ANTECEDENTES RECOPILADOS POR EL MMA

1. SALUD

- Scientific Comitee on Health, Environmental and Emerging Risks, 2023, Opinion on the need of a revision of the annexes in the Council Recommendation 1999/519/EC and Directive 2013/35/EU, in view of the latest scientific evidence available with regard to radiofrequency (100kHz - 300GHz).
- Scientific Comitee on Health, Environmental and Emerging Risks, 2023, Publications considered as sources of evidence and their weight.
- Ministry of Digital Affairs, Poland, (2020), The Electromagnetic field and the people. On Physics, Biology, Medicine, Standards, and the 5G Network.

2. REGULACIONES

- International Commission On Non-Ionizing Radiation Protection (ICNIRP), 1998, ICNIRP Guideline for limiting exposure to time-varying electric, magnetic and electromagnetic fields (up to 300 GHz).
- International Commission On Non-Ionizing Radiation Protection (ICNIRP), 2020, ICNIRP Guideline for limiting exposure to electromagnetic fields (100kHZ to 300 GHz).
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Scientific Committee on Health, Environmental and Emerging Risks

SCHEER

Opinion on the need of a revision of the annexes in the Council Recommendation 1999/519/EC and Directive 2013/35/EU, in view of the latest scientific evidence available with regard to radiofrequency (100kHz - 300GHz)

The SCHEER adopted this document by written procedure on 18 April 2023

ABSTRACT

The SCHEER has considered meta-analyses, systematic reviews, and, when necessary, narrative or scope reviews and single research papers published since 2015 on radiofrequency electromagnetic fields (100 kHz to 300 GHz).

The SCHEER could not identify moderate or strong level of evidence for adverse health effects resulting from chronic or acute RF EMF exposure from existing technology at levels below the limits set in the annexes of Council Recommendation 1999/519/EC and Directive 2013/35/EU.

The SCHEER advises positively on the need of a technical revision of the annexes in Council Recommendation 1999/519/EC and Directive 2013/35/EU with regard to radiofrequency electromagnetic fields (100 kHz to 300 GHz), because there is a need to recognize the recently introduced dosimetric quantities and establish limits for them.

Keywords: Radiofrequency, Electromagnetic Fields, Health effects, Biological effects, Interaction mechanisms

Opinion to be cited as:

SCHEER (Scientific Committee on Health, Environmental and Emerging Risks), Preliminary Opinion on the need of a revision of the annexes in Council Recommendation 1999/519/EC and Directive 2013/35/EU, in view of the latest scientific evidence available with regard to radiofrequency (100kHz - 300GHz), adopted by written procedure on 18 April 2023

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Two independent non-food Scientific Committees provide the Commission with the scientific advice it needs when preparing policy and proposals relating to consumer safety, public health and the environment. The Committees also draw the Commission's attention to the new or emerging problems which may pose an actual or potential threat.

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SCHEER

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1 MANDATE FROM THE EU COMMISSION SERVICES

The following part is provided by the requesting Commission service.

1.1 Background

Council Recommendation of 12 July 1999[1] (hereafter Recommendation) on the limitation of exposure of the general public to electromagnetic fields (0 Hz to 300 GHz) sets out basic restrictions and reference levels for the exposure of the general public to electromagnetic fields (EMFs). These restrictions and reference levels are based on the guidelines published by the International Commission on Non Ionizing Radiation Protection in 1998 (ICNIRP)[2]. In response to the Recommendation, all Member States have implemented measures to limit the exposure of the public to EMF, either by implementing the provisions and reference levels and limits proposed by the Recommendation, or by implementing more stringent provisions[3]. In particular, twenty (20) Member States follow the Recommendation/ICNIRP Guidelines, while seven (7) impose stricter limits than those of the Recommendation.

In relation to the protection of workers' health and safety, Article 153 of the Treaty on the Functioning of the European Union foresees that the European Parliament and the Council can adopt by means of directives minimum requirements for the improvement, in particular, of the working environment to protect workers' health and safety, in order to support and complement the activities of Member States. In this context, the Council and the Parliament adopted Directive 2004/40/EC of 29 April 2004[4] on the minimum health and safety requirements regarding their exposure to the risks arising from physical agents such as electromagnetic fields which was repealed by Directive 2013/35/EU[5]. Member States had to transpose Directive 2013/35/EU by 1st July 2016. It lays down minimum requirements including action levels and exposure limit values for electromagnetic fields. In accordance with Article 153 of the TFEU, Member States are allowed to maintain or adopt more stringent protective measures for the protection of workers.

The Recommendation also invites the Commission to "*keep the matters covered by this recommendation under review, with a view to its revision and updating, taking into account possible effects, which are currently the object of research, including relevant aspects of precaution (paragraph 4)".* The ICNIRP guidelines were endorsed by the Scientific Steering Committee (SSC)[6] in its Opinion on health effects of EMFs of 25-26 June 1998. The Scientific Committee on Toxicity, Ecotoxicity and the Environment (CSTEE) prepared an update of the Scientific Steering Committee's Opinion and concluded in its Opinion on "*Possible effects of Electromagnetic Fields (EMF), Radio Frequency Fields (RF) and Microwave Radiation on human health", of 30 October 2001, that the information that had become available since the SSC Opinion of June 1999 did not justify revision of the exposure limits recommended by the Council*[7]*.* The Opinions delivered by the SCENIHR in March 2007[8], January 2009[9], July 2009[10] and January 2015[11] confirmed the earlier

1 (OJ. L 199/59, 30.07.1999)
2 http://www.icnirp.de/
3 http://ec.europa.eu/health/electromagnetic_fields/role_eu_ms/index_en.htm
4 https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32004L0040&from=en
5 https://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2013:179:0001:0021:EN:PDF
6 http://europa.eu.int/comm/food/fs/sc/ssc/index_en.html
7 The main frequencies in the ELF frequency range are 50 Hz in Europe and 60 Hz in North America. The RF and lower microwave frequencies are of particular interest for broadcasting, mobile telephony. The 2.45 GHz frequency is mainly used in domestic and industrial microwave ovens
8 http://ec.europa.eu/health/ph_risk/committees/04_scenihr/docs/scenihr_o_007.pdf
9 http://ec.europa.eu/health/ph_risk/committees/04_scenihr/docs/scenihr_o_022.pdf
10 http://ec.europa.eu/health/ph_risk/committees/04_scenihr/docs/scenihr_o_024.pdf
11 https://ec.europa.eu/health/scientific_committees/emerging/docs/scenihr_o_041.pdf

conclusion of the CSTEE and again highlighted the need for additional data and research on this issue and recommended that specific research areas should be addressed.

The Commission relies on the SCHEER to periodically review new information that may influence the assessment of risks to human health in this area and to provide regular updates on the scientific evidence base to the Commission.

Since June 2014, the cut-off date for the previous review by the SCENIHR, a sufficient number of new scientific publications have appeared to warrant a new analysis of the scientific evidence on possible effects on human health of exposure to EMF.

In addition, ICNIRP has released new guidelines for the protection of humans exposed to radiofrequency electromagnetic fields in March 2020. While the 1998 guidelines already provide protection regarding EMF exposure in all frequency bands for existing technologies, and all bands currently envisaged for 5G, the new guidelines provide additional guidance on a set of issues relevant to the latest developments in 5G technology and cover the range 100 kHz to 300 GHz[12].

The full guidelines are published in the scientific journal Health Physics and are accessible at the website of ICNIRP[13].

Consequently, the SCHEER is being asked to examine this new scientific evidence and to address in particular the questions listed in the Terms of Reference.

1.2 Terms of reference

The scientific committee SCHEER is consulted on the need of a (technical) revision of the Council Recommendation 1999/519/EC annexes and of the annexes of Directive 2013/35/EU in view of the latest scientific evidence available, in particular the ICNIRP guidelines updated in 2020[14] with regard to radio frequency (100 kHz to 300 GHz).

Opinion I

To advise on the need of a (technical) revision of the Council Recommendation 1999/519/EC annexes and of the annexes of Directive 2013/35/EU in view of the latest scientific evidence available, in particular that of the ICNIRP-guidelines updated in 2020, with regard to radio frequency 100 kHz to 300 GHz.

Opinion II

To update the SCENIHR Opinion of 2015 in the light of the latest scientific evidence with regard to frequencies between 1Hz and 100 kHz.

1.3 Deadline

Preliminary Opinion I: July 2022

Preliminary Opinion II: July 2023

[12] https://www.icnirp.org/en/publications/article/rf-guidelines-2020.html;https://www.icnirp.org/en/rf-faq/index.html
[13] https://www.icnirp.org/en/publications /index.html
[14] https://www.icnirp.org/cms/upload/publications/ICNIRPrfgdl2020.pdf

2 OPINION

- The SCHEER has considered meta-analyses, systematic reviews, and, when necessary, narrative or scope reviews and single research papers published after the (2015) SCENIHR Opinion on potential health effects of exposure to radiofrequency (RF) electromagnetic fields (EMF).
- The SCHEER notes that there is uncertain weight of evidence for interaction mechanisms in *in vitro* studies, involving oxidative balance, genetic and epigenetic effects, and calcium signalling, that can result in biological effects.
- The SCHEER could not identify moderate or strong level of evidence for adverse health effects resulting from chronic or acute RF EMF exposure from existing technology at levels below the limits set in the annexes of Council Recommendation 1999/519/EC and Directive 2013/35/EU.
- The SCHEER has noted the technical progress achieved since the ICNIRP (1998) exposure guidelines in the areas of computational and experimental exposure assessment and dosimetry, allowing for an increased accuracy of human exposure evaluation.
- The SCHEER has also noted that new and emerging wireless applications using RF EMF tend to use higher frequencies and lower emitted power in closer vicinity to the human body. However, there are situations where beam focusing or intense pulsed radiation can increase exposure for short times.
- The SCHEER acknowledges that the latest (2020) ICNIRP exposure guidelines respond to the developments in RF EMF and introduce new dosimetric quantities and limits to them, that can protect humans more effectively from emerging technological applications of RF EMF, and, therefore, advises positively on the need of a technical revision of the annexes in Council Recommendation 1999/519/EC and Directive 2013/35/EU with regard to radiofrequency electromagnetic fields (100 kHz to 300 GHz).

3 MINORITY OPINIONS

None

4 METHODOLOGY

4.1 Data/Evidence

The SCHEER, on request of Commission services, provides scientific opinions on questions concerning health, environmental and emerging risks. The scientific assessments carried out should always be based on scientifically accepted approaches, and be transparent with regard to the data, methods and assumptions that are used in the risk assessment process. They should identify uncertainties and use harmonised terminology, where possible, based on internationally accepted terms. In its scientific work, the SCHEER relies on the Memorandum on Weight of Evidence (WoE) and uncertainties (SCHEER, 2018), *i.e.*, the search for relevant information and data for the SCHEER comprises of identifying, collecting and selecting possible sources of evidence in order to perform a risk assessment and/or to answer the specific questions being asked. For each line of evidence, the criteria of validity, reliability and relevance need to be applied and the overall quality must be assessed. In the integration of the different lines of evidence, the strength of the overall evidence depends on the consistency and the quality of the results. The weighing of the total evidence is then presented in a standardized format that classifies results of analysis for human and environmental risks in terms of:

– Strong weight of evidence: Coherent evidence from a primary line of evidence (human, animal, environment) and one or more other lines of evidence (in particular

mode/mechanistic studies) in the absence of conflicting evidence from one of the other lines of evidence (no important data gaps)

- Moderate weight of evidence: good evidence from a primary line of evidence but evidence from several other lines is missing (important data gaps)
- Weak weight of evidence: weak evidence from the primary lines of evidence (severe data gaps)
- Uncertain weight of evidence: due to conflicting information from different lines of evidence that cannot be explained in scientific terms
- Weighing of evidence not possible: No suitable evidence available

4.2 Background

4.2.1 SCENIHR (2015) Opinion – Summary on biological and health effects

4.2.1.1 Introduction

The SCENIHR Opinion of 2015 on "Potential health effects of exposure to electromagnetic fields (EMF)" investigated the whole frequency spectrum from static fields to 300 GHz. Here we repeat only the main findings that pertain to the frequency range of 100 kHz to several GHz. In 2015, when that Opinion was published, there were very few studies investigating potential biological, non-thermal effects of sub-THz fields. *In vivo* studies in these frequencies indicated mainly beneficial effects but did not address acute and chronic toxicity or carcinogenesis. *In vitro* studies on mammalian cells differed greatly with respect to irradiation conditions and endpoints under investigation. There were studies suggesting adverse health effects of exposure, but these had not been replicated. Some theoretical mechanisms had also been proposed, but there was no experimental evidence for them.

4.2.1.2 Cancer

The SCENIHR concluded that, overall, the epidemiological studies on mobile phone RF EMF exposure showed neither an increased risk of brain tumours, nor an increased risk for other cancers of the head and neck region. Some studies, however, had raised questions regarding an increased risk of glioma and acoustic neuroma in heavy users of mobile phones. The results of cohort and incidence time trend studies did not support an increased risk for glioma at that time (2015), while the possibility of an association with acoustic neuroma remained open. Epidemiological studies did not indicate increased risk for other malignant diseases, either, including childhood cancer.

4.2.1.3 Brain physiology and function

The SCENIHR found good evidence that mobile phone RF EMF exposure might affect brain activities as reflected by EEG studies during wake and sleep. However, given the variety of applied fields, duration of exposure, number of considered leads, and statistical methods, it was not possible at that time to derive firm conclusions. For event-related potentials and slow brain oscillations, results were inconsistent, as well. The relevance of the small physiological changes reflected on the EEG remains unclear and mechanistic explanation is still lacking. Moreover, at that time (2015), there was a lack of evidence that mobile phone RF EMF affected cognitive functions in humans, because effects had been found in individual studies (typically observed only in a small number of endpoints) but with little consistency between studies.

According to the SCENIHR, symptoms attributed to RF EMF exposure could sometimes cause serious impairments to a person's quality of life. However, the SCENIHR concluded that RF EMF exposure was not causally linked to these symptoms, and this applied to the general public, to children and adolescents, as well as to people with idiopathic environmental intolerance attributed to electromagnetic fields (IEI-EMF).

Human studies on neurological diseases and symptoms showed no clear effect, but the evidence was limited.

4.2.1.4 Fertility, Reproduction, and Childhood Development

The SCENIHR Opinion concluded that there were no adverse effects on reproduction and development from RF fields at non-thermal exposure levels. Human studies on child development and behavioural problems presented conflicting results and methodological limitations. Therefore, the evidence of an effect is weak. Effects of exposure on foetuses from mother's mobile phone use during pregnancy were not plausible owing to extremely low foetal exposure. Studies on male fertility were of poor quality and provided little evidence.

4.2.2 ICNIRP (2020) Guidelines - Summary on biological and health effects

4.2.2.1 Introduction

The ICNIRP bases its guidelines on substantiated adverse health effects, which are different from biological effects. The ICNIRP considers that reported adverse effects of RF EMF health need to be independently verified, be of sufficient scientific quality and be consistent with current scientific understanding in order to be used for setting exposure restrictions. However, these requirements may be relaxed if there is sufficient additional knowledge (such as understanding of the relevant biological interaction mechanism) to confirm that adverse health effects are reasonably expected to occur. The ICNIRP considers the potential for different types of RF EMF exposure to adversely affect health, including sinusoidal (e.g., continuous wave) and non-sinusoidal (e.g., pulsed) signals, and both acute and chronic exposures.

4.2.2.2 Brain physiology and function

Most double-blind human experimental studies on cognitive performance, cerebral blood flow or event-related potential measures of cognitive function did not report an association with RF EMF exposure. A number of sporadic findings have been reported, which may be a result of the large number of statistical comparisons and occasional chance findings. However, studies analysing frequency components of the EEG have reliably shown that the 8–13 Hz alpha band in waking EEG and the 10–14 Hz "sleep spindle" frequency range in sleep EEG are affected by RF EMF exposure with specific energy absorption rates (SAR) <2 W/kg, but there is no evidence that these relate to adverse health effects. There is limited epidemiological research on higher cognitive function. There have been reports of subtle changes to performance measures with RF EMF, but findings have been contradictory and alternative explanations for observed effects are plausible.

A small portion of the population attributes non-specific symptoms to RF EMF exposure (IEI-EMF). Double-blind experimental studies have provided evidence that "belief about exposure" (e.g., the so-called "nocebo" effect), and not exposure itself, is the relevant symptom determinant. Epidemiological research has addressed potential long-term effects of radiofrequency EMF exposure from fixed site transmitters and devices used close to the body on both symptoms and well-being. Methodological concerns for such studies include selection bias, reporting bias, poor exposure assessment, and nocebo effects. In studies on mobile phone use, for example, it is difficult to differentiate between potential effects from RF EMF exposure and other consequences of mobile phone use, such as sleep deprivation when using the mobile phone at night. In summary, no reports of adverse effects of RF EMF exposures on symptoms and wellbeing have been substantiated, except for pain, which is related to elevated temperature at high exposure levels (from both direct and indirect exposure).

Several studies have included multiple cell lines and assessed functions such as intra- and intercellular signalling, membrane ion channel currents and input resistance, Ca^{2+} dynamics, signal transduction pathways, cytokine expression, biomarkers of neurodegeneration, heat shock proteins, and oxidative stress-related processes. However,

most of these studies have focused on *in vitro* experiments. There is no evidence of effects of RF EMF on physiological processes that impair human health.

4.2.2.3 Auditory, Vestibular, and Ocular function

A change in the ICNIRP (2020) Guidelines compared to the ICNIRP (1998) Guidelines is that the latest Guidelines do not provide a restriction to specifically account for "microwave hearing", a biological phenomenon, which can result from brief RF pulses, in the order of several microseconds, exposing the head and causing thermoelastic expansion that is detected by sensory cells in the cochlea via the same processes involved in normal hearing. The decision of the ICNIRP not to provide an exposure restriction is based on the lack of evidence that microwave hearing in any realistic exposure scenarios can affect health.

Epidemiological research addressing sensory effects has concentrated on mobile phones. The research does not provide evidence that this exposure is associated with increased risk of tinnitus, hearing impairment, or other adverse effects on vestibular or ocular function of humans. Some evidence of superficial eye damage has been shown in rabbits at exposures of at least 1.4 kW/m^2.

4.2.2.4 Neuroendocrine System

The effect of RF EMF exposure on several hormones (including melatonin, growth hormone, luteinizing hormone, cortisol, epinephrine, and norepinephrine) has been assessed in a small number of studies, and no consistent evidence of effects has been observed. The lowest exposure level at which an effect of RF EMF on the neuroendocrine system has been observed is 4 W/kg (in rodents and primates), accompanied by a core temperature increase of 1°C or more. There is no evidence that this experimental finding translates to humans or that it is relevant to human health.

4.2.2.5 Neurodegenerative diseases

Due to ethical considerations, no human experimental studies exist for adverse effects on neurodegenerative diseases. It has been reported that exposure to pulsed RF EMF increased neuronal death in rats, which could potentially contribute to an increased risk of neurodegenerative disease. However, other studies have failed to confirm these results.

A cohort study has investigated potential effects of mobile phone use on neurodegenerative disorders. It reported reduced risk estimates for Alzheimer disease, vascular and other dementia, and Parkinson disease, which could be the result of reverse causation: Prodromal symptoms of the disease may prevent persons with early symptoms to start using a mobile phone. Results from studies on multiple sclerosis are inconsistent, with no effect observed among men, and a borderline increased risk in women, but with no consistent exposure-response pattern.

4.2.2.6 Cardiovascular system, Autonomic Nervous System, and Thermoregulation

Body heating from the absorption of RF energy can put the cardiovascular system under stress and may lead to adverse health effects. Numerous human studies have investigated indices of cardiovascular, autonomic nervous system, and thermoregulatory function, including measures of heart rate and heart rate variability, blood pressure, body, skin and finger temperatures, and skin conductance. Most studies indicate that there are no effects on endpoints regulated by the autonomic nervous system. Few epidemiological studies on cardiovascular, autonomic nervous system, or thermoregulation outcomes are available, and they have not demonstrated a link between RF EMF exposure and measures of cardiovascular health. Human health and the cardiovascular system are not compromised when the whole-body average SAR is below approximately 4 W/kg, with harm only found in animals exposed to whole-body average SAR substantially higher than 4 W/kg.

4.2.2.7 Immune System and Haematology

According to the ICNIRP, the few human studies that have been conducted have not provided any evidence that RF EMF affect health in humans via the immune system or haematology.

4.2.2.8 Fertility, Reproduction, and Childhood Development

Several animal studies have shown that exposure to RF EMF leading to a significant temperature increase can cause effects on reproduction and development, which include increased embryo and foetal losses, increased foetal malformations and anomalies, and reduced foetal weight at term. Such exposures can also cause a reduction in male fertility. Some studies have reported effects on male fertility at exposure levels below a whole-body average SAR of 4 W/kg, but these studies have had methodological limitations.

The ICNIRP mentions that some epidemiological studies have reported associations between RF EMF and sperm quality or male infertility, but these studies suffer from limitations in study design or exposure assessment. The few epidemiological studies performed about maternal mobile phone use during pregnancy have not shown any substantiated evidence that RF EMF exposure from maternal mobile phone use affects child cognitive or psychomotor development or causes developmental milestone delays.

4.2.2.9 Cancer

ICNIRP concludes that, despite the reports of effects of RF EMF exposure on several cellular and molecular processes (including cell proliferation, differentiation and apoptosis-related processes, proto-oncogene expression, genotoxicity, increased oxidative stress, and DNA strand breaks), there is no substantiated evidence of health-relevant effects.

Concerning animal studies on the effect of RF EMF exposure on carcinogenesis there have been reports of positive effects, but, in general, these studies either have shortcomings in methodology (e.g., untested animal models) or dosimetry, or the results have not been verified in independent studies.

The ICNIRP makes special note of the two recent animal studies investigating the carcinogenic potential of long-term exposure to RF EMF associated with mobile phones and mobile phone base stations: one by the U.S. National Toxicology Program and the other from the Ramazzini Institute in Italy. According to ICNIRP, although both studies used large numbers of animals, best laboratory practice, and exposed animals for the whole of their lives, they also have inconsistencies and important limitations that affect the usefulness of their results for setting exposure guidelines. Of particular importance is that the statistical methods employed were not sufficient to differentiate between radiofrequency-related and chance differences between treatment conditions; interpretation of the data is difficult due to the high body core temperature changes that resulted from the very high exposure levels used; and no consistency was seen across these two studies.

A large number of epidemiological studies of mobile phone use and cancer risk have been performed. Most have focused on brain tumours, acoustic neuroma and parotid gland tumours, although some studies have also been conducted on other types of tumours (leukaemia, lymphoma, uveal melanoma, pituitary gland tumours, testicular cancer, and malignant melanoma). With a few exceptions, the studies have used a case-control design and have relied on retrospectively collected self-reported information about mobile phone use history. Only two cohort studies with prospective exposure information are available. No cohort studies (which unlike case control studies are not affected by recall or selection bias) report a higher risk of glioma, meningioma, or acoustic neuroma among mobile phone subscribers or when estimating mobile phone use through prospectively collected questionnaires. The only study available on mobile phone use in children and brain tumour risk showed no increased risk of brain tumours.

Studies of exposure to environmental RF EMF, for example from radio and television transmitters, have not provided evidence of an increased cancer risk either in children or in adults. The ICNIRP concludes that no effects of RF EMF on the induction or development of cancer have been substantiated.

4.2.3 WHO Survey on Priority Outcomes

Given the large number of health endpoints that have been studied, WHO wanted to prioritise those that would merit systematic reviews (Verbeek *et al.*, 2021). They developed a survey listing of 34 health endpoints reported in the literature organised in eight broad categories:

- Health effects due to temperature increase
- Cancer
- Fertility and birth outcomes
- Symptoms affecting health
- Neurological impairments and disorders
- Neuroendocrine effects
- Immunological effects
- Haematological effects

They asked 300 RF EMF experts and researchers to prioritise these health effects for systematic review following the GRADE approach. They asked the respondents to use a scale from 1 to 9, where 1–3 meant unimportant, 4–6 meant important but not critical for decision-making and 7–9 meant critical for decision-making. For ratings above 3, the respondents were asked to provide a rationale for their rating based on one or more of the following five categories: (1) evidence from human studies, (2) evidence from animal studies, (3) evidence from *in vitro* studies, (4) possible public health impact, (5) public concern. An open-ended answer was also provided, where the respondent could list other outcomes not included the list. To include an outcome in a systematic review, the WHO team used a cut-off at around 30% of the participants answering that this outcome was critical for decision making.

Of the 300 RF EMF experts queried, 164 (54%) responded to the online questionnaire in the period between 29 May 2018 and 24 June 2018. They rated cancer, heat-related effects, adverse birth outcomes, electromagnetic hypersensitivity, cognitive impairment, adverse pregnancy outcomes and oxidative stress as the most critical outcomes regarding RF EMF exposure. WHO has recently commissioned systematic reviews on ten of these outcomes through an open call for expression of interest. A selection committee convened by WHO ranked the teams based on the criteria related to qualifications and skills mentioned in the calls, including expertise in systematic review methodology, RF EMF expertise and expertise in the outcome of interest. All team members were assessed for conflicts of interest, as per WHO's requirements. The protocols for the systematic reviews, which have already been published in Elsevier's *Environment International*, include:

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4.2.4 Differences in methodology from SCENIHR (2015)

In the six-year period between the 2009 and 2015 SCENIHR Opinions, about 2700 articles on RF and health effects were published, according to a search in the EMF-PORTAL (https://www.emf-portal.org/en), which is the internet information platform of the RWTH Aachen University summarising systematically scientific research data on the effects of EMF. (All information is made available in both English and German.) In the six-year period between 2015 and 2020, a further 3270 articles were published. Due to the increased number of meta-analyses and systematic reviews, it was decided to address the Terms of Reference of the current Opinion using mainly meta-analyses and systematic reviews, since they can efficiently handle the heterogeneity of individual studies resulting in an improved reliability of the level of evidence. When there was a lack of meta-analyses and/or systematic reviews on a biological/health effect, other reviews, like narrative reviews, were used. It was necessary for these reviews to have been performed with a methodology similar to the WoE approach of SCHEER (SCHEER, 2018). Single research

papers that fulfilled the required quality criteria were only used in exceptional cases (e.g., wide coverage of the general population), as for biological/health effects, mainly to strengthen the WoE in risk assessment (SCHEER, 2018).

5 ASSESSMENT

5.1 Exposure to RF EMF

5.1.1 Wireless communication technologies

5.1.1.1 Typical exposure of population

In a systematic literature review, Sagar *et al.* (2018) assessed RF EMF exposure in everyday microenvironments in Europe. The authors systematically searched the ISI Web of Science for relevant literature published between 30 April 2015 and 1 January 2000. Twenty-one published studies met their eligibility criteria, of which 10 were spot measurements studies, five were personal measurement studies with trained researchers (microenvironmental), five were personal measurement studies with volunteers and one was a mixed methods study combining data collected by volunteers and trained researchers. The mean total RF EMF exposure for spot measurements in European "Homes" and "Outdoor" microenvironments was 0.29 and 0.54 V/m, respectively. In the studies of personal measurements by trained researchers, the mean total RF EMF exposure was 0.24 V/m in "Home" and 0.76 V/m in "Outdoor". In the personal measurement studies with volunteers, the population-weighted mean total RF EMF exposure was 0.16 V/m in "Homes" and 0.20 V/m in "Outdoor". Among all European microenvironments in "Transportation", the highest mean total RF EMF of 1.96 V/m was found in trains in Belgium during 2007 (more than 95% of exposure was contributed by uplink). There were considerable differences between studies according to the type of measurements procedures, which prevented cross-country comparison or evaluating temporal trends.

Jalilian *et al.* (2019) updated the systematic review mentioned above. They reported that mean RF EMF values in homes, schools and offices were between 0.04 and 0.76 V/m. Mean outdoor exposure values ranged from 0.07 to 1.27 V/m, with downlink signals from mobile phone base stations being the most relevant contributor to environmental EMF. Exposure tended to increase with increasing urbanity. The values of EMF exposure in public transport (bus, train and tram) and cars were between 0.14 and 0.69 V/m. The highest levels, up to 1.97 V/m, were measured in public transport stations with downlink as the most relevant contributor. In line with previous studies, RF EMF exposure levels were highest in the transportation systems, followed by outdoor and private indoor environments. According to the authors, there has been no noticeable increase in everyday RF EMF exposure since 2012, despite increasing use of wireless communication devices.

In an attempt to assess RF EMF exposure in the general population, van Wel *et al.* (2021) took an integrative approach (distinguishing the contribution of various sources) for individual exposure assessment at the organ scale. They developed the Integrated Exposure Model (IEM), which combines energy absorbed due to use of and exposure to RF EMF sources and applied it to a sample of the general population to derive population RF EMF estimates. The IEM used SAR transfer algorithms to provide RF EMF daily dose estimates (mJ/kg/day) using source-specific attributes (e.g., output power, distance), personal characteristics and usage patterns. Information was obtained from an international survey performed in four European countries with 1755 participants. The model-obtained median whole-body and whole-brain doses were 183.7 and 204.4 mJ/kg/day, respectively. Main contributors to whole-brain dose were mobile phone near the head for calling (2G networks) and far-field sources, whereas the latter together with multiple other RF EMF sources were main contributors for whole-body dose. For other anatomical sites, 2G phone calls, mobile data and far-field exposure were important contributors.

Using an integrated exposure model, Birks *et al.* (2021) estimated the daily RF dose in the brain (whole-brain, cerebellum, frontal lobe, midbrain, occipital lobe, parietal lobe, temporal lobes) and the whole body in 8358 children (ages 8–12) and adolescents (ages 14–18) from the Netherlands, Spain, and Switzerland during 2012–2016. The integrated model estimated RF dose from near-field sources (digital enhanced communication technology (DECT) phone, mobile phone, tablet, and laptop) and far-field sources (mobile phone base stations via 3D modelling or RF measurements). The results of the study show that adolescents were more frequent mobile phone users and experienced higher modelled RF doses in the whole-brain (median 330.4 mJ/kg/day) compared to children (median 83.7 mJ/kg/day). Children spent more time using tablets or laptops compared to adolescents, resulting in higher RF doses in the whole-body (median whole-body dose of 81.8 mJ/kg/day) compared to adolescents (41.9 mJ/kg/day). Among brain regions, temporal lobes received the highest RF dose (medians of 274.9 and 1786.5 mJ/kg/day in children and adolescents, respectively) followed by the frontal lobe. In most children and adolescents, calling on 2G networks was the main contributor to RF dose in the whole-brain (medians of 31.1 and 273.7 mJ/kg/day, respectively). This study of RF dose to the brain and body of children and adolescents shows that mobile phone calls on 2G networks are the main determinants of brain dose, especially in temporal and frontal lobes, whereas whole-body doses are mostly determined by tablet and laptop use.

Since pattern of use is the main determinant for the dose produced by mobile phone devices, recent studies have also focused on the exposure assessment of specific groups by examining use patterns within these groups. Langer *et al.* (2017) reported the pattern of cellular phone use among young people in 12 countries during the Mobi-Expo study. Participants in the study were 534 young people (10–24 years) who installed a specifically designed software application on their smartphones to collect data on the use of wireless telecommunications devices (Table 1). The role of gender, age, maternal education, calendar period, and country was evaluated through multivariate models mutually adjusting for all variables. Call number and duration were higher among females compared to males (geometric mean (GM) ratio 1.17 and 1.42, respectively), among 20–24 year-olds compared to 10–14 year olds (GM ratio 2.09 and 4.40, respectively), and among lowest compared to highest social classes (GM ratio 1.52 and 1.58, respectively). The number of SMS was higher in females (GM ratio 1.46) and the middle-age group (15–19 year-olds: GM ratio 2.21 compared to 10–14 year olds) and decreased over time. Mobile data use was highest in the oldest age group, whereas Wi-Fi use was highest in the middle-age group. Both data and Wi-Fi use increased over time. Large differences in the number and duration of calls, SMS, and data/Wi-Fi use were seen by country, with country and age accounting for up to 50% of the variance. Hands-free and laterality of use did not show significant differences by sex, age, education, study period, or country.

Table 1. Data on the use of wireless telecommunication devices (adapted from Langer *et al.*, 2017)

Variable	Mean (SD)	Median (IQR)
Number of calls per week	30.6 (32.0)	20.9 (29.0)
Total duration in minutes per week	60.8 (80.1)	34.3 (65.3)
Number of SMS sent and received per week	106.3 (251.7)	26.6 (80.5)
Data use per week (Mb)	121.4 (246.8)	36.1 (116.4)
Wi-Fi use per week (Mb)	768.1 (1352.4)	249.2 (733.5)
% hands-free of total call time	18.8 (20.3)	10.6 (18.1)
% right-handed laterality of call time near head	63.8 (25.3)	70.8 (37.2)

5.1.1.2 Dosimetry in epidemiological studies

The problem of dosimetry in epidemiological studies was also highlighted in the SCENIHR Opinion of 2015. Here we summarize the studies that have since been published.

It is difficult to interpret the epidemiological studies on health effects from mobile phone use because of uncertainties in the exposure assessment. A newly developed smart phone application (XMobiSense) is used to validate self-reported mobile phone use and behaviour among adults in (Goedhart *et al.*, 2015). XMobiSense was used by 107 adults recruited in the Netherlands. Participants with no (n=5) or less than 3 weeks (n=6) of data recorded by the app were excluded from the analyses, leaving a final sample of 96 participants for the analyses. For participants with a long period of data recording (n=5), data were truncated at 6 weeks. Recorded outgoing calls included both successful and unsuccessful (ie, no connection) calls, while the self-reported information most likely only included the successful calls. Sensitivity analyses were performed to explore the impact of excluding recorded outgoing calls of 10 s or less (potentially unsuccessful). Recorded data transfer was calculated in megabytes (MB) per week, while self-reported total time spent using the Internet was calculated in minutes per week. The recorded variables laterality (right/left side), hands-free device usage and 'other hands-free usage' were recalculated from seconds per call to percentage over the total call time, thereby accounting for call duration.

An important finding was the significant impact of the level of phone use on the recall, that is, participants with a higher level of reported phone use were more likely to overestimate their number and duration of calls, while underestimation was more likely among participants who reported lower levels of use. The same trend was observed in the INTERPHONE study.

This has important implications for epidemiological studies on mobile phone use, as it will most likely lead to an underestimation of the risk, if any, for adverse health outcomes. RF dose models based on the recalled number and duration of calls should therefore account for differential recall errors by level of phone use.

Although the location of RF exposure from data transfer (frontal lobe of the brain and/or other parts of the body) and the distance to the body is different from voice calls, the enormous increase in data transfer due to the arrival of smart phones makes it an important source to consider in defining RF dose from mobile phones. People are often unaware of the data transfer on their mobile phone, possibly by applications that run in the background (push messages).

A study was devoted to recall of mobile phone usage (Goedhart *et al.*, 2018). The authors observed differences in recall by country, age, maternal educational, and amount of reported phone use. Differences by country were not observed in the CEFALO validation study (2 countries) (Aydin *et al.*, 2011), but were seen in the Interphone validation study among adults (11 countries; (Vrijheid *et al.*, 2006a, Vrijheid *et al.*, 2006b)). In the Goedhart *et al.* study, where, as in the Interphone one, the same protocol and software app were applied in each country, the authors cannot easily explain the different ratios between self-reported and recorded use (ranging from 0.31 to 0.96 for number of calls and from 0.56 to 3.61 for duration of calls) found between the countries, other than cultural differences in the way people recall their use. It might be important to take these differences into account in future studies and in exposure studies.

Toledano *et al.* (2018) investigated the validity of self-reported mobile phone use in a subset of 75 993 adults from the international prospective cohort study of mobile phone users and health (COSMOS). Agreement between self-reported and operator-derived mobile call frequency and duration for a 3-month period was assessed using Cohen's weighted Kappa (κ). Sensitivity and specificity, of both self-reported high (≥10 calls/day or ≥4 h/week) and low (≤6 calls/week or<30 min/week) mobile phone use, were calculated, as compared to operator data. For users of one mobile phone, agreement was fair for call frequency (κ=0.35, 95% CI: 0.35, 0.36) and moderate for call duration (κ=0.50, 95% CI: 0.49, 0.50). Self-reported low call frequency and duration demonstrated

high sensitivity (87% and 76% respectively), but for high-call frequency and duration sensitivity was lower (38% and 56% respectively), reflecting a tendency for greater underestimation than overestimation. Validity of self-reported mobile phone use was lower in women, younger age groups and those reporting symptoms during/shortly after using a mobile phone. This study highlights the ongoing value of using self-report data to measure mobile phone use. There is evidence that for young people, Wi-Fi is an important alternative exposure source that also needs to be considered (Mireku *et al*., 2018). Furthermore, compared to continuous scale estimates used by previous studies, categorical response options used in COSMOS appear to improve validity considerably, most likely by preventing unrealistically high estimates from being reported.

The issue of epistemic uncertainty is reviewed and interpreted in the context of the MoRPhEUS, ExPOSURE and HERMES cohort studies which investigate the effect of radiofrequency electromagnetic radiation from mobile phones on memory (Brzozek *et al.*, 2018). These uncertainties are derived from a wide range of sources including human error, such as data transcription, model structure, measurement and linguistic errors in communication. Research into this field has found inconsistent results due to limitations from a range of epistemic sources. Potential analytic approaches are suggested based on quantification of epistemic error using Monte Carlo simulation. It is recommended that future studies investigating the relationship between radiofrequency electromagnetic radiation and memory performance pay more attention to the treatment of epistemic uncertainties as well as further research into improving exposure assessment. Use of directed acyclic graphs is also encouraged to display the assumed covariate relationship.

On the issue of dosimetry for epidemiological studies on potential health effects of mobile phones, the SCHEER can conclude that

- the assessment of the exposure should be based on objective measurements, not on the personal recalls or provider's information originating mainly from the bills paid (unsuccessful calls are not paid but the EMF emission is there while the customer waits) and consider all sources of exposure, e.g., WiFi and ELF-EMF (Calderón *et al*., 2022);
- estimation of the EMF dose received should reflect the differences observed (both self-reporting and the app usage – the solid angle of the EMF flux depends on the device location with respect to human body/head);
- validity can be improved considerably by preventing unrealistically high estimates from being considered from self-reports;
- epistemic or reducible uncertainties can also affect the total error in results in addition to statistical variability usually considered as the main source of errors; these uncertainties must be derived from a wide range of sources including human error, such as data transcription, model structure, measurement and linguistic errors in communication.

5.1.2 Exposure of workers

Two reviews of studies assessing exposure to RF EMF at the workplace have been published. The first one concerned medical sources (Stam and Yamaguchi-Sekino, 2017) and showed that near equipment for diathermy, hyperthermia and electrosurgery exposure to RF EMF can exceed the action level for thermal effects in the Directive 2013/35/EU, assuming exposure at the maximum level lasts for more than 6 minutes. The action levels for contact and limb currents can also be exceeded in diathermy. It should be noted that the SAR in the worker's body was not calculated in any of the studies that reported magnetic flux density values above the thermal action level. The second review (Stam, 2022) categorized exposure according to the industrial application/sector: dielectric heating (plastic welding), security and RFID, plasma devices, broadcasting and telecommunications, microwave drying or heating, radar and other. The results of this systematic literature review show that the action levels and exposure limit values for RF

EMF defined in the Directive 2013/35/EU can be exceeded, in varying proportions, for maximum exposures in working environments of all industrial applications but only rarely for microwave drying or heating and radar. It should be noted that in the above reviews only the maximum exposures at the workplace per frequency per publication are listed as an indication of worst-case conditions. These exposures were assessed at a fixed height and did not take account spatial averaging, giving a conservative estimate of exposure. Therefore, these maximum exposures are not necessarily representative of the majority of exposures and may not always represent good working practice. On the other hand, it cannot be excluded that even higher exposures are possible in working environments or scenarios that are not covered by the publications included in these reviews (Stam, 2022).

5.1.3 Exposure from emerging technologies

Smart meters and sensor networks (the Internet of Things, IoT) are becoming increasingly popular in all environments. Measurements of the RF EMF emitted from such devices in the residential environment have shown that residential levels of RF EMF exposure are low. Some residential devices can significantly increase the exposure if their duty cycles are high enough (>10%), especially when held or used close to the body. Individual smart meters, on the other hand, contribute little in general, despite emissions of up to 20 V/m at 50 cm, due to their low duty cycles (maximum 1%) and locations (Aerts *et al.*, 2019). So, in addition to the continuous exposure to environmental EMF, wireless access points (due to frequent use), mobile phones and other personal communication devices (due to their use close to the body) continue to represent the bulk of the RF EMF exposure in the smart home.

The fifth generation (5G) of broadband cellular networks technology is a key enabling technology for the proliferation of the IoT (Dangi *et al.*, 2022). It uses devices within frequency range 1 (FR1) (< 6 GHz) and frequency range 2 (FR2) (24 – 54 GHz), that is a range of higher frequencies than those used in 4G (fourth generation) networks. The result is that some 5G signals do not travel large distances (over a few hundred meters), unlike 4G or lower frequency 5G signals (sub 6 GHz). The use of the higher frequency band (FR2) requires positioning 5G base stations every few hundred meters in dense urban areas, where resources such as power and data backhaul links are available.

Millimetre waves are very weak in their ability to connect two devices, which is why 5G needs something called 'small cells' to give full, uninterrupted coverage. Small cells are essentially miniature cell towers that would be placed 250 meters apart throughout cities and other areas needing coverage. The small cells are necessary as emissions (or signals) at this higher frequency/shorter wavelength have more difficulty passing through solid objects and are even easily intercepted by rain. The small cells could be placed on anything from trees to streetlights to the sides of businesses and homes to maximise connection and limit 'dead zones' (areas where connections are lost) (Al-Falahy & Alani, 2017).

Simulations on the deployment of 5G networks have shown that the exposure of the population could increase for the period of time they work in conjunction with previous generation networks (El-Hajj and Naous, 2020; ANFR, 2020) but still remain well below the reference levels of the Council Recommendation for the NR FR1 band.

The fastest 5G speeds would be in the millimetre wave band and can reach 4 Gbit/s with carrier aggregation and MIMO (multiple-input multiple-output) technology.

Another novel feature in 5G that triggers health concerns among the public is massive MIMO/beamforming adopted in some 5G Base Stations (BS). In fact, MIMO and beamforming techniques have also been considered in 4G networks. However, there are two substantial differences compared to previous networks, *i.e.*, maximum equivalent isotropically radiated power (EIRP) and dynamic pencil beam forming with a larger number of antenna elements. The maximum rated power of 5G macro cell BS (FR1) is typically around 200-300 W. This is similar to the power used by 4G BS. Since the radiation pattern with massive MIMO varies over time and space, traditional assessment of compliance procedures to quantify the exposure can be misleading. These classical methods rely on

conservative assumptions, e.g., all the users are in the same location that coincides with the testing point. These assumptions over-estimate the exposure from 5G BSs, leading to a lower maximum allowable power and a larger exclusion zone (Baracca *et al.*, 2018; Chiaraviglio *et al.*, 2021). However, stochastic dosimetry approaches offer a solution to exposure characterisation in 5G MIMO networks (Al Hajj *et al.*, 2020; Bonato *et al.*, 2021). Recently, the International Electrotechnical Commission (IEC) has published a standard for evaluating human exposure in the vicinity of base stations, that considers both MIMO and beamforming technologies (IEC, 2022).

5.1.4 Factors affecting exposure to RF EMF

The factors that determine exposure to RF EMF (mainly from cellular networks) have been detailed with the introduction of the Exposure Index (EI) concept, which looks at the exposure of a population during a given time frame in a given area incurred by a wireless cellular network as a whole, aggregating downlink (DL) exposure induced by base stations and access points and the uplink (UL) exposure incurred by all individual wireless communication devices, including devices operated by other users nearby. To assess the realistic exposure of a population, many factors need to be considered: age (adult and child exposure are different), posture, usage, technology, environment, and more (Varsier *et al.*, 2015).

The EI is given by the formula:

$$EI^{\mathrm{SAR}} = \frac{1}{\mathrm{T}} \sum_{t}^{N_T} \sum_{p}^{N_P} \sum_{e}^{N_E} \sum_{r}^{N_R} \sum_{c}^{N_C} \sum_{l}^{N_L} \sum_{\mathrm{pos}}^{N_{\mathrm{pos}}} f_{t,p,e,r,l,c,\mathrm{pos}} \left[\sum_{u}^{N_{\mathrm{U}}} d^{\mathrm{UL}} \bar{P}_{TX} + d^{\mathrm{DL}} \bar{S}_{\mathrm{inc}} + d^{\mathrm{DL,close\text{-}devices}} S_{\mathrm{inc}}^{\mathrm{DL,close\text{-}devices}} \right] \left[\frac{W}{kg} \right]$$

where:

N_T is the number of Time periods within the time frame T, e.g., a single day;

N_P is the number of Population categories;

N_E is the number of Environments;

N_R is the number of Radio access technologies (RAT);

N_C is the number of Cell types;

N_U is the number of Usages with devices;

N_L is the number of user Load profiles;

N_{pos} is the number of considered Postures;

$\overline{P}_{TX}$ (W) is the mean transmission (TX) power by the users' devices during period *t*, in usage mode *u*, connected to RAT *r*, in environment *e*. A TX power values map is given for the whole considered geographical area and the average value is taken into account for EI evaluation;

$\overline{S}_{\mathrm{inc}}$ (W/m^2) is the mean incident power density on the human body during period *t*, induced by RAT *r*, in environment *e*. A distribution of the incident power density for the whole considered geographical area is considered and the average value over this area is taken into account for EI evaluation;

$S_{\mathrm{inc}}^{\mathrm{DL,close\text{-}devices}}$ (W/m^2) is incident power density on the human body during period *t*, induced by a wireless device connected to RAT *r* of a user in proximity to environment *e*. This term will be significant for people in proximity of users of a wireless device; for instance, in a crowded meeting room, in public transportation, etc.;

d^{UL}(J/kg/W), $d^{\mathrm{DL,close\text{-}devices}}$ (J/kg/(W/m^2)) and d^{DL} (J/kg/(W/m^2)) are normalised raw dose values for UL, DL from the user in the proximity, and DL from base stations and access points, respectively, all multiplied by time spent in configuration; and $f_{\mathrm{t,p,e,r,l,c,pos}}$ is the

fraction of the total population that corresponds to population category *p*, user load profile *l*, in posture *pos*, connected to RAT *r*, for cell type *c*, in environment e, during time period *t*.

In more detail, for a given geographical area, EI takes the following into account: time period: configurations of the network and of usages depend on time of day (power density will be higher during rush hours); population: segmented in different categories, as different population categories will have different life segmentations and different usages of wireless devices, e.g., children (less than 15 years old), young people (15–29), adults (30–59), and seniors (60 and older); different user load profiles: wireless device usages will be dramatically different depending on the profile, and as repartitions of user profiles will also differ depending on the population category (e.g., heavy, medium, light, or non-users); environment: indoor (office, home), outdoor, and in transportation (bus, car, subway etc.); different available Radio Access Technologies (RATs): e.g., 2G (900 and 1800 MHz), 3G, 4G, WiFi; the number of considered RATs depends on the scenario; different cell types: macro, micro, pico, and femto cells; the accessibility to different cell types depends on scenario; posture: sitting, standing; different body postures will lead to different absorption rates in the human body; and usage: a device (e.g., mobile, PC, laptop) and its usage (e.g., voice call, data) (Varsier *et al.*, 2015).

As technology progresses, the spectrum of wireless devices broadens (e.g., wireless virtual reality devices) (Liorni *et al.*, 2020), more information is collected on 'life segmentation' (*i.e.*, people's activities and the way they spend their time) and other factors (e.g., sex/gender) that define the usage of these wireless devices (van Wel *et al.*, 2021). It is clear by now that near-field exposure is related not only to the RAT but also to the mobile application (*i.e.*, the software) running on the wireless terminal (Paljanos *et al.*, 2016). At the same time the computational and experimental techniques for assessing exposure to EMF are advancing, allowing for increasingly accurate exposure characterisation and dosimetry (Hirata *et al.*, 2021).

5.2 Interaction mechanisms[15]

5.2.1 Thermal effects

Tissue heating is an important effect of RF EMF exposure of biological organisms that has been unequivocally demonstrated. The amount and distribution of the energy absorbed in a biological object exposed to RF energy is related to the internal electric and magnetic fields. As the incident wave penetrates a biological object, the fields interact at the various tissue interfaces resulting in a complex distribution of the local fields. These internal fields are related to a number of parameters including frequency, dielectric properties of the tissues, geometry and orientation of the object with respect to the incident field vectors, and whether the exposure is in the near or far field of the source. The resulting distribution of energy can be described in terms of the specific absorption rate (SAR), *i.e.*, the time derivative of the incremental energy absorbed by (dissipated in) an incremental mass contained in a volume element of a given density (Adair and Petersen, 2002).

As frequency increases, the penetration depth of the field decreases[16]. For muscle (tissues with high water content) it reduces from about 3.5 cm at 1 GHz to about 0.3 mm at 100 GHz (millimetre waves). As a result, energy absorption becomes superficial and can lead to surface heating. Heat transport near the skin surface is dominated by thermal conduction into the tissue due to the high temperature gradients at the skin, and only a small fraction of the absorbed energy is lost back into the surrounding environment. The increase in surface temperature is determined by the rate of heat generation in the layer near the surface where most of the RF radiation is absorbed, the rate of diffusion of heat

[15] An interaction mechanism is the biophysical way RF EMF interacts with living matter, and which can be experimentally demonstrated.

[16] Penetration depth in a medium is the distance from the boundary of a medium to the point at which the field strengths have been reduced to *1/e* of their initial boundary value in the medium.

out of the region of high SAR (a relatively fast process due to the small thickness of this layer), and the rate of removal of heat to the body core by blood perfusion (a much slower process). Heat rapidly diffuses from the thin layer where most RF energy at millimetre wave frequencies is absorbed, but if energy is pushed into it sufficiently rapidly (*i.e.*, if the incident power density is high), significant temperatures increases can develop (Hirata *et al.*, 2021). Short pulses of millimetre waves at high fluence can induce large transient increases in surface temperature (Foster *et al.*, 2018; Neufeld and Kuster, 2018) as can pulsed narrow beams (Neufeld *et al.*, 2020).

It has been shown that the surface temperature elevation strongly correlates the transmitted or absorbed power density (APD) across the millimetre wave range (30–300 GHz), whereas the SAR remains a good metric for skin temperature rise for exposure at frequencies lower than 3 GHz (Li *et al.*, 2019).

5.2.2 Cellular interaction mechanisms

The preamble to the IARC Monographs on the Identification of Carcinogenic Hazards to Humans, has given new emphasis and highlighted the importance of mechanistic studies in corroborating evidence and providing biological plausibility to other types of studies, and the possibility that they could provide strong evidence in case of consistent findings demonstrated across a number of different systems and in different species. Given the increasing emphasis on mechanistic data, the IARC Preamble also recognises the importance of evaluating the quality of the study design, exposure assessment methods and biological assay validity (IARC, 2019).

Several studies have investigated and hypothesized potential cellular mechanisms that can operate at RF exposure levels found in the everyday environment (SCENIHR, 2015). Here we focus on *in vitro* studies that can provide essential information on specific cell properties, and allow a more rapid, cost-effective and well-controlled approach to molecular and mechanistic studies than conventional laboratory animal models. Several cellular endpoints have been analysed as presented in a recent metanalysis by Halgamuge *et al.* (2020) which included data from *in vitro* studies published between 1990 and 2015 and investigating effects of weak RF EMF from mobile phones.

To date the most investigated critical conditions that could provide evidence of a mechanism by which RF exposure might affect human health are oxidative stress, genotoxicity, epigenetics effects, effects on calcium signalling pathways and on apoptosis. It is worth mentioning that for these studies to be effective in providing mechanistic understanding, methodological quality is mandatory but it still is a critical issue since the majority of studies do not comply with quality criteria which include adequate attention to dosimetry, inclusion of sham control, positive control, blind evaluation and temperature control (Kuster and Schönborn, 2000; Zeni and Scarfì, 2012; Simko *et al.*, 2016; Vijayalaxmi and Foster, 2021). Moreover, in the majority of review papers, the study inclusion criteria did not take into account the aspects of quality of experimental methods, which have been widely demonstrated to affect the results (Simko *et al.*, 2016; Vijayalaxmi and Foster, 2021).

5.2.2.1 Oxidative stress

Oxidative stress is a critical condition that could provide evidence of a mechanism by which RF exposure might affect human health. It occurs when the production of oxidants overrides the antioxidant capability of the cells. As a result, the oxidants react with macromolecules like proteins, lipids and nucleic acids giving raise to alteration in cellular functions related to several diseases like cancer and neurodegenerative diseases.

In many studies, experimental evidence has been accumulated that RF exposure may affect biomarkers of oxidative stress at exposure level close to or above the ICNIRP guidelines but there are no systematic reviews or meta-analysis available. In 2020, the WHO commissioned a systematic review of *in vivo* and *in vitro* experimental studies to

analyse and synthesise the available evidence on oxidative stress induced by RF exposure (see 4.2.3 above). Henschenmacher *et al.* (2022) in the publication of their systematic review protocol explain that oxidative stress is a state or a mechanism that is not a health outcome per se, but it could provide evidence of a mechanism by which RF EMF exposure might affect health. Due to the lack of systematic reviews and meta-analyses, we focus here on narrative reviews. Most of the identified narrative reviews do not apply a systematic literature search and include studies that do not adhere to basic quality criteria defined a priori and have a high risk of bias. Therefore, these reviews are not informative enough to conclude on oxidative stress mechanisms induced by RF exposure, and thus are not useful for the purpose of this Opinion.

The most comprehensive and informative narrative review is the one co-authored by Schuermann and Mevissen (2021). It includes information sources and, although the authors did not set quality criteria for the inclusion of studies, they discussed the importance of sham control and temperature control together with the quality of the dosimetry analysis to determine the actual SAR level experienced by the animals and the cultured cells. This review reports on key experimental findings on oxidative stress deriving from *in vivo* (animals, 70 studies) and *in vitro* (cells, 56 studies) studies published in the last decade. The results are discussed in the context of molecular mechanisms that can be relevant for human health. The authors grouped the studies for the impact on nervous system, on reproduction, and on blood and immune system. Also, a correlation with functional analysis is included to look for temporary or persistent effects. They concluded on the increased oxidative stress due to RF EMF as from the majority of animal studies and from half of the cellular studies, but they pointed out that some studies were subjected to methodological uncertainties or weakness or were not very comprehensive regarding exposure time, SAR level, number and quantitative analysis of the endpoints analysed. The trend the authors evidenced is that, even at low dose exposure, RF can affect cellular oxidative balance that can also lead to an adaptation mechanism after a recovery phase, thus not leading to health effects. Authors evidenced that standardised conditions are mandatory to better understand and confirm their conclusions.

5.2.2.2 Genetic and epigenetic effects

The DNA integrity and epigenetic mechanisms (the regulation of genes by environmental influence) are crucial for human health. Genotoxicity is one of the key biological indicators of carcinogenicity and the most common characteristics of established carcinogens (Smith and Guyton, 2020), while the epigenome is well known to be susceptible to every kind of environmental influence including the exposure to non-mutagenic carcinogens (Feil and Fraga, 2012). The biological effects of RF EMF on epigenetic factors are less investigated with respect to the genotoxic effects and, in both cases, there are no systematic reviews available in the period of interest of this Opinion.

Genotoxicity is mainly evaluated by analysing the effects on primary (chromosomal aberrations, micronuclei, sister chromatid exchanges, aneuploidy, or mutation) and secondary (single and double strand breaks, chromatin condensations) endpoints, which are biomarkers of irreversible and repairable damage, respectively.

From recent narrative review papers, it appears that results are mainly inconsistent, with many experimental (*in vitro* and *in vivo*) studies showing significant genotoxicity and others reporting absence of an effect from RF exposure at intensities similar to those in the public environment. The effects, when present, are a function of frequency, amplitude, and modulation, and in most cases are not replicated in follow-up studies. (Lai, 2021; Karidipis *et al.*, 2021a; Kocaman *et al.*, 2018; Jagetia, 2022).

Most of these review papers also highlight the importance of the methodological quality of the experimental studies. Thus, in order to consider the available genotoxicity results concerning exposure to RF EMF, it is important to check if quality control measures were included in the experiments, as the absence of the latter introduce a methodological bias. The SCHEER noted that based on the review by Vijayalaxmi and Prihoda (2019), the

percentages of publications reporting no significant difference (NSD) in genetic damage between RF-exposed and control cells were positively correlated with the increase in the number of quality control measures/score adopted in the investigations. On the other hand, the number of publications reporting increased genetic damage (INC) in RF-exposed animal and human cells was negatively correlated with the number of quality control measures/score used in the investigation. The meta-analysis data also highlighted the existence of publication bias. Moreover, the comprehensive review of quality assessment made in this study also revealed that when exposure to RF energy was at a high SAR level, there was increased damage due to a thermal phenomenon or due to the presence of highly localised hot spots.

The same authors, in a previously carried out meta-analysis, showed that the mean indices for chromosome aberration, micronuclei, and sister-chromatid exchanges in RF-exposed and sham-exposed/unexposed controls were within the spontaneous levels reported in a large database. Studies, published from 1990 to 2011, addressing genetic damage in animal and human cells exposed *in vitro* to RF EMF were included in that meta-analysis (Vijayalxmi and Prihoda, 2012).

The SCHEER noted that in 2021 a protocol for a quality-based systematic review of experimental studies investigating genotoxic effects induced by RF EMF in *in vitro* cell models was published (Romeo *et al.*, 2021). It is worth noting that WHO did not commission this protocol, but the systematic review that will follow will surely contribute to providing a mechanistic understanding with respect to the genotoxic potential of RF EMF. The importance of conducting genetic damage investigations is supported by the fact that most genotoxic agents are carcinogens. Since no single genetic damage test is capable of detecting all genotoxic agents, the recommendation is to conduct a battery of *in vitro* and *in vivo* tests for genetic damage assessment (Sasaki *et al.*, 2000).

5.2.2.3 Calcium signalling and voltage-gated channels

A role for calcium as a molecular mechanism underlying the interaction of RF EMF has been hypothesised due to the involvement of calcium signalling pathways in the regulation of many essential cellular processes.

A well-conducted narrative review has been co-authored by Wood and Karidipis (2021). As a result of a transparent bibliographic search, 30 *in vitro* and *in vivo* papers dealing with the effect of RF exposure on Ca^{2+} levels have been analysed to see whether a consistent picture can be drawn. To analyse effects in the single papers, the authors computed the effect size (ES) defined as the difference between the means of the exposed and sham groups divided by the standard deviation of the sham group. Moreover, they assigned a quality score to each paper based on the attention given to aspects like dosimetry, sham control, positive controls and blinding. In 60% of the analysed papers, a change in intracellular calcium was reported with the number of papers reporting an increase approximately equal to the papers reporting decrease. The greatest proportion (40%) reported no changes. Analysis of effects size (ES) vs. carrier frequency and modulation type did not evidence any significant relationship. The majority of the studies with a higher quality score did not report an effect. There was no consistent evidence of PD or SAR windows although the authors pointed out that estimation of exposure is to be used with caution since in some cases the procedure for exposure levels is not clearly described. Moreover, they evidenced that the direction of the effect moved from cytoplasmic loss to cytoplasmic gain as methods for estimating calcium levels have become more sophisticated. The papers in which the voltage-gated calcium channels (VGCCs) were investigated by direct measurement of cell Ca^{2+} current are particularly interesting since such channels have been suspected to be susceptible to RF fields due to the coupling of RF to cells and the demodulation of extremely low frequency modulations from the RF carrier (Pall M., 2013; Pall M., 2014). These papers did not show significant effect due to RF exposure and thus do not support the claim that VGCCs are particularly sensitive to environmental RF exposure. Based on the overall results of these reviews, the

authors concluded that future good quality experiments are needed to support the claim that calcium levels are affected by RF exposure.

The systematic review by Bertagna *et al.* (2021) analysed the effects of EMF on neuronal ion channels. They collected papers published in the years 2005-2020 and found 33% of the total papers covered RF fields. The RF papers did not show significant effects after acute exposure while effects were reported under chronic exposure. However, the SCHEER believes that detailed description and reproducibility of the exposure parameters (dosimetry) are a basic requirement for evaluating the quality of evidence used for risk assessment. It appears that several studies on RF EMF effects included in the above systematic review did not meet this requirement.

5.2.2.4 Apoptosis

Apoptosis is an important cell death programme, highly conserved within multicellular organisms and genetically controlled, which is responsible for the removal of damaged, dysfunctional or no longer necessary cells to promote homeostasis and the survival of organisms.

A scoping review (Romeo *et al.*, 2022) has been recently published that systematically maps the research regarding the effects of RF EMF on apoptosis in mammalian cells. A systematic literature search was performed, and the review was restricted to studies that adhere to basic quality criteria defined a priori (sham control, at least three independent experiments, appropriate dosimetry analysis and temperature monitoring). The authors concluded that most retrieved papers failed in complying with the presence of sham controls and dosimetry analysis, or of appropriate methods for dosimetry analysis. Moreover, most of the included studies did not find significant alterations of the apoptotic process due to RF EMF exposure. The authors pointed out that the scoping review laid the ground for a quantitative analysis of the papers included and addressing mainly questions on the direction of the effect (induction or suppression of apoptosis), effect size, possible dose-response relationship, possible major capability of certain exposure parameters to exert an effect.

5.2.3 Conclusions on interaction mechanisms

Thermal effects of RF EMF are well established and have been extensively studied. Computational and experimental studies have shown that by limiting recently introduced dosimetric quantities, like absorbed power density (APD), it is possible to control the superficial and fast tissue heating that might result from emerging applications using millimetre waves.

Reviews dealing with the effects of RF exposure on oxidative stress, genetic and epigenetic effects, and calcium signalling have been considered here to provide evidence of a cellular mechanism operating at RF exposure levels found in the everyday environment.

There are no systematic reviews and meta-analyses available for oxidative stress, epigenetic effects and calcium signalling.

The current scientific evidence, based on the narrative reviews, suggests that the cellular oxidative balance may likely be affected, although its correlation with possible adverse effects resulting from RF exposure is not clear.

Although increased levels of ROS (reactive oxygen species) were observed in cells and tissues after RF EMF exposure, an interaction mechanism of RF EMF with biological matter that could lead to genotoxicity and epigenetic effects has not been demonstrated.

There are no consistent effects on calcium signalling or on apoptosis.

In all cases, methodological quality arises as a critical issue that needs to be taken into account both in the case of individual studies and for the inclusion of studies in review papers.

In conclusion, there is no consistent evidence of biological effects involving oxidative balance, genetic and epigenetic effects, and calcium signalling that can support and strengthen the evidence from epidemiological and *in vivo* studies on RF exposure, following the WoE assessment of health risks.

5.3 Health effects

5.3.1 Neoplastic diseases

5.3.1.1 Epidemiological studies

Results from several epidemiological studies on the association between use of mobile phones and the development of brain cancer are ambiguous. In the following paragraphs, a presentation and discussion of findings from systematic reviews and meta-analysis are presented.

In one of the first meta-analyses in the field conducted in 2016, Prasad *et al.* (2017) analysed information from 14 case control studies (that were conducted from 1996-2016); This showed no significant increase in the risk of brain tumours due to mobile phone use [OR 1.03 (95% CI 0.92–1.14)]. However, for mobile phone use of 10 years or longer (or >1640 h), the authors concluded that the overall result of the meta-analysis showed a significant 1.33-times increased risk. Meta-regression analysis indicated that the observed effect was significantly associated with methodological study quality, but no relationship between source of funding and the pooled effect was evident.

In 2016, Wang and Guo published a meta-analysis that aimed to evaluate the association between mobile phone use and glioma risk through pooling the published data from 2001 to 2008. They screened the open access published case–control or cohort studies about mobile phone use and glioma risk. After searching the relevant databases, they included 11 studies. The combined data showed that there was no association between mobile phone use and glioma odds (OR = 1.08, 95% confidence interval 0.91–1.25); but a significant association was found between mobile phone use of more than 5 years and glioma risk (OR = 1.35, 95% CI: 1.09–1.62). Thus, the authors concluded that long-term mobile phone use may increase the risk of developing glioma. Another, more recent meta-analysis (Wang *et al.*, 2018) also evaluated wireless phone use risk of glioma. Ten studies on the association of wireless phone use and risk of glioma were included. The combined odds ratio of adult gliomas associated with "ever use of wireless phones", as reported by the participants, was 1.03 (95% confidence interval 0.92, 1.16), with high heterogeneity (I2 54.2%). In subgroup analyses, no significant association was found between tumour location in the temporal lobe and adult glioma risk. A significant association with risk of glioma was more prominent in long-term users (>10 years) with odds ratio of 1.33 (95% CI 1.05-1.67). The authors concluded that "ever use of wireless phones" was not significantly associated with risk of adult glioma, but there could be increased risk in long-term users.

In line with the aims of the previous meta-analysis, the objective of Yang *et al.*, (2017) study was to investigate the potential association between mobile phone use and subsequent glioma risk using meta-analysis. They performed a systematic search for studies reporting relevant data on mobile phone use and glioma in the period 1980 to 2016. This meta-analysis included 11 studies comprising a total of 6,028 cases and 11,488 controls. There was a significant positive association between long-term mobile phone use (> 10 years) and glioma incidence (OR = 1.44, 95% CI 1.08-1.91), and a significant positive association between long-term ipsilateral mobile phone use and the risk of glioma (OR = 1.46, 95% CI 1.12-1.92). Moreover, long-term mobile phone use was associated with 2.22 times greater odds of low-grade glioma incidence (OR = 2.22, 95% CI 1.69-2.92). It is notable that mobile phone use of any duration was not associated with the odds of high-grade glioma. Contralateral mobile phone use was not associated with glioma regardless of the duration of use. Similarly, this association was not observed when the analysis was limited to high-grade glioma. In another meta-analysis by Bortkiewicz *et al.*

(2017), which included 24 case-control studies (26,846 cases, 50,013 controls) that were published before the end of March 2014, a significantly higher risk of an intracranial tumour (all types) was noted for the period of mobile phone use over 10 years (odds ratio (OR) = 1.324, 95% CI: 1.028–1.704), and for the ipsilateral location (OR = 1.249, 95% CI: 1.022–1.526). The authors concluded that findings support the hypothesis that long-term use of mobile phone increases the risk of intracranial tumours, especially in the case of ipsilateral exposure.

In a more recent meta-analysis of 46 case-control studies, Choi *et al.* (2020) investigated whether cellular phone use was associated with increased risk of tumours. Compared with never or rarely having used a cellular phone, regular use was not associated with tumour risk in the random-effects models. However, in the subgroup meta-analysis by research group, there was a statistically significant positive association (harmful effect) in the Hardell *et al.* studies (OR, 1.15, 95% CI: 1.00-1.33, n = 10), a statistically significant negative association (beneficial effect) in the INTERPHONE-related studies (case-control studies from 13 countries coordinated by the International Agency for Research on Cancer (IARC); (OR, 0.81, 95% CI: 0.75-0.89, n = 9), and no significant association in other research groups' studies. The authors concluded that cellular phone use with cumulative call time more than 1000 h significantly increased the risk of tumours; however, the heterogeneity on the findings should be further explored. In addition, the latter meta-analysis triggered significant criticism. Brzozek *et al.* (2021) underlined important methodological issues and incorrect interpretations in their commentary. In particular, Brzozek *et al.* noted that the authors of the meta-analysis mentioned that the INTERPHONE group was unfairly and repeatedly criticised for being funded by the cellular phone industry, even whilst acknowledging agreements that guaranteed the study's complete scientific independence. Secondly, the authors of the meta-analysis argued that the Hardell subset of studies were of higher quality compared to the INTERPHONE studies. Although the Hardell studies were like the INTERPHONE studies, there were subtle methodological differences in recruitment, subject age and status, exclusion criteria, data collection, definition of regular phone use etc., which could account for the different results. According to Brzozek *et al.*, a closer look at the methodological differences does not show the Hardell studies to be of higher quality than the INTERPHONE studies. Moreover, the Hardell studies included a wider age range (20–80 years) compared to the INTERPHONE studies (generally 20–69 years); it could be hypothesised that a greater age-range although increasing the sample size of the study, it did not add to statistical power and may lead to the inclusion of tumours with recognizably different aetiology. Moreover, exposure misclassification remains a prominent issue in both groups of studies with Hardell defining "any use" as regular phone use. This is questionable because it includes casual phone users. If mobile phones truly cause cancer, but only at higher exposures, employing such a definition of regular use means that the effect might be weakened. Finally, Brzozek *et al.* noted that the meta-analysis which pooled different types of case-control studies and tumour types together was limited, as these tumours may have different aetiologies and no viable biological mechanism to how a cellular phone use exposure could cause these various tumours. Moreover, de Vocht and Röösli (2021) also made significant criticism of the meta-analysis by Choi *et al.*; they underlined that the observational epidemiological studies used were susceptible to various biases that can result in under- or over-reporting of the true effects. De Vocht and Röösli suggest that in-depth evaluation is needed to understand why the studies by the Hardell group provide different results than most other case-control studies. In the absence of direct evidence for any causes of these differences, triangulation of epidemiological studies susceptible to different types of biases, as well as with evidence from animal and laboratory studies is warranted. Although some uncertainties remain, de Vocht and Röösli concluded, most notably for highest exposed users, that we can be reasonably sure that the current evidence has converged to somewhere in the range of an absence of excess risk to a moderate excess risk for a subgroup of people with highest exposure. In the response to the above criticism, Myung *et al.* (2021) defended the decision to combine different types of tumours in the meta-analysis. However, since the mechanisms of potential tumour induction are not yet

understood, the SCHEER does not support this aggregation. On the criticism that the relative excess risks reported by the Hardell group associated with any mobile phone use are implausible, the authors responded with the hypothesis that more rural than urban users were included in those studies, which is unsubstantiated.

Intracranial tumours are rare diseases, with their incidence rates varying between 7 to 10 per 100,000. Current epidemiologic evidence suggest that the most frequently reported histology is meningioma, followed by gliomas, pituitary gland tumours, and nerve sheath tumours. In a meta-analysis published in 2019 by Röösli *et al.*, mobile phone use and risk of intracranial and salivary gland tumours was evaluated. The meta-analysis included both case-control and cohort studies published up to the end of 2017. Glioma was the most frequently studied type of tumour in relation to mobile phone use; results of the meta-analysis showed no indication for an increased risk of glioma (pooled RR 1.11, 95%CI 0.85 to 1.46, n =7), acoustic neuroma (pooled RR 1.19, 95%CI 0.80 to 1.79, n =6), meningioma (pooled RR 1.03, 95%CI 0.90 to 1.17, n =6), pituitary (pooled RR 1.07, 95%CI 0.64 to 1.77, n =4) and salivary gland tumours (pooled OR 0.74, 95%CI 0.48 to 1.15, n =6). Authors of the meta-analysis also underlined that the inconsistencies in their findings with some other meta-analyses might be due to methodological reasons, such as multiple counting of the same individual data or combined different disease entities and recall bias, particularly in case-control studies. Especially for glioma and acoustic neuroma, the pooled effect estimates of the meta-analysis were mainly driven by the pooled Orebro studies (Hardell and Carlberg, 2015; Hardell *et al.*, 2013), which produced excess pooled estimates of risk that are hardly ever observed in clinical setting.

In another meta-analysis of three case-control studies that evaluated the association between mobile phone use and parotid gland tumours, authors reported that cell phone use was associated with greater odds (OR = 1.28, 95%CI: 1.09-1.51) to develop salivary gland tumours (de Siqueira *et al.*, 2017). It is noted that an ecological study by Karipidis *et al.* (2021b) exists, in which the investigators performed analyses of incidence time trends to estimate the annual percentage change of salivary gland cancers of all available national registration data from 1982 to 2016, in Australia. Their results did not indicate that mobile phone use was correlated with the incidence of parotid or other salivary gland cancers across time. However, these findings should be interpreted in light of several methodological issues that such designs carry, like ecological bias, residual confounding, and effect modification of exposure-related factors.

Finally, in a recently published large-scale observational prospective study that was conducted during 1996-2001 with follow up in 2011, among 1.3 million women born between 1935-1950, and followed up via record linkage to National Health Services databases, no significant associations were observed of "ever mobile phone use" with incident brain tumours, meningioma, pituitary tumours, and acoustic neuroma, as compared to "never users" (Schüz *et al.*, 2022). Specifically, compared with never-users, no significant associations were found, overall or by tumour subtype, for daily cellular telephone use or for having used cellular telephones for at least 10 years. However, the authors acknowledged a number of limitations which the SCHEER also considered, namely, that the exposure to mobile phones assessment was very simple, there was a lack of detailed cellular telephone use history and lack of information on the type of cellular telephone technology used. Moreover, misclassification may have also occurred in the first years of follow-up, especially due to the rapid grow of mobile phones use observed in the later years. Although this was an observational study with known limitations, the SCHEER has presented its results here because of its methodological merits in the recruitment of participants.

It should be noted that one more review on RF EMF and brain tumours has been identified, i.e., Pareja-Peña *et al.* (2022), but this was not considered relevant for risk assessment, due to methodological inadequacies (e.g., problematic search strategy and arbitrary selection criteria, like "articles highly cited").

5.3.1.2 *In vivo* studies

Between 2015 and 2021, in total five carcinogenicity studies published in three papers (NTP, 2018a; NTP, 2018b; Falcioni *et al.*, 2018), one pilot study (de Seze *et al.*, 2020) and one co-carcinogenicity study were identified (Lerchl *et al.*, 2015).

Several aspects of the NTP and Falcioni *et al.* studies were already commented on elsewhere (e.g., Belpoggi *et al.*, 2021; BERENIS, 2018; Elwood & Wood, 2019; FDA, 2020; Garofalo *et al.*, 2020; ICNIRP, 2020b; Kuhne *et al.*, 2020; Lin, 2019; Melnick, 2020; SSM, 2019).

Results from four extensive carcinogenesis studies conducted by the National Toxicology Program (NTP), USA, were published in two reports (NTP, 2018a; NTP, 2018b). Hsd: Sprague Dawley SD rats were exposed to 900 MHz GSM- or CDMA-modulated signals at whole-body specific absorption rates (wbSAR) of 1.5, 3 or 6 W/kg (NTP, 2018a), and B6C3F1/N mice to 1900 MHz GSM- or CDMA-modulated signals at wbSARs of 2.5, 5 or 10 W/kg (NTP, 2018b). Each sham and exposure group consisted of 90 males and 90 females. The animals were exposed daily in an intermittent 10-min field on, 10 min-field off scheme. Exposures were interrupted from 7 to 11 a.m. and from 2 to 3:40 p.m. which led to a cumulative exposure of 9 h 10 min per day. Average wbSARs were kept constant during animals' entire life. Rats' exposure began in utero (on gestation day 5) and continued for 107 weeks after birth. In mice, it started at 5-6 weeks of age and continued for 106 and 108 weeks in males and females respectively.

The prominent finding was an increased incidence of malignant schwannomas in the heart of male rats. It occurred with a statistically positive trend (GSM, p=0.041; CDMA, p=0.011) with increasing wbSAR. In 1.5, 3, and 6 W/kg exposed males the malignant heart schwannomas (GSM 2/90 [p=0.297], 1/90 [p=0.540], and 5/90 [p=0.080], respectively; CDMA 2/90 [p=0.273], 3/90 [p=0.175], and 6/90 [p=0.030], respectively) were increased compared to sham exposed rats (0/90). Thus, the observation of malignant heart schwannomas in male rats was reported to be significant at the highest dose level (6 W/kg wbSAR) tested in CDMA.

Overall, NTP's summarising conclusions were: In male SD rats "for both GSM- and CDMA-modulated RFR, we conclude that exposures increased the number of animals with tumours in the heart. Tumours of the brain were also considered to be related to exposure; and increased numbers of male rats with tumours of the adrenal gland were also related to exposure. We are uncertain whether occurrences of prostate gland, pituitary gland, and pancreatic islet tumours in male rats exposed to GSM-modulated RFR and pituitary gland and liver tumours in male rats exposed to CDMA-modulated RFR were related to RFR exposures. This was also the case with female rats, where we conclude that exposure to GSM- or CDMA-modulated RFR may have been related to tumours in the heart. For females exposed to CDMA-modulated RFR, occurrences of brain and adrenal gland tumours may have been related to exposure" (NTP, 2018a).

"For GSM-modulated RFR, we conclude that exposure to RFR may have caused tumours in the skin and lungs of male B6C3F1/N mice and malignant lymphomas in female mice. For CDMA-modulated RFR, we conclude that exposure to RFR may have caused tumours in the liver of male mice and malignant lymphomas in female mice" (NTP, 2018b).

The strengths of the NTP studies are:

- study reports with all study details are publicly available (NTP, 2018a,b),
- detailed dosimetry (Capstick *et al.*, 2017; Gong *et al.*, 2017),
- testing two species as it is usual practice when interpreting cancer results for application to humans (Elwood & Wood, 2019),
- three exposure levels used in each study,
- GLP, animal facility accredited by AAALAC International,
- sentinel animal programme,
- single cage housing (one animal per cage), *i.e.*, no shielding by other animals in the cage

- complete histopathology including peer review and standardized pathology nomenclature,
- availability of published historical control data (NTP 2020),
- group size above average.

Limitations are:

- no temperature measurements during the carcinogenicity studies but strong evidence on thermoregulatory stress in the "high dose" groups (wbSAR of 6 W/kg) of male rats (Kuhne *et al.*, 2020),
- differences in body weight development and survival between sham and exposed males,
- only one concurrent sham control group per species,
- no cage control group.

The controversial discussion about the results of the rat studies is mainly based on

- the lack of tumours in the sham controls, while there were tumours in the historical controls (NTP, 2020), and
- the strong evidence on significant temperature fluctuations in exposed aged male rats, likely causing lower body weights and probably effecting survival and tumour incidences.

This results in a considerable uncertainty about how to interpret the results of the NTP rat studies (SSM, 2019) whereas the mouse studies showed equivocal results describing background fluctuations of the observed tumours "and not an increase caused by exposure to RF radiation" (FDA, 2020). Follow-up studies are planned (Ahn *et al.*, 2022).

A fifth large rat carcinogenicity study reporting heart schwannomas was conducted by Falcioni *et al.* (2018). Already in 2005 starting the experiment, they exposed 2,448 male and female of the Institute's own Sprague-Dawley rats prenatally from the 12th day of gestation until their natural death for 19 h/day to a 1800 MHz GSM far field signal which was reported to be 0.001, 0.03 or 0.1 W/kg wbSAR. After weaning, five rats per cage (1025 cm² floor area) were irradiated. Histopathology data were reported for brain and heart only.

In-life data of mean water and food consumption, body weight development or survival did not differ between sham and exposed groups, either in male or female rats. Compared to sham controls the incidence of heart schwannomas in male rats exposed at the highest wbSAR (0.1 W/kg) increased significantly (0/412 vs. 3/207). In addition, increased incidences of heart Schwann cell hyperplasia in males (3/412 vs. 5/207) and females (2/405 vs. 2/202) and malignant glial tumours in females only (2/405 vs. 3/202) were reported, but these were not statistically significant.

Strengths of the study are

- the group sizes (n >>200 per group and sex),
- three exposure levels,
- survival time of animals, and
- standardised pathology nomenclature.

Limitations are

- the lack of dosimetry,
- crowded cages resulting in rats' shielding each other and potentially stressed animals (hierarchy conflicts and fights, particularly in males),
- missing data on potential loss of animals due to group housing,
- missing correction for multiple testing in statistical analysis,
- no sentinel programme regarding animals' hygienic status (microbiology, parasitology) reported,
- very limited tumour data due to incomplete histopathology (two organs only were evaluated),

- no reference for historical control data given, and
- overall, a lot of study details according to OECD 451 and GLP guidelines are not publicly available.

By contrast to the authors' conclusion, the results are not consistent with those of the NTP study, where no increased tumour incidences were found with the exposure level of 1.5 W/kg (SSM, 2019). In addition, selective reporting of specific tumours is not state of the art. The authors may overcome this shortcoming with a further publication presenting all tumour data and adequate dosimetry data.

Finally, de Seze *et al.* (2020) tested in male Sprague Dawley rats the effects of nanosecond high power pulsed microwaves (ns HPM). In a complex experimental design, a pilot study addressing cancer was included. Twenty-four rats were sham-exposed, another 24 animals were exposed to 3.7 GHz ns HPM. HPM were produced by a superradiance generator in the S band at 3.7 GHz with pulses of 2.5 ns. The exposure lasted 26 min/day (2 x 8 min with 10 min interval), 5 days/week for 8 weeks. The peak E-field was 0.56 MV/m. Calculations of peak SAR revealed 3.33 MW/kg and an average SAR of 0.83 W/kg. Following the 8 weeks-exposure all 48 rats were observed up to two years of age. All (tumour) masses detected in-life and during necropsy were histopathologically examined. HPM exposure caused a 4-month decrease of lifespan compared to sham controls (median lifespan of 590 days compared to 722 days). The exposed group consisted of 17 tumour-bearing rats compared to 3 in the sham group. Most of the tumours were diagnosed as (subcutaneous) fibroma, fibroadenoma and fibrosarcoma. Unfortunately, the tumour reporting did not follow international standards, and tumour statistics were not presented. But the other study limitations were discussed by the authors:

- missing numerical and experimental dosimetry and thermometry, *i.e.* SAR values were calculated,
- 0.8 Gy residual X-rays (20 mGy/d) emitted from the exposure device.

Summarising, the obtained results need to be proven in further state-of-the-art cancer studies, using different species and both sexes, different exposure levels, and including a positive control exposed at 0.8 Gy.

Addressing co-carcinogenicity, Lerchl *et al.* (2015) performed a replication of the study by Tillmann *et al.* (2010) testing the same UMTS signal but at different exposure levels and using more animals per group. Tillmann *et al.* had found an increased incidence and multiplicity of lung carcinomas as well as more liver tumours in ENU-induced and up to 24 mo. (20 h/d) RF-exposed female mice compared with animals treated ENU alone. The effects on liver tumours were discounted due to possible confounding caused by bacterial (Helicobacter sp.) infection. UMTS exposure alone had no tumourigenic effect. Due to limitations in the design, Tillmann *et al.* rated their experiment as a pilot study which showed some co-carcinogenic effect of lifelong UMTS exposure (4.8 W/m²) in female B6C3F1 mice (SCENIHR, 2015).

In the study of Lerchl *et al.* (2015), ENU was administered to pregnant mice on day 16 post conception (pc), which remain, starting on day 6 pc, to be exposed to a UMTS signal for 19.5 h per day during the entire pregnancy, and the offspring continued to be exposed up to a total exposure period of 72 weeks. Nominal wbSAR were 0 (sham), 0.04, 0.4 and 2 W/kg and 96 females per group were used, added by a (non-ENU) cage control group. Increased incidences of bronchoalveolar and hepatic tumours and lymphomas were reported, but without an exposure-response pattern. Bronchoalveolar carcinomas and lymphomas were only increased with 0.4 W/kg, while bronchoalveolar adenomas were more increased with 0.04 and 0.4 W/kg then with 2 W/kg. Hepatocellular carcinomas were increased in all exposure groups about 10 -16 % compared to sham controls.

With three exposure levels, group sizes of n = 96 and an extensive statistical evaluation Lerchl's study offers some major advantages. On the other hand, there was no temperature monitoring, no RF only control, no data which was "either simulated or

measured that correlated E-field with the desired treatment levels of whole-body SAR" (FDA, 2020), and no sentinel programme, except Helicobacter testing after one year only.

Nevertheless, Lerchl's experiment resulted in similar findings as described by Tillmann *et al.* (2010). But the results are inconsistent in that they did not demonstrate a clear dose response (SSM, 2019; FDA, 2020). Furthermore, the study was designed with very specific experimental conditions which cannot directly be extrapolated to human exposures (SSM, 2019). But such studies testing potential tumour promoters may be useful as long as humans are simultaneously exposed to several tumour promoting agents and tumour initiating carcinogens, e.g., cigarette smoke (BERENIS, 2018).

5.3.1.3 Conclusions on neoplastic diseases

There is a weak weight of evidence on the interaction mechanisms causing genotoxicity and epigenetic effects, due to the severe data gaps that do not allow these mechanisms to be fully understood.

Regarding carcinogenicity in animals, there is an overall uncertain weight of evidence due to

- the inconsistencies and partial inaccuracies in the rat studies,
- the different tumour responses in the (NTP) mouse studies compared to the rat studies (lack of species consistency in terms of observed effects), which increases uncertainty about the relevance of these effects to humans.

For the pilot study at present a weighing of evidence is not possible. But results should be confirmed or refuted, since the (pilot study) rats repeatedly exposed to extremely high intensity microwave pulses[17] with an average SAR level below the thermal threshold of 4 W/kg demonstrated a tumour response.

Regarding co-carcinogenicity, the studies so far do not provide any further insight towards a carcinogenic risk, because mouse-specific tumours may have been promoted, but without an exposure-response pattern. Therefore, there is weak weight of evidence for the co-carcinogenicity of exposure to RF EMF, due to data gaps.

Meta-analyses based on epidemiological studies suggested a possible relative risk for glioma among long-term users as compared to non-users, but since this effect was very low, it is difficult to be detected at the population level, and, therefore, an attributable fraction to be calculated.

Moreover, several methodological issues of the reviewed meta-analyses of epidemiological studies could be identified, such as the number of independent studies included in the meta-analyses which varies considerably from very few, *i.e.*, 3, to several, *i.e.*, 15 studies. In addition, the heterogeneity of some of the meta-analyses was high, suggesting diversity in the design of the enrolled studies. For example, the variety in the period covered (e.g., some historical studies might introduce issues concerning varying data quality), or the recruitment criteria of the participants in the individual studies and the challenges of quantification of exposure (e.g., never used, frequent user, long term user- potentially different definitions in different studies and dependent on personal recall) could be possible sources of bias and lead to additional uncertainty.

Regarding carcinogenicity in humans, based on the available information provided in meta-analyses, and individual studies, the weight of evidence for adverse health effects from exposure to RF EMF is uncertain.

In conclusion, there is overall uncertain to weak weight of evidence that exposure to RF EMF increases the risk of neoplastic diseases.

[17] Around 1 MV/m, "comparable to those that have in part been used in the Gulf War" (de Seze *et al.*, 2020)

5.3.2 Neurological and neurobehavioural effects

5.3.2.1 Epidemiological studies

There are some studies that have also focused on the impact of radio frequency EMF exposure on neurological and neurobehavioral effects.

Neurodegenerative diseases

No systematic review papers or meta-analyses could be identified regarding neurodegenerative effects of RF EMF. The Health Council of the Netherlands report (2020a, 2020b) underlines the limited number of studies. Indeed, only one epidemiological study was used for neurodegenerative diseases (13 were rejected) and 13 animal studies were considered. According to the report it is "not possible to make a statement on a relation between exposure to radiofrequency electromagnetic fields and neurodegenerative diseases" based on human studies. However, in some of the animal studies "an increased level of neurodegeneration was found, but (that) the endpoints used are widely varying. The conclusion for the frequency range of 700-2200 MHz is that effects are possible."

Neuropsychiatric conditions

No systematic review papers or meta-analyses with robust design (*i.e.*, solid research hypothesis, transparent literature search, adequate number of studies included with specific inclusion and exclusion criteria), could be identified regarding the potential effects of mobile phone use on neuropsychiatric conditions.

Neurodevelopmental disorders (e.g., autism, attention deficit, etc.)

No systematic review papers or meta-analyses with robust design could be identified regarding the potential effects of mobile phone use on neurodevelopmental disorders, either.

As a result, there are no new reviews on neuropsychiatric conditions or neurodevelopmental disorders meeting SCHEER criteria of the level of evidence, in addition to the ones included in the SCENIHR report of 2015 (SCENIHR, 2015).

5.3.2.2 Neurophysiological and neuropsychological human studies

Introduction

Effects of RF EMF exposure can be considered/analysed at various levels. Effects on the brain, which is largely disconnected from the environment and unresponsive to exogenous stimulation, can be investigated during sleep. Three approaches can be used: 1) self-assessment of sleep quality (which belongs to the section 5.3.3), 2) objective parameters of sleep initiation, sleep maintenance, and sleep structure as derived from polysomnographic measures, and 3) quantitative measures of the sleep EEG like power spectral values. As stated earlier (see sections 4.2.1.3. and 4.2.2.2) effects have been shown repeatedly for the power spectra of the sleep and the waking EEG. The resting state waking EEG, which is usually dominated by waves in the alpha frequency range, is physiologically completely different from the sleep EEG, where slower waves prevail, *i.e.* waves in the theta and delta frequencies ranges. When the brain is challenged by external stimuli it responds with specific response patterns, *i.e.* with event-related potentials (e.g. slow cortical potentials, evoked potentials). If a reaction to the stimulus is required or a cognitive task has to be processed effects on behavioural measures like reaction times, number of correct responses etc. can also be assessed. Brain physiology and function thus encompass a large number of independent outcome parameters. Despite the importance of brain function as a target parameter in studies of effects of radiofrequency exposure, the number of systematic reviews and meta-analyses, respectively, is comparatively small.

Based on the hypothesis, that RF EMF does affect the human brain, Hinrikus *et al*. (2021), reviewed literature published in the period 2007 – 2021 to identify a threshold for effects. They searched the EMF portal database using the filter settings radio frequency, mobile

communication and experimental studies. The keywords: EEG, cognition and behavior were applied. These settings led to the identification of 76 studies, which were included in the review. The studies covered the resting state EEG, sleep EEG and sleep quality, event related potentials (ERP), cognition and behavior as well as two other outcomes (cortex oxygenation and brain glucose metabolism). The authors propose several hypotheses from the discussion of the results (e.g., some individuals are sensitive to RF EMF exposure, there is a possible causal relationship between RF EMF effects and depression). However, the overall conclusion is that no principal threshold of an effect of RF exposure on the brain could be determined.

With the aim to discuss possible health effects of 5G, the same group (Hinrikus *et al*., 2022) reviewed whether effects of RF exposure on the brain depend on the frequency and the signal structure. The search for human experimental studies investigating effects on the resting state EEG, sleep EEG and sleep quality, brain metabolism, event related potentials, as well as cognition and behavior ended up with 73 studies which were included in the review. All of them were also included in Hinrikus *et al.* (2021). There was no consistent relationship between the character of RF EMF effects and parameters of exposure by different generations (2G, 3G, and 4G) of telecommunication technology. The authors conclude that the impact of 5G in the NR FR1 frequency range (up to 10 GHz) should principally not be different from the one of previous generations. Given that the frequency used in 5G is higher and the penetration depth lower they expect that effects are even lower than for previous generations of mobile telecommunication. Since the mechanisms underlying possible RF EMF effects are not yet known, and since there is a lack of experimental in vivo studies of 5G FR2 exposure the authors underline the need for further studies.

Cognitive function

For cognitive functions there is one meta-analysis (Zubko *et al.*, 2017) that addresses the effects of EMF emitted by GSM phones on working memory, which is one of several cognitive domains that can be considered. Working memory is a domain that is of special interest in normal and pathological age-related cognitive decline. The meta-analysis included 10 studies in which working memory was assessed in one or more of three tasks; n-back (0-back – 3-back), subtraction, and digit span task. Based on three to five studies, meta-analyses were performed separately for accuracy and reaction times of the four n-back tasks as well as for accuracy of the digit span task, and the reaction time of the subtraction task. The authors concluded that there is no evidence that short-term exposure has an effect on working memory.

In a narrative review, Curcio (2018) summarised the results of 43 experimental studies in volunteers which investigated effects of mobile phone-like signals on attention. Attention is another cognitive domain and covers selective, sustained, and divided attention. The studies are quite heterogeneous with regard to methodology, dosimetry, and statistical analyses. Thirty-one studies did not report a statistically significant difference in attention between the sham and the RF exposure, nine observed a partial improvement, *i.e.* in speed of performance and/or in accuracy, while three showed inconsistent results or a worsening in performance.

The lack of evidence for exposure effects on attention and working memory are in line with the last SCENIHR Opinion (SCENIHR 2015). Based on criteria for inclusion, which are the same than those used by the WHO (2014), the Health Council of the Netherlands (2020a, 2020b) identified 48 experimental human studies investigating RF EMF effects on cognitive functions in the frequency ranges 700 – 2200 MHz (46 studies), 2.2 to 5.0 GH (two studies), and 20-40 GHz (no study). Thirty-one of the 46 experimental studies identified for the frequency range 700-2200 MHz did not find an effect of exposure, seven studies reported an unfavourable effect of exposure on cognitive function while eight observed a favourable effect. One of the two studies for the frequency range 2.2 – 5.0 GHz showed no effect while the other observed an unfavourable effect. Without differentiation between cognitive domains, the Health Council of the Netherlands

concluded that both frequency ranges, for which data are available, favourable and unfavourable effects of RF EMF exposure are possible.

Event-related potentials

SCENIHR (2015) concluded that for event-related potentials (including slow cortical potentials) results were inconsistent. Since there is no meta-analysis and no systematic review available for ERPs, the following assessment is based on the report of The Health Council of the Netherlands (2020b). The Health Council of the Netherlands (2020b) identified 27 studies, addressing effects of RF EMF exposure on event-related potentials in the frequency range 700 – 2200 MHz: For the other frequency ranges no studies were found. All studies are listed under brain electrical activity. Nineteen investigated healthy adults, three children and five patients with different neurological diseases. Approximately 50% (14 out of 27) observed an effect (two of the studies in children, 4 of the studies in patients and eight in healthy subjects). For all studies in which effects were observed, it is not clear whether these are favourable or unfavourable.

Resting-state waking EEG

SCENIHR (2015) concluded that mobile phone RF EMF exposure might affect brain activities as reflected by EEG studies during wake and sleep. Due to various methodological issues, it was, however, not possible to derive firm conclusions. The Health Council of the Netherlands summarised 20 studies investigating the waking EEG (700 – 2200 MHz: 19; 2.2 – 5.0 GHz: 1). Overall, four studies did not observe an effect while 16 did, including the one referring to exposure at the higher frequency range. The latter observed an unfavourable effect of exposure while for all others the effect could not clearly be classified as favourable or unfavourable. Furthermore, the assessment did not take into account whether RF EMF exposure led to an increase or a decrease of the EEG spectral power.
Additionally, two narrative reviews were published that looked at the resting state waking EEG studies in more detail. Based on the following four inclusion criteria, 1) blind condition (single or double blind) with a crossover design, 2) EEG technique as experimental approach, 3) investigation of the waking spontaneous EEG, and 4) radiofrequency range related to MP technologies Wallace and Selmaoui (2019) identified 30 studies. Most of the studies (80%) observed an effect of RF EMF exposure on the EEG, 47% found an effect exclusively in the alpha frequency band while 30% found an effect in the alpha frequency band and other frequency bands (delta, theta, beta and gamma) as well. However, not all studies considered all frequency ranges. Studies on adolescents did not indicate that this age group had any higher degree of sensitivity than adults. On the other hand, four studies in epileptic patients showed an effect of RF EMF exposure from 2G on the EEG. The authors conclude that a direct and clear comparison of the main findings obtained so far is not easy due to the considerable differences in the experimental protocols and methods, like the nature of the RF EMF signal, its modulation, exposure duration, position of the exposure device and characteristics of the participants. The authors emphasise that future studies should use a randomised and counterbalanced double-blind cross-over design. Furthermore, studies should be carried out with a detailed dosimetry and standardised protocol criteria controlling the variability of the physiological state of the brain between participants, e.g., by performing test sessions at the same time of the day.

Almost at the same time, Danker-Hopfe *et al.* (2019) published a paper deriving at very similar results and recommendations. Based on a continuous monitoring of the literature published between 1997 and 2016, 39 studies investigating RF EMF effects on the resting state waking EEG were identified. Excluded were studies that were not published in English language, not published in peer-reviewed journals, where EEG was recorded for an interval of milliseconds prior to event-related potentials that did not provide sufficient description of the sample and results, or that did not explicitly investigate EEG power. Applying these criteria, 22 studies remained in the analysis. All investigated the alpha frequency band, the number of studies considering other frequency bands was lower (theta and beta: 19, delta: 17 and gamma: 7). In 64% of these studies, variation of EEG power in the alpha frequency band was observed, while in 36% no effect was observed. However, of the 14

studies that showed an effect, 10 observed an increase in alpha power while four observed a decrease. All other frequency bands were also affected in at least in one (theta) up to seven (beta band) studies. As for the alpha frequency band, increases and decreases in the band specific power were observed (delta and beta). Danker-Hopfe *et al.* (2019) described in detail how various factors (e.g., age, sex, individual basic EEG rhythm, recording of the EEG in an eyes-open or an eyes-closed condition, topographic aspects, control of vigilance, control of consumption of stimulating substances) affect the EEG. Furthermore, technical aspects of EEG recording (e.g., control of EMF interferences between the recording device and the electromagnetic field, when EEG is measured during exposure) and evaluation might affect EEG parameters. Finally, Danker-Hopfe *et al.* (2019) described how these factors as well as methods of statistical evaluation differ between studies.

Similarly to Wallace and Selmaoui (2019), Danker-Hopfe *et al.* (2019) emphasised that heterogeneous study protocols and different methodologies prevent a scientifically sound statement on the impact of RF EMF on human brain activity in the resting-state EEG. As in SCENIHR (2015), both studies strongly recommended more standardised study protocols that follow basic quality criteria in further research.

Sleep

With regard to RF EMF exposure effects on sleep, SCENIHR (2015) concluded that half of the studies looking at the macrostructure of sleep (especially those with a longer duration of exposure) observed effects. However, the results were not consistent with regard to the affected sleep parameters. Studies investigating effects of RF EMF exposure on the power spectra of the sleep EEG are quite heterogeneous with regard to several factors, e.g. the applied field, the duration of exposure, the timing of exposure (prior to or during sleep), the number of considered EEG leads, control of electromagnetic interference, the affected frequency band, the affected sleep stage, and time frames of investigation (e.g. whole night, first 20 or 30 min of NREM sleep or NREM stage 2 sleep, first or later sleep cycles, 4th NREM episode). Furthermore, studies vary with regard to statistical analysis. Effect sizes and/or a priori sample size calculations are usually not reported. Given all these heterogeneities, SCENIHR (2015) concluded that it was not possible to derive firm conclusions on RF EMF effects on sleep.

No meta-analysis or systematic literature review were published. The Health Council of the Netherlands (2020b) identified 18 human sleep studies (all refer to the 700 – 2200 MHz frequency range). Three investigated effects of a mobile phone base station signal, two of them observed an effect. Of 15 studies, that investigated effects of mobile phone exposure (healthy adults: 13, patients: two), nine found an effect, including one study in patients. This review does not differentiate between effects on the macro- and the microstructure of sleep. It was not possible to clearly classify any of the studies that observed a RF EMF exposure effect on sleep as either favourable or unfavourable.

5.3.2.3 Animal studies

Similar to human studies, systematic reviews are very rare.

Sienkiewicz and van Rongen (2019) published a systematic review of 62 animal (rodent) studies related to spatial learning and place memory. A total of 17 papers were excluded, primarily due to improper description of exposure or missing dosimetry. Overall, the remaining 45 reviewed studies between 1993 and 2017 are highly heterogenous. Morris water maze test was mostly used (66 %), followed by radial arm maze (27%) and others. No consistent outcome was seen. Both impairments (21) and no effects (20) were demonstrated, and four studies reported behavioural improvements. The range of frequencies included 900, 1800 and 2450 MHz, continuous and pulsed fields, and the wbSARs were in the range of 0.1 mW/g up to >10W/kg.

The Health Council of the Netherlands (2020b) classified the outcome of experimental animal studies as those with *no effect*, *unfavourable effect,* and *favourable effect.* In

addition, excluded studies were listed and the reason for exclusion given. The three frequency ranges 700-2200 MHz, 2.2-5.0 GHz, and 20-40 GHz were discriminated but papers for the 20-40 GHz were not found. Neurological and neurobehavioural effects were divided in six subcategories.

1) Behavioural studies tested explorative behaviour, recognition of objects, anxiety and effects on learned behaviour. The Health Council concluded that an effect is possible for both frequency ranges of 700-2200 MHz, 2.2-5.0 GHz.
2) Cognitive studies looked at effects on memory, reaction speed and responsiveness. It was concluded that both favourable or unfavourable effects are possible for 700-2200 MHz, 2.2-5.0 GHz.
3) Brain neurotransmission. An effect is possible for both frequency ranges.
4) Brain electrical activity. The Health Council concluded that for 700-2200 MHz a (favourable or unfavourable) effect is likely, and is possible for 2.2-5.0 GHz.
5) Blood brain barrier (BBB) is protecting the brain against harmful substances in the blood. For both frequency ranges an effect is possible.
6) Neurodegeneration. It was concluded that effects are possible for 700-2200 MHz.

Summarising, the Opinion of SCENIHR (2015) still holds true that the weight of evidence for neurobehavioural findings in animal studies is uncertain and replication studies should be performed under much more stringent conditions (exposure and dosimetry, blinding, controls).

5.3.2.4 Conclusions on neurological and neurobehavioural effects

There is only limited evidence from meta-analyses on human studies concerning cognitive function.

Electrophysiological effects on the EEG spectra repeatedly appear in studies but they show contradictory results (either increasing or reducing the EEG power). However, there are methodological issues that need to be taken into consideration before reaching a conclusion about potential health effects. Such issues include (a) the effect of multiple testing, which is or can be particularly high in EEG studies depending on the number of electrodes considered and whether the analysis is based on EEG frequency bands or bins; (b) the high physiological variability of EEG power spectra, e.g., within a day or with intake of activating substance like caffeinated beverages; and (c) the lack of strictly standardised protocols. Therefore, it is suggested to include a negative control, e.g., analysis of differences between two sham conditions. So far, the physiological variations observed under RF EMF exposure for some of the outcome parameters (which may constitute a potential biological effect) do not indicate any adverse health effect.

Recent studies emphasise that heterogeneous study protocols and different methodologies prevent a scientifically sound statement on the impact of RF-EMF on human brain activity, in the resting-state EEG as one example. SCHEER conclusions are based on a small number of reviews, one of which is the review by the Health Council of the Netherlands (2020a, 2020b). As in SCENIHR (2015), recommendations of more standardised study protocols that follow basic quality criteria are needed in further research.

Across the various studies (and meta reviews considered), it is clear that there is a wide heterogeneity in findings both within and across studies, including differences in the protocols, sample size, etc. A systematic review on effects of exposure to radiofrequency electromagnetic fields on cognitive performance in human experimental studies was one of the systematic reviews commissioned recently by WHO (see section 4.2.3).

For animal studies the Opinion of SCENIHR (2015) still holds true that the weight of evidence for neurobehavioural findings is uncertain and replication studies should be performed under much more stringent conditions (exposure and dosimetry, blinding, controls).

Thus, in the interim, the SCHEER cannot update the original SCENIHR (2015) conclusions but looks forward to the new systematic WHO review.

5.3.3 Symptoms

One of the most common non-specific symptoms attributed to mobile phone use are headaches. Wang *et al.* (2017) performed a meta-analysis, following the PRISMA guidelines, of seven cross-sectional studies retrieved from the published literature. Among the seven included studies, five assessed the association between mobile phone use or not and headache. The combined result of pooled data revealed higher risk of headache for a mobile phone user compared with a non-user [OR 1.38 (95% CI 1.18–1.61)]. In their assessment of an effect between mobile phone call duration or frequency and headache the authors analysed pooled data that were retrieved from studies of both analogue (NMT) and digital (GSM) technologies, which, however, are very different in terms of exposure.

Farashi *et al.* (2022) performed a systematic review and meta-analysis on "mobile phone electromagnetic radiation and the risk of headache". However, it pooled data from studies that investigated mobile phones and base station antennas, alike, although the exposure is different in these situations, both in terms of duration and intensity. Moreover, the authors' claim of analysing "electromagnetic radiation" is not substantiated by any correlation of effects or effect sizes to a measure of RF radiation: For example, Auvinen *et al.* (2019), in their reporting of the international Cohort Study of Mobile Phone Use and Health (COSMOS) in Sweden and Finland have shown that the association of headache with call-time was stronger for the UMTS network than the older GSM technology, despite the latter involving higher exposure to RF EMF. The COSMOS results were based on operator data for the use of mobile phone collected for 24,259 respondents after a 4-year follow-up period. Another concern rises from the way the authors treated the studies, which had estimated headache for several independent variables: They extracted several estimates for one study and included all of them in the main meta-analysis. This artificially increased the study size, eventually producing pooled estimates with high precision, not reflecting true uncertainty. In any meta-analysis, a priori which type of effect size has been extracted and how different types of effect sizes have been converted to a unique effect size for the final pooling need to be defined (Jalilian *et al*., 2022).

Schmiedchen *et al.* (2019) published a systematic review to evaluate methodological limitations in experimental studies on symptom development in IEI-EMF individuals. They included blinded experimental studies that exposed individuals with IEI-EMF to different EMF exposure levels and queried the development of symptoms during or after each exposure trial. The exposure in the studies surveyed was not limited to RF EMF but included ELF electric and/or magnetic fields. The most common limitations were related to the selection of study participants, the counterbalancing of the exposure sequence and the effectiveness of blinding. Many studies further lacked statistical power estimates. The authors noted that methodically sound studies indicated that an effect of exposure was unlikely, and that, overall, the evidence pointed towards no effect of exposure.

A study in Taiwan performed by Huang *et al.* (2018), which also includes a survey of the international literature, has reported that on the basis of a sample of 3303 participants, the prevalence rate of IEI-EMF in Taiwan declined from 13.3% to 4.6% over a period of 5 years. The literature review also found the prevalence rates in other countries to be decreasing instead of increasing as had been predicted previously. The meta-analysis of the data from the literature showed that women were more likely to have IEI-EMF than men, with an odds ratio of 1.19 (95% CI: 1.01-1.40).

Leszczynski (2021) published a review of the scientific evidence on the individual sensitivity to EMF, in which he included both provocation and observational (survey) studies, although cross-sectional observational studies cannot provide evidence for causality between subjective or objective symptoms and exposure to EMF. Moreover, the review does not provide the criteria use for literature selection or a description of the methodological approach for reviewing the studies that were eventually selected. Leszczynski (2021) concludes that most of the studies did not find any causal link between EMF and electromagnetic hypersensitivity (EHS), at least as far as acute effects were concerned, since the studies "did not have capability to examine delayed EMF responses".

The author identifies several methodological shortcomings of the hitherto studies and proposes the use of both subjective symptoms and objective biomarkers to research for causality "because the scientific research data is of insufficient quality to be used as a proof of the lack of causality" (between EMF exposure and EHS).

5.3.3.1 Conclusions on symptoms

The systematic reviews and meta-analyses that have been published since the SCENIHR Opinion (2015) do not change the conclusions included therein concerning RF EMF exposure and headaches. As also mentioned in SCENIHR (2015), although significant associations have been found in meta-analyses of observational studies relying on self-reported exposure, caution is required in interpreting the associations suggested by these studies, mainly because self-reports of mobile phone use or of the distance to the nearest base station are known to be inaccurate and have a poor association with actual levels of RF exposure. Moreover, the cross-sectional approach often used in observational studies is a limitation and longitudinal analyses are required to exclude reverse causality.

SCENIHR (2015) concluded that the results from multiple double-blind provocation studies gave a strong overall weight of evidence that such effects are not caused by RF exposure, and that the evidence from observational studies weighed against a causal effect between EMF exposure and non-specific symptoms (IEI-EMF). The SCHEER finds that this conclusion is still valid. Given the methodological limitations of the research in this area so far, the SCHEER is of the opinion that future research should always include objective measures (physical/biochemical/biological markers) of the response to EMF exposure together with other types of psychological measures or subjective reports.

5.3.4 Other health effects

5.3.4.1 Cardiovascular diseases

A meta-analysis that investigated the effects of using a GSM900 mobile phone on heart rate variability (HRV) has concluded that the minutes of exposure (minutes of speaking on the mobile phone) do not affect the autonomic nervous system of the heart or its sympathovagal balance (Geronikolou *et al.*, 2018). This result is in agreement with the conclusion of the review conducted by the Health Council of the Netherlands (2020a, 2020b) that no effects of exposure to radiofrequency electromagnetic fields on the cardiovascular system and the autonomic nervous system have been found in the frequency range of 700-2200 MHz.

SCHEER concludes that the weight of evidence is weak for adverse effects on the cardiovascular system in humans after short-term exposure with RF EMF in the above frequency range (700-2200 MHz) but weighing of evidence is not possible for other frequencies of RF EMF.

5.3.4.2 Immune System

The immune system is a complex network of special cells, tissues, organs, and the substances they produce that, through a series of steps called the immune response, work together in fighting infections and other diseases. This network allows the immune system to keep its dynamic equilibrium through activating and inhibitory signals and, at the same time, to adapt the response to environmental hints. A healthy immune system permits the organism to interact with the environment in a safe way, keeping invading agents under control.

There are no systematic reviews or meta-analysis available in the literature to determine whether RF EMF exposure may affect immune system. Narrative reviews with robust methodological design are also lacking.

In 2013, a review paper was published by Szmigielski in which the effects of *in vitro* and *in vivo* exposure to RF fields on several immune functions such as phagocytosis, lymphocyte proliferation and antibodies production were discussed. The general conclusion

of the author was that in both *in vitro* and *in vivo* studies RF exposure may induce measurable weak effects in the number and/or activity of immune-competent cells. However, the results were incoherent (for instance, a number of lymphocyte functions resulted in being both enhanced and weakened under similar RF exposure conditions within single studies) and difficult to replicate. The author also pointed out the existence of certain indications of a temporary immunological stimulation after short term RF exposure, while prolonged exposure inhibited the same functions, although not substantiated by threshold effects (Szmigielski, 2013).

A review paper (Piszczek *et al.*, 2021) was recently published which reports on immunity and electromagnetic fields including RF. The authors focused on both *in vivo* and *in vitro* studies reporting on the effects on immune cell types involved in the innate and adaptive immunity. The general conclusion of the authors was that RF seems to be a promising tool for modulation of immune cell signaling pathways, although it is not possible to indentify an intracellular mechanism.

Both of the above review papers, however, lack the criteria for literature selection and characterisation of methodological quality of the individual included studies.

There are also several papers in the literature reporting the enhancement of immune system after millimetre-wave exposure. These papers are included in a couple of review articles in which the advantages of millimetre-waves therapy, which is widely used for the treatment of several diseases in many Eastern European countries, are highlighted. In these papers, the modulation of the immune system is mentioned as a plausible mechanism by which millimetre-waves can produce systemic whole-body effects after localized application. As a matter of fact, components of the immune system are present in the dermis portion of the skin and are, thus, accessible to millimetre-waves, at least at locations where the epidermis is thin and subcutaneous fat is sparse. Furthermore, millimetre-waves therapy, when used in combination with chemotherapy, is capable of protecting the immune system from the toxicity of chemotherapy without exerting toxicity of its own. Moreover, it has also been shown that the combination of millimetre-waves and chemotherapy is capable of reducing the tumour metastasis and tumour resistance to chemotherapeutic drugs (Logani *et al.*, 2011; Mattsson *et al.*, 2018).

Therefore, the SCHEER finds that the weight of evidence for any (beneficial and detrimental) effects of RF EMF on the immune system is uncertain due to the conflicting information from various studies.

5.3.4.3 Reproductive and developmental effects

In accordance with the PRISMA guidelines, Kim *et al.* (2021) conducted a systematic review and a meta-analysis to determine whether the exposure to RF EMF affects human sperm quality. The outcome considered were motility, viability, and concentration, which are the most frequently used parameters in clinical settings to assess fertility. The authors evaluated 18 studies that included 4280 samples. They found that exposure to mobile phones was associated with reduced sperm motility, viability, and concentration, but the decrease in sperm quality after RF EMF exposure was not significant, even when the mobile phone usage increased. However, the SCHEER notes that many of the studies included in the meta-analysis did not provide adequate information on dosimetry. Moreover, at least one study was included in the meta-analysis that had been excluded from risk assessment in the SCENIHR (2015) Opinion due to methodological/quality issues. The same problem, of including in the analysis studies with insufficient dosimetry, uncontrolled exposure, and other methodological problems (some of these studies had been excluded from or criticised in the SCENIHR (2015) Opinion), exists for the other reviews scoping the impact of RF EMF exposure on the male reproductive system (Jaffar *et al.*, 2019; Maluin *et al.*, 2021; Sciorio *et al.*, 2022). Nevertheless, it should be noted that Sciorio *et al.* (2022) comprehensively present the limitations of the studies on RF EMF exposure and the reproductive system, like controlling confounders, assessing exposure, and using standardised methods for sperm analysis.

On the issue of male reproductive hormones, Maluin *et al.* (2021) concluded that existing animal and human data on the effect of RF EMF emitted from wireless devices on male reproductive hormones were inconsistent and difficult to evaluate due to the heterogeneity of study design. However, according to the authors, most studies were consistent with the assertion that long-term exposure to RF EMR from mobile phones and Wi-Fi devices could disrupt male reproductive hormones, particularly testosterone.

In these reviews (Jaffar *et al.*, 2019; Kim *et al.*, 2021) two potential mechanisms are mentioned for the effect of RF EMF on the reproductive system: tissue heating and oxidative stress. However, Santini *et al*. (2018), in their scoping review about oxidative stress caused by EMF on both the female and the male reproductive systems, conclude that based on the current literature, the analysis of ELF-EMF and RF impact on the maintenance of male and female fertility potential reports contradictory results. The authors suggest that the main reason for these discrepancies may be the lack of uniformity in the experimental design, including the use of different models and the extremely variable exposure sources and protocols. Moreover, since ROS levels can be influenced by temperature, a possible criticism to many of these works is the lack of control of this parameter during EMF exposure. A further criticism emerging from the literature is the difficulty to understand whether EMF-induced fertility abnormalities are caused by direct gonadal damage or by disruption of the hypothalamic-pituitary-gonadal axis. On the other hand, the authors see growing evidence that damage induced by EMF to reproductive cells and organs is caused by deregulation of redox homeostasis due to mitochondrial dysfunctions and ROS overproduction.

Mahaldashtian *et al.* (2021) reviewed the literature on the effect of cell phone radiation on mammalian embryos and foetuses and concluded that it is difficult from the available animal studies to confidently document the role of RF EMF exposure on human embryo development, both *in vivo* and *in vitro*. The SCHEER agrees with general methodological limitations of studies about developmental effects of RF EMF identified by the authors, but notes that they had included in their review studies with insufficient dosimetry, uncontrolled exposure, and other methodological problems.

Tsarna *et al.* (2019) conducted a meta-analysis of four birth cohorts to study the associations of maternal cell phone use during pregnancy with pregnancy duration and foetal growth. They used data on 55,507 pregnant women and their children from Denmark (1996–2002), the Netherlands (2003–2004), Spain (2003–2008), and South Korea (2006–2011). In the three former cohorts, no exposure corresponded to no cell phone use, low exposure to ≤1 calls/day, intermediate exposure to 2–3 calls/day, and high exposure to ≥4 calls/day. In the latter (Korean) cohort, no exposure corresponded to no cell phone use, low exposure to ≤2 calls/day, intermediate exposure to 3–5 calls/day, and high exposure to ≥6 calls/day. The authors observed no association with foetal growth or birth weight. With respect to pregnancy duration, the intermediate-exposure group had a higher risk of giving birth at a lower gestational age compared with the low-exposure group (hazard ratio, HR = 1.04, 95% CI: 1.01, 1.07). The hazard ratios for the other exposure groups were closer to unity (unexposed: HR = 0.99, 95% CI: 0.97, 1.01; highly exposed: HR = 1.02, 95% CI: 0.98, 1.06), but a linear trend was observed ($P < 0.001$). In the analysis of preterm birth, a linear trend was observed ($P = 0.003$), though none of the odds ratios reached statistical significance (unexposed: OR = 0.96, 95% CI: 0.86, 1.07; intermediate exposure: OR = 1.12, 95% CI: 0.97, 1.28; highly exposed: OR = 1.28, 95% CI: 0.87, 1.88). The authors concluded that "maternal cell phone use during pregnancy may be associated with shorter pregnancy duration and increased risk of preterm birth, but these results should be interpreted with caution, since they may reflect stress during pregnancy or other residual confounding rather than a direct effect of cell-phone exposure".

El Jarrah and Rababa (2022) performed a systematic review of the impacts of smartphone radiation on pregnancy. They included 18 studies in their "integrative review" and concluded that EMF radiation exposure was linked to hormonal, thermal, and cardiovascular changes in adults, as well as with miscarriages and alternations in foetal

temperature, HRV, and infant anthropometric measurements. The authors used *in vitro*, *in vivo*, epidemiological, and human experimental studies in their analysis, in order to assess several health endpoints (some not related to pregnancy). Due to methodological inadequacies (e.g., exclusion criteria) the SCHEER did not consider this review relevant for risk assessment.

The meta-analyses and reviews available since the SCENIHR (2015) Opinion show that the weight of evidence for reproduction and developmental effects is uncertain, due to conflicting information.

5.3.4.4 Endocrine system

Asl *et al.* (2019) conducted a systematic review on the effects of cell phone radiation on thyroid cells and hormones. They identified 22 studies for their "quantitative synthesis", including *in vitro*, animal, epidemiological and human provocation studies. The authors did not attempt to combine conclusions from the different lines of evidence, which gave conflicting information that cannot be explained in scientific terms (uncertain weight of evidence).

5.3.4.5 Auditory and thermoelastic effects

Electromagnetic waves can be seen in the frequency range of visible light, but they can also be heard, if they are pulsed. Initially, the auditory perception of microwave pulses was thought to be an interaction of pulsed radiation directly with the auditory nerves or neurons along the auditory neurophysiological pathways of the central nervous system. However, experimental and theoretical studies have shown that 'microwave hearing' (aka 'microwave auditory effect' or 'Frey effect') arises from the thermoelastic theory: Microwave pulses, upon absorption by soft tissues in the head, launch a thermoelastic wave of acoustic pressure that travels by bone conduction to the inner ear, where it activates the cochlear receptors via the same process involved in normal hearing (Chou *et al.*, 1982; Lin and Wang, 2007; Lin, 2022).

Microwave hearing is an acute effect and occurs for as long as the head of a subject is exposed to pulsed RF EMF of specific frequency and pulse width. To generate perceptible acoustical stimuli a very high energy per single pulse is necessary. If the energy per pulse is limited such effects cannot occur. In the previous ICNIRP guidelines (ICNIRP, 1998) constraints had been imposed to the specific absorption from pulses to avoid microwave auditory effects, since "repeated or prolonged exposure to microwave auditory effects may be stressful and potentially harmful". In the latest ICNIRP guidelines (ICNIRP, 2020), a specific restriction to account for microwave hearing is not considered because "there is no evidence that microwave hearing in any realistic exposure scenarios can affect health". However, in a study about rigger safety in the telecommunications industry (Boulais, 2016), about 75% of the riggers who had experienced the microwave effect reported it as a distraction: as explained in the study, such a distraction poses an occupational risk that may result in indirect health damage.

Moreover, recently, there has been a discussion whether pulsed RF EMF can be weaponised (Lin, 2021; Dagro *et al.*, 2021; Foster *et al.*, 2021; Lin, 2022) to create a health syndrome with clinical symptoms resembling those of concussion. According to Foster *et al.* (2021), existing microwave systems can produce pulses with sufficient fluence to induce unexpected and perhaps frightening auditory sensations, but the equipment is large, e.g., the obsolete AN/FPS-67B radar system at 1.3 GHz. On the other hand, millimetre waves equipment is smaller and can be located close to a subject, allowing higher exposure levels than those considered by Dagro *et al.* (2021), if the problem of shallower penetration can be overcome. Dagro *et al.* (2021) conclude that the required power densities to induce neuropathological effects to the brain are orders of magnitude larger than most real-world exposure conditions, but can be achieved with devices meant to emit high-power electromagnetic pulses in military and research applications.

The SCHEER is of the opinion that, although the power densities necessary to induce brain damage with pulsed RF EMF are feasible with current technology, they are unlikely to occur in a real-life exposure situation. However, pulsed RF EMF can induce microwave hearing, causing distraction in occupational settings that may jeopardize occupational safety. Therefore, occupational training of RF workers should include awareness about the microwave hearing effect and its management.

Kacprzyk *et al.* (2021) performed a systematic review and meta-analysis on the impact of mobile phone use on tinnitus. Eight studies reporting the risk of tinnitus in relation to mobile phone use were identified, and six studies (two cohort studies, one case–control study, and three cross-sectional ones) of high quality were included in the meta-analysis. The authors concluded that current scientific knowledge does not support the hypothesis of an association between mobile phone use and tinnitus.

Taziki Balajelini *et al.* (2021) conducted a systematic review and meta-analysis of studies on mobile phone use and hearing impairment. The authors identified five relevant studies (two cross-sectional and three cohort studies). They concluded that likely no association between mobile phone use and hearing impairment exists.

5.3.5 Health effects from exposure to realistic WiFi signals

While exposure to WiFi-like signals might be covered in some of the review papers considered in the previous sections, Dongus *et al.* (2022) performed a systematic literature search and quality evaluation of studies investigating the potential health effects of realistic/actual WiFi signals. They eventually included two *in vitro*, five *in vivo* (nine publications), five human experimental (six publications) and four epidemiological (six papers) studies in their evaluation. The outcomes covering a broad range of biological parameters were mostly found to not be related to realistic WiFi exposure. They noticed that although in *in vivo* and *in vitro* studies exposure levels in most cases were up to the guideline levels (ICNIRP, 2020) or even higher (4 W/kg), human studies dealt with levels several orders of magnitude below the ICNIRP guidelines (of 10 W/m² for whole body exposure or 40 W/m² for local exposure or SAR 2-4 W/kg), which are typical for WiFi exposure situations in the everyday environment. For hazard identification, epidemiological studies are most appropriate to study exposure situations occurring in our environment including long-term exposure. However, it is a challenge to differentiate between physical WiFi exposure and other factors related to the use of wireless communications. Exposure to WiFi radiation is likely to be correlated with several lifestyle and behavioural factors such as socioeconomic status, stressful lifestyle, internet use including problematic use and sleep displacement or blue-light exposure from screens. Thus, epidemiological studies assessing exposure by the presence of WiFi at home or in school remain of a high ecological validity, as they represent the situation of people who complain about WiFi effects, but may suffer from considerable exposure misclassification, since the contribution of WiFi exposure to total RF EMF exposure is relatively low. The authors concluded in their systematic review that there was little evidence that WiFi exposure is a health risk in the everyday environment, where exposure levels are typically considerably lower than ICNIRP guideline values.

