

**Not Validated translation of the Regulation issued by the Federal Agency for Nuclear Control on 14 July 2020 concerning Chapter 6 of the Royal Decree of 22 October 2017 on the transport of Class 7 dangerous goods, amended on 3 July 2019.**

Having regard to the Royal Decree of 22 October 2017 on the transport of Class 7 dangerous goods, Chapter 6, Articles 84, 90, 95, 101, 106 and 110;

Having regard to the Regulation issued by the Federal Agency for Nuclear Control on 13 December 2017 concerning Chapter 6 of the Royal Decree of 22 October 2017 on the transport of Class 7 dangerous goods.

Hereby decrees:

Article 1. Definitions

For the purposes of the present regulation, 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 this regulation:

- 1° RD on Transport: Royal Decree of 22 October 2017 on the transport of Class 7 dangerous goods, amended on 3 July 2019;
- 2° RD on Nuclear Documents: Royal Decree of 17 October 2011 on the classification and protection of nuclear documents;
- 3° ISPS certified quay: a quay that complies with the provisions of European Regulation No. 725/2004 on enhancing ship and port facility security as defined in paragraph 6 of Article 5 of the law of 5 February 2007 on maritime safety, and certified as a sensitive terminal according to the risk classification issued by the National Maritime Safety Authority;
- 4° Prolonged stay at the quay: where Class 7 dangerous goods are left on quay for over 8 hours, as defined in the specific regulations for the port concerned.

Art. 2. Recognition application for an organisation involved in multimodal transport of Class 7 dangerous goods (Article 84, RD on Transport)

The application shall be submitted electronically - using the form in Attachment 1 - to the following address: [transport@fanc.fgov.be](mailto:transport@fanc.fgov.be).

If this e-mail contravenes the provisions relating to information protection as described in the RD on Nuclear Documents, the application shall be made in accordance with the provisions of the RD on Nuclear Documents.

The application shall be signed by the legal representative of the organisation involved in multimodal transport of Class 7 dangerous goods and their head of the Health Physics Department (HPD).

The application shall also be signed by the recognised health physics expert, who shall certify that:

- 1° health physics service will be ensured;

- 2° the information specified in the application has been verified and deemed correct by the recognised health physics expert.

If the application is submitted electronically:

- 1° the application shall be sent by e-mail with the following information in the e-mail subject line: "Recognition application multimodal transport organisation" – "Applicant name";
- 2° the form and the appendices shall be attached as separate documents in pdf format.

Art. 3. Amendments to the enacting terms of the recognition decree (Article 90, RD on Transport)

Applications for amendments to the enacting terms of the recognition decree shall be submitted using the same form and using the same modalities as the initial application. This application shall specify any amendments with respect to the information included in the previous recognition decree.

Art. 4. Amendments to information and/or data submitted in the application for recognition and which do not change the enacting terms of the recognition decree (Article 95, RD on Transport)

The following changes to information submitted in the recognition application shall be notified in writing to the Agency without delay:

- 1° changes in the organisation of responsible functions;
- 2° changes to the organisation of the Health Physics Department;
- 3° changes concerning handling operations in relation to multimodal transport of Class 7 dangerous goods carried out with no impact on radiation protection of workers;
- 4° changes to the radiation protection programme or to emergency procedures;
- 5° changes relating to carriers for whom handling operations in relation to multimodal transport of Class 7 dangerous goods are performed.

Art. 5. License application for occasional handling of Class 7 dangerous goods (Article 101, RD on Transport)

The application shall be submitted electronically - using the form in attachment 2 - to the following address: transport@fanc.fgov.be.

If this submission contravenes the provisions relating to information protection as described in the RD on Nuclear Documents, the application shall be made in accordance with the provisions of the RD on Nuclear Documents.

The application shall be signed by the legal representative of the organisation involved in multimodal transport of Class 7 dangerous goods and their head of the Health Physics Department(HPD).

