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National Report of Belgium

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LEGISLATION FOR MEANS OF TRANSPORT REGARDING EMISSIONS

I. Vessels

1. Applicable law

International

- International Convention for the Prevention of Pollution from Ships 1973, as modified by the Protocol of 1978 (hereafter referred to as MARPOL), Annex VI - Regulations for the Prevention of Air Pollution from Ships
 - Implemented in Belgium by Federal Law of 6 April 1995 on the prevention of pollution by vessels
 - Remark: in 2020 new aircraft emission rules will enter into force.

European

- Directive 97/68/EC of 16 December 1997 on the approximation of the laws of the Member States relating to measures against the emission of gaseous and particulate pollutants from internal combustion engines to be installed in non-road mobile machinery, amended by Directive 2001/63/EC of 17 August 2001, by Directive 2002/88/EC of 9 December 2002, by Directive 2004/26/EC of 21 April 2004, by Directive 2010/26/EC of 31 March 2010, by Directive 2011/88/EC of 16 November 2011 and by Directive 2012/46/EC of 6 December 2012
 - Implemented in Belgium by Federal Law of 21 December 1998 relating to product norms to promote sustainable patterns of production and consumption and to protect the environment and the people's health (hereafter referred to as the Product Norms Law)
 - Implementing Decree: Royal Decree of 5 December 2004 relating to product norms for internal combustion engines to be installed in non-road mobile machinery, amended by Royal Decree of 25 April 2014
- 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, amended by Directive 2005/33/EC of 6 July 2005, by Directive 2009/30/EC of 23 April 2009 as regards the specification of fuel used by inland waterway vessels and by Directive 2012/33/EC of 21 November 2012 as regards the sulphur content of marine fuels
 - Implemented in Belgium by Federal Law of 5 June 1972 relating to the safety of vessels (hereafter referred to as the Safety of Vessels Law), applicable to fuels used by inland waterway vessels and by the Product Norms Law applicable to the marine fuels
 - Implementing Decrees: Royal Decree of 21 April 2007 relating to a reduction in the sulphur content of fuels used by inland waterway vessels and Royal Decree of 30 November 2015 relating to the name, feature and sulphur content of marine gasoil

- Directive 2006/87/EC of 12 December 2006 laying down technical requirements for inland waterway vessels, amended by Directive 2008/59/EC of 12 June 2008, Directive 2008/87/EC of 22 September 2008, Directive 2008/126/EC of 19 December 2008, by Directive 2009/46/EC of 24 April 2009, Directive 2009/100/EC of 16 September 2009, by Directive 2012/48/EC of 10 December 2012, by Directive 2012/49/EC of 10 December 2012, by Directive 2013/22/EC of 13 May 2013 and by Directive 2013/49/EC of 11 October 2013
 - Implemented in Belgium by the Safety of Vessels Law
 - Implementing Decree: Royal Decree of 19 March 2009 relating to technical requirements of inland waterway vessels, amended by Royal Decree of 26 December 2013

Transnational (applicable on the side rivers of the Rhine)

- Rhine Vessel Inspection Regulations, Chapter 8a relating to the emission of gaseous and particulate pollutants from diesel motors (hereafter referred to as RVIR)
 - Implemented in Belgium by Royal Decree of 30 March 1976 implementing the RVIR

2. Implementation

International and European rules with respect to emissions are implemented in Belgium.

3. Requirements

National rules mostly provide the same requirements than European regulations. However, the requirement for marine gasoil in Belgian ports refers to the Belgian NBN-norm instead of the European norm.

4. Consequences

- MARPOL
 - a. for a natural person: a fine of maximum 1.000.000 euro for the owner of the ship (multiplied by six, doubled in case of legal repetition within 3 years), a fine of maximum 25.000 euro for the captain of the ship (multiplied by six), a fine of maximum 10.000 euro for the officers or other crew members (multiplied by six), maximum 5 years of imprisonment for the persons mentioned if the delict causes great damage in a vast area (doubled in case of legal repetition within 3 years).
 - b. for a legal entity: a fine of maximum 2.000.000 euro as the owner of the ship (multiplied by six).
- RVIR

See procedure in the Convention for Rhine Navigation.
- Product Norms Law
 - a. for a natural person: maximum 3 years of imprisonment and/or a fine of maximum 4.000.000 euro (multiplied by six), maximum 8 years of imprisonment and/or a fine of

maximum 10.000.000 euro (multiplied by six) if there is a danger for people's safety or health;

