

Royal Decree of 27 March 1998 on the external services for prevention and protection at work (Belgian Official Gazette of 31 March 1998)

- Amended by:
- (1) Royal Decree of 20 February 2002 in amendment of the Royal Decree of 27 March 1998 on the mandatory fixed minimum contribution for the performances of those services by the prevention counsellors and regarding the recognition of those services and in amendment of various regulatory provisions (Belgian Official Gazette of 8 March 2002)
 - (2) Royal Decree of 11 July 2002 on the protection against violence, bullying and sexual harassment at work (Belgian Official Gazette of 18 July 2002)
 - (3) Royal Decree of 28 August 2002 on the designation of officials responsible for the supervision of compliance with the Act of 4 August 1996 on welfare of workers in the performance of their work (Belgian Official Gazette of 18 September 2002)
 - (4) Royal Decree of 31 March 2003 (Belgian Official Gazette of 9 April 2003)
 - (5) Royal Decree of 28 May 2003 on the health surveillance of workers (Belgian Official Gazette of 16 June 2003)
 - (6) Royal Decree of 2 December 2003 (Belgian Official Gazette of 8 January 2004)
 - (7) Royal Decree of 5 December 2003 on the expertise of the prevention counsellors of the external services for prevention and protection at work (Belgian Official Gazette of 22 December 2003)
 - (8) Royal Decree of 17 February 2006 on the abrogation, for certain documents, of the requirement of the declaration of true and certified copy (Belgian Official Gazette of 16 March 2006)
 - (9) Royal Decree of 23 October 2006 to adjust various Royal Decrees pursuant to the restructuring of the High Council for Prevention and Protection at work (Belgian Official Gazette of 21 November 2006)
 - (10) Royal Decree of 17 May 2007 on the training and refresher courses of the prevention counsellors of the internal and external services for prevention and protection at work (Belgian Official Gazette of 11 July 2007)
 - (11) Royal Decree of 19 May 2009 (Belgian Official Gazette of 8 June 2009)
 - (12) Royal Decree of 5 November 2012 (Belgian Official Gazette of 22 November 2012)
 - (13) Royal Decree of 29 January 2013 amending various provisions on the training and refresher courses of prevention counsellors for the internal and external services for prevention and protection at work (Belgian Official Gazette of 12 February 2013)
 - (14) Royal Decree of 10 April 2014 concerning the prevention of psychosocial risks at work (Belgian Official Gazette of 28 April 2014)
 - (15) Royal Decree of 27 November 2015 amending the Royal Decree of 27 March 1998 on the rates (Belgian Official Gazette of 14 December 2015)

Section I – General provisions regarding external services

Article 1. – For the purposes of this decree, the following definitions shall apply:

- 1° the Act: the Act of 4 August 1996 on welfare of workers in the performance of their work;
- 2° the external service: the External Service for Prevention and Protection at Work;
- 3° the prevention counsellor of the external service: the natural person linked to an external service responsible for the assignments referred to in Section II of the Royal Decree of 27 March 1998 concerning the Internal Service for Prevention and Protection at Work, who is specialised in one of the fields referred to in Article 21 and complies with the terms of Article 22;
- 4° the Committee: the Committee for Prevention and Protection at work, in the absence of a Committee, the trade union representatives or in the absence of trade union representatives, the workers themselves in accordance with the provisions of Article 53 of the Act;
- 5° the Minister: the Minister of Employment and Labour;
- 6° ARAB: General Regulations concerning Protection at Work.
- [7° Royal Decree on internal services: Royal Decree of 27 March 1998 concerning internal services for prevention and protection at work (1)].
- [8° the competent administration: the Directorate-general Humanisation of Work of the Federal Public Service Employment, Labour and Social Dialogue. (12)]

[Art. 2. – Every time an employer calls on or must call on an external service to perform assignments referred to in Section II of the Royal Decree concerning the internal service, s/he calls on one single external service.

The external service performs the assignments referred to in the first paragraph, collaborates with the internal service and is available for the employer, members of the hierarchical line and of the workers, in particular by providing them with all types of useful information and advice.

In derogation from the first paragraph, the employer must call on a second external service when a technical operational unit is located on the territory of a Community for which the first service does not have the recognition referred to in Article 40, § 3, third paragraph of the Act.

In derogation from the first paragraph and without prejudicing the possibility which Article 4, fourth paragraph of the Royal Decree concerning the internal service provides for the employer, the latter may call on a second external service when the technical operational unit must continually call on special skills and on technical equipment necessary to perform the abovementioned assignments, and which the first external service does not have. (1)]

[In derogation from the first paragraph, an employer can call on another external service for any technical operational unit that has been established. In every technical operational unit, one single external service performs the totality of the assignments referred to in the first paragraph. (6)]

Art. 3. [An employer who, on his/her own initiative, or at the Committee's request, decides to either call on more than one external service, or to entrust the assignments of the internal service

to the external service, or to allow the internal service to perform the assignments that s/he had entrusted to the external service, or to change external services, shall request the prior advice of the recognised committee or committees. (6)]

If no agreement is reached, the employer requests the advice of the official responsible for the supervision.

This official hears the parties concerned and attempts to reconcile the points of view.

If no reconciliation can be attained, the official responsible for the supervision gives advice, of which the employer is informed by registered letter.

Before making a decision, the employer informs the committee of the advice of the official responsible for the supervision within a term of thirty days after the notice.

The notice is deemed to be received on the third working day after the letter has been handed in at the post office.

Section II. – Establishment of the external service and general principles regarding management

Art. 4. – An external service can be established by the following:

- 1° employers;
- 2° the State, Communities, Regions, public institutions, provinces and municipalities.

It is established, either for the entire Belgian territory, or a territory for which one or more communities are competent, a territory to be defined, a specific sector of activity or for various sectors of activity in a specific territory.

The territorial or sector-wide authority of the external service is exclusively determined by the recognition referred to in [Article 40, § 3, first paragraph (1)] of the Act, including the section charged with medical supervision.

Art. 5. – The external service is established in accordance with Belgian law in the form of a non-profit organisation.

In derogation from the first paragraph and after advice by the [Standing Operational Commission (9)] referred to in Article 44, the Minister can also recognise the institutions of the State, Communities, Regions, public institutions, provinces and municipalities that were not established in the form of non-profit organisations.

Art. 6. – The legal person has the following exclusive social objects:

- 1° to manage the external service;
- 2° to fulfil the assignments of an external service and other prevention activities that are directly related to it, as specified by the Act and its executive decrees.

The external service is always obliged to conclude an agreement with an employer to the extent that this employer undertakes that s/he will comply with the provisions of the Act, of its executive decrees and of the agreement.

The sections of which the external service consists may not have their own legal personality.

Art. 7.-[§ 1. (4) The external service may have not any direct or indirect interest in the undertakings or institutions in which it has to fulfil its assignments.

