

KINGDOM OF BELGIUM

FEDERAL PUBLIC SERVICE ECONOMY, SMEs, SMALL BUSINESSES AND ENERGY

Royal Decree on the procedure for authorising the construction and commissioning of cableway installations designed to carry persons

PHILIPPE, King of the Belgians,

To all present, and those to come, salutations.

Having regard to Regulation (EU) 2016/424 of the European Parliament and of the Council of 9 March 2016 on cableway installations and repealing Directive 2000/9/EC;

Having regard to Article IX.4(1)(1) of the Code of Economic Law;

Having regard to the Communication to the European Commission of XXXX, 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 Opinion CCE XXX of the Special Advisory Commission on Consumption as the representative of the sectors concerned, given on XXX;

Having regard to Opinion xxxxx/x of the Council of State of (date), pursuant to Article 84(1)(1)(2), of the Laws on the Council of State, consolidated on 12 January 1973;

On the proposal of the Minister of the Economy,

We have decreed and hereby decree:

Article 1 This Decree shall apply to cableway installations designed to carry persons covered by Regulation (EU) 2016/424 of the European Parliament and of the Council of 9 March 2016 on cableway installations and repealing Directive 2000/9/EC, hereinafter referred to as ‘Regulation (EU) 2016/424’.

Without prejudice to the second paragraph of Article 5, installations regarded as historical, cultural or part of heritage that were commissioned before 1 January 1986 and are still in operation, shall not be covered by the first paragraph.

Article 2 For the purpose of this Decree, the definitions laid down in Article 3 of Regulation (EU) 2016/424 shall apply.

Article 3 For the purpose of this Decree, the following definitions shall apply:

1° the Minister: the minister responsible for the protection of consumer safety;

2° main contractor: any natural or legal person who commissions the construction of an installation.

Article 4 The main contractor is the responsible person referred to in Regulation (EU) 2016/424.

Article 5 The construction and commissioning of an installation referred to in Article 1 shall be subject to

authorisation by the Minister, in accordance with Article 9(1) of Regulation (EU) 2016/424.

Where significant modifications are made to an installation referred to in Article 1, a new commission authorisation must be requested from the Minister.

Safety components and subsystems may be installed and commissioned only if they enable the construction of installations that are not liable to endanger the safety and health of persons or, where appropriate, the safety of property, when properly installed, maintained and operated in accordance with their intended purpose.

Article 6 The application for authorisation referred to in the first paragraph of Article 5 shall be submitted by the main contractor to the Directorate-General for Quality and Safety of the Federal Public Service Economy, SMEs, Small Businesses and Energy.

The application for authorisation referred to in the first paragraph shall contain the documents listed in Article 9(2) of Regulation (EU) 2016/424.

The safety analysis referred to in Article 8(5) of Regulation (EU) 2016/424 shall be carried out by an accredited body.

Article 7 The installations referred to in Article 1 may be kept in operation only if they comply with the conditions laid down in the safety analysis referred to in Article 8(5) of Regulation (EU) 2016/424.

Article 8 With the exception of the second paragraph of Article 5, this Decree shall not apply to installations commissioned before the entry into force of this Decree.

The commissioning of an installation that is constructed but not commissioned, or that is under construction, before the entry into force of this Decree, shall be subject to authorisation by the Minister in accordance with the first paragraph of Article 5.

Article 9 This Decree shall enter into force on XXX.

Article 10 The Minister responsible for the protection of consumer safety shall be responsible for the implementation of this Decree.

Done in

By the King:

The Minister of the Economy,