to take place preferably 200 nautical miles from the mainland. If this proves impossible, the exchange needs to take place more than 50 nautical miles from the mainland, in water at least 200 m in depth. The ratification pending, [OSPAR](#) (p.41) advises to respect some measures concerning the ballast water of ships on a voluntary basis. Prior to the BWM convention, the IMO resolution of 1997 (A.868(20)) provided regulations for the inspection and treatment of ballast water, to prevent the exchange of harmful organisms.

CLC convention

Official reference	International convention on civil liability for oil pollution damage	
Official website	www.imo.org	
Relevant dates	Document	29/11/1969
	Entry into force	19/06/1975
	Ratification by Belgium	20/07/1976
	Protocol 1992	27/11/1992
	Entry into force	30/05/1996
	Ratification by Belgium	10/08/1998
Policy level	International	
Type of instrument	Convention	
Geographical reach	World seas	
(Legal) coverage in the BNS	Internal waters, territorial sea, exclusive economic zone (since Protocol 1992)	
International contact point	International Maritime Organisation (IMO)	
Federal ratification law	<p>Wet van 20 juli 1976 houdende goedkeuring en uitvoering van het Internationaal Verdrag inzake de burgerlijke aansprakelijkheid voor schade door verontreiniging door olie, en van de Bijlage, opgemaakt te Brussel op 29 november 1969</p> <p>Protocol: Wet van 10 augustus 1998 houdende instemming met het Protocol van 1992 tot wijziging van het Internationaal Verdrag inzake de burgerlijke aansprakelijkheid voor schade door verontreiniging door olie, 1969, en de Bijlage, gedaan te Londen op 27 november 1992</p>	

// abstract:

The Convention on civil liability for oil pollution damage regulates the liability of the owners of oil-carrying ships that caused damage through oil pollution. It sets a strict liability standard and introduces a system of an obligatory liability insurance. The convention also lists reasons for which the owner of a ship causing oil pollution can be exempted of this liability (e.g. act of war). The owner of the ship has the right to limit his liability to a sum based upon the ship's tonnage.

The sea ships registered in a State Party to the convention, and all ships calling at or leaving ports or territorial waters of a State Party to the convention that transport over 2.000 tons of oil in bulk need to be carrying a valid certificate showing that the ship's liability under the convention is covered.

The 1992 Protocol widened the geographical scope of the convention to cover pollution damage in the internal waters, the territorial sea as well as the exclusive economic zone. The Protocol covers the same oil pollution damage, but the compensation for the environmental damage was reduced to the cost of the measures necessary to reinstate the contaminated environment. Additionally, the Protocol also allows expenses incurred for preventive measures in case of an imminent threat of pollution. Whereas the original convention only applied to laden tankers, this Protocol ensures an extension to unladen tankers, including the loss of bunker oil from this type of ships. Moreover, it is stipulated that a ship owner cannot limit liability if the pollution was caused by personal acts or negligence.

COLREGs convention

Official reference	Convention on the international regulations for preventing collisions at sea	
Official website	www.imo.org	
Relevant dates	Document	20/10/1972
	Entry into force	15/07/1977
	Ratification by Belgium	24/11/1975
Policy level	International	
Type of instrument	Convention	
Geographical reach	World seas	
(Legal) coverage in the BNS	Internal waters, territorial sea, exclusive economic zone	
International contact point	International Maritime Organisation (IMO)	
Federal ratification law	Wet van 24 november 1975 houdende goedkeuring en uitvoering van het Verdrag inzake de internationale bepalingen ter voorkoming van aanvaringen op zee, 1972, bijgevoegd Reglement en zijn Bijlagen, opgemaakt te Londen op 20 oktober 1972	

// abstract:

The COLREGs convention was created to substitute the Collision Regulations of 1960. One of the most significant innovations in the convention was the acknowledgement of traffic separation schemes. This convention provides regulations for the determination of safe velocity, the risk of collisions and the guidance of ships that operate in or in close proximity to the traffic separation schemes.

The convention consists of 38 measures, divided into five sections: Part A - General; Part B - Steering and Sailing; Part C - Lights and Shapes; Part D - Sound and Light signals; and Part E - Exemptions. Moreover, four annexes were added with the technical requirements concerning lights, ship types and their positioning, sound-emitting devices, complementary signals for fishing vessels when they operate too close to one another, as well as international emergency signals.

CSC convention

Official reference	International convention for safe containers	
Official website	www.imo.org	
Relevant dates	Document	2/12/1972
	Entry into force	6/09/1977
	Ratification by Belgium	20/08/1981
Policy level	International	
Type of instrument	Convention	
Geographical reach	World seas	
International contact point	International Maritime Organisation (IMO)	
Federal ratification law	Wet van 20 augustus 1981 houdende goedkeuring van de Internationale Overeenkomst voor veilige containers, en van de Bijlagen, opgemaakt te Genève op 2 december 1972	

// abstract:

The CSC convention has two main goals:

- To maintain a high level of safety of human life during the transport and handling of containers by implementing test procedures and related strength requirements;
- To further the international transport of containers by implementing uniform international safety regulations, that are equally applicable to all modes of surface transport.

The requirements related to this convention apply to the large majority of international freight containers, except for those specifically designed for air cargo. The regulations only apply to containers with the prescribed minimum sizes and corner fittings.

The convention contains two annexes. Annex 1 includes measures concerning testing, inspection, approval and maintenance of containers. The procedures for the inspection of the safety of the containers used for international transport, that need to be carried out by an administration of a Convention Party or by an organisation operating in her name are defined. The administration of a Convention Party allows the manufacturer to provide a security label (plate) displaying the necessary technical data. This label needs to be recognised by the remaining Contracting Parties. This principle of mutual recognition is the starting point of this convention. The maintenance of these types of containers is the owner's responsibility, who submits these containers to periodic, specific checks, as prescribed in the convention. Annex 2 includes the structural safety measures and tests, including the details of the testing procedures. Important amendments to this convention were realised in 1983, 1991 and 1993.

FUND convention

Official reference	International convention on the establishment of an international fund for compensation for oil pollution damage	
Official website	www.iopcfund.org	
Relevant dates	Document	18/12/1971
	Entry into force	16/10/1978
	Ratification by Belgium	6/08/1993
	Document Protocol 1992	27/11/1992
	Entry into force	30/05/1996
	Ratification by Belgium	10/08/1998
	Document Protocol 2003	16/05/2003
Entry into force	3/03/2005	
Ratification by Belgium	6/10/2005	
Policy level	International	
Type of instrument	Convention	
Geographical reach	World seas	
(Legal) coverage in the BNS	Internal waters, territorial sea, exclusive economic zone	
International contact point	IOPC Funds secretariat	
Federal ratification law	<p>Wet van 6 augustus 1993 houdende goedkeuring en uitvoering van het Internationaal Verdrag ter oprichting van een internationaal fonds voor vergoeding van schade door verontreiniging door olie, opgemaakt te Brussel op 18 december 1971, en houdende uitvoering van de Protocollen bij dit Verdrag, opgemaakt te Londen op 27 november 1992 en 16 mei 2003</p> <p>Wet van 10 augustus 1998 houdende instemming met het Protocol van 1992 tot wijziging van het Internationaal Verdrag van 1971 ter oprichting van een Internationaal Fonds voor vergoeding van schade door verontreiniging door olie, gedaan te Londen op 27 november 1992</p> <p>Wet van 6 oktober 2005 houdende instemming met en uitvoering van het Protocol van 2003 bij het Internationaal Verdrag van 1992 ter oprichting van een Internationaal Fonds voor vergoeding van schade door verontreiniging door olie, opgemaakt te Londen op 16 mei 2003</p>	

// abstract:

This convention was introduced because the [CLC convention](#) (p.27) was seen as having an insufficient legal and financial basis to be a useful working mechanism to ensure payments compensating oil pollution. The fund (1971) is financed by contributions made by every person who receives oil that is transported overseas. The goals of this convention are:

- To provide compensation to the Contracting Parties for damage caused by pollution, to the extent that proved to be inadequate under the 1969 Civil Liability Convention;
- To give relief to shipowners, in regard to the financial burden imposed on them by the 1969 Civil Liability Convention, such relief being subject to conditions designed to ensure compliance with safety at sea and other conventions;
- To give effect to the purposes that are stipulated in the convention.

The first goal obliges the fund to compensate the Contracting Parties or the persons who have suffered damage caused by the pollution, and who did not receive (sufficient) compensation of the ship owner. With some exceptions, the fund also has to pay compensatory allowances to the victims of oil pollution who do not receive a compensation from the ship owner, or from the party that acts as a guarantor within the CLC convention.

The fund can also support the Contracting Parties in taking measures against pollution, in the form of staff, materials, credit facilities, etc. The second main purpose of the convention obliges the fund to indemnify the ship owner or his insurer, for a part of the ship owner's liability under the CLC convention. However, the fund is not obliged to indemnify the owner if the damage was caused by

FUND convention

// abstract (continuation):

deliberate action or if the accident was caused in whole or in part by the ship not respecting certain international conventions.

The main purpose of the 1992 Protocol was to modify the entry into force requirements and increase the maximum compensation amounts. A separate fund, the 1992 International Oil Pollution Compensation (IOPC) Fund, was therefore set up. The 1971 fund was renounced the 24th of May 2002 in favour of the 1992 fund (cfr. protocol of the 27th of September 2002).

The 2003 Protocol (optional protocol) aims to provide a potential third pillar of compensations. The supplementary fund applies to damage in the territory, including the territorial sea, and in the exclusive economic zone of a Contracting Party. The Assembly of the Supplementary Fund will determine the level of contribution to the fund of each Contracting Party, according to its expenditure and income.

Even though the funds were established within the IMO conventions, they still remain independent legal entities. The funds are not United Nations agencies but are instead considered as an intergovernmental organisation that operates through procedures which are similar to those of the UN.

FAL convention

Official reference	Convention on facilitation of international maritime traffic	
Official website	www.imo.org	
Relevant dates	Document	9/04/1965
	Entry into force	5/03/1965
	Ratification by Belgium	4/01/1967
Policy level	International	
Type of instrument	Convention	
Geographical reach	World seas	
(Legal) coverage in the BNS	Internal waters, territorial sea, exclusive economic zone	
International contact point	International Maritime Organisation (IMO)	
Federal ratification law	Goedkeuring van het verdrag van 19 april 1965 inzake het vergemakkelijken van het internationaal verkeer ter zee, en Bijlage, opgemaakt te Londen. BS: 24/02/1967	

// abstract:

The main objectives of this treaty are (1) preventing unnecessary delays in maritime transport; (2) supporting cooperation between States and (3) securing the highest practical degree of uniformity of formalities and other procedures.

In particular, this convention reduces the number of declarations which can be required by public authorities. Few activities have been more subject to overregulation than international maritime transport. This is partly because of the international nature of shipping: countries have developed customs, immigration and other standards independently of each other and a ship visiting several countries during the course of a voyage could expect to be presented with numerous forms to fill in, often asking for exactly the same information but in a slightly different way.

In its Annex, the Convention contains standards and recommended practices on formalities, documentary requirements and procedures which should be applied on arrival, stay and departure to the ship itself, and to its crew, passengers, baggage and cargo. If it is not feasible for a State Party to meet a certain international standard, they must inform the IMO.

HNS convention

Official reference	International convention on liability and compensation for damage in connection with the carriage of hazardous and noxious substances by sea	
Official website	www.hnsconvention.org	
Relevant dates	Document	3/05/1996
	Entry into force	not (substituted by Protocol 2010)
	Ratification by Belgium	not
	Document Protocol 2010	30/04/2010
	Entry into force	not yet
	Ratification by Belgium	not yet
Policy level	International	
Type of instrument	Convention	
Geographical reach	World seas	
(Legal) coverage in the BNS	Internal waters, territorial sea, exclusive economic zone	
International contact point	IOPC Fund secretariat	

// abstract:

The HNS convention of 1996 regulates the compensations given to victims of damage caused by the carriage of hazardous and noxious substances at sea. The lack of ratifications resulted in the 2010 Protocol, that deals with the issues that were raised in connection to the entry into force of the original convention. The convention was subsequently renamed the HNS convention of 2010. The convention extends the impact of the *CLC convention* (p.27) and the *FUND convention* (p.30) by covering not only pollution damage, but also the loss of and damage to properties. Additionally, the convention covers the risk of fire and explosion as well as loss of life and personal injury caused by hazardous and noxious substances. Pollution damage as defined in the CLC and FUND conventions, is not included in the HNS convention in order to prevent overlap.

The shipowner is liable for the damage caused. The liability can be limited to a maximum sum according to the ship's tonnage. The convention also determines the reasons that can exempt the owners from their liability (e.g. damage due to an act of war). Furthermore, the HNS convention stipulates that claims concerning death or physical injuries have priority and that the owners of similar ships are obliged to take out insurance.

It was agreed that the liability of the ship owner did not provide enough coverage for possible damage to the cargo of the ship. The liability of the ship owner is therefore supplemented by the HNS fund, which is financed by the buyers of similar freights. The HNS fund pays compensation if (1) the ship owner cannot be held responsible, (2) if the ship owner is financially incapable of meeting the obligations under the convention or (3) the damage exceeds the owner's liability.

Intervention convention

Official reference	International convention relating to intervention on the high seas in cases of oil pollution casualties	
Official website	www.imo.org	
Relevant dates	Document	29/11/1969
	Entry into force	6/05/1975
	Ratification by Belgium	29/07/1971
	Document Protocol 1973	2/11/1973
	Entry into force	30/03/1983
	Ratification by Belgium	6/08/1982
Policy level	International	
Type of instrument	Convention	
Geographical reach	World seas	
(Legal) coverage in the BNS	(International waters) but also exclusive economic zone	
International contact point	International Maritime Organisation (IMO)	
Federal ratification law	<p>Wet van 29 juli 1971 houdende goedkeuring van volgende internationale akten: 1. Verdrag inzake de territoriale zee en de aansluitende zone; 2. Verdrag inzake de volle zee; 3. Verdrag inzake de visserij en de instandhouding van de levende rijkdommen van de volle zee; 4. Protocol van facultatieve ondertekening inzake de verplichte beslechting van geschillen, opgemaakt te Genève op 29 april 1958; 5. Internationaal verdrag betreffende maatregelen in volle zee in geval van een ongeval dat verontreiniging door olie tot gevolg heeft of kan hebben en bijlage, opgemaakt te Brussel op 29 november 1969</p> <p>Protocol: Wet van 6 augustus 1982 houdende goedkeuring van het Protocol van 1973 betreffende de maatregelen in volle zee in geval van verontreiniging door stoffen, andere dan oliën, en van de Bijlage, opgemaakt te Londen op 2 november 1973</p>	

// abstract:

The Intervention convention, also called the 'Public Law Convention' (PLC), regulates the intervention rights of Coastal States in the high seas (including the exclusive economic zone). Through this convention, states can take measures to prevent, increase or eliminate oil pollution (following an accident at sea) that is threatening their coast. Intervention is only possible when serious damage can be reasonably predicted and when the intervention measures are proportionate to the damage.

Before taking any measures, the Coastal State has to consult the Flag State and other States that are involved in the accident, and anyone affected by the proposed measures. Only in case of extreme urgency may the Coastal State take measures without prior notification to the Flag State or the other States. In all cases, measures have to be proportionate to the real or imminent threat. If the measure is disproportionate and results in damage, the Coastal State has to compensate for the damage.

In 1973, the Intervention convention was supplemented by a Protocol that extended the intervention possibilities at sea in case of (possible) pollution caused by substances other than oil. The Protocol entered into force in 1983 and was amended in 1996 and in 2002, with the aim of updating the list of harmful substances.

LLMC convention

Official reference	Convention on limitation of liability for maritime claims	
Official website	www.imo.org	
Relevant dates	Document	19/11/1976
	Entry into force	1/12/1986
	Ratification by Belgium	11/04/1989
	Termination by Belgium	9/10/2009
	Realisation of termination	1/10/2010
	Document Protocol 1996	2/05/1996
	Entry into force	13/05/2004
	Ratification by Belgium	10/09/2009
Policy level	International	
Type of instrument	Convention	
Geographical reach	World seas	
International contact point	International Maritime Organisation (IMO)	
Competent authorities in Belgium	Federal authority; FPS Mobility and Transport; DG Maritime Transport	
Federal ratification law	Wet van 11 april 1989 houdende goedkeuring en uitvoering van diverse Internationale Akten inzake de zeevaart.	
	Protocol: Wet van 10 september 2009 houdende instemming met het Protocol van 1996 tot wijziging van het Verdrag van 1976 inzake beperking van aansprakelijkheid voor maritieme vorderingen, gedaan te Londen op 2 mei 1996.	

// abstract:

The LLMC convention of 1976 replaces the Convention relating to the limitation of the liability of owners of seagoing ships (1957) and sets a limit for maritime claims against ship owners and salvors. Two types of claims are considered: claims in respect of loss of lives, or personal injury, and claims in respect of loss or damage to property (e.g. damage to other ships). Furthermore, under the convention the liability of ship owners depends on the ship's tonnage. The limitation of liability is not applicable in case of gross negligence or intentional misconduct. Additionally, the convention provides for the establishment of a limitation fund which persons held liable can apply to. With the 1996 Protocol, the upper limits of maritime claims were considerably increased. A distinction between the two mentioned types of claims, based on the ship's tonnage, still remains.

Load lines convention

Official reference	International convention on load lines	
Official website	www.imo.org	
Relevant dates	Document	5/04/1966
	Entry into force	21/07/1968
	Ratification by Belgium	27/12/1968
	Document Protocol 1988	11/11/1988
	Entry into force	3/02/2000
	Ratification by Belgium	15/02/2007
Policy level	International	
Type of instrument	Convention	
Geographical reach	World seas	
International contact point	International Maritime Organisation (IMO)	
Federal ratification law	<p>Wet van 27 december 1968 houdende goedkeuring van het Internationaal Verdrag betreffende de uitwatering van schepen, 1966, en van de Bijlagen, opgemaakt te Londen op 5 april 1966</p> <p>Protocol: Wet van 15 februari 2007 betreffende de toetreding van België tot het Protocol van 1988 aangaande het Internationaal Verdrag van 1966 betreffende de uitwatering van schepen, gedaan te Londen op 11 november 1988</p>	

// abstract:

The Load lines convention (1966) regulates the determination of freeboards (the distance between the upper deck level and the upper load line mark) of ships based on subdivisions and damage stability calculations. The convention includes three annexes with regard to the determination of the load lines and the different regions and seasons. The third annex relates to the Load Lines Certificate, a certificate that is delivered to each inspected and marked ship that is in conformity with the convention. The validity of a certificate, which will never exceed five years, is specified by the respective administration. The technical annex contains several additional safety measures concerning doors, free passages, hatchways and other aspects of the ship. The main purpose of these measures is to ensure the watertight integrity of the hull below the freeboard deck.

The 1988 Protocol harmonised the inspection and certificate requirements with those of the *SOLAS convention* (p.46) and the *MARPOL convention* (p.38). Some instructions within the technical annex were reconsidered, and a tacit amendment procedure was introduced. This means that the adopted amendments enter into force six months after the estimated date of approval, unless they are rejected by one-third of the Parties. Changes to the convention can be suggested at the Maritime Safety Committee and are dealt with in proceedings in which the Contracting Parties can participate.

London convention

Official reference	Convention on the prevention of marine pollution by dumping of wastes and other matter	
Official website	www.imo.org	
Relevant dates	Document	13/11/1972
	Entry into force	30/08/1975
	Ratification by Belgium	20/12/1984
	Document Protocol 1996	7/11/1996
	Entry into force	13/02/2006
	Ratification by Belgium	21/06/2004
	Ratification by Flanders	23/12/2005
Policy level	International	
Type of instrument	Convention	
Geographical reach	World seas	
International contact point	International Maritime Organisation (IMO)	
Competent authorities in Belgium	Federal authorities; FPS Health, Food Chain Safety and Environment; DG Environment; Agency Marine Environment	
Federal ratification law	Wet van 20 december 1984 houdende goedkeuring van het Verdrag inzake de voorkoming van de verontreiniging van de zeeëngten gevolge van het storten van afvalstoffen, van de Bijlagen, het Addendum en het Bijvoegsel, opgemaakt te Londen, Mexico, Moskou en Washington op 29 december 1972 en gewijzigd te Londen op 12 oktober 1978, 1 december 1978 en 1 december 1980 Protocol: Wet van 21 juni 2004 houdende instemming met het Protocol van 1996 bij het Verdrag van 1972 inzake de voorkoming van verontreiniging van de zee ten gevolge van het storten van afvalstoffen, en met de Bijlagen 1, 2 en 3, gedaan te Londen op 7 november 1996	
Flemish ratification decree	Decreet van 23 december 2005 houdende instemming met het Protocol van 1996 bij het Verdrag inzake de voorkoming van verontreiniging van de zee ten gevolge van het storten van afval en andere stoffen van 1972, opgemaakt in Londen op 7 november 1996	

// abstract:

The London convention was drawn up in 1972 under the auspices of the International Maritime Organisation (IMO) and is aimed at protecting the marine environment from all sources of pollution, particularly from the dumping of waste. It is considered to be one of the first international conventions with the aim of protecting the marine environment. The convention instituted a special licence for the dumping of some substances, as well as a general licence for waste dumping.

