

# DRAFT ONLY

**Belgian Law implementing the Protocol on Environmental Protection to the Antarctic Treaty ( Loi du 21 juillet 2017 relative à la protection de l'environnement et à la régulation des activités menées sous juridiction belge en Antarctique, Moniteur Belge du XX juillet 2017, P75923)**

**APPLICATION FOR A SPECIAL PERMIT AUTHORISING A BELGIAN ACTIVITY TO TAKE OR TO HAVE HARMFUL INTERFERENCE WITH NATIVE ANTARCTIC FAUNA & FLORA (ANNEX II OF THE PROTOCOL)**

**TO BE FILLED WITH BLOCK CAPITALS OR IN ANY EASILY READABLE MANNER !**  
(use preferably a black font or letters and continue on separate sheets if you need more space)

**SECTION A : ORGANISATION, LOGISTICS AND PURPOSE**

NAME OF THE ACTIVITY : .....

1 Applicant

Name: .....

Address: .....

.....

International Tel. No. ....

International Fax No. ....

E-Mail: .....

2 Person responsible for the activity<sup>1</sup> (to be completed if different from the applicant)

Name: .....

Address: .....

.....

International Tel. No. ....

International Fax No. ....

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<sup>1</sup> Any natural or legal person exercising authority over the carrying-out of the principal acts and operations constituting an activity.

E-Mail: .....

3 Companies House Registration No. of the person responsible of the activity (if applicable)

.....

4 Expedition Leader's Name & Nationality :

.....

Contact address: .....

International Tel. No. : ..... Fax No. : .....

E-Mail: .....

Expedition Leader's Antarctic experience and his/her knowledge of the provision of the Antarctic Treaty and its protocol on Environmental Protection :

.....

.....

5 Please provide 24 hour emergency contact Tel. No./Fax No./email

Tel. No. : ..... Fax No. : .....

E-Mail: .....

6 Purpose of the activity in Antarctica

Scientific Research ( )

Tourism ( )

Other ( ) Please specify.....

7 What special arrangements will be made for communication while in Antarctic ?:

.....

8 What provisions have been made for radio communications e.g. equipment to be carried, communication schedules, etc. (including contingency arrangements for loss of contact)?

.....

9 Please provide details of insurance cover for the activity, this should include, where applicable, details of insurance cover held for third party, equipment, medivac, repatriation, and search & rescue (attach copy of policy):

Amount of cover: .....

Policy No. : ..... Expiry date: .....

Name of Insurer: .....

Address of Insurer: .....

.....

International Tel. No. : .....International fax No. : .....

E-mail : .....

**SECTION B : PARTICIPANTS TO THE ACTIVITY**

10 Max. No. of persons whilst in Antarctica: .....

No. of logistic/scientific staff and nationalities: .....

11 Please give details of all the participants to the activity to be covered by the permit (full name, nationalities, passport numbers, etc.). Attach photocopy of key pages of passport for each participants:  
.....

12 Where applicable details the participants previous Antarctic (or polar) experience giving dates, type of experience, including any relevant training, certificates or expertise e.g. this might include previous expeditions, etc. :  
.....

**SECTION C : PROGRAMME, ITINERARY AND ACTIVITY**

13 How do the participants to the activity intend to travel to/from Antarctica? (*please specify tour company or logistics company, ...*)  
.....

14 Country of departure to Antarctica: .....

Expected date of departure : .....

Date of entry in Antarctica<sup>2</sup>: .....

Date of exit from Antarctica<sup>3</sup>: .....

Country of arrival after exit from Antarctica:.....

Expected date of arrival :.....

15 Means of transport once within Antarctica: (e.g. manhaul, skidoo, walking, etc.)  
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<sup>2</sup> Entry into the area of the Antarctic Treaty : south of 60° South Latitude

<sup>3</sup> Exit from the area of the Antarctic Treaty : north of 60° South Latitude

16 Planned itinerary whilst in Antarctica:

Please provide full details of the proposed route(s) in Antarctica giving starting point, destination and routes to be followed: *(This may best be provided as a separate attachment or in plan format)*

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17 Estimation of every species of native mammals (including Ross Seals), birds, plants or invertebrates to be killed, captured or taken<sup>4</sup> or detailed description of any harmful interference<sup>5</sup> with native fauna and flora, with estimated places and dates of the activity :

.....

18 Is any species of living organisms not native to the Antarctic Treaty area to be introduced onto land or ice shelves, or into water ? If yes, specify the species numbers and, if appropriate, age and sex, to be introduced, along with a rationale, justifying the introduction and precautions to be taken to prevent escape or contact with native fauna or flora ? Please specify how these living organisms will be disposed of or removed from Antarctica ?