- b. for a legal entity: a fine of 8.000.000 euro (multiplied by six), a fine of 20.000.000 euro (multiplied by six) if there is a danger for people's safety or health;
 - c. possible additional sentences for both: publication of the judgement, closure of the facilities where the crime was committed for a period of 1 year (in case of legal repetition), prohibition to practice certain professional activities for a period of 10 years (in case of legal repetition);
 - d. possible measures in protection of public health and/or the environment: prohibition to import and export the product, removal of the product from the market, demolition of seized products, deprivation of the illicit asset advantage, repair or prevention of the damage to the environment.
- Safety of Vessels Law
 - a. for a natural person: maximum 2 years of imprisonment and a fine of maximum 5.000 euro (multiplied by six) if there is a danger for the marine environment, 3 months of imprisonment and a fine of maximum 300 euro (multiplied by six) if not;
 - b. for a legal entity: a fine of maximum 10.000 euro (multiplied by six) if there is a danger for the marine environment, a fine of 600 euro (multiplied by six) if not.

II. Aircrafts

1. Applicable law

International

- Convention on International Civil Aviation, signed at Chicago on 7 December 1944 (hereafter referred to as Chicago Convention), Annex 16
 - Implemented in Belgium by Federal Law of 30 April 1947 implementing the Convention on International Civil Aviation, signed at Chicago on 7 December 1944

European

- Directive 2008/101/EC of 19 November 2008 amending Directive 2003/87/EC so as to include aviation activities in the scheme for greenhouse gas emission allowance trading within the Community
 - Implemented in Belgium by the Cooperation Agreement of 2 September 2013 between the Federal State, the Flemish Region, the Walloon Region and the Brussels Capital Region (hereafter referred to as Cooperation Agreement GGEAT)
- Regulation 748/2012 of 3 August 2012 laying down implementing rules for the airworthiness and environmental certification of aircraft and related products, parts and appliances, as well as for the certification of design and production organisations, amended by Commission Regulation 7/2013 of 8 January 2013, Commission Regulation 69/2014 of 27 January 2014, Commission Regulation 2015/1039 of 30 June

2015 and Commission Regulation 2016/5 of 5 January 2016 as regards the implementation of essential requirements for environmental protection (hereafter referred to as Regulation Environmental Certification)

2. Implementation

International and European rules with respect to emissions are implemented in Belgium.

3. Requirements

National rules provide the same requirements than international and European regulations.

4. Consequences

- Chicago Convention

If the Council decides that an airline company doesn't comply with its decision, Belgium prohibits the exploitation.

- Regulation Environmental Certification

Suspension and revocation of the certificate of airworthiness.

- Cooperation Agreement GGEAT

If an airline company fails to provide sufficient emission rights to cover his emissions in the previous year, the consequences are:

- a. a fine of 100 euro per ton (multiplied by six);
- b. correction of the amount of emission rights in the next year;
- c. prohibition of exploitation.

III. Trains

1. Applicable law

European

- Directive 97/68/EC of 16 December 1997 on the approximation of the laws of the Member States relating to measures against the emission of gaseous and particulate pollutants from internal combustion engines to be installed in non-road mobile machinery, amended by Directive 2001/63/EC of 17 August 2001, by Directive 2002/88/EC of 9 December 2002, by Directive 2004/26/EC of 21 April 2004, by Directive 2010/26/EC of 31 March 2010, by Directive 2011/88/EC of 16 November 2011 and by Directive 2012/46/EC of 6 December 2012
 - Implemented in Belgium by the Product Norms Law
 - Implementing Decree: Royal Decree of 5 December 2004 relating to product norms for internal combustion engines to be installed in non-road mobile machinery, amended by Royal Decree of 25 April 2014
- Directive 98/70/EC of 13 October 1998 relating to the quality of petrol and diesel fuels and amending Council Directive 93/12/EC, amended by Directive 2009/30/EC as regards the specification of petrol, diesel and gasoil and introducing a mechanism to monitor and reduce greenhouse gas emissions and amended by Commission Directive

2011/63/EU of 1 June 2011 for the purpose of its adaptation to technical progress – implemented in Belgium by Royal Decree of 19 September 2013

- Implemented by the Product Norms Law
- Implementation Decree: Royal Decree of 19 September 2013 relating to the name and features of gasoil for heating and for non-road mobile machinery

2. Implementation

European rules with respect to emissions are implemented in Belgium.