5.3.6 Health effects in children and adolescents from wireless devices

Bodewein *et al*. (2022) performed a systematic literature review on physiological and health-related effects of electromagnetic field exposure from wireless communication devices on children and adolescents aged between 6 months and 18 years. Their review is based on 42 epidemiological and 11 human experimental studies. While the epidemiological studies addressed the outcomes subjective symptoms (n = 14), cognitive functions (n = 12), behaviour (n = 9), infant development (n = 4), and others (n = 4) the experimental studies focused on EEG-based brain activity and cognitive functions (n = 9) and physiological parameters (n = 2). The authors state that "most of the studies displayed several methodological weaknesses". The evidence for RF EMF effects on subjective symptoms, cognition and behaviour were judged to be low to inadequate. Evidence from

the few studies investigating early childhood development, brain activity, cancer, and physiological parameters was considered inadequate for drawing conclusions. Since the overall body of evidence did not allow a final conclusion, the authors emphasize the need for high quality systematic research on children and adolescents, which are considered to be sensitive age groups.

6 RECOMMENDATIONS FOR FUTURE WORK

The SCHEER welcomes the development of a number of WHO protocols for systematic reviews that will strengthen the level of evidence about health effects from RF EMF exposure. The SCHEER suggests that any future policy changes on the matter of EMF health effects should consider the conclusions of the systematic reviews that will result from these protocols.

There is a need for more research in the higher frequency bands of the RF spectrum (*i.e.*, millimetre waves) and their adverse, favourable or lack of health effects.

Additional hypothesis-driven experiments on the interaction mechanisms of RF EMF (other than tissue heating) are necessary, but under strict methodological quality criteria about experimental design, exposure control and assessment, statistics and results analysis. The SCHEER notes that several experimental studies have been considered in meta-analyses and reviews, although they had not fulfilled these criteria.

The methodological limitations of the research performed in the area of symptoms call for the inclusion of objective measures (physical/biochemical/biological markers) of the response to EMF exposure, together with other types of psychological measures or subjective reports.

Moreover, the SCHEER notes that it is likely that the future research agenda will be largely determined by the results of the WHO commissioned reviews.

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Wallace, J., & Selmaoui, B. (2019). Effect of mobile phone radiofrequency signal on the alpha rhythm of human waking EEG: A review. Environmental research, 175, 274–286. https://doi.org/10.1016/j.envres.2019.05.016

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Wang, J., Su, H., Xie, W., & Yu, S. (2017). Mobile Phone Use and The Risk of Headache: A Systematic Review and Meta-analysis of Cross-sectional Studies. Scientific reports, 7(1), 12595. https://doi.org/10.1038/s41598-017-12802-9

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Zubko, O., Gould, R. L., Gay, H. C., Cox, H. J., Coulson, M. C., & Howard, R. J. (2017). Effects of electromagnetic fields emitted by GSM phones on working memory: a meta-analysis. International journal of geriatric psychiatry, 32(2), 125–135. https://doi.org/10.1002/gps.4581

8 GLOSSARY OF TERMS, UNITS

APD	Absorbed Power Density (W/m^2)
SAR	Specific Absorption Rate (W/kg)
wbSAR	whole body SAR (W/kg)
psSAR	peak spatial SAR (W/kg)

9 LIST OF ABBREVIATIONS AND ACRONYMS

BS	Base Station
CDMA	Code-Division Multiple Access
CI	Confidence Interval
EEG	Electroencephalogram
EHS	Electromagnetic Hypersensitivity (IEI-EMF)
EI	Exposure Index
ELF	Extremely Low Frequency
EMF	Electromagnetic Field(s)
GRADE	Grading of Recommendations, Assessment, Development and Evaluations

GSM	Global System for Mobile communications
HR	Hazard Ratio
ICNIRP	International Commission on Non-Ionizing radiation Protection
IEI-EMF	Idiopathic Environmental Intolerance attributed to EMF
IoT	Internet of Things
IQR	Interquartile Range
MIMO	Multiple-input multiple-output
NMT	Nordic Mobile Telephony
OR	Odds Ratio
PRISMA	Preferred Reporting Items for Systematic Reviews and Meta-Analyses
RAT	Radio Access Technology
RF	Radiofrequency
RFR	Radiofrequency radiation
ROS	Reactive Oxygen Species
RR	Relative Risk
SCENIHR	Scientific Committee on Emerging and Newly Identified Health Risks
SD	Standard Deviation
UMTS	Universal Mobile Telecommunications System
WHO	World Health Organization

PUBLICATIONS CONSIDERED AS SOURCES OF EVIDENCE AND THEIR WEIGHT				Relevance	Validity	Reliability	WoE Score	WoE Contribution
Exposure of general population								
Sagar, S., Dongus, S., Schoeni, A., Roser, K., Eeftens, M., Struchen, B., I	2018	Radiofrequency electromagnetic field exposure in everyday microenvironments in Europe: A system	https://doi.org/10.1038/jes.2017.13	High	High	High	9	High
Jalilian, H., Eeftens, M., Ziaei, M., & Roosli, M.	2019	Public exposure to radiofrequency electromagnetic fields in everyday microenvironments: An update	https://doi.org/10.1016/j.envres.2019.05.048	High	High	High	9	High
van Wel, L., Liorni, I., Huss, A., Thielens, A., Wiart, J., Joseph, W., Roos	2021	Radio-frequency electromagnetic field exposure and contribution of sources in the general populatio	https://doi.org/10.1038/s41370-021-00287-8	High	High	High	9	High
Birks, L. E., van Wel, L., Liorni, I., Pierotti, L., Guxens, M., Huss, A., Foe	2021	Radiofrequency electromagnetic fields from mobile communication: Description of modeled dose in	https://doi.org/10.1016/j.envres.2020.110505	High	High	High	9	High
Langer, C. E., de Llobet, P., Dalmau, A., Wiart, J., Goedhart, G., Hours,	2017	Patterns of cellular phone use among young people in 12 countries: Implications for RF exposure. En	https://doi.org/10.1016/j.envint.2017.06.002	High	High	High	9	High
Exposure of workers								
Stam, R., & Yamaguchi-Sekino, S.	2018	Occupational exposure to electromagnetic fields from medical sources. Industrial health, 56(2), 96-1(	https://doi.org/10.2486/indhealth.2017-0112	High	High	High	9	High
Stam R.	2022	Occupational exposure to radiofrequency electromagnetic fields. Industrial health, 60(3), 201-215.	https://doi.org/10.2486/indhealth.2021-0129	High	High	High	9	High
Thermal effects								
Adair, E. R., & Petersen, R. C.	2002	Biological effects of radiofrequency/microwave radiation. IEEE Transactions on Microwave Theory ar	https://doi.org/10.1109/22.989978	Low	High	High	7	High
Hirata, A., et al.	2021	Assessment of Human Exposure to Electromagnetic Fields: Review and Future Directions. IEEE Trans	https://doi.org/10.1109/TEMC.2021.3109249	Medium	High	High	8	High
Foster, K. R., Ziskin, M. C., Balzano, Q., & Hirata A.	2018	Thermal analysis of averaging times in radio-frequency exposure limits above 1 GHz. IEEE Access, 6, 7	https://doi.org/10.1109/ACCESS.2018.2883175	Medium	High	High	8	High
Neufeld, E., & Kuster, N.	2018	Systematic Derivation of Safety Limits for Time-Varying 5G Radiofrequency Exposure Based on Analy	https://doi.org/10.1097/HP.0000000000000930	Medium	High	High	8	High
Neufeld, E., Samaras, T., & Kuster, N.	2020	Discussion on Spatial and Time Averaging Restrictions Within the Electromagnetic Exposure Safety Fr	https://doi.org/10.1002/bem.22244	Medium	High	High	8	High
Li, K., Sasaki, K., Watanabe, S., & Shirai, H.	2019	Relationship between power density and surface temperature elevation for human skin exposure to	https://doi.org/10.1088/1361-6560/ab057a	Medium	High	High	8	High
Oxidative stress								
Schuermann, D., & Mevissen, M.	2021	Manmade Electromagnetic Fields and Oxidative Stress - Biological Effects and Consequences for Heal	https://doi.org/10.3390/ijms22073772	High	Medium	Medium	7	High
Genetic and epigenetic effects								
Lai, H.	2021	Genetic effects of non-ionizing electromagnetic fields. Electromagnetic Biology and Medicine, 40(2),	https://doi.org/10.1080/15368378.2021.1881866	High	High	Medium	8	High
Karipidis, K., Mate, R., Urban, D., Tinker, R., & Wood, A.	2021	5G mobile networks and health-a state-of-the-science review of the research into low-level RF fields	https://doi.org/10.1038/s41370-021-00297-6	Medium	High	Medium	7	High
Kocaman, A., Altun, G., Kaplan, A. A., Deniz, O. G., Yurt, K. K., & Kaplar	2018	Genotoxic and carcinogenic effects of non-ionizing electromagnetic fields. Environmental research, 1	https://doi.org/10.1016/j.envres.2018.01.034	High	High	Medium	8	High
Jagetia G. C.	2022	Genotoxic effects of electromagnetic field radiations from mobile phones. Environmental research, 2	https://doi.org/10.1016/j.envres.2022.113321	Low	Medium	Low	4	Medium
Vijayalaxmi, & Prihoda, T.J.	2019	Comprehensive Review of Quality of Publications and Meta-analysis of Genetic Damage in Mammali	https://doi.org/10.1667/RR15117.1	High	High	High	9	High
Calcium signalling and VGC								
Wood, A., & Karipidis, K.	2021	Radiofrequency Fields and Calcium Movements Into and Out of Cells. Radiation research, 195(1), 101	https://doi.org/10.1667/RADE-20-00101.1	High	Medium	Medium	7	High
Bertagna, F., Lewis, R., Silva, S. R. P., McFadden, J., & Jeevaratnam, K.	2021	Effects of electromagnetic fields on neuronal ion channels: a systematic review. Annals of the New Y	https://doi.org/10.1111/nyas.14597	Low	Low	Low	3	Low
Apoptosis								
Romeo, S., Zeni, O., Scarfì, M. R., Poeta, L., Lioi, M. B., & Sannino, A.	2022	Radiofrequency Electromagnetic Field Exposure and Apoptosis: A Scoping Review of In Vitro Studies	https://doi.org/10.3390/ijms23042322	High	Medium	High	8	High
Neoplastic diseases - Epidemiolgocal studies								
Prasad, M., Kathuria, P., Nair, P., Kumar, A., & Prasad, K.	2017	Mobile phone use and risk of brain tumours: a systematic review of association between study qualit	https://doi.org/10.1007/s10072-017-2850-8	High	High	High	9	High
Wang, Y., & Guo, X.	2016	Meta-Analysis of association between mobile phone use and glioma risk. Journal of Cancer Research	https://doi.org/10.4103/0973-1482.200759	High	High	High	9	High
Yang, M., Guo, W. W., Yang, C. S., Tang, J. Q., Huang, Q., Feng, S. X., Jia	2017	Mobile phone use and glioma risk: A systematic review and meta-analysis. PLoS ONE, 12(5), 1-13.	https://doi.org/10.1371/journal.pone.0175136	High	High	High	9	High
Bortkiewicz, A., Gadzicka, E., & Szymczak, W.	2017	Mobile phone use and risk for intracranial tumors and salivary gland tumors - A meta-analysis. Intern	https://doi.org/10.13075/ijomeh.1896.00802	High	High	High	9	High
Choi, Y. J., Moskowitz, J. M., Myung, S. K., Lee, Y. R., & Hong, Y. C.	2020	Cellular phone use and risk of tumors: Systematic review and meta-analysis. International Journal of	https://doi.org/10.3390/ijerph17218079	High	High	High	9	High
Roosli, M., Lagorio, S., Schoemaker, M. J., Schuz, J., & Feychting, M.	2019	Brain and Salivary Gland Tumors and Mobile Phone Use: Evaluating the Evidence from Various Epide	https://doi.org/10.1146/annurev-publhealth-040218-044037	High	High	High	9	High
de Siqueira, E. C., de Souza, F., Gomez, R. S., Gomes, C. C., & de Souza	2017	Does cell phone use increase the chances of parotid gland tumor development? A systematic review	https://doi.org/10.1111/jop.12531	High	High	High	9	High
Schuz, J., Pirie, K., Reeves, G. K., Floud, S., Beral, V., & Million Women	2022	Cellular Telephone Use and the Risk of Brain Tumors: Update of the UK Million Women Study. Journa	https://doi.org/10.1093/jnci/djac042	High	High	High	9	High
Pareja-Peña, F., Burgos-Molina, A. M., Sendra-Portero, F., & Ruiz-Góm	2022	Evidences of the (400 MHz - 3 GHz) radiofrequency electromagnetic field influence on brain tumor in	https://doi.org/10.1080/09603123.2020.1738352	Zero	Zero	Zero	0	Zero
Neoplastic diseases - Animal studies								
National Toxicology Program (NTP)	2018	Toxicology and carcinogenesis studies in Sprague Dawley (Hsd:Sprague Dawley SD) rats exposed to w	https://doi.org/10.22427/NTP-TR-595	High	High	Medium	8	High
National Toxicology Program (NTP)	2018	Toxicology and carcinogenesis studies in B6C3F1/N mice exposed to whole-body radio frequency rad	https://doi.org/10.22427/NTP-TR-596	High	High	High	9	High
National Toxicology Program (NTP)	2020	NTP Historical Controls Report, All Routes and Vehicles, Harlan Sprague-Dawley RATS.	https://ntp.niehs.nih.gov/ntp/historical_controls/ntp2000_2019/r_hcrpt_allrte20191100.pdf	Low	High	Medium	6	Medium
Falcioni, L., Bua, L., Tibaldi, E., Lauriola, M., De Angelis, L., Gnudi, F., M	2018	Report of final results regarding brain and heart tumors in Sprague-Dawley rats exposed from prenat	https://doi.org/10.1016/j.envres.2018.01.037	Medium	Low	Medium	5	Medium
de Seze, R., Poutriquet, C., Gamez, C., Maillot-Marechal, E., Robidel, F	2020	Repeated exposure to nanosecond high power pulsed microwaves increases cancer incidence in rat.	https://doi.org/10.1371/journal.pone.0226858	Low	Medium	Medium	5	Medium
Lerchl, A., Klose, M., Grote, K., Wilhelm, A. F., Spathmann, O., Fiedler,	2015	Tumor promotion by exposure to radiofrequency electromagnetic fields below exposure limits for hu	https://doi.org/10.1016/j.bbrc.2015.02.151	Medium	Medium	Medium	6	Medium
Neurological and neurobehavioural effects - Human studies								
Health Council of the Netherlands.	2020	5G and health. The Hague: Health Council of the Netherlands, 2020; publication no. 2020/16e.		High	High	High	9	High
Health Council of the Netherlands.	2020	Background document to the advisory report 5G and health. Background document to 5G and health		High	High	High	9	High
Hinrikus, H., Lass, J., & Bachmann, M.	2021	Threshold of radiofrequency electromagnetic field effect on human brain. International journal of ra	https://doi.org/10.1080/09553002.2021.1969055	Medium	High	Medium	7	High
Hinrikus, H., Koppel, T., Lass, J., Orru, H., Roosipuu, P., & Bachmann, M	2022	Possible health effects on the human brain by various generations of mobile telecommunication: a r	https://doi.org/10.1080/09553002.2022.2026516	Medium	High	Medium	7	High
Zubko, O., Gould, R. L., Gay, H. C., Cox, H. J., Coulson, M. C., & Howard	2017	Effects of electromagnetic fields emitted by GSM phones on working memory: a meta-analysis. Inter	https://doi.org/10.1002/gps.4581	High	High	High	9	High
Curcio G.	2018	Exposure to Mobile Phone-Emitted Electromagnetic Fields and Human Attention: No Evidence of a C	https://doi.org/10.3389/fpubh.2018.00042	Medium	Medium	High	7	High
Wallace, J., & Selmaoui, B.	2019	Effect of mobile phone radiofrequency signal on the alpha rhythm of human waking EEG: A review. E	https://doi.org/10.1016/j.envres.2019.05.016	High	High	High	9	High
Danker-Hopfe, H., Eggert, T., Dorn, H., & Sauter, C.	2019	Effects of RF-EMF on the Human Resting-State EEG-the Inconsistencies in the Consistency. Part 1: No	https://doi.org/10.1002/bem.22194	Medium	Medium	High	7	High
Neurological and neurobehavioural effects - Animal studies								
Sienkiewicz, Z., & van Rongen, E.	2019	Can Low-Level Exposure to Radiofrequency Fields Effect Cognitive Behaviour in Laboratory Animals? A	https://doi.org/10.3390/ijerph16091607	Medium	High	High	8	High
Symptoms								
Wang, J., Su, H., Xie, W., & Yu, S.	2017	Mobile Phone Use and The Risk of Headache: A Systematic Review and Meta-analysis of Cross-sectio	https://doi.org/10.1038/s41598-017-12802-9	Low	Medium	Medium	5	Medium
Farashi, S., Bashirian, S., Khazaei, S., Khazaei, M., & Farhadinasab, A.	2022	Mobile phone electromagnetic radiation and the risk of headache: a systematic review and meta-ana	https://doi.org/10.1007/s00420-022-01835-x	Low	Low	Low	3	Low
Auvinen, A., Feychting, M., Ahlbom, A., Hillert, L., Elliott, P., Schuz, J., I	2019	Headache, tinnitus and hearing loss in the international Cohort Study of Mobile Phone Use and Healt	https://doi.org/10.1093/ije/dyz127	High	High	High	9	High
Schmiedchen, K., Driessen, S., & Oftedal, G.	2019	Methodological limitations in experimental studies on symptom development in individuals with idio	https://doi.org/10.1186/s12940-019-0519-x	Medium	Medium	Medium	6	Medium
Huang, P. C., Cheng, M. T., & Guo, H. R.	2018	Representative survey on idiopathic environmental intolerance attributed to electromagnetic fields i	https://doi.org/10.1186/s12940-018-0351-8	Low	High	Medium	6	Medium
Leszczynski D.	2021	Review of the scientific evidence on the individual sensitivity to electromagnetic fields (EHS). Review	https://doi.org/10.1515/reveh-2021-0038	Medium	Medium	High	7	High
Cardiovascular diseases								
Geronikolou, S.A., Johansson, O., Chrousos, G., Kanaka-Gantenbein, C	2020	Cellular Phone User's Age or the Duration of Calls Moderate Autonomic Nervous System? A Meta-An	https://doi.org/10.1007/978-3-030-32622-7_46	Medium	Medium	High	7	High
Immune system								
Piszczek, P., Wojcik-Piotrowicz, K., Gil, K., & Kaszuba-Zwoinska, J.	2021	Immunity and electromagnetic fields. Environmental research, 200, 111505.	https://doi.org/10.1016/j.envres.2021.111505	Low	Medium	High	6	Medium
Mattsson, M. O., Zeni, O. & Simko, M.	2018	Is there a Biological Basis for Therapeutic Applications of Millimetre Waves and THz Waves?. J Infrar	https://doi.org/10.1007/s10762-018-0483-5	Medium	High	High	8	High
Reproductive and developmental effects								
Kim, S., Han, D., Ryu, J., Kim, K., & Kim, Y. H.	2021	Effects of mobile phone usage on sperm quality - No time-dependent relationship on usage: A systen	https://doi.org/10.1016/j.envres.2021.111784	Low	Medium	Medium	5	Medium
Jaffar, F., Osman, K., Ismail, N. H., Chin, K. Y., & Ibrahim, S. F.	2019	Adverse Effects of Wi-Fi Radiation on Male Reproductive System: A Systematic Review. The Tohoku j	https://doi.org/10.1620/tjem.248.169	Low	Medium	Medium	5	Medium
Maluin, S. M., Osman, K., Jaffar, F., & Ibrahim, S. F.	2021	Effect of Radiation Emitted by Wireless Devices on Male Reproductive Hormones: A Systematic Revie	https://doi.org/10.3389/fphys.2021.732420	Low	Medium	Medium	5	Medium
Sciorio, R., Tramontano, L., & Esteves, S. C.	2022	Effects of mobile phone radiofrequency radiation on sperm quality. Zygote (Cambridge, England), 30	https://doi.org/10.1017/S096719942100037X	Low	Medium	Medium	5	Medium
Santini, S. J., Cordone, V., Falone, S., Mijit, M., Tatone, C., Amicarelli, F	2018	Role of Mitochondria in the Oxidative Stress Induced by Electromagnetic Fields: Focus on Reproducti	https://doi.org/10.1155/2018/5076271	Low	Medium	Medium	5	Medium
Mahaldashtian, M., Khalili, M. A., Anbari, F., Seify, M., & Belli, M.	2021	Challenges on the effect of cell phone radiation on mammalian embryos and fetuses: a review of the	https://doi.org/10.1017/S0967199421000691	Low	Medium	Medium	5	Medium
Tsarna, E., Reedijk, M., Birks, L. E., Guxens, M., Ballester, F., Ha, M., Jir	2019	Associations of Maternal Cell-Phone Use During Pregnancy With Pregnancy Duration and Fetal Grow	https://doi.org/10.1093/aje/kwz092	High	Medium	Medium	7	High
El Jarrah, I., & Rababa, M.	2022	Impacts of smartphone radiation on pregnancy: A systematic review. Heliyon, 8(2), e08915.	https://doi.org/10.1016/j.heliyon.2022.e08915	Zero	Zero	Zero	0	Zero
Endocrine system								
Asl, J. F., Larijani, B., Zakerkish, M., Rahim, F., Shirbandi, K., & Akbari, I	2019	The possible global hazard of cell phone radiation on thyroid cells and hormones: a systematic reviev	https://doi.org/10.1007/s11356-019-05096-z	High	Medium	Low	6	Medium
Auditory and thermoelastic effects								
Lin, J. C.	2022	The Microwave Auditory Effect. IEEE Journal of Electromagnetics, RF and Microwaves in Medicine an	https://doi.org/10.1109/JERM.2021.3062826	High	High	High	9	High
Boulais, D.	2016	Microwave Hearing Effect: Rigger Safety in the Telecommunications Industry. Prof. Safety, 61(07): 26		Low	Medium	Medium	5	Medium
Kacprzyk, A., Stefura, T., Krzysztofik, M., Rok, T., Rokita, E., & Taton, G	2021	The Impact of Mobile Phone Use on Tinnitus: A Systematic Review and Meta-Analysis. Bioelectromag	https://doi.org/10.1002/bem.22316	High	High	High	9	High

Taziki Balajelini, M. H., Mohammadi, M., & Rajabi, A.	2021	Association between mobile phone use and hearing impairment: a systematic review and meta-anal	https://doi.org/10.1515/reveh-2021-0062	High	High	High	9	High
Health effects from realistic WiFi signals								
Dongus, S., Jalilian, H., Schurmann, D., & Roosli, M.	2022	Health effects of WiFi radiation: a review based on systematic quality evaluation, Critical Reviews in I	https://doi.org/10.1080/10643389.2021.1951549	High	High	High	9	High
Health effects in children/adolescents from wireless devices								
Bodewein, L., Dechent, D., Graefrath, D., Kraus, T., Krause, T., & Dries:	2022	Systematic review of the physiological and health-related effects of radiofrequency electromagnetic	https://doi.org/10.1371/journal.pone.0268641	High	High	High	9	High
INFORMATIVE PUBLICATIONS								
Dosimetry and Exposure Assessment								
Aydin, D., Feychting, M., Schuz, J., Andersen, T. V., Poulsen, A. H., Proc	2011	Predictors and overestimation of recalled mobile phone use among children and adolescents. Progre	https://doi.org/10.1016/j.pbiomolbio.2011.08.013					
Brzozek, C., Benke, K. K., Zeleke, B. M., Abramson, M. J., & Benke, G.	2018	Radiofrequency Electromagnetic Radiation and Memory Performance: Sources of Uncertainty in Epid	https://doi.org/10.3390/ijerph15040592					
Calderon, C., Castano-Vinyals, G., Maslanyj, M., Wiart, J., Lee, A. K., Ta	2022	Estimation of RF and ELF dose by anatomical location in the brain from wireless phones in the MOBI-	https://doi.org/10.1016/j.envint.2022.107189					
Goedhart, G., Kromhout, H., Wiart, J., & Vermeulen, R.	2015	Validating self-reported mobile phone use in adults using a newly developed smartphone application	https://doi.org/10.1136/oemed-2015-102808					
Goedhart, G., van Wel, L., Langer, C. E., de Llobet Viladoms, P., Wiart,	2018	Recall of mobile phone usage and laterality in young people: The multinational Mobi-Expo study. Env	https://doi.org/10.1016/j.envres.2018.04.018					
Mireku, M. O., Mueller, W., Fleming, C., Chang, I., Dumontheil, I., Thoi	2018	Total recall in the SCAMP cohort: Validation of self-reported mobile phone use in the smartphone er	https://doi.org/10.1016/j.envres.2017.10.034					
Toledano, M. B., Auvinen, A., Tettamanti, G., Cao, Y., Feychting, M., Al	2018	An international prospective cohort study of mobile phone users and health (COSMOS): Factors affec	https://doi.org/10.1016/j.ijheh.2017.09.008					
Vrijheid, M., Cardis, E., Armstrong, B. K., Auvinen, A., Berg, G., Blaasaa	2006	Validation of short term recall of mobile phone use for the Interphone study. Occupational and Envir	https://doi.org/10.1136/OEM.2004.019281					
Vrijheid, M., Deltour, I., Krewski, D., Sanchez, M., & Cardis, E.	2006	The effects of recall errors and of selection bias in epidemiologic studies of mobile phone use and can	https://doi.org/10.1038/SJ.JES.7500509					
Integrative Exposure								
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The electromagnetic field and people

On physics, biology, medicine, standards, and the 5G network

Ministry
of Digital Affairs

We are pleased to present this publication, which discusses, in a comprehensible manner, the most important issues related to the radio-frequency electromagnetic field. It is those fields that allow us to enjoy radio and television broadcasts and to use mobile phones. Thus, it is the basis for a trouble-free and fast flow of information, which is the foundation of our civilization nowadays.

This publication is divided into four sections. The first three sections answer the most frequently asked questions about electromagnetic waves. What are they? What are their effects on the human body? How are they measured and what regulations apply to them? The fourth section briefly explains the relationship between the electromagnetic field and telecommunication, and what the next generation of cellular networks, i.e. 5G, is.

We are sure that this publication will help everyone interested in this topic to understand what the electromagnetic field is and how we can use it for the good of Poland.

We hope you will find it interesting!

Ministry of Digital Affairs

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I. Physics

II. Biology and medicine

III. Standards and measurements

IV. 5G technology

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I. *Physics*

Introduction

- The electromagnetic field is one of the fundamental elements of the natural world. It occursnear all electrically charged particles, moving charges, and permanent magnets.
- In the electromagnetic field, its excitations – electromagnetic waves – move. These waves carry energy.
- According to modern physics, such a wave can also be considered a flow of particles – photons.

    - Electromagnetic waves can differ in length – i.e. the distance between successive crests – which determines their frequency – i.e. a measure of how many times in a fixed unit of time, usually 1 second, the crest of a wave passes through a given point. Electromagnetic waves of different lengths/frequencies also have different energy. The longer the wave (and therefore the lower the frequency), the lower the energy of one photon.
    - The division into ionizing and non-ionizing radiation is important. It is related to the photon's ability to ionize, in other words to induce a reaction that causes the conversion of an electrically neutral atom or a chemical particle into a charged molecule i.e. an ion. In practice, this means that ionizing radiation can cause chemical reactions, thus influencing the molecules in the cells of living organisms, e.g. DNA.
    - Electromagnetic waves in the radio and microwave frequency ranges are non-ionizing. Their most important applications include: AM, FM, and DAB radio, digital terrestrial television, mobile telephony, Wi-Fi, Bluetooth, and radar. In medicine, however, ionizing radiation is more commonly used, e.g. in X-ray examinations or cancer radiotherapy.

- The basic quantities that enable a quantitative description of the electromagnetic field are electric field strength E, magnetic field strength H, and power density S of the electromagnetic wave.
- Waves traveling (“propagating”) in a space interact in different ways with objects found in the space. This leads multiple reflections of the wave, refraction, refraction, interference, attenuation and scattering.
- As a result of these phenomena, the field strength at a given point, especially in an urban environment, can be difficult to predict and can change constantly, even with a fixed source (antenna) position.

    - There are numerous natural sources of the electromagnetic field.
    - Earth is the source of its own magnetic field, which is created in the planet's liquid core. In the atmosphere, various types of magnetic and electric fields are generated, the result of which in natural electric discharges (lightning).
    - Every body with a temperature exceeding the temperature of absolute zero (or, in practice, every body in the Universe) is also a source of so-called thermal radiation. In the case bodies with temperature equal to room temperature, thermal radiation is in the infrared range.

- For almost 150 years, humanity has been using, to an ever greater extent, devices and installations that are sources of the electromagnetic field.
- In Poland, the first radio broadcasting stations were built in the 1920’s. In 1923, a broadcasting center was established near Warsaw and, in 1927, broadcasting stations were built in Cracow, Poznań, and Katowice.
- Every electrical device – such as a TV set, a hairdryer, a refrigerator, an induction hob, a laptop, or a mobile phone – is a source of the electromagnetic field.

    - The basic unit of organization of the mobile network is a "cell": an area covered by one base station.
    - In a base station there are sector antennas that are used for communication with the users, and radio link antennas for communication with other base stations or the base station controller.
    - A terminal (i.e. any device that uses a cellular network, e.g. a mobile phone) is also a transmitter whose operating power increases with its distance from the base station. The power of the terminal is thus the greatest at the cell boundary and decreases as the user approaches the base station antenna.

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I.1
Electromagnetic field, electromagnetic waves

Rafał Pawlak

The Universe, according to the most likely evolution model referred to as the "Big Bang," emerged about 14 billion years ago. From the very dense and hot singularity emerged space, time, matter, energy, and their mutual interactions. In the Universe expanding over the billions of years that followed, electromagnetic phenomena play a great role. They belong to numerous, extremely important and core processes, which from the very beginning formed and continue to shape the Earth's natural electromagnetic environment, being its integral part. The energy accompanying electromagnetic phenomena, which is one of the oldest forms of energy in the Universe, was one of many factors that influenced the evolution of our planet and the life on it.

The electromagnetic field undoubtedly accompanies humans not only "always", but also everywhere, in every part of their lives. Humans, like our entire planet, are located in the vicinity of a giant source of electromagnetic waves of a very wide spectrum, which is the Sun. The human body not only uses the electromagnetic field and has acquired, through evolution, resistance to some of its forms, but also has become a source of the electromagnetic field – and in a fairly wide frequency range. Furthermore, for over 100 years, the mankind has been generating artificial sources of the electromagnetic field.

Four interactions

The electromagnetic field is one of the four interactions naturally observed in nature that are of fundamental importance, the so-called fundamental interactions, which cannot be reduced to other, more basic interactions. Those interactions are:

- the gravitational interaction (classically, it is a universal gravity force associated with attraction between molecules with mass);
- the weak nuclear interaction (responsible for some forms of decay of atom nuclei and elementary molecules);
- the strong nuclear interaction (occurs in atom nuclei, mediating between the constituent elementary molecules); and
- the electromagnetic interaction (occurs between charged molecules).

There are even some similarities between the electromagnetic interactions and the gravitational interactions. For example, the range of both interactions is infinitive, as opposed to the two interactions that are rightly called “nuclear,” the range of which is limited in practice to the nearest surroundings of molecules, such as protons and neutrons. However, each interaction is different, and the gravitational interaction is, for example, incomparably weaker than the electromagnetic interaction: for example, the electromagnetic

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force exerted by a tiny magnet on a small metal object can easily overcome the gravitational force generated by the entire globe.

Radiation or field?

The term "radiation" is a purely technical term used to describe various phenomena associated with energy transmission in the form of waves or particles in space or in another medium. Thus, there is not only electromagnetic radiation (including light, i.e. "visible" radiation), but also e.g. sound and thermal radiation. For some people, "radiation" is associated unambiguously with nuclear energy and fears associated with risks it may entail – but this is only an unfortunate association. The heat that we feel near a radiator is, after all, also a form of radiation, which is completely harmless, and even necessary for life.

Usually the physical term **"field"** means **static fields**: **electric and magnetic** (e.g. an electrostatic field that is present in the vicinity of a sweater that has been rubbed several times and that raises hair put close to it) – and a variable **electromagnetic field**. In the most general sense, the term **"electromagnetic radiation"** could be used to call all forms of time-variable electromagnetic field – i.e. situations where the field consists of migrating **waves**. However, it is often assumed that the word "radiation" covers only those waves whose frequency exceeds 300 GHz (see the infographics on page 38). According to this definition, radio waves and microwaves should not be called "radio radiation" or "microwave radiation," although this is sometimes done, which unfortunately raises misleading negative associations with harmful ionizing radiation[1] or with radioactivity related to nuclear phenomena. Consequently, through unjustified associations with e.g. the tragic events that took place in Hiroshima, Nagasaki, Chernobyl, and Fukushima, a sense of threat can arise. Generally, one should keep in mind that the word "radiation" has no connection to safety or health effects – it is simply a technical term that describes a time-variable electromagnetic field.

1 See: http://ptze.pl/elektrofakty/?article=elektrosmog-w-pogoni-za-sensacyjnymi-naglowkami

In order to properly understand the issues related to the electromagnetic field as a physical phenomenon, one should first look at what the electromagnetic field actually is.

Static electric field

The electric field is a certain energy state of space that is associated with the existence of electric charges which constitute its source. There are positive charges and negative charges. An electric charge is a discrete quantity or, in other words, it is quantized. In practice, this means that there is a certain minimum "unit" of charge (the so-called "elementary charge"), which is $1.6 \cdot 10^{-19}$ C (Coulomb), so the charge accumulated by a body must be an integer multiple of the minimum charge "unit" of charge.

The electric field is quantified by a measurable value, which is called electric field strength E and is expressed in the [V/m] (volts per meter) unit. An image of the electric field, for a better representation and visualization of the phenomenon itself, can be represented graphically by means of the so-called field force lines. The electric field force lines around a single point source charge are straight lines, directed toward a negative charge (they "enter" the negative charge) or from a positive charge (they "exit" from the positive charge) and, importantly, they cannot intersect. They can be determined experimentally, using e.g. hair pieces that get aligned in the direction of the electric field vector E.

The presence of electrostatic interactions in nature was known as equally as in antiquity. Electrostatics was first described in the 6th century BC by the Greek philosopher Thales of Miletus. He noticed that amber, when rubbed with a piece of cloth, starts to attract some small and light objects. In modern times, in the late 16th century, the first research and experiments connected with the phenomena of electric charging of materials and magnetism was started by William Gilbert – the personal physician of Queen Elizabeth I. The Italian mathematician, physicist, and philosopher Nicolo Cabeo, on the basis of his observations, concluded in 1629 that electrically charged bodies can attract

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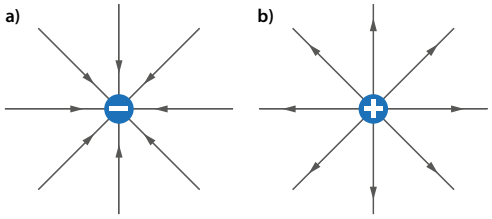

Fig. 1a, b. Electric field force lines around a single negative (a) and positive (b) point source charge.
Author: Paweł Woźniak

bodies that are not electrically charged, while two electrically charged bodies can repel each other. In 1733, the French chemist and physicist Charles François de Cisternay Du Fay introduced a distinction between positive electricity (then referred to as "glass" electricity) and negative electricity (then referred to as "resin" electricity). The American scientist Benjamin Franklin studied atmospheric electricity (in 1752, he built the first lightning rod), suggested that one should distinguish between positive electric charges and negative electric charges, and stated that bodies with like electric charges (e.g. two positive electric charges or two negative electric charges) repel each other, and bodies with opposite electric charges (e.g. one positive charge and one negative charge) attract each other. A breakthrough discovery was made by the French physicist Charles Augustin de Coulomb, who proved Franklin's assumption that like charges repel each other and opposite ones attract each other, and formulated in 1785 a law describing the force of interaction of charges, nowadays called the Coulomb law.

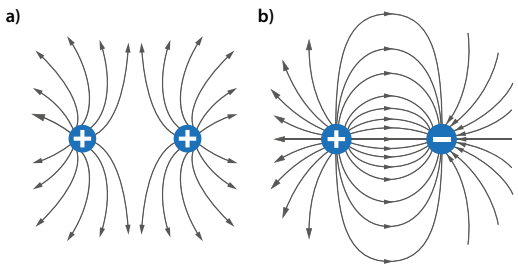

Fig. 2a, b. Electric field force lines around like charges (a) and unlike charges (b).
Author: Paweł Woźniak

Static magnetic field

A magnetic field is a certain energetic state of space induced either by moving electric charges or by certain materials, which are so-called permanent magnets. In the former case, the source of the magnetic field is direct current circuits – a "surrounding" magnetic field is always generated around the wire in which the electric current flows. In the latter case, there is the phenomenon of systematic ordering of the structure of atoms, each of which behaves like a tiny magnet, which results from the property of electrons named "magnetic moment": there is no simple equivalent of an electric charge in the case of magnetism.

The magnetic field is described quantitatively by a measurable quantity, which is called the magnetic field strength H and is expressed in the [A/m] (ampere per meter) unit. The magnetic field is also frequently characterized by the value of magnetic induction B expressed in the [T] (tesla) unit. An image of the magnetic field, for a better representation and visualization of the phenomenon itself, can be represented graphically, in the same way as in the case of the electric field, by means of the so-called field force lines. Magnetic field force lines are closed lines, have no beginning and no end, and have a specific sense. They can be determined experimentally using iron filings that align themselves with the direction of the magnetic induction vector B.

Everyone knows that every permanent magnet has two poles, which traditionally are called the north pole (N) and the south pole (S). The force lines of the magnetic field of such a magnet "exit" from the north pole (N), make a turn, and "enter" into the south pole (S), thus forming a closed loop. Inside the magnet they run from the south pole (S) to the north pole (N).

The phenomenon of generation of the magnetic field by electric current flowing through a conductor was discovered in 1820 by Hans Christian Ørsted, a Danish physicist and chemist. During one of his experiments, he noticed that near a conductor in which electric current is flowing, the needle of the compass is tilted and that the direction of such tilting depends on the current flow direction.

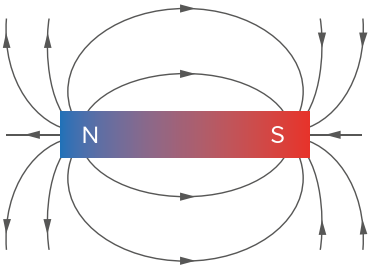

Fig. 3. Magnetic field force lines around a bar permanent magnet. Author: Paweł Woźniak

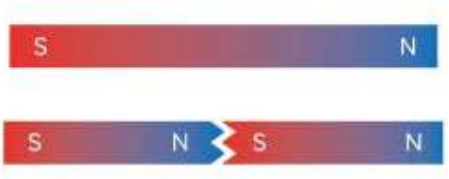

Fig. 4. Division of a bar magnet.
Author: Paweł Woźniak

French physicists, Jean-Baptiste Biot and Felix Savart, continued research on magnetism and in 1820 formulated a law that makes it possible to determine in any point of space the value of magnetic induction produced by an infinitively small length of a conductor in which electric current is flowing.

In 1826, another French physicist, André-Marie Ampère, described mathematically the quantitative relationships between electrical and magnetic phenomena, w including the law that links the magnetic induction around an infinitely long straight-line conductor with the amperage of the electric current flowing in that conductor. The development of the science of electromagnetic phenomena was increasingly dynamic. The English physicist Michael Faraday introduced the concept of field force lines and made a claim that electric charges interact with each other by means of a field and in 1831 he discovered the phenomenon of electromagnetic induction, which can be used to generate an electric current. On the other hand, in 1839, the German physicist and mathematician Carl Friedrich Gauss developed, as an extension of the Coulomb's law, the basis for the theory of potential that linked the electric field with its source (i.e. an electric charge), and demonstrated that there are no like magnetic charges that would produce a magnetic field.

As Gauss's discovery indicates, magnetic poles always appear in pairs (N-S), forming so-called magnetic dipoles. Since single magnetic poles ("monopoles") do not exist in nature, separation of the poles of a permanent magnet is not possible. Breaking an N-S bar magnet in two does not produce an N magnet and an S magnet but, instead, two N-S magnets.

Of course, as was the case with electric charges, the opposite poles of a magnet (N and S) attracted (see Fig. 5a), and the like poles (N and N or S and S) repel each other (see Fig. 5b, c). As a result of the interaction, the field force lines are curved.

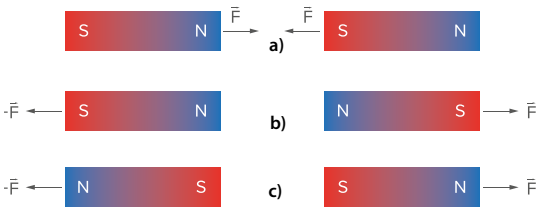

Fig. 5a, b, c. Interaction of opposite poles (a) and like poles (b, c). Author: Paweł Woźniak

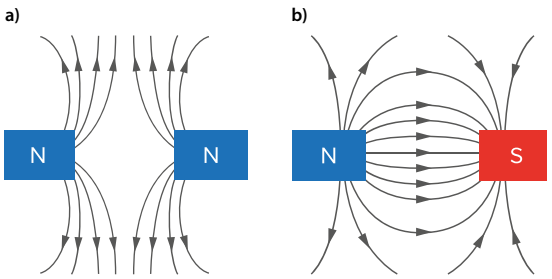

Fig. 6a, b. Magnetic field force lines around the like poles (a) and the opposite poles (b).
Author: Paweł Woźniak

The phenomenon discovered by Ørsted, although of a very simple nature, is also commonly used nowadays in electromagnets. An electromagnet is composed of a coil, which is usually an assembly of multiple conductors, the shape of which is similar to a circle, and a core located inside the coil w to increase the force, with which the electromagnet is able to attract ferromagnetic materials.

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The electromagnetic field undoubtedly has accompanied humans not only "always", but also everywhere, in every part of their lives. Humans, as well as our entire planet, are in the vicinity of a giant source of electromagnetic waves with a very broad spectrum, namely the Sun.

Fig. 7. James Clerk Maxwell (1831-1879)
Source: Wikimedia Commons

The interaction of a magnetic field with a conductor, in which electric current is flowing (discovered at the end of the 19th century by the Dutch physicist Hendrik Antoon Lorentz), is also commonly used in modern times, and on a large scale – e.g. in electric motors. As a result of the interaction of a magnetic field with a conductor with electric current, which also generates a magnetic field, a force is generated that enables an electric motor to do the work.

Electromagnetic field

The information presented above concerning static electric and magnetic fields can be summarized by saying that they are related to the source that produces them. The static field strength value does not change in time but changes in space, i.e. decreases as the distance from the source increases. What if the field is not static? Then this is an electromagnetic field that changes both in time and in space.

Mutual time and spatial relationships between the electric field E and the magnetic field H, which fully characterize the properties of these fields, were described by the British physicist James Clerk Maxwell in 1861.

Maxwell proved theoretically that both electricity and magnetism, as physical phenomena, are components and two kinds of the same phenomenon called electromagnetism. He unified the electrical and magnetic interactions. The mathematical description of an electromagnetic field proposed by Maxwell, which is now the classic theory of electromagnetism, carries a message that can be simply described as follows:

- A magnetic field that changes in time produces a spinning electric field. This is the so-called Faraday's law of electromagnetic induction.
- Moving charges (i.e. a current) and an electric field that changes in time, produce a spinning magnetic field. This is the so-called Ampère's law extended by Maxwell.
- The source of an electric field is electric charges. This is the so-called Gauss's law for electricity.
- There are no charges that are a source of a magnetic field (the magnetic field is sourceless). This is the so-called Gauss's law for magnetism.

The components of the electromagnetic field, i.e. an electric field and a magnetic field, can exist

independently, provided they are do not change in time.

From a physical standpoint, **an electromagnetic field** is therefore a state of space, in which electromagnetic forces act on **a physical object** having an **electric charge** and an energy flow occurs. In each point of this space, the forces are described by two vectors that represent the fields changing in time: electric E and magnetic H. According to the principle of mutual induction, the time-variable electric field E causes the time-variable spinning magnetic field H, which then produces the time-variable spinning electric field E, and so on. As a result of subsequent continuous changes of the electric field and the magnetic field, **an electromagnetic wave is crated**.

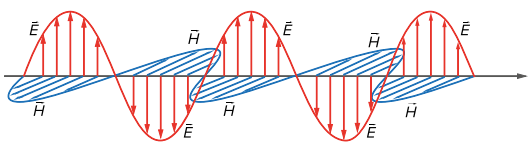

Fig. 8. Distribution of E field and H field.
Author: Paweł Woźniak

An electromagnetic wave, as a disturbance of an electromagnetic field, is an combination of a sinusoidally variable electric field (in which the field vector E vibrates) and a sinusoidally variable magnetic field (in which the field vector H vibrates), whereby the vibrations of the E field and the H field are fully synchronized and conforming in the phase. The field vectors E and H are perpendicular to each other and, at the same time, perpendicular to the direction of wave propagation.

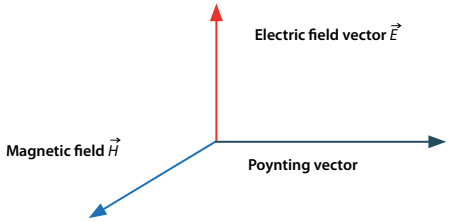

Fig. 9. Arrangement of the E and H field vectors in relation to the direction of propagation. Author: Paweł Woźniak

The mathematical description of the electromagnetic field proposed by Maxwell was verified and confirmed experimentally by the German physicist Heinrich Rudolf Hertz. In 1886, Hertz was the first person to generate, in practice, in laboratory conditions (an electric oscillator of his own design) an electromagnetic wave. By performing further experiments, he confirmed Maxwell's theoretical considerations. He also discovered that an electromagnetic field produced in one place can be received and recreated in another place – thus, he formed the basis for the development of radio communication. He demonstrated that the nature of their vibration and their susceptibility to reflection and refraction is the same as those of light and heat waves. As a result, he established beyond any doubt that light is an electromagnetic wave in a certain range of length.

Interestingly, Hertz seemed to underestimate the importance of his epochal discoveries. In 1890 he said: "I don't think that the wireless waves I discovered will have any practical use."[2] However, he was very wrong…

2 See: https://www.famousscientists.org/heinrich-hertz

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I.2

From radio waves to gamma rays: the electromagnetic wave spectrum

Rafał Pawlak, Augustyn Wójcik

Length, frequency and speed of electromagnetic waves

Electromagnetic waves, just like regular mechanical waves, can be described by specifying the parameters that clearly characterize them: length, frequency and speed.

Wave length, denoted by *λ*, is the distance between any two consecutive wave crests. This parameter makes it possible to describe the waveform in terms of space. It is simply expressed meters [m], but usually, in practice, submultiple units are used:

- cm = 10^{-2} m = 0.01 m,
- mm = 10^{-3} m = 0.001 m,
- µm = 10^{-6} m = 0.000 001 m,
- nm = 10^{-9} m = 0.000 000 001 m,
- pm = 10^{-12} m = 0.000 000 000 001 m, or

multiples, especially the kilometer:

- km = 10^{3} m = 1,000 m.

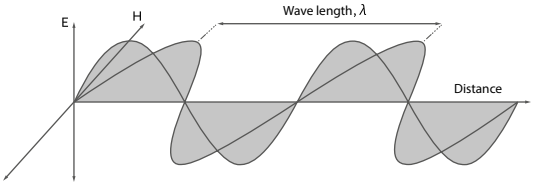

Fig. 1. Wave length – spatial dimension.
Author: Paweł Woźniak

Wave frequency, denoted by f, specifies the number of wave lengths that pass through a selected point in one second, i.e. how many times per second the electric field and the magnetic field have the same values. Wave frequency f can be described in terms of time and is linked to the wave period T with the following relation:

$$f = \frac{1}{T}$$

The period is expressed in seconds [s] and the frequency – in the unit [1/s], which is named hertz [Hz]. Usually, multiple units are used:

- kHz = 10^{3} Hz = 1,000 Hz, i.e. one thousand changes in one second,
- MHz = 10^{6} Hz = 1,000,000 Hz, i.e. one million changes in one second,
- GHz = 10^{9} Hz = 1,000,000,000 Hz, i.e. one billion changes in one second.

The relationship between the length *λ*, the frequency *f* and the speed *v* of the wave is the following:

$$v = \lambda \cdot f$$

In contrast to an acoustic wave, which is a mechanical wave, an electromagnetic wave does not need a material medium to propagate: it can propagate not only e.g. in air or water, but also in vacuum.

What is the speed of electromagnetic waves in vacuum? It is the highest physically possible speed, defined by the letter *c* and equal precisely to 299,792,458 m/s. Importantly, the speed of propagation of an electromagnetic wave does not depend on the frequency of the wave: radio waves, visible light, and X-rays travel through space with exactly the same speed.

The above relationship can, in the case of vacuum, be written in three equivalent forms:

$$c = \lambda \cdot f \qquad (1)$$

$$\lambda = \frac{c}{f} \qquad (2)$$

$$f = \frac{c}{\lambda} \qquad (3)$$

Because every day we are surrounded by air and not by vacuum, it is good to consider at what speed electromagnetic waves move in the air. It turns out that the speed is equal to about 299,700 km/s, which is only slightly – 90 km/s – less than *c* – the speed of light in vacuum.

Typically, for simplicity, the speed of light is taken to be with a certain approximation (excess) of 300,000 km/s. This means that in one second a an electromagnetic wave moving in vacuum travels the distance of approximately 300,000 km. For comparison: in one second, sound travels the distance of "only" 340 m (the speed of the sound in air is 340 m/s).

The speed of electromagnetic waves in various material media is always lower than the speed of light in vacuum, because it depends on the relative electric and magnetic permeability and on the conductivity, which characterize properties of a given material medium.

Knowing the relationship (2) and (3) between the wave frequency *f* and its length *λ*, associated with the speed of light *c*, it is possible to determine the quantitative relationship between these values – see the infographics on page 38.

Electromagnetic wave energy

An important characteristic of electromagnetic waves is their ability to transmit energy and to pass it to every body they encounter. This is very easy to verify: all one has to do is to remember how much the solar radiation (the electromagnetic waves emitted by the Sun) heat us on summer days.

Because in the case of an electromagnetic wave the carrier of energy is simultaneously an electric field and a magnetic field, the total energy of the electromagnetic wave is the sum of the energies carried by these fields. The energy stored in the electric field is equal to the energy stored in the magnetic field. The greater the strength of the electric field and the magnetic field, the greater the energy carried by an electromagnetic wave. To put it more precisely: the energy is proportional to the square of the strength of the electric field and the magnetic field.

The energy carried by the wave comes from the source of the wave. It can be stated that both in the electric field and in the magnetic field the energy is stored, in some sense. By way of propagation, a part of the energy transmitted by an electromagnetic wave can be lost by its conversion to another form, such as heat. Due to the loss of a part of the energy, the strength of the electric field and the magnetic field decreases and, as a result, the propagating wave carries less energy than it received from the source.

We are surrounded by electromagnetic waves that carry energy. They are produced not only by the natural sources around us, but also by every working electrical and electronic device. This energy can be acquired and converted into electricity using dedicated converters, and then used e.g. for powering miniature electronic devices, which are characterized by a low energy demand. This technique, which involves acquiring energy from the environment, is known as "Energy Harvesting." Of course, it is possible to use not only electromagnetic wave energy, but also e.g. mechanical energy of devices, energy of acoustic waves, and changes in electrostatic or magnetic forces. A flow

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of gases and liquids, pressure changes, and temperature differences can also be used.

Ionizing and non-ionizing radiation

Electromagnetic radiation can be divided according to the type of interactions of electromagnetic waves with matter. This division makes it possible to distinguish two basic types of electromagnetic radiation: **ionizing** and **non-ionizing**.

Ionization is a process as a result of which an electrically inert atom or molecule becomes an ion, which is an object with a non-zero electric charge. Such a change can involve detaching an electron from an atom or a molecule or one or more electrons breaking out of the crystal structure or connecting to an atom or a molecule. It can occur under the influence of various external factors, such as electromagnetic radiation. Although so-far we have described radiation as an elongated wave traveling through space, for over a hundred years we have known that it can also be treated as a flow of molecules by some energy. In the case of electromagnetic radiation, this is a stream of photons. The energy of a photon depends on the frequency f and is determined by the following relationship:

$$E = h \cdot f$$

The value h given in the formula is the so-called Planck's constant: $h = 6.63 \cdot 10^{-34}$ J · s.

The ability of photons to induce ionization increases with their energy, i.e. as mentioned above, as the frequency of the electromagnetic wave increases.

Ionizing radiation includes all types of radiation that are capable of ionizing a material medium. Electromagnetic ionizing radiation is defined as radiation whose photons have sufficient energy to detach electrons that are even the weakest bonded in atoms. In practice, this means that their energy must be greater than that of photons of visible light.

Non-ionizing radiation includes all types of radiation that are not capable of ionizing a material medium. Non-ionizing electromagnetic radiation is defined as radiation whose photons have energy less than or equal to that of the photons of visible light.

The conventional boundary between ionizing radiation and non-ionizing radiation is, therefore, determined by the boundary between visible light and ultraviolet light, i.e. the wavelength of $\lambda \approx 380$ nm $= 380 \cdot 10^{-9}$ m, which corresponds to the frequency of $f \approx 8 \cdot 10^{14}$ Hz = 800,000 GHz.

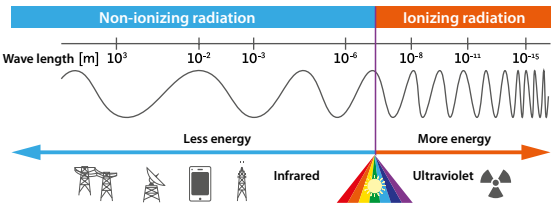

Fig. 2. Division of electromagnetic radiation into ionizing and non-ionizing radiation. Author: Paweł Woźniak

Since the upper value of the microwave spectrum of frequency of electromagnetic waves is 300 GHz, all microwave frequencies and, consequently, also radio frequencies, are not ionizing radiation. **Radio-frequency electromagnetic fields are non-ionizing, so they do not destroy the atomic structure of matter.**

In an ionizing radiation area dose accumulation occurs. It consists in the fact that the effects of exposure of a material to radiation increase with the time of the exposure. In living organisms, such effects are also observed when the radiation exposure ceases. In an area where non-ionizing radiation is present, the cumulative effect is not observed, and the effects on matter occur only during exposure to the radiation.

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Electromagnetic wave spectrum

Some properties of electromagnetic waves, especially the way they interact with matter, depend on their length λ and thus on their frequency f. Because the properties of electromagnetic waves affect the possibility of their application in technology, they are most often divided according to frequency or length of the wave. Electromagnetic waves can therefore be ordered by taking into account both their frequency and their length. The resulting order is usually called the electromagnetic spectrum.

Most of the entire spectrum of electromagnetic waves is not perceived by humans. Nature has equipped humans with two "electromagnetic wave detectors": eyes and skin. Eyes allows humans to see electromagnetic waves in the visible light spectrum and the different frequencies of these waves allow, for example, the perception of the colors of objects around us. The skin, on the other hand, is sensitive to infrared – thermal radiation. Waves of other lengths are not seen or felt by humans, although they are equally real.

It should be added that the boundaries of the different types of electromagnetic waves are conventional and blurry. They should be treated as estimates, although they make it very easy to "move" across the entire spectrum of the electromagnetic waves. Traditionally, the following different types of electromagnetic waves are identified (see Fig. 3 and the infographics on page 38):

- radio waves,
- microwaves,
- infrared radiation,
- visible light,
- ultraviolet radiation,
- X radiation,
- gamma radiation.

Radio waves and microwaves

The conventional spectrum of radio-frequency and microwave electromagnetic field usually covers waves 1 mm to 100 km in length, i.e. frequencies in the range of 3 kHz to 300 GHz.

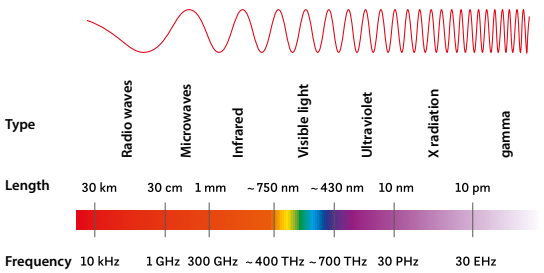

Fig. 3. The electromagnetic wave spectrum.
The wavelength and frequency values are approximate.
Author: Paweł Woźniak

Traditionally, the radio and microwave range is divided into very long, long, medium, short, ultra-short, decimeter, centimeter, and millimeter waves. They are used primarily in radio communications. The primary source of these waves is radio **antennas**. These are the most popular systems that use radio waves and microwaves:

- **AM** (*Amplitude Modulation)* radio uses long, amplitude modulated radio waves (see article I.5 on page 32). The frequency range from 530 kHz to 1,700 kHz is most commonly used. Due to the need to install antennas of very large sizes and to poor signal quality, AM radio is currently being abandoned.
- **FM** (*Frequency Modulation*) radio offers a much better sound quality due to the characteristics of the frequency modulation used. It uses frequencies in the range of 87.5 MHz to 108 MHz.
- **DAB** (*Digital Audio Broadcasting*) radio is the next generation of radio broadcasting which enables transmission of radio programs in digital form using the 174 MHz to 230 MHz frequency range.
- **RFID** (*Radio-Frequency Identification*) systems are used e.g. to control access to premises by equipping authorized persons with appropriate identification cards or to protect goods in stores against theft by affixing special labels on them. A magnetic field produced by the reader is used to transmit information. A similar operating principle applies to the NFC (*Near-Field Communication*) standard. Radio-frequency identification systems typically use 125 kHz and 13.56 MHz frequencies.

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- DVB-T/DVB-T2 (*Digital Video Broadcast – Terrestrial*) is a commonly used standard for **terrestrial digital television**. Image and sound data, and additional information are encoded in digital form. Transmission is organized in the form of so-called multiplexes, i.e. single radio channels, within which data streams of several television programs are transmitted. Frequencies in which the television signal is broadcast in the DVB-T standard are in the ranges of 174-230 MHz and 470-790 MHz. The **satellite television** in the DVB-S/DVB-S2 (*Digital Video Broadcast – Satellite*) standard is organized in a similar manner. A satellite TV signal is transmitted at frequencies in the 10.7 GHz to 12.75 GHz range by satellites placed on a geostationary orbit.
- An important type of radio communications system is **mobile telephony systems**, which comprise a complete telecommunications infrastructure that allows subscribers to make wireless voice calls and data transmission in areas called cells. A cell is an area served by a single base station (see also Article I.6 on page 40). Due to their growing popularity, mobile telephony systems have been continuously developed for over ten years. Currently there are three digital mobile telephony systems: GSM (2G), UMTS (3G), and LTE (4G). 5G networks, which are now being designed, are discussed in a separate section of this publication (see page 105).
- **Wi-Fi** is a colloquial term covering several standards designed to create wireless local area networks. Devices that use Wi-Fi networks include computers, smartphones, tablets, game consoles, printers, and smartwatches. Networks of this type enable data transfer at the speed of up to several hundred Mbit/s and in a range of about 20 m inside buildings, depending on the version. Wi-Fi networks operate at frequency ranges of 2,400-2,483.5 MHz, 5,150-5,350 MHz, or 5,470-5,725 MHz.
- Many other wireless data transfer systems operate in the frequency range of 2,400 to 2,483.5 MHz, also briefly referred to as the 2.4 GHz band. The most popular of them are Bluetooth and ZigBee. A special feature of the Bluetooth system is the ability to easily create an "on demand" network between any two devices equipped with this interface. For this reason, Bluetooth is used, among others, in smartphones, smartwatches, tablets, and laptops. ZigBee, on the other hand is characterized by low energy consumption, which is very desirable in small battery-powered devices, e.g. in smart home systems or in battery-powered telemetry devices.

Fig. 4. A payment using the NFC standard.
Source: Wikimedia Commons

Waves with lengths from approx. 1 mm to approx. 30 cm are often called **microwaves**. Microwaves propagate relatively easily in the atmosphere; therefore, they are used in radar technology. Radar emits a signal in a specific direction and, based on a signal reflected from objects located in the monitored area, it is possible to determine the distance of the tracked object from the radar.

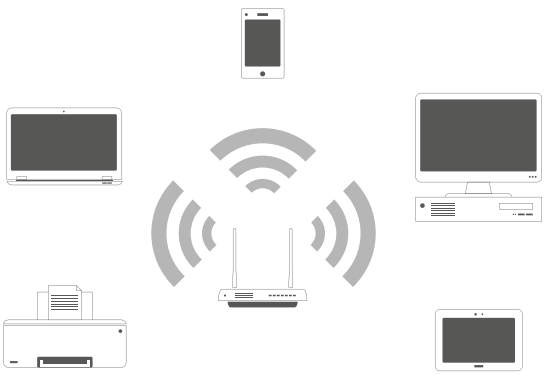

Fig. 5. An example of a wireless Wi-Fi network.
Author: Paweł Woźniak

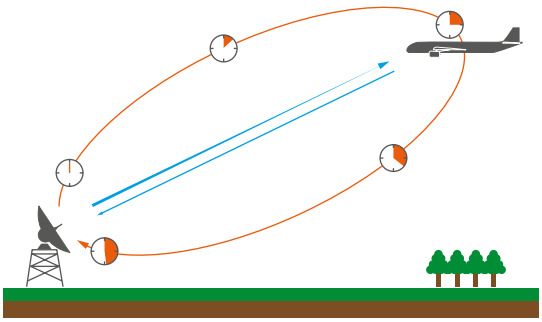

Fig. 6. Principle of operation of a radar.
Author: Paweł Woźniak

Many dielectrics, i.e. electrical insulators, absorb microwaves, which causes them to heat up. This phenomenon, used in specific frequency bands for industrial, scientific, and medical purposes, is utilized in microwave heaters, industrial heating devices, and medicine. Absorbed high-power microwaves, e.g. with the frequency of 2.45 GHz, cause an increase in the rate of vibration of water molecules, which results in an increase in the temperature of the object that contains these molecules. However, this is only possible at this frequency, which, moreover, must not be used in mobile telephony base stations.

In addition to telecommunication systems, attention should also be paid to the use of radio waves in medicine. In magnetic resonance imaging devices, waves with the frequency on MHz level interact with hydrogen contained in the human body, thus allowing for an accurate and non-invasive imaging of human body.

Infrared radiation

Infrared radiation is radiation with the wave lengths in the range between approximately 1 μm and 1 mm. It is also called thermal radiation, because one of its sources is hot bodies. Each body with **temperature** higher than absolute zero emits thermal radiation: for typical temperatures on the Earth's surface, this is infrared radiation, although e.g. The temperature of the Sun is so high that its thermal radiation is mainly in the visible light range, but also the ultraviolet light range (to be discussed below).For bodies with room temperature, the maximum radiation occurs at the wavelength of approximately 19 μm.

The higher the body temperature, the smaller the wavelength. This knowledge enables remote measurement of temperature and observation of objects with devices equipped with infrared sensors. The technique for recording infrared radiation emitted by objects is called thermal imaging. Thermal imaging enables, among others, imaging of objects in darkness.

The aforementioned properties of infrared radiation are used, among others, in firefighting, medicine, and many industries where remote temperature measurement is important.

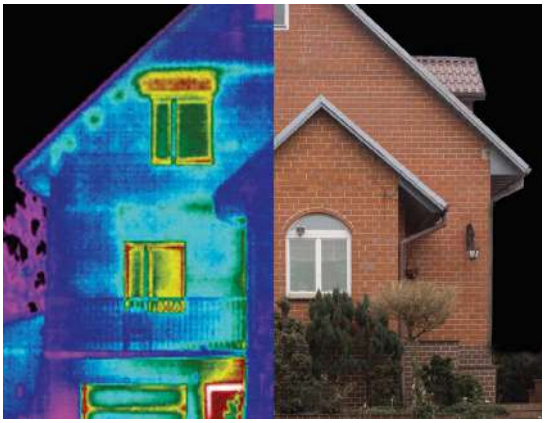

Fig 7. A photograph taken in the infrared wave range (left) and visible light range (right).
Source: Wikimedia Commons

In the infrared radiation band, astronomical and meteorological observations are conducted. This radiation is also used in heating technology. Is also used for data transmission in fiber optics and IrDA (*Infrared Data Association*) remote control systems.

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Myth:

Every radiation is harmful to the body

The term "radiation" is a purely technical term used to describe various phenomena associated with energy transmission in the form of waves or particles in space or in another medium, e.g. thermal radiation. According to the way electromagnetic waves interact with matter, electromagnetic radiation is divided into ionizing and non-ionizing. Ionizing radiation includes those types of radiation that are capable of ionizing a material medium (e.g. radiation produced in nuclear reactors). A reminder: ionization is the process by which, for example, an electrically inert particle becomes a particle with a non-zero electric charge. Non-ionizing radiation is not capable of ionizing a material medium: its photons have too little energy to cause ionization. As a result, non-ionizing radiation has no negative impact on the body. It does not interfere with the cell structure, does not modify its components, such as the cell membrane or the nucleus, and does not affect their functions. It does not destroy the atomic structure of matter because it does not affect the bonds between atoms, which could lead to the breaking of particles and change their chemical properties. In addition, it has no cumulative effect, which means that the effect only occurs during exposure. Electromagnetic waves in the radio and microwave frequency ranges are non-ionizing.

Visible light

Electromagnetic radiation covering wavelengths from approx. 400 nm to 700 nm is called visible light. The retina of the human eye responds to this wavelength range.

Ultraviolet radiation

Ultraviolet radiation covers wavelengths approx. between 10 nm and 400 nm. It is considered to be ionizing radiation. Photons of ultraviolet radiation have high energy, so that this radiation can clearly influence the physical and chemical properties of substances, e.g. by breaking chemical bonds. The Sun is the strongest natural source of ultraviolet radiation. The upper layers of the Earth's atmosphere, especially the ozone layer, absorb most of this radiation, and only a small part of it reaches the Earth's surface.

Artificial sources of ultraviolet radiation are primarily mercury discharge lamps. Ultraviolet radiation is used in lighting technology, sterilization, forensics, an d chemical analysis. In certain substances, ultraviolet light causes fluoresce, which is used in banknote security techniques.

X radiation

X radiation is ionizing radiation with wavelength in the range of approx. 0.1 pm to 10 nm. It was discovered by Wilhelm Conrad Röntgen.

X radiation occurs in natural form. Its sources include stars, remains from supernova explosions and some pulsars. The most popular artificial source of X radiation is X-ray tubes. X radiation is used in medical diagnostics to make X-rays, in treatment of certain diseases using X-rays, as well as in substance chemical composition tests.

Gamma radiation

Gamma radiation is the ionizing radiation emitted by radioactive or excited atom nuclei during nuclear transformations such as collisions of particles with antiparticles and elementary particle decay. Its wavelength is usually less than 100 pm. When passing through matter, gamma radiation is absorbed as a result of various phenomena.

Gamma rays are used to sterilize medical equipment. They are also used in **radiotherapy** for cancer treatment and in medical diagnostics. In the industry, gamma radiation is used to measure the thickness of materials that are difficult to measure by other methods, e.g. hot steel sheets and hot glass in smelters.

Fig. 8. An X-ray of a hand.
Source: Wikimedia Commons

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I.3
Power, absorption, scattering

Arkadiusz Kalinowski, Rafał Pawlak

In previous articles (see in particular article I.1 on page 8) it was explained that an electromagnetic field is formed as a result of interaction of two alternating fields: an electrical field and a magnetic field. As a result, by describing the components of these fields and the relations between them, it is possible to unambiguously determine the characteristics of the electromagnetic field as a physical phenomenon.

Measures of the strength of the electromagnetic field

The following vectors are the basic quantities, in addition to those already mentioned (wave length, frequency, and velocity), which enable quantitative description of the electromagnetic field:

- strength of the electric field $\vec{E}$;
- strength of the magnetic field $\vec{H}$; and
- density of the power $\vec{S}$ carried by the electromagnetic wave.

Similarly to a static case, the strength of the electric field is expressed in [V/m] (volts per meter), while the strength of the magnetic field strength is expressed in [A/m] (amperes per meter). Electric fields and magnetic fields, which make up the electromagnetic field, are closely related to each other – so the same can of course be said about the values that describe these fields. To put it simply (only for the values of those vectors) the following relationship occurs:

$$E = Z_0 \cdot H$$

As can be seen, the value of the electric field strength E is directly proportional to the value of the magnetic field strength H, and the proportionality coefficient is Z_0: wave impedance of open space. Wave impedance can be considered as the measure of how much a given medium "resists" propagation of waves. In vacuum (and approximately in air) it is equal to $120\pi\ \Omega \approx 377\ \Omega$.

This relationship indicates that in order to clearly characterize the electromagnetic field in terms of value, it is enough to specify the strength of one of the two fields (e.g. the electric field), and the strength of the other field can be calculated. Knowing the strengths of both fields E and H, another quantity describing the electromagnetic field can be determined, i.e. the power density vector S. If the fields are mutually perpendicular (which, as mentioned in article I.1 on page 8, is typical of the electromagnetic wave), then the value of the power density vector can be determined according to the following equation:

$$S = E \cdot H$$

From the physical point of view, power density S defines the power of the electromagnetic wave per unit area. Therefore, power density S is expressed in [W/m^2] (watts per square meter).

Near field and far field

Generation of an electromagnetic field in the radio or microwave frequency range occurs around an element in which a time-variable

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current flows. This radiating element is called an antenna. The properties of the generated electromagnetic field change depending on the distance from the antenna. Taking into account the phenomena occurring at different distances from the antenna, the electromagnetic field is divided into two types: near field and far field. The boundary between the near field and the far field depends solely on the length of the electromagnetic wave produced (λ) and on the dimensions of the antenna D – it does not depend on e.g. the power of the electromagnetic wave. The boundary is located at distance R from the antenna, described by the following relationship:

$$R = \frac{2D^2}{\lambda}$$

Fig. 1 shows the boundary between the near and far fields (zones) is shown.

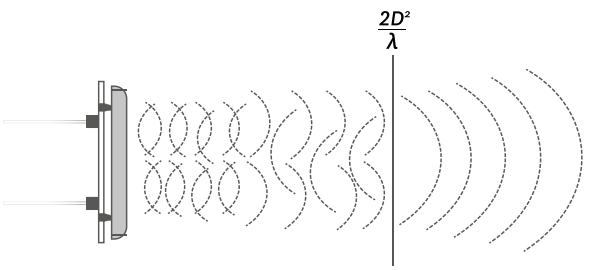

Fig. 1. An image of the near zone and the far zone.
Author: Paweł Woźniak

As the name indicates, **the near field** is observed in the vicinity of the antenna. In this area, the field is dependent on momentary values of currents and voltages in the antenna, and the relationship between the electric field and the magnetic field can be very complicated. The near field is present a distance less than R from the antenna. The strength of the magnetic field in this area is strongly dependent on the distance from the antenna and quickly decreases with the increase of this distance.

The zone defined as the distant field is the one where the electric field E and the magnetic field H can be described by the simple relationship given above ($E = Z_0 \cdot H$). The far field is present at a distance greater than R from the antenna. In the far zone, the field strength decreases proportionally to the distance from the antenna, and the distribution of the field is much easier to analyze.

Taking into account the typical dimensions of antennas used in practice the frequencies at which they work, and their location, it can be stated that in places commonly accessible to the public, we are dealing with the far field.

Propagation phenomena

Propagation of every wave (whether electromagnetic or mechanical) always takes place in a medium, but in the case of electromagnetic waves this medium can also be vacuum. The medium is an environment with identical physical properties which influence in a specific way the propagation of the wave (e.g. propagation direction, attenuation value). Therefore, the key media in which electromagnetic waves in the radio and microwave frequency range propagate are vacuum, the crust of the Earth, sea water, and the Earth's atmosphere.

Because radio waves, microwaves, and light are forms of electromagnetic waves, to describe phenomena occurring during propagation of radio waves and microwaves one can successfully apply phenomena commonly known from optics: reflection, refraction, diffraction, interference, and attenuation.

Reflection

Reflection is a sudden change in the direction of wave propagation at the boundary between two different media (see Fig. 2). Reflection of waves takes place in accordance with the according to the law of reflection which provides that the angle of incidence is equal to the angle of reflection.

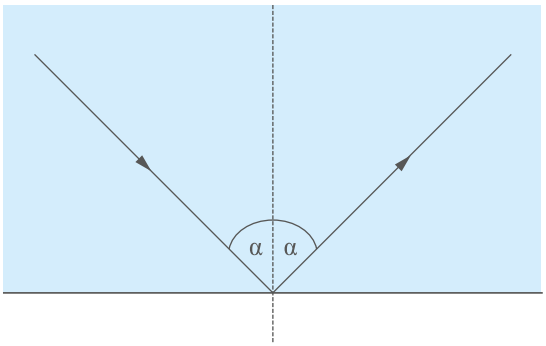

Fig. 2. The wave reflection phenomenon.
Author: Paweł Woźniak

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Refraction

This phenomenon occurs on the boundary of two different media and causes a sudden change in the direction of wave propagation (see Fig. 3). Refraction may also occur in media whose physical conditions change continuously. In such a case, a curvature of the direction of the wave propagation will be observed. An example of such a medium is air, which may have variable humidity, temperature, or pressure. Refraction can be used for communication between antennas that are not in a line of sight.

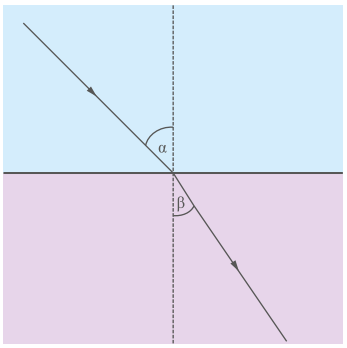

Fig. 3. The phenomenon of wave refraction.
Author: Paweł Woźniak

In practice, usually both reflection and refraction take place at the boundary of two media. At the boundary of two different media, an incident wave is partly reflected and partly refracted: once it penetrates into the other medium, it continues to propagate in it. A simple illustration of this phenomenon is even a partial reflection of light on a window pane: one can see both one's reflection and one's objects behind the window.

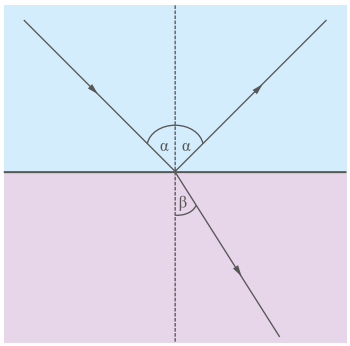

Fig. 4. Partial refraction and partial reflection of a wave.
Author: Paweł Woźniak

Wave diffraction

Diffraction is a deviation of the path of a wave from the straight line direction that occurs at the edges of narrow gaps or obstacles in the path of the wave. For example, a wave that propagated in one direction, when reaching an obstacle containing a small hole, starts to spread in all directions.

Wave diffraction on a baffle and passage through a gap

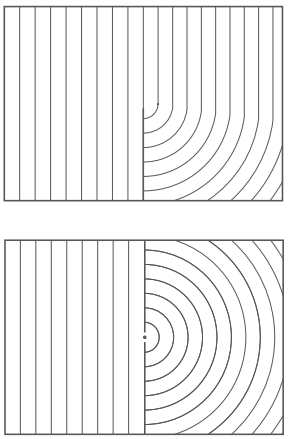

Fig. 5. Wave diffraction phenomenon. Author: Paweł Woźniak

The phenomenon of diffraction has been applied in radio communication: it enables, for example, sending a signal to valleys behind hills. A radio wave, once it encounters the top of the hill, bends and effectively propagates behind the hill, in the so-called radio shadow area. As a result, waves can have a much greater range than if they propagated along straight lines. Diffraction of a wave additionally causes its attenuation, proportional to the angle of diffraction.

Wave interference

Electromagnetic waves at the same point of space interfere with each other, which results in adding of their amplitudes. Adding of amplitudes can as well lead to an increase or a decrease of the amplitude of the resultant electromagnetic wave. A special case is the adding of waves of the same frequency (wavelength) amplitude, but different phases. In such a case, depending on the phase in which the two waves are in relation to each other, they can weaken or strengthen each other.

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Interference of the waves that are:

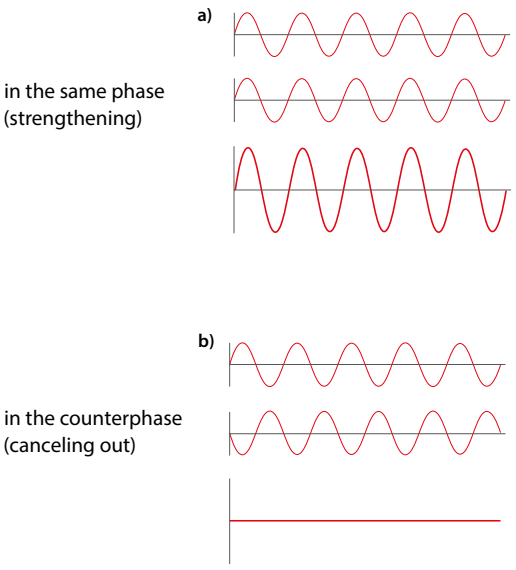

Fig. 6. Interference of waves of the same phase (a) and of different phases (b) – the resultant electromagnetic wave is shown at the bottom. Author: Paweł Woźniak

Attenuation

Attenuation is loss of wave energy in a given material medium, whereby the value of attenuation depends on the physical structure of this medium. When damping occurs, the energy of a wave leaving a given material medium is less than the energy of this wave at the time of entering the so-called "attenuation medium." Wave attenuation is associated with the phenomenon of absorption, i.e. absorption of the energy of an electromagnetic wave by the medium. The value of attenuation in air is influenced by the composition of the particles, i.e. humidity, percentage of oxygen and nitrogen, and the degree of contamination by other components. Wave frequency is another important factor influencing the value of wave damping. Usually the rule is that the higher the frequency of the electromagnetic wave, the greater its attenuation in a medium. Wave attenuation in open space is also significantly affected by the weather conditions (fog, rain, and heavy clouds).

Scattering

Wave scattering is a phenomenon that occurs at the time of wave reflection or diffraction on an uneven boundary of two media. Scattering has a similar effect to attenuation – the wave gradually loses its energy with the distance traveled. Unlike attenuation, the loss of energy occurs due to the division of the incident wave into a number of smaller reflected waves, which also propagate in different directions.

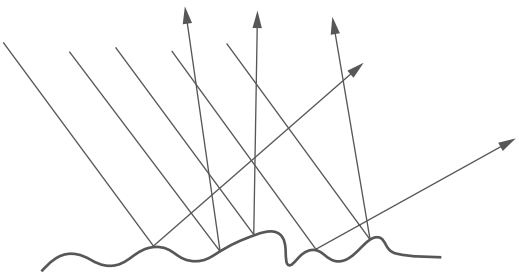

Fig. 7. Wave dispersion. Author: Paweł Woźniak

All the phenomena listed above can be observed during propagation of radio and microwave signals. Depending on the type of terrain, the density and height of buildings, the type of materials they are made of, and many other factors, individual propagation phenomena have more or less significant impact on the propagation of radio waves and microwaves. Furthermore, the critical factor that determines the occurrence of and intensity of the phenomena presented herein is the wavelength λ (also the frequency f) compared to the physical dimensions of the obstacle.

Propagation phenomena are pronounced when the wavelength λ is comparable with the dimensions of the obstacles (e.g. the dimension of the boundary of two media or the width of a gap). If the wavelength λ is greater than the dimensions of the obstacles, propagation phenomena are much weaker. For example, long and very long waves, the length of which may range from 1 km to 100 km, have a much greater propagation range than microwaves (e.g. ones with wavelength equal to 10 cm) because of the reduced number of obstacles they interact with. Consequently, e.g. a wave with the

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frequency of 1 GHz and the wavelength of about 30 cm can easily penetrate through thin walls of buildings, glass panes, and small everyday use objects, but is strongly damped by thicker walls, soil, and a dense forest. On the other hand, a wave with the frequency of 10 GHz and wavelength of approx. 3 cm is subject to much greater damping by walls, trees, and objects.

Mobile telephony currently uses frequencies from approx. 800 MHz to approx. 2.6 GHz – in this range, the wavelengths are approximately 33 cm to 10 cm, respectively. For such wavelengths, which are small compared to the dimensions of objects in the environment, scattering, diffraction, and reflection are practically always present.

An exemplary situation of the occurrence of propagation phenomena is described in Fig. 8.

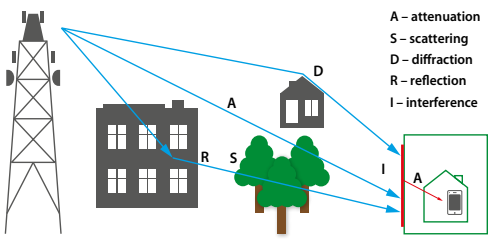

Fig. 8. An illustration of propagation phenomena.
Author: Paweł Woźniak

Fig. 8 illustrates along how many different paths, on which different propagation phenomena may be present, a radio or microwave signal can take from a transmitter to a receiver. This is a direct wave (A) that is damped only on the way from the transmitter to the receiver. Apart from the direct wave, there are: a wave reflected (R) from the buildings and a wave diffracted (D) on the edge of the building roof.

Each of these propagation phenomena has a different impact on the energy of the electromagnetic wave. The reflected wave can also be partially dispersed (R), depending on the roughness of the reflecting surface and the obstacles encountered (e.g. trees). Similarly, a diffracted wave can partially disperse its energy. Every radio wave or microwave, regardless of its diffraction or reflection, is damped (although in Fig. 8 this is indicated, for clarity, only for the direct wave). Because in reality radio waves and microwaves travel different distances, interference (I) of many radio waves and microwaves originating from the same source, but with completely different, random phases occurs at the point of their reception. Interference may result in partial or complete loss of signal at the reception point.

Electromagnetic wave propagation – technical consequences

Through many experiments and observations of the aforementioned propagation phenomena, it became possible to predict and precisely describe them and, as a result, to use them efficiently, so as to ensure effective transmission of radio and microwave signals of adequate quality between transmitters and receivers.

In the case of mobile radiocommunication, the situation is usually extremely complex because, although the base station antenna(s) is (are) in a specific location that has been appropriately selected at the network planning stage, the subscriber terminal antennas (i.e., in practice, mobile phones) are constantly changing their positions with their users. In this situation, the propagation conditions are constantly changing, which must be reflected in the way the network is designed (see article I.6 on page 40).

Network designers must take into account many factors related to the topography, the existing buildings, the location and height of the buildings, and the presence of woodland.

In typical rural areas with low density of buildings, the number of field obstacles is relatively small. It is therefore advantageous to place base station antennas at high altitude and to adjust the radio signal level to ensure proper coverage of the cell area. As a result, the radio signal covers a large area simultaneously and signal energy losses resulting from occurrence of unfavorable propagation phenomena are small. Usually, due to the lack of significant field obstacles, good direct wave propagation is achieved.

The situation in urban areas is completely different. Ensuring good direct wave propagation is more

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complicated, if possible at all. Tall buildings effectively damp radio and microwave signals. They also cause scattering of the signal, its diffraction and refraction, and the dense buildings and moving objects, such as buses, can lead to multipath propagation. In this situation it would be extremely inefficient to use the same base station distribution as in a rural area. The best possible direct visibility between base station antennas and user terminals can be achieved with a much denser distribution of base stations. In this solution, the relatively small distances between the base stations and user terminals enable transmission of signals with significantly reduced power (compared to stations operating in rural areas) and minimization of the negative impact of propagation phenomena.

Myth:

An antenna installed on the roof of a house is a threat to its inhabitants

The antennas used in mobile telephony systems have precisely shaped characteristics that determine the primary and secondary directions of emission of electromagnetic fields. A major part of the energy of the electromagnetic field is emitted in the space in front of and on the sides of the antenna. On the other hand, the downward emission of energy, directly under the antenna, is minimal. It can be compared to the emission produced by a home Wi-Fi router. There is also a legal provision (Regulation of the Minister of Environment of 30 October 2003) requiring installation operators to verify that electromagnetic field limits are not exceeded in locations accessible to the public. The verification consists in performing broadband measurements of the electromagnetic field strength (see article III.3 on page 89). Exceeding the permitted levels is prohibited. If it is found that the levels are exceeded, the operator must reduce the emissions of the base station accordingly. In the measurements carried out by the Provincial Inspectorates for Environmental Protection as a part of the State Environmental Monitoring, and also in the tests carried out during the annual measurement campaigns conducted by the National Institute of Telecommunications (NIT), no cases of exceeded limits in places accessible to the public were found, also in measuring points located at a short distance from antennas. An exception is one case in the measurement campaign of the NIT from 2017 (see article III.4. on page 96).

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I.4

Natural sources of the electromagnetic field

Rafał Pawlak

Sources of natural electromagnetic fields, in which people have "always" lived, are the Earth and atmospheric phenomena, the Sun and cosmic phenomena, as well as every matter the temperature of which exceeds the temperature of absolute zero - which means every single matter.

In all points of our planet, there is a **natural magnetic field**, i.e. the so-called "geomagnetic field." It is basically considered to be a constant field, although – as it will soon be explained – it is not entirely true. The existence of this field on the surface of the Earth can be observed by everyone, using a simple instrument: a compass. Interestingly, the field surrounding us is in reality a combination of two components: an **internal magnetic field**, related to phenomena occurring in the Earth's core, and an **external magnetic field**, related to phenomena occurring in the ionosphere (the upper layer of the Earth's atmosphere) and in the magnetosphere (see below).

Earth's internal magnetic field

Until the end of the 19th century, it was believed that the deeply located strata of the Earth are built from extremely strongly magnetized deposits of iron compounds, which generate the magnetic field. Such a claim, however, turned out to be invalid. In 1895, the French physicist Piotr Curie discovered that once a certain limit temperature (today called the Curie temperature) is exceeded ferromagnetic substances, i.e. those which show their own, spontaneous, strong magnetization, lose their magnetic properties. Ferromagnets are used by us on a daily basis, e.g. in refrigerator magnets.

Because the temperature of the Earth's interior significantly exceeds the Curie temperature of substances known to man, the geomagnetic field cannot originate from a giant permanent magnet hidden inside our planet.

What is its source then? Currently it is believed that convection movements in the liquid outer core of the Earth cause the flow of electric eddy currents which produce the magnetic field. This is the so-called theory of self-excited **magnetohydrodynamic dynamo**, proposed in 1949 by the English geophysicist Edward Bullard. According to this theory, the natural dynamo of the Earth (geodynamo) is propelled by the convective movements occurring at the interface of the mantle with the outer core, while the eddy currents are produced by the Coriolis effect associated with the rotation of the Earth around its own axis.

Like all magnetic fields in nature, the magnetic field generated in the Earth's core obviously has two poles (see article I.1. on page 8). The geomagnetic poles are located near the geographic poles (which are determined by the axis of rotation of our planet), but are slightly offset in relation to them. The Earth's magnetic axis is deflected by approximately 11° from its axis of rotation and moves annually by an angle corresponding to the distance of several kilometers on the surface of the Earth.

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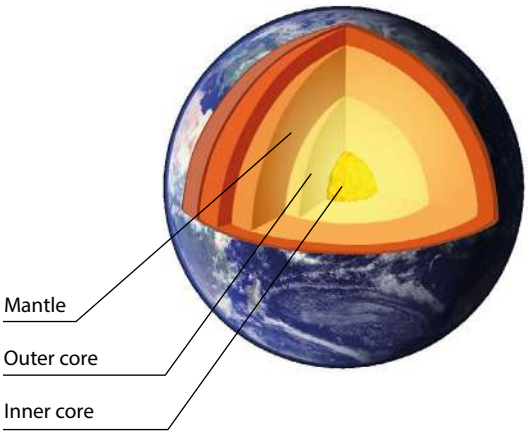

Fig. 1. Earth's internal structure.
Source: Wikimedia Commons

The magnetic field produced inside the Earth does not disappear on its surface, but spreads in the space around our planet. The area where the effected the Earth's magnetic field is present is called **magnetosphere**.

The magnetohydrodynamic dynamo theory explains the existence of the magnetic field also for other astronomical objects. A similar natural dynamo is a feature of, e.g. the Sun, which, like the Earth, has its own magnetic field, which is much stronger and changes much faster.

Earth's external magnetic field

The sources of the Earth's external magnetic field are phenomena occurring in the upper layers of the atmosphere and in the magnetosphere, related mainly to the activity of the Sun (the solar wind causes deformation of the magnetosphere) and to the changes occurring in the ionosphere as a result of the so-called atmospheric dynamo.

The **solar wind** is created by the huge amounts of high-energy charged particles ejected from the surface of the Sun. The Earth's magnetosphere forms an "umbrella" that protects our planet against the solar wind by causing the direction of this stream of high-energy particles to curve, thus repelling it from the Earth. As a result of interaction of the magnetosphere with the solar wind, the magnetic field undergoes some deformation, which is variable in time. Distortion of the magnetic field results in the formation in the conductive strata of the globe of so-called telluric currents which become sources of secondary magnetic fields.

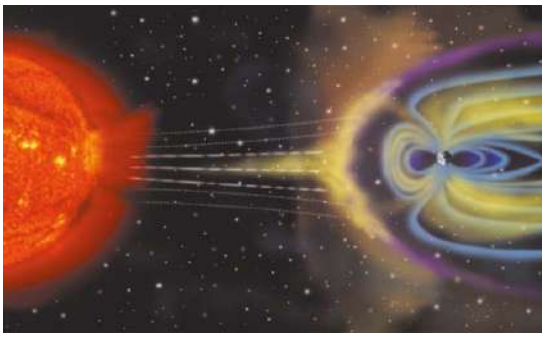

Fig. 2. The solar wind and the Earth's magnetosphere.
Source: Wikimedia Commons

Some of the deflected particles of the solar wind, however, permeate the Earth's atmosphere and causes the aurora phenomenon.

Fig. 3. An aurora. Author: Karol Wójcicki

However, the ionosphere and the magnetosphere do not constitute a barrier for radiation in the range from infrared to ultraviolet light (including visible light) and also in the radio and microwave frequency range of 30 MHz to 30 GHz (e.g. electromagnetic waves originating from extraterrestrial processes, mainly from the Sun, but also the microwave background of the entire sky). Consequently, it is considered that there are two frequency "windows" in the Earth's shield: an optical and a radio frequency window. Interestingly, the total energy density reaching the surface of the Earth on a sunny day, in the absence of clouds, is equal to approximately 1,000 W/m^2.

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The **atmospheric dynamo** is a natural phenomenon consisting in the formation of an electric field in the ionosphere due to convective movements of partially ionized air. The electric field produced in this manner is variable and causes a flow of an electric current in the atmosphere, thus becoming a source of a variable magnetic field.

The magnetic field observed on the Earth's surface slowly changes in time. Its strength depends on the latitude and varies within the range of 24 A/m for most areas of low and medium latitude, up to 48 A/m in the vicinity of the Earth's poles. On the other hand, the changes in the external magnetic field observed on the Earth's surface are much faster, but its strength is negligible compared to the strength of the geomagnetic field. Because the Earth's magnetic field is dominated by the component originating from the internal magnetic field, it can be said that the magnetic field is approximately constant.

Earth's natural electric field

The source of the Earth's electric field is the charges distributed between the negatively charged surface of the Earth and the positively charged surface of the ionosphere. Such a system resembles the structure of a spherical capacitor: the surface of the Earth and the ionosphere act as covers for this capacitor, while the dielectric, whose thickness is about 50 km, is air. The electric field strength at the Earth's surface is on average equal to 100-150 V/m, although this value changes in specific places depending on the local weather. On the other hand, the difference between the potentials of the Earth's surface and of the ionospheric layer is equal to approx. 400 kV.

Unlike the magnetic field, the strength of the electric field depends on the latitude only to a small extent. This is related to the fact that the electric field of the atmosphere is constantly sustained by ongoing storms – although it may be difficult to believe, there are about 100 lightning strikes every second on the Earth's surface. Because the upper layers of atmosphere are a very good conductor, an even distribution of the potential of the ionosphere around the entire Earth is maintained and, as a result, the strength of the electric field at the Earth's surface is constant.

Fig. 4. Natural electric discharges.
Source: Wikimedia Commons

Storm clouds are the effect of electrical charges, which results from collision of cold and warm air masses, causing collision of ice crystals with drops of water. In the resulting clouds, the height of which can be up to several kilometers, loads are accumulated: negative in their lower parts and positive in their upper parts. The difference between the potential of the Earth's surface and the potential of a charged storm cloud can be up to 100 MV. It is so large that it results in piercing of air, ionization, and a lightning strike: the flow of a current of up to 100 kA for approx. 10-50 μs (microseconds). This produces a broadband electromagnetic impulse, the main part of the energy being in the up to 100 kHz band. The peak electric field strength at a short distance from a lightning strike (up to 1 km) reaches **10 kV/m** and up to **20 V/m** at a long distance (e.g. 30 km).

Fig. 5 shows the intensity of lightning discharges in an area of 1 km^2 during a year.

A very similar, in principle, phenomenon of electrification followed by a discharge leading to the equalization of potentials often takes place in people's vicinity. Just remember the effect of electrification of one's hair while combing or the snapping sounds sometimes heard when taking off a woolen sweater. A cat's hair reacts in a similar way and can reach the potential of several thousand volts when stroking.

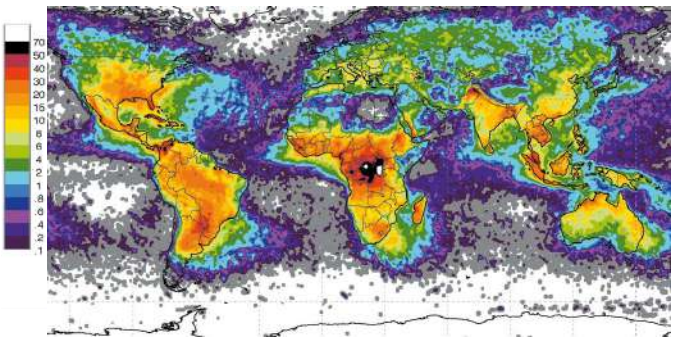

Fig 5. Frequency of lightning strikes on the Earth's surface. Source: Wikimedia Commons

Thermal radiation

Thermal radiation is generated spontaneously by any matter whose temperature exceeds absolute zero (0 K), i.e. –273.15°C. The source of this type of radiation is electrically charged particles moving inside of matter as a result of thermal motion. Thermal radiation is therefore a type of natural electromagnetic radiation whose wavelength depends only on the temperature. As the temperature increases, the length of the electromagnetic wave emitted decreases and, consequently, the frequency increases.

Objects with extremely low temperatures generate electromagnetic waves in the microwave frequency range. Objects whose temperature is close to room temperature – including humans – generate mainly electromagnetic waves in the infrared range, but some of them are in the radio range. The power density of the thermal radiation generated by humans at 37°C is approx. **2.5 mW/m²**. On the other hand, objects whose temperature exceeds 600°C emit electromagnetic waves visible to the human eye, which are simply light. Depending on the temperature, the color of the glow changes: from dark red (approx. 650°C), through orange (approx. 1,100 °C), to white (above 1,400°C). Until recently, sources of thermal radiation with extremely high temperatures could be found in every house. What are these sources? Well, they are common light bulbs, whose tungsten filament, due to the flowing current, heats up to 2,500°C.

Myth:

The electromagnetic radiation that surrounds us is an artificial human product.

People live in an environment where there is always electromagnetic radiation from natural sources. Natural sources are not the product of human activity. They include: the Earth (which generates a magnetic field in its core), the Sun (which produces radiation in the range from infrared to ultraviolet, including visible light, as well as solar wind), atmospheric (related to lightning strikes) and cosmic phenomena, and literally any matter with temperature higher than absolute zero.

As a result of the development of civilization, humans began to produce artificial sources of electromagnetic field about 150 years ago. These sources fit into the existing spectrum of the natural electromagnetic field.

Fig. 6. Thermal radiation.
Source: Wikimedia Commons

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I.5

Man-made sources of the electromagnetic field

Rafał Pawlak

Along with the development of human civilization, the electromagnetic environment has become enriched with sources other than natural, referred to as artificial sources of electromagnetic field. The first sources of this type were put in the environment relatively recently, just over 100 years ago.

Historical background

One could say that the current state of technical development, which actually determines the levels of electromagnetic field in the environment, is the direct outcome of the work carried out at the turn of the 20th century by Nikola Tesla (1856-1943) in the field of alternating current. Of course, a strong scientific foundation in this field had been built earlier.

Research in this area actually started in the late 16th century when William Gilbert, the personal physician of Queen Elizabeth I of England, as the first person in Europe, started research and experiments related to the phenomenon of magnetism and electrification of materials. In the year 1600, Gilbert has published a work entitled "On the Magnet and Magnetic Bodies, and on the Great Magnet the Earth," in which he presented the thesis that our planet is magnetized and, for this very reason, the compass needle points to the north (later this turned out to be untrue – see article I.4. on page 28). He also introduced new terms into the language that were new and revolutionary for that period of time, such as pole, force, and magnetic attraction. The experiments carried out by Gilbert were the pebble that, with time, caused an avalanche of work on magnetism and electricity. These issues started to be dealt with by many 17th- and 18th-century natural scientists, mathematicians, and physicists. This work culminated in 1873 with the "Treatise on Electricity and Magnetism" in which James Clerk Maxwell described his own uniform theory of electromagnetism, proving that electricity and magnetism are two kinds of the same phenomenon.

If it can be said that Maxwell closed the era of discoveries of classical electromagnetism, then Heinrich Rudolf Hertz, with his discovery of electromagnetic waves in 1886, started a completely new era of use of artificial electromagnetic fields, including for radiocommunication. Soon this new field of knowledge started to be successfully applied in practice.

After Samuel Morse built a simple two-wire telegraph in 1837, it was possible to instantaneously transmit simple information over long distances. The invention and patenting of Alexander Graham Bell's telephone in 1876 enabled efficient long-distance voice communication – thus, the barrier to long-distance communication was broken. Soon also the boundary between day and night was blurred. In 1879, electric lighting was first provided with the use of a light bulb, patented by Thomas Alva Edison. Three years later, in 1882, the world's first large city power plant and a 110 V direct-current electric lighting system was provided – on a massive scale at that time – to nine customers in lower Manhattan in New York City. This is how the bud of power engineering was created. Direct current motors and generators started to be used.

Soon it turned out that the methods of generation and transmission of direct current are inefficient and insufficient to satisfy the growing needs and the expectations of people in this respect were increasingly larger. The solution turned out to be alternating current, which was only be relatively easy to produce, but also, most importantly, could be effectively transmitted over long distances, due to the possibility of voltage transformation resulting in reduction of amperage and, consequently, of energy losses.

Nikola Tesla played a great role in the introduction of alternating current as in 1887 he filed patent applications related to distribution of energy in the form of alternating current. A fierce competition started between Edison and Tesla, referred to as the "War of Currents." It was won by Tesla who soon became famous as the designer of many devices for production and use of alternating current. His inventions include an electric motor and an alternating current generator, an autotransformer, a bicycle dynamo, a radio, a hydroelectric power station (on Niagara Falls), a solar battery, a turbine, and a high voltage transformer. Tesla was also the creator of the first radio remote control devices.

Development of radio communication in Poland

The history of the development of radio communication in Poland dates back to the beginning of the Second Polish Republic. In October 1923, in Boernerowo near Warsaw (currently Bemowo, a district of Warsaw), a long-wave Transatlantic Radio Station was commissioned. It consisted of two transmitters (200 kW each) and an antenna installed on 10 steel towers, 127 m high, located over a distance of approximately 3.2 km. The station provided communications over the distance of approximately 6,400 km and generated an electromagnetic field with frequencies of approximately 14 kHz and approximately 16 kHz (which corresponds to an over ten kilometers long wave – see article I.1. on page 8).

The beginning of radio broadcasting in Poland dates back to 18 April 1926 when the Polish Radio station officially started its regular work. Since 2 January 1927, the Polish Radio has been using its own

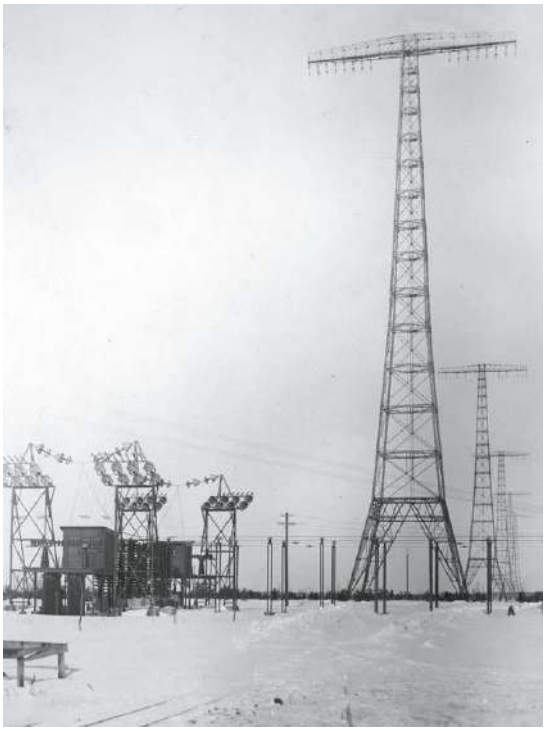

Fig. 1. Transatlantic Radio Station.
Source: Wikimedia Commons

10 kW, 269 kHz transmitter. The 130 m long antenna was installed on 75 m tall steel towers which, using the receivers available at that time, ensured a range of approximately 90 km.

As the radio became more and more popular and the number of subscribers reached 50,000 in 1927, a decision was made to build regional broadcasting facilities. As early as in 1927, stations were opened in Cracow, Poznań, and Katowice; in 1928 – in Vilnius, and in 1930 – in Lviv and Łódź. In 1929, the Polish Radio decided to build a high-power transmitter in Łazy near Raszyn. The 224 kHz, 120 kW station started its operation on 24 May 1931 and was the most powerful radio station in Europe at that time. Its antenna was installed on two 280 m tall masts and was the highest-installed radio antenna in the world. Due to the power and height of the antenna, the Polish Radio advertised the station in Raszyn near Warsaw as "THE MOST POWERFUL RADIO STATION OF THE WORLD."

Parallel to the development of radio broadcasting, in 1935 work started on the launch of a television station. Transmitting devices were installed in Warsaw's Prudential skyscraper, and the transmitting

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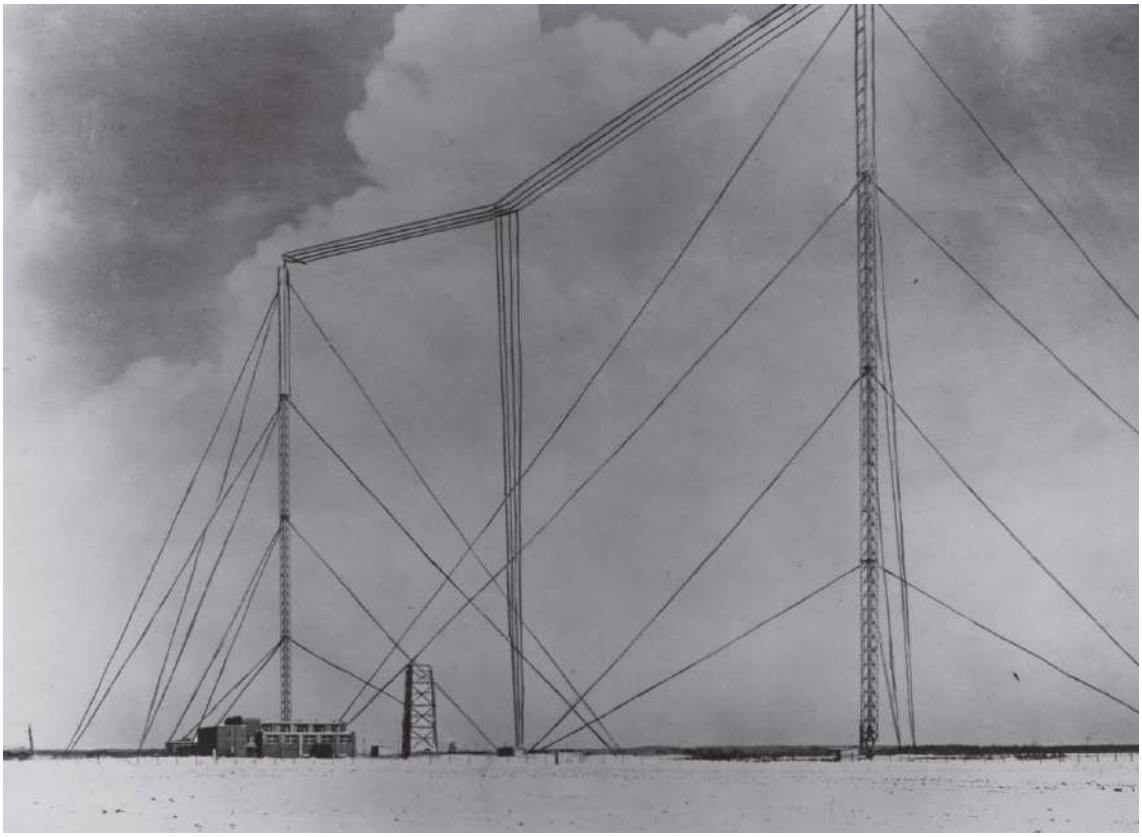

Fig. 2. The "Raszyn" Central Station of the Polish Radio in Łazy.
Source: A photograph from the National Digital Archives

antenna – on a dedicated support structure placed on the roof of that building. Test transmissions were conducted on 5 October 1938 and on 26 August 1939, but the research work was interrupted by the outbreak of World War II.

Electromagnetic fields around us

Every day, more or less consciously, we use electricity. One should keep in mind that any appliance powered by electricity, whether from the mains or from a battery, generates an electromagnetic field. An artificial electromagnetic field can therefore be a deliberate effect or a side effect.

All radio and microwave devices produce an intentionally generated electromagnetic field. These devices include large facilities, such as transmission radio and television stations, mobile telephony base stations, radiolocation and radionavigation stations, as well as much smaller devices, such as CB radio, radiotelephones used e.g. by emergency services, mobile phones, remote controls (e.g. for central locks in cars or for garage doors), RFID radio identification devices, Wi-Fi access points, DECT cordless telephones, devices with Bluetooth interfaces, and many others (see also the infographics on page 38). A special type of devices that intentionally generate electromagnetic fields is devices used in medicine: to diagnose patients and in physical therapy and rehabilitation.

An electromagnetic field that is a side effect of is produced by other appliances, e.g. electrical household appliances and devices for common use, such as vacuum cleaners, TV sets, computers,

power drills, refrigerators, and even a bedside lamps. Moreover, the extensive network of 50 Hz high – and medium-voltage overhead power lines, including transformer stations, low-voltage networks, and electrical systems, which are used to supply electricity to customers, as well as the direct current railway catenary network, are also sources of artificial electromagnetic fields.

Given the number and location of electromagnetic field sources, the frequency and power ranges used, the propagation phenomena (refraction, reflection, diffraction, and interference of electromagnetic waves – see article I.3. on page 22), and the random factors associated with the use of certain sources, it can be concluded that the total strength of artificial electromagnetic fields in global terms is rather random than deterministic. However, in the vicinity of individual electromagnetic field sources, it is usually possible to estimate the strengths of the fields originating from these sources. Here are some examples:

- A 220 kV/50 Hz power line, values for the minimum permitted cable suspension height above the ground equal to 6.7 m:
  - electric field directly under the line: approx. 4.5 kV/m;
  - electric field at the distance of approx. 20 m from the line: approx. 1 kV/m;
  - magnetic field directly under the line: approx. 26 A/m;
  - magnetic field at the distance of approx. 20 m from the line: approx. 6 A/m;
- television set, radio receiver, fridge, coffee maker: < 0.05 V/m;
- microwave oven: approx. 3 V/m at the distance of 0.5 m;
- cordless screwdriver: approx. 0.5 V/m at the distance of 0.5 m;
- energy-saving bulb: approx. 3.5 V/m at the distance of 0.5 m;
- tablet with Wi-Fi: approx. 1.5 V/m at the distance of 0.5 m;
- Bluetooth speaker: approx. 0.3 V/m at the distance of 0.5 m;
- laptop: approx. 0.5 V/m at the distance of 0.5 m.

On the other hand, the broadband monitoring measurements carried out by Provincial Environmental Protection Inspectorates in 2017 (see also article III.4. on page 95) indicated that:

- in cities with population of over 50,000 inhabitants, the average electromagnetic field strength does not exceed 0.55 V/m;
- in other cities, the average electromagnetic field strength does not exceed 0.39 V/m;
- in rural areas, the average electromagnetic field strength does not exceed 0.21 V/m;

Artificial electromagnetic field generation mechanisms

In devices whose purpose is not deliberate generation of an electromagnetic field, the phenomena taking place are directly related to physics and are described by the Maxwell's laws (see article I.1 on page 8). Imagine a lamp connected to a power socket but switched off: the bulb is off – the current is not flowing, but the lamp is energized. Therefore, in the lamp's cable, due to the difference in potential, charges that producing an electric field are accumulated. When switched on, the bulb starts to emit light – the circuit closes and forms a continuous path for the flow of current, and the lamp is still live. Around the lamp's cable, a magnetic field is created by the flow of charges.

The lamp is obviously a very simple example. In reality, every cable of the electrical structure of a device is a source of an electromagnetic field: this applies not only the power supply cable, but also internal connection cables and external signal connection cables (e.g. USB or HDMI). Other sources of electromagnetic field are tracks on printed circuit boards that often carry high frequency signals (e.g., a clock signal for timing of a processor). In fact, devices produce an electromagnetic field with their entire structure.

In the case of devices that intentionally generate electromagnetic fields, an electromagnetic wave is also generated in accordance with the principles

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described by Maxwell's laws: however, it is not generated randomly but rather in a completely controlled manner, using specially designed electronic circuits. The electromagnetic wave generated in a transmitter is then not a side effect, but an intentional effect as its frequency and power are strictly defined.

A **radio transmitter** consists of multiple cooperating electronic components whose final task is to produce and emit radio waves carrying useful information, such as audio signals or digital data. The structure of a transmitter can be divided, in a simplified way, into five interconnected blocks.

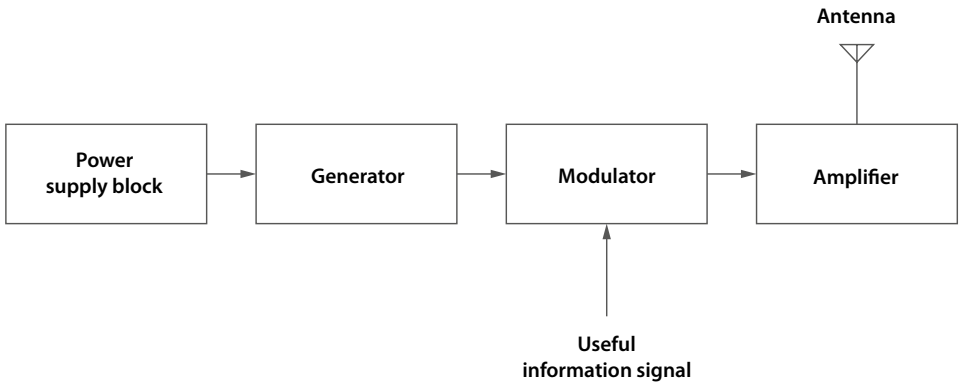

Fig. 3. Simplified block diagram of a transmitter.
Author: Paweł Woźniak

1. **Power supply block**: the source of the electricity required for the correct operation of the transmitter.
2. **Generator**: the heart of the transmitter, it produces a periodic, oscillating AC electrical signal in the form of a sine wave of a specific high frequency (usually called carrier wave) at which the transmitter operates.
3. **Modulator**: it superimposes the low-frequency useful information signal (called modulating signal) on the high-frequency carrier wave signal, which results in changes of a parameter of the high-frequency signal in accordance with the changes of the modulating signal. Because the carrier wave is described by three parameters (amplitude, frequency, and phase) that can be influenced, there are three types of modulation: amplitude, frequency and phase. For example, amplitude modulation (AM) consists in a change of the amplitude of the carrier wave signal in proportion to the momentary value of the modulating. In simple terms, the wave becomes alternately "stronger" and "weaker," and the consequence of the "stronger" and "weaker" periods is the information contained in the signal.

The above-mentioned case illustrates analogue modulation. In modern devices, on the other hand, digital modulation is used: unlike analogue modulation, it uses binary information in the form of bits (logical states) instead of continuous information. This results in a signal perfect for communication with computers: instead of a continuous "wave landscape," a sequence of zeros and ones is transmitted.

In this case, too, modulation consists in a change of the amplitude, the frequency, or the phase of the carrier signal, but in a stepwise manner, referred to as "keying." This is how the simplest digital modulations, i.e. ASK (*Amplitude Shift Keying*), FSK (*Frequency Shift Keying*), and PSK (*Phase Shift Keying*), are performed. In the case of the ASK modulation, the keying consists in that certain amplitude of the carrier wave signal is assigned to the logical state "1" and a different carrier wave signal amplitude is assigned to the logical state "0".

The modulations used in modern radio communication systems, e.g. mobile telephony, are

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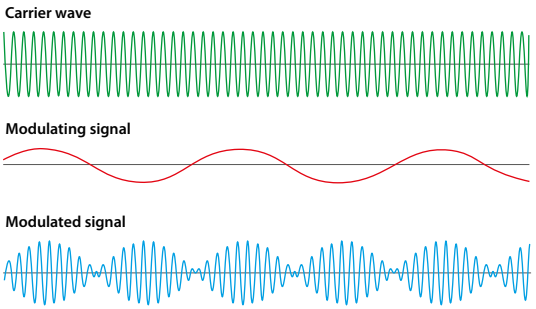


Fig. 4. Analogue amplitude modulation.
Author: Paweł Woźniak

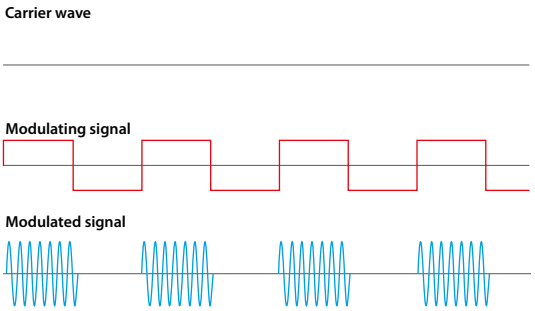
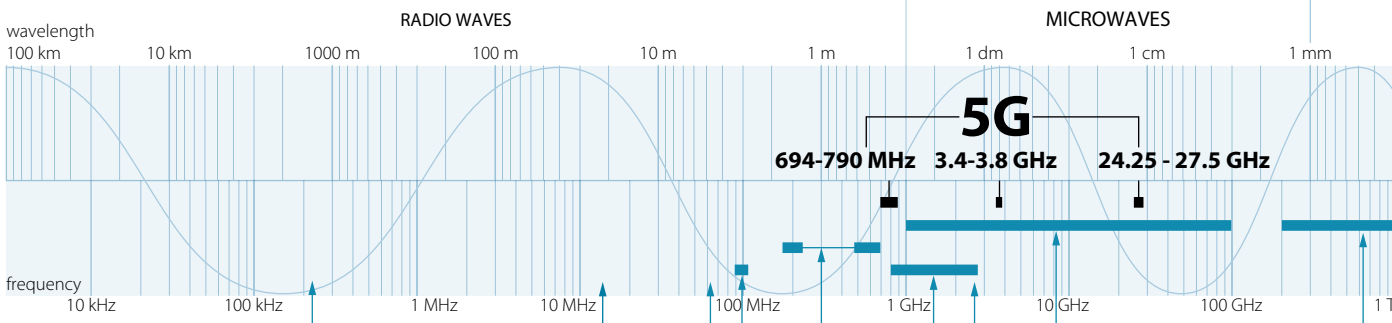


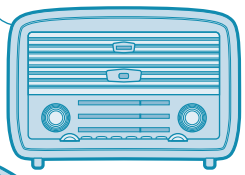
Fig. 5. Digital amplitude modulation.
Author: Paweł Woźniak

much more complex combinations or variants of the above basic signal modulation methods.

4. **Amplifier:** increases the power of the modulated carrier wave, makes it possible to determine the appropriate level of the transmitted signal.
5. **Antenna:** converts the modulated and amplified carrier wave into an electromagnetic wave emitted into space: consequently, it is necessary for radio transmission.

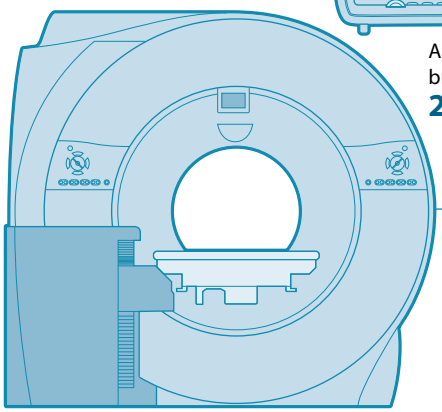
SOME APPLICATIONS OF ELECTROMAGNETIC WAVES



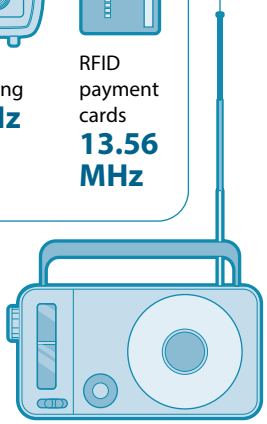


AM radio broadcasting
225 kHz

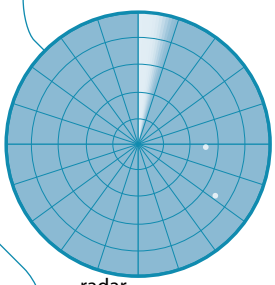
RFID payment cards
13.56 MHz



magnetic resonance (1,5T)
63.86 MHz

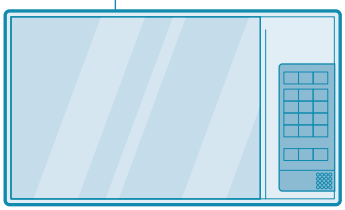


FM radio broadcasting
87.5-108 MHz

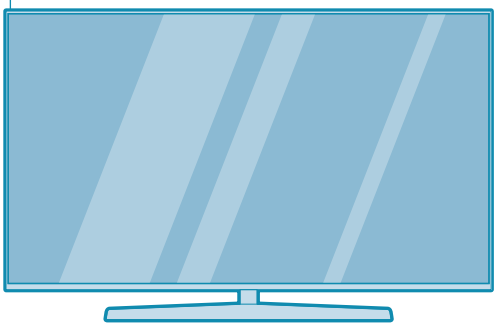


radar
1-100 GHz

mobile telephony
0.8-2.6 GHz



microwave oven
2.45 GHz

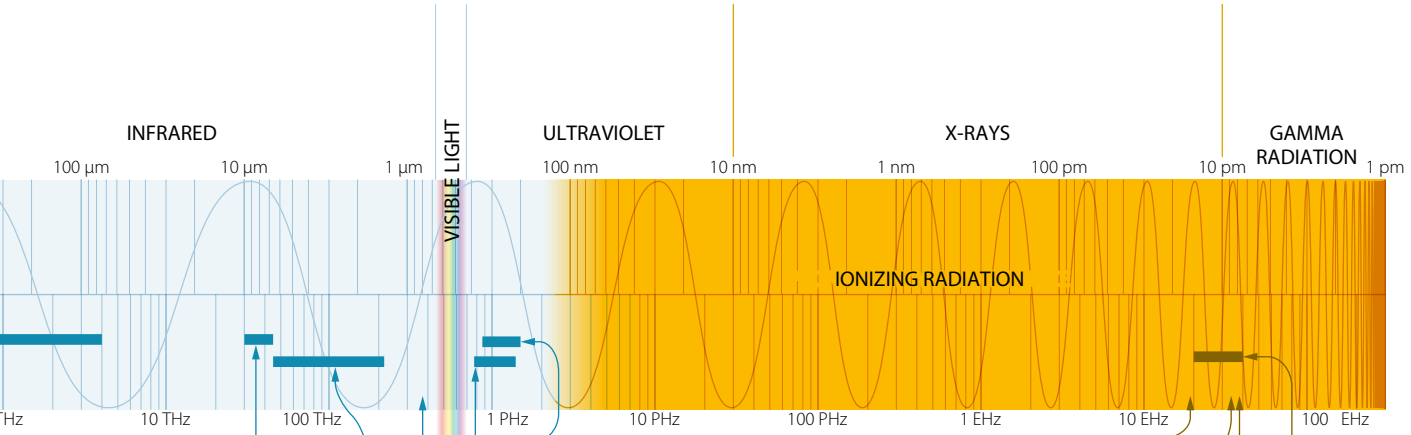


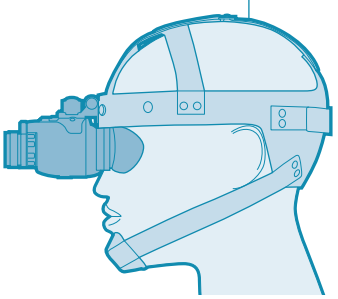
DVB-T television broadcasting
174-230 MHz, 470-694 MHz

There are two basic parameters of electromagnetic waves: wavelength and frequency. These are actually two different ways to say the same thing.