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19 Detailed the activity to be undertaken and their objective(s) and who will be perform them by which means ? :

.....

20 Justification of the detailed activity to be undertaken ? Is there any risk to jeopardise the native fauna and flora ? :

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21 Detailed information regarding any activity presenting potential risk for the safety or health of the participants notably if there are implying speed, height, heavy physical activity or the use of any specific material(s)<sup>6</sup> :

.....

22 Max No. of persons taking part to the activity and their nationalities :

Total ..... At any one time .....

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<sup>4</sup> to kill, injure, capture, handle or molest a native mammal or bird, or to remove or damage such quantities of native plants or invertebrates that their local distribution or abundance would be significantly affected.

<sup>5</sup> For instance any activity that results in the significant adverse modification of habitats of any species or population of native mammal, bird, plant or invertebrate...

<sup>6</sup> Including Unmanned Aerial Vehicle (UAV)/Remotely Piloted Aircraft System (RPAS) a.k.a. Drone

**SECTION D : ACCESS TO PROTECTED AREAS (if applicable)**

23 The planned activity include access to Antarctic Specially Protected Areas (ASPA) and/or Antarctic Specially Managed Areas (ASMA)<sup>7</sup> ?

YES/NO

In case you answered YES, you will need to apply for a distinct permit, please contact us.

**SECTION E : CONSTRUCTION & PLACEMENT OF INFRASTRUCTURE AND/OR VEHICLES IN ANTARCTICA (if applicable)**

24 The planned activity include any construction<sup>8</sup> or placement<sup>9</sup> of infrastructure<sup>10</sup> or vehicles<sup>11</sup> in Antarctica?

YES/NO

In case you answered YES, you will need to register under the Belgian law these infrastructure(s) and/or vehicle(s), please contact us.

**SECTION F : ENVIRONMENTAL MATTERS**

25 An Environmental Impact Assessment may be needed for your activity. Has the activity, in anticipation of this requirement, been subject to an Environmental Impact Assessment? If so, at what level? If an Initial Environmental Evaluation (IEE) or a Comprehensive Environmental Evaluation (CEE) has been carried out, please attach a copy.

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How are the expedition leader and participants to the activity informed of their environmental responsibilities and who monitors adherence to environmental protection measures taken by the protocol to the Antarctic Treaty, in particular its Annex II, and by belgian legislation and regulation ? :

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**SECTION G : EMERGENCY PROCEDURES & CONTINGENCY PLANNING**

26 Describe activity's emergency procedures (e.g. bad weather, evacuation plans in the event of calling off the activity, etc.) :

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<sup>7</sup> See list at [http://www.ats.aq/devPH/apa/ep\\_protected.aspx?lang=e](http://www.ats.aq/devPH/apa/ep_protected.aspx?lang=e)

<sup>8</sup> Any assembling of components, materials or parts, for the purpose of constructing an infrastructure or the manufacturing of a vehicle;

<sup>9</sup> Any import, deposit, receipt, parking or disposal of any infrastructure or vehicle

<sup>10</sup> Any installation, fixed or mobile, constructed or placed on the soil or on an ice-shelve and capable of accommodating persons or goods or being used as a place for activities

<sup>11</sup> Any means of mechanical locomotion which may be used for the transport of persons or goods, with the exception of ships and aircraft

Describe the procedures for:

a) Medical support and/or evacuation of casualty :

.....

b) Search and Rescue: .....

.....

27 What survival equipment have the participants to the activity ?

Survival suits:.....

.....

Other (describe):.....

.....

28 Have any arrangements been made for other emergency support in Antarctica? Please describe:

.....

**SECTION H : FINAL PROVISIONS**

29 Has the activity obtained, or applied for, any other permits to entry in Antarctica from either another State or for activities other than those specified above? If so, please provide details:

.....

.....

30 Period within which the permit is required.

From: .....

To: .....

Signature: .....

Date: .....

Official position: .....

