

KINGDOM OF BELGIUM

FEDERAL PUBLIC SERVICE ECONOMY, SMEs, SMALL BUSINESSES AND ENERGY

Royal Decree amending the Royal Decree of 23 September 1958 laying down general regulations on the manufacture, storage, holding, supply, transport and use of explosives

PHILIPPE, King of the Belgians,

To all present and to come, greetings.

Having regard to the Act of 28 May 1956 on substances and mixtures which are explosive or liable to deflagrate and on devices loaded with such substances and mixtures, Article 1, subparagraph 1;

Having regard to the Royal Decree of 23 September 1958 laying down general regulations on the manufacture, storage, holding, supply, transport and use of explosives;

Having regard to the communication to the European Commission on (date), pursuant to Article 5(1) of Directive (EU) 2015/1535 of the European Parliament and of the Council of 9 September 2015 laying down a procedure for the provision of information in the field of technical regulations and of rules on Information Society services;

Having regard to the Association of Regional Governments;

Having regard to the opinion (reference) of the Council of State, given on (date), pursuant to Article 84(1), subparagraph 1(2) of the Laws on the Council of State, coordinated on 12 January 1973;

On the proposal of the Minister for the Economy,

We have decreed and hereby decree:

Article 1. In Article 2 of the Royal Decree of 23 September 1958 laying down general regulations on the manufacture, storage, holding, supply, transport and use of explosives, as amended by the Royal Decrees of 1 February 2000 and 10 June 2026, the subparagraph beginning with the words ‘Fireworks must satisfy’ is repealed.

Article 2. Article 5 of the same Decree is replaced by the following:

‘Article 5. Natural or legal persons who carry out an activity in Belgium that is subject to authorisation under the provisions of this Decree must be established within the European Economic Area. ’.

Article 3. In Article 6, subparagraph 2, of the same Decree, the following amendments are made:

a) In point A. Factories, paragraph 2 is replaced by the following:

‘2. Facilities for the manual loading of safety cartridges for portable firearms, as well as storage facilities for the explosives required for such loading, where these are situated within a shooting range or a recognised association engaged in activities defined by its articles of association as being of a historical, folkloric, traditional or educational nature: Second class.

The terms 'shooting range' and 'recognised association engaged in activities defined by its articles of association as being of a historical, folkloric, traditional or educational nature' are to be interpreted in accordance with the Act of 8 June 2006 regulating economic and individual activities involving firearms and its implementing regulations.

This classification applies only if the following conditions are met:

a) The explosives required for loading are limited to the following quantities:

i) fifty kilograms of black powder and smokeless powder, in granules or flakes, packed in their original individual packages with a maximum capacity of one kilogram for black powder and two kilograms for smokeless powder;

ii) two hundred thousand assorted primers for safety cartridges for portable firearms;

iii) an unspecified number of primed empty cartridge cases.

b) The storage of safety cartridges for portable firearms is limited to five hundred kilograms of powder contained in the cartridges.

c) The loaded cartridges are intended exclusively for personal use or for use by the association. ';

b) in point B. Deposits, 2.(2), the words 'twenty-five kilograms' are replaced by the words 'one hundred and fifty kilograms'.

Article 4. In the same Decree, Article 6/1 is inserted, which reads as follows:

'Article 6/1. § 1. Notwithstanding Article 6, the following shall not be regarded as classified establishments: workshops for the manual loading of safety cartridges for portable firearms, and the storage facilities for explosives required for such loading, where these are situated at a private individual's home.

§ 2. This exemption applies only if the following requirements are met:

1. The private individual holds a hunting licence, a sports shooter's licence or an authorisation for the possession of a firearm and related ammunition issued by the governor.

The licences referred to are as defined in the Act of 8 June 2006 regulating economic and private activities involving firearms.

2. The explosives required for loading shall be limited to the following quantities:

a) two kilograms of black powder or smokeless powder, in granules or flakes;

b) five thousand various primers for safety cartridges for portable firearms;

c) an unspecified number of primed empty cartridge cases.

3. The storage of safety cartridges for portable firearms shall be limited to ten kilograms of powder contained in the cartridges.

4. Loaded cartridges are intended solely for personal use.

§ 3. The individual must inform the local police and the governor in advance.

§ 4. For the purposes of Article 72, the authorisation referred to in point 1 shall be considered as a transport authorisation for the national transport of a maximum of 2 kilograms of black powder or smokeless powder. '.

Article 5. In Article 8 of the same Decree, subparagraphs 2 and 3 are repealed.

Article 6. In Article 9, subparagraph 2, of the same Decree, the words ' , in triplicate, ' are repealed.

Article 7. Article 13 of the same Decree is replaced by the following:

'Article 13. In the case of an establishment under the jurisdiction of the permanent deputation, the municipal administration shall return the file to the governor of the province within 30 days of receipt of the file together with the reasoned opinion of the College of Mayor and Aldermen.

If no reply is received within that period, the opinion of the College of Mayor and Aldermen shall be disregarded.

The Governor shall forward the file to the Explosives Department for its opinion within three days of the expiry of the time limit set for the College of Mayor and Aldermen, accompanied, where appropriate, by their opinion.'

