

**Royal Decree of 29 April 1999 on the authorisation  
of external services for technical inspections at the workplace  
(Belgian Official Gazette 2.9.1999)**

- Amended by:
- (1) 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 well-being of workers in the performance of their work and its executive decrees (Belgian Official Gazette of 18 September 2002)
  - (2) Royal Decree of 10 August 2005 in amendment of Article 275 of the General Regulations for Electrical Installations, of Article 261 of the General Regulations for Labour Protection and of Article 23 of the Royal Decree of 29 April 1999 on the authorisation of external services for technical inspections at the workplace (Belgian Official Gazette of 24 August 2005)
  - (3) Royal Decree of 17 February 2006 regarding the abrogation, for certain documents, of the requirement of a declaration of true and certified copy (Belgian Official Gazette of 16 March 2006)
  - (4) 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)
  - (5) Royal Decree of 9 January 2011 (Belgian Official Gazette of 26 January 2011)

**Section I – Definitions**

**[Article 1.** – This Decree applies to the external services for technical inspection at the workplace.

By the technical inspections referred to in the first paragraph are meant the examinations and the inspections performed in accordance with the legal and regulatory provisions, notably in relation to machines, plants, work equipment and protective equipment, in order to determine their conformity with the legislation and in view of detecting shortcomings that may affect the welfare of the workers at work. (*Royal Decree of 9 January 2011*)]

**Art. 2.** – For the purposes of this decree, the following definitions shall apply:

- 1° the Minister: our Minister under whose authority labour resorts;
- 2° the Official-General: the Director-General of the Administration of Safety at Work or his/her delegate;
- 3° the Administration: the Administration of Safety at Work;
- 4° external service for technical inspection at the workplace: a facility referred to in Article 40, § 2 of the act of 4 August 1996 on well-being of workers in the performance of their work.

**Art. 3. – § 1.** The external services for technical inspections at the workplace are authorised in accordance with the provisions of this decree.

[§ 2. Only the external services for technical inspections at the workplace, authorised under the provisions of this Decree, may hold the name "External Services for technical inspections at the workplace, authorised by the Federal Public Service Employment, Labour and Social Dialogue".

§ 3. Only inspection bodies accredited according to the NBN EN ISO / IEC 17020 standard on "General criteria for the operation of various types of bodies performing inspections" may be authorised as external services for technical inspections at the workplace. (*Royal Decree of 9 January 2011*)

## SECTION II. – Conditions for authorisation

**Art. 4.** – [§ 1. The external services for technical inspections at the workplace are incorporated in the form of a non-profit organisation or in an equivalent legal form under the law of the Member State of incorporation within the European Economic Area. (*Royal Decree of 9 January 2011*)]

§ 2. The legal persons have the following corporate object:

- 1° to manage the external service for technical inspections at the workplace;
- 2° to carry out the assignments of an external service for technical inspections at the workplace, as provided by the law and its executive decrees.

A legal person cannot be an external service for prevention and protection at the workplace, as provided in the Royal Decree of 27 March 1998 on the external services for prevention and protection at work

A legal person can perform technical inspections and inspections that, in implementation of legal or regulatory provisions, do not have to be carried out by an external service for technical inspections at the workplace, on condition that their independence is not jeopardised.

§ 3. In derogation from § 1, the Minister can, after favourable advice from [the Permanent Operational Commission established in the High Council for Prevention and Protection at work (*Royal Decree 23 October 2006*)], authorise the institutions of the State, Communities, Regions, public institutions, provinces and municipalities or other institutions that were not established in the form of non-profit organisations. The Minister can make obtaining this derogation subject to special terms.

§ 4. The external service for technical inspections at the workplace does its accounting in accordance with the provisions of the act of 17 July 1975 on the accounting system and annual accounts of enterprises and its executive decrees.

**Art. 5.** – Within the external service for technical inspections at the workplace, a person who is responsible for leading and managing the work for which the external service for technical inspections at the workplace was authorised, and who takes on all the responsibility for the execution of this work, is appointed.

This person, referred to hereinafter as manager, must comply with the following terms:

- 1° hold a civil engineering degree.

This term is not required where the manager holds an industrial engineering degree and has at least ten years' professional experience;

- 2° have appropriate scientific and professional experience to be able to lead the external service for technical inspections at the workplace with the required expertise;

3° be connected to the external service for technical inspections at the workplace by way of an employment contract for an indefinite term;

4° work full-time at the external service for technical inspections at the workplace.