3. Requirements

National rules mostly provide the same requirements than European regulations. However, the requirement for gasoil refers to the Belgian NBN-norm instead of the European norm.

4. Consequences

- Product Norms Law
 - a. for a natural person: maximum 3 years of imprisonment and/or a fine of maximum 4.000.000 euro (multiplied by six), maximum 8 years of imprisonment and/or a fine of maximum 10.000.000 euro (multiplied by six) if there is a danger for people's safety or health;
 - b. for a legal entity: a fine of 8.000.000 euro (multiplied by six), a fine of 20.000.000 euro (multiplied by six) if there is a danger for people's safety or health;
 - c. possible additional sentences for both: publication of the judgement, closure of the facilities where the crime was committed for a period of 1 year (in case of legal repetition), prohibition to practice certain professional activities for a period of 10 years (in case of legal repetition);
 - d. possible measures in protection of public health and/or the environment: prohibition to import and export the product, removal of the product from the market, demolition of seized products, deprivation of the illicit asset advantage, repair or prevention of the damage to the environment.

IV. Lorries

1. Applicable law

European

- Framework Directive 2007/46/EC of 5 September 2007 establishing a framework for the approval of motor vehicles and their trailers, and of systems, components and separate technical units intended for such vehicles
- Regulation 595/2009 of 18 June 2009 on type-approval of motor vehicles and engines with respect to emissions from heavy duty vehicles (Euro VI) and on access to vehicle repair and maintenance information and amending Regulation 715/2007 and Directive 2007/46/EC and repealing Directives 80/1269/EEC, 2005/55/EC and 2005/78/EC, implemented and amended by Commission Regulation 582/2011 of 25 May 2011,

amended by Commission Regulation 136/2014 of 11 February 2014 (hereafter referred to as Regulation Euronorm)

- Directive 98/70/EC of 13 October 1998 relating to the quality of petrol and diesel fuels and amending Council Directive 93/12/EC, amended by Directive 2009/30/EC as regards the specification of petrol, diesel and gasoil and introducing a mechanism to monitor and reduce greenhouse gas emissions and amended by Commission Directive 2011/63/EU of 1 June 2011 for the purpose of its adaptation to technical progress
 - Implemented by the Product Norms Law
 - Implementation Decrees: Royal Decree of 19 September 2013 relating to the name and features of gasoil-diesel for road vehicles and Royal Decree of 19 September 2013 relating to the name and features of petrol for petrol motors

Regional

- Flemish Law of 27 November 2015 relating to low-emission-zones

2. Implementation

European rules with respect to emissions are implemented in Belgium.

3. Requirements

National rules mostly provide the same requirements than European regulations. However, the requirements for gasoil-diesel and petrol refer to the Belgian NBN-norm instead of the European norm.

4. Consequences

- Regulation Euronorm

If the requirements set forth in Regulation Euronorm are not fulfilled, the consequences are:

- a. for a natural person: maximum 3 years of imprisonment and/or a fine of maximum 10.000 euro (multiplied by six), maximum 10 years of imprisonment and/or a fine of maximum 7.000.000 euro (multiplied by six) if the infraction is committed with the purpose to drain or pour out a substance in the air, the soil or the water and causes or can cause the death or serious injuries of persons or serious damage to the air, soil or water quality or to animals or plants, maximum 1 year of imprisonment and/or a fine of maximum 1.000.000 euro (multiplied by six) if the infraction is committed out of negligence and causes or can cause the death or serious injuries of persons or serious damage to the air, soil or water quality or to animals or plants (doubled in case of legal repetition within two years);
- b. for a legal entity: a fine of maximum 20.000 euro (multiplied by six), a fine of maximum 14.000.000 euro (multiplied by six) if the infraction is committed with the purpose to drain or pour out a substance in the air, the soil or the water and causes or can cause the death or serious injuries of persons or serious damage to the air, soil or water quality or to animals or plants, a fine of maximum 2.000.000 euro (multiplied by six) if the infraction is committed out

of negligence and causes or can cause the death or serious injuries of persons or serious damage to the air, soil or water quality or to animals or plants (doubled in case of legal repetition within two years).

