

KINGDOM OF BELGIUM

FEDERAL PUBLIC SERVICE FOR THE ECONOMY, SMES, SELF-EMPLOYED
AND ENERGY

Royal Decree on measuring instruments intended to indicate quantity
when marketing liquid fuels

PHILIPPE, King of the Belgians,

To all present, and those to come, salutations.

Having regard to the Constitution, Article 108;

Having regard to the Code of Economic Law [Wetboek van economisch
recht], Articles VI.9, Section 1, points 1, 2 and 4, VI.11, Sections 2 and 3,
VI.16 and VIII.46, Section 2;

Having regard to the Royal Decree of 2 March 2007 laying down special
rules on indicating the quantity when marketing certain liquid fuels and
liquid fuels in bulk;

Having regard to the communication to the European Commission on 28
November 2022, pursuant to Article 5(1) of Directive 2015/1535/EU 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 Finance Inspector, issued on XX month
20XX;

Having regard to the opinion of the Supreme Council for the Self-Employed
and Small and Medium Enterprises, issued on XX month 20XX;

Having regard to the opinion of the special Advisory Committee on 'Consumption', issued on XX month 20XX;

Having regard to opinion No XXX/20XX of the Data Protection Authority, issued on XX month 20XX;

Having regard to opinion XX.XXX/1 of the Council of State, issued on XX month 20XX, pursuant to Article 84, Section 1(1), point 2, of the laws on the Council of State, coordinated on 12 January 1973;

On the recommendation of the Minister for the Economy, Minister for Consumer Protection, Minister for Energy and Minister for the Self-Employed,

On the recommendation of the Minister for the Economy, Minister for Consumer Protection, Minister for Energy and Minister for the Self-Employed,

We have decreed and hereby decree:

CHAPTER 1. – Preliminary provision

Article 1. The objective of this decree is to make the trading of liquid fuels more transparent with a view to promoting fair market forces.

This decree lays down the rules for determining the quantity if it is expressed as a volume.

CHAPTER 2. – General provisions

Article 2. The following definitions apply for the purposes of this decree:

1° Liquid fuel: a liquid which, in the presence of an oxidant and under the influence of activation energy, forms part of an exothermic reaction;

2° Liquid motor fuel: a liquid fuel which, when mixed with air, can be used as an energy source for an engine;

3° Actual mass density: measured mass density expressed in kilograms per cubic metre (kg/m³);

4° Actual temperature: the measured temperature of the liquid motor fuel expressed in degrees Celsius;

5° Reference mass density: the theoretical mass density at 15 °C expressed in kilograms per cubic metre (kg/m³);

6° Liquid measuring system: a measuring instrument as defined in Annex VII on measuring systems for the continuous and dynamic measurement of quantities of liquids other than water to the Royal Decree of 15 April 2016 on measuring instruments;

7° Conversion device: a part of the calculating unit of a measuring instrument which, by taking into account the characteristics of the liquid (temperature, mass density, etc.) measured by additional measuring instruments or stored in a memory, automatically converts the volume of the liquid measured under measurement conditions to a volume under reference conditions;

8° Liquid fuels traded in bulk: liquid fuels that are not pre-packaged and that are measured by or in the presence of the consumer;

9° Pre-packaged goods: goods as referred to in Article I.8(point 8) of the Code of Economic Law;

10° Two-stroke petrol: liquid motor fuel for two-stroke engines;

11° Durable medium: any instrument as defined in Article I.1, 15° of the Code of Economic Law;

12° Metrological Department: the services of the General Directorate for Quality and Safety of the Federal Public Service for Economy, SMEs, Self-Employed and Energy responsible for metrology;

13° Legal designation: the legal designation of liquid fuels as laid down in the Royal Decree of 28 October 1996 on the designation, characteristics and sulphur content of LPG for road vehicles, the Royal Decree of 19 November 1996 on the designation, characteristics and sulphur content of lamp oil, the Royal Decree of 20 December 1999 on the designations and characteristics of commercial propane and commercial butane, the Royal Decree of 3 July 2018 on the names and characteristics of heating oil, the Royal Decree of 8 July 2018 on the designation and characteristics of diesel and petrol, the Royal Decree of 13 April 2019 on the designation and characteristics of alternative fuels, or the Royal Decree of 21 September 2021 on the designation and characteristics of marine gas oils and residual marine fuels.

