

Not Validated translation of the Royal Decree on the transport of Class 7 dangerous goods.

Philippe, King of the Belgians,

To all those present and to come, Greetings.

Having regard to the Constitution, article 108;

Having regard to the law of 15 April 1994 on the protection of the general public and the environment against the hazards arising from ionising radiation and on the Federal Agency for Nuclear Control, article 3, amended by the law of 2 April 2003, articles 4 and 15, amended by the laws of 2 April 2003 and 30 March 2011, article 17bis, inserted by the law of 2 April 2003 and amended by the law of 30 March 2011, and article 18;

Having regard to the Royal Decree of 20 July 2001 laying down General Regulations for the protection of the public, workers and the environment against the hazards of ionising radiation, article 1, amended by the Royal Decree of 24 March 2009, article 23, amended by the Royal Decrees of 23 May 2006 and 26 April 2012, Chapter VII, amended by the Royal Decrees of 24 March 2009 and 30 September 2014, and Annex IA, amended by the decrees of the Federal Agency for Nuclear Control of 9 July 2009, 5 June 2012 and 5 February 2014;

Having regard to the Royal Decree of 27 October 2009 establishing the amount and the method of payment of fees collected pursuant to the regulations on protection against ionising radiation, Table 1;

Having regard to the opinion of the Supreme Council for Prevention and Protection at Work, issued on 11 January 2017;

Having regard to the opinion of the Superior Health Council, issued on 24 January 2017;

Having regard to the report submitted to the European Commission on 1 September 2016 and registered on 12 September 2016, and the response of the European Commission of 9 January 2017;

Having regard to the opinion of the Inspector of Finance, issued on 5 April 2017;

Having regard to the agreement of the Budget Minister, issued on 30 May 2017;

Having regard to the regulatory impact assessment, carried out in accordance with articles 6 and 7 of the law of 15 December 2013 on various provisions concerning administrative simplification;

Having regard to opinion 61.766/2/V of the Council of State, issued on 10 August 2017, pursuant to article 84.1, paragraph 1, 2°, of the laws on the Council of State, restated on 12 January 1973;

At the proposal of Our Minister of Home Affairs and in line with the opinion of Our Ministers as discussed in the Cabinet,

We have decreed and hereby decree:

Chapter 1: Scope.

Article 1: This Decree:

- 1° transposes Directive 2008/68/EC of the European Parliament and of the Council of 24 September 2008 on the inland transport of dangerous goods, as regards Class 7 dangerous goods;
- 2° transposes Council Directive 2013/59/Euratom of 5 December 2013 laying down basic safety standards for protection against the dangers arising from exposure to ionising radiation, and repealing Directives 89/618/Euratom, 90/641/Euratom, 96/29/Euratom, 97/43/Euratom and 2003/122/Euratom, as regards transport.

Art. 2. This Decree shall apply to the transport of Class 7 dangerous goods by any mode of transport and using any means of transport, and to the design, manufacture, maintenance and repair of packaging and of radioactive material.

Art. 3. This Decree shall not apply to the transport within Belgium of equipment or material capable of emitting ionising radiation and that was ordered or authorised by the Minister of Defence or his/her authorised representative, and shall be carried out by:

- 1° the Belgian army;
- or,
- 2° foreign armed forces.

Art. 4. This Decree shall not apply to the transport of:

- 1° natural radiation sources, where the naturally occurring radionuclides they contain are not or have not been processed for their radioactive, fissile or fertile properties, provided the activity or the activity per unit mass does not exceed 10 times the exemption levels;
- 2° radioactive material in consumer products that have been approved for use in accordance with article 65.3 of the General Regulations;
- 3° radioactive material that is an integral part of the means of transport;
- 4° radioactive material implanted or incorporated into a person or live animal for diagnosis or treatment;
- 5° radioactive material in or on a person who is to be transported for medical treatment;
- 6° non-radioactive solid objects with radioactive substances present on any surface in quantities not in excess of 0.4 Bq/cm² for beta and gamma emitters and low toxicity alpha emitters, or 0.04 Bq/cm² for all other alpha emitters;

7° radioactive material contained in instruments or articles or that forms an integral part thereof, and whose activity does not exceed the values of the approved alternative activity limits for an exempt consignment.

Chapter 2: Definitions.

Art. 5. For the purposes of this Decree and its implementation, the definitions given in article 2 of the Royal Decree of 20 July 2001 laying down General Regulations for the protection of the public, workers and the environment against the hazards of ionising radiation shall apply.

In addition to these definitions:

- 1° the definitions relating to Class 7 dangerous goods, included in the applicable international agreements and regulations governing the transport of dangerous goods, shall apply;
- 2° the following terms shall be defined as follows for the purposes of this Decree:
 - a) the Agency: the Federal Agency for Nuclear Control;
 - b) the applicable international agreements and regulations governing the transport of dangerous goods:
 - 1) the European Agreement concerning the International Carriage of Dangerous Goods by Road (ADR);
 - 2) the Regulations concerning the International Carriage of Dangerous Goods by Rail (RID), which forms Appendix I to the Convention concerning International Carriage by Rail (COTIF);
 - 3) the Technical Instructions for the Safe Transport of Dangerous Goods by Air, published by the International Civil Aviation Organisation (ICAO);
 - 4) the International Maritime Dangerous Goods Code (IMDG), published by the International Maritime Organisation (IMO);
 - 5) the European Agreement concerning the International Carriage of Dangerous Goods by Inland Waterways (ADN);
 - c) UN group: a group of Class 7 dangerous goods classified by UN number for the radioactive material;
 - d) UN number: the identification number composed of four digits preceded by the letters "UN" that is assigned to all hazardous materials under the applicable international agreements and regulations governing the transport of dangerous goods;
 - e) transport: all operations and conditions associated with, and involved in, the movement of Class 7 dangerous goods, including the preparation, consigning, loading, carriage, as well as any interruptions of transport, in-transit storage, unloading and receipt at the final destination of loads of Class 7 dangerous goods;
 - f) carrier: natural or legal person who transports Class 7 dangerous goods;
 - g) mode of transport: transport by road or transport by air or transport by rail or transport by sea or transport by inland waterway;
 - h) conveyance:
 - 1) for transport by road or rail: any road vehicle or railway wagon;

- 2) for transport by water: any vessel, or any hold, compartment, or defined deck area of a vessel;
 - 3) for transport by air: any aircraft;
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- i) multimodal transport: transport involving at least two different modes of transport within Belgian territory; in the case of maritime or air transport, this can also refer to a change from one means of transport to another within the same mode of transport;
 - j) person in charge of the supervision of the transport: the person designated by the carrier company manager, or the head of an organisation involved in the multimodal transport or the head of an organisation that sets up an interruption site, to monitor the application of these regulations and of the General Regulations and to ensure that the carrier or the organisation implements them;
 - k) Class 7 safety adviser: person designated in accordance with the provisions of the Royal Decree of 5 July 2006 on the appointment and vocational qualification of safety advisers for the transport of dangerous goods by road, rail and inland waterway;
 - l) General Regulations: the Royal Decree of 20 July 2001 laying down the General Regulations for the protection of the public, workers and the environment against the hazards of ionising radiation;
 - m) interruption site: place where transports may be interrupted for longer than 72 hours and that is recognized for this purpose under the provisions of this Decree;
 - n) exemption levels: the values of the activity and the activity per unit mass determined by the applicable international agreements and regulations governing the transport of dangerous goods;
 - o) Class 7 dangerous goods: the substances, including solutions and mixtures, classified by a consignor in accordance with the international regulations governing the transport of dangerous goods as radioactive material (Class 7) or in another hazard class where Class 7 is a subsidiary risk, and to which a UN number has been assigned;
 - p) one-off transport of Class 7 dangerous goods: the transport of Class 7 dangerous goods carried out no more than once in any 12-month period by an unrecognized carrier;
 - q) sporadic handling: the handling, no more than four times in any 12-month period, of packages, containers, tanks or conveyances containing Class 7 dangerous goods by an unrecognized organisation involved in the multimodal transport of Class 7 dangerous goods;
 - r) package: the packaging with its radioactive contents as presented for transport;
 - s) special form radioactive material: either a non-dispersible solid radioactive material or a sealed capsule containing radioactive material, as defined in the applicable international agreements and regulations governing the transport of dangerous goods;

- t) organisation involved in the multimodal transport of Class 7 dangerous goods: natural or legal person involved in loading or unloading means of transport or handling Class 7 dangerous goods, associated with the change of mode of transport within Belgium, including storage in transit and changing from one means of transport to another within the same mode of transport in the case of air or maritime transport;
- u) manufacturing records of a packaging: all documents and/or other relevant information proving that a packaging was made according to the package design;
- v) interruption of transport: the interruption of transports for longer than 2 hours, with the exception of waiting times during loading and unloading in a classified facility and with the exception of storage in transit;
- w) alternative activity limit for an exempt consignment: the value of the activity per consignment that is higher than that laid down in the applicable international agreements and regulations governing the transport of dangerous goods and that must be approved by the Agency;
- x) safety options report: report showing how the safety functions of a package design will be demonstrated in the safety assessment report;
- y) safety report: all documents that justify the compliance with the regulatory provisions;
- z) storage in transit: temporary storage of packages, containers, tanks or means of transport between two different modes of transport.

Chapter 3: General provisions.