In 1996, the convention was substantially amended by the means of the London Protocol, which eventually substituted the convention. This Protocol imposes a general ban of dumping at sea, except for a few acceptable substances listed in the Annex of the Protocol. However, these substances still require a licence and they comprise, inter alia, dredged material; sewage sludge; fish waste; ships and human structures at sea; inert inorganic geological material; natural organic material and large iron, steel or concrete objects.

Recently, the Contracting Parties have taken actions to mitigate the CO₂-concentrations in the atmosphere, and to regulate and control new technologies concerning climate regulation that might have a negative impact on the marine environment.

MARPOL convention

Official reference	International convention for the prevention of pollution from ships	
Official website	www.imo.org	
Relevant dates	Document 1973	2/11/1973
	Document Protocol 1978 (MARPOL 73/78)	17/02/1978
	Entry into force	2/10/1983
	Ratification by Belgium	17/01/1984
	Document Protocol 1997	26/09/1997
	Entry into force	19/05/2005
	Ratification by Belgium	15/06/2004
	Ratification by Flanders	23/12/2005
Policy level	International	
Type of instrument	Convention	
Geographical reach	World seas	
(Legal) coverage in the BNS	Internal waters, territorial sea, exclusive economic zone	
International contact point	International Maritime Organisation (IMO)	
Federal ratification law	<p>Wet van 17 januari 1984 houdende goedkeuring van volgende Internationale Akten: - a) Internationaal Verdrag van 1973 ter voorkoming van verontreiniging door schepen, en Bijlagen, opgemaakt te Londen op 2 november 1973, - b) Protocol van 1978 bij het Internationaal Verdrag van 1973 ter voorkoming van verontreiniging door schepen, en Bijlage, opgemaakt te Londen op 17 februari 1978</p> <p>Protocol: Wet van 15 juni 2004 houdende instemming met het Protocol van 1997 tot wijziging van het Internationaal Verdrag ter voorkoming van verontreiniging door schepen, 1973, zoals gewijzigd door het Protocol van 1978, en met de Bijlage, gedaan te Londen op 26 september 1997</p>	
Flemish ratification decree	<p>Protocol: Decreet van 23 december 2005 houdende instemming met het Protocol van 1997 tot wijziging van het Internationaal Verdrag ter voorkoming van verontreiniging door schepen, MARPOL 1973, zoals gewijzigd door het Protocol daarbij van 1978</p>	

// abstract:

MARPOL 73/78 is the main convention created in order to prevent marine pollution by ships. It applies to both operational (e.g. cargo residues, fuel and lubricating oil residues, sewage, garbage, air pollution) and accidental pollution. The 1978 Protocol was adopted in the context of numerous oil tanker accidents in the 1976-1977 period. In 1997, a new Protocol was adopted that amended the convention and added Annex VI.

The convention consists of some general articles, that describe, inter alia, the general obligations of the Contracting Parties and the enforcement powers. The dumping prescriptions and the technical requirements are established in six separate annexes:

- Regulations for the Prevention of Pollution by Oil;
- Regulations for the Control of Pollution by Noxious Liquid Substances in Bulk;
- Prevention of Pollution by Harmful Substances Carried by Sea in Packaged Form;
- Prevention of Pollution by Sewage from Ships;
- Prevention of Pollution by Garbage from Ships;
- Prevention of Air Pollution from Ships.

In the case of operational dumping, the pollution is limited through set discharge criteria (or a discharge ban) that determine, inter alia, the concentration of the mixture, or the maximum amount. The annexes include some general exceptions to the discharge criteria, this is (1) in case of force majeure (2) when the discharge results from damage (3) when the discharge took place in the context of pollution control. In addition, technical solutions can be opted for that limit the need for operational discharges. In the context of accidents, the convention demands that special attention is paid to the design, staff, construction and equipment requirement in order to limit the possible damages.

NUCLEAR convention

Official reference	Convention relating to civil liability in the field of maritime carriage of nuclear material	
Official website	www.imo.org	
Relevant dates	Document	17/12/1971
	Entry into force	15/07/1975
	Ratification by Belgium	11/04/1989
Policy level	International	
Type of instrument	Convention	
Geographical reach	World seas	
International contact point	International Maritime Organisation (IMO)	
Federal ratification law	Wet van 11 april 1989 houdende goedkeuring en uitvoering van diverse Internationale Akten inzake de zeevaart	

// abstract:

The NUCLEAR convention was created by the International Maritime Organisation (IMO), along with the International Atomic Energy Agency (IAEA) and the Nuclear Energy Agency (NEA) of the Organisation for Economic Cooperation and Development (OECD), on the occasion of a 1971 conference. The aim of the convention is to deal with the difficulties and conflicts concerning civil liability in case of damage to the maritime transport of nuclear substances. These conflicts and difficulties arise from the simultaneous application of several maritime conventions dealing with the liability of ship owners. Moreover, the convention also deals with other difficulties and conflicts that arise from conventions placing liability on the operators of the nuclear installations from which or to which the substances are being transported.

OPRC convention

Official reference	International convention on oil pollution preparedness, response and co-operation	
Official website	www.imo.org	
Relevant dates	Document	30/11/1990
	Entry into force	13/05/1995
	Ratification by Belgium	not
	Document Protocol 2000 (OPRC-HNS)	15/03/2000
	Entry into force	14/06/2007
	Ratification by Belgium	not
Policy level	International	
Type of instrument	Convention	
Geographical reach	World seas	
International contact point	International Maritime Organisation (IMO)	

// abstract:

The convention offers a framework for international cooperation when dealing with incidents or threats of marine pollution. This convention applies to ships, offshore installations and structures, sea ports, and oil treatment facilities. All Contracting Parties have to create an emergency plan against oil pollution; and all Parties have to immediately report incidents where oil is discharged or could be discharged into the sea. Moreover, the Contracting Parties need to develop national and international strategies for the preparation and the fight against incidents of pollution. The convention calls for the establishment of stockpiles of oil spill combating equipment, the holding of oil spill combating exercises and the development of detailed plans for dealing with pollution incidents. The convention expects that the Contracting Parties provide assistance to the other States in case of an emergency situation, which also means that arrangements have been taken to be able to refund the costs of the assistance provided.

During the establishment of this convention, the IMO was invited to develop a legal instrument, that extended the application of the OPRC convention to toxic and harmful substances. This resulted in the 'Protocol on preparedness, response and cooperation to pollution incidents by hazardous and noxious substances' (2000).

Belgium has not yet ratified these international conventions. This does not mean, however, that no regulation on this topic exists for the Belgian sea area. In case of incidents involving the discharge of oil or other noxious and potentially hazardous substances into the marine environment of the North Sea, the 'Bonn agreement for cooperation in dealing with pollution of the North Sea by oil and other harmful substances' (Bonn, 13 September 1983) (*Bonn agreement* p.16) applies.

OSPAR convention

Official reference	Convention for the protection of the marine environment of the North-East Atlantic	
Official website	www.ospar.org	
Relevant dates	Document	22/09/1992
	Entry into force	25/03/1998
	Ratification by Belgium	11/05/1995
	Ratification by Flanders	19/04/1995
Policy level	International	
Type of instrument	Convention	
Geographical reach	The North East Atlantic (5 regions: the Arctic, the North Sea, the Celtic Seas, the Bay of Biscay and Iberian waters, and the Wider Atlantic)	
(Legal) coverage in the BNS	Internal waters, territorial sea, exclusive economic zone	
International contact point	OSPAR Commission	
Competent authorities in Belgium	Federal authorities; FPS Health, Food Chain Safety and Environment; DG Environment; Agency Marine Environment	
Federal ratification law	Wet van 11 mei 1995 houdende goedkeuring van het Verdrag inzake de bescherming van het marien milieu van de Noordoostelijke Atlantische Oceaan, Bijlagen I, II, III en IV, en de Aanghangsels 1 en 2, gedaan te Parijs op 22 september 1992	
Flemish ratification decree	Decreet van 19 april 1995 houdende goedkeuring van het Verdrag inzake de bescherming van het mariene milieu van de Noordoostelijke Atlantische Oceaan, en van de bijlagen, opgemaakt in Parijs op 22 september 1992	

// abstract:

The OSPAR convention combines and updates the 'Convention for the Prevention of Marine Pollution by Dumping from Ships and Aircraft' (1972 Oslo Convention) and the 'Convention for the Prevention of Marine Pollution from Land-Based Sources' (1974 Paris Convention). In its 'North-East Atlantic Environment Strategy 2010-2020', the OSPAR Commission aims to protect marine areas against the harmful effects of human activities, and thereby tries to protect human health and marine ecosystems as well as to restore damaged marine areas. The implementation of the ecosystem approach in the context of the management of human activities is a central aim of the convention. The OSPAR Commission developed and implemented a series of five thematic strategies, in order to focus on the most important identified threats to the marine environment. These strategies relate to biodiversity and ecosystems, eutrophication, hazardous substances, offshore oil and gas industry, and radioactive substances. A sixth strategy is the 'Strategy for the Joint Assessment and Monitoring Programme' (JAMP) offering a framework for the development of OSPAR's monitoring and assessment programmes. In 2014 the OSPAR Commission adopted a renewed Strategy for the Joint Assessment and Monitoring Programme (JAMP) for the period 2014-2021 focusing on the development of new general assessments of the quality status of the marine environment. OSPAR monitoring needs to meet relevant assessment requirements such as the [Marine strategy framework directive](#) (2008/56/EC; p.87) criteria. Although climate change does not have a separate strategy, the relevance of climate change and the required mitigation and adaptation with regard to the marine environment are extensively discussed in the Quality Status Report of 2010.

Ramsar convention

Official reference	Ramsar list of wetlands of international importance	
Official website	www.ramsar.org	
Relevant dates	Document	2/02/1971
	Entry into force	21/12/1975
	Ratification by Belgium	22/02/1979
Policy level	International	
Type of instrument	Convention	
Geographical reach	Areas of marsh, fen, peatland or water, whether natural or artificial, permanent or temporary, with water that is static or flowing, fresh, brackish or salt, including areas of marine water the depth of which at low tide does not exceed six metres	
International contact point	Ramsar secretariat	
Competent authorities	At sea: Federal authorities; FPS Health, Food Chain Safety and Environment; DG Environment Inland: Flemish authorities; policy domain Environment, Nature and Energy (LNE)	
Federal ratification law	Wet van 22 februari 1979 houdende goedkeuring van de Overeenkomst inzake watergebieden die van internationale betekenis zijn in het bijzonder als woongebied voor watervogels, opgemaakt te Ramsar (Iran) op 2 februari 1971	

// abstract:

The Ramsar convention is an intergovernmental treaty that offers a framework for national measures and international cooperation for the protection and well-considered use of wetlands. The convention provides a broad interpretation of the types of wetlands it applies to (see 'geographical reach'). The Contracting Parties agree on implementing the three main pillars of the convention:

- Adding wetlands to the list of wetlands of international importance and ensuring their effective management. The convention offers a few criteria for the designation of these wetlands (based on their ecological, botanical, zoological, limnological or hydrological importance). Water areas of international importance for water birds have a certain priority;
- Aiming at a well-considered use of all the wetlands, by means of national land use planning, a suitable policy and legislation, management measures and public education/awareness raising;
- International cooperation concerning transboundary wetlands, shared wetland systems, shared species and development projects that can affect the wetlands.

SAR convention

Official reference	International convention on maritime search and rescue	
Official website	www.imo.org	
Relevant dates	Document	27/04/1979
	Entry into force	22/06/1985
	Ratification by Belgium	20/12/1984
Policy level	International	
Type of instrument	Convention	
Geographical reach	World seas	
(Legal) coverage in the BNS	Internal waters, territorial sea, exclusive economic zone	
International contact point	International Maritime Organisation (IMO)	
Competent authorities in Belgium	Governor of West Flanders (responsible for the coordination of assistance by Coast-guard)	
Federal ratification law	Wet van 20 december 1984 houdende goedkeuring van het Internationaal Verdrag inzake opsporing en redding op zee en van de Bijlage, opgemaakt te Hamburg op 27 april 1979	

// abstract:

The SAR convention's initial aim was to develop an international system regarding the search and rescue operations (SAR) for persons in need at sea, so that these operations could be directed by SAR organisations all over the world. In line with the ratification of the convention, the Maritime Safety Committee of the IMO divided the world seas into 13 SAR areas for which search and rescue plans were created. However, the original convention of 1979 imposed too many obligations to the Contracting Parties, resulting in only a few states ratifying the convention. This led to a revision of the convention (1998) that focused more on the regional approach and on the coordination between the SAR operations at sea and in the air. The revised annex with the technical requirements of the convention stipulates, inter alia:

- The responsibility of the Contracting Parties (they have to provide, individually or in cooperation, the basic elements of a SAR service);
- The cooperation between the Contracting Parties in the context of SAR operations;
- Operational procedures: rescue coordination centres need to have up-to-date information, communication and rescue facilities, and need to draw up detailed plans for SAR operations;
- Recommendations for SAR with regard to ship reporting systems.

Ship recycling convention

Official reference	Hong Kong international convention for the safe and environmentally sound recycling of ships	
Official website	www.imo.org	
Relevant dates	Document	15/05/2009
	Entry into force	not
	Ratification by Belgium	not
Policy level	International	
Type of instrument	Convention	
Geographical reach	Contracting Parties	
International contact point	International Maritime Organisation (IMO)	
Note	This convention enters into force 24 months after ratification by 15 states which represent at least 40% of the GT of the global merchant fleet, and whos combined maximum annual ship recycling volume is not less than 3% of their combined tonnage	

// abstract:

This convention aims to ensure that the recycling process of ships over 500 GT does not pose any risks to the human health and safety or to the environment. The convention regulates all aspects of the ship recycling process, including the fact that ships that need to be demolished can contain hazardous and harmful substances (asbestos, heavy metals, hydrocarbons, etc.).

The clauses of this conventions include:

- The design, construction, operation and manufacturing of ships in order to facilitate safe and environmentally friendly recycling, without compromising the ships' safety and efficient operation;
- The safe and environmentally friendly operation of ship recycling facilities (working conditions);
- The introduction of appropriate enforcement measures for ship recycling, including certificates and reporting requirements.

Ships that are ready to be recycled need to have on board an inventory of hazardous substances. The Annex to this convention offers a list of these hazardous substances. Ships will be regularly inspected in order to verify this inventory. This also includes a final inspection right before the recycling process.

Ship recycling yards need to propose a Ship Recycling Plan, to specify the way they recycle each individual ship. Contracting Parties have to take measures in order to ensure that the ship recycling facilities are in accordance with the convention.

Scheldt treaty

Official reference	Scheldt treaty	
Official website	www.isc-cie.org	
Relevant dates	Document	3/12/2002
	Entry into force	1/12/2005
	Ratification by Belgium	6/10/2005
	Ratification by Flanders	30/04/2004
Policy level	International (multilateral)	
Type of instrument	Convention	
Geographical reach	The international Scheldt river basin district	
International contact point	International Scheldt Commission	
Competent authorities in Belgium	Delegation leader federal authorities: FPS Health, Food Chain Safety and Environment; DG Environment; Agency Marine Environment Delegation leader Flemish authorities: Policy domain Environment, Nature and Energy (LNE); Flemish Environment Agency (VMM)	
Federal ratification law	Wet van 6 oktober 2005 houdende instemming met de volgende Internationale Akten: 1° Scheldeverdrag; 2° Maasverdrag, gedaan te Gent op 3 december 2002	
Flemish ratification decree	Decreet van 30 april 2004 houdende goedkeuring van het Scheldeverdrag, ondertekend te Gent op 3 december 2002	

// abstract:

The Scheldt treaty is aimed at a sustainable and integrated water management of the international Scheldt river basin district. The Contracting Parties collaborate on several matters in order to achieve their goal:

- The implementation of the *Water framework directive* (2000/60/EC; p.77), and more specifically the alignment of several programmes of measures;
- The preparation of a single management plan for the international Scheldt river basin district, in accordance with the Water framework directive;
- The coordination of the flood prevention and protection measures;
- The coordination of measures regarding water pollution.

For the implementation of the treaty, the International Scheldt Commission was established, in which different Contracting Parties (France, the Netherlands, Belgium, the Flemish Region, the Walloon Region and Brussels Capital Region) are represented. The commission can issue, inter alia, opinions and recommendations and takes care of the coordination of Contracting Parties regarding the obligations of the Water framework directive. Moreover, the treaty determines the regulation regarding the constitution, working, financing, etc. of the commission. Finally, the settlement of disputes is discussed.

SOLAS convention

Official reference	International convention for the safety of life at sea	
Official website	www.imo.org	
Relevant dates	Document	1/11/1974
	Entry into force	25/05/1980
	Ratification by Belgium	10/08/1979
Policy level	International	
Type of instrument	Convention	
Geographical reach	World seas	
International contact point	International Maritime Organisation (IMO)	
Competent authorities in Belgium	Federal authorities; FPS Mobility and Transport; DG Maritime Transport	
Federal ratification law	Wet van 10 augustus 1979 houdende goedkeuring van het Internationaal Verdrag van 1974 voor de beveiliging van mensenlevens op zee, en van de Bijlage, opgemaakt te Londen op 1 november 1974, en van het Protocol van 1978 betreffende dit Verdrag, en van de Bijlage, opgemaakt te Londen op 17 februari 1978	

// abstract:

The SOLAS convention is regarded as the most important convention on the safety of merchant ships. The main purpose of the convention is to specify the minimum standards for the construction, equipment and the operation of ships in order to guarantee the safety of life at sea. Flag States need to make sure that their ships meet these requirements, and a number of certificates are prescribed as proof that this has been done. Contracting Parties can inspect ships of other Contracting Parties, when they suspect that the ship and its equipment do not meet the standards. This procedure is known as 'port state control'. The topics discussed in the SOLAS convention concern: ship construction, life-saving appliances and arrangements, safety equipment, radiocommunications, safety of navigation, carriage of cargoes and carriage of dangerous goods, nuclear ships, management for the safe operation of ships, safety measures for high-speed crafts, special measures to enhance maritime security, and additional safety measures for bulk carriers.

STCW convention

Official reference	International convention on standards of training, certification and watchkeeping for seafarers	
Official website	www.stcw.org	
Relevant dates	Document	7/07/1978
	Entry into force	28/04/1984
	Ratification by Belgium	16/08/1982
Policy level	International	
Type of instrument	Convention	
Geographical reach	World seas	
International contact point	International Maritime Organisation (IMO)	
Competent authorities in Belgium	Federal authorities; FPS Mobility and Transport; DG Maritime Transport	
Federal ratification law	Wet van 16 augustus 1982 houdende goedkeuring van het Internationaal Verdrag betreffende de normen voor zeevarenden inzake opleiding, brevettering en wachtdienst, en van de Bijlage, opgemaakt te Londen op 7 juli 1978	

// abstract:

The STCW convention is an international convention defining the minimum standards for seafarers, regarding training, certification and watchkeeping. The clauses apply to ships of Flag States that have ratified the convention, as well as to ships of non-Contracting Parties that call at a port of a Contracting Party. The 1995 amendments to the convention included an STCW code with the technical details and features of the convention. Part A of this code is obligatory, while part B is recommended. The Contracting Parties also need to furnish detailed information to the IMO regarding the administrative measures that have been taken for the implementation of the convention. In 2010, the convention was revised again in a detailed way (Manila amendments) to keep the training standards up to date with the new technological and operational requirements. These amendments include improved measures for the prevention of fraudulent practices associated with certificates of competency and evaluation procedures, new requirements on the hours of rest for seafarers, new certification standards for able seafarers, new training for staff serving on board ships operating in polar waters, new training for the use of Dynamic Positioning Systems (DPS), new requirements in certain trainings and new clauses regarding drug and alcohol use.