- Product Norms Law
 - a. for a natural person: maximum 3 years of imprisonment and/or a fine of maximum 4.000.000 euro (multiplied by six), maximum 8 years of imprisonment and/or a fine of maximum 10.000.000 euro (multiplied by six) if there is a danger for people’s safety or health;
 - b. for a legal entity: a fine of 8.000.000 euro (multiplied by six), a fine of 20.000.000 euro (multiplied by six) if there is a danger for people’s safety or health;
 - c. possible additional sentences for both: publication of the judgement, closure of the facilities where the crime was committed for a period of 1 year (in case of legal repetition), prohibition to practice certain professional activities for a period of 10 years (in case of legal repetition);
 - d. possible measures in protection of public health and/or the environment: prohibition to import and export the product, removal of the product from the market, demolition of seized products, deprivation of the illicit asset advantage, repair or prevention of the damage to the environment.

- Flemish Law low-emission-zones

An administrative fine of 60 euro (multiplied by six).

V. Comparison

Belgian Law implements the International and European rules.

On the European level, and thus also on the Belgian level, the scheme hereafter seems to be applicable:

	Vessels	Aircrafts	Trains	Lorries
Engine emissions	Norms for the emission of gaseous and particulate pollutants	No specific norms	Norms for the emission of gaseous and particulate pollutants	Norms for the emission of gaseous and particulate pollutants
Fuel emissions	Norms for the reduction of sulphur	Norms for the reduction of smoke and gaseous pollutants	Norms for the reduction gaseous pollutants	Norms for the reduction gaseous pollutants
GGEAT	Not applicable	Applicable	Not applicable	Not applicable

Aircrafts seem to have a disadvantage because aviation activities are included in the scheme for greenhouse gas emission allowance trading while the other means of transport are not. The consequences of not fulfilling the obligations put in place by the CGEAT are serious for airline companies. Furthermore airline companies have to fulfill the requirements in

respect to noise emissions and the exploitation norms for airports, which are not discussed in the framework of this report.

With the Flemish Law on low-emission-zones for lorries, the government wants to discourage the use of heavily polluting lorries in certain areas such as the city centers. The consequences of this Law aren't clear yet due to the recent approval by the Parliament. Cities can decide to put a low-emission-zone in place in the districts of their choice. The city of Antwerp wants to do so in the city center starting from 1 January 2017.

LEGISLATION FOR MEANS OF TRANSPORT REGARDING ACCIDENTS/COLLISIONS (INCLUDING HAZARDEOUS GOODS)

I. Vessels

1. Applicable law

International

- International Convention for the Safety of Life at Sea (hereafter referred to as SOLAS), 1974, as amended
 - Implemented by Federal Law of 10 August 1979 on the protection of Life at Sea

European

- Directive 2004/35/EC of 21 April 2004 on environmental liability with regard to the prevention and remedying of environmental damage, amended by Directive 2009/31/EC of 23 April 2009 and by Directive 2013/30/EC of 30 June 2013 (hereafter referred to as Directive Environmental Liability)
 - Implemented in Belgium by
 - ✓ Federal Law of 21 April 2007 amending the Law on the protection of the marine environment
 - ✓ Federal Law of 25 April 2007 implementing Environmental Liability in various Laws
 - ✓ Flemish Law of 21 December 2007 completing the Flemish Law of 5 April 1995 relating to environmental policy with a chapter on environmental damage (hereafter referred to as Flemish Law Environmental Damage)
 - ✓ Walloon Law of 22 November 2007 amending Book I of the Environmental Code relating to the prevention and remedy of environmental damage (hereafter referred to as Walloon Law Environmental Damage)
 - ✓ Brussels Law of 8 May 2014 13 amending the Law of November 2008 relating to environmental liability with regard to the prevention and remedying of environmental damage and implementing a Codex of

inspection, prevention, finding, prosecution and punishment of Environmental Crimes and Environmental Liability (hereafter referred to as Brussels Law Environmental Crimes)

➤ Implementation Decrees:

- ✓ Royal Decree of 25 October 2007 relating to restoration measures in consequence of the significant impact on the marine environment and to recovery of costs for the prevention, limitation and remedy of environmental damage (hereafter referred to as Decree Marine Environment)
 - ✓ Royal Decree of 8 November 2007 relating to the prevention and remedying of environmental damage in consequence of the transport by road, railway, inland waterways or air of exotic plants, animals because of import, export or transport and of waste because of transport (hereafter referred to as Decree Environmental Damage)
- Directive 2012/18/EC of 4 July 2012 on the control of major-accident hazards involving dangerous substances (hereafter referred to as Directive Dangerous Substances)
 - Implemented in Belgium by the Cooperation Agreement of 5 June 2015 between the Federal State, the Flemish Region, the Walloon Region and the Brussels Capital Region on the control of major-accident hazards involving dangerous substances (hereafter referred to as Cooperation Agreement Dangerous Substances)

Transnational (applicable on the side rivers of the Rhine)

- RIVR, different chapters
 - Implemented in Belgium by Royal Decree of 30 March 1976 implementing the RVIR

2. Implementation

International and European rules with respect to accidents and collisions are implemented in Belgium.