Section 3.1: General.

Art. 6. The transport of Class 7 dangerous goods must comply with the provisions of the applicable international agreements and regulations governing the transport of dangerous goods.

Art. 7. The transport of Class 7 dangerous goods, the handling, during multimodal transport, of packages, containers or tanks containing these goods and the establishment of an interruption site may only be carried out by natural or legal persons recognized by the Agency under the provisions of this Decree.

Organisations or companies that prepare packages, containers or tanks for transport do not need to apply for recognition if they have a licence granted pursuant to Chapter II of the General Regulations.

Art. 8. In relation to the transport of Class 7 dangerous goods, the powers entrusted to the competent authority in this area under the applicable international agreements and regulations governing the transport of dangerous goods are exercised by the Agency.

Art. 9. The movement of radioactive material within a classified facility licensed in

accordance with the provisions of Chapter II of the General Regulations does not need to comply with the provisions of this Decree if it does not involve the use of the public highway, the public rail network or the public waterway network. The Agency can establish guidelines and/or recommendations for such movements within classified facilities.

Art. 10. Interruptions of transports for a period of more than 72 hours may only take place at an interruption site recognized by the Agency in accordance with the provisions of Chapter 5 of this Decree.

Interruptions of transports for a period of less than 72 hours may only take place at locations known to the Agency in accordance with the provisions of Chapter 5 of this Decree.

Art. 11. The security of national and international transport of nuclear material is governed by the Royal Decree of 17 October 2011 on the physical protection of nuclear material and nuclear installations.

With regard to the security of the transport of Class 7 dangerous goods other than those regarded as nuclear material, compliance with the provisions of the applicable international agreements and regulations governing the transport of dangerous goods is required. The Agency can establish guidelines on how to fulfil the obligations in these agreements and regulations. The Agency shall also determine how and in what form the envisaged security plan must be drawn up and, where applicable, submitted to the Agency.

Art. 12. To enhance the safety of the transport of Class 7 dangerous goods, the Agency can ex officio amend, supplement or impose new conditions in recognitions, licences and approvals.

To enhance the security of the transport of Class 7 dangerous goods that do not fall within the scope of the Royal Decree of 17 October 2011 on the physical protection of nuclear material and nuclear installations, the Agency can ex officio amend, supplement or impose new conditions in recognitions and licences.

Art. 13. The Minister or his authorized representative may regulate, strictly for reasons other than safety during transport, the transport of Class 7 dangerous goods within Belgium.

The Minister or his authorized representative may, on grounds of transport safety, apply more stringent provisions, with the exception of construction requirements, concerning the national transport of Class 7 dangerous goods by vehicles, wagons and inland waterway vessels registered or put into circulation in Belgium.

Section 3.2: Derogations for the transport of Class 7 dangerous goods by road, rail or inland waterway.

Art. 14. The Agency may lay down specific safety requirements for the national and international transport of Class 7 dangerous goods as regards:

- 1° the transport of dangerous goods by means of transport that are not covered by the applicable international agreements and regulations governing transport by road, rail or inland waterway;

- 2° the use of prescribed routes or the use of prescribed modes of transport;
- 3° the transport of Class 7 dangerous goods in passenger trains.

Art. 15. §1. Provided that safety is not compromised and provided that the European Commission has given its prior consent, the Minister or his authorized representative may authorise derogations from the applicable international agreements and regulations governing transport by road, rail or inland waterway, in respect of the national transport of small quantities of Class 7 dangerous goods, provided that the conditions for such transport are no more stringent than those set out in the applicable international agreements and regulations.

§2. Provided that safety is not compromised and provided that the European Commission has given its prior consent, the Agency may authorise, for national transport, derogations from the provisions of applicable international agreements and regulations governing transport by road, rail or inland waterway with regard to:

- 1° local transport of dangerous goods over short distances;
- or,
- 2° local transport by rail on particular designated routes, forming part of a defined industrial process and being closely controlled under clearly specified conditions.

Art. 16. When a transport is carried out applying a derogation based on article 15, a copy of the decision to grant the derogation must be present during transport.

Art. 17. Loading foodstuffs, medicines (except for radiopharmaceutical products), chemicals, other dangerous goods and/or photographic material in the same load compartment as the Class 7 dangerous goods is prohibited.

Chapter 4: Obligations of the carrier.

Section 4.1: General provisions.

Art. 18. Any carrier of Class 7 dangerous goods must obtain a recognition from the Agency before transporting these goods for the first time.

In the case of one-off transport of Class 7 dangerous goods, the recognition may be granted in the form of a licence for this one-off transport. #

Art. 19. Before a carrier can be recognized, he must have at least the following:

- 1° a management system in accordance with the provisions of the applicable international agreements and regulations governing the transport of dangerous goods, whereby the carrier can guarantee and demonstrate that Class 7 dangerous goods are always transported safely and properly. The Agency can establish regulations regarding this management system;
- 2° a radiation protection programme in accordance with the provisions of the applicable international agreements and regulations governing the transport of dangerous goods. The Agency can determine regulations for this radiation protection programme;
- 3° an internal emergency procedure. The Agency can establish regulations for this procedure;
- 4° a person in charge of the supervision of the transport;

5° a health physics department, as set out in the General Regulations;
6° third-party liability insurance.

Art. 20. De recognition can cover one or more of the following UN groups:

1. UN-group 1: covers the class 7 dangerous goods in excepted packages as defined in the applicable international agreements and regulations governing the transport of dangerous goods;
2. UN-group 2: covers the non-fissile or fissile excepted class 7 dangerous goods as defined in the applicable international agreements and regulations governing the transport of dangerous goods, with the exception of those covered by the UN group 4;
3. UN-group 3: covers the fissile class 7 dangerous goods as defined in the applicable international agreements and regulations governing the transport of dangerous goods, with the exception of those covered by the UN group 4;
4. UN-group 4: covers Uranium hexafluoride with the exceptions of those covered by the UN group 1.

The recognition can be limited to one or more UN numbers within the same UN group.

The Agency determines which UN number, as defined in the applicable international agreements and regulations governing the transport of dangerous goods, will be part of which UN group.

Section 4.2: Application for recognition.

Art. 21. An application for recognition must be submitted to the Agency in accordance with the arrangements stipulated by the Agency. The content of the application for the recognition shall be determined by the Agency.

Depending on the UN group(s) for which recognition is requested and on the mode of transport, the Agency may require other information.

The Agency may request any additional information it deems necessary to be able to consider the recognition application and the Agency may verify this information with the carrier.

Art. 22. The application for recognition must be submitted by the carrier using the appropriate form provided by the Agency. The Agency shall decide on how this form is to be used and submitted.

Art. 23. The Agency shall reach a decision within three months of receiving the complete application for recognition or within a longer period that is justified by the technical analysis of the documents and information included in the application.

Art. 24. If the Agency is of the opinion that the requested recognition ought to be granted, a recognition decree shall be drawn up and notified to the applicant.

Art. 25. §1. The recognition shall be granted for a maximum period of five years.

§2. The recognition may be restricted to a part of the Class 7 dangerous goods for which

the recognition was requested, or may be granted for a shorter period than requested. These restrictions shall be motivated.

§3. The Agency may impose conditions in the recognition decree regarding the safety of the transport of Class 7 dangerous goods, concerning in particular:

- 1° the responsibilities of the holder of the recognition;
- 2° the minimum qualifications of the personnel;
- 3° the procedures and communication channels in an emergency;
- 4° the working procedures to be followed;
- 5° the radiation protection programme;
- 6° the management system.

The conditions imposed by the Agency in the recognition decree may vary depending on the UN group(s) and the mode of transport for which the recognition is granted.

Art. 26. If the Agency is of the opinion that the requested recognition ought not to be granted, or not granted in full, it shall notify the applicant, specifying that he has the right to be heard within thirty calendar days of notification.

If the applicant wishes to use his right to be heard, he has to announce this in writing to the Agency, no later than the 15th day after the notification.

When the applicant is heard by the Agency, the Agency shall make its final decision taking into account any additional information provided.

Section 4.3: Amendment of the recognition.

Art. 27. In the event of any amendments being made to the information and documents provided with the application for recognition that are such as to amend the operative part of the recognition decree, an application for amendment of the recognition must immediately be submitted to the Agency.

This application must contain at least the information that has been amended as well as the information updated since the recognition was obtained.

This application must be submitted by the recognized carrier using a form provided by the Agency.

The Agency shall decide on how this form is to be used and submitted.

Art. 28. The Agency shall reach a decision within two months of receiving the complete application for amendment of the recognition or within a longer period that is justified by the technical analysis of the documents and information included in the application.

Art. 29. If the Agency is of the opinion that the amendments can be accepted, an amended recognition decree shall be drawn up and notified to the applicant.

The amended recognition may be restricted to part of the Class 7 dangerous goods for which the recognition was requested, or may be granted for a shorter period than requested. These restrictions shall be motivated.

Art. 30. §1. The amended recognition shall be normally granted with the same expiry date as the original recognition. The Agency can also grant the recognition for a shorter period. If amendment and prolongation are applied for together, the maximum term of the amended recognition is five years.

§2. The Agency may impose conditions in the recognition decree regarding the safety of the transport of Class 7 dangerous goods, concerning in particular:

- 1° the responsibilities of the holder of the recognition;
- 2° the minimum qualifications of the personnel;
- 3° the procedures and communication channels in an emergency;
- 4° the working procedures to be followed;
- 5° the radiation protection programme;
- 6° the management system.