TONNAGE convention

Official reference	International convention on tonnage measurement of ships	
Official website	www.imo.org	
Relevant dates	Document	23/06/1969
	Entry into force	18/07/1982
	Ratification by Belgium	7/04/1975
Policy level	International	
Type of instrument	Convention	
Geographical reach	World seas	
International contact point	International Maritime Organisation (IMO)	
Competent authorities in Belgium	Federal authorities; FPS Mobility and Transport; DG Maritime Transport	
Federal ratification law	Wet van 7 april 1975 houdende goedkeuring van het Internationaal Verdrag van 1969 betreffende de meting van schepen, en van de Bijlagen, opgemaakt te Londen op 23 juni 1969	

// abstract:

This convention was the first successful attempt to introduce a universal tonnage measurement system for ships. The ships to which the convention does not apply are listed in article 4. This convention provides for gross and net tonnages, both of which are calculated independently by the respective administrations or their acknowledged organisations. Each ship needs to receive an 'International Tonnage Certificate', drawn up according to the convention. The TONNAGE convention also treats the issues that render the certificate invalid (e.g. construction changes, number of passengers, ships sailing under a different flag, etc.). The ships sailing under the flag of a Contracting Party will be subjected to inspections in the ports of the other Contracting Parties.

The regulations apply to all ships constructed after the 18th of July 1982, while ships built before that date were allowed to retain their existing tonnage up to the 18th of July 1994 (12 years after entry into force). This rule was intended to ensure decent economic protection for these ships, since port and other dues are charged according to ship tonnage regardless of the date of construction. At the same time, and as far as possible, the convention tries to ensure that the gross and net tonnages calculated under the new system do not differ too much from those calculated under the previous system.

Torremolinos convention

Official reference	Torremolinos international convention for the safety of fishing vessels	
Official website	www.imo.org	
Relevant dates	Document	2/04/1977
	Entry into force	not (substituted by Protocol 1993)
	Ratification by Belgium	16/08/1982
	Document Protocol 1993	2/04/1993
	Entry into force	not
	Ratification by Belgium/Flanders	not
	Document Cape Town Agreement of 2012	29/10/2012
Entry into force	not	
Ratification by Belgium/Flanders	not	
Policy level	International	
Type of instrument	Convention	
Geographical reach	Contracting Parties	
International contact point	International Maritime Organisation (IMO)	
Federal ratification law	Wet van 16 augustus 1982 houdende goedkeuring van het Internationaal Verdrag van Torremolinos voor de beveiliging van vissersvaartuigen, en van de Bijlage, opgemaakt te Torremolinos op 2 april 1977	
Note	The 2012 Agreement of Cape Town will enter into force 1 year after approval of the agreement by 22 states, who together have a combined fleet of 3,600 fishing vessels with a length of 24 meters or more.	

// abstract:

The Torremolinos convention (1977) was the first convention on the safety of fishing vessels. The convention contained clauses regarding the construction and the equipment of seagoing fishing vessels of 24 metres in length and over. When it was clear that the convention would never enter into force (due to technical reasons), the IMO decided to substitute the convention by a Protocol (1993).

The safety provisions of the 1993 Torremolinos Protocol are listed in the annex and include automatically controlled machinery spaces, improved life-saving appliances, immersion suits and thermal protective aids, satellite communication systems and other components of the global maritime distress and safety system.

Due to the lack of ratifications, the IMO started to reconsider the options. A new agreement was adopted in 2012; the Cape Town Agreement of 2012. This agreement amends and updates some clauses of the 1993 Protocol.

UNCLOS convention

Official reference	United Nations convention on the law of the sea	
Official website	www.un.org/depts/los	
Relevant dates	Document	10/12/1982
	Entry into force	16/11/1994
	Ratification by Belgium	18/06/1998
	Ratification by Flanders	14/07/1998
Policy level	International	
Type of instrument	Convention	
Geographical reach	World seas	
International contact point	Division for Ocean Affairs and the Law of the Sea (UN-DOALOS)	
Federal ratification law	Wet van 18 juni 1998 houdende instemming met het Verdrag van de Verenigde Naties inzake het recht van de Zee, gedaan te Montego Bay op 10 december 1982 en de Overeenkomst inzake de tenuitvoerlegging van deel XI van het Verdrag van de Verenigde Naties inzake het recht van de Zee van 10 december 1982, gedaan te New York op 28 juli 1994	
Flemish ratification decree	Decreet van 14 juli 1998 houdende instemming met het Verdrag van de Verenigde Naties inzake het Recht van de Zee, en de bijlagen, ondertekend in Montego Bay op 10 december 1982, en de Overeenkomst inzake de toepassing van deel XI van het Verdrag van de Verenigde Naties inzake het Recht van de Zee van 10 december 1982, en de bijlage, ondertekend in New York op 28 juli 1994	

// abstract:

The UNCLOS convention is a comprehensive legal framework that stipulates rules on the use of the oceans and their natural resources, pollution prevention, marine scientific research, economic and commercial activities and the settlement of disputes. It is therefore fair to say that the UNCLOS convention is the 'constitution' of the ocean. Due to its comprehensive nature, the regulations of the UNCLOS convention are often quite general, allowing their further development by other international conventions such as the *MARPOL convention* (p.38) or the *OSPAR convention* (p.41).

UNCLOS consists of 17 parts and 9 annexes. In the first place, the convention regulates the division of the seas and oceans in several legal zones, in which the Coastal States have some authority. These zones include internal waters, the territorial sea, the contiguous zone, the exclusive economic zone (EEZ), the continental shelf and international waters. In the territorial sea (12 nautical miles from the baseline) the Coastal State is free to enact laws and is responsible for jurisdiction. In this zone, the right of innocent passage applies to all ships. In the contiguous zone, the Coastal State exercises control to prevent infringements of customs, taxes, immigration or health regulations within its territory and its territorial sea, and can sanction such infringements. The UNCLOS convention also grants certain rights to the Coastal State concerning archaeological and historical objects in the zone. The EEZ and the continental shelf overlap in terms of content and geographical scope (200 nautical miles from the baseline). The continental shelf includes the sea bottom and the subsoil, whereas the EEZ also encompasses the overlying water column. In these zones, the Coastal States have sovereign rights and jurisdiction with respect to the economic use of living and non-living resources (e.g. energy generation or extraction of raw materials). The rights of the Coastal States in the EEZ and in the continental shelf are limited by the granting of rights to other States situated in these zones.

UNESCO UCH convention

Official reference	UNESCO 2001 convention on the protection of the underwater cultural heritage and its context	
Official website	www.unesco.org	
Relevant dates	Document	2/11/2001
	Entry into force	2/01/2009
	Ratification by Belgium	6/07/2013
	Ratification by Flanders	16/07/2010
Policy level	International	
Type of instrument	Convention	
Geographical reach	Sea and ocean bottoms, including the subsoil, beyond the limits of national jurisdiction	
(Legal) coverage in the BNS	Internal waters, territorial sea, exclusive economic zone, continental shelf	
International contact point	United Nations Educational, Scientific and Cultural Organization (UNESCO)	
Competent authorities in Belgium	Flemish authorities; policy domain Spatial planning, Housing policy and Immovable Heritage; Agency Immovable Heritage	
Federal ratification law	Wet van 6 juli 2013 houdende instemming met het Verdrag ter bescherming van het cultureel erfgoed onder water, aangenomen te Parijs op 2 november 2001	
Flemish ratification decree	Decreet van 16 juli 2010 houdende instemming met het verdrag ter bescherming van het cultureel erfgoed onder water, aangenomen in Parijs op 2 november 2001	

// abstract:

The objective of this convention is to protect the underwater cultural heritage. This heritage is defined as all traces of human existence having a cultural, historical or archaeological character which have been partially or totally under water, periodically or continuously, for at least 100 years. The convention stipulates the core principles for the protection of the underwater cultural heritage, offers a framework for the cooperation between states and provides practical rules for the treatment and the research of this heritage. The main principles of this convention are:

- An obligation for the Contracting Parties to protect their underwater cultural heritage, and to take measures in this context;
- (In situ) conservation of underwater cultural heritage;
- The ban on underwater cultural heritage being commercially exploited for trade or speculation;
- The importance of cooperation and information exchange between states, inter alia with regard to education and awareness regarding underwater cultural heritage.

Treaty on the policy and management of the Scheldt estuary

Official reference	Verdrag tussen de Vlaamse Gemeenschap en het Vlaams Gewest enerzijds en het Koninkrijk der Nederlanden anderzijds inzake de samenwerking op het gebied van het beleid en het beheer in het Schelde-estuarium, ondertekend in Middelburg op 21 december 2005	
Official website	www.vnsc.eu	
Relevant dates	Document	21/12/2005
	Entry into force	1/10/2008
	Ratification by Flanders	9/03/2007
Policy level	International (bilateral)	
Type of instrument	Treaty	
Geographical reach	Scheldt estuary	
International contact point	Flemish-Dutch Scheldt Commission (VNSC)	
Flemish ratification decree	Decreet van 9 maart 2007 houdende instemming met het verdrag tussen het Vlaams Gewest en het Koninkrijk der Nederlanden inzake de beëindiging van de onderlinge koppeling van de loodsgeldtarieven, ondertekend in Middelburg op 21 december 2005, het verdrag tussen het Vlaams Gewest en het Koninkrijk der Nederlanden betreffende de uitvoering van de Ontwikkelingsschets 2010 Schelde-estuarium, en de bijlagen A, B, C, D en E, ondertekend in Middelburg op 21 december 2005, het verdrag tussen het Vlaams Gewest en het Koninkrijk der Nederlanden inzake het gemeenschappelijk nautisch beheer in het Scheldegebied, ondertekend in Middelburg op 21 december 2005, en het verdrag tussen de Vlaamse Gemeenschap en het Vlaams Gewest enerzijds en het Koninkrijk der Nederlanden, anderzijds inzake de samenwerking op het gebied van het beleid en het beheer in het Schelde-estuarium, ondertekend in Middelburg op 21 december 2005	

// abstract:

This convention regulates the Flemish-Dutch cooperation and enabled the establishment of a common policy and a common management plan of the Scheldt estuary. The cooperation aims at a maximum protection against floods, an optimal accessibility of the Scheldt ports and a healthy and dynamic estuarine ecosystem. To achieve these goals, the Flemish-Dutch Scheldt Commission (VNSC) was established, consisting of a political board, an official board and a secretariat. The convention stipulates, inter alia, the regulation the VNSC has to respect during the preparation, determination and execution of plans, programmes and projects. Furthermore, the development and implementation of a common physical monitoring plan and common scientific research are discussed. According to the treaty, the VNSC assumes the competences of the Technical Scheldt Commission. As far as external relations are concerned, the VNSC is responsible for the external communication regarding the implementation of this treaty, and has to stay in touch with the International Scheldt Commission. Furthermore, the regulation regarding the evaluation and reporting in the context of this treaty is discussed, as well as the settlement of disputes. The constitution and the methods of the political board (competent members of government) and of the official board (senior Dutch and Flemish officials), as well as the tasks of the secretariat of the VNSC are settled in the treaty. The treaty, lastly, discusses financing.

Treaty on the pilotage rates in the Scheldt estuary

Official reference	Verdrag tussen het Vlaams Gewest en het Koninkrijk der Nederlanden inzake de beëindiging van de onderlinge koppeling van de loodsgeldtarieven, ondertekend in Middelburg op 21 december 2005	
Official website	www.vnsc.eu	
Relevant dates	Document	21/12/2005
	Entry into force	1/10/2008
	Ratification by Flanders	9/03/2007
Policy level	International (bilateral)	
Type of instrument	Treaty	
Geographical reach	Scheldt estuary	
Competent authorities in Belgium	Flemish authorities; policy domain Mobility and Public works (MOW)	
Flemish ratification decree	Decreet van 9 maart 2007 houdende instemming met het verdrag tussen het Vlaams Gewest en het Koninkrijk der Nederlanden inzake de beëindiging van de onderlinge koppeling van de loodsgeldtarieven, ondertekend in Middelburg op 21 december 2005, het verdrag tussen het Vlaams Gewest en het Koninkrijk der Nederlanden betreffende de uitvoering van de Ontwikkelingsschets 2010 Schelde-estuarium, en de bijlagen A, B, C, D en E, ondertekend in Middelburg op 21 december 2005, het verdrag tussen het Vlaams Gewest en het Koninkrijk der Nederlanden inzake het gemeenschappelijk nautisch beheer in het Scheldegebied, ondertekend in Middelburg op 21 december 2005, en het verdrag tussen de Vlaamse Gemeenschap en het Vlaams Gewest enerzijds en het Koninkrijk der Nederlanden, anderzijds inzake de samenwerking op het gebied van het beleid en het beheer in het Schelde-estuarium, ondertekend in Middelburg op 21 december 2005	

// abstract:

According to this treaty, the fixing of the pilotage rates for the Scheldt is an exclusive competence of the Flemish Region. The pilotage rates are fixed, however, by mutual agreement of the Netherlands and Flanders, with a reference to the pilotage rates in the Port of Rotterdam.

Treaty on the nautical management of the Scheldt estuary

Official reference	Verdrag tussen het Vlaams Gewest en het Koninkrijk der Nederlanden inzake het gemeenschappelijk nautisch beheer in het Scheldegebied, ondertekend in Middelburg op 21 december 2005	
Official website	www.vts-scheldt.net	
Relevant dates	Document	21/12/2005
	Entry into force	1/10/2008
	Ratification by Flanders	9/03/2007
Policy level	International (bilateral)	
Type of instrument	Treaty	
Geographical reach	Scheldt estuary	
International contact point	Permanent Committee of Supervision on Scheldt Navigation	
Flemish ratification decree	Decreet van 9 maart 2007 houdende instemming met het verdrag tussen het Vlaams Gewest en het Koninkrijk der Nederlanden inzake de beëindiging van de onderlinge koppeling van de loodsgeldtarieven, ondertekend in Middelburg op 21 december 2005, het verdrag tussen het Vlaams Gewest en het Koninkrijk der Nederlanden betreffende de uitvoering van de Ontwikkelingsschets 2010 Schelde-estuarium, en de bijlagen A, B, C, D en E, ondertekend in Middelburg op 21 december 2005, het verdrag tussen het Vlaams Gewest en het Koninkrijk der Nederlanden inzake het gemeenschappelijk nautisch beheer in het Scheldegebied, ondertekend in Middelburg op 21 december 2005, en het verdrag tussen de Vlaamse Gemeenschap en het Vlaams Gewest enerzijds en het Koninkrijk der Nederlanden, anderzijds inzake de samenwerking op het gebied van het beleid en het beheer in het Schelde-estuarium, ondertekend in Middelburg op 21 december 2005	

// abstract:

This treaty gives the Netherlands and Flanders a shared competence for the nautical management of the Scheldt area with a view to a safe and efficient control of shipping traffic. The scope of the Common Nautical Management (GNB) is defined. A Permanent Committee of Supervision on Scheldt Navigation is established, constituting the highest organ within the organisation of the GNB. Moreover, a common nautical authority is established, that is responsible for the daily nautical service. On the basis of a chain approach, they aim for an optimal cooperation between the Permanent Committee, the Common Nautical Authority (Gemeenschappelijke Nautische Autoriteit), the vessel traffic services, the port authorities of Antwerp, Ghent, Terneuzen and Vlissingen, the pilotage service and the other nautical services. Moreover, the judicial protection, the liability and the criminal penalties are discussed. The convention also stipulates the regulation regarding the relationship between the nautical management and the other policy domains (such as environmental management and spatial planning). Finally, the provisions on dispute resolution are discussed.

Treaty on the Scheldt estuary development outline 2010

Official reference	Verdrag tussen het Vlaams Gewest en het Koninkrijk der Nederlanden betreffende de uitvoering van de Ontwikkelingsschets 2010 Schelde-estuarium, en de bijlagen A, B, C, D en E, ondertekend in Middelburg op 21 december 2005	
Official website	www.vnsc.eu	
Relevant dates	Document	21/12/2005
	Entry into force	1/10/2008
	Ratification by Flanders	9/03/2007
Policy level	International (bilateral)	
Type of instrument	Treaty	
Geographical reach	Scheldt estuary	
International contact point	Technical Scheldt Commission (followed by the Flemish-Dutch Scheldt-Commission (VNSC))	
Flemish ratification decree	Decreet van 9 maart 2007 houdende instemming met het verdrag tussen het Vlaams Gewest en het Koninkrijk der Nederlanden inzake de beëindiging van de onderlinge koppeling van de loodsgeldtarieven, ondertekend in Middelburg op 21 december 2005, het verdrag tussen het Vlaams Gewest en het Koninkrijk der Nederlanden betreffende de uitvoering van de Ontwikkelingsschets 2010 Schelde-estuarium, en de bijlagen A, B, C, D en E, ondertekend in Middelburg op 21 december 2005, het verdrag tussen het Vlaams Gewest en het Koninkrijk der Nederlanden inzake het gemeenschappelijk nautisch beheer in het Scheldegebied, ondertekend in Middelburg op 21 december 2005, en het verdrag tussen de Vlaamse Gemeenschap en het Vlaams Gewest enerzijds en het Koninkrijk der Nederlanden, anderzijds inzake de samenwerking op het gebied van het beleid en het beheer in het Schelde-estuarium, ondertekend in Middelburg op 21 december 2005	

// abstract:

This treaty wants to guarantee the execution of various projects and works to optimise the security, the accessibility and the naturalness of the Scheldt estuary. The work and projects to be carried out are described, such as the expansion of the fairway and the development of the estuarine nature areas. The preparation, execution and maintenance of these works are discussed. In order to comply with the agreements and deadlines, an administrative monitoring group was established. Moreover, a common physical monitoring plan was drawn up and implemented, since the physical system features need to be conserved in their natural dynamics. With a view to the maintenance of these physical features, a flexible dumping strategy was introduced, wherein the morphological evolution needs to be monitored closely. The treaty also contains regulations on the costs, cost sharing and payment. Flanders commits itself to paying an outstanding debt in the context of the Scheldt-Rhine connection. Finally, the settlement of disputes is discussed.

Treaty on the expansion of the fairway in the Western Scheldt

Official reference	Verdrag tussen het Vlaams Gewest en het Koninkrijk der Nederlanden inzake de verruiming van de vaarweg in de Westerschelde, ondertekend te Antwerpen op 17 januari 1995	
Official website	www.vnsc.eu	
Relevant dates	Document	17/01/1995
	Entry into force	1/07/1996
	Ratification by Flanders	22/12/1995
Policy level	International (bilateral)	
Type of instrument	Treaty	
Geographical reach	Scheldt estuary	
International contact point	Technical Scheldt Commission (followed by the Flemish-Dutch Scheldt Commission (VNSC))	
Flemish ratification decree	Decreet van 22 december 1995 tot goedkeuring van het Verdrag tussen het Vlaamse Gewest en het Koninkrijk der Nederlanden inzake de verruiming van de vaarweg in de Westerschelde en van de bijlagen A, B, C, D, E, F en G, ondertekend te Antwerpen op 17 januari 1995	

// abstract:

This treaty deals with the expansion of the fairway in the Western Scheldt. The Netherlands are responsible for the preparation and the execution of the clearance work, the bank revetments and the restoration of the natural value. On the other hand, Flanders is responsible for the execution and the preparation of the local expansion works. The regulation on the payment of the costs is discussed. The Technical Scheldt Commission (substituted by the current Flemish-Dutch Scheldt Commission) monitors the preparation, the execution and the maintenance of the works. Flanders and the Netherlands commit themselves to the maintenance and exploitation of adjacent monitoring networks and information systems for hydro-meteorological data regarding the Western Scheldt. Finally the settlement of disputes is incorporated into the treaty.