[§ 2. The external service meets the following terms:

- 1° the external service performs its assignments according to the principles of total quality management;
- 2° on starting its activities, it must have a policy statement available regarding total quality management. (4)]

[§ 3. The external service applies a quality system that is certified in accordance with the NBN EN ISO 9001 (2) standard and provides proof of this.

The external service that was recognised on 31 December 2002 and whose recognition is renewed thereafter must be able to submit the proof referred to in the previous paragraph on 31°December at the latest, and must, in the meantime, after a term of four years of activity, be able to submit a document from which it appears that it applies the principles of total quality management.

The external service whose first recognition commences after 1 January 2003 must be able to submit the proof referred to in the first paragraph, at the latest, within a term of two years of activity.

The proof referred to in the first paragraph is provided by a certificate for the performance of the assignment referred to in Section 2 of the Royal Decree concerning internal services, issued by a certification body which, in accordance with the Act of 20 July 1990 concerning the accreditation of certification bodies, test bodies and test laboratories, or in accordance with a similar accreditation body established within the European Economic Area, is specifically accredited by the Belgian accreditation system to execute certification of these quality systems.

The external service may not make any use of the possibility that might be provided for by the NBN EN ISO 9001 standard to not apply some of its specific requirements. (4)]

Art. 8. – The external service has the required material, technical, scientific and financial resources available to be able to fulfil its assignments fully and efficiently at all times.

These resources are determined by the board of directors, taking into account the assignments to be performed, the nature of the risks and the size of the undertakings or institutions calling on the external service and the principles of total quality management [or the quality system (4)] referred to in Article 7.

Art. 9. – The external service does its accounting in accordance with the provisions of the Act of 17 July 1975 on the accounting system and annual accounts of undertakings and its executive decrees and, in particular, by taking into account the provisions of the Royal Decree of 23 Janu-

ary 1992 on the accounting system, annual accounts and the budgeting of the inter-company medical services, including the assignments of the auditor.

Art. 10. – Every external service establishes a rate system for the assignments that it shall perform.

The Minister is informed of this rate system.

[This rate system takes into account the mandatory fixed minimum amounts for the performance of the prevention counsellors determined in Section II *bis*. (1)]

Art. 11. – No form of reduction, return, refund or other commercial practice that has the objective or consequence of reducing the amount of the mandatory fixed minimum contribution referred to in Section II *bis* may be applied by the external service or be proposed to the employer, and the latter may neither request nor accept it, not even where the agreement was concluded following the awarding of a public contract. (1)]

Art. 12. – The income generated by the external service's operations are used to enable the service to fulfil the assignments with which it has been entrusted, in implementation of the Act and its executive decrees.

The remainder, in its entirety, must be spent on the following:

- 1° doing scientific research regarding the welfare of workers at work;
- 2° preparing specific action programmes regarding the welfare of workers at work in the undertakings or institutions or in a specific sector.

Art. 13. – The external service shall conclude a written agreement with the employer who calls on its services [agreement which is submitted to the Committee for its prior advice and (11)] in which, in particular, the following provisions are included:

- 1° the assignment or assignments that are entrusted to the external service;
- 2° the nature, scope and minimum duration of the performances that will be provided to the employer to fulfil each of the agreed assignments;
- 3° the resources that the employer makes available to the external service in the form of rooms and equipment in his/her undertaking or institution;
- 4° the manner in which there is collaboration with the Internal Service for Prevention and Protection at Work;
- 5° the relations with the Committee;
- [6° the way in which the agreement is terminated, in particular its impact on the adjustment of the fixed amounts referred to in Article 13*quater*. (11)]

The agreement is concluded for an indefinite period. It is terminated as follows:

- 1° *ex officio*, when the external service is no long recognised;

[2° via termination by one of the parties, observing a term of notice of at least six months that commences on the first day of the month following the term in which the notice was given and which ends on 31 December of, depending on the case, the current year or the following calendar year. (not applicable to the notices that were given before 18 June 2009) (11)]

The agreement is kept available for the official responsible for the supervision.

The external service is obliged to execute itself the assignments provided in the agreement.

[Section II/1. – Mandatory fixed minimum contributions for the performances of the external services

Art. 13/1. – This section is applicable to the employers and assimilated persons referred to in Article 2 of the Act, and to the external services which they call upon in implementation of Articles 8 to 11 of the Royal Decree on internal services.

Art. 13/2. – § 1. The employer owes the external service annually a fixed minimum contribution per worker, the amount of which is determined by the rate group to which the employer belongs, on the basis of its principal activity, as defined in Annex 1.

§ 2. The fixed minimum contribution referred to in § 1 shall be:

- 1° 41,50 euros in rate group 1;
- 2° 60,50 euros in rate group 2;
- 3° 75,50 euros in rate group 3;
- 4° 95,50 euros in rate group 4;
- 5° 112,00 euros in rate group 5;

In derogation from the first paragraph, the fixed minimum contribution for employers who employ up to five workers on 30 November of the year preceding the year in which the contribution is due, amounts to:

- 1° 35,50 euros in rate group 1;
- 2° 51,50 euros in rate group 2;
- 3° 64,00 euros in rate group 3;
- 4° 81,00 euros in rate group 4;
- 5° 95,00 euros in rate group 5;

§ 3. The employer owes the fixed minimum contribution for a worker who is registered with him for a full calendar year via Dimona, or, failing that, who is recorded in a document or register that reflects the workforce in a similar manner.

For a worker who is not registered a full calendar year for the employer, that employer owes one twelfth of the fixed minimum contribution per calendar month in which the worker was registered with him for at least one day. If an individual service is provided for this worker, the fixed minimum contribution is payable in full.

Art. 13/3. – § 1. An employer of group C or D, who does not have a prevention counsellor having successfully completed a complementary training of level I or II in his internal service, as defined in the Article 22 of the Royal Decree on the internal services, is, in exchange for the fixed minimum contribution, entitled to the following overall performances:

- 1° active co-operation in initiating, conducting and updating the risk analysis;
- 2° proposals for the prevention measures to be taken based on the risk analysis at the level of the organization as a whole, at the level of each group of workstations or functions and at the individual level, as provided in the Articles 8 and 9 of the Royal Decree of 27 March 1998 concerning policies for the welfare of workers in the performance of their work;
- 3° with the exception of the additional acts referred to in Article 28, § 2 of the Royal Decree of 28 May 2003 on the health surveillance of workers, the implementation of the following prevention measures within the framework of health surveillance entrusted to the medical supervision department:
 - a. prior and periodic health assessments;
 - b. spontaneous consultations;
 - c. examinations upon resumption of work;
 - d. visits prior to the resumption of work;
 - e. continued health surveillance;
 - f. examinations, in the context of maternity protection, as referred to in Article 9 of the Royal Decree of 2 May 1995 on maternity protection;
- 4° examinations, in the context of maternity protection, as referred to in Article 9 of the Royal Decree of 2 May 1995 on maternity protection;
- 5° assistance in the analysis, where appropriate, supplemented with a survey or other instrument, and proposals for prevention measures for display screen work, as referred to in Article 4 of the Royal Decree of 27 August 1993 on work with display screen equipment;
- 6° participation in the education on food hygiene and in the analysis of the risks of contact with food, as referred to in Section V/II of the Royal Decree of 4 August 1996 on the protection of workers from risks related to exposure to biological agents at work;
- 7° presence at the meetings of the Committee pursuant to Article 25, first paragraph, 3° of the Royal Decree of 3 May 1999 on the tasks and the operation of the Committees for prevention and protection at work;

- 8° to a maximum of five prevention counsellor performance-hours, assistance following a serious industrial accident as referred to in Article 94bis of the law, as soon as the external service is informed, namely by:
- a. proposing protective measures, provided for in Article 94septies, § 2 of the Act;
 - b. conducting the investigations in case of serious industrial accidents;
- 9° the execution of the tasks of the prevention counsellor psychosocial aspects arising from the treatment of an individual demand for informal or formal psychosocial intervention of the worker, pursuant Chapter V bis of the law, with the exception of the performances, within the framework of the formal psychosocial intervention, following the communication of the identity of the applicant to the employer;
- 10° investigation of the jobs and the work stations needed to perform the services mentioned in this article;
- 11° deliverance, within five years from the date of registration, of a reasoned strategy advice on the prevention policy of the employer under the responsibility of the prevention counsellor, the content and the modalities of which are defined in Annex 2, and which is updated at regular intervals and at least every three years¹;
- 12° keeping available online an inventory of the services performed for the employer, as provided for in the Articles 29 and 30.

The external service is deemed having performed the services referred to in the first paragraph, 1° and 2° if it has used a standardized method that:

- a) has been developed for one or more sectors or for certain functions and has been approved by the social partners of the sector, and subsequently reported to the General Directorate Humanization of Labour of the Federal Public Service Employment, Labour and Social Dialogue;
- b) results in an instrument enabling at least the determination of the results of the risk analysis, of the prevention measures to be taken, of the required qualifications and training and of the obligations in the field of health surveillance at the level of the organization as a whole and at the level of each group of workstations or functions;
- c) contributes to the drafting of the strategy advice;
- d) is updated or supplemented at least every three years, as well as on significant changes to functions or workstations notified by the employer to the external service;
- e) if necessary, is supplemented with an approach to the level of the individual.

§ 2. For the employers of group A, B or C disposing in their internal service of a prevention counsellor who has successfully completed a complementary training level I or II, as defined in Article 22 of the Royal Decree on the internal service, the fixed minimum contribution is

¹ The external services have a period of five years, starting from the 1st January 2016, for preparing a strategy advice for the employers who are already affiliated on the 1st January 2016

converted into prevention units, as provided in Article 13/4, which are in priority used for the following performances:

- a) preventive acts in the context of health surveillance as well as the organization of the right to inspect the medical records, as referred to in § 1, 3° and 4°;
- b) the execution of the missions of the prevention counsellor psychosocial aspects, unless the employer disposes within his internal service for prevention and protection at work of a prevention counsellor psychosocial aspects.

If prevention units remain after performing the services referred to in the first paragraph, these prevention units may be used by the employer, in consultation with the external service, for other performances directly related to prevention policy of the company. The remaining prevention units are transferable.

If there are insufficient prevention units left to perform the services referred to in the first paragraph, the external service, nevertheless, guarantees the execution of these performances. In that case, the performances are charged separately.

§ 3. An employer having within his internal service for prevention and protection at work a department charged with health surveillance, is liable to pay to the external service a contribution corresponding to the performances which are mentioned explicitly and in detail in the agreement signed, pursuant to Article 13, first paragraph, 1° and 2°.

Art. 13/4.– § 1. One prevention unit equals 150 Euros.

Prevention units may be used by the employer for performances by the staff of the external service, as defined in § 2, or by converting the cost of the performances, as provided for in Article 13/5.

§ 2. The employer may use the prevention units for performances by the external service using the following weighting factors, taking into account the average cost per worked hour by the staff of an external service, the gross hourly wage costs, the fringe benefits and the overhead costs included:

- a) 1 prevention unit for each hour worked by a prevention counsellor-expert in the field of occupational safety, as defined in Article 22, § 1, first paragraph, 1°;
- b) 1,25 prevention units for each hour worked by a prevention counsellor-occupational medicine, as defined in Article 22, § 1, first paragraph, 2°;
- c) 1 prevention unit for each hour worked by a prevention counsellor-expert in the field of ergonomics, as defined in Article 22, § 1, first paragraph, 3°;
- d) 1 prevention unit for each hour worked by a prevention counsellor-expert in the field of occupational health, as referred to in Article 22, § 1, first paragraph, 4°;
- e) 1 prevention unit for each hour worked by a prevention counsellor-expert in the field of psychosocial aspects of work, as defined in Article 22, § 1, first paragraph, 5°;

- f) 0,75 prevention units for each hour worked by a person assisting a prevention counsellor having successfully completed an approved prevention counsellor complementary training course of at least level II;
- g) 0,75 prevention units for each hour worked by a nurse assisting a prevention counsellor-occupational medicine.

Art. 13/5.– Are considered to supplement the performances provided for in Article 13/3, § 1 and § 2, first section, and may be charged separately by the external service to the employer:

- 1° technical acts within the framework of the tasks in the field of risk management and which are part of the analysis and expertise methods, in particular investigations, inspections and measurements that require laboratory analysis;
- 2° additional acts within the framework of the tasks in the field of health surveillance, in particular the cost of the analyses, radiological examinations, targeted examinations or targeted functional testing; these are charged according to the fees listed in the nomenclature of health performances, which has been drawn in implementation of Article 35 of the Law on compulsory health care insurance and benefits, coordinated on July 14, 1994;
- 3° the actual transportation expenditure of the prevention counsellors of and the persons assisting them.

Art. 13/6.– § 1. The following performances within the framework of the tasks in the field of risk management are charged at 115 Euros per worked hour, in application the weighting factors provided for in Article 13/4, § 2:

- 1° The performances that are not included in Article 13/3, § 1, for an employer of group C or D, who does not dispose in his internal service of a prevention counsellor having completed successfully a complementary training level or II;
- 2° The services performed after the exhaustion of the prevention units referred to in Article 13/4, for an employer of group A, B or C, who disposes in his internal service of a prevention counsellor having successfully completed a complementary training of level I or II.