The conditions imposed by the Agency in the recognition decree may vary depending on the UN group(s) and the mode of transport for which the recognition is granted.

Art. 31. If the Agency is of the opinion that the amendments cannot or cannot entirely be accepted, it shall notify the applicant, specifying that he has the right to be heard within thirty calendar days of notification.

If the applicant wishes to use his right to be heard, he has to announce this in writing to the Agency, no later than the 15th day after the notification.

When the applicant is heard by the Agency, the Agency shall make its final decision taking into account any additional information provided.

Art. 32. The Agency shall determine which amendments to the information and data provided in the application for recognition and not provided in article 27 must immediately be notified to the Agency without these requiring an application for amendment of the recognition decree. The Agency shall also determine how this notification is to be made.

Section 4.4: Prolongation of the recognition.

Art. 33. An application for prolongation of a recognition must be submitted to the Agency at least two months before expiry of the current recognition in accordance with the arrangements stipulated by the Agency.

This application must be submitted by the recognized carrier and must contain at least an update of the information provided when the recognition that needs to be prolonged was obtained.

This application must be submitted using a form provided by the Agency. The Agency shall decide on how this form is to be used and submitted.

Art. 34. The Agency shall reach a decision within two months of receiving the complete application to prolong the recognition or within a longer period that is justified by the technical analysis of the documents and information included in the application.

Art. 35. §1. The recognition shall be prolonged for a maximum period of five years.

§2. The recognition may be restricted to part of the Class 7 dangerous goods for which the recognition was requested, or may be granted for a shorter period than requested. These restrictions shall be motivated.

§3. The Agency may impose conditions in the recognition decree regarding the safety of the transport of Class 7 dangerous goods, concerning in particular:

- 1° the responsibilities of the holder of the recognition;

- 2° the minimum qualifications of the personnel;
- 3° the procedures and communication channels in an emergency;
- 4° the working procedures to be followed;
- 5° the radiation protection programme;
- 6° the management system.

The conditions imposed by the Agency in the recognition decree may vary depending on the UN group(s) and the mode of transport for which the recognition is granted.

Art. 36. If the Agency is of the opinion that the prolongation cannot or cannot entirely be accepted, it shall notify the applicant, specifying that he has the right to be heard within thirty calendar days of notification.

If the applicant wishes to use his right to be heard, he has to announce this in writing to the Agency, no later than the 15th day after the notification.

When the applicant is heard by the Agency, the Agency shall make its final decision taking into account any additional information provided.

Section 4.5: Monthly report.

Art. 37. No later than twenty-one calendar days after the end of each month, each recognized carrier shall provide the Agency with an overview of the transports performed during the previous month, except if the Agency has already received this information in another way.

This overview must be made using a form drawn up by the Agency or in another way deemed by the Agency to be at least as efficient.

The Agency shall decide on how the reporting must take place.

Section 4.6: Licence for the transport of Class 7 dangerous goods.

Subsection 4.6.1: General provisions.

Art. 38. In addition to the transports covered by a shipment approval defined in the applicable international agreements and regulations governing the transport of dangerous goods, the following transports require a preliminary licence:

- 1° one-off transport of Class 7 dangerous goods carried out by an unrecognized carrier;
- 2° transport of Class 7 dangerous goods carried out by a recognized carrier and defined by the Agency.

The shipment approval certificate issued by the Agency shall serve as a preliminary licence.

Subsection 4.6.2: Application for a licence or a shipment approval certificate.

Art. 39. An application to obtain a licence or a shipment approval certificate must be submitted to the Agency in accordance with the arrangements stipulated by the Agency.

With the exception of applications for a one-off transport, applications to obtain a licence or a shipment approval certificate must be submitted by a recognized carrier.

The Agency can determine that the application may be submitted by other parties involved in the transport.

The Agency reserves the right to directly contact other parties involved in the transport of Class 7 dangerous goods in order to obtain additional information.

The content of the application shall be determined by the Agency, depending on the type of transport for which a licence or a shipment approval certificate is requested.

The Agency may request any additional information it deems necessary to be able to consider an application and the Agency may verify this information with the carrier.

The application must be submitted using the appropriate form provided by the Agency. The Agency shall decide on how this form is to be used and submitted.

Art. 40. The Agency shall reach a decision within one month of receiving the complete licence application for the transports referred to in points 1 and 2 of the first paragraph of article 38 or within a longer period that is justified by the technical analysis of the documents and information included in the application.

In the case of an application for a shipment approval certificate, as referred to in article 38, this period shall be extended to six months, or longer if it is justified by the technical analysis of the documents and information included in the application.

Art. 41. If the Agency is of the opinion that the requested application for a licence or a shipment approval certificate ought to be granted, it shall draw up a licence decree or a shipment approval certificate and send it to the applicant.

Art. 42. §1. The licence or the shipment approval certificate shall be valid only for the period during which the transport(s) take(s) place, with a maximum validity of five years.

§2. The Agency may impose conditions in the licence decree or in the shipment approval certificate with a view to enhancing the safety of the transport of Class 7 dangerous goods, concerning in particular:

- 1° the responsibilities of the licensee;
- 2° the minimum qualifications of the personnel;
- 3° the procedures and communication channels in an emergency;
- 4° the working procedures to be followed;
- 5° radiation protection;
- 6° the management system.

The conditions imposed by the Agency may vary depending on the Class 7 dangerous goods and the mode of transport for which the licence or the shipment approval certificate is granted.

Art. 43. If the Agency is of the opinion that the requested licence or shipment approval certificate ought not to be granted, or not granted in full, it shall notify the applicant, specifying that he has the right to be heard within thirty calendar days of notification.

If the applicant wishes to use his right to be heard, he has to announce this in writing to the Agency, no later than the 15th day after the notification.

When the applicant is heard by the Agency, the Agency shall make its final decision taking into account any additional information provided.

Subsection 4.6.3: Amendment of the licence or the shipment approval certificate.

Art. 44. In the event of any amendments being made to the information and documents provided with the application for a licence or a shipment approval certificate that are such as to amend the operative part of the licence decree or the shipment approval certificate, an application for amendment of the licence or the shipment approval certificate must immediately be submitted to the Agency. This application must contain at least the information that has been amended since the licence or a shipment approval certificate was obtained.

The application must be submitted by the licensee or the holder of the shipment approval certificate using a form provided by the Agency. The Agency shall decide on how this form is to be used and submitted.

Art. 45. The Agency shall reach a decision within 15 days of receiving the complete application to amend a licence, as referred to in points 1 and 2 of the first paragraph of article 38, or within a longer period that is justified by the technical analysis of the documents and information included in the application.

In the case of an application to amend a shipment approval certificate, as referred to in article 38, this period shall be extended to six months, or longer if it is justified by the technical analysis of the documents and information included in the application.

Art. 46. If the Agency is of the opinion that the amendments can be accepted, an amended licence decree or an amended shipment approval certificate shall be sent to the applicant by way of notification.

Art. 47. The amended licence or the amended shipment approval certificate shall be granted with the same expiry date as the original licence or shipment approval certificate, with a maximum validity of five years.

Art. 48. If the Agency is of the opinion that the amendments cannot or cannot entirely be accepted, it shall notify the applicant, specifying that he has the right to be heard within thirty calendar days of notification.

If the applicant wishes to use his right to be heard, he has to announce this in writing to the Agency, no later than the 15th day after the notification.

When the applicant is heard by the Agency, the Agency shall make its final decision taking into account any additional information provided.

Subsection 4.6.4: Prolongation of the licence or the shipment approval certificate

Art. 49. An application for the prolongation of a licence or a shipment approval certificate must be submitted to the Agency at least one month before expiry of the current licence or shipment approval certificate in accordance with the arrangements stipulated by the Agency.

This application must be submitted by the licensee or the holder of the certificate and must contain at least an update of the information provided when the licence or the shipment approval certificate that needs to be prolonged was obtained.

This application must be submitted using a form provided by the Agency in accordance with

the arrangements stipulated by the Agency.

Art. 50. The Agency shall reach a decision within one month of receiving the complete application for the prolongation of the licence or the shipment approval certificate or within a longer period that is justified by the technical analysis of the documents and information included in the application.

Art. 51. If the Agency is of the opinion that the prolongation can be accepted, a new licence or shipment approval certificate shall be sent to the applicant by way of notification.

Art. 52. The prolonged licence or the prolonged shipment approval certificate shall be valid only for the period during which the transport(s) take(s) place, with a maximum validity of five years.

Art. 53. If the Agency is of the opinion that the prolongation cannot or cannot entirely be accepted, it shall notify the applicant, specifying that he has the right to be heard within thirty calendar days of notification.

If the applicant wishes to use his right to be heard, he has to announce this in writing to the Agency, no later than the 15th day after the notification.

When the applicant is heard by the Agency, the Agency shall make its final decision taking into account any additional information provided.

Section 4.7: Subcontracting.

Subsection 4.7.1: General provisions.

Art. 54. Subject to the conditions laid down by the Agency, the recognized carrier may subcontract the transport of Class 7 dangerous goods, with the exception of the transport of nuclear material in physical protection group A, as referred to in the Royal Decree of 17 October 2011 on the physical protection of nuclear material and nuclear installations.