Article 8. Article 14 of the same Order is replaced by the following:

'Article 14. In the case of second class factories and depots, the College of Mayor and Aldermen sends the file to the explosives department for its opinion within three days of receipt of the file. '

Article 9. In Article 16 of the same Decree, as amended by the Royal Decree of 15 September 2013, the words 'three weeks' are replaced by the words 'thirty days'.

Article 10. In Article 20, subparagraph 1 of the same Decree, the word 'two' is replaced by the word 'three'.

Article 11. The following amendments are made to Article 21 of the same Decree:

1. subparagraph 2 is replaced by the following:

'In the case of an authorisation falling within the remit of the College of the Mayor and Aldermen, the municipal authority must act as set out above in relation to the person concerned and must, in addition, forward to the provincial governor the decision taken and a copy of the plan referred to in Article 9. '.

2. in subparagraph 3, the words 'and, in the case of depots under the jurisdiction of establishments supervised by mining engineers, 'to those officials' is repealed.

Article 12. Article 22 of the same Decree is replaced by the following:

'Article 22. The decision shall also be brought to the attention, without delay, of those public authorities which the authority that issued the authorisation deems it appropriate to inform. '.

Article 13. In Article 23 of the same Decree, the words 'of the display of the decision' are replaced by the words 'of the notification of the decision'.

Article 14. In Article 24 of the same Order, subparagraph 2 is replaced by the following:

‘The application is accompanied by a plan showing the proposed extensions or alterations. ’

Article 15. In Article 25 of the same Decree, subparagraph 2 is repealed.

Article 16. Article 68 of the same Decree, amended by the Royal Decree of 14 May 2000, is replaced by the following:

‘Article 68. These general provisions apply to all transport of explosives, with the exception of:

1. the transport of explosives carried out entirely within the confines of an establishment;
2. the transport by road of explosives and the following corresponding quantities by natural or legal persons authorised to store them in accordance with this Decree:
 - a) up to two kilograms of black powder or smokeless powder, in granules or flakes;
 - b) up to 5,000 different types of primers for safety cartridges;
 - c) an unspecified number of primed empty cartridge cases.
3. the transport of explosives of the types and in the quantities that an individual is authorised to hold under Article 265.
4. the transport of explosives, as compulsory safety equipment, which are on board the means of transport in a quantity necessary to ensure safety. ’.

Article 17. In Article 74 of the same Decree, the words ‘by post’ and ‘by the same mail’ are repealed.

Article 18. In Article 108 of the same Decree, as replaced by the Royal Decree of 25 April 2004, the word ‘radiotelephone’ is replaced by the word ‘telephone’.

Article 19. Article 200 of the same Decree is replaced by the following:

‘Article 200. No explosives may be stored except in duly authorised shops or depots, except in the case of explosives and quantities referred to in Article 265 or explosives and quantities which natural or legal persons are authorised to possess without a licence under this Decree and its implementing regulations. ’.

Article 20. Article 202 of the same Decree is replaced by the following:

‘Article 202. Where circumstances so require, derogations from the requirements relating to depots may be granted by the authorising authority. ’.

Article 21. In Article 241 of the same Decree, the words ‘in quadruplicate’ are repealed.

Article 22. In Article 257, replaced by the Royal Decree of 3 December 2009, a subparagraph worded as follows is inserted between subparagraph 2 and subparagraph 3:

‘Notwithstanding subparagraph 1, where, in accordance with this Decree, a purchaser does not hold the authorisation referred to in subparagraph 1, the purchaser shall provide evidence that they are not subject to this authorisation requirement. ’.

Article 23. In Article 258 of the same Decree, the words ‘dynamite or explosives which are not readily flammable’ are replaced by the words ‘explosives’.

Article 24. In Article 260 of the same Decree, as amended by the Royal Decree of 1 February 2000, a paragraph 3 is inserted, worded as follows:

‘§ 3. Notwithstanding paragraph 1, no depot licence is required for the possession and sale, by gunsmiths, of safety cartridges for portable firearms.

The exception referred to in the first subparagraph shall apply only if:

1. the total quantity of powder contained in the cartridges does not exceed 500 kilograms;
2. the conditions for the storage of cartridges laid down in the Act of 8 June 2006 regulating economic and private activities involving firearms, and in its implementing regulations, are complied with. ’.

Article 25. In Article 265 of the same Decree, points 1. and 2., point 4. – as replaced by the Royal Decree of 1 February 2000 – and point 6. are repealed.

Article 26. In Article 277 of the same Decree, the words ‘dynamite or explosives which are not readily flammable and detonators’ are replaced by the words ‘explosives’.

Article 27. In Articles 31, 33, 196, 197 and 278 of the same Decree, the word ‘gendarmerie’ is replaced in each instance by the word ‘police’.

Article 28. In the same Decree, Articles 12, 18, 52, 54, 63, 64 and 88 are repealed.

Article 29. The Minister for the Economy shall be responsible for implementation of this Decree.

Issued at

By the King:

The Minister of the Economy,

David CLARINVAL