§ 2. The following performances within the framework of health surveillance are charged at 77.53 Euros per performance or at 115 Euros per hour worked in application of the weighting factors provided for in Article 13/4, § 2:

- 1° preventive acts within the framework of health surveillance that are not included in Article 13/3, § 1, 3 °, for an employer of group C or D who does not dispose in his internal service of a prevention counsellor having successfully completed a complementary training of level I or II;
- 2° the preventive acts within the framework of health surveillance charged separately after exhaustion of the prevention units referred to in Article 13/4, for an employer of group A, B or C, who disposes in his internal service of a prevention counsellor having successfully completed a complementary raining of level I or II.

Art. 13/7.– The fixed minimum contribution is linked to the index figure of the consumption prices in accordance with the principles provided by Articles 2, 4, 5 and 6, 1° of the Act of 1

March 1977 regarding the establishment of a system whereby some expenses in the government sector are linked to the index figure of the consumption prices of the Kingdom.

Article 4 of the same Act, supplemented by Article 18, § 2 of the Royal Decree of 24 December 1993 on the implementation of the Act of 6 January 1989 on safeguarding competitiveness, provides that only the smoothed health index may be taken into consideration for the social benefits.

The basic pivot index amounts to 99,04.

The amounts in this section are adjusted to the pivot index every year on the 1st of January.

Art. 13/8.– The employer notifies in writing the external service if this latter did not perform the performances referred to in Article 13/3. If the external service manifestly fails to fulfil its performances, the employer is not liable for the fixed minimum contribution referred to in Article 13/2.

A copy of the notice is submitted to the Advisory Committee referred to in Article 14, on the terms set out in the Quality Manual of the external service. (15)]

Section III. – Organising the external service

Art.14. – An advice committee is established within the external service, which is jointly composed of members who represent the employers who form the organisation, and of members who represent the workers of the employers with whom an agreement was concluded.

The members who represent the workers are appointed by the workers' organisations that are represented on the High Council for Prevention and Protection at work.

These members are appointed for a term of four years and are re-electable.

They may not number fewer than three and more than five.

[The members representing the employers are appointed by the employers' organisations that are represented on the High Council for Prevention and Protection at work, and these members may not number more than the number of members that represent the workers. (11)]

One of the members of the advice committee is its Chairperson.

For every member of the advice committee, a replacement member is appointed to replace a working member when the latter cannot attend.

If there is disagreement on the designation of the members who represent the employers or of the members who represent the workers, the [Standing Operational Commission (9)] referred to in Article 44 shall decide.

[The advice committee draws up a set of in-house regulations in which at least the more detailed rules are included regarding the required attendance quorum to be able to hold legally valid meetings and the manner according to which it is established that an agreement has been reached.(1)]

Art. 15. – Without prejudice to the provisions of Articles 18, 20 and 24, the advice committee has the authority to organise and manage the external service for the following fields:

- 1° the external service's annual account and budget;
- 2° the implementation of the principles of total quality management [and the quality system referred to in Article 7, § 3, first paragraph (4)];
- 3° the composition of the sections in proportion to the number of prevention counsellors and their area of expertise;
- 4° the division of the tasks between the prevention counsellors and the persons who assist them;
- 5° the minimum performances that have to be executed at the employers' with whom the agreement is concluded, within the context of the characteristics of these employers;
- 6° the designation, replacement or removal of the prevention counsellors and persons who assist them;
- 7° the use of the external service's revenue;
- 8° the quarterly follow-up of the activities of the external service, including the performances;
- 9° the annual activity reports of the external service.
- 10° [the renewal (1)] of the recognition of the external service.

The advice committee gives advice on the fields referred to in the first paragraph, 1° and 7° to 10°.

It gives its prior consent on the criteria of internal policy regarding the fields referred to in the first paragraph, 2° to 6°.

[At the request of at least three members of the advice committee, the board of directors or the person entrusted with the management of the service provides the advice committee with all the information and documents that are deemed necessary to fulfil the assignments regarding the fields referred to in the first paragraph. (11)]

[[If no agreement can be reached, the advice committee or the board of directors requests the advice of the official responsible for the supervision, after it has informed the Standing Operational Commission about this. (11)]

This official hears the parties involved and attempts to reconcile the points of view.

If no reconciliation can be attained, the official responsible for the supervision gives advice, of which the board of directors is informed by registered letter.

The notice is deemed to be received on the third working day after the letter has been handed in at the post office.

Before making a decision, the board of directors informs the advice committee of the advice by the official responsible for the supervision within a term of thirty days after the notice has been received.

Art. 16. - The advice committee holds a meeting every three months to fulfil the assignments referred to in Article 15.

At least one month before the dates of each of those meetings, the person charged with managing the service sends the members a report regarding the previous period and which concerns the activities of the service and, where applicable, all issues regarding the organisation and management of the service, as well as the staff situation.

The person entrusted with the management of the service presents this report him/herself. S/he is assisted by the prevention counsellors who manage the sections.

This report corresponds to the template established by the Minister.

At the end of every year of service, the Chairman of the board of directors submits to the advice committee the annual account of the service, to which the written report of the chartered accountant is added.

The officials responsible for the supervision are informed in time by the chairperson of the board of directors of the date, the time and the place of the advice committee meetings. They may participate in these meetings *ex officio* and be heard at their request. They are provided with all information they wish to receive within the context of their assignments.

Art. 17. – Within the external service, a person is designated who is entrusted with the leadership and management of the service and who bears the final responsibility for this leadership and management.

This person must meet the following terms:

- 1° give proof that s/he is competent in one of the fields referred to in Article 21, by complying with the terms referred to in Article 22; (1)]
- 2° have adapted scientific and professional experience to be able to lead the service with the necessary expertise;
- 3° be connected to the external service by means of an employment contract for an indefinite term;
- 4° have a full-time job within the external service.

[The term referred to in the second paragraph, 1° is not applicable to the person entrusted with the leadership or management of the external service who has held this function for three years on 1 January 2002, subject to a prior agreement of the Advice Committee, procured, at the latest, on 1 January 2003. This person must be holder of a completed university degree of a degree of tertiary education of university level. (1)]

Art. 18. – The person entrusted with the leadership of the external service has the following specific assignments:

- 1° to co-ordinate the activities of the different sections that constitute the external service;
- 2° to ensure that the assignments of the external service that are being performed at an employer's are executed in collaboration with the employer's internal service;
- 3° to see to the preparation and to safeguard the applicability of the principles of total quality management [or of the quality system (4)] of applicability in the external service;
- 4° to draw up an annual report on the operation of the external service;
- 5° to appoint, in writing, a prevention counsellor who does the following:
 - a) in deliberation with the Internal Service for Prevention and Protection at Work, compiles a list of the supplementary assignments and tasks that have to or will have to be done by the external service in accordance with the provisions of Articles 8 to 10 of the Royal Decree of 27 March 1998 concerning Internal Services for Prevention and Protection at Work;
 - b) prepares the agreement that, in accordance with Article 13, will be concluded with the employer;
- 6° to table proposals to the board of directors regarding the material, technical and scientific resources necessary to fulfil the assignments of the external service.