The recognized carrier shall, however, remain responsible for proper compliance with the regulatory provisions relating to the transport of Class 7 dangerous goods.

Art. 55. It is prohibited for the subcontractor to further subcontract the transport of Class 7 dangerous goods that has been entrusted to him by a recognized carrier.

Subsection 4.7.2: Conditions for subcontracting

Art. 56. Class 7 dangerous goods may only be transported by a subcontractor if the latter is included in the recognized carrier's recognition decree.

Art. 57. The recognized carrier must enter into a written undertaking with each of the subcontractors to whom it wishes to entrust transports.

The recognized carrier must inform each of his subcontractors about the provisions relating to the radiation protection programme, the emergency procedure and the management system that the subcontractor is required to comply with when carrying out any transport subcontracted to him by the recognized carrier.

In exceptional cases, the subcontractor's own radiation protection programme, emergency

procedure and management system may apply during the transports entrusted to him by a recognized carrier.

The Agency can determine further arrangements concerning this subcontracting.

Section 4.8: Advance notification

Art. 58. Transports that require specific monitoring from the point of view of radiation protection, transport safety and/or transport security or the nature of the risks associated with the dangerous goods of Class 7 must be notified to the Agency in advance.

This notification must be submitted using a form drawn up by the Agency.

The Agency shall decide on how this form is to be used and how and when it is to be submitted.

Section 4.9: Obligations of the carrier during multimodal transport.

Art. 59. A carrier who brings Class 7 dangerous goods into Belgium and for which a change in the mode of transport within Belgian territory is foreseen must, before the Class 7 dangerous goods enter Belgium, ensure that these goods can be handled and subsequently transferred in accordance with the provisions of this Decree.

This carrier shall also be responsible for organising the immediate transfer from one means of transport to another. If immediate transfer is not possible and/or in unforeseen circumstances, he shall be responsible for applying all measures required by the Agency or by other competent authorities to ensure the safety of the transport of the Class 7 dangerous goods.

Chapter 5: Obligations in the event of interruption of the transport of Class 7 dangerous goods.

Section 5.1: Interruptions at an interruption site.

Subsection 5.1.1: General provisions.

Art. 60. A carrier may interrupt the transport of Class 7 dangerous goods for longer than 72 hours only if this interruption takes place at an interruption site that is recognized by the Agency or at a location within a classified facility that is licensed for the transported material in accordance with Chapter II of the General Regulations.

The maximum duration of the interruption at a recognized interruption site is 15 days.

The transport of nuclear material in physical protection group A, as defined in the Royal Decree of 17 October 2011 on the classification of nuclear material and the definition of security zones in nuclear installations and nuclear transport companies, may not be interrupted without the prior explicit consent of the Agency.

Art. 61. Before an interruption site can be recognized as such, the organisation wishing to set up the interruption site must have at least the following:

- 1° a management system in accordance with the provisions of the applicable

<p>international agreements and regulations governing the transport of dangerous goods. The Agency can establish regulations regarding this management system;</p> <p>2° a radiation protection programme in accordance with the provisions of the applicable international agreements and regulations governing the transport of dangerous goods. The Agency can determine regulations for this radiation protection programme;</p> <p>3° an internal emergency procedure. The Agency can establish regulations for this procedure;</p> <p>4° a person in charge of the supervision of the transport;</p> <p>5° a health physics department, as set out in the General Regulations;</p> <p>6° a risk assessment relating, among other things, to safety, security, radiation protection, fire, theft and sabotage;</p> <p>7° third-party liability insurance.</p>
<p>Art. 62. While transport is interrupted, the containers, packages or tanks must remain stowed in or on the vehicle. The containers, packages or tanks may not be opened without the explicit consent of the Agency.</p>
<p>Art. 63. The Agency shall determine the other conditions that the interruption site must meet as well as the conditions that must be complied with while the transport is interrupted.</p>
<p>Subsection 5.1.2: Application for recognition.</p>
<p>Art. 64. The head of the organisation wishing to set up an interruption site must submit an application for recognition to the Agency in accordance with the arrangements stipulated by the Agency.</p> <p>The content of the application for recognition shall be determined by the Agency.</p> <p>The Agency may request any additional information it deems necessary to be able to consider the recognition application and the Agency may verify this information with the organisation concerned.</p> <p>The application for recognition of an interruption site must be submitted to the Agency using a form provided by the Agency. The Agency shall decide on how this form is to be used and submitted.</p>
<p>Art. 65. The Agency shall reach a decision within three months of receiving the complete application for recognition or within a longer period that is justified by the technical analysis of the documents and information included in the application.</p>
<p>Art. 66. If the Agency is of the opinion that the requested recognition ought to be granted, a recognition decree shall be drawn up and notified to the applicant.</p>
<p>Art. 67. §1. The recognition shall be granted for a maximum period of five years.</p> <p>§2. The recognition may be restricted to part of the Class 7 dangerous goods for which the recognition was requested, or may be granted for a shorter period than requested. These restrictions shall be motivated.</p> <p>§3. The Agency may impose conditions in the recognition decree regarding the safety of</p>

the transport of Class 7 dangerous goods, concerning in particular:

- 1° the maximum duration of the interruption;
- 2° the responsibilities of the holder of the recognition;
- 3° the minimum qualifications of the personnel;
- 4° the procedures and communication channels in an emergency;
- 5° the working procedures to be followed;
- 6° the radiation protection programme;
- 7° the management system.

The conditions imposed by the Agency in the recognition decree may vary depending on the risks associated with the Class 7 dangerous goods for which the recognition is granted, and on the location and the environment in which the interruption site is set up.

Art. 68. If the Agency is of the opinion that the requested recognition ought not to be granted, or not granted in full, it shall notify the applicant, specifying that he has the right to be heard within thirty calendar days of notification.

If the applicant wishes to use his right to be heard, he has to announce this in writing to the Agency, no later than the 15th day after the notification.

When the applicant is heard by the Agency, the Agency shall make its final decision taking into account any additional information provided.

Subsection 5.1.3: Amendment of the recognition.

Art. 69. In the event of any amendments being made to the information and documents provided with the application for recognition that are such as to amend the operative part of the recognition decree, an application for amendment of the recognition must immediately be submitted to the Agency.

This application must contain at least the information that has been amended as well as the information updated since the recognition was obtained.

This application must be submitted by the holder of the recognition for the interruption site using a form provided by the Agency.

The Agency shall decide on how this form is to be used and submitted.

Art. 70. The Agency shall reach a decision within two months of receiving the complete application for amendment of the recognition or within a longer period that is justified by the technical analysis of the documents and information included in the application.

Art. 71. If the Agency is of the opinion that the amendments can be accepted, an amended recognition decree shall be drawn up and notified to the applicant.

The amended recognition may be restricted to part of the Class 7 dangerous goods for which the recognition was requested, or may be granted for a shorter period than requested. These restrictions shall be motivated.

Art. 72. §1. The amended recognition shall be normally granted with the same expiry date as the original recognition. The Agency can also grant the recognition for a shorter period.

If amendment and prolongation are applied for together, the maximum term of the

amended recognition is five years.

§2. The Agency may impose conditions in the recognition decree regarding the safety of the transport of Class 7 dangerous goods, concerning in particular:

- 1° the maximum duration of the interruption;
- 2° the responsibilities of the holder of the recognition;
- 3° the minimum qualifications of the personnel;
- 4° the procedures and communication channels in an emergency;
- 5° the working procedures to be followed;
- 6° the radiation protection programme;
- 7° the management system.

The conditions imposed by the Agency in the recognition decree may vary depending on the risks associated with the Class 7 dangerous goods for which the recognition is granted, and on the location and the environment in which the interruption site is set up.

Art. 73. If the Agency is of the opinion that the amendments cannot or cannot entirely be accepted, it shall notify the applicant, specifying that he has the right to be heard within thirty calendar days of notification.

If the applicant wishes to use his right to be heard, he has to announce this in writing to the Agency, no later than the 15th day after the notification.

When the applicant is heard by the Agency, the Agency shall make its final decision taking into account any additional information provided.

Art. 74. The Agency shall determine which amendments to the information and data provided in the application for recognition and not provided for in article 69 must immediately be notified to the Agency. The Agency shall also determine how notification is to be made.

Subsection 5.1.4: Prolongation of the recognition.

Art. 75. An application for the prolongation of a recognition must be submitted to the Agency at least two months before expiry of the recognition in accordance with the arrangements stipulated by the Agency.

This application must be submitted by the holder of the recognition for the interruption site and must contain at least an update of the information provided when the recognition that needs to be prolonged was obtained.

This application must be submitted using a form provided by the Agency. The Agency shall decide on how this form is to be used and submitted.

Art. 76. The Agency shall reach a decision within two months of receiving the complete application to prolong the recognition or within a longer period that is justified by the technical analysis of the documents and information included in the application.

Art. 77. If the Agency is of the opinion that the prolongation can be accepted, a new recognition decree shall be drawn up and notified to the applicant.

The prolonged recognition may be restricted to part of the Class 7 dangerous goods for which the recognition was requested, or may be granted for a shorter period than

requested. These restrictions shall be motivated.

Art. 78. §1. The recognition shall be prolonged for a maximum period of five years.

§2. The recognition may be restricted to part of the Class 7 dangerous goods for which the recognition was requested, or may be granted for a shorter period than requested. These restrictions shall be motivated.