3. Requirements

National rules mostly provide the same requirements than European regulations. However, the Decree Environmental Damage doesn't oblige the causal agent to submit the restoration measures to the competent authority before putting them into place. Nevertheless, the competent authority can give instructions, dictate measures and if necessary realize them.

4. Consequences

- SOLAS

Revocation of the certificate stating that the ship is in compliance with the requirements.

- RVIR

See procedure in the Convention for Rhine Navigation.

- Decree Marine Environment

If someone prohibits control and detection or ignores instructions by the government relating to restoration measures in the marine environment, the consequence is a fine of 10.000 euro (multiplied by six).

- Decree Environmental Damage

The person responsible for the damage causing the preventive or restoration measures has to pay the costs relating to those measures. The competent authority can demand a surety for the costs.

- Flemish Law Environmental Damage

If the requirements relating to environmental damage are not fulfilled, the consequences are:

- a. for a natural person: maximum 1 year of imprisonment and/or a fine of maximum 100.000 euro (multiplied by six) for ignoring the instructions relating to restoration measures;
- b. for a legal entity: a fine of maximum 200.000 euro (multiplied by six) for ignoring the instructions relating to restoration measures.

- Walloon Law Environmental Damage

If the requirements relating to environmental damage are not fulfilled, the consequences are:

- a. For a natural person: maximum 3 years of imprisonment and/or a fine of maximum 1.000.000 euro (multiplied by six) for ignoring the instructions relating to restoration measures;
- b. for a legal entity: a fine of maximum 2.000.000 euro (multiplied by six) for ignoring the instructions relating to restoration measures;
- c. possible additional sentences for both: publication of the judgement, prohibition to practice certain professional activities for a period of maximum 5 years (in case of legal repetition).

- Brussels Law Environmental Crimes

If the requirements relating to environmental damage are not fulfilled, the consequences are:

- a. for a natural person: maximum 2 years of imprisonment and/or a fine of maximum 100.000 euro (multiplied by six), maximum 3 years of imprisonment and/or a fine of maximum 300.000 euro (multiplied by six) if the infraction causes the death or serious injuries of persons or serious environmental damage (doubled in case of legal repetition within 3 years);
- b. for a legal entity: a fine of maximum 200.000 euro (multiplied by six), a fine of maximum 600.000 euro (multiplied by six) if the infraction causes the death or

serious injuries of persons or serious environmental damage (doubled in case of legal repetition within 3 years).

II. Aircrafts

1. Applicable law

International

- Convention on International Civil Aviation, signed at Chicago on 7 December 1944 (Chicago Convention), Annex 18
 - Implemented in Belgium by Federal Law of 30 April 1947 implementing the Convention on International Civil Aviation, signed at Chicago on 7 December 1944

European

- Directive Environmental Liability
 - Implemented in Belgium by
 - ✓ Federal Law of 21 April 2007 amending the Law on the protection of the marine environment
 - ✓ Federal Law of 25 April 2007 implementing Environmental Liability in various Laws
 - ✓ Flemish Law Environmental Damage
 - ✓ Walloon Law Environmental Damage
 - ✓ Brussels Law Environmental Damage
 - Implementation Decrees:
 - ✓ Decree Marine Environment
 - ✓ Decree Environmental Damage
- Regulation 216/2008 of 20 February 2008 on common rules in the field of civil aviation and establishing a European Aviation Safety Agency
- Directive Dangerous Substances
 - Implemented in Belgium by Cooperation Agreement Dangerous Substances
- Regulation 748/2012 of 3 August 2012 laying down implementing rules for the airworthiness and environmental certification of aircraft and related products, parts and appliances, as well as for the certification of design and production organisations

2. Implementation

International and European rules in respect to accidents and collisions are implemented in Belgium.

3. Requirements

National rules mostly provide the same requirements than European regulations. However, the Decree Environmental Damage doesn't oblige the causal agent to submit the restoration measures to the competent authority before putting them into place.

Nevertheless, the competent authority can give instructions, dictate measures and if necessary realize them.

