

5° 介入の内容と、該当する場合それによって課される規制条項の指示内容

6° 助言と判定

場合により、介入で用いられた具体的方法により課された要求事項をこの報告に補足する。

第30条—この報告は外部サービスを利用する雇用者に向けられたものであり、内部サービスにおいて保管される。

これは所管する担当官の閲覧のために保管され、情報提供のために委員会に提出される。

第31条—外部サービスは、年度決算を行う。その内容は大臣によって決定される。

年度決算は、この組織の役員会、勧告委員会および[労働衛生・医療庁(1)]に提出され、所管する担当官の判断により保管される。

セクションIV—予防カウンセラーの地位

第32条—外部サービスの役員会は、雇用者を代表するメンバーおよび労働者を代表する勧告委員会のメンバーの事前同意を経てから、予防カウンセラーまたはその臨時代理の指名、またそれらの交代あるいは解任を行う。

[合意が得られない場合、役員会は所管する担当官の助言を求める。]

第15条の第5段落から第8段落に言及している手続きが適用される。(1)]

[**第33条**—条例第43条の実施において予防カウンセラーは、この任務をともに実施する雇用者および労働者から、そして役員会から、まったく独立して任務を遂行するものとする。]

当事者の一方からの要請により、自治の実際と予防カウンセラーの能力に関する意見の相違を所管の担当官が調査する。

この担当官は関係者の意見を聴取し、意見の調整を試みるものとする。

調整が得られない場合、担当官はこれに関する助言を与え、関係当事者、取締役会および

助言委員会は書留郵便にて通知される。

通知は、当該書簡が郵便局に引渡されてから3営業日で受領されたものとみなす。(1)

第34条—[雇用者のもとで第28条に従い業務を行う予防カウンセラーがもはや労働者の信頼を得ておらず、かつ委員会において労働者を代表するメンバー全員が要求する場合には、雇用者は当該予防カウンセラーの交代を役員会に請求するものとする。

役員会は、当該予防カウンセラーを交代させ、助言委員会と雇用者にしかるべく通知する。
(1)

第35条—予防カウンセラーは、外部サービスの役員会から支払いを受ける。

セクションV—外部サービスの認可

第36条—認可および認可の更新の申請は、大臣に対して提出されるものとする。

この申請書には、[以下の情報および文書が添付される。(1)]

- 1° 外部サービスの定款の写し。
- 2° 外部サービスの組織を表している組織図および当該サービスに勤務する者のリスト。
- 3° 医療監査に責任を負うセクションに自治体が交付した認可書の写し。
- 4° サービスの管理を委任された者の氏名、その資格および専門的経験。
- 5° リスク管理に責任を負うセクションの運営を委任された予防カウンセラーの氏名および資格。
- 6° 医療監査を所管するセクションの運営を委託された労働医学の予防診断医の氏名および資格。
- 7° 第22条で言及している予防カウンセラーの氏名、資格、および該当する場合の専門的経験。

8° 外部サービスが総合的品質管理の原則の完全な適用を誓約している書面[または第7条§3第4段落で言及している証明書の写し(4)]。[後者の文書に関し、提出または送付された写しの真正性について正当な疑いがある場合には、2003年12月22日付公示法第508条§§2 および3のために用意されている手続きを遵守しなくてはならない(8)]

9° 物的資産の目録。

[大臣または所管する担当官は、必要と考えるその他の情報および文書を請求することができる。(1)]

[**第37条**—認可申請書は所管する担当官によって、関連書類中のいくつかの書類と、該当する場合は第36条第3段落の実施に際しての情報および文書で補足したものに基づき、調査される。

書類が整い次第、担当官は現場調査を行い、報告書を作成する。

書類および報告は[常設運営委員会(9)]に提出される。常設運営委員会は書類の送付後3か月以内に大臣に助言を行うものとする(1)]。

[**第38条**—大臣は認可の可否を決定する。

申請者は書留郵便により決定を通知される。

[常設運営委員会(9)]は、大臣の決定を通知される。(1)]

