

KINGDOM OF BELGIUM

FEDERAL PUBLIC SERVICE ECONOMY, SMEs, SMALL BUSINESSES AND ENERGY

Draft of Royal Decree amending the Royal Decree of 19 March 2017 on safety measures for the establishment and operation of installations for the transportation of gaseous and other products by pipeline.

PHILIPPE, King of the Belgians,

To all those present and those to come,

Greetings.

Having regard to Article 108 of the Constitution;

Having regard to the Law of 12 April 1965 relating to the transportation of gaseous and other products by pipeline, Article 17 Sec. 1, reinstated by the Law of 8 May 2014;

Having regard to the Law of 11 July 2023 relating to the transportation of hydrogen by pipelines and to the production of hydrogen in marine spaces under the jurisdiction of Belgium, Article 7;

Having regard to the Royal Decree of 15 June 1967 extending certain provisions of the Law of 12 April 1965 relating to the transportation of gaseous and other products by pipeline, and to the transportation by pipeline of liquid hydrocarbons and/or liquefied hydrocarbons other than those referred to in Article 1(a) of that Law;

Having regard to the Royal Decree of 15 June 1967 extending certain provisions of the Law of 17 April 1965 relating to the transportation of gaseous and other products by pipeline, and to the transportation by pipeline of brine, caustic detergent and waste liquids;

Having regard to the Royal Decree of 14 March 1969 extending certain provisions of the Law of 12 April 1965 relating to the transportation of gaseous and other products by pipeline, and to the transportation by pipeline of gaseous oxygen;

Having regard to the Royal Decree of 19 March 2017 on safety measures relating to the establishment and operation of installations for the transportation of gaseous products and other products by pipeline,

Having regard to the Communication to the European Commission of XXXXXXXX (notification XXXXXXXX), 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 opinion of the Directorate-General for Energy of the FPS Economy, SMEs, Small Businesses and Energy issued on XXXXXXXX;

Having regard to the opinion of the Directorate-General for Quality and Safety of the FPS Economy, SMEs, Small Businesses and Energy issued on XXXXXXXX;

Having regard to the opinion of the Inspector of Finance, issued on XXXXX;

Having regard to the opinion XXXXX of the Council of State issued on XXXXXXXX, pursuant to Article 84, Sec.1, subsection 1, point 1, of the Laws on the Council of State, consolidated on 12 January 1973;

Having regard to the Royal Decree of 24 January 1991 amending the Royal Decree of 11 March 1966 determining the safety measures to be taken when establishing and operating installations for the transportation of gas by pipelines.

Having regard to the necessity to clarify the status of trees that were present before entry into force of the ban on the presence of trees that was introduced by the Royal Decree of 24 January;

Having regard to the possibility of achieving a level of safety equivalent to that of the absence of trees by taking special safety measures;

On the proposal of the Minister of Energy,

WE HAVE DECREED AND HEREBY DECREE:

Article 1. Article 16 of the Royal Decree of 19 March 2017 relating to safety measures in the establishment and operation of installations for the transportation of gaseous and other products by pipeline, is supplemented by three subsections worded as follows:

'By way of derogation from the previous subsection, the trees located within a 3 m area on either side of the pipeline axis shall be permitted in the following cases:

- 1° when the MAOP of the pipeline is less than or equal to 16 bar; or
- 2° when the trees were there before 1992.

In these cases, the carrier shall apply the following additional measures:

- 1° it shall carry out, at its own expense and within five years of the entry into force of this subsection, an exhaustive census of all the trees that fall within the scope of the derogation provided for in the preceding subsection and shall inform the Directorate-General for Energy and the Directorate-General for Quality and Safety thereof in writing. This information shall be accompanied by a report from an independent forestry expert certifying that the condition of the roots in the vicinity of the pipeline does not constitute an unacceptable risk to the integrity of the pipeline. This report shall also include an assessment of the age of the tree;
- 2° it shall arrange for an independent forestry expert to assess every five years the quality of the ground anchoring and root development of the identified trees. A report shall be drawn up at the time of each inspection and made available to the administration.

If the assessment concludes that there is an unacceptable risk to the integrity of the pipeline and the corrective measures cannot be implemented by the carrier, the carrier will not be able to benefit from the derogation provided for in subsection 3.'

Article 2. The Minister of Energy shall be responsible for the implementation of this Decree.