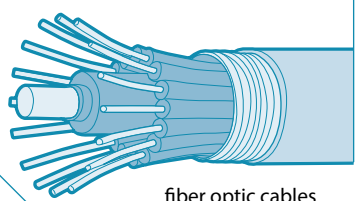
An electromagnetic wave has the shape of a sinusoid and the simplest way to describe is to state the length of the wave, which is simply the distance between neighboring crests in meters (micrometers, nanometers, kilometers, etc.).

Because electromagnetic waves travel with the speed of light, each of their characteristic points – for example the crest – moves with that speed, which is equal to 300,000 km/s. Imagine that you are standing in place and counting how many times per second the crest of the electromagnetic wave passes next to you. If the wavelength was 300,000 km (this would be a rather unusual, extremely long radio wave), the crest would pass you exactly once per second. This corresponds to the frequency of 1 hertz. If the wavelength was half as large, the crest would pass you two times per seconds and the frequency would be equal to 2 Hz, and so on.





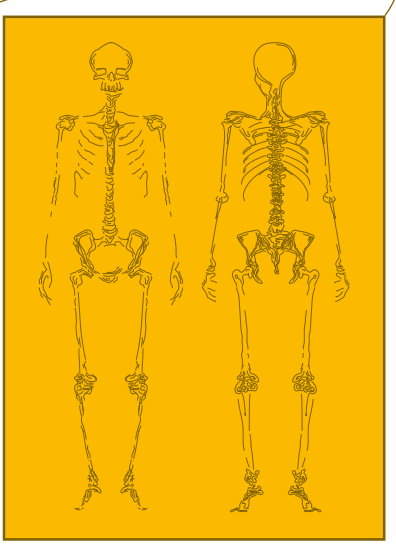
night-vision devices
30-43 THz



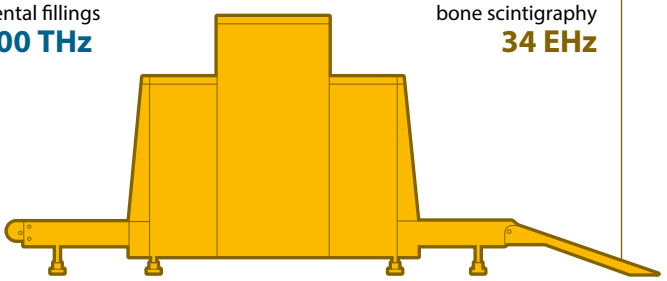
fiber optic cables
43-214 THz

medical X-ray imaging
19.3 EHz

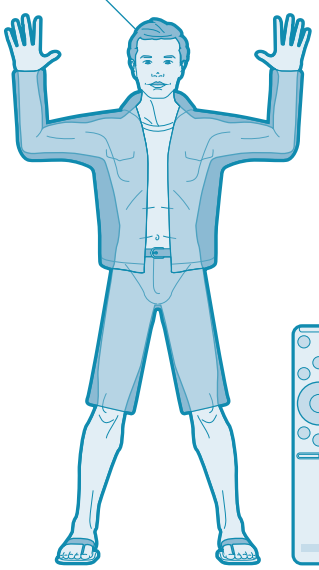
curing of dental fillings
860-1500 THz



bone scintigraphy
34 EHz



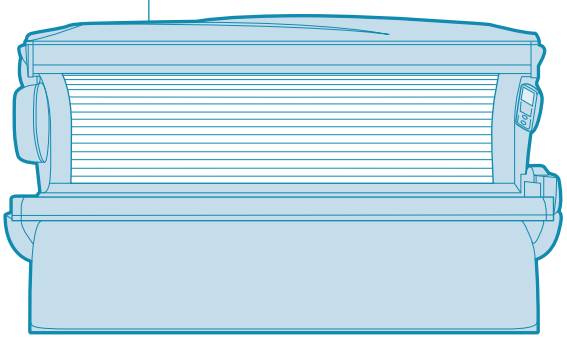
scanning of luggage at airports
39 EHz



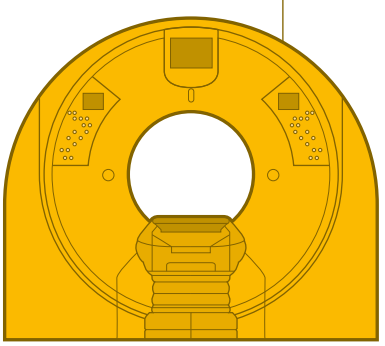
airport body scanner
0.2-4 THz

visible light
428-681 THz

TV remote control
353 THz



tanning beds
750-1034 THz



computed tomography
20-40 EHz

Folio N° 2479

I.6

How does a mobile phone work?

Jakub Kwiecień, Rafał Pawlak

Cellular telephony is one of mobile radio communication systems. It is one of the most dynamic branches of telecommunication that use radio waves, and its users are individuals, businesses, and public institutions. Currently mobile phones are used by more than 92% of Poles (as of July 2017 – a CBOS report), with more than half of them being smartphones, and their share continues to grow dynamically. The increasing number of devices and their applications constitutes a challenge to the limited radio frequency resources, which results in a constant need for the development of the technology to increase the capacity and bandwidth of the network. A mobile phone has become not only the primary means of contact, but also a tool for work and entertainment. However, we rarely stop to ask how it works.

Why is the phone "cellular"?

The idea of a cellular system first arose in the 1940s in American laboratories of the Bell company. Until then, the demand for a communications system in a given area had been met by using only one transceiver device operating with high power and covering the entire area of the system. The innovation consisted in dividing a large area into much smaller areas, called cells, whereby the center of each cell was a device of lower power.

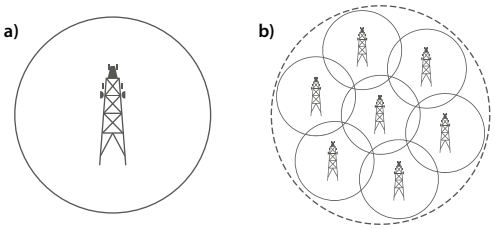


Fig. 1. Implementation of a radio system using: (a) one high-power base station, (b) multiple low-power base stations. Author: Paweł Woźniak

The fundamental reason for dividing the area into cells is the insufficient capacity of a system (capacity is the maximum number of supported terminal devices, such as a mobile phone) that comprises only one high-power base station. The size of the cell covered by a base station is many times smaller than the size of the area of the entire system, so it can operate with much lower power. Importantly, multiplication of the transmission powers do not proportionally increase the area of the radio signal coverage. As the power of the terminal device is much lower than that of the base station, it would not be possible to effectively maintain a radio connection toward the base station.

In a cellular system, adjacent base stations operate at different frequencies. As shown in Fig. 2, identical frequencies (symbolically described by numbers 1-7) in the area of one cellular system can be used multiple times. The method of assigning frequencies to specific base stations minimizes the risk of interference between neighboring base

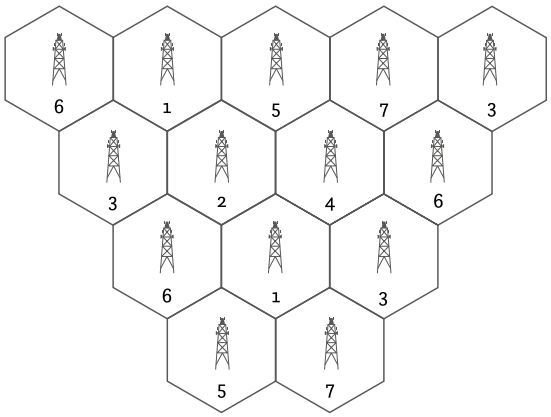


Fig. 2. Division of a telephony system into cells.
Author: Paweł Woźniak

stations. The cell structure also allows for flexible system design, taking into account the characteristics of the area, such as the expected user density and the volume of traffic generated in the network.

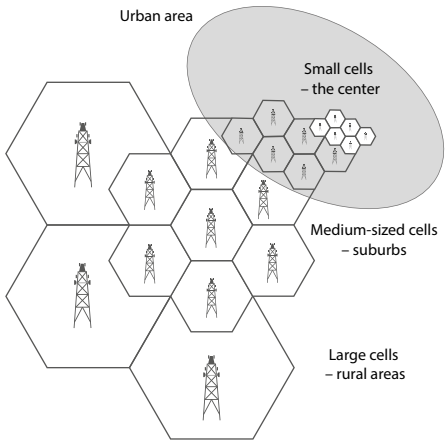


Fig. 3. Coverage of the system with cells according to the characteristics of the area. Author: Paweł Woźniak

Another essential feature of cellular systems, which distinguishes them from radio or television systems, is the way point-to-point transmissions are implemented. In cellular systems, the terminal can move both within its cell and in the entire system. This results in the need to provide a mechanism for automatic interception of communications by a new base station when the terminal leaves the area of one cell and moves to the neighboring one. This mechanism is referred to as "handover", i.e. the transfer of a call.

Mobile phone operation principle

Modulation

The first phenomenon that occurs in the process of voice transmission by radio waves is the conversion of air vibrations by the membrane in the microphone into, in simple terms, electric current vibrations. In 1G telephony (NMT system), this signal was routed to an analogue frequency modulator (FM) system. 2G (GSM system), 3G (UMTS system), and 4G (LTE system) telephony (see article IV.1. on page 106) uses digital transmission and various types of digital modulation.

Signal transmission

The next step is the transmission of the signal using radio waves. Some radio devices, such as CB radios, communicate with each other using radio waves directly and do not require network infrastructure for proper operation. The situation is different in the case of mobile phones, which require a dedicated network infrastructure to work properly because they never connect directly to each other.

The element of the entire broadly-defined cellular system that is always the closest to the user is the **terminal**. A terminal is any device that uses a cellular network. A terminal can be a data transmission modem attached to a computer to enable using the Internet or an IoT (Internet of Things) device that transmits data from sensors to its control panel. However, a vast majority of terminals are user devices such as mobile phones and smartphones. Modern multi-system terminals, compatible with most of the standards offered by operators, work automatically by switching between systems without the user's knowledge and the need for the user's interaction.

The calling user's terminal transmits data at a certain frequency and makes a call to the nearest base station that receives the signal at that

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frequency. Base stations are the most visible element of the complex mobile telephony network infrastructure – more information about them can be found in further in this article. Depending on the system, the base stations have different names – for GSM it is BTS (*Base Transceiver Station*), for UMTS it is NodeB, and for LTE it is eNodeB.

Then, through many different modules and devices that form the so-called **radio access network (RAN)** and the **backbone network**, the call reaches a specific base station, in the range of which the terminal of the user receiving the call is located. Now this base station transmits the signal at a certain frequency and connects to the selected terminal that receives the signal at that particular frequency. The connection is set. From the user who received it to the user who initiated it, the connection follows an identical path, but in the opposite direction.

The backbone network includes:

- a switched call/package switchboard – responsible for transmission of calls or data packets along specific paths;
- a register of devices – a list of registered telephones based on IMEI identification numbers;
- a register of own subscribers – contains the data based on which it recognizes system users (based on a SIM card);
- other elements responsible for correct operation of the system, setting up of calls, operation of devices, and enabling cooperation with other systems (interfaces to other networks).

User identification in the network

Telephone users are identified in the network by their SIM (Subscriber Identity Module) cards. A complete, useful terminal consists of a physical device and a SIM card inside it. This is a small size chip card whose dimensions gradually decrease with the development of the technology, from the original credit card size to the nanoSIM cards with the dimensions of approx. 12 mm by 8 mm. A SIM card used to identify the subscriber through the network therefore acts as an access key. It can also store small amounts of data, such as contacts and text messages.

Currently, users often change terminals to new models, and thanks to the separation of the identification function via the SIM card, changing the terminal does not cause the need to change the phone number – it is enough to move the SIM card to the new terminal. A telephone without a SIM card has a limited functionality with regard to use of mobile telephony network services. According to the specification, such a device can be used to make calls to emergency numbers – 112 in Poland (calls to the emergency number are given a higher priority and, as a result, in the event of excessive network load, the radio resource is assigned to them faster). A SIM card can be additionally protected by a PIN (*Personal Identification Number*) code so that an unauthorized user cannot connect to the network using the card.

Base station

A base station of the mobile telephony system is equipped with a set of antennas, which are mounted on a support structure, such as a mast or a tower placed on the ground or on the roof of a building, or integrated in a church tower structure, etc. Antennas used in mobile telephony solutions are usually installed on masts in three sets. Each set is responsible for covering a sector within the angle of about 120° (this is why antennas of this type are called sector antennas) in a strictly defined direction, called azimuth. Sector antennas, due to the need to cover a larger area with the signal, mainly at a small distance from the ground surface, are in slightly deflected from the vertical and lean toward the ground surface, i.e. the places where users are located.

Antennas are connected to transceivers with antenna cables. In the traditional solution, these devices are usually located in a container set at the base of the building or in a designated room, and the antennas are connected with long, heavy, thick, and rigid cables (so called "feeders"). In modern solutions, miniaturized transmitters and receivers are used, which are installed directly on masts or towers, at a small distance from antennas. This makes it possible to use antenna cables (so-called "jumpers") that are short, thin, light, and flexible.

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Fig. 4. Types of antennas in a mobile telephony base station. Source: own NIT data

The field generated by the terminal – e.g. the mobile phone of a given user – often dominates locally over the field generated by the base station.

Next, the radio signal is digitized and then transmitted to the backbone network, either by means of a fiber optic cable, or using a radio link.

Radio link antennas, installed at a certain distance from the sector antennas, whey work at microwave frequencies (between ten and a hundred GHz) and emit the signal only in a narrow beam precisely directed toward another radio link antenna. Radio link antennas are not designed to establish calls with users within cells and, consequently, they are not tilted toward the ground.

Power control

The digital mobile telephony systems that are currently in use employ power control mechanisms whose primary function is to keep radio signal emissions on a minimum level sufficient to maintain services (e.g. calls) on the required QoS (Quality of Service) level. In other words, the terminal works with the lowest possible power sufficient to keep the required quality level.

The power control procedure in the GSM system (2G, see also article IV.1. on page 106) consists in measuring the transmission quality during a call based on the error rate of the signal received by the base station from the terminal and in transmission of the results to the base station controller, which, on this basis, twice per second, gives the command to change or maintain the level of the signal transmitted by the terminal. As a result, as the terminal approaches the base station, the terminal reduces the power of its transmitter. From the point of view of efficiency, this is intended to reduce the probability of interference in the system and to reduce the energy consumption from the battery.

For example, a terminal that is located at the boundary of a large cell, e.g. in a suburban area, transmits with maximum power. When the terminal moves to a smaller cell in an urban area, the distance between the terminal and the base station decreases, thus enabling the reduction of the power of the terminal.

Another important effect of the power adjustment procedure is the reduction of exposure to electromagnetic fields in the surroundings of the

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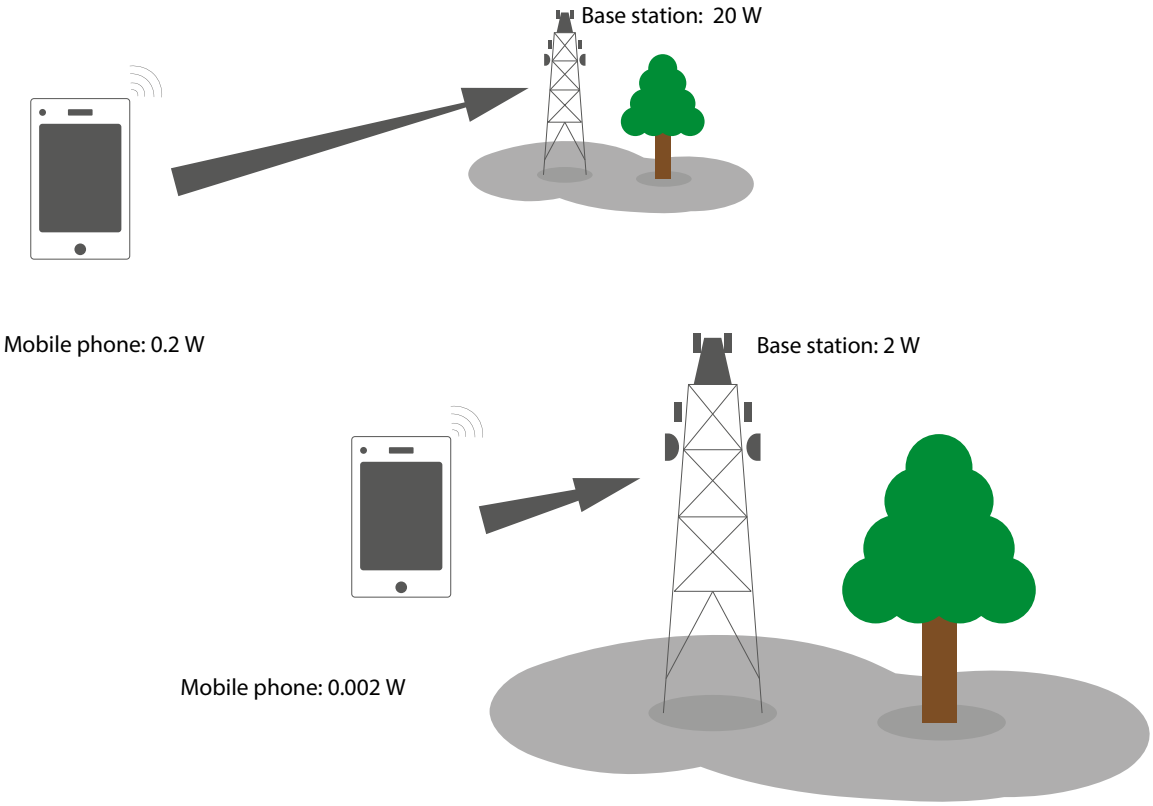

Fig. 5. The effect of the distance from the base station on the transmitting power of a mobile phone.
Author: Paweł Woźniak

terminal. It should be noted that the field generated by a terminal often dominates locally over the field produced by a base station. One should keep in mind that the radio signal emitted by both the base station and the terminal quickly attenuates as the distance increases. Consequently, the greater the distance from the base station, the lower the actual strength of the electromagnetic field originating from the base station: at the same time, the terminal – in order to maintain the required QoS quality level – must transmit with a greater power, thus producing locally, in the user's immediate vicinity, a stronger electromagnetic field.

Subsequent standards require increasingly lower terminal power. For 1G, this power was in the range of 6-15 W, for 2G it was already 1-2 W, while the typical transmitted power of terminals in the 3G and 4G systems is only 0.25 W and 0.20 W respectively. This is accompanied by increasingly sophisticated power control mechanisms – e.g. in the UMTS system, power is adjusted 1,500 times per second for both the terminal and the base station. This results from the continuation of the basic approach, which consisted in minimization of the power of the signals emitted by mobile telephony base stations and mobile terminals that is necessary to provide the service at the assumed quality level. Introduction of advanced signal power control mechanisms becomes an increasingly important issue with the development of the technology.

Conclusions

Mobile telephone systems now provide a much wider range of services than its original purpose, i.e. transmission of a speech signal to users moving within a large area. The GSM standard already provides a telephony service through the transmission of data containing digital representation of a speech signal. The phrase "mobile telephony" is strongly rooted in our reality and still, looking at a mast with antennas, we talk about mobile telephony base station. In reality it is a base station of many mobile communication systems, in which the telephone service has a decreasing share, and the scope of data services for Internet access, TV and radio broadcasting, and the operation of a growing number of user applications is dynamically increasing.

Myth:

More base stations mean higher intensity of electromagnetic field

The idea behind the cellular system is to divide a large area into many much smaller areas, called cells. In the center of each cell there is a base station whose transmitting power is much lower than that of a single station, which would have to cover the entire large area. The more base stations, the smaller the area of the cell that needs to be covered by the radio signal and, consequently, the power transmitted by individual base stations. If the transmission power of the base stations was too high, this would result their mutual interference and the system could not function effectively. The number of base stations also determines the power with which the subscriber terminals (e.g. mobile phones) work. As the number of base stations increases, distances to subscriber terminals decrease and, consequently, the terminals can operate with lower power. A reduction of the emission power of base stations and subscriber terminals leads to a reduction in the strength of the electromagnetic field.

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II. *Biology and medicine*

Introduction

- Electromagnetic waves are absorbed by matter in various ways. The same amount of energy can have different effects. For example, a sufficiently large dose of X-rays delivered in a short period of time can cause death, while an identical dose delivered over a longer period of time in the form of infrared radiation can be completely harmless.
- Non-ionizing radiation causes mainly the so-called thermal effect, i.e. simply heating up of the body, mostly of the skin and surface layers. The human body controls its temperature and responds to its local rise, e.g. by increasing blood flow, which results in faster removal of heat from the heated tissue.

    - The health effects of electromagnetic waves have been intensively studied for many decades. Animal studies are carried out, but also data on human populations are collected and analyzed.
    - Despite a large number of high quality studies on the risk of cancer, especially of the brain, the head, and the neck as a result of increased exposure to electromagnetic fields, the risk increase has not been unequivocally confirmed.
    - Electromagnetic hypersensitivity can be a psychological phenomenon. This is confirmed by studies showing that the intensity of the symptoms is related to the subjectively perceived strength of the electromagnetic field rather than its actual strength.

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II.1

Impact of the radio-frequency electromagnetic field on biological systems

Eugeniusz Rokita, Grzegorz Tatoń

In the environment around us, electromagnetic waves (EM) – i.e. electromagnetic field (EMF) disturbances propagating in space – occur naturally or are emitted using specially designed sources. EM wave sources (emitters) are characterized by huge dimensions range (the nucleus of an atom has the diameter of about 10^{-15} m, while the dimensions of radio transmitters are on the level of several meters). As a result, there are EM waves in nature that are both very short and very long. The full spectrum of EM wavelengths, commonly referred to as the EM wave spectrum, covers a number of ranges that have separate names, usually related to the way they are generated or detected (see article I.2. on page 14 and the infographics on page 38). Of note is the fact that the surface of the human body also emits EM waves, the maximum strength of which is for the wavelength of about 10 μm.

Propagation of EM waves is accompanied by transport of energy, which is easier to imagine if we treat these waves as a flow of particles – photons. Each photon has a specific energy, and the total energy of an EM wave is equal to the sum of the energies of the individual photons. The stream of photons is sometimes referred to as EM radiation. The basic unit used to express the energy of photons is eV – electron volt. Converted into the standard unit of energy used in physics, i.e. joule, 1 eV ≈ $1.6 \cdot 10^{-19}$ J. This shows that it is a very small unit, convenient for expressing energies observed in the micro-world.

A quick reminder: the energy of photons of visible light emitted e.g. by the Sun or an electrical bulb is in the range of 1.5 eV to 3.0 eV, while the energy of those emitted by the surface of the human body is equal to approx. 0.12 eV (as one can see, a cooler source emits photons with lower energy). The range of energy of the photons used in radiology is 20-160 keV. This book discusses mainly radio waves and microwaves in the 0.5 to 5.0 GHz frequency range, which corresponds to the photon energy of $2 \cdot 10^{-6}$ - $2 \cdot 10^{-5}$ and is about a million times smaller than the energy of waves constantly emitted by human skin.

Interaction of the electromagnetic field with matter

When describing the interaction of the EMF with any biological system, one must first calculate, based on Maxwell's equations (see article I.1. on page 8), the distribution of the EMF inside the object. Because the object of consideration is the interaction of the EM, this requires the knowledge of the parameters that characterize the electrical properties (specific conductivity, dielectric constant)

and the magnetic properties (magnetic permeability) of this object. Then it is necessary to identify and quantitatively describe all physical effects that play a significant role in the energy transfer process. For most biological systems, the magnetic permeability is not much different from that of vacuum, which means that the interaction with the magnetic component of the EM wave is not meaningful and does not depend on the frequency of the external field used. As a result, it is possible e.g. to place a patient in a very strong field of a superconducting magnet for an magnetic resonance imaging (MRI) examination. It should also be emphasized that in the 0.5 to 5 GHz frequency range, biological substances are neither very good electrical conductors nor very good insulators.

For the human body, as early as at the stage of determination of the EMF distribution and calculations of the energy transmission, there are problems with precise determination of the geometry and the chemical composition – the human body is not a homogeneous metal plate for which the distribution of the field can be determined using a single formula. Furthermore, the body constantly responds to processes occurring in it, e.g. by dissipating the thermal energy supplied to it. From the medical point of view, the physical description of the electromagnetic field is not so important: the most important are the biological effects of the EMF, including possible diseases.

The problem with assessment of the biological effects is that the creation of a biological effect sometimes is not related in a simple way to the amount of energy transferred to the system. Suppose the solar radiation supplies 300 J to the surface of the body of a sunbathing man. The supply of a similar amount of energy in the form of X radiation with photon energy equal to 60 keV would most probably cause the death of a the person. For comparison, the energy of a small teaspoon of sugar (5 g) is equal to about 80 kJ. This fundamental difference in biological effects of identical values of supplied energy is related to different mechanisms of interference of the EM radiation with different wavelengths on the body. Solar radiation is practically entirely stopped by the skin and mainly causes a thermal effect: to put it simply, it heats up the skin. X radiation (i.e. radiation used in radiology) penetrates into the body and, furthermore, the energy of a single photon is so high that it is able to cause irreversible changes in the structure of chemical molecules, including the DNA, eventually leading to the death of the person.

The energy absorbed by the body is described quantitatively by way of determination of the so-called specific absorption rate (SAR). Mathematically, this parameter has quite a simple form: $SAR = c_w \Delta T/\Delta t$. In this formula, ΔT is the increase in temperature, and Δt is the time in which ΔT occurs. The cw coefficient is the specific heat of the tissue [J/ (kg · K)], i.e., informally speaking, a measure of how much heat can be deposited in a unit of mass of a given material.

The problem with determination of the SAR is more complex in the case of a human body than in the case of an inanimate object, because complex biological systems have the thermoregulatory ability. As a result, calculations of the SAR for a body must take into account a much larger number of parameters (blood perfusion, metabolism) than such calculations for material objects[1].

A separate issue is determination of the maximum amount of energy that can be supplied to a biological system without functional disturbances. For the human body, this means setting certain limits (standards) which, if exceeded, can be dangerous to health. In the case of EM radiation, this problem can be solved in two ways: indirect and direct. The indirect method consists in determination of the maximum power of the radiation that interferes with the system. The direct method consists in determination of the amount of energy absorbed by the system. The SAR coefficient corresponds to the power of the absorbed dose (dose absorbed in a unit of time) used in dosimetry of ionizing radiation.

Impact of the EMF on the human body

First of all, it should be recalled that the human body is a source of the EMF and produces energy through biochemical processes using

1 S. Kodera, J. Gomez-Tames, A. Hirata. "Temperature elevation in the human brain and skin with thermoregulation during exposure to RF energy." *Biomed Eng Online. BioMed Central*; 2018; 17: 1–17.

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Internal (endogenous) electric fields in the body have strengths in the range of 10-100 V/m.

substances contained in beverages and food. The strength of the internal (endogenous) electric fields in the body is equal to 10-100 V/m (this and other units are discussed in article I.3. on page 22). In selected areas of the body (cell membranes), electric fields of much greater strengths can be observed. The human heart generates electrical potentials, the measurement of which on the skin surface is a commonly used diagnostic method (electrocardiography – ECG). On the other hand, measurement of variable currents flowing in nerve cells of the brain is the basis of electroencephalography (EEG).

The amount of energy needed to maintain basic physiological functions in the human body is referred to as basic metabolic rate (BMR). Hariss's and Benedict's empirical formulas are used to estimate the BMR. For a man aged 25 years with body weight of 70 kg and height of 180 cm, the BMR is equal to 1,760 kcal/d, which corresponds to an average power of 85 W (a large light bulb). The energy production in the human body fluctuates during the day and so does the body temperature. For a healthy person, daily temperature fluctuations of about 1°C are typical. The temperature is usually the lowest in the early morning and the highest in the early afternoon at about 5:00 PM.

A separate problem that needs to be taken into account when considering the impact of the EMF on the human body is the shielding ability of different biological structures. From the physiological point of view, when EM radiation reaches the surface of the skin, it strikes the boundary between two media of different electrical properties (conductivity, dielectric constant). A similar situation occurs at each boundary of two tissue structures. This results in various phenomena occurring at all boundaries of this type, as discussed in article I.3. on page 22.

Detailed calculations of the relationship of the EMF outside and inside any biological system are provided in academic biophysics textbooks[2]. It can e.g. be estimated that the electric field inside a cell is about five orders of magnitude (10^5) weaker than outside. The belief that such a weak outside EMF can affect the processes inside the cell seems unreasonable. On the other hand, the EMF inside the cell membrane is amplified.

Of note is also the fact that the parameters that characterize each biological system (temperature, concentration of substances, strengths of endogenous electric fields) are not constant in time. Deviations from the average values (noise) are a physiological phenomenon and do not cause any disturbance in the functioning of the body – thus, not every temporary increase in the strength of the electromagnetic field must be immediately harmful. To produce biological effects, the EMF must cause changes in parameters that exceed physiological fluctuations.

The last major issue related to the impact of the EMF on the human body is related to the fact that the body has mechanisms for recording very weak environmental signals. An example is the sense of sight. A person registers a flash of light when approximately 100 photons of EM radiation in the visible range reach outer surface of the eyeball (cornea). Assuming that the energy of a single photon is equal to 2.5 eV, it can be calculated that the total energy of the flash is $4.0 \cdot 10^{-17}$ J. This is an unimaginably small amount of energy that cannot be compared to any energy encountered in the macro world. The registration of such weak signals is possible because the retina of the human eye contains chemical compounds that respond with great sensitivity and selectivity to visible light. In addition to the eye, which responds to visible light, the human body has temperature-sensitive thermoreceptors (for cold and heat) located on the skin, which respond to infrared radiation. In addition to the aforementioned two types of receptors, humans have no other type of receptors that are able to detect the presence of EM radiation.

2 R.K. Hobie, B.J. Roth. "Intermediate Physics for Medicine and Biology." Springer, New York, 2007.

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Myth:

The microwaves used in radio communications act like a microwave oven

In a microwave oven, the heating is caused by microwaves that excite vibrations of the water molecules in the heated product. The energy of the excited water molecules is then transferred to other molecules, which increases the temperature of the entire object. In order to excite water molecules, the frequency of the microwaves must be set properly – most often at 2.45 GHz. In addition to the appropriately set frequency, the electromagnetic wave must also have a sufficiently high power (exceeding 1,000 W) to effectively heat the substance when it enters it. Mobile telephony base stations do not use the frequency of 2.45 GHz, which is in the 2.4-2.4835 GHz band intended for industrial, scientific, and medical purposes. Devices operating at this frequency range include devices with a WiFi or Bluetooth interface; however, the power of their transmitters is very small compared to the power of a microwave oven. For example, the typical power of devices with a Bluetooth interface is approx. 0.001 W – a million times less than that of a typical microwave oven. Consequently, these devices are completely safe and, even if used on a daily basis, do not lead to dangerous heating of tissues.

Absorption of electromagnetic energy in the human body

In the simplest terms, the interaction of EM radiation with any object can be described using the absorption law. Absorption properties of a medium are sometimes characterized by the so-called penetration depth δ (delta). It is defined so that at an absorber thickness δ, the power density (intensity) is reduced to 13.5% of the original value. For example, the depth of muscle tissue penetration by radiation with the frequency of 2.45 GHz (microwave oven) is equal to 1.67 cm. This means that only 13.5%, or about 1/7th, of the original EMF power remains at the depth of 1.67 cm below the surface of the tissue and only the rest penetrates deeper into the body. Most of the energy (86.5%, or about 6/7th) is absorbed by the muscle.

It should be noted that the heat generation rate in the tissue is inversely proportional to the

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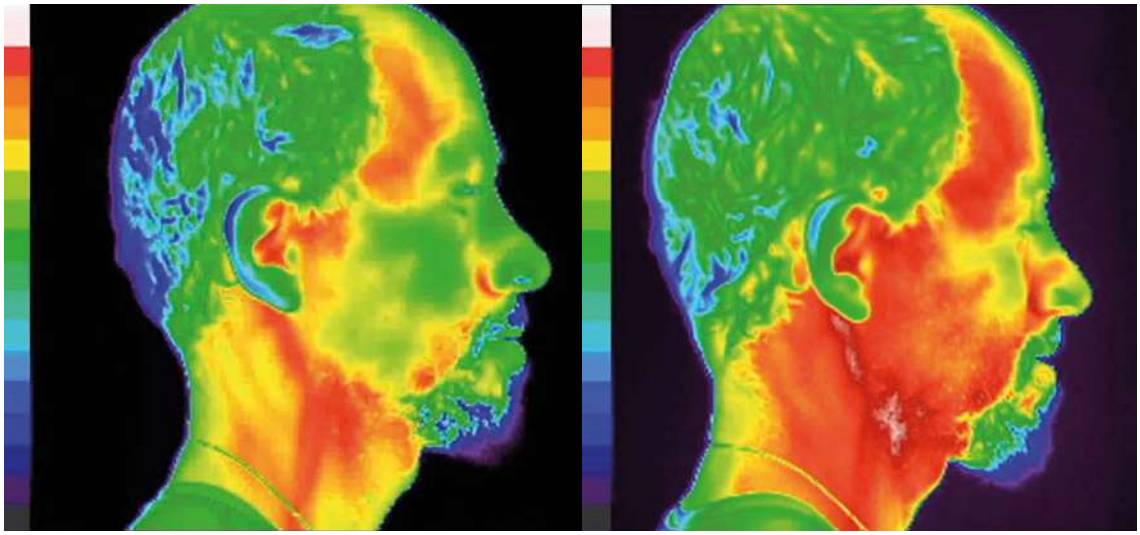

Fig. 1. The thermal effect, i.e. heating of tissues, is the best studied effect of use of mobile phones. The two photos shown above were taken using a thermal imaging camera that captures infrared radiation, which shows the temperature of tissues: the colors in the upper part of the scale correspond to higher temperatures. The picture on the right shows the effects of a 15-minute phone call, during which the phone was held directly at the body. The effect would be similar if any warm object was held in the same place. Tissue heating is temporary and does not cause any long-term harmful medical effects, and the body temperature soon return to normal (picture on the let).

square of the penetration depth.Consequently, tissue of low penetration depth, due to high water content (e.g. muscle tissue), heats up faster as a result of exposure to the EMF than tissue with a high depth of penetration due to low water content (for example, for fat tissue the factor δ is equal to 8.1 cm at 2.45 GHz). As a result, the heat up speed of muscle tissue is about 25 times higher than that of fat tissue.

Currently a more advanced approach is used to quantify the impact of EM radiation on any object. First, the EMF distribution inside the object is calculated, followed by the SAR coefficient distribution. The final step of the calculation is to calculate the temperature distribution, with the SAR being treated as an additional energy source. For the human body, calculation of temperature distribution requires consideration of the mechanisms of heat loss and heat transport. Commercially available software us used for the calculations.

Thermal effects

The biological effects of the EMF related, directly or indirectly, to temperature increases are referred to as thermal effects. The effects occurring when possible biological effects cannot be linked to tissue heating are referred to as non-thermal effects.

It can be estimated that if the human body does not release heat, the body temperature rises at the speed of approx. 1.2°C/h. Thus, after about 4 hours, the person would die of a deadly fever. In reality, an increase in body temperature activates the body's heat transfer mechanisms. When considering the heating of a human body as a result of the EMF, one must remember about physiological facts.

In the human body there are heat transport mechanisms that compensate for local temperature rises. It should be noted that the EMF produces a heterogeneous temperature distribution in tissues. The absorption effects are most intense in the surface layers. The final temperature of the tissue is a function of the amount of energy deposited by the EMF and the intensity of blood flow and thermal

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Although theoretically an increase in temperature may have many indirect effects in the human body, there is no evidence for this in practice.

conductivity of the tissue. It should be clearly emphasized that the effect of hyperthermia caused by exposure of the body to the EMF is the only effect that can be quantified on the basis of physical considerations.

Although theoretically an increase in temperature may have many indirect effects in the human body, there is no evidence for this in practice. In the scientific literature there are theses that higher temperatures can change the speed of biochemical reactions. An increase in temperature may also be associated with a change in protein synthesis and protein binding to the cell membrane. It is well documented that every cell responds to an increased temperature by producing so-called *heat shock proteins (HSP)*. An increase in temperature also changes the values of many important parameters from the point of view of homeostasis of the entire biological system. Viscosity of body fluids, solubility of gases in body fluids, specific heat of tissues, diffusion coefficients, and electrical conductivity of tissues are examples of parameters which depend on temperature. These changes can also be observed when the temperature of the body is raised due to physical effort.

We know about the impact of these factors on the functioning of the human body from theoretical analyses, as well as from laboratory experiments. Despite the huge number of studies on the subject, it is even difficult to show whether an increase in temperature caused by exposure to an electromagnetic field with strength typical of telecommunications applications has any significant effects on the human body. Most likely, small (up to 2-3°C) local temperature increases caused by exposure to the EMF are compensated in the body by thermoregulation mechanisms. These are values that only slightly exceed the physiological body temperature fluctuations: the changes in body temperature are much greater during a daily bath.

Non-thermal effects

Purely hypothetically, the EMF can cause a whole range of effects, even with slight temperature increases. In order to clearly define a given effect as thermal or non-thermal, a limit value of temperature increase (ΔT) should be specified, below which the effect is classified as non-thermal. Normally, it is assumed that $\Delta T = 1°C$.

It should be strongly emphasized that the frequency range of EM radiation considered in this book is characterized by too low energy of photons to cause ionization or destruction of chemical bonds. As we remember, the energy of the photons of radiation used in telecommunication is on the level of 10^{-6} eV, i.e. one million electronvolts. For comparison: the energy of a typical chemical bond is on the level several eV. For example, in order to break the O-H bond, which is present for example in a water molecule, one needs to supply around 5.15 eV. Even the energy of much weaker bonds, so-called van der Waals bonds, which help to maintain the shape of large particles present in living cells (biomolecules), e.g. proteins, is equal to 0.08-0.4 eV.

Chemical molecules can also be stimulated in a more subtle way, without destroying their bonds, by inducing them to vibrate or rotate. However, this is unlikely to be the case for radio-frequency EMF. To induce the rotational states of a two-atom molecule, EM radiation with the frequency higher than 30 GHz must be used. In order to induce vibrations of two-atom molecules, the energy of 0.04 eV (IR range) is required. Typical vibration frequencies in a system with hydrogen bonds are on the level of 300 GHz, two orders of magnitude greater than the EMF range under consideration. The numbers provided clearly prove that the EMF in the frequency range specified above, due to too low energy of photons, is not able to cause changes in the structure or excitation of biomolecules.

Thus, if non-thermal interaction of the EMF with biological systems exists, it can only consist in

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Myth:

Radiation associated with mobile phones is as dangerous as that associated with radioactivity

The basic difference between the electromagnetic radiation used in mobile telephony and the radiation emitted by radioisotopes or produced in an X-ray tube lies in the energy of photons. In the former case, it is in the range of $2 \cdot 10^{-6} – 2 \cdot 10^{-5}$ eV, while in the latter case it is billions of times higher (X-ray tube: 20-160 keV; ^{60}Co isotope used in radiotherapy: 1.17 MeV and 1,33 MeV). Consequently, the radiation of a telephone is very strongly absorbed by the surface layers of the human body, while the radiation associated with radioactivity penetrates into the body without any obstacles. Once it enters the human body, the radiation produced by a telephone can only cause thermal effects (slight heating of tissues) because the photon energy is too low to excite or destroy biomolecules. Radiation associated with radioactivity (ionizing radiation) is characterized by sufficient energy of photons to destroy the structure of biomolecules (e.g. to break both DNA strands), which causes many negative effects in the body.

occurrence of complex effects. Their proposals were created based on theoretical considerations or laboratory experiments. The list of possible complex effects was finalized around ten years ago[3]. Since then, no recognized evidence for their existence has been presented, although the search for non-thermal effects that occur during interaction of the EMF with the human body is the subject of research conducted in many laboratories. Currently, research focuses on two types of issues. The first concerns potential medical effects, i.e. effects on the macro scale, which can be recognized by different diagnostic methods. These studies concern selected organs or certain aspects of the functioning of the entire biological system. The results are ambiguous, which automatically translates into different interpretations. For some authors, the results prove the harmful effects of the EMF on the human body, while others believe that the conclusions related to harmfulness of the EMF

3 A.R. Sheppard, M.L. Swicord, Q. Balzano. "Quantitative evaluations of mechanisms of radiofrequency interactions with biological molecules and processes." *Health Phys*. 2008; 95: 365–96.

are over-interpretations and that the issue requires further investigation[4]. The second type of research is experiments on animals, the results of which are extrapolated to the human body. This approach has obvious limitations, especially when small laboratory animals are used.

Conclusions

So far, no single universally accepted theory has been to describe the operation of the EMF with in the 0.5-5 GHz frequency range on the human body. The results of the experiments are interpreted on the basis of different biophysical models. It should be emphasized that this frequency range of the EMF is currently widely used in various fields of science and technology (telecommunications, radiolocation, satellite navigation, medicine, radio astronomy, and microwave heating). The effects caused in the human body are correlated with the power density of the EMF. The effects associated with high-power EMF applications occurring in microwave ovens are universally known. Locally acting high power densities of the EMF are used therapeutically in medicine, for example to destroy neoplastic lesions (*NanoKnife* technique).

It is known that the EMF induces thermal effects in the human body. The EMF power streams present in the environment generate additional energy sources in organisms that cause their temperature to rise. The energy transmitted by the EMF represents a small percentage of the energy generated in an organism as a result of the basic metabolic rate and it is difficult to believe that it can cause pathologies. In the human body there are thermoregulation mechanisms that function on a daily basis life by compensating for much bigger changes of temperature.

A separate, so far unsolved problem is that the EMF in the human body induces non-thermal effects, both short- and long-term. Interaction through physical processes is rather impossible – a single photon of a radio wave does not have enough energy to, for example, break the chemical bond. At the most, one can consider more subtle complex effects. However, the extensive literature on the subject does not provide a clear answer as to whether this kind of effects occur in the human body at all.

Any physico-chemical agent acting on the body, depending on the doses used (concentration, intensity, flux), can cause both negative and positive effects on the body (hormesis effect). An example is solar radiation. Too much of it causes pathological skin lesions. However, humans cannot exist in an environment devoid of this radiation. It is possible to determine a certain range of intensity of solar radiation that is optimal for the functioning of the human body. Most likely the hormesis effect also occurs for other EMF ranges.

The standards applicable in different countries, including, of course, Poland, are aimed at defining a safe range, also for the EMF used in telecommunication (see the articles in section III, from page 71 onwards).

4 Cf.: M.L. Pall. "Wi-Fi is an important threat to human health." *Environ Res*. 2018; 164: 405–16. T. Saliev, D. Begimbetova, A.R. Masoud, B. Matkarimov. "Biological effects of non-ionizing electromagnetic fields: Two sides of a coin." *Prog Biophys Mol Biol*. 2019; 141: 25–36.

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II.2

Impact of microwaves and radio-frequency waves on humans

Grzegorz Tatoń, Eugeniusz Rokita

Introduction

Research on the effects of electromagnetic radiation (EMF) on health is extremely difficult. The main reason for this is that, for ethical reasons, it is not possible to expose people to the tested agents in controlled conditions in the full power range and in the appropriate time scale. Even though one can imagine experiments with the participation of people in the case of high field strengths leading to the observation of thermal effects occurring almost immediately, testing of non-thermal effects is practically impossible in controlled conditions (the difference between thermal effects and non-thermal effects is described in article II.1. on page 50). The expected health effects of non-thermal interactions are subtle and if they really happen, they manifest themselves on a very long time scale. Keeping an investigated population in controlled conditions over a period of up to twenty years is impossible.

In this situation, conclusions about positive or negative impact of EMF can only be based on experiments on animals, on so-called cell cultures (isolated cells), or on population studies. Each of these solutions has limitations and significant shortcomings. In the case of experiments on animals, it is not obvious whether the results can be transferred directly to humans, due to significant differences between different organisms. The conclusions from research on cell cultures can also raise doubts due to the fact that cell behavior is different in culture conditions than in an organism. For example, cells in cultures are not secured by complex defense mechanisms. The results of population studies are burdened with errors related to the fact that it is not possible to reliably control EMF exposure in the surveyed population of people and to eliminate the impact of thousands of other environmental factors.

For these and other reasons, the results of research on the health effects of the EMF are in many cases contradictory. At this point in time, the negative or positive impact of the EMF on humans cannot be clearly confirmed and in the scientific community there are large differences in the conclusions drawn from results of research conducted in this field[1].

The primary source of the EMF with potential negative health effects on a significant part of the population are emissions associated with wireless telecommunications. During a phone call using a wireless or mobile phone, the head area is subject to the greatest exposure to the field. Many scientists study the possibility of harmful effects of the EMF on the central nervous system. A particularly vulnerable

1 S.A.R. Mortazavi, A. Tavakkoli-Golpayegani, M. Haghani, S.M.J. Mortazavi. "Looking at the other side of the coin: the search for possible biopositive cognitive effects of the exposure to 900 MHz GSM mobile phone radiofrequency radiation." *J. Environ. Heal. Sci. Eng*. 2014; 12: 75.

part of the body seems to be the brain, but also the auditory nerve and the optic nerve, the thyroid gland, the salivary glands, and the eyes.

Research is also being conducted on the influence of the EMF on other systems, tissues, and processes taking place in the human body, e.g. the cardiovascular, hematopoietic, immune, and reproductive systems. The effect of the EMF on the circadian rhythm, the healing processes, and the hormonal and gene balance is being analyzed. Scientific literature on this topic is very extensive and diverse. It is impossible to take into account all the postulated effects of electromagnetic fields in such a short document. For this reason, the document will briefly discuss the issues that seem to be most frequently addressed, i.e. cancer, electromagnetic hypersensitivity, impairment of nervous system functions, and threats to the reproductive system.

Before we discuss the potential negative health effects of microwaves and radio waves, it should be noted that electromagnetic fields of different frequencies are used for diagnostic and therapeutic purposes. The methods used are generally considered to be completely safe for the patient. The most commonly known example is magnetic resonance imaging, where the imaging is possible due to the use of radio-frequency electromagnetic waves. New diagnostic and therapeutic methods based on the EMF are constantly being tested and introduced. An example of diagnostic applications is microwave imaging of breast cancer and an example of therapeutic applications is support of treatment processes in bone diseases.

Cancer

Despite extensive epidemiological studies, there has been no evidence of increased risk of brain, head, or neck cancer due to increased exposure to EMF.

This is related to the above-mentioned difficulties in interpretation of research results[2], and the

2 IARC Working Group on the Evaluation of Carcinogenic Risks to Humans, World Health Organization, International Agency for Research on Cancer. "Non-ionizing radiation. Part 2, Radiofrequency electromagnetic fields."

Selected organizations dealing with the impact of the EMF on human health

WHO – World Health Organization
A specialized agency of the United Nations responsible for international public health. One of the problems that the WHO works on is the impact of environmental factors on human health, including the impact of the EMF.

IARC – International Agency for Research on Cancer
An agency of the WHO that coordinates international cancer research. The IARC deals, among other things, with the classification of environmental factors according to the likelihood of their carcinogenic effect on humans. The IARC has classified the EMF in the radio frequency range as a possible carcinogen, but scientific evidence of their carcinogenic nature was not considered sufficient.

ICNIRP – International Commission on Non-Ionizing Radiation Protection
The ICNIRP is an organization of independent scientists dedicated to the study of the possible effects on human health caused by exposure to non-ionizing radiation. The activities of the ICNIRP includes issuing of recommendations suggesting EMF strength levels that ensure safe use of technologies based on EMF applications.

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Myth:

The IARC has identified radio-frequency radiation as a carcinogenic agent

"In 2011, the IARC classified the radio-frequency electromagnetic field to Group 2B of carcinogens." This statement appears very often in scientific publications, but also in mass media and is presented to the public without any explanation or comments. This leads to a lot of misunderstanding and causes unnecessary anxiety. For people without professional knowledge, the message seems obvious: "The EMF causes cancer." But it is not that simple.

Let us start by listing other, better-known agents, also classified by the IARC to group 2B. There are currently 311 such factors and they include aloe vera leaves extract, coffee acid, chloroform, diesel oil, implanted foreign bodies containing metallic nickel (e.g. earrings), naphthalene, pickled vegetables, and talcum-based body powder. Everyone has dealt or is dealing with most of these agents on a daily basis.

Let us briefly explain what the IARC classification of carcinogens is. These agents were divided into five groups:

- group 1: carcinogenic to humans;
- group 2A: probably carcinogenic to humans;
- group 2B: possibly carcinogenic to humans;
- group 3: not classifiable as to its carcinogenicity to humans; and
- group 4: probably non-carcinogenic to humans.

The misunderstanding results from the difficulty in translating the two English words used in the definitions of group 2A and 2B. It can be assumed that in English "possibly" means rather low likelihood, while "probably" means rather high likelihood. The definition of group 2B could therefore be translated differently: "group 2B: agents that are unlikely to be carcinogenic." The specific definition of group 2B is the following: "Category 2B – This category is used for agents for which there is limited evidence of carcinogenicity in humans and less than sufficient evidence of carcinogenicity in experimental animals […] An agent may be classified in this category solely on the basis of strong evidence from mechanistic and other relevant data[3]. "Mechanistic relevant data" are data that result directly from the laws of basic sciences, such as physics, chemistry, biology, etc. In short, the carcinogenic effect of the EMF cannot be ***excluded*** due to basic laws of physics, chemistry, and biology (because we do not know all laws governing the world), but there is no convincing scientific evidence confirming an ***actual*** carcinogenic nature of this radiation.

relationship between thyroid cancer and exposure to the EMF is a great example of how crucial is the elimination of relevant environmental factors other than the EMF. Researchers have analyzed the increase in thyroid cancer incidence in the years 1970-2013 in Sweden. In the analyzed period, the exposure to the EMF has increased significantly as did the incidence of thyroid cancer. However, such a statistical link (correlation) does not mean that there is a causal link. As it turns out, exposure to ionizing radiation has also increased significantly in the same period. This happened because of the higher availability of diagnostic methods utilizing ionizing radiation (e.g. computed tomography and dental radiography). It is common knowledge that the incidence of thyroid cancer is closely related to exposure to ionizing radiation.

3 Ibid.

There is one more, quite unintuitive effect that must be taken into account. Interestingly, the higher incidence of diseases may result from technological progress in medicine.On the one hand, an improvement in the quality of healthcare leads to an increase in average life expectancy – most cancers occur in elderly people. On the other hand, however, more effective diagnostics means that these diseases are simply diagnosed more frequently. In the past, people would die for unknown reasons and today the majority of deaths can be attributed to specific diseases, e.g. thyroid cancer. Unfortunately, there is no easy way to estimate the significance of such factors.

In recent years, numerous experiments have been conducted to provide evidence for the carcinogenic nature of exposure to the EMF. Particularly high hopes for an unambiguous answer were put in two large-scale long-term experiments. Although they do not directly concern effects in humans, as they were carried out on animals, they are worth mentioning here.

One of the projects involved an experiment on the long-term effect of exposure to the EMF on rats, which has been conducted since 2005 by the Bernadino Ramazzini Institute[4]. A second project is the study of the effect of radiation emitted by mobile telephony devices, also using animal models (mice and rats), conducted under the U.S. National Toxicology Program (NTP). The NTP is a program intended to identify environmental threats to human health. In 2016, a preliminary report on the course and the results of the NTP project was published.

Both experiments involved very numerous groups of animals (Ramazzini – about 2,500, NTP – about 360). The tests were performed with electromagnetic radiation with the frequencies used in mobile telecommunication. The highest power densities used exceeded those that are used in practice and can be encountered in the environment. Animals were exposed to the field for a significant part of the day (Ramazzini – 19 hours, NTP – 18 hours) and throughout their whole lives, starting from conception. The morbidity of the animals exposed to the radiation with regard to cancer was analyzed and the results were compared with control groups. In both experiments, the researchers observed an increase in the frequency of some rare neoplastic lesions, Schwann cell tumor of the heart and brain glioma.

Unfortunately, in the case of both research projects, the results and especially their interpretation may raise some doubts. For example, in the experiments, no cases of the analyzed types of cancer were often observed in the control groups (although the historical data available to the Ramazzini Institute and to the NTP indicated that they were to be expected). Consequently, even a small proportion of diseases in the groups exposed to the field, compared to the control group, where there were no cases at all, constitutes a significant increase. Also, in some cases, in the group exposed to a strong field there was lower morbidity than in the control group. Moreover, in the NTP experiment, the control group has a lower survival rate than the group of animals exposed to the field, which may suggest that the field increases the average life expectancy. The authors are aware of the fact that their results are not very convincing, but conclude that their evidence should lead the IARC to verify the classification of EMF.

Critical evaluation of the results of both experiments will most probably not lead to a change in the assignment of the EMF to a different group of carcinogens than now. This is the position of the ICNIRP expressed in the document published in 2018[5]. The document contains a detailed explanation as to why the results of the research by the NTP and the Ramazzini Institute cannot be used as a basis for revising the recommendations concerning the exposure limit values for electromagnetic radiation in the radio frequency range. Numerous methodological errors made in both studies were indicated and attention was brought to the inconsistency in the results obtained by both groups.

4 "ICNIRP Note on Recent Animal Carcinogenesis Studies," Munich, Germany. 2018; September: 1–8.

5 Ibid.

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Results of some research may suggest that exposure to the EMF increases the risk of cancers and, in combination with exposure to other known carcinogens, accelerates their growth. It cannot be excluded that it is the thermal effects that in this case are the main or sole biological mechanism. Since no mechanisms of direct, non-thermal impact of the EMF on the development of cancer are known and confirmed, this relationship can be put in question[6]. As a result, the WHO is of the opinion that, in the case of mechanisms of the impact of the EMF on humans, all health effects associated with it, including cancer, are a consequence of temperature increase. Since the mechanisms of the thermal impact are known and their effects are easily measurable, they can be used as a basis for the determination of safe standards for EMF strength levels.

Electromagnetic hypersensitivity

Electromagnetic hypersensitivity (EHS, sometimes also referred to as "electrosensitivity") is considered to be an idiopathic condition, i.e. one whose causes are unknown and which is caused by undefined factors. EHS is associated with a whole range of non-specific symptoms that are sometimes difficult to assess objectively, e.g. increased fatigue, weakness, headache, tinnitus, insomnia, memory disorders, pain in various parts of the body, heart dysfunctions, feelings of warmth, nausea, dizziness, etc.[7] People reporting symptoms related to the impact of electromagnetic field are often referred to in the professional literature as "persons self-describing as hypersensitive."[8].

Many publications have shown no correlation between symptoms reported by hypersensitive persons and actual exposure to electromagnetic fields[9].

There are no undeniably proven mechanisms of direct, non-thermal impact of microwaves on the development of cancer.

For example, in one research,[10] it was found that the occurrence of symptoms associated with EHS in mobile phone users is not more frequent. It appears that knowledge of the subjects about the use of the field influences the results of such studies. For this reason, in provocation tests (in which the reaction of the subjects to the EMF is checked), the double-blind test method should be used.

In this research method, neither the participant nor the person conducting the experiment knows whether the investigated factor has been applied or not. As a result, there is no element of autosuggestion (i.e. a situation where the participant expects negative effects, which by itself can cause them) or suggestions from the person conducting the experiment (even if the participant does not know whether in a given case the EMF is present or not, the person conducting the experiment can – intentionally or not – pass this information to the participant).

This method seems particularly important for research on the EHS. A kind of summary of this problem is the so-called meta-analysis of seventeen studies on the health effects of the electromagnetic field emitted by mobile base stations[11]. The differences between the results of the studies performed using the double-blind method and the results of the studies where the participants were informed about the presence of a field were analyzed. When

6 A. Schoeni, K. Roser, M. Röösli. "Symptoms and the use of wireless communication devices: A prospective cohort study in Swiss adolescents." *Environ. Res.* 2017; 154: 275–283.

7 M.J. Gruber, E. Palmquist, S. Nordin. "Characteristics of perceived electromagnetic hypersensitivity in the general population." *Scand. J. Psychol.* 2018; 59(4): 422–427.

8 Mortazavi et al., op. cit.; Gruber et al., op. cit.

9 Mortazavi et al., op. cit.; C. Boehmert, A. Verrender, M. Pauli, P. Wiedemann. "Does precautionary information about electromagnetic fields trigger nocebo responses? An experimental risk communication study." *Environ. Heal. A Glob. Access Sci. Source.* 2018; 17(1): 1–15; A. Klaps, I. Ponocny, R. Winker, M. Kundi, F. Auersperg, A. Barth. "Mobile phone base stations and well-being – A meta-analysis." *Sci. Total Environ.* 2016; 544: 24–30.

10 Mortazavi et al., op. cit.

11 Klaps et al., op. cit.

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In the case of experiments on animals, it is not obvious, due to significant differences between different organisms, whether the results can be transferred directly to humans.

the participants knew they were exposed to the EMF, the symptoms appeared more often, but when the samples were double-blind, there was no connection between the EMF exposure and the symptoms. In short, the negative effects on their well-being were more likely to appear when the participants expected them and not when the participants were actually exposed to the EMF. This suggests that at least some of the observed effects can be explained by psychological factors but, at the same time, it puts in question the real physical impact of the EMF on the well-being of the participants.

An extensive epidemiological study on the EHS, completed in 2015, covered nearly 6,000 participants[12]. The purpose of the project was to determine the relationship between exposure to electromagnetic fields, the quality of sleep and the EHS. An analysis of the data of hypersensitive patients contained in their official medical records showed no significant correlation between exposure and observed health effects. The results suggest that occurrence of EHS depends on the perception of the risk of exposure to the EMF. It was also shown that the exposure perceived by the participants had nothing to do with the actual exposure: the participants could not realistically assess the strength of the EMF in their place of residence. This clearly suggests the involement of psychological factors in the case of the EHS. Such conclusions are consistent with the image based on a review of the literature. There seems to be no relationship between the subjectively determined well-being and the exposure to the EMF, whether or not the subjects consider themselves affected by the EHS. Furthermore, there is no confirmation that electrosensitive people are able to feel the presence of the electromagnetic field.

Efforts are being made to investigate how common the EHS is. The scale of this phenomenon can be determined on the basis of experience of healthcare professionals who are in contact in their work with hypersensitive persons. It is estimated that 68-75% of such people in Europe have encountered patients who associate their symptoms with the impact of the EMF. For example, the results of surveys carried out among Dutch hygienists and doctors indicated that about 1 in 3 had dealt with the EHS in their work. Many of the respondents believed to some extent that there was a cause and effect relationship between the symptoms reported by patients and their exposure to the electromagnetic field and for this reason they sometimes recommended exposure reduction to the patient. Consequently, sometimes patients hear from their doctors that the electromagnetic field can actually be responsible for their condition.

Population studies make it possible to determine the prevalence of EHS, but also to define the profile of electrosensitive people[13]. People who complain about EHS are most often middle-aged women who describe their health as not being the best. Electrosensitivity is usually a consequence of a single exposure to a field with high power density or of long-term exposure. Such conclusions were drawn after conducting randomly selected surveys of people: 91 out of 3,341 respondents described themselves as electrosensitive. This may suggest that about 3% of the population associates deteriorated well-being with the impact of the EMF.

In the absence of reliable evidence of non-thermal effects of the EMF at the physical level, it

12 C. Baliatsas, J. Bolte, J. Yzermans, G. Kelfkens, M. Hooiveld, E. Lebret, I. van Kamp. "Actual and perceived exposure to electromagnetic fields and non-specific physical symptoms: an epidemiological study based on self-reported data and electronic medical records." *Int. J. Hyg. Environ. Health*. 2015; 218(3): 331–44.

13 Gruber et al., op. cit.

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appears that biological effects are not to be expected either. However, the human body is such a complex system that biological effects can occur without the presence of a physical stimulus. The placebo and nocebo effects are well-known and broadly described in medicine. They are based on the fact that a suggestion of a positive (placebo) or negative (nocebo) influence of a physicochemical factor through the influence on the psyche can cause health effects.

The nocebo effect is one of the suggested hypotheses explaining the impact of the electromagnetic field on humans. If the nocebo effect that is responsible for the occurrence of, among others, the EHS, it is easy to come to the conclusion that an appropriate and reliable way of informing about the hazards associated with exposure to the field, or lack thereof, is the key to the fight against this disease. On the other hand, providing incorrect information and maintaining a sense of hazard can cause specific health damages in many people.

Research on the nocebo effect in the context of the EMF shows that even the recommendations for caution in use of wireless communication devices (often enforced by regulations) can inspire in an average person the belief that it is dangerous to use this type of technology. It has been shown, for example, that the number and intensity of observed symptoms are more closely related to the parameters that describe the use of a mobile phone (e.g. number of sent and SMS text messages) than to the actual measured exposure to the field emited by these devices[14]. In other words, the symptoms of electrosensitivity have more to do with the subjective belief about the intensity of use of a mobile phone than with the actual strength of the EM radiation. This study shows that there is no connection between the symptoms and the real exposure – the very feeling of threat causes the problem.

This is confirmed by the results published by Dutch scientists who, in addition to the impact of the EMF, considered other harmful environmental factors.[15] When the factor is easy to observe – like air pollution and noise – the participants of the study assessed the actual exposure much better. The negative symptoms in the participants had a closer relationship to actual air pollution and noise – while there was no such relationship in the case of the impact of the EMF, which, as you know, we are not able to register with our senses.

Impact on the nervous system

In addition to the risk of cancer of the nervous system caused by exposure to the EMF, there is a wide range of nervous system disorders that are attributed to the impact of this type of waves. These include sleep disorders and insomnia, headaches, depression symptoms and depression, fatigue, sensory disturbance, attention deficit, cognitive function and memory disorders, irritability and hyperactivity, loss of appetite, anxiety, fear, nausea, dizziness, skin itching, and changes in EEG results. Except for the last of the listed symptoms, most of them are subjective and coincide with the non-specific symptoms also reported by people with the EHS.

The brain is especially intensively investigated for this purpose for at least two reasons. First, the mobile phone is held during a call at the head and, consequently, the thermal effects will, of course, be present in this part of the body. Second, there are several hypotheses about non-thermal effects, which could be of great importance in the case of the brain. Potential adverse effects on the central nervous system may be associated with increased permeability of the blood-brain barrier, loss of neurons and glial cells, and disturbances in the functioning of neurotransmitters[16]. However, this has not been confirmed.

One of the most frequently postulated biochemical mechanisms of the impact of the EMF on

14 Schoeni et al., op. cit.

15 A.L. Martens, M. Reedijk, T. Smid, A. Huss, D. Timmermans, M. Strak, W. Swart, V. Lenters, H. Kromhout, R. Verheij, P. Slottje, R.C.H. Vermeulen. "Modeled and perceived RF-EMF, noise and air pollution and symptoms in a population cohort. Is perception key in predicting symptoms?" *Sci. Total Environ.* 2018; 639: 75–83.

16 Mortazavi et al., op. cit.; B.Z. Altunkaynak, G. Altun, A. Yahyazadeh, A.A. Kaplan, O.G. Deniz, A.P. Türkmen, M.E. Önger, S. Kaplan. "Different methods for evaluating the effects of microwave radiation exposure on the nervous system." *J. Chem. Neuroanat.* 2015; 75: 62–69.

the human body is oxidative stress. This mechanism is described mainly in relation to the central nervous system, because it can lead to neurodegeneration[17]. If the EMF was really associated with the occurrence of oxidative shock, this would be a strong argument for the relationship between exposure and the risk of developing severe central nervous system disorders, such as cancer, Alzheimer's disease, and Parkinson's disease[18]. No evidence of this has been found so far.

The second most frequently postulated mechanism of impact of the electromagnetic field on the body is the disturbance in functioning of the calcium channels. These channels are located in cellular membranes and make it possible to maintain ionic balance in cells. Another element related to the functioning of the nervous system is synapses. It is believed that learning and memory impairment can be caused by a disorder in the functioning of synapses. Results of research have been published, in which such effects were found after exposure to the electromagnetic field[19]. However, many scientists put them in question.

As with other aspects of the health impact of the EMF, in the case of the nervous system, the results of the studies are also contradictory. Two groups of Korean scientists conducted research on the impact of a field from the frequency ranges used in mobile telephony on mice[20]. While many negative effects were observed in one project, no such effects were found in the other. One group described the hyperactivity of the examined animals and the other did not find any behavioral or memory disorders and even suggested a beneficial field effect of the field in some neurodegenerative diseases.

The symptoms of electrosensitivity have more to do with the subjective belief about the intensity of use of a mobile phone than with the actual strength of the radiation. It is the very sense of threat that causes ailments.

Impact on the reproductive system

The reproductive system is very sensitive to environmental factors, and the consequences of its malfunction may have an adverse effect on fertility. Because, due to changes in the design and functionality of mobile devices, they are worn near the body for many hours a day and, furthermore, they fit in trouser pockets, the exposure of the gonads has increased significantly. For this reason, the question concerning potential problems with fertility that may be associated with impact of the EMF is most justified.

The best summary of the research on the impact of EMF on the reproductive system is provided by two meta-analyses of available reports on its impact on sperm quality[21]. It was found that exposure to the field emitted by a mobile phone has a negative impact on sperm motility and life span, but does not decrease their number[22], but the authors link the observed decrease in semen quality

17 Ibid.

18 Mortazavi et al., op. cit.

19 Altunkaynak et al, op. cit.

20 J.H. Kim, D.H. Yu, Y.H. Huh, E.H. Lee, H.G. Kim, H.R. Kim. "Long-term exposure to 835 MHz RF-EMF induces hyperactivity, autophagy and demyelination in the cortical neurons of mice." *Sci. Rep.* 2017; 7: 1–12; Y. Son, Y.J. Jeong, J.H. Kwon, H. Do Choi, J.K. Pack, N. Kim, Y.S. Lee, H.J. Lee. "1950 MHz radiofrequency electromagnetic fields do not aggravate memory deficits in 5xFAD mice." *Bioelectromagnetics*. 2016; 37(6): 391–399.

21 J.A. Adams, T.S. Galloway, D. Mondal, S.C. Esteves, F. Mathews. "Effect of mobile telephones on sperm quality: A systematic review and meta-analysis." *Environ. Int.* 2014; 70: 106–112; K. Liu, Y. Li, G. Zhang, J. Liu, J. Cao, L. Ao, S. Zhang. "Association between mobile phone use and semen quality: A systemic review and meta-analysis." *Andrology*. 2014; 2(4): 491–501.

22 Adams et al., op. cit.

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with an increase in the temperature of the testicles. The researchers believe, however, that the increase in temperature is caused by a heating telephone and does not result from the direct effect of the EMF on tissues.

Conclusions

As this chapter indicates, there are large differences of opinion in the scientific community about the impact of the EMF on the human body. In many cases, the available research results are contradictory. The negative impact of exposure to this type of radiation on the human body cannot be clearly confirmed.

Considering the potential risk of negative impact of the EMF, it would seem reasonable to formulate a principle similar to the ALARA principle, which is used in the case of ionizing radiation. The ALARA (*As Low As Reasonably Achievable*) principle states that unnecessary exposure should be avoided. This is easy in the case of ionizing radiation, because there are not too many artificial sources of such radiation in the environment. In the case of electromagnetic radiation, it would require switching off all its sources, that is practically all electrical communication devices. which is obviously impossible, if not absurd.

It is therefore necessary to determine the civilization costs, but also the health costs of such an operation compared to the risk, which is not fully confirmed, as is the case with ionizing radiation.

Moreover, one must also consider the fact that sometimes even scientific publications present biased interpretation of the results or results of experiments carried out using inappropriate methodology. Based on biased works, it is possible to prove the negative effects of radio waves on the human body, which, combined with the low level of knowledge of the general public about such effects, may lead to serious and negative consequences to the public.

KEY AREAS OF HEALTH EFFECTS OF MICROWAVES AND RADIO WAVES

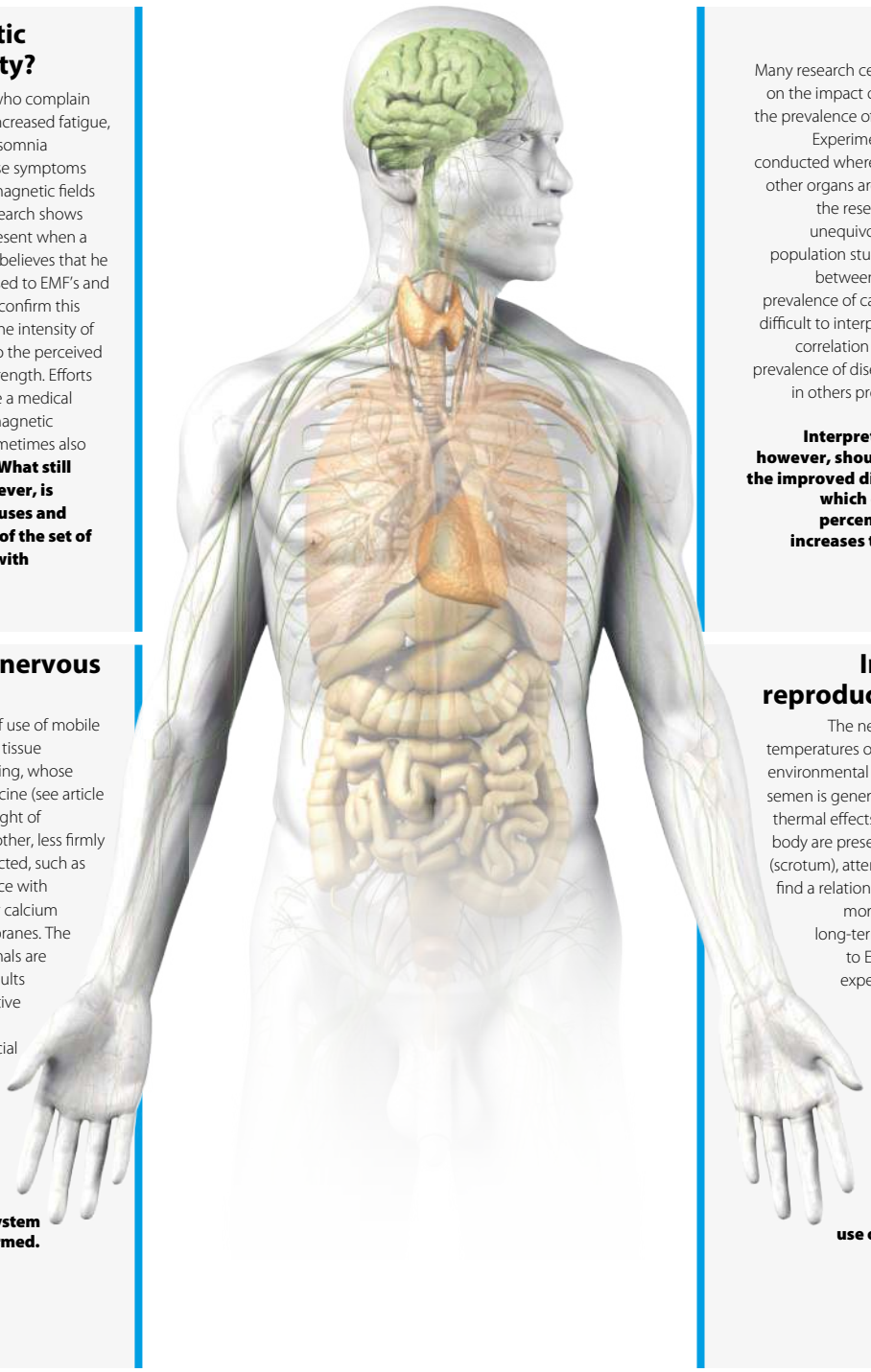
Electromagnetic radiation interacts with the human body in various ways, depending on the radiation wavelength. In the case or radio waves and microwaves, the effects are mostly thermal or, in simpler terms, an increase in the temperature at the surface of the body. There are discussions about other forms of interaction but science has not found any convincing evidence of their presence.

Electromagnetic hypersensitivity?

A few percent of people who complain about such problems as increased fatigue, headache, tinnitus, and insomnia associate presence of those symptoms with the effect of electromagnetic fields (EMF) on their bodies. Research shows that the symptoms are present when a given person subjectively believes that he or she is particularly exposed to EMF's and not when measurements confirm this exposure: consequently, the intensity of the symptoms is related to the perceived and not the actual field strength. Efforts have been made to define a medical condition called "electromagnetic hypersensitivity" (EHS), sometimes also called "electrosensitivity." **What still needs to be done, however, is identification of the causes and precise determination of the set of symptoms associated with electrosensitivity.**

Impact on the nervous system?

The most obvious effect of use of mobile phones is local increase of tissue temperature. Besides heating, whose effects are known to medicine (see article II.2 and the blocks to the right of infographic), presence of other, less firmly confirmed effects is suspected, such as oxidative stress, interference with functioning of synapses or calcium channels in neuron membranes. The results of research on animals are unclear: some research results confirm presence of negative effects while others demonstrate quite beneficial effects of fields in some neurodegenerative diseases.
Based on available research results, the effect of electromagnetic fields on the nervous system cannot be clearly confirmed.



Cancer?

Many research centers conduct research on the impact of mobile phone use on the prevalence of head and neck cancer. Experiments on animals are also conducted where the effects of EMFs on other organs are studied. The results of the research on animals are not unequivocal. On the other hand, population studies on the relationship between exposure to EMFs and prevalence of cancer in people are very difficult to interpret: in some studies, no correlation between exposure and prevalence of diseases is observed, while in others prevalence increases with exposure.
Interpretation of the results, however, should take into account the improved diagnostics of cancer, which does not change the percentage of patients but increases the detection rate of diseases.

Impact on the reproductive system?

The negative impact of higher temperatures of the testicles and many environmental factors on the quality of semen is generally known. Because the thermal effects of EMFs on the human body are present mostly at the surface (scrotum), attempts are being made to find a relationship between disturbed morphology of sperms with long-term exposure of the body to EMFs. The results of both experiments on animals and tests of human semen are not unambiguous.
We cannot definitively state that decreased motility and vitality of sperm are due to sedentary lifestyle, wearing tight clothes, frequent hot baths, use of sauna, or exposure to EMF.

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III. *Standards and measurements*

Introduction

- Safety standards protect the health of citizens and reduce the natural fears associated with unknown technologies.
- The first regulations concerning the limitation of exposure to electromagnetic fields were adopted during the Cold War. The Eastern Bloc countries had stricter rules than the West.
- The regulations in force in Poland hinder the performance of projects consisting in the construction of base stations and their operation.

    - Every device powered by electricity generates an electromagnetic field, whether it is a desired effect (like in the case of e.g. a mobile phone) or completely a side effect (like in the case of e.g. a vacuum cleaner). The development of devices that generate an artificial electromagnetic field is accompanied by the development of laws aimed to protect people and the environment against this field.
    - The recommended exposure limit values for electromagnetic fields were adopted based on scientific research and contain a very wide safety margin.
    - The relevant Polish laws are more restrictive than laws of other EU countries.

- The applicable laws precisely regulate the type, the locations, and the methods of measurement of the level of electromagnetic field in the environment.
- In Poland, measurements of electromagnetic field levels are performed by accredited laboratories.
- Alternative measurement methods, including simulated field distribution analyses, may be of auxiliary nature.

    - General public exposure to the electromagnetic field in Poland is kept on a low level.
    - Measurement results are collected and made available in various locations, forms, and modes.
    - The SI2PEM system, which is being prepared, will enable collection, processing, and making available relevant data on electromagnetic field levels nationwide.

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III.1

Standards and safety

Grzegorz Czwordon

A standard – in the context of technical regulations, which is important in this case – is a document that describes the verified state of technical and scientific knowledge, is intended for use on a voluntary basis, and serves to facilitate and simplify the flow of goods and services between markets. It may also form the basis for an agreement between the economy, the governmental, and the public as to meeting of certain safety and quality conditions for products and services. Standards are the quintessence of knowledge of the members of standardization committees who are experts in their respective fields. On the national level, the term **standard** has two different meanings. It can mean either a certain quality level or a normative document.

Standards are a part of everyday life in today's society, but many people are not even aware of their existence. The houses that we live in, the cars that we drive, and the devices that we use are built according to specific standards, so that they work correctly and are safe to use.

A good example of products made according to a certain standard are electrical appliances. We buy a new device and we simply expect it to work properly once we plug in into the power socket. Similarly, in the case of mobile phones or wireless networks, we expect that the phone will work wherever we are and we do not think about how it works.

In terms of safety, standards in most situations function "quietly," as if in the background, but are based on many years of research and development. Safety and security are relative and depend on changing circumstances – like the whole world around us. This concept applies to many spheres of public life. These include security of the state, national security, external security, internal security, public security, universal safety and security, safety of people, security of property, security of public order, and also security associated with civil defense, extraordinary threats to the environment, fire protection, and working environment, as well as crises and crisis management[1].

Wireless technology is no exception in this regard – for many decades, research conducted worldwide has contributed to the development of standards that guarantee the required, ever-increasing level of safety for users. Freedom from threats, defined as a state of functioning of humans in the world around them, does not actually mean their complete absence, but rather their acceptable level. This also applies to the interaction of the electromagnetic field and its fixed general public limits. Therefore, in order to understand the next chapters of this block, it turns out to be important to first explain what safety actually is.

It should be noted that all people want to feel safe. As indicated, e.g. by Abraham Maslow, the need for safety is one of the most fundamental needs of every human being[2]. Generally, it should

1 P. Tyrała. "Zarządzanie kryzysowe" [Crisis management]. Wydawnictwo Adam Marszałek, Toruń 2006.

2 A. Wadeley, A. Brich, T. Malim. "Wprowadzenie do psychologii" [Introduction to psychology]. PWN, Warsaw 2000.

be understood as a condition that ensures protection of life, health, property, and other values against unlawful activities and protection of the principles of social coexistence and relationships governed by legal norms[3]. On the other hand, pragmatically, the state of safety is defined by established safety standards adopted by the society that are adequate given the level of technological and cultural development and the objective constraints of the environment[4].

Two worlds: ensuring safety with regard to radio-frequency electromagnetic fields – historical background

The development of radio technology is very much connected to World War II and the widespread use of radar technology by the military. Consequently, as late as in the 1950's and the 1960's, the first research in bioelectromagnetics was conducted by both the American military and Soviet scientists. In the 1950s, restrictions were first recommended and applied to the exposure of people, mainly in workplaces, to electromagnetic fields. For example, in the United States, many organizations have recommended and adopted limits on the power density in the range of 1 to 1,000 W/m^2. The first value was assumed to be safe in all conditions, while exposure to radiation above the latter value was assumed to be dangerous. When the results of new research appeared, the widely differing limit values began to be reduced to a single value of 100 W/m^2 for continuous exposure of the entire body. For the first time these values were recommended by the U.S. Department of the Navy in 1953 and were based on a simple thermal model that referred to the phenomenon of clouding of the eye's lens as a result of an increase in body temperature, but supported by experimental data. This data indicated that the threshold for lens clouding was higher than 1,000 W/m^2.[5]

The first draft of formal standards was initiated in 1960, when the American Standards Association (currently American National Standards Institute – ANSI) approved the draft safety standards for radio-frequency electromagnetic fields. This project involved the creation of the C95 Committee, whose task was to develop these standards by reaching an open consensus. The Committee published the first standard in 1966[6], followed by revisions in 1974[7] and 1982.[8] The most recent revision of the standard concerned a single-level reduction in exposure for the general public and employees. In 1988, the C95 Committee continued its work as the Standards Coordinating Committee 28 (SCC28) under the auspices of the Standards Council of the Institute of Electrical and Electronics Engineers (IEEE). The IEEE C95.1-1991 standard issued in 1999[9] contained more realistic averaging of time at millimeter wave frequencies and limits on induced current to exclude the possibility of skin burns at short exposures and the occurrence of induced contact. Unlike many contemporary standards and guidelines, this standard contains specific principles of implementation and formal procedures of response to requests for intervention.

3 R. Jakubczak (ed.). "Ochrona narodowa w tworzeniu bezpieczeństwa III RP" [National protection in the formation of the security of the 3rd Polish Republic]. Bellona, Warsaw 2003.

4 A. Czupryński, B. Wiśniewski, J. Zboina (ed.). "Bezpieczeństwo. Teoria – Badania – Praktyka" [Security. Theory – Research – Practice]. Wydawnictwo Centrum Naukowo-Badawczego Ochrony Przeciwpożarowej im. Józefa Tuliszkowskiego Państwowego Instytutu Badawczego, 2015.

5 W.W. Mumford. "Some technical aspects of microwave radiation hazards." *Proceedings of the IRE*. 1961; 49(2): 427-447.

6 American Standards Association. "Safety levels of electromagnetic radiation with respect to personnel. USASI standard C95.1-1966." 1966.

7 American National Standards Institute. "Safety levels of electromagnetic radiation with respect to personnel. ANSI standard C95.1-1974." 1974.

8 American National Standards Institute. "Safety levels of electromagnetic radiation with respect to human exposure to radio frequency electromagnetic fields, 300 kHz to 300 GHz. ANSI standard C95.1-1982." 1982.

9 Institute of Electronics and Electrical Engineers. "IEEE Standard for safety levels with respect to human exposure to radio frequency electromagnetic fields, 3 kHz to 300 GHz. IEEE Std. C95.1-1991" (1999 Edition). 1999.

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During the Cold War, Russians and other countries of the Eastern Block introduced strict safety standards, which they considered at that time to be justified from the geopolitical standpoint. The first standards concerned workers' exposure to radio-frequency electromagnetic fields and were introduced in the Soviet Union in 1958. Western scientists strongly criticized the first Soviet research both for philosophical reasons and for strictly factual reasons, such as the lack of proper reporting of measurement methodologies and access to data, defective statistical analysis, inadequate control (supervision of the research), and largely subjective interpretation of the results obtained. The Soviet standard was also a constant source of controversy and even became the subject of discussion in the US Congress when the first legislation on potential hazards associated with radio-frequency electromagnetic fields was drafted[10].

Standards for exposure of the general public were adopted much later. Since the 1950s, such institutions as the Ministry of Health, the Military Medical Academy, and the Institute of Aviation and Space in Moscow financed research on the impact of the electromagnetic field on human health. It was the results of this research that formed the scientific basis for the development of the first universal safety standard published in 1978.[11] Unfortunately, for geopolitical reasons, only few studies that formed the basis of the Soviet and Russian standards were published outside of the USSR.

The general approach to protection of the public against the negative effects of electromagnetic fields in the countries of the Soviet bloc assumed that citizens should not be exposed to any physiological changes (thermal or non-thermal) induced by exposure to this field, even if it is not scientifically demonstrated that it is harmful to health. Consequently, the final electromagnetic field limits were set as a certain fraction of the minimum exposure to a radio-frequency electromagnetic field that can cause physiological (adaptive-compensatory) reactions in humans[12].

The authorities of most countries want to know what health effects they protecting their citizens against and do not make *ad hoc* assumptions about the effects. This is also the philosophy of the International Commission for Non-Ionizing Radiation Protection (ICNIRP) and the IEEE Committees. On the other hand, in various agencies of the former USSR, special internal studies were conducted for many years based on the methodological recommendations adopted in 1981 by the Ministry of Health of the Ukrainian SSR[13] for assessment of the biological effects of low-intensity microwave radiation for standards in the environment. They become the basis for developing standards. When evaluating these studies, however, one should keep in mind that they were carried out about 30-50 years ago (at the present rate of scientific progress, this is a very long time), when many issues concerning e.g. the human immune system were not yet known, and modern laboratory techniques and standards of high quality research were not available. What was also problematic was that each study conducted on animals involved a small population of specimens who differed in terms of various physical characteristics and living conditions.

Furthermore, the lack of raw data prevented an objective evaluation of the results and correct elaboration of the findings. In the period when the research was carried out, i.e. during the Cold War, the exchange of scientific information between the Soviet Union and countries of the West practically did not exist. The research conducted in the West was subject to reviews and changes, which cannot be said about the research conducted in

10 S.P.A. Bren, "Historical Introduction to EMF Health Effects." *IEEE Engineering in Medicine and Biology Magazine.* 1996; 15(4): 24-30.

11 USSR Standard, "Standard for Public Exposure, SN-1823--78/1978." Moscow 1978 [after:] WHO, "Radiofrequency and microwaves. Environmental Health Criteria No. 16." Geneva, 1981.

12 M. Repacholi, Y. Grigoriev, J. Buschmann, C. Pioli. "Review: Scientific Basis for the Soviet and Russian Radiofrequency Standards for the General Public." *Bioelectromagnetics.* 2012; 33: 623-633.

13 Ministry of Health of the Ukrainian Soviet Socialist Republic. "Methodological recommendations for the assessment of biological effects of low intensity microwave radiation for hygienic regulation in the environment." 1981.

the USSR or countries of the Eastern Block. The results of the Soviet research should be interpreted in this context. After the break-up of the Soviet Union, the development of Russian standards continued to be based on a similar methodology and an approach aimed at protecting the public from exposure to radio-frequency electromagnetic fields. The Soviet philosophy for the protection of the public, which assumed that the exposure of people to radio-frequency electromagnetic fields should not trigger any compensatory reaction, is no longer applied except for Russia, Poland, and Bulgaria[14].

Why we are afraid of the electromagnetic field

Lack of knowledge and misunderstanding of physical phenomena lead to fear of their widespread use. Simply put, people are usually afraid of what they do not understand and do not know. This used to be the case with electricity – when electric lamps first appeared, people were forbidden to approach them and they were turned on and off only by domestic servants. Even greater concern was raised at the beginning of the 20th century by the construction of sanitary sewage systems in cities, which was expressed in the brochure published in 1900 in Cracow, titled "Sewer system of the City of Warsaw as a tool of Judaism and chicanery to destroy Poland's agriculture and to exterminate Slavic population on the banks of the Vistula"[15] by anonymous author (signed as F. R. farmer on the Vistula). This text provides a good illustration of the operation of all kinds of conspiracy theories.

Nowadays, the situation is similar with regard to the electromagnetic field and new technologies. Over the years, fears of direct and then long-term impact of the electromagnetic field on human health have developed. At the end of the 1970s, it was demonstrated that these fears are largely

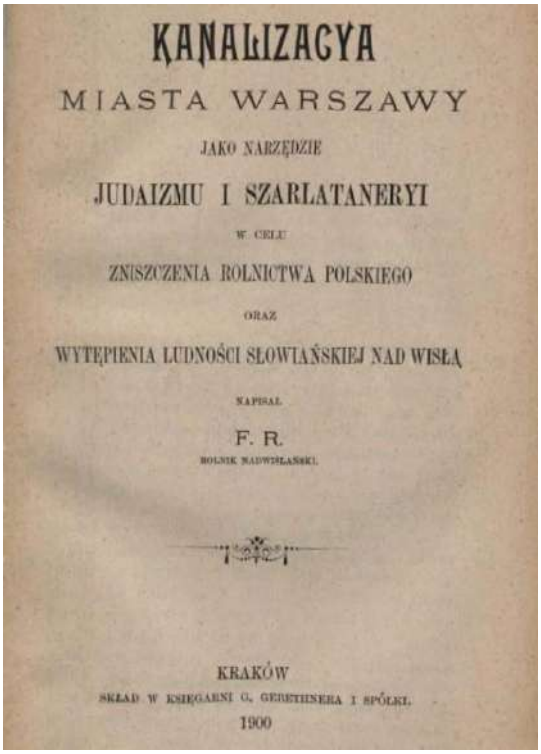
KANALIZACYA
MIASTA WARSZAWY
JAKO NARZĘDZIE
JUDAIZMU I SZARLATANERYI
W CELU
ZNISZCZENIA ROLNICTWA POLSKIEGO
ORAZ
WYTĘPIENIA LUDNOŚCI SŁOWIAŃSKIEJ NAD WISŁĄ
NAPISAŁ
F. R.
ROLNIK NADWIŚLAŃSKI.
KRAKÓW
SKŁAD W KSIĘGARNI G. GEBETHNERA I SPÓŁKI.
1900

Fig. 1. The cover of the booklet published in 1900 titled "Sewer system of the City of Warsaw as a tool of Judaism and chicanery to destroy Poland's agriculture and to exterminate Slavic population on the banks of the Vistula." Source: Wikimedia Commons

based on disinformation[16], which was present in the writings of some skeptics and opponents of the microwave technology[17]. With time, they increased and partly transformed into a generalized electrophobia[18]. In the early 1990s, this situation intensified because of the fear of the electromagnetic field produced by power lines[19] and resulting from continuation of research on the long-term chronic effects of radio waves. Contrary to scientific reports, in the eyes of the public, these phenomena were dangerous. Fear of the field with

14 Ibid.

15 See: https://polona.pl/item/kanalizacya-miasta-warszawy-jako-narzedzie-judaizmu-i-szarlataneryi-w-celu-zniszczenia,MzAwMzUyMA/2/#info:metadata.

16 J.M. Osepchuk, "Microwaves in the media: truth or consequences." *1979 IEEE MTT-S International Microwave Symposium Digest*. 1979; 11-14.

17 E.g. P. Brodeur. "The Zapping of America." William Morrow, New York, 1978.

18 E.R. Adiar, "Nurturing electrophobia." *IEEE Spectrum*. 1990; 27: 11-14.

19 I. Nair, M.G. Morgan, K.F. Floring. "Biological effects of power-frequency electric and magnetic fields. Report OTA-BP-E-53." U.S. Govt. Printing Office, Washington D.C., 1989.

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the frequency of 60 Hz, which supposedly causes cancer, was limited in popular literature to the field produced by power lines, and not by devices and other common sources of exposure, which is explained by the constant exposure associated with the operation of the former (and transitional exposure in the case of the latter)[20]. Additionally, such media as "Microwave News" [21] intensified the fear of long-term impact without any relation to the strength of the electromagnetic field and departed from scientifically supported considerations about the effects of energy absorption by the human body.

Opposition to the impact of artificial electromagnetic fields was well publicized in American media and referred to the following sources of electromagnetic field (in chronological order): radars, microwave ovens, high-voltage power lines, relay towers, video terminals, transmission towers, power lines (medium- and low-voltage), electric blankets, police radars, mobile phones and base stations, and currently 5G networks. These media attacks, however, omitted such devices as baby monitors, which emit a stronger electromagnetic field than most police radars. Many other household appliances, electric trains, medical procedures, as well as sources of infrared and optical radiation, such as lasers, halogen lamps, and now also LED lamps have been indicated. Therefore, for almost 30 years, as a result of appearance of occasional research showing negative impact of the electromagnetic field, based on weak and incoherent evidence, many groups have more and more clearly called for abolition of standards based on reference levels (maximum permitted levels).

Instead, they suggest a precautionary policy[22] or communication of risks[23], in which no established limit value related to exposure to an electromagnetic field is considered safe contrary to scientific evidence[24]. these are clearly non-scientific concepts that support hypersensitivity and application of the precautionary principle. This is related, like the ALARA principle, to the hazards caused by chemical agents and to the ionizing radiation, but without any scientific basis in this regard.

Due to the difficulties associated with repetition of researched that demonstrated negative biological effects of the impact of the electromagnetic field and to the numerous ambiguities and inconsistencies appearing in those studies, as early as in 1987, the term "Cheshire cat" was adopted to describe such tests to emphasize their elusive nature[25]. Unfortunately, people are afraid of what they cannot see and, at the same time they accept the noticeable sources. This is the case with radio-frequency electromagnetic fields, which undoubtedly deserve more rational acceptance than infrared radiation or the energy of visible light, especially since the latter constitutes a much greater threat than infrared radiation and microwave or radio waves, which are invisible. It is essential that safety standards related to the electromagnetic field be reasonable, and excessive safety margins which could compromise the effectiveness of technological solutions for the benefit of mankind should be avoided. Situations must be avoided where systems that prevent the lethal effects of hazards such as electric shock cannot function due to toughening of electromagnetic field limits. It is also important that safety margins are reasonably and evenly distributed over the entire radio spectrum and standardized worldwide so as not to give an unfair advantage to certain manufacturers of competing products or systems who use different spectrum ranges. Similarly, the existence of different standards around the world hinders free trade, movement of goods, and use of services.

20 P. Brodeur. "Currents of Death." Simon & Schuster, New York, 1989.

21 *Microwave News*, Vol. 2, New York, 1990.

22 M.G. Morgan. "Prudent avoidance." *Public Utilities Fortnightly*. 1992; 26-29.

23 H.K. Florig. "Containing the costs of the EMF problem." *Science*. 1992; 257: 468-469.

24 J.M. Osepchuk, R.C. Petersen. "Historical Review of RF Exposure Standards and the International Committee on Electromagnetic Safety (ICES)." *Bioelectromagnetics Supplement*. 2003; 6: S7-S16.

25 E.L. Cartensen. "Biological Effects of Transmission-Line Fields." Elsevier, New York, 1987.

In recent years, universal access to the Internet has resulted in the problem of fake news. Hundreds of alarming materials have been published concerning negative effects of electromagnetic fields and mobile technologies (in particular 5G networks). These materials, however, are not based on facts. They are distributed mainly due to the desire to attract readers, which translates into improved viewing statistics for the website, generating revenue from advertisements, or achieving other goals that are important to the authors of the materials. Therefore education of the society on such important issues is crucial.

Precautionary principle – what is it?

Poland, along with Russia and China, has the strictest protection policy, especially for children, against possible negative effects of radio-frequency electromagnetic fields[26]. This applies not only to established maximum permitted levels of electromagnetic fields in the environment, but also to measurement methodologies, control, regulations concerning the investment process, environmental regulations, and determination of locations accessible to the public. Opponents of new technologies (including 5G networks) very often make references to the lists published by the BioInitiative Working Group, which, in addition to proving the harmfulness of electromagnetic fields, are intended to discredit such international entities as the World Health Organisation (WHO) and the ICNIRP. Opponents of new technologies also call for inclusion in those organizations of under-represented countries, such as Russia, China, Turkey, and Iran, whose research communities have supposedly carried out the majority of the research on non-thermal effects of the impact of radio-frequency electromagnetic fields in recent years[27]. From the political standpoint, one can seriously doubt that these countries care about safety and freedom of their citizens and suspect that this is rather an attempt to delay Western countries in the technology race, which could be considered a manifestation of a new Cold War. This is a very valid statement, given that Russia recommends that people under 18 should not be allowed to use mobile phones at all and Turkey is working on legislation prohibiting the use mobile phones by children under 14[28].

Few risk management policies have caused as much controversy in the world as the precautionary principle. On general, it conforms to the earlier precautionary approach, with the difference is that it was referred to in numerous international treaties and declarations. Under the Treaty on European Union of 7 February 1992, it is the basis for the European environmental law and plays an increasingly important role in development of environmental health policies. The biggest problem related to the precautionary principle is the unfortunate lack of its definition. This results in freedom of interpretation, the strongest expression of which is the formulation of the requirement, specifically in accordance with the precautionary principle, that safety must absolutely be confirmed before new technologies can be implemented. Looking further, the 1982 World Charter of Nature states that where potentially adverse effects are not fully understood, activities should not be continued. If this position is interpreted literally, it is easy to come to the simple conclusion that no new technology is capable of meeting this requirement.

Actions of individual countries show different precautionary approaches also in relation to the electromagnetic field. On the one hand, there is Italy, which in 1998 introduced the so-called "warning limits," and Switzerland, which in 1999 established just as low so-called "precautionary limits" for particularly sensitive areas (e.g. places of residence, schools, and hospitals) and prohibited the construction of new facilities in areas where these "precautionary limits" have been exceeded[29]. On

26 M. Redmayne. "International policy and advisory response regarding children's exposure to radio frequency electromagnetic fields (RF-EMF)." *Electromagnetic Biology and Medicine*. 2016; 35(2): 176-185.

27 L. Hardell. "World Health Organization, radiofrequency radiation and health – a hard nut to crack (Review)." *Int J Oncol*. 2017; 51(2): 405-413.

28 M. Redmayne. "International policy...," op. cit.

29 K.R. Foster, P. Vecchia, M.H. Repacholi. "Science and the Precautionary Principle." *Science*. 2000; 288: 979-981.

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the other hand, there are such countries as New Zealand, which at the same time (in 1999) established limit values that comply with international guidelines, while further recommending that exposure to radio-frequency electromagnetic fields be reduced to a minimum and obliging the industry to carry out activities to address public concerns[30]. Polish regulations already take into account at many levels the precautionary principle in relation to telecommunication systems that are the source of electromagnetic fields. On the one hand, this concerns the required permits associated with the location and operation of telecommunication equipment, environmental issues, and determination of places accessible to the public: on the other hand this concerns a very strict methodology for measuring field values, systematic monitoring by environmental-protection agencies, and educational activities. A change of one of these elements (e.g., an electromagnetic field strength limit value) does not mean that the precautionary principle is waived. It will continue to keep the impact of the field on people as low as reasonably possible. Interestingly, Polish legislation treats mobile phones (which are also a source of the electromagnetic field, like any other electrical devices) in the same way as recommended by the Council of the European Union in Recommendation no. 1999/519/EC. In the case of high-voltage power systems – it is twice as liberal. Only in the case of radio telecommunication systems they are a hundred times more stringent.

In 2000, the European Commission emphasized in its communication[31] that the precautionary principle can only be invoked in the event of a possible threat and under no circumstances can it justify an arbitrary decision. The invocation of the precautionary principle is therefore justified if three prerequisites are met:

- potentially negative effects have been identified;
- evaluation of the available scientific data has been carried out; and
- there is no scientific certainty.

Three specific principles form the basis for invoking the precautionary principle:

- its implementation should be based on the fullest possible scientific assessment, which should best determine the degree of scientific uncertainty;
- any possible action should be accompanied by an assessment of the risk and the possible effects if any action is not taken;
- as the results of the scientific or hazard assessment become available, all interested parties should have the opportunity to examine different precautionary measures.

When the precautionary principle is invoked, in addition to the specific principles, five general principles are applied, which serve as the guidelines for its application:

- the measures taken must be proportionate to the target safety level and must not aim at a zero risk;
- the measures must not be used in a discriminatory manner;
- the measures must be consistent with those adopted in situations similar to or based on a similar approach;
- the potential benefits and costs of a given action or lack of action must be subject to economic analysis;
- in the light of scientific progress, the measures must be re-examined, i.e. they must be temporary pending the availability of more reliable scientific data.

In most cases, consumers and associations that represent them must prove the existence of a hazard associated with the procedure or product placed on the market: however, this obligation

30 New Zealand Ministry for the Environment and Ministry of Health. "Towards national guidelines for managing the effects of radiofrequency transmitters: A discussion document." 1999.

31 The communication is available at: http://europa.eu/rapid/press-release_IP-00-96_en.htm.

does not include medicines, pesticides, and food additives.

Despite the adoption by the Commission of the communication on the precautionary principle, there is still no clear guidance on the weight of the evidence for application of this principle. The rationale for using it to reduce public exposure to radio-frequency electromagnetic fields well below the thresholds set by the international committees also remains a matter for debate. And vice versa: how much proof of safety must be provided to opponents of new technologies for them to be approved[32]? It is clear, however, that these issues will continue to arouse much controversy and will be the subject of many disputes, not only in Poland. It should be emphasized that introduction, under public pressure, of additional restrictions to the existing regulations, established on the basis of research results, undermines the credibility of science and of the existing regulations.

Regulation or overregulation of wireless telecommunication infrastructure?

Investment projects in mobile networks are particularly difficult in Poland. Installations that emit electromagnetic fields have been identified, in the light of national legislation[33], as having significant environmental impacts, although this does not result from EU regulations (such installations are not included in Annexes I and II of Directive 2011/92/EU of the European Parliament and of the Council of 13 December 2011 on the assessment of the effects of certain public and private projects on the environment, i.e. in the group of projects that should be assessed from the point of view of their effects in the environment).[34]

The introduction of an obligation to carry out an environmental impact assessment for these installations has resulted in discrepancies in interpretation and application of the provisions of the construction law[35]. The procedure related to an environmental impact assessment for a planned project is generally carried out at the stage of issue of the environmental constraints decision for the project. As a part of the environmental impact assessment for a project, the risk of serious accidents and natural and construction disasters, the required scope of monitoring, the natural compensation, and the possibilities and methods of prevention and reduction of the negative impact of the project are determined, analyzed, and assessed. The indirect impact of the project on the environment, the population, the health and living conditions of people, monuments, material assets, and landscape are also analyzed and assessed. On the other hand, in the case of radio-frequency electromagnetic fields, as shown in article II.2. on page 58, which focuses on biomedical issues, the scientific uncertainty about their harmfulness is too high.

In practice, this means that, at the stage of the environmental constraints procedure, the owner bases its documentation on research showing no negative impact on the environment and people, while other parties to the proceedings (even later, at the administrative stage) or the opponents of the technology use research showing harmfulness of either electromagnetic fields or the technology itself. Thus, we are going back to the issue of zero safety and the lack of consensus concerning the legislation applicable to the electromagnetic field. Direct and indirect impact should be based on actual damage, i.e. the emission of pollutants (keep in mind that emission of electromagnetic fields is

32 K.R. Foster et al., op. cit.

33 The Act of 3 October 2008 on providing access to information on the environment and its protection, participation of the public in the environmental protection, and environmental impact assessments (Journal of Laws of 2017, item 1405) and the Regulation of the Council of Ministers of 9 November 2010 on projects that may have a significant impact on the environment (Journal of Laws of 2016, item 71).

34 See: http://eur-lex.europa.eu/legal-content/PL/TXT/PDF/?uri=CELEX:32011L0092&from=PL.

35 Act of 7 July 1994 – Construction law (Journal of Laws of 2018, item 1202, 1276, 1496, 1669, 2245; Journal of Laws of 2019, item 51).

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not pollution), as well as on actions consisting in removal of existing trees and shrubs, interference in natural habitats of protected animals, etc. This is necessary in order to properly determine the methods of prevention and reduction of negative impacts or the need for environmental compensation. However, no person in the world is able to determine the measurable negative effects of the impact of radio-frequency electromagnetic fields and to identify specific measures to prevent and minimize this impact, not to mention environmental compensation. This brings us back to the past and to the Soviet philosophy related to determination of the levels of permissible electromagnetic fields. Moreover, as already indicated, in the light of Polish law, in particular environmental protection law[36], emission of the electromagnetic field is not considered as pollution, and yet is subject to specific inspection and monitoring[37], and a procedure of notification to environmental-protection authorities. At the same time, the permissible levels of general public exposure to the electromagnetic field should not be exceeded: otherwise, the Chief Inspector of Environmental Protection is required to keep a register of places where exceeded levels have been identified. Less strict regulations apply in Poland for example to smog levels – a widespread problem in our country – which have a documented serious impact on human health.

As a result of such perception of the issues related to radio-frequency electromagnetic fields, even those devices (e.g. antennas) that should not be subject to the construction law (because they are not construction equipment), must undergo the procedure of notification of their installation as construction work (except for those installed in Natura 2000 areas and on monuments which require a building permit); in addition, such projects are put in question by opponents of new technologies and people who are concerned about their health or loss of value of their property. Due to public pressure, issues that legally are subject to the environmental protection law are subject to the construction law. In particular, this applies to modification of the settings of technical equipment (antennas) that affect e.g. exposure in places accessible to the public or to replacement of devices with new ones in the event of their wear or failure. Common-sense would make it impossible to consider such activities as construction work; however, there are many cases brought before administrative courts, which often agree with the position of the applicants. For all of these reasons, it can be concluded that not only the investment project process for mobile telephony base stations but also the later stage of their operation are subject to excessive, unreasonable legislation.

Participation of the public in the investment process

The existing legislation guarantees effective participation of citizens, as parties to administrative proceedings, in the investment project process, including projects of construction of freestanding telecommunication masts. This takes place at the following stages of projects:

- obtaining a decision for projects that can always have a significant environmental impact;
- obtaining a decision for projects that can potentially have an environmental impact;
- assessment of the impact of the planned project on a Natura 2000 area (if an environmental impact report is prepared);
- determination of the location of the project (based on the zoning plan or on the decision on determination of the location of a public-purpose project);
- obtaining a building permit decision.

Every citizen has the right to approach the relevant building supervision inspector with a request to carry out an inspection to verify whether the construction or completion of an installation complies with applicable law. If any irregularities are found,

36 Act of 27 April 2001 – Environmental protection law (Journal of Laws of 2017, item 519).

37 Act of 20 July 1991 on the Inspection for Environmental Protection (Journal of Laws of 2016, item 1688).

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the findings from the inspection may give rise to further proceedings to ensure compliance of the project with the law.

Citizens can also confirm compliance with environmental standards (electromagnetic field limits). For this purpose, a local government unit should be requested, pursuant to Article 17(3a) of the Act on Environmental Protection, to check the levels of the electromagnetic field emitted by the radio telecommunication installation.

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III.2

Standards applicable to the electromagnetic field

Rafał Pawlak, Barbara Regulska

Protection of people and the environment against the electromagnetic field

Due to the dynamic development of mobile telephony, in the early 1990s, the World Health Organization, acting within the framework of the United Nations, has undertaken research on the biological effects of radio-frequency electromagnetic waves. As a result of this work, precise guidelines for limitation of exposure to electromagnetic fields with frequencies up to 300 GHz were specified in 1998 in order to ensure protection of people and environment against known adverse health effects.[1] These guidelines were prepared in collaboration with the WHO by an organization of independent scientists, operating in the framework of the *International Commission on Non-Ionizing Radiation Protection* (ICNIRP). On this basis, on 12 July 1999, the Council of the European Union[2] adopted a document, usually referred to by its abbreviated name Recommendation 1999/519/EC. It is regarded as the basic act of the European Union related to the protection of the public against electromagnetic fields.

1 ICNIRP, "Guidelines for limiting exposure to time-varying electric, magnetic and electromagnetic fields (up to 300 GHz)," *Health Physics*. 1998; 74: 494-522.

2 Official Journal of the European Communities, "Council Recommendation of 12 July 1999 on the limitation of exposure of the general public to electromagnetic fields (0 Hz to 300 GHz)," July 1999.

Recommendation 1999/519/EC defines two quantities:

- **basic restrictions** related to directly occurring phenomena in human bodies – especially the thermal effect (see article II.1. on page 50);
- **reference levels** – limit values that are considered safe, serving the purpose of practical verification (by measurement) that exposure to electromagnetic fields does not exceed the limit values.

General public exposure – basic restrictions

Basic restrictions in the 10 MHz to 10 GHz radio frequency range are defined in the Recommendation 1999/519/EC by means of the SAR rate (*Specific Absorption Rate*) expressed in [W/kg]. The SAR is a measure of the rate of absorption of electromagnetic energy converted in the tissues of a human body into heat and, in practice, means the power absorbed by a unit of body weight. As a result of penetration of the electromagnetic field into the human body, a part of that field is absorbed and converted into heat in the tissues. The increase in the temperature of the human body by one degree Celsius has been determined to occur when the body absorbs 1 W/kg for one hour or the equivalent of 4 W/kg for 6 minutes. Consequently, the SAR limit values were set as averaged in 6 minutes:

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The limit value indicated in Recommendation 1999/519/EC, SAR = 0,08 W/kg, averaged for the entire human body, has been determined taking into account a safety factor of 50, which is a high value.

- for the entire human body, averaged value: 0.08 W/kg;
- for local exposure – the head and the trunk: 2 W/kg;
- for local exposure – limbs: 4 W/kg.

The limit value indicated in Recommendation 1999/519/EC, SAR = 0,08 W/kg, averaged for the entire human body, has been determined taking into account a safety factor of 50, which is a high value. What is the reason for this value?

The value of SAR = 4 W/kg, indicated in the ICNIRP Recommendation, averaged over a period of 6 minutes, was taken as a reference (electromagnetic energy absorption at such a rate can lead to a thermal effect, consisting of an increase in body temperature by not more than 1°C). A 10-fold safety factor was then adopted, resulting in the value of the SAR acceptable for occupational exposure (in the occupational health and safety sense) and providing a sufficient safety margin:

$$SAR = 4 / 10 \text{ W/kg} = 0.4 \text{ W/kg}$$

Next, a 5-fold safety factor was adopted, resulting in the value of the SAR acceptable for continuous general public exposure:

$$SAR = 0.4 / 5 \text{ W/kg} = 0.08 \text{ W/kg}$$

In short, for general public exposure, Recommendation 1999/519/EC allows a SAR value that is 50 times lower than a value that would increase the temperature of a human body by 1 degree Celsius: for occupational exposure, the SAR value can be 10 times lower. A comparison of the two permissible values of the SAR and the adopted "safety margin" are shown in Fig. 1.

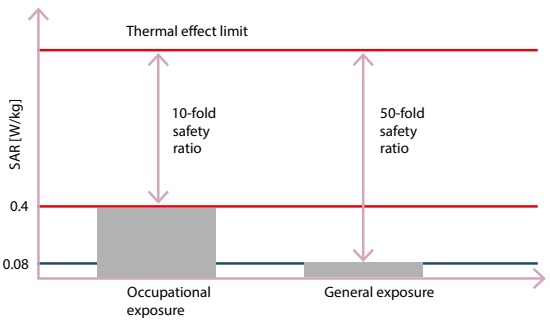

Fig. 1. Comparison of the admissible value of the SAR ratio for occupational exposure and general public exposure with the thermal effect limit value effect - safety ratios.
Author: Paweł Woźniak

General public exposure – reference levels

The reference levels defined in Recommendation 1999/519/EC are closely linked to the basic restrictions. They were established in such a way that, irrespective of the time of presence in an area where the requirements laid down for the reference levels are complied with, the effects of exposure to electromagnetic fields do not exceed the basic restrictions. In other words, if the reference level is not exceeded, then the basic restriction will certainly not be exceeded (and, consequently, there will also be no thermal effect). The reference levels for radio frequencies are defined by measurable quantities, including the RMS value of the strength of the electric component of the field E, expressed in [V/m], and the value of the power density S, expressed in [W/m^2].

The following reference levels were established, expressed as limit values for the electric component of the field E and the power density S, depending on the range of the radio frequency:

- for frequencies from 10 MHz to 400 MHz: E = 28 V/m and S = 2 W/m^2;

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- for frequencies (f) from 400 MHz to 2,000 MHz: $E = 1.375 \cdot f^{0.5}$ V/m and $S = f/200$ W/m² (f in [MHz]);
- for frequencies from 2 GHz to 300 GHz: E = 61 V/m and S = 10 W/m².

An electromagnetic field present in the environment, whose value does not exceed the above reference levels, is considered as safe. For the frequencies, at which typical mobile base stations operate, the following reference levels can therefore be defined, as shown in Tab. 1.

Tab. 1. Reference levels: field strength E and power density S for typical frequencies used in mobile telephony networks, as defined by Recommendation 1999/519/EC

Reference level	Frequency [MHz]				
	800	900	1,800	2,100	2600
Field strength E [V/m]	38.9	41.3	58.3	61.0	61.0
Power density S [W/m²]	4.0	4.5	9.0	10.0	10.0

General public exposure and occupational exposure

The electromagnetic field present in a work environment in the case of occupational exposure (in the occupational health and safety sense) is subject to more lenient regulations than the electromagnetic field present in the environment (affecting the total population). This results from the adopted safety factors, as described earlier in this document.

The minimum requirements related to protection of health and safety and applicable to exposure of workers to risks arising from physical agents (electromagnetic fields) are regulated by Directive 2013/35/EU of 26 June 2013[3]. Pursuant to Annex III, the permissible SAR value averaged in the body, in any period of 6 minutes, must not exceed 0.4 W/kg.

Annex III of Directive 2013/35/EU also sets out the limit values for the electric component of the field E and the power density S depending on the range of the radio frequencies:

- for frequencies from 10 MHz to 400 MHz: E = 61 V/m;
- for frequencies from 400 MHz to 2 GHz: $E = 3 \cdot f^{0.5}$ V/m (f in [MHz]);
- for frequencies from 2 GHz to 6 GHz: E = 140 V/m;
- for frequencies from 6 GHz to 300 GHz: E = 140 V/m and S = 10 W/m².

An electromagnetic field present in the working environment, in the case of occupational exposure, whose values do not exceed the above reference levels, is considered as safe.
Fig. 2 shows a comparison of occupational exposure limit values (occupational safety and health) according to Directive 2013/35/EU and general public exposure limit values according to Recommendation 1999/519/EC. For a more complete illustration of the situation, the value of the electromagnetic field allowed in the environment

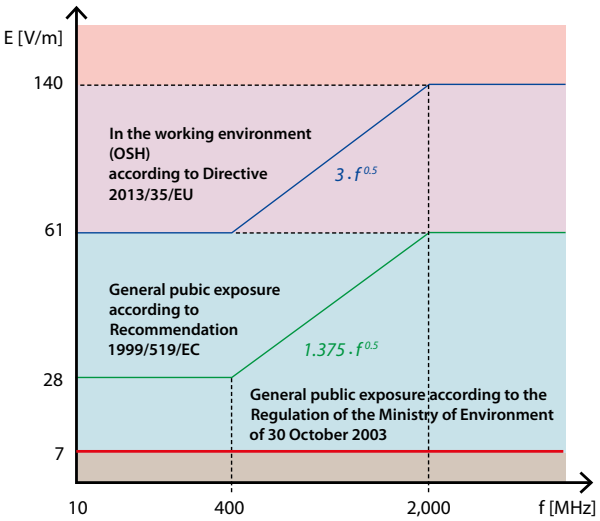

Fig. 2. Comparison of the limit values for occupational exposure in the working environment (OSH) and general public exposure.
Author: Paweł Woźniak

3 Directive 2013/35/EU of the European Parliament and of the Council of 26 June 2013 on the minimum health and safety requirements regarding the exposure of workers to the risks arising from physical agents (electromagnetic fields).

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applicable in Poland, as specified in the Regulation of the Minister of Environment of 30 October 2003, is also plotted in the graph.[4]

Limit values for electromagnetic fields worldwide

As a set of guidelines, Recommendation 1999/519/EC has become the basis for defining the general public limit values of the electromagnetic field in national legislation of the Member States of the European Union. The member states, responsible for protection of their citizens, may lay down their own restrictions, more stringent[5] than those defined in Recommendation 1999/519/EC. Most member states have established limit values for the electromagnetic field in the environment in accordance with Recommendation 1999/519/EC; however, 9 countries, including Poland, have adopted their own, more stringent regulations governing the protection of the environment against electromagnetic fields[6].

A graphic illustration of the differences in the limit values for the electromagnetic field in the environment adopted by individual EU member states is provided in Fig. 3.

National regulations on the electromagnetic field in the environment

Poland's first legislation adopted to protect against electromagnetic fields, albeit related solely to occupational exposure and not to the general public, was prepared as early as in the first half of the 1960s[7]. The legislation was the Decree of the Minister of Health Social Security of 20 August 1963 on the health conditions required from workers exposed to microwave electromagnetic fields.

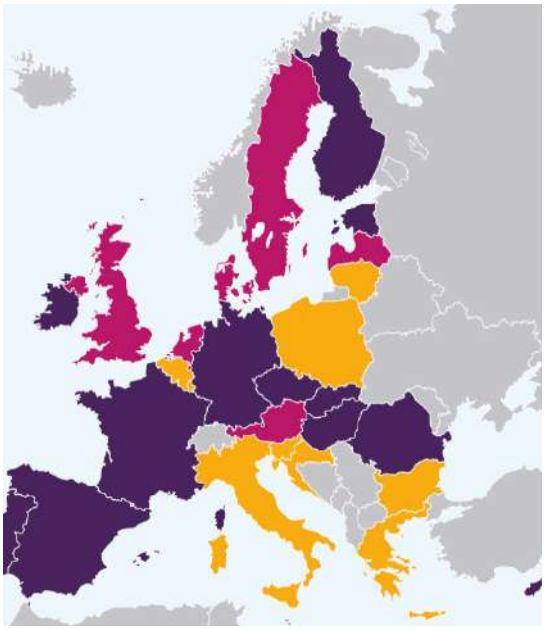

Fig. 3. Illustration of the admissible levels of electromagnetic field in the environment in different European countries (grey: non-EU countries)[5]

Key

The applicable limit values of the electromagnetic field in the environment conform to the reference levels indicated in Recommendation 1999/519/EC.

The applicable admissible values of the strength of the electromagnetic field in the environment are less strict than the reference levels indicated in Recommendation 1999/519/EC or there are no regulations at all.

The applicable limit values of the electromagnetic field in the environment are stricter than the reference levels indicated in Recommendation 1999/519/EC.

4 Regulation of the Minister of Environment of 30 October 2003 on the admissible levels of electromagnetic fields in the environment and the methods of checking the observance of these levels (Journal of Laws no. 192, item 1883).

5 Based on: "Comparison of international policies on electromagnetic fields (power frequency and radiofrequency fields," 2018).

6 European Commission, "Report on the implementation of the Council Recommendation on the limitation of exposure of the general public to electromagnetic fields (0 Hz – 300 GHz) (1999/519/EC) in the EU Member States", Release 2.1, Brussels, Project Number SI2.489570-SANCO/2OO7/C7/06, 8 May 2008.

7 H. Aniołczyk, "Krajowy system ochrony przed polami elektromagnetycznymi 0 Hz – 300 GHz w świetle aktualnych uwarunkowań prawnych" [National system for protection against 0 Hz – 300 GHz electromagnetic field in the light of the current legal conditions], 2006; 57(2): 151–159; S. Różycki, "Wymagania przepisów dotyczących ochrony człowieka przed polami elektromagnetycznymi występującymi w środowisku" [Requirements set forth in legislation on protection of people against electromagnetic fields in the environment], *Medycyna Pracy*. 2006; 57(2): 193–199.

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The first legislation on the protection of people and the environment against this electromagnetic field was the Regulation of the Council of Ministers of 17 November 1980 on detailed rules for protection against non-ionizing electromagnetic radiation that is harmful to humans and the environment.

The acts of law that are currently in force in Poland and that govern the principles of environmental protection (including against the electromagnetic field) are:

- the Environmental Protection Act[8];
- the Act on the Inspection for Environmental Protection[9];
- The Act of 3 October 2008 on provision of information about the environment and its protection, involvement of the public in environmental protection, and environmental impact assessments[10].

Environmental Protection Act

The Environmental Protection Act, which to this day Poland is a set of basic laws regulating the principles of environmental protection against electromagnetic fields, was passed less than two years after the adoption of Recommendation 1999/519/EC.

According to the provisions of Art. 121 of the Environmental Protection Act, compliance with the general public limit values for electromagnetic fields is absolutely mandatory, with the statutory delegation to issue the appropriate im- plementing legislation specifying these values and the means of verification of compliance with them set forth in Art. 122 of the Act.

In addition, according to Art. 122a(1) of the same Act, operators of radiocommunication installations that emit electromagnetic fields are obliged to carry out measurements of the electromagnetic field each time immediately after the commissioning of the installation or the relevant piece of equipment, and each time changes are made to the operating conditions of this installation, if these changes may affect the emissions of the field from this installation.

However, in accordance with Art. 123 of this Act, the provincial environmental protection inspector conducts, within the framework of state environmental monitoring, periodic examinations of electromagnetic field levels in order to assess the levels of electromagnetic field in the environment and to observe its changes.

The implementing legislation to the Environmental Protection Act that regulates the issues related to the obligations of operators of installations that generate electromagnetic field with regard to notification of these installations and performance of electromagnetic field level measurements is:

- Regulation of the Minister of Environment of 30 October 2003 on the admissible levels of electromagnetic fields in the environment and methods of checking the observance of such levels, specifying the admissible levels of the electromagnetic field in the environment for places accessible to the public and the methods of checking their observance;
- Regulation of the Minister of Environment of 2 July 2010 on the types of installations whose operation requires notification, specifying the types of installations whose emissions do not require a permit and whose operation requires notification to the environmental protection authority due to the fact that they generate electromagnetic fields;
- Regulation of the Minister of Environment of 2 July 2010 on the notification of installations that generate electromagnetic fields, specifying the model notification form for installations that generate electromagnetic fields, the operation of which requires notification, and specific requirements for the scope of data contained the notification of such installations.

8 Act of 27 April 2001 – Environmental protection law (Journal of Laws of 2017, item 519).

9 Act of 20 July 1991 on the Inspection for Environmental Protection (Journal of Laws of 2016, item 1688).

10 The Act of 3 October 2008 on provision of information about the environment and its protection, involvement of the public in environmental protection, and environmental impact assessments (Journal of Laws of 2017, item 1405).

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The admissible levels of electromagnetic field in the environment in places accessible to the public are specified in Annex 1, Table 2, of the Regulation of the Minister of Environment of 30 October 2003. These levels, while generally equivalent to the limit values defined in Recommendation 1999/519/EC, are much stricter. On the other hand, the methods of determination of the electromagnetic field are specified in Annex 2 to the Regulation of the Minister of Environment of 2003.

Places accessible to the public, in accordance with Art. 124(2) of the Environmental Protection Act, are defined as all places except those to which access by the public is prohibited or impossible without the use of technical equipment.

The admissible levels of electromagnetic field in the environment are expressed as the RMS value of the strength of the electric component of the field E expressed in [V/m] and the power density S expressed in [W/m^2], depending on the range of the radio frequency:

- for frequencies from 3 MHz to 300 MHz: E = 7 V/m;
- for frequencies from 300 MHz to 300 GHz: E = 7 V/m or S = 0.1 W/m^2.

The limit values indicated in the Regulation of the Minister of Environment of 2003 and the reference levels defined in Recommendation 1999/519/EC, for frequencies in which typical mobile telephony network base stations operate, are shown in Tab. 2.