4. Consequences

- Decree Environmental Damage

The person responsible for the damage causing the preventive or restoration measures has to pay the costs relating to those measures. The competent authority can demand a surety for the costs.

- Flemish Law Environmental Damage

If the requirements relating to environmental damage are not fulfilled, the consequences are:

- a. for a natural person: maximum 1 year of imprisonment and/or a fine of maximum 100.000 euro (multiplied by six) for ignoring the instructions relating to restoration measures;
- b. for a legal entity: a fine of maximum 200.000 euro (multiplied by six) for ignoring the instructions relating to restoration measures.

- Walloon Law Environmental Damage

If the requirements relating to environmental damage are not fulfilled, the consequences are:

- a. for a natural person: maximum 3 years of imprisonment and/or a fine of maximum 1.000.000 euro (multiplied by six) for ignoring the instructions relating to restoration measures;
- b. for a legal entity: a fine of maximum 2.000.000 euro (multiplied by six) for ignoring the instructions relating to restoration measures;
- c. possible additional sentences for both: publication of the judgement, prohibition to practice certain professional activities for a period of maximum 5 years (in case of legal repetition).

- Brussels Law Environmental Damage

If the requirements relating to environmental damage are not fulfilled, the consequences are:

- a. for a natural person: maximum 2 years of imprisonment and/or a fine of maximum 100.000 euro (multiplied by six), maximum 3 years of imprisonment and/or a fine of maximum 300.000 euro (multiplied by six) if the infraction causes the death or serious injuries of persons or serious environmental damage (doubled in case of legal repetition within 3 years);
- b. for a legal entity: a fine of maximum 200.000 euro (multiplied by six), a fine of maximum 600.000 euro (multiplied by six) if the infraction causes the death or serious injuries of persons or serious environmental damage (doubled in case of legal repetition within 3 years).

III. Trains

1. Applicable law

International

- Regulation relating to the international railway transport of dangerous goods (hereafter referred to as RIDRID), Annex C of the Convention on International Railway Transport, signed at Vilnius on 3 June 1999 (hereafter referred to as COTIF)
 - Implemented in Belgium by Federal Law of 15 February 2007 implementing COTIF

European

- Directive Environmental Liability
 - Implemented in Belgium by
 - ✓ Federal Law of 21 April 2007 amending the Law on the protection of the marine environment
 - ✓ Federal Law of 25 April 2007 implementing Environmental Liability in various Laws
 - ✓ Flemish Law Environmental Damage
 - ✓ Walloon Law Environmental Damage
 - ✓ Brussels Law Environmental Damage
 - Implementation Decrees:
 - ✓ Decree Marine Environment
 - ✓ Decree Environmental Damage
- Directive Dangerous Substances
 - Implemented in Belgium by Cooperation Agreement Dangerous Substances
- Directive 2008/68/EC of 24 September 2008 on the inland transport of dangerous goods, amended by Directive 2010/61/EC of 2 September 2010, by Directive 2012/45/EC of 3 December 2012 and by Directive 2014/103/EC of 21 November 2013 (hereafter referred to as Directive Dangerous Goods)
 - Implemented in Belgium by Federal Law of 21 June 1985 relating to technical requirements for inland means of transport (hereafter referred to as Law Technical Requirements)
 - Implementation Decree: Royal Decree of 28 June 2009 relating to the road or railway transport of dangerous goods, other than explosive and radioactive substances, as amended

2. Implementation

International and European rules in respect to accidents and collisions are implemented in Belgium.

3. Requirements

National rules mostly provide the same requirements than European regulations. However, the Decree Environmental Damage doesn't oblige the causal agent to submit the restoration measures to the competent authority before putting them into place. Nevertheless, the competent authority can give instructions, dictate measures and if necessary realize them.

4. Consequences

- COTIF

If the requirements set forth in appendix C of the COTIF are not fulfilled, the consequences are:

- a. for a natural person: maximum 6 months of imprisonment and/or a fine of maximum 10.000 euro (multiplied by six), maximum 10 years of imprisonment and/or a fine of maximum 7.000.000 euro (multiplied by six) if the infraction is committed with the purpose to drain or pour out a substance in the air, the soil or the water and causes or can cause the death or serious injuries of persons or serious damage to the air, soil or water quality or to animals or plants, maximum 1 year of imprisonment and/or a fine of maximum 1.000.000 euro (multiplied by six) if the infraction is committed out of negligence and causes or can cause the death or serious injuries of persons or serious damage to the air, soil or water quality or to animals or plants (doubled in case of legal repetition within two years);
- b. for a legal entity: a fine of maximum 20.000 euro (multiplied by six), a fine of maximum 14.000.000 euro (multiplied by six) if the infraction is committed with the purpose to drain or pour out a substance in the air, the soil or the water and causes or can cause the death or serious injuries of persons or serious damage to the air, soil or water quality or to animals or plants, a fine of maximum 2.000.000 euro (multiplied by six) if the infraction is committed out of negligence and causes or can cause the death or serious injuries of persons or serious damage to the air, soil or water quality or to animals or plants (doubled in case of legal repetition within two years).

