

KINGDOM OF BELGIUM

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

Royal Decree amending the Royal Decree of 1 September 2004 on the conditions and the award procedure for concessions for the exploration and exploitation of mineral and other non-living resources in the territorial sea and on the continental shelf

PHILIPPE, King of the Belgians,

To all those present and to come, Greetings.

Having regard to the Act of 13 June 1969 on the exploration and exploitation of the non-living resources of the territorial sea and the continental shelf, Article 3(2) and (4) replaced by the Law of 11 December 2022;

Having regard to the Royal Decree of 1 September 2004 on the conditions and the award procedure for concessions for the exploration and exploitation of mineral and other non-living resources in the territorial sea and on the continental shelf;

Having regard to the opinion of the Inspector of Finance, issued on 17 July 2023;

Having regard to opinion [number] of the Council of State, issued on [date] pursuant to the Article 84(1)(1), 2° of the Law of the Council of State, coordinated on 12 January 1973;

Having regard to the opinion of the Advisory Commission responsible for coordinating the administrations involved in managing the exploration and exploitation of the continental shelf and the territorial sea, given on 27 April 2023;

On the recommendation of the Minister for the Economy,

We have decreed and hereby decree:

Article 1. In the heading of Chapter VII of the Royal Decree of 1 September 2004 on the conditions and the award procedure for concessions for the exploration and exploitation of mineral and other non-living resources in the territorial sea and on the continental shelf, the word 'expire' shall be replaced with the word 'lapse'.

Article 2. In Article 21 of the same Decree, the word 'expire' is replaced with the word 'lapse'.

Article 3. The following amendments shall be made to Article 22 of the same Decree, amended by the Royal Decree of 19 April 2014:

1° in section 2, paragraph 2 is deleted.

2° in section 3, paragraph 1, the words 'or the suspension or withdrawal of the inspection certificate' shall be deleted;

3° in section 4, the following amendments shall be applied:

a) paragraph 2 shall be deleted;

b) in the previous paragraph 3, which becomes paragraph 2, the words 'these Decrees' shall be replaced with the words 'this Decree'.

Article 4. In Article 24/1(3) of the same Decree, inserted by the Royal Decree of 19 April 2014, paragraph 2 shall be deleted;

Article 5. In Article 33(4) of the same Decree, the words 'and sealing the recording device' shall be replaced with the words 'of the recording system'.

Article 6. The following amendments shall be made to Article 34 of the Decree:

1° in section 1, replaced by the Royal Decree of 19 April 2014, the following amendments shall be made:

a) section 1 shall be replaced with the following:

'(1). An automatic recording system shall be installed on board each mining vessel at the concessionaire's expense to record at least the following data:

1° identification of the mining vessel;

2° date of the recordings;

3° time (U.T.C.) of the recordings;

4° position of the mining vessel;

5° speed of the mining vessel;

6° state of the pumps (on/off);

7° extraction status (yes/no).';

b) section 1 shall be supplemented with 8° and 9° as follows:

'8° position and depth of the drag head when extracting;

9° draught of the mining vessel.';

2° in section 2, the words 'recording device' shall be replaced with the words 'recording system';

3° in section 3, the following amendments shall be applied:

a) the words 'the recording device and the sensors connected to it are' shall be replaced with the words 'the recording system';

b) the words 'and sealed' shall be deleted;

c) the words 'and sealing' shall be deleted;

4° in section 4, the following amendments shall be applied:

a) the word 'recording device' shall be replaced with the word 'recording system';

b) the words 'and sensors connected to it' shall in each case be deleted;

c) in section 3, the words 'and calibration' shall be inserted between the word 'maintenance' and the words 'of the recording device';

5° the Article is supplemented with a section 5, reading as follows:

'(5). If the recording system no longer meets the technical specifications imposed by the General Directorate, the Minister's delegate may withdraw or suspend the inspection certificate.'

Article 7. This Decree shall enter into force on 1 April 2024, with the exception of Article 6, 1°(b).

Article 6, 1°(b) shall enter into force on 1 June 2026.

Article 8. The Minister for the Economy shall be responsible for the implementation of this decree.

Issued at

On behalf of His Majesty:

The Minister of the Economy,

Pierre-Yves DERMAGNE