

Belgian Act of 5 May 1997 on the Co-ordination of Federal Sustainable Development Policy

CHAPTER I — General provisions

Article 1

This act governs a matter referred to in Article 78 of the Constitution.

Article 2

For the application of this Act, one should understand under:

- 1° sustainable development: development aimed at meeting the needs of the present, without compromising the ability of future generations to meet their own needs and the realisation of which requires a process of change, in which the exploitation of resources, the direction of investments, the orientation of technological development and institutional change are made consistent with future as well as present needs;
- 2° Agenda 21: the action plan, adopted at the United Nations Conference on Environment and Development (Rio de Janeiro, 1992), that deals with current, urgent problems and also aims at preparing the world for the challenges of the 21st century;
- 3° Minister: the Minister or Secretary of State in charge of the environment;
- 4° Council: the Federal Council for Sustainable Development;
- 5° Commission: the Interdepartmental Commission on Sustainable Development;
- 6° Federal Planning Bureau: the Federal Planning Bureau, established by the Act of 21 December 1994 containing social and miscellaneous provisions.

CHAPTER II — Federal Plan for Sustainable Development

Article 3

A federal plan for sustainable development, hereinafter referred to as "the plan", shall be established every four years, based on the federal report referred to in Article 7.

This plan, structured according to the format of Agenda 21, shall determine the measures to be taken at federal level with a view to the realisation of the objectives of sustainable development. It shall aim at enhancing the effectiveness and internal cohesion of sustainable development policy. It shall take into account potential long-term developments.

The plan shall also contain an action plan laying down provisions for its implementation. This shall cover at least the following items regarding sustainable development:

- 1° the quality of the various components of society aimed at in the period concerned;
- 2° the indication of the areas in which the quality of society or of one or several of its components requires particular measures;
- 3° the cohesion between the various parts;
- 4° the measures, the means and the time frames proposed for achieving the objectives, as well as the priorities to be observed;
- 5° the financial, economic, social and ecological consequences reasonably to be expected as a result of the policy aimed at sustainable development that is to be implemented.

Article 4

§1. The preliminary draft plan shall be prepared by the Federal Planning Bureau on the basis of the guidelines given by the Commission.

The Commission shall submit the preliminary draft plan simultaneously to the Legislative Chambers, the Council and the Governments of the Regions and the Communities.

§2. The King shall lay down measures with a view to giving the preliminary draft plan the widest possible publicity and consulting the population about its provisions.

§3. Within ninety days following the communication of the preliminary draft plan, the Council shall give its reasoned opinion on the preliminary draft plan.

§4. Within sixty days from the expiration of the period referred to in paragraph 3, the Commission shall examine the opinions expressed and elaborate the draft plan. It shall communicate the draft plan to the Council of Ministers, together with the opinions expressed.

Article 5

§1. The King shall lay down the plan by decree deliberated in the Council of Ministers. He shall state the reasons for deviating from the Council's opinion. The plan shall be published by way of excerpts in the Belgian Official Gazette.

§2. The plan shall be communicated to the Legislative Chambers, the Council, the governments of the Regions and Communities, and to all official international organisations which were established as a result of or were associated with the Rio Conference, in which our country participates.

§3. The King shall lay down measures aimed at giving the plan the widest possible publicity.

Article 6

A plan shall be laid down for the first time at the latest thirty months following the entry into force of this Act. Each subsequent plan shall be laid down no later than three months before the period of validity of the current plan expires.

CHAPTER III — Federal Report on Sustainable Development

Article 7

Every two years, the Federal Planning Bureau shall draw up a federal report on sustainable development, hereinafter referred to as "the report".

The report shall contain, within the context of sustainable development:

- 1° a description, an analysis and an assessment of the existing situation in Belgium having regard to international developments;
- 2° a description, an analysis and an assessment of the policy on sustainable development conducted so far;
- 3° a description of the development expected in case of unchanged policy and in case of a change in policy, according to a number of relevant scenarios.

Article 8

The report shall be communicated to the Commission and to the Minister, who shall transmit it to the Council of Ministers, to the Legislative Chambers, to the Council and to the governments of the Regions and the Communities, and to all official international organizations which were established as a result of or were associated with the Rio Conference, in which our country participates. The Minister shall establish the list of other recipients and take measure to give the report the widest possible publicity.

Article 9

A report will be drawn up for the first time no later than eighteen months following the entry into force of this Act.

CHAPTER IV — Federal Council for Sustainable Development.

Article 10

A Federal Council for Sustainable Development is hereby established.

Article 11

- §1. Without prejudice to its other missions as laid down in this act, the Council shall be charged with:
- a) expressing an opinion on all measures concerning federal policy on sustainable development, taken or envisaged by the federal authorities, in particular for the implementation of Belgium's international commitments;
 - b) providing a forum for exchange of views on sustainable development;
 - c) proposing research in all fields related to sustainable development;
 - d) promoting the widest possible co-operation of public and private organisations as well as citizens in order to realise these objectives.
- §2. The Council shall perform the missions referred to paragraph 1 on its own initiative, or at the request of any Minister or Secretary of State, of the Chamber of Deputies or of the Senate.
- §3. It may have recourse to the federal administrations and public institutions in discharging its duties. The Council may request the advice of any person, the collaboration of whom is deemed expedient for examining certain questions.
- §4. The Council shall give its opinion within three months after having been requested to do so.
In case of urgency, the requesting party may prescribe a shorter period. This period, however, shall not be shorter than two weeks.
- §5. The Council shall draw up an annual report of its activities. This report shall be transmitted to the Council of Ministers, to the Legislative Chambers and to the parliaments and governments of the Communities and Regions.
- §6. The government shall state its reasons for any deviation from the Council's opinion.