Whaling convention

Official reference	International convention for the regulation of whaling	
Official website	https://iwc.int	
Relevant dates	Document	2/12/1946
	Entry into force	10/11/1948
	Ratification by Belgium	9/07/2004
	Document Protocol 1956	19/11/1956
	Entry into force	4/05/1959
	Ratification by Belgium	9/07/2004
Policy level	International	
Type of instrument	Convention	
Geographical reach	World seas	
(Legal) coverage in the BNS	Internal waters, territorial sea, exclusive economic zone	
International zone	International Whaling Commission	
Competent authorities in Belgium	Federal authorities; FPS Health, Food chain safety and Environment; DG Environment; Agency Marine Environment	
Federal ratification law	Wet van 9 juli 2004 betreffende de toetreding van België: - tot het Internationaal Verdrag tot regeling van de walvisvangst en tot het Reglement, gedaan te Washington op 2 december 1946; - tot het Protocol, gedaan te Washington op 19 november 1956, bij het Internationaal Verdrag tot regeling van de walvisvangst, gedaan te Washington op 2 december 1946	

// abstract:

The Convention for the regulation of whaling is an international environmental convention, set in place to ensure the conservation of the whale population and thus facilitate an adequate development of the whaling industry. It deals with the commercial, scientific and traditional whaling practices. The goals of this convention include the protection of all whale species against overhunting, the establishment of an international regulatory system for whaling in order to guarantee decent protection and development of the whale stocks, as well as securing the large natural resources represented by whales for future generations. For this purpose, the Convention established the International Whaling Commission (IWC). Each Contracting Party is represented by one member in the commission. The IWC can, whether or not in cooperation with the Contracting Parties or other organisations, (1) encourage, recommend or organise whale research, (2) collect and analyse statistical information with respect to the whale population and whaling (3) and investigate and disseminate information on methods of maintaining and increasing whale stocks.

The 1956 Protocol extends the definition of a 'whale catcher', to include all ships, as well as helicopters and other aircraft.

Wreck removal convention

Official reference	Nairobi international convention on the removal of wrecks	
Official website	www.imo.org	
Relevant dates	Document	18/05/2007
	Entry into force	not
	Ratification by Belgium	not
Policy level	International	
Type of instrument	Convention	
Geographical reach	Contracting Parties	
(Legal) coverage in the BNS	Does not yet apply to Belgium. For Contracting Parties, the convention applies to the exclusive economic zone (Contracting Parties can extend the application of this convention to wrecks in their territory (internal waters), including the territorial sea)	
International contact point	International Maritime Organisation (IMO)	
Note	The convention enters into force 12 months after the ratification by 10 states	

// abstract:

This convention offers an international legal basis to salvage shipwrecks located outside the territorial sea that could affect navigation, safety or the marine environment. An optional clause has been proposed, allowing the Contracting Parties to implement some facilities within their territory, including the territorial sea. The convention clauses cover:

- The reporting and locating of ships and wrecks;
- Criteria for the determination of risks resulting from wrecks;
- Measures to facilitate the removal of wrecks;
- Liability of the ship owners regarding the costs of locating, marking and removing shipwrecks, including the fact that an insurance has to be concluded, or another financial security needs to be provided to cover the liability stipulated under the convention;
- Settlement of disputes.

PART 2

European legislative instruments

- Recommendations
- Communications
- Directives
- Regulations

Recommendation on integrated coastal zone management

Official reference	2002/413/EC: Recommendation of the European Parliament and of the Council of 30 May 2002 concerning the implementation of integrated coastal zone management in Europe	
Relevant dates	Document	30/05/2002
	Publication	6/06/2002
	Entry into force	30/05/2002
Policy level	European	
Type of instrument	Recommendation	
Geographical reach	EU Member States	
(Legal) coverage in the BNS	Coastal zone, land-sea transition	
European contact point	Environment Directorate-General (DG ENV)	
Contact point in Belgium	Federal authorities; FPS Health, Food Chain Safety and Environment; DG Environment; Agency Marine Environment in cooperation with the Province of West Flanders	

// abstract:

This recommendation stipulates that the Member States have to take into account the sustainable development strategy and the Decision of the European Parliament and the Council laying down the sixth Community environment action programme (Decision No 1600/2002/EC). Member States have to take a strategic approach to the management of their coastal zones, based on (a) the ecosystem approach on the protection of the marine environment, (b) recognition of the threat to coastal zones posed by climate change, (c) appropriate and ecologically friendly measures for the protection of coastal areas, (d) sustainable economic opportunities and employment options, (e) an active social and cultural system in local communities, (f) sufficient areas of public access, (g) the maintenance or the promotion of cohesion in between coastal communities and (h) better coordination of the actions taken by all involved authorities.

The recommendation also describes the core principles for formulating national strategies and measures based on these strategies. The principles include a holistic and long-term perspective, adaptive management, local specificity and diversity, respecting the carrying capacity of ecosystems, the involvement of interested Parties, partnerships between authorities, and the facilitation of coherence between sectorial policy goals on the one hand and spatial planning on the other.

The Member States set up or update a national inventory to analyse which important actors, laws and institutions influence the management of the coastal zone. Based on the inventory's results, each involved Member State develops one or -where appropriate- several strategies to implement the core principles of integrated coastal zone management. The Member States also need to encourage the dialogue with the neighbouring countries (whether Member States or not) adjacent to the same regional sea. This should result in mechanisms for improved coordination of responses to cross-border issues.

Erika I

Official reference	COM (2000) 142: Communication from the Commission to the European Parliament and the Council on the safety of the seaborne oil trade	
Relevant dates	Document	21/03/2000
	End of validity	18/02/2002
Policy level	European	
Type of instrument	Communication	
Geographical reach	EU Member States	
(Legal) coverage in the BNS	Internal waters, territorial sea, exclusive economic zone	
European contact point	Directorate-General for Mobility and Transport (DG MOVE)	
Competent authorities in Belgium	Federal authorities; FPS Mobility and Transport; DG Maritime Transport	

// abstract:

The sinking of the oil tanker 'Erika' off the French coast in December 1999 spurred new developments in the establishment of a European maritime safety policy. On the 21st of March 2000, the Commission approved COM (2000) 142 proposing concrete measures to prevent such accidents happening again. The Erika I package includes measures on port state control, classification societies and double-hull tankers. In the context of the Erika I package, the following directive and regulations were developed:

- Port state control directive: Directive 2001/106/EC amending Directive 95/21, the latter was substituted in 2009 by the [Directive 2009/16/EC](#) (p.90);
- Classification societies: Directive 2001/105/EC, amending Directive 94/57/EC, repealed by Directive 2009/15/EC;
- Double-hull tankers: Regulation (EC) No 417/2002, repealed by [Directive \(EC\) No. 530/2012](#) (p.98).

Erika II

Official reference	COM (2000) 802: Communication from the Commission to the European Parliament and the Council on a second set of community measures on maritime safety following the sinking of the oil tanker Erika	
Relevant dates	Document	7/12/2000
Policy level	European	
Type of instrument	Communication	
Geographical reach	EU Member States	
(Legal) coverage in the BNS	Internal waters, territorial sea, exclusive economic zone	
European contact point	Directorate-General for Mobility and Transport (DG MOVE)	
Competent authorities in Belgium	Federal authorities; FPS Mobility and Transport; DG Maritime Transport	

// abstract:

Complementing the *Erika I* measures (p.63), COM (2000) 802 (Erika II) adopts a new series of measures for the sustainable improvement of the protection of European waters against accidents and pollution. First, this communication encompasses measures to improve shipping safety and to prevent pollution by ships. This means: improving ship identification and the monitoring of ships in transit, harmonising and simplifying the information provision on hazardous or polluting goods (mandatory reporting) and the expansion of the competences of the Coastal States in case of an accident or pollution risk off their coasts. Moreover, measures are taken to improve the liability and damage compensation schemes in force for oil pollution. A final measure establishes the European Maritime Safety Agency (EMSA). EMSA has to support the Commission and the Member States in the implementation and monitoring of compliance with Community legislation, and has to evaluate the efficiency of the measures taken.

In the context of the Erika II package, the following regulatory instruments were developed:

- Directive 2002/59/EC establishing a community vessel traffic monitoring and information system for maritime transport (*Monitoring directive* p.79);
- Amended proposal for a Regulation of the European Parliament and of the Council on the establishment of a fund for the compensation of oil pollution damage in European waters and related measures (COM (2002) 313);
- Regulation (EC) No 1406/2002 of the European Parliament and of the Council of 27 June 2002 establishing a European Maritime Safety Agency.

Erika III

Official reference	COM (2005) 585: Communication from the Commission - Third package of legislative measures on maritime safety in the European Union	
Relevant dates	Document	23/11/2005
Policy level	European	
Type of instrument	Communication	
Geographical reach	EU Member States	
(Legal) coverage in the BNS	Internal waters, territorial sea, exclusive economic zone	
European contact point	Directorate-General for Mobility and Transport (DG MOVE)	
Competent authorities in Belgium	Federal authorities; FPS Mobility and Transport; DG Maritime Transport	

// abstract:

The accident with the oil tanker 'Prestige' in November 2002 led to a strong commitment of EU institutions to continue and intensify the policy already introduced (*Erika I* p.63; *Erika II* p.64). This is done through the Erika III package (COM (2005) 585), approved by the Commission in 2005. This third package of legislative measures is designed to improve maritime safety in the European waters.

Measures to strengthen the maritime safety and the competitive position of the maritime sector, on an international as well as on a European level, include:

- Creating a "European maritime safety area", including the banning of substandard vessels and the introduction of a system of liability covering the entire maritime transport chain and the public authorities responsible for safety at sea;
- Establishing an operational framework making it possible to intervene more effectively in the event of accidents and limit their potential consequences, in particular in view of a better use of places of refuge;
- Improving the cover for accidental damage, through strengthened requirements concerning compulsory insurance and compensation;
- Stepping up cooperation and affirming the principle of independent maritime accident investigations;
- Reinforcing ship inspections through rigorous application of port state control and greater monitoring of the activities of classification societies.

Integrated maritime policy

Official reference	COM (2007) 575: Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions - An Integrated Maritime Policy for the European Union	
Relevant dates	Document	10/10/2007
Policy level	European	
Type of instrument	Communication	
Geographical reach	EU Member States	
(Legal) coverage in the BNS	Internal waters, territorial sea, exclusive economic zone, continental shelf	
European contact point	Directorate-General for Maritime Affairs and Fisheries (DG MARE)	

// abstract:

The integrated maritime policy (IMP), led by the Directorate-General for Maritime Affairs and Fisheries (DG MARE), is an example of a policy instrument that focusses on the protection and the conservation of the coastal and marine environment as well as the sustainable use of the economic potential of the seas and oceans. It develops an integrated approach to all maritime policy matters, and tries to create interactions between all appropriate levels for instance by creating common tools and identifying synergies. It is believed that such an approach will lead to a higher yield with less environmental damage. Through the Action Plan, a clear idea of what is needed and what needs to be done is given. The most important principles in the IMP are those of subsidiarity and competitiveness, the ecosystem-based approach, and stakeholder participation. The IMP of the EU is aimed at the following goals:

- Creating optimal conditions for the sustainable use of the oceans and seas, enabling the growth of maritime sectors and coastal regions;
- Building a knowledge and innovation base for the maritime policy (effects of human activities, climate change, etc.);
- Delivering the highest quality of life in coastal regions and the outermost regions, with scientific developments going hand in hand with respect for the environment;
- Promoting Europe's leadership in international maritime affairs;
- Raising the visibility of maritime Europe and improving the image of maritime activities and the seafaring professions.

Three instruments are very important to the development of an IMP. These are (1) a European network for maritime surveillance to ensure a safe exploitation of the seas, and the security of the European maritime borders, (2) an integrated management of the coastal areas (land and sea) for the promotion of maritime spatial planning and (3) a comprehensive and accessible data and information source on the natural conditions and the human activities in the oceans in order to facilitate strategic decision making on the maritime policy.

Strategy for marine research

Official reference	COM (2008) 534: Communication from the Commission to the Council, the European Parliament, the European Economic and Social Committee and the Committee of the Regions - A European strategy for Marine and Maritime Research: A coherent European Research Area Framework in support of a sustainable use of oceans and seas	
Relevant dates	Document	3/09/2008
Policy level	European	
Type of instrument	Communication	
Geographical reach	EU Member States	
European contact point	Directorate-General for Research and Innovation (DG Research)	

// abstract:

The European *integrated maritime policy* (IMP) (COM (2007) 575; p.66) pursues the creation of optimal conditions for the growth of maritime sectors on the one hand, and aims to achieve the European environmental goals such as the *Marine strategy framework directive* (2008/56/EC; p.87) on the other. Science and technological innovation are crucial to reconciling the increasing maritime activities and the environmental goals. The main focus is on the eco-efficient production process as well as on the efficient coordination of marine research activities. That's why the European Strategy for Marine and Maritime Research (COM (2008) 534) has been adopted. This strategy is a key component of the IMP and offers a larger reference framework for European marine research priorities. The strategy focusses on the complexity of marine ecosystems and aims for a more effective integration and collection of knowledge and research. It also aims to stimulate partnerships between different sectors by creating a "Forum" where networks can be created between key partners in maritime research and stakeholders in the industrial sector. The strategy thus points out the need for new types of 'governance' in the field of research that need to be based on a continuous dialogue between scientists, policy makers, industrialists and representatives from society.

Marine knowledge 2020

Official reference	COM (2010) 461: Communication from the Commission to the European Parliament and the Council - Marine Knowledge 2020 marine data and observation for smart and sustainable growth	
Relevant dates	Document	8/09/2010
Policy level	European	
Type of instrument	Communication	
Geographical reach	EU Member States	
European contact point	Directorate-General for Maritime Affairs and Fisheries (DG MARE)	

// abstract:

This communication covers the collection and the organisation of marine data applicable in the field of sustainable growth, evaluation of the marine ecosystem's health or the protection of coastal communities. A framework is set up for a more coordinated approach of this collection and organisation of marine data and an action plan is described.

The three goals are:

- Reducing the operational costs and delay for those who use marine data;
- Increasing the competition and innovation among users and re-users of marine data by providing wider access to quickly-checked, rapidly available, coherent marine data;
- Reducing uncertainty in knowledge of the oceans and the seas, thus offering a more solid basis for the management of future changes.

These objectives contribute directly to some of the flagship initiatives announced in the Europe 2020 strategy such as the 'Innovation Union', 'Resource efficient Europe' and 'An industrial policy for the globalisation era'.

The communication provides an overview of the different EU instruments and actions to further pursue the availability of a coherent series of data and observations within the EU (e.g. *Inspire directive* (2007/2/EC) p.85; *Marine strategy framework directive* (2008/56/EC) p.87; *Regulation (EC) No 199/2008* p.96). Proposals are formulated to improve the existing instruments. The communication stipulates that a platform needs to be created in which a coherent set of data can be made available. For these purposes, projects and initiatives such as ur-EMODNET and MyOcean will be looked at. The goals and actions proposed in this communication are for the period 2011-2013. A new impact assessment determining the next steps has been made.

Blue growth

Official reference	COM (2012) 494: Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions - Blue Growth opportunities for marine and maritime sustainable growth	
Relevant dates	Document	13/09/2012
Policy level	European	
Type of instrument	Communication	
Geographical reach	EU Member States	
European contact point	Directorate-General for Maritime Affairs and Fisheries (DG MARE)	

// abstract:

This strategy represents the contribution of the *integrated maritime policy* (COM (2007) 575; p.66) to achieving the goals of the Europe 2020 strategy for smart, sustainable and inclusive growth. The communication highlights the great potential of the seas and oceans for the European economy and for innovation. The rapid progress of offshore techniques, growing awareness of the non-renewable nature of raw materials and the need to reduce greenhouse gas emissions create opportunities for blue growth. This requires targeted investments and effective research efforts. The EU policy also has to reinforce the efforts of Member States and regions by offering common building blocks such as the creation of a framework for *maritime spatial planning* (Directive 2014/89/EU) p.93, promoting information exchange (*Marine knowledge 2020*; COM (2010) 461) p.68, the *Marine strategy framework directive* (2008/56/EC) p.87, the establishment of a European maritime transport space without barriers (COM (2009) 10), the programmes financed by the Framework Programme for research and innovation in marine and maritime issues, etc.

The five priority areas where additional effort at EU level could stimulate long-term growth and jobs in the blue economy are (1) blue energy; (2) aquaculture; (3) maritime, coastal and cruise tourism; (4) marine mineral resources and (5) blue biotechnology.

Sustainable development in aquaculture

Official reference	COM (2013) 229: Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions - Strategic guidelines for the sustainable development of EU aquaculture	
Relevant dates	Document	29/04/2013
Policy level	European	
Type of instrument	Communication	
Geographical reach	EU Member States	
European contact point	Directorate-General for Maritime Affairs and Fisheries (DG MARE)	

// abstract:

The European aquaculture production is facing a period of stagnation while other regions in the world experience strong growth. To unlock the potential of aquaculture in the EU four priority areas will be addressed: (1) simplify administrative procedures in order to reduce the costs and lead time; (2) use coordinated planning to ensure sustainable development and growth of aquaculture by reducing uncertainties, facilitating investments, addressing the lack of space and accelerating the development of sectors such as aquaculture; (3) enhance the competitiveness of the aquaculture sector in the EU by means of improved market organisation and by making full use of the proposed EMFF for production and marketing plans and for better links between R&D and the industry, and (4) promote a level playing field for EU operators by fully exploiting their competitive advantages, such as strict environmental regulations, food safety and consumer protection.

Member States are asked to prepare a multiannual national strategic plan (2014-2020) based on the strategic EU guidelines mentioned above. Where aquaculture is concerned, the national operational programme needs to merge with the multiannual national plan. The communication also states that an exchange of best practices takes place between the EU Member States via seminars. Furthermore, an Advisory Council for Aquaculture was established to enable the Commission and Member States to benefit from the knowledge and experience of all stakeholders through the preparation of recommendations for policy makers.

Blue energy

Official reference	COM (2014) 8: Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions - Blue Energy Action needed to deliver on the potential of ocean energy in European seas and oceans by 2020 and beyond	
Relevant dates	Document	20/01/2014
Policy level	European	
Type of instrument	Communication	
Geographical reach	EU Member States	
European contact point	Directorate-General for Maritime Affairs and Fisheries (DG MARE)	

// abstract:

The *Blue growth strategy* (COM (2012) 494; p.69) considers the ocean energy sector as one of the five priority sectors with a huge potential to create jobs in coastal areas. The impact assessment accompanying COM (2014) 8 shows that additional support (e.g. European Energy Research Alliance (EERA), ERA network for ocean energy, Horizon 2020) for ocean energy could result in significant economic and environmental benefits for the EU, such as reducing the dependence on fossil fuels, increasing energy security, contributing to a low-carbon economy, maintaining the strong European industrial position in the global ocean energy market and creating new high-quality jobs. The communication also signals the main priorities to be tackled in order to allow the industry to scale up and to compete with other types of energy generation (high cost of technology, expansion and strengthening of the transmission infrastructure, complex licensing procedures, limited knowledge of environmental impact, stable support framework for pre-commercial technologies).

In this communication a two-phase action plan (bottom-up approach) is proposed to support the development of the sector. The first phase (2014-2016) includes the introduction of an Ocean Energy Forum (incl. various working groups), and based on its findings, a strategic roadmap will be developed with clear targets for the industrial development of the sector. The second phase (2017-2020) includes the establishment of a European Industrial Initiative (public-private partnership between industry, researchers, Member States and the Commission) in the framework of the European Strategic plan for Energy Technology (SET), aiming at realising and achieving common goals within a fixed term. A second aspect of this phase involves drawing up guidelines to streamline and facilitate the implementation of the *Habitats directive* (92/43/EEC; p.74) and *Birds directive* (2009/147/EC; p.91) and Article 13 of the Renewable Energy Directive (2009/28/EC, i.e. administrative procedures), as well as to support maritime spatial planning processes. This aims to reduce the existing uncertainties and administrative burdens.

The Commission will carry out an initial progress assessment in 2017 and by 2020 they'll make a thorough evaluation of the development of the 'ocean energy' sector.

Maritime tourism

Official reference	COM (2014) 86: Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions - A European strategy for more growth and jobs in coastal and maritime tourism	
Relevant dates	Document	20/02/2014
Policy level	European	
Type of instrument	Communication	
Geographical reach	EU Member States	
European contact point	Directorate-General for Maritime Affairs and Fisheries (DG MARE)	

// abstract:

The communication on *blue growth* (COM (2012) 494; p.69) recognised coastal and maritime tourism as one of the five priority areas for sustainable growth and employment in the blue economy. The communication formulates proposals regarding the many challenges, with a view to capitalise on Europe's strengths and to contribute to the EU 2020 objectives for smart, sustainable and inclusive growth. A strategy was developed for the four main challenges: (1) boosting the performance and competitiveness by improving knowledge and promoting cooperation between enterprises; (2) promoting skills and innovation based on a targeted training policy; (3) enhancing sustainability by limiting the environmental impact (environmental management systems, reduction of emissions from recreational watercraft, promotion of eco-tourism) and promoting a high-quality innovative and sustainable offer; (4) maximising the use of available European funding channels. There is a need for integration with the transversal and sectoral EU policies directly or indirectly impacting coastal and maritime tourism, such as policies on environmental protection, climate, regional development, training, consumer protection, IT connections, sustainable transport, security issues and free movement of workers.