**Art. 6. – § 1.** The external service for technical inspections at the workplace, the manager and the technical staff may not be the designer, manufacturer, supplier, installer or user of the machines, plants, work equipment and protective equipment that s/he inspects, nor the mandatory of any of the persons stated. S/he may act neither directly, nor as mandatory of the parties involved in designing, constructing, selling, or maintaining these machines, plants, work equipment, and protective equipment. This provision does not exclude a possible exchange of technical information between the manufacturer and the external service for technical inspections at the workplace.

**§ 2.** The external service for technical inspections at the workplace has to carry out the inspections with the utmost professional integrity and technical skills; the staff of the external service for technical inspections at the workplace must be free of any pressure and influence, i.e. of financial nature, that can have an impact on the evaluation or results of the inspections, in particular on the persons or groups of persons who may have an interest in the results of their inspections.

**§ 3.** The external service for technical inspections at the workplace has to have the necessary personnel and equipment at its disposal to appropriately perform the technical and administrative tasks accompanying the inspections; the external service for technical inspections at the workplace must also always have access to the necessary material to be able to perform special inspections if necessary.

**§ 4.** The technical personnel must:

1° have had good technical and vocational training;

2° have been trained well and received regular refresher courses in the external service for technical inspections at the place of work;

3° be adequately familiar with the prescriptions regarding the inspections they carry out and be sufficiently experienced in these inspections;

4° have the required competence to draw up declarations, official statements and reports based on the inspections performed;

5° be connected to the external service for technical inspections at the workplace by way of employment contracts for an indefinite term.

**§ 5.** The declarations, official statements and reports, the compilation of which is imposed by the act of 4 August 1996 on well-being of workers in the performance of their work and by its executive decrees must be signed by the manager or on behalf of the manager.

**§ 6.** The staff's independence must be guaranteed. Their remuneration may not depend on the number of the number of inspections performed, nor on the results of these inspections.

**§ 7.** The external service for technical inspections at the workplace must conclude civil liability insurance for itself and its personnel, unless the State covers this civil liability.

**§ 8.** The staff of the external service for technical inspections at the workplace is bound by pro-

professional secrecy regarding everything that has come to its knowledge within the context of its tasks, except in respect of the officials responsible for the supervision.

**Art. 7.** –[§ 1. In order to obtain authorisation to perform the inspections referred to in Article 1, the external services for technical inspections at the workplace shall have to provide proof that they meet the requirements of the NBN EN ISO / IEC 17020 standard on “General criteria for the operation of various bodies performing inspections”.

The proof referred to in the first paragraph is provided by an accreditation issued by Belac or by an organisation which is a co-signatory to the agreements of mutual recognition of the "European Co-operation for Accreditation". (*Royal Decree of 9 January 2011*)]

**§ 2.** The external services for technical inspections at the workplace applying for authorisation for the first time or, in implementation of this decree, external services for technical inspections at the workplace already authorised, which request an expansion of their authorisation, may submit an application to obtain a preliminary authorisation without having an accreditation as referred to in § 1, on condition that they follow a special procedure, as referred to in Article 21.

**Art. 8.** – In addition, the external service for technical inspections at the workplace must have at its disposal adequate technical competence regarding the specific fields for which it applies for authorisation.

**Art. 9.** – The external services for technical inspections at the workplace are obliged to grant the officials of the Administration entrusted by the Official-General with investigating or auditing the operations of the external service for technical inspections at the workplace access to their offices to check that these are in accordance with the provisions of this decree, and to check whether there is compliance with the terms of authorisation. They (the external services) are obliged to make all documents and data required for the execution of the assignment available to these officials.

### **SECTION III. – Operational criteria**

**Art. 10.** – To be able to perform its task properly, the external service for technical inspections at the workplace shall have at its disposal the necessary equipment and required literature and documentation, all updated and adjusted to the scientific and technical evolution.

**Art. 11.** – The external service for technical inspections at the workplace draws up a report of every inspection, which report contains the following data:

- 1° description of the inspection with reference to the regulatory provision imposing this inspection;
- 2° identity of the employer for whom the inspection is performed;
- 3° name of the staff member who performed the inspection;
- 4° identification number;
- 5° inspection date.

The Minister can lay down the model report with which the report must conform.

**Art. 12.** – The conclusions of the inspection and the measures that the company must implement are stated clearly in every report. The date on which the next inspection must take place is also

stated in the report.

**Art. 13.** – If an employer approaches an external service for technical inspections at the workplace for an inspection and the latter cannot perform the inspection before the moment established in accordance with the legal provisions, the service informs the employer of this within a term of ten days that precedes the last day on which the inspection should normally be performed. The employer immediately informs the committee for prevention and protection at work of this.

