

The Kingdom of Belgium

FEDERAL PUBLIC SERVICE, PUBLIC HEALTH, FOOD CHAIN SAFETY AND ENVIRONMENT

Royal Decree laying down the conditions for the placing on the market of portable and transportable CO₂ metres for monitoring indoor air quality

PHILIPPE, King of the Belgians,

To all present, and those to come, greetings.

Whereas the purpose of this Royal Decree is to lay down the conditions for the placing on the market of portable and transportable CO₂ metres for monitoring indoor air quality in accordance with the standards laid down in the Act of 21 December 1998;

Whereas the purpose of this Royal Decree is to ensure that portable and transportable CO₂ metres placed on the market meet the objectives referred to in the first paragraph of Article 4(1) of the Act of 6 November 2022;

Having regard to the Act of 21 December 1998 on product standards for the promotion of sustainable production and consumption patterns and the protection of the environment, health and workers, Article 5, § 1(1)(1), (2), (3), (5) and (12), as amended by the Acts of 27 July 2011 and 16 December 2015;

Having regard to the Ministerial Decree of 9 March 2022 laying down provisionally the conditions for the placing on the market of CO₂ metres in the context of the fight against SARS-CoV-2;

Having regard to Opinion No 200/2002 of the Data Protection Authority of 9 September 2022;

Having regard to the opinion of the Finance Inspector, given on 28 September 2022;

Having regard to the involvement of regional governments in the preparation of this Decree, within the framework of the Interministerial Conference on the Environment of 29 September 2022;

Having regard to the communication to the European Commission, of 27 July 2022, 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 Federal Council for Sustainable Development, given on 23 November 2022;

Having regard to the opinion of the Consumer Council, given on 23 November 2022;

Having regard to the opinion of the Central Economic Council, given on 23 November 2022;

Having regard to the first paragraph in Article 4(1) of the Act of 6 November 2022 on the improvement of indoor air quality in closed spaces accessible to the public;

Having regard to the opinion of the High Council for Health, given on 4 January 2023;

Having regard to Opinion 73.780/3 of the Council of State, given on 5 July 2023, pursuant to Article 84, § 1(1)(2), of the Acts on the Council of State, consolidated on 12 January 1973;

On the proposal of the Minister of Public Health and the opinion of the Ministers who have deliberated it in the Council;

I HAVE DECREED AND HEREBY DECREE:

Article 1. Objective and scope

This Decree lays down the conditions for the placing on the market of portable and transportable CO₂ metres for monitoring indoor air quality.

Article 2. For the application of this Decree, the following mean:

Public service: Federal Public Service for Public Health, Safety of the Food Chain and the Environment, Directorate-General for the Environment, Product Policy and Chemicals Substances.

Article 3. Only portable and transportable CO₂ metres which fulfil all of the following conditions may be placed on the market:

1. CO₂ metres directly measure CO₂ concentration;
2. CO₂ metres that evaluate the CO₂ concentration on the basis of other gases or substances present in the air do not meet the requirement to directly measure the CO₂ concentration;
3. CO₂ metres cover a measurement range of 0 to at least 2 000 ppm;
4. CO₂ metres can be recalibrated to compensate for the deviation of the measurement according to the procedures laid down by the manufacturer in the technical manual of the device. This requirement does not apply to CO₂ metres that are self-calibrating;
5. CO₂ metres measure a concentration of CO₂ whose accuracy is in accordance with NBN EN 50543:2011;
6. CO₂ metres are provided with a technical manual in all three national languages.

The manufacturer or person responsible for placing CO₂ metres on the market shall have requirements 1 to 4 tested and measured by an accredited laboratory, before it is placed on the market, to ensure that the CO₂ metre meets the above conditions.

The accredited laboratory's report shall be dated, signed and communicated to the manufacturer or person responsible for placing the CO₂ metre on the market.

Article 4. § 1. Checking the conformity of the devices referred to in Article 3 carried out by the Public Service in stores or when selling on online platforms may require test methods and measurements to be carried out by an accredited laboratory.

§ 2. For the purpose of applying the test methods and carrying out the measurements referred to in paragraph 1, the manufacturer or person responsible for placing on the market portable and transportable CO₂ metres shall provide two identical systems to the Public Service free of charge.

§ 3. The Public Service shall affix the seals on the two devices mentioned in paragraph 2. The manufacturer or person responsible for placing on the market portable and transportable CO₂ metres shall deliver the first device to the approved laboratory designated by the Public Service; the second appliance is kept by the manufacturer or the person responsible for placing on the market portable and transportable CO₂ metres.

§ 4. For the purpose of cross-expertise, the second device shall be delivered to an accredited laboratory chosen by the manufacturer or person responsible for placing the product on the market.

In this case, all costs shall be borne by the manufacturer or the person responsible for placing portable and transportable CO₂ metres on the market.

§ 5. The accredited laboratory shall forward the report of the analyses to the competent department, which shall then take the necessary measures on the basis of the content of the report.

Article 5. This Decree shall enter into force 30 days after its publication in the Moniteur belge.

Article 6. The Minister for Public Health shall be responsible for the implementation of this Decree.

Done at Brussels, on ...

PHILIPPE,
By the King:

The Minister for Public Health,

Frank VANDENBROUCKE