The person entrusted with the management of the external service is exclusively accountable to the board of directors for his/her activities regarding the management of the service.

Art. 19. - § 1. The external service consists of two sections, a section charged with risk management, which is composed in a multi-disciplinary manner, and a section charged with medical supervision.

§ 2. The external service is composed of prevention counsellors who may be assisted by nurses who are holders of a qualifying certificate, by social workers or persons who have successfully completed a supplementary second-level training course.

These persons who complement the external service perform their activities under the responsibility of the prevention counsellors whom they assist.

[In implementation of Article 18, 5°, a), a first visit to the workplaces is made by a prevention counsellor referred to in Article 22.

With the employers where not a single worker is subject to the mandatory medical supervision and with the employers where the workers are subject to non-annual medical supervision, the following visits to the workplaces are made every three years by a person who assists the prevention counsellor and who has successfully completed at least a supplementary second-level training course.

With the employers where the workers hold a safety function or are exposed [to physical or mental stress or to psychosocial risks at work (14)], an annual visit is made to the workplaces by a

person who assists the prevention counsellor as referred to in the previous paragraph, or the visit is made every two years by a prevention counsellor as referred to in Article 22 within the context of the permanent risk analysis.

With the employers where the workers are exposed to physical, chemical or biological agents which cause occupational diseases or illnesses that have their origin in the occupation, an annual visit is made to the workplaces by a prevention counsellor referred to in the previous paragraph. (1)]

§ 3. The person entrusted with the leadership of a section bears the final responsibility for the execution of the activities of the section.

Art. 20. – The section responsible for the risk management is led by an engineer who successfully completed a supplementary first-level training course and who:

- 1° is either academically qualified;
- 2° or is an industrial engineer and who delivers proof of ten years' useful professional experience regarding prevention and protection at work.

[The prevention counsellor responsible for the management of this section is exclusively accountable to the person entrusted with the leadership of the service for his/her work regarding the leadership, management and organisation of the section. (1)]

The persons who constitute a part of this section fulfil their tasks under the responsibility of this prevention counsellor.

Art. 21. – The section responsible for risk management consists of prevention counsellors who are experts in the field of the following:

- 1° safety at work;
- 2° occupational medicine;
- 3° ergonomics;
- 4° occupational hygiene;
- 5° the psychosocial aspects of work [including violence, bullying and sexual harassment at work (2)].

Art. 22. – [§ 1. (13)] A prevention counsellor is competent in one of the fields referred to in Article 21, if s/he meets the following terms:

- [1° regarding safety at work, is an academically educated engineer or industrial engineer, and delivers proof that s/he successfully completed a supplementary first-level training course as provided in the Royal Decree of 17 May 2007 on the training and refresher courses of the prevention counsellors of the internal and external services for prevention and protection at work; (10)]

- 2° regarding occupational medicine is the holder of a degree of medical doctor who, in addition:
- a) is either the holder of a certificate allowing him/her to practise occupational medicine;
 - b) or is the holder of a title of specialist in occupational medicine;
 - c) or has passed the theoretical training to attain the title of specialist in occupational medicine, which includes the knowledge required in the multi-disciplinary basic training, and attains the title, at the latest, within the subsequent three years;
- [3° regarding ergonomics, the holder of a master's degree from a university or a master's degree in higher education at university level and who:
- a) proves that s/he has successfully completed a basic multi-disciplinary training and a specialisation module in ergonomics as referred to in the Royal Decree of 5 December 2003 on the expertise of the prevention counsellors of the external services for prevention and protection at work and who;
 - b) in addition, proves three years of useful practical experience;
- 4° regarding occupational hygiene, the holder of a master's degree from a university or a master's degree in higher education at university level, who:
- a) proves that s/he has successfully completed a basic multi-disciplinary training and a specialisation module in occupational hygiene as referred to in the Royal Decree of 5 December 2003 on the expertise of the prevention counsellors of the external services for prevention and protection at work and who ;
 - b) in addition, proves three years of useful practical experience (13)]
- 5° regarding the psychosocial aspects of the work, is the holder of a certificate completed at a university or in tertiary education at university level, of which an important part of the course was psychology and sociology and, in addition, has already one specialisation in the fields of work and organisation and who proves that s/he has successfully completed basic multi-disciplinary training and a specialisation module in the psychosocial aspects of work, including violence, bullying and sexual harassment at work, as referred to in the Royal Decree of 5 December 2003 on the expertise of the prevention counsellors of the external services for prevention and protection at work and who, in addition, proves five years' experience in the field of psycho-social aspects of work.

The persons referred to in the first paragraph, 3°, 4° and 5° who successfully completed the specialisation modules, can exercise their activities under the responsibility of a prevention counsellor of the respective discipline to attain the required professional experience.

The persons who, in implementation of the provisions in force before the Royal Decree of 5 December 2003 on the expertise of the prevention counsellors of the external services for prevention and protection at work came into effect, held the function in a recognised external service of prevention counsellor with expertise in the field of ergonomics, occupational hygiene and the psychosocial aspects of work, may continue to hold this function on condition that they undertake to successfully complete the specialisation modules referred to [in the first paragraph, 5° (13)] within four years after this decree takes effect.

However, the persons referred to in the third paragraph who have completed one of the degrees referred to [in the first paragraph, 5°(13)] may continue to hold the functions without following the specialisation courses stated, if, on the date that the Royal Decree of 5 December 2003 on the expertise of the prevention counsellors of the external services for prevention and protection at work came into force, they successfully completed an additional first-level training course or started this training course and on condition that they prove that they exercise the respective discipline for at least a thousand hours per year. (7)

§ 2. The persons who were recruited before 1 January 2013 by an approved external service in the disciplines referred to in § 1, 3 ° or 4 °, and who do not meet the conditions referred to in § 1, shall continue to fulfil their function for the discipline referred to, if they can prove that they:

- a) have at least six years of experience in the disciplines of ergonomics and occupational hygiene in a recognised external service and, in this period, have performed at least one thousand hours per year in their discipline;
- b) have successfully completed a training at university level in the disciplines ergonomics or occupational hygiene;
- c) have an adequate knowledge of the legal and social aspects of wellbeing at work in Belgium.