A coparison, in the relevant radio frequency ranges, of the limit values set in the Regulation of the Minister of Environment of 2003 with the reference levels set forth in Recommendation 1999/519/EC (e.g. field strength E), leads to the conclusion that the national legislation aimed to protect the environment against electromagnetic fields is much stricter than the European requirements.

Act on the Inspection for Environmental Protection

The Act on the Inspection for Environmental Protection defines, among other things, the tasks of the Inspection for Environmental Protection, the body appointed to check compliance with the environmental protection legislation and to study and assess the status of the environment.

Monitoring of compliance with environmental protection legislation, in accordance with Art. 2(1)(1) of the Act, including study and assessment of the status of the environment, is carried out by the Inspection for Environmental Protection, as a part of planned inspections of entities that use the environment. According to Art. 17(3a) of the Act on the Inspection for Environmental Protection, upon a justified request of a local authority, the provincial environmental protection inspector is required to carry out an inspection that is not included in the inspection plan of the Inspection for Environmental Protection concerning the electromagnetic field emitted from a radiocommunication installation, including as a part of interventional tests.

Tab. 2. Limits and reference levels: field strength E and power density S for typical frequencies used in mobile telephony networks.

Frequency [MHz]		800	900	1,800	2,100	2,600
Field strength E [V/m]	Reference level according to Recommendation 1999/519/EC	38.9	41.3	58.3	61.0	61.0
	Limit value according to the Regulation	7.0				
Power density S [W/m^2]	Reference level according to Recommendation 1999/519/EC	4.0	4.5	9.0	10.0	10.0
	Limit value according to the Regulation[11]	0.1				

11 Regulation of the Minister of Environment of 30 October 2003, op. cit.

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According to Art. 2(1)(2) of the Act, one of the tasks of the Inspection for Environmental Protection is to carry out state environmental monitoring, in particular:

a. development and implementation of multi-annual strategic state environmental monitoring programs and implementing state environmental monitoring programs;
b. collection of information on the environment in the scope included in the state environmental monitoring programs;
c. processing of collected information on the environment and performance of assessments of the status of the environment;
d. preparation of reports on the state of the environment;
e. participation in international exchange of information about the status of the environment, including coordination of cooperation with the European Environment Agency mentioned in Regulation 401/2009 of the European Parliament and of the Council (EC) of 23 April 2009 on the European Environment Agency and the European Environment Information and Observation Network (OJ EU L 126 of 21 May 2009, page 13).

The implementing legislation to the Act on the Inspection for Environmental Protection, which regulates the issues related to the duties of the IEP bodies, including performance of the state environmental monitoring and collection of data in the Information Technology System of the Inspection for Environmental Protection "Ekoinfonet," is:

- Regulation of the Minister of Environment of 12 November 2007 on the scope and methods of periodic tests of electromagnetic fields levels in the environment, specifying the method of selection of the measurement points, the required frequency of measurements, and the methods of presentation of the measurement results;
- Regulation of the Minister of Environment of 21 September 2015 on the information technology system of the Inspection for Environmental Protection "Ekoinfonet," specifying the scope of the data collected in the "Ekoinfonet," including the data submitted by provincial environmental protection inspectors, the data pertaining to studies and assessments of the status of the environment with regard to the electromagnetic field level and compliance with the environmental protection legislation with regard to inspection of entities that use the environment.

Act on making accessible information about the environment and its protection

Issues related to the principles and the mode of conduct with regard to making accessible to the public information about the environment and its protection, and the indication of the public authorities that are competent in this area are governed by the Act on making available information about the environment and its protection, participation of the public in environmental protection, and environmental impact assessments.

The implementing legislation to this Act is the Regulation of the Minister of Environment of 23 November 2010 on the method and frequency of updating of environmental information, specifying the method, the minimum scope, and the form of making information available, and the frequency of updating the information made available. This concerns the results of, among other things, periodic tests of the levels of electromagnetic field in the environment, carried out within the framework of the state environmental monitoring, and the list of areas where the admissible levels of the electromagnetic field have been found to be exceeded.

III.3

Methods of measurement of the electromagnetic field

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Measurement of electromagnetic field levels in the environment are subject to applicable legislation. To ensure the highest level of performance of those measurements, which would guarantee their quality and compliance with applicable legislation, Art. 147a of the Environmental Protection Act indicates accredited laboratories, supervised in Poland by the Polish Center for Accreditation (PCA), as the only entities authorized to perform electromagnetic field measurements in the environment.[1]

In this case, measurements are performed for the following physical quantities that describe electromagnetic fields (EMF):

- the strength of the magnetic component of the field H, expressed in amperes per meter [A/m];
- the strength of the electric component of the field E, expressed in volts per meter [V/m];
- the power density of field S, expressed in watts per square meter [W/m^2].

The parameter characterizing the impact of the electromagnetic field with frequencies generated by antenna installations of base stations is usually assumed to be the so-called RMS value of the electric field E [V/m], calculated as the geometric mean, according to the following formula:

$$E = \sqrt{E_1^2 + E_2^2 + E_3^2 + \ldots + E_N^2}\ ,$$

where: E_1, E_2, E_3, E_N are the measured or calculated RMS values *N* of the components of the electric field present in a given location.

Measurements of the electromagnetic field in the environment should be performed using specialized measuring equipment, the performance characteristics of which are affected by the properties of its two basic parts: the measuring antenna and the electric field meter.

The devices used for EMF measurements should be suitable for the measurement task (in terms of frequency range and levels to be measured) and used in the conditions specified by the manufacturer, and must have a current calibration certificate drawn up in accordance with the requirements of EN ISO/IEC 17025.

Good laboratory practice indicates that a kit for measuring radio-frequency and microwave electromagnetic fields should:

- be a portable instrument, with autonomous power supply and suitable for outdoor operation (with an impact- and dust-resistant enclosure);
- enable measurements of the EMF produced by antenna installations of radio systems that are in general use in national mobile telephony networks and presentation of measurement results in a form allowing their extrapolation to values

1 Act of 27 April 2001 – Environmental protection law (Journal of Laws of 2017, item 519).

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corresponding to "worst case" situations, as required by the Regulation of the Minister of Environment[2].

The antenna of the measuring instrument, in the frequency ranges used by base station transmitters, should have isotropic characteristics, i.e. ones that guarantee uniform reception of signals from all directions. This recommendation is applied according to:

- the location of the measurement points on the main directions of emission of the antennas of the tested base stations;
- the polarization of the antennas of the tested base stations;
- the occurrence of propagation phenomena, especially formation of reflected waves.

According to Annex 2 to the above-mentioned Regulation, EMF levels should be measured in good weather (in practice: at above zero temperature and without precipitation), in so-called places accessible to the public (i.e. everywhere where presence of people is not forbidden or impossible without specialized equipment), and in such a way that the process of measurement itself does not disturb the results obtained (e.g. by hindering the propagation of electromagnetic waves emitted by the base stations). During the measurement, the antenna of the measuring instrument should be moved along a vertical line (in the measuring verticals) at heights between 0.3 m and 2 m above the ground surface or above another surface.

As follows from the same Regulation, in Poland the maximum values should be assumed to be the result of electromagnetic field measurements. Averaging of electromagnetic field measurements should not be performed, neither in time, nor in space. Consequently, the restrictions imposed in Poland on the method of determination of the levels of the electromagnetic field in the environment, which take into account the so-called "worst cases" – i.e., in reality the practically non-existent situation of simultaneous operation of all devices producing electromagnetic field with maximum power – are many times more severe than the restrictions adopted for direct application in most of the member states of the European Union.

Measurements of the electromagnetic field in locations accessible to the public are associated with their position in relation to base station antennas. For the sake of the quality of the measurements, it is immensely important to take the measurements in the so-called far field zone (see article I.3. on page 22). It is in that zone that regular citizens are present in most cases. Examples of the reference values for the distances defining individual zones of the electromagnetic field depending on the frequency (f) and the physical dimensions of the antennas (D) are in Tab 1.

Tab. 1. Example values of the zones of the electromagnetic field

System	Frequency f [MHz]	Antenna size D [m]	Far field d [m]
GSM 900	942.5	2.4	36.2
GSM 1800	1,842.5	1.5	27.6
UMTS 900	947.5	2.4	36.4
UMTS 2100	2,140	1.2	20.5
LTE 700	773	2.6	34.8
LTE 800	806	2.4	30.9
LTE 1800	1,842.5	1.5	27.6
LTE 2100	2,140	1.2	20.5
LTE 2600	2,655	0.8	11.3

Fulfillment of the conditions for the measurements in the far field zone requires taking into account a number of important parameters, such as installation height of the antennas and their location in relation to places accessible to the public, antenna tilt angles (so-called "tilt"), and azimuth angles.

Annex 2 to the aforementioned Regulation requires the so-called broadband measurements to be carried out.

The commonly used method of **broadband measurement** in the surroundings of a base station enables, among other things, determination of the RMS value of the electric component of the field. The result of the broadband measurement essentially consists of all signals received by the

2 Regulation of the Minister of Environment of 30 October 2003 on the admissible levels of electromagnetic fields in the environment and the methods of checking the observance of these levels (Journal of Laws, item 1883).

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measuring antenna in the frequency range defined by its design, but it is not possible to identify the component frequencies.

Of note is the fact that the result of the broadband field measurement, in a given location, of the field produced by base stations operated in digital system networks is randomly variable, as it depends on the telecommunication traffic load on the base station. Thus it is not possible to determine directly from it, without additional measurements and calculations, the maximum levels of electromagnetic field that may occur in the case of the maximum telecommunications traffic load on the base stations.

A more technologically advanced instrument that enables performance of **selective measurements in terms of frequency** makes it possible to determine the field strength in a precisely defined frequency range. This enables identification of the frequency components of the measured field, including e.g. identification of the network in which the station that generates the field operates.

The results of the measurements, both broadband and for selected frequencies, reflect the strength of the electric field present in the surroundings of the base station in the course of its normal operation.

W in the case of digital radiocommunication systems, such as UMTS and LTE, the power of the transmitters delivered to the base station antennas depends on the user-generated telecommunications traffic load on the base stations[3], which means that, first, it is variable in time and, second, this variability is random. Thus, in reality, depending on the momentary traffic load on the station, the values of the strength of the field generated by the station change in time[4].

Thus, the results of both the measurements, both broadband and for selected frequencies, do not directly provide a basis for determination of the RMS value of the electric component of the field at the maximum load on a base station.

Therefore, in order to meet the requirements of the method of determination of the electromagnetic field described in Annex 2 to the Regulation, it would be necessary to include measurement corrections that allow for determination of the maximum values of the strength of the electromagnetic field emitted by a base station at the time of the highest telecommunications traffic load.

The Regulation does not specify the method of determination of such corrections. In this case, therefore, it is necessary to use the relevant technical standards that contain specific provisions that help establish the requirements that should be used when determining the electromagnetic field levels in the surroundings of radiocommunication installations, including base stations, so that the provisions of the Regulation can be complied with.

This was sanctioned formally in the DAB-18 program published by the PCA in 2017[5], which concerns accreditation of test laboratories that perform measurements of electromagnetic fields in the environment. The DAB-18 program provides that, for measurements of the electromagnetic field in the environment, the measurement methods described in the Regulation should primarily be used: moreover, it recommends using a number of technical standards that are appropriate for the scope of the tests performed. An example is the PN-EN 62232:2018-01 standard[6]. This standard describes, among other things, the methods of extrapolation of results to peak traffic conditions in the networks for different systems, including UMTS and LTE.

These methods, which apply to frequency-selective measurements in terms of code, refer to

3 National Institute of Telecommunications. "Pilot studies and analyses concerning the admissible limits of electromagnetic fields (EMF)," Annex 1. "Measurement methodology." Warsaw, December 2016.

4 Scuola Universitaria Professionale della Svizzera Italiana, Dipartimento Tecnologie Innovative, Alta Frequenza. "Basis for a UMTS measurement recommendation." Project 08R2-HFumts, 30 April 2004; Federal Office of Metrology METAS, Section Electricity. "Technical Report: Measurement Method for LTE Base Stations." METAS-Report no. 2012-218-808, May 3, 2012.

5 Polish Center for Accreditation, "Accreditation program for test laboratories performing electromagnetic field measurements in the environment DAB-18." Edition 1, Warsaw, 2 February 2017.

6 PN-EN 62232:2018-01 – Determination of RF field strength, power density and SAR in the vicinity of radiocommunication base stations for the purpose of evaluating human exposure.

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A seemingly relatively simple measurement task turns out to be a very complex process, which can result in numerous errors (e.g. overestimation of results) if due diligence is not ensured.

a theoretical situation of maximum telecommunication traffic load on the base station, which is a situation where all resources of the station are used simultaneously (all available systems in all available frequency bands, with simultaneous operation at the maximum power).

In practice, due to the advanced dynamic resource allocation algorithms (see article I.6. on page 40), the probability of this situation is close to zero. Therefore, on the one hand, it could be said that the measurement results are overestimated and, on the other hand, it is necessary to take into account the requirements of the Regulation concerning performance of measurements during the operation of the base station in most unfavorable conditions in terms of environmental impact.

Consequently, in order to properly measure the electromagnetic field, it is necessary, as a minimum, to:

- have an instrument with the appropriate measuring range and a valid calibration certificate;
- make the appropriate settings to the instrument;
- know and take into account the technical parameters of the tested base station and the base stations located in its immediate vicinity;
- select appropriate measuring locations that are accessible to the public and, at the same time, where maximum field levels are to be expected;
- keep the recommended (also by the manufacturer of the instrument) environmental conditions for the measurement in terms of temperature, humidity, and precipitation;
- take into account the impact of possible interfering factors such as people or buses passing by, metal structures in the immediate vicinity, etc.;
- based on the measurements performed during normal operation of the base stations, determine, by means of the extrapolation method, the maximum levels corresponding to the "worst case" situation described in the Regulation.

The numerous factors indicated above are sources of uncertainty for the measurement and form the uncertainty budget, which is usually estimated at a 95% confidence level. One must keep in mind that there are no ideal measurements and that every measurement, not only of the electromagnetic field, is:

- performed with a finite accuracy, which means that it is always (more or less) inaccurate;
- distorted by the impact of various factors that create the measurement uncertainty.

Consideration of the uncertainty of measurement should be viewed as positive as it creates a certain interval in which the result of the measurement fits with a certain probability.

The measured electric field strength values and the calculated RMS (root mean square) values of the electric field strength, taking into account the estimated expanded uncertainty of measurement (95% confidence interval), are subject to conformity assessment by way of comparison with the permissible electric field strength value, as defined in the Regulation.

Due to the conditions described above, an apparently relatively simple measurement turns out to be a very complex process, which may result in numerous errors (e.g. overestimation of the results) and may lead to serious consequences. As this is a regulated area, this confirms the validity of the obligation to perform EMF measurements in the environment by accredited laboratories, introduced in Art. 147a of the Environmental Protection Act.

Tab. 2 shows some differences between the methods for checking the observance of the

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Tab. 2. Examples of methods of measurement complying with the Regulation of the Minister of Environment of 2003 – theory and practice

Measurement parameters	Theory	Practice
Working conditions of the base station	Measurements should be performed taking into account the "worst case," i.e. operation of all equipment that generates electromagnetic fields with maximum power.	Measurements are performed by configuring the base station to operate in a test mode (simulating the most unfavorable conditions from the environmental point of view) or during normal operation of the base station, using appropriate measurement corrections that enable extrapolation of the results to the most unfavorable values from the environmental point of view.
Measurement conditions	Measurements should be performed in the recommended conditions concerning temperature, humidity, precipitation, and with limited impact of factors that could interfere with the measurement, such as people or buses passing by, or metal structures in the immediate vicinity.	Measurements should be performed with due care and caution by people who are trained and experienced: a developed measurement uncertainty budget taking into account multiple sources of uncertainty should be used.
Measurement method	It is recommended to perform broadband measurements, the results of which consist of all signals received by the measuring antenna in the frequency range defined by its design, but it is not possible to identify the component frequencies of the measured field.	Use of selective measurements in terms of frequency, which enable determination of the field strength values in a precisely defined frequency range, and measurements for selected frequencies in terms of code; the results of the measurements for selected frequencies in terms of code refer to a theoretical situation of a maximum telecommunication traffic load on the station.

admissible levels of electromagnetic fields in the environment, which are specified in the aforementioned Regulation, and the methods used in practice that ensure the required compliance with the Regulation.

Measurement with the use of an exposimeter

A possible supplement to the measurements carried out by accredited laboratories is measurements carried out individually by citizens with the use of so-called exposimeters, incorrectly associated with and sometimes also called dosimeters.

A dosimeter is an instrument used to measure the dose of ionizing radiation or of radioactive activity of preparations. A dosimeter measures the dose absorbed by the body in a certain time, which is subject to accumulation. The radio-frequency electromagnetic field is non-ionizing and there is no cumulative effect; consequently, there is only exposure and no dose. Hence the correct name is "exposimeter" and not "dosimeter." The use of the name "dosimeter" can lead to misunderstandings and incorrect equating of the radio-frequency electromagnetic field with ionizing radiation, which is not true.

An exposimeter records individual exposure to the electromagnetic field (EMF) correlated with a GPS location. Once appropriately programmed, the exposimeter can automatically measure the electric component E [V/m] of the electromagnetic field and record the results. It enables individual measurement of the electromagnetic field in the environment, e.g. directly at the place of residence. Used properly, it can be an excellent tool for verification of the level of the electromagnetic field.

One should keep in mind, however, that an exposimeter is not a professional measuring instrument, it is often not calibrated, and does not have an estimated measurement uncertainty budget. In this regard, it should be treated as a **qualitative indicator** rather than a quantitative one. Moreover, there is still a critical problem with the correct use of exposimeters. Taking into account the impact of disturbing factors (e.g. closeness of the measuring person's body, metal bodies, sources of temporary emissions that

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falsify the measurement, such as those resulting from the exposimeter being put in close proximity to a microwave oven) on the measurement results, the recorded results must be treated with caution and the measurements should be performed with the awareness of the physical phenomena associated with propagation of electromagnetic waves. It therefore seems necessary to properly train exposimeter users.

Simulation of electromagnetic field distributions

A possible alternative method to measurement of the electromagnetic field in the environment is simulation of field distributions. Mathematical modeling is always auxiliary, but eliminates the need for measurements when simulations indicate that there are sufficient margins compared to the applicable limit values.

When using simulation software, it should be noted that the mathematical model normally makes some generalizations and simplifications, taking into account elements that are the most important for a given process or phenomenon. Application of the modeling of electromagnetic field distributions must, therefore, always take into account pessimistic assumptions specific to the "worst case." As measurements of the electromagnetic field are performed at a specific point in time, in a specific actual situation, and in a dynamically variable radio network, the measurement result is also variable – depending on the time of the day, the season of the year, the weather, and the traffic in the networks. Consequently, the simulated values of the electromagnetic field should always indicate the maximum values that can be reached during the measurement and should not indicate in any case values that are lower than the later measurement. This allows for effective implementation of the commissioning procedures for base stations, also without the need for measurements, when simulations indicate, for example, that in locations accessible to the public the simulated values of the electromagnetic field do not exceed a certain threshold (i.e. e.g. 70% of the limit value). Such solutions are already practiced in some countries: e.g. in Switzerland and in France, where there is no requirement to measure the electromagnetic field when a simulation analysis shows that the threshold defined by the administration is not exceeded.

However, the final criterion for assessment of safety and of whether or not the electromagnetic field limit values are exceeded is the results of accredited measurements performed in situations of uncertainty or specific expectations of the public.

Currently, the National Institute of Telecommunications (NIT) and the Ministry of Digital Affairs is carrying out a project aimed at building and making available an information technology system for radio installations that generate electromagnetic fields which covers the entire country (SI2PEM). This system will enable, among other things, precise estimation of continuous EMF distributions based on measurements and simulation analyses of the resultant EMF values on the basis of developed mathematical and engineering models. More information about the SI2PEM system can be found in the next article.

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III.4

Measurements of the electromagnetic field in Poland and worldwide

Rafał Pawlak, Barbara Regulska

The beginnings of regular measurements of the electromagnetic field in the environment in Poland date back to 2001, when both the state environmental monitoring and the measurements performed by operators of radiocommunication installations became legally in the Environmental Protection Act[1]. Initially, measurements were carried out on behalf of the Chief Inspectorate of Environmental Protection (CIEP) by:

- the Technical Institute of the Air Force – in the years 2001–2003;
- the Energy Institute – in 2005;
- the Central Institute for Labor Protection – in 2006; and
- the Ergon Environmental Testing Laboratory – in the years 2014–2015.

At the same time, starting from 2004, measurements were started by the Provincial Inspectorates of Environmental Protection, and since 2008 measurements have been carried out in a uniform way for in entire country.

The entities performing the measurements, the objectives, the mode, and the types of measurements are specified in: Environmental Protection Act and Act on the Inspection for Environmental Protection[2]. Measurements of electromagnetic fields in the environment are performed by:

- operators of radiocommunication installations that emit electromagnetic fields;
- a provincial environmental protection inspector, to assess electromagnetic field levels in the environment and to observe the changes, as a part of the state environmental monitoring;
- bodies of the Inspection for Environmental Protection, as a part of planned inspections of entities using the environment;
- a provincial environmental protection inspector, upon a justified request of a local government body, as a part of activities not covered by the inspection plan of the Inspection for Environmental Protection, including the so-called intervention studies.

Starting from 2016, at the initiative of the Ministry of Digital Affairs, the National Institute of Telecommunications (NIT) has been carrying out **measurement campaigns** that include, among other things, measurements of the electromagnetic field surrounding antenna installations of base stations.

1 Act of 27 April 2001 – Environmental protection law (Journal of Laws of 2017, item 519).

2 Act of 20 July 1991 on the Inspection for Environmental Protection (Journal of Laws of 2016, item 1688).

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Measurements performed by installation operators

Operators of radiocommunication installations whose so-called equivalent isotropically radiated power is not less than 15 W, which emit an electromagnetic field at frequencies between 30 kHz and 300 GHz, according to z Environmental Protection Act, are required to:

- measure the levels of the electromagnetic field in the environment immediately after starting to use the installation and each time when the operating conditions of the installation change, if these changes may result in a change of the electromagnetic field levels;
- submit the results of the measurements to the provincial environmental protection inspector (from 1 January 2019 to the chief environmental protection inspector) and to the provincial sanitary inspector.

The measurements are performed in compliance with the Regulation of the Minister of Environment of 30 October 2003, pursuant to Art. 147a of the Environmental Protection Act, by accredited laboratories.[3]

The measurement are submitted on paper.

Access by citizens to the documentation of installations that generate electromagnetic fields, including the results of electromagnetic field measurements, requires a written request submitted to local environmental protection departments of municipal authorities. This is regulated by the Act of 3 October 2008.[4]

Measurements performed by installation operators – measurement results

Currently there are no synthetic compilations of the results concerning electromagnetic field strength levels from measurements conducted by operators of radiocommunication installations. Random knowledge in this regard could be gained from the results of studies of the status of the documentation of installations that generate electromagnetic fields, including reports from measurements carried out in 2016 by the NIT as a part of the pilot measurement campaign using the example of Cracow and Rzeszów.

These studies were aimed, among other things, at indicating the installations for which the measurement reports indicated presence of electromagnetic field values of not less than 50% of the limit value specified in the Regulation adopted in 2003. It was found that the limit value of 7 V/m was not exceeded in the surroundings of any of the installations, while 50% of this value was slightly exceeded:

- in Cracow, in 62 installations out of the 366 installations analyzed (17%);
- in Rzeszów, in 24 installations out of the 80 installations analyzed (30%).

At the same time, steps were taken to **ensure public access to the results of electromagnetic field measurements** (also to presentation on maps) with information about the location of the radio transmitters, the types and parameters of the equipment used, and the parameters of the antenna systems. Such functionalities were to be provided by the newly designed Information System for Installations that Generate Electromagnetic Radiation (SI2PEM).

State environmental monitoring

Monitoring of electromagnetic field level in Poland is carried out within the framework of national environmental monitoring, according to the national program of State Environmental Monitoring[5] and the provincial programs prepared on its basis.

Since 2008, Provincial Inspectorates of Environmental Protection have been carrying out monitoring of the electromagnetic field in three-year cycles

3 Regulation of the Minister of Environment of 30 October 2003 on the admissible levels of electromagnetic fields in the environment and the methods of checking the observance of these levels (Journal of Laws of 2003, item 1883).

4 Act of 3 October 2008 on provision of information about the environment and its protection, involvement of the public in environmental protection, and environmental impact assessments (Journal of Laws of 2017, item 1405).

5 See: http://www.gios.gov.pl/pl/stan-srodowiska/pms.

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in a uniform way for the entire country. In 2016, the third measurement cycle for the years 2014–2016 was completed. Currently, the State Environmental Monitoring Program for 2017–2020 is being implemented and provincial programs are being developed on its basis.

The basic assumption of electromagnetic field monitoring is **tracing of the levels** of electromagnetic fields from man-made sources in the environment, with reference to the limit values for locations accessible to the public.

Measurements are carried out based on the Regulation of the Minister of Environment of 12 November 2007[6], which sets forth the method of selection of the measurement points, the required frequency of the measurements, and method of presentation of the results of the measurements.

In the territory of each of the provinces, **a network of 135 measurement points** is designated, in which **measurements are performed in a three-year cycle (45 points each year)**. The points are distributed evenly in each province in **three types of areas** accessible to the public:

- in central residential districts of cities with the population of more than 50,000;
- in other cities;
- in rural areas.

The measurements are performed in a **continuous manner for two hours**, with sampling interval of at least every 10 seconds, between 10.00 AM and 4.00 PM on business days. The air temperature must not be lower than 0°C, the humidity must not be higher than 75%, and there must be no precipitation. Electromagnetic field monitoring is performed by measuring the strength of the electric component of the electromagnetic field in the frequency range of at least 3 MHz to 3 GHz. The result is **the arithmetic mean of the measured values from a two-hour measurement** for the measuring point and the arithmetic mean of the averaged values for each type of area (15 points). The arithmetic mean of the areas z averaged values of electromagnetic field strengths obtained w 45 points of the three-year measurement cycle shall be reported every three years.

The results of the monitoring measurements of electromagnetic field carried out by the Provincial Inspectorates for Environmental Protection are submitted once a year to the Chief Inspectorate for Environmental Protection (CIEP). The CIEP conducts **annual and tri-annual assessments of electromagnetic field levels[7]**.

Pursuant to Art. 28h(1) of the Act on the Inspectorate for Environmental Protection, an **information technology system of the Inspection for Environmental Protection "Ekoinfonet"** has been created, which is used to collect, store, process and make available data concerning compliance with environmental protection legislation and testing and assessment of the status of the environment.This system includes, among other things, **a database for monitoring non-ionizing radiation – electromagnetic fields named JELMAG**. All monitoring data collected in that database is used to prepare information about electromagnetic field levels in areas accessible to the public, including reports from monitoring and the aforementioned periodic assessments of electromagnetic field levels in the environment for entire country. Currently, access to the JELMAG database[8] is possible either by means of a special token, or at the offices of the CIEP/PIEP.

State environmental monitoring – measurement results

According to the latest report of the Chief Inspectorate for Environmental Protection, the Department of Monitoring, Assessment, and Forecast of the Status of the Environment prepared in November 2018 based on the results of measurements

6 Regulation of the Minister of the Environment of 12 November 2007 on the scope and the method of periodic testing of electromagnetic field levels in the environment (Journal of Laws of 2007, item 1645).

7 The results of the measurements and of the assessments of electromagnetic field levels in the environment are presented in the form of reports on the status of the environment posted on the website of the CIEP and the PIEP. See: http://www.gios.gov.pl/pl/stan-srodowiska/monitoring-pol-elektromagnetycznych.

8 The JELMAG database operates at: http://ekoinfonet.gios.gov.pl/eim.

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performed by Provincial Inspectorates for Environmental Protection,[9] the level of electromagnetic field in the environment in Poland remains low.

The arithmetic mean of all the measurements performed by the PIEP inspectorates in 2017 was equal to 0.38 V/m, which is only 5.4% of the limit value. Broken down by type of area for which monitoring is conducted, the values of the electromagnetic field level are the following:

- for central residential districts of cities with the population of more than 50,000: 0.55 V/m;
- for other cities: 0.39 V/m;
- for rural areas: 0.21 V/m.

Average electromagnetic field strength in the environment obtained within the framework of the State Environmental Monitoring in 2017.

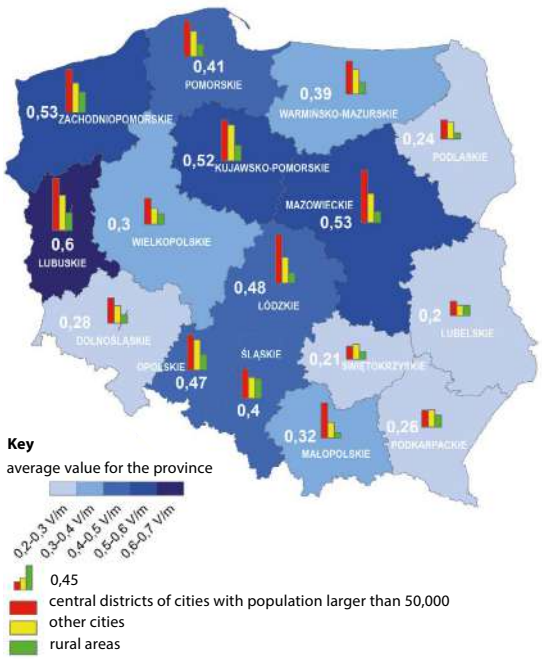

Fig. 1. Presentation of the results of the State Environmental Monitoring of 2017. Presentation by Katarzyna Moskalik, Department of Monitoring, Assessment, and Forecast of the Status of the Environment of the CIEP, 3rd International EMF Conference, 6 December 2018, Warsaw.

9 "Assessment of electromagnetic field level in the environment in 2017 – based on results of measurements performed by Provincial Inspectorates for Environmental Protection." Chief Inspectorate for Environmental Protection, Department of Monitoring, Assessment, and Forecast of the Status of the Environment, November 2018.

The measurements carried out by the Provincial Inspectorates for Environmental Protection in 2017 show that the average electromagnetic field strength did not exceed 0.55 V/m in large cities, 0.39 V/m in small towns, and 0.21 V/m in rural areas.

Electromagnetic field measurement campaigns

From 2016 onwards, the NIT has been implementing, at the initiative of the Ministry of Digital Affairs, **measurement campaigns** that include, among other things, measurement of electromagnetic field levels in the surroundings of antenna installations of base stations, which are intended to **assess the conformity of the results to the limit value**. The pilot electromagnetic field measurements completed in 2016[10] were aimed at:

- verification of whether, in locations accessible to the public, in the vicinity of antenna installations of base stations, the determined RMS value of the electric component of the electromagnetic field does not exceed the limit value of 7 V/m;
- checking and verification of the suggested measurement methodology recommended for use in future measurement campaigns.

The measurement campaign, completed in 2017 using the products and the experience of the pilot campaign, made it possible to perform **measurements at more base station locations** and to check

10 A report from the pilot studies and the analyses of electromagnetic field limits, together with information and educational materials, has been made available on the website of the National Institute of Telecommunications. See: pem.itl.waw.pl.

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in practice the methodology of measurements **in the surroundings of 2.4 GHz and 5 GHz RLAN (radio local area networks) access points**. The measurement campaign of 2017 enabled, among other things, an analysis of the results of selective measurements, allowing precise identification and indication of sources of the recorded components of the electric field (frequency range, operator, system/service) if the results exceed the limit value.

On the other hand, in the measurement campaign completed in 2018, a total of **96 locations of mobile telephony base stations** were selected for the measurements, 6 locations in each of the 16 provinces. Measurements in the surroundings of 2.4 GHz and 5 GHz RLAN access points were performed for **32 schools**, two in each of the 16 provinces.

In the research conducted as a part of the 2017-2018 measurement campaigns, **a innovative methodology** developed in 2016 was used[11].

The broadband measurement results obtained in the measurement campaigns completed in 2017 and 2018, which reflected the electromagnetic field strength values in the environment during normal operation of the base stations, indicate that **the general public limit, except in a single case in 2017, was not exceeded**.

The detailed results of the electromagnetic field measurements carried out as a part of the measurement campaigns are presented **in reports, separately for each of the tested locations**. Moreover, cumulative measurement results, conclusions, and assessments from the campaigns are presented in annual **reports**[12].

There are also plans **to start work on the introduction of constant monitoring of** electromagnetic fields originating from radiocommunication installations for all mobile telecommunication (first in cities where the 5G network will be implemented), which will guarantee online access to current data to the public. One of the first steps on this path is to build the Information System for Installations that Generate Electromagnetic Radiation (SI2PEM).

The results of the broadband measurements performed in the course of the campaigns carried out in 2017 and 2018 indicate that the limit value in the environment is not exceeded, except for a single case from 2017.

Electromagnetic field monitoring systems worldwide

An analysis of the methods and principles of electromagnetic field monitoring used in countries of the European Union indicates **big differences in this respect**. Most countries have internal regulations for protection against electromagnetic fields. These regulations are based on Recommendation 1999/519/EC[13], and a large majority of them adopts **the limit values specified in this Recommendation**.

In EU countries, the supervisory and control bodies in the area of electromagnetic field testing are usually those involved in **healthcare, environmental protection, or infrastructure.** Sometimes, these tasks are performed in parallel by two or three different entities (e.g. in Portugal).

In most member states, as well as in Poland, measurements of electromagnetic field levels are

11 "Pilot studies and analyses concerning the admissible limits of electromagnetic fields (EMF)," Annex 1. "Measurement methodology." National Institute of Telecommunications, Warsaw, December 2016.

12 The test reports and maps showing the locations and measurement points, in which the limit values were found to be exceeded, are made publicly available among others on the website at: pem.itl.waw.pl.
In addition, as a part of the measurement campaign completed in 2018, the measurement results from all campaigns were shown in interactive maps, which enable using different filters and selecting the information to be displayed. These maps will also be made available on the above-mentioned website.

13 Council Recommendation of 12 July 1999 on the limitation of exposure of the general public to electromagnetic fields (0 Hz to 300 GHz). 1999/519/EC, *Official Journal of the European Communities*, L199/59, 1999.

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carried out by accredited laboratories at the time of commissioning of new installations or when significant changes are made to them. On the other hand, in some countries (e.g. in Switzerland), **measurements are not required** when a simulation analysis shows that the admissible electromagnetic field level threshold defined by the administration is not exceeded. **Simulation analyses** are performed in such cases by operators using their own field distribution modeling software.

In addition to the measurements conducted at the time of commissioning of the installations or when major changes are made to them, in most countries (including in Poland), control and intervention surveys are sometimes carried out at the request of the public (e.g. in France). **Monitoring** is also conducted with a very different scope, using both permanent and changing (including mobile) measurement points. Similar measurement methodologies are used; in most cases, **broadband measurements** are performed and the result is assumed to be the mean value of the measurement in any 6-minute period, in accordance with the ICNIRP guidelines and Recommendation 1999/519/EC. The results of the monitoring are usually made public. **Various forms of presentation of the measurement results** are used: annual summary reports, tables, graphs with the limit values marked, maps containing data on the base stations, etc.

An analysis of the methods of measurement and monitoring of the electromagnetic field used worldwide indicates some directions for changes and development in this regard that could be implemented in Poland. The recommended development actions are indicated below.

- Start of work on a new measurement methodology that will take into account, among other things, the ICNIRP guidelines and the requirements set out in w Recommendation 1999/519/EC which introduced the determination of the mean value for a measurement conducted during any 6 minute period.
- Ensuring universal, easy, and clear access for citizens to relevant information about installations and results of electromagnetic field level measurements in the surroundings of mobile telephony base stations (such access is to be provided by the newly designed SI2PEM system).
- Start of work on (legal) standardization and uniformization of reports from measurements that are submitted by businesses or accredited laboratories together with notifications of new installations.
- Development of national guidelines and technical criteria for simulation analyses and introduction of a simulation analysis of electromagnetic fields as a tool to support network planning and to enable preliminary verification of fulfillment of the requirements. Imposing an obligation to perform measurements when the values obtained from the simulation would exceed a fixed threshold value (e.g. above 70% of the limit value).
- Start of work on the introduction of constant monitoring of electromagnetic fields originating from telecommunication installations for all mobile telecommunication (first in cities where the 5G network will be implemented), which will guarantee online access to current data to the public.

Information System for Installations that Generate Electromagnetic Radiation (SI2PEM)

One of the essential elements that ensure effective and efficient public control and monitoring of electromagnetic field sources establishing and making available a uniform information technology system allowing public access to technical data of installations and reports from measurements of electromagnetic field levels.

At the same time, there is no public and open system for monitoring and control of electromagnetic field emissions in Poland that would enable a comprehensive assessment of the total values of the electromagnetic field that constitute a superposition of the fields produced by different radiocommunication installations and an assessment of all the possible phenomena associated with occurrence of an accumulation of the electromagnetic field.

The National Institute of Telecommunications ant the Ministry of Digital Affairs started the project related to the Information System for Installations that Generate Electromagnetic Radiation (SI2PEM),

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whose objective is to build and make available an information system for radio installations that generate electromagnetic fields, that will cover the entire country and support the protection of the inhabitants against possible excessive impact of electromagnetic fields. The database to be created and operated within the framework of the newly designed SI2PEM system will contribute, among other things, to:

- ensuring unambiguity, completeness, and consistency of the data related to radio installations that generate radio-frequency electromagnetic fields and
- effective monitoring and reporting of radio-frequency electromagnetic field test results. Such reports will provide information on the available spare electromagnetic field levels compared to the legal general public limit value: this will enable more effective observance of appropriate electromagnetic field levels in the environment;
- facilitating access to relevant data on electromagnetic field levels: for citizens, administrations, businesses, scientists, etc.

At the same time, the activities carried out as a part of the proposed SI2PEM system will make it possible to increase the transparency of the decision-making process related to the issuance of relevant permits in this area by the relevant state authorities, as well as to improve this process in the upcoming era of 5G technology.

As mentioned earlier, the proposed SI2PEM will collect the available results of electromagnetic field measurements together with information on the location of radio transmitters, the types and the parameters of the equipment used, and the parameters of the antenna systems. This system, on the basis of parameters of broadcasting systems, mathematical models, and actual measurements, will also simulate electromagnetic field strengths. The data collected in the system will be made public in multiple formats, including presentation on maps.

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5

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IV. *5G technology*

5

Introduction

- The growing demand for telecommunication services stimulates the development of new technologies.
- The introduction of each successive generation of mobile technology has been associated with an increase in data transfer rates by several orders of magnitude, an improved connection quality, and an emergence of new functionalities.
- The currently used 4G technology has been used worldwide since 2009.
    - The 5G network will enable a number of new services, including the massive "Internet of Things" and smart cities.
    - The new technology will use low, medium and high-frequency bands, all of which have their advantages and limitations.
    - The popularization of the 5G network requires deployment of antenna infrastructure and implementation of new technological solutions.
- The 5G technology will find broad applications in many areas of the economy: the so-called Industry 4.0, as well as modern agriculture, and the service sectors.
- The faster and more reliable mobile communication technology will enable a revolution in, among others, healthcare (e-health), support for disabled people, and management of urban infrastructure.
- Entertainment and education will also benefit from new interaction possibilities and fast access to large data resources. New forms of remote competition and more personalized remote guides and translators will become possible.
    - New services, new professions, higher quality of connections, and savings are only some of the benefits of 5G for the ordinary citizen.
    - Businesses will gain more possibilities of automation and remote solutions, will save money by reducing business trips and fully implementing remote work chances.
    - It is estimated that the new technologies and services will increase the global GDP by approx. 7%.

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IV.1

Cellular technology generations – introduction

Mariusz Gajewski

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Current mobile networks (4G LTE) have come a long way in evolution to meet the growing expectations of the players in the telecommunications market. New standards of mobile technology have been implemented approximately every decade. Let us take a quick look at this evolution.

1G: cells

The first mobile networks that operated based on a division into cells, i.e. areas controlled by individual base stations, were built in the early 1980s. The first networks were built in the USA (based on the system called AMPS – *Advanced Mobile Phone Syste*m), in Japan (1NTT system), and in the Scandinavian countries, which jointly developed the NMT (*Nordic Mobile Telephone* system), which was the first cellular system in Europe and the only one to provide coverage of several countries (the 1G mobile systems were not compatible). The system initially used the 450 MHz band but, after reaching its maximum capacity, an upgraded version using the 900 MHz band was launched. The Polish 1G mobile network was launched in 1992 under the name "Centertel" by the Polish Mobile Telephony company. The network was based on the NMT450i system – an upgraded version of the NMT450 system.

The 450 MHz band provided good coverage with the radio signal of a large area within a single cell. In this way, providing cellular network services along the coast and the motorways, and in large rural areas required fewer cells than in the case of networks operating in higher radio frequency bands.On the other hand, cell capacity calculated as the number of simultaneously served subscribers remained unchanged, which in areas of high population density resulted in lack of access to services as the number of subscribers increased. This is why operators also started to implement a version using the 900 MHz band, creating cells of smaller size.

1G networks used the FDMA (*Frequency Division Multiple Access*) principle. This means that for the duration of a call, the terminal (terminal device) received for its use a radio channel in the form of a part of the frequency band, typically 25 or 30 kHz. However, this method of radio channel use was inefficient because the channel was occupied for the duration of the entire call, regardless of whether the user was talking or not. With an increase in the number of phone calls initiated by successive users, the capacity of the base station was exhausted as the number of radio channels per base station remained constant.

The 1990s: 2G and roaming

The basis for the development of the second generation cellular network (2G), i.e. the GSM system (*Global System of Mobile*

Communications), was the aim that the network should enable the use of services by a much larger number of users than before. Moreover, the new standard was to be based on digital transmission of voice calls and to guarantee much better protection against eavesdropping and better call quality. A significant improvement was also supposed to be the compatibility of 2G networks built by different operators and, consequently, the possibility for subscribers to use roaming services, i.e. telecommunication services provided outside the home operator's network.

The standard describing the functioning of the GSM system was finalized by the *European Telecommunications Standards Institute* (ETSI) in 1991. Although initially the GSM system was only intended for Europe to operate in the 900 MHz band, later the 1800 MHz band was also included. For the USA, a version of the system working in the 1900 MHz band was developed.

Unlike 1G networks, in the 2G system, information is digitized before transmission. This enabled the use of mechanisms that reduced the amount of information and of a transmission method used by the user in the radio channel. The first mechanism is voice compression, whereby the compressed digitized voice call transmitted in the radio channel requires transmission of less data than in the case of an uncompressed signal. This procedure, although it leads to a perceived decrease in the quality of phone calls, significantly reduces radio channel utilization.

The second mechanism consists in division of the digital signal transmitted by users into parts and then their transmission in the shared radio channel of the same frequency. This is done in the so-called *timeslots*, which are periodically repeated transmission windows in which the user sends or receives data. Application of this access method, known as TDMA (*Time Division Multiple Access*), significantly increased the number of subscribers using radio access in a given frequency band.

Further work on the development of the 2G standard resulted in 1997 in the specification of the GSM system called Phase 2+, which included the HSCSD (*High Speed Circuit Switched Data*), the GPRS (*General Packet Radio Service*), and the EDGE (*Enhanced Data rates for GSM Evolution)* data transmission technologies. The first of the above technologies used the same radio channels that in the GSM system were used for voice transmission. This meant that timeslots were busy for the entire duration of the call, even when data is not being transmitted. The newer technologies (GPRS and EDGE), often referred to as 2.5G networks, introduced into 2G networks transmission with packet switching, i.e. transmission where users send and receive packet data by sharing physical channels. One of the consequences of this type of transmission is a different charging rule, based on the size of the transmitted data and not on the duration of the call when the data transmission took place, as in the case of the HSCSD technology.

3G: multimedia services

The third generation of mobile systems, which was used by operators in the first years of this century, used the 2.5G network concept in terms of packet data transmission; however, unalike the GSM system, the 3G system was to provide various services (audio and video transmission and packet data transmission) immediately.Consequently, this meant that the backbone network connecting the base stations had to be expanded However, the biggest changes, compared to the 2G network, were made in the radio part. The *International Telecommunication Union* (ITU), as an organization established to standardize and regulate the telecommunications and radiocommunication market worldwide, designated the following frequencies for use in 3G networks: 790–960 MHz, 1710–2025 MHz, 2110–2200 MHz, 2300–2400 MHz, and 2500–2600 MHz, some of which was used by GSM systems. 3G networks also used a radio access method different from that used in GSM networks, which enabled even more users and offered higher data rates. Although it was not possible to create a globally unified 3G system, a family of systems called IMT-2000 was defined, which could work together and offer similar capabilities. The family included the UMTS (*Universal Mobile Telecommunications System*) standard proposed by the ETSI and implemented by most operators worldwide. Patronage over the development of this and subsequent mobile network standards has been assumed

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Myth:

The further away the base station is, the better, because the radiation is lower

The further away we are from the base station, the less radiation we are exposed to, which results directly from the phenomenon of damping of propagating electromagnetic waves. However, ensuring the availability of radio services requires a minimum level of radio signal power in the entire area. This can be achieved in two ways: by using a single, high-power base station or by using several base stations with much less power. Thus, exposures to radiation at the same distance from the base station may be completely different.

One should also be aware that transmitting antennas are most often installed high and the radio beam is shaped in such a way that radio waves propagate in a horizontal plane, with the signal being strongly damped in the direction down the antenna. This means that people who are at a short distance under the antenna are not exposed to high EMF values.

It should be noted that terminal devices (e.g. mobile phones) can often cause greater exposure to electromagnetic fields than base stations: although they have many times less radio power, they are in direct contact with the user. As a result, the exposure to EMF from the terminal device is higher than from the base station. What is more, terminal devices use algorithms that change the power of the transmitted radio signal based on the power of the signal received from the base station: the weaker the signal received, the higher the power of the signal transmitted from the terminal. Thus, paradoxically, a large distance from the base station usually means greater exposure to electromagnetic radiation for mobile network users.

by the *3G Partnership Project*, a group of the largest standardization organizations in the world of radio telecommunications.

4G: the age of smartphones

The continuing development of Internet services has made increasing demands on the efficiency of data transmission. As a result, further development of mobile technologies has focused on development of a standard that would increase the speed and reliability of data transmission, based on the existing 3G network infrastructure. As a result, at the end of 2008, the 3GPP consortium developed the first version of the 4G LTE network standard, which initially operated in the 1800 MHz band, with channel band width from 1.4 MHz to

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20 MHz, which enabled improved coding, optimized data transmission speeds, and higher efficiency. In addition to the improved transfer capability, the 4G LTE standard is characterized by a low incidence of downtime and transfer errors and a significantly lower latency compared to 3G.

Transmission in a 4G network supports speeds up to 150 Mbps for data transmission to the end user, and packets are transmitted with the speed of at up to 50 Mbps. Due to that, the 4G LTE network provides users with fast wireless Internet access, personalized telephony, and use of mobile broadband applications for mobile phones, laptop computers, and other electronic devices. Many foreign and domestic operators have implemented in their networks mechanisms that extend the capabilities of the LTE technology. The LTE-Advanced technology, which uses the so-called bandwidth aggregation, i.e. combination of several carrier frequencies into one channel of a larger bandwidth, enables data download speeds of up to 1 Gb/s and upload speeds of up to 500 Mb/s.

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IV.2

Assumptions and goals, planned parameters of 5G

Waldemar Latoszek, Konrad Sienkiewicz

By using new technological solutions, the 5G network meets the growing requirements of users, including the growing number of devices and the quality requirements imposed by applications. This is an extension of today's 4G network and is characterized by solutions that can both handle the quickly increasing quantity of data transmitted and meet the demand for data exchange between the increasing number of "Internet of things" devices.

As with each version of mobile networks implemented so far, it is assumed that until the range and the capabilities offered by the existing cellular network are provided, the 5G network will initially function together with the existing networks.

Three areas of application

There are three main application scenarios that will be of particular importance to users in the case of the emerging 5G network. These scenarios expand the existing areas of use of mobile networks and distinguish the 5G network from the previous generations.

The *enhanced Mobile Broadband* (**eMBB),** which provides fast Internet access (on the order of 1 Gbps), will be the main feature distinguishing this generation of networks from the previous ones, especially at the initial stage of its implementation. This advantage of 5G will result in improved performance and quality of communication in the society. As a showcase of an application of 5G, it will include services based on delivery of high-resolution multimedia, attractive forms of communication (e.g. video calls and augmented and virtual reality), as well as smart city services (including video materials from high-resolution cameras).

The second area is based on *massive Machine Type Communications* (**mMTC**), in which 5G will offer connecting a very large number of devices with low power consumption, known as "Internet of Things" devices (IoT). Using the cellular network for communication, these devices exchange data in an asynchronous manner. This scenario assumes that many types of devices can be connected, but their common feature will be occasional use of the cellular network and exchange of small data volumes.

Ultra-Reliable Low Latency Communications (**URLLC**) will be a technology that will provide a communication delay below 1 millisecond to enable data exchange over a cellular network for critical ap- plications (e.g. control of drones). In the previous generations of cellular networks, the achieved delay values were greater and, in the 3G network, equal to approx. 100 milliseconds, and in the 4G (LTE) network, equal to approx. 30 milliseconds.

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Backbone network and radio access network

New technologies and new radio frequency resources will be used to provide the network parameters specified above. Like in the previous generations of cellular networks, the 5G network will also consist of two basic components: the backbone network and the radio access network. However, while in the previous generations of cellular networks the technological changes were mainly related to the radio access network, in the case of 5G both these network segments have been changed significantly.

As in the case of each next-generation network implemented so far, 5G will initially operate together with the existing networks.

The introduction of the 5G network involves a number of new technological solutions that will significantly change the current model of use of telecommunications networks. Such technologies undoubtedly include those related to virtualization and programmability of networks, which will ensure a high degree of flexibility of the 5G network and allow introduction of network segmentation. This consists in that several different layers/areas can be created in a single physical network, each having its own set of settings tailored to the specific service. Segmentation is performed using the *Network Functions Virtualization* (NFV) technology and the *Software Defined Network* (SDN). It should be emphasized that the use in 5G networks of the SDN technology, i.e. introduction of network programmability and the network abstraction approach, changes the existing paradigm of design and maintenance of the network by introducing a clear division into the control plane and the data transfer plane, which are independently scaled, thus simplifying the management of the network and enabling better organization of resources and services. At the same time, the NFV technology enables the network functions (so far performed using specialized equipment) by software modules installed on standard commercially available servers. In addition, these technologies enable dynamic allocation of network resources according to application needs, increasing operational flexibility and simplifying the deployment of services.

One of the major new 5G network technology solutions in the backbone network segment is the MEC (*Multi-access Edge Computing)* technology, which provides the ability to process and store user application data in the base station of the 5G network. This technology was developed in order to solve a number of problems occurring in cellular networks, especially related to high delays associated with central data processing and with a long distance between data processing systems and users. The MEC technology provides new opportunities for application suppliers and operators. They can develop innovative services that have not yet been available due to the limitations of the telecommunications network. An example is the *Tactile Internet* services which include scenarios of use where people remotely control both real and virtual objects, based on a sensory signal and other feedback such as images and sounds.

In the case of the radio access network segment, as in previous-generation networks, the 5G access network also consists of infrastructure that provides terminal devices with access to the cellular network (including base stations, antennas, masts, etc.). The area covered by the radio signal from individual base stations is also divided in a similar way, i.e. into cells. On the other hand, in 5G networks, a much greater role than in the existing cellular networks will be played by cells of smaller sizes.Depending on the local conditions (e.g. user density) microcells (range up to 2 km) will be used in city centers and pico-cells, with the range from about a dozen to a hundred meters, will be used as local access points at such places as stadiums.

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Three frequency bands

According to the current state of 5G network standardization, three frequency bands are planned to be used for its operation: low, medium, and high.

The designation of the specific bands depends on its characteristics, including in particular two factors: the way the signal propagates (radio propagation) and the capacity of the spectrum resources. The first of the factors is related to the physical properties of electromagnetic waves and determines the achievable ranges in radio transmission in changing weather conditions and radio coverage of areas that are hard to reach (e.g. building interiors). The second factor is identified with the available amount of radio spectrum in a given frequency range that can be used in 5G networks. One must keep in mind that high bit rates also require a wide radio bandwidth which, being a limited resource, is rationed and its use must also include radiocommunication applications other than 5G networks, e.g. television broadcasting, radio communication of home automation devices, etc.

In the 5G network system, the following three frequency ranges are assumed to be used first:

- 694-790 MHz (700 MHz band);
- 3400-3800 MHz (3.4-3.8 GHz band); and
- 24.25-27.5 GHz (26 GHz band).

The **700 MHz band** is characterized by good signal propagation and relatively low attenuation (signal absorption by various obstacles), which provides the possibility to cover large areas. This band can be used for mMTC services, i.e. massive communication between machines. Due to the impossibility of using the mMIMO – which would increase the cell's capacity – the band itself would not be able to provide broadband Internet access to mobile device users (eMBB service). However, it can be used together with the following bands, which have large spectral resources. With this type of operation, the transmission quality in the direction from the user to the base station (i.e. "uplink") is improved.

The **3.4-3.8 GHz** band enables the use of mMIMO, and at the same time is a compromise between propagation and capacity resulting from the spectral resources, especially in connection with the 700 MHz improving the "uplink" connection. This band would be used to build the covering layer for eMBB services for several largest Polish cities, including the major roads between them. This band can also be used to introduce services that require reliable transmission and particularly low latency (URLLC) in applications requiring the transmission of particularly large data volumes, e.g. high-resolution images for medical or navigation purposes (see the infographics on page 122).

The **26 GHz band** is limited in terms of area of use, especially due to fulfillment of the requirements related also to transmission in the direction from the user to the base station ("uplink" connection). It can be used, among others, for broadband hot spots and for pico-cell cMTC/URLLC applications. Due to its large capacity and the possibility of allocating large spectrum resources, this band can also be considered for providing Internet access as a part of the Fixed Wireless Access service.

More antennas and more cells mean that the power required to transmit signals will be correspondingly lower, also in the case of terminal devices, such as smartphones.

New technologies

The most important new 5G technological solutions in the area of radio networks include: 1) Massive MIMO (*Massive Multiple Input, Multiple Output*); 2) radio *beam forming*; 3) Multi-RAT (*Multi-Radio Access Technology*).

While sector antennas were used most often in the previous solutions, 5G networks will use

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antennas in the massive MIMO technology. This is an extension of the MIMO technology, which is currently used, among others, in LTE-Advanced networks. In the MIMO technology, each antenna consists of several components, which enables a more stable transfer and a higher data transfer rate, while allowing more users in a single cell area. Massive MIMO, on the other hand, assumes the use of antennas with a much larger number of components (e.g. 64 x 64), which will significantly increase the effectiveness of communication in the served area.

Another element enabling an increase of the efficiency of radio transmission in 5G networks is the use of radio beam forming. Beam forming is a technology that enables (using antennas in the massive MIMO technology) directing the radio signal only towards the receiving device, instead of scattering it in all directions. This technology uses advanced signal processing algorithms to determine the best path for the radio signal to reach the user. It increases transmission efficiency, because it reduces the susceptibility of the signal to disturbances caused e.g. by the phenomenon of radio wave interference.

The use of Multi-RAT technology, i.e. radio multi-access, will enable users, depending on their requirements and on the current network load, to automatically establish connections using the interface(s) that is (are) optimal at a given time (e.g. Wi-Fi, 4G, 3G).

Application of new technological solutions in the 5G radio network involves the need to expand antenna infrastructure and build new antenna installations. They will use new, higher frequency bands while supporting cells of smaller sizes. Thus the power required for transmitting signals using these devices will be correspondingly smaller, also in the case of terminal devices (e.g. smartphones).

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IV.3

Applications of 5G

Anna Stolarczyk, Marek Sylwestrzak

Potential applications of the 5G network are mainly due to the ability to handle a very large number of devices of low power consumption (mMTC) and the introduction of the so-called ultra-reliable low latency communication (URLLC – see article IV.2. above). These two features of 5G will enable new mobile network applications and a significant development of existing ones.

Industry 4.0

The fourth-generation industry – also known as Industry 4.0 (its characteristic feature is the use of the Internet and artificial intelligence – previous generations were based on access to computers, electrical appliances, and steam machines) – can benefit enormously from access to 5G technology. Its applications in Industry 4.0 focus on four main areas: robotization (small autonomous robots cooperating with other components of the production process), production process automation, augmented reality (when performing activities such as training, machine maintenance, data visualization and analysis, and design) and logistics management (from orders to distribution, e.g. autonomous handling vehicles).

Pilot actions are already underway in this area.

A Swedish bearing company uses a 5G network to simultaneously customize the product and maximize production efficiency – without compromising flexibility, traceability, sustainability, and safety. The solution is based on the creation of a network of interconnected machines that enable manufacturers to collect, analyze and distribute data in real-time[1].

A certain factory in Tallinn uses augmented reality for troubleshooting, maintenance planning, fault diagnosis, and training, which reduced the cost of failures (additional components, materials, and labor), as well as production downtime. Time savings of up to 50 percent have been achieved[2].

5G is also being used in the mining industry. The new technology improves safety and efficiency in mines, by enabling remote control of machines, smart ventilation, etc. Thanks to the low latency and ultra-fast connectivity, the relevant applications linked to multiple sources of information (audio, video, touch technologies) help people avoid the most dangerous areas. Also, anchor bolts are equipped with a system of special sensors providing information about vibrations to ensure maximum safety when working underground[3].

A Chinese plant w Nanjing uses digital screwdrivers that use mobile telephony based on the "Internet of things" (IoT). In the factory there are about 1,000 precision screwdrivers that require routine calibration and lubrication depending on the time of their use. Previously this was a manual procedure performed periodically and documented in paper logs. The precision tools are equipped with motion sensors working in real-time. The collected data is sent via the cellular IoT network in a private cloud and *back-end* system that enable its processing

1 https://www.ericsson.com/en/cases/2017/skf
2 https://www.ericsson.com/en/news/2018/1/5g-manufacturing---tallinn
3 https://www.ericsson.com/en/cases/2017/boliden

and analysis. With the digital screwdrivers, the factory will be able to replace manual tracking of tool usage data with an automated solution, thus reducing the manual work by 50 percent. As the cost of the device is low, the factory is planning to completely eliminate manual monitoring and maintenance[4].

Self-propelled robots for industrial applications are also built, which can be controlled from anywhere in the world. These "smarter" robots will be able to interact with their surroundings in a human-like manner, identify obstacles, and avoiding them in real time. This requires immediate transmission of an enormous amount of information. For this to be possible, the control function of the robots must be transferred to the cloud in order to use its enormous computing power. 5G Technology provides the necessary lower latency and higher bandwidth compared to other forms of wireless communication.

Vertical integration (vertical market)

5G technology can also be used vertically integrated sectors of the economy. Vertical integration consists in technological combination of separate production, distribution, and marketing phases, or other business processes in a single entity. Vertical integration concerns businesses that are linked with each other within the same production chain.

An increase in the importance of vertical integration will result from the development of Industry 4.0, which will consist in digital integration of all industrial systems and robotization in connection with very little human service inside the entity. The 5G network is to provide the next step in this integration – a complete transformation of the industry. Businesses of the future will jointly produce entire product sets and will work closely together to exchange their technological capabilities so that machines can directly enter into contracts[5].

4 https://www.ericsson.com/en/networks/trending/insights-and-reports/5g-for-manufacturing

5 https://businessinsider.com.pl/firmy/zarzadzanie/przemysl-40-na-fg-time-2018-jaroslaw-tworog/3qjr07k

The 5G network will support a wider portfolio of applications with multiple requirements, from high reliability to very low latency passing through a wide bandwidth and mobility. The above properties will speed up vertical integration in several sectors: automotive, entertainment, e-health, e-industry, and telecommunications.

Engineers are already working on specific applications.

In the automotive sector, these include collection and continuous analysis of vehicle status data and creation of vehicle operation scenarios based on this data which will help car manufacturers to better design them, and also to develop and manage production and sales. Car manufacturers focus in their actions on offering an increasingly high-quality product and on increasing customer satisfaction. More information on faults and usage statistics can help to eliminate failures in the future. Moreover, collection of information on the needs and habits of drivers who use the available services, will enable a more personalized content and services. The 5G network will enable more efficient diagnostics of electronic components whose lifetime is much shorter than that of the whole vehicle.

In transport and logistics, 5G networks can help integrate a company by influencing management of vehicle fleets (financing, maintenance, tracking and diagnostics, speed and fuel level monitoring) and drivers (ensuring occupational health and safety). Vertical integration using a 5G network will enable identification of "bad drivers" and will help to eliminate their dangerous habits, thus affecting fleet safety. Moreover, constant monitoring of vehicle routes will improve the supervision and safety of the goods being transported.

In the clothing industry, the 5G network will enable using the Fashion Tech, i.e. technologies such as electronic tags, smart metering, and progressive lighting and air-conditioning systems that will make it possible to learn potential customer preferences. This is also an investment in smart stores where, with special cameras recording the image in real time and creating heat maps and paths showing the places most frequently visited by shoppers are to enable convenient sale of

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as many goods as possible and learning about the preferences of potential customers. The data collected would be used to select the best area of the store to display the flagship models of the collection[6]. Use of the 5G technology can help the clothing industry to create and implement new systems to bridge the gap between manufacturers, wholesalers, and retailers.

Smart cities

Smart city services are mostly based on spatial information processed in real-time and affect many spheres of the lives of the residents. A significant proportion of the services based on the 5G technology is located in areas such as smart traffic management (urban communication and road traffic, responding in real time to daily events, e.g. traffic jams), optimization and tracing of energy transmission, monitoring of air pollution and water quality, waste management, infrastructure management in cities, healthcare, and safety.

Examples of specific services planned in the framework of *smart cities* technologies are listed below.

Smart traffic management System will be based on data from roadside control and measuring devices (e.g. sensors, cameras, stop boards), and from urban public transport. It will be possible to adjust the traffic lights in order to optimize the flow of traffic. Information points will provide passengers, in real time, with information on bus and tram arrivals. Information about number of public transport users and about those users who intend to board buses or trams at a given time, collected by integrated operating centers and data platforms, will enable more efficient use of the city's transport fleet. As a result, this should lead to a reduction in the time passengers have to wait for public transport.

Smart traffic lights will monitor the flow of traffic using a network of sensors and cameras. They will be well communicated with buses and will receive information not only about the location of the vehicles on their routes and about how long their delays are, but also about the number of passengers carried at a given time. The system will be able to extend or shorten the duration of the green traffic lights. Optimization of the traffic lights in real time will enable a much more efficient flow of vehicles.

Smart parking will significantly reduce parking time and parking congestion for all drivers. With information on free parking spaces available in real time, drivers will go directly to the spot identified by 5G sensors installed on street lamps or in roadways.

Autonomous vehicles can supplement public transport by solving the problem of the first/last commuter section. Automated vehicles are expected to increase the mobility of seniors and disabled people. Technologies for mutual communication of autonomous vehicles – V2V (Vehicle-to-Vehicle) – and between vehicles and their surroundings, i.e. road signs or signals devices, bus stops, and even the road itself – V2I (Vehicle-to-Infrastructure) – will translate into increased road safety. The number of traffic collisions should be reduced in cities by eliminating human errors, which are currently the most common cause of accidents. Cars will be able to assess the route in advance, avoid congested areas, and planning alternative routes. Furthermore, they will be able to offer passengers alternative transport by verifying the current bus or train times and assessing the fastest way to travel in real time. Due to the ability of autonomous vehicles to travel very close to each other (so-called "convoy driving"), the use of advanced traffic management systems (e.g. dynamic road tolls), and the improved use of infrastructure by designating separate lanes for autonomous vehicles, the capacity of the roads will be significantly increased.

Also, the use of autonomous vehicles should contribute to alleviation of the problem of congestion in cities (autonomous vehicles can be parked closer to each other than at present, when the driver must have enough space to get out of the vehicle and leave the car park) and improvement of fuel economy, while reducing air pollution.

Smart grid will be based on a system of electronic sensors connected by a network that

6 https://www.newsweek.pl/biznes/fashion-tech-nowoczesne-technologie-w-swiecie-mody/0pxr2qh

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will be linked to specific software. The system is expected to measure, monitor, control, and optimize energy flows in the grid. Smart grid will allow users to better understand their energy consumption, forecast their needs, and avoid high bills. Energy suppliers, on the other hand, will be able to anticipate increases in energy demand, help in balancing grid load, and avoid waste, which will allow them to improve energy distribution and ultimately lead to lower costs for consumers. In the case of a power failure, a diagnosis will be performed in real-time and the users will possibly be switched to another transformer or device. Energy management is supported by ***smart meters*** which, with the introduction of the 5G technology, will be much more precise than at present (e.g. will enable users to monitor which devices in the house consume the most electricity and at what time of day they bear the most costs), and also by ***remote monitoring of power facilities*** (such as wind farms and photovoltaic power stations). Both smart meters and remote energy monitoring are not new functionalities but, with the introduction of 5G services, the increased data transmission rate and a much lower latency will translate into more detailed information collected.

With **smart lighting systems**, the lighting intensity will be adjusted according to the traffic intensity and the time of day. Data from motion and weather sensors installed in street lamps will enable automatic control of lighting based on weather conditions, street use, and availability of natural light, which will reduce energy consumption, extend lamp life, and reduce replacement costs. Bulbs will also be equipped with individual sensors, so that light levels will automatically change in response to cloudy weather or low traffic levels. Information from the sensors will be sent to the control system and, after processing, will be available to residents. In the event of a power failure, the smart technology will enable precise diagnostics in real time to identify the specific transformer, which will speed up repairs and shorten downtime. Car park lighting will work similarly to the street lighting system, i.e. it will be dimmed when no traffic is registered and when a car enters the car park and is detected, the relevant sectors can be illuminated.

Smart buildings will use different systems to ensure safety and to maintain resources and general health in the surroundings. Smart buildings include: ***security systems*** (remote monitoring, bio- metrics, wireless alarms), ***smart heating and ven- tilation*** (monitoring of various parameters, such as temperature, pressure, vibrations, humidity in buildings), ***smart water management*** (mobile applications will allow consumers to control the use of water resources in of their homes).

In the area of **security**, the new solutions may include e.g. ***Closed Circuit TeleVision*** (CCTV) which transmit several HD and 360º video streams in real-time. The monitoring may cover public places or critical infrastructure. It can be combined with facial, iris, or fingerprint recognition systems that enable effective identification of missing persons or persons suspected of committing crimes. The system should lead to increased security, as it will be able to automatically send information on registered offenses to the relevant services. The ***automatic threat detection system***, allowing detection of suspicious objects, anomalies, and disturbances in public places, including weather events posing a threat to the public, will serve the same purpose.

E-health

The 5G technology will enable a revolution in healthcare and medical services. Let us look at the most important planned services and technologies.

Telecare and telemedicine, i.e. remote consultation of patients with physicians via mobile devices. Implementation of the 5G technology will enable a wide spread of high-quality videoconference services, enabling patients to consult on smartphones, tablets, etc. This technology will evolve using accelerometers integrated in most smartphones. It will turn smartphones into devices that will alert the competent healthcare service (e.g. that a patient has fallen) or that will send information about the health condition of a patient to the doctor to allow him/her to make a proper

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diagnosis. Thanks to the video calls, it will be possible not only to receive medical advice but also to participate in rehabilitation.

Monitoring of patient health and activity (including e.g. use of medicines) will be carried out by means of mobile devices (smartwatches, smart glasses, etc.). These devices, belonging to the IoMT ("Internet of Medical Things") group, will support fully predictive analysis, significantly shorten the time needed to detect health problems, and significantly increase the accuracy of the doctor's diagnosis. Thanks to the application in which cameras and sensors will monitor daily activities, doctors will know what stage of therapy their patients are at, which will help to choose the right treatment.

Smart medicines will reduce treatment costs and help avoid side effects. The objective of collection of personal health data in real time will be to ensure a personalized pharmaceutical approach. The system will be able, e.g., to measure the level of antibodies in the blood and, on this basis, decide whether an extra dose of a medicine is needed.

Telesurgery, i.e. procedures carried out using high quality 360º cameras and surgical robots, can also be implemented. Telesurgery also includes the use of tactile devices, such as gloves that allow the surgeon to move remotely and "feel" the patient being operated from another location.

Smart ambulance will be based on the communication in real-time between the hospital and the ambulance (from the site of a medical event) to make data available and to conduct consultations. The 5G technology will also detect when a dependent person leaves home and is in danger of getting lost or that something may happen to him or her if the person does not move for a long time.

Mobile robots will support, among others, elderly or disabled persons. Singapore is already testing a solution which, by using motion sensors in homes, allows working Singaporeans to monitor whether their relatives remaining at home are safe. If there is no movement for a long time, the system immediately informs the caregiver's smartphone, who can react immediately, contact his or her relative and find out if everything is all right. This allows caregivers to work and avoid having to choose between their family responsibilities and their careers.

Environmental protection

Potential applications of the 5G technology for environmental protection are largely the direct result of the development of IoT and smart cities services, which are based on all kinds of wireless sensors. In its broadest sense, a 5G network can facilitate a cleaner, greener, and a more environmentally friendly future, increasing the efficiency of many processes.

Examples of applications, which were not mentioned earlier, that will be developed together with 5G and more efficient operation of IoT sensors, are monitoring of vibrations and material conditions in buildings, bridges, and monuments; noise level monitoring in cities and on their outskirts in real time; measurement of the energy emitted by mobile telephony stations and Wi-Fi routers; more efficient waste management and recycling – detection of waste levels in bins, development of tracking and recycling services for products of higher value or most harmful to the environment (electronic equipment, batteries, furniture, etc.); monitoring of forests and protected areas for fires; monitoring of the condition of air, emitted pollutants, water level, and precipitation level; better prediction of earthquakes; more efficient control of dangerous spills; and monitoring of growth conditions of endangered plant and animals species to ensure their survival and health[7].

More efficient monitoring – in real-time – and more precise sensors will translate into a faster response to emergencies and disasters, which is often crucial for rescuing people at risk and the natural environment.

7 Libelium, 50 Sensor Applications for a Smarter World, http://www.libelium.com/resources/top_50_iot_sensor_applications_ranking/

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Agriculture

Agriculture is a branch of the economy exposed to high risk and low profits; therefore, increasing the precision of operation and the productivity in this sector is crucial. The 5G technology provides new possibilities in monitoring, tracking, and automation in agriculture. Thanks to the IoT, information on humidity, fertilization, and soil nutrients, as well as current weather forecast reports will be provided for better crop management and breeding. This will also enable monitoring of the maturity of farm animals and their feeding parameters, which should help farmers in precise determination when the animals can be sold. The 5G Technology will ensure tracking of the vast number of environmental factors that affect agriculture, thus optimizing operations, even in areas where broadband is not provided[8]. So-called smart agriculture, based on, among other things, automation and robotics, using artificial intelligence at every stage of production, as well as precise measurements and actions based on collected data, is an absolutely necessary technological innovation to help feed an ever-growing population struggling with climate change problems. Moreover, 5G can support crop monitoring with drones equipped with video and infrared cameras, which would enable faster detection of sick, injured, or missing animals and monitoring of plants without the need for the farmer to leave his house[9]. The 5G network should provide precision equipment for agricultural machinery in order to optimize and improve traditional agricultural operations, and to provide feedback on environmental conditions or equipment in use and its performance, maintenance, and repair parts needed.

The 5G technology can provide farmers with a wealth of real-time data on water and energy consumption, livestock movements, condition of machinery, and market prices. As a result, 5G can help regional companies to compete on a level playing field both nationally and globally, driving investment and encouraging further deployment of new technologies.

Acilities for disabled persons

5G are not only autonomous cars, *smart cities*, development of education, and improved safety, but also new opportunities for elderly and disabled persons, especially in the context of prevention of their exclusion from the society.

The 5G network will support services for people with all types of disabilities: motor, visual, hearing, and speech impairments, as well as for people with chronic diseases that require continuous monitoring of vital functions.

Application of 5G in autonomous vehicles will allow them to be driven automatically, thus increasing the mobility of people with disabilities and their safety in road traffic, through continuous monitoring and analysis of the situation on the road[10]. On the other hand, the use of sensors in vehicles and low latency in data transmission using 5G can be used to design cars for blind people[11].

Location and navigation services will facilitate movement and reaching their destination in urban areas to blind and visually impaired persons. Current solutions that make it easier for blind persons to move in shops or in built-up areas are based on the help of another person[12]. The 5G technology, on the other hand, can be used to design smart headphones that will provide highly precise information in real time regarding current location, navigation to a designated destination, and obstacles. Such a solution is also supposed to offer a whole range of additional functions, such as face recognition, identification of the situation, and recognition and categorization of objects. All this can help blind people to overcome everyday challenges[13]. Furthermore, thanks to the faster data transmission and, thus, image transition, death persons using

8 http://www.carritech.com/news/5g-use-cases-sensor-networks-farming-agriculture/

9 https://disruptive.asia/5g-smart-farming-green-revolution/

10 https://5gmf.jp/wp/wp-content/uploads/2016/09/5GMF_WP101_12_Network_Tech_for_5G.pdf

11 https://about.att.com/innovationblog/blindcaptain

12 https://about.att.com/innovationblog/aira_wearables

13 https://www.huawei.com/minisite/giv/en/era.html

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The 5G network will support services for people with all types of disabilities: motor, visual, hearing, and speech impairments, as well as for people with chronic diseases that require continuous monitoring of vital functions.

the sign language will be able to participate in video conferences[14].

A combination of the 5G technology with the "Internet of things" can improve the standard of healthcare for people with disabilities and, in combination with smart buildings, can improve the living conditions in homes[15]. With the installation of sensors and the 5G technology, persons with chronic diseases and various dysfunctions will be able to control home appliances, improve safety, transfer health data to medical professionals, and develop their careers through remote working. This will also enable building emergency detection schemes and responding quickly to emergencies.

Education and games

Use of 5G in e-learning and games focuses on several areas. The first is remote e-learning, which replaces traditional teaching methods by using video streaming tools of an unprecedented quality and speed. Another is augmented education, which enables learning new content through the use of so-called "augmented reality" which, due to the transmission of large amounts of data, requires a fast network. *Augmented reality* is a system that connects the real world with computer-generated content. Typically, this is done using the image from a camera, completed with images, sound, and in certain applications also tactile and olfactory stimuli, generated in real time. With augmented reality, it is possible to provide the user with additional information superimposed on the actual surrounding space. In the entertainment sector, there are games that, by using augmented reality, give a new dimension to existing games with a large number of players and also enable playing outdoor.

In the area of education, development of 5G enables planning many modern services. 5G will make possible e.g. interactive video conferences and remote classes – on a mobile phone. Travel abroad will be facilitated by guides with geolocation, installed on mobile devices, showing plans of buildings, additional information on buildings or some other objects, information on tourist attractions, and personalized suggestions concerning hotels or restaurants, as well as by interactive translation applications working in real time, based on information from cameras or recorded audio.

The ability to identify a recorded image or sound sample by automatically searching the Internet will also increase – as a result, a known image or music piece can be identified. Biology classes can be enriched by identification of an animal that makes a particular sound (e.g., twitting of a specific bird species). This way of presenting knowledge and of interactions with teaching materials can be interesting and can speed up children's learning, compared to learning from an ordinary book. It will allows enable individual adaptation of the scope, form, manner, and speed of information transmitted in the learning process, according to the abilities, predispositions, and needs of the students.

There will be geolocation games with augmented reality that will enable (using a smartphone) determination of the current location of the player and then displaying information related to the real world. Such a game reacts to a player's movement or orientation in a specific direction, or location near a building. The game can also send the player's location data to other participants, allowing additional interactions. Another type of

14 https://www.ctia.org/news/5g-will-spur-new-opportunities-for-americans-with-disabilities

15 https://www.rcrwireless.com/20150602/internet-of-things/iot-enabling-the-elderly-and-disabled

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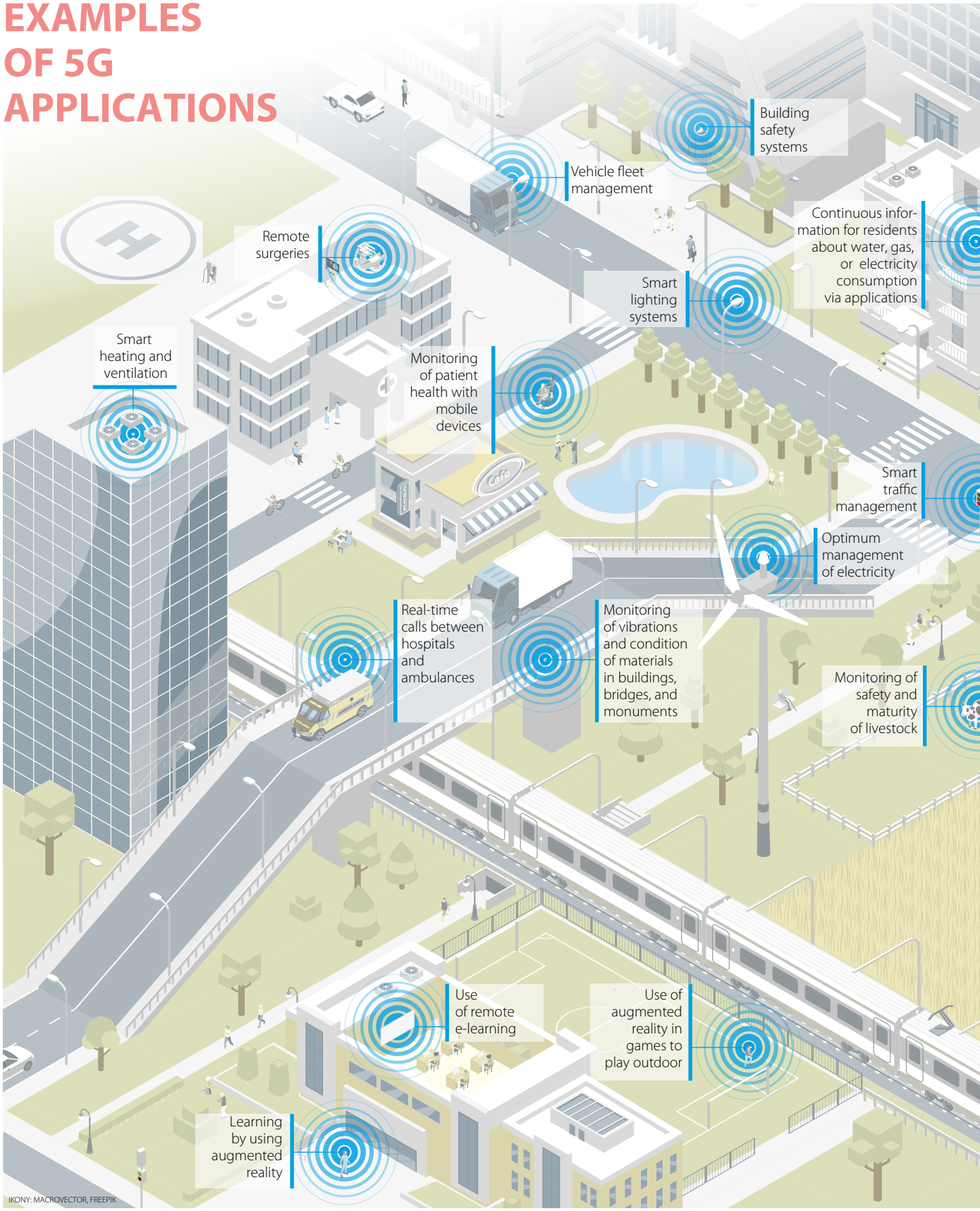
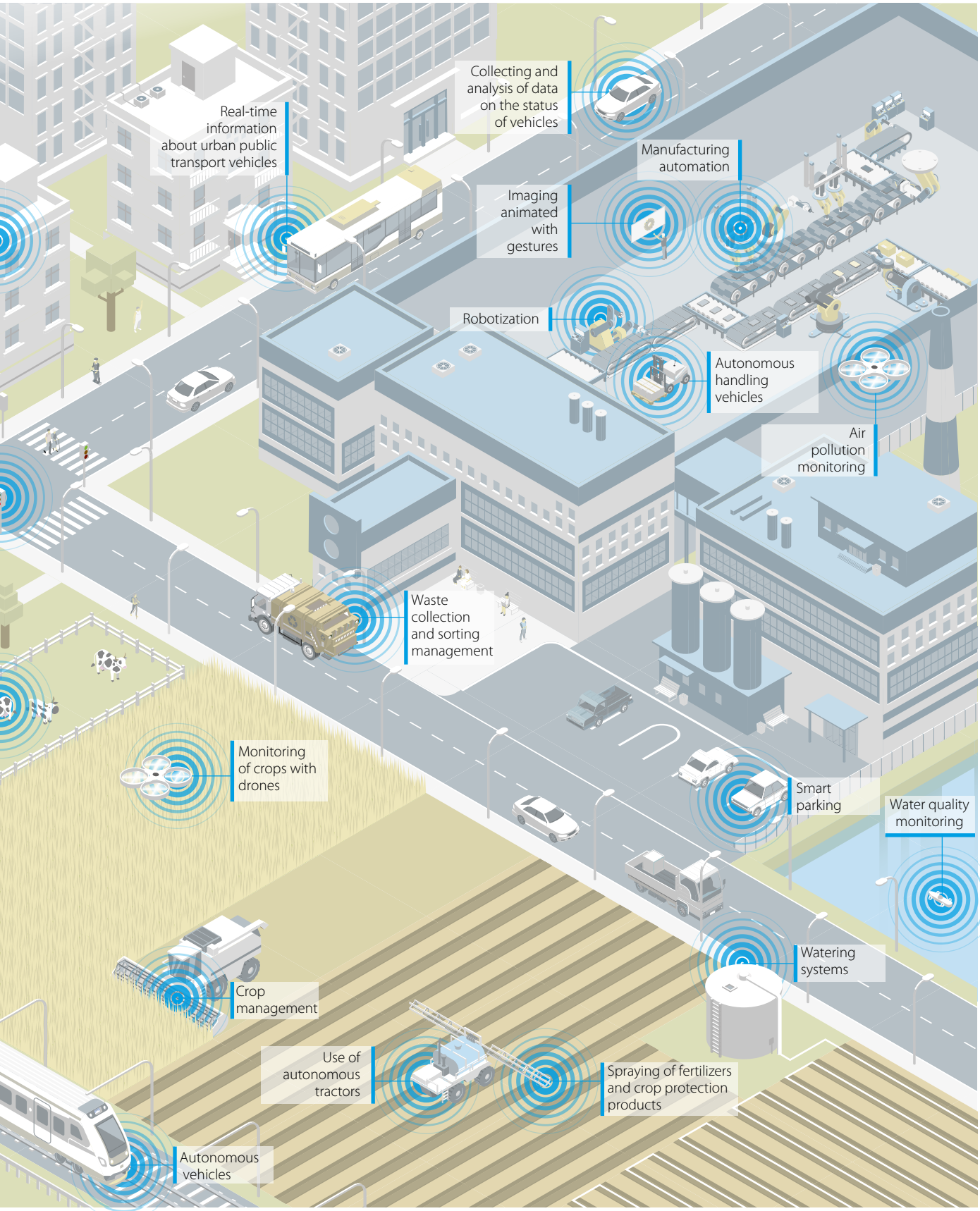
entertainment and competition will be provided by remote action games or remote sport applications, e.g. ones that enable player to race on foot or by bicycle with person present in another city (by comparing their results with other players racing at the same time or by virtualizing other players).

Of course, these are not all possible applications of the 5G network, but rather only those we can already predict. Human creativity knows no bounds, however, and we can expect that inno- vators, visionaries, and inventors will surprise us many times in the future. We can also be sure that, over the next decade, our lives – in the smart cities, with access to a number of new services, including e-health - will become more convenient and safer, and the benefits resulting from the technological changes will affect increasingly wider groups, in- cluding most disadvantaged ones.

EXAMPLES OF 5G APPLICATIONS




Collecting and analysis of data on the status of vehicles
Real-time information about urban public transport vehicles
Manufacturing automation
Imaging animated with gestures
Robotization
Autonomous handling vehicles
Air pollution monitoring
Waste collection and sorting management
Monitoring of crops with drones
Smart parking
Water quality monitoring
Watering systems
Crop management
Use of autonomous tractors
Spraying of fertilizers and crop protection products
Autonomous vehicles

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IV.4

What are the benefits of 5G?

Barbara Bartoszewska , Magdalena Olender-Skorek

The development of 5G helps to achieve the full range of benefits for both the society (citizens and businesses) and the whole economy.

For citizens

From the point of view of the individual citizen, the greatest benefit will be the availability of newly created services, better tailored to the needs of the individual user, personalized, and more advanced, and above all provided faster and more efficiently. Citizens (in real time!) will use interactive e-services: will apply advanced e-health diagnostic methods, benefit from the knowledge and capabilities of e-health, make use of *smart city*, and even more efficiently deal with official matters. This will save time and money that citizens would have to spend on offline services.

There are also clear benefits to citizens in the area of entertainment, e.g. through the possibility to participate in mass cultural events using high-quality digital media (4K and 8K data transmission on smartphones will be possible). 5G will be essential for the development of new technologies supporting the future digital society, which will comprise a large proportion of commercial transactions.

Thanks to 5G, it will be possible to increase the use of drones in rescue operations (e.g. during disasters), which require high quality HD cameras connected to mobile broadband Internet, low latency in transmission, and high availability. This will enable reliable and safe piloting of drones, so that rescuers can reach any location in a safe way without endangering the lives of people. 5G will also improve the safety in everyday life, by revolutionizing the ways smart homes are implemented and maintained. It is assumed that 5G will help to solve the basic problems of users, e.g. difficulties with configuration of devices, their unreliability, and high latency. Use of cellular communication via the 5G technology, instead of home WLAN networks and firewalls, will also improve the performance of users and will better protect their devices.

The 5G technology will also bring about a change in the structure of employment. There will be new professions and many of the existing ones will be supported by technologies or will be completely replaced by machines. For citizens, this change will be beneficial as there is already a shortage of low-skilled workers in the market for routine, repetitive jobs.

With 5G, it will be easier for households to manage their expenses. It is estimated that the energy consumption itself will be reduced by 20%[1], which (looking at today's structure of spending of an average household[2]) translates to about PLN 45 of savings per month. Also, food purchases should become more reasonable (less food waste due to the so-called "smart shelves" in refrigerators). Assuming that households will throw away a half of

1 "The value of 5G for cities and communities", *Juniper Research*, 02, http://www.mobileuk.org/cms-assets/O2%20Smart%20Cities.pdf.

2 CSO, "Household budgets in 2017," http://stat.gov.pl/obszary-tematyczne/warunki-zycia/dochody-wydatki-i-warunki-zycia-ludnosci/budzety-gospodarstw-domowych-w-2017-r-,9,12.html.

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what they currently do, the associated monthly savings can reach PLN 100. Autonomous electric cars will save fuel worth on average PLN 200-300 per month (this is the most common amount of expenditure on petrol per household[3]).

For businesses

Use of 5G by businesses will allow them to process and store larger volumes of data without expanding their existing hardware resources. Furthermore, the elimination of data transmission latency will improve remote access to devices in automated businesses. This will ensure that there will be no need to maintain low-productivity jobs, for which employees are currently very difficult to find. In addition, by increasing (even 100 times) the Internet speed, companies will be able to communicate in real time with their contractors and branches, present data, and hold video conferences even in 4K or 8K resolution (also via smartphones). This will reduce the time required and the costs generated by business trips (a reduction by at least 75% is estimated). At the same time, sensor systems will enable businesses to reduce their electricity consumption.

The beneficiaries of the emergence of 5G will include telecommunications companies themselves, as they will be able to use their infrastructure more efficiently to provide better quality services. According to the estimates of the GSMA[4], as a result of the introduction of 5G, the index reflecting the value of telecommunication companies (the so-called Cumulative Annual Growth Rate, CAGR) will increase on average by 2.5% to 5% annually (the value of telecommunication companies will start growing faster).

Benefits for the economy

The most important benefit of 5G for the economy is GDP growth, which is estimated at about 7% worldwide. A comparison of this figure to the current GDP of Poland (nearly PLN 2 trillion in 2017), it can be calculated that the GDP should grow by PLN 138.8 billion. A big part of it, as much as 48%, will result from the revenues generated by creation of new services[5].

5G will have a positive impact on economic growth through capital expenditures, increase of production capacity, and improvement of the quality of the workforce. More efficient use of resources will lead to increased prosperity of the society. The sooner the value added to GDP generated with 5G appears, the sooner Poland will enter the growth path. The authors of the document commissioned by the European Commission[6] estimated that in the industry itself, the 5G technology will increase added value by 1% (excluding the car industry, which was subject to a separate analysis). The added value of the industry in Poland, according to CSO data, amounted to almost PLN 336 billion in 2016. A one percentage point increase in productivity will thus translate into benefits on the national scale equal to PLN 3.3 billion per year.

The development of individual industries will translate into additional savings, which are estimated at up to twenty percent a year. The decrease in transport costs alone will make it possible to save approx. 2% of the current costs which, compared to the data from the CSO (on the costs of transport activity in Poland), translates into PLN 1.8 billion. The development of e-health, on the other hand, will result in annual savings of the state on the level of PLN 150 million (0.13-0.2% of current health expenditure).

As the 5G technology affects almost all areas of socio-economic life, it will also indirectly help **improve the international competitiveness** of the economy.

3 Ibid.

4 "The 5G era: Age of boundless connectivity and intelligent automation", GSMA, 2017.

5 "The 5G business potential", Arthur D. Little and Ericsson, 2017.

6 "Identification and quantification of key socio-economic data to support strategic planning for the introduction of 5G in Europe," Report commissioned by the European Commission, 2016.

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Glossary

ALARA (*As Low As Reasonably Achievable*) – a safety rule applicable to exposure to of ionizing radiation

antenna – a device transmitting and receiving an electromagnetic wave that contains the desired signal

radio link antenna – in mobile telephony networks, an antenna for communication with other base stations or with the base station controller

sector antenna – in mobile telephony networks, an antenna for communication between the base station and user terminals, which covers a specific sector, usually 120 degrees; there are multiple sector antennas on a single base station, covering all directions, i.e. 360 degrees

frequency – one of the parameters of the electromagnetic wave, describing how often (how many times in a given unit of time) the electromagnetic field returns to the same state at a given point; as an illustration: how many times per second a wave "peak" occurs in a given point; the unit of frequency is hertz [Hz]

wavelength – the distance between any two wave crests, e.g. in the case of an electromagnetic wave, but also an acoustic or mechanical wave; its unit is a meter [m]

dosimeter – a device for measuring the doses of ionizing radiation and radioactive activity of substances

exposimeter – a device for recording exposure to an electromagnetic field; this allows individual measurement in any environment, e.g. in the place of residence

electrosensitivity, see electromagnetic hypersensitivity

electromagnetic wave – a form of the electromagnetic field in which is a regular, interlinked change of the parameters of the electric field and the magnetic field takes place; formally, the change of the vectors of the electric field and of the magnetic field have the sine form; as an illustration, this is a phenomenon quite similar to the waving of water surface; the electromagnetic wave is described by frequency and wavelength

photon – a single particle of electromagnetic radiation

power density – one of measures of the electromagnetic field; its unit is watt per square meter [W/m^2]

penetration depth – a measure of interference of electromagnetic radiation with matter; it is the depth, calculated from the surface of a given body, at which 86.5% of the initial power density is absorbed; its unit is meter [m]

cell – the area of single base station

signal modulation – superimposition of useful information on the signal (the "raw" signal before the modulation, which does not yet contain this

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information, is referred to as "carrier signal"); modulation makes it possible to transmit information e.g. by means of electromagnetic waves; two examples of modulation are amplitude modulation (AM) – information is contained in changes of the carrier signal amplitude – and frequency modulation (FM) – information is contained in changes of the carrier signal frequency

electromagnetic hypersensitivity (EHS) – a problem reported by a certain group of people (about 3% of the population according to some studies); an exceptionally strong tendency to experience some negative symptoms (fatigue, weakness, tinnitus, insomnia, etc.) due to the presence of electromagnetic field; the causes of the EHS are not known, although according to some research it may have a psychological nature and be partially or fully explainable by the nocebo effect

electromagnetic field strength – one of the measures of electromagnetic field; usually the strength of the electric component (E), in volts per meter [V/m], and the strength of the magnetic component (H), in amps per meter [A/m], are reported separately

measurement uncertainty – a parameter always associated with the measurement result, characterized by the spread of values resulting from the fact that each measurement is made with finite accuracy

nocebo – a psychological effect consisting in the occurrence of undesirable symptoms exclusively due to a negative attitude (e.g. to some therapy, some physical phenomenon, etc.); the opposite of the placebo effect, which consists in the occurrence of positive medical effects due to a positive mental attitude, even in the absence of any physical therapeutic factor

near field – the electromagnetic field observed relatively close to the antenna; in this area, it depends on the current values of current and voltage in the antenna, and the relationship between the electric field and the magnetic field can be very complicated

far field – the electromagnetic field observed relatively far from the antenna; in this area, the momentary changes of current and voltage in the antenna are averaged, and the field is relatively "smooth;" field measurements should be performed in the far field

electromagnetic field (EMF) – a unified way of describing the electric field and the magnetic field, proposed in the 19th century by J. C. Maxwell

electric field – a state of space associated with presence of electric charges; it is quantified by the electric field strength E

magnetic field – a state of space induced by moving electric charges or by certain materials referred to as permanent magnets; it is described quantitatively by the magnetic field strength H

selective measurement – measurement enabling the assessment of the level of electromagnetic field in a specific frequency range, allowing the identification of the frequencies of the components of the measured electromagnetic field

broadband measurement – measurement which results in the total value of the electromagnetic field in the measuring range of the probe, with no possibility to identify the component frequencies; without additional measurements and calculations, it cannot constitute grounds for assessment of the maximum level of this field

electromagnetic radiation – in the most general sense, this term refers to all forms of electromagnetic field variable in time; in practice, EM radiation is usually discussed with reference to the high-frequency form of the field, e.g. X radiation, but not radio-frequency radiation

ionizing radiation – radiation that is able to cause ionization, i.e. can turn an atom or an electrically neutral particle into an ion, i.e. a charged particle; the simplest way of ionization is to break out an electron from an atom/particle; only radiation of an appropriately high frequency (sufficiently high

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energy of individual photons), e.g. X or ultraviolet radiation, is ionizing

non-ionizing radiation – radiation whose energy is not sufficient to cause ionization; as a result, the interaction of this type of radiation with matter is not chemical, but thermal at most: it does not cause the formation or destruction of chemical bonds but can cause the matter, including the human body, to heat up; radio waves and microwaves are non-ionizing

thermal radiation – electromagnetic radiation emitted by the surface of every physical body solely because of its temperature; in the case of bodies at room temperature, it falls into the infrared range and is invisible to the naked eye; sunlight, which is visible to the naked eye, is the thermal radiation of the Sun, whose surface has the temperature of around 5,500°C

propagation – a technical term describing the movement ("travel") of waves, e.g. electromagnetic, mechanical, or acoustic waves, in space; such waves may be scattered, refracted, or reflected; the study of the propagation of electromagnetic waves is of great importance to the design of telecommunications networks

backbone network – a set of components of a cellular network that connect the base stations to each other; it includes the transmission system, including radio links, optical fibers, packet data transmission equipment, etc.

base station – a transmitter/receiver radio device installed on a support structure (a mast or a tower) and equipped with antennas, which is the basic unit of the mobile telephony system; all terminals ("receivers") in a given area, referred to as cell, connect with a specific base station; antennas contained in the base station are the source of the signal received, among others, by all mobile phones currently present in that cell

specific absorption rate (SAR) – a measure of the rate of absorption of electromagnetic radiation converted in tissues of the human body into heat; in other words, the power absorbed by a unit of body weight; its unit is watt per kilogram [W/kg]

terminal – a terminal transmitter and receiver device; in the case of communication in a mobile telephony network, typical terminals are mobile phones and modems

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INTERNATIONAL COMMISSION ON NON-IONIZING RADIATION PROTECTION

ICNIRP GUIDELINES

FOR LIMITING EXPOSURE TO TIME-VARYING ELECTRIC, MAGNETIC AND ELECTROMAGNETIC FIELDS (UP TO 300 GHz)

PUBLISHED IN: **HEALTH PHYSICS 74 (4):494-522; 1998**

Notes:

Equation 11 was subsequently amended by the ICNIRP Commission in the 1999 reference book. The amended version is added here at the end of the document.

In addition to the ICNIRP Guidelines for limiting exposure to time-varying electric, magnetic and electromagnetic fields (up to 300 GHz) published in: health physics 74 (4):494-522; 1998) this PDF contains two excerpts from: Guidelines on Limiting Exposure to Non-Ionizing Radiation. A reference book based on guidelines on limiting exposure to non-ionizing radiation and statements on special applications. Munich: International Commission on Non-Ionizing Radiation Protection; 1999. ISBN 978-3-9804789-6-0: Use of the EMF Guidelines and Questions and Answers on the EMF Guidelines.

ICNIRP PUBLICATION – 1998

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GUIDELINES FOR LIMITING EXPOSURE TO TIME-VARYING ELECTRIC, MAGNETIC, AND ELECTROMAGNETIC FIELDS (UP TO 300 GHz)

International Commission on Non-Ionizing Radiation Protection*†

INTRODUCTION

In 1974, the International Radiation Protection Association (IRPA) formed a working group on non-ionizing radiation (NIR), which examined the problems arising in the field of protection against the various types of NIR. At the IRPA Congress in Paris in 1977, this working group became the International Non-Ionizing Radiation Committee (INIRC).

In cooperation with the Environmental Health Division of the World Health Organization (WHO), the IRPA/INIRC developed a number of health criteria documents on NIR as part of WHO's Environmental Health Criteria Programme, sponsored by the United Nations Environment Programme (UNEP). Each document includes an overview of the physical characteristics, measurement and instrumentation, sources, and applications of NIR, a thorough review of the literature on biological effects, and an evaluation of the health risks of exposure to NIR. These health criteria have provided the scientific database for the subsequent development of exposure limits and codes of practice relating to NIR.

At the Eighth International Congress of the IRPA (Montreal, 18–22 May 1992), a new, independent scientific organization—the International Commission on Non-Ionizing Radiation Protection (ICNIRP)—was established as a successor to the IRPA/INIRC. The functions of the Commission are to investigate the hazards that may be associated with the different forms of NIR, develop international guidelines on NIR exposure limits, and deal with all aspects of NIR protection.

Biological effects reported as resulting from exposure to static and extremely-low-frequency (ELF) electric and magnetic fields have been reviewed by UNEP/WHO/IRPA (1984, 1987). Those publications and a number of others, including UNEP/WHO/IRPA (1993) and Allen et al. (1991), provided the scientific rationale for these guidelines.

A glossary of terms appears in the Appendix.

PURPOSE AND SCOPE

The main objective of this publication is to establish guidelines for limiting EMF exposure that will provide protection against known adverse health effects. An adverse health effect causes detectable impairment of the health of the exposed individual or of his or her offspring; a biological effect, on the other hand, may or may not result in an adverse health effect.

Studies on both direct and indirect effects of EMF are described; direct effects result from direct interaction of fields with the body, indirect effects involve interactions with an object at a different electric potential from the body. Results of laboratory and epidemiological studies, basic exposure criteria, and reference levels for practical hazard assessment are discussed, and the guidelines presented apply to occupational and public exposure.

Guidelines on high-frequency and 50/60 Hz electromagnetic fields were issued by IRPA/INIRC in 1988 and 1990, respectively, but are superseded by the present guidelines which cover the entire frequency range of time-varying EMF (up to 300 GHz). Static magnetic fields are covered in the ICNIRP guidelines issued in 1994 (ICNIRP 1994).

In establishing exposure limits, the Commission recognizes the need to reconcile a number of differing expert opinions. The validity of scientific reports has to be considered, and extrapolations from animal experi-

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ments to effects on humans have to be made. The restrictions in these guidelines were based on scientific data alone; currently available knowledge, however, indicates that these restrictions provide an adequate level of protection from exposure to time-varying EMF. Two classes of guidance are presented:

- Basic restrictions: Restrictions on exposure to time-varying electric, magnetic, and electromagnetic fields that are based directly on established health effects are termed "basic restrictions." Depending upon the frequency of the field, the physical quantities used to specify these restrictions are current density (**J**), specific energy absorption rate (SAR), and power density (S). Only power density in air, outside the body, can be readily measured in exposed individuals.
- Reference levels: These levels are provided for practical exposure assessment purposes to determine whether the basic restrictions are likely to be exceeded. Some reference levels are derived from relevant basic restrictions using measurement and/or computational techniques, and some address perception and adverse indirect effects of exposure to EMF. The derived quantities are electric field strength (**E**), magnetic field strength (**H**), magnetic flux density (**B**), power density (**S**), and currents flowing through the limbs (I_L). Quantities that address perception and other indirect effects are contact current (I_C) and, for pulsed fields, specific energy absorption (SA). In any particular exposure situation, measured or calculated values of any of these quantities can be compared with the appropriate reference level. Compliance with the reference level will ensure compliance with the relevant basic restriction. If the measured or calculated value exceeds the reference level, it does not necessarily follow that the basic restriction will be exceeded. However, whenever a reference level is exceeded it is necessary to test compliance with the relevant basic restriction and to determine whether additional protective measures are necessary.

These guidelines do not directly address product performance standards, which are intended to limit EMF emissions under specified test conditions, nor does the document deal with the techniques used to measure any of the physical quantities that characterize electric, magnetic, and electromagnetic fields. Comprehensive descriptions of instrumentation and measurement techniques for accurately determining such physical quantities may be found elsewhere (NCRP 1981; IEEE 1992; NCRP 1993; DIN VDE 1995).

Compliance with the present guidelines may not necessarily preclude interference with, or effects on, medical devices such as metallic prostheses, cardiac pacemakers and defibrillators, and cochlear implants. Interference with pacemakers may occur at levels below the recommended reference levels. Advice on avoiding these problems is beyond the scope of the present document but is available elsewhere (UNEP/WHO/IRPA 1993).

These guidelines will be periodically revised and updated as advances are made in identifying the adverse health effects of time-varying electric, magnetic, and electromagnetic fields.

QUANTITIES AND UNITS

Whereas electric fields are associated only with the presence of electric charge, magnetic fields are the result of the physical movement of electric charge (electric current). An electric field, **E**, exerts forces on an electric charge and is expressed in volt per meter (V m^{-1}). Similarly, magnetic fields can exert physical forces on electric charges, but only when such charges are in motion. Electric and magnetic fields have both magnitude and direction (i.e., they are vectors). A magnetic field can be specified in two ways—as magnetic flux density, **B**, expressed in tesla (T), or as magnetic field strength, **H**, expressed in ampere per meter (A m^{-1}). The two quantities are related by the expression:

$$\mathbf{B} = \mu\mathbf{H}, \tag{1}$$

where μ is the constant of proportionality (the magnetic permeability); in a vacuum and in air, as well as in non-magnetic (including biological) materials, μ has the value $4\pi \times 10^{-7}$ when expressed in henry per meter (H m^{-1}). Thus, in describing a magnetic field for protection purposes, only one of the quantities **B** or **H** needs to be specified.

In the far-field region, the plane-wave model is a good approximation of the electromagnetic field propagation. The characteristics of a plane wave are:

- The wave fronts have a planar geometry;
- The **E** and **H** vectors and the direction of propagation are mutually perpendicular;
- The phase of the **E** and **H** fields is the same, and the quotient of the amplitude of E/H is constant throughout space. In free space, the ratio of their amplitudes E/H = 377 ohm, which is the characteristic impedance of free space;
- Power density, **S**, i.e., the power per unit area normal to the direction of propagation, is related to the electric and magnetic fields by the expression:

$$\mathbf{S} = \mathbf{EH} = \mathrm{E}^2/377 = 377\mathrm{H}^2. \tag{2}$$

The situation in the near-field region is rather more complicated because the maxima and minima of E and H fields do not occur at the same points along the direction of propagation as they do in the far field. In the near field, the electromagnetic field structure may be highly inhomogeneous, and there may be substantial variations from the plane-wave impedance of 377 ohms; that is, there may be almost pure E fields in some regions and almost pure H fields in others. Exposures in the near field are

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Table 1. Electric, magnetic, electromagnetic, and dosimetric quantities and corresponding SI units.

Quantity	Symbol	Unit
Conductivity	σ	siemens per meter (S m^{-1})
Current	I	ampere (A)
Current density	**J**	ampere per square meter (A m^{-2})
Frequency	f	hertz (Hz)
Electric field strength	**E**	volt per meter (V m^{-1})
Magnetic field strength	**H**	ampere per meter (A m^{-1})
Magnetic flux density	**B**	tesla (T)
Magnetic permeability	μ	henry per meter (H m^{-1})
Permittivity	ϵ	farad per meter (F m^{-1})
Power density	**S**	watt per square meter (W m^{-2})
Specific energy absorption	SA	joule per kilogram (J kg^{-1})
Specific energy absorption rate	SAR	watt per kilogram (W kg^{-1})

more difficult to specify, because both E and H fields must be measured and because the field patterns are morecomplicated; in this situation, power density is no longer an appropriate quantity to use in expressing exposure restrictions (as in the far field).

Exposure to time-varying EMF results in internal body currents and energy absorption in tissues that depend on the coupling mechanisms and the frequency involved. The internal electric field and current density are related by Ohm's Law:

$$\mathbf{J} = \sigma \mathbf{E}, \tag{3}$$

where σ is the electrical conductivity of the medium. The dosimetric quantities used in these guidelines, taking into account different frequency ranges and waveforms, are as follows:

- Current density, **J**, in the frequency range up to 10 MHz;
- Current, I, in the frequency range up to 110 MHz;
- Specific energy absorption rate, SAR, in the frequency range 100 kHz–10 GHz;
- Specific energy absorption, SA, for pulsed fields in the frequency range 300 MHz–10 GHz; and
- Power density, **S**, in the frequency range 10–300 GHz.

A general summary of EMF and dosimetric quantities and units used in these guidelines is provided in Table 1.

BASIS FOR LIMITING EXPOSURE

These guidelines for limiting exposure have been developed following a thorough review of all published scientific literature. The criteria applied in the course of the review were designed to evaluate the credibility of the various reported findings (Repacholi and Stolwijk 1991; Repacholi and Cardis 1997); only established effects were used as the basis for the proposed exposure restrictions. Induction of cancer from long-term EMF exposure was not considered to be established, and so these guidelines are based on short-term, immediate health effects such as stimulation of peripheral nerves and muscles, shocks and burns caused by touching conducting objects, and elevated tissue temperatures resulting from absorption of energy during exposure to EMF. In the case of potential long-term effects of exposure, such as an increased risk of cancer, ICNIRP concluded that available data are insufficient to provide a basis for setting exposure restrictions, although epidemiological research has provided suggestive, but unconvincing, evidence of an association between possible carcinogenic effects and exposure at levels of 50/60 Hz magnetic flux densities substantially lower than those recommended in these guidelines.

In-vitro effects of short-term exposure to ELF or ELF amplitude-modulated EMF are summarized. Transient cellular and tissue responses to EMF exposure have been observed, but with no clear exposure-response relationship. These studies are of limited value in the assessment of health effects because many of the responses have not been demonstrated *in vivo*. Thus, *in-vitro* studies alone were not deemed to provide data that could serve as a primary basis for assessing possible health effects of EMF.

COUPLING MECHANISMS BETWEEN FIELDS AND THE BODY

There are three established basic coupling mechanisms through which time-varying electric and magnetic fields interact directly with living matter (UNEP/WHO/IRPA 1993):

- coupling to low-frequency electric fields;
- coupling to low-frequency magnetic fields; and
- absorption of energy from electromagnetic fields.

Coupling to low-frequency electric fields

The interaction of time-varying electric fields with the human body results in the flow of electric charges (electric current), the polarization of bound charge (formation of electric dipoles), and the reorientation of electric dipoles already present in tissue. The relative magnitudes of these different effects depend on the electrical properties of the body—that is, electrical conductivity (governing the flow of electric current) and permittivity (governing the magnitude of polarization effects). Electrical conductivity and permittivity vary with the type of body tissue and also depend on the frequency of the applied field. Electric fields external to the body induce a surface charge on the body; this results in induced currents in the body, the distribution of which depends on exposure conditions, on the size and shape of the body, and on the body's position in the field.

Coupling to low-frequency magnetic fields

The physical interaction of time-varying magnetic fields with the human body results in induced electric fields and circulating electric currents. The magnitudes of the induced field and the current density are propor-

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tional to the radius of the loop, the electrical conductivity of the tissue, and the rate of change and magnitude of the magnetic flux density. For a given magnitude and frequency of magnetic field, the strongest electric fields are induced where the loop dimensions are greatest. The exact path and magnitude of the resulting current induced in any part of the body will depend on the electrical conductivity of the tissue.

The body is not electrically homogeneous; however, induced current densities can be calculated using anatomically and electrically realistic models of the body and computational methods, which have a high degree of anatomical resolution.

Absorption of energy from electromagnetic fields

Exposure to low-frequency electric and magnetic fields normally results in negligible energy absorption and no measurable temperature rise in the body. However, exposure to electromagnetic fields at frequencies above about 100 kHz can lead to significant absorption of energy and temperature increases. In general, exposure to a uniform (plane-wave) electromagnetic field results in a highly non-uniform deposition and distribution of energy within the body, which must be assessed by dosimetric measurement and calculation.

As regards absorption of energy by the human body, electromagnetic fields can be divided into four ranges (Durney et al. 1985):

- frequencies from about 100 kHz to less than about 20 MHz, at which absorption in the trunk decreases rapidly with decreasing frequency, and significant absorption may occur in the neck and legs;
- frequencies in the range from about 20 MHz to 300 MHz, at which relatively high absorption can occur in the whole body, and to even higher values if partial body (e.g., head) resonances are considered;
- frequencies in the range from about 300 MHz to several GHz, at which significant local, non-uniform absorption occurs; and
- frequencies above about 10 GHz, at which energy absorption occurs primarily at the body surface.

In tissue, SAR is proportional to the square of the internal electric field strength. Average SAR and SAR distribution can be computed or estimated from laboratory measurements. Values of SAR depend on the following factors:

- the incident field parameters, i.e., the frequency, intensity, polarization, and source–object configuration (near- or far-field);
- the characteristics of the exposed body, i.e., its size and internal and external geometry, and the dielectric properties of the various tissues; and
- ground effects and reflector effects of other objects in the field near the exposed body.

When the long axis of the human body is parallel to the electric field vector, and under plane-wave exposure conditions (i.e., far-field exposure), whole-body SAR reaches maximal values. The amount of energy absorbed depends on a number of factors, including the size of the exposed body. “Standard Reference Man” (ICRP 1994), if not grounded, has a resonant absorption frequency close to 70 MHz. For taller individuals the resonant absorption frequency is somewhat lower, and for shorter adults, children, babies, and seated individuals it may exceed 100 MHz. The values of electric field reference levels are based on the frequency-dependence of human absorption; in grounded individuals, resonant frequencies are lower by a factor of about 2 (UNEP/WHO/IRPA 1993).

For some devices that operate at frequencies above 10 MHz (e.g., dielectric heaters, mobile telephones), human exposure can occur under near-field conditions. The frequency-dependence of energy absorption under these conditions is very different from that described for far-field conditions. Magnetic fields may dominate for certain devices, such as mobile telephones, under certain exposure conditions.

The usefulness of numerical modeling calculations, as well as measurements of induced body current and tissue field strength, for assessment of near-field exposures has been demonstrated for mobile telephones, walkie-talkies, broadcast towers, shipboard communication sources, and dielectric heaters (Kuster and Balzano 1992; Dimbylow and Mann 1994; Jokela et al. 1994; Gandhi 1995; Tofani et al. 1995). The importance of these studies lies in their having shown that near-field exposure can result in high local SAR (e.g., in the head, wrists, ankles) and that whole-body and local SAR are strongly dependent on the separation distance between the high-frequency source and the body. Finally, SAR data obtained by measurement are consistent with data obtained from numerical modeling calculations. Whole-body average SAR and local SAR are convenient quantities for comparing effects observed under various exposure conditions. A detailed discussion of SAR can be found elsewhere (UNEP/WHO/IRPA 1993).

At frequencies greater than about 10 GHz, the depth of penetration of the field into tissues is small, and SAR is not a good measure for assessing absorbed energy; the incident power density of the field (in W m^{-2}) is a more appropriate dosimetric quantity.

INDIRECT COUPLING MECHANISMS

There are two indirect coupling mechanisms:

- contact currents that result when the human body comes into contact with an object at a different electric potential (i.e., when either the body or the object is charged by an EMF); and
- coupling of EMF to medical devices worn by, or implanted in, an individual (not considered in this document).

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The charging of a conducting object by EMF causes electric currents to pass through the human body in contact with that object (Tenforde and Kaune 1987; UNEP/WHO/IRPA 1993). The magnitude and spatial distribution of such currents depend on frequency, the size of the object, the size of the person, and the area of contact; transient discharges—sparks—can occur when an individual and a conducting object exposed to a strong field come into close proximity.

BIOLOGICAL BASIS FOR LIMITING EXPOSURE (UP TO 100 KHZ)

The following paragraphs provide a general review of relevant literature on the biological and health effects of electric and magnetic fields with frequency ranges up to 100 kHz, in which the major mechanism of interaction is induction of currents in tissues. For the frequency range >0 to 1 Hz, the biological basis for the basic restrictions and reference levels are provided in ICNIRP (1994). More detailed reviews are available elsewhere (NRPB 1991, 1993; UNEP/WHO/IRPA 1993; Blank 1995; NAS 1996; Polk and Postow 1996; Ueno 1996).

Direct effects of electric and magnetic fields

Epidemiological studies. There have been many reviews of epidemiological studies of cancer risk in relation to exposure to power-frequency fields (NRPB 1992, 1993, 1994b; ORAU 1992; Savitz 1993; Heath 1996; Stevens and Davis 1996; Tenforde 1996; NAS 1996). Similar reviews have been published on the risk of adverse reproductive outcomes associated with exposure to EMF (Chernoff et al. 1992; Brent et al. 1993; Shaw and Croen 1993; NAS 1996; Tenforde 1996).

Reproductive outcome. Epidemiological studies on pregnancy outcomes have provided no consistent evidence of adverse reproductive effects in women working with visual display units (VDUs) (Bergqvist 1993; Shaw and Croen 1993; NRPB 1994a; Tenforde 1996). For example, meta-analysis revealed no excess risk of spontaneous abortion or malformation in combined studies comparing pregnant women using VDUs with women not using VDUs (Shaw and Croen 1993). Two other studies concentrated on actual measurements of the electric and magnetic fields emitted by VDUs; one reported a suggestion of an association between ELF magnetic fields and miscarriage (Lindbohm et al. 1992), while the other found no such association (Schnorr et al. 1991). A prospective study that included large numbers of cases, had high participation rates, and detailed exposure assessment (Bracken et al. 1995) reported that neither birth weight nor intra-uterine growth rate was related to any ELF field exposure. Adverse outcomes were not associated with higher levels of exposure. Exposure measurements included current-carrying capacity of power lines outside homes, 7-d personal exposure measurements, 24-h measurements in the home, and self-reported use of electric blankets, heated water beds, and VDUs. Most currently available information fails to support an association between occupational exposure to VDUs and harmful reproductive effects (NRPB 1994a; Tenforde 1996).

Residential cancer studies. Considerable controversy surrounds the possibility of a link between exposure to ELF magnetic fields and an elevated risk of cancer. Several reports on this topic have appeared since Wertheimer and Leeper reported (1979) an association between childhood cancer mortality and proximity of homes to power distribution lines with what the researchers classified as *high current configuration*. The basic hypothesis that emerged from the original study was that the contribution to the ambient residential 50/60 Hz magnetic fields from external sources such as power lines could be linked to an increased risk of cancer in childhood.

To date there have been more than a dozen studies on childhood cancer and exposure to power-frequency magnetic fields in the home produced by nearby power lines. These studies estimated the magnetic field exposure from short term measurements or on the basis of distance between the home and power line and, in most cases, the configuration of the line; some studies also took the load of the line into account. The findings relating to leukemia are the most consistent. Out of 13 studies (Wertheimer and Leeper 1979; Fulton et al. 1980; Myers et al. 1985; Tomenius 1986; Savitz et al. 1988; Coleman et al. 1989; London et al. 1991; Feychting and Ahlbom 1993; Olsen et al. 1993; Verkasalo et al. 1993; Michaelis et al. 1997; Linet et al. 1997; Tynes and Haldorsen 1997), all but five reported relative risk estimates of between 1.5 and 3.0.

Both direct magnetic field measurements and estimates based on neighboring power lines are crude proxy measures for the exposure that took place at various times before cases of leukemia were diagnosed, and it is not clear which of the two methods provides the more valid estimate. Although results suggest that indeed the magnetic field may play a role in the association with leukemia risk, there is uncertainty because of small sample numbers and because of a correlation between the magnetic field and proximity to power lines (Feychting et al. 1996).

Little is known about the etiology of most types of childhood cancer, but several attempts to control for potential confounders such as socioeconomic status and air pollution from motor vehicle exhaust fumes have had little effect on results. Studies that have examined the use of electrical appliances (primarily electric blankets) in relation to cancer and other health problems have reported generally negative results (Preston-Martin et al. 1988; Verreault et al. 1990; Vena et al. 1991, 1994; Li et al. 1995). Only two case-control studies have evaluated use of appliances in relation to the risk of childhood leukemia. One was conducted in Denver (Savitz et al. 1990) and suggested a link with prenatal use of electric blankets; the other, carried out in Los Angeles (London

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et al. 1991), found an association between leukemia and children using hair dryers and watching monochrome television.

The fact that results for leukemia based on proximity of homes to power lines are relatively consistent led the U.S. National Academy of Sciences Committee to conclude that children living near power lines appear to be at increased risk of leukemia (NAS 1996). Because of small numbers, confidence intervals in the individual studies are wide; when taken together, however, the results are consistent, with a pooled relative risk of 1.5 (NAS 1996). In contrast, short-term measurements of magnetic field in some of the studies provided no evidence of an association between exposure to 50/60 Hz fields and the risk of leukemia or any other form of cancer in children. The Committee was not convinced that this increase in risk was explained by exposure to magnetic fields, since there was no apparent association when exposure was estimated from magnetic field meter readings in the homes of both leukemia cases and controls. It was suggested that confounding by some unknown risk factor for childhood leukemia, associated with residence in the vicinity of power lines, might be the explanation, but no likely candidates were postulated.

After the NAS committee completed its review, the results of a study performed in Norway were reported (Tynes and Haldorsen 1997). This study included 500 cases of all types of childhood cancer. Each individual's exposure was estimated by calculation of the magnetic field level produced in the residence by nearby transmission lines, estimated by averaging over an entire year. No association between leukemia risk and magnetic fields for the residence at time of diagnosis was observed. Distance from the power line, exposure during the first year of life, mothers' exposure at time of conception, and exposure higher than the median level of the controls showed no association with leukemia, brain cancer, or lymphoma. However, the number of exposed cases was small.

Also, a study performed in Germany has been reported after the completion of the NAS review (Michaelis et al. 1997). This was a case-control study on childhood leukemia based on 129 cases and 328 controls. Exposure assessment comprised measurements of the magnetic field over 24 h in the child's bedroom at the residence where the child had been living for the longest period before the date of diagnosis. An elevated relative risk of 3.2 was observed for >0.2 μT.

A large U.S. case-control study (638 cases and 620 controls) to test whether childhood acute lymphoblastic leukemia is associated with exposure to 60-Hz magnetic fields was published by Linet et al. (1997). Magnetic field exposures were determined using 24-h time-weighted average measurements in the bedroom and 30-s measurements in various other rooms. Measurements were taken in homes in which the child had lived for 70% of the 5 y prior to the year of diagnosis, or the corresponding period for the controls. Wire-codes were assessed for residentially stable case-control pairs in which both had not changed their residence during the years prior to diagnosis. The number of such pairs for which assessment could be made was 416. There was no indication of an association between wire-code category and leukemia. As for magnetic field measurements, the results are more intriguing. For the cut off point of 0.2 μT the unmatched and matched analyses gave relative risks of 1.2 and 1.5, respectively. For a cut off point of 0.3 μT, the unmatched relative risk estimate is 1.7 based on 45 exposed cases. Thus, the measurement results are suggestive of a positive association between magnetic fields and leukemia risk. This study is a major contribution in terms of its size, the number of subjects in high exposure categories, timing of measurements relative to the occurrence of the leukemia (usually within 24 mo after diagnosis), other measures used to obtain exposure data, and quality of analysis allowing for multiple potential confounders. Potential weaknesses include the procedure for control selection, the participation rates, and the methods used for statistical analysis of the data. The instruments used for measurements took no account of transient fields or higher order harmonics. The size of this study is such that its results, combined with those of other studies, would significantly weaken (though not necessarily invalidate) the previously observed association with wire code results.

Over the years there also has been substantial interest in whether there is an association between magnetic field exposure and childhood brain cancer, the second most frequent type of cancer found in children. Three recent studies completed after the NAS Committee's review fail to provide support for an association between brain cancer and children's exposure to magnetic fields, whether the source was power lines or electric blankets, or whether magnetic fields were estimated by calculations or by wire codes (Guénel et al. 1996; Preston-Martin et al. 1996a, b; Tynes and Haldorsen 1997).

Data on cancer in adults and residential magnetic field exposure are sparse (NAS 1996). The few studies published to date (Wertheimer and Leeper 1979; McDowall 1985; Severs en et al. 1988; Coleman et al. 1989; Schreiber et al. 1993; Feychting and Ahlbom 1994; Li et al. 1996; Verkasalo 1996; Verkasalo et al. 1996) all suffer to some extent from small numbers of exposed cases, and no conclusions can be drawn.