**Art. 14. – § 1.** The external service for technical inspections at the workplace must itself perform the inspections for which it is authorised. Outsourcing is only allowed in exceptional cases or to perform inspection sub-tasks requiring special skills.

**§ 2.** The external service for technical inspections at the workplace states expressly in the application for authorisation which control sub-tasks are outsourced. The identity and qualifications of the sub-contractors and the provisions of the sub-contractors' contracts are stated in the application for authorisation.

**§ 3.** The external service for technical inspections at the workplace informs the employer of any outsourcing. The outsourcing must be acceptable for the employer.

**Art. 15.** – The external services for technical inspections at the workplace are obliged to comply with the written instructions that they have been given by the Official-General to perform the approvals for which they are authorised.

**Art. 16.** – The authorised external services for technical inspections at the workplace are obliged to provide the Administration with the following information:

- 1° any amendments to the Articles of Association of the external service for technical inspections at the workplace;
- 2° any organisational or technical amendment which is of such nature that it influences compliance with the authorisation terms;
- 3° any manager who is replaced;
- 4° the list of the technical staff members, with an indication of their qualifications and any amendments to this list;
- 5° a concise three-monthly report regarding the inspections performed within the context of their authorisation;
- 6° a detailed annual report comprising a financial report and a report of the activities of the past year;
- 7° any withdrawal or amendment of the accreditation referred to in Article 7, § 1;
- 8° any application for expansion of the accreditation referred to in Article 7, § 1;
- 9° any amendment regarding the sub-contracting intended in Article 14 and any random sub-contracting.

**Art. 17.** – At the request of the Official-General, the external services for technical inspections at the workplace are obliged to provide any information regarding the activities and the operation

of the external service for technical inspections at the workplace or that is of importance to supervising compliance with the provisions of this decree and of the other regulatory provisions in implementation of which they are authorised, in particular, information on the time that it took to perform the inspections.

#### **SECTION IV. – Authorisation procedure**

**Art. 18. – § 1.** Applications for authorisation or for renewal of the authorisation are addressed to the Official-General.

**§ 2.** Applications for authorisation clearly state which inspections they concern.

**§ 3.** Applications must enclose the following:

- 1° copy of the manager's degree; [if there is founded doubt regarding the authenticity of the submitted or dispatched copy of this document, there must be compliance with the procedure provided for in Article 508, §§ 2 and 3 of the Programme Act of 22 December 2003, (*Royal Decree of 17 February 2006*)];
- 2° a recent certificate of good conduct for the manager;
- 3° the manager's C.V.;
- 4° a copy of the Articles of Association of the body;
- 5° copy of the proof of accreditation as referred to in Article 7 § 1; [if there is founded doubt regarding the authenticity of the submitted or dispatched copy of this document, there must be compliance with the procedure provided for in Article 508, §§ 2 and 3 of the Programme Act of 22 December 2003, (*Royal Decree of 17 February 2006*)];
- 6° a statement that an insurance contract will cover the civil liability of the external service for technical inspections at the place of work;
- 7° a statement in which the external service for technical inspections at the workplace undertakes to comply with the provisions of this decree.

If applicable, the information referred to in Article 14 is also enclosed with the application.

**Art. 19. –** Applications for authorisation are examined by the Administration. Such an examination is based on the documents enclosed with the application dossier, and on every local examination that is deemed necessary.

The external services for technical inspections at the workplace are presumed to have adequate technical competence in the area concerning the application at their disposal, if the accreditation stated in Article 7 explicitly refers to the corresponding area of application stated in the application or if it clearly appears from the object of this accreditation that this accreditation covers this area of application.

**Art. 20. – [§ 1.** The Administration shall advise to the Minister on the request within sixty days after ascertaining the completeness of the file.

The Minister thereupon shall decide either:

- to grant authorisation;

- to partially grant authorisation;
- to grant authorisation for a limited period of time;
- to refuse authorisation.

The authorisation shall be granted if the authorisation conditions referred to in Section II are met.

The authorisation shall be partially granted if the authorisation request concerns a domain that transcends the material scope of accreditation referred to in Article 7, § 1. In that case the authorisation is limited to performing inspections as referred to in Article 1, belonging to the material scope of accreditation.

The authorisation shall be granted for a limited period of three years if the authorisation request is made by external services for technical inspections at the workplace seeking authorisation for the first time or by external services for technical inspections at the workplace already authorised in application of this Decree, requesting an extension of the scope of their authorisation, when ambiguity exists in the accreditation granted pursuant to Article 7, § 2 which can lead to confusion as to the sufficient technical competence referred to in Article 8.