The conditions referred to above in the first paragraph, a) and b) shall not apply to persons employed in a recognised external service who have a valid recognition as European ergonomist according to the HETPEP criteria (Harmonising European Training Programs for the Ergonomics Profession) granted by the BREE commission (Belgian Registration European Ergonomics) of the Belgian Ergonomics Society (BES)

§ 3. The persons who were recruited before 1 January 2004 by an approved external service in the disciplines referred to in § 1, 3 ° or 4 °, and who do not meet the conditions referred to in § § 1 and 2, may apply for regularization to the Director-General of the HUL(Humanization of Labour Directorate) who, after unanimous advice of the Standing Operational Commission, decides whether the invoked qualifications are at least equivalent to those required in § 1, 3 ° or 4 °. (13)]

Art. 23. – When performing the same assignment regarding risk management, one single prevention counsellor may not simultaneously represent more than two fields.

In any event, the field of occupational safety and the field of occupational medicine may never be exercised by one and the same person.

[**Art. 24.** – The section responsible for medical supervision is led by a prevention counsellor-doctor in occupational medicine who meets the terms referred to in Article 22, first paragraph, 2°.

This prevention counsellor-doctor in occupational medicine is exclusively accountable to the person entrusted with the management of the service for his/her work in connection with the leadership, management and organisation of the section.

The special rules provided in [Articles 18, 19, 23 and 25 of the Royal Decree of 28 May 2003 on the health surveillance of workers (5)] are applicable to these prevention counsellor-doctors in occupational medicine. (1)]

[Art. 25. – The section responsible for the medical supervision consists of prevention counsellor-doctors in occupational medicine, who are assisted by nursing staff and administrative staff.

The persons who form part of this section fulfil their functions under the responsibility of the prevention counsellor-doctor in occupational medicine referred to in Article 24, first paragraph.

The special rules provided in [Articles 18, 19, 23 and 25 of the Royal Decree of 28 May 2003 on the health surveillance of workers (5)] are applicable to the prevention counsellor-doctors in occupational medicine.

During the assignments that are performed at the employers' for the purposes of medical supervision, the prevention counsellor-doctors in occupational medicine are exclusively assisted by staff who form part of the section responsible for medical supervision.

For specific performances of a medical nature imposed by the Act and its executive decrees, the prevention counsellor-doctor in occupational medicine must call on the specifically qualified staff such as provided in these decrees. This staff may or may not belong to the section responsible for medical supervision. (1)]

Art. 26. – [§ 1. (1)] Without prejudice to the provisions of Article 19 §§ 2 and 21, the number and the expertise are determined for the prevention counsellors entrusted with risk management and the prevention counsellors-doctors in occupational medicine, as well as the nursing (1)] and administrative staff that must be connected to the external service while taking into account the requirements that are set for the work to be done by every employer who has concluded an agreement with the external service and taking into account the fact that their assignments must be completed fully and efficiently at all times.

[§ 2. The minimum number of prevention counsellors is calculated in accordance with the following apportionment of their performances:

- 1° for the performances of a prevention counsellor-doctor in occupational medicine, the following average:
 - a) one hour per worker who is under the mandatory obligation of medical supervision;
 - b) twenty minutes per young person at work referred to in Article 12 of the Royal Decree of 3 May 1999 on the protection of young people at the workplace;
 - c) twenty minutes per worker who is exposed to pressure at work, in conformity with the provisions of Title VIII of the Codex on welfare at work.
- 2° for performances of the prevention counsellors who are entrusted with risk management, an average of ten minutes per worker on the staff.

§ 3. The hours that are performed by the prevention counsellor-industrial medical officers for the workers who are subject to medical supervision, are apportioned as follows:

- 1° forty-five minutes per worker are allotted to assignments referred to in Article 6 of the Royal Decree concerning internal services;

2° fifteen minutes per worker are allotted to the performance of the assignments referred to in Article 5 of the Royal Decree concerning internal services, in collaboration with the prevention counsellors of other fields and who form part of the risk management section. (1)]

Art. 27. – Performances of the prevention counsellor are understood to be all the activities that this prevention counsellor must perform to accomplish the activities assigned to the external service fully and effectively at all times.

The travelling expenses that the prevention counsellors have to incur to go to the different employers who are members of the external service are not included in these performances.

In addition, these performances take into account the time that is spent on the studies and research necessary to fulfil these assignments conscientiously and in full.

Art. 28. – The external service is organised in such a way that at one and the same employer's, the different assignments of that service are always performed by the same team of prevention counsellors.

The employer provides the Committee with the name(s) of the prevention counsellor(s).

Art. 29. – The external service keeps an electronic inventory of all the services performed for the employer and consultable at any time online by the employer.

This inventory contains the following information per performance:

- 1° the date of the performance;
- 2° the name of the person referred to in Article 13/4, § 2 who has executed the performance, as well as his expertise;
- 3° a description of the performance and, where appropriate, an indication of the regulatory provision imposing it;
- 4° the reference to the quality manual;
- 5° the advice and decisions;
- 6° depending on the case, the demands imposed by the specific methods which were used in performing the service;
- 7° for the employers referred to in Article 13/3, § 2, the cost in terms of prevention units as referred to in Article 13/4, § 1, in order to calculate the balance. (15)]

Art. 30. – The employer shall inform the Committee at regular intervals, and whenever the Committee so requests, of the contents of the inventory provided for in Article 29.

The officials responsible for the supervision the inventory can consult it whenever they so request. (15)]

Art. 31. – The external service draws up an annual account, the contents of which are determined by the Minister.

This annual account is submitted to the board of directors of the organisation, the advice committee and [the Administration of the occupational hygiene and medicine (1)] and is kept at the disposal of the official responsible for the supervision.

Section VI. – The prevention counsellors' status

Art. 32. – The board of directors of the external service appoints the prevention counsellors or their temporary replacements, replaces them or dismisses them from their functions after prior agreement of the members who represent the employers and the members who represent the workers on the advice committee.

[If no agreement is reached, the board of directors requests the advice of the official responsible for the supervision.

The procedure referred to in Article 15, fifth to eighth paragraphs, applies. (1)]

Art. 33. – In implementation of Article 43 of the Act, the prevention counsellors fulfil their assignments totally independently from the employers and the workers with whom they perform their assignments, and from the board of directors.

At the request of one of the respective parties, the differences of opinion regarding the reality of the autonomy and regarding the competence of the prevention counsellors are investigated by the official responsible for the supervision.

This official hears the parties concerned and attempts to reconcile the points of view.

If no reconciliation is attained, s/he gives advice of which the parties concerned the board of directors and the advice committee are informed by registered letter.

The notice is deemed to be received on the third working day after the letter was handed in at the post office. (1)]

Art. 34. – [The employer requests the board of directors to replace the prevention counsellor when this prevention counsellor who performs assignments at the employer's in accordance with Article 28, no longer has the trust of the workers and if all the members who represent the workers on the Committee make such a request.

The board of directors replaces the prevention counsellor and informs the Advice Committee and employer accordingly. (1)]

Art. 35. – The prevention counsellors are paid by the board of directors of the external service.

