

Message 001

Communication from the Commission - TRIS/(2026) 2046

Directive (EU) 2015/1535

Notification: 2026/0404/BE

Notification of a draft text from a Member State

Notification – Notification – Notifizierung – Нотификация – Oznámení – Notifikation – Γνωστοποίηση – Notificación – Teavitamine – Ilmoitus – Obavijest – Bejelentés – Notifica – Pranešimas – Paziņojums – Notifika – Kennisgeving – Zawiadomienie – Notificação – Notificare – Oznámenie – Obvestilo – Anmälan – Fógra a thabhairt

Does not open the delays - N'ouvre pas de délai - Kein Fristbeginn - Не се предвижда период на прекъсване - Nezahtuje prodlení - Fristerne indledes ikke - Καμμία έναρξη προθεσμίας - No abre el plazo - Viivituste perioodi ei avata - Määräaika ei ala tästä - Ne otvara razdoblje kašnjenja - Nem nyitja meg a késések - Non fa decorrere la mora - Atidėjimai nepradedami - Atlikšanas laikposms nesākas - Ma jiftaħ il-perijodi ta' dewmien - Geen termijnbegin - Nie otwiera opóźnień - Não inicia o prazo - Nu deschide perioadele de stagnare - Nezačína oneskorenia - Ne uvaja zamud - Inleder ingen frist - Ní osclaíonn sé na moilleanna

MSG: 20262046.EN

1. MSG 001 IND 2026 0404 BE EN 28-07-2026 BE NOTIF

2. Belgium

3A. SPF Economie - DG Qualité et Sécurité - Bureau de Liaison - BelNotif

3B. SPF Economie - DG Qualité et Sécurité - Division Sécurité - Service Réglementation (Ensure)

4. 2026/0404/BE - S70E - Hazardous substances and preparations

5. Royal Decree amending the Royal Decree of 23 September 1958 establishing general regulations on the manufacture, storage, possession, distribution, transport, and use of explosive products

6. Explosives

7.

8. The main objective of this draft decree is:

- to eliminate the public inquiry required as part of the authorisation application procedure, as stipulated by

the 1958 Royal Decree, for any manufacture or storage facility for explosives;

- to establish that no authorisation is required for workshops manually loading safety cartridges for portable firearms, as well as for explosive storage facilities necessary for this loading, when located in a private residence and provided that certain conditions are met;
- to classify as second-class the workshops for manually loading safety cartridges for small arms, as well as the depots of explosives necessary for loading, when established at a shooting range or within a recognised association engaged in historical, folkloric, traditional, or educational activities, provided certain conditions are met;
- to eliminate the requirement for gunsmiths to obtain authorisation for the possession and sale of safety cartridges for small arms, subject to compliance with certain conditions;
- to regulate the possession, storage, and transport by private individuals of gunpowder, primers, and safety fuses, which are explosives for civilian use;
- to update Article 68 of the Royal Decree of 23 September 1958, to allow for an exemption from transport authorisation in certain specific cases;
- to allow any economic operator in the EEA to submit an application for authorisation to transport explosives within Belgian territory.

9. This decree aims to reduce the administrative burden on citizens, businesses, and government agencies, while ensuring a high level of safety and security. It grants access to explosives transport services to any economic operator established in the European Economic Area (EEA) and regulates the possession, storage, and transport of explosives for civilian use by private individuals.

It is neither relevant nor useful to hold a public inquiry as part of the federal authorisation procedure for explosives factories and depots. The federal authorisation procedure applies only to aspects falling under federal jurisdiction, specifically internal policing measures for hazardous establishments related to safety (creating safe working conditions, preventing accidents, and mitigating their consequences to protect workers), security (preventing, detecting, and responding to any act of theft, sabotage, or illegal access to explosives), and public safety in general (public order).

No authorisation is required (unclassified establishments) for workshops where safety cartridges for small arms are manually loaded, nor for explosive storage facilities necessary for this loading, when located in a private residence and provided certain conditions are met. This is a regulated authorisation system based on status (hunter, sport shooter, holder of a governor's permit) and compliance with specific conditions, rather than a system of systematic individual authorisations.

No authorisation is required for gunsmiths to possess and sell safety cartridges for handguns, provided certain conditions are met. The storage of safety cartridges for handguns does not present a significant risk of explosion; the main danger lies in theft. The proposed regulated authorisation system is therefore based on the storage conditions stipulated in particular by the Royal Decree of 24 April 1997, which determines the safety conditions for the storage, possession, and transport of firearms and ammunition. This decree was issued pursuant to the Law of 8 June 2006, on weapons, which specifies the concrete safety measures to be observed (securing premises, separating weapons and ammunition, etc.).

The unrestricted possession of gunpowder, primers, and safety fuses by private individuals is not justified, as it would lead to potentially dangerous substances falling into the hands of individuals likely to misuse them. It can therefore only be permitted within a strictly regulated framework. This provision complies with European

regulations concerning explosives for civilian use.

Any economic operator established in the European Economic Area (EEA) has the right to apply for authorisation to transport explosives into Belgian territory, in accordance with the rules on the free movement of services. This provision is in accordance with the Treaty on the Functioning of the European Union (TFEU).

9a. Reasons justifying the appropriateness of the measure:

- Reduction of administrative burden: the elimination of certain individual authorisations reduces administrative formalities for individuals and professionals.
- Maintenance of a high level of safety and security: authorisation exemptions are not general. They are conditional upon compliance with specific criteria (possessor status, authorised quantities, storage conditions, and security measures), which helps to limit risks.
- Risk-based approach: activities presenting a limited risk, such as the storage of safety cartridges for handguns, are subject to a simplified regime, while substances or activities presenting greater risks (powder, primers, safety fuses, explosives for civilian use) remain strictly regulated.
- Protection of public order and public safety: Maintaining control over the possession, storage, and transport of explosives aims to prevent theft, misuse, acts of sabotage, and accidents.
- Compliance with European Union law: Opening access to explosives transport to any economic operator established in the EEA respects the principles of free movement of services, while maintaining the safety requirements applicable in Belgium.
- No justified public inquiry: The federal authorisation procedure primarily concerns aspects falling under federal jurisdiction regarding security, safety, and public order. In this context, a public inquiry does not appear necessary to achieve the intended objectives.

9b. Access to explosives transport services for any economic operator established in the European Economic Area (EEA) is guaranteed. The possession, storage, and transport of explosives for civilian use by private individuals is regulated in accordance with European regulations on explosives for civilian use.

The administrative burden on citizens, businesses, and government agencies is reduced, while ensuring a high level of safety and security.

9c. This decree aims to reduce the administrative burden on citizens, businesses, and government agencies, while ensuring a high level of safety and security.

It also allows access to explosives transport services for any economic operator established in the European Economic Area (EEA) and regulates the possession, storage, and transport of explosives for civilian use by private individuals in accordance with European regulations on explosives for civilian use.

No excessive burden is introduced in relation to the objective pursued.

10. References to the basic texts:

11. No

12.

13. No

14. No

15. No

16.

TBT aspects: No

SPS aspects: No

European Commission

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