**This application form should be returned to the following:**

Federal Public Service Health, Food Chain Safety and Environment  
DG5/Unit for Strategic & Multilateral Affairs  
Attn. CEP National Contact point (Antarctic Treaty)  
Place Victor Horta 40/10 - B-1060 Bruxelles  
antarctica@environment.belgium.be

**INTERNAL USE ONLY:**

**REC'D**

**ACK**

**DEC**

**REP**

## ANNEX 1: GUIDANCE TO APPLICANT FOR A PERMIT

1. The attached application form is designed for Belgian non-governmental expeditions wishing to enter and remain in Antarctica. This includes scientific activities, tourism, cruising, sports, etc.
2. "Antarctica" means all the area south of 60° South latitude (Ocean, ice-shelves and land).
3. Any activity in Antarctica organised in Belgium or from Belgium should be authorised beforehand by a written permit delivered by the Federal Minister of Environment
4. Any person taking part to a Belgian expedition who enters and/or remains in Antarctica without either a Belgian permit or a written authorisation from another Contracting Party to the Environmental Protocol or the Antarctic Treaty, will be guilty of an offence under **Title 4 of the law of 21th July 2017**.
5. A permit may also be amended, suspended or revoked at any moment by the Minister under the provisions of **Title 4 of the law of 21th July 2017**.
6. An expedition using a Belgium-registered aircraft or vessel as transport to, within or from Antarctica require a specific permit but the present guidance remain basically the same.
7. Additional permits will also be required for:
  - (a) Accessing Antarctic protected areas.
  - (b) Any taking or harmful interference with native fauna and flora or the introduction of any species of living organisms not native to Antarctica.Any infringement or breach of those dispositions are liable under **Title 5 of the law of 21th July 2017**.
8. If a planned activity include any construction<sup>12</sup> or placement<sup>13</sup> of infrastructure<sup>14</sup> or vehicles<sup>15</sup> in Antarctica, you will need to register under Belgian jurisdiction these infrastructure(s) and/or vehicle(s) in application of the provisions of **Title 3 of the law of 21th July 2017**, we will contact you if it appears to be the case.
9. Permits will normally be issued for a period of one (Antarctic summer) season, approximately November - March or for the duration of the activity, and will not be transferable.
10. Allow at least three months for the issuing of a simple permit but up to five months for a more complicated permit. More time may be needed if the application is for a major activity or is especially unusual or complicated.
11. The FPS Health, Food Chain Security and Environment cannot guarantee that permits will be issued if applicants apply without leaving sufficient documents and time for proper scrutiny of the proposed expedition/activity. We will endeavour to issue permits in the shortest possible time.
12. Permits must be carried whilst in Antarctica, so the issuing of permits must be done prior to your departure to Antarctica.
13. The permit application form should be completed by, or on behalf of, the person responsible of the activity. Permits may be granted to legal persons. Where a legal person requires a permit for a large number of persons, it may not be necessary to provide individual identification details for all expedition members.

The passport photocopies are required for identification purposes in Antarctica, should the expedition be required to produce the permit by an inspection from a contracting party to the Antarctic Treaty.

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<sup>12</sup> Any assembling of components, materials or parts, for the purpose of constructing an infrastructure or manufacturing a vehicle;

<sup>13</sup> Any import, deposit, receipt, parking or disposal of any infrastructure or vehicle;

<sup>14</sup> Any installation, fixed or mobile, constructed or placed on the soil or on an ice-shelf and capable of accommodating persons or goods or being used as a place for activities;

<sup>15</sup> Any means of mechanical locomotion which may be used for the transport of persons or goods, with the exception of ships and aircraft.

14. Do not hold back any information when filling in the form. It is better to give too much detail rather than not enough. Failure to provide enough information will only result in delays in issuing the permit.
15. It is accepted that itineraries are subject to change due to variable weather conditions and unpredictable factors. Nevertheless, we need to know that detailed planning has been properly undertaken. Accordingly, you may wish to append your itinerary to the application form using a format that shows as much detail as is possible e.g. with a map showing routes, etc.
16. The permitting authority may require the applicant to provide at any moment supplementary information to that requested on the application form.
17. In some cases where the proposed activity will have at least a minor or transitory environmental impact, an Environmental Impact Assessment may be required. On application you will be informed if this is necessary for your expedition/activity. You can nevertheless provide that EIA simultaneously with your application. We normally require these be prepared professionally by the applicant. Additional time in the application process should be allowed if there is doubt about the need for such an assessment. Additional time should also be allowed for scrutiny of the impact assessments.
18. Any permit issued is subject to conditions to ensure that the obligations of the annexes to the Environmental Protocol are met: Annex II (Conservation of fauna and flora), III (Waste disposal), IV (marine pollution), V (Area Protection and management).
19. When preparing waste management plans (which must be attached to each application) the following matters in line with Annex III to the protocol need to be adequately considered:

#### Waste Disposal by Removal from Antarctica

- The following wastes must be removed from Antarctica if generated by the permit holder:
  - (a) radio-active materials;
  - (b) electrical batteries;
  - (c) fuel, both solid and liquid;
  - (d) wastes containing harmful levels of heavy metals or acutely toxic or harmful persistent compounds;
  - (e) poly-vinyl chloride (PVC), polyurethane foam, polystyrene foam, rubber and lubricating oils, treated timbers and other products which contain additives that could produce harmful emissions if incinerated;
  - (f) all other plastic wastes, except low density polyethylene containers (such as bags for storing wastes), provided that such containers are incinerated in accordance with recommended methods detailed below;
  - (g) fuel drums;
  - (h) other solid, non-combustible wastes.
- Liquid wastes which are not covered above and sewage and domestic liquid wastes, must, to the maximum extent practicable, be removed from Antarctica.
- The following wastes must also be removed from Antarctica unless incinerated, autoclaved or otherwise treated to be made sterile:



- (a) residues of carcasses of imported animals;
  - (b) laboratory culture of micro-organisms and plant pathogens;
  - (c) introduced avian products.
- Waste Disposal by Incineration should be avoided in Antarctica.
  - Other Waste Disposal on Land :
    - (a) Wastes not removed or disposed of in accordance with the above must not be disposed of onto ice-free areas or into fresh-water systems.
    - (b) Sewage, domestic liquid wastes and other liquid wastes not removed in accordance with the above, must to the maximum extent practicable, not be disposed of onto sea ice, ice shelves or the grounded ice-sheet, provided that such wastes which are generated by stations located inland on ice-shelves or on the grounded ice-sheet may be disposed of in deep ice pits where such disposal is the only practicable option. Such pits must not be located on known ice-flow lines which terminate at ice-free areas or in areas of high ablation.
    - (c) Wastes generated at field camps must, to the maximum extent practicable, be removed to supporting stations or ships for disposal in accordance with this guidance note.
  - Disposal of Waste in the Sea
    - (a) Sewage and domestic liquid wastes may be discharged directly into the sea, taking into account the assimilative capacity of the receiving marine environment and provided that:
      - (I) such discharge is located, whenever practicable, where conditions exist for initial dilution and rapid dispersal; and
      - (II) large quantities of such wastes (generated in a station where the average weekly occupancy over the austral summer is approximately 30 individuals or more) must be treated at least by maceration;
    - (b) The product of sewage treatment by the rotary Biological Contracter process or similar processes may be disposed of into the sea provided that such disposal does not adversely affect the local environment, and provided that any such disposal at sea is in accordance with Annex IV to the Protocol.

- Storage of Waste

All wastes have to be removed from Antarctica, or otherwise disposed of, must be stored in such a way as to prevent their dispersal into the environment before their removal.

- Prohibited Products

No polychlorinated biphenyls (PCBs), non-sterile soil, polystyrene beads, chips or similar forms of packaging, or pesticides (other than those required for scientific, medical or hygiene purposes) must be introduced onto land or ice shelves or into water in Antarctica.

- Waste Management Planning

- (a) The applicant must have in place a waste disposal classification system as a basis for recording wastes and to facilitate studies aimed at evaluating the environmental impacts

of scientific activity and associated logistic support.  
Wastes produced must be classified as:

- (I) sewage and domestic liquid wastes (Group 1);
- (II) other liquid wastes and chemicals, including fuel and lubricants (Group 2);
- (III) solids to be combusted (Group 3);
- (IV) other solid wastes (Group 4); and
- (V) radio-active material (Group 5).

(b) Waste management plans (including waste reduction, storage and disposal) must be continually reviewed and updated specifying:

- (I) programmes for cleaning up existing waste disposal sites and abandoned work sites;
- (II) current and planned waste management arrangements, including final disposal;
- (III) current and planned arrangements for analysing the environmental effects of waste and waste management;
- (IV) other efforts to minimise any environmental effects of waste and waste management.
- (V) management practices.

The applicant must:

- if appropriate designate a waste management official to develop and monitor waste management plans; in the field, this responsibility must be delegated to an appropriate person at each site;
- ensure that persons to be covered by the permit received training to limit the impact of their activities on the Antarctic environment and to inform all the persons taking part to the expedition of these requirements;
- discourage the use of poly-vinyl chloride (PVC) products and ensure that persons covered by the permit are advised of any PVC products they may introduce into Antarctica so that these products may be removed subsequently in accordance with these guidelines.

20. Every person responsible for an activity should provide, within 2 months after the ending date of the permit, an environmental impact assessment of the expedition covered by it. Any future application from the same person will not be taken into consideration until the required assessment will be provided.

21. Further information and advice can be obtained from:

Federal Public Service Health, Food Chain Safety and Environment  
DG5/Unit for Strategic & Multilateral Affairs  
Attn. CEP National Contact point (Antarctic Treaty)  
Place Victor Horta 40/10 B-1060 Bruxelles, antarctica@environment.belgium.be