Section V. – The external service's recognition

Art. 36. – § 1. The recognition application or the renewal of recognition shall be sent to the Minister.

§ 2. This recognition application shall be accompanied by the following documents and information:

1° a copy of the Articles of Association of the external service;

- 2° an organisation chart of the service structure and the list of persons working in the service;
- 3° a copy of the recognition granted by the Communities to the section responsible for medical supervision;
- 4° the surname and first name of the person entrusted with the management of the service, his/her qualifications and professional experience.
- 5° the surname and first name of the prevention counsellor entrusted with the management of the risk management section, and his/her qualifications;
- 6° the surname and first name of the prevention counsellor- occupational physician entrusted with the management of the medical supervision section, and his/her qualifications;
- 7° the surnames and first names of the prevention counsellors referred to in Article 22, their qualifications and, where appropriate, their professional experience.
- 8° the statement that the external service is committed to the principles of total quality management or a copy of the certificate referred to in Article 7, § 3, fourth paragraph in case of legitimate doubt regarding the authenticity of the submitted or sent copy of this latter document, the procedure laid down in Article 508, §§ 2 and 3 of the Program Act of 22 December 2003 shall be respected.
- 9° an inventory of the material resources.

§ 3. The Minister or the official responsible for supervision may request supervising other information or documents that she/he should deem necessary.

If the external service does not provide the information or documents within two months from the date of the application, recognition shall be denied ex-officio. The competent administration shall communicate this decision to the external service by registered letter.

Art. 37. – § 1. The recognition application shall be examined by the official responsible for the supervision on the basis of the filed documents, supplemented, where appropriate, with the information and documents provided pursuant to Article 36, § 3, first paragraph.

§ 2. Once the file is complete, the official responsible for supervision performs an in place search and prepares a report.

§ 3. The file and the report are submitted to the Standing Operational Commission that provides an advice to the Minister within three months from the date of transmission of these documents.

Art. 38.– § 1 The Minister decides whether or not to grant recognition.

The Minister grants recognition by a ministerial decree.

The decree may, where appropriate, implement the conditions relating to:

- 1° the content and application of the quality system, as required by Article 7;
- 2° the minimum number of prevention counsellors required, as well as their diploma requirements and their level of training;

3° the execution of the missions of the external service, particularly in regard to the number of visits to workplaces, medical supervision and attendance at meetings of the committees for prevention and protection at work.

Recognition may, where appropriate, be limited to those missions for which agreements exist for a period determined by the Minister.

§ 2. Recognition is granted for a period of five years.

Recognition may also be granted for a shorter period:

1° for a first recognition application for the creation of a new external service;

2° for a recognition application by an external service, whose recognition has been refused in accordance with Article 38 § 1, paragraph 1 of this decree;

3° for a recognition application by an external service whose recognition has been restricted or withdrawn in accordance with Article 43 § 3, 2° or 3 of this decree.

§ 3. The reasoned decision is communicated to the external service by registered letter.

§ 4. The Standing Operational Commission is informed of the Minister's reasoned decision.

Art. 39. - § 1. Not later than one year before the expiry of the recognition period, the external service shall request renewal of the recognition to Minister.

In the case of recognition of maximum two years the Minister may grant a shorter period for the submission of the application for the renewal of the recognition.

§ 2. The application for the renewal of the recognition shall be accompanied by the following documents and information:

1° the amendments to the documents and information referred to by Article 36, § 2 during the previous recognition period;

2° a financial report on the operation of the service during the previous recognition period;

3° a report on the organisation and operation of the external service during the previous recognition period;

4° a quality manual or a copy of the certificate referred to in Article 7, § 3, fourth paragraph. In case of legitimate doubt regarding the authenticity of the submitted or sent copy of this latter document, the procedure laid down in Article 508, §§ 2 and 3 of the Program Act of 22 December 2003 shall be respected.

§ 3. The Minister or de official responsible for supervision may request supervising any relevant information or documents she/he should deem necessary.

If the external service does not provide the required information or documents within two months from the date of the application, the renewal of the recognition is denied *ex officio*. The competent Administration shall communicate this decision to the external service by registered letter.

§ 4 The application for the renewal of the recognition is reviewed in accordance with Article 37.

§ 5. The decision on the renewal of the recognition is made in accordance with Article 38 (12).]

[**Art. 40.** – *Abrogated* (12)]

[**Art. 41.** – Every application for further renewal of a recognition is investigated and granted in accordance with the provisions of Article 39 on the understanding that the financial report, the report on the operation and organisation of the service and on assignments stated by the service referred to in Article 39 § 1, third paragraph, 2° and 3°, relate to the last five years.

All notices made in implementation of the provisions of this section are deemed to have been received on the third working day after the registered letter was handed in at the post office. (1)]

[**Art. 42.** – The recognised services are obliged, on their own initiative, to provide the Administration of occupational hygiene and medicine with the following information and documents:

- 1° any amendment of their Articles of Association;
- 2° any amendment to the organisation, available resources and quality policy that is of such a nature that it influences compliance with the terms of this decision;
- 3° any appointment or replacement of a prevention counsellor, whether or not s/he is entrusted with the management of a service or a section;
- 4° the rate system referred to in Article 10;
- 5° the annual account referred to in Article 31;
- 6° the budget and annual account as referred to in Article 16, fifth paragraph.
- [7° any withdrawal or expiry of the certificate referred to in Article 7, § 3, fourth paragraph. (4)]

The documents referred to in the first paragraph, 5° and 6° must be sent at the latest on 30 June of the following year.

These documents are kept available for the [Standing Operational Commission (9)]. (1)]

[**Art. 43.** – § 1. The recognised external services are required to provide, at the request of the official responsible for the supervision, any document or information concerning their activities or operations, or that are necessary for supervising compliance with this decree.

§ 2. If the officials responsible for supervision find that the external service no longer meets the provisions of this decree, or fails to comply with the conditions imposed by the recognition decree they may fix a term within which the external service must comply.

When the external service is the holder of a certificate as referred to in Article 7, § 3, fourth paragraph, the competent administration shall inform the certification body that has certified the quality system of the external service of all findings relevant for certification.

§ 3. When the external service has not complied at the end of the period referred to in § 2, or when the competent administration finds that the certificate referred to in Article 7, § 3, fourth

paragraph has been withdrawn by the certifying body, or has not been renewed or issued, the Minister, on the basis of a detailed report by the supervising official, after advice of the Standing Operational Commission in accordance with article 37, § 3 of this decree, may decide:

- 1° either to limit the recognition to only the missions subject of the existing agreements for a period to be fixed by her/him;
- 2° or to limit recognition to a period shorter than the originally provided period of recognition;
- 3° or to withdraw the recognition.

§ 4. Decisions pursuant to the second and third paragraphs shall be notified by motivated registered letter to the external service.