[**第39条**—§1. 外部サービスの初回の認可期間は、5年間とする。

遅くとも期間終了の1年前に、外部サービスは認可の更新を大臣に申請するものとする。

申請書には、次の文書および情報が添付されるものとする。

1° 第36条第2段落で言及している文書および情報に関する修正内容。

2° 最初の3年間のサービス運営に関する財務報告書。

3° 外部サービスの組織と運営、および最初の3年間に実施された任務に関する報告書。

4° 品質マニュアル[または第7条§3第4段落で言及している証明書の写し(4)]. [後者の文書に関し、提出または送付された写しの真正性に明らかに疑いがある場合は、2003年12月22日付公示法第508条§§2、3のために用意されている手続を遵守しなくてはならない(8)]

§ 2. 認可申請書は所管する担当官により、第36条第3段落の履行において提出された書類と、またさらに必要であれば第36条第3段落に応じて提出された補足の情報および文書に基づき調査される。

担当官が第36条第3段落に従って請求した情報または文書を、外部サービスが当該請求の日から2か月以内に提出しない場合には、認可の更新は職権により拒否される。この通知は、労働衛生・医療庁から外部サービスに対し、書留郵便にて送付される。

書類が整い次第、所管する担当官は現場調査を行い、報告書を作成する。

§ 3. 書類及び報告書は[常設運営委員会(9)]に提出される。常設運営委員会は書類の送付後3か月以内に大臣に助言を行うものとする。

大臣は認可更新の可否を決定する。

外部サービスは、書留郵便にて決定を通知される。

認可の更新期間は、5年間とする。

大臣の決定は、[常設運営委員会(9)]へ通知される(1)]

[第40条—§1 2000年1月5日付および2000年2月1日付省令により認可されている外部サービスは、2001年12月31日までに認可更新の申請を提出しなくてはならない。

申請書には、以下の文書および情報を添付すること。

1° 第36条第2段落で言及している文書および情報に関する修正内容。

2° 認可を与える省令が課す特定の規定を外部サービスが遵守することを証明する書類。

3° 外部サービスの運営初年度の財務報告。

4° 外部サービスの組織と運営、ならびに年間に実施された任務に関する報告書。

§ 2. 認可申請書は、所管する担当官により、関連書類中のいくつかの書類と該当する場合は、第36条第3段落の履行において提出された補足の情報と文書に基づいて調査される。

上記の担当官が第36条第3段落に従って請求した情報を、外部サービスが請求日より2ヶ月以内に提出しない場合には、認可の更新は職権により拒否される。この通知は、労働衛生・医療庁から外部サービスに対し、書留郵便にて送付される。

書類が整い次第、所管する担当官は現場調査を行い、報告書を作成する。

該当する場合、担当官は、助言付きの報告書、または第15条第4段落と第33条の履行において実施された、和解のための介入に関連する助言を含む報告書を作成する。

§3. 書類および報告は[常設運営委員会(9)]に提出されるものとする。常設運営委員会は書類の送付後3か月以内に大臣に助言を行う。

大臣は認可の可否を決定する。

外部サービスは、書留郵便にて決定を通知される。

認可の更新期間は、5年間とする。

[常設運営委員会(9)]は、大臣の決定を通知される。(1)]

[第41条—認可のさらなる更新申請はそれぞれ、第39条§1の第3段落2°および3°で言及している外部サービスによって行われた財務報告、外部サービスの運営と組織、ならびに任務に関する報告が過去5年間にに関するものであることを条件に、第39条の規定に従って調査され、認可されるものとする。

このセクションの各規定の実施に関する通知はすべて、書留郵便を郵便局へ引渡し後3営業日で到着したものとみなされる。(1)]

[第42条—認可された外部サービスは、義務的あるいは自発的に、労働衛生・医療庁に次の

情報および文書を提出するものとする。

- 1° 定款の変更。
- 2° この決定の条件の遵守に影響を与える組織、利用可能な資源、品質に関する方針の変更。
- 3° 予防カウンセラーの任命または交代。その者がサービスまたはセクションの運営を任されているかどうかを問わない。
- 4° 第10条に記載する料金制度。
- 5° 第31条に記載する年次決算。
- 6° 第16条第5段落で言及している予算および年次決算。
- 7° 第7条§3第4段落で言及している証明書の取り消しまたは期間終了。(4)