§3. The Agency may impose conditions in the recognition decree regarding the safety of the transport of Class 7 dangerous goods, concerning in particular:

- 1° the maximum duration of the interruption;
- 2° the responsibilities of the holder of the recognition;
- 3° the minimum qualifications of the personnel;
- 4° the procedures and communication channels in an emergency;
- 5° the working procedures to be followed;
- 6° the radiation protection programme;
- 7° the management system.

The conditions imposed by the Agency in the recognition decree may vary depending on the Class 7 dangerous goods for which the recognition is granted, and on the location and the environment in which the interruption site is set up.

Art. 79. If the Agency is of the opinion that the prolongation cannot or cannot entirely be accepted, it shall notify the applicant, specifying that he has the right to be heard within thirty calendar days of notification.

If the applicant wishes to use his right to be heard, he has to announce this in writing to the Agency, no later than the 15th day after the notification.

When the applicant is heard by the Agency, the Agency shall make its final decision taking into account any additional information provided.

Section 5.2: Other interruptions of transports

Art. 80. Interruptions of the transport of Class 7 dangerous goods for less than 72 hours may take place only in locations previously known to the Agency and for which the Agency has given its consent.

The Agency may establish conditions for these interruptions.

A recognized carrier wishing to interrupt a transport for less than 72 hours must notify the Agency of this in advance. The Agency can establish guidelines with prescriptions which have to be respected during the interruption of the transport.

Chapter 6: Obligations of an organisation involved in the multimodal transport of Class 7 dangerous goods.

Section 6.1: General provisions.

Art. 81. Organisations that are involved in handling Class 7 dangerous goods during the multimodal transport of these goods must be recognized by the Agency.

Art. 82. Before an organisation involved in the multimodal transport of Class 7 dangerous

goods can be recognized, it must have at least the following:

- 1° a management system in accordance with the provisions of the applicable international agreements and regulations governing the transport of dangerous goods, whereby the organisation can guarantee and demonstrate that Class 7 dangerous goods are always handled safely and properly, including any storage in transit. The Agency can establish regulations regarding this management system;
- 2° a radiation protection programme for the handling of Class 7 dangerous goods, including any storage in transit, in accordance with the provisions of the applicable international agreements and regulations governing the transport of dangerous goods. The Agency can determine regulations for this radiation protection programme;
- 3° an internal emergency procedure, including a risk assessment of any storage in transit. The Agency can establish regulations regarding this procedure;
- 4° a person in charge of the supervision of the transport;
- 5° a health physics department, as set out in the General Regulations;
- 6° if applicable, a suitable in-transit storage location;
- 7° third-party liability insurance.

Section 6.2: Application for recognition.

Art. 83. The recognition can be requested for all or part of the handling operations associated with the multimodal transport of Class 7 dangerous goods.

In the case of sporadic handling of Class 7 dangerous goods, this recognition can be granted in the form of a licence, as provided for in Section 6.5 of this chapter.

Art. 84. An application for recognition must be submitted to the Agency by the organisation involved in the multimodal transport of Class 7 dangerous goods using a form provided by the Agency. The Agency shall decide on how this form is to be used and how and when it is to be submitted.

Art. 85. The content of the application for recognition shall be determined by the Agency.

Depending on the handling operations for which recognition is requested and on the type of application, the Agency may require other information.

The Agency may request any additional information it deems necessary to be able to consider the application for recognition and the Agency may verify this information with the organisation concerned.

Art. 86. The Agency shall reach a decision within three months of receiving the complete application for recognition or within a longer period that is justified by the technical analysis of the documents and information included in the application.

Art. 87. If the Agency is of the opinion that the requested recognition ought to be granted, a recognition decree shall be drawn up and notified to the applicant.

Art. 88. §1. The recognition shall be granted for a maximum period of five years.

§2. The recognition may be restricted to part of the handling operations for which recognition was requested, or may be granted for a shorter period than requested. These restrictions shall be motivated.

3. The Agency may impose conditions in the recognition decree with a view to enhancing the safety of the transport of Class 7 dangerous goods, concerning in particular:

- 1° the responsibilities of the holder of the recognition;
- 2° the minimum qualifications of the personnel;
- 3° the procedures and communication channels in an emergency;
- 4° the working procedures to be followed;
- 5° the radiation protection programme;
- 6° the management system;
- 7° storage in transit.

The conditions imposed by the Agency in the recognition decree may vary depending on the risks associated with the Class 7 dangerous goods and the handling operations relating to the multimodal transport of the Class 7 dangerous goods for which the recognition is granted, and on the location and the environment in which the handling operations will be carried out.

Art. 89. If the Agency is of the opinion that the requested recognition ought not to be granted, or not granted in full, it shall notify the applicant, specifying that he has the right to be heard within thirty calendar days of notification.

If the applicant wishes to use his right to be heard, he has to announce this in writing to the Agency, no later than the 15th day after the notification.

When the applicant is heard by the Agency, the Agency shall make its final decision taking into account any additional information provided.

Section 6.3: Amendment of the recognition.

Art. 90. In the event of any amendments being made to the information and documents provided with the application for recognition that are such as to amend the operative part of the recognition decree, an application for amendment of the recognition must immediately be submitted to the Agency.

This application must contain at least the information that has been amended as well as the information updated since the recognition was obtained.

The application must be submitted by the recognized organisation using a form provided by the Agency.

The Agency shall decide on how this form is to be used and submitted.

Art. 91. The Agency shall reach a decision within two months of receiving the complete application for amendment of the recognition or within a longer period that is justified by the technical analysis of the documents and information included in the application.

Art. 92. If the Agency is of the opinion that the amendments can be accepted, an amended recognition decree shall be drawn up and notified to the applicant. The recognition may be restricted to part of the Class 7 dangerous goods or part of the handling operations relating to the multimodal transport of Class 7 dangerous goods for which the recognition was requested, or may be granted for a shorter period than requested. These restrictions shall be motivated.

Art. 93. §1. The amended recognition shall be normally granted with the same expiry date as the original recognition. The agency can also grant the recognition for a shorter period.

§2. The Agency may impose conditions in the recognition decree regarding the safety of the transport of Class 7 dangerous goods, concerning in particular:

- 1° the responsibilities of the holder of the recognition;
- 2° the minimum qualifications of the personnel;
- 3° the procedures and communication channels in an emergency;
- 4° the working procedures to be followed;
- 5° the radiation protection programme;
- 6° the management system;
- 7° storage in transit.

The conditions imposed by the Agency in the recognition decree may vary depending on the risks associated with the Class 7 dangerous goods or the handling operations relating to the multimodal transport of the Class 7 dangerous goods for which the recognition is granted, and on the location and the environment in which the handling operations will be carried out.

Art. 94. If the Agency is of the opinion that the amendments cannot or cannot entirely be accepted, it shall notify the applicant, specifying that he has the right to be heard within thirty calendar days of notification.

If the applicant wishes to use his right to be heard, he has to announce this in writing to the Agency, no later than the 15th day after the notification.

When the applicant is heard by the Agency, the Agency shall make its final decision taking into account any additional information provided.

Art. 95. The Agency shall determine which amendments to the information and documents that were provided in the application and that resulted in the recognition and are not provided for in article 90, must immediately be notified to the Agency. The Agency shall also determine how notification is to be made.

Section 6.4: Prolongation of the recognition.

Art. 96. An application for the prolongation of a recognition must be submitted to the Agency at least two months before expiry of the recognition in accordance with the arrangements stipulated by the Agency.

This application must be submitted by the holder of the recognition and must contain at least an update of the information provided when the recognition that needs to be prolonged was obtained.

This application must be submitted using a form provided by the Agency in accordance with the arrangements stipulated by the Agency.

Art. 97. The Agency shall reach a decision within two months of receiving the complete application to prolong the recognition or within a longer period that is justified by the technical analysis of the documents and information included in the application.

Art. 98. §1. The recognition shall be prolonged for a maximum period of five years.

§2. The recognition may be restricted to part of the Class 7 dangerous goods or part of the handling operations relating to the multimodal transport of Class 7 dangerous goods for which the recognition was requested, or may be granted for a shorter period than requested. These restrictions shall be motivated.

§3. The Agency may impose conditions in the recognition. The conditions imposed by the Agency in the recognition decree may vary depending on the risks associated with the dangerous goods and the handling operations for which recognition is granted, and on the location and the environment in which the handling operations will be carried out.

Art. 99. If the Agency is of the opinion that the prolongation cannot or cannot entirely be accepted, it shall notify the applicant, specifying that he has the right to be heard within thirty calendar days of notification.

If the applicant wishes to use his right to be heard, he has to announce this in writing to the Agency, no later than the 15th day after the notification.

When the applicant is heard by the Agency, the Agency shall make its final decision taking into account any additional information provided.

Section 6.5: Licence for sporadic handling of Class 7 dangerous goods.

Subsection 6.5.1: General provisions.

Art. 100. Sporadic handling of Class 7 dangerous goods may only be performed by organisations that have been duly licensed by the Agency.

Subsection 6.5.2: Licence application.

Art. 101. An application to obtain a licence must be submitted to the Agency by the organisation involved in the multimodal transport of Class 7 dangerous goods in accordance with the arrangements stipulated by the Agency.

The content of the application shall be determined by the Agency, depending on the type of handling operations relating to the multimodal transport of Class 7 dangerous goods for which a licence is requested.