The Standing Operational Commission is also informed of these motivated decisions. (12)]

Art. 44. – The Standing Operational Commission established in the High Council for Prevention and Protection at work has the following mission:

- [1° to give advice on applications for recognition, applications for renewal of the recognition, applications for expansion of the territorial recognition and applications for expansion of the sector-wide recognition (1)];
- 2° to formulate advice and proposals on the recognition terms, in particular regarding the principles of total quality management;
- 3° to investigate the annual accounts and financial reports that are drawn up by the external service.

[APPENDIX 1

Classification of the employers in five rate groups according to their main activity

Rate group	Main activity of employer	NACE code (indication)
1	Publishers	58
1	Design and programming of computer programs, computer consultancy and related activities	62
1	Service activities in the field of information	63
1	Financial and insurance activities	64, 65, 66
1	Legal and accounting activities	69
1	Activities of head offices; management consultancy activities	70
1	Advertising and market research	73
1	Travel agencies, tour operator activities, booking agencies and related activities	79
1	Various support services for facilities	811
1	General cleaning of buildings	8121
1	Compulsory social security activities, health insurance and other social security institutions	843
1	Education, except higher education and vocational training	85
2	Manufacture of clothing	14
2	Motion picture, video and television program production, sound recording and music publishing activities	59
2	Programming and broadcasting of radio and television programs	60
2	Exploitation of and trade in real estate	68
2	Architectural and engineering activities Architects, engineers and related technical consultancy	711
2	Other specialized scientific and technical activities	74
2	Employment placement agencies	78

Rate group	Main activity of employer	NACE code (indication)
2	Landscape activities	813
2	Office administrative, office support and other business support activities	82
2	Higher education	854
2	Vocational training	85592
2	Creative, arts and entertainment activities	90, 91, 92, 93
2	Activities of membership organisations	94
2	Repair of computers and consumer articles	95
2	Activities of households as employers (by domestic staff)	97, 98
2	Activities of extraterritorial organisations and bodies	99
3	Crop and animal production, hunting and related services	01
3	Pre-press and pre-media services	1813
3	Binding and related services	1814
3	Reproduction of recorded media	1820
3	Trade in motor vehicles and motorcycles and of and parts and accessories of motor vehicles	451, 453, 454
3	Wholesale trade and trade mediation except of the trade in motor vehicles and motorcycles	46
3	Retail sale, except of trade in motor vehicles and motorcycles	47
3	Water transport services	50
3	Aviation	51
3	Warehousing and support activities for transportation, except cargo handling	52
3	Postal and courier services	53
3	Accommodation and meals	55, 56
3	Telecommunications	61
3	Scientific research and development	72
3	Renting and leasing	77

Rate group	Main activity of employer	NACE code (indication)
3	Security and investigation activities	80
3	Public administration, except municipalities, social services and education	841
3	General public services, except for police, firefighters and other public order and civil security	842
3	Sheltered and social workshops	88995
3	Activities of laundries and launderettes on behalf of individuals	96012
3	Hairdressing and beauty care	9602
3	Funerals	9603
3	Saunas, solariums, etc.	9604
3	Other personal services	9609
4	Manufacture of food	10
4	Manufacture of beverages	11
4	Manufacture of tobacco products	12
4	Manufacture of textiles	13
4	Manufacture of leather and leather products	15
4	Timber industry and manufacture of products of wood and cork, except furniture; manufacture of articles of straw and plaiting materials	16
4	Manufacture of paper and paper products	17
4	Printing	1811, 1812
4	Manufacture of basic pharmaceutical products	21
4	Manufacture of basic metals	24
4	Manufacture of fabricated metal products, except machinery and equipment	25
4	Manufacture of computer, electronic and optical products	26
4	Manufacture of electrical equipment	27
4	Manufacture of machinery and equipment	28

Rate group	Main activity of employer	NACE code (indication)
4	Manufacture and assembly of motor vehicles, trailers and semi-trailers	29
4	Manufacture of other transport equipment	30
4	Manufacture of furniture	31
4	Other industry	32
4	Electricity, gas, steam and air conditioning production and supply	35
4	Maintenance and repair of motor vehicles	452
4	Passenger land transport	493
4	Freight transport by road and removal services	494
4	Transport via pipelines	495
4	Technical testing and analysis	712
4	Veterinary activities	75
4	Industrial cleaning and other cleaning of buildings	8122
4	Other cleaning activities	8129
4	Municipal government excl. CPAS/OCMW (Public Social Welfare Centres) and education	84114
4	Social work activities without accommodation except sheltered and social workshops	88
4	Activities of industrial laundries	96011
5	Forestry and logging	02
5	Fisheries and aquaculture	03
5	Mining and quarrying	05, 06, 07, 08, 09
5	Manufacture of coke and refined petroleum products	19
5	Manufacture of chemical products	20
5	Manufacture of rubber and plastic	22
5	Manufacture of other non-metallic mineral products	23
5	Repair and installation of machinery and equipment	33

Rate group	Main activity of employer	NACE code (indication)
5	Water supply; sewerage; waste management and remediation activities	36, 37, 38, 39
5	Construction	41, 42, 43
5	Passenger rail transport, except inner city or suburbs passenger rail transport	491
5	Freight rail transport	492
5	Cargo handling	5224
5	CPAS/OCMW (Public Social Welfare Centres)	84115
5	Police, firefighters and other public order and civil security	8424, 8425
5	Human health care	86
5	Social work activities with accommodation	87

APPENDIX 2

Strategy advice (art. 13/3, § 1, 11°)

Contents of strategy advice

Motivated strategy advice for the employer:

- gives an idea of the risks existing within the company, based on the risk analysis and the findings as a result of the tasks performed by the external service, in collaboration with the internal service of the company (e.g. site visits, medical examinations, investigations arising from accidents, ...);
- contains a diagnosis of the prevention policy within the company, which gives an overview of the prevention measures that have already been taken as well as a list of specific shortcomings;
- proposes corrective measures and measures to improve the welfare within the company;
- where appropriate, provides information and or documentation on good practices or practical tools to implement the proposed measures.

Terms of the strategy advice

In order to formulate a strategy advice the following steps shall at least have been taken:

- communicate the general documentation in relation to the risks associated to the activities of the company and the associated known good practices and prevention measures;
- conduct a survey of workplaces and workstations, within the two years following the affiliation for the employers who belong to the rate groups 3, 4 or 5, or within three years following the affiliation for the employers who belong to the rate groups 1 or 2;
- establish a global analysis of the accidents and incidents in order to propose appropriate prevention measures;
- fix additional contact moments needed to complete the strategy advice;
- participate in the discussion on the strategy advice in the Committee.

Where appropriate, this strategy advice may be backed by a tool jointly elaborated for that purpose by the external services. (15)]