The application shall also be signed by the recognised health physics expert, who shall certify that:

- 1° health physics controls will be ensured;
- 2° the information specified in the application has been verified and deemed correct by the recognised health physics expert.

If the application is submitted electronically:

- 1° the application shall be sent by e-mail with the following information in the e-mail subject line: "Licence application for occasional handling" – "Applicant name";
- 2° the form and the appendices shall be attached as separate documents in pdf format.

#### Art. 7. Storage in transit (Article 106, RD on Transport)

##### Art. 7.1 Storage in transit in an airport

The prescriptions relating to storage in transit in an airport are as follows:

- 1° storage in transit in an airport shall not last for more than 24 hours;
- 2° the Agency shall be notified in advance of the location where the Class 7 dangerous goods are to be stored;
- 3° the recognised health physics expert of the organisation involved in multimodal transport of Class 7 dangerous goods shall approve this location and define its boundaries;
- 4° the boundaries shall be defined such that the dose rate at the perimeter of the defined area shall remain below 5  $\mu\text{Sv/h}$  when the maximum quantity of Class 7 dangerous goods is present in this location. The analysis used to define these boundaries shall be included in the radiation protection programme. No other goods may be present within this perimeter;
- 5° the radiation protection programme shall specifically include a workplace analysis to evaluate the dose received by personnel and shall be approved by the recognised health physics expert;
- 6° the risk analysis shall cover storage in transit;
- 7° specific instructions to be applied in the event of an incident or accident shall be provided for use by personnel from the organisation involved in multimodal transport of Class 7 dangerous goods;
- 8° physical protection measures shall be taken.

##### Art. 7.2 Storage in transit in a port

The prescriptions relating to storage in transit in a port shall be as follows:

- 1° storage in transit shall only take place on an ISPS certified quay.
- 2° storage in transit shall not last for more than 48 hours. Any extension to this storage duration may only be granted by the Harbour Master of the port in question in consultation with the Agency. If a period of 8 hours is exceeded, a "prolonged stay on quay" approval shall be obtained from the Harbour Master of this port;
- 3° the harbour police shall be informed if any Class 7 dangerous goods are left on quay between 10.00 pm and 6.00 am, with the exception for the storage in transit of Class 7 dangerous goods belonging to UN-group 1;

- 4° if storage in transit, with the exception of storage in transit of Class 7 dangerous goods belonging to UN-group 1, lasts for more than 24 hours, an appropriate area shall be delimited to ensure that the dose rate at the perimeter of the delimited area remains below 5 µSv/h. This area and its delimitation shall be examined and approved by the recognised health physics expert of the organisation involved in multimodal transport of Class 7 dangerous goods. The material used to delimit this area shall also ensure that Class 7 dangerous goods cannot be seen from the public roads;
- 5° no other goods, other than Class 7 goods, shall be stored in the same location within the delimited area;
- 6° storage in transit and the installed delimitation shall take account of the specific conditions required by the packages such as exposure to the sun and humidity levels;
- 7° the radiation protection programme shall specifically include a workplace analysis to evaluate the dose received by personnel and shall be approved by the recognised health physics expert;
- 8° the risk analysis shall also cover storage in transit;
- 9° specific instructions to be applied in the event of an incident or accident shall be provided for use by personnel of the organisation involved in multimodal transport of Class 7 dangerous goods;
- 10° physical protection measures shall be taken;
- 11° any specific conditions imposed by the Harbour Master in the port shall also be observed.

Art. 8. Subcontracting (Article 110, RD on Transport)

Organisations involved in multimodal transport of Class 7 dangerous goods who subcontract handling operations of Class 7 dangerous goods to another organisation shall comply with all statutory requirements relating to subcontracting that are not the responsibility of the Agency.

Art. 9. The Regulation issued by the Federal Agency for Nuclear Control on 13 December 2017 concerning Chapter 6 of the Royal Decree of 22 October 2017 on the transport of Class 7 dangerous goods is hereby repealed.

Signed by the Director General in Brussels on 14/07/20.

Frank Hardeman