- Law Technical Requirements

If the requirements to technical requirements are not fulfilled, the consequences are:

- a. for a natural person: maximum 3 years of imprisonment and/or a fine of maximum 10.000 euro (multiplied by six), maximum 10 years of imprisonment and/or a fine of maximum 7.000.000 euro (multiplied by six) if the infraction is committed with the purpose to drain or pour out a substance in the air, the soil or the water and causes or can cause the death or serious injuries of persons or serious damage to the air, soil or water quality or to animals or plants, maximum 1 year of imprisonment and/or a fine of maximum 1.000.000 euro (multiplied by six) if the infraction is committed out of negligence and causes or can cause the death or serious injuries of persons or serious damage to the air, soil or water quality or to animals or plants (doubled in case of legal repetition within two years);

- b. for a legal entity: a fine of maximum 20.000 euro (multiplied by six), a fine of maximum 14.000.000 euro (multiplied by six) if the infraction is committed with the purpose to drain or pour out a substance in the air, the soil or the water and causes or can cause the death or serious injuries of persons or serious damage to the air, soil or water quality or to animals or plants, a fine of maximum 2.000.000 euro (multiplied by six) if the infraction is committed out of negligence and causes or can cause the death or serious injuries of persons or serious damage to the air, soil or water quality or to animals or plants (doubled in case of legal repetition within two years).

- Decree Environmental Damage

The person responsible for the damage causing the preventive or restauration measures has to pay the costs relating to those measures. The competent authority can demand a surety for the costs.

- Flemish Law Environmental Damage

If the requirements relating to environmental damage are not fulfilled, the consequences are:

- a. for a natural person: maximum 1 year of imprisonment and/or a fine of maximum 100.000 euro (multiplied by six) for ignoring the instructions relating to restoration measures;
- b. for a legal entity: a fine of maximum 200.000 euro (multiplied by six) for ignoring the instructions relating to restoration measures.

- Walloon Law Environmental Damage

If the requirements relating to environmental damage are not fulfilled, the consequences are:

- a. For a natural person: maximum 3 years of imprisonment and/or a fine of maximum 1.000.000 euro (multiplied by six) for ignoring the instructions relating to restoration measures;
- b. for a legal entity: a fine of maximum 2.000.000 euro (multiplied by six) for ignoring the instructions relating to restoration measures;
- c. possible additional sentences for both: publication of the judgement, prohibition to practice certain professional activities for a period of maximum 5 years (in case of legal repetition).

- Brussels Law Environmental Damage

If the requirements relating to environmental damage are not fulfilled, the consequences are:

- a. for a natural person: maximum 2 years of imprisonment and/or a fine of maximum 100.000 euro (multiplied by six), maximum 3 years of imprisonment and/or a fine of maximum 300.000 euro (multiplied by six) if the infraction causes the death or serious injuries of persons or serious environmental damage (doubled in case of legal repetition within 3 years);

- b. for a legal entity: a fine of maximum 200.000 euro (multiplied by six), a fine of maximum 600.000 euro (multiplied by six) if the infraction causes the death or serious injuries of persons or serious environmental damage (doubled in case of legal repetition within 3 years).

IV. Lorries

1. Applicable law

European

- European Convention relating to the international road transport of dangerous goods, signed at Geneva on 30 September 1957 (hereafter referred to as ADR), as amended
 - Implemented in Belgium by Federal Law of 10 August 1960 implementing the ADR, signed at Geneva on 30 September 1967
- Directive Environmental Liability
 - Implemented in Belgium by
 - ✓ Federal Law of 21 April 2007 amending the Law on the protection of the marine environment
 - ✓ Federal Law of 25 April 2007 implementing Environmental Liability in various Laws
 - ✓ Flemish Law Environmental Damage
 - ✓ Walloon Law Environmental Damage
 - ✓ Brussels Law Environmental Damage
 - Implementation Decrees:
 - ✓ Decree Marine Environment
 - ✓ Decree Environmental Damage
- Directive Dangerous Substances
 - Implemented in Belgium by Cooperation Agreement Dangerous Substances
- Directive Dangerous Goods
 - Implemented in Belgium by Law Technical Requirements
 - Implementation Decree: Royal Decree of 28 June 2009 relating to the road or railway transport of dangerous goods, other than explosive and radioactive substances, as amended

2. Implementation

European rules in respect to accidents and collisions are implemented in Belgium.