It is the view of the ICNIRP that the results from the epidemiological research on EMF field exposure and cancer, including childhood leukemia, are not strong enough in the absence of support from experimental research to form a scientific basis for setting exposure guidelines. This assessment is also in agreement with recent reviews (NRPB 1992, 1994b; NAS 1996; CRP 1997).

Occupational studies. A large number of epidemiological studies have been carried out to assess possible links between exposure to ELF fields and cancer risk among workers in electrical occupations. The first study of this type (Milham 1982) took advantage of a death certificate database that included both job titles and

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information on cancer mortality. As a crude method of assessing exposure, Milham classified job titles according to presumed magnetic field exposure and found an excess risk for leukemia among electrical workers. Subsequent studies (Savitz and Ahlbom 1994) made use of similar databases; the types of cancer for which elevated rates were noted varied across studies, particularly when cancer subtypes were characterized. Increased risks of various types of leukemia and nervous tissue tumors, and, in a few instances, of both male and female breast cancer, were reported (Demers et al. 1991; Matanoski et al. 1991; Tynes et al. 1992; Loomis et al. 1994). As well as producing somewhat inconsistent results, these studies suffered from very crude exposure assessment and from failure to control for confounding factors such as exposure to benzene solvent in the workplace.

Three recent studies have attempted to overcome some of the deficiencies in earlier work by measuring ELF field exposure at the workplace and by taking duration of work into consideration (Floderus et al. 1993; Thériault et al. 1994; Savitz and Loomis 1995). An elevated cancer risk among exposed individuals was observed, but the type of cancer of which this was true varied from study to study. Floderus et al. (1993) found a significant association with leukemia; an association was also noted by Thériault et al. (1994), but one that was weak and not significant, and no link was observed by Savitz and Loomis (1995). For subtypes of leukemia there was even greater inconsistency, but numbers in the analyses were small. For tumors of nervous tissue, Floderus et al. (1993) found an excess for glioblastoma (astrocytoma III–IV), while both Thériault et al. (1994) and Savitz and Loomis (1995) found only suggestive evidence for an increase in glioma (astrocytoma I–II). If there is truly a link between occupational exposure to magnetic fields and cancer, greater consistency and stronger associations would be expected of these recent studies based on more sophisticated exposure data.

Researchers have also investigated the possibility that ELF electric fields could be linked to cancer. The three utilities that participated in the Thériault et al. (1994) study of magnetic fields analyzed electric field data as well. Workers with leukemia at one of the utilities were reported to be more likely to have been exposed to electric fields than were control workers. In addition, the association was stronger in a group that had been exposed to high electric and magnetic fields combined (Miller et al. 1996). At the second utility, investigators reported no association between leukemia and higher cumulative exposure to workplace electric fields, but some of the analyses showed an association with brain cancer (Guénel et al. 1996). An association with colon cancer was also reported, yet in other studies of large populations of electric utility workers this type of cancer has not been found. At the third utility, no association between high electric fields and brain cancer or leukemia was observed, but this study was smaller and less likely to have detected small changes, if present (Baris et al. 1996).

An association between Alzheimer's disease and occupational exposure to magnetic fields has recently been suggested (Sobel and Davanipour 1996). However, this effect has not been confirmed.

Laboratory studies. The following paragraphs provide a summary and critical evaluation of laboratory studies on the biological effects of electric and magnetic fields with frequencies below 100 kHz. There are separate discussions on results obtained in studies of volunteers exposed under controlled conditions and in laboratory studies on cellular, tissue, and animal systems.

Volunteer studies. Exposure to a time-varying electric field can result in perception of the field as a result of the alternating electric charge induced on the body surface, which causes the body hairs to vibrate. Several studies have shown that the majority of people can perceive 50/60 Hz electric fields stronger than 20 kV m^{-1}, and that a small minority can perceive fields below 5 kV m^{-1} (UNEP/WHO/IRPA 1984; Tenforde 1991).

Small changes in cardiac function occurred in human volunteers exposed to combined 60-Hz electric and magnetic fields (9 kV m^{-1}, 20 μT) (Cook et al. 1992; Graham et al. 1994). Resting heart rate was slightly, but significantly, reduced (by 3–5 beats per minute) during or immediately after exposure. This response was absent on exposure to stronger (12 kV m^{-1}, 30 μT) or weaker (6 kV m^{-1}, 10 μT) fields and reduced if the subject was mentally alert. None of the subjects in these studies was able to detect the presence of the fields, and there were no other consistent results in a wide battery of sensory and perceptual tests.

No adverse physiological or psychological effects were observed in laboratory studies of people exposed to 50-Hz fields in the range 2–5 mT (Sander et al. 1982; Ruppe et al. 1995). There were no observed changes in blood chemistry, blood cell counts, blood gases, lactate levels, electrocardiogram, electroencephalogram, skin temperature, or circulating hormone levels in studies by Sander et al. (1982) and Graham et al. (1994). Recent studies on volunteers have also failed to show any effect of exposure to 60-Hz magnetic fields on the nocturnal melatonin level in blood (Graham et al. 1996, 1997; Selmaoui et al. 1996).

Sufficiently intense ELF magnetic fields can elicit peripheral nerve and muscle tissue stimulation directly, and short magnetic field pulses have been used clinically to stimulate nerves in the limbs in order to check the integrity of neural pathways. Peripheral nerve and muscle stimulation has also been reported in volunteers exposed to 1-kHz gradient magnetic fields in experimental magnetic resonance imaging systems. Threshold magnetic flux densities were several millitesla, and corresponding induced current densities in the peripheral tissues were about 1 A m^{-2} from pulsed fields produced by rapidly switched gradients. Time-varying magnetic fields that induce current densities above 1 A m^{-2} in

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tissue lead to neural excitation and are capable of producing irreversible biological effects such as cardiac fibrillation (Tenforde and Kaune 1987; Reilly 1989). In a study involving electromyographic recordings from the human arm (Polson et al. 1982), it was found that a pulsed field with dB/dt greater than 10^4 T s^{-1} was needed to stimulate the median nerve trunk. The duration of the magnetic stimulus has also been found to be an important parameter in stimulation of excitable tissues.

Thresholds lower than 100 mA m^{-2} can be derived from studies of visual and mental functions in human volunteers. Changes in response latency for complex reasoning tests have been reported in volunteers subjected to weak power-frequency electric currents passed through electrodes attached to the head and shoulders; current densities were estimated to lie between 10 and 40 mA m^{-2} (Stollery 1986, 1987). Finally, many studies have reported that volunteers experienced faint flickering visual sensations, known as magnetic phosphenes, during exposure to ELF magnetic fields above 3–5 mT (Silny 1986). These visual effects can also be induced by the direct application of weak electric currents to the head. At 20 Hz, current densities of about 10 mA m^{-2} in the retina have been estimated as the threshold for induction of phosphenes, which is above the typical endogenous current densities in electrically excitable tissues. Higher thresholds have been observed for both lower and higher frequencies (Lövsund et al. 1980; Tenforde 1990).

Studies have been conducted at 50 Hz on visually evoked potentials that exhibited thresholds for effects at flux densities of 60 mT (Silny 1986). Consistent with this result, no effects on visually evoked potentials were obtained by either Sander et al. (1982), using a 50-Hz, 5-mT field, or Graham et al. (1994), using combined 60-Hz electric and magnetic fields up to 12 kV m^{-1} and 30 μT, respectively.

Cellular and animal studies. Despite the large number of studies undertaken to detect biological effects of ELF electric and magnetic fields, few systematic studies have defined the threshold field characteristics that produce significant perturbations of biological functions. It is well established that induced electric current can stimulate nerve and muscle tissue directly once the induced current density exceeds threshold values (UNEP/WHO/IRPA 1987; Bernhardt 1992; Tenforde 1996). Current densities that are unable to stimulate excitable tissues directly may nevertheless affect ongoing electrical activity and influence neuronal excitability. The activity of the central nervous system is known to be sensitive to the endogenous electric fields generated by the action of adjacent nerve cells, at levels below those required for direct stimulation.

Many studies have suggested that the transduction of weak electrical signals in the ELF range involves interactions with the cell membrane, leading to cytoplasmic biochemical responses that in turn involve changes in cellular functional and proliferative states. From simple models of the behavior of single cells in weak fields it has been calculated that an electrical signal in the extracellular field must be greater than approximately 10–100 mV m^{-1} (corresponding to an induced current density of about 2–20 mA m^{-2}) in order to exceed the level of endogenous physical and biological noise in cellular membranes (Astumian et al. 1995). Existing evidence also suggests that several structural and functional properties of membranes may be altered in response to induced ELF fields at or below 100 mV m^{-1} (Sienkiewicz et al. 1991; Tenforde 1993). Neuroendocrine alterations (e.g., suppression of nocturnal melatonin synthesis) have been reported in response to induced electrical fields of 10 mV m^{-1} or less, corresponding to induced current densities of approximately 2 mA m^{-2} or less (Tenforde 1991, 1996). However, there is no clear evidence that these biological interactions of low-frequency fields lead to adverse health effects.

Induced electric fields and currents at levels exceeding those of endogenous bioelectric signals present in tissue have been shown to cause a number of physiological effects that increase in severity as the induced current density is increased (Bernhardt 1979; Tenforde 1996). In the current density range 10–100 mA m^{-2}, tissue effects and changes in brain cognitive functions have been reported (NRPB 1992; NAS 1996). When induced current density exceeds 100 to several hundred mA m^{-2} for frequencies between about 10 Hz and 1 kHz, thresholds for neuronal and neuromuscular stimulation are exceeded. The threshold current densities increase progressively at frequencies below several hertz and above 1 kHz. Finally, at extremely high current densities, exceeding 1 A m^{-2}, severe and potentially life-threatening effects such as cardiac extrasystoles, ventricular fibrillation, muscular tetanus, and respiratory failure may occur. The severity and the probability of irreversibility of tissue effects becomes greater with chronic exposure to induced current densities above the level 10 to 100 mA m^{-2}. It therefore seems appropriate to limit human exposure to fields that induce current densities no greater than 10 mA m^{-2} in the head, neck, and trunk at frequencies of a few hertz up to 1 kHz.

It has been postulated that oscillatory magnetomechanical forces and torques on biogenic magnetite particles in brain tissue could provide a mechanism for the transduction of signals from ELF magnetic fields. Kirschvink et al. (1992b) proposed a model in which ELF magnetic forces on magnetite particles are visualized as producing the opening and closing of pressure-sensitive ion channels in membranes. However, one difficulty with this model is the sparsity of magnetite particles relative to the number of cells in brain tissue. For example, human brain tissue has been reported to contain a few million magnetite particles per gram, distributed in 10^5 discrete clusters of 5–10 particles (Kirschvink et al. 1992a). The number of cells in brain tissue thus exceeds the number of magnetite particles by a factor of about 100, and it is difficult to envisage how oscillating magnetomechanical interactions of an ELF

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field with magnetite crystals could affect a significant number of pressure-sensitive ion channels in the brain. Further studies are clearly needed to reveal the biological role of magnetite and the possible mechanisms through which this mineral could play a role in the transduction of ELF magnetic signals.

An important issue in assessing the effects of electromagnetic fields is the possibility of teratogenic and developmental effects. On the basis of published scientific evidence, it is unlikely that low-frequency fields have adverse effects on the embryonic and postnatal development of mammalian species (Chernoff et al. 1992; Brent et al. 1993; Tenforde 1996). Moreover, currently available evidence indicates that somatic mutations and genetic effects are unlikely to result from exposure to electric and magnetic fields with frequencies below 100 kHz (Cridland 1993; Sienkiewicz et al. 1993).

There are numerous reports in the literature on the *in-vitro* effects of ELF fields on cell membrane properties (ion transport and interaction of mitogens with cell surface receptors) and changes in cellular functions and growth properties (e.g., increased proliferation and alterations in metabolism, gene expression, protein biosynthesis, and enzyme activities) (Cridland 1993; Sienkiewicz et al. 1993; Tenforde 1991, 1992, 1993, 1996). Considerable attention has focused on low-frequency field effects on Ca^{++} transport across cell membranes and the intracellular concentration of this ion (Walleczek and Liburdy 1990; Liburdy 1992; Walleczek 1992), messenger RNA and protein synthesis patterns (Goodman et al. 1983; Goodman and Henderson 1988, 1991; Greene et al. 1991; Phillips et al. 1992), and the activity of enzymes such as ornithine decarboxylase (ODC) that are related to cell proliferation and tumor promotion (Byus et al. 1987, 1988; Litovitz et al. 1991, 1993). However, before these observations can be used for defining exposure limits, it is essential to establish both their reproducibility and their relevance to cancer or other adverse health outcomes. This point is underscored by the fact that there have been difficulties in replicating some of the key observations of field effects on gene expression and protein synthesis (Lacy-Hulbert et al. 1995; Saffer and Thurston 1995). The authors of these replication studies identified several deficiencies in the earlier studies, including poor temperature control, lack of appropriate internal control samples, and the use of low-resolution techniques for analyzing the production of messenger RNA transcripts. The transient increase in ODC activity reported in response to field exposure is small in magnitude and not associated with *de novo* synthesis of the enzyme (unlike chemical tumor promoters such as phorbol esters) (Byus et al. 1988). Studies on ODC have mostly involved cellular preparations; more studies are needed to show whether there are effects on ODC *in vivo*, although there is one report suggesting effects on ODC in a rat mammary tumor promotion assay (Mevissen et al. 1995).

There is no evidence that ELF fields alter the structure of DNA and chromatin, and no resultant mutational and neoplastic transformation effects are expected. This is supported by results of laboratory studies designed to detect DNA and chromosomal damage, mutational events, and increased transformation frequency in response to ELF field exposure (NRPB 1992; Murphy et al. 1993; McCann et al. 1993; Tenforde 1996). The lack of effects on chromosome structure suggests that ELF fields, if they have any effect on the process of carcinogenesis, are more likely to act as promoters than initiators, enhancing the proliferation of genetically altered cells rather than causing the initial lesion in DNA or chromatin. An influence on tumor development could be mediated through epigenetic effects of these fields, such as alterations in cell signalling pathways or gene expression. The focus of recent studies has therefore been on detecting possible effects of ELF fields on the promotion and progression phases of tumor development following initiation by a chemical carcinogen.

Studies on *in-vitro* tumor cell growth and the development of transplanted tumors in rodents have provided no strong evidence for possible carcinogenic effects of exposure to ELF fields (Tenforde 1996). Several studies of more direct relevance to human cancer have involved *in-vivo* tests for tumor-promoting activity of ELF magnetic fields on skin, liver, brain, and mammary tumors in rodents. Three studies of skin tumor promotion (McLean et al. 1991; Rannug et al. 1993a, 1994) failed to show any effect of either continuous or intermittent exposure to power-frequency magnetic fields in promoting chemically induced tumors. At a 60-Hz field strength of 2 mT, a co-promoting effect with a phorbol ester was reported for mouse skin tumor development in the initial stages of the experiment, but the statistical significance of this was lost by completion of the study in week 23 (Stuchly et al. 1992). Previous studies by the same investigators had shown that 60-Hz, 2-mT field exposure did not promote the growth of DMBA-initiated skin cells (McLean et al. 1991).

Experiments on the development of transformed liver foci initiated by a chemical carcinogen and promoted by phorbol ester in partially hepatectomized rats revealed no promotion or co-promotion effect of exposure to 50-Hz fields ranging in strength from 0.5 to 50 μT (Rannug et al. 1993b, c).

Studies on mammary cancer development in rodents treated with a chemical initiator have suggested a cancer-promoting effect of exposure to power-frequency magnetic fields in the range 0.01–30 mT (Beniashvili et al. 1991; Löscher et al. 1993; Mevissen et al. 1993, 1995; Baum et al. 1995; Löscher and Mevissen 1995). These observations of increased tumor incidence in rats exposed to magnetic fields have been hypothesized to be related to field-induced suppression of pineal melatonin and a resulting elevation in steroid hormone levels and breast cancer risk (Stevens 1987; Stevens et al. 1992). However, replication efforts by independent laboratories are needed before conclusions can be drawn regarding the implications of these findings for a promoting effect of ELF magnetic fields on mammary tumors. It should

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also be noted that recent studies have found no evidence for a significant effect of exposure to ELF magnetic fields on melatonin levels in humans (Graham et al. 1996, 1997; Selmaoui et al. 1996).

Indirect effects of electric and magnetic fields

Indirect effects of electromagnetic fields may result from physical contact (e.g., touching or brushing against) between a person and an object, such as a metallic structure in the field, at a different electric potential. The result of such contact is the flow of electric charge (contact current) that may have accumulated on the object or on the body of the person. In the frequency range up to approximately 100 kHz, the flow of electric current from an object in the field to the body of the individual may result in the stimulation of muscles and/or peripheral nerves. With increasing levels of current this may be manifested as perception, pain from electric shock and/or burn, inability to release the object, difficulty in breathing and, at very high currents, cardiac ventricular fibrillation (Tenforde and Kaune 1987). Threshold values for these effects are frequency-dependent, with the lowest threshold occurring at frequencies between 10 and 100 Hz. Thresholds for peripheral nerve responses remain low for frequencies up to several kHz. Appropriate engineering and/or administrative controls, and even the wearing of personal protective clothing, can prevent these problems from occurring.

Spark discharges can occur when an individual comes into very close proximity with an object at a different electric potential, without actually touching it (Tenforde and Kaune 1987; UNEP/WHO/IRPA 1993). When a group of volunteers, who were electrically insulated from the ground, each held a finger tip close to a grounded object, the threshold for perception of spark discharges was as low as 0.6–1.5 kV m^{-1} in 10% of cases. The threshold field level reported as causing annoyance under these exposure conditions is about 2.0–3.5 kV m^{-1}. Large contact currents can result in muscle contraction. In male volunteers, the 50th percentile threshold for being unable to release a charged conductor has been reported as 9 mA at 50/60 Hz, 16 mA at 1 kHz, about 50 mA at 10 kHz, and about 130 mA at 100 kHz (UNEP/WHO/IRPA 1993).

The threshold currents for various indirect effects of fields with frequencies up to 100 kHz are summarized in Table 2 (UNEP/WHO/IRPA 1993).

Table 2. Ranges of threshold currents for indirect effects, including children, women, and men.

Indirect effect	Threshold current (mA) at frequency:		
	50/60 Hz	1 kHz	100 kHz
Touch perception	0.2–0.4	0.4–0.8	25–40
Pain on finger contact	0.9–1.8	1.6–3.3	33–55
Painful shock/let-go threshold	8–16	12–24	112–224
Severe shock/breathing difficulty	12–23	21–41	160–320

Summary of biological effects and epidemiological studies (up to 100 kHz)

With the possible exception of mammary tumors, there is little evidence from laboratory studies that power-frequency magnetic fields have a tumor-promoting effect. Although further animal studies are needed to clarify the possible effects of ELF fields on signals produced in cells and on endocrine regulation—both of which could influence the development of tumors by promoting the proliferation of initiated cells—it can only be concluded that there is currently no convincing evidence for carcinogenic effects of these fields and that these data cannot be used as a basis for developing exposure guidelines.

Laboratory studies on cellular and animal systems have found no established effects of low-frequency fields that are indicative of adverse health effects when induced current density is at or below 10 mA m^{-2}. At higher levels of induced current density (10–100 mA m^{-2}), more significant tissue effects have been consistently observed, such as functional changes in the nervous system and other tissue effects (Tenforde 1996).

Data on cancer risk associated with exposure to ELF fields among individuals living close to power lines are apparently consistent in indicating a slightly higher risk of leukemia among children, although more recent studies question the previously observed weak association. The studies do not, however, indicate a similarly elevated risk of any other type of childhood cancer or of any form of adult cancer. The basis for the hypothetical link between childhood leukemia and residence in close proximity to power lines is unknown; if the link is not related to the ELF electric and magnetic fields generated by the power lines, then unknown risk factors for leukemia would have to be linked to power lines in some undetermined manner. In the absence of support from laboratory studies, the epidemiological data are insufficient to allow an exposure guideline to be established.

There have been reports of an increased risk of certain types of cancer, such as leukemia, nervous tissue tumors, and, to a limited extent, breast cancer, among electrical workers. In most studies, job titles were used to classify subjects according to presumed levels of magnetic field exposure. A few more recent studies, however, have used more sophisticated methods of exposure assessment; overall, these studies suggested an increased risk of leukemia or brain tumors but were largely inconsistent with regard to the type of cancer for which risk is increased. The data are insufficient to provide a basis for ELF field exposure guidelines. In a large number of epidemiological studies, no consistent evidence of adverse reproductive effects have been provided.

Measurement of biological responses in laboratory studies and in volunteers has provided little indication of adverse effects of low-frequency fields at levels to which people are commonly exposed. A threshold current density of 10 mA m^{-2} at frequencies up to 1 kHz has been estimated for minor effects on nervous system functions. Among volunteers, the most consistent effects

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of exposure are the appearance of visual phosphenes and a minor reduction in heart rate during or immediately after exposure to ELF fields, but there is no evidence that these transient effects are associated with any long-term health risk. A reduction in nocturnal pineal melatonin synthesis has been observed in several rodent species following exposure to weak ELF electric and magnetic fields, but no consistent effect has been reported in humans exposed to ELF fields under controlled conditions. Studies involving exposures to 60-Hz magnetic fields up to 20 μT have not reported reliable effects on melatonin levels in blood.

BIOLOGICAL BASIS FOR LIMITING EXPOSURE (100 kHz–300 GHz)

The following paragraphs provide a general review of relevant literature on the biological effects and potential health effects of electromagnetic fields with frequencies of 100 kHz to 300 GHz. More detailed reviews can be found elsewhere (NRPB 1991; UNEP/WHO/IRPA 1993; McKinlay et al. 1996; Polk and Postow 1996; Repacholi 1998).

Direct effects of electromagnetic fields

Epidemiological studies. Only a limited number of studies have been carried out on reproductive effects and cancer risk in individuals exposed to microwave radiation. A summary of the literature was published by UNEP/WHO/IRPA (1993).

Reproductive outcomes. Two extensive studies on women treated with microwave diathermy to relieve the pain of uterine contractions during labor found no evidence for adverse effects on the fetus (Daels 1973, 1976). However, seven studies on pregnancy outcomes among workers occupationally exposed to microwave radiation and on birth defects among their offspring produced both positive and negative results. In some of the larger epidemiological studies of female plastic welders and physiotherapists working with shortwave diathermy devices, there were no statistically significant effects on rates of abortion or fetal malformation (Källen et al. 1982). By contrast, other studies on similar populations of female workers found an increased risk of miscarriage and birth defects (Larsen et al. 1991; Ouellet-Hellstrom and Stewart 1993). A study of male radar workers found no association between microwave exposure and the risk of Down's syndrome in their offspring (Cohen et al. 1977).

Overall, the studies on reproductive outcomes and microwave exposure suffer from very poor assessment of exposure and, in many cases, small numbers of subjects. Despite the generally negative results of these studies, it will be difficult to draw firm conclusions on reproductive risk without further epidemiological data on highly exposed individuals and more precise exposure assessment.

Cancer studies. Studies on cancer risk and microwave exposure are few and generally lack quantitative exposure assessment. Two epidemiological studies of radar workers in the aircraft industry and in the U.S. armed forces found no evidence of increased morbidity or mortality from any cause (Barron and Baraff 1958; Robinette et al. 1980; UNEP/WHO/IRPA 1993). Similar results were obtained by Lillienfeld et al. (1978) in a study of employees in the U.S. embassy in Moscow, who were chronically exposed to low-level microwave radiation. Selvin et al. (1992) reported no increase in cancer risk among children chronically exposed to radiation from a large microwave transmitter near their homes. More recent studies have failed to show significant increases in nervous tissue tumors among workers and military personnel exposed to microwave fields (Beall et al. 1996; Grayson 1996). Moreover, no excess total mortality was apparent among users of mobile telephones (Rothman et al. 1996a, b), but it is still too early to observe an effect on cancer incidence or mortality.

There has been a report of increased cancer risk among military personnel (Szmigielski et al. 1988), but the results of the study are difficult to interpret because neither the size of the population nor the exposure levels are clearly stated. In a later study, Szmigielski (1996) found increased rates of leukemia and lymphoma among military personnel exposed to EMF fields, but the assessment of EMF exposure was not well defined. A few recent studies of populations living near EMF transmitters have suggested a local increase in leukemia incidence (Hocking et al. 1996; Dolk et at. 1997a, b), but the results are inconclusive. Overall, the results of the small number of epidemiological studies published provide only limited information on cancer risk.

Laboratory studies. The following paragraphs provide a summary and critical evaluation of laboratory studies on the biological effects of electromagnetic fields with frequencies in the range 100 kHz–300 GHz. There are separate discussions on results of studies of volunteers exposed under controlled conditions and of laboratory studies on cellular, tissue, and animal systems.

Volunteer studies. Studies by Chatterjee et al. (1986) demonstrated that, as the frequency increases from approximately 100 kHz to 10 MHz, the dominant effect of exposure to a high-intensity electromagnetic field changes from nerve and muscle stimulation to heating. At 100 kHz the primary sensation was one of nerve tingling, while at 10 MHz it was one of warmth on the skin. In this frequency range, therefore, basic health protection criteria should be such as to avoid stimulation of excitable tissues and heating effects. At frequencies from 10 MHz to 300 GHz, heating is the major effect of absorption of electromagnetic energy, and temperature rises of more than 1–2 °C can have adverse health effects such as heat exhaustion and heat stroke (ACGIH 1996). Studies on workers in thermally stressful environments have shown worsening performance of simple tasks as

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body temperature rises to a level approaching physiological heat stress (Ramsey and Kwon 1988).

A sensation of warmth has been reported by volunteers experiencing high-frequency current of about 100–200 mA through a limb. The resulting SAR value is unlikely to produce a localized temperature increment of more than 1°C in the limbs (Chatterjee et al. 1986; Chen and Gandhi 1988; Hoque and Gandhi 1988), which has been suggested as the upper limit of temperature increase that has no detrimental health effects (UNEP/WHO/IRPA 1993). Data on volunteers reported by Gandhi et al. (1986) for frequencies up to 50 MHz and by Tofani et al. (1995) for frequencies up to 110 MHz (the upper limit of the FM broadcast band) support a reference level for limb current of 100 mA to avoid excessive heating effects (Dimbylow 1997).

There have been several studies of thermoregulatory responses of resting volunteers exposed to EMF in magnetic resonance imaging systems (Shellock and Crues 1987; Magin et al. 1992). In general, these have demonstrated that exposure for up to 30 min, under conditions in which whole-body SAR was less than 4 W kg^{-1}, caused an increase in the body core temperature of less than 1°C.

Cellular and animal studies. There are numerous reports on the behavioral and physiological responses of laboratory animals, including rodents, dogs, and nonhuman primates, to thermal interactions of EMF at frequencies above 10 MHz. Thermosensitivity and thermoregulatory responses are associated both with the hypothalamus and with thermal receptors located in the skin and in internal parts of the body. Afferent signals reflecting temperature change converge in the central nervous system and modify the activity of the major neuroendocrine control systems, triggering the physiological and behavioral responses necessary for the maintenance of homeostasis.

Exposure of laboratory animals to EMF producing absorption in excess of approximately 4 W kg^{-1} has revealed a characteristic pattern of thermoregulatory response in which body temperature initially rises and then stabilizes following the activation of thermoregulatory mechanisms (Michaelson 1983). The early phase of this response is accompanied by an increase in blood volume due to movement of fluid from the extracellular space into the circulation and by increases in heart rate and intraventricular blood pressure. These cardiodynamic changes reflect thermoregulatory responses that facilitate the conduction of heat to the body surface. Prolonged exposure of animals to levels of microwave radiation that raise the body temperature ultimately lead to failure of these thermoregulatory mechanisms.

Several studies with rodents and monkeys have also demonstrated a behavioral component of thermoregulatory responses. Decreased task performance by rats and monkeys has been observed at SAR values in the range 1–3 W kg^{-1} (Stern et al. 1979; Adair and Adams 1980; de Lorge and Ezell 1980; D'Andrea et al. 1986). In monkeys, altered thermoregulatory behavior starts when the temperature in the hypothalamic region rises by as little as 0.2–0.3°C (Adair et al. 1984). The hypothalamus is considered to be the control center for normal thermoregulatory processes, and its activity can be modified by a small local temperature increase under conditions in which rectal temperature remains constant.

At levels of absorbed electromagnetic energy that cause body temperature rises in excess of 1–2°C, a large number of physiological effects have been characterized in studies with cellular and animal systems (Michaelson and Elson 1996). These effects include alterations in neural and neuromuscular functions; increased blood-brain barrier permeability; ocular impairment (lens opacities and corneal abnormalities); stress-associated changes in the immune system; hematological changes; reproductive changes (e.g., reduced sperm production); teratogenicity; and changes in cell morphology, water and electrolyte content, and membrane functions.

Under conditions of partial-body exposure to intense EMF, significant thermal damage can occur in sensitive tissues such as the eye and the testis. Microwave exposure of 2–3 h duration has produced cataracts in rabbits' eyes at SAR values from 100–140 W kg^{-1}, which produced lenticular temperatures of 41–43°C (Guy et al. 1975). No cataracts were observed in monkeys exposed to microwave fields of similar or higher intensities, possibly because of different energy absorption patterns in the eyes of monkeys from those in rabbits. At very high frequencies (10–300 GHz), absorption of electromagnetic energy is confined largely to the epidermal layers of the skin, subcutaneous tissues, and the outer part of the eye. At the higher end of the frequency range, absorption is increasingly superficial. Ocular damage at these frequencies can be avoided if the microwave power density is less than 50 W m^{-2} (Sliney and Wolbarsht 1980; UNEP/WHO/IRPA 1993).

There has been considerable recent interest in the possible carcinogenic effects of exposure to microwave fields with frequencies in the range of widely used communications systems, including hand-held mobile telephones and base transmitters. Research findings in this area have been summarized by ICNIRP (1996). Briefly, there are many reports suggesting that microwave fields are not mutagenic, and exposure to these fields is therefore unlikely to initiate carcinogenesis (NRPB 1992; Cridland 1993; UNEP/WHO/IRPA 1993). By contrast, some recent reports suggest that exposure of rodents to microwave fields at SAR levels of the order of 1 W kg^{-1} may produce strand breaks in the DNA of testis and brain tissues (Sarkar et al. 1994; Lai and Singh 1995, 1996), although both ICNIRP (1996) and Williams (1996) pointed out methodological deficiencies that could have significantly influenced these results.

In a large study of rats exposed to microwaves for up to 25 mo, an excess of primary malignancies was noted in exposed rats relative to controls (Chou et al. 1992). However, the incidence of benign tumors did not differ between the groups, and no specific type of tumor

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was more prevalent in the exposed group than in stock rats of the same strain maintained under similar specific-pathogen-free conditions. Taken as a whole, the results of this study cannot be interpreted as indicating a tumor-initiating effect of microwave fields.

Several studies have examined the effects of microwave exposure on the development of pre-initiated tumor cells. Szmigielski et al. (1982) noted an enhanced growth rate of transplanted lung sarcoma cells in rats exposed to microwaves at high power densities. It is possible that this resulted from a weakening of the host immune defense in response to thermal stress from the microwave exposure. Recent studies using athermal levels of microwave irradiation have found no effects on the development of melanoma in mice or of brain glioma in rats (Santini et al. 1988; Salford et al. 1993).

Repacholi et al. (1997) have reported that exposure of 100 female, *Eμ-pim1* transgenic mice to 900-MHz fields, pulsed at 217 Hz with pulse widths of 0.6 μs for up to 18 mo, produced a doubling in lymphoma incidence compared with 101 controls. Because the mice were free to roam in their cages, the variation in SAR was wide (0.01–4.2 W kg^{-1}). Given that the resting metabolic rate of these mice is 7–15 W kg^{-1}, only the upper end of the exposure range may have produced some slight heating. Thus, it appears that this study suggests a non-thermal mechanism may be acting, which needs to be investigated further. However, before any assumptions can be made about health risk, a number of questions need to be addressed. The study needs to be replicated, restraining the animals to decrease the SAR exposure variation and to determine whether there is a dose response. Further study is needed to determine whether the results can be found in other animal models in order to be able to generalize the results to humans. It is also essential to assess whether results found in transgenic animals are applicable to humans.

Special considerations for pulsed and amplitude-modulated waveforms

Compared with continuous-wave (CW) radiation, pulsed microwave fields with the same average rate of energy deposition in tissues are generally more effective in producing a biological response, especially when there is a well-defined threshold that must be exceeded to elicit the effect (ICNIRP 1996). The "microwave hearing" effect is a well known example of this (Frey 1961; Frey and Messenger 1973; Lin 1978): people with normal hearing can perceive pulse-modulated fields with frequencies between about 200 MHz and 6.5 GHz. The auditory sensation has been variously described as a buzzing, clicking, or popping sound, depending on the modulation characteristics of the field. The microwave hearing effects have been attributed to a thermoelastic interaction in the auditory cortex of the brain, with a threshold for perception of about 100–400 mJ m^{-2} for pulses of duration less than 30 μs at 2.45 GHz (corresponding to an SA of 4–16 mJ kg^{-1}). Repeated or prolonged exposure to microwave auditory effects may be stressful and potentially harmful.

Some reports suggest that retina, iris, and corneal endothelium of the primate eye are sensitive to low levels of pulsed microwave radiation (Kues et al. 1985; UNEP/WHO/IRPA 1993). Degenerative changes in light-sensitive cells of the retina were reported for absorbed energy levels as low as 26 mJ kg^{-1}. After administration of timolol maleate, which is used in the treatment of glaucoma, the threshold for retinal damage by pulsed fields dropped to 2.6 mJ kg^{-1}. However, an attempt in an independent laboratory to partially replicate these findings for CW fields (i.e., not pulsed) was unsuccessful (Kamimura et al. 1994), and it is therefore impossible at present to assess the potential health implications of the initial findings of Kues et al. (1985).

Exposure to intense pulsed microwave fields has been reported to suppress the startle response in conscious mice and to evoke body movements (NRPB 1991; Sienkiewicz et al. 1993; UNEP/WHO/IRPA 1993). The threshold specific energy absorption level at midbrain that evoked body movements was 200 J kg^{-1} for 10 μs pulses. The mechanism for these effects of pulsed microwaves remains to be determined but is believed to be related to the microwave hearing phenomenon. The auditory thresholds for rodents are about an order of magnitude lower than for humans, that is 1–2 mJ kg^{-1} for pulses <30 μs in duration. Pulses of this magnitude have also been reported to affect neurotransmitter metabolism and the concentration of the neural receptors involved in stress and anxiety responses in different regions of the rat brain.

The issue of athermal interactions of high-frequency EMF has centered largely on reports of biological effects of amplitude modulated (AM) fields under *in-vitro* conditions at SAR values well below those that produce measurable tissue heating. Initial studies in two independent laboratories led to reports that VHF fields with amplitude modulation at extremely low frequencies (6–20 Hz) produced a small, but statistically significant, release of Ca^{++} from the surfaces of chick brain cells (Bawin et al. 1975; Blackman et al. 1979). A subsequent attempt to replicate these findings, using the same type of AM field, was unsuccessful (Albert et al. 1987). A number of other studies of the effects of AM fields on Ca^{++} homeostasis have produced both positive and negative results. For example, effects of AM fields on Ca^{++} binding to cell surfaces have been observed with neuroblastoma cells, pancreatic cells, cardiac tissue, and cat brain cells, but not with cultured rat nerve cells, chick skeletal muscle, or rat brain cells (Postow and Swicord 1996).

Amplitude-modulated fields have also been reported to alter brain electrical activity (Bawin et al. 1974), inhibit T-lymphocyte cytotoxic activity (Lyle et al. 1983), decrease the activities of non-cyclic-AMP-dependent kinase in lymphocytes (Byus et al. 1984), and cause a transient increase in the cytoplasmic activity of ornithine decarboxylase, an essential enzyme for cell proliferation (Byus et al. 1988; Litovitz et al. 1992). In contrast, no effects have been observed on a wide variety

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of other cellular systems and functional end-points, including lymphocyte capping, neoplastic cell transformation, and various membrane electrical and enzymatic properties (Postow and Swicord 1996). Of particular relevance to the potential carcinogenic effects of pulsed fields is the observation by Balcer-Kubiczek and Harrison (1991) that neoplastic transformation was accelerated in C3H/10T1/2 cells exposed to 2,450-MHz microwaves that were pulse-modulated at 120 Hz. The effect was dependent on field strength but occurred only when a chemical tumor-promoter, TPA, was present in the cell culture medium. This finding suggests that pulsed microwaves may exert co-carcinogenic effects in combination with a chemical agent that increases the rate of proliferation of transformed cells. To date, there have been no attempts to replicate this finding, and its implication for human health effects is unclear.

Interpretation of several observed biological effects of AM electromagnetic fields is further complicated by the apparent existence of "windows" of response in both the power density and frequency domains. There are no accepted models that adequately explain this phenomenon, which challenges the traditional concept of a monotonic relationship between the field intensity and the severity of the resulting biological effects.

Overall, the literature on athermal effects of AM electromagnetic fields is so complex, the validity of reported effects so poorly established, and the relevance of the effects to human health is so uncertain, that it is impossible to use this body of information as a basis for setting limits on human exposure to these fields.

Indirect effects of electromagnetic fields

In the frequency range of about 100 kHz–110 MHz, shocks and burns can result either from an individual touching an ungrounded metal object that has acquired a charge in a field or from contact between a charged individual and a grounded metal object. It should be noted that the upper frequency for contact current (110 MHz) is imposed by a lack of data on higher frequencies rather than by the absence of effects. However, 110 MHz is the upper frequency limit of the FM broadcast band. Threshold currents that result in biological effects ranging in severity from perception to pain have been measured in controlled experiments on volunteers (Chatterjee et al. 1986; Tenforde and Kaune 1987; Bernhardt 1988); these are summarized in Table 3. In general, it has been shown that the threshold currents that produce perception and pain vary little over the frequency range 100 kHz–1 MHz and are unlikely to vary significantly over the frequency range up to about 110 MHz. As noted earlier for lower frequencies, significant variations between the sensitivities of men, women, and children also exist for higher frequency fields. The data in Table 3 represent the range of 50th percentile values for people of different sizes and different levels of sensitivity to contact currents.

Table 3. Ranges of threshold currents for indirect effects, including children, women, and men.

Indirect effect	Threshold current (mA) at frequency: 100 kHz	1 MHz
Touch perception	25–40	25–40
Pain on finger contact	33–55	28–50
Painful shock/let-go threshold	112–224	Not determined
Severe shock/breathing difficulty	160–320	Not determined

Summary of biological effects and epidemiological studies (100 kHz–300 GHz)

Available experimental evidence indicates that the exposure of resting humans for approximately 30 min to EMF producing a whole-body SAR of between 1 and 4 W kg^{-1} results in a body temperature increase of less than 1 °C. Animal data indicate a threshold for behavioral responses in the same SAR range. Exposure to more intense fields, producing SAR values in excess of 4 W kg^{-1}, can overwhelm the thermoregulatory capacity of the body and produce harmful levels of tissue heating. Many laboratory studies with rodent and nonhuman primate models have demonstrated the broad range of tissue damage resulting from either partial-body or whole-body heating producing temperature rises in excess of 1–2°C. The sensitivity of various types of tissue to thermal damage varies widely, but the threshold for irreversible effects in even the most sensitive tissues is greater than 4 W kg^{-1} under normal environmental conditions. These data form the basis for an occupational exposure restriction of 0.4 W kg^{-1}, which provides a large margin of safety for other limiting conditions such as high ambient temperature, humidity, or level of physical activity.

Both laboratory data and the results of limited human studies (Michaelson and Elson 1996) make it clear that thermally stressful environments and the use of drugs or alcohol can compromise the thermoregulatory capacity of the body. Under these conditions, safety factors should be introduced to provide adequate protection for exposed individuals.

Data on human responses to high-frequency EMF that produce detectable heating have been obtained from controlled exposure of volunteers and from epidemiological studies on workers exposed to sources such as radar, medical diathermy equipment, and heat sealers. They are fully supportive of the conclusions drawn from laboratory work, that adverse biological effects can be caused by temperature rises in tissue that exceed 1°C. Epidemiological studies on exposed workers and the general public have shown no major health effects associated with typical exposure environments. Although there are deficiencies in the epidemiological work, such as poor exposure assessment, the studies have yielded no convincing evidence that typical exposure levels lead to adverse reproductive outcomes or an increased cancer risk in exposed individuals. This is consistent with the results of laboratory research on cellular and animal

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models, which have demonstrated neither teratogenic nor carcinogenic effects of exposure to athermal levels of high-frequency EMF.

Exposure to pulsed EMF of sufficient intensity leads to certain predictable effects such as the microwave hearing phenomenon and various behavioral responses. Epidemiological studies on exposed workers and the general public have provided limited information and failed to demonstrate any health effects. Reports of severe retinal damage have been challenged following unsuccessful attempts to replicate the findings.

A large number of studies of the biological effects of amplitude-modulated EMF, mostly conducted with low levels of exposure, have yielded both positive and negative results. Thorough analysis of these studies reveals that the effects of AM fields vary widely with the exposure parameters, the types of cells and tissues involved, and the biological end-points that are examined. In general, the effects of exposure of biological systems to athermal levels of amplitude-modulated EMF are small and very difficult to relate to potential health effects. There is no convincing evidence of frequency and power density windows of response to these fields.

Shocks and burns can be the adverse indirect effects of high-frequency EMF involving human contact with metallic objects in the field. At frequencies of 100 kHz–110 MHz (the upper limit of the FM broadcast band), the threshold levels of contact current that produce effects ranging from perception to severe pain do not vary significantly as a function of the field frequency. The threshold for perception ranges from 25 to 40 mA in individuals of different sizes, and that for pain from approximately 30 to 55 mA; above 50 mA there may be severe burns at the site of tissue contact with a metallic conductor in the field.

GUIDELINES FOR LIMITING EMF EXPOSURE

Occupational and general public exposure limitations

The occupationally exposed population consists of adults who are generally exposed under known conditions and are trained to be aware of potential risk and to take appropriate precautions. By contrast, the general public comprises individuals of all ages and of varying health status, and may include particularly susceptible groups or individuals. In many cases, members of the public are unaware of their exposure to EMF. Moreover, individual members of the public cannot reasonably be expected to take precautions to minimize or avoid exposure. It is these considerations that underlie the adoption of more stringent exposure restrictions for the public than for the occupationally exposed population.

Basic restrictions and reference levels

Restrictions on the effects of exposure are based on established health effects and are termed basic restrictions. Depending on frequency, the physical quantities used to specify the basic restrictions on exposure to EMF are current density, SAR, and power density. Protection against adverse health effects requires that these basic restrictions are not exceeded.

Reference levels of exposure are provided for comparison with measured values of physical quantities; compliance with all reference levels given in these guidelines will ensure compliance with basic restrictions. If measured values are higher than reference levels, it does not necessarily follow that the basic restrictions have been exceeded, but a more detailed analysis is necessary to assess compliance with the basic restrictions.

General statement on safety factors

There is insufficient information on the biological and health effects of EMF exposure of human populations and experimental animals to provide a rigorous basis for establishing safety factors over the whole frequency range and for all frequency modulations. In addition, some of the uncertainty regarding the appropriate safety factor derives from a lack of knowledge regarding the appropriate dosimetry (Repacholi 1998). The following general variables were considered in the development of safety factors for high-frequency fields:

- effects of EMF exposure under severe environmental conditions (high temperature, etc.) and/or high activity levels; and
- the potentially higher thermal sensitivity in certain population groups, such as the frail and/or elderly, infants and young children, and people with diseases or taking medications that compromise thermal tolerance.

The following additional factors were taken into account in deriving reference levels for high-frequency fields:

- differences in absorption of electromagnetic energy by individuals of different sizes and different orientations relative to the field; and
- reflection, focusing, and scattering of the incident field, which can result in enhanced localized absorption of high-frequency energy.

Basic restrictions

Different scientific bases were used in the development of basic exposure restrictions for various frequency ranges:

- Between 1 Hz and 10 MHz, basic restrictions are provided on current density to prevent effects on nervous system functions;
- Between 100 kHz and 10 GHz, basic restrictions on SAR are provided to prevent whole-body heat stress and excessive localized tissue heating; in the 100 kHz–10 MHz range, restrictions are provided on both current density and SAR; and
- Between 10 and 300 GHz, basic restrictions are provided on power density to prevent excessive heating in tissue at or near the body surface.

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In the frequency range from a few Hz to 1 kHz, for levels of induced current density above 100 mA m^{-2}, the thresholds for acute changes in central nervous system excitability and other acute effects such as reversal of the visually evoked potential are exceeded. In view of the safety considerations above, it was decided that, for frequencies in the range 4 Hz to 1 kHz, occupational exposure should be limited to fields that induce current densities less than 10 mA m^{-2}, i.e., to use a safety factor of 10. For the general public an additional factor of 5 is applied, giving a basic exposure restriction of 2 mA m^{-2}. Below 4 Hz and above 1 kHz, the basic restriction on induced current density increases progressively, corresponding to the increase in the threshold for nerve stimulation for these frequency ranges.

Established biological and health effects in the frequency range from 10 MHz to a few GHz are consistent with responses to a body temperature rise of more than 1°C. This level of temperature increase results from exposure of individuals under moderate environmental conditions to a whole-body SAR of approximately 4 W kg^{-1} for about 30 min. A whole-body average SAR of 0.4 W kg^{-1} has therefore been chosen as the restriction that provides adequate protection for occupational exposure. An additional safety factor of 5 is introduced for exposure of the public, giving an average whole-body SAR limit of 0.08 W kg^{-1}.

The lower basic restrictions for exposure of the general public take into account the fact that their age and health status may differ from those of workers.

In the low-frequency range, there are currently few data relating transient currents to health effects. The ICNIRP therefore recommends that the restrictions on current densities induced by transient or very short-term peak fields be regarded as instantaneous values which should not be time-averaged.

The basic restrictions for current densities, whole-body average SAR, and localized SAR for frequencies between 1 Hz and 10 GHz are presented in Table 4, and those for power densities for frequencies of 10–300 GHz are presented in Table 5.

REFERENCE LEVELS

Where appropriate, the reference levels are obtained from the basic restrictions by mathematical modeling and by extrapolation from the results of laboratory investigations at specific frequencies. They are given for the condition of maximum coupling of the field to the exposed individual, thereby providing maximum protection. Tables 6 and 7 summarize the reference levels for occupational exposure and exposure of the general public, respectively, and the reference levels are illustrated in Figs. 1 and 2. The reference levels are intended to be spatially averaged values over the entire body of the exposed individual, but with the important proviso that the basic restrictions on localized exposure are not exceeded.

For low-frequency fields, several computational and measurement methods have been developed for deriving field-strength reference levels from the basic restrictions.

Table 4. Basic restrictions for time varying electric and magnetic fields for frequencies up to 10 GHz.[a]

Exposure characteristics	Frequency range	Current density for head and trunk (mA m^{-2}) (rms)	Whole-body average SAR (W kg^{-1})	Localized SAR (head and trunk) (W kg^{-1})	Localized SAR (limbs) (W kg^{-1})
Occupational exposure	up to 1 Hz	40	—	—	—
	1–4 Hz	40/f	—	—	—
	4 Hz–1 kHz	10	—	—	—
	1–100 kHz	f/100	—	—	—
	100 kHz–10 MHz	f/100	0.4	10	20
	10 MHz–10 GHz	—	0.4	10	20
General public exposure	up to 1 Hz	8	—	—	—
	1–4 Hz	8/f	—	—	—
	4 Hz–1 kHz	2	—	—	—
	1–100 kHz	f/500	—	—	—
	100 kHz–10 MHz	f/500	0.08	2	4
	10 MHz–10 GHz	—	0.08	2	4

[a] Note:

1. f is the frequency in hertz.
2. Because of electrical inhomogeneity of the body, current densities should be averaged over a cross-section of 1 cm^2 perpendicular to the current direction.
3. For frequencies up to 100 kHz, peak current density values can be obtained by multiplying the rms value by $\sqrt{2}$ (~1.414). For pulses of duration t_p the equivalent frequency to apply in the basic restrictions should be calculated as $f = 1/(2t_p)$.
4. For frequencies up to 100 kHz and for pulsed magnetic fields, the maximum current density associated with the pulses can be calculated from the rise/fall times and the maximum rate of change of magnetic flux density. The induced current density can then be compared with the appropriate basic restriction.
5. All SAR values are to be averaged over any 6-min period.
6. Localized SAR averaging mass is any 10 g of contiguous tissue; the maximum SAR so obtained should be the value used for the estimation of exposure.
7. For pulses of duration t_p the equivalent frequency to apply in the basic restrictions should be calculated as $f = 1/(2t_p)$. Additionally, for pulsed exposures in the frequency range 0.3 to 10 GHz and for localized exposure of the head, in order to limit or avoid auditory effects caused by thermoelastic expansion, an additional basic restriction is recommended. This is that the SA should not exceed 10 mJ kg^{-1} for workers and 2mJ kg^{-1} for the general public, averaged over 10 g tissue.

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Table 5. Basic restrictions for power density for frequencies between 10 and 300 GHz.[a]

Exposure characteristics	Power density (W m^{-2})
Occupational exposure	50
General public	10

[a] Note:
1. Power densities are to be averaged over any 20 cm^2 of exposed area and any $68/f^{1.05}$-min period (where f is in GHz) to compensate for progressively shorter penetration depth as the frequency increases.
2. Spatial maximum power densities, averaged over 1 cm^2, should not exceed 20 times the values above.

The simplifications that have been used to date did not account for phenomena such as the inhomogeneous distribution and anisotropy of the electrical conductivity and other tissue factors of importance for these calculations.

The frequency dependence of the reference field levels is consistent with data on both biological effects and coupling of the field.

Magnetic field models assume that the body has a homogeneous and isotropic conductivity and apply simple circular conductive loop models to estimate induced currents in different organs and body regions, e.g., the head, by using the following equation for a pure sinusoidal field at frequency f derived from Faraday's law of induction:

$$J = \pi R f \sigma \mathrm{B}, \tag{4}$$

where B is the magnetic flux density and R is the radius of the loop for induction of the current. More complex models use an ellipsoidal model to represent the trunk or the whole body for estimating induced current densities at the surface of the body (Reilly 1989, 1992).

If, for simplicity, a homogeneous conductivity of 0.2 S m^{-1} is assumed, a 50-Hz magnetic flux density of 100 μT generates current densities between 0.2 and 2 mA m^{-2} in the peripheral area of the body (CRP 1997). According to another analysis (NAS 1996), 60-Hz exposure levels of 100 μT correspond to average current densities of 0.28 mA m^{-2} and to maximum current densities of approximately 2 mA m^{-2}. More realistic calculations based on anatomically and electrically refined models (Xi and Stuchly 1994) resulted in maximum current densities exceeding 2 mA m^{-2} for a 100-μT field at 60 Hz. However, the presence of biological cells affects the spatial pattern of induced currents and fields, resulting in significant differences in both magnitude (a factor of 2 greater) and patterns of flow of the induced current compared with those predicted by simplified analyses (Stuchly and Xi 1994).

Electric field models must take into account the fact that, depending on the exposure conditions and the size, shape, and position of the exposed body in the field, the surface charge density can vary greatly, resulting in a variable and non-uniform distribution of currents inside the body. For sinusoidal electric fields at frequencies below about 10 MHz, the magnitude of the induced current density inside the body increases with frequency. The induced current density distribution varies inversely with the body cross-section and may be relatively high in the neck and ankles. The exposure level of 5 kV m^{-1} for exposure of the general public corresponds, under worst-case conditions, to an induced current density of about 2 mA m^{-2} in the neck and trunk of the body if the E-field vector is parallel to the body axis (ILO 1994; CRP 1997). However, the current density induced by 5 kV m^{-1} will comply with the basic restrictions under realistic worst-case exposure conditions.

For purposes of demonstrating compliance with the basic restrictions, the reference levels for the electric and magnetic fields should be considered separately and not additively. This is because, for protection purposes, the currents induced by electric and magnetic fields are not additive.

For the specific case of occupational exposures at frequencies up to 100 kHz, the derived electric fields can be increased by a factor of 2 under conditions in which adverse indirect effects from contact with electrically charged conductors can be excluded.

At frequencies above 10 MHz, the derived electric and magnetic field strengths were obtained from the whole-body SAR basic restriction using computational and experimental data. In the worst case, the energy coupling reaches a maximum between 20 MHz and several hundred MHz. In this frequency range, the derived reference levels have minimum values. The derived magnetic field strengths were calculated from the electric field strengths by using the far-field relationship between E and H (E/H = 377 ohms). In the near-field, the SAR frequency dependence curves are no longer valid; moreover, the contributions of the electric and magnetic field components have to be considered separately. For a conservative approximation, field exposure levels can be used for near-field assessment since the coupling of energy from the electric or magnetic field contribution cannot exceed the SAR restrictions. For a less conservative assessment, basic restrictions on the whole-body average and local SAR should be used.

Reference levels for exposure of the general public have been obtained from those for occupational exposure by using various factors over the entire frequency range. These factors have been chosen on the basis of effects that are recognized as specific and relevant for the various frequency ranges. Generally speaking, the factors follow the basic restrictions over the entire frequency range, and their values correspond to the mathematical relation between the quantities of the basic restrictions and the derived levels as described below:

- In the frequency range up to 1 kHz, the general public reference levels for electric fields are one-half of the values set for occupational exposure. The value of 10 kV m^{-1} for a 50-Hz or 8.3 kV m^{-1} for a 60-Hz occupational exposure includes a sufficient safety margin to prevent stimulation effects from contact currents under all possible conditions. Half of this value was chosen for the general public reference levels, i.e.,

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Table 6. Reference levels for occupational exposure to time-varying electric and magnetic fields (unperturbed rms values).[a]

Frequency range	E-field strength ($V\ m^{-1}$)	H-field strength ($A\ m^{-1}$)	B-field (μT)	Equivalent plane wave power density S_{eq} ($W\ m^{-2}$)
up to 1 Hz	—	1.63×10^5	2×10^5	—
1–8 Hz	20,000	$1.63 \times 10^5/f^2$	$2 \times 10^5/f^2$	—
8–25 Hz	20,000	$2 \times 10^4/f$	$2.5 \times 10^4/f$	—
0.025–0.82 kHz	$500/f$	$20/f$	$25/f$	—
0.82–65 kHz	610	24.4	30.7	—
0.065–1 MHz	610	$1.6/f$	$2.0/f$	—
1–10 MHz	$610/f$	$1.6/f$	$2.0/f$	—
10–400 MHz	61	0.16	0.2	10
400–2,000 MHz	$3f^{1/2}$	$0.008f^{1/2}$	$0.01f^{1/2}$	$f/40$
2–300 GHz	137	0.36	0.45	50

[a] Note:
1. f as indicated in the frequency range column.
2. Provided that basic restrictions are met and adverse indirect effects can be excluded, field strength values can be exceeded.
3. For frequencies between 100 kHz and 10 GHz, S_{eq}, E^2, H^2, and B^2 are to be averaged over any 6-min period.
4. For peak values at frequencies up to 100 kHz see Table 4, note 3.
5. For peak values at frequencies exceeding 100 kHz see Figs. 1 and 2. Between 100 kHz and 10 MHz, peak values for the field strengths are obtained by interpolation from the 1.5-fold peak at 100 kHz to the 32-fold peak at 10 MHz. For frequencies exceeding 10 MHz it is suggested that the peak equivalent plane wave power density, as averaged over the pulse width, does not exceed 1,000 times the S_{eq} restrictions, or that the field strength does not exceed 32 times the field strength exposure levels given in the table.
6. For frequencies exceeding 10 GHz, S_{eq}, E^2, H^2, and B^2 are to be averaged over any $68/f^{1.05}$-min period (f in GHz).
7. No E-field value is provided for frequencies <1 Hz, which are effectively static electric fields. Electric shock from low impedance sources is prevented by established electrical safety procedures for such equipment.

Table 7. Reference levels for general public exposure to time-varying electric and magnetic fields (unperturbed rms values).[a]

Frequency range	E-field strength ($V\ m^{-1}$)	H-field strength ($A\ m^{-1}$)	B-field (μT)	Equivalent plane wave power density S_{eq} ($W\ m^{-2}$)
up to 1 Hz	—	3.2×10^4	4×10^4	—
1–8 Hz	10,000	$3.2 \times 10^4/f^2$	$4 \times 10^4/f^2$	—
8–25 Hz	10,000	$4{,}000/f$	$5{,}000/f$	—
0.025–0.8 kHz	$250/f$	$4/f$	$5/f$	—
0.8–3 kHz	$250/f$	5	6.25	—
3–150 kHz	87	5	6.25	—
0.15–1 MHz	87	$0.73/f$	$0.92/f$	—
1–10 MHz	$87/f^{1/2}$	$0.73/f$	$0.92/f$	—
10–400 MHz	28	0.073	0.092	2
400–2,000 MHz	$1.375f^{1/2}$	$0.0037f^{1/2}$	$0.0046f^{1/2}$	$f/200$
2–300 GHz	61	0.16	0.20	10

[a] Note:
1. f as indicated in the frequency range column.
2. Provided that basic restrictions are met and adverse indirect effects can be excluded, field strength values can be exceeded.
3. For frequencies between 100 kHz and 10 GHz, S_{eq}, E^2, H^2, and B^2 are to averaged over any 6-min period.
4. For peak values at frequencies up to 100 kHz see Table 4, note 3.
5. For peak values at frequencies exceeding 100 kHz see Figs. 1 and 2. Between 100 kHz and 10 MHz, peak values for the field strengths are obtained by interpolation from the 1.5-fold peak at 100 kHz to the 32-fold peak at 10 MHz. For frequencies exceeding 10 MHz it is suggested that the peak equivalent plane wave power density, as averaged over the pulse width does not exceed 1,000 times the S_{eq} restrictions, or that the field strength does not exceed 32 times the field strength exposure levels given in the table.
6. For frequencies exceeding 10 GHz, S_{eq}, E^2, H^2, and B^2 are to be averaged over any $68/f^{1.05}$-min period (f in GHz).
7. No E-field value is provided for frequencies <1 Hz, which are effectively static electric fields. perception of surface electric charges will not occur at field strengths less than 25 kVm^{-1}. Spark discharges causing stress or annoyance should be avoided.

5 $kV\ m^{-1}$ for 50 Hz or 4.2 $kV\ m^{-1}$ for 60 Hz, to prevent adverse indirect effects for more than 90% of exposed individuals;

- In the low-frequency range up to 100 kHz, the general public reference levels for magnetic fields are set at a factor of 5 below the values set for occupational exposure;
- In the frequency range 100 kHz–10 MHz, the general public reference levels for magnetic fields have been increased compared with the limits given in the 1988 IRPA guideline. In that guideline, the magnetic field strength reference levels were calculated from the electric field strength reference levels by using the far-field

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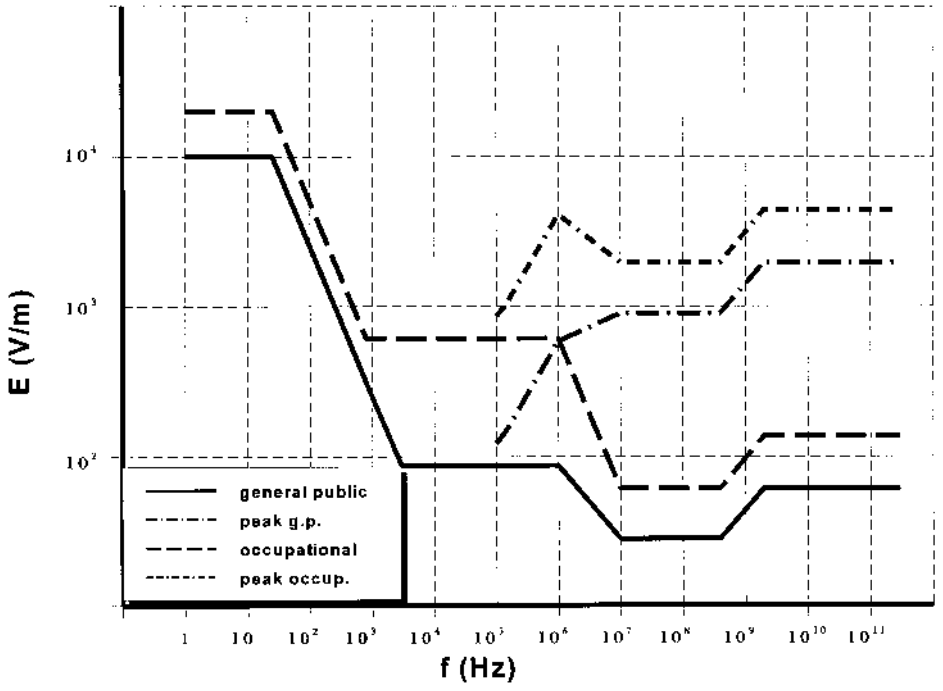

Fig. 1. Reference levels for exposure to time varying electric fields (compare Tables 6 and 7).

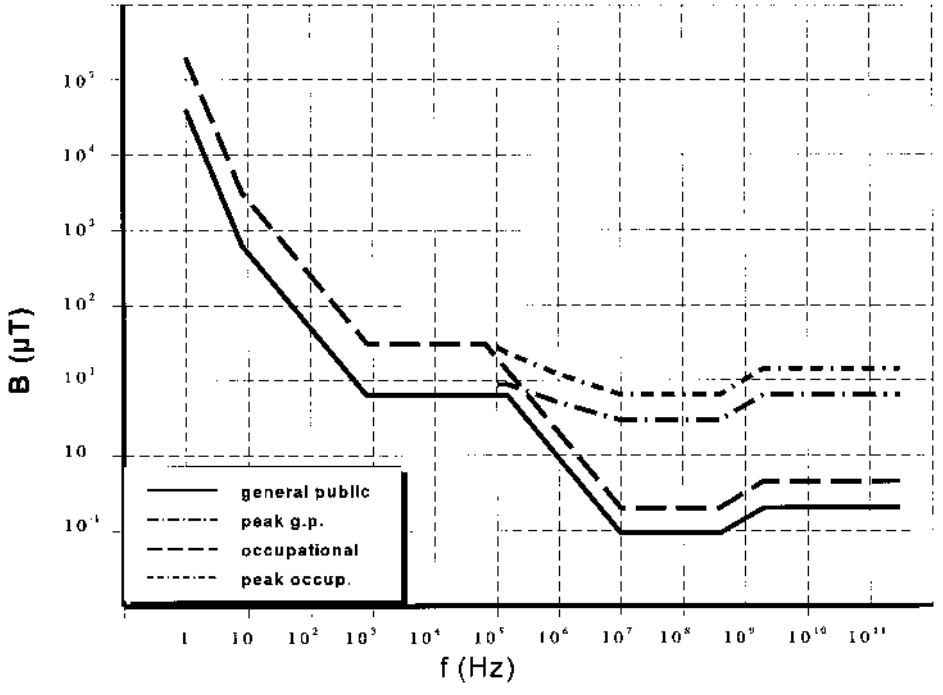

Fig. 2. Reference levels for exposure to time varying magnetic fields (compare Tables 6 and 7).

formula relating E and H. These reference levels are too conservative, since the magnetic field at frequencies below 10 MHz does not contribute significantly to the risk of shocks, burns, or surface charge effects that form a major basis for limiting occupational exposure to electric fields in that frequency range;

- In the high-frequency range 10 MHz–10 GHz, the general public reference levels for electric and magnetic fields are lower by a factor of 2.2 than those set for occupational exposure. The factor of 2.2 corresponds to the square root of 5, which is the safety factor between the basic restrictions for occupational exposure and those for general public

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exposure. The square root is used to relate the quantities "field strength" and "power density;"

- In the high-frequency range 10–300 GHz, the general public reference levels are defined by the power density, as in the basic restrictions, and are lower by a factor of 5 than the occupational exposure restrictions;
- Although little information is available on the relation between biological effects and peak values of pulsed fields, it is suggested that, for frequencies exceeding 10 MHz, S_{eq} as averaged over the pulse width should not exceed 1,000 times the reference levels or that field strengths should not exceed 32 times the field strength reference levels given in Tables 6 and 7 or shown in Figs. 1 and 2. For frequencies between about 0.3 GHz and several GHz, and for localized exposure of the head, in order to limit or avoid auditory effects caused by thermoelastic expansion the specific absorption from pulses must limited. In this frequency range, the threshold SA of 4–16 mJ kg^{-1} for producing this effect corresponds, for 30-μs pulses, to peak SAR values of 130–520 W kg^{-1} in the brain. Between 100 kHz and 10 MHz, peak values for the field strengths in Figs. 1 and 2 are obtained by interpolation from the 1.5-fold peak at 100 kHz to the 32-fold peak at 10 MHz.
- In Tables 6 and 7, as well as in Figs. 1 and 2, different frequency break-points occur for occupational and general public derived reference levels. This is a consequence of the varying factors used to derive the general public reference levels, while generally keeping the frequency dependence the same for both occupational and general public levels.

REFERENCE LEVELS FOR CONTACT AND INDUCED CURRENTS

Up to 110 MHz, which includes the FM radio transmission frequency band, reference levels for contact current are given above which caution must be exercised to avoid shock and burn hazards. The point contact reference levels are presented in Table 8. Since the threshold contact currents that elicit biological responses in children and adult women are approximately one-half and two-thirds, respectively, of those for adult men, the reference levels for contact current for the general public are set lower by a factor of 2 than the values for occupational exposure.

For the frequency range 10–110 MHz, reference levels are provided for limb currents that are below the basic restrictions on localized SAR (see Table 9).

SIMULTANEOUS EXPOSURE TO MULTIPLE FREQUENCY FIELDS

It is important to determine whether, in situations of simultaneous exposure to fields of different frequencies, these exposures are additive in their effects. Additivity should be examined separately for the effects of thermal and electrical stimulation, and the basic restrictions below should be met. The formulae below apply to relevant frequencies under practical exposure situations.

For electrical stimulation, relevant for frequencies up to 10 MHz, induced current densities should be added according to

$$\sum_{i=1\ \mathrm{Hz}}^{10\ \mathrm{MHz}} \frac{J_i}{J_{L,i}} \leq 1. \qquad (5)$$

For thermal effects, relevant above 100 kHz, SAR and power density values should be added according to:

$$\sum_{i=100\ \mathrm{kHz}}^{10\ \mathrm{GHz}} \frac{SAR_i}{SAR_L} + \sum_{i>10\ \mathrm{GHz}}^{300\ \mathrm{GHz}} \frac{S_i}{S_L} \leq 1, \qquad (6)$$

where

J_i = the current density induced at frequency i;
$J_{L,i}$ = the induced current density restriction at frequency i as given in Table 4;
SAR_i = the SAR caused by exposure at frequency i;
SAR_L = the SAR limit given in Table 4;
S_L = the power density limit given in Table 5; and
S_i = the power density at frequency i.

For practical application of the basic restrictions, the following criteria regarding reference levels of field strengths should be applied.

Table 8. Reference levels for time varying contact currents from conductive objects.[a]

Exposure characteristics	Frequency range	Maximum contact current (mA)
Occupational exposure	up to 2.5 kHz	1.0
	2.5–100 kHz	0.4f
	100 kHz–110 MHz	40
General public exposure	up to 2.5 kHz	0.5
	2.5–100 kHz	0.2f
	100 kHz–110 MHz	20

[a] f is the frequency in kHz.

Table 9. Reference levels for current induced in any limb at frequencies between 10 and 110 MHz.[a]

Exposure characteristics	Current (mA)
Occupational exposure	100
General public	45

[a] Note:
1. The public reference level is equal to the occupational reference level divided by $\sqrt{5}$.
2. For compliance with the basic restriction on localized SAR, the square root of the time-averaged value of the square of the induced current over any 6-min period forms the basis of the reference levels.

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For induced current density and electrical stimulation effects, relevant up to 10 MHz, the following two requirements should be applied to the field levels:

$$\sum_{i=1\ \mathrm{Hz}}^{1\ \mathrm{MHz}} \frac{E_i}{E_{L,i}} + \sum_{i>1\ \mathrm{MHz}}^{10\ \mathrm{MHz}} \frac{E_i}{a} \le 1, \qquad (7)$$

and

$$\sum_{j=1\ \mathrm{Hz}}^{65\ \mathrm{kHz}} \frac{H_j}{H_{L,j}} + \sum_{j>65\ \mathrm{kHz}}^{10\ \mathrm{MHz}} \frac{H_j}{b} \le 1, \qquad (8)$$

where

E_i = the electric field strength at frequency i;
$E_{L,i}$ = the electric field reference level from Tables 6 and 7;
H_j = the magnetic field strength at frequency j;
$H_{L,j}$ = the magnetic field reference level from Tables 6 and 7;
a = 610 V m^{-1} for occupational exposure and 87 V m^{-1} for general public exposure; and
b = 24.4 A m^{-1} (30.7 μT) for occupational exposure and 5 A m^{-1} (6.25 μT) for general public exposure.

The constant values a and b are used above 1 MHz for the electric field and above 65 kHz for the magnetic field because the summation is based on induced current densities and should not be mixed with thermal considerations. The latter forms the basis for $E_{L,i}$ and $H_{L,j}$ above 1 MHz and 65 kHz, respectively, found in Tables 6 and 7.

For thermal considerations, relevant above 100 kHz, the following two requirements should be applied to the field levels:

$$\sum_{i=100\ \mathrm{kHz}}^{1\ \mathrm{MHz}} \left(\frac{E_i}{c}\right)^2 + \sum_{i>1\ \mathrm{MHz}}^{300\ \mathrm{GHz}} \left(\frac{E_i}{E_{L,i}}\right)^2 \le 1, \qquad (9)$$

and

$$\sum_{j=100\ \mathrm{kHz}}^{1\ \mathrm{MHz}} \left(\frac{H_j}{d}\right)^2 + \sum_{j>1\ \mathrm{MHz}}^{300\ \mathrm{GHz}} \left(\frac{H_j}{H_{L,j}}\right)^2 \le 1, \qquad (10)$$

where

E_i = the electric field strength at frequency i;
$E_{L,i}$ = the electric field reference level from Tables 6 and 7;
H_j = the magnetic field strength at frequency j;
$H_{L,i}$ = the magnetic field reference level from Tables 6 and 7;
c = $610/f$ V m^{-1} (f in MHz) for occupational exposure and $87/f^{1/2}$ V m^{-1} for general public exposure; and
d = $1.6/f$ A m^{-1} (f in MHz) for occupational exposure and $0.73/f$ for general public exposure.

For limb current and contact current, respectively, the following requirements should be applied:

$$\sum_{k=10\ \mathrm{MHz}}^{110\ \mathrm{MHz}} \left(\frac{I_k}{I_{L,k}}\right)^2 \le 1 \qquad \sum_{n=1\ \mathrm{Hz}}^{110\ \mathrm{MHz}} \frac{I_n}{I_{C,n}} \le 1, \qquad (11)$$

where

I_k = the limb current component at frequency k;
$I_{L,k}$ = the reference level of limb current (see Table 9);
I_n = the contact current component at frequency n; and
$I_{C,n}$ = the reference level of contact current at frequency n (see Table 8).

The above summation formulae assume worst-case conditions among the fields from the multiple sources. As a result, typical exposure situations may in practice require less restrictive exposure levels than indicated by the above formulae for the reference levels.

PROTECTIVE MEASURES

ICNIRP notes that the industries causing exposure to electric and magnetic fields are responsible for ensuring compliance with all aspects of the guidelines.

Measures for the protection of workers include engineering and administrative controls, personal protection programs, and medical surveillance (ILO 1994). Appropriate protective measures must be implemented when exposure in the workplace results in the basic restrictions being exceeded. As a first step, engineering controls should be undertaken wherever possible to reduce device emissions of fields to acceptable levels. Such controls include good safety design and, where necessary, the use of interlocks or similar health protection mechanisms.

Administrative controls, such as limitations on access and the use of audible and visible warnings, should be used in conjunction with engineering controls. Personal protection measures, such as protective clothing, though useful in certain circumstances, should be regarded as a last resort to ensure the safety of the worker; priority should be given to engineering and administrative controls wherever possible. Furthermore, when such items as insulated gloves are used to protect individuals from high-frequency shock and burns, the basic restrictions must not be exceeded, since the insulation protects only against indirect effects of the fields.

With the exception of protective clothing and other personal protection, the same measures can be applied to the general public whenever there is a possibility that the general public reference levels might be exceeded. It is also essential to establish and implement rules that will prevent:

- interference with medical electronic equipment and devices (including cardiac pacemakers);

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- detonation of electro-explosive devices (detonators); and
- fires and explosions resulting from ignition of flammable materials by sparks caused by induced fields, contact currents, or spark discharges.

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APPENDIX

Glossary

Absorption. In radio wave propagation, attenuation of a radio wave due to dissipation of its energy, i.e., conversion of its energy into another form, such as heat.

Athermal effect. Any effect of electromagnetic energy on a body that is not a heat-related effect.

Blood-brain barrier. A functional concept developed to explain why many substances that are transported by blood readily enter other tissues but do not enter the brain; the "barrier" functions as if it were a continuous membrane lining the vasculature of the brain. These brain capillary endothelial cells form a nearly continuous barrier to entry of substances into the brain from the vasculature.

Conductance. The reciprocal of resistance. Expressed in siemens (S).

Conductivity, electrical. The scalar or vector quantity which, when multiplied by the electric field strength, yields the conduction current density; it is the reciprocal of resistivity. Expressed in siemens per meter (S m^{-1}).

Continuous wave. A wave whose successive oscillations are identical under steady-state conditions.

Current density. A vector of which the integral over a given surface is equal to the current flowing through the surface; the mean density in a linear conductor is equal to the current divided by the cross-sectional area of the conductor. Expressed in ampere per square meter (A m^{-2}).

Depth of penetration. For a plane wave electromagnetic field (EMF), incident on the boundary of a good conductor, depth of penetration of the wave is the depth at which the field strength of the wave has been reduced to 1/e, or to approximately 37% of its original value.

Dielectric constant. See permittivity.

Dosimetry. Measurement, or determination by calculation, of internal electric field strength or induced current density, of the specific energy absorption, or specific energy absorption rate distribution, in humans or animals exposed to electromagnetic fields.

Electric field strength. The force (E) on a stationary unit positive charge at a point in an electric field; measured in volt per meter (V m^{-1}).

Electromagnetic energy. The energy stored in an electromagnetic field. Expressed in joule (J).

ELF. Extremely low frequency; frequency below 300 Hz.

EMF. Electric, magnetic, and electromagnetic fields.

Far field. The region where the distance from a radiating antenna exceeds the wavelength of the radiated EMF; in the far-field, field components (E and H) and the direction of propagation are mutually perpendicular, and the shape of the field pattern is independent of the distance from the source at which it is taken.

Frequency. The number of sinusoidal cycles completed by electromagnetic waves in 1 s; usually expressed in hertz (Hz).

Impedance, wave. The ratio of the complex number (vector) representing the transverse electric field at a point to that representing the transverse magnetic field at that point. Expressed in ohm (Ω).

Magnetic field strength. An axial vector quantity, H, which, together with magnetic flux density, specifies a magnetic field at any point in space, and is expressed in ampere per meter (A m^{-1}).

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Magnetic flux density. A vector field quantity, B, that results in a force that acts on a moving charge or charges, and is expressed in tesla (T).

Magnetic permeability. The scalar or vector quantity which, when multiplied by the magnetic field strength, yields magnetic flux density; expressed in henry per meter (H m^{-1}). *Note:* For isotropic media, magnetic permeability is a scalar; for anisotropic media, it is a tensor quantity.

Microwaves. Electromagnetic radiation of sufficiently short wavelength for which practical use can be made of waveguide and associated cavity techniques in its transmission and reception. *Note:* The term is taken to signify radiations or fields having a frequency range of 300 MHz–300 GHz.

Near field. The region where the distance from a radiating antenna is less than the wavelength of the radiated EMF. *Note:* The magnetic field strength (multiplied by the impedance of space) and the electric field strength are unequal and, at distances less than one-tenth of a wavelength from an antenna, vary inversely as the square or cube of the distance if the antenna is small compared with this distance.

Non-ionizing radiation (NIR). Includes all radiations and fields of the electromagnetic spectrum that do not normally have sufficient energy to produce ionization in matter; characterized by energy per photon less than about 12 eV, wavelengths greater than 100 nm, and frequencies lower than 3×10^{15} Hz.

Occupational exposure. All exposure to EMF experienced by individuals in the course of performing their work.

Permittivity. A constant defining the influence of an isotropic medium on the forces of attraction or repulsion between electrified bodies, and expressed in farad per metre (F m^{-1}); *relative permittivity* is the permittivity of a material or medium divided by the permittivity of vacuum.

Plane wave. An electromagnetic wave in which the electric and magnetic field vectors lie in a plane perpendicular to the direction of wave propagation, and the magnetic field strength (multiplied by the impedance of space) and the electric field strength are equal.

Power density. In radio wave propagation, the power crossing a unit area normal to the direction of wave propagation; expressed in watt per square meter (W m^{-2}).

Public exposure. All exposure to EMF experienced by members of the general public, excluding occupational exposure and exposure during medical procedures.

Radiofrequency (RF). Any frequency at which electromagnetic radiation is useful for telecommunication. *Note:* In this publication, radiofrequency refers to the frequency range 300 Hz –300 GHz.

Resonance. The change in amplitude occurring as the frequency of the wave approaches or coincides with a natural frequency of the medium; whole-body absorption of electromagnetic waves presents its highest value, i.e., the resonance, for frequencies (in MHz) corresponding approximately to $114/L$, where L is the height of the individual in meters.

Root mean square (rms). Certain electrical effects are proportional to the square root of the mean of the square of a periodic function (over one period). This value is known as the effective, or root-mean-square (rms) value, since it is derived by first squaring the function, determining the mean value of the squares obtained, and taking the square root of that mean value.

Specific energy absorption. The energy absorbed per unit mass of biological tissue, (SA) expressed in joule per kilogram (J kg^{-1}); specific energy absorption is the time integral of specific energy absorption rate.

Specific energy absorption rate (SAR). The rate at which energy is absorbed in body tissues, in watt per kilogram (W kg^{-1}); SAR is the dosimetric measure that has been widely adopted at frequencies above about 100 kHz.

Wavelength. The distance between two successive points of a periodic wave in the direction of propagation, at which the oscillation has the same phase.

■ ■

Note

Equation 11 in this publication (Health Physics, 1998) was subsequently amended by the ICNIRP Commission in the 1999 reference book "Guidelines on Limiting Exposure to Non-Ionizing Radiation", a reference book based on guidelines on limiting exposure to non-ionizing radiation and statements on special applications. R. Matthes, J.H. Bernhardt, A.F. McKinlay (eds.) International Commission on Non-Ionizing Radiation Protection 1999, ISBN 3-9804789-6-3. The amended version is available below.

"For limb current and contact current, respectively, the following requirements should be applied:

$$\sum_{k=10\,MHz}^{110\,MHz}\left(\frac{I_k}{I_{L,k}}\right)^2 \le 1 \qquad \sum_{n=1Hz}^{10MHz}\frac{I_n}{I_{C,n}} \le 1 \qquad \sum_{n=100\,kHz}^{110\,MHz}\left(\frac{I_n}{I_{C,n}}\right)^2 \le 1 \qquad (11)$$

where
I_k is the limb current component at frequency k
$I_{L,k}$ is the reference level of limb current (see Table 9)
I_n is the contact current component at frequency n
$I_{C,n}$ is the reference level of contact current at frequency n (see Table 8).

The above summation formulae assume worst-case conditions among the fields from the multiple sources. As a result, typical exposure situations may in practice require less restrictive exposure levels than indicated by the above formulae for the reference levels."

Ref: Excerpt from "Guidelines on Limiting Exposure to Non-Ionizing Radiation", a reference book based on guidelines on limiting exposure to non-ionizing radiation and statements on special applications. R. Matthes, J.H. Bernhardt, A.F. McKinlay (eds.) International Commission on Non-Ionizing Radiation Protection 1999, ISBN 3-9804789-6-3.

RESPONSE TO QUESTIONS AND COMMENTS ON THE GUIDELINES FOR LIMITING EXPOSURE TO TIME-VARYING ELECTRIC, MAGNETIC, AND ELECTROMAGNETIC FIELDS (up to 300 GHz)*

1) *Question:* What dosimetric models were used by ICNIRP to derive the reference levels from the basic restrictions?

Answer: To a limited extent, the ICNIRP guidelines provide a description of the dosimetric models that were used, and give references to the primary literature describing these models in detail. However, for purposes of brevity, ICNIRP decided not to include a detailed discussion of these dosimetric models in its published guidelines.

2) *Question:* On which specific data are the guidelines for magnetic fields at frequencies less than 4 Hz based?

Answer: The guidelines for magnetic fields below 4 Hz are ramped in a manner that joins the ELF reference levels with the values previously recommended by ICNIRP for static fields, i.e., at 0 Hz (ICNIRP. Guidelines on limits of exposure to static magnetic fields. Health Physics 66:100-106; 1994), and they are not based on specific biological studies.

3) *Question:* Why was 10 g chosen as the averaging mass without defining a regular tissue geometry?

Answer: The 10 g of tissue is intended to be a mass of contiguous tissue with nearly homogeneous electrical properties. In specifying a contiguous mass of tissue, ICNIRP recognizes that this concept can be used in computational dosimetry, but may present difficulties for direct physical measurements. A simple geometry such as a cubic tissue mass can be used provided that the calculated dosimetric quantities have conservative values relative to the exposure guidelines.

4) *Question:* Is the 10 g averaging mass appropriate for the limbs of the body?

Answer: ICNIRP recognizes that, under certain exposure conditions, the localized SAR basic restrictions for occupational and general public exposures may be exceeded in the wrist by a small amount. However, this condition is not

* This response was published in Health Physics 75 (4), 438-439; 1998

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considered to present any significant health risk.

5) *Question:* Would exposure to RF fields at the reference levels recommended for workers or members of the general public lead to an increase in body temperature?

Answer: Adherence to the ICNIRP guidelines under either occupational or public exposure conditions would prevent an increase in temperature to levels that lie outside of the normal range of variation associated with body functions.

6) *Question:* Under certain circumstances, the fields emanating from appliances and machine tools can exceed the ICNIRP reference levels. Is there a problem with adhering to the ICNIRP guidelines under these circumstances?

Answer: ICNIRP recognizes that a number of common devices emit localized fields in excess of the reference levels. However, this generally occurs under conditions of exposure where the basic restrictions are not exceeded because of weak coupling between the field and the body.

7) *Question:* What is the rationale for recommending a public exposure guideline of 5 kV m^{-1} at 50 Hz and 4.17 at 60 Hz?

Answer: The reference levels for electric fields at power frequencies were set to limit indirect effects of contact with electrical conductors in the field. Provided that adverse health impacts of indirect effects of exposure (such as microshocks) can be avoided, ICNIRP recognizes that the general public reference levels at power frequencies can be exceeded provided that the basic restriction of 2 mA m^{-2} is not surpassed. In many practical exposure situations external power frequency electric fields at the reference levels will induce current densities in central nervous tissues that are well below the basic restrictions. Recent dosimetry calculations indicate that the reference levels for power-frequency magnetic fields are conservative guidelines relative to meeting the basic restrictions on current density for both public and occupational exposures (Dimbylow, P.J. Induced current densities from low-frequency magnetic fields in a 2 mm resolution, anatomically realistic model of the body. Phys. Med. Biol. 43:221-230; 1998).

8) *Question:* Why did ICNIRP not recommend guidelines for pulsed and/or transient fields at low frequencies?

Answer: ICNIRP has provided frequency-dependent basic restrictions and reference levels from which a hazard assessment and exposure guidelines on

pulsed and/or transient sources can be derived. A conservative approach involves representing a pulsed or transient EMF signal as a Fourier spectrum of its components in each frequency range, which can then be compared with the ICNIRP reference levels for those frequencies. The summation formulae for simultaneous exposure to multiple frequency fields given in the ICNIRP guidelines can also be applied for purposes of determining compliance with the ICNIRP basic restrictions.

9) *Question:* Why does ICNIRP not recommend higher basic restrictions or reference levels on exposure to ELF fields when exposures are of short duration?

Answer: The basic restrictions for ELF fields are based on established adverse effects on the central nervous system with a safety factor included. Such acute effects are essentially instantaneous, and it is ICNIRP´s view that there is no scientific justification to modify the basic restrictions for exposures of short duration.

10) *Question:* Is the basic restriction of 10 mA m^{-2} based only on the threshold for acute effects in the central nervous system, or does it apply to other tissues in the trunk of the body?

Answer: The basic restriction of 10 mA m^{-2} is intended to protect against acute exposure effects on central nervous system tissues in the head and trunk of the body, with a safety factor of 10. ICNIRP recognizes that this basic restriction may permit higher current densities in body tissues other than the central nervous system under the same exposure conditions.

11) *Question:* Why are there no averaging times for induced and contact currents at low frequencies?

Answer: ICNIRP has not included time averaging or limitations on the time of exposure to fields at low frequencies because the known effects of induced and contact currents at those frequencies are acute phenomena involving a rapid response of the nervous system.

12) *Question:* Does ICNIRP intend to modify its guidelines at 300 GHz to remove the discontinuity that occurs at this frequency between the EMF guidelines and the recently published laser guidelines (ICNIRP. Guidelines on limits of exposure to laser radiation of wavelengths between 180 nm and 1,000µm, Health Physics 71:804-819; 1997)?

Answer: ICNIRP recognizes that a discontinuity exists in the EMF guidelines at

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300 GHz relative to the exposure limits at this frequency in the recently published laser radiation guidelines. This difficulty will be addressed by ICNIRP as more experimental evidence becomes available upon which to base a revision of the guidelines at this frequency. It should be noted that, at the present time, there are no sources of radiation at this frequency to which workers or members of the general public are exposed.

13) *Question:* What is the basis for the added safety factors used for basic restrictions and reference levels for the general public relative to workers?

Answer: The safety factors used by ICNIRP are conservative, and were selected for reasons given in the published guidelines (p. 508).

14) *Question:* Are there scientific data indicating a variation in sensitivity to EMF among individual workers or members of the general public?

Answer: ICNIRP is aware of scientific data on variations among individuals in electrical and thermal sensitivity, and in accord with conventional health protection principles, has applied safety factors that encompass a possible range of individual sensitivities to EMF.

15) *Question:* It is not clear how the EMF guidelines should be applied to exposure of the fetus, especially when the mother is at work. Would the mother be subject to the general public exposure guidelines, and in certain cases, have to cease work during pregnancy as a result?

Answer: ICNIRP recognizes that exposure of the fetus and pregnant mother may require evaluation on a case-by-case basis. Exposure of the fetus and pregnant mother is an issue that should be dealt with on the basis of either national policy or administrative rules established by individual employers.

16) *Question:* For devices utilized in both occupational and public settings, how is the user of the ICNIRP guidelines to decide which set of basic restrictions apply?

Answer: This decision is to be made on the basis of administrative policies established by the specific organization using the ICNIRP guidelines.

17) *Question:* Are farm workers in fields under powerlines expected to adhere to occupational or general public exposure guidelines?

Answer: ICNIRP recognizes that differences exist in national policies on occupational versus public exposures under this (and similar) conditions. In its

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guidelines ICNIRP has defined occupational and public exposures in general terms. However, for exposure situations such as the above, it is ICNIRP`s opinion that authorities in each country should decide on whether occupational or general public guidelines are to be applied in accord with existing policies.

USE OF THE ICNIRP EMF GUIDELINES*

Introduction and Purpose

Since the publication of the ICNIRP guidelines for limiting EMF exposure up to 300 GHz(ICNIRP 1998a) (see page 101) several institutions have criticized the guidelines as lacking clear interpretation on exposure safety or direct application to equipment in existence. Concerns have also been expressed about the use of safety factors, precautionary aspects and long term exposure as well as points not included in the ICNIRP guidelines. This statement From ICNIRP addresses these concerns and clarifies points such as the criteria used for evaluating scientific studies, the development and practical application of the guidelines, the need for special technical advice, how to consider social and economic aspects and how to handle current research. This statement clarifies the way in which the guidelines should be used in a regulatory and legislative context. Some questions have already been addressed by publications in Health Physics (ICNIRP 1998b) (see page 166)

Quality Criteria for evaluating scientific studies

Development of guidelines on exposure limits requires a critical, in depth evaluation of the established scientific literature using internationally accepted quality criteria. Experimental results can only be accepted for health risk assessment if a complete description of the experimental technique and dosimetry are provided, all data are fully analysed and completely objective, results show a high level of statistical significance, are quantifiable and susceptible to independent confirmation, and the same effects can be reproduced by independent laboratories (Repacholi and Cardis 1997). When evaluating epidemiological studies, quality criteria are based on the need to evaluate, reduce or adjust for the influence of chance, bias and confounding. Cases of disease should be assessed in a way not related to disease status. The influence of other variables should be handled in the design or in the analysis of the study. Any data on which the conclusions are based should be reported (IARC 1995). The final overall evaluation of the evidence should include the assessment of the strength and consistency of the association between EMF exposure and biological effects

* International Commission on Non-Ionizing Radiation Protection (1999). Use of the ICNIRP EMF guidelines, http://www.icnirp.de

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from both epidemiological and experimental studies, as well as the plausibility that biological systems exposed to EMF fields could likely manifest biological effects. It is also necessary to identify which EMF-induced biological effects are to be considered a hazard to human health.

The role of ICNIRP

International recommendations on health-based guidance to limit exposure requires an assessment of possible adverse health effects using established scientific and medical knowledge. This must be based mainly on the science and should be free of vested interest. ICNIRP, as an independent scientific body comprising all essential scientific disciplines, is qualified to carry out the task of assessing possible adverse health effects, together with WHO. ICNIRP is the formally recognized non-governmental organization in NIR protection for the WHO, the International Labour Organization (ILO), and the European Union (EU) and maintains a close liaison and working relationship with these international bodies as well as IEC and CIE for the optical region and with other bodies engaged in NIR protection. ICNIRP's review process includes Standing Committees and additional experts. The consultation process is extensive and includes IRPA national bodies and other independent scientists and organisations world wide. ICNIRP works in conjunction with the WHO to assess health effects of exposure to NIR, which are published in the WHO Environmental Health Criteria monographs, and uses the results of this assessment to draft health-based exposure guidelines.

Developing of exposure guidelines

Recently ICNIRP adopted guidelines on limits of EMF exposure for frequencies up to 300 GHz (ICNIRP 1998a) (see page 101). While all the scientific literature was reviewed, the only adverse effects on humans that were fully verified by a stringent evaluation were short term, immediate health consequences such as stimulation of peripheral nerves and muscles, functional changes in the nervous system and other tissues, shocks and burns caused by touching conducting objects, and changes in behaviour caused by elevated tissue temperatures. There are also data for chronic low level exposure that indicate that there may also be other health effects. It is, however, ICNIRP's view that in the absence of support from laboratory studies the epidemiological data are insufficient to allow an exposure guideline to be established.

Limiting values are given as basic restrictions and reference levels. Basic

restrictions directly relate to established health effects. Appropriate safety factors are included. Reference levels are derived from the basic restrictions for worst-case exposure situations and are in quantities that can be easily measured. They provide levels that can be used to determine compliance with the basic restrictions. By using the system of basic restrictions and derived reference levels, the new ICNIRP guidelines offer flexibility for many exposure situations.

The use of safety factors

It is ICNIRP´s view that safety factors in the ICNIRP EMF guidelines should relate to the precision of science, reflecting the amount of established information on biological and health effects of EMF exposure. Numerically uncertain relationships between established effects and exposure levels results in higher safety factors and vice versa. As with the assessment of adverse health effects, setting safety factors should be free from vested interests. There is no rigorous basis for determining precise safety factors. Safety factors are based on a conservative value judgement by experts. In the new ICNIRP guidelines the safety factors vary from approximately 2 to >10 (see next section) depending upon the extent of uncertainty in knowledge of thresholds for health effects for direct and indirect field interaction at various frequencies. For the purpose of defining guidelines for protection, a simplified and conservative approximation of the frequency dependence of biological effects was chosen. In general, threshold field levels for indirect effects (e.g., response to contact currents) are better defined than for direct effects, and hence less conservative safety factors are required.

Public guidelines include additional safety factors of 2 to 5 relative to occupational guidelines (depending upon the frequency and the relevant dosimetric parameters). Occupational health standards are aimed at protecting healthy adults exposed as a necessary part of their work, who are aware of the occupational risk and who are likely to be subject to medical surveillance. General population guidelines must be based on broader considerations, including health status, special sensitivities, possible effects on the course of various diseases, as well as limitations in adaptation to environmental conditions and responses to any kind of stress in old age. In most cases these considerations will have been insufficiently explored, so guidelines for the general population must involve adequate safety factors.

Special concern about safety factors for the ELF basic restrictions

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Basic restrictions for the ELF range roughly follow the frequency dependence of thresholds of peripheral nerve and muscle tissue stimulation. These are well known between several Hz and about 100 kHz. Field-induced current densities that are unable to stimulate excitable tissues directly may nevertheless affect tissue electrical activity and influence neuronal communication. It has been suggested that time-varying peri-cellular electric fields of 10-100 mV m^{-1} (about 2-20 mA m^{-2}, which can be induced by power frequency optimally oriented magnetic fields above 100-1000 μT at a few locations in the body) can affect biological signals. Furthermore, the electrical inhomogeneity of living tissue can enhance electric field intensities, and hence induce higher currents at some points in the body. However, there is a lack of microscopic dosimetric data.

Within a limited frequency range, between about 15 and 60 Hz, the safety factor between the basic restriction of 10 mA m^{-2} and the threshold of some nervous system effects (i.e., magnetophosphenes or visual evoked potentials) are even lower (safety factors between 2 and 5). While there are some biological effects that have been reported from cellular and animal studies (see p. 115), there is no clear evidence that these biological interactions from exposure to low frequency fields lead to adverse health effects. However, the severity and the probability of irreversibility of tissue effects becomes greater with chronic exposure to induced current densities above 10 to 100 mA m^{-2}. Thus, summarizing the evidence for health effects for current densities greater than 10 mA m^{-2}, ICNIRP decided to limit human exposure to fields that induce current densities not greater than 10 mA m^{-2} in the head, neck, and trunk at frequencies of a few hertz up to 1 kHz. As a consequence, the safety factor around 1 kHz may be unnecessarily conservative, but this is the result of insufficient knowledge, and ICNIRP will reconsider this as soon as more scientific data are available.

With regard to severe and potentially life-threatening effects such as cardiac extrasystoles, ventricular fibrillation, muscular tetanus, and respiratory failure, the safety factor between these effects and the basic restriction is about 100 or greater. This is the same order of magnitude as safety margins limiting exposure to dangerous toxicologic substances.

Practical application of the guidelines

Reference levels are provided for practical exposure assessment purposes, to determine whether the basic restrictions are likely to be exceeded. The reference levels are derived from the basic restrictions by mathematical

modelling and extrapolation from the results of laboratory investigations at specific frequencies. They apply for maximum coupling conditions of the field to the exposed person, thereby providing maximum protection. Restrictions are different for workers and the general public. The frequency dependence of the reference field levels is consistent with data on both biological effects and coupling of the fields. ICNIRP recommends the use of the reference levels as general guidance for EMF limits for workers and the general public.

Safety factors and reference levels for ELF fields

There is special concern about the ICNIRP reference levels for magnetic fields below several MHz which are low, relative to some other guidelines or standards. Since one of the objectives of the new ICNIRP guidelines is to avoid stimulation of peripheral nerves and muscles, it is reasonable to use models describing worst-case coupling. An ellipsoidal model for magnetic fields, to represent the trunk for estimating induced current densities will produce approximate results. There is evidence, however, that a small fraction of such conductive loop currents run through areas of the central nervous system.

There exist several investigations, resulting in current densities of 10 mA m^{-2} in peripheral areas of the body for a 500-μT field at power frequencies (see p. 115). These come from microdosimetric predictions, including conductivities of sub-cellular organelles, the presence of biological cells and inter-cellular junctional arrangements. These may result in significant differences in the patterns of flow of induced currents compared to those predicted by simplified analysis. In summarizing the available dosimetric data it is ICNIRP's view that the dosimetric models used for magnetic field coupling are defensible.

Need for technical standards

ICNIRP recognizes that the reference levels are given for the condition of maximum coupling of the field to the exposed individual, thereby providing maximum protection. However, when reference levels are exceeded this does not necessarily mean that the basic restrictions will be exceeded. These need to be determined by further investigations which may cause difficulties in some special exposure situations.

Near-field exposure situations, localized and non-uniform field exposure are of special interest. Examples of typical EM sources with near-field exposure are hand-held mobile telephones, inductive or capacitive heating equipment, anti-theft devices or electric appliances in homes and workplaces. Such devices can

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emit localized fields in excess of the reference levels. In such situations, while the reference levels may be exceeded, there may be compliance with the basic restrictions due to the weak coupling of the field with the human body.

ICNIRP recognizes the need for technical advice on the translation of biologically justified restrictions on human exposure into practical exposure limitations for such special exposure situations. This requires physics and engineering expertise to develop practical measures that lead to compliance with these guidelines. This includes guidance on the principles and practice of measurements, design of equipment and/or shielding to reduce exposure. For these reasons the ICNIRP EMF guidelines do not address product performance standards or guidance concerning computational methods or measuring techniques.

The organizations best qualified to carry out such tasks are the international, national and regional technical standardization organizations. These include the International Electrotechnical Commission (IEC), the International Standards Organization (ISO), the International Commission on Illumination (CIE), the Institute of Electric and Electronics Engineers Standards Committee (IEEE) and the European Committee on Electrotechnical Standardisation (CENELEC).

ICNIRP considers that international bodies for technical standardization (e.g., IEC, CENELEC) should develop product standards for special types of devices to determine compliance with the basic restrictions.

Assessment of social and economic impact of compliance

Assessment of adverse health effects of EMF exposure and ICNIRP´s health-based guidance limiting EMF exposure are based on established scientific data and are free of vested interest. They do not take into account political, social and economic considerations. It is ICNIRP´s view that political, social and economic considerations of higher or lower margins of safety in the exposure limits is the responsibility of national authorities.

How to handle current research?

Development of EMF standards is an ongoing process. WHO´s International EMF Project includes encouragement of focussed, high quality research and incorporation of research results into WHO´s Environmental Health Criteria monographs where formal health risk assessments will be made of EMF exposure. ICNIRP as the scientific arm of WHO´s NIR activities will use the

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results of these assessments together with assessments carried out by its own Scientific Committees to revise the present health based exposure guidelines.

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INTERNATIONAL COMMISSION ON NON-IONIZING RADIATION PROTECTION

ICNIRP GUIDELINES

FOR LIMITING EXPOSURE TO ELECTROMAGNETIC FIELDS (100 kHz TO 300 GHz)

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Special Submission

GUIDELINES FOR LIMITING EXPOSURE TO ELECTROMAGNETIC FIELDS (100 kHz to 300 GHz)

International Commission on Non-Ionizing Radiation Protection (ICNIRP)[1]

Abstract—**Radiofrequency electromagnetic fields (EMFs) are used to enable a number of modern devices, including mobile telecommunications infrastructure and phones, Wi-Fi, and Bluetooth. As radiofrequency EMFs at sufficiently high power levels can adversely affect health, ICNIRP published Guidelines in 1998 for human exposure to time-varying EMFs up to 300 GHz, which included the radiofrequency EMF spectrum. Since that time, there has been a considerable body of science further addressing the relation between radiofrequency EMFs and adverse health outcomes, as well as significant developments in the technologies that use radiofrequency EMFs. Accordingly, ICNIRP has updated the radiofrequency EMF part of the 1998 Guidelines. This document presents these revised Guidelines, which provide protection for humans from exposure to EMFs from 100 kHz to 300 GHz.**
Health Phys. 118(5):483–524; 2020

INTRODUCTION

THE GUIDELINES described here are for the protection of humans exposed to radiofrequency electromagnetic fields (EMFs) in the range 100 kHz to 300 GHz (hereafter "radiofrequency"). This publication replaces the 100 kHz to 300 GHz part of the ICNIRP (1998) radiofrequency guidelines, as well as the 100 kHz to 10 MHz part of the ICNIRP (2010) low-frequency guidelines. Although these guidelines are based on the best science currently available, it is recognized that there may be limitations to this knowledge that could have implications for the exposure restrictions. Accordingly, the guidelines will be periodically revised and updated as advances are made in the relevant scientific knowledge. The present document describes the guidelines and their rationale, with Appendix A providing further detail concerning the relevant dosimetry and Appendix B providing further detail regarding the biological and health effects reported in the literature.

PURPOSE AND SCOPE

The main objective of this publication is to establish guidelines for limiting exposure to EMFs that will provide a high level of protection for all people against substantiated adverse health effects from exposures to both short- and long-term, continuous and discontinuous radiofrequency EMFs. However, some exposure scenarios are defined as outside the scope of these guidelines. Medical procedures may utilize EMFs, and metallic implants may alter or perturb EMFs in the body, which in turn can affect the body both directly (via direct interaction between field and tissue) and indirectly (via an intermediate conducting object). For example, radiofrequency ablation and hyperthermia are both used as medical treatments, and radiofrequency EMFs can indirectly cause harm by unintentionally interfering with active implantable medical devices (see ISO 2012) or altering EMFs due to the presence of conductive implants. As medical procedures rely on medical expertise to weigh potential harm against intended benefits, ICNIRP considers such exposure managed by qualified medical practitioners (i.e., to patients, carers and comforters, including, where relevant, fetuses), as well as the utilization of conducting materials for medical procedures, as beyond the scope of these guidelines (for further information, see UNEP/WHO/IRPA 1993). Similarly, volunteer research participants are deemed to be outside the scope of these guidelines, providing that an institutional ethics committee approves such participation following consideration of potential harms and benefits. However,

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ICNIRP declares no conflict of interest.

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occupationally exposed individuals in both the clinical and research scenarios are defined as within the scope of these guidelines. Cosmetic procedures may also utilize radiofrequency EMFs. ICNIRP considers people exposed to radiofrequency EMFs as a result of cosmetic treatments without control by a qualified medical practitioner to be subject to these guidelines; any decisions concerning potential exemptions are the role of national regulatory bodies. Radiofrequency EMFs may also interfere with electrical equipment more generally (i.e., not only implantable medical equipment), which can affect health indirectly by causing equipment to malfunction. This is referred to as electromagnetic compatibility, and is outside the scope of these guidelines (for further information, see IEC 2014).

PRINCIPLES FOR LIMITING RADIOFREQUENCY EXPOSURE

These guidelines specify quantitative EMF levels for personal exposure. Adherence to these levels is intended to protect people from all substantiated harmful effects of radiofrequency EMF exposure. To determine these levels, ICNIRP first identified published scientific literature concerning effects of radiofrequency EMF exposure on biological systems, and established which of these were both harmful to human health[3] and scientifically substantiated. This latter point is important because ICNIRP considers that, in general, reported adverse effects of radiofrequency EMFs on health need to be independently verified, be of sufficient scientific quality and consistent with current scientific understanding, in order to be taken as "evidence" and used for setting exposure restrictions. Within the guidelines, "evidence" will be used within this context, and "substantiated effect" used to describe reported effects that satisfy this definition of evidence. The reliance on such evidence in determining adverse health effects is to ensure that the exposure restrictions are based on genuine effects, rather than unsupported claims. However, these requirements may be relaxed if there is sufficient additional knowledge (such as understanding of the relevant biological interaction mechanism) to confirm that adverse health effects are reasonably expected to occur.

For each substantiated effect, ICNIRP then identified the "adverse health effect threshold;" the lowest exposure level known to cause the health effect. These thresholds were derived to be strongly conservative for typical exposure situations and populations. Where no such threshold could be explicitly obtained from the radiofrequency health literature, or where evidence that is independent from the radiofrequency health literature has (indirectly) shown that harm could occur at levels lower than the "EMF-derived threshold," ICNIRP set an "operational threshold." These are based on additional knowledge of the relation between the primary effect of exposure (e.g., heating) and health effect (e.g., pain), to provide an operational level with which to derive restriction values in order to attain an appropriate level of protection. Consistent with previous guidelines from ICNIRP, reduction factors were then applied to the resultant thresholds (or operational thresholds) to provide exposure restriction values. Reduction factors account for biological variability in the population (e.g., age, sex), variation in baseline conditions (e.g., tissue temperature), variation in environmental factors (e.g., air temperature, humidity, clothing), dosimetric uncertainty associated with deriving exposure values, uncertainty associated with the health science, and as a conservative measure more generally.

These exposure restriction values are referred to as "basic restrictions." They relate to physical quantities that are closely related to radiofrequency-induced adverse health effects. Some of these are physical quantities inside an exposed body, which cannot be easily measured, so quantities that are more easily evaluated, termed "reference levels," have been derived from the basic restrictions to provide a more-practical means of demonstrating compliance with the guidelines. Reference levels have been derived to provide an equivalent degree of protection to the basic restrictions, and thus an exposure is taken to be compliant with the guidelines if it is shown to be below either the relevant basic restrictions or relevant reference levels. Note that the relative concordance between exposures resulting from basic restrictions and reference levels may vary depending on a range of factors. As a conservative step, reference levels have been derived such that under worst-case exposure conditions (which are highly unlikely to occur in practice) they will result in similar exposures to those specified by the basic restrictions. It follows that in the vast majority of cases, observing the reference levels will result in substantially lower exposures than the corresponding basic restrictions allow. See "Reference Levels" section for further details.

The guidelines differentiate between occupationally-exposed individuals and members of the general public. Occupationally-exposed individuals are defined as adults who are exposed under controlled conditions associated with their occupational duties, trained to be aware of potential radiofrequency EMF risks and to employ appropriate harm-mitigation measures, and who have the sensory

[3]Note that the World Health Organization (1948) definition of "health" is used here. Specifically, "health is a state of complete physical, mental and social well-being and not merely the absence of disease or infirmity."

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and behavioral capacity for such awareness and harm-mitigation response. An occupationally-exposed worker must also be subject to an appropriate health and safety program that provides the above information and protection. The general public is defined as individuals of all ages and of differing health statuses, which includes more vulnerable groups or individuals, and who may have no knowledge of or control over their exposure to EMFs. These differences suggest the need to include more stringent restrictions for the general public, as members of the general public would not be suitably trained to mitigate harm, or may not have the capacity to do so. Occupationally-exposed individuals are not deemed to be at greater risk than the general public, providing that appropriate screening and training is provided to account for all known risks. Note that a fetus is here defined as a member of the general public, regardless of exposure scenario, and is subject to the general public restrictions.

As can be seen above, there are a number of steps involved in deriving ICNIRP's guidelines. ICNIRP adopts a conservative approach to each of these steps in order to ensure that its limits would remain protective even if exceeded by a substantial margin. For example, the choice of adverse health effects, presumed exposure scenarios, application of reduction factors and derivation of reference levels are all conducted conservatively. The degree of protection in the exposure levels is thus greater than may be suggested by considering only the reduction factors, which represent only one conservative element of the guidelines. There is no evidence that additional precautionary measures will result in a benefit to the health of the population.

SCIENTIFIC BASIS FOR LIMITING RADIOFREQUENCY EXPOSURE

100 kHz to 10 MHz EMF Frequency Range: Relation Between the Present and Other ICNIRP Guidelines

Although the present guidelines replace the 100 kHz to 10 MHz EMF frequency range of the ICNIRP (2010) guidelines, the science pertaining to direct radiofrequency EMF effects on nerve stimulation and associated restrictions within the ICNIRP (2010) guidelines has not been reconsidered here. Instead, the present process evaluated and set restrictions for adverse health effects *other than* direct effects on nerve stimulation from 100 kHz to 10 MHz, and for all adverse health effects from 10 MHz to 300 GHz. The restrictions relating to direct effects of nerve stimulation from the 2010 guidelines were then added to those derived in the present guidelines to form the final set of restrictions. Health and dosimetry considerations related to direct effects on nerve stimulation are therefore not provided here [see ICNIRP (2010) for further information].

Quantities, Units and Interaction Mechanisms

A brief overview of the electromagnetic quantities and units employed in this document, as well as the mechanisms of interaction of these with the body, is provided here. A more detailed description of the dosimetry relevant to the guidelines is provided in Appendix A, "Quantities and Units" section.

Radiofrequency EMFs consist of oscillating electric and magnetic fields; the number of oscillations per second is referred to as "frequency," and is described in units of hertz (Hz). As the field propagates away from a source, it transfers power from its source, described in units of watt (W), which is equivalent to joule (J, a measure of energy) per unit of time (t). When the field impacts upon material, it interacts with the atoms and molecules in that material. When a biological body is exposed to radiofrequency EMFs, some of the power is reflected away from the body, and some is absorbed by it. This results in complex patterns of electromagnetic fields inside the body that are heavily dependent on the EMF characteristics as well as the physical properties and dimensions of the body. The main component of the radiofrequency EMF that affects the body is the electric field. Electric fields inside the body are referred to as induced electric fields (E_{ind}, measured in volt per meter; V m^{-1}), and they can affect the body in different ways that are potentially relevant to health.

Firstly, the induced electric field in the body exerts a force on both polar molecules (mainly water molecules) and free moving charged particles such as electrons and ions. In both cases a portion of the EMF energy is converted to kinetic energy, forcing the polar molecules to rotate and charged particles to move as a current. As the polar molecules rotate and charged particles move, they typically interact with other polar molecules and charged particles, causing the kinetic energy to be converted to heat. This heat can adversely affect health in a range of ways. Secondly, if the induced electric field is below about 10 MHz and strong enough, it can exert electrical forces that are sufficient to stimulate nerves, and if the induced electric field is strong and brief enough (as can be the case for pulsed low frequency EMFs), it can exert electrical forces that are sufficient to cause dielectric breakdown of biological membranes, as occurs during direct current (DC) electroporation (Mir 2008).

From a health risk perspective, we are generally interested in how much EMF power is absorbed by biological tissues, as this is largely responsible for the heating effects described above. This is typically described as a function of a relevant dosimetric quantity. For example, below about 6 GHz, where EMFs penetrate deep into tissue (and thus

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require depth to be considered), it is useful to describe this in terms of "specific energy absorption rate" (SAR), which is the power absorbed per unit mass (W kg^{-1}). Conversely, above 6 GHz, where EMFs are absorbed more superficially (making depth less relevant), it is useful to describe exposure in terms of the density of absorbed power over area (W m^{-2}), which we refer to as "absorbed power density" (S_{ab}). In these guidelines, SAR is specified over different masses to better match particular adverse health effects; SAR_{10g} represents the power absorbed (per kg) over a 10-g cubical mass, and whole-body average SAR represents power absorbed (per kg) over the entire body. Similarly, absorbed power density is specified over different areas as a function of EMF frequency. In some situations, the rate of energy deposition (power) is less relevant than the total energy deposition. This may be the case for brief exposures where there is not sufficient time for heat diffusion to occur. In such situations, specific energy absorption (SA, in J kg^{-1}) and absorbed energy density (U_{ab}, in J m^{-2}) are used, for EMFs below and above 6 GHz, respectively. SAR, S_{ab}, SA, U_{ab}, and E_{ind} are the quantities used in these guidelines to specify the basic restrictions.

As the quantities used to specify basic restrictions can be difficult to measure, quantities that are more easily evaluated are also specified, as reference levels. The reference level quantities relevant to these guidelines are incident electric field strength (E_{inc}) and incident magnetic field strength (H_{inc}), incident power density (S_{inc}), plane-wave equivalent incident power density (S_{eq}), incident energy density (U_{inc}), and plane-wave equivalent incident energy density (U_{eq}), all measured outside the body, and electric current inside the body, I, described in units of ampere (A). Basic restriction and reference level units are shown in Table 1, and definitions of all relevant terms provided in Appendix A, in the "Quantities and Units" section.

Radiofrequency EMF Health Research

In order to set safe exposure levels, ICNIRP first decided whether there was evidence that radiofrequency EMFs impair health, and for each adverse effect that was substantiated, both the mechanism of interaction and the minimum exposure required to cause harm were determined (where available). This information was obtained primarily from major international reviews of the literature on radiofrequency EMFs and health. This included an in-depth review from the World Health Organization on radiofrequency EMF exposure and health that was released as a draft Technical Document (WHO 2014), and reports by the Scientific Committee on Emerging and Newly Identified Health Risks (SCENIHR 2015) and the Swedish Radiation Safety Authority (SSM 2015, 2016, 2018). These reports have reviewed an extensive body of literature, ranging from experimental research to epidemiology, and include consideration of health in children and those individuals thought to be sensitive to radiofrequency EMFs. To complement those reports, ICNIRP also considered research published since those reviews. A brief summary of this literature is provided in Appendix B, with the main conclusions provided below.

As described in Appendix B, in addition to nerve stimulation (described in ICNIRP 2010), radiofrequency EMFs can affect the body via two primary biological effects: changes in the permeability of membranes and temperature rise. Knowledge concerning relations between thermal effects and health, independent of the radiofrequency EMF literature, is also important and is described below. ICNIRP considers this appropriate given that the vast majority of radiofrequency EMF health research has been conducted

Table 1. Quantities and corresponding SI units used in these guidelines.

Quantity	Symbol[a]	Unit
Absorbed energy density	U_{ab}	joule per square meter (J m^{-2})
Incident energy density	U_{inc}	joule per square meter (J m^{-2})
Plane-wave equivalent incident energy density	U_{eq}	joule per square meter (J m^{-2})
Absorbed power density	S_{ab}	watt per square meter (W m^{-2})
Incident power density	S_{inc}	watt per square meter (W m^{-2})
Plane-wave equivalent incident power density	S_{eq}	watt per square meter (W m^{-2})
Induced electric field strength	E_{ind}	volt per meter (V m^{-1})
Incident electric field strength	E_{inc}	volt per meter (V m^{-1})
Incident electric field strength	E_{ind}	volt per meter (V m^{-1})
Incident magnetic field strength	H_{inc}	ampere per meter (A m^{-1})
Specific energy absorption	SA	joule per kilogram (J kg^{-1})
Specific energy absorption rate	SAR	watt per kilogram (W kg^{-1})
Electric current	I	ampere (A)
Frequency	*f*	hertz (Hz)
Time	*t*	second (s)

[a]*Italicized* symbols represent variables; quantities are described in scalar form because direction is not used to derive the basic restrictions or reference levels.

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using exposures substantially lower than those shown to produce adverse health effects, with relatively little research addressing adverse health effect thresholds from known interaction mechanisms themselves. Thus, it is possible that the radiofrequency health literature may not be sufficiently comprehensive to ascertain precise thresholds. Conversely, where a more extensive literature is available that clarifies the relation between health and the primary biological effects, this can be useful for setting guidelines. For example, if the thermal physiology literature demonstrated that local temperature elevations of a particular magnitude caused harm, but radiofrequency exposure known to produce a similar temperature elevation had not been evaluated for harm, then it would be reasonable to also consider this thermal physiology literature. ICNIRP refers to thresholds derived from such additional literature as *operational* adverse health effect thresholds.

It is important to note that ICNIRP only uses operational thresholds to set restrictions where they are lower (more conservative) than those demonstrated to adversely affect health in the radiofrequency literature, or where the radiofrequency literature does not provide sufficient evidence to deduce an adverse health effect threshold. For the purpose of determining thresholds, evidence of adverse health effects arising from all radiofrequency EMF exposures is considered, including those referred to as 'low-level' and 'non-thermal', and including those where mechanisms have not been elucidated. Similarly, as there is no evidence that continuous (e.g., sinusoidal) and discontinuous (e.g., pulsed) EMFs result in different biological effects (Kowalczuk et al. 2010; Juutilainen et al. 2011), no theoretical distinction has been made between these types of exposure (all exposures have been considered empirically in terms of whether they adversely affect health).

Thresholds for Radiofrequency EMF-Induced Health Effects

Nerve stimulation. Exposure to EMFs can induce electric fields within the body, which for frequencies up to 10 MHz can stimulate nerves (Saunders and Jeffreys 2007). The effect of this stimulation varies as a function of frequency, and it is typically reported as a "tingling" sensation for frequencies around 100 kHz. As frequency increases, heating effects predominate and the likelihood of nerve stimulation decreases; at 10 MHz the effect of the electric field is typically described as "warmth." Nerve stimulation by induced electric fields is detailed in the ICNIRP low frequency guidelines (2010).

Changes to permeability of cell membranes. When (low frequency) EMFs are pulsed, the power is distributed across a range of frequencies, which can include radiofrequency EMFs (Joshi and Schoenbach 2010). If the pulse is sufficiently intense and brief, exposure to the resultant EMFs may cause cell membranes to become permeable, which in turn can lead to other cellular changes. However, there is no evidence that the radiofrequency spectral component from an EMF pulse (without the low-frequency component) is sufficient to cause changes in the permeability of cell membranes. The restrictions on nerve stimulation in the ICNIRP (2010) guidelines (and used here) are sufficient to ensure that permeability changes do not occur, so additional protection from the resultant radiofrequency EMFs is not necessary. Membrane permeability changes have also been shown to occur with 18 GHz continuous wave exposure (e.g., Nguyen et al. 2015). This has only been demonstrated in vitro, and the effect requires very high exposure levels (circa 5 kW kg^{-1}, over many minutes) that far exceed those required to cause thermally-induced harm (see "Temperature rise" section). Therefore, there is also no need to specifically set restrictions to protect against this effect, as the restrictions designed to protect against smaller temperature rises described in the "Temperature Rise" section will also provide protection against this.

Temperature rise. Radiofrequency EMFs can generate heat in the body and it is important that this heat is kept to a safe level. However, as can be seen from Appendix B, there is a dearth of radiofrequency exposure research using sufficient power to cause heat-induced health effects. Of particular note is that although exposures (and resultant temperature rises) have occasionally been shown to cause severe harm, the literature lacks concomitant evidence of the lowest exposures required to cause harm. For very low exposure levels (such as within the ICNIRP (1998) basic restrictions) there is extensive evidence that the amount of heat generated is not sufficient to cause harm, but for exposure levels above those of the ICNIRP (1998) basic restriction levels, there is limited research. Where there is good reason to expect health impairment at temperatures lower than those shown to impair health via radiofrequency EMF exposure, ICNIRP uses those lower temperatures as a basis for its restrictions (see "Radiofrequency EMF health research" section).

It is important to note that these guidelines restrict radiofrequency EMF exposure to limit temperature rise rather than absolute temperature, whereas health effects are primarily related to absolute temperature. This strategy is used because it is not feasible to limit absolute temperature, which is dependent on many factors that are outside the scope of these guidelines, such as environmental temperature, clothing and work rate. This means that if exposure caused a given temperature rise, this could improve, not affect, or impair health depending on a person's initial temperature. For example, mild heating can be pleasant if a person is cold, but unpleasant if they are already very hot. The restrictions are therefore set to avoid significant increase in temperature, where "significant" is considered in light of both potential harm and normal physiological temperature variation. These guidelines differentiate between steady-state temperature rises (where temperature increases

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slowly, allowing time for heat to dissipate over a larger tissue mass and for thermoregulatory processes to counter temperature rise), and brief temperature rises (where there may not be sufficient time for heat to dissipate, which can result in larger temperature rises in small regions given the same absorbed radiofrequency energy). This distinction suggests the need to account for steady-state and brief exposure durations separately.

Steady-state temperature rise

Body core temperature. Body core temperature refers to the temperature deep within the body, such as in the abdomen and brain, and varies substantially as a function of such factors as sex, age, time of day, work rate, environmental conditions and thermoregulation. For example, although the mean body core temperature is approximately 37°C (and within the "normothermic" range[4]), this typically varies over a 24-h period to meet physiological needs, with the magnitude of the variation as large as 1°C (Reilly et al. 2007). As thermal load increases, thermoregulatory functions such as vasodilation and sweating can be engaged to restrict body core temperature rise. This is important because a variety of health effects can occur once body core temperature has increased by more than approximately 1°C (termed "hyperthermia"). For example, risk of accident increases with hyperthermia (Ramsey et al. 1983), and at body core temperatures >40°C it can lead to heat stroke, which can be fatal (Cheshire 2016).

Detailed guidelines are available for minimizing adverse health risk associated with hyperthermia within the occupational setting (ACGIH 2017). These aim to modify work environments in order to keep body core temperature within +1°C of normothermia, and require substantial knowledge of each particular situation due to the range of variables that can affect it. As described in Appendix B, body core temperature rise due to radiofrequency EMFs that results in harm is only seen where temperature increases more than +1°C, with no clear evidence of a specific threshold for adverse health effects. Due to the limited literature available, ICNIRP has adopted a conservative temperature rise value as the operational adverse health effect threshold (the 1°C rise of ACGIH 2017). It is important to note that significant physiological changes can occur when body core temperature increases by 1°C. Such changes are part of the body's normal thermoregulatory response (e.g., Van den Heuvel et al. 2017), and thus do not *in themselves* represent an adverse health effect.

Recent theoretical modeling and generalization from experimental research across a range of species predicts that exposures resulting in a whole-body average SAR of approximately 6 W kg^{-1}, within the 100 kHz to 6 GHz range, over at least a 1-hour interval under thermoneutral conditions[5] (28°C, naked, at rest), is required to induce a 1°C body core temperature rise in human adults. A higher SAR is required to reach this temperature rise in children due to their more-efficient heat dissipation (Hirata et al. 2013). However, given the limited measurement data available, ICNIRP has adopted a conservative position and uses 4 W kg^{-1} averaged over 30 min as the radiofrequency EMF exposure level corresponding to a body core temperature rise of 1°C. An averaging time of 30 min is used to take into account the time it takes to reach a steady-state temperature (for more details, see Appendix A, "Temporal averaging considerations" section). As a comparison, a human adult generates a total of approximately 1 W kg^{-1} at rest (Weyand et al. 2009), nearly 2 W kg^{-1} standing, and 12 W kg^{-1} running (Teunissen et al. 2007).