Article 3. This decree applies to liquid fuels traded in bulk, where the quantity traded is expressed in volume (litres (l or L)), cubic metres (m³) or decimal multiples or fractions thereof.

This decree does not apply to liquid fuels traded as pre-packaged goods.

This decree does not apply to two-stroke petrol.

CHAPTER 3. – Conversion to volume at 15 °C

Article 4. Section 1. The quantity of liquid fuel traded is expressed for each transaction as a volume at 15 °C.

For this purpose, the quantity of the liquid fuel is determined by means of a liquid-measuring system equipped with a conversion device which traces the measured volume to a corresponding volume at a temperature of 15 °C.

The designation of the liquid measuring system reflects the reduced volume with a clear and unambiguous indication that it is a volume at 15 °C.

Section 2. The liquid measuring system and the conversion device comply with the provisions of Annex VII to the Royal Decree of 15 April 2016 on measuring instruments, and with the provisions of the Royal Decree of 26 September 2013 on the re-calibration of measuring systems for liquids other than water.

Section 3. For the purpose of reducing the volume measured at the actual temperature to the corresponding volume at 15 °C, the actual mass density at the actual temperature is measured by a density meter that is part of the liquid measuring system and calibrated by an ISO/IEC EN NBN 17025 accredited body or by a national metrology institute accredited for this purpose by CIPM-MRA.

In the absence of an integrated density meter as provided for in Section 3(1), the average value of the stated minimum mass density and stated maximum mass density at 15 °C in the relevant product standard or normative document and relating to the liquid fuel as provided for in the Royal Decrees on the legal designation is used as the reference mass density. The average value is determined in the same unit or decimal multiples or parts thereof.

In the absence of the reference mass densities as provided for in Section 3(2), the Metrological Department may determine the value for this purpose.

In the absence of an integrated density meter as referred to in Section 3(1), and in the absence of reference mass densities as referred to in Section 3(2), and if no valuation can be determined by the Metrological Department as referred to in Section 3(3), the volume will not be reduced.

Article 5. It is permitted to deliver the various groups of petroleum products via a single liquid metering system, provided that the metering system is completely emptied at the end of the delivery so that the characteristics of the unloaded product are not affected by contamination.

In the case where a liquid metering system placed on a tanker truck has multiple outlets downstream of the flow meter, it must be equipped with a zero-reset interlock, which ensures that delivery can occur through only one outlet at a time. During a measurement, switching between those outlets becomes impossible.

Metering systems for liquids other than water, used for point-of-sale dispensing at a retail outlet for heating oil (gas oil) or lamp oil, with a throughput of 100,000 litres per year or less and commissioned before 19 March 2007, are exempt from the requirement to be fitted with a temperature conversion device to convert the volume to a corresponding volume at 15 °C. The volume of heating oil or lamp oil traded using such an exempted measuring system are deemed to be the volume at 15 °C.

CHAPTER 4. – Loading and unloading of liquid fuels

Article 6. Section 1. When loading at a permanent storage facility, a loading note is issued to the buyer or their representative on a durable medium. This loading note contains the following data at a minimum:

- 1° Identification of the storage facility;
- 2° Unique identification number of the liquid measuring facility;
- 3° Date and time of loading;
- 4° Legal designation;

Notwithstanding the Royal Decrees concerning the legal designation of liquid fuels, where this is impossible for technical reasons, an unambiguous abbreviation of the legal designation may be used.

In the absence of a legal designation, an unambiguous name is used.

