

**Not Validated translation of the Regulations issued by the Federal Agency for Nuclear Control on 13 December 2017 concerning Chapters 7, 8 and 9 of the Royal Decree of 22 October 2017 on the transport of Class 7 dangerous goods.**

Having regard to the Royal Decree of 22 October 2017 on the transport of Class 7 dangerous goods, Articles 39, 111, 112, 115, 117, 120, 123, 126, 130, 131, 132 and 133;

**Hereby decrees:**

Art. 1. Definitions

For the purposes of the present decree, the definitions given in Article 5 of the Royal Decree of 22 October 2017 on the transport of Class 7 dangerous goods shall apply.

In addition to these definitions, the following shall apply for the purposes of these regulations:

- 1° RD on Transport: Royal Decree of 22 October 2017 on the transport of Class 7 dangerous goods;
- 2° RD on Nuclear Documents: Royal Decree of 17 October 2011 on the classification and protection of nuclear documents;
- 3° designer: natural or legal entity responsible for drawing up the safety analysis report;
- 4° compensatory measures: stipulated special precautions or special operations, administrative or otherwise, to be applied during transport operations to compensate for the failure to comply with certain provisions of the applicable international agreements and regulations and ensuring an equivalent safety standard to the standard that would be achieved if all provisions of the applicable international agreements and regulations were observed.

Art. 2. Approval application (Articles 111 and 112, RD on Transport)

Art. 2.1 Procedures for all approvals

An approval application shall be submitted to the Agency in writing, accompanied by the last relevant version of the safety analysis report certifying that the requirements of the applicable international agreements and regulations governing the transportation of dangerous goods have been observed, and an approval certificate from the country of origin if applicable.

The safety analysis report in question shall be submitted in two copies:

- 1° a paper version in accordance with the following instructions:
  - a. colour documents printed in A4 format, preferably printed on both sides (duplex) and perforated in accordance with ISO 838;
  - b. drawings printed in the original format and folded in A4 format;
- 2° a good quality electronic version in accordance with the following instructions:
  - a. pdf files (only), created from the relevant applications and with embedded fonts;
  - b. files may not be more than 200 MB in size.

A safety analysis report is not required for approvals relating to the following provisions:

- 1° Article 6.4.22.8 (a) or 1.6.6.2.1 (b) of the ADR or RID;

- 2° Article 1.2.1 or 1.6.6 of the ADN;
- 3° Article 7.24.2.1 b) of the technical instructions issued by the ICAO;
- 4° Article 6.4.24.2 of the IMDG Code.

Documents shall be submitted in accordance with the rules on document security set out in the RD on Nuclear Documents.

Each application shall also include the following information:

- 1° name and contact details of the applicant's preferred contact;
- 2° name and contact details of the designer's preferred contact if this is not the same as the applicant;
- 3° invoicing information;
- 4° if at all possible, a description and schedule of the use which is due to take place on Belgian territory.

#### Art. 2.2 Additional information for a package design approval application

The most recent edition of the document entitled "Package Design Safety Reports for the Transport of Radioactive Material", as published by the European Association of Competent Authorities, shall preferably be used as a manual for drawing up a safety analysis report.

In the event that a safety options file needs to be submitted, this safety options file shall at the very least contain the following information:

- 1° principles used to demonstrate compliance with the regulations;
- 2° calculation methods and associated preliminary conditions;
- 3° standards used;
- 4° test programme, if necessary.

#### Art. 3. Approval extension and/or amendment (Article 117, RD on Transport)

An application to extend and/or an amend an approval shall contain the same information as the initial application and shall also include any additional information requested by the Agency during the previous approval.

#### Art. 4. Approval application for a different activity limit for an exempt consignment (Article 120, RD on Transport)

The application shall at the very least contain the information specified in Article 2.1 of these regulations.

If the equipment or items for which an approval for different activity limits for an exempt consignment is requested are not intended to be used in Belgium, an approval application for an alternative exemption level is merely required in accordance with the applicable international agreements and regulations governing the transportation of dangerous goods.

If the equipment or items for which an approval for different activity limits for an exempt consignment is requested are intended to be used in Belgium, the approval application for an alternative exemption level shall form part of a license exemption application for

consumer products in accordance with Article 65 of the General Regulation. In this case, the application shall at the very least contain the information mentioned/requested in the form entitled "License exemption application for consumer products containing radioactive substances".