The Agency may request any additional information it deems necessary and may verify this information with the organisation concerned.

The application must be submitted using the appropriate form provided by the Agency.

The Agency shall decide on how this form is to be used and submitted.

Art. 102. The Agency shall reach a decision within two weeks of receiving the complete licence application or within a longer period that is justified by the technical analysis of the documents and information included in the application.

Art. 103. If the Agency is of the opinion that the requested licence can be granted, a licence decree shall be drawn up and notified to the applicant.

Art. 104. §1. The licence shall be granted for the expected duration of the handling operations.

§2. The licence may be restricted to part of the handling operations relating to the multimodal transport of Class 7 dangerous goods for which the licence was requested, or may be granted for a shorter period than requested. These restrictions shall be motivated.

§3. The Agency may impose conditions in the licensing decision with a view to enhancing the safety of the transport of Class 7 dangerous goods, concerning in particular:

- 1° the responsibilities of the licensee;
- 2° the minimum qualifications of the personnel;
- 3° the procedures and communication channels in an emergency;
- 4° the working procedures to be followed;
- 5° the radiation protection;
- 6° the management system.

The conditions imposed by the Agency in the licence decree may vary depending on the Class 7 dangerous goods or the handling operations for which the licence is granted, and on the location and the environment in which the handling operations will be carried out.

Art. 105. If the Agency is of the opinion that the requested licence ought not to be granted, or not granted in full, it shall notify the applicant, specifying that he has the right to be heard within thirty calendar days of notification.

If the applicant wishes to use his right to be heard, he has to announce this in writing to the Agency, no later than the 15th day after the notification.

When the applicant is heard by the Agency, the Agency shall make its final decision taking into account any additional information provided.

Section 6.6: Storage in transit.

Art. 106. Transshipment of Class 7 dangerous goods must be carried out directly between two different modes of transport. If direct transshipment is not possible, the duration of storage in transit must be as short as possible.

The Agency may establish arrangements for in-transit storage, depending on the concerned means of transport.

If required, this storage in transit must be part of the application for the recognition of an organisation involved in the multimodal transport of Class 7 dangerous goods.

The Agency may establish, in the recognition of an organisation involved in the multimodal transport of Class 7 dangerous goods, the conditions for in-transit storage of Class 7 dangerous goods.

Section 6.7: Subcontracting.

Subsection 6.7.1: General provisions.

Art. 107. The recognized organisation involved in the multimodal transport of Class 7 dangerous goods may subcontract the handling of Class 7 dangerous goods, with the exception of the handling of packages containing nuclear material of the physical protection group A, as referred to in the Royal Decree of 17 October 2011 on the physical protection of nuclear material and nuclear installations.

The recognized organisation involved in the multimodal transport shall, however, remain responsible for compliance with the regulatory provisions relating to the transport of Class 7 dangerous goods for handling operations executed by its subcontractor(s).

Art. 108. It is prohibited for the subcontractor to further subcontract the task of handling Class 7 dangerous goods that has been entrusted to him by a recognized organisation involved in the multimodal transport.

Subsection 6.7.2: Conditions for subcontracting.

Art. 109. Class 7 dangerous goods may only be handled by a subcontractor if the latter is included in the recognition decree of the recognized organisation involved in the multimodal transport.

Art. 110. The recognized organisation involved in the multimodal transport must enter into a written undertaking with each of the subcontractors to whom it wishes to entrust handling operations.

The recognized organisation involved in the multimodal transport operation must inform each of its subcontractors about the provisions relating to the radiation protection programme, the emergency procedure and the management system that the subcontractor is required to comply with when carrying out any handling operations subcontracted to him by the recognized organisation involved in the multimodal transport.

In exceptional cases, the subcontractor's own radiation protection programme, emergency procedure and management system may apply during the handling operations entrusted to him by a recognized organisation involved in the multimodal transport.

Chapter 7: Obligations for applicants concerning approvals of package designs for the transport of Class 7 dangerous goods.

Section 7.1: Application for approval.

Art. 111. Applications for approval of package designs for the transport of Class 7 dangerous goods, required under the applicable international agreements and regulations governing the transport of dangerous goods, must be submitted to the Agency in accordance with the arrangements stipulated by the Agency.

An application for approval of a package design must be submitted by the package designer.

The Agency may decide, case by case, that other parties involved may submit the application for approval, in which case the Agency reserves the right to directly contact the package designer in order to obtain additional information.

In the case of package designs of Belgian origin or of foreign origin which will be loaded and stored for longer than one year in Belgium, and which have not yet been approved by the Agency and are still at the design stage, a safety options report must be presented to the Agency before submission of the application for approval of the package design.

The Agency shall determine the content of this safety options report.

Art. 112. The content of the application shall be determined by the Agency. The Agency shall determine the arrangements and the form how this application has to be established and submitted to the Agency.

The Agency may request any additional information it deems necessary. The Agency may verify this information with the concerned organisation.

Art. 113. The Agency shall reach a decision within twelve months of receiving the complete application for approval or within a longer period that is justified by the technical analysis of the documents and information included in the application.

Art. 114. The Agency's approval may take the form of a certificate of approval or a certificate of validation. The Agency shall determine the procedure for issuing these two types of certificates.

If the Agency issues a certificate of validation, the decision referred to in article 113 will be reached within two months of receiving the complete application for approval.

Art. 115. If the Agency is of the opinion that the requested approval can be granted, a certificate of approval or a certificate of validation shall be drawn up and the applicant shall be notified in accordance with the arrangements stipulated by the Agency.

The Agency can include conditions in the certificate of approval or certificate of validation concerning, among other things, the authorized content and the use of the package design.

Art. 116. If the Agency is of the opinion that the requested approval ought not to be granted, or not granted in full, it shall notify the applicant, specifying that he has the right to be heard within thirty calendar days of notification.

If the applicant wishes to use his right to be heard, he has to announce this in writing to the Agency, no later than the 15th day after the notification.

When the applicant is heard by the Agency, the Agency shall make its final decision taking into account any additional information provided.

Section 7.2: Amendment and prolongation of a certificate of approval or certificate of validation.

Art. 117. Applications for amendment or prolongation of certificates of approval or certificates of validation for package designs must be submitted to the Agency in accordance with the provisions stipulated by the Agency.

The Agency shall determine the contents and the arrangements for this application.

Art. 118. The Agency shall reach a decision within twelve months of receiving the complete application to amend a certificate of approval or within six months of receiving the complete application for the prolongation of an approval or within a longer period that is justified by the technical analysis of the documents and information included in the application for amendment or prolongation.

For the prolongation or amendment of a certificate of validation, the Agency shall reach a decision within one month of receiving the complete application.

Art. 119. If the Agency is of the opinion that the requested prolongation or amendment ought not to be granted, or not granted in full, it shall notify the applicant, specifying that he has the right to be heard within thirty calendar days of notification.

If the applicant wishes to use his right to be heard, he has to announce this in writing to the Agency, no later than the 15th day after the notification.

When the applicant is heard by the Agency, the Agency shall make its final decision taking into account any additional information provided.

Chapter 8: Obligations concerning approvals other than those in Chapter 7 of this Decree.

Section 8.1: Application for approval.

Art. 120. An application for approval of an alternative activity limit for an exempt consignment must be submitted to the Agency.

The Agency shall determine the contents and the arrangements for this application.

Art. 121. An application for approval of special form radioactive material must be submitted to the Agency.

The Agency shall determine the contents and the arrangements for this application.

Art. 122. Applications for approvals relating to Class 7 dangerous goods other than those referred to in Chapter 7 and articles 120 and 121, which are required under applicable international agreements and regulations governing the transport of dangerous goods and are not further specified in this Decree, must also be submitted to the Agency in accordance with the arrangements stipulated by the Agency.

Art. 123. If the Agency is of the opinion that the requested approvals as specified in articles 120, 121 and 122 can be granted, a certificate of approval shall be drawn up and the applicant shall be notified in accordance with the arrangements stipulated by the Agency.

The Agency can include conditions in the certificate of approval.

Art. 124. If the Agency is of the opinion that the requested approval ought not to be granted, or not granted in full, it shall notify the applicant, specifying that he has the right to be heard within thirty calendar days of notification.

If the applicant wishes to use his right to be heard, he has to announce this in writing to the Agency, no later than the 15th day after the notification.

When the applicant is heard by the Agency, the Agency shall make its final decision taking into account any additional information provided.

Section 8.2: Amendment and/or prolongation of a certificate of approval.

Art. 125. Applications for amendment and/or prolongation of certificates of approval referred to in Section 8.1 must be submitted to the Agency in accordance with the provisions stipulated by the Agency.

The Agency shall determine the content and the arrangements for this application.

Chapter 9: Miscellaneous provisions relating to package designs and packagings for the transport of Class 7 dangerous goods.

Section 9.1: Obligations relating to the manufacture of packagings for the transport of Class 7 dangerous goods.

Art. 126. The designer of any package design that must be approved by the Agency and where Belgium is the country of origin, is required to notify the Agency of the manufacture of each packaging that conforms to this design. The information to be provided and the arrangements for this notification shall be determined by the Agency.

The designer of a package design that must be approved by the Agency but where Belgium is not the country of origin is required to notify the Agency of the manufacture of each packaging that will be loaded and stored for longer than one year in Belgium. The information to be provided and the arrangements for this notification shall be determined by the Agency.