Innovation in the blue economy

Official reference	COM (2014) 254: Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions - Innovation in the blue economy: realising the potential of our seas and oceans for jobs and growth	
Relevant dates	Document	8/05/2014
Policy level	European	
Type of instrument	Communication	
Geographical reach	EU Member States	
European contact point	Directorate-General for Maritime Affairs and Fisheries (DG MARE)	

// abstract:

This communication states that innovation in all economic sectors is crucial to making optimal use of the growth and employment potential of the *blue economy* (COM (2012) 494; p.69). The Europe 2020 Flagship Initiative Innovation Union (COM (2010) 546) is currently helping to create an innovation-friendly environment but some gaps in this initiative have yet to be addressed, such as the under-investment in knowledge, poor access to financing, ineffective use of public procurements, duplication of research, the high costs of intellectual property rights and the slow development of interoperable standards. Cooperation between the government and the private sector should also be encouraged and the exploitation of research results from knowledge-intensive sectors needs to be stimulated.

Innovation in the blue economy is hampered by a lack of information about the sea, the seabed and its biota. Making more high-quality marine data accessible to the public is crucial in this respect (see EMODnet) and will stimulate blue growth and make a better implementation of the *Marine strategy framework directive* (2008/56/EC; p.87) possible.

The EU's Horizon 2020 programme provides numerous opportunities for marine research (see also *Pirlet et al., 2015*). The Commission will work more closely with JPI Oceans in order to achieve complementarity between national strategic research and innovation agendas on the one hand and Horizon 2020 on the other. International cooperation is crucial to addressing global issues such as ocean acidification. Within this scope, use can be made of existing partnerships such as the Galway Declaration (transatlantic alliance for marine research).

The human potential in focus areas of research and innovation should be further supported (e.g. by Marie Skłodowska-Curie actions; see also *Pirlet et al., 2015*) in order to close the skills gap (align research and skills to the labour market). Nowadays there is a lack of an appropriately skilled workforce, able to apply the latest technologies. Skill development in the blue economy and cooperation between higher education and the private sector can be further supported by 'knowledge alliances' (a new scheme under the Erasmus programme). Finally, the European Institute of Innovation and Technology (EIT) and its Knowledge and Innovation Communities (EIT-KIC) (see also *Pirlet et al., 2015*) bring together the key players in higher education, research and business to encourage innovation. The commission is examining whether the creation of a KIC for the blue economy after 2020 could be valuable.

Habitats directive

Official reference	Council Directive 92/43/EEC of 21 May 1992 on the conservation of natural habitats and of wild fauna and flora	
Relevant dates	Document	21/05/1992
	Publication	22/07/1992
	Entry into force	10/06/1992
	Implementation by Belgium	21/12/2001; 14/10/2005; 5/03/2006
	Implementation by Flanders	21/10/1997; 15/05/2009
	Implementation deadline	10/06/1994
Policy level	European	
Type of instrument	Directive	
Geographical reach	EU Member States	
(Legal) coverage in the BNS	Flemish region, internal waters, territorial sea, exclusive economic zone	
European contact point	Directorate-General for the Environment (DG ENV)	
Competent authorities in Belgium	Federal: Federal authorities; FPS Health, Food chain safety and Environment; DG Environment Flemish: Flemish authorities; policy domain Environment, Nature and Energy (LNE)	
Transposition on the federal level	Koninklijk besluit van 21 december 2001 betreffende de soortenbescherming in de zeegebieden onder de rechtsbevoegdheid van België Koninklijk besluit van 14 oktober 2005 tot instelling van speciale beschermingszones en speciale zones voor natuurbehoud in de zeegebieden onder de rechtsbevoegdheid van België Koninklijk besluit van 5 maart 2006 tot instelling van een gericht marien reservaat in de zeegebieden onder de rechtsbevoegdheid van België en tot wijziging van het koninklijk besluit van 14 oktober 2005 tot instelling van speciale beschermingszones en speciale zones voor natuurbehoud in de zeegebieden onder de rechtsbevoegdheid van België	
Transposition on the Flemish level	Decreet van 21 oktober 1997 betreffende het natuurbehoud en het natuurlijk milieu Besluit van de Vlaamse Regering van 15 mei 2009 met betrekking tot soortenbescherming en soortenbeheer (aangehaald als: het Soortenbesluit)	

// abstract:

The European Habitats directive aims at maintaining and restoring endangered European natural habitats and wild fauna and flora. The Member States need to designate Special Areas of Conservation (SACs) for some habitats and species of particular importance for the community that are listed in Annexes I and II of the Directive. Along with the Special Protection Areas of the Birds directive (see [Birds directive](#) p.91; 2009/147/EC), these Special Areas of Conservation are part of the European ecological Natura 2000 network. The Habitats directive and the Natura 2000 network result from the obligations of the EU on habitat protection, as settled in the [Bern convention](#) (p.22), to which the EU is a Contracting Party. The Emerald network (Bern Convention) and the Natura 2000 network are therefore based on the same principles, of which the first one is de facto an extension towards the non-EU Member States.

The aim is to reach a favourable conservation status of the habitats that are incorporated in Annex I, and of the species in the Annexes II and IV of this directive. Conservation objectives determine the scientific criteria against which the favourable status should be assessed.

The Member States are obliged to report to the European Commission every six years on the favourable conservation status of the habitat types and species and on the results of the implemented policy.

Sulphur directive

Official reference	Council Directive 1999/32/EC of 26 April 1999 relating to a reduction in the sulphur content of certain liquid fuels and amending Directive 93/12/EEC	
Relevant dates	Document	26/04/1999
	Publication	11/05/1999
	Entry into force	11/05/1999
	Implementation by Belgium	7/03/2001
	Implementation deadline	1/07/2000
Policy level	European	
Type of instrument	Directive	
Geographical reach	EU Member States	
European contact point	Directorate-General Mobility and Transport (DG MOVE)	
Competent authorities in Belgium	Federal authorities; FPS Mobility and Transport; DG Maritime Transport	
Transposition on the federal level	Koninklijk besluit van 7 maart 2001 betreffende de benaming, de kenmerken en het zwavelgehalte van de gasolie voor de zeescheepvaart	

// abstract:

This directive aims to reduce the emissions of sulphur dioxide (SO₂), resulting from the combustion of particular types of liquid fuels, and thereby to reduce the harmful effects of such emissions on man and the environment. The emissions of sulphur dioxide are limited by imposing limits on the sulphur content of such fuels as a condition for their use within the territory, the territorial sea, the exclusive economic zone and the pollution control zone of the Member States, specifically a maximum sulphur content of 1.00%.

This directive was amended by the Directive 2005/33/EC, whereby the Baltic Sea, the North Sea and the English Channel are designated as Sulphur Emission Control Areas (SECAs). In these regions, the maximum sulphur content of the fuels is limited to 1.5%. The stricter regulations for EU waters as well as for the SECAs will enter into force during the upcoming years, in the context of Directive 2012/33/EC, partly amending Directive 1999/32/EC.

Directive on port reception facilities

Official reference	Directive 2000/59/EC of the European Parliament and of the Council of 27 November 2000 on port reception facilities for ship-generated waste and cargo residues	
Relevant dates	Document	27/11/2000
	Publication	28/12/2000
	Entry into force	28/12/2000
	Implementation by Belgium	1/09/2004
	Implementation by Flanders	14/03/2003; 17/02/2012
	Implementation deadline	28/12/2002
Policy level	European	
Type of instrument	Directive	
Geographical reach	EU Member States	
(Legal) coverage in the BNS	(Port areas)	
International contact point	International Maritime Organisation (IMO)	
Transposition on the federal level	Koninklijk besluit van 1 september 2004 betreffende de afgifte van scheepsafval en ladingresiduen en tot wijziging van het koninklijk besluit van 20 juli 1973 houdende zeevaartinspectiereglement	
Transposition on the Flemish level	Besluit van de Vlaamse regering van 14 maart 2003 tot wijziging van het besluit van de Vlaamse regering van 17 december 1997 tot vaststelling van het Vlaams reglement inzake afvalvoorkoming en -beheer	
	Besluit van de Vlaamse Regering van 17 februari 2012 tot vaststelling van het Vlaams reglement betreffende het duurzaam beheer van materiaalcringlopen en afvalstoffen (VLAREMA)	

// abstract:

The aim of this directive is to reduce the illegal discharge of waste and cargo residues from ships calling at, or operating within, a port of an EU Member State. This is achieved by improving the availability and use of port reception facilities in order to contribute to the protection of the marine environment. This directive implements the 'International Convention for the Prevention of Pollution from Ships (1973), as amended by the 1978 Protocol (*MARPOL convention* p.38). This convention regulates what wastes can be discharged into the marine environment, and requires State Parties to ensure the provision of adequate reception facilities in ports.

Directive 2000/59/EG stipulates that (1) every port needs to create a waste reception and handling plan; (2) every port needs to provide appropriate port reception facilities for waste from ships that 'normally' call at that port; (3) all ships calling at a port need to deliver their ship-generated waste, except when enough storage capacity is available to call at a next port. The polluter pays principle is used in this case. The Member States are responsible for compliance with the directive, through targeted inspections.

Water framework directive

Official reference	Directive 2000/60/EC of the European Parliament and of the Council of 23 October 2000 establishing a framework for Community action in the field of water policy	
Relevant dates	Document	23/10/2000
	Publication	22/12/2000
	Entry into force	22/12/2000
	Implementation by Belgium	23/06/2010
	Implementation by Flanders	18/07/2003
	Implementation deadline	22/12/2003
Policy level	European	
Type of instrument	Directive	
Geographical reach	EU Member States	
(Legal) coverage in the BNS	Flemish region, transitional waters, coastal waters (i.e. surface waters, situated at the land side of a line, of which each point is situated at a one nautical mile distance seawards, from the closest point of the baseline, if necessary, extended towards the outer limit of a transitional water) For chemical status: extension towards territorial sea	
European contact point	Directorate-General Environment (DG ENV)	
Competent authorities in Belgium	For the Flemish region and the internal waters: Integrated Water Policy Coordination Committee (CIW) (secretariat CIW = Flemish Environment Agency(VMM)) For the one-mile zone seawards starting from the baseline and the territorial sea: Federal authorities; FPS Health, Food chain safety and Environment; DG Environment; Agency Marine Environment	
Transposition on the federal level	Koninklijk besluit van 23 juni 2010 betreffende de vaststelling van een kader voor het bereiken van een goede oppervlaktewatertoestand	
Transposition on the Flemish level	Decreet van 18 juli 2003 betreffende het integraal waterbeleid	

// abstract:

The European Water framework directive (WFD) stipulates that, by 2015, all European 'natural' surface waters have to achieve (at least) 'good ecological status' and 'good chemical status'. For 'heavily modified' or 'artificial' water bodies, the ecological goals are adapted, and the term 'good ecological potential' is used. The deadline (2015) to achieve these goals can be extended on certain conditions, but extensions are limited to a maximum of two further updates of the river basin management plan (2021/2027). For the good ecological status, the WFD extends to 1 nautical mile from the baseline, and for the good chemical status of surface waters this extends to 12 nautical miles seawards from the baseline.

The 'good ecological status' has to be described based on 5 biological quality elements, such as phytoplankton or phytobenthos, macrophytes, angiosperms (seaweeds or plants of tidal marshes), benthic invertebrate fauna and fish (in transitional waters). The limit values between the two most important ecological status classifications (very good/good and good/average) are legally defined in Commission Decision 2008/915/EC. If the waters do not reach the limit values between a good and an average status, measures need to be taken to improve their environmental status. The limit values for polluting chemicals are also legally defined in the [subsidiary directive on priority substances](#) (2008/105/EC; p.88).

To achieve the goals of the Water framework directive, the Member States need to draw up river basin management plans every six years. This happened for the first time for the period 2010-2015. The next version of the management plan will focus on the period 2016-2021, and will also implement the [Floods directive](#) (2007/60/EG; p.86). All surface waters of the Belgian coastal areas are part of the international Scheldt river basin: in conformity with the competences of the Flemish and federal authorities, the river basin management plans are divided into a Scheldt river basin programme and a programme for the Belgian coastal waters. The coordination between the managing authorities of the river basin district (the Netherlands, France, the three regions and the federal authorities of Belgium) takes place through the International Scheldt Commission (ISC) and on the Belgian level, through the Coordination Committee International Environment Policy (CCIM).

Directive on safe loading and unloading

Official reference	Directive 2001/96/EC of the European Parliament and of the Council of 4 December 2001 establishing harmonised requirements and procedures for the safe loading and unloading of bulk carriers	
Relevant dates	Document	4/12/2001
	Publication	16/01/2002
	Entry into force	5/02/2002
	Implementation by Belgium	19/03/2004
	Implementation by Flanders	17/03/2006
	Implementation deadline	4/08/2003
Policy level	European	
Type of instrument	Directive	
Geographical reach	EU Member States	
(Legal) coverage in the BNS	(Port zones)	
European contact point	Directorate-General Mobility and Transport (DG MOVE)	
Transposition on the federal level	Koninklijk besluit van 19 maart 2004 tot wijziging van het koninklijk besluit van 20 juli 1973 houdende zeevaartinspectiereglement	
Transposition on the Flemish level	Decreet van 17 maart 2006 tot omzetting van Richtlijn 2001/96/EG van het Europees Parlement en de Raad van 4 december 2001 tot vaststelling van geharmoniseerde voorschriften en procedures voor het veilig laden en lossen van bulkschepen	

// abstract:

The aim of the directive is to increase the safety of bulk carriers, that call in at terminals in the Member States for the loading or unloading of solid bulk cargo. The risks of extreme pressure and damage to the ship's structure during loading or unloading are reduced, by setting (1) harmonised suitability requirements for these ships and terminals, and (2) harmonised procedures for cooperation and communication between these ships and the terminals.

The competent authorities of the Member States have the right to halt the loading and unloading operations if the ship's or the crew's safety is endangered. In case of infringements of the provisions of this directive, every Member State should implement appropriate and effective penalties. Every three years, the Member States report to the Commission, allowing the evaluation of the application of this directive.

Monitoring directive

Official reference	Directive 2002/59/EC of the European Parliament and of the Council of 27 June 2002 establishing a Community vessel traffic monitoring and information system and repealing Council Directive 93/75/EEC	
Relevant dates	Document	27/06/2002
	Publication	5/08/2002
	Entry into force	5/08/2002
	Implementation by Belgium	17/09/2005
	Implementation by Flanders	16/06/2006
	Implementation deadline	5/02/2005
Policy level	European	
Type of instrument	Directive	
Geographical reach	EU Member States	
(Legal) coverage in the BNS	Internal waters, territorial sea, exclusive economic zone	
European contact point	Directorate-General Mobility and Transport (DG MOVE)	
Transposition on the federal level	Koninklijk besluit van 17 september 2005 tot omzetting van richtlijn 2002/59/EG van het Europees Parlement en de Raad van 27 juni 2002 betreffende de invoering van een communautair monitoring- en informatiesysteem voor de zeescheepvaart en tot intrekking van richtlijn 93/75/EEG van de Raad	
Transposition on the Flemish level	Decreet van 16 juni 2006 betreffende de begeleiding van de scheepvaart op de maritieme toegangswegen en de organisatie van het Maritiem Reddings- en Coördinatiecentrum	

// abstract:

The objective of this directive is to install a vessel traffic monitoring and informations exchange system to increase the safety and efficiency of maritime traffic in the EU. The measures aim to improve the authorities' response to incidents, accidents and potentially dangerous situations at sea (including search and rescue operations), and to contribute to the prevention and the detection of pollution caused by ships.

This directive includes regulations regarding (1) the reporting and monitoring of ships; (2) the registrations of hazardous or harmful substances on board ships and (3) the monitoring of risk ships and intervention in case of incidents and accidents at sea.

Ship-source pollution directive

Official reference	Directive 2005/35/EC of the European Parliament and of the Council of 7 September 2005 on ship-source pollution and on the introduction of penalties, including criminal penalties, for pollution offences	
Relevant dates	Document	7/09/2005
	Publication	30/09/2005
	Entry into force	1/10/2005
	Implementation by Belgium	19/12/2006; 6/02/2007; 13/03/2011
	Implementation deadline	1/03/2007
Policy level	European	
Type of instrument	Directive	
Geographical reach	EU Member States	
(Legal) coverage in the BNS	Internal waters (incl. inland waters), territorial sea, exclusive economic zone, high sea	
European contact point	Directorate-General Mobility and Transport (DG MOVE)	
Competent authorities in Belgium	Federal authorities; FPS Mobility and Transport; DG Maritime Transport	
Transposition on the federal level	<p>Wet van 19 december 2006 tot wijziging van de wet van 6 april 1995 betreffende de voorkoming van verontreiniging van de zee door schepen met betrekking tot aangelegenheden als bedoeld in artikel 78 van de Grondwet</p> <p>Wet van 6 februari 2007 tot wijziging van de wet van 6 april 1995 betreffende de voorkoming van verontreiniging van de zee door schepen met betrekking tot aangelegenheden als bedoeld in artikel 77 van de Grondwet</p> <p>Wet van 13 maart 2011 houdende diverse bepalingen betreffende Mobiliteit</p>	

// abstract:

The material standards for discharges of harmful substances from ships are based on the *MARPOL convention* (p.38) in all Member States. However, these rules are violated on a daily basis by a very large number of ships navigating in Community waters without corrective actions being taken. Moreover, the Member States do not implement MARPOL 73/78 in a uniform way, and harmonisation of its implementation and of penalties for illegal discharges is therefore required at Community level.

The aim of this directive is to implement the international standards on ship-source pollution in the European legislation, to make sure that the persons responsible of the discharges are subject to adequate penalties, to improve maritime safety and to protect the marine environment in a better way. This directive covers the measures that need to be taken with respect to both ships within a Member State's port and ships in transit.

Port security directive

Official reference	Directive 2005/65/EC of the European Parliament and of the Council of 26 October 2005 on enhancing port security	
Relevant dates	Document	26/10/2005
	Publication	25/11/2005
	Entry into force	15/12/2005
	Implementation by Belgium	5/02/2007
	Implementation deadline	15/06/2007
Policy level	European	
Type of instrument	Directive	
Geographical reach	Member States that have a port in which one or more port facilities covered by an approved port facility security plan pursuant to Regulation (EC) No 725/2004 is or are situated. These are: Belgium, Cyprus, Denmark, Germany, Estonia, France, Finland, Greece, Ireland, Italy, Latvia, Lithuania, Malta, the Netherlands, Poland, Portugal, Slovenia, Spain, the United Kingdom and Sweden	
(Legal) coverage in the BNS	(port zones)	
European contact point	Directorate-General Mobility and Transport (DG MOVE)	
Competent authorities in Belgium	Nationale Autoriteit voor de Maritieme Beveiliging	
Transposition on the federal level	Wet van 5 februari 2007 betreffende de maritieme beveiliging	

// abstract:

The main objective of this directive is to implement Community measures that increase port safety regarding imminent incidents. It complements '[Regulation \(EC\) No 725/2004](#) (p.94) on the improvement of ship and port facility security. These measures include common basic rules regarding port security measures, an implementation mechanism for the rules, as well as the mechanisms necessary for an appropriate and regular supervision of the port security plans and their implementation.

The Member States need to designate an authority for port security, responsible for drawing up and implementing port security plans, based on the experiences of the port security assessments. The directive describes detailed requirements that need to be incorporated when drawing up these port security assessments and plans. The directive also stipulates that the Member States have to introduce a system of security levels for ports, and that each port needs a port security officer as a contact point for port security related issues.