The authorisation shall be refused if the authorisation conditions referred to in Section II are not met. (*Royal Decree of 9 January 2011*)

**§ 2.** If the Minister grants authorisation, the Administration informs the external service for technical inspections at the workplace by registered letter.

The Administration also informs [the Permanent Operational Commission incorporated in the High Council for Prevention and Protection at work (*Royal Decree of 23 October 2006*)] of the authorisation.

**§ 3.** [If the Minister decides not to grant authorisation, or to grant it only partially, this decision shall be communicated to the external service for technical inspections at the workplace by registered letter stating the reasons thereof. The registered letter is deemed to have been received on the third working day after the delivery of the letter at the post office. (*Royal Decree of 9 January 2011*)]

The Administration also informs [the Permanent Operational Commission incorporated in the High Council for Prevention and Protection at work (*Royal Decree of 23 October 2006*)] of the Minister's decision.

The external service for technical inspections at the workplace has thirty days, to be calculated as of the receipt of the letter, to inform the Administration of its objections.

Within sixty days after receipt of the objections, the Administration submits the dossier to [the Permanent Operational Commission incorporated in the High Council for Prevention and Protection at work (*Royal Decree of 23 October 2006*)], who gives the Minister advice on the application.

The Minister makes a decision. The external service for technical inspections at the workplace is informed of this decision by registered letter.

**Art. 21.** – The external services for technical inspections at the workplace intended in Article 7, § 2 may follow the special authorisation procedure stated below:

- 1° the application for authorisation is addressed to the Minister;
- 2° the application for authorisation states clearly which inspections are concerned;
- 3° the documents stated in Article 18 § 3 have to be enclosed with the application, with the exception of those for the accreditation, as well as a statement in which it undertakes to comply with the provisions regarding the operational criteria, with the exception of Article 16, 7° and 8°;
- 4° the applications are examined by the Administration on the basis of the documents enclosed in the application, as well as on the basis of every examination deemed necessary.

To assess whether the staff of the external service for technical inspections at the workplace avails of adequate technical competence in the field concerning the application, the Administration can have its own experts perform audits.

The Official-General can also require of the applicant that the results of a pre-audit, performed by an accreditation institution, be submitted.

- 5° The Administration reports to [the Permanent Operational Commission incorporated in the High Council for Prevention and Protection at work (*Royal Decree of 23 October 2006*)]. This Commission examines the application and gives the Minister advice. The Minister makes a decision either granting the authorisation or not. The external service for technical inspections at the workplace is informed of this decision by registered letter stating the reasons for the decision;
- 6° the authorisation granted in this way remains valid for a period of three years. Six months before that term has expired, an application for authorisation must be made in accordance with the provisions of Articles 18, 19 and 20.

[**Art. 22.** – The number of external services for technical inspections at the workplace can be limited taking into account, among other things, the needs of the market, the care to keep subcontracting at as low a level as possible and the necessity of having at one's disposal external services for technical inspections at the workplace of which the volume of activity is sufficient to allow optimal development of the acquired experience and equipment. The Permanent Operational Commission incorporated in the High Council for Prevention and Protection at work shall be regularly consulted on these matters. (*Royal Decree of 9 January 2011*)]

**Art. 23.** – The inspections of the electrical plants do not fall within the scope of [this decree (*Royal Decree of 10 August 2005*)] when the General Regulations on Electrical Installations provide for a different authorisation procedure.

#### **SECTION V. – [The permanent commission (Royal Decree of 10 August 2005)]**

**Art. 24.** – § 1. *repealed by Royal Decree of 23 October 2006.*

§ 2. [The Permanent Operational Commission incorporated in the High Council for Prevention and Protection at work (*Royal Decree of 23 October 2006*)] has the following assignment:

- 1° in implementation of Article 21 of this decree, to give advice on authorising external services for technical inspections at the place of work;



- 2° to give advice on appeals by external services for technical inspections at the workplace of which the applications for authorisation have been refused or partly refused in accordance with Article 20 and to appeal against the decisions provided for in Articles 29, 30, 31 and 32;
- 3° to give advice in matters referred to in Article 22 § 2;
- 4° to evaluate the operation of the external service for technical inspections at the workplace.