As EMF frequency increases, exposure of the body and the resultant heating becomes more superficial, and above about 6 GHz this heating occurs predominantly within the skin. For example, 86% of the power at 6 and 300 GHz is absorbed within 8 and 0.2 mm of the surface respectively (Sasaki et al. 2017). Compared to heat in deep tissues, heat in superficial tissues is more easily removed from the body because it is easier for the thermal energy to transfer to the environment. This is why basic restrictions to protect against body core temperature rise have traditionally been limited to frequencies below 10 GHz (e.g., ICNIRP 1998). However, research has shown that EMF frequencies above 300 GHz (e.g., infrared radiation) can increase body core temperature beyond the 1°C operational adverse health effect threshold described above (Brockow et al. 2007). This is because infrared radiation, as well as lower frequencies within the scope of the present guidelines, cause heating within the dermis, and the extensive vascular network within the dermis can transport this heat deep within the body. It is therefore appropriate to also protect against body core temperature rise above 6 GHz.

ICNIRP is not aware of research that has assessed the effect of 6 to 300 GHz EMFs on body core temperature, nor of research that has demonstrated that it is harmful. However, as a conservative measure, ICNIRP uses the 4 W kg^{-1} corresponding to the operational adverse health effect threshold for frequencies up to 6 GHz, for the >6 to 300 GHz range also. In support of this being a conservative value, it has been shown that 1260 W m^{-2} (incident power density) infrared radiation exposure to one side of the body results in a 1°C body core temperature rise (Brockow et al., 2007). If we related this to the exposure of a 70 kg adult with an exposed surface area of 1 m^2 and no skin reflectance, this would result in a whole-body exposure of approximately 18 W kg^{-1}; this is far higher than the 4 W kg^{-1} exposure level for EMFs below 6 GHz that is taken to represent a 1°C body

[4]Normothermia refers to the thermal state within the body whereby active thermoregulatory processes are not engaged to either increase or decrease body core temperature.

[5]Thermoneutral refers to environmental conditions that allow body core temperature to be maintained solely by altering skin blood flow.

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core temperature rise. This is viewed as additionally conservative given that the Brockow et al. study reduced heat dissipation using a thermal blanket, which would underestimate the exposure required to increase body core temperature under typical conditions.

Local temperature. In addition to body core temperature, excessive localized heating can cause pain and thermal damage. There is an extensive literature showing that skin contact with temperatures below 42°C for extended periods will not cause pain or damage cells (e.g., Defrin et al. 2006). As described in Appendix B, this is consistent with the limited data available for radiofrequency EMF heating of the skin [e.g., Walters et al. (2000) reported a pain threshold of 43°C using 94 GHz exposure], but fewer data are available for heat sources that penetrate beyond the protective epidermis and to the heat-sensitive epidermis/dermis interface. However, there is also a substantial body of literature assessing thresholds for tissue damage which shows that damage can occur at tissue temperatures >41–43°C, with damage likelihood and severity increasing as a function of time at such temperatures (e.g., Dewhirst et al. 2003; Yarmolenko et al. 2011; Van Rhoon et al. 2013).

The present guidelines treat radiofrequency EMF exposure that results in local temperatures of 41°C or greater as potentially harmful. As body temperature varies as a function of body region, ICNIRP treats exposure to different regions separately. Corresponding to these regions, the present guidelines define two tissue types which, based on their temperature under normothermal conditions, are assigned different operational adverse health effect thresholds; "Type-1" tissue (all tissues in the upper arm, forearm, hand, thigh, leg, foot, pinna and the cornea, anterior chamber and iris of the eye, epidermal, dermal, fat, muscle, and bone tissue), and "Type-2" tissue (all tissues in the head, eye, abdomen, back, thorax, and pelvis, excluding those defined as Type-1 tissue). The normothermal temperature of Type 1 tissue is typically <33–36 °C, and that of Type-2 tissue <38.5 °C (DuBois 1941; Aschoff and Wever 1958; Arens and Zhang 2006; Shafahi and Vafai 2011). These values were used to define operational thresholds for local heat-induced health effects; adopting 41 °C as potentially harmful, the present guidelines take a conservative approach and treat radiofrequency EMF-induced temperature rises of 5°C and 2°C, within Type-1 and Type-2 tissue, respectively, as operational adverse health effect thresholds for local exposure.

It is difficult to set exposure restrictions as a function of the above tissue-type classification. ICNIRP thus defines two regions and sets separate exposure restrictions, where relevant, for these regions: "Head and Torso," comprising the head, eye, pinna, abdomen, back, thorax and pelvis, which includes both Type-1 and Type-2 tissue, and the "Limbs," comprising the upper arm, forearm, hand, thigh, leg and foot, which only includes Type-1 tissue. Exposure levels have been determined for each of these regions such that they do not result in temperature rises of more than 5°C and 2°C, in Type-1 and Type-2 tissue, respectively. As the Limbs, by definition, do not contain any Type-2 tissue, the operational adverse health effect threshold for the Limbs is always 5°C.

The testes can be viewed as representing a special case, whereby reversible, graded, functional change can occur within normal physiological temperature variation if maintained over extended periods, with no apparent threshold. For example, spermatogenesis is reversibly reduced as a result of the up to 2°C increase caused by normal activities such as sitting (relative to standing; Mieusset and Bujan 1995). Thus, it is possible that the operational adverse health effect threshold for Type-2 tissue may result in reversible changes to sperm function. However, there is currently no evidence that such effects are sufficient to impair health. Accordingly, ICNIRP views the operational adverse health effect threshold of 2°C for Type-2 tissue, which is within the normal physiological range for the testes, as appropriate for them also. Note that the operational adverse health effect threshold for Type-2 tissue, which includes the abdomen and thus potentially the fetus, is also consistent with protecting against the fetal temperature rise threshold of 2°C for teratogenic effects in animals (Edwards et al. 2003; Ziskin and Morrissey 2011).

Within the 100 kHz to 6 GHz EMF range, average SAR over 10 g provides an appropriate measure of the radiofrequency EMF-induced steady-state temperature rise within tissue. A 10-g mass is used because, although there can initially be EMF-induced temperature heterogeneity within that mass, heat diffusion rapidly distributes the thermal energy to a much larger volume that is well-represented by a 10-g cubic mass (Hirata and Fujiwara 2009). In specifying exposures that correspond to the operational adverse health effect thresholds, ICNIRP thus specifies an average exposure over a 10-g cubic mass, such that the exposure will keep the Type-1 and Type-2 tissue temperature rises to below 5 and 2°C respectively. Further, ICNIRP assumes realistic exposures (exposure scenarios that people may encounter in daily life, including occupationally), such as from EMFs from radio-communications sources. This method provides for higher exposures in the Limbs than in the Head and Torso. A SAR_{10g} of at least 20 W kg^{-1} is required to exceed the operational adverse health effect thresholds in the Head and Torso, and 40 W kg^{-1} in the Limbs, over an interval sufficient to produce a steady-state temperature (from a few minutes to 30 min). This time interval is operationalized as a 6-min average as it closely matches the thermal time constant for local exposure.

Within the >6 to 300 GHz range, EMF energy is deposited predominantly in superficial tissues; this makes SAR_{10g},

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which includes deeper tissues, less relevant to this frequency range. Conversely, absorbed power density (S_{ab}) provides a measure of the power absorbed in tissue that closely approximates the superficial temperature rise (Funahashi et al. 2018). From 6 to 10 GHz there may still be significant absorption in the subcutaneous tissue. However, the maximum and thus worst-case temperature rise from 6 to 300 GHz is close to the skin surface, and exposure that will restrict temperature rise to below the operational adverse health effect threshold for Type-1 tissue (5°C) will also restrict temperature rise to below the operational adverse health effect threshold for Type-2 tissue (2°C). Note that there is uncertainty with regard to the precise frequency for the change from SAR to absorbed power density. Six GHz was chosen because at that frequency, most of the absorbed power is within the cutaneous tissue, which is within the upper half of a 10-g SAR cubic volume (that is, it can be represented by the 2.15 cm × 2.15 cm surface of the cube). Recent thermal modeling and analytical solutions suggest that for EMF frequencies between 6 and 30 GHz, the exposure over a square averaging area of 4 cm^2 provides a good estimate of local maximum temperature rise (Hashimoto et al. 2017; Foster et al. 2017). As frequency increases further, the averaging area needs to be reduced to account for the possibility of smaller beam diameters, such that it is 1 cm^2 from approximately 30 GHz to 300 GHz. Although the averaging area that best corresponds to temperature rise would therefore gradually change from 4 cm^2 to 1 cm^2 as frequency increases from 6 to 300 GHz, ICNIRP uses a square averaging area of 4 cm^2 for >6 to 300 GHz as a practical protection specification. Moreover, from >30 to 300 GHz (where focal beam exposure can occur), an additional spatial average of 1 cm^2 is used to ensure that the operational adverse health effect thresholds are not exceeded over smaller regions.

As 6 minutes is an appropriate averaging interval (Morimoto et al. 2017), and as an absorbed power density of approximately 200 W m^{-2} is required to produce the Type-1 tissue operational adverse health effect threshold of a 5°C local temperature rise for frequencies of >6 to 300 GHz (Sasaki et al. 2017), ICNIRP has set the absorbed power density value for local heating, averaged over 6 min and a square 4-cm^2 region, at 200 W m^{-2}; this will also restrict temperature rise in Type-2 tissue to below the operational adverse health effect threshold of 2°C. An additional specification of 400 W m^{-2} has been set for spatial averages of square 1-cm^2 regions, for frequencies >30 GHz.

Rapid temperature rise

For some types of exposure, rapid temperature rise can result in "hot spots," heterogeneous temperature distribution over tissue mass (Foster et al. 2016; Morimoto et al. 2017; Laakso et al. 2017; Kodera et al. 2018). This suggests the need to consider averaging over smaller time-intervals for certain types of exposure. Hot spots can occur for short duration exposures because there is not sufficient time for heat to dissipate (or average out) over tissue. This effect is more pronounced as frequency increases due to the smaller penetration depth.

To account for such heterogeneous temperature distributions, an adjustment to the steady-state exposure level is required. This can be achieved by specifying the maximum exposure level allowed, as a function of time, in order to restrict temperature rise to below the operational adverse health effect thresholds.

From 400 MHz to 6 GHz, ICNIRP specifies the restriction in terms of specific energy absorption (SA) of any 10-g cubic mass, where SA is restricted to $7.2[0.05+0.95(t/360)^{0.5}]$ kJ kg^{-1} for Head and Torso, and $14.4[0.025+0.975(t/360)^{0.5}]$ kJ kg^{-1} for Limb exposure, where t is exposure interval in seconds (Kodera et al. 2018). Note that for this specification, exposure from any pulse, group of pulses, or subgroup of pulses in a train, as well as from the total (sum) of exposures (including non-pulsed EMF), delivered in t seconds, must not exceed the below formulae (in order to ensure that the temperature thresholds are not exceeded).

There is no brief-interval exposure level specified below 400 MHz because, due to the large penetration depth, the total SA resulting from the 6-minute local SAR average cannot increase temperature by more than the operational adverse health effect threshold (regardless of the particular pattern of pulses or brief exposures).

Above 6 GHz, ICNIRP specifies the exposure level for both Head and Torso, and Limbs, in terms of absorbed energy density (U_{ab}) over any square averaging area of 4 cm^2, such that U_{ab} is specified as $72[0.05+0.95(t/360)^{0.5}]$ kJ m^{-2}, where t is the exposure interval in seconds (extension of Kodera et al. 2018).

An additional exposure level for square 1-cm^2 averaging areas is applicable for EMFs with frequencies of >30 to 300 GHz to account for focused beam exposure and is given by $144[0.025+0.975(t/360)^{0.5}]$ kJ m^{-2}.

The SA and U_{ab} values are conservative in that they are not sufficient to raise Type 1 or Type 2 tissue temperatures by 5 or 2°C, respectively.

GUIDELINES FOR LIMITING RADIOFREQUENCY EMF EXPOSURE

As described in the "Scientific Basis for Limiting Radiofrequency Exposure" section, radiofrequency EMF levels corresponding to operational adverse health effects were identified. Basic restrictions have been derived from these and are described in the "Basic Restrictions" section below. The basic restrictions related to nerve stimulation

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Table 2. Basic restrictions for electromagnetic field exposure from 100 kHz to 300 GHz, for averaging intervals ≥6 min.[a]

Exposure scenario	Frequency range	Whole-body average SAR (W kg^{-1})	Local Head/Torso SAR (W kg^{-1})	Local Limb SAR (W kg^{-1})	Local S_{ab} (W m^{-2})
Occupational	100 kHz to 6 GHz	0.4	10	20	NA
	>6 to 300 GHz	0.4	NA	NA	100
General public	100 kHz to 6 GHz	0.08	2	4	NA
	>6 to 300 GHz	0.08	NA	NA	20

[a]Note:

1. "NA" signifies "not applicable" and does not need to be taken into account when determining compliance.
2. Whole-body average SAR is to be averaged over 30 min.
3. Local SAR and S_{ab} exposures are to be averaged over 6 min.
4. Local SAR is to be averaged over a 10-g cubic mass.
5. Local S_{ab} is to be averaged over a square 4-cm^2 surface area of the body. Above 30 GHz, an additional constraint is imposed, such that exposure averaged over a square 1-cm^2 surface area of the body is restricted to two times that of the 4-cm^2 restriction.

for EMF frequencies 100 kHz to 10 MHz, from ICNIRP (2010), were then added to the present set of basic restrictions, with the final set of basic restrictions given in Tables 2–4. Reference levels were derived from those final basic restrictions and are described in the "Reference Levels" section, with details of how to treat multiple frequency fields in terms of the restrictions in the "Simultaneous Exposure to Multiple Frequency Fields" section. Contact current guidance is provided in the "Guidance for Contact Currents", and health considerations for occupational exposure are described in the "Risk Mitigations Considerations for Occupational Exposure" section. To be compliant with the present guidelines, for each exposure quantity (e.g., E-field, H-field, SAR), and temporal and spatial averaging condition, either the basic restriction or corresponding reference level must be adhered to; compliance with both is not required. Note that where restrictions specify particular averaging intervals, 'all' such averaging intervals must comply with the restrictions.

Basic Restrictions

Basic restriction values are provided in Tables 2–4 with an overview of their derivation described below. As described above, the basic restrictions from ICNIRP (2010) for the frequency range 100 kHz to 10 MHz have not been re-evaluated here; these are described in Table 4. A more detailed description of issues pertinent to the basic restrictions is provided in Appendix A, in the "Relevant Biophysical Mechanisms" section. Note that for the basic restrictions described below, a pregnant woman is treated as a member of the general public. This is because recent modeling suggests that for both whole-body and local exposure scenarios, exposure of the mother at the occupational basic restrictions can lead to fetal exposures that exceed the general public basic restrictions.

Whole-body average SAR (100 kHz to 300 GHz). As described in the "Body core temperature" section, the guidelines take a whole-body average SAR of 4 W kg^{-1},

Table 3. Basic restrictions for electromagnetic field exposure from 100 kHz to 300 GHz, for integrating intervals >0 to <6 min.[a]

Exposure scenario	Frequency range	Local Head/Torso SA (kJ kg^{-1})	Local Limb SA (kJ kg^{-1})	Local U_{ab} (kJ m^{-2})
Occupational	100 kHz to 400 MHz	NA	NA	NA
	>400 MHz to 6 GHz	$3.6[0.05+0.95(t/360)^{0.5}]$	$7.2[0.025+0.975(t/360)^{0.5}]$	NA
	>6 to 300 GHz	NA	NA	$36[0.05+0.95(t/360)^{0.5}]$
General public	100 kHz to 400 MHz	NA	NA	NA
	>400 MHz to 6 GHz	$0.72[0.05+0.95(t/360)^{0.5}]$	$1.44[0.025+0.975(t/360)^{0.5}]$	NA
	>6 to 300 GHz	NA	NA	$7.2[0.05+0.95(t/360)^{0.5}]$

[a]Note:

1. "NA" signifies "not applicable" and does not need to be taken into account when determining compliance.
2. t is time in seconds, and restrictions must be satisfied for all values of t between >0 and <360 s, regardless of the temporal characteristics of the exposure itself.
3. Local SA is to be averaged over a 10-g cubic mass.
4. Local U_{ab} is to be averaged over a square 4-cm^2 surface area of the body. Above 30 GHz, an additional constraint is imposed, such that exposure averaged over a square 1-cm^2 surface area of the body is restricted to $72[0.025+0.975(t/360)^{0.5}]$ for occupational and $14.4[0.025+0.975(t/360)^{0.5}]$ for general public exposure.
5. Exposure from any pulse, group of pulses, or subgroup of pulses in a train, as well as from the summation of exposures (including non-pulsed EMFs), delivered in t s, must not exceed these levels.

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Table 4. Basic restrictions for electromagnetic field exposure from 100 kHz to 10 MHz, for peak spatial values.[a]

Exposure scenario	Frequency range	Induced electric field; E_{ind} (V m^{-1})
Occupational	100 kHz to 10 MHz	$2.70 \times 10^{-4} f$
General public	100 kHz to 10 MHz	$1.35 \times 10^{-4} f$

[a]Note:

1. f is frequency in Hz.

2. Restriction values relate to any region of the body, and are to be averaged as root mean square (rms) values over 2 mm × 2 mm × 2 mm contiguous tissue (as specified in ICNIRP 2010).

averaged over the entire body mass and a 30-minute interval, as the exposure level corresponding to the operational adverse health effect threshold for an increase in body core temperature of 1°C. A reduction factor of 10 was applied to this threshold for occupational exposure to account for scientific uncertainty, as well as differences in thermal physiology across the population and variability in environmental conditions and physical activity levels. Variability in an individual's ability to regulate their body core temperature is particularly important as it is dependent on a range of factors that the guidelines cannot control. These include central and peripherally-mediated changes to blood perfusion and sweat rate (which are in turn affected by a range of other factors, including age and certain medical conditions), as well as behavior and environmental conditions.

Thus the basic restriction for occupational exposure becomes a whole-body average SAR of 0.4 W kg^{-1}, averaged over 30 min. Although this means that SAR can be larger for smaller time intervals, this will not affect body core temperature rise appreciably because the temperature will be "averaged-out" within the body over the 30-min interval, and it is this time-averaged temperature rise that is relevant here. Further, as both whole-body and local restrictions must be met simultaneously, exposures sufficiently high to be hazardous locally will be protected against by the local restrictions described below.

As the general public cannot be expected to be aware of exposures and thus to mitigate risk, a reduction factor of 50 was applied for the general public, making the whole-body average SAR restriction for the general public 0.08 W kg^{-1}, averaged over 30 min.

It is noteworthy that the scientific uncertainty pertaining to both dosimetry and potential health consequences of whole-body radiofrequency exposure have reduced substantially since the ICNIRP (1998) guidelines. This would justify less conservative reduction factors, but as ICNIRP considers that the benefits of maintaining stable basic restrictions outweighs any benefits that subtle changes to them would provide, ICNIRP has retained the same reduction factors as before for the whole-body average basic restrictions. Similarly, although temperature rise is more superficial as frequency increases (and thus it is easier for the resultant heat to be lost to the environment), the whole-body average SAR restrictions above 6 GHz have been conservatively set the same as those ≤6 GHz.

Local SAR (100 kHz to 6 GHz)

Head and Torso

As described in the "Local temperature" section within the 100 kHz to 6 GHz range, the guidelines take a SAR of 20 W kg^{-1}, averaged over a 10-g cubic mass and 6-min interval, as the local exposure level corresponding to the operational adverse health effect threshold for the Head and Torso (5°C in Type-1 tissue and 2°C in Type-2 tissue). A reduction factor of 2 was applied to this for occupational exposure to account for scientific uncertainty, as well as differences in thermal physiology across the population and variability in environmental conditions and physical activity levels. Reduction factors for local exposure are smaller than for whole-body exposure because the associated health effect threshold is less dependent on environmental conditions and the highly variable centrally-mediated thermoregulatory processes, and because the associated health effect is less serious medically. Thus, the basic restriction for occupational exposure becomes a SAR_{10g} of 10 W kg^{-1}, averaged over a 6-min interval. As the general public cannot be expected to be aware of exposures and thus to mitigate risk, and also recognizing greater differences in thermal physiology in the general population, a reduction factor of 10 was applied for the general public, reducing the general public basic restriction to a SAR_{10g} of 2 W kg^{-1} averaged over a 6-min interval.

Limbs

As described in the "Local temperature" section, within the 100 kHz to 6 GHz range, the guidelines take a SAR of 40 W kg^{-1}, averaged over a 10-g cubic mass and 6-min interval, as the local exposure level corresponding to the operational adverse health effect threshold for the Limbs of a 5°C rise in local temperature. As with the Head and Torso restrictions, a reduction factor of 2 was applied to this threshold for occupational exposure to account for scientific uncertainty, as well as differences in thermal physiology across the population and variability in environmental conditions and physical activity levels. This results in a basic restriction for occupational exposure of a SAR_{10g} of 20 W kg^{-1}. As the general public cannot be expected to be aware of exposures and thus to mitigate risk, and also to recognize greater differences in thermal physiology in the general population, a reduction factor of 10 was applied for the general public, reducing the general public restriction to 4 W kg^{-1} averaged over a 6-min interval.

Local SA (400 MHz to 6 GHz). As described in the "Rapid temperature rise" section, within the >400 MHz to 6 GHz range, an additional constraint is required to ensure that the cumulative energy permitted by the 6-minute

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average SAR_{10g} basic restriction is not absorbed by tissues too rapidly. Accordingly, ICNIRP sets an SA level for exposure intervals of less than 6 min, as a function of time, to limit temperature rise to below the operational adverse health effect thresholds. This SA level, averaged over a 10-g cubic mass, is given by $7.2[0.05+0.95(t/360)^{0.5}]$ kJ kg^{-1} for the Head and Torso, and $14.4[0.025+0.975(t/360)^{0.5}]$ kJ kg^{-1} for the Limbs, where t is exposure duration in seconds.

As with the SAR_{10g} basic restrictions, a reduction factor of 2 was applied to these exposure levels for occupational exposure to account for scientific uncertainty, as well as differences in thermal physiology across the population and variability in environmental conditions and physical activity levels. This results in a basic restriction for the Head and Torso of $3.6[0.05+0.95(t/360)^{0.5}]$ kJ kg^{-1}, and for the Limbs of $7.2[0.025+0.975(t/360)^{0.5}]$ kJ kg^{-1}. As the general public cannot be expected to be aware of exposures and thus to mitigate risk, and to recognize greater differences in thermal physiology in the general population, a reduction factor of 10 was applied for the general public. This makes the general public restriction $0.72[0.05+0.95(t/360)^{0.5}]$ kJ kg^{-1} for the Head and Torso, and $1.44[0.025+0.975(t/360)^{0.5}]$ kJ kg^{-1} for the Limbs.

Note that for these brief exposure basic restrictions, the exposure from any pulse, group of pulses, or subgroup of pulses in a train, as well as from the summation of exposures (including non-pulsed EMFs), delivered in t seconds, must not exceed these local SA values.

Local absorbed power density (>6 GHz to 300 GHz). As described in the "Local temperature" section, within the >6 to 300 GHz range, the guidelines take an absorbed power density of 200 W m^{-2}, averaged over 6 min and a square 4-cm^2 surface area of the body, as the local exposure corresponding to the operational adverse health effect threshold for both the Head and Torso, and Limb regions (5 and 2°C local temperature rise in Type-1 and Type-2 tissue, respectively). As with the local SAR restrictions, a reduction factor of 2 was applied to this exposure level for occupational exposure to account for scientific uncertainty, as well as differences in thermal physiology across the population and variability in environmental conditions and physical activity levels. This results in a basic restriction for occupational exposure of 100 W m^{-2}, averaged over 6 min and a square 4-cm^2 surface area of the body.

As the general public cannot be expected to be aware of these exposures and thus to mitigate risk, and to recognize greater differences in thermal physiology in the general population, a reduction factor of 10 was applied, which reduces the general public basic restriction to 20 W m^{-2}, averaged over 6 min and a square 4-cm^2 surface area of the body.

Further, to account for focal beam exposure from >30 to 300 GHz, absorbed power density averaged over a square 1-cm^2 surface area of the body must not exceed 2 times that of the 4-cm^2 basic restrictions for workers or the general public.

Local absorbed energy density (>6 GHz to 300 GHz). As described in the "Rapid temperature rise" section, within the >6 to 300 GHz range, an additional constraint is required to ensure that the cumulative energy permitted by the 6-min average absorbed power density basic restriction is not absorbed by tissue too rapidly. Accordingly, for both the Head and Torso, and Limbs, ICNIRP set a maximum absorbed energy density level for exposure intervals of less than 6 minutes, as a function of time, to limit temperature rise to below the operational adverse health effect thresholds for both Type-1 and Type-2 tissues. This absorbed energy density level, averaged over any square 4-cm^2 surface area of the body, is given by $72[0.05+0.95(t/360)^{0.5}]$ kJ m^{-2}, where t is exposure duration in seconds. To account for focal beam exposure from >30 to 300 GHz, the absorbed energy density level corresponding to the operational adverse health effect threshold, averaged over a square 1-cm^2 surface area of the body, is given by $144[0.025+0.975(t/360)^{0.5}]$ kJ m^{-2}. Note that for these basic restrictions for brief exposures, the exposure from any pulse, group of pulses, or subgroup of pulses in a train, as well as from the summation of exposures (including non-pulsed EMFs), delivered in t seconds, must be used to satisfy this formula.

As with the absorbed power density basic restrictions, a reduction factor of 2 was applied to this exposure level for occupational exposure to account for scientific uncertainty, as well as differences in thermal physiology across the population and variability in environmental conditions and physical activity levels. This results in a basic restriction for occupational exposure of $36[0.05+0.95(t/360)^{0.5}]$ kJ m^{-2}, over any square 4-cm^2 surface area of the body. From >30 to 300 GHz, an additional basic restriction for occupational exposure is $72[0.025+0.975(t/360)^{0.5}]$ kJ m^{-2}, averaged over any square 1-cm^2 surface area of the body. As the general public cannot be expected to be aware of exposures and thus to mitigate risk, and to recognize greater differences in thermal physiology in the general population, a reduction factor of 10 was applied for the general public, reducing the general public restriction to $7.2[0.05+0.95(t/360)^{0.5}]$ kJ m^{-2}, averaged over any square 4-cm^2 surface area of the body. From >30 to 300 GHz, an additional basic restriction for the general public is $14.4[0.025+0.975(t/360)^{0.5}]$ kJ m^{-2}, averaged over any square 1-cm^2 surface area of the body.

Basic restriction tables. To be compliant with the basic restrictions, radiofrequency EMF exposure must not exceed the restrictions specified for that EMF frequency in Table 2, 3 or 4. That is, for any given radiofrequency EMF frequency, relevant whole-body SAR, local

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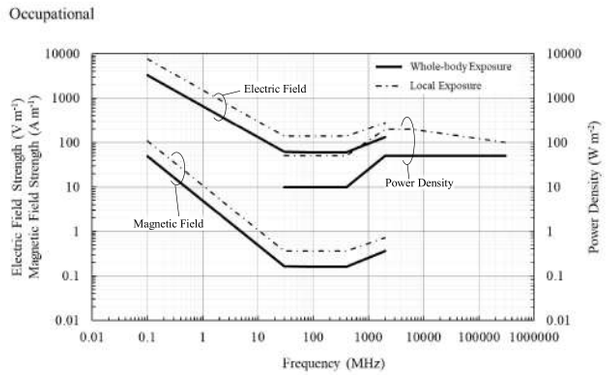

FIGURE 1. Reference levels for time averaged occupational exposures of ≥6 min, to electromagnetic fields from 100 kHz to 300 GHz (unperturbed rms values; see Tables 5 and 6 for full specifications).

SAR, S_{ab}, SA, U_{ab} and induced E-field[6] restrictions must be met simultaneously.

Reference Levels

Reference levels have been derived from a combination of computational and measurement studies to provide a means of demonstrating compliance using quantities that are more-easily assessed than basic restrictions, but that provide an equivalent level of protection to the basic restrictions for worst-case exposure scenarios. However, as the derivations rely on conservative assumptions, in most exposure scenarios the reference levels will be more conservative than the corresponding basic restrictions. Further details regarding the reference levels are provided in Appendix A, the "Derivation of Reference Levels" section.

Reference levels are provided in Tables 5–9. Figures 1 and 2 provide graphical representations of the occupational and general public reference level values for extended durations of exposure (≥6 min). Table 5 reference levels are averaged over a 30-min interval, and correspond to the whole-body average basic restrictions. Table 6 (averaged over a 6-min interval), Table 7 (integrated over intervals between >0 and <6 min), and Table 8 (peak instantaneous field strength measures) each relate to basic restrictions that are averaged over smaller body regions. Additional limb current reference levels have been set to account for effects of grounding near human body resonance frequencies (Dimbylow 2001) that might otherwise lead to reference levels underestimating exposures within tissue at certain EMF frequencies (averaged over 6 min; Table 9). Limb current reference levels are only relevant in exposure scenarios where a person is not electrically isolated.

Tables 5–9 specify averaging and integrating times of the relevant exposure quantities to determine whether personal exposure level is compliant with the guidelines. These averaging times are not necessarily the same as the measurement times needed to estimate field strengths or other exposure quantities. Depending on input from technical standards bodies, actual measurement times used to provide an appropriate estimate of exposure quantities may be shorter than the intervals specified in these tables.

An important consideration for the application of reference levels is to what degree the quantities used to assess compliance with the reference levels (i.e., E_{inc}, H_{inc}, S_{inc}, U_{inc}, S_{eq}, U_{eq}, I) adequately predict the quantities used to assess compliance with the basic restrictions. In situations where reference level quantities are associated with greater uncertainty, reference levels must be applied more conservatively. For the purposes of the guidelines, the degree of adequacy strongly depends on whether external EMFs can be considered to be within the far-field, radiative near-field or reactive near-field zone. Accordingly, in most cases, different reference level assessment rules have been set for EMFs as a function of whether they are within the far-field, radiative or reactive near-field zone.

A difficulty with this approach is that other factors may also affect the adequacy of estimating basic restriction quantities from reference level quantities. These include the EMF frequency, physical dimensions of the EMF source and its distance from the resultant external EMFs assessed, as well as the degree to which the EMFs vary over the space to be occupied by a person. Taking into account such sources of uncertainty, the guidelines have more conservative rules for exposure in the reactive and radiative near-field than far-field zone. It is noted that there is no simple delineation of the far-field, radiative and reactive near-field zones that is sufficient for ensuring that reference levels will adequately correspond to the basic restrictions. Accordingly, although a definition of these zones is provided in

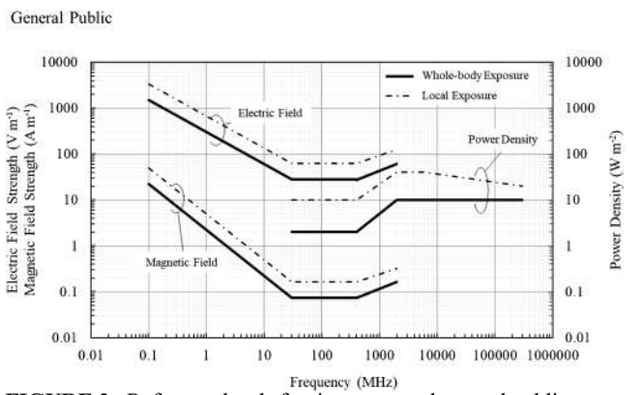

FIGURE 2. Reference levels for time averaged general public exposures of ≥6 min, to electromagnetic fields from 100 kHz to 300 GHz (unperturbed rms values; see Tables 5 and 6 for full specifications).

[6]Note that although the term internal is used in place of induced in ICNIRP (2010), induced is used here for consistency within the present document.

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Table 5. Reference levels for exposure, averaged over 30 min and the whole body, to electromagnetic fields from 100 kHz to 300 GHz (unperturbed rms values).[a]

Exposure scenario	Frequency range	Incident E-field strength; E_{inc} (V m^{-1})	Incident H-field strength; H_{inc} (A m^{-1})	Incident power density; S_{inc} (W m^{-2})
Occupational	0.1 – 30 MHz	$660/f_M^{0.7}$	$4.9/f_M$	NA
	>30 – 400 MHz	61	0.16	10
	>400 – 2000 MHz	$3f_M^{0.5}$	$0.008f_M^{0.5}$	$f_M/40$
	>2 – 300 GHz	NA	NA	50
General public	0.1 – 30 MHz	$300/f_M^{0.7}$	$2.2/f_M$	NA
	>30 – 400 MHz	27.7	0.073	2
	>400 – 2000 MHz	$1.375f_M^{0.5}$	$0.0037f_M^{0.5}$	$f_M/200$
	>2 – 300 GHz	NA	NA	10

[a]Note:

1. "NA" signifies "not applicable" and does not need to be taken into account when determining compliance.

2. f_M is frequency in MHz.

3. S_{inc}, E_{inc}, and H_{inc} are to be averaged over 30 min, over the whole-body space. Temporal and spatial averaging of each of E_{inc} and H_{inc} must be conducted by averaging over the relevant square values (see eqn 8 in Appendix A for details).

4. For frequencies of 100 kHz to 30 MHz, regardless of the far-field/near-field zone distinctions, compliance is demonstrated if neither E_{inc} or H_{inc} exceeds the above reference level values.

5. For frequencies of >30 MHz to 2 GHz: (a) within the far-field zone: compliance is demonstrated if either S_{inc}, E_{inc} or H_{inc}, does not exceed the above reference level values (only one is required); S_{eq} may be substituted for S_{inc}; (b) within the radiative near-field zone, compliance is demonstrated if either S_{inc}, or both E_{inc} and H_{inc}, does not exceed the above reference level values; and (c) within the reactive near-field zone: compliance is demonstrated if both E_{inc} and H_{inc} do not exceed the above reference level values; S_{inc} cannot be used to demonstrate compliance, and so basic restrictions must be assessed.

6. For frequencies of >2 GHz to 300 GHz: (a) within the far-field zone: compliance is demonstrated if S_{inc} does not exceed the above reference level values; S_{eq} may be substituted for S_{inc}; (b) within the radiative near-field zone, compliance is demonstrated if S_{inc} does not exceed the above reference level values; and (c) within the reactive near-field zone, reference levels cannot be used to determine compliance, and so basic restrictions must be assessed.

Appendix A in the "General Considerations for Reference Levels" section this is only intended as a guide, and information from a technical standards body, designed to specify external exposures for each EMF source type to more adequately match the basic restrictions, should be utilized to improve reference level assessment procedures.

Related to the near- and far-field zone distinctions, for some exposure conditions the less onerous plane wave equivalent incident power density (S_{eq}) and plane wave equivalent incident energy density (U_{eq}) quantities can be used in place of S_{inc} and U_{inc}, respectively; where this is permitted, it is specified below. In such cases, the *plane wave equivalent incident energy densities* are to be averaged in the same way as described in Tables 5–7 for the corresponding *incident power densities*.

In terms of electromagnetic fields in the far-field zone, the following rules apply. For EMF frequencies from >30 MHz to 2 GHz, ICNIRP requires compliance to be demonstrated for only one of the E-field, H-field or S_{inc} quantities in order to be compliant with that particular reference level. Further, S_{eq} can be substituted for S_{inc}. Similarly, for EMF frequencies >400 MHz where the restrictions are specified in terms of U_{inc}, these can be substituted for by U_{eq}. EMF frequencies from 100 kHz to 30 MHz are treated as always being within the near-field zone; see next paragraph.

In terms of electromagnetic fields in the near-field zones, the following rules apply. From 100 kHz to 30 MHz, relevant personal exposures from present radiofrequency EMF sources are typically within the near-field zone. The present guidelines treat *all* exposures within this frequency range as near-field, and requires compliance with both the E-field and H-field reference level values in order to be compliant with the reference levels. For EMF frequencies from >30 MHz to 2 GHz, personal exposure within either the radiative or reactive near-field zones is treated as compliant if both the E-field and H-field strengths are below the reference level values described in the tables. For frequencies >30 MHz to 300 GHz, personal exposure within the radiative near-field zone is treated as compliant if S_{inc} (or, where relevant U_{inc}) is below the reference level value. However, for exposure within the >2 to 300 GHz range, within the reactive near-field the quantities applied for the reference level values are treated as inadequate to ensure compliance with the basic restrictions. In such cases, compliance with the basic restrictions must be assessed.

ICNIRP is aware that for some exposure scenarios, radiofrequency EMFs at the reference levels specified below could potentially result in exposure that exceeds basic restrictions. Where such scenarios were identified, ICNIRP determined whether the reference levels needed to be reduced by considering the magnitude of the difference between the resultant tissue exposure and corresponding basic restriction (including comparison with the associated dosimetric uncertainty), and whether the violation was likely to adversely affect health (including consideration of the degree of conservativeness in the associated basic

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Table 6. Reference levels for local exposure, averaged over 6 min, to electromagnetic fields from 100 kHz to 300 GHz (unperturbed rms values).[a]

Exposure scenario	Frequency range	Incident E-field strength; E_{inc} (V m^{-1})	Incident H-field strength; H_{inc} (A m^{-1})	Incident power density; S_{inc} (W m^{-2})
Occupational	0.1 – 30 MHz	$1504/f_M^{0.7}$	$10.8/f_M$	NA
	>30 – 400 MHz	139	0.36	50
	>400 – 2000 MHz	$10.58f_M^{0.43}$	$0.0274f_M^{0.43}$	$0.29f_M^{0.86}$
	>2 – 6 GHz	NA	NA	200
	>6 – <300 GHz	NA	NA	$275/f_G^{0.177}$
	300 GHz	NA	NA	100
General public	0.1 – 30 MHz	$671/f_M^{0.7}$	$4.9/f_M$	NA
	>30 – 400 MHz	62	0.163	10
	>400 – 2000 MHz	$4.72f_M^{0.43}$	$0.0123f_M^{0.43}$	$0.058f_M^{0.86}$
	>2 – 6 GHz	NA	NA	40
	>6 – 300 GHz	NA	NA	$55/f_G^{0.177}$
	300 GHz	NA	NA	20

[a] Note:

1. "NA" signifies "not applicable" and does not need to be taken into account when determining compliance.

2. f_M is frequency in MHz; f_G is frequency in GHz.

3. S_{inc}, E_{inc}, and H_{inc} are to be averaged over 6 min, and where spatial averaging is specified in Notes 6–7, over the relevant projected body space. Temporal and spatial averaging of each of E_{inc} and H_{inc} must be conducted by averaging over the relevant square values (see eqn 8 in Appendix A for details).

4. For frequencies of 100 kHz to 30 MHz, regardless of the far-field/near-field zone distinctions, compliance is demonstrated if neither peak spatial E_{inc} or peak spatial H_{inc}, over the projected whole-body space, exceeds the above reference level values.

5. For frequencies of >30 MHz to 6 GHz: (a) within the far-field zone, compliance is demonstrated if one of peak spatial S_{inc}, E_{inc} or H_{inc}, over the projected whole-body space, does not exceed the above reference level values (only one is required); S_{eq} may be substituted for S_{inc}; (b) within the radiative near-field zone, compliance is demonstrated if either peak spatial S_{inc}, or both peak spatial E_{inc} and H_{inc}, over the projected whole-body space, does not exceed the above reference level values; and (c) within the reactive near-field zone: compliance is demonstrated if both E_{inc} and H_{inc} do not exceed the above reference level values; S_{inc} cannot be used to demonstrate compliance; for frequencies >2 GHz, reference levels cannot be used to determine compliance, and so basic restrictions must be assessed.

6. For frequencies of >6 GHz to 300 GHz: (a) within the far-field zone, compliance is demonstrated if S_{inc}, averaged over a square 4-cm^2 projected body surface space, does not exceed the above reference level values; S_{eq} may be substituted for S_{inc}; (b) within the radiative near-field zone, compliance is demonstrated if S_{inc}, averaged over a square 4-cm^2 projected body surface space, does not exceed the above reference level values; and (c) within the reactive near-field zone reference levels cannot be used to determine compliance, and so basic restrictions must be assessed.

7. For frequencies of >30 GHz to 300 GHz, exposure averaged over a square 1-cm^2 projected body surface space must not exceed twice that of the square 4-cm^2 restrictions.

restriction). Where the difference was small, and where it would not adversely affect health, reference levels were retained that can potentially result in exposures that exceed the basic restrictions.

This situation has been shown to occur in terms of the reference levels corresponding to whole-body average SAR basic restrictions, which, in the frequency range of body resonance (up to 100 MHz) and from 1 to 4 GHz, can potentially lead to whole-body average SARs that exceed the basic restrictions (ICNIRP 2009). The exposure scenario where this can potentially occur is very specific, requiring a small stature person (such as a 3-years-old child) to be extended (e.g., standing still and straight with arms above the head) for at least 30 min, while being subject to a plane wave exposure within the above frequency ranges, incident to the child from front to back. The resultant SAR elevation is small relative to the basic restriction (15–40%), which is similar to or smaller than the whole-body average SAR measurement uncertainty (Flintoft et al. 2014; Nagaoka and Watanabe 2019), there are many levels of conservativeness built into the basic restriction derivation itself, and importantly, this will not impact on health. This latter point is important because the basic restriction that this relates to was set to protect against body core temperature rises of greater than 1°C, and being of small stature, the individual in this hypothetical exposure scenario would more easily dissipate heat to the environment than a larger person due to their increased body "surface area-to-mass ratio" (Hirata et al. 2013). Within a small stature person the net effect of this "increased whole-body average SAR" and "increased heat loss" would be a smaller temperature rise than would occur in a person of larger stature who did not exceed the basic restriction, and in both cases would be substantially smaller than 1°C. ICNIRP has thus not altered the reference levels to account for this situation.

Simultaneous Exposure to Multiple Frequency Fields

It is important to determine whether, in situations of simultaneous exposure to fields of different frequencies, these

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Table 7. Reference levels for local exposure, integrated over intervals of between >0 and <6 minutes, to electromagnetic fields from 100 kHz to 300 GHz (unperturbed rms values).[a]

Exposure scenario	Frequency range	Incident energy density; U_{inc} (kJ m^{-2})
Occupational	100 kHz – 400 MHz	NA
	>400 – 2000 MHz	$0.29f_M^{0.86} \times 0.36[0.05+0.95(t/360)^{0.5}]$
	>2 – 6 GHz	$200 \times 0.36[0.05+0.95(t/360)^{0.5}]$
	>6 – <300 GHz	$275/f_G^{0.177} \times 0.36[0.05+0.95(t/360)^{0.5}]$
	300 GHz	$100 \times 0.36[0.05+0.95(t/360)^{0.5}]$
General public	100 kHz – 400 MHz	NA
	>400 – 2000 MHz	$0.058f_M^{0.86} \times 0.36[0.05+0.95(t/360)^{0.5}]$
	>2 – 6 GHz	$40 \times 0.36[0.05+0.95(t/360)^{0.5}]$
	>6 – <300 GHz	$55/f_G^{0.177} \times 0.36[0.05+0.95(t/360)^{0.5}]$
	300 GHz	$20 \times 0.36[0.05+0.95(t/360)^{0.5}]$

[a]Note:

1. "NA" signifies "not applicable" and does not need to be taken into account when determining compliance.

2. f_M is frequency in MHz; f_G is frequency in GHz; t is time interval in seconds, such that exposure from any pulse, group of pulses, or subgroup of pulses in a train, as well as from the summation of exposures (including non-pulsed EMFs), delivered in t seconds, must not exceed these reference level values.

3. U_{inc} is to be calculated over time t, and where spatial averaging is specified in Notes 5–7, over the relevant projected body space.

4. For frequencies of 100 kHz to 400 MHz, >0 to <6-min restrictions are not required and so reference levels have not been set.

5. For frequencies of >400 MHz to 6 GHz: (a) within the far-field zone: compliance is demonstrated if peak spatial U_{inc}, over the projected whole-body space, does not exceed the above reference level values; U_{eq} may be substituted for U_{inc}; (b) within the radiative near-field zone, compliance is demonstrated if peak spatial U_{inc}, over the projected whole-body space, does not exceed the above reference level values; and (c) within the reactive near-field zone, reference levels cannot be used to determine compliance, and so basic restrictions must be assessed.

6. For frequencies of >6 GHz to 300 GHz: (a) within the far-field or radiative near-field zone, compliance is demonstrated if U_{inc}, averaged over a square 4-cm^2 projected body surface space, does not exceed the above reference level values; (b) within the reactive near-field zone, reference levels cannot be used to determine compliance, and so basic restrictions must be assessed.

7. For frequencies of >30 GHz to 300 GHz: exposure averaged over a square 1-cm^2 projected body surface space must not exceed $275/f_G^{0.177} \times 0.72[0.025+0.975(t/360)^{0.5}]$ kJ m^{-2} for occupational and $55/f_G^{0.177} \times 0.72[0.025+0.975(t/360)^{0.5}]$ kJ m^{-2} for general public exposure.

exposures are additive in their effects. Additivity should be examined separately for the effects of thermal and electrical stimulation, and restrictions met after accounting for such additivity. The formulae below apply to relevant frequencies under practical exposure situations. As the below reference level summation formulae assume worst-case conditions among the fields from multiple sources, typical exposure situations may in practice result in lower exposure levels than indicated by the formulae for the reference levels.

The following issues are noted. In terms of the reference levels, the largest ratio of the E-field strength, H-field strength or power density, relative to the corresponding reference level values, should be evaluated to demonstrate compliance. Reference levels are defined in terms of external physical quantities and have transitions, in terms of quantities, at specific frequencies. For example, field strengths are used below 30 MHz, whereas both field strength and incident power density are applicable from 30 MHz to 2 GHz. Where the exposure includes frequency components below and above the transition, additivity should be used to account for this. The same principle applies for basic restrictions. Field values entering the below equations must be derived using the same spatial and temporal constraints referred to in the basic restriction and reference level tables. The summation equations for basic restrictions and reference levels are presented separately below. However, for practical compliance purposes,

Table 8. Reference levels for local exposure to electromagnetic fields from 100 kHz to 10 MHz (unperturbed rms values), for peak values.[a]

Exposure scenario	Frequency range	Incident E-field strength; E_{inc} (V m^{-1})	Incident H-field strength; H_{inc} (A m^{-1})
Occupational	100 kHz – 10 MHz	170	80
General public	100 kHz – 10 MHz	83	21

[a]Note:

1. Regardless of the far-field/near-field zone distinction, compliance is demonstrated if neither peak spatial E_{inc} or peak spatial H_{inc}, over the projected whole-body space, exceeds the above reference level values.

Table 9. Reference levels for current induced in any limb, averaged over 6 min, at frequencies from 100 kHz to 110 MHz. [a]

Exposure scenario	Frequency range	Electric current; I (mA)
Occupational	100 kHz – 110 MHz	100
General public	100 kHz – 110 MHz	45

[a]Note

1. Current intensity values must be determined by averaging over the relevant square values (see eqn 8 in Appendix A for details).

2. Limb current intensity must be evaluated separately for each limb.

3. Limb current reference levels are not provided for any other frequency range.

4. Limb current reference levels are only required for cases where the human body is not electrically isolated from a ground plane.

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the evaluation by basic restriction and reference level can be combined. For example, the second term in eqn (2) can be replaced by the fourth term in eqn (4) for frequency components above 6 GHz. To be compliant with the guidelines, the summed values in each of Eqn (1) to (7) must be less than 1.

Basic restrictions for intervals ≥6 min. For practical application of the whole-body average basic restrictions, SAR should be added according to

$$\sum_{i=100\ \mathrm{kHz}}^{300\ \mathrm{GHz}} \frac{\mathrm{SAR}_i}{\mathrm{SAR}_{\mathrm{BR}}} \leq 1, \quad (1)$$

where SAR_i and $\mathrm{SAR}_{\mathrm{BR}}$ are the whole-body average SAR levels at frequency i and the whole-body average SAR basic restrictions given in Table 2, respectively.

For practical application of the local SAR and local absorbed power density basic restrictions, values should be added according to

$$\sum_{i=100\ \mathrm{kHz}}^{6\ \mathrm{GHz}} \frac{\mathrm{SAR}_i}{\mathrm{SAR}_{\mathrm{BR}}} + \sum_{i>6\ \mathrm{GHz}}^{30\ \mathrm{GHz}} \frac{\mathrm{S}_{\mathrm{ab,4cm},i}}{\mathrm{S}_{\mathrm{ab,4cm,BR}}} + \sum_{i>30\ \mathrm{GHz}}^{300\ \mathrm{GHz}} \mathrm{MAX}\left\{ \left(\frac{\mathrm{S}_{\mathrm{ab,4cm},i}}{\mathrm{S}_{\mathrm{ab,4cm,BR}}} \right), \left(\frac{\mathrm{S}_{\mathrm{ab,1cm},i}}{\mathrm{S}_{\mathrm{ab,1cm,BR}}} \right) \right\} \leq 1, \quad (2)$$

where, SAR_i and $\mathrm{SAR}_{\mathrm{BR}}$ are the local SAR level at frequency i and the local SAR basic restriction given in Table 2, respectively; $\mathrm{S}_{\mathrm{ab,4cm},i}$ and $\mathrm{S}_{\mathrm{ab,4cm,BR}}$ are the 4-cm^2 absorbed power density level at frequency i and the 4-cm^2 absorbed power density basic restriction given in Table 2, respectively; $\mathrm{S}_{\mathrm{ab,1cm},i}$ and $\mathrm{S}_{\mathrm{ab,1cm,BR}}$ are the 1-cm^2 absorbed power density level at frequency i and the 1-cm^2 absorbed power density basic restriction given in Table 2, respectively; inside the body, S_{ab} terms are to be treated as zero; when evaluating the summation of SAR and S_{ab} over the body surface, the center of the SAR averaging space is taken to be x,y,z, such that the x,y plane is parallel to the body surface (z = 0) and z = −1.08 cm (approximately half the length of a 10-g cube), and the center of the S_{ab} averaging area is defined as x,y,0; eqn (2) must be satisfied for every position in the human body.

Reference levels for intervals ≥6 min. For practical application of the whole-body average reference levels, incident electric field strength, incident magnetic field strength and incident power density values should be added according to;

$$\sum_{i=100\ \mathrm{kHz}}^{30\ \mathrm{MHz}} \left\{ \left(\frac{\mathrm{E}_{\mathrm{inc},i}}{\mathrm{E}_{\mathrm{inc,RL},i}} \right)^2 + \left(\frac{\mathrm{H}_{\mathrm{inc},i}}{\mathrm{H}_{\mathrm{inc,RL},i}} \right)^2 \right\} + \sum_{i>30\ \mathrm{MHz}}^{2\ \mathrm{GHz}} \mathrm{MAX}\left\{ \left(\frac{\mathrm{E}_{\mathrm{inc},i}}{\mathrm{E}_{\mathrm{inc,RL},i}} \right)^2, \left(\frac{\mathrm{H}_{\mathrm{inc},i}}{\mathrm{H}_{\mathrm{inc,RL},i}} \right)^2, \left(\frac{\mathrm{S}_{\mathrm{inc},i}}{\mathrm{S}_{\mathrm{inc,RL},i}} \right) \right\} + \sum_{i>2\ \mathrm{GHz}}^{300\ \mathrm{GHz}} \left(\frac{\mathrm{S}_{\mathrm{inc},i}}{\mathrm{S}_{\mathrm{inc,RL}}} \right) \leq 1, \quad (3)$$

where, $\mathrm{E}_{\mathrm{inc},i}$ and $\mathrm{E}_{\mathrm{inc,RL},i}$ are the whole-body average incident electric field strength and whole-body average incident electric field strength reference level given in Table 5, at frequency i, respectively; $\mathrm{H}_{\mathrm{inc},i}$ and $\mathrm{H}_{\mathrm{inc,RL},i}$ are the whole-body average incident magnetic field strength and whole-body average incident magnetic field strength reference level given in Table 5, at frequency i, respectively; $\mathrm{S}_{\mathrm{inc},i}$ and $\mathrm{S}_{\mathrm{inc,RL},i}$ are the whole-body average incident power density and whole-body average incident power density reference level given in Table 5, at frequency i, respectively. Note that the second term is not appropriate for the reactive near-field zone, and so cannot be used in eqn (3).

For practical application of the local reference levels, incident electric field strength, incident magnetic field strength and incident power density values should be added according to

$$\sum_{i=100\ \mathrm{kHz}}^{30\ \mathrm{MHz}} \mathrm{MAX}\left\{ \left(\frac{\mathrm{E}_{\mathrm{inc},i}}{\mathrm{E}_{\mathrm{inc,RL},i}} \right)^2, \left(\frac{\mathrm{H}_{\mathrm{inc},i}}{\mathrm{H}_{\mathrm{inc,RL},i}} \right)^2 \right\} + \sum_{i>30\ \mathrm{MHz}}^{2\ \mathrm{GHz}} \mathrm{MAX}\left\{ \left(\frac{\mathrm{E}_{\mathrm{inc},i}}{\mathrm{E}_{\mathrm{inc,RL},i}} \right)^2, \left(\frac{\mathrm{H}_{\mathrm{inc},i}}{\mathrm{H}_{\mathrm{inc,RL},i}} \right)^2, \left(\frac{\mathrm{S}_{\mathrm{inc},i}}{\mathrm{S}_{\mathrm{inc,RL},i}} \right) \right\} + \sum_{i>2\ \mathrm{GHz}}^{6\ \mathrm{GHz}} \left(\frac{\mathrm{S}_{\mathrm{inc},i}}{\mathrm{S}_{\mathrm{inc,RL},i}} \right) + \sum_{i>6\ \mathrm{GHz}}^{30\ \mathrm{GHz}} \left(\frac{\mathrm{S}_{\mathrm{inc,4cm},i}}{\mathrm{S}_{\mathrm{inc,4cm,RL},i}} \right) + \sum_{i>30\ \mathrm{GHz}}^{300\ \mathrm{GHz}} \mathrm{MAX}\left\{ \left(\frac{\mathrm{S}_{\mathrm{inc,4cm},i}}{\mathrm{S}_{\mathrm{inc,4cm,RL},i}} \right), \left(\frac{\mathrm{S}_{\mathrm{inc,1cm},i}}{\mathrm{S}_{\mathrm{inc,1cm,RL},i}} \right) \right\} \leq 1, \quad (4)$$

where, $\mathrm{E}_{\mathrm{inc},i}$ and $\mathrm{E}_{\mathrm{inc,RL},i}$ are the local incident electric field strength and local incident electric field strength reference level given in Table 6, at frequency i, respectively; $\mathrm{H}_{\mathrm{inc},i}$ and $\mathrm{H}_{\mathrm{inc,RL},i}$ are the local incident magnetic field strength and local incident magnetic field strength reference level given in Table 6, at frequency i, respectively; $\mathrm{S}_{\mathrm{inc},i}$ and $\mathrm{S}_{\mathrm{inc,RL},i}$ are the local incident power density and local incident power density reference level given in Table 6, at

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frequency i, respectively; inside the body above 6 GHz, S_{inc} terms are to be treated as zero; eqn (4) must be satisfied for every position in the human body.

For practical application of the limb current reference levels, limb current values should be added according to

$$\sum_{i=100\ \mathrm{kHz}}^{110\ \mathrm{MHz}} \left(\frac{I_i}{I_{RL}}\right)^2 \leq 1, \quad (5)$$

where I_i is the limb current component at frequency i; and I_{RL} is the limb current reference level value from Table 9. If there are non-negligible contributions to the local SAR around limbs over 110 MHz, these need to be considered by combining corresponding terms in eqns (2) or (4).

Basic restrictions for intervals <6 min. For practical application of the local basic restrictions for time intervals (t)<6 min, SAR, SA and absorbed energy density values should be added according to:

$$\sum_{i=100\ \mathrm{kHz}}^{400\ \mathrm{MHz}} \int_t \frac{SAR_i(t)}{360 \times SAR_{BR}}\,dt + \sum_{i>400\ \mathrm{MHz}}^{6\ \mathrm{GHz}} \frac{SA_i(t)}{SA_{BR}(t)} + \sum_{i>6\ \mathrm{GHz}}^{30\ \mathrm{GHz}} \frac{U_{ab,4cm,i}(t)}{U_{ab,4cm,BR}(t)} + \sum_{i>30\ \mathrm{GHz}}^{300\ \mathrm{GHz}} \mathrm{MAX}\left\{\left(\frac{U_{ab,4cm,i}(t)}{U_{ab,4cm,BR}(t)}\right), \left(\frac{U_{ab,1cm,i}(t)}{U_{ab,1cm,BR}(t)}\right)\right\} \leq 1, \quad (6)$$

where, $SAR_i(t)$ and $SAR_{BR}(t)$ are the local SAR level at frequency i and the local SAR basic restriction given in Table 2, over time t, respectively; $SA_i(t)$ and $SA_{BR}(t)$ are the local SA level at frequency i and the local SA basic restriction given in Table 3, over time t, respectively; $U_{ab,4cm,i}(t)$ and $U_{ab,4cm,BR}(t)$ are the 4-cm^2 absorbed power density level at frequency i and the 4-cm^2 absorbed power density basic restriction given in Table 3, over time t, respectively; $U_{ab,1cm,i}(t)$ and $U_{ab,1cm,BR}(t)$ are the 1-cm^2 absorbed power density level at frequency i and the 1-cm^2 absorbed power density basic restriction given in Table 3, over time t, respectively; inside the body, U_{ab} terms are to be treated as zero; when evaluating the summation of SAR and/or SA, and U_{ab}, over the body surface, the center of the SAR and/or SA averaging space is taken to be x,y,z, such that the x,y plane is parallel to the body surface (z = 0) and z = −1.08 cm (approximately half the length of a 10-g cube), and the center of the U_{ab} averaging area is defined as x,y,0; eqn (6) must be satisfied for every position in the human body; for simultaneous exposure of brief and extended exposures, SAR, SA and U_{ab} must all be accounted for in this equation.

Reference levels for intervals <6 min. For practical application of the local reference levels for time intervals (t) <6 min, incident electric field strength, incident magnetic field strength, incident power density and incident energy density values should be added according to:

$$\sum_{i>100\ \mathrm{kHz}}^{30\ \mathrm{MHz}} \mathrm{MAX}\left\{\left(\int_t \frac{E^2_{inc,i}(t)}{360{*}E^2_{inc,RL,i}}\,dt\right), \left(\int_t \frac{H^2_{inc,i}(t)}{360{*}H^2_{inc,RL,i}}\,dt\right)\right\} + \sum_{i>30\ \mathrm{MHz}}^{400\ \mathrm{MHz}} \mathrm{MAX}\left\{\left(\int_t \frac{E^2_{inc,i}(t)}{360{*}E^2_{inc,RL,i}}\,dt\right), \left(\int_t \frac{H^2_{inc,i}(t)}{360{*}H^2_{inc,RL,i}}\,dt\right), \left(\int_t \frac{S_{inc,i}(t)}{360{*}S_{inc,RL,i}}\,dt\right)\right\} + \sum_{i>400\ \mathrm{MHz}}^{6\ \mathrm{GHz}} \frac{U_{inc,i}(t)}{U_{inc,RL,i}(t)} + \sum_{i=6\ \mathrm{GHz}}^{30\ \mathrm{GHz}} \frac{U_{inc,4cm,i}(t)}{U_{inc,4cm,RL,i}(t)} + \sum_{i>30\ \mathrm{GHz}}^{300\ \mathrm{GHz}} \mathrm{MAX}\left\{\left(\frac{U_{inc,4cm,i}(t)}{U_{inc,4cm,RL,i}(t)}\right), \left(\frac{U_{inc,1cm,i}(t)}{U_{inc,1cm,RL,i}(t)}\right)\right\} \leq 1, \quad (7)$$

where $E_{inc,i}(t)$ and $E_{inc,RL,i}$ are the local E_{inc} level over time t and the local E_{inc} reference level given in Table 6, at frequency i, respectively; $H_{inc,i}(t)$ and $H_{inc,RL,i}$ are the local H_{inc} level over time t and the local H_{inc} reference level given in Table 6, at frequency i, respectively; $S_{inc,i}(t)$ and $S_{inc,RL,i}$ are the local S_{inc} level over time t and the local S_{inc} reference level given in Table 6, at frequency i, respectively; $U_{inc,i}(t)$ and $U_{inc,RL}(t)$ are the incident energy density level and the incident energy density reference level, over time t, at frequency i, given in Table 7, respectively; $U_{inc,4cm,i}(t)$ and $U_{inc,4cm,RL}(t)$ are the 4-cm^2 incident energy density level and the 4-cm^2 incident energy density reference level, over time t, at frequency i, given in Table 7, respectively; $U_{inc,1cm,i}(t)$ and $U_{inc,1cm,RL}(t)$ are the 1-cm^2 incident energy density level and the 1-cm^2 incident energy density reference level, over time t, at frequency i, given in Table 7, respectively; inside the body, U_{inc} terms are to be treated as zero; eqn (7) must be satisfied for every position in the human body.

Guidance for Contact Currents

Within approximately the 100 kHz to 110 MHz range, contact currents can occur when a person touches a conducting object that is within an electric or magnetic field, causing current flow between object and person. At high levels these can result in nerve stimulation or pain (and potentially tissue damage), depending on EMF frequency (Kavet et al. 2014; Tell and Tell 2018). This can be a particular concern around large radiofrequency transmitters, such as those that are found near high power antennas used for broadcasting below 30 MHz and at 87.5–108 MHz, where there have been sporadic reports of pain and burn-related accidents. Contact currents occur at the region of contact, with smaller contact

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regions producing larger biological effects (given the same current). This is due to the larger current density (A m^{-2}), and consequently the higher localized SAR in the body.

Exposure due to contact currents is indirect, in that it requires an intermediate conducting object to transduce the field. This makes contact current exposure unpredictable, due to both behavioral factors (e.g., grasping versus touch contact) and environmental conditions (e.g., configuration of conductive objects), and it reduces ICNIRP's ability to protect against them. Of particular importance is the heterogeneity of the current density passing to and being absorbed by the person, which is due not only to the contact area, but also to the conductivity, density and heat capacity of the tissue through which the current passes, and most importantly the resistance between conducting object and contacting tissue (Tell and Tell 2018).

Accordingly, these guidelines do not provide restrictions for contact currents, and instead provide "guidance" to assist those responsible for transmitting high-power radiofrequency fields to understand contact currents, the potential hazards, and how to mitigate such hazards. For the purpose of specification, ICNIRP here defines high-power radiofrequency EMFs as those emitting greater than 100 V m^{-1} within the frequency range 100 kHz to 100 MHz at their source.

There is limited research available on the relation between contact currents and health. In terms of pain, the health effect arising from the lowest contact current level, the main data comes from Chatterjee et al. (1986). In that study sensation and pain were assessed in a large adult cohort as a function of contact current frequency and contact type (grasping versus touch contact). Reversible, painful heat sensations were reported to occur with average (touch contact) induced current thresholds of 46 mA within the 100 kHz to 10 MHz range tested, which required at least 10 s of exposure to be reported as pain. Thresholds were frequency-independent within that range, and thresholds for grasping contact were substantially higher than those for touch contact.

However, given that the threshold value reported was an average across the participants, and given the standard deviation of the thresholds reported, ICNIRP considers that the lowest threshold across the cohort would have been approximately 20 mA. Further, modeling from that data suggests that children would have lower thresholds; extrapolating from Chatterjee et al. (1986) and Chan et al. (2013), the lowest threshold in children would be expected to be within the range of 10 mA. The upper frequency of contact current capable of causing harm is also not known. Although the ICNIRP (1998) guidelines specified reference levels to account for contact currents from 100 kHz to 110 MHz, Chatterjee et al. (1986) only tested up to 10 MHz, and Tell and Tell (2018) reported strong reductions in contact current sensitivities from about 1 MHz to 28 MHz (and did not assess higher frequencies). Thus, it is not clear that contact currents will remain a health hazard across the entire 100 kHz to 110 MHz range.

In determining the likelihood and nature of hazard due to potential contact current scenarios, ICNIRP views the above information as important for the responsible person in managing risk associated with contact currents within the frequency range 100 kHz to 110 MHz. This may also assist in conducting a risk-benefit analysis associated with allowing a person into a radiofrequency EMF environment that may result in contact currents. The above information suggests that risk of contact current hazards can be minimized by training workers to avoid contact with conducting objects, but that where contact is required, the following factors are important. Large metallic objects should be connected to ground (grounding); workers should make contact via insulating materials (e.g., radiofrequency protective gloves); and workers should be made aware of the risks, including the possibility of "surprise," which may impact on safety in ways other than the direct impact of the current on tissue (for example, by causing accidents).

Risk Mitigation Considerations for Occupational Exposure

To justify radiofrequency EMF exposure at the occupational level, an appropriate health and safety program is required. Part of such a program requires an understanding of the potential effects of radiofrequency EMF exposure, including consideration of whether biological effects resulting from the exposure may add to other biological effects that are unrelated to radiofrequency EMF. For example, where body core temperature is already elevated due to factors unrelated to EMF, such as through strenuous activity, radiofrequency EMF-induced temperature rise needs to be considered in conjunction with the other sources of heating. Similarly, it is also important to consider whether a person has an illness or condition that might affect their capacity to thermoregulate, or whether environmental impediments to heat dissipation might be present.

The relevant health effects that the whole-body SAR restrictions protect against are increased cardiovascular load (due to the work that the cardiovascular system must perform in order to restrict body core temperature rise), and where temperature rise is not restricted to a safe level, a cascade of functional changes that may lead to both reversible and irreversible effects on tissues (including brain, heart, and kidney). These effects typically require body core temperatures greater than 40°C (or an increase of approximately 3°C relative to normothermia). Large reduction factors have thus been used to make it extremely unlikely that radiofrequency-induced temperature rise would exceed 1°C (occupational restrictions have been set that would, under normothermic conditions, lead to body core temperature rises of <0.1°C), but care must be exercised when other factors are present that may affect body core temperature. These include high environmental temperatures, high physical activity, and impediments to normal thermoregulation (such as the use of thermally insulating clothing or certain medical conditions). Where significant heat is expected from other sources, it is advised that workers have a suitable means

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of verifying their body core temperature (see ACGIH 2017 for further guidance).

The relevant health effects that the localized basic restrictions protect against are pain and thermally-mediated tissue damage. Within Type-1 tissue, such as in the skin and limbs, pain (due to stimulation of nociceptors) and tissue damage (due to denaturation of proteins) typically require temperatures above approximately 41°C. Occupational exposure of the Limbs is unlikely to increase local temperature by more than 2.5°C, and given that Limb temperatures are normally below 31–36°C, it is unlikely that radiofrequency EMF exposure of Limb tissue, in itself, would result in either pain or tissue damage. Within Type-2 tissue, such as within regions of the Head and Torso (excluding superficial tissue), harm is also unlikely to occur at temperatures below 41°C. As occupational exposure of the Head and Torso tissue is unlikely to increase temperature by more than 1°C, and given that body core temperature is normally around 37–38°C, it is unlikely that radiofrequency EMF exposure would lead to temperature rises sufficient to harm Type-2 tissue or tissue function.

However, care must be exercised when a worker is subject to other heat sources that may add to that of the radiofrequency EMF exposure, such as those described above in relation to body core temperature. For superficial exposure scenarios, local thermal discomfort and pain can be important indicators of potential thermal tissue damage. It is thus important, particularly in situations where other thermal stressors are present, that the worker understands that radiofrequency EMF exposure can contribute to their thermal load and is in a position to take appropriate action to mitigate potential harm.

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APPENDIX A: BACKGROUND DOSIMETRY

Introduction

This appendix provides additional dosimetry information that is directly relevant to the derivation of the radiofrequency exposure restrictions that form the basis of the present guidelines. As described in the main document, the operational adverse health effects resulting from the lowest radiofrequency exposure levels are due to heating (nerve stimulation is discussed within the low frequency guidelines; ICNIRP 2010). Accordingly, this appendix details the choice of quantities used to restrict temperature rise to the operational adverse health effect thresholds described in the main document, the methods used to derive these restrictions (including, where relevant, the associated uncertainty), the spatial and temporal averaging methods used to represent temperature rise, and the derivation of the basic restrictions and reference levels themselves (including, where relevant, the associated uncertainty). The operational adverse health effect thresholds considered are 1°C body core temperature rise for exposures averaged over the whole body, and 5°C and 2°C local temperature rise over more-localized regions for "Type-1" and "Type-2" body tissue, respectively.[7]

QUANTITIES AND UNITS

Detailed explanations for the basic quantities, e.g., **E**, **H**, I, T, and *t* are found elsewhere (see ICNIRP 1985, 2009a, 2009, 2010). In this section, the other quantities used in the guidelines are detailed (i.e., SAR, SA, S_{inc}, S_{ab}, S_{eq}, U_{inc}, U_{ab}, and U_{eq}). Vector quantities are presented in **bold** font.

It is noted that radiofrequency basic restrictions and reference levels are based on the lowest radiofrequency exposure levels that may cause an adverse health effect. Since the health effects are related to the temperature rises caused by the exposure, it is determined by energy or power of the radiofrequency exposure. Therefore, squared values of **E**, **H**, and I are considered for time or spatial integration, or where summation of multiple frequencies is applied. The following equation is an example of the spatial average of **E** over a volume *V*:

$$E_{spatial\_average} = \sqrt{\frac{1}{V}\int_v |\mathbf{E}|^2 dv}, \tag{8}$$

where *V* is the volume of the integration ($V = \int_v dv$).

Specific Energy Absorption Rate (SAR) and Specific Energy Absorption (SA)

SAR is defined as the time derivative of the incremental energy consumption by heat, δW, absorbed by or dissipated in an incremental mass, δm, contained in a volume element, δV, of a given mass density of the tissue (kg m^{-3}), ρ, and is expressed in watt per kilogram (W kg^{-1}):

$$\mathrm{SAR} = \frac{\delta}{\delta t}\left(\frac{\delta W}{\delta m}\right) = \frac{\delta}{\delta t}\left(\frac{\delta W}{\rho \delta V}\right). \tag{9}$$

Dielectric properties of biological tissues or organs are generally considered as dielectric lossy material and magnetically transparent because the relative magnetic permeability (μ_r) is 1. Therefore, the SAR is usually derived from the following equation:

$$\mathrm{SAR} = \frac{\sigma |\mathbf{E}|^2}{\rho}, \tag{10}$$

where σ is the conductivity (S m^{-1}) and **E** is the internal electric-field (root mean square (rms) value).

Temperature rise is strongly correlated with SAR. Under conditions where heat loss due to processes such as conduction is not significant, SAR and temperature rise are directly related as follows;

$$\mathrm{SAR} = C\frac{d\mathrm{T}}{dt}, \tag{11}$$

where *C* is specific heat capacity (J kg^{-1} °C^{-1}) of the tissue, T is temperature (°C) and *t* is the duration of exposure (s). For most realistic cases, a large amount of heat energy rapidly diffuses during the exposure. Therefore, eqn (11) cannot be routinely applied to human exposure scenarios. However, eqn (11) is useful for brief exposure scenarios where heat loss is not significant.

SAR is used as a basic restriction in the present guidelines. The SAR basic restrictions are defined as spatially averaged values; that is, whole-body average SAR and SAR_{10g}. The whole-body average SAR is the total power absorbed in the whole body divided by the body mass:

$$\text{Whole-body average SAR} = \frac{(Total\ power)_{WB}}{(Total\ mass)_{WB}} = \frac{\left[\int_{WB}\sigma|\mathbf{E}|^2 dv\right]_{WB}}{\int_{WB}\rho dv}. \tag{12}$$

SAR_{10g} is defined as the total power absorbed in a 10-g cubic volume divided by 10 g (see the "Spatial averaging considerations" section):

$$\mathrm{SAR}_{10g} = \frac{(Total\ power)_{V_{10g}}}{(Total\ mass)_{V_{10g}}} = \frac{\left[\int_{V_{10g}}\sigma|\mathbf{E}|^2 dv\right]_{V_{10g}}}{\int_{V_{10g}}\rho dv}. \tag{13}$$

A 10-g volume (V_{10g}) is approximately computed as a 2.15 cm × 2.15 cm × 2.15 cm cube, based on the assumption that the tissue has the same mass density as water, or 1,000 kg m^{-3}.

SA (J m^{-3}) is derived as the time integral of SAR during the time from t_1 to t_2:

[7] Type-1 tissue refers to all tissues in the upper arm, forearm, hand, thigh, leg, foot, pinna and the cornea, anterior chamber and iris of the eye, epidermal, dermal, fat, muscle, and bone tissue. Type-2 tissue refers to all tissues in the head, eye, abdomen, back, thorax, and pelvis, excluding those defined as Type-1 tissue.

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$$SA = \int_{t_1}^{t_2} SAR(t)dt. \quad (14)$$

Absorbed Power Density (S_{ab}) and Absorbed Energy Density (U_{ab})

SAR_{10g} is no longer an appropriate surrogate for local temperature rise at frequencies above 6 GHz. Therefore, the absorbed power and energy densities are introduced in the guidelines for basic restrictions at such frequencies, where the radiofrequency power or energy absorption is largely confined within very superficial regions of the body. For example, the penetration depths are approximately 8.1 mm and 0.23 mm at 6 GHz and 300 GHz, respectively (see also Table 10). The absorbed power density (W m^{-2}) is defined at the body surface:

$$S_{ab} = \iint_A dxdy \int_0^{Z_{max}} \rho(x,y,z) \cdot SAR(x,y,z)\, dz/A, \quad (15)$$

where the body surface is at $z = 0$, A is the averaging area (in m^2), and Z_{max} is depth of the body at the corresponding region; where Z_{max} is much larger than the penetration depth, infinity can be substituted for Z_{max}. Considering heat diffusion, a square 2 cm × 2 cm region (from 6 to 300 GHz) is used for the averaging area of the absorbed power and energy density basic restrictions.

A more rigorous formula for absorbed power density is based on the Poynting vector (**S**):

$$S_{ab} = \iint_A \mathrm{Re}[\mathbf{S}] \cdot d\boldsymbol{s}/A = \iint_A \mathrm{Re}[\mathbf{E} \times \mathbf{H}^*] \cdot d\boldsymbol{s}/A, \quad (16)$$

where Re[X] and X* are the real part and the complex conjugate of a complex value "X," respectively, and ***ds*** is the integral variable vector with its direction normal to the integral area A on the body surface.

Similar to the relationship between SAR and SA, the absorbed energy density is derived as the temporal integration of the absorbed power density (J m^{-2}):

$$U_{ab} = \int_{t_1}^{t_2} S_{ab}(t)dt. \quad (17)$$

Incident Power Density (S_{inc}) and Incident Energy Density (U_{inc})

The incident power and energy densities are used as reference levels in the guidelines. The incident power density is defined as the modulus of the complex Poynting vector:

$$S_{inc} = |\mathbf{E} \times \mathbf{H}^*|. \quad (18)$$

In the case of the far-field or transverse electromagnetic (TEM) plane wave, the incident power density is derived as:

$$S_{inc} = \frac{|\mathbf{E}|^2}{Z_0} = Z_0 |\mathbf{H}|^2, \quad (19)$$

where Z_0 is the characteristic impedance of free space, i.e., 377 Ω. The above equation is also used for the evaluation of the plane wave equivalent incident power density (S_{eq}).

S_{inc} is also related to S_{ab} using the reflection coefficient Γ:

$$S_{ab} = \left(1 - |\Gamma|^2\right) S_{inc}. \quad (20)$$

The reflection coefficient (Γ) is derived from the dielectric properties of the tissues, shape of the body surface, incident angle, and polarization.

Similar to the relationship between SAR and SA, the incident energy density is derived as the temporal integration of the incident power density during the time from t_1 to t_2:

$$U_{inc} = \int_{t_1}^{t_2} S_{inc}(t)\, dt. \quad (21)$$

In near-field exposure scenarios, the components of the Poynting vector are not real values but complex ones. In such cases a detailed investigation of the Poynting vector components may be necessary to calculate the incident power density relevant to radiofrequency safety.

RELEVANT BIOPHYSICAL MECHANISMS

Whole-Body Average Exposure Specifications

Relevant quantity. Health effects due to whole-body exposure are related to body core temperature rise. It is, however, difficult to predict body core temperature rise based on exposure of the human body to radiofrequency EMFs.

Body core temperature depends on the whole-body thermal energy balance. Radiofrequency energy absorbed by the body is transferred to the body core via blood flow, which can activate thermoregulatory responses to maintain the body core temperature (Adair and Black 2003). This means that the time rate of the energy balance is essential for the body core temperature dynamics. Accordingly, whole-body average SAR is used as the physical quantity relating to body core temperature rise.

The relationship between the total energy absorption and the body core temperature is in general independent of frequency. However, at frequencies higher than a few GHz, core temperature does not generally elevate as much as with the same level of whole-body average SAR at lower frequencies because of larger heat transfer from the body surface to air via convection or radiative emission, which

Table 10. Penetration depth of human skin tissue (dermis), for frequencies 6 to 300 GHz.

Frequency (GHz)	Relative permittivity	Conductivity (S/m)	Penetration depth (mm)
6	36	4.0	8.1
10	33	7.9	3.9
30	18	27	0.92
60	10	40	0.49
100	7.3	46	0.35
300	5.0	55	0.23

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includes the effect of vasodilation in the skin (Hirata et al. 2013). The power absorption is confined primarily within skin surface tissues where localized temperature rise is more significant than the body core temperature rise (Laakso and Hirata 2011). However, it has also been reported that infrared radiation (IR) exposure can cause significant body core temperature rise (Brockow et al. 2007). Infrared radiation refers to electromagnetic waves with frequencies between those of radiofrequency EMF and visible light. This means that despite the penetration depth of infrared radiation being very small or comparable to the high GHz radiofrequency EMFs (or millimeter waves) it is still possible for infrared radiation exposure to raise body core temperature significantly. For conservative reasons, therefore, ICNIRP set equal whole-body average limits for frequencies both above and below 6 GHz. This is especially important for cases of multiple-frequency exposure of both higher and lower frequencies. Thus, the applicable frequency is defined as the entire frequency range considered in the guidelines.

Temporal averaging considerations. The definition of the time constant for body core temperature is not clear. However, under simplified conditions that produce a reasonable estimate of the time constant (e.g., assuming a first order lag), temperature dynamics can be described as follows:

$$T(t) = T_0 + (T_\infty - T_0)\left(1 - e^{\frac{-t}{\tau}}\right), \qquad (22)$$

where T is the temperature as a function of time t, T_0 and T_∞ are the initial and steady-state temperatures, respectively, and τ is the time constant. In this case, the time constant corresponds to the time taken for 63% of the temperature rise, from initial temperature to steady state temperature, to be reached. In the present guidelines, the time to reach a steady-state of 80–90% of the equilibrium temperature, from the initial temperature, is considered for guideline setting; this is almost two times the time constant in eqn (22).

Further, the time needed to reach the steady-state body core temperature depends on the level of heat load, which in this case relates to the whole-body average SAR. Hirata et al. (2007) numerically simulated the body core temperature rise of a naked body exposed to a plane wave at 65 MHz and 2 GHz, and reported that in both cases it takes at least 60 min to reach a 1°C body core temperature rise for whole-body average SARs of 6 to 8 W kg^{-1}. This time is also dependent on the sweating rate, with strong sweating increasing this time by 40–100 min (Hirata et al. 2008; Nelson et al. 2013). Consequently, the time to reach the steady state temperature rise due to whole-body exposure to radiofrequency EMFs below 6 GHz is 30 min or longer.

As described above, power absorption is mainly confined within the surface tissues at frequencies above 6 GHz (see Table 10). Thermoregulatory responses are thus initiated by the skin temperature rise rather than body core temperature rise. However, the time needed for the steady state temperature rise is not significantly affected by this, and so is not taken into account. It is thus reasonable to keep the averaging time above 6 GHz the same as that below 6 GHz, because there is no quantitative investigation on the time constant of body core temperature rise above 6 GHz.

Whole-body average SAR needed to raise body core temperature by 1°C. Thermoregulatory functions are activated if a human body is exposed to significant heating load, which often results in non-linear relations between whole-body average SAR and body core temperature rise.

Adair and colleagues have experimentally investigated body core temperature (via esophageal temperature measurement) during whole-body exposure. They have reported no or minor increases of the esophageal temperature (<0.1°C) during the whole-body exposure at 100 MHz, 220 MHz, and 2450 MHz, with whole-body average SAR ranging from 0.54 to 1 W kg^{-1} in normal ambient temperature conditions, from 24°C to 28°C (Adair et al. 2001, 2003, 2005).

They also reported a relatively high body core temperature rise (0.35°C) for whole-body average SAR at 220 MHz of 0.675 W kg^{-1} in a hot ambient temperature (31°C) condition, although this was found in only one person and the mean of the body core temperature rises (6 persons) was not appreciable. There is no data on body core temperature rise for whole-body exposure to radiofrequency EMFs above 6 GHz. The only available data are on infrared radiation (Brockow et al. 2007). The conservativeness for whole-body exposure at higher frequencies is discussed in the main text.

There are two main factors affecting body core temperature rise due to radiofrequency exposure: sweating and mass-to-body surface ratio.

Evaporative heat loss due to sweating reduces body core temperature efficiently and needs to be accounted for when estimating body core temperature rise due to EMF. For example, Hirata et al. (2007) reported that 4.5 W kg^{-1} is required to increase the body core temperature by 1°C for a person with a lower sweat rate, such as an elderly person, while 6 W kg^{-1} is required for a person with a normal sweat rate. The decline of sweat rate in elderly people is primarily due to degradation of thermal sensation (Dufour and Candas, 2007).

Similarly, heat exchange between the body surface and external air is also very important. Hirata et al. (2009) found that the steady-state body core temperature rise due to whole-body radiofrequency EMF exposure is proportional to the ratio of the (whole-body) power absorption to the surface area of the body. The ratio of the mass to the surface area is smaller for smaller-dimension bodies such as children, and so greater whole-body average SAR is required to elevate their body core temperature.

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This coincides with the finding that smaller persons have a lower body core temperature rise for the same whole-body average SAR. For example, Hirata et al. (2008) numerically evaluated the body core temperature rise in 8-months-old and 3-years-old child models and found that their body core temperature rises were 35% smaller than that of an adult female model for the same whole-body average SAR. They concluded that the higher ratio of a child's surface area to body mass is the reason for more effective cooling resulting from heat loss to the environment. Consequently, the body core temperature rise in the child is smaller than that of the adult at the same whole-body average SAR.

Addressing the issue more broadly, theoretical modeling and generalization from experimental research across a range of species has shown that within the 100 kHz to 6 GHz range, whole-body average SARs of at least 6 W kg^{-1}, for exposures of at least 1 h at moderately high ambient temperature (28°C), are necessary to increase body core temperature by 1°C for healthy adults and children (Hirata et al. 2013), and at least 4.5 W for those with lower sweat rates, such as the elderly (Hirata et al. 2007).

Considerations for fetal exposure. The primary thermoregulatory mechanism for a fetus is body core heat exchange with the mother via blood flow through the umbilical cord. The fetal temperature is therefore tightly controlled by maternal temperature, and it takes longer to reach thermal equilibrium than in adults (Gowland and De Wilde 2008). The body core temperature of the fetus is typically 0.5°C higher than that of the mother (Asakura 2004). This relationship is not changed significantly by radiofrequency EMF exposure of the mother at 26 weeks gestation, as reported by Hirata et al. (2014). In the frequency range from 40 MHz to 500 MHz, they computed steady-state fetal temperature, taking the thermal exchange between mother and fetus into account, and reported that the fetal temperature rise was only 30% higher than that of the mother, even when the power absorption was focused around the fetus. At lower frequencies, the SAR distribution becomes more homogeneous because of the longer wavelength and penetration depth, which results in more homogeneous temperature rise over the whole-body of the mother and fetus. At higher frequencies, the SAR distribution becomes more superficial because of the shorter penetration depth. This results in a smaller SAR of the young fetus or embryo, as it is generally located in the deep region of the abdomen of the mother, as well as resulting in a smaller whole-body SAR of the older fetus because the size of the fetus is larger than the penetration depth. This suggests that EMF whole-body exposure to the mother will result in a similar body core temperature rise in the fetus relative to that of the mother, even at frequencies outside those investigated in that study.

It follows that an EMF-induced body core temperature rise within the mother will result in a similar rise within the fetus, and thus an exposure at the occupational whole-body average SAR basic restriction would result in a similar body core temperature rise in mother and fetus. Therefore, to maintain fetal temperature to the level required by the general public, a pregnant woman is considered a member of the general public in terms of the whole-body average SAR basic restriction.

ICNIRP's decision on the occupational whole-body average SAR for pregnant women is significantly conservative compared with the established teratogenic fetal temperature threshold (2°C: Edwards et al. 2003; Ziskin and Morrissey 2011). ICNIRP also recognizes that the body core temperature of the fetus, especially during early stage one or embryonic development, is not clearly defined, and that there is no direct evidence that occupational whole-body exposure of the pregnant worker will harm the fetus. It is thus acknowledged that the decision to treat a pregnant worker as a member of the general public is conservative. ICNIRP also notes that there are some mitigating techniques that can be considered in order to allow pregnant workers to enter areas where radiofrequency EMFs are at occupational exposure levels, without exceeding the general public restrictions. For example, within a 30-min averaging interval, a pregnant worker could be within an area at the occupational exposure restriction level for 6 min, providing that the SAR averaged over 30 min (which includes this 6-min interval) does not exceed the general public restrictions. In considering such mitigating techniques, local region exposure restrictions for the pregnant worker are also important, and are described in the "Considerations for fetal exposure" in "Exposure Specifications for Local Regions (100 kHz to 6 GHz)" and in "Exposure Specifications for Local Regions (>6 GHz to 300 GHz)" sections.

Exposure Specifications for Local Regions (100 kHz to 6 GHz)

Relevant quantity. For cases of exposure to radiofrequency EMF over localized body regions, temperature can rise in part of the body without altering body core temperature. Local temperature rise must therefore also be restricted. The maximum local temperature rise generally appears on the surface of the body, and local SAR is a useful surrogate for local temperature rise due to localized radiofrequency EMF exposure. However, other factors, such as clothing, environmental conditions, and physiological states can have more impact on local temperature than SAR itself.

The transition frequency between local SAR and area-averaged absorbed power density is chosen as 6 GHz (Funahashi et al. 2018). This was done as a practical compromise suitable for the conditions relevant to the spatial and temporal averaging described in the following subsections,

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because no optimal single frequency exists for this transition. For frequencies lower than the transition frequency, the SAR is a metric for simultaneously protecting both the internal tissues (e.g., brain) and the skin, as explained in the "Spatial averaging considerations" section. At higher frequencies (especially above 10 GHz), the absorbed power density is a surrogate for maximum skin temperature rise.

Spatial averaging considerations. Different averaging schemes (e.g., cubic, spherical, contiguous single tissue) and masses have been assessed in terms of their ability to predict local temperature rise (Hirata and Fujiwara 2009; McIntosh and Anderson 2011). These suggest that the effect of the size of the averaging mass is more crucial than the shape of the averaging volume, and that SAR varies with different averaging schemes by a factor of approximately 2 (Hirata et al. 2006). It has also been shown that SAR averaged over a single tissue provides somewhat worse correlation with local temperature than that for multiple tissues, because the heat generated in biological tissue can diffuse up to a few centimeters (i.e., across multiple tissue types). Consequently, a cubic averaging mass of 10 g, including all tissues, is used as an appropriate spatial averaging regime for frequencies up to 6 GHz. This metric has been shown to be applicable even for plane wave exposures, in that local temperature rise in the Head and Torso, and Limbs, is correlated with SAR when this averaging mass is used (Razmadze et al. 2009; Bakker et al. 2011; Hirata et al. 2013).

Temporal averaging considerations. Time to reach steady-state temperature, given the balance between rate of radiofrequency power deposition on one hand, and heat diffusion and conduction on the other, is characterized by the time constant of temperature rise. The time constant primarily depends on heat convection due to blood flow and thermal conduction. Van Leeuwen et al. (1999), Wang and Fujiwara (1999), and Bernardi et al. (2000) report that the time needed for 80–90% of the steady-state temperature rise, at 800 MHz to 1.9 GHz, is 12–16 min. These guidelines take 6 min as a suitable, conservative averaging time for steady-state temperature rise up to 6 GHz for local exposures.

Local SAR required to increase local Type-1 and Type-2 tissue temperature by 5 and 2°C, respectively. Although early research provided useful rabbit eye data concerning the relation between 2.45 GHz exposure and local temperature rise (e.g., Guy et al. 1975; Emery et al. 1975), research with more accurate techniques has demonstrated that the rabbit is an inappropriate model for the human eye (Oizumi et al. 2013). However, given the concern about potential radiofrequency harm to the eye, there are now several studies that provide more-accurate information about radiofrequency-induced heating of the human eye. Expressed as heating factors for the SAR averaged over 10 g of tissue (the °C rise per unit mass, per W of absorbed power), the computed heating factors of a human eye have been relatively consistent [0.11–0.16°C kg W^{-1}: Hirata (2005); Buccella et al. (2007); Flyckt et al. (2007); Hirata et al. (2007); Wainwright (2007); Laakso (2009); Diao et al. (2016)]. In most studies, the heating factor was derived for the SAR averaged over the eyeball (contiguous tissue). The SAR averaged over the cubic volume (which includes other tissues) is higher than that value (Diao et al. 2016), resulting in lower heating factors.

There is also a considerable number of studies on the temperature rise in the head exposed to mobile phone handset antennas (Van Leeuwen et al. 1999; Wang and Fujiwara 1999; Bernardi et al. 2000; Gandhi et al. 2001; Hirata and Shiozawa 2003; Ibrahim et al. 2005; Samaras et al. 2007). Hirata and Shiozawa (2003) reported that heating factors are 0.24 or 0.14°C kg W^{-1} for the local SAR averaged over a 10-g contiguous volume, with and without the pinna, respectively. Other studies considering the local SAR averaged over a 10-g cubic volume including the pinna reported heating factors of the head in the range of 0.11–0.27°C kg W^{-1} (Van Leeuwen et al. 1999; Bernardi et al. 2000; Gandhi et al. 2001). Fujimoto et al. (2006) studied the temperature rise in a child head exposed to a dipole antenna and found that it is comparable to that in the adult when the same thermal parameters were used. The heating factor in the brain (the ratio of the temperature rise in the brain to peak SAR in the head) is 0.1°C kg W^{-1} or smaller (Morimoto et al. 2016). Only one study reported the temperature rise in the trunk for body-worn antennas (Hirata et al. 2006). This study showed that the heating factor in the skin is in the range of 0.18–0.26 °C kg W^{-1}. Uncertainty factors associated with the heating factors are attributable to the energy absorbed in the pinna (for mobile phones) and other surrounding structures (for example, see Foster et al. 2018) as well as the method for spatial averaging of SAR.

Those studies are consistent with research showing that, within the 100 kHz–6 GHz range, numerical estimations converge to show that the maximum heating factor is lower than 0.25°C kg W^{-1} in the skin and 0.1°C kg W^{-1} in the brain for exposures of at least approximately 30 min. Based on these heating factors, the operational adverse health effect thresholds for the eye and brain (Type 1) and for the skin (Type 2) will not be exceeded for local SARs of up to 20 W kg^{-1}.

Considerations for fetal exposure. Local SAR heating factors for the fetus, as a function of gestation stage and fetal posture and position, have been determined that take heat exchange between mother and fetus into account (Akimoto et al. 2010; Tateno et al. 2014; Takei et al. 2018). This research used numerical models of 13-week, 18-week,

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and 26-week pregnant women. The heating factors of the fetus were several times lower than those of the mother in most cases. However, the largest heating factor was observed when the fetal body position is very close to the surface of the abdomen (i.e., middle and later stages of gestation). These provide 0.1°C kg W^{-1} as a conservative heating factor for the fetus.

Based on these findings, exposure of the mother at the occupational basic restriction of 10 W kg^{-1} will result in a temperature rise in the fetus of approximately 1°C, which is lower than the operational adverse health effect threshold for the Head and Torso, but results in a smaller reduction factor (i.e., 2) than that considered appropriate for the general public (i.e., 10). It follows that a localized occupational radiofrequency EMF exposure of the mother would cause the temperature to rise in the fetus to a level higher than that deemed acceptable for the general public. Therefore, to maintain fetal temperature to the level required by the general public local SAR restrictions, a pregnant woman is considered a member of the general public in terms of the local SAR restriction.

It is noted that the above-mentioned case appears only in the middle and late pregnancy stages (18 to 26-week gestation), while the heating factor of the fetus in the early pregnancy stage (12-week gestation) is at most 0.02°C kg W^{-1} (Tateno et al. 2014; Takei et al. 2018). This 12-week gestation fetal temperature rise is 100 times lower than the threshold (2°C) for teratogenic effects in animals (Edwards et al. 2003; Ziskin and Morrissey 2011).

Exposure Specifications for Local Regions (>6 GHz to 300 GHz)

Relevant quantity. In a human body exposed to radiofrequency EMF, an electromagnetic wave exponentially decays from the surface to deeper regions. This phenomenon is characterized according to penetration depth, as described below:

$$S_{ab} = PD_0 \int_0^{Z_{max}} e^{-\frac{2z}{\delta}}\, dz, \qquad (23)$$

where S_{ab} is the absorbed power density, the body surface is at $z = 0$, δ is the penetration depth from the body surface in the z direction (defined as the distance from the surface where 86% of the radiofrequency power is absorbed), and Z_{max} is depth of the body at the corresponding region; where Z_{max} is much larger than the penetration depth, infinity can be substituted for Z_{max}. PD_0 is the specific absorbed power averaged over the area A at $z = 0$, as described below:

$$PD_0 = \iint_A \rho(x,y,0) \cdot SAR(x,y,0)\, dxdy/A. \qquad (24)$$

The penetration depth depends on the dielectric properties of the medium, as well as frequency. As frequency increases, the penetration depth decreases, and is predominantly within the surface tissues at frequencies higher than about 6 GHz. Table 10 lists the penetration depths based on the dielectric properties of skin tissue (dermis) measured by Sasaki et al. (2017) and Sasaki et al. (2014).

As a result, the local SAR averaged over a 10-g cubical mass with side lengths of 2.15 cm is no longer a good proxy for local temperature rise; that is, the power deposition is limited to within a few millimeters of the surface tissues. Conversely, the power density absorbed in the skin provides a better approximation of the superficial temperature rise from 6 GHz to 300 GHz (Foster et al. 2016; Funahashi et al. 2018).

Spatial averaging considerations. Thermal modeling (Hashimoto et al. 2017) and analytical solutions (Foster et al. 2016) suggest that a square averaging area of 4 cm^2 or smaller provides a close approximation to local maximum temperature rise due to radiofrequency heating at frequencies greater than 6 GHz. This is supported by computations for realistic exposure scenarios (He et al. 2018). An important advantage of the 4-cm^2 averaging area is the consistency at 6 GHz between local SAR and absorbed power density; the face of an averaging 10-g cube of SAR is approximately 4 cm^2.

Because the beam area can usually only be focused to the size of the wavelength, the averaging area of the absorbed power density relevant to the temperature rise depends on frequency; smaller averaging areas are necessary as frequency increases. Therefore, a smaller averaging area is sometimes necessary for extremely focused beams at higher frequencies. An additional criterion is therefore imposed for frequencies above 30 GHz for the spatial peak (maximum) absorbed power density averaged over 1 cm^2, such that it must not exceed 2 times the value for the averaging area of 4 cm^2 (Foster et al. 2016).

Temporal averaging considerations. As well as the cases of localized exposure at frequencies lower than 6 GHz, the temperature rise due to localized exposure to radiofrequency EMF over 6 GHz also achieves an equilibrium state with a particular time constant. Morimoto et al. (2017) demonstrated that the same averaging time as the local SAR (6 min) is appropriate for localized exposure from 6 GHz to 300 GHz. The time needed for steady-state local temperature rise decreases gradually as frequency increases, but no notable change is observed at frequencies higher than 15 GHz (Morimoto et al. 2017). The time needed to reach 80–90% of the maximum temperature rise is approximately 5–10 min at 6 GHz and 3–6 min at 30 GHz. However, it is noted that the time constant becomes shorter if brief or irregular exposure is considered, which is discussed in the "Brief Exposure Specifications for Local Regions (>6 GHz to 300 GHz)" section. In the present guidelines, 6 min is chosen as the averaging time, with additional

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restrictions for briefer or irregular exposures subjected to additional constraints as a conservative measure.

Absorbed power density required to increase local Type-1 tissue temperature by 5˚C. Above 6 GHz, power absorption is primarily restricted to superficial tissue and cannot result in tissue temperatures that exceed operational adverse health effect thresholds for Type-2 tissues without also exceeding those for the more superficial Type-1 tissues (e.g., Morimoto et al. 2016). Therefore, exposure level must be chosen to ensure that temperature rise in the more superficial Type-1 tissue does not exceed the operational threshold of 5°C.

Tissue heating, as a function of absorbed power density over 6 GHz, is dependent on a variety of factors, as it is for lower frequencies. A comprehensive investigation of the heating factors for absorbed power density [in terms of the temperature rise (°C) over a unit area (m^2), per W of absorbed power] has been conducted in the case of a plane wave incident to a multi-layered slab model as an extreme uniform exposure condition (Sasaki et al. 2017). In that study, Monte Carlo statistical estimation of the heating factor was conducted where it was shown that the maximum heating factor for absorbed power density is 0.025°C m^2 W^{-1}. This value is more conservative (larger) than results from other studies on the temperature rise in the skin (Alekseev et al. 2005; Foster et al. 2016; Hashimoto et al. 2017) and the eye (Bernardi et al. 1998; Karampatzakis and Samaras 2013). Thus, to increase temperature by 5°C requires an absorbed power density of 200 W m^{-2}.

Considerations for fetal exposure. As discussed in the "Considerations for fetal exposure" of the "Exposure Specifications for Local Regions (100 kHz to 6 GHz)" section in relation to the frequency characteristics of the SAR distribution, the contribution of surface heating due to radiofrequency EMF exposure above 6 GHz to fetal temperature rise is likely very small (and smaller than that from below 6 GHz). This suggests that the fetus will not receive appreciable heating from localized exposure above 6 GHz. However, there is currently no study that has assessed this. ICNIRP thus takes a conservative approach for exposures above 6 GHz and requires that the pregnant worker is treated as a member of the general public in order to ensure that the fetus will not be exposed above the general public basic restrictions.

Brief exposure specifications for local regions (100 kHz to 6 GHz)

The 6-min averaging scheme for localized exposure allows greater strength of the local SAR if the exposure duration is shorter than the averaging time. However, if the exposure duration is significantly shorter, heat diffusion mechanisms are inadequate to restrict temperature rise. This means that the 6-min averaged basic restriction can temporarily cause higher temperature rise than the operational adverse health effect thresholds if the exposure period is shorter than 6 min.

A numerical modeling investigation for brief exposure to radiofrequency EMF from 100 MHz to 6 GHz, using a multi-layer model and an anatomical head model, found that the SA corresponding to the allowable temperature rise is greatly variable depending on a range of factors (Kodera et al. 2018). Based on that study and empirical equations of the SA corresponding to the operational adverse health effect threshold for the skin (5°C), the exposure corresponding to this temperature rise is derived from the following equations for Head and Torso:

$$\mathrm{SA}(t) = 7.2\left(0.05 + 0.95\sqrt{t/360}\right)\ \left(\mathrm{kJ\ kg^{-1}}\right), \qquad (25)$$

where t is time in seconds and applicable for t<360, and SA (t) is spatially averaged over any 10-g cubic tissue, considering the continuity of the SAR at 6 min. The averaging procedure of SA is in the same manner as SAR in eqn (13). For Limbs, the following equation should be satisfied:

$$\mathrm{SA}(t) = 14.4\left(0.025 + 0.975\sqrt{t/360}\right)\ \left(\mathrm{kJ\ kg^{-1}}\right). \quad (26)$$

It is noted that the above logic results in slightly different time functions for brief exposure below and above 6 GHz; the resultant time functions below 6 GHz are more conservative than for above 6 GHz (i.e., eqns 27 and 28).

The numerical modeling study by Kodera et al. (2018) also shows that the temperature rise in Type-2 tissue (e.g., brain) is also kept below 1°C by the SA restriction defined in eqn (25). They furthermore reported that the SA corresponding to the allowable temperature rise increases as frequency decreases. At 400 MHz or lower, the SA derived from the local 6-min SAR basic restriction [10 (W kg^{-1}) × 360 (s) = 3.6 (kJ kg^{-1})] does not cause the temperature rise corresponding to the operational adverse health effect threshold for the Head and Torso to be exceeded. Accordingly, this SA limit is only required for exposures above 400 MHz.

It should be noted that eqns (25) and (26) must be met for all intervals up to 6 min, regardless of the particular pulse or non-pulsed continuous wave patterns. That is, exposure from any pulse, group of pulses, or subgroup of pulses in a train, as well as from the summation of exposures (including non-pulsed EMFs), delivered in t seconds, must not exceed that specified in eqns (25) to (26), as exposure to a part of the exposure pattern can be more critical than exposure to a single pulse or the exposure averaged over t. For example, if two 1-s pulses are separated by 1 s, the levels

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provided by eqns (25) and (26) must be satisfied for each of the 1-s pulses as well as for the total 3-s interval.

The above discussion on brain temperature rise suggests that the temperature rise in the fetus will also be lower than that assumed for the steady-state (6-min) exposure. That is, as the Type-2 tissue temperature rise will be kept below the operational adverse health effect threshold by applying eqn (25), this will presumably also be the case for temperature rises for the fetus due to brief exposures. However, there is no study available that has considered the effect of brief exposure of pregnant women up to the occupational limit on the fetus. ICNIRP thus maintains the same conservative policy for <6-min exposure as for >6-min exposure (see "Considerations for fetal exposure of Exposure Specifications for Local Regions (100 kHz to 6 GHz)" section), and requires the pregnant worker to be subject to the general public restrictions.

Brief Exposure Specifications for Local Regions (>6 GHz to 300 GHz)

Similar to the situation for frequencies up to 6 GHz, temperature rise can be enhanced for intense short pulses or discontinuous exposures above 6 GHz, relative to a continuous exposure with the same absorbed power density averaged over a 6-min interval. This becomes significant at frequencies higher than 30 GHz (Foster et al. 2016). Considering the robustness and consistency of simple multilayer models, the basic restrictions for the brief exposures are derived based on investigations using simple models (Foster et al. 2016; Morimoto et al. 2017). Unlike continuous wave exposure, the effect of diffraction, or interference of waves reflected from protruding parts of the body back to the skin, may be apparent for brief pulses. Although the effect of diffraction to the absorbed power density is yet to be fully determined, the resultant temperature rise is estimated to be up to 3 times higher if pulsed than that due to the same absorbed power density spread evenly over a 6-min interval (Laakso et al. 2017).

Considering these factors, absorbed energy density basic restrictions (U_{ab}) have been set as a function of the square root of the time interval, to account for heterogeneity of temperature rise (Foster et al. 2016). These have been set to match the operational adverse health effect threshold for Type 1 tissue, as well as to match the absorbed energy density derived from the absorbed power density basic restriction for 360 s. As per the brief interval exposure limits for frequencies up to 6 GHz, the superficial nature of the resultant temperature rise will not result in temperatures that exceed Type-2 tissue operational adverse health effect thresholds, and so only the Type-1 tissue threshold of 5°C needs to be considered here.

Consequently, an extension of the formula from Kodera et al. (2018) for frequencies up to 6 GHz, specifies the maximum absorbed energy density level for brief exposures corresponding to the 5°C temperature rise as follows:

$$U_{ab}(t) = 72\left(0.05 + 0.95\sqrt{t/360}\right)\ \left(\text{kJ m}^{-2}\right) \quad \text{averaged over 2 cm} \times \text{2 cm}, \tag{27}$$

where t is the time interval in seconds and is applicable for t<360s. Above 30 GHz, an additional criterion is given for 1 cm × 1 cm averaging areas, such that absorbed energy density must not exceed the value specified in eqn (28):

$$U_{ab}(t) = 144\left(0.025 + 0.975\sqrt{t/360}\right)\ \left(\text{kJ m}^{-2}\right) \quad \text{averaged over 1 cm} \times \text{1 cm}. \tag{28}$$

It should be noted that eqns (27) and (28) must both be met for all intervals up to 6 min, regardless of the particular pulse or non-pulsed continuous wave patterns. That is, exposure from any pulse, group of pulses, or subgroup of pulses in a train, as well as from the summation of exposures (including non-pulsed EMFs), delivered in t seconds, must not exceed that specified in eqns (27) and (28), as exposure to a part of the exposure pattern can be more critical than exposure to a single pulse or the exposure averaged over t. For example, if two 1-s pulses are separated by 1 s, the levels provided by eqns (27) and (28) must be satisfied for each of the 1-s pulses, as well as for the total 3-s interval.

As discussed above, in relation to the frequency characteristics of the SAR distribution, the contribution of the surface heating due to radiofrequency EMF above 6 GHz to fetal temperature rise is likely smaller than that below 6 GHz. This is the same for cases of brief exposure. However, as there is no study on the fetus relating to exposure of a pregnant woman to radiofrequency EMF above 6 GHz, ICNIRP adopts a conservative approach and treats a pregnant worker as a member of the general public to ensure that the fetal exposure will not exceed that of the general public.

DERIVATION OF REFERENCE LEVELS

General Considerations for Reference Levels

As described in the main guidelines document, the reference levels have been derived as a practical means of assessing compliance with the present guidelines. The reference levels for **E**-field strength, **H**-field strength and incident power density have been derived from dosimetric studies assuming whole-body exposure to a uniform field distribution, which is generally the worst-case scenario. Due to the strongly conservative nature of the reference levels in most exposure scenarios, reference levels may often be exceeded without exceeding the corresponding basic restrictions, but this should always be verified to determine compliance.

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Different reference level application rules have been set for exposure in the far-field, radiative near-field and reactive near-field zones. The intention of ICNIRP's distinction between these zones is to provide assurance that the reference levels are generally more conservative than the basic restrictions. In so far as the distinction between the zones is concerned, the principle (but not only) determinant of this is the degree to which a field approximates plane wave conditions. A difficulty with this approach is that other factors may also affect the adequacy of estimating reference level quantities from basic restriction quantities. These include the EMF frequency, physical dimensions of the EMF source and its distance from the resultant external EMFs assessed, as well as the degree to which the EMFs vary over the space to be occupied by a person. Taking into account such sources of uncertainty, the guidelines have more conservative rules for exposure in the reactive and radiative near-field than far-field zone. This makes it difficult to specify whether, for the purpose of compliance, an exposure should be considered reactive near-field, radiative near-field or far-field without consideration of a range of factors that cannot be easily specified in advance. As a rough guide, distances $> 2D^2/\lambda$ (m), between $\lambda/(2\pi)$ and $2D^2/\lambda$ (m), and $< \lambda/(2\pi)$ (m) from an antenna correspond approximately to the far-field, radiative near-field and reactive near-field, respectively, where D and λ refer to the longest dimension of the antenna and wavelength, respectively, in meters. However, it is anticipated that input from technical standards bodies should be utilized to better determine which of the far-field/near-field zone reference level rules should be applied so as to provide appropriate concordance between reference levels and basic restrictions.

E-Field and H-Field Reference Levels up to 30 MHz

In the ICNIRP (1998) guidelines, the reference levels in this frequency region were derived from the whole-body average SAR for whole-body exposure to plane waves. However, Taguchi et al. (2018) demonstrated that whole-body exposure to the decoupled **H**-field results in a whole-body average SAR significantly lower than that calculated for the whole-body exposure to plane-waves with the same **H**-field strength. The whole-body exposure to the decoupled **E**-field was also calculated and it was found that the whole-body average SARs are almost the same as those for the plane wave with the same direction and strength as the **E**-field. The reference levels relevant to the whole-body average SAR basic restrictions below 30 MHz in these guidelines are therefore based on the numerical calculations of the whole-body average SAR for the whole-body exposure to the decoupled uniform **E**-field and **H**-field, separately. Taguchi et al. (2018) also concluded that local SAR basic restrictions, including in the ankle, will also be satisfied when the whole-body SAR basic restrictions are satisfied. This means that compliance with the whole-body average reference levels in this frequency region will result in exposures that do not exceed the whole-body average and local SAR basic restrictions.

In the low frequency guidelines (ICNIRP 2010) where reference levels for frequencies up to 10 MHz are set to protect against nerve cell stimulations, a reduction factor of 3 was applied to account for uncertainty associated with the numerical modeling of the relation between the external fields and the induced (internal) electric fields. The reason for this is that 2-mm cube-averaged values (within a specific tissue) were evaluated in the low frequency guidelines, which are significantly affected by computational artifact.

In the present guidelines, however, the uncertainty of the numerical simulation is not significant because the spatial averaging procedure applied in evaluating the whole-body average and local SAR significantly decreases the uncertainty of the computational artifact. Therefore, additional reduction factors due to computational uncertainty do not need to be considered in deriving the reference levels relevant to the local and whole-body average SAR basic restrictions below 30 MHz in these guidelines.

E-Field, H-Field and Power Density Reference Levels From >30 MHz to 6 GHz

The ICNIRP (1998) whole-body average SAR for exposure to a field strength equal to the reference level becomes close to the basic restrictions around the whole-body resonant frequency (30–200 MHz) and post resonant frequency region (1,500–4,000 MHz).

The resonance frequency appears at a frequency where half of the wavelength in free space is close to the height (vertical dimension of a person standing) of the human body in free space, or where a quarter of the wavelength in free space is close to the height of a human body standing on the ground plane (Durney et al. 1986), resulting in higher whole-body average SARs. Whole-body resonance appears only for the case of vertically polarized plane wave incidence. If different polarizations are assumed, the resultant whole-body average SAR is significantly (a few orders of magnitude) lower than that of the case of the vertical polarization around the whole-body resonant frequency (Durney et al. 1986). Whole-body resonance has been confirmed by numerical computations (Dimbylow 1997; Nagaoka et al. 2004; Dimbylow 2005; Conil et al. 2008; Kühn et al. 2009; Hirata et al. 2010).

Above the whole-body resonant frequency, especially above a few GHz, the differences in the whole-body average SARs due to polarization are not significant compared with those at the whole-body resonant frequency. Hirata et al. (2009) reported that the whole-body average SAR in child models from 9 months to 7 years old, exposed to horizontally polarized plane wave incidence, is only slightly higher

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(up to 20%) than the vertically polarized plane wave at frequencies from 2 GHz to 6 GHz. A similar tendency has been reported in other studies (Vermeeren et al. 2008; Kühn et al. 2009).

ICNIRP had concluded that, given the same external field, the child whole-body average SAR can be 40% higher than those of adults (ICNIRP 2009). After that ICNIRP statement, Bakker et al. (2010) reported similar (but slightly higher) enhancements (45%) of the child whole-body average SAR. The effects of age dependence of dielectric properties of the tissues and organs have also been investigated, but no significant effect relevant to whole-body average SAR has been found (Lee and Choi 2012). It is noted that the increased whole-body average SARs have been reported from calculations using very thin child models, which were scaled from adult, and very young (infant) models. Those studies assumed that the child or infant maintains their posture for a substantial time interval so as to match an extreme case condition, in order for their whole-body SAR to exceed the basic restriction. Further, a more recent study using child models that have used the standard dimensions specified by the International Commission on Radiological Protection (ICRP), rather than scaled versions of adults, showed that the increases of the whole-body average SARs in the standard child models are not significant (at most 16%; Nagaoka et al. 2019). Similarly, the relation between whole-body average SAR and whole-body mass has been investigated and it has been found that the whole-body average SAR in low body mass index (BMI) adults can increase in a similar manner to the case of the child (Hirata et al. 2010, 2012; Lee and Choi 2012).

As discussed in the "Considerations for fetal exposure" of the "Whole-body Average Exposure Specifications" section, the temperature of the fetus is similar to the body core temperature of the mother. The whole-body average SAR, which is used to restrict body core temperature rise, is defined as the power absorption in the whole body divided by the whole-body mass. Therefore, the whole-body average SAR of a pregnant woman, whose mass is larger, is generally the same as, or lower than, that of a non-pregnant woman in this frequency region. Nagaoka et al. (2007) reported that the whole-body average SAR of a 26-week pregnant woman model exposed to the vertically polarized plane wave from 10 MHz to 2 GHz was almost the same as, or lower than, the non-pregnant woman model for the same exposure condition.

Dimbylow (2007) reported that, using a simplified pregnant woman model, the whole-body average SAR in both the fetus and mother is highest for ungrounded conditions, at approximately 70 MHz. A similar tendency was found for anatomical fetus models of second and third trimester conditions, with the whole-body average SARs in a fetus of 20, 26, and 29 week gestation periods approximately 80%, 70%, and 60% of those in the mother, respectively (Nagaoka et al. 2014). The whole-body average SARs of the fetus, while still embryonic, are comparable to or lower than the whole-body average SARs in the mother, because the embryo is located deep within the abdomen of the mother (Kawai et al. 2009). The pregnant woman is therefore not considered independently from the fetus in terms of reference levels and is subject to the general public restrictions.

As described above, there are numerous databases relevant to whole-body average SAR for whole-body exposure in this frequency region. These include a considerable number reported since the ICNIRP (1998) guidelines, which are generally consistent with the database used as the basis for the ICNIRP (1998) guidelines. ICNIRP uses a combination of the older and newer databases to derive the reference levels, taking into account some incongruences discussed below.

Since publishing the ICNIRP (1998) guidelines it has been shown that the whole-body average SAR basic restrictions can be exceeded for exposure levels at the reference level for children or small stature people. As reviewed above, the whole-body average SAR is exceeded by no more than 45%, and only for very specific child models, and more recent modeling using realistic, international standardized child models shows only a modest increase of 16% at most (Nagaoka et al. 2019). This deviation is comparable with the uncertainty expected in the numerical calculations. For example, Dimbylow et al. (2008) reported that differences in the procedure or algorithm used for the whole-body averaging results in 15% variation of the whole-body average SARs at 3 GHz, and that the assignment of the dielectric properties of the skin conditions (dry or wet) reported also results in 10% variation in the whole-body average SARs at 1.8 GHz (Gabriel et al. 1996).

As reviewed in the "Considerations for fetal exposure" of the "Whole-body Average Exposure Specifications" section, the heating factor of children is generally lower than that of adults. It follows that the increased SAR will not result in a larger temperature rise than is allowed for adults, and so will not affect health. Given the magnitude of uncertainty and the lack of health benefit in reducing the reference levels to account for small stature people, this has not resulted in ICNIRP altering the reference levels in the frequency range >30 MHz to 6 GHz.

It is also noted that there are other conditions where the whole-body average reference levels can result in whole-body average SARs that exceed the basic restrictions by up to 35%. This occurs in human models with unusual postures that would be difficult to maintain for a sufficient duration in order to cause the elevated SAR (Findlay and

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Dimbylow 2005; Findlay et al. 2009). However, the elevated SAR is small compared with the associated uncertainties and the conservative nature of the basic restrictions themselves, the postures are not likely to be routinely encountered, and there is no evidence that this will result in any adverse health effects.

Reference Levels From >6 GHz to 300 GHz for Whole-Body Exposure

Above 6 GHz, radiofrequency EMFs generally follow the characteristics of plane wave or far-field exposure conditions; incident power density or equivalent incident power density is used as the reference level in this frequency region. The reactive near-field exists very close to a radiofrequency source in this frequency region. The typical boundary of the reactive near-field and the radiative near-field is defined as $\lambda/(2\pi)$ (e.g., 8 mm at 6 GHz). Because the incident power density used for the reference levels above 6 GHz does not appropriately correlate with the absorbed power density used for the basic restrictions in the reactive near-field region, reference levels cannot be used to determine compliance in the reactive near field; basic restrictions need to be assessed for such cases.

The radiofrequency power absorbed in the body exponentially decays in the direction from the surface to deeper regions (see eqn 23). Therefore, the power absorption is primarily confined within the body surface above 6 GHz, where the total power absorption or the whole-body average SAR is approximately proportional to the exposed area of the body surface (Hirata et al. 2007; Gosselin et al. 2009; Kühn et al. 2009; Uusitupa et al. 2010). For example, an experimental study using a reverberation chamber found a strong correlation between the whole-body average SAR and the surface area of a human body from 1 GHz to 12 GHz (Flintoft et al. 2014).

Because the whole-body average SAR is approximately proportional to the incident power density and body surface area (and is not dependent on EMF frequency), ICNIRP has extended the whole-body reference levels from below 6 GHz, up to 300 GHz. ICNIRP (1998) set whole-body reference levels within this range (up to 10 GHz) at 50 W m^{-2} and 10 W m^{-2} (for occupational and general public exposure, respectively). As there is no evidence that these levels will result in exposures that exceed the whole-body basic restrictions above 6 GHz, or that they will cause harm, these guidelines retain the ICNIRP (1998) reference levels for whole-body exposure conditions.

The same time and spatial average for the whole-body average SAR basic restrictions are applied to these corresponding reference levels. Therefore, the incident power density is to be temporally averaged over 30 min and spatially averaged over the space to be occupied by a human body (whole-body space).

Reference Levels From >6 GHz to 300 GHz for Local Exposure

The incident power density (S_{inc}) reference levels above 6 GHz for local exposure can be derived from the basic restrictions (i.e., from absorbed power density, S_{ab}):

$$S_{inc} = S_{ab} T^{-1} \left(\mathrm{W\ m^{-2}}\right), \tag{29}$$

where T is Transmittance, defined as follows:

$$\text{Transmittance} = 1 - |\Gamma|^2. \tag{30}$$

The reflection coefficient Γ is derived from the dielectric properties of the tissues, shape of the body surface, incident angle and polarization. For transverse electric (TE)-wave incidence, the angle corresponding to the maximum transmittance is the angle normal to the body surface, whereas for transverse magnetic (TM)-wave incidence this occurs at the Brewster angle (the angle of incidence at which there is no reflection of the TM wave). Furthermore, for cases of oblique incidence of the radiofrequency EMF wave, Li et al. (2019) have shown that the incident power and energy densities of TE waves, averaged over the body or boundary surface, overestimate the absorbed power and energy densities, while the absorbed power and energy densities of TM-waves around the Brewster angle approach the incident power and energy densities. They also found that normal incidence is always the worst case scenario regarding temperature rise (Li et al. 2019).

In the present guidelines, the basic restrictions and reference levels are derived from investigations assuming normal incidence to the multi-layered human model. As this represents worst-case modeling for most cases, the results obtained and used in these guidelines will generally be conservative.

The variation and uncertainty of the transmittance for the normal-angle incident condition have been investigated (Sasaki et al. 2017). The transmittance asymptotically increases from 0.4 to 0.8 as the frequency increases from 10 GHz to 300 GHz. Similar tendencies have also been reported elsewhere (Kanezaki et al. 2009; Foster et al. 2016; Hashimoto et al. 2017).

Considering the frequency characteristics of the transmittance, the reference levels for local exposure have been derived as exponential functions of the frequency linking 200 W m^{-2} at 6 GHz to 100 W m^{-2} at 300 GHz (for occupational exposure). The same method is applied for the derivation of reference levels for the general public. For the same reasons given in the "Reference Levels from >6 GHz to 300 GHz for Whole-body Exposure" section, reference levels cannot be used to determine compliance in the reactive near field; basic restrictions need to be assessed for such cases.

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The temporal and spatial characteristics are almost the same for incident power density and absorbed power density at the body surface for the scale considered in the basic restrictions, i.e., 6 min, and either 4 cm^2 or 1 cm^2 (an additional criteria above 30 GHz). Therefore, the same averaging conditions are applied to the incident power density reference levels, as for the absorbed power density basic restrictions.

Limb Current Reference Levels

Limb current is defined as the current flowing through the limbs, such as through an ankle or wrist. High local SAR can appear in these parts of the body because of their anatomical composition. The volume ratio of the high conductivity tissues to the low conductivity tissues is small in the ankle and wrist, resulting in the current concentrating into high conductivity tissues such as muscle, and thus greater SAR. This phenomenon is particularly pronounced for cases of a human body standing on the ground plane in a whole-body resonant condition.

The local SAR in limbs (ankle and wrist) is strongly correlated with the current flowing through the limbs. Although the local SAR is generally difficult to measure directly, the limb SAR can be derived from the limb current (I), which can be relatively easily measured, as follows:

$$\mathrm{SAR} = \frac{\sigma \mathrm{E}^2}{\rho} = \frac{\mathrm{J}^2}{\sigma\rho} = \frac{\mathrm{I}^2}{\sigma\rho A^2}, \qquad (31)$$

where J and A are the current density and effective section area, respectively.

The limb current reference levels are therefore set in order to evaluate the local SAR in the ankle and wrist, especially around the ankle in a grounded human body for the whole-body resonant condition. As the frequency increases above the whole-body resonant frequency for the grounded condition, the efficiency of the localization within the limbs gradually decreases. Thus, at higher frequencies, the maximum local SAR does not generally appear around limbs, and is thus not relevant.

Dimbylow (2002) showed that a limb current of 1 A at 10 MHz to 80 MHz causes 530 W kg^{-1} to 970 W kg^{-1} of local SAR averaged over 10 g in the ankles of an adult male model standing on a grounded plane. It is noted that the shape of the averaging region of the 10-g tissue was not cubic, but contiguous, which results in higher SAR values than those of a cube. Based on that study, ICNIRP sets the limb current reference levels at 100 mA and 45 mA for occupational and general public exposures, respectively, to conservatively ensure compliance with the local SAR basic restrictions in the limbs (e.g., the maximum local SAR in the limbs for a 100 mA current would only be 10 W kg^{-1}). Taguchi et al. (2018) confirmed this relation between SAR and ankle current from 10 MHz to 100 MHz in different anatomical models.

Similarly, Dimbylow (2001) computed the 10-g local SAR (with contiguous tissue) for a 100-mA wrist current, which resulted in 27 W kg^{-1} at 100 kHz, decreasing to 13 W kg^{-1} at 10 MHz. Considering the reduction of SAR for the cubic compared to contiguous shape, the 100-mA limb current at the wrist will also conservatively ensure compliance with the local SAR basic restrictions in the wrist. Based on this, ICNIRP has revised the lower frequency range to 100 kHz, from 10 MHz in ICNIRP (1998).