Bathing water directive

Official reference	Directive 2006/7/EC of the European Parliament and of the Council of 15 February 2006 concerning the management of bathing water quality and repealing Directive 76/160/EEC	
Relevant dates	Document	15/02/2006
	Publication	4/03/2006
	Entry into force	24/03/2006
	Implementation by Belgium	21/03/2008
	Implementation deadline	24/03/2008
Policy level	European	
Type of instrument	Directive	
Geographical reach	EU Member States	
(Legal) coverage in the BNS	Flemish region, internal waters	
European contact point	European Environment Agency (EEA)	
Competent authorities in Belgium	Flemish authorities; Flemish agency Care and Health; Section Public Health monitoring (analyses outsourced to the Flemish Environment Agency (VMM))	
Transposition on the Flemish level	Besluit van de Vlaamse Regering van 21 maart 2008 tot wijziging van het besluit van de Vlaamse Regering van 1 juni 1995 houdende algemene en sectorale bepalingen inzake milieuhygiëne en het besluit van de Vlaamse Regering van 8 december 1998 tot aanduiding van de oppervlaktewateren bestemd voor de productie van drinkwater categorieën A1, A2 en A3, zwemwater, viswater en schelpdierwater, ter omzetting van Richtlijn 2006/7/EG van het Europees Parlement en de Raad van 15 februari 2006 betreffende het beheer van de zwemwaterkwaliteit en tot intrekking van Richtlijn 76/160/EEG	

// abstract:

The Bathing water directive sets conditions for the monitoring and classification of the bathing water quality, its management and the information to be provided to the public. This directive aims at maintaining, protecting and improving the water quality and protecting public health by complementing the [Water framework directive](#) (2000/60/EC; p.77).

The directive concerns surface waters (including coastal waters), where a large number of bathers can be expected, where there is no permanent bathing prohibition or where there is no permanent advice against bathing. The directive obliges the Member States to annually identify all bathing waters. Moreover, they have to define the length of the bathing season. This demand entails that the waters concerned have to be systematically assessed on their quality in accordance with the parameters, analysing methods and guidelines stipulated in this directive.

On the basis of the results of the bathing water quality evaluation, the Member States need to rank the bathing water quality in four categories: poor, sufficient, good or excellent. The Member States need to take the necessary measures, so that all bathing waters have at least a sufficient water quality, by the end of the bathing season of 2015. This directive specifies the measures that have to be taken if the waters are (temporarily) classified as 'poor'.

The Member States are supposed to draw up bathing water profiles in accordance with this directive. Moreover, this directive includes other clauses concerning the management measures for exceptional conditions (i.e. unpredictable negative effect on the quality), cooperation regarding transboundary waters, stakeholders' participation and the diffusion of information to the public.

Directive on animal health requirements for aquaculture

Official reference	Council Directive 2006/88/EC of 24 October 2006 on animal health requirements for aquaculture animals and products thereof, and on the prevention and control of certain diseases in aquatic animals	
Relevant dates	Document	24/10/2006
	Publication	24/11/2006
	Entry into force	14/12/2006
	Implementation by Belgium	9/11/2009
	Implementation deadline	1/05/2008
Policy level	European	
Type of instrument	Directive	
Geographical reach	EU Member States	
European contact point	Directorate-General for Maritime Affairs and Fisheries (DG MARE)	
Transposition on the federal level	Koninklijk besluit van 9 november 2009 betreffende veterinairerechtelijke voorschriften voor aquacultuurdieren en de producten daarvan en betreffende de preventie en bestrijding van bepaalde ziekten bij waterdieren	

// abstract:

This directive deals with the following issues:

- The animal health requirements for the marketing, import and transit of aquaculture animals or products;
- The minimum preventive measures to inform and prepare the competent authorities, the operators of aquaculture production companies and other involved persons on the possible diseases of aquaculture animals;
- The minimum control measures that are applied in case of a (suspected) outbreak of a disease among the aquaculture animals.

This directive does not apply to aquatic animals grown in non-commercial aquaria for decoration purposes, to animals collected or caught in the wild that are directly destined for the food chain, and to animals caught for the production of fishmeal, fish feed, fish oil and similar products.

Shellfish waters directive

Official reference	Directive 2006/113/EC of the European Parliament and of the Council of 12 December 2006 on the quality required of shellfish waters	
Relevant dates	Document	12/12/2006
	Publication	17/12/2006
	Entry into force	16/01/2007
	Implementation by Belgium	17/02/1984 (implementation 79/923/EEC)
	Implementation by Flanders	8/12/1998 (implementation 79/923/EEC)
	Implementation deadline	6/11/1981 (cfr. 79/923/EEC)
Policy level	European	
Type of instrument	Directive	
Geographical reach	EU Member States	
(Legal) coverage in the BNS	Coastal waters and brackish waters, designated by the Coastal States	
European contact point	Directorate-General for Maritime Affairs and Fisheries (DG MARE)	
Transposition on the federal level	Koninklijk besluit van 17 februari 1984 tot vaststelling van de algemene immissienormen waaraan schelpdierwater dient te voldoen	
Transposition on the Flemish level	Besluit van de Vlaamse regering van 8 december 1998 tot aanduiding van de oppervlaktewateren bestemd voor de productie van drinkwater categorie A1, A2 en A3, zwemwater, viswater en schelpdierwater	
Note	Directive 2006/113/EC is a codified version of Directive 79/923/EEC	

// abstract:

This directive aims to contribute to the improvement of the shellfish waters' quality. The regulation applies to coastal waters and brackish waters that, according to the Member States, require protection or improvement in order to allow the life and growth of shellfish (bivalve and gasteropod molluscs). Thus they can contribute to a good quality of the shellfish products that are destined for human consumption.

For the relevant waters, the Member States respect the parameters established in the directive. They have to develop programmes in order to reduce pollution. The Member States commit themselves to improving the waters concerned, so these meet the set standards within six years. Deviation from the directive is possible, if extreme meteorological or geographical conditions justify this.

Inspire directive

Official reference	Directive 2007/2/EC of the European Parliament and of the Council of 14 March 2007 establishing an infrastructure for spatial information in the European Community (Inspire)	
Relevant dates	Document	14/03/2007
	Publication	25/04/2007
	Entry into force	15/05/2007
	Implementation by Belgium	15/12/2011
	Implementation by Flanders	20/02/2009
	Implementation deadline	14/05/2009
Policy level	European	
Type of instrument	Directive	
Geographical reach	EU Member States	
European contact point	Directorate-General for the Environment (DG ENV) - legislative and policy coordinator Joint Research Centre (JRC) - technical coordinator Eurostat - implementation coordinator	
Competent authorities in Belgium	Federal: National Geographical Institute (NGI) Flemish: Agency for Geographical Information Flanders (AGIV)	
Transposition on the federal level	Wet van 15 december 2011 tot omzetting van de Richtlijn 2007/2/EG van het Europees Parlement en de Raad van 14 maart 2007 tot oprichting van een infrastructuur voor ruimtelijke informatie in de Gemeenschap	
Transposition on the Flemish level	Decreet van 20 februari 2009 betreffende de Geografische Data-Infrastructuur Vlaanderen (GDI-decreet)	

// abstract:

The goal of this directive is to set up general regulations for the installation of an infrastructure for spatial information within the Community, supporting the Community environmental policy and policy measures or activities that can affect the environment.

The Member States ensure that metadata are created for the spatial data sets and services corresponding to the themes listed in the directive. This concerns, inter alia, marine data such as hydrographical elements, protected areas, digital elevation models for ocean surfaces, bathymetry, etc.

This directive stipulates that the Member States need to establish and operate network services (search, consultation, download and processing services), and determines that the government authorities need to have the technical opportunities to connect their data collections and services to this network. This directive also mentions the conditions for limiting public access to these spatial data and services. Moreover, some other clauses regarding data exchanges are also discussed.

Floods directive

Official reference	Directive 2007/60/EC of the European Parliament and of the Council of 23 October 2007 on the assessment and management of flood risks	
Relevant dates	Document	23/10/2007
	Publication	6/11/2007
	Entry into force	26/11/2007
	Implementation by Belgium	16/07/2010
	Implementation deadline	25/11/2009
Policy level	European	
Type of instrument	Directive	
Geographical reach	EU Member States	
(Legal) coverage in the BNS	Flemish region, transitional waters, coastal waters (i.e. surface waters, situated at the land side of a line, of which each point is situated at a one nautical mile distance seawards, from the closest point of the baseline, if necessary, extended towards the outer limit of a transitional water)	
European contact point	Directorate-General Environment (DG ENV)	
Competent authorities in Belgium	Coordination Commission Integrated Water Policy (CIW)	
Transposition on the Flemish level	Decreet van 16 juli 2010 tot wijziging van het decreet van 18 juli 2003 betreffende het integraal waterbeleid	

// abstract:

The purpose of this directive is to set up a framework for the evaluation and the management of flood risks in order to limit the negative consequences resulting from floods that affect the human health, the environment, cultural heritage and economic activities. The Member States have to investigate which areas could possibly be affected by floods (flood risk assessment), and consequently have to draw up flood risk maps and management plans for these areas.

The plans and the measures developed in the context of this directive, have to be adjusted to the [Water framework directive](#) (2000/60/EC; p.77). Moreover, the Member States have to stimulate the participation of the involved Parties in the preparation, evaluation and adjustment of their flood risk management plans.

Marine strategy framework directive

Official reference	Directive 2008/56/EC of the European Parliament and of the Council of 17 June 2008 establishing a framework for community action in the field of marine environmental policy (Marine strategy framework directive)	
Relevant dates	Document	17/06/2008
	Publication	25/06/2008
	Entry into force	15/07/2008
	Implementation by Belgium	23/06/2010
	Implementation deadline	15/07/2010
Policy level	European	
Type of instrument	Directive	
Geographical reach	EU Member States	
(Legal) coverage in the BNS	Territorial sea, exclusive economic zone	
European contact point	Directorate-General Environment (DG ENV)	
Competent authorities in Belgium	Federal authorities; FPS Health, Food chain safety and Environment; DG Environment; Agency Marine Environment	
Transposition on the federal level	Koninklijk besluit van 23 juni 2010 betreffende de mariene strategie voor de Belgische Zeegebieden	

// abstract:

The European Marine strategy framework directive (MSFD; 2008/56/EC) is the environmental pillar of the *integrated maritime policy* (COM (2007) 575; p.66) of the European Union. The MSFD aims to obtain a good environmental status (GES) of the European marine waters by 2020. Another objective is the protection of the resources upon which socio-economic activities depend. Within this scope, the Member States need to develop marine strategies, taking into account their particular socio-economic and regulatory situation. In this context, regional cooperation has to result in cohesion of the measures required by the directive. These strategies should improve the process of integration of the environment into other policy domains. Thus the ecosystem-based approach to the management of human activities (according to the precautionary principle) is embedded in a legislative framework, in which the concepts 'environmental protection' and 'sustainability' receive particular attention.

The GES is described in article 9 on the basis of 11 descriptors. The Member States have to develop indicators and associated target values for each of these descriptors. The European Union supports the Member States in the development of a methodology regarding the indicators by means of a technical report and scientific recommendations for each descriptor. On the basis of these scientific recommendations, Decision 2010/477/EU was published, which determines the criteria and the methodological standards with regard to the MSFD and the development of the integrated maritime policy.

Subsidiary directive on priority substances

Official reference	Directive 2008/105/EC of the European Parliament and of the Council of 16 December 2008 on environmental quality standards in the field of water policy, amending and subsequently repealing Council Directives 82/176/EEC, 83/513/EEC, 84/156/EEC, 84/491/EEC, 86/280/EEC and amending Directive 2000/60/EC of the European Parliament and of the Council	
Relevant dates	Document	16/12/2008
	Publication	24/12/2008
	Entry into force	13/01/2009
	Implementation by Belgium	23/06/2010
	Implementation by Flanders	21/05/2010; 23/12/2010
	Implementation deadline	13/07/2010
Policy level	European	
Type of instrument	Directive	
Geographical reach	EU Member States	
(Legal) coverage in the BNS	Flemish region, internal waters, territorial sea	
European contact point	Directorate-General Environment (DG ENV)	
Competent authorities in Belgium	For the Flemish Region and the internal waters: Coordination Commission Integrated Water Policy (secretariat CIW = Flemish Environment Agency (VMM)) For the one-mile zone seawards, starting from the baseline and the territorial sea: Federal authorities; FPS Health, Food chain safety and Environment; DG Environment; Agency Marine Environment	
Transposition on the federal level	Koninklijk besluit van 23 juni 2010 betreffende de vaststelling van een kader voor het bereiken van een goede oppervlaktewatertoestand	
Transposition on the Flemish level	Besluit van de Vlaamse Regering van 21 mei 2010 tot wijziging van het besluit van de Vlaamse Regering van 6 februari 1991 houdende vaststelling van het Vlaams reglement betreffende de milieuvergunning en van het besluit van de Vlaamse Regering van 1 juni 1995 houdende algemene en sectorale bepalingen inzake milieuhygiëne, voor wat betreft de milieukwaliteitsnormen voor oppervlaktewateren, waterbodems en grondwater Decreet van 23 december 2010 houdende diverse bepalingen inzake leefmilieu en natuur (-> wijzigt o.a. Decreet van 18 juli 2003 betreffende het integraal waterbeleid)	

// abstract:

The directive sets environmental quality standards (EQS) for substances that have priority with the aim of achieving good quality surface waters. The directive is in accordance with article 16 of the *Water framework directive* (2000/60/EC; p.77). This directive stipulates that environmental quality standards in the field of water policy for priority substances have to be determined on the European level. The main purpose is to contribute to a good chemical status of the surface waters by reducing contamination by priority substances and gradually phasing out or ceasing the emission, discharges and losses of priority hazardous substances. The list of priority substances includes 45 different substances (cf. Decision No 2455/2001/EC and Directive 2013/39/EU), 21 of which are considered hazardous. The Commission must verify by 2018 whether progress is being made with regard to the above mentioned objectives.

This directive lays down environmental quality standards, discusses the action points concerning mixing zones to the points of discharge, and describes the inventory of emissions, discharges and losses at the level of river basin districts. It is furthermore made clear that a Member State is not in breach of its obligations under this directive as a result of the exceeding of an EQS, due to transboundary pollution, provided that certain conditions have been met.

Seafarers' training level directive

Official reference	Directive 2008/106/EC of the European Parliament and of the Council of 19 November 2008 on the minimum level of training of seafarers (recast)	
Relevant dates	Document	19/11/2008
	Publication	3/12/2008
	Entry into force	23/12/2008
	Implementation by Belgium	24/05/2006 (implementation 2001/25/EC)
	Implementation deadline	N.A. (cfr. 2001/25/EC)
Policy level	European	
Type of instrument	Directive	
Geographical reach	EU Member States	
European contact point	Directorate-General Mobility and Transport (DG MOVE)	
Competent authorities in Belgium	Federal authorities; FPS Mobility and Transport; DG Maritime Transport	
Transposition on the federal level	Koninklijk besluit van 24 mei 2006 inzake vaarbevoegdheidsbewijzen voor zeevarenden	
Note	Directive 2008/106/EC is a recast of Directive 2001/25/EC	

// abstract:

This directive aims at ensuring that seafarers (on ships, as defined by the directive) have had at least a training that meets the standards of the *STCW convention* (p.47), and carry a 'certificate of competency' or an appropriate certificate in the interests of safety at sea. Ships, regardless of their flag, are subject to port state control in the Member States' ports.

Port state control directive

Official reference	Directive 2009/16/EC of the European Parliament and of the Council of 23 April 2009 on port state control (recast)	
Relevant dates	Document	23/04/2009
	Publication	28/05/2009
	Entry into force	17/06/2009
	Implementation by Belgium	22/12/2010
	Implementation by Flanders	6/07/2012; 13/07/2012; 30/11/2012
	Implementation deadline	31/12/2010
Policy level	European	
Type of instrument	Directive	
Geographical reach	EU Member States	
(Legal) coverage in the BNS	(Port areas)	
European contact point	Directorate-General Mobility and Transport (DG MOVE) The European Maritime Safety Agency (EMSA) has the technical responsibility to monitor the port state control on the EU level	
Competent authorities in Belgium	Federal authorities; FPS Mobility and Transport; DG Maritime Transport	
Transposition on the federal level	Koninklijk besluit van 22 december 2010 betreffende havenstaatcontrole	
Transposition on the Flemish level	<p>Decreet van 6 juli 2012 tot wijziging van diverse bepalingen van het decreet van 16 juni 2006 betreffende de begeleiding van de scheepvaart op de maritieme toegangswegen naar de havens en de organisatie van het Maritiem Reddings- en Coördinatiecentrum</p> <p>Besluit van de Vlaamse Regering van 13 juli 2012 tot wijziging van verscheidene besluiten bij het Scheepvaartbegeleidingsdecreet</p> <p>Decreet van 30 november 2012 tot wijziging van het decreet van 19 april 1995 betreffende de organisatie en de werking van de loodsdienst van het Vlaamse Gewest en betreffende de brevetten van havenloods en bootman</p>	

// abstract:

The directive's objective is to contribute to a drastic reduction of the number of substandard ships under the jurisdiction of the Member States. In the first place, this directive has to enhance compliance with the relevant international and Community legislation on safety at sea (*COLREGs convention* p.28; *STCW convention* p.47), maritime security (*SOLAS convention* p.46), protection of the marine environment (*MARPOL convention* p.38) and onboard living and working conditions of ships of all flags. Moreover, common criteria are proposed for the control of ships by the port state and harmonisation of different inspection and detention procedures. Finally, a port state control system needs to be implemented, based on the inspections performed within the Community and within the areas covered by the *Paris Memorandum of Understanding* (p.14). In this context, it is aimed at inspecting all ships on a regular basis, taking into account the risk profile of the ship, which means that ships having a high risk profile are inspected more often and more thoroughly.

Birds directive

Official reference	Directive 2009/147/EC of the European Parliament and of the Council of 30 November 2009 on the conservation of wild birds	
Relevant dates	Document	30/11/2009
	Publication	26/01/2010
	Entry into force	15/02/2010
	Implementation by Belgium	21/12/2001; 14/10/2005; 5/03/2006 (implementation 79/409/EEA)
	Implementation by Flanders	21/10/1997 (implementation 79/409/EEC); 15/05/2009 (partial implementation)
	Implementation deadline	N.A. (cfr. 79/409/EEA)
Policy level	European	
Type of instrument	Directive	
Geographical reach	EU Member States	
(Legal) coverage in the BNS	Flemish region, internal waters, territorial sea, exclusive economic zone	
European contact point	Directorate-General Environment (DG ENV)	
Competent authorities in Belgium	Seawards starting from the baseline: Federal authorities; FPS Health, Food chain safety and Environment; DG Environment Landwards starting from the baseline: Flemish authorities; policy domain Environment, Nature and Energy (LNE)	
Transposition on the federal level	Koninklijk besluit van 21 december 2001 betreffende de soortenbescherming in de zeegebieden onder de rechtsbevoegdheid van België Koninklijk besluit van 14 oktober 2005 tot instelling van speciale beschermingszones en speciale zones voor natuurbehoud in de zeegebieden onder de rechtsbevoegdheid van België Koninklijk besluit van 5 maart 2006 tot instelling van een gericht marien reservaat in de zeegebieden onder de rechtsbevoegdheid van België en tot wijziging van het koninklijk besluit van 14 oktober 2005 tot instelling van speciale beschermingszones en speciale zones voor natuurbehoud in de zeegebieden onder de rechtsbevoegdheid van België	
Transposition on the Flemish level	Decreet van 21 oktober 1997 betreffende het natuurbehoud en het natuurlijk milieu Besluit van de Vlaamse Regering van 15 mei 2009 met betrekking tot soortenbescherming en soortenbeheer (aangehaald als: het Soortenbesluit)	
Note	Directive 2009/147/EC is a codification of Directive 79/409/EEC	

// abstract:

The European Birds directive's purpose is to protect all wild birds. This directive is a codified version of the Birds directive of 1979 (79/409/EEC), without prejudice to the obligations of the Member States relating to the time limits for transposition into national law.

For the habitats of the bird species of Annex I and the species that occur in large number as breeding birds, migrating birds or wintering birds in a certain area, special protection measures are taken. Each Member State needs to determine special protection areas (SPAs) that, along with the Habitats directive (see [Habitats directive](#) p.74; 92/43/EEC), are part of the European ecological Natura 2000 network. The Member States have to report every six years to the European Commission on the preservation status of the species, and on the results of the policy used.

Reporting directive

Official reference	Directive 2010/65/EU of the European Parliament and of the Council of 20 October 2010 on reporting formalities for ships arriving in and/or departing from ports of the Member States and repealing Directive 2002/6/EC	
Relevant dates	Document	20/10/2010
	Publication	29/10/2010
	Entry into force	19/05/2012
	Implementation by Belgium	15/08/2012; 3/10/2013
	Implementation deadline	19/05/2012
Policy level	European	
Type of instrument	Directive	
Geographical reach	EU Member States	
European contact point	Directorate-General Mobility and Transport (DG MOVE)	
Competent authorities in Belgium	Federal authorities; FPS Mobility and Transport; DG Maritime Transport	
Transposition on the federal level	<p>Koninklijk besluit van 15 augustus 2012 tot goedkeuring van de standaard voor de verschaffing van veiligheidsinlichtingen voorafgaand aan het aandoen van een Belgische haven</p> <p>Ministerieel besluit van 3 oktober 2013 tot wijziging van het ministerieel besluit van 22 juli 1998 betreffende de aangiften inzake douane en accijnzen</p>	

// abstract:

The goal of the Reporting directive is to facilitate and harmonise the different administrative procedures that apply to maritime transport, through the implementation of electronic data exchange (by the 1st of June 2015) and the rationalisation of the reporting formalities. If possible, the international standards developed in the context of the FAL convention (Convention on Facilitation of International Maritime Traffic) should be used as a basis.