第1段落5°、6°で言及している文書は、遅くとも翌年6月30日には送付されなければならない。

これらの文書は、[労働衛生・医療庁(9)]による閲覧のために保管される。(1)

[第43条]—認可された外部サービスは、所管する担当官の請求に応じ、それらの活動または運営に関係するか、この法令の遵守の監視に必要な文書および情報のすべてを提出する義務を負う。

所管の担当官が、外部サービスが本法令の規定を遵守していないことを確認した場合、担当官は当該外部サービスが本法令の規定を遵守しなければならない期間を決定することができる。外部サービスが第7条§3 第4段落で言及している証明書を保有しているときには、連邦公共サービス・雇用と労働と社会的対話の業務のヒューマン化局長が、外部サービスの品質システムを認証した認証機関に、当該認証に関する所見をすべて伝達する。

外部サービスが前の段落で言及している期間の経過後もその事業を正常化しない場合、または前の段落で言及している管理者が、第7条§3の第4段落で言及している証明書が認証機関によって取り消され、認証機関によって更新されていないか発行されていないことを確認した場合には、大臣は監督を所管する担当官による詳細な報告に基づいて以下の決定の

うち一つを行うことができる。

- 1° 大臣が定める期間。ただし、既存契約の対象任務のみに認可を限定する。
- 2° 6か月間の仮認可を与える。これは1回の更新が可能であり、それにより本認可は中断する。
- 3° 認可を取り消す。

第3段落 1°で言及している期間が満了した時点、または第3段落2°で言及している仮認可が終了した時点で、外部サービスが本法令の規定を遵守していることを証明すれば、本認可は指定期間が経過するまで回復する。外部サービスがそれをしない場合、大臣は本認可を取り消すか、第3段落1°で言及している制限を一定期間課すか、または第3段落2°で言及している中断期間前に存在した契約の対象となっている任務のみに本認可を制限することができる。

第2、第3、第4段落の実施における決定は、その理由を記載して、書留郵便でそれぞれの外部サービスに送達される。常設運営委員会へもこの決定が通知される。

それぞれの外部サービスの認証機関は、第3および第4段落の実施における決定が通知される。(11)

第44条—[労働における予防と保護のための最高評議会に設置された常設運営委員会(9)]は、次の任務を有する。

- [1° 認可の申請、認可更新の申請、認可の地域拡大の申請および認可の領域拡大の申請に助言する。(1)]
- 2° 認可条件、特に総合品質管理の原則について助言と提案を行う。
- 3° 外部サービスが作成した年次決算および財務報告を調査する。

(資料5)

Royal Decree of 29 April 1999 on the authorization of external services for
technical inspections at the workplace

職場における技術検査のための外部サービス認可に関する王室法令 1999年4月29日

**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)

Section I – Definitions

Article 1. – This Decree is applicable to the external services for technical inspections at the workplace.

These technical inspections, in particular, concern the examinations and inspections which, in implementation of the legal and regulatory provisions, are performed, in particular, on machines, plants, work equipment and protective equipment, with a view to establishing any possible shortcomings that have an influence on the well-being of workers at work.

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

- 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 that are authorised in accordance with this decree may hold the following name: “External service for technical inspections at the workplace authorised by the Federal Ministry of Employment and Labour”.

§ 3. Only accredited notified bodies in accordance with the applicable standards of the NBN-EN 45000 series can be authorised as external service for technical inspections at the workplace.

SECTION II. – Conditions for authorisation

Art. 4. - § 1. In accordance with Belgian law, external service for technical inspections at the workplace is incorporated in the form of a non-profit organisation.

§ 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 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. To obtain authorisation to perform inspections as referred to in Article 1, the external service for technical inspections at the workplace has to provide proof that it meets the requirements for technical inspections in the applicable standards laid down in the NBN-EN-45000 series.

The proof referred to in the first paragraph is supplied by a Beltest accreditation certificate or an

equivalent attestation issued by the latter.

§ 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. Sixty days after establishing whether the dossier is complete or not, the Administration gives the Minister advice on the application.

The Minister makes a decision either granting the authorisation or not.

§ 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, the Administration informs the external service for technical inspections at the workplace by registered letter. The registered letter is deemed to be received on the third workday after it has been handed in at the post office.