Article 12

- §1. The Council shall consist of:
- a) an honorary chairperson;
 - b) a chairperson;
 - c) three vice-chairpersons;
 - d) six members representing non-governmental organisations competent for the protection of the environment, selected from a double list of candidates, half of whom shall be nominated by the regional federations and the other half by international organisations represented in Belgium;
 - e) six members representing non-governmental organisations competent for development co-operation, selected from a double list of candidates nominated by the federations recognised as representative by the King;
 - f) two members representing non-governmental organisations defending the interests of the consumers, selected from a double list of candidates nominated by the representative organisations for consumer protection represented in the Consumer Protection Council;

- g) six members belonging to the representative workers' organisations, selected from a double list of candidates nominated by the organisations represented in the Central Economic Council;
 - h) six members belonging to the representative employers' organisations, selected from a double list of candidates nominated by the organisations represented in the Central Economic Council, that are representative of industry, commerce, agriculture and the trades;
 - i) two members representing the energy producers, selected from a double list of candidates nominated by the representative organisations represented in the Supervisory Committee for Electricity and Gas;
 - j) six members belonging to the scientific community, nominated jointly by the Minister or Secretary of State competent for the environment, the Minister or Secretary of State competent for development co-operation and the Minister or Secretary of State competent for science policy;
 - k) one representative from each Minister or Secretary of State;
 - l) each Region and each Community shall be invited to designate one representative.
- §2. The members referred to in paragraph 1, a) to j) shall be appointed by the King for a renewable four-year term, by royal decree deliberated in the Council of Ministers.
- §3. The members referred to in paragraph 1, k) and l) shall have an advisory vote.
- §4. The Bureau of the Council shall consist of the members referred to in paragraph 1, a) the honorary chairperson, b) the chairperson, and c) the three vice-chairpersons.

Article 13

The Council shall establish its rules of procedure. These rules shall in particular lay down provisions regarding:

- 1° the bodies through which the Council discharges its duties;
- 2° the way of convening and deliberating;
- 3° the publication of the proceedings;
- 4° the periodicity of the meetings.

These rules shall be subject to the King's approval.

Article 14¹

The Council shall have a permanent secretariat, which includes staff with an administrative training as well as staff with a scientific training. This secretariat shall work under the guidance of the Bureau. The staff shall be recruited by the Bureau.

Furthermore, the government, with the consent of the Council, may place specialised staff, on a statutory or contractual basis, at the disposal of the Council, in order to support the Council's secretariat and facilitate co-operation between the Council and federal administrative authorities.

Article 15

The Council shall have a working budget at its disposal from the federal government budget, charged in equal parts to the appropriations for Social Affairs, Public Health and Environment, the appropriations for the Prime Minister's Services, and the appropriations for Development Co-operation.

¹ As amended by the Act of 30 December 2001.

CHAPTER V — Interdepartmental Commission on Sustainable Development

Article 16

Under the responsibility of the Minister, an Interdepartmental Commission on Sustainable Development is hereby established, consisting of a representative from each member of the federal Government, as well as a representative of the Federal Planning Bureau. Each Regional government and each Community government shall also be invited to appoint a representative to the Commission.

Except for the members appointed by the respective governments of the Regions and Communities, the members of the Commission shall be appointed by royal decree deliberated in the Council of Ministers. They shall be appointed for a four-year term and their mandate shall be renewable.

The representatives of the federal Government shall report each year on the policy related to sustainable development and the implementation of the plan in the federal departments and public institutions they represent.

The Minister or his representative shall *ex officio* act as Chairperson of the Commission. The representatives of the Minister or Secretary of State in charge of development co-operation and of the Minister or Secretary of State in charge of science policy shall *ex officio* act as Vice-Chairpersons of the Commission. The secretariat shall be ensured by the representative of the Federal Planning Bureau. Together these representatives shall form the Bureau.

By means of a decree deliberated in the Council of Ministers, the King shall determine the general rules for the organisation and functioning of the Commission, including the rules governing its cooperation with the Federal Planning Bureau.

Article 17

Without prejudice to its other duties referred to in this act, the Commission shall be in charge of:

- 1° providing guidance to the Federal Planning Bureau with respect to its missions referred to in this Act and supervising their due performance;
- 2° defining the missions of the federal administrations and public institutions, by means of a co-operation protocol at least containing provisions on the methodological terms of reference, general directives and implementation deadlines for performing the assignments;
- 3° co-ordinating the annual reports by the representatives of the federal Government on the policy regarding sustainable development and on the implementation of the plan in each federal administration and public institution.

By means decree deliberated in the Council of Ministers, the King may entrust the Commission with any other tasks related to sustainable development.

Article 18

The Commission may entrust the performance of specific tasks to one or several of its members and may establish task forces.

The Commission may request the assistance of external experts.

Article 19

Before 31 March of each year, the Commission shall draw up a report on its activities of the preceding year. This report shall be transmitted to all the members of the federal Government, to the Legislative Chambers and to the Council.

CHAPTER VI

[Amendments and repeals of earlier legislation not included in this translation]