Art. 127. The manufacturing records of each packaging made according to an approved package design, where Belgium is the country of origin, must be kept by the owner of the package design for the entire lifetime of the packaging.

A copy of these manufacturing records must be made available at the Agency's request.

Art. 128. In the case of packagings made according to a package design that has been approved by the Agency, but where Belgium is not the country of origin, and that is loaded and stored for longer than one year in Belgium, the owner must keep the manufacturing records for the entire time that the package is stored and used in Belgian territory.

A copy of these manufacturing records must be made available at the Agency's request.

Art. 129. A copy of the manufacturing records of each packaging whose package design is of Belgian origin and does not have to be approved by the competent authority in accordance with the provisions of the applicable international agreements and regulations governing the transport of dangerous goods, must be made available at the Agency's request.

Section 9.2: Miscellaneous notifications to the Agency relating to package designs and packagings for the transport of Class 7 dangerous goods.

Art. 130. The unique serial number assigned to each packaging manufactured according to an approved package design, where Belgium is the country of origin, must be notified to the Agency.

The unique serial number assigned to each packaging manufactured according to an approved package design, where Belgium is not the country of origin but where the packaging owner is Belgian, must be notified to the Agency.

The Agency shall determine how this notification is to be made.

Art. 131. The first use on Belgian territory of a package design for the transport of Class 7 dangerous goods, where this package design has been approved by the Agency in

accordance with the provisions of the applicable international agreements and regulations governing the transport of dangerous goods, must be notified to the Agency.

The Agency shall determine how this notification is to be made.

Art. 132. The first use on Belgian territory of a package design for the transport of Class 7 dangerous goods, where this package design has been approved by a foreign competent authority in accordance with the provisions of the applicable international agreements and regulations governing the transport of dangerous goods and does not have to be re-approved by the Agency, must be notified to the Agency.

The Agency shall determine how this notification is to be made.

Art. 133. The use on Belgian territory of a package design for the transport of Class 7 dangerous goods, where this package design does not have to be approved by a competent authority in accordance with the provisions of the applicable international agreements and regulations governing the transport of dangerous goods, must be notified to the Agency, with the exception of excepted package designs. This notification is not required for these packages if they are only in transit within Belgium.

The Agency shall determine how this notification is to be made.

Art. 134. The arrangements for notifying the competent authority, as defined in the applicable international agreements and regulations governing the transport of dangerous goods, can be stipulated by the Agency.

Chapter 10: External advice.

Art. 135. If the Agency deems it necessary, it can seek advice from an expert or the expertise of a national or international organisation in the context of the manufacture or maintenance of packagings used for the transport of Class 7 dangerous goods. The cost of this advice or expertise shall be borne by the applicant of the approval in Belgium or by the user of the packaging within Belgian territory.

The Agency can also seek advice from an expert or the expertise of a national or international organisation regarding all aspects of the transport of Class 7 dangerous goods referred to in this Decree. The cost of this advice or expertise shall be borne by the natural or legal person who submits the application.

Chapter 11: Notifications of incidents with a potential impact on the safety of the transport of Class 7 dangerous goods.

Art. 136. Any incident that occurs during the transport of Class 7 dangerous goods and is likely to have an impact on transport safety must be notified to the Agency in accordance with the arrangements stipulated by the Agency.

Art. 137. If, while transporting Class 7 dangerous goods or while handling Class 7 dangerous goods, it appears that the safety of the public, workers or the environment is in jeopardy, the person in charge of the supervision of the transport must immediately notify the Agency and the health physics department in place in accordance with the

arrangements stipulated by the Agency.

This notification does not relieve the recognized or licensed carrier or the recognized or licensed organisation from the obligation to immediately take the protective measures that the circumstances demand.

Chapter 12: Final provisions.

Section 12.1: Suspension and revocation of recognitions, licences and approvals

Art. 138. A recognition, licence or approval can be partially or totally suspended or revoked by the Agency at any time. If the Agency thinks suspension or revocation is appropriate, it shall notify the holder of the recognition, licence or approval in advance, specifying that he has the right to be heard within thirty calendar days of notification.

If the applicant wishes to use his right to be heard, he has to announce this in writing to the Agency, no later than the 15th day after the notification.

When the applicant is heard by the Agency, the Agency shall make its final decision taking into account any additional information provided.

Section 12.2: Repeal provisions.

Art. 139. Chapter VII of the Royal Decree of 20 July 2001 laying down the General Regulations for the protection of the public, workers and the environment against the hazards of ionising radiation, amended by the Royal Decrees of 24 March 2009 and 30 September 2014, is hereby repealed.

Section 12.3: Amendment provisions.

Art. 140. In article 1 of the General Regulations, point 2 of the fourth paragraph is hereby repealed.

Art. 141. In article 23.1, second paragraph, point 8, of the General Regulations, the words "or outside" are hereby repealed.

Art. 142. Article 23.1bis shall be added to the General Regulations, as follows:

"Art. 23.1bis

The company manager of a carrier of Class 7 dangerous goods or the head of an organisation involved in the multimodal transport of Class 7 dangerous goods or of an interruption site must set up a health physics department. This department shall be responsible in general terms for organising and monitoring the necessary measures to ensure compliance with the provisions of the General Regulations, this Decree and the decrees and decisions of the Agency adopted pursuant to this Decree, concerning health and safety at work and in the neighbourhood, with the exclusion of those provisions reserved for medical surveillance.

This monitoring must, if required, be carried out in concertation with the Class 7 safety adviser.

Monitoring shall include the following in particular:

- 1° the review and monitoring of existing protective equipment and devices;
- 2° the proposal of additional protective equipment and appropriate procedures that this department deems necessary; the principle of optimisation set out in article 20.1.1.1 of the General Regulations shall be borne in mind;
- 3° the monitoring of the correct operation and use of measuring instruments;
- 4° the analysis of the necessary measures to prevent any incident, accident, loss or theft of Class 7 dangerous goods;
- 5° the intervention in the event of incidents or accidents and determination of the circumstances in which accidental exposure occurred;
- 6° the examination and prior approval of intentions for the transport of Class 7 dangerous goods and which have not been approved previously in an identical form by the health physics department;
- 7° the monitoring of loading and unloading of Class 7 dangerous goods;
- 8° the approval of the radiation protection programme drawn up by the company and monitoring of its proper implementation."

Art. 143. Article 23.6 of the General Regulations shall be replaced as follows:

"In companies recognized to transport Class 7 dangerous goods that are characterised as fissile materials and/or pose an additional corrosivity risk in accordance with the international regulations applicable to the transport of dangerous goods, the head of the health physics department shall be a recognised Class I expert. In companies recognized to transport Class 7 dangerous goods that are not characterised as fissile materials and do not pose an additional corrosivity risk, or in recognized organisations involved in multimodal transport, or in organisations that are recognized as interruption site, the head of the health physics department shall be a recognised Class I or II expert.

However, in the absence of such an expert within the company, the company manager shall, at the company's expense, assign the tasks of the health physics department to the Agency or to a Class I or II inspection organisation recognised by the Agency, depending on the case.

For certain types of transports, the minimum services of the recognised inspection organisation performing health physics tasks may be laid down, in generic terms, by the Minister responsible for Home Affairs, at the Agency's proposal."

Art. 144. In Table 1 of the annex to the Royal Decree of 27 October 2009 establishing the amount and the method of payment of fees collected pursuant to the regulations on protection against ionising radiation, the fees associated with article 57 of the General Regulations are hereby revoked.

Table 3 of the annex to the Royal Decree of 27 October 2009 establishing the amount and the method of payment of fees collected pursuant to the regulations on protection against ionising radiation is hereby revoked.

In the annexes to the Royal Decree of 27 October 2009 establishing the amount and the method of payment of fees collected pursuant to the regulations on protection against ionising radiation, the table in the annex to this Decree shall be added as Table 6.

Exemption from paying fees shall be granted to holders of a general and/or special transport licence issued pursuant to Chapter VII of the General Regulations and who have paid a fee under the Royal Decree of 27 October 2009 establishing the amount and the method of payment of fees collected pursuant to the regulations on protection against

ionising radiation or a one-off fee under the Royal Decree of 24 August 2001 establishing the amount and the method of payment of fees collected pursuant to the regulations on ionising radiation.

Section 12.4: Transitional provisions.

Art. 145. Particular transport licences granted pursuant to Chapter VII of the General Regulations shall remain valid until their expiry date.

Licences granted pursuant to Chapter VII of the General Regulations for transports that still require a licence in accordance with the provisions of this Decree, shall remain valid until their expiry date.

Transport licences granted pursuant to the last paragraph of article 56 of the General Regulations shall remain valid until one year after the entry into force, in accordance with article 147, §1, of this Decree.

Other transport licences granted pursuant to Chapter VII of the General Regulations shall remain valid until three months after the entry into force, in accordance with article 147, §1, of this Decree.

Licence applications submitted before the entry into force, in accordance with article 147, §1, of this Decree shall be treated in the manner that applied before this entry into force. The validity of these licences shall ex officio be limited to a maximum of nine months after this entry into force.