**Arts. 25 to 28.** – repealed by Royal Decree of 23 October 2006

## **SECTION VI. – Supervision and sanctions**

**Art. 29.** – If the officials charged with supervision establish that the external services for technical inspections at the workplace no longer comply with the provisions of Articles 4, 5 and 6 regarding the authorisation terms or they establish that the external services for technical inspections at the workplace do not comply with the obligations arising from the operational criteria, they may impose a period within which the external services for technical inspections at the workplace must set matters right. The Official-General informs the accreditation body of the respective external service for technical inspections at the workplace of all the points relevant for the accreditation.

**Art. 30.** – [§ 1. If the external service for technical inspections at the workplace has not complied with the provisions after expiry of the period referred to in Article 29, the Minister, on the basis of a detailed report by the official responsible for supervision, may decide to either:

- 1° limit the authorisation of orders which are the subject of existing contracts for a period of time he shall impose;
- 2° grant a conditional authorisation of six months, renewable once, suspending the original authorisation;
- 3° withdraw the authorisation.

If the external service for technical inspections at the workplace, at the expiry of the period referred to in the first paragraph, 1° or at the end of the provisional authorisation referred to in the first paragraph, 2°, provides proof that it complies with the provisions of this decision, the initial authorisation takes effect again until the expiry of the anticipated term. In the other case, the Minister may either withdraw the initial authorisation or definitively impose the restriction referred to in the first paragraph, 1°, or reduce the initial authorisation only to orders which are the subject of contracts existing prior to the period of suspension referred to in the first paragraph, 2°.

The decisions taken in implementation of the first and second paragraphs are communicated by registered letter, stating the reasons thereof, to the relevant external service for technical inspections at the workplace. The Permanent Operational Commission shall also be informed of this decision.

The accreditation body of the concerned external service for technical inspections at the workplace shall be informed of the decisions taken in implementation of the first and second paragraphs. (*Royal Decree of 9 January 2011*)

**§ 2.** If, for a period of three years to be calculated from the authorisation, it appears from the annual activity report referred to in Article 16 that the external service for technical inspections at

the workplace has not performed a single activity regarding its field of authorisation or this activity is negligible, the authorisation shall lapse officially.

**Art. 31.** – If the accreditation referred to in Article 7 is withdrawn or not renewed by the accreditation body, the authorisation shall lapse officially. The withdrawal of the authorisation takes effect when, after the procedure pursuant to the possible submitted appeal that was filed with the accreditation institution has ended, this institution confirms the withdrawal or non-renewal of the accreditation.

**Art. 32.** – The authorisation shall lapse officially if the external service for technical inspections at the workplace refuses to comply with the provisions of Article 17.

**Art. 33.** – § 1. The external service for technical inspections at the workplace is informed of the decisions taken in implementation of the provisions of Articles 29 and 30, § 1 by a letter sent by registered mail stating the reasons .

If the decision results in suspending or withdrawing the authorisation, it shall take effect three months after the date that the decision is received.

The accreditation institution of the respective external service for technical inspections at the workplace and [the Permanent Operational Commission incorporated in the High Council for Prevention and Protection at work (*Royal Decree of 23 October 2006*)] is informed of these decisions.

§ 2. The external service for technical inspections at the workplace has thirty days, to be calculated from the receipt of the letter, to make its objections known to the Minister. The appeal is suspensive.

§ 3. The objections are examined by [the Permanent Operational Commission incorporated in the High Council for Prevention and Protection at work (*Royal Decree of 23 October 2006*)], which gives the Minister advice.

The suspension or withdrawal decision is confirmed or annulled by the Minister and sent to the external service for technical inspections at the workplace by registered letter stating the reasons.

If it is confirmed, the suspension or withdrawal takes effect three months after the date of the confirming decision.

§ 4. The registered letters referred to in this Article are deemed to have been received three working days after the letter has been handed in at the post office.

## **SECTION VII. – Concluding Provisions**

**Art. 34.** – § 1 The provisions of this decree are applicable to the authorisations granted after this decree has come into effect.

§ 2. In implementation of the prescriptions of Chapter I of Title V of the General Health and Safety Regulations, the authorisations granted by the Minister remain applicable, taking into account the provisions of § 3 and on condition that the respective bodies comply with the provisions regarding the operational criteria of this decree, with the exception of those regarding the accreditation.

§ 3 The authorisations referred to in § 2 lapse automatically three years after this decree has taken effect. Within that term, the respective services must submit an application for authorisation

in accordance with the provisions of this decree.

**Art. 35.** – *repealed by Royal Decree of 28 August 2002.*

**Art. 36.** – *repealing provision*

**Art. 37.** – *provision for insertion in the well-being at work codex.*

**Art. 38.** – This decree takes effect three months after its publication in the Belgian Official Gazette.