3. Requirements

National rules mostly provide the same requirements than European regulations. However, the Decree Environmental Damage doesn't oblige the causal agent to submit the restoration measures to the competent authority before putting them into place. Nevertheless, the competent authority can give instructions, dictate measures and if necessary realize them.

4. Consequences

- ADR

See Law Technical Requirements. According to the Superior Court of Belgium, the consequences if the requirements set forth in the ADR are not fulfilled are those in the Law Technical Requirements.

- Law Technical Requirements

If the requirements to technical requirements are not fulfilled, the consequences are:

- a. for a natural person: maximum 3 years of imprisonment and/or a fine of maximum 10.000 euro (multiplied by six), maximum 10 years of imprisonment and/or a fine of maximum 7.000.000 euro (multiplied by six) if the infraction is committed with the purpose to drain or pour out a substance in the air, the soil or the water and causes or can cause the death or serious injuries of persons or serious damage to the air, soil or water quality or to animals or plants, maximum 1 year of imprisonment and/or a fine of maximum 1.000.000 euro (multiplied by six) if the infraction is committed out of negligence and causes or can cause the death or serious injuries of persons or serious damage to the air, soil or water quality or to animals or plants (doubled in case of legal repetition within two years);
- b. for a legal entity: a fine of maximum 20.000 euro (multiplied by six), a fine of maximum 14.000.000 euro (multiplied by six) if the infraction is committed with the purpose to drain or pour out a substance in the air, the soil or the water and causes or can cause the death or serious injuries of persons or serious damage to the air, soil or water quality or to animals or plants, a fine of maximum 2.000.000 euro (multiplied by six) if the infraction is committed out of negligence and causes or can cause the death or serious injuries of persons or serious damage to the air, soil or water quality or to animals or plants (doubled in case of legal repetition within two years).

- Decree Environmental Damage

The person responsible for the damage causing the preventive or restoration measures has to pay the costs relating to those measures. The competent authority can demand a surety for the costs.

- Flemish Law Environmental Damage

If the requirements relating to environmental damage are not fulfilled, the consequences are:

- a. for a natural person: maximum 1 year of imprisonment and/or a fine of maximum 100.000 euro (multiplied by six) for ignoring the instructions relating to restoration measures;
- b. for a legal entity: a fine of maximum 200.000 euro (multiplied by six) for ignoring the instructions relating to restoration measures.

- Walloon Law Environmental Damage

If the requirements relating to environmental damage are not fulfilled, the consequences are:

- a. for a natural person: maximum 3 years of imprisonment and/or a fine of maximum 1.000.000 euro (multiplied by six) for ignoring the instructions relating to restoration measures;
- b. for a legal entity: a fine of maximum 2.000.000 euro (multiplied by six) for ignoring the instructions relating to restoration measures;
- c. possible additional sentences for both: publication of the judgement, prohibition to practice certain professional activities for a period of maximum 5 years (in case of legal repetition).

- Brussels Law Environmental Damage

If the requirements relating to environmental damage are not fulfilled, the consequences are:

- a. for a natural person: maximum 2 years of imprisonment and/or a fine of maximum 100.000 euro (multiplied by six), maximum 3 years of imprisonment and/or a fine of maximum 300.000 euro (multiplied by six) if the infraction causes the death or serious injuries of persons or serious environmental damage (doubled in case of legal repetition within 3 years);
- b. for a legal entity: a fine of maximum 200.000 euro (multiplied by six), a fine of maximum 600.000 euro (multiplied by six) if the infraction causes the death or serious injuries of persons or serious environmental damage (doubled in case of legal repetition within 3 years).

V. Comparison

Belgian Law implements the International and European rules.

Contrary to the legislation regarding emissions, there are no particularly strict rules for certain means of transport regarding accidents and collisions. The starting-point of the legislation seems to be the damage done to the environment, regardless of the causal agent.

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