The directive includes clauses regarding the time of providing the necessary information, and the electronic transmission of data via one electronic platform that is connected with SafeSeaNet, e-customs and other electronic systems. It also discusses data exchange between Member States and the competent authorities through the SafeSeaNet system, the confidentiality of certain data and the exemption of certain ships to hand in FAL forms.

Maritime spatial planning directive

Official reference	Directive 2014/89/EU of the European Parliament and of the Council of 23 July 2014 establishing a framework for maritime spatial planning	
Relevant dates	Document	23/07/2014
	Publication	28/08/2014
	Entry into force	17/09/2014
	Implementation by Belgium	20/03/2014*
	Implementation deadline	18/09/2016
Policy level	European	
Type of instrument	Directive	
Geographical reach	EU Member States	
European contact point	Directorate-General for Maritime Affairs and Fisheries (DG MARE)	
Competent authorities in Belgium	Federal authorities; FPS Health, Food Chain Safety and Environment, DG Environment, Marine Environment Service	
Transposition on the federal level	(Koninklijk besluit van 20 maart 2014 tot vaststelling van het marien ruimtelijk plan)	

* The Royal Decree of 20 March 2014 had already been published before Directive 2014/89/EU was published (cf. Art. 4 §6 of the directive)

// abstract:

This directive creates a framework for maritime spatial planning which aims to promote the sustainable growth of maritime economies, the sustainable development of marine areas and the sustainable use of natural marine resources. Within the *integrated maritime policy* (COM (2007) 575; p.66), maritime spatial planning was described as a key tool for sustainable decision-making within an integrated management framework.

Each Member State should set up a maritime spatial plan that takes into account (1) the land-sea interaction, (2) the characteristics of marine regions, (3) the relevant existing and future activities and uses and their impact on the environment and (4) natural resources.

The Member States take into account socio-economic and ecological aspects in order to ensure sustainable development and growth in the maritime sector, and apply an ecosystem-based approach. Cross-border cooperation between Member States (and third countries) is of great importance to these developments.

Ship and port security regulation

Official reference	Regulation (EC) No 725/2004 of the European Parliament and of the Council of 31 March 2004 on enhancing ship and port facility security	
Relevant dates	Document	31/03/2004
	Publication	29/04/2004
	Entry into force	1/07/2004
Policy level	European	
Type of instrument	Regulation	
Geographical reach	EU Member States	
European contact point	Directorate-General Mobility and Transport (DG MOVE)	
Competent authorities in Belgium	National Authority for Marine Safety	

// abstract:

This regulation lays down measures to enhance the protection of ships against intentional unlawful acts. This applies to ships used in international trade as well as ships operating domestic services within the Community and their port facilities. A basis is provided for the harmonised interpretation and implementation and Community monitoring of the special measures to enhance maritime security in the context of the [SOLAS convention](#) (p.46) and the International Ship and Port facility Security Code (ISPS Code).

Since the 1st of July 2004, the Member States have taken special measures for international shipping, that are listed in the SOLAS convention and implement part A of the ISPS Code in order to improve maritime security. Since the 1st of July 2005, the Member States have taken the measures regarding the domestic sea shipping. The Member States have to carry out an obligatory security risk analysis. By the 1st of July 2007, they have to determine the extent to which they will apply the regulation's clauses to the different types of ships, companies and port facilities, on the basis of the risk analysis.

The regulation also deals with the provision of information and regulation in the field of security, confirming certain clauses of the SOLAS convention and the ISPS Code. Some security information requires the communication from the ship to the authority responsible for maritime security, when calling at a port. The competent authority ensures the verification of the certificates, as stipulated in the SOLAS convention. Moreover, the Member States have to designate a central authority for maritime security as well as a national programme for the implementation of the regulation. The application of the regulation is verified through inspections.

Regulation on alien species in aquaculture

Official reference	Council Regulation (EC) No 708/2007 of 11 June 2007 concerning use of alien and locally absent species in aquaculture	
Relevant dates	Document	11/06/2007
	Publication	28/06/2007
	Entry into force	18/07/2007
Policy level	European	
Type of instrument	Regulation	
Geographical reach	EU Member States (applicable to all aquaculture activities, regardless dimensions, features and aquatic system)	
European contact point	Directorate-General for Maritime Affairs and Fisheries (DG MARE)	
Competent authorities in Belgium	Seawards from the baseline: Federal authorities; FPS Health, Food chain safety and Environment; DG Environment; Agency Marine Environment Landwards from the baseline: Flemish authorities; policy domain Agriculture and Fisheries	

// abstract:

This regulation creates a framework to evaluate and minimise the possible impact of alien and locally absent species in aquaculture activities on aquatic habitats. The objective is to achieve a sustainable development of the aquaculture sector. The Member States have to take all the measures needed to prevent negative effect on the biodiversity caused by the introduction or translocation of aquatic organisms and non-target species in aquaculture and by the spread of these species into the wild. Each Member State also has to designate a competent authority with an advisory board (scientific recommendations). The regulation stipulates the rules and procedures for the certification of aquaculture companies when introducing alien species or translocating locally absent species. Moreover, the regulation determines the conditions for introductions and translocations that need to be respected after the certificate has been delivered (e.g. quarantine or pilot release). Finally, the Member States have to keep a register of all introductions and translocations, providing a historical overview of all applications and related information.

Regulation on fisheries' data

Official reference	Council Regulation (EC) No 199/2008 of 25 February 2008 concerning the establishment of a Community framework for the collection, management and use of data in the fisheries sector and support for scientific advice regarding the common fisheries policy	
Relevant dates	Document	25/02/2008
	Publication	5/03/2008
	Entry into force	12/03/2008
Policy level	European	
Type of instrument	Regulation	
Geographical reach	EU Member States	
European contact point	Directorate-General for Maritime Affairs and Fisheries (DG MARE)	
Competent authorities in Belgium	Flemish authorities; policy domain Agriculture and Fisheries	

// abstract:

In this regulation, measures on the collection and management of data regarding biological, technical, environmental and socio-economic issues of the fisheries sector are implemented in the context of multiannual programmes. This involves, firstly, a multiannual Community programme, and secondly the national Member States' programmes, that are drawn up in consensus. The regulation deals with several aspects of these programmes such as cooperation and coordination, the approval and evaluation by the Scientific, Technical and Economic Committee for Fisheries (STECF), the Community financial contribution, the requirements of the data collection process, etc. The requirements for data management such as data storage, quality control and validation are also discussed. Furthermore, rules are laid down for the use (scientific analysis) of data regarding the fisheries sector in the context of the *common fisheries policy* (CFP) (Regulation (EC) No 1380/2013; p.99). The regulation also contains clauses as to the scientific recommendations required for the improvement and the execution of the CFP.

Regulation on IUU fishing

Official reference	Council Regulation (EC) No 1005/2008 of 29 September 2008 establishing a Community system to prevent, deter and eliminate illegal, unreported and unregulated fishing, amending Regulations (EEC) No 2847/93, (EC) No 1936/2001 and (EC) No 601/2004 and repealing Regulations (EC) No 1093/94 and (EC) No 1447/1999	
Relevant dates	Document	29/07/2008
	Publication	29/10/2008
	Entry into force	29/10/2008
Policy level	European	
Type of instrument	Regulation	
Geographical reach	EU Member States	
European contact point	Directorate-General for Maritime Affairs and Fisheries (DG MARE)	
Competent authorities in Belgium	Flemish authorities; policy domain Agriculture and Fisheries	

// abstract:

This regulation creates a Community system to prevent, deter and eliminate illegal, unreported and unregulated fishing (IUU fishing). The regulation stipulates which activities are considered as IUU fishing. Furthermore, the conditions under which fishing vessels of non-EU Member States can call at a Member State's port, as well as the regulation regarding the inspections of those ships in the ports are discussed. A catch certification system for the import and export of fishing products is installed to prevent the import and export of IUU fishery products. In the regulation, a Community alert system is developed, designed to spread information about well-founded doubts as to compliance by certain third countries with the applicable rules. The identification of fishing vessels engaged in IUU fishing is discussed, and such vessels can be included in a Community IUU vessel list. Non-EU Member States that do not cooperate are identified and listed. The regulation also provides for measures against fishing vessels and states involved in IUU fishing. Finally, the sanctions are determined, and rules are fixed to be applied when IUU fishing is observed.

Regulation on double-hull tankers

Official reference	Regulation (EU) No 530/2012 of the European Parliament and of the Council of 13 June 2012 on the accelerated phasing-in of double-hull or equivalent design requirements for single-hull oil tankers	
Relevant dates	Document	13/06/2012
	Publication	30/06/2012
	Entry into force	20/07/2012
Policy level	European	
Type of instrument	Regulation	
Geographical reach	EU Member States	
European contact point	Directorate-General for Maritime Affairs and Fisheries (DG MOVE)	
Competent authorities in Belgium	Federal authorities; FPS Mobility and Transport; DG Maritime Transport	

// abstract:

The goal of this regulation is to accelerate the phasing in of double-hull or equivalent design requirements for single-hull oil tankers (set in [MARPOL 73/78](#) (p.38)). It additionally prohibits the transport to or from ports in the Member States of heavy grade oil in single-hull tankers. This regulation applies to oil tankers of 5,000 tons deadweight and above. The requirement for ships (double-hull or equivalent design requirements for single-hull oil tankers) apply to boats that fly the flag of a Member State, or call at ports or offshore terminals covered by the jurisdiction of a Member State. Single-hull oil tankers of more than 15 years of age should meet the standards of the Condition Assessment Scheme (CAS). Exemptions can be provided, if the ship is in trouble or has to be repaired.

Common fisheries policy regulation

Official reference	Regulation (EU) No 1380/2013 of the European Parliament and of the Council of 11 December 2013 on the common fisheries policy, amending Council Regulations (EC) No 1954/2003 and (EC) No 1224/2009 and repealing Council Regulations (EC) No 2371/2002 and (EC) No 639/2004 and Council Decision 2004/585/EC	
Relevant dates	Document	11/12/2013
	Publication	28/12/2013
	Entry into force	1/01/2014
	End date	31/12/2022 (review)
Policy level	European	
Type of instrument	Regulation	
Geographical reach	EU Member States - communitarian waters	
European contact point	Directorate-General for Maritime Affairs and Fisheries (DG MARE)	
Competent authorities in Belgium	Flemish authorities; policy domain Agriculture and Fisheries	

// abstract:

The management of the fishing activities on the European level (DG MARE) is done by means of the common fisheries policy (CFP) because of the transboundary nature of these activities. The CFP aims for sustainable exploitation of marine biological resources on an economic, ecological and social level. The measures have to ensure that, by 2015, the fish stocks will be situated at a level conforming to the principle of 'maximum sustainable yield' (MSY) (in accordance with art. 61 section 3 of the *UNCLOS convention* (p.50) and as stipulated during the World Summit on Sustainable Development at Johannesburg in 2002). Striving for sustainable exploitation of marine biological resources means that the CFP is a prominent part of the 'A resource-efficient Europe – Flagship initiative' of the Europe 2020 Strategy.

The specific goals of the CFP include:

- Gradually eliminating discards (landing obligation) and ensuring an optimal use of unwanted catch;
- Making the fisheries sector (in a broad sense) economically viable and competitive;
- Adjusting the catch capacity and possibilities;
- Improving the development of a sustainable aquaculture;
- Contributing to the life quality of those depending on fishing activities;
- Contributing to an efficient and transparent internal market for fishery and aquaculture products;
- Taking into account the interests of consumers and producers;
- Stimulating coastal fishing (socio-economic aspect);
- Ensuring coherence with the EU environmental legislation (*Marine strategy framework directive* p.87; 2008/56/EC), as well as applying an ecosystem-based approach.

Regulation on invasive alien species

Official reference	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	
Relevant dates	Document	22/10/2014
	Publication	4/11/2014
	Entry into force	1/01/2015
Policy level	European	
Type of instrument	Regulation	
Geographical reach	EU Member States	
(Legal) coverage in the BNS	Flemish region, internal waters, territorial sea	
European contact point	Directorate-General for Environment (DG ENV)	
Competent authorities in Belgium	For the marine environment: Federal authorities; FPS Health, Food chain safety and Environment; DG Environment; Agency Marine Environment	

// abstract:

This regulation aims to formulate rules to prevent, minimise and mitigate the adverse effects on biodiversity of the intentional and unintentional introduction and spread of invasive alien species. The regulation applies to terrestrial, freshwater and marine species.

A three-level hierarchical approach has been introduced: (1) prevention; (2) early detection and rapid eradication and (3) management of widespread invasive species. For this purpose, an EU priority list of invasive alien species is created. The criteria for inclusion are mentioned in the regulation (Member States may submit a request for inclusion of certain species). For each species, a risk assessment is conducted (ecological, socio-economic aspects) in relation to the current and potential distribution which is important in the context of prioritisation. Member States may also draw up a national list of invasive alien species (optional), and determine which species require enhanced regional cooperation.

In the context of prevention, prohibitions are formulated for certain practices such as selling or cultivating invasive alien species. Each Member State shall establish a licensing system (e.g. permission for research or ex situ conservation) and will create an action plan for the introduction pathways. Regarding early detection, each Member State should set up a surveillance system and a control system. Furthermore, the eradication method in the early stages of invasion is discussed, as well as the exceptions. For widespread species, Member States should develop effective management measures and shall carry out appropriate restoration measures to assist the recovery of a degraded ecosystem.

PART 3

Federal legislative instruments

- Laws

Law on sea fisheries in the territorial sea

Official reference	Wet van 19 augustus 1891 betreffende de zeevisserij in de territoriale zee	
Relevant dates	Document	19/08/1891
	Publication	29/08/1891
	Entry into force	08/09/1891
Policy level	Federal	
Type of instrument	Law	
(Legal) coverage in the BNS	Territorial sea	

// abstract:

This law stipulates which activities are covered by 'fishing activities', i.e. the catching or the attempt to catch fish, molluscs and crustaceans, as well as the destruction or removal of spawn, brood and spat. Moreover, this law determines the regulations fishing vessels need to respect in the territorial sea. The persons that are responsible for the control of this regulation are also specified. Possible sanctions in case of infringement are: confiscating the fishing products or the fishing gear, or immobilising the ship. The fishing ban for foreign fishing vessels is discussed (without prejudice to the rights of foreign ships pursuant to the 'Verdrag tot oprichting van de EU en het internationaal recht'). Finally, the sanctions in case of infringements of this law are stipulated.

Polder law

Official reference	Wet van 3 juni 1957 betreffende de polders	
Relevant dates	Document	3/06/1957
	Publication	21/06/1957
	Entry into force	1/01/1958
Policy level	Federal	
Type of instrument	Law	
Geographical reach	According to this law, the King determines the extension of the zones subject to the polder law, as well as the area of each polder	

// abstract:

This law stipulates that polders are public authorities, established with a view to the conservation, the drainage and irrigation of diked land that has been reclaimed from the sea and tidal waterways. The regulation regarding the delimitation of polders, and the establishment and functioning of the board are discussed. The law determines the powers and the rules of the general assembly (inter alia, the creation and improvement of the defence, drainage or irrigation works and of the roads) and regulates the clauses concerning the voting in the general assembly. Each polder has its own board, consisting of a dike grave, a deputy dike grave and other members. They are responsible for the daily management and the supervision of the polder's interests (in particular the maintenance and improvement of the defence, drainage or irrigation works and the roads), the management of the polder domain, etc. The law determines the standards these members and the board need to meet. Moreover, the competences and the definition of the functions of the treasurer, the 'dijkwachter' and the lock keeper are defined. A polder tax can be implemented to all grounds within the polder area pursuant to the rules laid down by law. Every year, in March or April and in September, the polder board needs to inspect the entire polder and the works carried out, and report on these topics in accordance with the legal provisions.

Law on the exploration and the exploitation of non-living resources

Official reference	Wet van 13 juni 1969 inzake de exploratie en de exploitatie van niet-levende rijkdommen van de territoriale zee en het continentaal plat	
Relevant dates	Document	13/06/1969
	Publication	8/10/1969
	Entry into force	18/10/1969
Policy level	Federal	
Type of instrument	Law	
(Legal) coverage in the BNS	Territorial sea, continental shelf	
Competent authorities in Belgium	Federal authorities; FPS Economy, SMEs, Self-Employed and Energy	

// abstract:

This law delimits the continental shelf of the Belgian part of the North Sea. Moreover, a procedure is stipulated regarding the concessions for the exploration and exploitation of the mineral and other non-living resources of the sea bottom and subsoil. This includes drawing up an environmental impact report, an environmental impact assessment, continuous research into the impact of the activity in question on the marine environment and the sediments, etc. In case the continuous research shows an unacceptable impact, the concession can be partly or totally cancelled or suspended. This law establishes an advisory committee to ensure the coordination between the competent authorities that are involved in the management of the exploration and exploitation activities. The committee is responsible for, inter alia, the investigation of the concession applications, the formulation of policy advice, the monitoring of studies on sand extraction and the examination of the three-yearly report.

Furthermore, the regulation for the installation of cables and pipelines, artificial islands, and other facilities is discussed. Around the artificial islands, the installations and other facilities, a safety zone can be installed. People who commit criminal offences on these islands or installations, are subject to Belgian law and can be persecuted in Belgium. Finally, the people who are responsible for detecting infringements of this law are designated.

Law on nature preservation

Official reference	Wet van 12 juli 1973 op het natuurbehoud	
Relevant dates	Document	12/07/1973
	Publication	11/09/1973
	Entry into force	21/09/1973
Policy level	Federal	
Type of instrument	Law	
Geographical reach	Chapter 9 of this law specifically covers the coastal dune area	
Competent authorities in Belgium	Flemish authorities; policy domain Environment, Nature and Energy (LNE)	

// abstract:

Chapter 9 of this law deals with the protection, development and management of the coastal dune area, parts of which can be considered as 'protected dune area'. Farmlands can also be protected as 'farmlands important to the dune area'. All coastal municipalities have to draw up an inventory of the dune areas where zoning changes or restrictions are required. The regulation within the protected dune areas, such as a total building ban, is discussed in the law, as well as the possible compensations that need to be paid (as a result of, inter alia, this building ban). Finally, the sanctions and the surveillance of compliance with the law are specified.

Chapter 9 of this law corresponds to the so-called *Dunes decree* (p.122).

Law on the Belgian fishing zone

Official reference	Wet van 10 oktober 1978 houdende vaststelling van een Belgische visserijzone	
Relevant dates	Document	10/10/1978
	Publication	28/12/1978
	Entry into force	7/01/1979
Policy level	Federal	
Type of instrument	Law	
(Legal) coverage in the BNS	Exclusive economic zone	

// abstract:

This law establishes a national fishing zone in the Belgian part of the North Sea, the borders of which correspond to those of the exclusive economic zone. Fishing in this zone is covered by the Belgian legislation and regulation. Foreign ships are not allowed to fish in this zone according to the 'Verdrag tot oprichting van de Europese Unie en uit de terzake toepasselijke regels van het internationaal recht'. The law stipulates the rights of the Belgian authorities with respect to fishing vessels within the national fishing zone, regarding, inter alia, the inspection of fisheries products and fishing gear. Measures are discussed, such as the confiscation of fisheries products and the immobilisation of fishing vessels, as well as the sanctions in case of infringements (e.g. obstructing the inspection, providing incorrect information, etc.).

Law on the width of the territorial sea

Official reference	Wet van 6 oktober 1987 tot bepaling van de breedte van de territoriale zee van België	
Relevant dates	Document	6/10/1987
	Publication	22/10/1987
	Entry into force	1/11/1987
Policy level	Federal	
Type of instrument	Law	
(Legal) coverage in the BNS	Territorial sea	

// abstract:

This law determines the dimensions of the territorial sea in the Belgian part of the North Sea.

