

Text for the website

Establishment and Activity Decree BES

Short introduction/motivation

(For Papiamento, see documents below).

The Ministry of Infrastructure and Water Management is preparing, in close collaboration with the public entities, the Establishment and Activities Decree BES (Inrichtingen- en Activiteitenbesluit BES). The decree sets environmental rules for businesses for the protection of the environment on Bonaire, St. Eustatius and Saba.

Effected target groups:

- Businesses (establishments);
- The public entities Caribbean Netherlands, including the competent authorities responsible for monitoring, enforcement and permitting for the decree.

Purpose of the Decree

The decree lays down environmental rules for businesses, general binding rules and requirements for permits. The general binding rules include, for example, prevention or restriction of noise nuisance, safe storage of (dangerous) substances and prevention of soil pollution. On the legal basis of this decree, the general binding rules will be further developed in a ministerial decree.

The degree of the impact of a business activity on the environment determines what the business should do:

- Businesses which have a slight or low environmental impact must comply with general binding rules;
- If the environmental impact of the activity is more severe, the company must notify to the public entity when setting up, changing or terminating a business activity and must comply with the general binding rules;
- When the business activity has a heavy impact on the environment, a permit must be requested from the public entity or the national government.

The decree limits and regulates the environmental impact of business activities. This prevents irreversible damage to soil and groundwater, which could be caused, for example, by polluting business activities.

Expected effects of the Decree

The Establishment and Activity Decree leads to cleaner soil and air, but also affects businesses and the public administration. When drafting this decree, the number and type of businesses and the financial consequences for the businesses were taken into account.

Investments are required, among other things, for:

- replacing cess pits for septic tanks or other adequate waste water treatment facilities;
- facilities for safe storage of dangerous substances;
- soil protection facilities.

It is also necessary to invest in the business operation in order that the facilities are used adequately. This has effects for internal business operations, but will not entail additional costs. The introduction of the general binding rules in this decree means that many businesses will no longer need a permit. This is a (administrative) burden reduction for businesses.

The effects for the public administration are focused on KNOWLEDGE and CAPACITY:

It concerns raising the level of knowledge needed to carry out the tasks. This knowledge has been transferred within the implementation project IAB BES.

The effect on capacity is, on the one hand, a reduction by reducing the number of activities subject to a permit. This reduces the number of permits. On the other hand, there are more businesses that are subject to notification and are subject to the environmental rules of the decree. These businesses need to be monitored for compliance and this requires additional commitment from the competent authority for monitoring and enforcement of the decree.

An environmental information point shall be set up prior to the entry into force of the decree.

Purpose of the consultation

The purpose of this consultation is to give everyone the opportunity to respond to the proposed decree.

To which parts of the decree a comment is required

You can up and including PM, respond to all parts of the decree and explanatory memorandum through this website.