5° Amount of liquid fuel loaded expressed in volume at 15 °C;

6° Unique identification number or serial number for the loading transaction, drawn up in such a way that this number, in combination with the printed date, allows each individual loading transaction to be identified retrospectively in an unambiguous manner and without any risk of confusion;

7° Applied mass density as referred to in Article 4, Section 3(1,2 or 3); or in case of application of Article 4, Section 3(4), the indication: “not applicable pursuant to Article 4, Section 3(4) of the Royal Decree of [date to be inserted: XX MONTH 20XX] on measuring instruments intended for determining quantities in the trade in liquid fuels”.

If, for technical reasons, it is not possible to state the identification number of the liquid metering system on the loading note, the details listed in the first paragraph, points 3 to 6, must enable the subsequent identification of each individual loading transaction in an unambiguous manner and without any risk of confusion.

It is prohibited to state the unadjusted volume on the loading note.

Each loading transaction gives rise to a separate loading note.

After completion of the loading transaction, the loading note is transferred to the buyer or their representative without delay.

Section 2. A logbook is established on a durable medium and kept for at least one year in a manner that ensures the traceability and authenticity of the data. It must record, at a minimum, the details of the loading note referred to in the first section.

Article 7. Section 1. When the tanker is unloaded, an unloading note is issued to the buyer or their representative on a durable medium. This unloading note must include the following details at a minimum:

1° Serial number of the counting unit of the measuring system;

2° Date and time of the delivery;

3° Legal designation;

Notwithstanding the Royal Decrees concerning the legal designation of liquid fuels, where this is impossible for technical reasons, an unambiguous abbreviation of the legal designation may be used.

In the absence of a legal designation, an unambiguous name is used.

4° Amount of liquid fuel discharged expressed in volume at 15 °C;

5° Unique identification number or serial number for the unloading transaction, drawn up in such a way that this number, in combination with the date, makes it possible to identify each individual unloading transaction retrospectively in an unambiguous manner and without any risk of confusion;

6° Applied mass density as referred to in Article 4, Section 3(1,2 or 3); or in case of application of Article 4, Section 3(4), the indication: “not applicable pursuant to Article 4, Section 3(4) of the Royal Decree of [date to be inserted: XX MONTH 20XX] on measuring instruments intended for determining quantities in the trade in liquid fuels”.

It is prohibited to state the unadjusted volume on the unloading note.

Each delivery transaction gives rise to a separate unloading note.

The delivery note must be handed over without delay to the buyer or their representative after completion of the transaction.

Section 2. A logbook is established on a durable medium and kept for at least one year in a manner that ensures the traceability and authenticity of the data. It must record, at a minimum, the details of the loading note referred to in the first section.

Article 8. Section 1. The personal data processed for the loading note and the unloading note is processed for the purpose of fulfilling the legal obligation laid down in Articles 6 and 7.

Section 2. Apart from the personal data relating to the identification of the buyer or their representative and their contact details, no other personal data may be processed for the loading and unloading notes.

Section 3. The personal data required for the unloading note and loading note will be retained for as long as is necessary for the intended purposes

and for no longer than the statutory limitation periods applicable to legal claims and, where applicable, one year after the final conclusion of any legal proceedings and appeals.

CHAPTER 5. – Transitional and final provisions

Article 9. In the case of liquid measuring systems already equipped with a conversion device at the time of entry into force of this decree, the parameters referred to in Article 4(3), are set as soon as possible and at the latest on the day of expiry of the recalibration period.

In the case of liquid measuring systems which are not yet equipped with a conversion device at the time of entry into force of this decree, they must be brought into conformity no later than 24 months after it takes effect.

Article 10. The Royal Decree of 2 March 2007 laying down special rules on the indication of quantity when placing certain motor fuels and liquid fuels on the market in bulk, as amended by the Royal Decree of 25 October 2016, is repealed.

Article 11. The Minister for the Economy, Minister for the Self-Employed, Minister for Energy and Minister for Consumer Protection are responsible, in their own fields, for the implementation of this Decree.

Issued at

On behalf of His Majesty:

Minister for the Economy,

David CLARINVAL

Minister for Consumer Protection,

Rob BEENDERS

Minister for Energy,

Mathieu BIHET

Minister for the Self-Employed,

Eléonore SIMONET