As shown in eqn (31), the local SAR is proportional to the squared value of the limb current. In eqn (31), however, the effective area is a constant to relate the limb current to the 10-g averaged local SAR and depends on not only the actual section area but also tissue distribution/ratio and conductivity. Because the conductivity asymptotically increases as the frequency increases from 100 kHz to 110 MHz, the relationship between local SAR and limb current is not constant across this frequency range. For example, Dimbylow (2002) demonstrated that the local SAR due to a constant limb current halved as frequency increased from 10 MHz to 80 MHz. This suggests that the upper frequency limit for limb current reference levels could potentially be lowered, relative to the upper limit of the 10 MHz to 110 MHz range of ICNIRP (1998). However, due to the lack of research addressing this issue, ICNIRP has kept the same upper frequency range as in ICNIRP (1998).

Because the limb current reference levels are relevant to the local SAR basic restrictions, the same temporal averaging is applied (i.e., 6 min). Further, as the squared value of the limb current is proportional to the local SAR, the squared value of the limb current must be used for time averaging (as described in the "Quantities and Units" section). Note that temperature rise for exposures of less than 6 min is only of concern for frequencies above 400 MHz, which is higher than the upper frequency limit for limb currents. Limb current reference levels are therefore not required for exposures of less than 6 min.

Reference Levels for Brief Exposure (<6 min)

The reference levels for brief exposure are derived to match the brief exposure basic restrictions, which have been set in terms of SA and absorbed energy density, up to and above 6 GHz, respectively.

The reference levels have been derived from numerical computations with the multi-layered human model exposed to a plane wave, or to typical sources used close to the body, such as a dipole antenna.

The reference levels vary as a function of time interval to match the absorbed energy density basic restrictions (above 6 GHz), with a similar function used below 6 GHz to match the SA basic restrictions. It is noted that the time

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function of the absorbed energy density basic restrictions and corresponding incident energy density reference levels are more conservative than those for the SA basic restrictions and corresponding incident energy density reference levels. This means that the reference levels are more conservative above than below 6 GHz.

Because the reference levels are based on the multilayered model, the uncertainty included in the dosimetry is not significant. Conversely, this simple modeling is likely overly conservative for a realistic human body shape and structure. This overestimation decreases as the frequency increases because the penetration depth is short relative to the body-part dimensions. Morphological variations are also not significant.

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APPENDIX B: HEALTH RISK ASSESSMENT LITERATURE

Introduction

The World Health Organization (WHO) has undertaken an in-depth review of the literature on radiofrequency electromagnetic fields (EMFs) and health, which was released as a Public Consultation Environmental Health Criteria Document in 2014. This independent review is the most comprehensive and thorough appraisal of the adverse effects of radiofrequency EMFs on health. Further, the Scientific Committee on Emerging and Newly Identified Health Risks (SCENIHR), a European Commission initiative, also produced a report on potential health effects of exposure to electromagnetic fields (SCENIHR 2015), and the Swedish Radiation Safety Authority (SSM) have produced several international reports regarding this issue (SSM 2015, 2016, 2018). Accordingly, the present guidelines have used these literature reviews as the basis for the health risk assessment associated with exposure to radiofrequency EMFs rather than providing another review of the individual studies. However, for completeness, ICNIRP considered more recent research published after the reviews from WHO, SCENIHR and SSM in the development of the current guidelines (cut-off date September 1st, 2019). The discussion of ICNIRP's appraisal of the radiofrequency health literature below provides a brief overview of the literature, a limited number of examples to help explain the overview, and the conclusions reached by ICNIRP.

The summary of the research on biological and health effects of radiofrequency EMFs presented below considers effects on body systems, processes or specific diseases. This

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research feeds into the determination of thresholds for adverse human health effects. Research domains considered are experimental tests on cells, animals and humans, and human observational studies assessing relationships between radiofrequency EMFs and a range of potentially health-related outcomes. The experimental studies have the advantages of being able to control a large number of potential confounders and to manipulate radiofrequency EMF exposure. However, they are also limited in terms of making comparisons to realistic exposure environments, employing exposure durations sufficient to assess many disease processes, and, in the case of in vitro and animal research, relating the results to humans can also be difficult. Epidemiological research more closely relates to actual health within the community, but it is mostly observational and, thus, depending on the type of studies, various types of error and bias are of concern. These include confounding, selection bias, information bias, reverse causality, and exposure misclassification; in general, prospective cohort studies are least affected by bias but large sample sizes are needed for rare diseases. Therefore, it is important to consider research across a range of study types in order to arrive at useful conclusions concerning the relation between radiofrequency EMF exposure and adverse health effects.

It is important to note that ICNIRP bases its guidelines on substantiated[8] adverse health effects. This makes the difference between a biological and an adverse health effect an important distinction, where only adverse health effects require restrictions for the protection of humans. Research on the health effects of radiofrequency EMFs has tended to concentrate on a few areas of particular interest and concern, with some other areas receiving little or no attention. There is not sufficient research addressing potential relations between radiofrequency EMFs and the skeletal, muscular, respiratory, digestive, and excretory systems, and so these are not considered further. This review considers the potential for different types of radiofrequency EMF exposure to adversely affect health, including sinusoidal (e.g., continuous wave) and non-sinusoidal (e.g., pulsed) EMFs, and both acute and chronic exposures.

BRAIN PHYSIOLOGY AND FUNCTION

Brain Electrical Activity and Cognitive Performance

Human research addressing higher cognitive function has primarily been conducted within the ICNIRP (1998) basic restriction values. This has mainly been assessed via performance measures and derivations of the electroencephalogram (EEG) and cerebral blood flow (CBF) measures (sensitive measures of brain electrical activity and blood flow/metabolism, respectively). Most double-blind human experimental studies on cognitive performance, CBF or event-related potential (a derivative of the EEG) measures of cognitive function, did not report an association with radiofrequency EMF exposure. A number of sporadic findings have been reported, but these do not show a consistent or meaningful pattern. This may be a result of the large number of statistical comparisons and occasional chance findings. There are therefore no substantiated reports of radiofrequency EMFs adversely affecting performance, CBF, or event-related potential measures of cognitive function. Studies analyzing frequency components of the EEG have reliably shown that the 8–13 Hz alpha band in waking EEG and the 10–14 Hz "sleep spindle" frequency range in sleep EEG, are affected by radiofrequency EMF exposure with specific energy absorption rates (SAR) <2 W kg^{-1}, but there is no evidence that these relate to adverse health effects (e.g., Loughran et al. 2012).

Both rodents and non-human primates have shown a decrease in food-reinforced memory performance with exposures to radiofrequency EMFs at a whole-body average SAR >5 W kg^{-1} for rats, and a whole-body average SAR >4 W kg^{-1} for non-human primates, exposures which correspond to increases in body core temperatures of approximately 1°C. However, there is no indication that these changes were due to reduced cognitive ability, rather than the normal temperature-induced reduction of motivation (hunger). Such changes in motivation are considered normal and reversible thermoregulatory responses, and do not in themselves represent adverse health effects. Similarly, although not considered an adverse health effect, behavioral changes to reduce body temperature have also been observed in non-human primates at whole-body average SARs of 1 W kg^{-1}, with the threshold the same for acute, repeated exposures and for long-term exposures.

There is limited epidemiological research on higher cognitive function. There have been reports of subtle changes to performance measures with radiofrequency EMFs, but findings have been contradictory, as there is no evidence that the reported changes are related to radiofrequency EMF exposure and alternative explanations for observed effects are plausible.

In summary, there is no substantiated experimental or epidemiological evidence that exposure to radiofrequency EMFs affects higher cognitive functions relevant to health.

Symptoms and Wellbeing

There is research addressing the potential for radiofrequency EMFs to influence mood, behavior characteristics, and symptoms.

A number of human experimental studies testing for acute changes to wellbeing or symptoms are available, and these have failed to identify any substantiated effects of exposure. A small portion of the population attributes non-specific symptoms to various types of radiofrequency EMF exposure; this is referred to as Idiopathic Environmental Intolerance attributed to EMF (IEI-EMF). Double-blind experimental

[8]Further details concerning the term substantiated can be found in the main guidelines document.

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studies have consistently failed to identify a relation between radiofrequency EMF exposure and such symptoms in the IEI-EMF population, as well as in healthy population samples. These experimental studies provide evidence that "belief about exposure" (e.g., the so-called "nocebo" effect), and not exposure itself, is the relevant symptom determinant (e.g., Eltiti et al. 2018; Verrender et al. 2018).

Epidemiological research has addressed potential long-term effects of radiofrequency EMF exposure from fixed-site transmitters and devices used close to the body on both symptoms and well-being, but with a few exceptions these are cross-sectional studies with self-reported information about symptoms and exposure. Selection bias, reporting bias, poor exposure assessment, and nocebo effects are of concern in these studies. In studies on transmitters, no consistent associations between exposure and symptoms or well-being have been observed when objective measurements of exposure were made or when exposure information was collected prospectively. In studies on mobile phone use, associations with symptoms and problematic behavior have been observed. However, these studies can generally not differentiate between potential effects from radiofrequency EMF exposure and other consequences of mobile phone use, such as sleep deprivation when using the mobile phone at night. Overall, the epidemiological research does not provide evidence of a causal effect of radiofrequency EMF exposure on symptoms or well-being.

However, there is evidence that radiofrequency EMFs, at sufficiently high levels, can cause pain. Walters et al. (2000) reported a pain threshold of 12.5 kW m^{-2} for 94 GHz, 3-s exposure to the back, which raised temperature from 34°C to 43.9°C (at a rate of 3.3°C per second). This absolute temperature threshold is consistent with Torbjork et al. (1984), who observed a median threshold for pain at 43°C, which was in compliance with simultaneously measured response thresholds of nociceptors (41°C and 43°C).

Another instance of pain induced by radiofrequency EMFs is due to *indirect* exposure via contact currents, where radiofrequency EMFs in the environment are redirected via a conducting object to a person, and the resultant current flow, dependent on frequency, can stimulate nerves, cause pain, and/or damage tissue. Induced current thresholds resulting from contact currents are very difficult to determine, with the best estimates of thresholds for health effects being for pain, which is approximately 10 and 20 mA for children and adults, respectively (extrapolated from Chatterjee et al. 1986).

In summary, no reports of adverse effects of radiofrequency EMF exposures on symptoms and wellbeing have been substantiated, except for pain, which is related to elevated temperature at high exposure levels (from both direct and indirect radiofrequency EMF exposure). Thresholds for direct effects on pain are in the vicinity of 12.5 kW m^{-2} for 94 GHz exposures to the back, which is consistent with thermal physiology knowledge. Thresholds for indirect effects (contact currents) are within the vicinity of 10 and 20 mA, for EMFs between 100 kHz and 110 MHz, for children and adults respectively.

Other Brain Physiology and Related Functions

A number of studies of potential adverse effects of radiofrequency EMFs on physiological functions that could adversely affect health have been conducted, primarily using in vitro techniques. These have included multiple cell lines and assessed functions such as intra- and intercellular signaling, membrane ion channel currents and input resistance, Ca^{2+} dynamics, signal transduction pathways, cytokine expression, biomarkers of neurodegeneration, heat shock proteins, and oxidative stress-related processes. There have been some reports of morphological changes to cells, but these have not been verified, and their relevance to health has also not been demonstrated. There have also been reports of radiofrequency EMFs inducing leakage of albumin across the blood-brain barrier in rats (e.g., Nittby et al., 2009), but due to methodological limitations of the studies and failed attempts to independently verify the results, there remains no evidence of an effect. Some studies also tested for effects of co-exposure of radiofrequency EMFs with known toxins, but there is currently no demonstration that this affects the above conclusions.

Intense pulsed low frequency electric fields (with radiofrequency components) can cause cell membranes to become permeable, allowing exchange of intra- and extra-cellular materials (Joshi and Schoenbach 2010); this is referred to as electroporation. Exposure to an unmodulated 18 GHz field has also been reported to cause a similar effect (Nguyen et al. 2017). Both exposures require very high field strengths [e.g., 10 kV m^{-1} (peak) in tissue in the case of low frequency electric fields, and 5 kW kg^{-1} at 18 GHz]. These levels have not been shown to adversely affect health in realistic exposure scenarios in humans and, given their very high thresholds, are protected against by restrictions based on effects with lower thresholds. Accordingly, electroporation is not discussed further.

In summary, there is no evidence of effects of radiofrequency EMFs on physiological processes that impair human health.

AUDITORY, VESTIBULAR, AND OCULAR FUNCTION

A number of animal and some human studies have tested for potential effects of radiofrequency EMFs on function and pathology of the auditory, vestibular, and ocular systems.

Sub-millisecond pulses of radiofrequency EMF can result in audible sound. Specifically, within the 200–3000

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MHz EMF range, *microwave hearing* can result from brief (approximately 35–100 μs) radiofrequency pulses to the head, which cause thermoelastic expansion that is detected by sensory cells in the cochlea via the same processes involved in normal hearing. This phenomenon is perceived as a brief low-level noise, often described as a "click" or "buzzing." For example, Röschmann (1991) applied 10- and 20-μs pulses at 2.45 GHz that caused a specific energy absorption (SA) of 4.5 mJ kg^{-1} per pulse, and which was estimated to result in a temperature rise of approximately 0.00001°C per pulse. These pulses were barely audible, suggesting that this corresponded to a sound at the hearing threshold. Although higher intensity SA pulses may result in more pronounced effects, there is no evidence that microwave hearing in any realistic exposure scenarios can affect health, and so the present Guidelines do not provide a restriction to specifically account for microwave hearing.

Experimental and observational studies have also been conducted to test for adverse effects of EMF exposure from mobile phones. A few studies have investigated effects on auditory function and cellular structure in animal models. However, these results are inconsistent.

Beyond the behavioral and electrophysiological indices of sensory processing described above, a number of studies have tested for acute effects of radiofrequency EMF exposure on auditory, vestibular and ocular functioning in humans. These have largely been conducted using mobile phone-like signals at exposure levels below the ICNIRP (1998) basic restriction levels. Although there are some reports of effects, the results are highly variable with the larger and more methodologically rigorous studies failing to find such effects.

There is very little epidemiological research addressing sensory effects of devices that emit radiofrequency EMFs. The available research has focused on mobile phone use and does not provide evidence that this is associated with increased risk of tinnitus, hearing impairment, or vestibular or ocular function.

Animal studies have also reported that the heating that results from radiofrequency EMF exposure may lead to the formation of cataracts in rabbits. In order for this to occur, very high local SAR levels (100–140 W kg^{-1}) at low frequencies (< 6 GHz) are needed with temperature increases of several °C maintained for several hours. However, the rabbit model is more susceptible to cataract formation than in primates (with primates more relevant to human health), and cataracts have not been found in primates exposed to radiofrequency fields. No substantiated effects on other deep structures of the eye have been found (e.g., retina or iris). However, rabbits can be a good model for damage to superficial structures of the eye (e.g., the cornea) at higher frequencies (30–300 GHz). The baseline temperature of the cornea is relatively low compared with the posterior portion of the eye, and so very high exposure levels are required to cause harm superficially. For example, Kojima et al. (2018) reported that adverse health effects to the cornea can occur at incident power densities higher than 1.4 kW m^{-2} across frequencies from 40 to 95 GHz; no effects were found below 500 W m^{-2}. The authors concluded that the blink rates in humans (ranging from once every 3 to 10 s, as opposed to once every 5 to 20 min in rabbits) would preclude such effects in humans.

In summary, no reported effects on auditory, vestibular, or ocular function or pathology relevant to human health have been substantiated. Some evidence of superficial eye damage has been shown in rabbits at exposures of at least 1.4 kW m^{-2}, although the relevance of this to humans has not been demonstrated.

NEUROENDOCRINE SYSTEM

A small number of human studies have tested whether indices of endocrine system function are affected by radiofrequency EMF exposure. Several hormones, including melatonin, growth hormone, luteinizing hormone, cortisol, epinephrine, and norepinephrine have been assessed, but no consistent evidence of effects of exposure has been observed.

In animal studies, substantiated changes have only been reported from acute exposures with whole-body SARs in the order of 4 W kg^{-1}, which result in core temperature rises of 1°C or more. However, there is no evidence that this corresponds to an impact on health. Although there have been a few studies reporting field-dependent changes in some neuroendocrine measures, these have also not been substantiated. The literature, as a whole, reports that repeated, daily exposure to mobile phone signals does not impact on plasma levels of melatonin or on melatonin metabolism, oestrogen or testosterone, or on corticosterone or adrenocorticotropin in rodents under a variety of conditions.

Epidemiological studies on potential effects of exposure to radiofrequency EMFs on melatonin levels have reported conflicting results and suffer methodological limitations. For other hormonal endpoints, no epidemiological studies of sufficient scientific quality have been identified.

In summary, the lowest level at which an effect of radiofrequency EMFs on the neuroendocrine system has been observed is 4 W kg^{-1} (in rodents and primates), but there is no evidence that this translates to humans or is relevant to human health. No other reported effects have been substantiated.

NEURODEGENERATIVE DISEASES

No human experimental studies exist for adverse effects on neurodegenerative diseases.

Although it has been reported that exposure to pulsed radiofrequency EMFs increased neuronal death in rats, which could potentially contribute to an increased risk of

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neurodegenerative disease, other studies have failed to confirm these results. Some other effects have been reported (e.g., changes to neurotransmitter release in the cortex of the brain, protein expression in the hippocampus, and autophagy in the absence of apoptosis in neurons), but such changes have not been shown to lead to neurodegenerative disease. Other studies investigating effects on neurodegeneration are not informative due to methodological or other shortcomings.

A Danish epidemiological cohort study has investigated potential effects of mobile phone use on neurodegenerative disorders and reported reduced risk estimates for Alzheimer disease, vascular and other dementia, and Parkinson disease (Schüz et al. 2009). These findings are likely to be the result of reverse causation, as prodromal symptoms of the disease may prevent persons with early symptoms to start using a mobile phone. Results from studies on multiple sclerosis are inconsistent, with no effect observed among men, and a borderline increased risk in women, but with no consistent exposure-response pattern.

In summary, no adverse effects on neurodegenerative diseases have been substantiated.

CARDIOVASCULAR SYSTEM, AUTONOMIC NERVOUS SYSTEM, AND THERMOREGULATION

As described above, radiofrequency EMFs can induce heating in the body. Although humans have a very efficient thermoregulatory system, too much heating puts the cardiovascular system under stress and may lead to adverse health effects.

Numerous human studies have investigated indices of cardiovascular, autonomic nervous system, and thermoregulatory function, including measures of heart rate and heart rate variability, blood pressure, body, skin and finger temperatures, and skin conductance. Most studies indicate that there are no effects on endpoints regulated by the autonomic nervous system. The relatively few reported effects of exposure were small and would not have an impact on health. The reported changes were also inconsistent and may be due to methodological limitations or chance. With exposures at higher intensities, up to a whole-body SAR of about 1 W kg^{-1} (Adair et al. 2001), sweating and cardiovascular responses have been reported that are similar to that observed under increased heat load from other sources. The body core temperature increase was generally less than 0.2°C.

The situation is different for animal research, in that far higher exposure levels have been used, often to the point where thermoregulation is overwhelmed, and temperature increases to the point where death occurs. For example, Frei et al. (1995) exposed rats to 35 GHz fields at 13 W kg^{-1} whole-body exposure, which raised body core temperature by 8°C (to 45°C), resulting in death. Similarly, Jauchem and Frei (1997) exposed rats to 350 MHz fields at 13.2 W kg^{-1} whole-body exposure and reported that thermal breakdown (i.e., where the thermoregulatory system can no longer cope with the increased body core temperature) occurred at approximately 42°C. It is difficult to relate these animal findings directly to humans, as humans are more-efficient thermoregulators than rodents. Taberski et al. (2014) reported that in Djungarian hamsters no body core temperature elevation was seen after whole-body exposure to 900 MHz fields at 4 W kg^{-1} with the only detectable effect a reduction of food intake (which is consistent with reduced eating in humans when body core temperature is elevated).

Few epidemiological studies on cardiovascular, autonomic nervous system, or thermoregulation outcomes are available. Those that are have not demonstrated a link between radiofrequency EMF exposure and measures of cardiovascular health.

In summary, no effects on the cardiovascular system, autonomic nervous system, or thermoregulation that compromise human health have been substantiated for exposures with whole-body average SARs below approximately 4 W kg^{-1}, with harm only found in animals exposed to whole-body average SARs substantially higher than 4 W kg^{-1}.

IMMUNE SYSTEM AND HAEMATOLOGY

There have been inconsistent reports of transient changes in immune function and haematology following radiofrequency EMF exposures. These have primarily been from in vitro studies, although some animal studies have also been conducted. These reports have not been substantiated.

The few human studies that have been conducted have not provided any evidence that radiofrequency EMFs affect health in humans via the immune system or haematology.

FERTILITY, REPRODUCTION, AND CHILDHOOD DEVELOPMENT

There is very little human experimental research addressing possible effects of radiofrequency EMF exposure on reproduction and development. What is available has focused on hormones that are relevant to reproduction and development, and as described in the Neuroendocrine System section above, there is no evidence that they are affected by radiofrequency EMF exposure. Other research has addressed this issue by looking at different stages of development (for endpoints such as cognition and brain electrical activity), in order to determine whether there may be greater sensitivity to radiofrequency fields as a function of age. There is currently no evidence that developmental phase is relevant to this issue.

Numerous animal studies have shown that exposure to radiofrequency EMFs associated with a significant temperature increase can cause effects on reproduction and development. These include increased embryo and fetal

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losses, increased fetal malformations and anomalies, and reduced fetal weight at term. Such exposures can also cause a reduction in male fertility. However, extensive, well-performed studies have failed to identify developmental effects at whole-body average SAR levels up to 4 W kg^{-1}. In particular, a large four-generation study in mice on fertility and development using whole-body SAR levels up to 2.34 W kg^{-1} found no evidence of adverse effects (Sommer et al. 2009). Some studies have reported effects on male fertility at exposure levels below this value, but these studies have had methodological limitations and reported effects have not been substantiated.

Epidemiological studies have investigated various aspects of male and female infertility and pregnancy outcomes in relation to radiofrequency EMF exposure. Some epidemiological studies reported associations between radiofrequency EMFs and sperm quality or male infertility, but, taken together, the available studies do not provide evidence for an association with radiofrequency EMF exposure as they all suffer from limitations in study design or exposure assessment. A few epidemiological studies are available on maternal mobile phone use during pregnancy and potential effects on child neurodevelopment. There is no substantiated evidence that radiofrequency EMF exposure from maternal mobile phone use affects child cognitive or psychomotor development, or causes developmental milestone delays.

In summary, no adverse effects of radiofrequency EMF exposure on fertility, reproduction, or development relevant to human health have been substantiated.

CANCER

There is a large body of literature concerning cellular and molecular processes that are of particular relevance to cancer. This includes studies of cell proliferation, differentiation and apoptosis-related processes, proto-oncogene expression, genotoxicity, increased oxidative stress, and DNA strand breaks. Although there are reports of effects of radiofrequency EMFs on a number of these endpoints, there is no substantiated evidence of health-relevant effects (Vijayalaxmi and Prihoda 2019).

A few animal studies on the effect of radiofrequency EMF exposure on carcinogenesis have reported positive effects, but, in general, these studies either have shortcomings in methodology or dosimetry, or the results have not been verified in independent studies. Indeed, the great majority of studies have reported a lack of carcinogenic effects in a variety of animal models. A replication of a study in which exposure to radiofrequency EMFs increased the incidence of liver and lung tumors in an animal model with prenatal exposure to the carcinogen ENU (ethylnitrosourea) indicates a possible promoting effect (Lerchl et al. 2015; Tillmann et al. 2010). The lack of a dose-response relationship, as well as the use of an untested mouse model for liver and lung tumors whose relevance to humans is uncertain (Nesslany et al. 2015), makes interpretation of these results and their applicability to human health difficult, and, therefore, there is a need for further research to better understand these results.

Two recent animal studies investigating the carcinogenic potential of long-term exposure to radiofrequency EMFs associated with mobile phones and mobile phone base stations have also been released: one by the U.S. National Toxicology Program (NTP 2018a and b) and the other from the Ramazzini Institute (Falcioni et al. 2018). Although both studies used large numbers of animals, best laboratory practice, and exposed animals for the whole of their lives, they also have inconsistencies and important limitations that affect the usefulness of their results for setting exposure guidelines. Of particular importance is that the statistical methods employed were not sufficient to differentiate between radiofrequency-related and chance differences between treatment conditions; interpretation of the data is difficult due to the high body core temperature changes that resulted from the very high exposure levels used; and no consistency was seen across these two studies. Thus, when considered either in isolation (e.g., ICNIRP 2019) or within the context of other animal and human carcinogenicity research (HCN 2014, 2016), their findings do not provide evidence that radiofrequency EMFs are carcinogenic.

A large number of epidemiological studies of mobile phone use and cancer risk have also been performed. Most have focused on brain tumors, acoustic neuroma and parotid gland tumors, as these occur in close proximity to the typical exposure source from mobile phones (Röösli et al. 2019). However, some studies have also been conducted on other types of tumors, such as leukaemia, lymphoma, uveal melanoma, pituitary gland tumors, testicular cancer, and malignant melanoma. With a few exceptions, the studies have used a case-control design and have relied on retrospectively collected self-reported information about mobile phone use history. Only two cohort studies with prospective exposure information are available. Several studies have had follow-ups that were too short to allow assessment of a potential effect of long-term exposure, and results from case-control studies with longer follow-up are not consistent.

The large Interphone study, coordinated by the International Association for Research on Cancer, did not provide evidence of a raised risk of brain tumors, acoustic neuroma, or parotid gland tumors among regular mobile phone users, and the risk estimates did not increase with longer time since first mobile phone use (Interphone 2010, 2011). It should be noted that although somewhat elevated odds ratios were observed at the highest level of cumulative call time for acoustic neuroma and glioma, there were no trends observed for any of the lower cumulative call

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time groups, with among the lowest risk estimates in the penultimate exposure category. This, combined with the inherent recall bias of such studies, does not provide evidence of an increased risk. Similar results were observed in a Swedish case-control study of acoustic neuroma (Pettersson et al. 2014). Contrary to this, a set of case-control studies from the Hardell group in Sweden report significantly increased risks of both acoustic neuroma and malignant brain tumors already after less than five years since the start of mobile phone use, and at quite low levels of cumulative call time. However, they are not consistent with trends in brain cancer incidence rates from a large number of countries or regions, which have not found any increase in the incidence since mobile phones were introduced.

Furthermore, no cohort studies (which unlike case-control studies are not affected by recall or selection bias) report a higher risk of glioma, meningioma, or acoustic neuroma among mobile phone subscribers or when estimating mobile phone use through prospectively collected questionnaires. Studies of other types of tumors have also not provided evidence of an increased tumor risk in relation to mobile phone use. Only one study is available on mobile phone use in children and brain tumor risk (Aydin et al. 2011). No increased risk of brain tumors was observed.

Studies of exposure to environmental radiofrequency EMFs, for example from radio and television transmitters, have not provided evidence of an increased cancer risk either in children or in adults. Studies of cancer in relation to occupational radiofrequency EMF exposure have suffered substantial methodological limitations and do not provide sufficient information for the assessment of carcinogenicity of radiofrequency EMFs. Taken together, the epidemiological studies do not provide evidence of a carcinogenic effect of radiofrequency EMF exposure at levels encountered in the general population.

In summary, no effects of radiofrequency EMFs on the induction or development of cancer have been substantiated.

SUMMARY

The only substantiated adverse health effects caused by exposure to radiofrequency EMFs are nerve stimulation, changes in the permeability of cell membranes, and effects due to temperature elevation. There is no evidence of adverse health effects at exposure levels below the restriction levels in the ICNIRP (1998) guidelines and no evidence of an interaction mechanism that would predict that adverse health effects could occur due to radiofrequency EMF exposure below those restriction levels.

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II

(Actos cuya publicación no es una condición para su aplicabilidad)

CONSEJO

RECOMENDACIÓN DEL CONSEJO
de 12 de julio de 1999
relativa a la exposición del público en general a campos electromagnéticos (0 Hz a 300 GHz)

(1999/519/CE)

EL CONSEJO DE LA UNIÓN EUROPEA,

Visto el Tratado constitutivo de la Comunidad Europea y, en particular, el párrafo segundo del apartado 4 de su artículo 152,

Vista la propuesta de la Comisión [1],

Visto el dictamen del Parlamento Europeo,

Considerando lo siguiente,

(1) De conformidad con la letra p) del artículo 3 del Tratado, la acción comunitaria debe incluir una contribución al logro de un alto nivel de protección de la salud; considerando que el Tratado contempla asimismo la protección de la salud de los trabajadores y los consumidores;

(2) En su Resolución del 5 de mayo de 1994 sobre la lucha contra los efectos nocivos provocados por las radiaciones no ionizantes [2], el Parlamento Europeo invitó a la Comisión a proponer medidas legislativas para limitar la exposición de los trabajadores y del público en general a la radiación electromagnética no ionizante;

(3) Existen exigencias mínimas comunitarias para la protección de la salud y la seguridad de los trabajadores en relación con los campos electromagnéticos, en lo que se refiere al trabajo con equipos con pantallas de visualización [3]; se introdujeron medidas comunitarias para promover la mejora de la seguridad y de la salud en el trabajo de la trabajadora embarazada, de la que haya dado a luz recientemente o esté en período de lactancia [4], que establecen, entre otras, la obligación de que los empresarios evalúen las actividades que implican un riesgo específico de exposición a radiaciones no ionizantes; se han propuesto exigencias mínimas para proteger a los trabajadores de los agentes físicos [5], incluidas medidas contra la radiación no ionizante; en consecuencia, la presente Recomendación no trata de la protección de los trabajadores contra la exposición a los campos electromagnéticos en el lugar de trabajo;

(4) Es absolutamente necesaria la protección de los ciudadanos de la Comunidad contra los efectos nocivos para la salud que se sabe pueden resultar de la exposición a campos electromagnéticos;

(5) Las medidas en relación con los campos electromagnéticos deberán proporcionar un elevado nivel de protección a todos los ciudadanos de la Comunidad; las disposiciones de los Estados miembros en este ámbito deberán basarse en un marco establecido de común acuerdo que contribuya a garantizar la uniformidad de la protección en toda la Comunidad;

(6) De conformidad con el principio de subsidiariedad, cualquier nueva medida emprendida en un ámbito que no sea competencia exclusiva de la Comunidad, como es la protección de los ciudadanos contra la radiación no ionizante, sólo puede ser adoptada por la Comunidad si, a la vista de la escala o de los efectos de la acción propuesta, la Comunidad puede alcanzar los objetivos propuestos mejor que los Estados miembros;

(7) Las acciones sobre la limitación de la exposición del público en general a los campos electromagnéticos deberían guardar proporción con otros aspectos de la calidad de vida en relación con servicios en que se recurre a los campos electromagnéticos, en sectores como las telecomunicaciones, la energía y la seguridad pública;

[1] DO C 175 de 21.6.1999.
[2] DO C 205 de 25.7.1994, p. 439.
[3] DO L 156 de 21.6.1990, p. 14.
[4] DO L 348 de 28.11.1992, p. 1.
[5] DO C 77 de 18.3.1993, p. 12, y DO C 230 de 19.8.1994, p. 3.

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(8) Es necesario establecer un marco comunitario para la exposición a los campos electromagnéticos con objeto de proteger a los ciudadanos por medio de recomendaciones dirigidas a los Estados miembros;

(9) La presente Recomendación tiene como objetivo proteger la salud de los ciudadanos y, por lo tanto, se aplica en especial a las zonas pertinentes en las que los ciudadanos pasan un lapso de tiempo significativo en relación con los efectos cubiertos por la presente Recomendación;

(10) El marco comunitario para hacer uso de la amplia recopilación de documentación científica ya existente debe basarse en los mejores datos y asesoramiento científicos disponibles en el momento actual en este ámbito y que debería incluir restricciones básicas y niveles de referencia en relación con la exposición a campos electromagnéticos, recordando que únicamente se han utilizado efectos comprobados como base para la limitación recomendada de las exposiciones; la Comisión internacional de protección contra las radiaciones no ionizantes (Icnirp) ha prestado asesoramiento a este respecto, asesoramiento que ha sido respaldado por el Comité científico director de la Comisión; el marco debería ser revisado y evaluado periódicamente a la luz de los nuevos conocimientos y de las novedades de la tecnología y de las aplicaciones de las fuentes y prácticas que dan lugar a exposición a campos electromagnéticos;

(11) Dichas restricciones básicas y niveles de referencia deberían aplicarse a todas las radiaciones emitidas por campos electromagnéticos, a excepción de la radiación óptica y la radiación ionizante; los datos y asesoramiento correspondientes a la radiación óptica requieren todavía estudio y ya existen disposiciones comunitarias en relación con la radiación ionizante;

(12) Para evaluar el cumplimiento de las restricciones básicas de la presente Recomendación se anima a los organismos nacionales y europeos de normalización; deberían ser apoyados (por ejemplo, Cenelec, CEN) para que desarrollen, en el marco de la normativa comunitaria, normas para el diseño y prueba de equipos;

(13) La observancia de las restricciones y niveles de referencia recomendados debería proporcionar un elevado nivel de protección contra los efectos nocivos para la salud que pueden resultar de la exposición a campos electromagnéticos pero tal observancia puede no impedir necesariamente que se produzcan problemas de interferencia u otros efectos sobre el funcionamiento de productos sanitarios tales como prótesis metálicas, marcapasos y desfibriladores cardíacos e injertos cocleares y otros injertos; la interferencia con marcapasos puede ocurrir a niveles inferiores a los niveles de referencia recomendados y debería por ello someterse a las precauciones adecuadas que, sin embargo, están fuera del ámbito de la presente Recomendación y se tratan en el contexto de la legislación sobre compatibilidad electromagnética y productos sanitarios;

(14) De conformidad con el principio de proporcionalidad, la presente Recomendación establece principios generales y métodos de protección del público, pero que es competencia de los Estados miembros el establecimiento de normas detalladas respecto de las fuentes y prácticas que pueden dar lugar a exposición a campos magnéticos y la clasificación de las condiciones de exposición de los individuos en profesionales o no profesionales, teniendo en cuenta y respetando las normas comunitarias en relación con la salud y la seguridad de los trabajadores;

(15) De acuerdo con el Tratado, los Estados miembros pueden establecer un nivel de protección más elevado que el reflejado en la presente Recomendación;

(16) Las medidas arbitradas por los Estados miembros en este ámbito, ya sean obligatorias o no obligatorias, y la forma en que hayan tenido en cuenta la presente Recomendación, deberán ser objeto de informes, tanto en el ámbito nacional como comunitario;

(17) Con objeto de incrementar el conocimiento de los riesgos y medidas de protección contra los campos electromagnéticos, los Estados miembros deberían fomentar la divulgación de la información y las normas prácticas al respecto, sobre todo en lo que se refiere al diseño, instalación y utilización de equipos, de manera que se consigan niveles de exposición que no sobrepasen las restricciones recomendadas;

(18) Debería prestarse atención a un adecuado conocimiento e información sobre los riesgos relacionados con los campos electromagnéticos, que tenga en cuenta las percepciones que de esos riesgos tienen los ciudadanos;

(19) Los Estados miembros deben estar al tanto del progreso de la tecnología y de los conocimientos científicos con respecto a la protección contra la radiación no ionizante, teniendo en cuenta el aspecto de precaución, y deben disponer exámenes y revisiones periódicos, con la realización periódica de evaluaciones a la luz de la orientación que ofrezcan las organizaciones internacionales pertinentes, como la Comisión internacional de protección contra las radiaciones no ionizantes,

RECOMIENDA:

I. A efectos de la presente Recomendación, los Estados miembros deberían asignar a las cantidades físicas enumeradas en la parte A del anexo I el significado que en éste se les atribuye.

II. Para proporcionar un elevado nivel de protección de la salud contra la exposición a los campos electromagnéticos, los Estados miembros deberían:

a) adoptar un marco de restricciones básicas y niveles de referencia tomando como base la parte B del anexo I;

b) aplicar medidas, conformes con dicho marco, en relación con las fuentes o prácticas que dan lugar a la exposición electromagnética de los ciudadanos, cuando el tiempo de exposición sea significativo, con excepción de la exposición por razones médicas, en cuyo caso deberán sopesarse convenientemente los riesgos y ventajas de la exposición, por encima de las restricciones básicas;

c) procurar que se respeten las restricciones básicas que figuran en el anexo II en lo que se refiere a la exposición de los ciudadanos.

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III. Para facilitar y promover el respeto de las restricciones básicas que figuran en el anexo II, los Estados miembros:

a) deberían tener en cuenta los niveles de referencia que figuran en el anexo III para efectuar la evaluación de la exposición o, cuando existan y en la medida en que las reconozca el Estado miembro en cuestión, las normas europeas o nacionales que estén basadas en procedimientos de cálculo y medición previstos para evaluar el cumplimiento de las restricciones básicas;

b) deberían evaluar las situaciones que implican fuentes de más de una frecuencia de acuerdo con las fórmulas establecidas en el anexo IV, tanto en términos de restricciones básicas como de niveles de referencia;

c) podrán tener en cuenta, cuando convenga, criterios tales como la duración de la exposición, las partes del organismo expuestas, la edad y las condiciones sanitarias de los ciudadanos.

IV. Los Estados miembros, al decidir si hay que actuar o no, con arreglo a la presente Recomendación, deberían tener en cuenta tanto los riesgos como los beneficios.

V. Para conseguir que se comprendan mejor los riesgos y la protección contra la exposición a campos electromagnéticos, los Estados miembros deberían proporcionar al ciudadano información en un formato adecuado sobre los efectos de los campos electromagnéticos y sobre las medidas adoptadas para hacerles frente.

VI. Con el fin de mejorar los conocimientos que se tienen acerca de los efectos sobre la salud de los campos electromagnéticos, los Estados miembros deberían promover y revisar la investigación pertinente sobre campos electromagnéticos y salud humana en el contexto de sus programas de investigación nacionales, teniendo en cuenta las recomendaciones comunitarias e internacionales en materia de investigación y los esfuerzos realizados en este ámbito basándose en el mayor número posible de fuentes.

VII. Para contribuir al establecimiento de un sistema coherente de protección contra los riesgos de la exposición a campos electromagnéticos, los Estados miembros deberían elaborar informes sobre las experiencias obtenidas con las medidas que adopten en el ámbito de la presente Recomendación e informar a la Comisión transcurridos tres años de la aprobación de la misma, indicando el modo en que la han incorporado a dichas medidas.

INVITA a la Comisión a:

1. llevar a cabo el trabajo necesario para el establecimiento de las normas europeas a que hace referencia la letra a) de la sección III, incluidos los métodos de cálculo y medición;
2. fomentar la investigación relativa a los efectos a corto y largo plazo de la exposición a campos electromagnéticos en todas las frecuencias pertinentes, en la ejecución del actual programa marco de investigación;
3. seguir participando en el trabajo de las organizaciones internacionales con competencias en este ámbito y promover la consecución de un consenso internacional en las directrices y consejos referentes a las medidas de protección y prevención;
4. supervisar los asuntos tratados en la presente Recomendación con vistas a su revisión y actualización, teniendo en cuenta también los posibles efectos, que están siendo actualmente estudiados, incluidos los aspectos pertinentes relativos a la precaución, y elaborar, en el plazo de cinco años, un informe para la Comunidad en su conjunto que tenga en cuenta los informes de los Estados miembros así como los últimos datos e informes científicos.

Hecho en Bruselas, el 12 de julio de 1999.

Por el Consejo

El Presidente

S. NIINISTÖ

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ANEXO I

DEFINICIONES

A los fines de esta Recomendación, el término campos electromagnéticos (CEM) comprende los campos estáticos, los campos de frecuencia extraordinariamente baja (FEB) y los campos de radiofrecuencia (RF), incluidas las microondas, abarcando la gama de frecuencia de 0 Hz a 300 GHz.

A. CANTIDADES FÍSICAS

En el contexto de la exposición a los CEM, se emplean habitualmente ocho cantidades físicas:

La *corriente de contacto* (I_C) entre una persona y un objeto se expresa en amperios (A). Un objeto conductor en un campo eléctrico puede ser cargado por el campo.

La *densidad de corriente* (J) se define como la corriente que fluye por una unidad de sección transversal perpendicular a la dirección de la corriente, en un conductor volumétrico como puede ser el cuerpo humano o parte de éste, expresada en amperios por metro cuadrado (A/m^2).

La *intensidad de campo eléctrico* es una cantidad vectorial (E) que corresponde a la fuerza ejercida sobre una partícula cargada independientemente de su movimiento en el espacio. Se expresa en voltios por metro (V/m).

La *intensidad resistencia de campo magnético* es una cantidad vectorial (H) que, junto con la inducción magnética, determina un campo magnético en cualquier punto del espacio. Se expresa en amperios por metro (A/m).

La *densidad de flujo magnético o inducción magnética* es una cantidad vectorial (B) que da lugar a una fuerza que actúa sobre cargas en movimiento, y se expresa en teslas (T). En espacio libre y en materiales biológicos, la densidad de flujo o inducción magnética y la intensidad de campo magnético se pueden intercambiar utilizando la equivalencia $1\ A\ m^{-1} = 4\pi\ 10^{-7}$ T.

La *densidad de potencia* (S) es la cantidad adecuada que se utiliza para frecuencias muy altas, cuya profundidad de penetración en el cuerpo es baja. Es la potencia radiante que incide perpendicular a una superficie, dividida por el área de la superficie, y se expresa en vatios por metro cuadrado (W/m^2).

La *absorción específica de energía* (SA, *specific energy absorption*) se define como la energía absorbida por unidad de masa de tejido biológico, expresada en julios por kilogramo (J/kg). En esta recomendación se utiliza para limitar los efectos no térmicos de la radiación de microondas pulsátil.

El *índice de absorción específica de energía* (SAR, *specific energy absorption rate*), cuyo promedio se calcula en la totalidad del cuerpo o en partes de éste, se define como el índice en que la energía es absorbida por unidad de masa de tejido corporal, y se expresa en vatios por kilogramo (W/kg). El SAR de cuerpo entero es una medida ampliamente aceptada para relacionar los efectos térmicos adversos con la exposición a la RF. Junto al SAR medio de cuerpo entero, los valores SAR locales son necesarios para evaluar y limitar una deposición excesiva de energía en pequeñas partes del cuerpo como consecuencia de unas condiciones especiales de exposición, como por ejemplo: la exposición a la RF en la gama baja de Mhz de una persona en contacto con la tierra, o las personas expuestas en el espacio adyacente a una antena.

De entre estas cantidades, las que pueden medirse directamente son la densidad de flujo magnético, la corriente de contacto, la intensidad del campo eléctrico y la del campo magnético y la densidad de potencia.

B. RESTRICCIONES BÁSICAS Y NIVELES DE REFERENCIA

Para la aplicación de las restricciones basadas en la evaluación de los posibles efectos de los campos electromagnéticos sobre la salud, se ha de diferenciar las restricciones básicas de los niveles de referencia.

Nota:

Estas restricciones básicas y niveles de referencia para limitar la exposición han sido desarrollados a partir de un minucioso estudio de toda la bibliografía científica publicada. Los criterios aplicados en este estudio fueron fijados para evaluar la credibilidad de las diversas conclusiones alcanzadas; únicamente se utilizaron como base para las restricciones de exposición propuestas efectos comprobados. No se considera comprobado que el cáncer sea uno de los efectos de la exposición a largo plazo a los CEM. Sin embargo, puesto que existen cerca de 50 factores de seguridad entre los valores límite en relación con los efectos agudos y las restricciones básicas, esta Recomendación abarca implícitamente los posibles efectos a largo plazo en toda la gama de frecuencia.

Restricciones básicas. Las restricciones de la exposición a los campos eléctricos, magnéticos y electromagnéticos de tiempo variable, basadas directamente en los efectos sobre la salud conocidos y en consideraciones biológicas, reciben el nombre de «restricciones básicas». Dependiendo de la frecuencia del campo, las cantidades físicas empleadas para especificar estas restricciones son la inducción magnética (B), la densidad de corriente (J), el índice de absorción específica de energía (SAR) y la densidad de potencia (S). La inducción magnética y la densidad de potencia se pueden medir con facilidad en los individuos expuestos.

Folio N° 2657

Niveles de referencia. Estos niveles se ofrecen a efectos prácticos de evaluación de la exposición para determinar la probabilidad de que se sobrepasen las restricciones básicas. Algunos niveles de referencia se derivan de las restricciones básicas pertinentes utilizando mediciones o técnicas computerizadas, y algunos se refieren a la percepción y a los efectos adversos indirectos de la exposición a los CEM. Las cantidades derivadas son la intensidad de campo eléctrico (E), la intensidad de campo magnético (H), la inducción magnética (B), la densidad de potencia (S) y la corriente en extremidades (I_L). Las cantidades que se refieren a la percepción y otros efectos indirectos son la corriente (de contacto) (I_C) y, para los campos pulsátiles, la absorción específica de energía (SA). En cualquier situación particular de exposición, los valores medidos o calculados de cualquiera de estas cantidades pueden compararse con el nivel de referencia adecuado. El cumplimiento del nivel de referencia garantizará el respeto de la restricción básica pertinente. Que el valor medido sobrepase el nivel de referencia no quiere decir necesariamente que se vaya a sobrepasar la restricción básica. Sin embargo, en tales circunstancias es necesario comprobar si ésta se respeta.

En estas recomendaciones no se establecen restricciones cuantitativas sobre campos eléctricos estáticos. No obstante, se recomienda que se evite la percepción molesta de cargas eléctricas superficiales y de descargas de chispas que provocan estrés o molestias.

Algunas cantidades, como la inducción magnética (B) y la densidad de potencia (S), sirven a determinadas frecuencias como restricciones básicas y como niveles de referencia (véanse los anexos II y III).

Folio N° 2658

ANEXO II

RESTRICCIONES BÁSICAS

Dependiendo de la frecuencia, para especificar las restricciones básicas sobre los campos electromagnéticos se emplean las siguientes cantidades físicas (cantidades dosimétricas o exposimétricas):

— entre 0 y 1 Hz se proporcionan restricciones básicas de la inducción magnética para campos magnéticos estáticos (0 Hz) y de la densidad de corriente para campos variable en el tiempo de 1 Hz, con el fin de prevenir los efectos sobre el sistema cardiovascular y el sistema nervioso central,

— entre 1 Hz y 10 MHz se proporcionan restricciones básicas de la densidad de corriente para prevenir los efectos sobre las funciones del sistema nervioso,

— entre 100 kHz y 10 GHz se proporcionan restricciones básicas del SAR para prevenir la fatiga calorífica de cuerpo entero y un calentamiento local excesivo de los tejidos. En la gama de 100 kHz a 10 MHz se ofrecen restricciones de la densidad de corriente y del SAR,

— entre 10 GHz y 300 GHz se proporcionan restricciones básicas de la densidad de potencia, con el fin de prevenir el calentamiento de los tejidos en la superficie corporal o cerca de ella.

Las restricciones básicas expuestas en el cuadro 1 se han establecido teniendo en cuenta las variaciones que puedan introducir las sensibilidades individuales y las condiciones medioambientales, así como el hecho de que la edad y el estado de salud de los ciudadanos varían.

Cuadro 1

Restricciones básicas para campos eléctricos, magnéticos y electromagnéticos (0 Hz-300 GHz)

Gama de frecuencia	Inducción magnética (Tm)	Densidad de corriente (mA/m^2) (rms)	SAR medio de cuerpo entero (W/kg)	SAR localizado (cabeza y tronco) (W/kg)	SAR localizado (miembros) (W/kg)	Densidad de potencia S (W/m^2)
0 Hz	40	—	—	—	—	—
>0-1 Hz	—	8	—	—	—	—
1-4 Hz	—	8/f	—	—	—	—
4-1 000 Hz	—	2	—	—	—	—
1 000 Hz-100 kHz	—	f/500	—	—	—	—
100 kHz-10 MHz	—	f/500	0,08	2	4	—
10 MHz-10 GHz	—	—	0,08	2	4	—
10-300 GHz	—	—	—	—	—	10

Notas

1. f es la frecuencia en Hz.

2. El objetivo de la restricción básica de la densidad de corriente es proteger contra los graves efectos de la exposición sobre los tejidos del sistema nervioso central en la cabeza y en el tronco, e incluye un factor de seguridad. Las restricciones básicas para los campos FEB se basan en los efectos negativos establecidos en el sistema nervioso central. Estos efectos agudos son esencialmente instantáneos y no existe justificación científica para modificar las restricciones básicas en relación con las exposiciones de corta duración. Sin embargo, pues que las restricciones básicas se refieren a los efectos negativos en el sistema nervioso central, estas restricciones básicas pueden permitir densidades más altas en los tejidos del cuerpo distintos de los del sistema nervioso central en iguales condiciones de exposición.

3. Dada la falta de homogeneidad eléctrica del cuerpo, debe calcularse el promedio de las densidades de corriente en una sección transversal de 1 cm^2 perpendicular a la dirección de la corriente.

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4. Para frecuencias de hasta 100 kHz, los valores máximos de densidad de corriente pueden obtenerse multiplicando el valor rms por $\sqrt{2}$ (~1,414). Para pulsos de duración t_p, la frecuencia equivalente que ha de aplicarse en las restricciones básicas debe calcularse como $f = 1/(2t_p)$.

5. Para frecuencias de hasta 100 kHz y para campos magnéticos pulsátiles, la densidad de corriente máxima asociada con los pulsos puede calcularse a partir de los tiempos de subida/caída y del índice máximo de cambio de la inducción magnética. La densidad de corriente inducida puede entonces compararse con la restricción básica adecuada.

6. Todos los valores SAR deben ser promediados a lo largo de un período cualquiera de 6 minutos.

7. La masa promedial de SAR localizado la constituye una porción cualquiera de 10 g de tejido contiguo; el SAR máximo obtenido de esta forma debe ser el valor que se utilice para evaluar la exposición. Estos 10 g de tejido se consideran como una masa de tejidos contiguos con propiedades eléctricas casi homogéneas. Se especifica que se trata de una masa de tejidos contiguos, se reconoce que este concepto puede utilizarse en la dosimetría automatizada, aunque puede presentar dificultades a la hora de efectuar mediciones físicas directas. Puede utilizarse una geometría simple, como una masa de tejidos cúbica, siempre que las cantidades dosimétricas calculadas tengan valores de prudencia en relación con las directrices de exposición.

8. Para los pulsos de duración t_p, la frecuencia equivalente que ha de aplicarse en las restricciones básicas debe calcularse como $f = 1/(2t_p)$. Además, en lo que se refiere a las exposiciones pulsátiles, en la gama de frecuencia de 0,3 a 10 GHz y en relación con la exposición localizada de la cabeza, se recomienda una restricción básica adicional para limitar y evitar los efectos auditivos causados por la extensión termoelástica. Esto quiere decir que la SA no debe sobrepasar los 2 mJ kg^{-1} como promedio calculado en 10 g de tejido.

Folio N° 2660

ANEXO III

NIVELES DE REFERENCIA

Los niveles de referencia de la exposición sirven para ser comparados con los valores de las cantidades medidas. El respeto de todos los niveles de referencia recomendados asegurará el respeto de las restricciones básicas.

Si las cantidades de los valores medidos son mayores que los niveles de referencia, eso no quiere decir necesariamente que se hayan sobrepasado las restricciones básicas. En este caso, debe efectuarse una evaluación para comprobar si los niveles de exposición son inferiores a las restricciones básicas.

Los niveles de referencia para limitar la exposición se obtienen a partir de las restricciones básicas presuponiendo un acoplamiento máximo del campo con el individuo expuesto, con lo que se obtiene un máximo de protección. En los cuadros 2 y 3 figura un resumen de los niveles de referencia. Por lo general, éstos están pensados como valores de promedio calculado espacialmente sobre toda la extensión del cuerpo del individuo expuesto, pero teniendo muy en cuenta que no deben sobrepasarse las restricciones básicas de exposición localizadas.

En determinadas situaciones en las que la exposición está muy localizada, como ocurre con los teléfonos portátiles y con la cabeza del individuo, no es apropiado emplear los niveles de referencia. En estos casos debe evaluarse directamente si se respeta la restricción básica localizada.

Niveles de campo

Cuadro 2

Niveles de referencia para campos eléctricos, magnéticos y electromagnéticos (0 Hz-300 GHz, valores rms imperturbados)

Gama de frecuencia	Intensidad de campo E	Intensidad de campo H (A/m)	Campo B (μT)	Densidad de potencia equivalente de onda plana (W/m^2)
0-1 Hz	—	$3{,}2 \times 10^4$	4×10^4	—
1-8 Hz	10 000	$3{,}2 \times 10^4/f^2$	$4 \times 10^4/f^2$	—
8-25 Hz	10 000	4 000/f	5 000/f	—
0,025-0,8 kHz	250/f	4/f	5/f	—
0,8-3 kHz	250/f	5	6,25	—
3-150 kHz	87	5	6,25	—
0,15-1 MHz	87	0,73/f	0,92/f	—
1-10 MHz	$87/f^{1/2}$	0,73/f	0,92/f	—
10-400 MHz	28	0,073	0,092	2
400-2 000 MHz	$1{,}375\ f^{1/2}$	$0{,}0037\ f^{1/2}$	$0{,}0046\ f^{1/2}$	f/200
2-300 GHz	61	0,16	0,20	10

Notas:

1. *f* según se indica en la columna de gama de frecuencia.

2. Para frecuencias de 100 kHz a 10 GHz, el promedio de S_{eq}, E^2, H^2, y B^2 ha de calcularse a lo largo de un período cualquiera de 6 minutos.

3. Para frecuencias superiores a 10 GHz, el promedio de S_{eq}, E^2, H^2 y B^2 ha de calcularse a lo largo de un período cualquiera de $68/f^{1{,}05}$ minutos (f en GHz).

4. No se ofrece ningún valor de campo E para frecuencias < 1 Hz, que son efectivamente campos eléctricos estáticos. La mayor parte de la gente no percibirá las molestas cargas eléctricas superficiales con resistencias de campo inferiores a 25 kV/m. Deben evitarse las descargas de chispas que causan estrés o molestias.

Folio N° 2661

Nota:

No se indican niveles de referencia más altos para la exposición a los campos de frecuencia extremadamente baja (FEB) cuando las exposiciones son de corta duración (véase la nota 2 del cuadro 1). En muchos casos, cuando los valores medidos rebasan el nivel de referencia, no se desprende necesariamente que se haya rebasado la restricción básica. Siempre que puedan evitarse los impactos negativos para la salud de los efectos indirectos de la exposición (como los microshocks), se reconoce que pueden rebasarse los niveles generales de referencia, siempre que no rebase la restricción básica relativa a la densidad. En muchas situaciones de exposición real, los campos FEB externos que se ajustan a los niveles de referencia inducirán en los tejidos del sistema nervioso central densidades de corriente inferiores a las restricciones básicas. También se reconoce que algunos aparatos habituales emiten campos localizados que rebasan los niveles de referencia. Sin embargo, esto ocurre generalmente en condiciones de exposición en las que no se rebasan las restricciones básicas debido al bajo acoplamiento entre el campo y el cuerpo.

En cuanto a valores de cresta, a la intensidad de campo E (V/m), la intensidad de campo H (A/m) y al campo B (μT) se les aplican los siguientes niveles de referencia:

— para frecuencias de hasta 100 kHz, los valores de cresta de referencia se obtienen multiplicando los valores rms correspondientes por $\sqrt{2}$ (~1,414). Para pulsos de duración tp, la frecuencia equivalente que ha de aplicarse debe calcularse como $f = 1/(2t_p)$;

— para frecuencias de entre 100 Hz y 10 MHz, los valores de cresta de referencia se obtienen multiplicando los valores rms correspondientes por

10^{α}, donde $\alpha = [0{,}665 \log (f/10^5) + 0{,}176]$, f en Hz

— para frecuencias de entre 10 MHz y 300 GHz, los valores de referencia de cresta se obtienen multiplicando los valores rms correspondientes por 32.

Nota:

Por regla general, en lo que se refiere a los campos pulsátiles y/o momentáneos de baja frecuencia, existen restricciones básicas que dependen de las frecuencias, así como niveles de referencia a partir de los cuales pueden establecerse evaluaciones de riesgo y directrices de exposición en relación con las fuentes pulsátiles y/o momentáneas. Un enfoque tradicional consiste en representar la señal pulsátil o momentánea de CEM como un espectro Fourier con sus componentes en cada gama de frecuencias, pudiendo así compararse con los niveles de referencia correspondientes a esas frecuencias. Para determinar el cumplimiento de las restricciones básicas también pueden aplicarse las fórmulas de adición en caso de exposición simultánea a campos de frecuencia múltiple.

Aunque se dispone de poca información sobre la relación existente entre efectos biológicos y valores máximos de campos pulsátiles, se sugiere que, en lo que se refiere a frecuencias que sobrepasan los 10 MHz, el promedio S_{eq} calculado en la anchura del pulso no debe ser mayor de 1 000 veces los niveles de referencia, o bien que las resistencias de campo no deben ser mayores de 32 veces los niveles de referencia de intensidad de campo. Para frecuencias de entre unos 0,3 GHz y varios GHz, y en relación con la exposición localizada de la cabeza, debe limitarse la absorción específica derivada de los pulsos para limitar o evitar los efectos auditivos causados por la extensión termoelástica. En esta gama de frecuencia, el umbral SA de 4-16 mJ kg^{-1} que es necesario para producir este efecto corresponde, para 30 pulsos Fs, a valores máximos SAR de 130 a 520 W kg^{-1} en el cerebro. Entre 100 kHz y 10 MHz, los valores de cresta de las intensidades de campo se obtienen mediante interpolación desde la cresta multiplicada por 1,5 a 100 kHz hasta la cresta multiplicada por 32 a 10 MHz.

Corrientes de contacto y corrientes en extremidades

Para frecuencias de hasta 110 MHz se recomiendan niveles de referencia adicionales para evitar los peligros debidos a las corrientes de contacto. En el cuadro 3 figuran los niveles de referencia de corriente de contacto. Éstos se han establecido para tomar en consideración el hecho de que las corrientes de contacto umbral que provocan reacciones biológicas en mujeres adultas y niños vienen a equivaler aproximadamente a dos tercios y la mitad, respectivamente, de las que corresponden a hombres adultos.

Cuadro 3

Niveles de referencia para corrientes de contacto procedentes de objetos conductores (f en kHz)

Gama de frecuencia	Corriente máxima de contacto (mA)
0 Hz-2,5 kHz	0,5
2,5 KHz-100 kHz	0,2 f
100 KHz-110 MHz	20

Para la gama de frecuencia de 10 MHz a 110 MHz se recomienda un nivel de referencia de 45 mA en términos de corriente a través de cualquier extremidad. Con ello se pretende limitar el SAR localizado a lo largo de un período cualquiera de 6 minutos.

Folio N° 2662

ANEXO IV

EXPOSICIÓN A FUENTES CON MÚLTIPLES FRECUENCIAS

En situaticones en las que se da una exposición simultánea a campos de diferentes frecuencias debe tenerse en cuenta la posibilidad de que se sumen los efectos de estas exposiciones. Para cada efecto deben hacerse cálculos basados en esa actividad; así pues, deben efectuarse evaluaciones separadas de los efectos de la estimulación térmica y eléctrica sobre el cuerpo.

Restricciones básicas

En el caso de la exposición simultánea a campos de diferentes frecuencias, deberán cumplirse los siguientes criterios como restricciones básicas.

En cuanto a la estimación eléctrica, pertinente en lo que se refiere a frecuencias de 1 Hz a 10 MHz, las densidades de corriente inducida deben sumarse de acuerdo con la siguiente fórmula:

$$\sum_{i=1\ Hz}^{10\ MHz} \frac{J_i}{J_{L,i}} \leq 1$$

En lo que respecta a los efectos térmicos, pertinentes a partir de los 100 kHz, los índices de absorción específica de energía y las densidades de potencia deben sumarse de acuerdo con la siguiente fórmula:

$$\sum_{i=100\ kHz}^{10\ GHz} \frac{SAR_i}{SAR_L} + \sum_{i>10\ GHz}^{300\ GHz} \frac{S_i}{S_L} \leq 1$$

donde

J_i es la densidad de corriente a la frecuencia i;

$J_{L,\ i}$ es la restricción básica de densidad de corriente a la frecuencia i, según figura en el cuadro 1;

SAR_i es el SAR causado por la exposición a la frecuencia i;

SAR_L es la restricción básica de SAR que figura en el cuadro 1;

S_i es la densidad de potencia a la frecuencia i;

S_L es la restricción básica de densidad de potencia que figura en el cuadro 1.

Niveles de referencia

Para la aplicación práctica de las restricciones básicas deben aplicarse los siguientes criterios relativos a los niveles de referencia de las intensidades de campo.

En relación con las densidades de corriente inducida y los efectos de estimulación eléctrica, pertinentes hasta los 10 MHz, a los niveles de campo deben aplicarse las dos exigencias siguientes:

$$\sum_{i=1\ Hz}^{1\ MHz} \frac{E_i}{E_{L,i}} + \sum_{i>1\ MHz}^{10\ MHz} \frac{E_i}{a} \leq 1$$

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y

$$\sum_{j=1\ Hz}^{150\ kHz} \frac{H_j}{H_{L,j}} + \sum_{j>150\ kHz}^{10\ MHz} \frac{H_j}{b} \leq 1$$

donde:

E_i es la intensidad de campo eléctrico a la frecuencia i;

$E_{L,\ i}$ es el nivel de referencia de intensidad de campo eléctrico del cuadro 2;

H_j es la intensidad de campo magnético a la frecuencia j;

$H_{L,\ j}$ es el nivel de referencia de intensidad de campo magnético del cuadro 2;

a es 87 V/m y b es 5 A/m (6,25 μT).

Comparados con las directivas ICNIRP [1] que se ocupan al mismo tiempo de la exposición profesional y de la de los ciudadanos en general, los valores de corte en las sumas corresponden a las condiciones de exposición del público en general.

El uso de los valores constantes (a y b) por encima de 1 MHz en lo que respecta al campo eléctrico, y por encima de 150 kHz en lo que se refiere al campo magnético, se debe al hecho de que la suma está basada en densidades de corriente inducida y no debe mezclarse con las circunstancias de efectos térmicos. Esto último constituye la base para $E_{L,\ i}$ y $H_{L,\ j}$ por encima de 1 MHz y 150 kHz respectivamente, que figuran en el cuadro 2.

En relación con las circunstancias de efecto térmico, pertinentes a partir de 100 kHz, a los niveles de campo deben aplicarse las dos exigencias siguientes:

$$\sum_{i=100\ kHz}^{1\ MHz} \left(\frac{E_i}{c}\right)^2 + \sum_{i>1\ MHz}^{300\ GHz} \left(\frac{E_i}{E_{L,i}}\right)^2 \leq 1$$

$$\sum_{j=100\ kHz}^{150\ kHz} \left(\frac{H_j}{d}\right)^2 + \sum_{j>150\ kHz}^{300\ GHz} \left(\frac{H_j}{H_{L,j}}\right)^2 \leq 1$$

y donde

E_i es la intensidad de campo eléctrico a la frecuencia i;

$E_{L,\ i}$ es el nivel de referencia de campo eléctrico del cuadro 2;

H_j es la densidad de campo magnético a la frecuencia j;

$H_{L,\ j}$ es el nivel de referencia de campo magnético derivado del cuadro 2;

c es $87/f^{1/2}$ V/m y d 0,73/f A/m.

Comparados asimismo con las directrices ICNIRP, algunos valores de coste sólo se han ajustado para la exposición de los ciudadanos en general.

[1] Comisión Internacional sobre la protección contra la radiación no ionizante. Directrices para limitar la exposición a campos eléctricos, magnéticos y electromagnéticos de tiempo variable (hasta 300 GHz). Health Phys.; 74(4): 494-522(1998).
Respuesta a las preguntas y comentarios sobre la ICNIRP. Health Physics 75(4): 438-439 (1998).

Folio N° 2664

Para la corriente de extremidades y la corriente de contacto, respectivamente, deben aplicarse las siguientes exigencias:

$$\sum_{k=10\ MHz}^{110\ MHz} \left(\frac{I_k}{I_{L,k}}\right)^2 \leq 1 \qquad \sum_{n>1\ Hz}^{110\ MHz} \left(\frac{I_n}{I_{C,n}}\right)^2 \leq 1$$

donde

l_k es el componente de corriente de extremidades a la frecuencia k;

$I_{L,\ k}$ es el nivel de referencia de la corriente de extremidades, 45 mA;

l_n es el componente de corriente de contacto a la frecuencia n;

$I_{C,n}$ es el nivel de referencia de la corriente de contacto a la frecuencia n (véase el cuadro 3).

Las anteriores fórmulas de adición presuponen las peores condiciones de fase entre los campos procedentes de múltiples fuentes. En consecuencia, las situaciones típicas de exposición pueden dar lugar en la práctica a unos niveles de exposición menos restrictivos de lo que indican las fórmulas correspondientes a los niveles de referencia.

Folio N° 2665

MONITEUR BELGE

BELGISCH STAATSBLAD

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LOIS, DECRETS, ORDONNANCES ET REGLEMENTS
WETTEN, DECRETEN, ORDONNANTIES EN VERORDENINGEN

SERVICE PUBLIC FEDERAL
CHANCELLERIE DU PREMIER MINISTRE

F. 2007 — 1146 [2007/200604]

1er MARS 2007. — Loi portant des dispositions diverses (III) (1)

ALBERT II, Roi des Belges,

A tous, présents et à venir, Salut.

Les Chambres ont adopté et Nous sanctionnons ce qui suit :

TITRE Ier. — *Disposition générale*

Article 1er. La présente loi règle une matière visée à l'article 78 de la Constitution.

TITRE II. — *Simplification administrative*

CHAPITRE Ier. — *Modifications de la loi hypothécaire du 16 décembre 1851*

Art. 2. A l'article 139 de la loi hypothécaire du 16 décembre 1851, inséré par la loi du 9 février 1995, sont apportées les modifications suivantes :

1° le § 1er est remplacé par la disposition suivante :

« § 1er. Dans tout acte ou document, sujet à publicité dans un bureau des hypothèques, toute personne physique sous le nom de laquelle la publicité doit être assurée est désignée par son nom suivi de ses prénoms, ses lieu et date de naissance et son domicile.

Lorsque l'acte est authentique ou lorsqu'il s'agit de l'inscription d'une hypothèque légale, le fonctionnaire instrumentant ou la personne habilitée à requérir cette inscription sont tenus de certifier les données d'identité précitées soit dans le corps, soit au pied de l'acte ou du document. Cette certification est établie d'après le registre national des personnes physiques, la carte d'identité, le carnet de mariage ou, en cas de contestation, les registres de l'état civil. Si la certification est établie sur la base de la carte d'identité, il suffit de mentionner les deux premiers prénoms au lieu de reprendre tous les prénoms. Les prénoms sont mentionnés dans l'ordre où ils figurent dans le document qui a servi à l'identification. Les expéditions et extraits présentés au conservateur des hypothèques reproduisent le contenu de cette certification.

Dans les autres cas, un extrait des registres de l'état civil est joint à l'acte ou au document. »;

2° le § 4 est abrogé.

Art. 3. Dans l'article 140 de la même loi, inséré par la loi du 9 février 1995, les mots « numéro d'identification à la T.V.A. » et « assujettie » sont remplacé respectivement par « numéro d'entreprise » et « inscrite dans la Banque-Carrefour des Entreprises ».

CHAPITRE II. — *Modifications de la loi de 25 ventôse de l'an XI contenant organisation du notariat*

Art. 4. L'article 11 de la loi de 25 ventôse de l'an XI contenant organisation du notariat, remplacé par la loi du 4 mai 1999, est remplacé par la disposition suivante :

« Art. 11. Le nom, les prénoms, le lieu et la date de naissance ainsi que le domicile des parties qui signent l'acte doivent être connues du notaire ou lui être établis par des documents d'identité probants à viser à l'acte ou lui être attestés dans l'acte par deux personnes connues de lui, ayant les qualités requises pour être témoins instrumentaires. »

Art. 5. A l'article 12 de la même loi, remplacé par la loi du 4 mai 1999, sont apportées les modifications suivantes :

1° l'alinéa 1er est remplacé par la disposition suivante :

« Tous les actes doivent énoncer les nom, prénom usuel et lieu de résidence du notaire qui les reçoit. Un notaire associé énonce cette qualité et le siège de la société au lieu de sa résidence. Les parties sont désignées dans l'acte par leur nom, suivis de leurs prénoms, leur lieu et date de naissance et leur domicile. En cas de certification établie sur la base de la carte d'identité, il suffit de mentionner les deux premiers prénoms au lieu de reprendre tous les prénoms. Les prénoms sont mentionnés dans l'ordre où ils figurent dans le document qui a servi à l'identification. »;

FEDERALE OVERHEIDSDIENST
KANSELARIJ VAN DE EERSTE MINISTER

N. 2007 — 1146 [2007/200604]

1 MAART 2007. — Wet houdende diverse bepalingen (III) (1)

ALBERT II, Koning der Belgen,

Aan allen die nu zijn en hierna wezen zullen, Onze Groet.

De Kamers hebben aangenomen en Wij bekrachtigen hetgeen volgt :

TITEL I. — *Algemene bepaling*

Artikel 1. Deze wet regelt een aangelegenheid als bedoeld in artikel 78 van de Grondwet.

TITEL II. — *Administratieve vereenvoudiging*

HOOFDSTUK I. — *Wijzigingen van de Hypotheekwet van 16 december 1851*

Art. 2. In artikel 139 van de Hypotheekwet van 16 december 1851, ingevoegd bij de wet van 9 februari 1995, worden de volgende wijzigingen aangebracht :

1° § 1 wordt vervangen als volgt :

« § 1. In iedere akte of ieder stuk waarvan de openbaarmaking in een hypotheekkantoor vereist is, wordt iedere natuurlijke persoon op wiens naam de openbaarmaking moet geschieden vermeld met zijn naam, gevolgd door zijn voornamen, plaats en datum van geboorte en woonplaats.

Indien de akte authentiek is of in geval van inschrijving van een wettelijke hypotheek, waarmerkt de instrumenterende ambtenaar of de persoon die de inschrijving kan vorderen de bovenvermelde identiteitsgegevens hetzij in de tekst, hetzij onderaan de akte of het stuk. Die waarmerking geschiedt op grond van de gegevens vervat in het rijksregister van de natuurlijke personen, de identiteitskaart, het trouwboekje of, bij betwisting, de registers van de burgerlijke stand. Indien de waarmerking gebeurt op basis van de identiteitskaart volstaan de eerste twee voornamen in de plaats van de opname van alle voornamen. De voornamen worden vermeld in de volgorde waarin zij voorkomen in het stuk op grond waarvan de identificatie is gebeurd. De expedities en uittreksels aangeboden aan de hypotheekbewaarder geven de inhoud van deze waarmerking weer.

In de andere gevallen wordt een uittreksel uit de registers van de burgerlijke stand gevoegd bij de akte of het stuk. »;

2° § 4 wordt opgeheven.

Art. 3. In artikel 140 van dezelfde wet, ingevoegd bij de wet van 9 februari 1995, worden de woorden « BTW identificatienummer » en « belastingplichtig is » respectievelijk vervangen door « ondernemingsnummer » en « ingeschreven is in de Kruispuntbank van Ondernemingen ».

HOOFDSTUK II. — *Wijzigingen van de wet van 25 ventôse jaar XI op het notarisambt*

Art. 4. Artikel 11 van de wet van 25 ventôse jaar XI op het notarisambt, vervangen bij de wet van 4 mei 1999, wordt vervangen als volgt :

« Art. 11. De naam, voornamen, plaats en datum van geboorte en woonplaats van de ondertekenende partijen moeten de notaris bekend zijn of hem worden aangetoond met in de akte te vermelden bewijskrachtige identiteitsbewijzen of hem in de akte worden geattesteerd door twee hem bekende personen, die de vereiste hoedanigheid bezitten om instrumentair getuige te zijn. »

Art. 5. In artikel 12 van dezelfde wet, vervangen bij de wet van 4 mei 1999, worden de volgende wijzigingen aangebracht :

1° het eerste lid wordt vervangen als volgt :

« Alle akten vermelden de naam, de gebruikelijke voornaam en de standplaats van de notaris die ze opmaakt. Een geassocieerde notaris vermeldt deze hoedanigheid en de zetel van de vennootschap in plaats van zijn standplaats. De partijen worden in de akte vermeld met hun naam, gevolgd door de voornamen, plaats en datum van geboorte en hun woonplaats. Ingeval de waarmerking op basis van de identiteitskaart gebeurt, volstaan de eerste twee voornamen in de plaats van de opname van alle voornamen. De voornamen worden vermeld in de volgorde waarin zij voorkomen in het stuk op grond waarvan de identificatie is gebeurd. »;

2° à l'alinéa 3, la phrase « Les sommes et dates sont écrites en toutes lettres. » est remplacée par « La date à laquelle l'acte est signé par le notaire et les sommes faisant l'objet d'une obligation de paiement sont écrites en toutes lettres. »

TITRE III. — *Economie*

CHAPITRE I^er^. — *Modification de la loi du 25 juin 1992 sur le contrat d'assurance terrestre*

Art. 6. A l'article 13, alinéa 3, de la loi du 25 juin 1992 sur le contrat d'assurance terrestre, modifié par la loi du 22 février 2006, les mots « , mais effectue ce versement par le biais d'un intermédiaire d'assurances tel que visé à l'article 1er, 3°, de la loi du 27 mars 1995 relative à l'intermédiation en assurances et en réassurances et à la distribution d'assurances » sont insérés entre les mots « contrat d'assurance » et « seule la réception ».

Art. 7. Dans l'article 68-2, § 1er, *a),* de la même loi, inséré par la loi du 21 mai 2003, les mots « une inondation » sont interprétés comme comprenant également « le ruissellement d'eau résultant du manque d'absorption du sol suite à des précipitations atmosphériques ».

CHAPITRE II. — *Modification de la loi du 27 mars 1995 relative à l'intermédiation en assurances et en reassurances et à la distribution d'assurances*

Art. 8. L'article 1er, 5°, *b),* de la loi du 27 mars 1995 relative à l'intermédiation en assurances et en réassurances et à la distribution d'assurances, inséré par la loi du 22 février 2006, est remplacé par le texte suivant :

« *b)* toute personne physique qui, dans une entreprise d'assurances, assume de facto la responsabilité à l'égard de personnes chargées de la distribution de produits d'assurance ou exerce le contrôle sur de telles personnes; ».

Art. 9. A l'article 2, § 3, de la même loi, modifié par la loi du 22 février 2006, sont apportées les modifications suivantes :

1° les mots « entreprise d'assurances ou de réassurances » et « intermédiaires d'assurances et de réassurances » sont remplacés respectivement par les mots « entreprise d'assurances » et « intermédiaires d'assurances »;

2° les mots « en rapport avec le public » sont remplacés par les mots « en contact avec le public ».

Art. 10. A l'article 3 de la même loi, modifié par la loi du 22 février 2006, sont apportées les modifications suivantes :

1° l'alinéa 1er est remplacé par l'alinéa suivant :

« Toute personne morale ou physique qui occupe des travailleurs et est inscrite comme intermédiaire d'assurances ou de réassurances, désigne un responsable de la distribution conformément à l'article 4. Le responsable de la distribution doit satisfaire aux conditions relatives aux connaissances professionnelles, aptitudes et honorabilité professionnelle visées à l'article 10, 1°, 2°*bis* et 3°. »;

2° à l'alinéa 2, les mots « , auprès d'un intermédiaire d'assurances ou de réassurances, » sont insérés entre les mots « qui » et « s'occupent », et les mots « en rapport avec le public » sont remplacés par les mots « en contact avec le public ».

Art. 11. A l'article 9, § 1er, alinéa 4, de la même loi, modifié par la loi du 22 février 2006, les mots « *van rechtswege* » sont, dans la version néerlandaise, remplacés par le mot « *ambtshalve* ».

Art. 12. A l'article 10, alinéa 1er, de la même loi, modifié par l'arrêté royal du 25 mars 2003 et par la loi du 22 février 2006, sont apportées les modifications suivantes :

1° le point 4°, alinéa 1er, est complété comme suit :

« Le contrat d'assurance contient une disposition qui oblige l'entreprise d'assurances, lorsqu'il est mis fin au contrat, à en aviser la CBFA. »;

2° le point 6°*ter* est remplacé par le texte suivant :

« Respecter, le cas échéant, les dispositions des articles 12*bis*, 12*ter* et 12*quater*. »

Art. 13. A l'article 11 de la même loi, modifié par la loi du 11 avril 1999, l'arrêté royal du 25 mars 2003 et la loi du 22 février 2006, sont apportées les modifications suivantes :

1° au § 3, alinéa 2, le mot « personnes » est remplacé par les mots « intermédiaires d'assurances »;

2° in het derde lid wordt de zin « De sommen en dagtekeningen worden voluit geschreven. » vervangen door « De datum van ondertekening van de akte door de notaris en de bedragen die het voorwerp uitmaken van een betalingsverplichting worden voluit geschreven. »

TITEL III. — *Economie*

HOOFDSTUK I. — *Wijziging van de wet van 25 juni 1992 op de landverzekeringsovereenkomst*

Art. 6. In artikel 13, derde lid, van de wet van 25 juni 1992 op de landverzekeringsovereenkomst, gewijzigd bij de wet van 22 februari 2006, wordt tussen de woorden « aan deze laatsten betaalt, » en de woorden « bevrijdt enkel de werkelijke ontvangst » de woorden « maar via een verzekeringstussenpersoon als bedoeld in artikel 1, 3°, van de wet van 27 maart 1995 betreffende de verzekerings- en herverzekeringsbemiddeling en de distributie van verzekeringen, » ingevoegd.

Art. 7. In artikel 68-2, § 1, *a),* van dezelfde wet, ingevoegd bij de wet van 21 mei 2003, worden de woorden « een overstroming » uitgelegd als eveneens omvattende « het afvloeien van water wegens onvoldoende absorptie door de grond ten gevolge van atmosferische neerslag ».

HOOFDSTUK II. — *Wijziging van de wet van 27 maart 1995 betreffende de verzekerings- en herverzekeringsbemiddeling en de distributie van verzekeringen*

Art. 8. Artikel 1, 5°, *b),* van de wet van 27 maart 1995 betreffende de verzekerings- en herverzekeringsbemiddeling en de distributie van verzekeringen, ingevoegd door de wet van 22 februari 2006, wordt vervangen als volgt :

« *b)* elke natuurlijke persoon die in een verzekeringsonderneming de facto de verantwoordelijkheid heeft over of toezicht uitoefent op personen die instaan voor de distributie van verzekeringsproducten; ».

Art. 9. Artikel 2, § 3, van dezelfde wet, gewijzigd door de wet van 22 februari 2006, wordt gewijzigd als volgt :

1° de woorden « verzekerings- of herverzekeringsonderneming » en de woorden « verzekerings- en herverzekeringstussenpersonen » worden respectievelijk vervangen door de woorden « verzekeringsonderneming » en « verzekeringstussenpersonen »;

2° in de Franse tekst worden de woorden « en rapport avec le public » vervangen door de woorden « en contact avec le public ».

Art. 10. Artikel 3 van dezelfde wet, gewijzigd door de wet van 22 februari 2006, wordt gewijzigd als volgt :

1° het eerste lid wordt vervangen als volgt :

« Elke rechtspersoon en elke natuurlijke persoon die werknemers in dienst heeft, die ingeschreven is als verzekerings- of herverzekeringstussenpersoon, wijst een verantwoordelijke voor de distributie aan als bepaald bij artikel 4. De verantwoordelijke voor de distributie moet voldoen aan de vereisten van beroepskennis, geschiktheid en professionele betrouwbaarheid, als bedoeld in artikel 10, 1°, 2°*bis* en 3°. »;

2° in het tweede lid worden tussen de woorden « zich » en « rechtstreeks » de woorden « in een verzekerings- of herverzekeringstussenpersoon » ingevoegd, en wordt in de Franse tekst de woorden « en rapport avec le public » vervangen door de woorden « en contact avec le public ».

Art. 11. In artikel 9, § 1, vierde lid, van dezelfde wet, gewijzigd door de wet van 22 februari 2006, wordt het woord « van rechtswege » vervangen door het woord « ambtshalve ».

Art. 12. Artikel 10, eerste lid, van dezelfde wet, gewijzigd door het koninklijk besluit van 25 maart 2003 en de wet van 22 februari 2006, wordt gewijzigd als volgt :

1° in het punt 4° wordt het eerste lid aangevuld als volgt :

« De verzekeringsovereenkomst bevat een bepaling die de verzekeringsonderneming bij beëindiging van de overeenkomst de verplichting oplegt de CBFA hiervan in kennis te stellen. »;

2° het punt 6°*ter* wordt vervangen als volgt :

« in voorkomend geval, het bepaalde naleven bij de artikelen 12*bis*, 12*ter* en 12*quater*. »

Art. 13. Artikel 11 van dezelfde wet, gewijzigd bij de wet van 11 april 1999, het koninklijk besluit van 25 maart 2003 en de wet van 22 februari 2006, wordt gewijzigd als volgt :

1° in § 3, tweede lid, wordt het woord « personen » vervangen door het woord « verzekeringstussenpersonen »;

2° il est inséré un § 4*bis*, rédigé comme suit :

« § 4*bis*. Les connaissances professionnelles et la formation de base visées au présent article font l'objet d'un recyclage régulier. La CBFA est compétente pour agréer ces recyclages. »

Art. 14. A l'article 11*bis*, alinéa 1er, de la même loi, modifié par l'arrêté royal du 25 mars 2003 et par la loi du 22 février 2006, les mots « entreprises d'assurances et de réassurances » sont remplacés par les mots « entreprises d'assurances ».

Art. 15. Il est inséré dans le chapitre II*bis* « Informations requises » de la même loi, inséré par la loi du 22 février 2006, une section 3, comprenant l'article 12*quinquies* et intitulée :

« Section 3. — Informations à fournir par les entreprises d'assurances ».

Art. 16. Un article 12*quinquies*, rédigé comme suit, est inséré dans la même loi :

« Art. 12*quinquies*. Les dispositions de l'article 12*bis*, § 1er, alinéa 1er, 5° et §§ 3 et 4, et de l'article 12*quater* s'appliquent par analogie aux entreprises d'assurances dans leurs contacts directs avec les clients. »

Art. 17. A l'article 13*bis* de la même loi, inséré par la loi du 22 février 2006, le § 2, alinéa 2, est remplacé par l'alinéa suivant :

« Si, dans les cas visés à l'alinéa 1er, au terme du délai d'un mois, il n'a pas été remédié au manquement, ainsi qu'en cas de déclaration de faillite de l'intermédiaire d'assurances ou de réassurances, l'inscription de ce dernier au registre expire d'office. La CBFA en avise l'intermédiaire d'assurances ou de réassurances concerné. »

Art. 18. A l'article 15, § 1er, de la même loi, modifié par la loi du 22 février 2006, sont apportées les modifications suivantes :

1° à l'alinéa 1er, le tiret suivant est inséré entre les cinquième et sixième tirets :

« — omet de communiquer à la CBFA la cessation ou la rupture du contrat visée à l'article 10, alinéa 1er, 4°; »;

2° le texte du sixième tiret, qui devient le septième tiret, est remplacé par le texte suivant :

« — omet de mentionner des informations visées aux articles 12*bis*, 12*ter* et 12*quater*; ».

Art. 19. A l'article 17 de la même loi, modifié par la loi du 22 février 2006, sont apportées les modifications suivantes :

1° au § 1er, les mots « à la date d'entrée en vigueur de la présente loi » et « dans les six mois de l'entrée en vigueur de la présente loi » sont remplacés respectivement par les mots « à la date du 15 mars 2006 » et « au plus tard le 31 janvier 2007 »;

2° le § 2 est abrogé.

Art. 20. L'article 18 de la même loi, modifié par la loi du 22 février 2006, est remplacé par la disposition suivante :

« Art. 18. Les intermédiaires d'assurances doivent démontrer pour le 15 juin 2006 au plus tard que les personnes faisant partie de la direction effective visée à l'article 10*bis* répondent aux exigences prévues par cet article en matière d'honorabilité professionnelle. Les intermédiaires de réassurances doivent démontrer pour le 31 janvier 2007 au plus tard que les personnes faisant partie de la direction effective visée à l'article 10*bis* répondent aux exigences prévues par cet article en matière d'honorabilité professionnelle. »

TITRE IV. — *Classes moyennes*

CHAPITRE Ier. — *Modification de la loi du 19 février 1965 relative à l'exercice, par les étrangers, des activités professionnelles indépendantes*

Art. 21. A l'article 3, § 1er, de la loi du 19 février 1965 relative à l'exercice, par les étrangers, des activités professionnelles indépendantes, modifié par les lois des 28 juin 1984, 2 février 2001 et 1er mai 2006, sont apportées les modifications suivantes :

1° à l'alinéa 1er, le mot « délivrée » est remplacé par le mot « accordée »;

2° l'alinéa suivant est ajouté après le 1er alinéa :

« Le Roi peut donner aux guichets d'entreprises le pouvoir de délivrer la carte professionnelle accordée par le fonctionnaire délégué à cet effet visé à l'alinéa 1er. Il déterminera la rétribution des guichets d'entreprises pour leur intervention. »

2° een § 4*bis* wordt ingevoegd, luidende als volgt :

« § 4*bis*. De in dit artikel bedoelde beroepskennis en basisopleiding maken het voorwerp uit van een geregelde bijscholing. De CBFA is bevoegd om deze bijscholingen te erkennen. »

Art. 14. In artikel 11*bis*, eerste lid, van dezelfde wet, gewijzigd bij het koninklijk besluit 25 maart 2003 en de wet van 22 februari 2006, worden de woorden « verzekerings- en herverzekeringsondernemingen » vervangen door het woord « verzekeringsondernemingen ».

Art. 15. In hoofdstuk II*bis* « Informatievereisten », van dezelfde wet, ingevoegd door de wet van 22 februari 2006, wordt een afdeling 3 ingevoegd, bestaande uit artikel 12*quinquies* en met als opschrift :

« Afdeling 3. Door verzekeringsondernemingen te verstrekken informatie ».

Art. 16. In dezelfde wet wordt een artikel 12*quinquies* ingevoegd, luidende :

« Art. 12*quinquies*. Het bepaalde bij artikel 12*bis*, § 1, eerste lid, 5°, en §§ 3 en 4, en artikel 12*quater* is van overeenkomstige toepassing op de verzekeringsondernemingen in hun rechtstreekse contacten met cliënten. »

Art. 17. In artikel 13*bis* van dezelfde wet, ingevoegd bij de wet van 22 februari 2006, wordt het tweede lid van § 2 vervangen als volgt :

« Wanneer, in de in het eerste lid bedoelde gevallen, na de termijn van een maand de tekortkoming niet is verholpen, alsook in geval van faillietverklaring van een verzekerings- of herverzekeringstussenpersoon, vervalt ambtshalve de inschrijving van de verzekerings- of herverzekeringstussenpersoon in het register. De CBFA brengt de betrokken verzekerings- of herverzekeringstussenpersoon hiervan op de hoogte. »

Art. 18. Artikel 15, § 1, van dezelfde wet, gewijzigd bij de wet van 22 februari 2006, wordt gewijzigd als volgt :

1° in het eerste lid wordt tussen het vijfde en het zesde streepje de volgende tekst ingevoegd :

« — nalaat de in de artikel 10, eerste lid, 4°, bedoelde beëindiging of verbreking aan de CBFA mee te delen; »;

2° de tekst van het zesde streepje, dat het zevende streepje wordt, wordt vervangen als volgt :

« — nalaat bij de artikelen 12*bis*, 12*ter* en 12*quater* bedoelde informatie te vermelden; ».

Art. 19. Artikel 17 van dezelfde wet, gewijzigd bij de wet van 22 februari 2006, wordt gewijzigd als volgt :

1° in § 1 worden de woorden « bij de inwerkingtreding van deze wet » en de woorden « , binnen zes maanden te rekenen van de inwerkingtreding van deze wet » respectievelijk vervangen door de woorden « op 15 maart 2006 » en « uiterlijk 31 januari 2007 »;

2° § 2 wordt opgeheven.

Art. 20. Artikel 18 van dezelfde wet, gewijzigd bij de wet van 22 februari 2006, wordt vervangen als volgt :

« Art. 18. De verzekeringstussenpersonen dienen uiterlijk op 15 juni 2006 aan te tonen dat de personen deel uitmakend van de effectieve leiding als bedoeld in artikel 10*bis* aan de in dat artikel gestelde vereisten inzake professionele betrouwbaarheid beantwoorden. De herverzekeringstussenpersonen dienen uiterlijk op 31 januari 2007 aan te tonen dat de personen deel uitmakend van de effectieve leiding als bedoeld in artikel 10*bis* aan de in dat artikel gestelde vereisten inzake professionele betrouwbaarheid beantwoorden. »

TITEL IV. — *Middenstand*

HOOFDSTUK I. — *Wijziging van de wet van 19 februari 1965 betreffende de uitoefening van de zelfstandige beroepsactiviteiten der vreemdelingen*

Art. 21. In artikel 3, § 1, van de wet van 19 februari 1965 betreffende de uitoefening van de zelfstandige beroepsactiviteit der vreemdelingen, gewijzigd bij de wetten van 28 juni 1984, 2 februari 2001 en 1 mei 2006, worden volgende wijzigingen aangebracht :

1° in het eerste lid wordt het woord « afgegeven » vervangen door het woord « toegekend »;

2° het volgende lid wordt toegevoegd na het eerste lid :

« De Koning kan aan de ondernemingsloketten de bevoegdheid toekennen om de beroepskaart af te geven die door de daartoe afgevaardigde ambtenaar bedoeld in het eerste lid, werd toegekend. Hij zal de vergoeding van de ondernemingsloketten voor hun tussenkomst bepalen. »

CHAPITRE II. — *Modification de la loi du 26 juin 1963 créant un ordre des architectes*

Art. 22. A l'article 11 de la loi du 26 juin 1963 créant un Ordre des architectes, modifié par l'arrêté royal du 12 septembre 1990 et la loi du 10 février 1998, sont apportées les modifications suivantes :

1° à l'alinéa 1er, le mot « quatre » est remplacé par le mot « six »;

2° l'alinéa 2 est abrogé;

3° à l'ancien alinéa 3, devenu alinéa 2, le mot « deux » est remplacé par le mot « trois ».

Art. 23. A l'article 12 de la même loi, les mots « d'un assesseur juridique suppléant » sont remplacés par les mots « de plusieurs assesseurs juridiques suppléants ».

Art. 24. A l'article 13 de la même loi, sont apportées les modifications suivantes :

1° à l'alinéa 1er, les mots « de quatre ans parmi les présidents, vice-présidents et juges, effectifs ou honoraires, des tribunaux de première instance, à l'exclusion des juges d'instruction, ainsi que parmi les magistrats honoraires du parquet de ces tribunaux » sont remplacés par les mots « de six ans parmi les magistrats effectifs ou honoraires »;

2° l'alinéa 2 est remplacé par l'alinéa suivant :

« Le Roi nomme, dans les mêmes conditions, les assesseurs juridiques suppléants et fixe l'ordre dans lequel ils suppléent à l'assesseur juridique. »

Art. 25. A l'article 16, alinéa 1er, de la même loi les mots « ou de l'assesseur juridique suppléant » sont remplacés par les mots « ou d'un des assesseurs juridiques suppléants ».

Art. 26. A l'article 24, § 2, de la même loi, modifié par la loi du 28 janvier 1977, les mots « Le Roi arrête les formes dans lesquelles le droit de récusation devra être exercé. » sont supprimés.

Art. 27. A l'article 28, alinéa 1er, de la même loi, le mot « quatre » est remplacé par le mot « six ».

Art. 28. Les modifications visées au présent chapitre s'appliquent aux mandats actuellement en cours au sein des organes repris à l'article 6 de la même loi.

TITRE V. — *Environnement*

CHAPITRE Ier. — *Les normes de produits — Modification de la loi du 21 décembre 1998 relative aux normes de produits ayant pour but la promotion de modes de production et de consommation durables et la protection de l'environnement et de la santé*

Art. 29. Le texte néerlandais de l'article 2, 8°, de la loi du 21 décembre 1998 relative aux normes de produits ayant pour but la promotion de modes de production et de consommation durables et la protection de l'environnement et de la santé, est remplacé comme suit :

« 8° biociden : de werkzame stoffen en preparaten die één of meer werkzame stoffen bevatten, in de vorm waarin zij aan de gebruiker worden geleverd, en bestemd zijn om een schadelijk organisme te vernietigen, af te schrikken, onschadelijk te maken, de effecten ervan te voorkomen of het op andere wijze langs chemische of biologische weg te bestrijden; de Koning kan het begrip biocide nader omschrijven in overeenstemming met de desbetreffende richtlijnen en verordeningen van de Europese Gemeenschap; ».

Art. 30. A l'article 17 de la même loi, modifié par les lois des 28 mars 2003, 27 décembre 2004 et 20 juillet 2005, sont apportées les modifications suivantes :

— au § 1er, il est inséré un point 9°, rédigé comme suit :

« 9° celui qui enfreint l'article 9 du Règlement (CE) n° 842/2006 du Parlement européen et du Conseil du 17 mai 2006 relatif à certains gaz à effet de serre fluorés »;

— au § 2, il est inséré un point 7°, rédigé comme suit :

« 7° celui qui enfreint l'article 6, §§ 1er et 2, et l'article 7 du Règlement (CE) n° 842/2006 du Parlement européen et du Conseil du 17 mai 2006 relatif à certains gaz à effet de serre fluorés ».

Art. 31. L'annexe de la même loi, est complétée comme suit :

« Règlement (CE) n° 842/2006 du Parlement européen et du Conseil du 17 mai 2006 relatif à certains gaz à effet de serre fluorés ».

HOOFDSTUK II. — *Wijziging van de wet van 26 juni 1963 tot instelling van een Orde van architecten*

Art. 22. In artikel 11 van de wet van 26 juni 1963 tot instelling van een Orde van architecten, gewijzigd bij het koninklijk besluit van 12 september 1990 en de wet van 10 februari 1998, worden de volgende wijzigingen aangebracht :

1° in het eerste lid wordt het woord « vier » vervangen door het woord « zes »;

2° het tweede lid wordt opgeheven;

3° in het vroegere derde lid, dat het tweede lid is geworden wordt het woord « twee » vervangen door het woord « drie ».

Art. 23. In artikel 12 van dezelfde wet worden de woorden « een plaatsvervangend rechtskundig bijzitter » vervangen door de woorden « meerdere plaatsvervangend rechtskundig bijzitters ».

Art. 24. In artikel 13 van dezelfde wet worden de volgende wijzigingen aangebracht :

1° in het eerste lid worden de woorden « vier jaar onder de voorzitters, ondervoorzitters en rechters, titularis of honorair, van de rechtbanken van eerste aanleg, met uitsluiting van de onderzoeksrechters, alsmede onder de eremagistraten van het parket bij deze rechtbanken » vervangen door de woorden « zes jaar onder de magistraten, titularis of honorair »;

2° het tweede lid wordt vervangen als volgt :

« De Koning benoemt onder dezelfde voorwaarden de plaatsvervangend rechtskundig bijzitters en bepaalt de volgorde waarin ze de rechtskundig bijzitter vervangen. »

Art. 25. In artikel 16, eerste lid, van dezelfde wet worden de woorden « plaatsvervangend rechtskundig bijzitter » vervangen door de woorden « één van de plaatsvervangend rechtskundig bijzitters ».

Art. 26. In artikel 24, § 2, van dezelfde wet, gewijzigd bij de wet van 28 januari 1977, vervallen de woorden « De vormen waarin het recht van wraking dient te worden uitgeoefend, worden door de Koning vastgesteld. »

Art. 27. In artikel 28, eerste lid, van dezelfde wet wordt het woord « vier » vervangen door het woord « zes ».

Art. 28. De wijzigingen bedoeld in dit hoofdstuk zijn van toepassing op de lopende mandaten binnen de organen opgesomd in artikel 6 van dezelfde wet.

TITEL V. — *Leefmilieu*

HOOFDSTUK I. — *De productnormen — Wijziging van de wet van van 21 december 1998 betreffende de productnormen ter bevordering van duurzame productie- en consumptiepatronen en ter bescherming van het leefmilieu en de volksgezondheid*

Art. 29. Artikel 2, 8° van de wet van 21 december 1998 betreffende de productnormen ter bevordering van duurzame productie- en consumptiepatronen en ter bescherming van het leefmilieu en de volksgezondheid, wordt vervangen als volgt :

« 8° biociden : de werkzame stoffen en preparaten die één of meer werkzame stoffen bevatten, in de vorm waarin zij aan de gebruiker worden geleverd, en bestemd zijn om een schadelijk organisme te vernietigen, af te schrikken, onschadelijk te maken, de effecten ervan te voorkomen of het op andere wijze langs chemische of biologische weg te bestrijden; de Koning kan het begrip biocide nader omschrijven in overeenstemming met de desbetreffende richtlijnen en verordeningen van de Europese Gemeenschap; ».

Art. 30. In artikel 17 van dezelfde wet, gewijzigd bij de wetten van 28 maart 2003, 27 december 2004 en 20 juli 2005, worden de volgende wijzigingen aangebracht :

— in § 1, wordt een punt 9° ingevoegd, luidend als volgt :

« 9° hij die artikel 9 van Verordening (EG) nr. 842/2006 van het Europees Parlement en de Raad van 17 mei 2006 inzake bepaalde gefluoreerde broeikasgassen overtreedt »;

— in § 2, wordt een punt 7° ingevoegd, luidend als volgt :

« 7° hij die artikel 6, §§ 1 en 2, en artikel 7 van Verordening (EG) nr. 842/2006 van het Europees Parlement en de Raad van 17 mei 2006 inzake bepaalde gefluoreerde broeikasgassen overtreedt ».

Art. 31. De bijlage bij dezelfde wet wordt aangevuld als volgt :

« Verordening (EG) nr. 842/2006 van het Europees Parlement en de Raad van 17 mei 2006 inzake bepaalde gefluoreerde broeikasgassen ».

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CHAPITRE II. — *Organismes génétiquement modifiés —Modification de la loi du 20 juillet 1991 portant des dispositions sociales et diverses*

Art. 32. L'article 132 de la loi du 20 juillet 1991 portant des dispositions sociales et diverses, modifié par la loi du 22 février 1998 et par l'arrêté royal du 22 février 2001, est remplacé comme suit :

« Art. 132. Pour assurer l'exécution des obligations résultant d'accords ou de traités internationaux ainsi que de réglementations européennes en ce qui concerne la dissémination volontaire, la mise sur le marché, la traçabilité, l'étiquetage et les mouvements transfrontières d'organismes génétiquement modifiés, le Roi, par arrêté délibéré en Conseil des Ministres, règle la dissémination volontaire, la mise sur le marché, la traçabilité, l'étiquetage et les mouvements transfrontières d'organismes génétiquement modifiés ou de produits en contenant. »

Art. 33. Dans le Titre V, Chapitre II, de la même loi, il est inséré un article 132*bis*, rédigé comme suit :

« Art. 132*bis*. § 1er. Sans préjudice des attributions des officiers de police judiciaire, les membres du personnel statutaires ou contractuels du SPF Santé publique, Sécurité de la Chaîne alimentaire et Environnement, désignés par le Roi sur proposition conjointe des Ministres qui ont la Santé publique et l'Environnement dans leurs attributions, contrôlent l'application des arrêtés pris en exécution de l'article 132 de la présente loi, des dispositions prises en vertu des accords et traités internationaux, et des règlements et décisions européens en ce qui concerne la dissémination volontaire, la mise sur le marché, la traçabilité, l'étiquetage et les mouvements transfrontières d'organismes génétiquement modifiés ou de produits en contenant.

§ 2. Dans l'exécution de leur mission, les membres du personnel statutaires ou contractuels visés au § 1er peuvent :

1° pénétrer et investiguer, à tout moment, dans tout lieu où peuvent se trouver des produits ainsi que dans les lieux où sont susceptibles d'être trouvées les preuves de l'existence d'une infraction. La visite des locaux servant exclusivement d'habitation n'est permise qu'entre 5 heures du matin et 9 heures du soir et il ne peut y être procédé qu'avec l'autorisation écrite, préalable, et délivrée à cet effet par un juge du tribunal de police;

2° exiger la production des informations et documents dont ils estiment avoir besoin dans l'exécution de leur mission et procéder à toutes les constatations utiles;

3° prélever ou faire prélever, sous leur surveillance, des échantillons et les examiner et/ou les faire analyser.

§ 3. Les membres du personnel statutaires ou contractuels, désignés par le Roi, constatent les infractions aux arrêtés pris en exécution de l'article 132 de la présente loi et aux dispositions prises en vertu des accords et traités internationaux, et des règlements et décisions européens en ce qui concerne la dissémination volontaire, la mise sur le marché, la traçabilité, l'étiquetage et les mouvements transfrontières d'organismes génétiquement modifiés ou de produits en contenant, en dressant des procès-verbaux qui font foi jusqu'à preuve du contraire; une copie du procès-verbal est transmise au contrevenant, dans les quinze jours civils suivant la constatation.

§ 4. Les membres du personnel statutaires ou contractuels, désignés par le Roi, peuvent, par mesure administrative et pour un délai de soixante jours calendrier maximum, procéder à la saisie conservatoire des organismes génétiquement modifiés ou les produits en contenant dont ils suspectent la non-conformité aux dispositions d'un arrêté pris en exécution de l'article 132 de la présente loi ou aux dispositions prises en vertu des accords et traités internationaux, et des règlements et décisions européens en ce qui concerne la dissémination volontaire, la mise sur le marché, la traçabilité, l'étiquetage et les mouvements transfrontières d'organismes génétiquement modifiés ou de produits en contenant, afin de les soumettre à un examen ou une analyse. Suivant le résultat de l'examen ou de l'analyse, la saisie conservatoire est levée sur ordre du membre du personnel statutaire ou contractuel qui a temporairement saisi le produit pour examen, ou les produits peuvent être saisis définitivement. Les produits saisis définitivement peuvent être détruits ou renvoyés. L'échéance du délai conduit également à la levée de la saisie conservatoire.

Les organismes génétiquement modifiés ou les produits en contenant faisant l'objet d'une saisie conservatoire visée à l'alinéa 1er, seront détruits si cela est nécessaire pour des raisons de non-conservation ou

HOOFDSTUK II. — *Genetisch gewijzigde organismen — Wijziging van de wet van 20 juli 1991 houdende sociale en diverse bepalingen*

Art. 32. Artikel 132 van de wet van 20 juli 1991 houdende sociale en diverse bepalingen, zoals gewijzigd bij de wet van 22 februari 1998 en het koninklijk besluit van 22 februari 2001, wordt vervangen als volgt :

« Art. 132. Teneinde de uitvoering te verzekeren van de verplichtingen voortvloeiende uit internationale akkoorden of verdragen en uit Europese reglementering in verband met het doelbewust verspreiden, het in de handel brengen, de traceerbaarheid, de etikettering en de grensoverschrijdende verplaatsing van genetisch gewijzigde organismen, regelt de Koning, bij een besluit vastgesteld na overleg in de Ministerraad, de doelbewuste verspreiding, het in de handel brengen, de traceerbaarheid, de etikettering en de grensoverschrijdende verplaatsing van genetisch gewijzigde organismen of van producten die er bevatten. »

Art. 33. In Titel V, Hoofdstuk II, van dezelfde wet wordt een artikel 132*bis* ingevoegd, luidende :

« Art. 132*bis*. § 1. Onverminderd de bevoegdheid van de officieren van gerechtelijke politie, houden de door de Koning, op gezamenlijke voordracht van de Ministers bevoegd voor Volksgezondheid en voor Leefmilieu, aangewezen statutaire en contractuele personeelsleden van de FOD Volksgezondheid, Veiligheid van de Voedselketen en Leefmilieu, toezicht op de naleving van de besluiten ter uitvoering van artikel 132 van deze wet, en op de bepalingen genomen krachtens de internationale akkoorden en verdragen, en de Europese verordeningen en beschikkingen in verband met het doelbewust verspreiden, het in de handel brengen, de traceerbaarheid, de etikettering en de grensoverschrijdende verplaatsing van genetisch gewijzigde organismen of van producten die er bevatten.

§ 2. In de uitoefening van hun opdracht kunnen de in § 1 bedoelde statutaire en contractuele personeelsleden :

1° op elk moment elke plaats betreden en doorzoeken waar zich producten kunnen bevinden evenals elke plaats waar bewijzen van het bestaan van een inbreuk mogelijk kunnen worden aangetroffen. Het bezoek aan lokalen die uitsluitend als woning dienen is slechts toegestaan tussen 5 uur 's ochtends en 9 uur 's avonds en kan slechts gebeuren met een voorafgaandelijke schriftelijke machtiging hiertoe afgeleverd door een rechter van de politierechtbank;

2° zich alle inlichtingen en bescheiden doen verstrekken die zij tot het volbrengen van hun opdracht nodig achten, en overgaan tot alle nuttige vaststellingen;

3° monsters nemen of onder hun toezicht laten nemen en deze onderzoeken en/of laten analyseren.

§ 3. De door de Koning aangewezen statutaire en contractuele personeelsleden stellen de overtredingen van de besluiten ter uitvoering van artikel 132 van deze wet en van de bepalingen genomen, krachtens de internationale akkoorden en verdragen, en de Europese verordeningen en beschikkingen in verband met het doelbewust verspreiden, het in de handel brengen, de traceerbaarheid, de etikettering en de grensoverschrijdende verplaatsing van genetisch gewijzigde organismen of van producten die er bevatten, vast in processen-verbaal, die bewijskracht hebben behoudens tegenbewijs; een afschrift ervan wordt binnen de vijftien kalenderdagen na de vaststelling aan de overtreder toegezonden.

§ 4. De door de Koning aangewezen statutaire en contractuele personeelsleden kunnen bij administratieve maatregel de genetisch gewijzigde organismen of de producten die er bevatten waarvan zij vermoeden dat zij niet beantwoorden aan de bepalingen van een krachtens artikel 132 van deze wet genomen besluit of aan de bepalingen genomen krachtens de internationale akkoorden en verdragen, en de Europese verordeningen en beschikkingen in verband met het doelbewust verspreiden, het in de handel brengen, de traceerbaarheid, de etikettering en de grensoverschrijdende verplaatsing van genetisch gewijzigde organismen of van producten die er bevatten, onder bewarend beslag plaatsen voor een termijn van maximaal 60 kalenderdagen, teneinde ze aan onderzoek of analyse te onderwerpen. Naargelang van het resultaat van het onderzoek of de analyse wordt het bewarend beslag op bevel van het statutaire of contractuele personeelslid die het product tijdelijk voor onderzoek in bezit heeft genomen, gelicht of kunnen de producten definitief in beslag genomen worden. De definitief inbezitgenomen producten kunnen vernietigd of teruggestuurd worden. Het verstrijken van de termijn leidt ook tot de lichting van het bewarend beslag.

De genetisch gewijzigde organismen of de producten die er bevatten, die het voorwerp uitmaken van een bewarend beslag bedoeld in het eerste lid, zullen indien noodzakelijk voor niet-bewarende producten of om dwingende redenen van volksgezondheid en/of van leefmilieu

pour des raisons impérieuses de santé publique et/ou d'environnement. Cette destruction est ordonnée par les membres du personnel statutaires ou contractuels désignés par le Roi.

Les frais de destruction, de transformation, de dénaturation, de mise hors d'usage, de conservation, de saisie, de mise sous scellés ou sous séquestre, d'examen ou d'analyse sont à charge du propriétaire ou, à défaut, du détenteur des produits.

§ 5. En cas de danger imminent pour la santé publique ou l'environnement, le Ministre qui a la santé publique ou l'environnement dans ses attributions peut, par décision motivée, prendre ou imposer toutes les mesures urgentes qui s'imposent compte tenu des circonstances. ».

Art. 34. Dans le Titre V, Chapitre II, de la même loi, il est inséré un article 132*ter*, rédigé comme suit :

« Art. 132*ter*. Les infractions aux dispositions des arrêtés pris en exécution de l'article 132 de la présente loi et aux dispositions prises en vertu des accords et traités internationaux et des règlements et décisions européens en ce qui concerne la dissémination volontaire, la mise sur le marché, la traçabilité, l'étiquetage et les mouvements transfrontières d'organismes génétiquement modifiés ou de produits en contenant et, peuvent être punies d'une peine de prison d'un mois à deux ans et d'une amende de 1 000 euros à 50 000 euros, ou d'une amende administrative.

Le fonctionnaire verbalisant envoie le procès-verbal qui constate le délit au procureur du Roi ainsi qu'une copie au fonctionnaire désigné par le Roi. ».

Art. 35. Dans le Titre V, Chapitre II, de la même loi, il est inséré un article 132*quater*, rédigé comme suit :

« Art. 132*quater*. § 1er. Le procureur du Roi décide s'il y a lieu ou non de poursuivre pénalement.

Les poursuites pénales excluent l'application d'une amende administrative, même si un acquittement les clôture.

§ 2. Le procureur du Roi dispose d'un délai de trois mois, à compter du jour de la réception du procès-verbal, pour notifier sa décision au fonctionnaire désigné par le Roi.

Dans le cas où le procureur du Roi renonce à intenter des poursuites pénales ou omet de notifier sa décision dans le délai fixé, le fonctionnaire désigné par le Roi, décide, suivant les modalités et conditions qu'Il fixe, et après avoir mis l'intéressé en mesure de présenter ses moyens de défense, s'il y a lieu de proposer une amende administrative du chef de l'infraction.

§ 3. La décision du fonctionnaire est motivée et fixe le montant de l'amende administrative qui ne peut être inférieur au minimum de l'amende prévue par la disposition légale violée, ni supérieur au quintuple de ce minimum.

Toutefois ces montants sont toujours majorés des decimes additionnels fixés pour les amendes pénales.

En outre, les frais d'expertise sont mis à charge du contrevenant.

§ 4. En cas de concours d'infractions, les montants des amendes administratives sont cumulés, sans que leur total puisse excéder le maximum prévu à l'article 132*ter*.

§ 5. La décision, visée au § 3, est notifiée à l'intéressé par lettre recommandée à la poste, en même temps qu'une invitation à acquitter l'amende dans le délai fixé par le Roi. Cette notification éteint l'action publique; le paiement de l'amende administrative met fin à l'action de l'administration.

§ 6. Si l'intéressé demeure en défaut de payer l'amende et les frais d'expertise dans le délai fixé, le fonctionnaire poursuit le paiement de l'amende et des frais d'expertise devant le tribunal compétent.

§ 7. Il ne peut être infligé d'amende administrative trois ans après le fait constitutif d'une infraction prévue par le présent chapitre.

Toutefois les actes d'instruction ou de poursuite, faits dans le délai déterminé à l'alinéa 1er, en interrompent le cours.

Ces actes font courir un nouveau délai d'égale durée, même à l'égard des personnes qui n'y sont pas impliquées.

§ 8. Le Roi détermine les règles de procédure applicables en matière d'amendes administratives.

vernietigd worden. Tot die vernietiging wordt besloten door de door de Koning aangewezen statutaire en contractuele personeelsleden.

De kosten voor de vernietiging, verwerking, ontaarding, buiten gebruikstelling, bewaring, inbeslagname, verzegeling of het sekwester, van het onderzoek of de analyse zijn ten laste van de eigenaar of, bij ontstentenis, van de houder van de producten.

§ 5. Bij dreigend gevaar voor de volksgezondheid of het leefmilieu kan de Minister bevoegd voor de volksgezondheid of het leefmilieu, bij een met redenen omklede beslissing, alle door de omstandigheden genoodzaakte noodmaatregelen treffen of opleggen. ».

Art. 34. In Titel V, Hoofdstuk II, van dezelfde wet wordt een artikel 132*ter* ingevoegd, luidende :

« Art. 132*ter*. De overtredingen van de bepalingen van de besluiten ter uitvoering van artikel 132 van deze wet en van de bepalingen genomen, krachtens de internationale akkoorden en verdragen, en de Europese verordeningen en beschikkingen in verband met het doelbewust verspreiden, het in de handel brengen, de traceerbaarheid, de etikettering en de grensoverschrijdende verplaatsing van genetisch gewijzigde organismen of van producten die er bevatten, kunnen worden gestraft met een gevangenisstraf van een maand tot twee jaar en een geldboete van 1 000 euro tot 50 000 euro, of met een administratieve boete.

De verbaliserende ambtenaar stuurt het proces-verbaal dat het misdrijf vaststelt aan de Procureur des Konings alsook een afschrift ervan aan de door de Koning aangewezen ambtenaar. ».

Art. 35. In Titel V, Hoofdstuk II, van dezelfde wet wordt een artikel 132*quater* ingevoegd, luidende :

« Art. 132*quater*. § 1. De procureur des Konings beslist of hij al dan niet strafrechtelijk vervolgt.

Strafvervolging sluit administratieve geldboete uit, ook wanneer de vervolging tot vrijspraak heeft geleid.

§ 2. De procureur des Konings beschikt over een termijn van drie maanden, te rekenen van de dag van ontvangst van het proces-verbaal, om van zijn beslissing kennis te geven aan de door de Koning aangewezen ambtenaar.

Ingeval de procureur des Konings van strafvervolging afziet of verzuimt binnen de gestelde termijn van zijn beslissing kennis te geven, beslist de door de Koning aangewezen ambtenaar overeenkomstig de nadere regels en voorwaarden die Hij bepaalt, of wegens het misdrijf een administratieve geldboete moet worden voorgesteld, nadat de betrokkene de mogelijkheid geboden werd zijn verweermiddelen naar voor te brengen.

§ 3. De beslissing van de ambtenaar is met redenen omkleed en bepaalt het bedrag van de administratieve geldboete, die niet lager mag zijn dan het minimum van de geldboete bepaald door de overtreden wettelijke bepaling, noch hoger dan het vijfvoudige van dit minimum.

Deze bedragen worden evenwel altijd vermeerderd met de opdeciemen vastgesteld voor de strafrechtelijke geldboeten.

Bovendien worden de expertisekosten ten laste gelegd van de overtreder.

§ 4. Bij samenloop van misdrijven worden de bedragen van de administratieve geldboeten samengevoegd, zonder dat deze samen hoger mogen zijn dan het maximumbedrag bedoeld in artikel 132*ter*.

§ 5. De beslissing bedoeld in § 3 wordt aan de betrokkene betekend bij een ter post aangetekende brief samen met een verzoek tot betaling van de boete binnen de door de Koning gestelde termijn. Deze kennisgeving doet de strafvordering vervallen; de betaling van de administratieve geldboete maakt een einde aan de vordering van de administratie.

§ 6. Blijft de betrokkene in gebreke om de geldboete en de expertisekosten binnen de gestelde termijn te betalen, dan vordert de ambtenaar de betaling van de geldboete en de expertisekosten voor de bevoegde rechtbank.

§ 7. Geen administratieve geldboete kan worden opgelegd drie jaar na het feit dat een bij dit hoofdstuk bedoeld misdrijf oplevert.

De daden van onderzoek of van vervolging verricht binnen de in het eerste lid gestelde termijn stuiten evenwel de loop ervan.

Met die daden begint een nieuwe termijn van gelijke duur te lopen, zelfs ten aanzien van personen die daarbij niet betrokken waren.

§ 8. De Koning bepaalt de procedureregelen die van toepassing zijn inzake administratieve geldboeten.

Les amendes administratives sont versées sur un compte de trésorerie du Service public fédéral Santé publique, Sécurité de la Chaîne alimentaire et Environnement prévu à cet effet.

§ 9. La personne morale dont le contrevenant est l'organe ou le préposé, est également responsable du paiement de l'amende administrative. ».

Art. 36. Dans le Titre V, Chapitre II, de la même loi, il est inséré un article 132*quinquies*, rédigé comme suit :

« Art. 132*quinquies*. Les dispositions reprises sous les articles 132*bis* tot en met 132*quater* ne s'appliquent pas aux contrôles effectués ni aux infractions constatées en application de l'arrêté royal du 22 février 2001 organisant les contrôles effectués par l'Agence fédérale pour la Sécurité de la Chaîne alimentaire et modifiant diverses dispositions légales. ».

TITRE VI. — *Banque-Carrefour de la sécurité sociale*

CHAPITRE I^er^. — *Modification de la loi du 15 janvier 1990 relative à l'institution et à l'organisation d'une Banque-Carrefour de la sécurité sociale*

Art. 37. L'article 2 de la loi du 15 janvier 1990 relative à l'institution et à l'organisation d'une Banque-Carrefour de la sécurité sociale est modifié comme suit :

1° l'alinéa 1^er^, 2° modifié par les lois du 29 avril 1996, du 25 janvier 1999 et du 24 décembre 2002, est complété comme suit :

« *f)* les centres publics d'action sociale dans la mesure où ils sont chargés de l'application de la sécurité sociale au sens de la présente loi; »;

2° à alinéa 1^er^, 10°, inséré par la loi du 26 février 2003, les mots « comité sectoriel de la sécurité sociale » sont chaque fois remplacés par les mots « comité sectoriel de la sécurité sociale et de la santé ».

Art. 38. L'article 4 de la même loi, remplacé par la loi du 24 décembre 2002 et modifié par la loi du 27 décembre 2004, est remplacé par la disposition suivante :

« Art. 4. § 1^er^. Les registres Banque-Carrefour sont des bases de données gérées par la Banque-Carrefour dans lesquelles, conformément aux dispositions du présent article, des données d'identification relatives à des personnes physiques sont enregistrées et mises à disposition en vue de l'identification des personnes physiques concernées par les instances visées au § 4 dans le cadre de finalités pour lesquelles elles ont accès aux données reprises dans les registres Banque-carrefour ou en obtiennent la communication.

§ 2. Les registres Banque-carrefour sont complémentaires et subsidiaires au Registre national. Dans les registres Banque-Carrefour sont inscrites les personnes physiques qui ne sont pas inscrites au Registre national ou dont les données d'identification nécessaires ne sont pas toutes mises à jour de façon systématique dans le Registre national, pour autant que leur identification soit requise pour l'application de la sécurité sociale, pour l'exécution des missions qui sont accordées par ou en vertu d'une loi, d'un décret ou d'une ordonnance à une autorité publique belge ou pour l'accomplissement des tâches d'intérêt général qui sont confiées par ou en vertu d'une loi, d'un décret ou d'une ordonnance à une personne physique ou à un organisme public ou privé de droit belge.

Entre les registres Banque-Carrefour et le Registre national, une synchronisation régulière est opérée, de telle manière qu'il ne soit pas gardé dans les registres Banque-Carrefour des données relatives aux personnes physiques qui sont inscrites dans le Registre national et dont toutes les données d'identification nécessaires sont mises à jour de façon systématique dans le Registre national, à l'exception des éventuelles données historiques relatives à la période pendant laquelle ces personnes étaient inscrites dans les registres Banque-Carrefour.

Dans la mesure où les personnes physiques visées à l'alinéa 1^er^ ne disposent pas d'un numéro d'identification du Registre national, la Banque-Carrefour leur attribue elle-même un numéro d'identification lors de l'inscription dans les registres Banque-Carrefour.

§ 3. Le Comité de gestion de la Banque-Carrefour détermine, après concertation avec le Registre national, par catégorie de personnes physiques et/ou par catégorie de données d'identification, les pièces justificatives sur la base desquelles des données d'identification peuvent être reprises et modifiées dans les registres Banque-Carrefour, ainsi que les institutions de sécurité sociale ou autorités publiques belges, personnes physiques et organismes publics ou privés de droit belge qui sont habilités à enregistrer ou modifier des données d'identification dans les registres Banque-Carrefour sur la base de ces pièces justificatives. Les institutions de sécurité sociale, autorités publiques belges, personnes physiques et organismes publics ou privés de droit belge ainsi désignés sont responsables de la concordance des

De administratieve geldboeten worden gestort op een daarvoor voorziene thesaurierekening van de Federale Overheidsdienst Volksgezondheid, Veiligheid van de Voedselketen en Leefmilieu.

§ 9. De rechtspersoon waarvan de overtreder orgaan of aangestelde is, is eveneens aansprakelijk voor de betaling van de administratieve geldboete. ».

Art. 36. In Titel V, Hoofdstuk II, van dezelfde wet wordt een artikel 132*quinquies* ingevoegd, luidende :

« Art. 132*quinquies*. ù De bepalingen van de artikelen 132*bis* tot en met 132*quater* zijn niet van toepassing op de controles verricht noch op de inbreuken vastgesteld met toepassing van het koninklijk besluit van 22 februari 2001 houdende organisatie van de controles die worden verricht door het Federaal Agentschap voor de Veiligheid van de Voedselketen en tot wijziging van diverse wettelijke bepalingen. ».

TITEL VI. — *Kruispuntbank van de sociale zekerheid*

HOOFDSTUK I. — *Wijziging van de wet van15 januari 1990 houdende oprichting en organisatie van een Kruispuntbank van de sociale zekerheid*

Art. 37. Artikel 2 van de wet van 15 januari 1990 houdende oprichting en organisatie van een Kruispuntbank van de sociale zekerheid wordt als volgt gewijzigd :

1° het eerste lid, 2°, gewijzigd bij de wetten van 29 april 1996, 25 januari 1999 en 24 december 2002, wordt aangevuld als volgt :

« *f)* de openbare centra voor maatschappelijk welzijn voor zover zij belast zijn met de toepassing van de sociale zekerheid in de zin van deze wet; »;

2° in het eerste lid, 10°, ingevoegd bij de wet van 26 februari 2003, worden de woorden « sectoraal comité van de sociale zekerheid » telkens vervangen door de woorden « sectoraal comité van de sociale zekerheid en van de gezondheid ».