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. - § 1. The fact that an institution meets the terms of authorisation does not entail any obligation to recognise this service as an external service for technical inspections at the workplace.

§ 2. 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 work is sufficient to allow optimum development of the acquired experience and equipment. [The Permanent Operational Commission incorporated in the High Council for Prevention and Protection at work (*Royal Decree of 23 October 2006*)] is regularly consulted on these matters.

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. At the proposal of the Official-General, the Minister can suspend or withdraw the authorisation if the external service for technical inspections at the workplace has not set matters right after the period stipulated in Article 29 has expired.

§ 2. If, for a period of three years to be calculated from the authorisation, it appears from the annual work 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.

職場における技術検査の為の外部サービス認可に関する王室法令 1999年4月29日
(1999年2月9日付ベルギー官報)

- 改正版: (1) 就業中の労働者の福利に関する1996年8月4日付法令とその行政命令の遵守状況を監督する責任を負う当局者を任命する為の王室法令2002年8月28日(2002年9月18日付ベルギー官報)
- (2) 電気装備取り付けに関する一般規定第275条、労働者保護に関する一般規定第261条、および職場における技術検査の外部サービス認定に関する王室法令1999年4月29日第23条を改正した王室法令2005年8月10日(2005年8月24日付ベルギー官報)
- (3) 証明した写しの宣誓書が必要な特定書類の廃止に関する王室法令2006年2月17日(2006年3月16日付ベルギー官報)
- (4) 労働における予防及び保護に関する高等評議会の再編に准じて様々な王室法令を補正した王室法令2006年10月23日(2006年11月21日付ベルギー官報)

セクション1-定義

第1条 本法令は職場における技術検査の為の外部サービスに適用されるものである。

技術検査とは、特に作業中の労働者の福利に影響を与えかねない欠陥を見極めることを目的とし、特定の機械、工場、作業器具、保護装置等に適用される特定の法令および規制をチェック及びテストする為の検査のことを指す。

第2条 本法令の目的にかなうため、本法令の目的には以下の定義が適用されるものである:

1. 大臣: 労働者とその権限の下で保護を受ける我が国の大臣
2. 当局 一長官: 職場の安全監督を司る長官またはその代理者
3. 監督部門: 労働における安全監督機関
4. 職場における技術検査の為の外部サービス: 就業中の労働者の福利に関する1996年8月4日付法令、第40条§2が定める施設

第3条 §1 職場における技術検査の為の外部サービスは、本法令の規定に沿って認定さ

れる。

§2 本法令に沿って認定を受けた職場における技術検査の為の外部サービスのみが、以下の名称を使用できる。：「連邦雇用労働省の認可を受けた職場における技術検査の為の外部サービス」。

§3 NBN-EN45000 シリーズの適用規格に準拠した認定機関のみが、職場における技術検査の為の外部サービスとして認定される。

セクション 2—認可の条件

第 4 条 §1 ベルギー法に則り、職場における技術検査の為の外部サービスは非営利団体として運営される。

§2 法人は以下の法人組織目的を持つ：

1. 職場における技術検査の為の外部サービスを管理すること
2. 法律及び行政命令により定められた職場における技術検査の為の外部サービスとしての任務を遂行すること

職場における予防及び保護の外部サービスに関する王室法令 1998 年 3 月 27 日に基づき、法人が労働における予防と保護の外部サービスになることはできない。

法人は、独立性が危険にさらされない条件下において、法律上又は規制上の規定を適用し、職場における技術検査の為の外部サービスにより実施される必要のない技術的検査を行うことができる。

§3 §1 の例外として、大臣は[労働における予防と保護の為の高等評議会内の常任運営委員会(王室法令 2006 年 10 月 23 日)]より有益な助言を受けたのち、非営利団体の形態をとらない州、地域共同体、行政区、公的機関、省、地方自治体およびその他団体に認定を与えることができる。大臣は本例外を特別条件として扱うことができる。

§4 職場における技術検査の為の外部サービスは 1975 年 7 月 17 日付会計システムおよび法人の年次決算、また付加的法令に関する法令の規定に沿って会計を行う。

第 5 条 職場における技術検査の為の外部サービス内で、職場における技術検査の為の外