No more than three months after this Decree enters into force, in accordance with article 147, §1, the holders of a general and/or special transport licence granted pursuant to Chapter VII of the General Regulations shall ex officio be recognized until the first expiry date of the transport licences that have been granted to them. If this expiry date falls within a period of nine months of the entry into force, in accordance with article 147, §1, of this Decree, the ex officio recognition shall be deemed to be valid until nine months after this entry into force.

This ex officio recognition shall permit at least the transport of the Class 7 dangerous goods that were licensed under the licence granted in accordance with the provisions of Chapter VII of the General Regulations.

Certificates of approval and certificates of validation for package designs and for special form radioactive material that were granted before the entry into force, in accordance with article 147, §1, of this Decree pursuant to the applicable international agreements and regulations governing the transport of Class 7 dangerous goods shall remain valid until their expiry date.

Applications for certificates of approval and certificates of validation for package designs and for special form radioactive material, and for other approvals that were submitted, pursuant to the applicable international agreements and regulations governing the transport of Class 7 dangerous goods, before the entry into force, in accordance with article 147, §1, of this Decree shall be treated in the manner that applied before this entry into force.

Section 12.5: Entry into force.

Art. 146. Article 6 of the law of 7 May 2017 amending the Law of 15 April 1994 on the protection of the population and the environment against the dangers arising from ionizing radiation and concerning the Federal Agency for Nuclear Control, regarding the organization the health physics will take effect on the day of publication of this decree in the Belgian Official Gazette.

Art. 147. §1. With the exception of articles 60, 80, 81 and 133, this Decree shall enter into force on the first day of the third month following its publication in the Belgian Official Gazette.

§2. Articles 60, 80 and 81 shall enter into force on the first day of the ninth month following publication of this Decree in the Belgian Official Gazette.

Article 133 shall enter into force on the first day of the year following publication of this Decree in the Belgian Official Gazette.

Article 146 shall enter into force on the day of publication of this decree in the Belgian Official Gazette.

Art. 148. The Minister of Home Affairs shall be responsible for the implementation of this Decree.

Van Koningswege,
De Minister van Binnenlandse Zaken,

Jan Jambon

On behalf of the King,
The Minister of Home Affairs,

Jan Jambon

Annex

Table 6: Fees for administrative handling, examination and processing of an application for recognition, for a licence or for approval, as referred to in the Royal Decree of 22/10/2017 on the transport of Class 7 dangerous goods.

Description	Fee payable by	2017 BASE in €
Recognition as carrier by road of Class 7 dangerous goods included in UN Group 1 without subcontractors	Recognition applicant	1575
Recognition as carrier other than by road of Class 7 dangerous goods included in UN Group 1 without subcontractors	Recognition applicant	700
Recognition as carrier by road of Class 7 dangerous goods included in UN Group 1 with subcontractors	Recognition applicant	2625
Recognition as carrier other than by road of Class 7 dangerous goods included in UN Group 1 with subcontractors	Recognition applicant	1400
Recognition as carrier by road of Class 7 dangerous goods included in UN Group 2 without subcontractors	Recognition applicant	5425
Recognition as carrier other than by road of Class 7 dangerous goods included in UN Group 2 without subcontractors	Recognition applicant	4200
Recognition as carrier by road of Class 7 dangerous goods included in UN Group 2 with subcontractors	Recognition applicant	8925
Recognition as carrier other than by road of Class 7 dangerous goods included in UN Group 2 with subcontractors	Recognition applicant	7000
Recognition as carrier by road of Class 7 dangerous goods included in UN Group 3 without subcontractors	Recognition applicant	7525
Recognition as carrier other than by road of Class 7 dangerous goods included in UN Group 3 without subcontractors	Recognition applicant	4900
Recognition as carrier by road of Class 7 dangerous goods included in UN Group 3 with subcontractors	Recognition applicant	11025
Recognition as carrier other than by road of Class 7 dangerous goods included in UN Group 3 with subcontractors	Recognition applicant	8400
Recognition as carrier by road of Class 7 dangerous goods included in UN Group 4 without subcontractors	Recognition applicant	8925

Recognition as carrier other than by road of Class 7 dangerous goods included in UN Group 4 without subcontractors	Recognition applicant	6300
Recognition as carrier by road of Class 7 dangerous goods included in UN Group 4 with subcontractors	Recognition applicant	11025
Recognition as carrier other than by road of Class 7 dangerous goods included in UN Group 4 with subcontractors	Recognition applicant	8400
Recognition as organisation involved in multimodal transport	Recognition applicant	3825
Recognition as operator of an interruption site	Recognition applicant	10325
Licence for the transport of Class 7 dangerous goods, with the exception of shipment approval by special arrangement	Licence applicant	1925
Licence for the one-off transport by road of Class 7 dangerous goods in UN Group 1	Licence applicant	1925
Licence for the one-off transport other than by road of Class 7 dangerous goods in UN Group 1	Licence applicant	1225
Licence for the one-off transport by road of Class 7 dangerous goods in UN Group 2, 3 or 4	Licence applicant	2625
Licence for the one-off transport other than by road of Class 7 dangerous goods in UN Group 2, 3 or 4	Licence applicant	1225
Licence for the sporadic handling of Class 7 dangerous goods by an organisation involved in multimodal transport	Licence applicant	1225
Assessment of a safety options report	Assessment applicant	7000
Approval of special form radioactive material	Approval applicant	16100
Prolongation and/or amendment of the approval of special form radioactive material	Applicant for the prolongation or amendment of the approval	5370
Approval of a package design of Belgian origin not designed for transporting fissile material	Approval applicant	63000
Prolongation and/or amendment of the approval of a package design of Belgian origin not designed for transporting fissile material	Applicant for the prolongation or amendment of the approval	21000

Approval of a package design of Belgian origin designed for transporting fissile material, with the exception of spent nuclear fuel **	Approval applicant	95200
Prolongation and/or amendment of the approval of a package design of Belgian origin designed for transporting fissile material, with the exception of spent nuclear fuel **	Applicant for the prolongation or amendment of the approval	31740
Approval of a package design of Belgian origin designed for transporting spent nuclear fuel **	Approval applicant	138600
Prolongation and/or amendment of the approval of a package design of Belgian origin designed for transporting spent nuclear fuel **	Applicant for the prolongation or amendment of the approval	46200
Approval of a package design of foreign origin not designed for transporting fissile material	Approval applicant	25200
Prolongation and/or amendment of the approval of a package design of foreign origin not designed for transporting fissile material	Applicant for the prolongation or amendment of the approval	8400
Approval of a package design of foreign origin designed for transporting fissile material, with the exception of spent nuclear fuel **	Approval applicant	46200
Prolongation and/or amendment of the approval of a package design of foreign origin designed for transporting fissile material, with the exception of spent nuclear fuel **	Applicant for the prolongation or amendment of the approval	15400
Approval of a package design of foreign origin designed for transporting spent nuclear fuel **	Approval applicant	79800
Prolongation and/or amendment of the approval of a package design of foreign origin designed for transporting spent nuclear fuel **	Applicant for the prolongation or amendment of the approval	26600
Validation of a package design of foreign origin in accordance with the provisions of ADR or RID or the transitional arrangements in the IAEA SSR-6 regulations	Validation applicant	7000
Prolongation and/or amendment of the validation of a package design of foreign origin in accordance with the provisions of ADR or RID or the transitional arrangements in the IAEA SSR-6 regulations	Applicant for the prolongation or amendment of the validation	2340
Shipment approval by special	Approval applicant	42000

arrangement for the transport of Class 7 dangerous goods that do not require a package having to meet the provisions for fissile material		
Prolongation and/or amendment of the shipment approval by special arrangement for the transport of Class 7 dangerous goods that do not require a package having to meet the provisions for fissile material	Applicant for the prolongation or amendment of the approval	14000
Shipment approval by special arrangement for the transport of fissile material, with the exception of spent nuclear fuel **	Approval applicant	70000
Prolongation and/or amendment of the shipment approval by special arrangement for the transport of fissile material, with the exception of spent nuclear fuel **	Applicant for the prolongation or amendment of the approval	23340
Shipment approval by special arrangement for the transport of spent nuclear fuel **	Approval applicant	105000
Prolongation and/or amendment of the shipment approval by special arrangement for the transport of spent nuclear fuel **	Applicant for the prolongation or amendment of the approval	35000
Shipment approval by special arrangement for the disposal of a Belgian licensee's radioactive waste that does not require a package having to meet the provisions for fissile material	Approval applicant	8400
Prolongation and/or amendment of the shipment approval by special arrangement for the disposal of a Belgian licensee's radioactive waste that does not require a package having to meet the provisions for fissile material	Applicant for the prolongation or amendment of the approval	2800
Shipment approval by special arrangement for the disposal of fissile radioactive waste from a Belgian licensee	Approval applicant	14000
Prolongation and/or amendment of the shipment approval by special arrangement for the disposal of fissile radioactive waste from a Belgian licensee	Applicant for the prolongation or amendment of the approval	4670
All other approvals	Approval applicant	14000
Prolongation and/or amendment of all other approvals	Applicant for the prolongation or	4670

	amendment of the approval	
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** spent nuclear fuel is defined in this Table as fuel elements and fuel pins that have been irradiated in a nuclear reactor or in a power reactor.

To be annexed to our Decree of 22/10/2017 on the transport of Class 7 dangerous goods.

Given in Brussels, 22 October 2017.

On behalf of the King,
The Minister of Home Affairs,

Jan Jambon

translation

translation