Art. 5. Approval application for a consignment under special arrangements (Article 39, RD on Transport)

An approval application for a consignment under special arrangements shall also contain the following justification in addition to the information specified in Article 2.1 of these regulations:

- 1° justification that there is no appropriate package design reasonably available on the international or national market for transporting radioactive material, and
- 2° justification that it is not reasonable to develop a new and appropriate package design for the radioactive material to be transported.

The application shall also include a list of provisions from the applicable international agreements and regulations for which compliance has not been demonstrated, in addition to proposals for compensatory measures and evidence showing that these measures will ensure an overall level of safety at least equivalent to what would be provided if all provisions of the applicable international agreements and regulations were met.

In addition, this application shall also contain the information requested in the regulations issued by the Federal Agency for Nuclear Control on 13 December 2017 concerning Chapter 4 of the Royal Decree of 22 October 2017 on the transport of Class 7 dangerous goods.

Art. 6. Approval decree (Articles 115 and 123, RD on Transport)

The Agency shall grant approval in the form of a validation certificate in the following cases:

- 1° approval of a package design in accordance with the provisions set out in Article 6.4.22.8 (a) of the ADR and the RID;
- 2° multilateral approval of a package design, with a preliminary unilateral approval in accordance with Chapter 1.6.6.2.1 (b) of the ADR or RID or in accordance with Chapter 1.6.6 of the ADN or Article 6-7.24.2.1 b) of the technical instructions issued by the ICAO or Articles 6.4.24.2 and 6.4.24.3 of the IMDG Code.

In all other cases the Agency shall grant the approval in the form of an approval certificate.

Art. 7. Manufacture of packaging notification (Article 126, RD on Transport).

1. The designer of each package design where Belgium is the country of origin and where the design must be approved by the Agency shall inform the Agency when each packaging complying with this design is to be manufactured at least four weeks before the date on which the manufacturing is due to start.

This notification shall preferably be submitted electronically - using the form in Appendix 1

- to the following address: transport@fanc.fgov.be.

2. The designer of a package design that must be approved by the Agency and where Belgium is not the country of origin shall notify the Agency at least four weeks before the date on which the manufacturing is due to start, for each packaging complying with this design which is to be loaded in Belgium and will remain stored on Belgian territory for over one year.

This notification shall preferably be submitted electronically - using the form in Attachment 1 - to the following address: transport@fanc.fgov.be.

Art. 8. Serial number notification (Article 138, RD on Transport).

The Agency shall be notified of the serial number of packagings manufactured in accordance with an approved package design by:

- 1° the packaging owner in the case of a package design where Belgium is the country of origin;
- 2° the Belgian owner of the packaging in the case of a package design where Belgium is not the country of origin.

This notification shall be issued when:

- 1° a packaging is commissioned;
- 2° a packaging is decommissioned;
- 3° the owner of a packaging changes.

This notification shall preferably be submitted electronically - using the form in Attachment 2 - to the following address: transport@fanc.fgov.be.

Art. 9. Notification of first use of approved package designs on Belgian territory (Articles 131 and 132, RD on Transport)

1. In the case of package designs approved by the Agency, this notification shall be issued by:

- 1° the Belgian owner of the packaging if applicable;
- 2° the Belgian consignor if the package is loaded on Belgian territory; or
- 3° the Belgian consignee in the absence of a Belgian owner or consignor.

This notification shall at the very least include the date on which loading of the packaging is due to start if this takes place on the premises of a Belgian consignor or the date on which the packaging is to be transported on Belgian territory.

2. In the case of approved package designs and special forms of radioactive material which have not been approved by the Agency, the notification shall be issued by the consignor. This notification shall at the very least include a copy of the relevant approval certificate and shall specify the date of the first transport operation which is due to take place on Belgian territory.

3. This notification shall preferably be submitted electronically - using the form in attachment 3 - to the following address: transport@fanc.fgov.be.

Art. 10. Notification of the use on Belgian territory of non-approved package designs (Article 133, RD on Transport)

The use on Belgian territory of package designs which do not have to be approved under the provisions of the international conventions and regulations in force which regulate the transport of Class 7 dangerous goods, is notified to the Agency by:

- 1° the designer of the package design if this designer is Belgian, or
- 2° the Belgian owner of the package which conforms to the package design if the designer of the package design is not Belgian, or;
- 3° the Belgian consignor if the designer and the owner are not Belgian, or;
- 4° the Belgian consignee if the designer, owner and consignor are not Belgian.

This notification shall preferably be submitted electronically - using the form in Attachment 4 - to the following address before the end of the first quarter of each year: transport@fanc.fgov.be.

Signed by the Director general on December 13<sup>th</sup> 2017.