Registration law

Official reference	Wet van 21 december 1990 betreffende de registratie van zeeschepen	
Relevant dates	Document	21/12/1990
	Publication	29/12/1990
	Entry into force	11/05/1996
Policy level	Federal	
Type of instrument	Law	

// abstract:

This law discusses the registration of seagoing vessels and the conditions under which seagoing vessels are allowed to fly the Belgian flag. The law specifies which seagoing vessels have to or can register, as well as the conditions the owner or operator need to fulfil. The law stipulates the registration rules. A list is provided of the conditions for the cancellation of the registration (in case the ship has sunk or is demolished, taken over by pirates, etc.). Moreover, the regulation regarding the registration in a foreign bareboat register is described, as well as the registration of a foreign ship in the Belgian bareboat register. A registered ship always has to fly the Belgian flag, and has to prove this by presenting a Belgian certificate of registry. The name and the home port of the ship are also registered, and have to be clearly visible on the ship. The law stipulates the sanctions in case of infringements and refers to the conditions of certificates of pleasure yachts.

MARPOL law

Official reference	Wet van 6 april 1995 betreffende de voorkoming van verontreiniging door schepen	
Relevant dates	Document	6/04/1995
	Publication	27/06/1995
	Entry into force	7/07/1995
Policy level	Federal	
Type of instrument	Law	
(Legal) coverage in the BNS	Belgian territory, exclusive economic zone (further developed in art. 34 of the law)	
Competent authorities in Belgium	Federal authorities; FPS Mobility and Transport; DG Maritime Transport	

// abstract:

This law ensures the implementation of the [MARPOL convention](#) (p.38) in Belgium, and stipulates the rules that prevent ships from discharging harmful substances. The law defines the standards for the construction, adaptation, equipment and functioning of ships flying the Belgian flag. According to the law, ships need a certificate of compliance. Rules can be imposed regarding the cargo's packaging, the presence of instructions, registration equipment, etc. The captain needs to keep a logbook on the transport, treatment and discharges of harmful substances. For some ships, an emergency plan is required on board. Moreover, the regulation regarding the inspection and surveillance of compliance with these measures is discussed. Finally, the appeal procedure and the penalties are specified.

MMM law

Official reference	Wet van 20 januari 1999 ter bescherming van het mariene milieu en ter organisatie van de mariene ruimtelijke planning in de zeegebieden onder de rechtsbevoegdheid van België	
Relevant dates	Document	20/01/1999
	Publication	12/03/1999
	Entry into force	22/03/1999
Policy level	Federal	
Type of instrument	Law	
(Legal) coverage in the BNS	Territorial sea, exclusive economic zone, continental shelf	
Competent authorities in Belgium	Federal authorities; FPS Health, Food chain safety and Environment; DG Environment; Agency Marine Environment	

// abstract:

This law aims to protect the marine environment, or to restore it in case of damage and environmental degradation. To achieve this goal, the law provides for several instruments:

- Establishment of protected marine areas, including measures for their protection (e.g. a ban on certain activities or the conclusion of a users agreement);
- Protection of certain marine species in the sea. This also implies a ban on the introduction of non-indigenous species, and the catch of marine mammals and sea birds;
- A ban on certain activities, such as incineration at sea, direct discharges or dumping in marine areas (with a few exceptions such as the dumping of dredged material);
- Measures to prevent and reduce pollution caused by ships (and operators);
- It is stipulated which activities require a licence or an authorisation. These activities (as well as a few activities covered by other laws) are subject to an environmental impact assessment based on an environmental impact report, and to monitoring programmes and permanent environmental impact studies;
- Various emergency measures are listed, in case of serious risk of harming, hindering or disrupting the marine environment;
- In case of environmental damage, the polluter is responsible for the reparation.

This law also regulates the organisation and the procedures (planning procedure, public research, strategic environmental impact report and adaptation procedure) of the marine spatial planning (cf. wet van 22 juli 2012).

Finally, the law specifies the regulations governing surveillance and control, as well as the penalties.

EEZ law

Official reference	Wet van 22 april 1999 betreffende de exclusieve zone van België in de Noordzee	
Relevant dates	Document	22/04/1999
	Publication	10/07/1999
	Entry into force	20/07/1999
Policy level	Federal	
Type of instrument	Law	
(Legal) coverage in the BNS	Exclusive economic zone	

// abstract:

This law delimits the exclusive economic zone (EEZ) in the Belgian part of the North Sea. The legal regime in this zone regarding inter alia, the exploration, exploitation and management of natural resources, the construction of artificial islands, marine research and the protection and preservation of the marine environment is defined in this law. It stipulates in a more detailed way, the regulation regarding living resources and fishing and therefore amends existing laws such as '[wet van 10 oktober 1978](#) houdende vaststelling van een Belgische visserijzone' (p.108) and '[wet van 19 augustus 1891](#) betreffende de zeevisserij in de territoriale zee' (p.104). For the non-living resources, changes are made to '[wet van 13 juni 1969](#) inzake de exploratie en de exploitatie van niet-levende rijkdommen van de territoriale zee en het continentaal plat' (p.106). Moreover, the supervision on customs, taxes, health and immigration in the EEZ are discussed. This entails the definition of additional competences in the adjacent zone (the first twelve nautical miles of the EEZ) that borders the territorial sea.

Law on maritime security

Official reference	Wet van 5 februari 2007 betreffende de maritieme beveiliging	
Relevant dates	Document	5/02/2007
	Publication	27/04/2007
	Entry into force	7/05/2007
Policy level	Federal	
Type of instrument	Law	
(Legal) coverage in the BNS	(Port areas, cf. art. 3 of the law)	
Competent authorities in Belgium	National Authority for Maritime Security	

// abstract:

This law ensures the implementation of '[Regulation \(EC\) No 725/2004](#) of the European Parliament and of the Council of 31 March 2004 on enhancing ship and port facility security' (p.94) and the transposition of '[Directive 2005/65/EC](#) of the European Parliament and of the Council of 26 October 2005 on enhancing port security' (p.82). The law deals with maritime security in ports. A national authority for maritime security has to be established under the law. It is responsible for the general policy on maritime security, the development of standards and the surveillance of compliance. It has to give advice, coordinate the studies, implement the international and European legislation, etc. Moreover, for each port, a local committee for maritime security has to be installed (verification of the authenticity of the provided information, security evaluations, etc.) and a maritime security officer has to be designated (a local contact). In this law, three security levels are defined for the port security zones, and the rules on security evaluation are described. Moreover, the standards the port security plan should meet are determined. The plan has to be drawn up by each port, under the supervision of the local committee in question. Finally, the information and data exchange, surveillance of compliance with the law, as well as the sanctions are discussed.

Piracy law

Official reference	Wet van 30 december 2009 betreffende de strijd tegen piraterij op zee	
Relevant dates	Document	30/12/2009
	Publication	14/01/2010
	Entry into force	14/01/2010
Policy level	Federal	
Type of instrument	Law	
Belgian contact point	Coastal guard	

// abstract:

This law stipulates the crimes that can be considered as piracy. This includes every illegitimate act of violence, threat, detention or pillage carried out by the crew or the passengers of a particular ship for personal purposes. This law regulates the penalties for acts of piracy. Moreover, the measures that can be taken by commanders of Belgian war vessels to stop or prevent piracy are discussed. These encompass escorting ships, detecting acts of piracy, drawing up police reports, boarding ships seized by pirates, etc.

Law on ships in need

Official reference	Wet van 27 juli 2011 betreffende de bevoegde instantie voor de opvang van schepen die bijstand behoeven	
Relevant dates	Document	27/07/2011
	Publication	12/08/2011
	Entry into force	30/11/2010
Policy level	Federal	
Type of instrument	Law	
Competent authorities in Belgium	Governor of West Flanders (competent of the coordination of assistance by the Coastal guard)	

// abstract:

This law provides for the partial implementation of the *Monitoring directive* (2002/59/EC; p.79). The law designates the governor of West Flanders as the competent authority for the accommodation of ships in need for assistance. The competent authority is assisted by representatives of the federal services responsible for maritime matters, and takes action in the event of a threat to maritime safety and protection of the environment. Moreover, the rules and procedures are laid down that need to be followed by the competent authority. The law describes the specifications that have to be met for the accommodation of ships in need of assistance (identification data of the competent authority, information on coastline, evaluation procedures, means and equipment of assistance, etc.). The operational plans fit into the framework of the cooperation agreement between the federal state and the Flemish Region regarding the establishment of the Coastal guard and cooperation within this structure. Lastly, it is stipulated that the competent authority decides on the acceptance of a ship in a place of refuge.

Law on the investigation of shipping accidents

Official reference	Wet van 2 juni 2012 betreffende de federale instantie voor onderzoek van scheepvaartongevallen	
Relevant dates	Document	2/06/2012
	Publication	18/06/2012
	Entry into force	17/06/2011
Policy level	Federal	
Type of instrument	Law	
Legal coverage in the BNS	Internal waters, territorial sea, exclusive economic zone (see art. 4 for the application of this law)	
Competent authorities in Belgium	Federal institution for investigation of shipping accidents (FOSO)	

// abstract:

The purpose of this law is to improve maritime safety and prevent pollution by conducting a safety investigation in case of shipping accidents. This is why a research institution was established, the so-called 'Federal institution for the Investigation of Shipping Accidents' (FOSO). The law determines the working and functioning of FOSO and the regulation it should comply with, as well as the conditions of the safety investigation conducted. FOSO is competent to make safety recommendations and take remedial actions. Furthermore, coordination with other states that are involved in the safety investigation is discussed, as well as the financing by ships and ports.

Law on exploration and exploitation of resources beyond the EEZ

Official reference	Wet van 17 augustus 2013 betreffende de prospectie, de exploratie en de exploitatie van de rijkdommen van de zee- en oceaانبodem en de ondergrond ervan voorbij de grenzen van de nationale rechtsmacht	
Relevant dates	Document	17/08/2013
	Publication	16/09/2013
	Entry into force	26/09/2013
Policy level	Federal	
Type of instrument	Law	
Competent authorities in Belgium	Federal authorities; FPS Economy, Small Businesses, Middle Class and Energy	

// abstract:

The law of 17 August 2013 states that the king shall implement the rules, regulations and procedures for the exploration and exploitation of marine resources beyond the limits of national jurisdiction and the associated prospection, as established by the International Seabed Authority. While performing the activities, the focus should be on the preventive action principle, the precautionary principle, the principle of sustainable management, the polluter pays principle and the principle of restoration. Further, the law describes responsibility and liability issues as well as the related penalties.

Law on the protection of underwater cultural heritage

Official reference	Wet van 4 april 2014 betreffende bescherming van het cultureel erfgoed onder water	
Relevant dates	Document	4/04/2014
	Publication	18/04/2014
	Entry into force	1/06/2014
Policy level	Federal	
Type of instrument	Law	
Legal coverage in the BNS	Territorial sea, exclusive economic zone and Belgian continental shelf (regarding the latter two: only finds that have been under water for over 100 years)	
Competent authorities in Belgium	Governor of West Flanders (receiver)	

// abstract:

This law aims to protect the underwater cultural heritage. The articles apply to finds in the territorial sea, as well as discoveries in the exclusive economic zone and continental shelf if the objects have been under water for at least 100 years. The law does not apply to currently used installations, including pipelines and cables.

The law describes how the finder should handle the finds in question, i.e. reporting, prohibition on intentionally bringing finds to the surface without authorisation and on carrying out work without permission of the flag State unless there is immediate danger. The recipient of the underwater cultural heritage should develop an electronic public register. Unless the inclusion of a particular discovery poses a risk or presents a danger (e.g. looting or damage), finds are all included therein.

The recipient draws up a research report for each find including a reasoned opinion to the minister to determine whether the find is cultural heritage or not. If the find is not considered heritage, the ownership of the find is transferred to the finder.

The law describes how the conservation (in situ, ex situ) of the heritage should be done and what measures should be observed. A person can provide evidence to reclaim ownership up to nine months after publication of the heritage, subject to reimbursement of expenses made for the protection thereof. Similarly, a public administration, a non-profit entity or an accredited museum can indicate that they wish to become the owner of a recognised find. If no one claims the heritage within the first 9 months, it may be transferred to the finder.

PART 4

Flemish legislative instruments

- Decrees

Dunes decree

Official reference	Decreet van 14 juli 1993 houdende maatregelen tot bescherming van kustduinen	
Relevant dates	Document	14/07/1993
	Publication	31/08/1993
	Entry into force	10/09/1993
Policy level	Flemish	
Type of instrument	Decree	
Geographical reach	Flemish Region	
(Legal) coverage in the BNS	(Maritime dunes area)	
Competent authorities in Flanders	Flemish authorities; policy domain Environment, Nature and Energy (LNE)	

// abstract:

See [wet van 12 juli 1973](#) on nature conservation (p.107).

Pilotage decree

Official reference	Decreet van 19 april 1995 betreffende de organisatie en de werking van de loodsdienst van het Vlaamse Gewest en betreffende de brevetten van havenloods en bootman	
Relevant dates	Document	19/04/1995
	Publication	5/09/1995
	Entry into force	15/09/1995
Policy level	Flemish	
Type of instrument	Decree	
(Legal) coverage in the BNS	Internal waters, territorial sea (cf. art. 4 and 5 of the decree)	
Competent authorities in Flanders	Flemish authorities; policy domain Mobility and Public Works (MOW)	

// abstract:

In the context of port state control, this decree determines which information the pilot should communicate to the competent federal authority in case of unsafe ships or possible damage to the marine environment. Moreover, the decree stipulates the organisation and the scope of the pilotage service, including normal pilotage and remote pilotage services. The areas and categories of vessels requiring an on-board pilot are defined, as well as the conditions for exemptions. The performance of the pilotage tasks is specified in a more detailed way: the decree stipulates for instance that the pilot acts as an advisor to the shipmaster. The decree also stipulates the calculation and collection of pilotage rates and other fees (e.g. the traffic service fees). Furthermore, the regulation on the certificates of port pilot, boatswain and deep sea pilot is discussed. Finally, the penalties in case of infringements of the decree are discussed.

Ports decree

Official reference	Decreet van 2 maart 1999 houdende het beleid en het beheer van de zeehavens	
Relevant dates	Document	2/03/1999
	Publication	8/04/1999
	Entry into force	18/04/1999
Policy level	Flemish	
Type of instrument	Decree	
Geographical reach	Flemish Region	
(Legal) coverage in the BNS	(Port areas and maritime access ways, cf. art. 2 of this decree)	
Competent authorities in Flanders	Flemish authorities, policy domain Mobility and Public Works (MOW)	

// abstract:

This decree defines the statutes and the competences of the port companies. Moreover, the regulation regarding the autonomous municipal port companies is discussed. The supervision, control and financial provisions of these port companies are also stipulated in this decree with, inter alia, the appointment of regional port commissioners. The cooperation between the port companies and the Flemish region in the field of port policy and subregional port policy is described. The decree fixes the financing for the construction, maintenance and exploitation of the maritime access routes and the basic infrastructure; the canal docks and the turning basins; the processing of the sediments; the internal port basic infrastructure; etc. Finally, the ports decree makes important changes to 'wet van 19 juni 1978 betreffende het beheer van het linkerschelde-oevergebied ter hoogte van Antwerpen en houdende maatregelen voor het beheer en de exploitatie van de haven van Antwerpen'.

Decree on the protection of maritime heritage

Official reference	Decreet van 29 maart 2002 tot bescherming van varend erfgoed	
Relevant dates	Document	29/03/2002
	Publication	18/05/2002
	Entry into force	28/05/2002
Policy level	Flemish	
Type of instrument	Decree	
Geographical reach	Flemish Region	
Competent authorities in Belgium	Flemish authorities; policy domain Spatial Planning, Housing and Immovable Heritage; Agency Immovable heritage	

// abstract:

This decree applies to maritime heritage (ships, boats, floating installations, including their equipment and their means of propulsion) whose conservation is of general interest, because of their historical, scientific, industrial-archaeological or other socio-cultural value. This decree deals with the regulation on the provisional or final protection of this maritime heritage. The Flemish agency entrusted with tasks regarding immovable heritage draws up a list of the definitive maritime heritage. The decree regulates the management of this maritime heritage, and can establish a management programme with management goals for the protected maritime heritage. The Flemish authorities can fix the management subsidies within the scope of the management programmes. Finally the enforcement of this decree is discussed.

Decree on integrated water policy

Official reference	Decreet van 18 juli 2003 betreffende het integraal waterbeleid	
Relevant dates	Document	18/07/2003
	Publication	14/11/2003
	Entry into force	24/11/2003
Policy level	Flemish	
Type of instrument	Decree	
Geographical reach	Flemish region	
Competent authorities in Belgium	Coordination Committee Integrated Water Policy (CIW) (secretariat CIW = Flemish Environment Agency (VMM))	

// abstract:

The outlines of the Flemish water policy are set within the decree on Integrated Water Policy of 18 July 2003. The decree is also the transposition of the European legislation such as the *Water framework directive* (2000/60/EC; p.77) and the *Floods directive* (2007/60/EC; p.86) into Flemish legislation. This decree defines the goals and the principles of the integrated water policy, and establishes a few instruments (such as the riparian zones and the water test). The decree on integrated water policy determines how the water systems have to be divided into river basins and river basin districts, basins and sub-basins. It also stipulates how the consultation platforms have to work, how the different levels prepare and follow up on the water policy, and how the population can have a say. Finally, the decree implements the special obligations of the European Water framework directive.

The decree on integrated water policy is a framework decree and only contains the main lines of the policy. The implementation decisions concretise the policy.

Shipping guidance decree

Official reference	Decreet van 16 juni 2006 betreffende de begeleiding van de scheepvaart op de maritieme toegangswegen en de organisatie van het Maritiem Reddings- en Coördinatiecentrum	
Relevant dates	Document	16/06/2006
	Publication	26/10/2006
	Entry into force	5/11/2006
Policy level	Flemish	
Type of instrument	Decree	
Geographical reach	Flemish region	
(Legal) coverage in the BNS	(Waters where the Vessel Traffic Services (VTS) operate, cf. art. 2 of the law)	
Competent authorities in Belgium	Flemish authorities; policy domain Mobility and Public Works (MOW)	

// abstract:

This decree determines the tasks, competences and organisation regarding shipping guidance. It discusses the organisation and management of the Vessel Traffic Services (VTS), which coordinate shipping from and to the ports, waterways, berths and anchorages within the VTS area. The VTS include data management and reporting through a central management system. The decree also stipulates the regulation on shipping guidance within the VTS area, specifying that the VTS are responsible for an information service, navigational assistance service, a traffic organisation service and a pilotage service. Moreover, the VTS can, in consultation with the port company, take measures to control the traffic to, from and in the ports and waterways. The fairway marking and the traffic signal in the VTS area are an integral part of the VTS. The decree determines the compensation that needs to be paid for the use of the VTS services. Moreover, the tasks and the statutes of the Maritime Rescue and Coordination Centre (MRCC) are fixed, concerning intervention in case of shipping incidents in the search and rescue area that is indicated by the Flemish government. Finally, the decree describes the sanctions for infringements and indicates at the institutions that are responsible for the detection and the investigations of these infringements.

Decree on the agriculture and fisheries policy

Official reference	Decreet van 28 juni 2013 betreffende het landbouw- en visserijbeleid	
Relevant dates	Document	28/06/2013
	Publication	12/09/2013
	Entry into force	1/01/2014
Policy level	Flemish	
Type of instrument	Decree	
Geographical reach	Flemish region	
(Legal) coverage in the BNS	Belgian fishing vessels (wherever they fish), and the other fishing vessels in the territorial sea and the exclusive economic zone	
Competent authorities in Belgium	Flemish authorities; policy domain Agriculture and Fisheries	

// abstract:

This decree regulates the policy as to, inter alia, aquaculture and sea fisheries. It stipulates the competences of the Flemish government regarding the fisheries policy, and discusses the financing instrument for the Flemish fisheries and aquaculture (FIVA) sectors. With regard to sea fisheries, the Flemish government is responsible for: the preservation, management and exploitation of living aquatic organisms; the reduction of the environmental impact; the access to water and aquatic resources; the policy and the management of the fleet capacity; the market policy; the control systems (including the control on illegal, unreported and unregulated fishing ([IUU fisheries](#) p.97) and enforcement. This decree deals with the establishment and the functioning of the Fund for agriculture and fisheries. The section on the control systems and penalties provisions includes the regulation on enforcement of the sea fisheries policy. Possible sanctions in case of infringements are immobilisation of the ship, confiscation of the fisheries products, the fishing gear and other production means, etc.