Art. 38. Artikel 4 van dezelfde wet, vervangen bij de wet van 24 december 2002 en gewijzigd bij de wet van 27 december 2004, wordt vervangen als volgt :

« Art. 4. § 1. De Kruispuntbankregisters zijn gegevensbanken beheerd door de Kruispuntbank, waarin overeenkomstig de bepalingen van dit artikel identificatiegegevens aangaande natuurlijke personen worden opgeslagen en ter beschikking gesteld met het oog op de identificatie van de betrokken natuurlijke personen door de instanties bedoeld in § 4 in het kader van doeleinden waarvoor zij toegang hebben tot of mededeling bekomen van de gegevens opgenomen in de Kruispuntbankregisters.

§ 2. De Kruispuntbankregisters zijn complementair en subsidiair aan het Rijksregister. In de Kruispuntbankregisters worden ingeschreven de natuurlijke personen die niet zijn ingeschreven in het Rijksregister of van wie niet alle nodige identificatiegegevens systematisch worden bijgewerkt in het Rijksregister, voor zover hun identificatie vereist is voor de toepassing van de sociale zekerheid, voor het uitvoeren van de opdrachten die door of krachtens een wet, een decreet of een ordonnantie zijn toegewezen aan een Belgische openbare overheid of voor het vervullen van de taken van algemeen belang die door of krachtens een wet, een decreet of een ordonnantie zijn toevertrouwd aan een natuurlijke persoon of aan een openbare of private instelling van Belgisch recht.

Tussen de Kruispuntbankregisters en het Rijksregister geschiedt een regelmatige synchronisatie, zodat met betrekking tot de natuurlijke personen die zijn ingeschreven in het Rijksregister en van wie alle nodige identificatiegegevens systematisch in het Rijksregister worden bijgewerkt, geen gegevens in de Kruispuntbankregisters blijven opgeslagen, behoudens de eventuele historiekgegevens met betrekking tot de periode gedurende dewelke ze in de Kruispuntbankregisters waren ingeschreven.

Voor zover de in het eerste lid bedoelde natuurlijke personen niet beschikken over een identificatienummer van het Rijksregister, kent de Kruispuntbank hen bij de inschrijving in de Kruispuntbankregisters zelf een identificatienummer toe.

§ 3. Het Beheerscomité van de Kruispuntbank bepaalt, na overleg met het Rijksregister, per categorie natuurlijke personen en/of per categorie identificatiegegevens de rechtvaardigende stukken op grond waarvan identificatiegegevens in de Kruispuntbankregisters kunnen worden opgenomen en gewijzigd en welke instellingen van sociale zekerheid of Belgische openbare overheden, natuurlijke personen en openbare of private instellingen van Belgisch recht bevoegd zijn om op grond van die rechtvaardigende stukken identificatiegegevens in de Kruispuntbankregisters op te nemen en te wijzigen. De aldus aangeduide instellingen van sociale zekerheid, Belgische openbare overheden, natuurlijke personen en openbare of private instellingen van Belgisch recht zijn verantwoordelijk voor de overeenstemming van de

données d'identification concernées avec les pièces justificatives. Les données mises à la disposition de la Banque-Carrefour doivent répondre aux normes de qualité fixées par le Comité de gestion de la Banque-Carrefour en vue d'une identification univoque de la personne concernée.

§ 4. Sans préjudice de l'article 15, ont accès aux données d'identification des registres Banque-Carrefour ou en obtiennent la communication :

1° les institutions de sécurité sociale pour autant qu'elles aient besoin de ces données pour l'application de la sécurité sociale;

2° les instances d'octroi visées à l'article 11*bis* pour autant qu'elles aient besoin de ces données pour l'octroi d'un droit supplémentaire visé à l'article 11*bis*;

3° les autorités publiques pour autant qu'elles aient besoin des données d'identification pour l'exécution des missions qui leur sont accordées par ou en vertu d'une loi, d'un décret ou d'une ordonnance;

4° les personnes physiques ou les organismes publics ou privés pour autant qu'ils aient besoin des données d'identification pour l'accomplissement des tâches d'intérêt général qui leur sont confiées par ou en vertu d'une loi, d'un décret ou d'une ordonnance;

5° les personnes qui agissent en tant que sous-traitant des autorités publiques, personnes physiques et organismes publics ou privés visés aux 1°, 2°, 3° et 4°.

§ 5. Toute autorité publique, personne physique et organisme public ou privé qui a accès aux données d'identification des registres Banque-Carrefour ou en obtient la communication, conformément au § 4, désigne, parmi ses membres du personnel ou non, un conseiller en matière de sécurité de l'information et de protection de la vie privée qui remplit notamment la fonction de préposé à la protection des données visé à l'article 17*bis* de la loi du 8 décembre 1992 relative à la protection de la vie privée à l'égard des traitements de données à caractère personnel.

L'identité de ce conseiller en matière de sécurité de l'information et de protection de la vie privée est communiquée à la section sécurité sociale du comité sectoriel de la sécurité sociale et de la santé, sauf si elle a déjà été communiquée à la Commission de la protection de la vie privée ou à un comité sectoriel institué en son sein en application d'une autre disposition fixée par ou vertu d'une loi, d'un décret ou d'une ordonnance.

Dans la mesure où un conseiller en sécurité a déjà été désigné en application de l'article 24, celui-ci exerce en outre le rôle de conseiller en matière de sécurité de l'information et de protection de la vie privée.

§ 6. Toute autorité publique, personne physique ou organisme public ou privé qui a accès aux données d'identification des registres Banque-Carrefour ou en obtient la communication, conformément au § 4, est tenu :

1° de désigner nominativement les organes ou préposés qui sont autorisés, en vertu de leurs compétences, à obtenir accès aux données d'identification ou à en obtenir la communication et de les informer conformément à l'article 16, § 2, de la loi du 8 décembre 1992 relative à la protection de la vie privée à l'égard des traitements de données à caractère personnel; ils devront dresser une liste de ces organes ou préposés;

2° de faire signer une déclaration aux personnes qui sont effectivement en charge du traitement des données d'identification, dans laquelle elles s'engagent à préserver le caractère confidentiel des données d'identification. ».

Art. 39. Dans l'article 5 de la même loi, remplacé par la loi du 2 août 2002 et modifié par la loi du 26 février 2003, les mots « le comité sectoriel de la sécurité sociale » sont chaque fois remplacés par les mots « la section sécurité sociale du comité sectoriel de la sécurité sociale et de la santé ».

Art. 40. A l'article 6 de la même loi sont apportées les modifications suivantes :

1° le texte actuel formera le § 1er;

2° dans le § 1er, alinéa 1er, le mot « physique » est ajouté entre les mots « par personne » et « , les types de données »;

betrokken identificatiegegevens met de rechtvaardigende stukken. De aan de Kruispuntbank ter beschikking gestelde gegevens moeten voldoen aan de door het Beheerscomité van de Kruispuntbank vastgelegde kwaliteitsnormen om de betrokken persoon eenduidig te kunnen identificeren.

§ 4. Hebben, onverminderd de toepassing van artikel 15, toegang tot de identificatiegegevens van de Kruispuntbankregisters of bekomen er mededeling van :

1° de instellingen van sociale zekerheid voor zover zij deze gegevens nodig hebben voor de toepassing van de sociale zekerheid;

2° de toekennende instanties bedoeld in artikel 11*bis* voor zover zij deze gegevens nodig hebben voor de toekenning van een aanvullend recht bedoeld in artikel 11*bis*;

3° de openbare overheden voor zover zij de identificatiegegevens nodig hebben voor het uitvoeren van de opdrachten die hen door of krachtens een wet, een decreet of een ordonnantie zijn toegewezen;

4° de natuurlijke personen of openbare of private instellingen voor zover zij de identificatiegegevens nodig hebben voor het vervullen van de taken van algemeen belang die hen door of krachtens een wet, een decreet of een ordonnantie zijn toevertrouwd;

5° de personen die handelen als onderaannemer van de in 1°, 2°, 3° en 4° bedoelde openbare overheden, natuurlijke personen en openbare of private instellingen.

§ 5. Iedere openbare overheid, natuurlijke persoon en openbare of private instelling die overeenkomstig § 4 toegang heeft tot de identificatiegegevens van de Kruispuntbankregisters of er mededeling van bekomt, wijst, al dan niet onder het personeel, een consulent inzake informatieveiligheid en bescherming van de persoonlijke levenssfeer aan die onder meer de functie vervult van aangestelde voor de gegevensbescherming bedoeld in artikel 17*bis* van de wet van 8 december 1992 tot bescherming van de persoonlijke levenssfeer ten opzichte van de verwerking van persoonsgegevens.

De identiteit van de consulent inzake informatieveiligheid en bescherming van de persoonlijke levenssfeer wordt meegedeeld aan de afdeling sociale zekerheid van het sectoraal comité van de sociale zekerheid en van de gezondheid behalve indien deze reeds met toepassing van een andere bepaling vastgesteld door of krachtens een wet, een decreet of een ordonnantie aan de Commissie voor de bescherming van de persoonlijke levenssfeer of aan een in haar schoot opgericht sectoraal comité werd meegedeeld.

Voor zover reeds met toepassing van artikel 24 een veiligheidsconsulent werd aangewezen, vervult deze tevens de rol van consulent inzake informatieveiligheid en bescherming van de persoonlijke levenssfeer.

§ 6. Iedere openbare overheid, natuurlijke persoon en openbare of private instelling die overeenkomstig § 4 toegang heeft tot de identificatiegegevens van de Kruispuntbankregisters of er mededeling van bekomt, is verplicht :

1° bij naam de organen of aangestelden aan te wijzen die, omwille van hun bevoegdheden, gemachtigd zijn om toegang te hebben tot de identificatiegegevens of er mededeling van te bekomen en hen te informeren overeenkomstig artikel 16, § 2, van de wet van 8 december 1992 tot bescherming van de persoonlijke levenssfeer ten opzichte van de verwerking van persoonsgegevens; van deze organen of aangestelden moeten ze een lijst opstellen;

2° de personen die daadwerkelijk belast zijn met het verwerken van de identificatiegegevens een verklaring te laten ondertekenen waarin zij zich ertoe verbinden het vertrouwelijke karakter van de identificatiegegevens te bewaren. ».

Art. 39. In artikel 5 van dezelfde wet, vervangen bij de wet van 2 augustus 2002 en gewijzigd bij de wet van 26 februari 2003, worden de woorden « het sectoraal comité van de sociale zekerheid » telkens vervangen door de woorden « de afdeling sociale zekerheid van het sectoraal comité van de sociale zekerheid en van de gezondheid ».

Art. 40. In artikel 6 van dezelfde wet worden de volgende wijzigingen aangebracht :

1° de bestaande tekst zal § 1 vormen;

2° in § 1, eerste lid, wordt het woord « natuurlijke » ingevoegd tussen de woorden « per » en « persoon »;

3° il est ajouté un § 2, rédigé comme suit :

« § 2. Le répertoire des personnes peut également indiquer, par personne physique, quels types de données sociales à caractère personnel sont mis à la disposition de quelles personnes qui en ont besoin pour l'exécution des missions qui leur sont accordées par ou en vertu d'une loi, d'un décret ou d'une ordonnance ou pour l'accomplissement des tâches d'intérêt général qui leur sont confiées par ou en vertu d'une loi, d'un décret ou d'une ordonnance. ».

Art. 41. Dans l'article 12, alinéa 2, de la même loi, modifié par la loi du 26 février 2003, les mots « le comité sectoriel de la sécurité sociale » sont remplacés par les mots « la section sécurité sociale du comité sectoriel de la sécurité sociale et de la santé ».

Art. 42. L'article 13 de la même loi est remplacé par la disposition suivante :

« Art. 13. Sans préjudice des dispositions des articles 15 et 46, alinéa 1er, 1°, la Banque-Carrefour communique, d'initiative ou à leur demande, des données sociales aux personnes qui en ont besoin pour l'exécution des missions qui leur sont accordées par ou en vertu d'une loi, d'un décret ou d'une ordonnance ou pour l'accomplissement des tâches d'intérêt général qui leur sont confiées par ou en vertu d'une loi, d'un décret ou d'une ordonnance. ».

Art. 43. A l'article 14 de la même loi, modifié par les lois des 2 août 2002 et 27 décembre 2004, sont apportées les modifications suivantes :

1° le début de l'alinéa 1er est remplacé comme suit :

« Art. 14. La communication de données sociales à caractère personnel par ou à des institutions de sécurité sociale se fait à l'intervention de la Banque-Carrefour, sauf s'il s'agit d'une communication respectivement aux ou par les personnes suivantes : »;

2° à l'alinéa 1er, 1°, 2° et 5°, les mots « à les recevoir » sont chaque fois remplacés par les mots « à les traiter »;

3° à l'alinéa 1er, 2°, les mots « qui ont besoin de ces données en vue de remplir leurs obligations en matière de sécurité sociale » sont remplacés par les mots « qui doivent traiter les données concernées en vue de remplir leurs obligations en matière de sécurité sociale »;

4° à l'alinéa 1er, le 2° *bis* est abrogé;

5° à l'alinéa 1er, le 3° est remplacé par la disposition suivante :

« 3° les personnes auxquelles des travaux en sous-traitance sont confiés par les personnes visées au 2°, en vue de l'application de la sécurité sociale; »;

6° à l'alinéa 3, les mots « alinéa 1er, 1°, 2°, 2°*bis* et 5° » sont remplacés par les mots « alinéa 1er, 1°, 2° et 5° »;

7° l'article 14 est complété par l'alinéa suivant :

« Sur proposition de la Banque-Carrefour, la section sécurité sociale du comité sectoriel de la sécurité sociale et de la santé peut prévoir une exemption de l'intervention de la Banque-Carrefour visée à l'alinéa 1er, pour autant que cette intervention ne puisse offrir une valeur ajoutée. ».

Art. 44. A l'article 15 de la même loi, modifié par les lois des 2 août 2002 et 26 février 2003, dont le texte actuel formera le § 1er, sont apportées les modifications suivantes :

1° les mots « le comité sectoriel de la sécurité sociale » sont chaque fois remplacés par les mots « la section sécurité sociale du comité sectoriel de la sécurité sociale et de la santé »;

2° l'article est complété par un § 2, rédigé comme suit :

« § 2. Par dérogation à l'article 42, § 2, 3°, de la loi du 13 décembre 2006 portant dispositions diverses en matière de santé, la communication de données à caractère personnel relatives à la santé au sens de la loi du 8 décembre 1992 relative à la protection de la vie privée à l'égard des traitements de données à caractère personnel, ne requiert pas d'autorisation de principe de la section santé du comité sectoriel de la sécurité sociale et de la santé dans les cas suivants :

1° si la communication porte sur des données sociales à caractère personnel relatives à la santé et qu'elle est effectuée par une institution de sécurité sociale vers une autre institution de sécurité sociale pour la réalisation des tâches qui lui sont imposées par ou en vertu de la loi, vers une instance d'octroi visée à l'article 11*bis* pour l'octroi d'un droit supplémentaire ou vers une personne à laquelle tout ou partie des droits et obligations résultant de la présente loi et de ses mesures

3° er wordt een § 2 toegevoegd, luidende :

« § 2. Het repertorium van de personen kan ook per natuurlijke persoon aangeven welke soorten sociale gegevens van persoonlijke aard ter beschikking worden gesteld van welke personen die deze gegevens nodig hebben voor het uitvoeren van de opdrachten die hen door of krachtens een wet, een decreet of een ordonnantie zijn toegewezen of voor het vervullen van de taken van algemeen belang die hen door of krachtens een wet, een decreet of een ordonnantie zijn toevertrouwd. ».

Art. 41. In artikel 12, tweede lid, van dezelfde wet, gewijzigd bij de wet van 26 februari 2003, worden de woorden « het sectoraal comité van de sociale zekerheid » vervangen door de woorden « de afdeling sociale zekerheid van het sectoraal comité van de sociale zekerheid en van de gezondheid ».

Art. 42. Artikel 13 van dezelfde wet wordt vervangen als volgt :

« Art. 13. Onverminderd het bepaalde in de artikelen 15 en 46, eerste lid, 1°, deelt de Kruispuntbank, op eigen initiatief of op hun verzoek, sociale gegevens mee aan personen die deze nodig hebben voor het uitvoeren van de opdrachten die door of krachtens een wet, een decreet of een ordonnantie aan hen zijn toegewezen of voor het vervullen van taken van algemeen belang die door of krachtens een wet, een decreet of een ordonnantie aan hen zijn toevertrouwd. ».

Art. 43. In artikel 14 van dezelfde wet, gewijzigd bij de wetten van 2 augustus 2002 en 27 december 2004, worden de volgende wijzigingen aangebracht :

1° de aanhef van het eerste lid wordt vervangen als volgt :

« Art. 14. De mededeling van sociale gegevens van persoonlijke aard door of aan instellingen van sociale zekerheid gebeurt met tussenkomst van de Kruispuntbank behalve indien het gaat om een mededeling respectievelijk aan of door volgende personen : »;

2° in het eerste lid, 1°, 2° en 5°, worden de woorden « te verkrijgen » telkens vervangen door de woorden « te verwerken »;

3° in het eerste lid, 2°, worden de woorden « die de betrokken gegevens voor de vervulling van hun verplichtingen inzake sociale zekerheid nodig hebben » vervangen door de woorden « die de betrokken gegevens moeten verwerken met het oog op het vervullen van hun verplichtingen inzake sociale zekerheid »;

4° in het eerste lid wordt de bepaling onder 2°*bis* opgeheven;

5° in het eerste lid wordt de bepaling onder 3° vervangen als volgt :

« 3° de personen aan wie door de in 2° bedoelde personen werken in onderaanneming worden toevertrouwd voor de toepassing van de sociale zekerheid; »;

6° in het derde lid worden de woorden « eerste lid, 1°, 2°, 2°*bis* en 5° » vervangen door de woorden « eerste lid, 1°, 2° en 5° »;

7° artikel 14 wordt aangevuld met het volgende lid :

« De afdeling sociale zekerheid van het sectoraal comité van de sociale zekerheid en van de gezondheid kan op voorstel van de Kruispuntbank voorzien in een vrijstelling van de in het eerste lid bedoelde tussenkomst van de Kruispuntbank, voor zover deze tussenkomst geen toegevoegde waarde kan bieden. ».

Art. 44. In artikel 15 van dezelfde wet, gewijzigd bij de wetten van 2 augustus 2002 en 26 februari 2003, waarvan de bestaande tekst § 1 zal vormen, worden de volgende wijzigingen aangebracht :

1° de woorden « het sectoraal comité van de sociale zekerheid » worden telkens vervangen door de woorden « de afdeling sociale zekerheid van het sectoraal comité van de sociale zekerheid en van de gezondheid »;

2° het artikel wordt aangevuld met een § 2, luidende :

« § 2. In afwijking van artikel 42, § 2, 3°, van de wet van 13 december 2006 houdende diverse bepalingen betreffende gezondheid, vereist de mededeling van persoonsgegevens die de gezondheid betreffen in de zin van de wet van 8 december 1992 tot bescherming van de persoonlijke levenssfeer ten opzichte van de verwerking van persoonsgegevens in de volgende gevallen geen principiële machtiging van de afdeling gezondheid van het sectoraal comité van de sociale zekerheid en van de gezondheid :

1° indien de mededeling betrekking heeft op sociale gegevens van persoonlijke aard die de gezondheid betreffen en wordt verricht door een instelling van sociale zekerheid aan een andere instelling van sociale zekerheid voor het vervullen van de taken die haar zijn opgelegd door of krachtens de wet, aan een toekennende instantie bedoeld in artikel 11*bis* voor het toekennen van een aanvullend recht of aan een persoon tot wie het geheel of een deel van de rechten en

d'exécution a été étendu en application de l'article 18 pour la réalisation de ses tâches, auquel cas une autorisation de principe de la section sécurité sociale du comité sectoriel de la sécurité sociale et de la santé est requise;

2° lorsqu'une institution de sécurité sociale et une autre personne communiquent respectivement des données sociales à caractère personnel relatives à la santé et des données à caractère personnel relatives à la santé au sens de la loi du 8 décembre 1992 relative à la protection de la vie privée à l'égard des traitements de données à caractère personnel, à un même destinataire et pour une même finalité, auquel cas une autorisation de principe conjointe des deux sections du comité sectoriel de la sécurité sociale et de la santé est requise. ».

Art. 45. A l'article 17*bis* de la même loi, remplacé par la loi du 24 décembre 2002 et modifié par les lois des 8 avril 2003, 22 décembre 2003 et 27 décembre 2005 et l'arrêté royal du 12 juin 2006, sont apportées les modifications suivantes :

1° dans le § 1er, il est inséré un 1°*bis*, rédigé comme suit :

« 1°*bis* les centres publics d'action sociale; »;

2° dans le § 1er, il est inséré un 2°*ter*, rédigé comme suit :

« 2°*ter* les associations mutuelles d'instances visées aux 1°, 1°*bis*, 2° et/ou 2°*bis*; »;

3° dans le § 2 les mots « visées par le § 1er, 1°, 3°, 4°, 5°, 6°, 7° ou 8° » sont remplacés par les mots « visées par le § 1er, 1°, 1°*bis*, 2°*ter*, 3°, 4°, 5°, 6°, 7° ou 8° ».

Art. 46. Dans l'article 20, § 1er, de la même loi, remplacé par la loi du 29 avril 1996 et modifié par la loi du 26 février 2003, les mots « le comité sectoriel de la sécurité sociale » sont remplacés par les mots « la section sécurité sociale du comité sectoriel de la sécurité sociale et de la santé ».

Art. 47. A l'article 24 de la même loi, remplacé par la loi du 6 août 1993 et modifié par la loi du 26 février 2003, sont apportées les modifications suivantes :

1° dans l'alinéa 1er, les mots « au comité sectoriel de la sécurité sociale » sont remplacés par les mots « à la section sécurité sociale du comité sectoriel de la sécurité sociale et de la santé »;

2° dans l'alinéa 2, les mots « du comité sectoriel de la sécurité sociale » sont remplacés par les mots « de la section sécurité sociale du comité sectoriel de la sécurité sociale et de la santé ».

Art. 48. Dans l'article 26, § 1er, alinéa 2, de la même loi, modifié par la loi du 26 février 2003, les mots « au comité sectoriel de la sécurité sociale » sont remplacés par les mots « à la section sécurité sociale du comité sectoriel de la sécurité sociale et de la santé ».

Art. 49. Dans l'article 28 de la même loi, modifié par les lois des 12 août 2000 et 26 février 2003, les mots « le comité sectoriel de la sécurité sociale » sont remplacés par les mots « le comité sectoriel de la sécurité sociale et de la santé ».

Art. 50. Dans l'article 32 de la même loi, modifié par la loi du 26 février 2003, les mots « le comité sectoriel de la sécurité sociale » sont remplacés par les mots « le comité sectoriel de la sécurité sociale et de la santé ».

Art. 51. L'intitulé du chapitre VI de la même loi, remplacé par la loi du 26 février 2006, est remplacé par l'intitulé suivant : « Chapitre VI. — Du Comité sectoriel de la sécurité sociale et de la santé ».

Art. 52. L'article 37 de la même loi, remplacé par la loi du 26 février 2003, est remplacé par la disposition suivante :

« Art. 37. § 1er. Il est institué au sein de la Commission de la protection de la vie privée, visée à l'article 23 de la loi du 8 décembre 1992 relative à la protection de la vie privée à l'égard des traitements de données à caractère personnel, un comité sectoriel de la sécurité sociale et de la santé.

Le comité sectoriel de la sécurité sociale et de la santé est composé des deux sections suivantes :

1° la section sécurité sociale;

2° la section santé.

verplichtingen voortvloeiend uit deze wet en haar uitvoeringsmaatregelen werd uitgebreid met toepassing van artikel 18 voor het vervullen van zijn taken, in welk geval een principiële machtiging van de afdeling sociale zekerheid van het sectoraal comité van de sociale zekerheid en van de gezondheid vereist is;

2° indien een instelling van sociale zekerheid en een andere persoon respectievelijk sociale gegevens van persoonlijke aard die de gezondheid betreffen en persoonsgegevens die de gezondheid betreffen in de zin van de wet van 8 december 1992 tot bescherming van de persoonlijke levenssfeer ten opzichte van de verwerking van persoonsgegevens meedelen aan eenzelfde bestemmeling voor eenzelfde doeleinde, in welk geval een gezamenlijke principiële machtiging van beide afdelingen van het sectoraal comité van de sociale zekerheid en van de gezondheid vereist is. ».

Art. 45. In artikel 17*bis* van dezelfde wet, vervangen bij de wet van 24 december 2002 en gewijzigd bij de wetten van 8 april 2003, 22 december 2003 en 27 december 2005 en het koninklijk besluit van 12 juni 2006, worden de volgende wijzigingen aangebracht :

1° in § 1 wordt een 1°*bis* ingevoegd, luidende :

« 1°*bis* de openbare centra voor maatschappelijk welzijn; »;

2° in § 1 wordt een 2°*ter* ingevoegd, luidende :

« 2°*ter* de onderlinge verenigingen van instanties bedoeld in 1°, 1°*bis*, 2° en/of 2°*bis*; »;

3° in § 2 worden de woorden « bedoeld in § 1, 1°, 3°, 4°, 5°, 6°, 7° of 8° » vervangen door de woorden « bedoeld in § 1, 1°, 1°*bis*, 2°*ter*, 3°, 4°, 5°, 6°, 7° ou 8° ».

Art. 46. In artikel 20, § 1, van dezelfde wet, vervangen bij de wet van 29 april 1996 en gewijzigd bij de wet van 26 februari 2003, worden de woorden « het sectoraal comité van de sociale zekerheid » vervangen door de woorden « de afdeling sociale zekerheid van het sectoraal comité van de sociale zekerheid en van de gezondheid ».

Art. 47. In artikel 24 van dezelfde wet, vervangen bij de wet van 6 augustus 1993 en gewijzigd bij de wet van 26 februari 2003, worden de volgende wijzigingen aangebracht :

1° in het eerste lid worden de woorden « haar sectoraal comité van de sociale zekerheid » vervangen door de woorden « de afdeling sociale zekerheid van het sectoraal comité van de sociale zekerheid en van de gezondheid »;

2° in het tweede lid worden de woorden « het sectoraal comité van de sociale zekerheid » vervangen door de woorden « de afdeling sociale zekerheid van het sectoraal comité van de sociale zekerheid en van de gezondheid ».

Art. 48. In artikel 26, § 1, tweede lid, van dezelfde wet, gewijzigd bij de wet van 26 februari 2003, worden de woorden « het sectoraal comité van de sociale zekerheid » vervangen door de woorden « de afdeling sociale zekerheid van het sectoraal comité van de sociale zekerheid en van de gezondheid ».

Art. 49. In artikel 28 van dezelfde wet, gewijzigd bij de wetten van 12 augustus 2000 en 26 februari 2003, worden de woorden « het sectoraal comité van de sociale zekerheid » vervangen door de woorden « het sectoraal comité van de sociale zekerheid en van de gezondheid ».

Art. 50. In artikel 32 van dezelfde wet, gewijzigd bij de wet van 26 februari 2003, worden de woorden « het sectoraal comité van de sociale zekerheid » vervangen door de woorden « het sectoraal comité van de sociale zekerheid en van de gezondheid ».

Art. 51. Het opschrift van hoofdstuk VI van dezelfde wet, vervangen bij de wet van 26 februari 2003, wordt vervangen als volgt : « Hoofdstuk VI. — Het sectoraal comité van de sociale zekerheid en van de gezondheid ».

Art. 52. Artikel 37 van dezelfde wet, vervangen bij de wet van 26 februari 2003, wordt vervangen als volgt :

« Art. 37. § 1. Binnen de Commissie voor de bescherming van de persoonlijke levenssfeer, bedoeld in artikel 23 van de wet van 8 december 1992 tot bescherming van de persoonlijke levenssfeer ten opzichte van de verwerking van persoonsgegevens, wordt een sectoraal comité van de sociale zekerheid en van de gezondheid opgericht.

Het sectoraal comité van de sociale zekerheid en van de gezondheid bestaat uit volgende twee afdelingen :

1° de afdeling sociale zekerheid;

2° de afdeling gezondheid.

§ 2. Par dérogation à l'article 31*bis*, § 2, alinéa 1er, de la loi précitée du 8 décembre 1992, le comité sectoriel de la sécurité sociale et de la santé est composé :

1° du président de la Commission ou d'un membre désigné par la Commission parmi ses membres, chargé de la présidence des deux sections du comité;

2° d'un membre désigné par la Commission parmi ses membres, qui fait partie des deux sections;

3° d'un membre externe ayant la qualité de docteur ou de licencié en droit, qui fait partie de la section sécurité sociale;

4° d'un membre externe ayant la qualité d'expert en informatique, qui fait partie de la section sécurité sociale;

5° d'un membre externe ayant la qualité de médecin, expert en matière de gestion de données relatives à la santé, qui fait partie des deux sections;

6° de deux membres externes ayant la qualité de médecin, expert en matière de gestion de données relatives à la santé, qui font partie de la section santé. »

Art. 53. A l'article 38 de la même loi, remplacé par la loi du 26 février 2003, sont apportées les modifications suivantes :

1° dans l'alinéa 1er, les mots « article 37, 3°, 4° et 5° » sont remplacés par les mots « article 37, § 2, 3°, 4°, 5° et 6° »;

2° dans l'alinéa 2, les mots « trois membres externes suppléants » sont remplacés par les mots « cinq membres externes suppléants »;

3° l'alinéa 4 est remplacé par la disposition suivante :

« La Commission de la protection de la vie privée désigne les membres visés à l'article 37, § 2, 1° et 2°, ainsi que leurs suppléants respectifs pour un même terme de six ans renouvelable.

Sans préjudice de l'article 41, alinéa 2, le membre suppléant du membre visé à l'article 37, § 2, 1°, remplace ce membre dans l'attente de son remplacement par la Commission de la protection de la vie privée.

Le membre suppléant du membre visé à l'article 37, § 2, 2°, remplace ce membre en cas d'empêchement ou d'absence de ce dernier ou dans l'attente de son remplacement par la Commission de la protection de la vie privée. »

Art. 54. A l'article 39 de la même loi, remplacé par la loi du 26 février 2003, sont apportées les modifications suivantes :

1° les mots « comité sectoriel de la sécurité sociale » sont remplacés par les mots « comité sectoriel de la sécurité sociale et de la santé »;

2° le § 1er, 3°, est remplacé par le texte suivant :

« 3° ne pas relever du pouvoir hiérarchique d'un ministre et être indépendant des institutions de sécurité sociale, des organisations représentées au sein du Comité de gestion de la Banque-Carrefour et, en ce qui concerne les membres visés à l'article 37, § 2, 5° et 6°, être indépendant du Service public fédéral Santé publique, Sécurité de la Chaîne alimentaire et Environnement, du Centre fédéral d'expertise des soins de santé et de la fondation visée à l'article 45*quinquies* de l'arrêté royal n° 78 du 10 novembre 1967 relatif à l'exercice des professions des soins de santé; »;

3° le § 2 est abrogé.

Art. 55. Dans l'article 40 de la même loi, remplacé par la loi du 26 février 2003, les mots « comité sectoriel de la sécurité sociale » sont remplacés par les mots « comité sectoriel de la sécurité sociale et de la santé ».

Art. 56. A l'article 41 de la même loi, remplacé par la loi du 26 février 2003, sont apportées les modifications suivantes :

1° l'alinéa 1er est remplacé par la disposition suivante :

« Art. 41. Les deux sections du comité sectoriel de la sécurité sociale sont établies et tiennent leurs réunions à la Banque-Carrefour, moyennant le respect des conditions décrites à l'article 31*bis*, § 5, alinéa 2, de la loi du 8 décembre 1992 relative à la protection de la vie privée à l'égard des traitements de données à caractère personnel. »;

2° dans l'alinéa 2, les mots « comité sectoriel de la sécurité sociale » sont remplacés par les mots « comité sectoriel de la sécurité sociale et de la santé »;

§ 2. In afwijking van artikel 31*bis*, § 2, eerste lid, van de hogervermelde wet van 8 december 1992, bestaat het sectoraal comité van de sociale zekerheid en van de gezondheid uit :

1° de voorzitter van de Commissie of een door de Commissie onder haar leden aangewezen lid, aan wie het voorzitterschap van beide afdelingen van het comité is opgedragen;

2° een door de Commissie onder haar leden aangewezen lid, dat deel uitmaakt van beide afdelingen;

3° een extern lid met de hoedanigheid van doctor of licenciaat in de rechten, dat deel uitmaakt van de afdeling sociale zekerheid;

4° een extern lid met de hoedanigheid van deskundige op het vlak van de informatica, dat deel uitmaakt van de afdeling sociale zekerheid;

5° een extern lid met de hoedanigheid van geneesheer, deskundige op het vlak van het beheer van gezondheidsgegevens, dat deel uitmaakt van beide afdelingen;

6° twee externe leden met de hoedanigheid van geneesheer, deskundige op het vlak van het beheer van gezondheidsgegevens, die deel uitmaken van de afdeling gezondheid. »

Art. 53. In artikel 38 van dezelfde wet, vervangen bij de wet van 26 februari 2003, worden de volgende wijzigingen aangebracht :

1° in het eerste lid worden de woorden « artikel 37, 3°, 4° en 5° » vervangen door de woorden « artikel 37, § 2, 3°, 4°, 5° en 6° »;

2° in het tweede lid worden de woorden « drie plaatsvervangende externe leden » vervangen door de woorden « vijf plaatsvervangende externe leden »;

3° het vierde lid wordt vervangen als volgt :

« De Commissie voor de bescherming van de persoonlijke levenssfeer wijst de leden bedoeld in artikel 37, § 2, 1° en 2°, evenals hun respectieve plaatsvervangers aan voor dezelfde hernieuwbare termijn van zes jaar.

Onverminderd artikel 41, tweede lid, vervangt de plaatsvervanger van het lid bedoeld in artikel 37, § 2, 1°, dat lid in afwachting van diens vervanging door de Commissie voor de bescherming van de persoonlijke levenssfeer.

De plaatsvervanger van het lid bedoeld in artikel 37, § 2, 2°, vervangt dat lid indien het verhinderd of afwezig is of in afwachting van diens vervanging door de Commissie voor de bescherming van de persoonlijke levenssfeer. »

Art. 54. In artikel 39 van dezelfde wet, vervangen bij de wet van 26 februari 2003, worden de volgende wijzigingen aangebracht :

1° de woorden « sectoraal comité van de sociale zekerheid » worden vervangen door de woorden « sectoraal comité van de sociale zekerheid en van de gezondheid »;

2° § 1, 3°, wordt vervangen als volgt :

« 3° niet onder het hiërarchisch gezag van een Minister staan en onafhankelijk zijn van de instellingen van sociale zekerheid, van de organisaties die in het Beheerscomité van de Kruispuntbank vertegenwoordigd zijn en, voor wat betreft de leden bedoeld in artikel 37, § 2, 5° en 6°, onafhankelijk zijn van de Federale Overheidsdienst Volksgezondheid, Veiligheid van de Voedselketen en Leefmilieu, het Federaal Kenniscentrum voor de Gezondheidszorg en de stichting bedoeld in artikel 45*quinquies* van het koninklijk besluit nr. 78 van 10 november 1967 betreffende de uitoefening van de gezondheidszorgberoepen; »;

3° § 2 wordt opgeheven.

Art. 55. In artikel 40 van dezelfde wet, vervangen bij de wet van 26 februari 2003, worden de woorden « sectoraal comité van de sociale zekerheid » vervangen door de woorden « sectoraal comité van de sociale zekerheid en van de gezondheid ».

Art. 56. In artikel 41 van dezelfde wet, vervangen bij de wet van 26 februari 2003, worden de volgende wijzigingen aangebracht :

1° het eerste lid wordt vervangen als volgt :

« Art. 41. Beide afdelingen van het sectoraal comité van de sociale zekerheid en van de gezondheid zijn gevestigd en hebben hun vergaderingen bij de Kruispuntbank, mits naleving van de voorwaarden beschreven in artikel 31*bis*, § 5, tweede lid, van de wet van 8 december 1992 tot bescherming van de persoonlijke levenssfeer ten opzichte van de verwerking van persoonsgegevens. »;

2° in het tweede lid worden de woorden « sectoraal comité van de sociale zekerheid » vervangen door de woorden « sectoraal comité van de sociale zekerheid en van de gezondheid »;

3° dans l'alinéa 2, les mots « article 37, 2° » sont chaque fois remplacé par les mots « article 37, § 2, 2° ».

Art. 57. L'article 42 de la même loi, remplacé par la loi du 26 février 2003, est remplacé par la disposition suivante :

« Art. 42. § 1er. Conformément à l'article 31*bis*, § 3, de la loi du 8 décembre 1992 relative à la protection de la vie privée à l'égard des traitements de données à caractère personnel, la Banque-Carrefour est chargée de rédiger l'avis technique et juridique relatif à toute demande concernant la communication de données sociales à caractère personnel dont elle a reçu une copie de la part de la section sécurité sociale du comité sectoriel de la sécurité sociale et de la santé ou de la part de la Commission de la protection de la vie privée.

§ 2. Conformément à l'article 31*bis*, § 3, de la loi précitée du 8 décembre 1992, le Centre fédéral d'expertise des soins de santé est, jusqu'à une date à déterminer par le Roi, chargé de rédiger l'avis technique et juridique relatif à toute demande concernant la communication de données à caractère personnel relatives à la santé au sens de la loi précitée du 8 décembre 1992, dont il a reçu une copie de la part de la section santé du comité sectoriel de la sécurité sociale et de la santé ou de la part de la Commission de la protection de la vie privée.

Par dérogation à l'alinéa 1er, la fondation visée à l'article 45*quinquies* de l'arrêté royal n° 78 du 10 novembre 1967 relatif à l'exercice des professions des soins de santé, est chargée de rédiger l'avis technique et juridique relatif à toute demande concernant les traitements de données à caractère personnel visées à l'article 45*quinquies* de l'arrêté royal n° 78 du 10 novembre 1967 relatif à l'exercice des professions des soins de santé, dont elle a saisi la section santé du comité sectoriel de la sécurité sociale et de la santé ou la Commission de la protection de la vie privée. »

Art. 58. A l'article 43 de la même loi, remplacé par la loi du 26 février 2003, sont apportées les modifications suivantes :

1° l'alinéa 1er est remplacé par la disposition suivante :

« Art. 43. Les frais de fonctionnement des deux sections du comité sectoriel de la sécurité sociale et de la santé sont pris en charge par la Banque-Carrefour, à l'exception toutefois :

1° des indemnités et remboursements de frais alloués à ses membres, qui sont pris en charge par la Commission de la protection de la vie privée;

2° des frais de rédaction de l'avis technique et juridique visé à l'article 42, § 2, alinéa 1er, qui sont pris en charge par le Centre fédéral d'expertise des soins de santé;

3° des frais de rédaction de l'avis technique et juridique visé à l'article 42, § 2, alinéa 2, qui sont pris en charge par la fondation visée à l'article 45*quinquies* de l'arrêté royal n° 78 du 10 novembre 1967 relatif à l'exercice des professions des soins de santé. »;

2° dans les alinéas 2 et 3, les mots « comité sectoriel de la sécurité sociale » sont chaque fois remplacés par les mots « comité sectoriel de la sécurité sociale et de la santé ».

Art. 59. Un article 43*bis*, rédigé comme suit, est inséré dans la même loi :

« Art. 43*bis*. Le président du comité sectoriel de la sécurité sociale et de la santé règle les activités du comité et des sections.

Sauf si la loi en dispose autrement, la section sécurité sociale est compétente pour l'examen des dossiers concernant le traitement, par les institutions de sécurité sociale et les personnes auxquelles tout ou partie des droits et obligations résultant de la présente loi et de ses mesures d'exécution a été étendu en application de l'article 18, de données à caractère personnel au sens de la loi du 8 décembre 1992 relative à la protection de la vie privée à l'égard des traitements de données à caractère personnel, ainsi que pour l'examen de dossiers concernant le traitement de données sociales à caractère personnel par les instances d'octroi visées à l'article 11*bis*.

Sauf si la loi en dispose autrement, la section santé est compétente pour l'examen des dossiers concernant le traitement de données à caractère personnel relatives à la santé au sens de la loi du 8 décembre 1992 relative à la protection de la vie privée à l'égard des traitements de données à caractère personnel, sauf en ce qui concerne les traitements de données à caractère personnel relatives à la santé effectués par les institutions de sécurité sociale et les personnes

3° in het tweede lid worden de woorden « artikel 37, 2° » telkens vervangen door de woorden « artikel 37, § 2, 2° ».

Art. 57. Artikel 42 van dezelfde wet, vervangen bij de wet van 26 februari 2003, wordt vervangen als volgt :

« Art. 42. § 1. Overeenkomstig artikel 31*bis*, § 3, van de wet van 8 december 1992 tot bescherming van de persoonlijke levenssfeer ten opzichte van de verwerking van persoonsgegevens, staat de Kruispuntbank in voor het opstellen van een juridisch en technisch advies aangaande elke aanvraag met betrekking tot de mededeling van sociale gegevens van persoonlijke aard waarvan zij vanwege de afdeling sociale zekerheid van het sectoraal comité van de sociale zekerheid en van de gezondheid of vanwege de Commissie voor de bescherming van de persoonlijke levenssfeer een afschrift heeft ontvangen.

§ 2. Overeenkomstig artikel 31*bis*, § 3, van de hogervermelde wet van 8 december 1992, staat het Federaal Kenniscentrum voor de Gezondheidszorg, tot op een door de Koning te bepalen datum, in voor het opstellen van een juridisch en technisch advies aangaande elke aanvraag met betrekking tot de mededeling van persoonsgegevens die de gezondheid betreffen in de zin van de hogervermelde wet van 8 december 1992, waarvan het vanwege de afdeling gezondheid van het sectoraal comité van de sociale zekerheid en van de gezondheid of vanwege de Commissie voor de bescherming van de persoonlijke levenssfeer een afschrift heeft ontvangen.

In afwijking van het eerste lid, staat de stichting bedoeld in artikel 45*quinquies* van het koninklijk besluit nr. 78 van 10 november 1967 betreffende de uitoefening van de gezondheidszorgberoepen, in voor het opstellen van een juridisch en technisch advies aangaande elke aanvraag met betrekking tot de verwerkingen van persoonsgegevens bedoeld in artikel 45*quinquies* van het koninklijk besluit nr. 78 van 10 november 1967 betreffende de uitoefening van de gezondheidszorgberoepen, die zij bij de afdeling gezondheid van het sectoraal comité van de sociale zekerheid en van de gezondheid of bij de Commissie voor de bescherming van de persoonlijke levenssfeer aanhangig maakt. »

Art. 58. In artikel 43 van dezelfde wet, vervangen bij de wet van 26 februari 2003, worden de volgende wijzigingen aangebracht :

1° het eerste lid wordt vervangen als volgt :

« Art. 43. De werkingskosten van beide afdelingen van het sectoraal comité van de sociale zekerheid en van de gezondheid worden gedragen door de Kruispuntbank, met uitzondering evenwel van :

1° de aan de leden uitgekeerde vergoedingen en terugbetalingen van kosten, die worden gedragen door de Commissie voor de bescherming van de persoonlijke levenssfeer;

2° de kosten voor het opstellen van het juridisch en technisch advies bedoeld in artikel 42, § 2, eerste lid, die worden gedragen door het Federaal Kenniscentrum voor de Gezondheidszorg;

3° de kosten voor het opstellen van het juridisch en technisch advies bedoeld in artikel 42, § 2, tweede lid, die worden gedragen door de stichting bedoeld in artikel 45*quinquies* van het koninklijk besluit nr. 78 van 10 november 1967 betreffende de uitoefening van de gezondheidszorgberoepen. »;

2° in het tweede en het derde lid worden de woorden « sectoraal comité van de sociale zekerheid » telkens vervangen door de woorden « sectoraal comité van de sociale zekerheid en van de gezondheid ».

Art. 59. In dezelfde wet wordt een artikel 43*bis* ingevoegd, luidende :

« Art. 43*bis*. De voorzitter van het sectoraal comité van de sociale zekerheid en van de gezondheid regelt de werkzaamheden van het comité en van de afdelingen.

Behoudens andersluidende bepalingen in de wet is de afdeling sociale zekerheid bevoegd voor de behandeling van aangelegenheden betreffende de verwerking van persoonsgegevens in de zin van de wet van 8 december 1992 tot bescherming van de persoonlijke levenssfeer ten opzichte van de verwerking van persoonsgegevens, door de instellingen van sociale zekerheid en de personen tot wie het geheel of een deel van de rechten en verplichtingen voortvloeiend uit deze wet en haar uitvoeringsmaatregelen met toepassing van artikel 18 werden uitgebreid en voor de behandeling van aangelegenheden betreffende de verwerking van sociale gegevens van persoonlijke aard door de toekennende instanties bedoeld in artikel 11*bis*.

Behoudens andersluidende bepalingen in de wet is de afdeling gezondheid bevoegd voor de behandeling van aangelegenheden betreffende de verwerking van persoonsgegevens die de gezondheid betreffen in de zin van de wet van 8 december 1992 tot bescherming van de persoonlijke levenssfeer ten opzichte van de verwerking van persoonsgegevens, met uitzondering van de verwerkingen van persoonsgegevens die de gezondheid betreffen door de instellingen van

auxquelles tout ou partie des droits et obligations résultant de la présente loi et de ses mesures d'exécution a été étendu en application de l'article 18 et les traitements de données sociales à caractère personnel relatives à la santé effectués par les instances d'octroi visées à l'article 11*bis*.

Si un dossier relève des compétences des deux sections, il est examiné au cours d'une réunion commune de celles-ci.

Le président du comité sectoriel de la sécurité sociale et de la santé est chargé, en concertation avec les membres visés à l'article 37, § 2, 2° et 5°, de la coordination des activités des sections. Ils peuvent décider qu'un dossier sera traité conjointement par les deux sections. »

Art. 60. A l'article 44 de la même loi, remplacé par la loi du 26 février 2003, sont apportées les modifications suivantes :

1° les mots « comité sectoriel de la sécurité sociale » sont chaque fois remplacés par les mots « comité sectoriel de la sécurité sociale et de la santé »;

2° dans l'alinéa 1er, les mots « article 37, 2° » sont remplacés par les mots « article 37, § 2, 2° ».

Art. 61. A l'article 45 de la même loi, remplacé par la loi du 26 février 2003, sont apportées les modifications suivantes :

1° les mots « comité sectoriel de la sécurité sociale » sont chaque fois remplacés par les mots « comité sectoriel de la sécurité sociale et de la santé »;

2° l'article est complété par l'alinéa suivant :

« Les fonctionnaires dirigeants du Centre fédéral d'expertise des soins de santé et de la fondation visée à l'article 45*quinquies* de l'arrêté royal n° 78 du 10 novembre 1967 relatif à l'exercice des professions des soins de santé, peuvent assister, avec voie consultative, aux séances de la section santé du comité sectoriel de la sécurité sociale et de la santé en ce qui concerne le traitement des demandes pour lesquelles leur institution a rédigé un avis juridique et technique en application de l'article 42, § 2. »

Art. 62. A l'article 46 de la même loi, modifié par les lois des 6 août 1993, 2 janvier 2001, 24 décembre 2002 et 26 février 2003, dont le texte actuel formera le § 1er, sont apportées les modifications suivantes :

1° dans le § 1er, les mots « le comité sectoriel de la sécurité sociale » sont chaque fois remplacés par les mots « la section sécurité sociale du comité sectoriel de la sécurité sociale et de la santé »;

2° le 6°*ter* et le 6°*quater* sont abrogés;

3° l'article est complété par un § 2, rédigé comme suit :

« § 2. La section santé du comité sectoriel de la sécurité sociale et de la santé est chargée d'autoriser la communication de données à caractère personnel relatives à la santé au sens de la loi du 8 décembre 1992 relative à la protection de la vie privée à l'égard des traitements de données à caractère personnel, pour autant que celle-ci soit rendue obligatoire en vertu de l'article 42 de la loi du 13 décembre 2006 portant dispositions diverses en matière de santé ou d'une autre disposition fixée par ou en vertu de la loi. Elle tient à jour un relevé des communications pour lesquelles elle a accordé une autorisation.

Elle est par ailleurs chargée de veiller au respect des dispositions fixées par ou en vertu de la loi visant à la protection de la vie privée à l'égard des traitements de données à caractère personnel relatives à la santé. A cet effet, elle peut formuler toutes recommandations qu'elle juge utiles et aider à la solution de tout problème de principe ou de tout litige. »

Art. 63. Dans les articles 47 à 52 et 56 de la même loi, tous modifiés par la loi du 26 février 2003, les mots « comité sectoriel de la sécurité sociale » sont chaque fois remplacés par les mots « comité sectoriel de la sécurité sociale et de la santé ».

Art. 64. A l'article 61 de la même loi, modifié par les lois des 24 décembre 2002 et 26 février 2003, sont apportées les modifications suivantes :

1° dans le 1°, les mots « le comité sectoriel de la sécurité sociale » sont remplacés par les mots « la section sécurité sociale du comité sectoriel de la sécurité sociale et de la santé »;

sociale zekerheid en de personen tot wie het geheel of een deel van de rechten en verplichtingen voortvloeiend uit deze wet en haar uitvoeringsmaatregelen met toepassing van artikel 18 werden uitgebreid en de verwerkingen van sociale gegevens van persoonlijke aard die de gezondheid betreffen door de toekennende instanties bedoeld in artikel 11*bis*.

Voor zover een aangelegenheid tot de bevoegdheid van beide afdelingen behoort, wordt deze behandeld tijdens een gezamenlijke vergadering van de afdelingen.

De voorzitter van het sectoraal comité van de sociale zekerheid en van de gezondheid zorgt, in overleg met de leden bedoeld in artikel 37, § 2, 2° en 5°, voor de coördinatie van de werkzaamheden tussen de afdelingen. Zij kunnen beslissen om een dossier door de beide afdelingen gezamenlijk te laten behandelen. »

Art. 60. In artikel 44 van dezelfde wet, vervangen bij de wet van 26 februari 2003, worden de volgende wijzigingen aangebracht :

1° de woorden « sectoraal comité van de sociale zekerheid » worden telkens vervangen door de woorden « sectoraal comité van de sociale zekerheid en van de gezondheid »;

2° in het eerste lid worden de woorden « artikel 37, 2° » vervangen door de woorden « artikel 37, § 2, 2° ».

Art. 61. In artikel 45 van dezelfde wet, vervangen bij de wet van 26 februari 2003, worden de volgende wijzigingen aangebracht :

1° de woorden « sectoraal comité van de sociale zekerheid » worden telkens vervangen door de woorden « sectoraal comité van de sociale zekerheid en van de gezondheid »;

2° het artikel wordt aangevuld met het volgende lid :

« De leidende ambtenaren van het Federaal Kenniscentrum voor de Gezondheidszorg en van de stichting bedoeld in artikel 45*quinquies* van het koninklijk besluit nr. 78 van 10 november 1967 betreffende de uitoefening van de gezondheidszorgberoepen, kunnen de vergaderingen van de afdeling gezondheid van het sectoraal comité van de sociale zekerheid en van de gezondheid met raadgevende stem bijwonen voor wat betreft de behandeling van de aanvragen met betrekking tot dewelke hun instelling, met toepassing van artikel 42, § 2, een juridisch en technisch advies heeft opgesteld. »

Art. 62. In artikel 46 van dezelfde wet, gewijzigd bij de wetten van 6 augustus 1993, 2 januari 2001, 24 december 2002 en 26 februari 2003, waarvan de bestaande tekst § 1 zal vormen, worden de volgende wijzigingen aangebracht :

1° in § 1 worden de woorden « het sectoraal comité van de sociale zekerheid » telkens vervangen door de woorden « de afdeling sociale zekerheid van het sectoraal comité van de sociale zekerheid en van de gezondheid »;

2° de bepalingen onder 6°*ter* en 6°*quater* worden opgeheven;

3° het artikel wordt aangevuld met een § 2, luidende :

« § 2. De afdeling gezondheid van het sectoraal comité van de sociale zekerheid en van de gezondheid is belast met het verlenen van een machtiging voor de mededeling van persoonsgegevens die de gezondheid betreffen in de zin van de wet van 8 december 1992 tot bescherming van de persoonlijke levenssfeer ten opzichte van de verwerking van persoonsgegevens, voor zover die wordt opgelegd ingevolge artikel 42 van de wet van 13 december 2006 houdende diverse bepalingen betreffende gezondheid of ingevolge een andere bepaling vastgesteld door of krachtens de wet. Zij houdt een lijst bij van de mededelingen waarvoor zij aldus een machtiging verleent.

Zij is voorts belast met het verzekeren van het toezicht op de naleving van de door of krachtens de wet vastgestelde bepalingen tot bescherming van de persoonlijke levenssfeer ten opzichte van de verwerking van persoonsgegevens die de gezondheid betreffen. Daarbij kan zij alle aanbevelingen formuleren die zij nuttig acht en bijdragen tot het oplossen van principiële problemen of geschillen. »

Art. 63. In de artikelen 47 tot 52 en 56 van dezelfde wet, allen gewijzigd bij de wet van 26 februari 2003, worden de woorden « sectoraal comité van de sociale zekerheid » telkens vervangen door de woorden « sectoraal comité van de sociale zekerheid en van de gezondheid ».

Art. 64. In artikel 61 van dezelfde wet, gewijzigd bij de wetten van 24 december 2002 en 26 februari 2003, worden de volgende wijzigingen aangebracht :

1° in 1° worden de woorden « het sectoraal comité van de sociale zekerheid » vervangen door de woorden « de afdeling sociale zekerheid van het sectoraal comité van de sociale zekerheid en van de gezondheid »;

2° dans le 2°, les mots « le comité sectoriel de la sécurité sociale » sont remplacés par les mots « le comité sectoriel de la sécurité sociale et de la santé »;

3° il est inséré un 2°*bis*, rédigé comme suit :

« 2°*bis* les personnes, leurs préposés ou mandataires qui communiquent, en contraction avec les dispositions de l'article 15, § 2, des données à caractère personnel relatives à la santé au sens de la loi du 8 décembre 1992 relative à la protection de la vie privée à l'égard des traitements de données à caractère personnel, sans y être autorisés par le comité sectoriel de la sécurité sociale et de la santé. »

Art. 65. Dans l'article 63, alinéa 1er, de la même loi, modifié par les lois des 6 août 1990 et 26 février 2003, les mots « comité sectoriel de la sécurité sociale » sont chaque fois remplacés par les mots « comité sectoriel de la sécurité sociale et de la santé ».

CHAPITRE II. — *Modification de l'arrêté royal n° 78 du 10 novembre 1967 relatif à l'exercice des professions des soins de santé*

Art. 66. A l'article 45*quinquies* de l'arrêté royal n° 78 du 10 novembre 1967 relatif à l'exercice des professions des soins de santé, inséré par la loi du 13 décembre 2006, sont apportées les modifications suivantes :

1° les mots « la Commission de la protection de la vie privée » sont chaque fois remplacés par les mots « la section santé du comité sectoriel de la sécurité sociale et de la santé visé à l'article 37 de la loi du 15 janvier 1990 relative à l'institution et à l'organisation d'une Banque-Carrefour de la sécurité sociale »;

2° dans le § 4, les mots « au comité sectoriel pour les données de santé » sont remplacés par les mots « à la section santé du comité sectoriel de la sécurité sociale et de la santé visée à l'article 37 de la loi du 15 janvier 1990 relative à l'institution et à l'organisation d'une Banque-Carrefour de la sécurité sociale ».

CHAPITRE III. — *Modification de la loi du 29 avril 1996 portant des dispositions sociales*

Art. 67. A l'article 156, § 4, de la loi du 29 avril 1996 portant des dispositions sociales, remplacé par la loi du 24 décembre 2002 et modifié par la loi du 13 décembre 2006, sont apportées les modifications suivantes :

1° les mots « du Comité de contrôle » sont remplacés par les mots « de la section santé du comité sectoriel de la sécurité sociale et de la santé »;

2° les mots « ainsi qu'au Comité de surveillance visé à l'alinéa précité » sont remplacés par les mots « ainsi qu'à la section santé du comité sectoriel de la sécurité sociale et de la santé visée à l'alinéa précité ».

CHAPITRE IV. — *Modification de la loi du 13 décembre 2006 portant dispositions diverses en matière de santé*

Art. 68. L'intitulé du chapitre VII du Titre II de la loi du 13 décembre 2006 portant dispositions diverses en matière de santé est remplacé par l'intitulé suivant : « Chapitre VII. — Comité sectoriel de la sécurité sociale et de la santé ».

Art. 69. L'article 41 de la même loi est abrogé.

Art. 70. A l'article 42 de la même loi sont apportées les modifications suivantes :

1° le § 1er est abrogé;

2° dans le § 2, les mots « le comité sectoriel » sont remplacés par les mots « la section santé du comité sectoriel de la sécurité sociale et de la santé visée à l'article 37 de la loi du 15 janvier 1990 relative à l'institution et à l'organisation d'une Banque-Carrefour de la sécurité sociale »;

3° le § 2 est complété comme suit :

« 3° accorder une autorisation de principe pour toute communication de données à caractère personnel relatives à la santé au sens de la loi du 8 décembre 1992 relative à la protection de la vie privée à l'égard des traitements de données à caractère personnel, sauf dans les cas suivants :

— si la communication est effectuée entre des professionnels des soins de santé qui sont tenus au secret professionnel et qui sont associés en personne à l'exécution des actes de diagnostic, de prévention ou de prestation de soins à l'égard du patient;

2° in 2° worden de woorden « het sectoraal comité van de sociale zekerheid » vervangen door de woorden « het sectoraal comité van de sociale zekerheid en van de gezondheid »;

3° er wordt een 2°*bis* ingevoegd, luidende :

« 2°*bis* de personen, hun aangestelden of lasthebbers die, in strijd met de bepalingen van artikel 15, § 2, persoonsgegevens die de gezondheid betreffen in de zin van de wet van 8 december 1992 tot bescherming van de persoonlijke levenssfeer ten opzichte van de verwerking van persoonsgegevens, meedelen zonder daartoe gemachtigd te zijn door het sectoraal comité van de sociale zekerheid en van de gezondheid. »

Art. 65. In artikel 63, eerste lid, van dezelfde wet, gewijzigd bij de wetten van 6 augustus 1990 en 26 februari 2003, worden de woorden « sectoraal comité van de sociale zekerheid » telkens vervangen door de woorden « sectoraal comité van de sociale zekerheid en van de gezondheid ».

HOOFDSTUK II. — *Wijziging van het koninklijk besluit nr. 78 van 10 november 1967 betreffende de uitoefening van de gezondheidszorgberoepen*

Art. 66. In artikel 45*quinquies* van het koninklijk besluit nr. 78 van 10 november 1967 betreffende de uitoefening van de gezondheidszorgberoepen, ingevoegd bij de wet van 13 december 2006, worden de volgende wijzigingen aangebracht :

1° de woorden « de Commissie voor de bescherming van de persoonlijke levenssfeer » worden telkens vervangen door de woorden « de afdeling gezondheid van het sectoraal comité van de sociale zekerheid en van de gezondheid bedoeld in artikel 37 van de wet van 15 januari 1990 houdende oprichting en organisatie van een Kruispuntbank van de sociale zekerheid »;

2° in § 4 worden de woorden « aan het sectoraal comité voor de gezondheidsgegevens » vervangen door de woorden « aan de afdeling gezondheid van het sectoraal comité van de sociale zekerheid en van de gezondheid bedoeld in artikel 37 van de wet van 15 januari 1990 houdende oprichting en organisatie van een Kruispuntbank van de sociale zekerheid ».

HOOFDSTUK III. — *Wijziging van de wet van 29 april 1996 houdende sociale bepalingen*

Art. 67. In artikel 156, § 4, van de wet van 29 april 1996 houdende sociale bepalingen, vervangen bij de wet van 24 december 2002 en gewijzigd bij de wet van 13 december 2006, worden de volgende wijzigingen aangebracht :

1° de woorden « het Toezichtscomité » worden vervangen door de woorden « de afdeling gezondheid van het sectoraal comité van de sociale zekerheid en van de gezondheid »;

2° de woorden « het in het vorige lid bedoelde Toezichtscomité » worden vervangen door de woorden « de in het vorig lid bedoelde afdeling gezondheid van het sectoraal comité van de sociale zekerheid en van de gezondheid ».

HOOFDSTUK IV. — *Wijziging van de wet van 13 december 2006 houdende diverse bepalingen betreffende gezondheid*

Art. 68. Het opschrift van hoofdstuk VII van Titel II van de wet van 13 december 2006 houdende diverse bepalingen betreffende gezondheid wordt vervangen als volgt : « — Hoofdstuk VII. — Het sectoraal comité van de sociale zekerheid en van de gezondheid ».

Art. 69. Artikel 41 van dezelfde wet wordt opgeheven.

Art. 70. In artikel 42 van dezelfde wet worden de volgende wijzigingen aangebracht :

1° § 1 wordt opgeheven;

2° in § 2 worden de woorden « Het sectoraal comité » vervangen door de woorden « De afdeling gezondheid van het sectoraal comité van de sociale zekerheid en van de gezondheid bedoeld in artikel 37 van de wet van 15 januari 1990 houdende oprichting en organisatie van een Kruispuntbank van de sociale zekerheid »;

3° § 2 wordt aangevuld als volgt :

« 3° het verlenen van een principiële machtiging met betrekking tot elke mededeling van persoonsgegevens die de gezondheid betreffen in de zin van de wet van 8 december 1992 tot bescherming van de persoonlijke levenssfeer ten opzichte van de verwerking van persoonsgegevens, behalve in de volgende gevallen :

— dien de mededeling gebeurt tussen beroepsbeoefenaars in de gezondheidszorg die door het beroepsgeheim gebonden zijn en persoonlijk betrokken zijn bij de uitvoering van diagnostische, preventieve of zorgverlenende handelingen ten opzichte van een patiënt;

— si la communication est autorisée par ou en vertu d'une loi, d'un décret ou d'une ordonnance, après avis de la Commission de la protection de la vie privée;

— dans les cas prévus à l'article 15, § 2, de la loi du 15 janvier 1990 relative à l'institution et à l'organisation d'une Banque-Carrefour de la sécurité sociale, pour autant que la section sécurité sociale du comité sectoriel de la sécurité sociale et de la santé est compétente;

— dans les cas déterminés par le Roi, par arrêté délibéré en Conseil des Ministres, après avis de la Commission de la protection de la vie privée. »;

4° les §§ 3, 4, 5, 6 et 7 sont abrogés.

Art. 71. Le Roi détermine la date et les modalités d'entrée en vigueur de l'article 70, 3°.

Art. 72. Dans l'attente de l'institution du comité sectoriel de la sécurité sociale et de la santé et de la nomination de ses membres, les missions attribuées au comité sectoriel de la sécurité sociale existant précédemment, tel qu'institué avant l'entrée en vigueur de la présente loi, continuent à être exercées par ce même comité sectoriel de la sécurité sociale.

Dans l'attente de l'institution du comité sectoriel de la sécurité sociale et de la santé et de la nomination de ses membres, les missions de la section santé du comité sectoriel de la sécurité sociale et de la santé qui n'étaient pas précédemment attribuées au comité sectoriel de la sécurité sociale sont exercées par la Commission de la protection de la vie privée.

CHAPITRE V. — *Modification de la loi relative à l'assurance obligatoire soins de santé et indemnités, coordonnée le 14 juillet 1994*

Art. 73. Dans les articles 9*bis* et 206 de la loi relative à l'assurance obligatoire soins de santé et indemnités, coordonnée le 14 juillet 1994, et dans les articles 279, 285 et 296 de la loi-programme du 24 décembre 2002, les mots « comité de surveillance de la Banque-Carrefour de la sécurité sociale », les mots « comité de surveillance visé à l'article 37 » et les mots « comité sectoriel de la sécurité sociale » sont chaque fois remplacés par les mots « comité sectoriel de la sécurité sociale et de la santé ».

CHAPITRE VI. — *Modification de l'article 163, alinéa 3, de la loi-programme (I) du 27 décembre 2006*

Art. 74. Dans l'article 163, alinéa 3, de la loi-programme (I) du 27 décembre 2006, les mots « comité sectoriel de la sécurité sociale » sont remplacés par les mots « comité sectoriel de la sécurité sociale et de la santé ».

CHAPITRE VII. — *Modification de l'article 94 de la loi portant des dispositions diverses (I) du 27 décembre 2006*

Art. 75. L'article 94 de la loi du 27 décembre 2006 portant des dispositions diverses (I), est remplacé par la disposition suivante :

« Art. 94. La présente section entre en vigueur le 1er mars 2007.

Par dérogation à l'alinéa 1er, l'article 41*quater*, de la loi précitée du 27 juin 1969, tel que remplacé par la présente loi, entre en vigueur le 1er mars 2007 dans le chef des notaires et des personnes habilitées à donner l'authentification aux actes d'aliénation et d'affectation hypothécaire, pour ce qui concerne l'obligation d'aviser et d'informer l'Office national de Sécurité sociale, s'agissant des actes qui seront passés à partir du 16 avril 2007 et à une date et selon des modalités à déterminer par le Roi pour ce qui concerne l'obligation d'aviser et d'informer l'Office national de Sécurité sociale des administrations provinciales et locales et la Caisse de Secours et de Prévoyance des marins.

Par dérogation à l'alinéa 1er, l'article 41*quater*, de la loi précitée du 27 juin 1969, tel que remplacé par la présente loi, entre en vigueur le 1er mars 2007 dans le chef des fonctionnaires publics ou des officiers ministériels chargés de vendre des biens meubles ou de procéder à la distribution par contribution des deniers saisis-arrêtés pour ce qui concerne l'obligation d'aviser l'Office national de Sécurité sociale et à une date et selon des modalités à déterminer par le Roi pour ce qui concerne l'obligation d'aviser l'Office national de Sécurité sociale des administrations provinciales et locales et la Caisse de Secours et de Prévoyance des marins. ».

— dien de mededeling is toegestaan door of krachtens een wet, een decreet of een ordonnantie, na advies door de Commissie voor de bescherming van de persoonlijke levenssfeer;

— in de gevallen bedoeld in artikel 15, § 2, van de wet van 15 januari 1990 houdende oprichting en organisatie van een Kruispuntbank van de sociale zekerheid, voor zover de afdeling sociale zekerheid van het sectoraal comité van de sociale zekerheid en van de gezondheid bevoegd is;

— in de gevallen door de Koning bepaald, bij een besluit vastgesteld na overleg in de Ministerraad en na advies van de Commissie voor de bescherming van de persoonlijke levenssfeer. »;

4° §§ 3, 4, 5, 6 en 7 worden opgeheven.

Art. 71. De Koning bepaalt de datum en de nadere regels van inwerkingtreding van artikel 70, 3°.

Art. 72. In afwachting van de instelling van het sectoraal comité van de sociale zekerheid en van de gezondheid en van de benoeming van zijn leden worden de opdrachten toegewezen aan het voorheen bestaande sectoraal comité van de sociale zekerheid, zoals ingesteld vóór de inwerkingtreding van deze wet, verder uitgeoefend door datzelfde sectoraal comité van de sociale zekerheid.

In afwachting van de instelling van het sectoraal comité van de sociale zekerheid en van de gezondheid en van de benoeming van zijn leden worden de opdrachten van de afdeling gezondheid van het sectoraal comité van de sociale zekerheid en van de gezondheid die voorheen niet waren toegewezen aan het sectoraal comité van de sociale zekerheid uitgeoefend door de Commissie voor de bescherming van de persoonlijke levenssfeer.

HOOFDSTUK V. — *Wijziging van de wet betreffende de verplichte verzekering voor geneeskundige verzorging en uitkeringen, gecoördineerd op 14 juli 1994*

Art. 73. In de artikelen 9*bis* en 206 van de wet betreffende de verplichte verzekering voor geneeskundige verzorging en uitkeringen, gecoördineerd op 14 juli 1994, en in de artikelen 279, 285 en 296 van de programmawet van 24 december 2002 worden de woorden « het Toezichtscomité van de Kruispuntbank van de sociale zekerheid », de woorden « het Toezichtscomité bedoeld in artikel 37 » en de woorden « het sectoraal comité van de sociale zekerheid » telkens vervangen door de woorden « het sectoraal comité van de sociale zekerheid en van de gezondheid ».

HOOFDSTUK VI. — *Wijziging van artikel 163, derde lid, van de programmawet (I) van 27 december 2006*

Art. 74. In artikel 163, derde lid, van de programmawet (I) van 27 december 2006, worden de de woorden « sectoraal comité van de sociale zekerheid » vervangen door de woorden « sectoraal comité van de sociale zekerheid en van de gezondheid ».

HOOFDSTUK VII. — *Wijziging van artikel 94 van de wet houdende diverse bepalingen (I) van 27 december 2006*

Art. 75. Artikel 94 van de wet van 27 december 2006 houdende diverse bepalingen (I), wordt vervangen als volgt :

« Art. 94. Deze afdeling treedt in werking op 1 maart 2007.

In afwijking van het eerste lid, treedt artikel 41*quater*, van voormelde wet van 27 juni 1969, zoals vervangen bij deze wet, in werking op 1 maart 2007 voor de notarissen en de personen die gemachtigd zijn om akten van vervreemding en van hypothecaire aanwending voor echt te verklaren, wat betreft de verplichte mededeling en informatie aan de Rijksdienst voor sociale zekerheid, voor de akten die zullen worden verleden vanaf 16 april 2007 en op een datum en volgens de nadere regels, door de Koning te bepalen, wat betreft de verplichte mededeling en informatie aan de Rijksdienst voor Sociale Zekerheid van de provinciale en plaatselijke overheidsdiensten en de Hulp- en Voorzorgskas voor zeevarenden.

In afwijking van het eerste lid, treedt artikel 41*quater* van voormelde wet van 27 juni 1969, zoals vervangen bij deze wet, in werking op 1 maart 2007 voor de openbare ambtenaren of ministeriële officieren belast met de verkoping van roerende goederen of het overgaan tot de evenredige verdeling van gelden die onder derdenbeslag gelegd zijn, wat betreft de verplichte mededeling aan de Rijksdienst voor sociale zekerheid en op een datum en volgens de nadere regels, door de Koning te bepalen, wat betreft de verplichte mededeling aan de Rijksdienst voor Sociale Zekerheid van de provinciale en plaatselijke overheidsdiensten en de Hulp- en Voorzorgskas voor zeevarenden. ».

TITRE VII. — *Affaires sociales*

CHAPITRE Ier. — *Gestion financière de la sécurité sociale*

Art. 76. Le Roi détermine, par arrêté délibéré en Conseil des Ministres, les modalités de répartition entre la gestion financière globale de la sécurité sociale visée à l'article 5, 2°, de la loi du 27 juin 1969 révisant l'arrêté-loi du 28 décembre 1944 concernant la sécurité sociale des travailleurs et la gestion financière globale du statut social des travailleurs indépendants, visée à l'article 2, alinéa 1er, de l'arrêté royal du 18 novembre 1996 visant l'introduction d'une gestion financière globale dans le statut social des travailleurs indépendants, en application du chapitre Ier du titre VI de la loi du 26 juillet 1996 portant modernisation de la sécurité sociale et assurant la viabilité des régimes de pension, de la charge financière des adaptations forfaitaires dans les régimes de pension pour travailleurs salariés et pour travailleurs indépendants fondées sur les articles 5 à 6 et 72 à 73 de la loi du 23 décembre 2005 relative au pacte de solidarité entre les générations.

CHAPITRE II. — *Documents sociaux*

Art. 77. L'article 4, § 3, de l'arrêté royal n° 5 du 23 octobre 1978 relatif à la tenue des documents sociaux, abrogé par la loi du 24 janvier 2003, est rétabli dans la rédaction suivante :

« § 3. Est également considéré comme document social dont la tenue est prescrite par le présent arrêté, le registre de mesure du temps de travail qui doit être tenu dans les branches d'activité ou les catégories d'entreprises déterminées par le Roi par arrêté délibéré en Conseil des Ministres.

Le Roi détermine, également par arrêté délibéré en Conseil des Ministres, les personnes qui sont tenues de tenir un registre de mesure du temps de travail ainsi que les travailleurs qui devront y être mentionnés. ».

Art. 78. A l'article 11, § 3, alinéa 1er, *a)*, du même arrêté, remplacé par la loi du 23 mars 1994 et modifié par la loi du 24 janvier 2003, les mots « l'article 4, § 1er, 1, et § 2 » sont remplacés par les mots « l'article 4, § 1er,1, § 2 et § 3 ».

Art. 79. A l'article 1er*bis*, § 1er, 5°, de la loi du 30 juin 1971 relative aux amendes administratives applicables en cas d'infraction à certaines lois sociales, remplacé par la loi du 23 mars 1994 et modifié par la loi du 24 janvier 2003 et la loi-programme (I) du 27 décembre 2006, sont apportées les modifications suivantes :

1° dans le A), *d)*, les mots « l'article 4, § 1er, 1, et § 2 » sont remplacés par les mots « l'article 4, § 1er, 1, § 2 et § 3 »;

2° dans le B), *a)*, les mots « l'article 4, § 1er,1, et § 2 » sont remplacés par les mots « l'article 4, § 1er, 1, § 2 et § 3 ».

TITRE VIII. — *Emploi*

CHAPITRE Ier. — *Coopératives d'activités*

Art. 80. Pour l'application du présent chapitre on entend par :

1° coopérative d'activités : la société à finalité sociale qui remplit les conditions fixées par le présent chapitre;

2° le candidat-entrepreneur : la personne qui, dans le but de réaliser son installation ultérieure en tant qu'entrepreneur, a conclu une convention avec une coopérative d'activités, selon les dispositions fixées par le présent chapitre.

Art. 81. § 1er. Une coopérative d'activités s'inscrit principalement dans l'occupation et l'insertion des chômeurs difficiles à placer et d'autres groupes à risque dans le but, ensuite, de leur démarrage dans la vie professionnelle. Par un arrêté délibéré en Conseil des Ministres, le Roi définit ce groupe-cible et détermine la façon dont la coopérative d'activités doit répondre à cet objectif.

§ 2. Une coopérative d'activités doit avoir pour objet statutaire de conseiller les candidats-entrepreneurs, les accompagner, les coacher et les soutenir dans l'exercice de leurs activités en vue de s'installer plus tard en tant qu'entrepreneur.

§ 3. La coopérative d'activités doit être reconnue comme coopérative d'activités par le(s) Ministre(s) compétent(s) de la Région sur le territoire de laquelle le siège social de la coopérative d'activités est installé.

§ 4. La coopérative d'activités doit tenir une comptabilité analytique mensuelle par candidat-entrepreneur.

TITEL VII. — *Sociale zaken*

HOOFDSTUK I. — *Financieel beheer van de sociale zekerheid*

Art. 76. De Koning bepaalt, bij een besluit vastgesteld na overleg in de Ministerraad, de wijze van verdeling tussen het globaal financieel beheer van de sociale zekerheid beoogd in het artikel 5, 2°, van de wet van 27 juni 1969 tot herziening van de besluitwet van 28 december 1944 betreffende de maatschappelijke zekerheid der arbeiders en het globaal financieel beheer van het sociaal statuut voor zelfstandigen, beoogd in het artikel 2, eerste lid, van het koninklijk besluit van 18 november 1996 strekkende tot invoering van een globaal financieel beheer in het sociaal statuut der zelfstandigen, met toepassing van Hoofdstuk I van titel VI van de wet van 26 juli 1996 tot modernisering van de sociale zekerheid en tot vrijwaring van de leefbaarheid van de wettelijke pensioenstelsels, van de financiële last van de forfaitaire aanpassingen in de pensioenregelingen voor werknemers en zelfstandigen gegrond op de artikelen 5 tot 6 en 72 tot 73 van de wet van 23 december 2005 betreffende het generatiepact.

HOOFDSTUK II. — *Sociale documenten*

Art. 77. Artikel 4, § 3, van het koninklijk besluit nr. 5 van 23 oktober 1978 betreffende het bijhouden van sociale documenten, opgeheven bij de wet van 24 januari 2003, wordt hersteld in de volgende lezing :

« § 3. Wordt eveneens beschouwd als sociaal document waarvan het bijhouden voorgeschreven is door dit besluit, het register voor werktijdregeling dat moet worden bijgehouden in de bedrijfstakken of de categorieën van ondernemingen bepaald door de Koning bij een besluit vastgesteld na overleg in de Ministerraad.

De Koning bepaalt eveneens bij een besluit vastgesteld na overleg in de Ministerraad welke personen ertoe gehouden zijn een register voor werktijdregeling bij te houden, alsmede de werknemers die erin vermeld zullen moeten worden. ».

Art. 78. In artikel 11, § 3, eerste lid, *a)*, van hetzelfde besluit, vervangen bij de wet van 23 maart 1994 en gewijzigd bij de wet van 24 januari 2003, worden de woorden « artikel 4, § 1, 1, en § 2 » vervangen door de woorden « artikel 4, § 1, 1, § 2 en § 3 ».

Art. 79. In artikel 1*bis*, § 1, 5°, van de wet van 30 juni 1971 betreffende de administratieve geldboeten toepasselijk in geval van inbreuk op sommige sociale wetten, vervangen bij de wet van 23 maart 1994 en gewijzigd bij de wet van 24 januari 2003 en de programmawet van 27 december 2006, worden de volgende wijzigingen aangebracht :

1° in A), *d)*, worden de woorden « artikel 4, § 1, 1, en § 2 » vervangen door de woorden « artikel 4, § 1, 1, § 2 en § 3 »;

2° in B), *a)*, worden de woorden « artikel 4, § 1, 1, en § 2 » vervangen door de woorden « artikel 4, § 1, 1, § 2 en § 3 ».

TITEL VIII. — *Werk*

HOOFDSTUK I. — *Activiteitencoöperaties*

Art. 80. Voor de toepassing van dit hoofdstuk wordt verstaan onder :

1° een activiteitencoöperatie : de vennootschap met een sociaal oogmerk die voldoet aan de voorwaarden bepaald in dit hoofdstuk;

2° de kandidaat-ondernemer : de persoon die een overeenkomst heeft gesloten met een activiteitencoöperatie, volgens de modaliteiten bepaald in dit hoofdstuk, met als doel zijn latere vestiging als ondernemer te bewerkstelligen.

Art. 81. § 1. Een activiteitencoöperatie richt zich voornamelijk op de tewerkstelling en inschakeling van moeilijk te plaatsen werklozen en andere kansengroepen met het oog op hun latere inschakeling in het beroepsleven. Bij een besluit vastgesteld na overleg in de Ministerraad, omschrijft de Koning deze doelgroep en bepaalt Hij hoe de activiteitencoöperatie aan deze doelstelling dient te voldoen.

§ 2. Een activiteitencoöperatie moet het statutaire doel hebben kandidaat-ondernemers te adviseren, begeleiden, coachen en ondersteunen bij de uitoefening van hun activiteiten met het oog op hun latere vestiging als ondernemer.

§ 3. De activiteitencoöperatie dient erkend te zijn als activiteitencoöperatie door de bevoegde Minister(s) van het Gewest op wiens grondgebied de maatschappelijke zetel van de activiteitencoöperatie gevestigd is.

§ 4. De activiteitencoöperatie dient per kandidaat-ondernemer een maandelijkse analytische boekhouding te voeren.

Art. 82. § 1er. La convention doit être constatée par écrit pour chaque candidat-entrepreneur individuellement, au plus tard au moment où le candidat entrepreneur commence l'exécution de sa convention.

§ 2. L'objet de cette convention concerne l'accompagnement, l'encadrement et le coaching liés aux activités du candidat-entrepreneur en vue de son installation en tant qu'entrepreneur.

§ 3. La durée totale de cette convention ou des éventuelles conventions successives conclues soit avec la même soit avec une ou plusieurs autres coopératives d'activités ne peut pas dépasser dix-huit mois ininterrompus ou non dans le chef du candidat-entrepreneur.

§ 4. La convention peut être rompue unilatéralement à n'importe quel moment par une des parties moyennant un préavis d'au moins sept jours prenant cours le lendemain de la notification.

Art. 83. Le Roi fixe, par un arrêté délibéré en Conseil des Ministres, les conditions et les modalités selon lesquelles les candidats-entrepreneurs conservent leur droit aux allocations de chômage, au revenu d'intégration ou à l'aide sociale pendant la durée de la convention.

Le Roi détermine, par un arrêté délibéré en Conseil des Ministres, dans quelle mesure l'indemnité qui est allouée par la coopérative d'activités peut être cumulée avec le droit à une allocation telle que mentionnée à l'alinéa 1er.

Art. 84. § 1. Le document mentionné à l'article 82 doit au moins contenir les mentions suivantes :

1° en ce qui concerne le candidat-entrepreneur : le nom, prénom et domicile;

2° en ce qui concerne la coopérative d'activités : le nom et la localisation du siège social de la société;

3° l'objet tel que mentionné à l'article 82, § 2;

4° les dates de début et de fin de la convention;

5° les temps d'accès aux locaux de la coopérative d'activités;

6° les modalités de calcul de l'indemnité qui est payée par la coopérative d'activités au candidat-entrepreneur;

7° la manière dont il peut être mis fin à la convention;

8° les activités d'accompagnement et de coaching que le candidat-entrepreneur doit suivre.

§ 2. Le Roi peut déterminer quelles sont les mentions supplémentaires qui doivent être insérées dans la convention.

Art. 85. La loi du 3 juillet 1978 relative aux contrats de travail n'est, à l'exception de l'article 18, pas applicable aux conventions conclues entre la coopérative d'activité et le candidat-entrepreneur.

Art. 86. Le Roi fixe, par un arrêté délibéré en Conseil des Ministres, la date d'entrée en vigueur du présent chapitre. Ce chapitre n'est pas applicable aux conventions qui ont été conclues avant la date d'entrée en vigueur. La durée des conventions conclues avant la date d'entrée en vigueur ne peut pas s'élever à plus de dix-huit mois.

CHAPITRE II. — *Congé d'adoption*

Art. 87. L'article 30*ter*, § 1er, alinéa 2, de la loi du 3 juillet 1978 relative aux contrats de travail, inséré par la loi du 9 juillet 2004, est remplacé par la disposition suivante :

« Pour pouvoir exercer le droit au congé d'adoption, ce congé doit prendre cours dans les deux mois qui suivent l'accueil effectif de l'enfant dans la famille du travailleur dans le cadre d'une adoption. Le Roi détermine la manière dont le travailleur peut apporter la preuve de l'accueil d'un enfant dans sa famille dans le cadre d'une adoption. ».

Art. 88. L'article 30*ter*, § 1er, de la même loi est complété par l'alinéa suivant :

« En cas d'accueil simultané de plusieurs enfants dans la famille du travailleur dans le cadre d'adoptions, le droit au congé d'adoption est octroyé une seule fois. Le Roi précise ce qu'il faut entendre par accueil simultané. ».

Art. 82. § 1. De overeenkomst moet voor iedere kandidaat-ondernemer afzonderlijk schriftelijk worden vastgesteld, uiterlijk op het tijdstip waarop de kandidaat-ondernemer de uitvoering van zijn overeenkomst aanvangt.

§ 2. Het voorwerp van deze overeenkomst betreft het verstrekken van begeleiding en het geven van omkadering en coaching met betrekking tot de activiteiten van de kandidaat-ondernemer met het oog op zijn latere vestiging als ondernemer.

§ 3. De totaliteit van de duur van deze overeenkomst of eventueel opeenvolgende overeenkomsten gesloten hetzij met dezelfde, hetzij met één of meerdere activiteitencoöperaties, mag in hoofde van de kandidaat-ondernemer niet meer bedragen dan achttien al dan niet aaneensluitende maanden.

§ 4. De overeenkomst kan door één van de partijen te allen tijde eenzijdig worden beëindigd door middel van een opzeggingstermijn van minstens zeven dagen die de dag na de kennisgeving aanvangt.

Art. 83. De Koning bepaalt, bij een besluit vastgesteld na overleg in de Ministerraad, de voorwaarden en wijze waarop kandidaat-ondernemers tijdens de duur van de overeenkomst recht blijven houden op werkloosheidsuitkeringen, leefloon of maatschappelijke dienstverlening.

De Koning bepaalt, bij een besluit vastgesteld na overleg in de Ministerraad, in welke mate de vergoeding die wordt verstrekt door de activiteitencoöperatie kan gecumuleerd worden met het recht op uitkering zoals bepaald in het eerste lid.

Art. 84. § 1. Het geschrift bedoeld in artikel 82 moet ten minste de volgende vermeldingen bevatten :

1° wat de kandidaat-ondernemer betreft : de naam, voornamen en hoofdverblijfplaats;

2° wat de activiteitencoöperatie betreft : de naam en de vestigingsplaats van de maatschappelijke zetel van de vennootschap;

3° het voorwerp, zoals bedoeld in artikel 82, § 2;

4° de begin- en einddatum van de overeenkomst;

5° de toegangstijden tot de lokalen van de activiteitencoöperatie;

6° de berekeningswijze van de vergoeding die door de activiteitencoöperatie aan de kandidaat-ondernemer wordt betaald;

7° de manier waarop een einde kan worden gemaakt aan de overeenkomst;

8° de begeleidings- en coachingsactiviteiten die de kandidaat-ondernemer moet volgen.

§ 2. De Koning kan verder bepalen welke bijkomende vermeldingen in de overeenkomst moeten worden opgenomen.

Art. 85. De wet van 3 juli 1978 betreffende de arbeidsovereenkomsten is, met uitzondering van artikel 18, niet van toepassing op de overeenkomsten gesloten tussen een activiteitencoöperatie en een kandidaat-ondernemer.

Art. 86. De Koning bepaalt, bij een besluit vastgesteld na overleg in de Ministerraad, de datum van inwerkingtreding van dit hoofdstuk. Dit hoofdstuk is niet van toepassing op overeenkomsten die gesloten worden vóór de inwerkingtreding. De duur van de overeenkomsten gesloten vóór de inwerkingtreding kan niet meer bedragen dan achttien maanden.

HOOFDSTUK II. — *Adoptieverlof*

Art. 87. Artikel 30*ter*, § 1, tweede lid, van de wet van 3 juli 1978 betreffende de arbeidsovereenkomsten, ingevoegd bij de wet van 9 juli 2004, wordt vervangen als volgt :

« Om het recht op adoptieverlof te kunnen uitoefenen moet dit verlof een aanvang nemen binnen twee maanden volgend op het daadwerkelijke onthaal van het kind in het gezin van de werknemer in het kader van een adoptie. De Koning bepaalt de wijze waarop de werknemer het bewijs kan leveren van het onthaal van een kind in zijn gezin in het kader van een adoptie. ».

Art. 88. Artikel 30*ter*, § 1, van dezelfde wet wordt aangevuld met het volgende lid :

« In geval van gelijktijdig onthaal van meerdere kinderen in het gezin van de werknemer in het kader van adopties, wordt het recht op adoptieverlof slechts één keer toegekend. De Koning bepaalt nader wat moet worden verstaan onder gelijktijdig onthaal. ».

Art. 89. L'article 25*sexies*, § 1er, alinéa 2, de la loi du 1er avril 1936 sur les contrats d'engagement pour le service des bâtiments de navigation intérieure, inséré par la loi du 9 juillet 2004, est remplacé par la disposition suivante :

« Pour pouvoir exercer le droit au congé d'adoption, ce congé doit prendre cours dans les deux mois qui suivent l'accueil effectif de l'enfant dans la famille du travailleur dans le cadre d'une adoption. Le Roi détermine la manière dont le travailleur peut apporter la preuve de l'accueil d'un enfant dans sa famille dans le cadre d'une adoption. ».

Art. 90. L'article 25*sexies*, § 1er, de la même loi est complété par l'alinéa suivant :

« En cas d'accueil simultané de plusieurs enfants dans la famille du travailleur dans le cadre d'adoptions, le droit au congé d'adoption est octroyé une seule fois. Le Roi précise ce qu'il faut entendre par accueil simultané. ».

Art. 91. Le présent chapitre entre en vigueur à une date à fixer par le Roi.

TITRE IX. — *Santé publique*

CHAPITRE Ier. — *Modification de l'arrêté royal no 78 du 10 novembre 1967 relatif à l'exercice des professions des soins de santé*

Section 1re. — Modification de l'arrêté royal no 78 du 10 novembre 1967 relatif à l'exercice des professions des soins de santé (sages-femmes)

Art. 92. L'article 21*noviesdecies*, § 1er, de l'arrêté royal no 78 du 10 novembre 1967 relatif à l'exercice des professions des soins de santé, introduit par la loi du 13 décembre 2006, est remplacé par la disposition suivante :

« § 1er. L'agrément comme porteur ou porteuse du titre professionnel de sage-femme est accordé d'office au titulaire d'un diplôme d'enseignement supérieur d'accoucheuse, délivré par un établissement scolaire reconnu par l'autorité compétente, ou d'un diplôme déclaré équivalent par l'autorité compétente. La durée minimale de la formation est fixée par le Roi, par arrêté délibéré en Conseil des Ministres. ».

Art. 93. L'article 29 de la loi du 13 décembre 2006 portant dispositions diverses en matière de santé, est abrogé.

Section 2. — Officines pharmaceutiques

Art. 94. Dans l'article 4, § 3, 3o, alinéa 2, deuxième phrase, de l'arrêté royal no 78 du 10 novembre 1967 relatif à l'exercice des professions des soins de santé, modifié par les lois du 17 décembre 1973, 13 décembre 1976, 14 mai 1985, 26 juin 1992, 22 février 1998, 16 avril 1998, 17 novembre 1998, 25 janvier 1999, 13 mai 1999, 2 août 2002, 22 décembre 2003, 9 juillet 2004 et 1er mai 2006, les mots « par les Commissions d'implantation » sont remplacés par les mots « par le secrétariat des Commissions d'implantation ».

Art. 95. Les dispositions de l'article 6, alinéa 3, de la loi du 1er mai 2006 modifiant l'arrêté royal no 78 du 10 novembre 1967 relatif à l'exercice des professions des soins de santé, sont d'application à l'article 94 de la présente loi.

CHAPITRE II. — *Modification de la loi sur les hôpitaux, coordonnée le 7 août 1987*

Art. 96. L'article 107, § 1er, alinéa 1er, de la loi sur les hôpitaux, coordonnée le 7 août 1987, remplacé par la loi du 14 janvier 2002 et modifié par la loi du 27 avril 2005, est complété par un point *e)*, rédigé comme suit :

« *e)* à la communication au patient des informations prévues par l'article 91 et les arrêtés d'exécution de celui-ci. ».

CHAPITRE III. — *Modification de l'arrêté royal no 79 du 10 novembre 1967 relatif à l'Ordre des médecins et de l'arrêté royal no 80 du 10 novembre 1967 relatif à l'Ordre des pharmaciens*

Art. 97. Dans l'article 21 de l'arrêté royal no 79 du 10 novembre 1967 relatif à l'Ordre des médecins, les mots « soit de la part de l'assesseur du conseil provincial, » sont supprimés.

Art. 98. Dans l'article 25, § 1er, du même arrêté royal, les mots « soit par l'assesseur du conseil provincial » sont supprimés.

Art. 99. Dans l'article 21 de l'arrêté royal no 80 du 10 novembre 1967 relatif à l'Ordre des Pharmaciens, les mots « soit de la part de l'assesseur du conseil provincial » sont supprimés.

Art. 89. Artikel 25*sexies*, § 1, tweede lid, van de wet van 1 april 1936 op de arbeidsovereenkomsten wegens dienst op binnenschepen, ingevoegd bij de wet van 9 juli 2004, wordt vervangen als volgt :

« Om het recht op adoptieverlof te kunnen uitoefenen moet dit verlof een aanvang nemen binnen twee maanden volgend op het daadwerkelijke onthaal van het kind in het gezin van de werknemer in het kader van een adoptie. De Koning bepaalt de wijze waarop de werknemer het bewijs kan leveren van het onthaal van een kind in zijn gezin in het kader van een adoptie. ».

Art. 90. Artikel 25*sexies*, § 1, van dezelfde wet wordt aangevuld met het volgende lid :

« In geval van gelijktijdig onthaal van meerdere kinderen in het gezin van de werknemer in het kader van adopties, wordt het recht op adoptieverlof slechts één keer toegekend. De Koning bepaalt nader wat moet worden verstaan onder gelijktijdig onthaal. ».

Art. 91. Dit hoofdstuk treedt in werking op een door de Koning te bepalen datum.

TITEL IX. — *Volksgezondheid*

HOOFDSTUK I. — *Wijziging van het koninklijk besluit nr. 78 van 10 november 1967 betreffende de uitoefening van de gezondheidszorgberoepen*

Afdeling 1. — Wijziging van het koninklijk besluit nr. 78 van 10 november 1967 betreffende de uitoefening van de gezondheidszorgberoepen (vroedvrouwen)

Art. 92. Artikel 21*noviesdecies*, § 1, van het koninklijk besluit nr. 78 van 10 november 1967 betreffende de uitoefening van de gezondheidszorgberoepen, ingevoegd bij de wet van 13 december 2006, wordt vervangen als volgt :

« § 1. De erkenning als houder of houdster van de beroepstitel van vroedvrouw wordt van rechtswege toegekend aan de houder van een diploma van hoger onderwijs van vroedvrouw, afgeleverd door een door de bevoegde overheid erkende onderwijsinstelling, of van een daarmee door de bevoegde overheid gelijkwaardig verklaard diploma. De minimale duur van de opleiding wordt vastgesteld door de Koning, bij een besluit vastgesteld na overleg in de Ministerraad. ».

Art. 93. Artikel 29 van de wet van 13 december 2006 houdende diverse bepalingen betreffende gezondheid, wordt opgeheven.

Afdeling 2. — Apotheken

Art. 94. In artikel 4, § 3, 3o, tweede lid, tweede zin, van het koninklijk besluit nr. 78 van 10 november 1967 betreffende de uitoefening van de gezondheidszorgberoepen, gewijzigd bij de wetten van 17 december 1973, 13 december 1976, 14 mei 1985, 26 juni 1992, 22 februari 1998, 16 april 1998, 17 november 1998, 25 januari 1999, 13 mei 1999, 2 augustus 2002, 22 december 2003, 9 juli 2004 en 1 mei 2006, worden de woorden « door de Vestigingscommissies » vervangen door de woorden « door het secretariaat van de Vestigingscommissies ».

Art. 95. De bepalingen van artikel 6, derde lid, van de wet van 1 mei 2006 tot wijziging van het koninklijk besluit nr. 78 van 10 november 1967 betreffende de uitoefening van de gezondheidszorgberoepen, zijn van toepassing op artikel 94 van deze wet.

HOOFDSTUK II. — *Wijziging van de wet op de ziekenhuizen, gecoördineerd op 7 augustus 1987*

Art. 96. Artikel 107, § 1, eerste lid, van de wet op de ziekenhuizen, gecoördineerd op 7 augustus 1987, vervangen bij de wet van 14 januari 2002 en gewijzigd bij de wet van 27 april 2005, wordt aangevuld met een punt *e)*, luidende :

« *e)* het mededelen van informatie aan de patiënt overeenkomstig de bepalingen van artikel 91 en de uitvoeringsbesluiten ervan. ».

HOOFDSTUK III. — *Wijziging van het koninklijk besluit nr. 79 van 10 november 1967 betreffende de Orde der geneesheren en van het koninklijk besluit nr. 80 van 10 november 1967 betreffende de Orde der apothekers*

Art. 97. In artikel 21 van het koninklijk besluit nr. 79 van 10 november 1967 betreffende de Orde der geneesheren, vervallen de woorden « hetzij door de bijzitter van de provinciale raad, ».

Art. 98. In artikel 25, § 1, van hetzelfde koninklijk besluit vervallen de woorden « hetzij door de bijzitter van de provinciale raad ».

Art. 99. In artikel 21 van het koninklijk besluit nr. 80 van 10 november 1967 betreffende de Orde der apothekers, vervallen de woorden « hetzij door de bijzitter van de provinciale raad ».

Art. 100. Dans l'article 25, § 1er, du même arrêté royal, les mots « soit par l'assesseur du conseil provincial » sont supprimés.

CHAPITRE IV. — *Modifications de la loi relative à l'assurance obligatoire soins de santé et indemnités, coordonnée le 14 juillet 1994*

Art. 101. L'article 196, § 2, de la loi relative à l'assurance obligatoire soins de santé et indemnités, coordonnée le 14 juillet 1994, modifié par les lois des 25 janvier 1999 et 22 décembre 2003, est complété par l'alinéa suivant :

« A partir de l'année 2004, seul le Conseil général, peut, pour la clôture des comptes, adapter la valeur du coefficient des paramètres visés au premier alinéa, ainsi qu'adapter les années de référence relatifs à ces paramètres. ».

Art. 102. A l'article 50 de la même loi, modifié par les lois des 21 décembre 1994, 20 décembre 1995, 10 décembre 1997, 22 août 2002 et 24 décembre 2002, sont apportées les modifications suivantes :

1° dans le § 2, alinéa 3, les mots « et la commission nationale dento-mutualiste sont présidées » sont remplacés par les mots « est présidée »;

2° il est inséré un § 3*bis*, rédigé comme suit :

« § 3*bis*. Sans préjudice de la disposition du § 3, dernier alinéa, les tarifs qui découlent de la nomenclature sont les honoraires maximums qui peuvent être exigés pour les prestations dispensées dans le cadre des consultations à l'hôpital si, préalablement, le bénéficiaire n'a pas été expressément informé par l'établissement hospitalier sur l'adhésion ou non aux accords du dispensateur de soins au moment où les soins sont dispensés. ».

Art. 103. L'article 166 de la même loi, modifié par la loi du 26 juin 2000, est modifié comme suit :

1° l'alinéa 1er est remplacé comme suit :

« Le fonctionnaire dirigeant du Service du contrôle administratif inflige aux organismes assureurs et aux offices de tarification des amendes de 25 à 250 EUR, en cas d'infraction aux dispositions de la loi coordonnée, de ses arrêtés et de ses règlements d'exécution. »;

2° au troisième alinéa, les mots « le Comité » sont remplacés par les mots « le fonctionnaire dirigeant »;

3° un quatrième alinéa, libellé comme suit, est ajouté :

« Le Roi détermine les infractions pour lesquelles des sanctions administratives peuvent être appliquées. Il détermine également le montant des sanctions et les modalités selon lesquelles les sanctions sont infligées. ».

CHAPITRE V. — *Animaux, végétaux et alimentation*

Section 1re. — Modification de l'arrêté royal du 22 février 2001 organisant les contrôles effectués par l'Agence fédérale pour la Sécurité de la Chaîne alimentaire et modifiant diverses dispositions légales

Art. 104. L'article 3 de l'arrête royal du 22 février 2001 organisant les contrôles effectivés par l'Agence fédérale pour la sécurité de la Chaîne alimentaire et modifiant diverses dispositions légales, modifié par les lois des 28 mars 2003 et 22 décembre 2003, est complété par un § 7, rédigé comme suit :

« § 7. L'opposition aux visites, contrôles, saisies, prises d'échantillons ou demandes de renseignements ou de documents par les personnes visées au § 1er, ou la fourniture de renseignements ou documents sciemment inexacts, est puni d'un emprisonnement de huit jours à trois mois et d'une amende de cent à mille euros ou de l'une de ces peines seulement. ».

Section 2. — Modification de la loi du 28 mars 1975 relative au commerce des produits de l'agriculture, de l'horticulture et de la pêche maritime

Art. 105. Dans les articles 3, 4, 5 et 9 de la loi du 28 mars 1975 relative au commerce des produits de l'agriculture, de l'horticulture et de la pêche maritime, les mots « le Ministre de l'Agriculture » et « le Ministre qui a l'Agriculture dans ses attributions » sont remplacés par « le Ministre qui a la Santé publique dans ses attributions ».

Art. 100. In artikel 25, § 1, van hetzelfde koninklijk besluit vervallen de woorden « hetzij door de bijzitter van de provinciale raad ».

HOOFDSTUK IV. — *Wijzigingen van de wet betreffende de verplichte verzekering voor geneeskundige verzorging en uitkeringen, gecoördineerd op 14 juli 1994*

Art. 101. Artikel 196, § 2, van de wet betreffende de verplichte verzekering voor geneeskundige verzorging en uitkeringen, gecoördineerd op 14 juli 1994, gewijzigd bij de wetten van 25 januari 1999 en 22 december 2003, wordt aangevuld met het volgende lid :

« Vanaf het jaar 2004 kan uitsluitend de Algemene raad, voor de afsluiting van de rekeningen, de waarde van de coëfficiënt van de in het eerste lid bedoelde parameters, alsook de referentiejaren met betrekking tot deze parameters, aanpassen. ».

Art. 102. In artikel 50 van dezelfde wet, gewijzigd bij de wetten van 21 december 1994, 20 december 1995, 10 december 1997, 22 augustus 2002 en 24 december 2002, worden de volgende wijzigingen aangebracht :

1° in § 2, derde lid, worden de woorden « en de nationale commissie tandheelkundigen-ziekenfondsen worden » vervangen door het woord « wordt »;

2° er wordt een § 3*bis* ingevoegd, luidende :

« § 3*bis*. Onverminderd de bepaling van § 3, laatste lid, zijn de uit de nomenclatuur voortvloeiende tarieven de maximumhonoraria die kunnen worden geëist voor verstrekkingen verleend in het raam van raadplegingen in een ziekenhuis, indien de rechthebbende niet voorafgaandelijk door de verplegingsinrichting uitdrukkelijk werd geïnformeerd aangaande het al dan niet toegetreden zijn tot de akkoorden van de zorgverlener op het ogenblik dat de zorgen worden verleend. ».

Art. 103. Artikel 166 van dezelfde wet, gewijzigd bij de wet van 26 juni 2000, wordt als volgt gewijzigd :

1° het eerste lid wordt als volgt vervangen :

« De leidend ambtenaar van de Dienst voor administratieve controle legt aan de verzekeringsinstellingen en aan de tariferingsdiensten geldboeten van 25 tot 250 EUR op, in geval van overtreding van de bepalingen van de gecoördineerde wet, haar uitvoeringsbesluiten en -verordeningen. »;

2° in het derde lid worden de woorden « het Comité » vervangen door de woorden « de leidend ambtenaar »;

3° een vierde lid wordt toegevoegd dat luidt als volgt :

« De Koning bepaalt voor welke overtredingen administratieve sancties kunnen worden opgelegd. Hij bepaalt eveneens de hoegrootheid van de sancties en de modaliteiten waaronder de sancties worden opgelegd. ».

HOOFDSTUK V. — *Dier, plant en voeding*

Afdeling 1. — Wijziging van het koninklijk besluit van 22 februari 2001 houdende organisatie van de controles die worden verricht door het Federaal Agentschap voor de Veiligheid van de Voedselketen en tot wijziging van diverse wettelijke bepalingen

Art. 104. Artikel 3 van het koninklijk besluit van 22 februari 2001 houdende organisatie van de controles die worden verricht door het Federaal Agentschap voor de Veiligheid van de Voedselketen en tot wijziging van diverse wettelijke bepalingen, gewijzigd bij de wetten van 28 maart 2003 en 22 december 2003, wordt aangevuld met een § 7, luidend als volgt :

« § 7. Verzet tegen bezoeken, controles, inbeslagnemingen, monsternemingen of verzoeken om inlichtingen of documenten door de in § 1 bedoelde personen, of het verstrekken van kennelijk onjuiste inlichtingen of documenten, wordt gestraft met een gevangenisstraf van acht dagen tot drie maand en met een geldboete van honderd tot duizend euro of met één van deze straffen alleen. ».

Afdeling 2. — Wijziging van de wet van 28 maart 1975 betreffende de handel in landbouw-, tuinbouw- en zeevisserijproducten

Art. 105. In de artikelen 3, 4, 5 en 9 van de wet van 28 maart 1975 betreffende de handel in landbouw-, tuinbouw- en zeevisserij producten, worden de woorden « de Minister van Landbouw » en de « de Minister die de Landbouw onder zijn bevoegdheid heeft » vervangen door « de Minister die de Volksgezondheid onder zijn bevoegdheid heeft ».

Art. 106. L'article 1er de la même loi, modifié par la loi du 5 février 1999, est complété comme suit :

« 3. sous-produits animaux : sous-produits animaux non destinés à la consommation humaine tels que définis par le Règlement CE 1774/2002 du Conseil et du Parlement européen du 3 octobre 2002 établissant des règles sanitaires applicables aux sous-produits animaux non destinés à la consommation humaine et plus spécifiquement les sous-produits destinés à des usages techniques, les sous-produits destinés à des fins de diagnostique, recherche et éducation, les sous-produits non transformés destinés à entrer dans l'alimentation de certains animaux et les sous-produits destinés à des fins de taxidermie. ».

Art. 107. A l'article 5 de la même loi, modifié par la loi du 5 février 1999 et par l'arrêté royal du 22 février 2001, sont apportées les modifications suivantes :

1° dans l'alinéa 1er, les mots « les fonctionnaires et agents du Ministère des Classes moyennes et de l'Agriculture, désignés par le Ministre qui a l'Agriculture dans ses attributions, les médecins-vétérinaires agrées désignés par le Ministre, les membres du personnel du Bureau d'intervention et de restitution belge, les agents de l'Administration des Douanes et Accises, les inspecteurs et contrôleurs de l'Inspection générale des Denrées alimentaires, les vétérinaires-fonctionnaires de l'Institut d'Expertise vétérinaire, les inspecteurs et contrôleurs de l'Administration de l'Inspection économique, les commissaires maritimes et leurs agents, les officiers des navires gardes-pêche maritimes et les autres fonctionnaires désignés par le Roi » sont remplacés par les mots « les membres du personnel statutaire et contractuel du Service public fédéral Santé publique, Sécurité de la Chaîne alimentaire et Environnement, les membres du personnel du Bureau d'intervention et de restitution belge, les agents de l'Administration des Douanes et Accises, les inspecteurs et contrôleurs de la Direction générale Contrôle et Médiation du Service public fédéral Economie, P.M.E., Classes moyennes et Energie »;

2° l'alinéa 2 est complété comme suit :

« Les membres du personnel du Service public fédéral Santé publique, Sécurité de la Chaîne alimentaire et Environnement prêtent serment, préalablement à l'exercice de leur fonction, entre les mains du Ministre qui à la Santé publique dans ses attributions ou de son délégué. ».

Section 3. — Modification de la loi du 24 mars 1987 relative à la santé des animaux

Art. 108. L'article 1er de la loi du 24 mars 1987 relative à la santé des animaux, modifié par l'arrêté royal du 22 février 2001 et par la loi du 20 juillet 2006, est complété comme suit :

« 12. sous-produits animaux : sous-produits animaux non destinés à la consommation humaine tels que définis par le Règlement CE 1774/2002 du Conseil et du Parlement européen du 3 octobre 2002 établissant les règles sanitaires applicables aux sous-produits animaux non destinés à la consommation humaine et plus spécifiquement les sous-produits destinés à des usages techniques, les sous-produits destinés à des fins de diagnostique, recherche et éducation, les sous-produits non transformés destinés à entrer dans l'alimentation de certains animaux et les sous-produits destinés à des fins de taxidermie. ».

Art. 109. A l'article 13 de la même loi, sont apportées les modifications suivantes :

1° au § 1er, les mots « et sous-produits animaux » sont insérés après les mots « de la matière à traiter »;

2° au § 2, les mots « et sous-produits animaux » sont insérés entre les mots « de la matière à traiter » et les mots « doivent satisfaire ».

Art. 110. A l'article 15 de la même loi sont apportées les modifications suivantes :

1° dans le point 1°, les mots « sous-produits animaux, » sont insérés entre les mots « produits animaux, » et les mots « végétaux »;

2° dans le point 2°, les mots « sous-produits animaux, » sont insérés entre les mots « produits animaux, » et les mots « les végétaux ».

Art. 111. Dans l'article 18*bis* de la même loi, inséré par la loi du 29 décembre 1990, les mots « et sous-produits animaux » sont insérés entre les mots « produits animaux » et les mots « doivent satisfaire ».

Art. 112. Dans l'article 19 de la même loi, les mots « et sous-produits animaux » sont insérés entre les mots « produits animaux » et les mots « destinés à l'exportation ».

Art. 106. Artikel 1 van dezelfde wet, gewijzigd bij de wet van 5 februari 1999, wordt aangevuld als volgt :

« 3. dierlijke bijproducten : niet voor menselijke consumptie bestemde dierlijke bijproducten, zoals bepaald in de Verordening EG 1774/2002 van de Raad en van het Europees Parlement van 3 oktober 2002 tot vaststelling van gezondheidsvoorschriften inzake niet voor menselijke consumptie bestemde dierlijke bijproducten en meer in het bijzonder de bijproducten bestemd voor technisch gebruik, de bijproducten bestemd voor diagnose, onderzoek en onderwijs, de niet-verwerkte bijproducten bestemd voor gebruik in dierenvoeding en de bijproducten bestemd voor taxidermie. ».

Art. 107. In artikel 5 van dezelfde wet, gewijzigd bij de wet van 5 februari 1999 en bij het koninklijk besluit van 22 februari 2001, worden de volgende wijzigingen aangebracht :

1° in het eerste lid worden de woorden « de ambtenaren en beambten van het Ministerie van Middenstand en Landbouw, aangeduid door de Minister die de Landbouw onder zijn bevoegdheid heeft, de erkende dierenartsen door de Minister aangewezen, de personeelsleden van het Belgisch Interventie- en Restitutiebureau, de ambtenaren van het Bestuur der Douane en Accijnzen, de inspecteurs en controleurs van de Algemene Eetwareninspectie, de dierenartsen-ambtenaren van het Instituut voor Veterinaire Keuring, de inspecteurs en controleurs van het Bestuur der Economische Inspectie, de waterschouten en hun agenten, de officieren van de zeevisserijwachtschepen en de andere ambtenaren aangewezen door de Koning » vervangen door de woorden « de statutaire en contractuele personeelsleden van de Federale Overheidsdienst Volksgezondheid, Veiligheid van de Voedselketen en Leefmilieu, de personeelsleden van het Belgisch Interventie- en Restitutiebureau, de ambtenaren van het Bestuur der Douane en Accijnzen, de inspecteurs en controleurs van de Algemene Directie Controle en Bemiddeling van de Federale Overheidsdienst Economie, K.M.O., Middenstand en Energie »;

2° het tweede lid wordt aangevuld als volgt :

« De personeelsleden van de Federale Overheidsdienst Volksgezondheid, Veiligheid van de Voedselketen en Leefmilieu leggen, voorafgaand aan de uitoefening van hun functie, de eed af in handen van de Minister bevoegd voor de Volksgezondheid of zijn afgevaardigde. ».

Afdeling 3. — Wijziging van de Dierengezondheidswet van 24 maart 1987

Art. 108. Artikel 1 van de Dierengezondheidswet van 24 maart 1987, gewijzigd bij het koninklijk besluit van 22 februari 2001 en bij de wet van 20 juli 2006, wordt aangevuld als volgt :

« 12. dierlijke bijproducten : niet voor menselijke consumptie bestemde dierlijke bijproducten, zoals bepaald in de verordening EG 1774/2002 van de Raad en van het Europees Parlement van 3 oktober 2002 tot vaststelling van gezondheidsvoorschriften inzake niet voor menselijke consumptie bestemde dierlijke bijproducten en meer in het bijzonder de bijproducten bestemd voor technisch gebruik, de bijproducten bestemd voor diagnose, onderzoek en onderwijs, de niet-verwerkte bijproducten bestemd voor gebruik in dierenvoeding en de bijproducten bestemd voor taxidermie. ».

Art. 109. In artikel 13 van dezelfde wet, worden de volgende wijzigingen aangebracht :

1° in § 1 worden de woorden « en dierlijke bijproducten » ingevoegd na de woorden « het verwerkingsmateriaal »;

2° in § 2 worden de woorden « en dierlijke bijproducten » ingevoegd tussen de woorden « het verwerkingsmateriaal » en de woorden « moeten voldoen ».

Art. 110. In artikel 15 van dezelfde wet worden de volgende wijzigingen aangebracht :

1° in punt 1° worden de woorden « dierlijke bijproducten, » ingevoegd tussen de woorden « dierlijke producten, » en de woorden « planten »;

2° in punt 2° worden de woorden « dierlijke bijproducten, » ingevoegd tussen de woorden « dierlijke producten, » en de woorden « planten ».

Art. 111. In artikel 18*bis* van dezelfde wet, ingevoegd bij de wet van 29 december 1990, worden de woorden « en dierlijke bijproducten » ingevoegd tussen de woorden « dierlijke producten » en de woorden « moeten voldoen ».

Art. 112. In artikel 19 van dezelfde wet, worden de woorden « en dierlijke bijproducten » ingevoegd tussen de woorden « dierlijke producten » en de woorden « en met de afgifte ».

Art. 113. Dans l'article 20 de la même loi, modifié par la loi du 5 février 1999, l'arrêté royal du 22 février 2001 et la loi du 20 juillet 2006, l'alinéa suivant est inséré entre les alinéas 1er et 2 :

« Les membres du personnel du Service public fédéral prêtent serment, préalablement à l'exercice de leur fonction, entre les mains du ministre ou de son délégué. »

Section 4. — Modification de la loi du 11 juillet 1969 relative aux pesticides et aux matières premières pour l'agriculture, l'horticulture, la sylviculture et l'élevage

Art. 114. L'intitulé de la loi du 11 juillet 1969 relative aux pesticides et aux matières premières pour l'agriculture, l'horticulture, la sylviculture et l'élevage, est remplacé par l'intitulé suivant :

« Loi relative aux matières premières pour l'agriculture, l'horticulture, la sylviculture et l'élevage ».

Art. 115. L'article 1er, 2°, de la même loi est abrogé.

Art. 116. A l'article 2 de la même loi, modifié par les lois des 21 décembre 1998 et 5 février 1999, sont apportées les modifications suivantes :

1° dans le § 1er, 7°, les alinéas 2 et 3 sont abrogés;

2° dans le § 1er, 4°, les mots « Ministre de l'Agriculture » sont chaque fois remplacés par les mots « Ministre qui a la Santé publique dans ses attributions »;

3° le § 1er, 7°, est remplacé par la disposition suivante :

« 7° subordonner les matières visées à l'article 1er, à une agréation ou autorisation préalable du Ministre qui a la Santé publique dans ses attributions et fixer les conditions d'octroi, de modification et de retrait de cette agréation ou autorisation. »;

4° dans le § 3, les mots « Ministre de l'Agriculture » sont remplacés par les mots « Ministre qui a la Santé publique dans ses attributions ».

Art. 117. L'article 6, alinéa 1er, de la même loi, modifié par la loi du 5 février 1999, est remplacé par la disposition suivante :

« Art. 6. Sans préjudice des pouvoirs des officiers de police judiciaire, les infractions aux dispositions de la présente loi et de ses arrêtés d'exécution sont recherchées et constatées par les magistrats du ministère public, les membres du personnel de la police locale et fédérale, ainsi que, selon le cas, par les fonctionnaires et les agents du Service public fédéral Santé publique, Sécurité de la Chaîne alimentaire et Environnement, désignés par le Ministre qui a la Santé publique dans ses attributions, les agents de l'Administration des Douanes et Accises, les inspecteurs et contrôleurs de la Direction générale Contrôle et Médiation du Service public fédéral Economie, P.M.E., Classes moyennes et Energie et les autres fonctionnaires et agents désignés par le Roi. ».

Art. 118. A l'article 8, § 1er, de la même loi, modifié par les lois des 5 février 1999 et 22 décembre 2003, sont apportées les modifications suivantes :

1° dans le point 2°, les mots « ou pesticide » sont supprimés;

2° dans le point 3°, les mots « ou le pesticide » sont supprimés;

3° dans le point 4°, les mots « ou d'un pesticide » et « ou pesticides » sont supprimés et le mot « visés » est remplacé par le mot « visée »;

4° dans le point 5°, les mots « ou un pesticide » sont supprimés;

5° dans le point 6°, les mots « ou un pesticide » et les mots « ou d'un pesticide » sont supprimés;

6° dans le point 7°, les mots « ou d'un pesticide » sont supprimés;

7° dans le point 8°, les mots « ou un pesticide » sont supprimés.

Art. 119. Dans l'article 10 de la même loi, remplacé par la loi du 5 février 1999 et modifié par l'arrêté royal du 22 février 2001, le § 9 est remplacé par la disposition suivante :

« § 9. Le Roi détermine les règles de procédure applicable en matière d'amendes administratives. Les amendes administratives sont versées au Fonds budgétaire des matières premières et des produits du Service public fédéral Santé publique, Sécurité de la Chaîne alimentaire et Environnement. ».

Art. 120. A l'article 11 de la même loi, modifié par l'arrêté royal du 22 février 2001, les mots « et les pesticides », les mots « ou les pesticides » et les mots « ou pesticides » sont supprimés.

Art. 113. In artikel 20 van dezelfde wet, gewijzigd bij de wet van 5 februari 1999, het koninklijk besluit van 22 februari 2001 en de wet van 20 juli 2006, wordt tussen het eerste en het tweede lid het volgende lid ingevoegd :

« De personeelsleden van de Federale Overheidsdienst leggen, voorafgaand aan de uitoefening van hun functie, de eed af in handen van de Minister of zijn afgevaardigde. »

Afdeling 4. — Wijziging van de wet van 11 juli 1969 betreffende de bestrijdingsmiddelen en de grondstoffen voor de landbouw, tuinbouw, bosbouw en veeteelt

Art. 114. Het opschrift van de wet van 11 juli 1969 betreffende de bestrijdingsmiddelen en de grondstoffen voor de landbouw, tuinbouw, bosbouw en veeteelt, wordt vervangen als volgt :

« Wet betreffende de grondstoffen voor de landbouw, tuinbouw, bosbouw en veeteelt ».

Art. 115. Artikel 1, 2°, van dezelfde wet wordt opgeheven.

Art. 116. In artikel 2 van dezelfde wet, gewijzigd bij de wetten van 21 december 1998 en 5 februari 1999 worden de volgende wijzigingen aangebracht :

1° in § 1, 7°, worden het tweede en het derde lid opgeheven;

2° in § 1, 4°, worden de woorden « Minister van Landbouw » telkens vervangen door de woorden « Minister bevoegd voor de Volksgezondheid »;

3° § 1, 7°, wordt vervangen als volgt :

« 7° de stoffen bedoeld bij artikel 1 aan voorafgaande erkenning of machtiging van de Minister bevoegd voor de Volksgezondheid onderwerpen en de voorwaarden van verlening, wijziging en intrekking van deze erkenning of machtiging bepalen. »;

4° in § 3, worden de woorden « Minister van Landbouw » vervangen door de woorden « Minister bevoegd voor de Volksgezondheid ».

Art. 117. Artikel 6, eerste lid, van dezelfde wet, gewijzigd bij de wet van 5 februari 1999, wordt vervangen als volgt :

« Art. 6. Onverminderd de ambtsbevoegdheid van de officieren van gerechtelijke politie, worden de overtredingen van deze wet en van de ter uitvoering daarvan genomen besluiten opgespoord en vastgesteld door de magistraten van het openbaar Ministerie, de leden van het personeel van de lokale en Federale Politie, alsmede, naar gelang het geval, door de ambtenaren en beambten van de Federale Overheidsdienst Volksgezondheid, Veiligheid van de Voedselketen en Leefmilieu, aangewezen door de Minister bevoegd voor de Volksgezondheid, de ambtenaren van de Administratie der Douane en Accijnzen, de inspecteurs en controleurs van de Algemene Directie Controle en Bemiddeling van de Federale Overheidsdienst Economie, K.M.O., Middenstand en Energie en de andere ambtenaren en beambten hiertoe door de Koning aangewezen. ».

Art. 118. In artikel 8, § 1, van dezelfde wet, gewijzigd bij de wetten van 5 februari 1999 en 22 december 2003, worden de volgende wijzigingen aangebracht :

1° in punt 2°, vervallen de woorden « of bestrijdingsmiddel »;

2° in punt 3°, vervallen de woorden « of het bestrijdingsmiddel »;

3° in punt 4°, vervallen de woorden « of bestrijdingsmiddel » en de woorden « of bestrijdingsmiddelen »;

4° in punt 5°, vervallen de woorden « of een bestrijdingsmiddel »;

5° in punt 6°, vervallen telkens de woorden « of een bestrijdingsmiddel »;

6° in punt 7°, vervallen de woorden « of van een bestrijdingsmiddel »;

7° in punt 8°, vervallen de woorden « of bestrijdingsmiddel ».

Art. 119. In artikel 10 van dezelfde wet, vervangen bij de wet van 5 februari 1999 en gewijzigd bij het koninklijk besluit van 22 februari 2001, wordt § 9 vervangen als volgt :

« § 9. De Koning bepaalt de procedureregelen die toepasselijk zijn op de administratieve geldboetes. De administratieve geldboetes worden gestort in het Begrotingsfonds voor de grondstoffen en de producten van de Federale Overheidsdienst Volksgezondheid, Veiligheid van de Voedselketen en Leefmilieu. ».

Art. 120. In artikel 11 van dezelfde wet, gewijzigd bij het koninklijk besluit van 22 februari 2001, vervallen de woorden « en de bestrijdingsmiddelen » en de woorden « of bestrijdingsmiddelen ».

Art. 121. A l'article 13 de la même loi les mots « ou un pesticide » et les mots « ou du pesticide, » sont supprimés.

Section 5. — Modifications de la loi du 24 janvier 1977 relative à la protection de la santé des consommateurs en ce qui concerne les denrées alimentaires et les autres produits

Art. 122. L'article 6, § 1er, de la loi du loi du 24 janvier 1977 relative à la protection de la santé des consommateurs en ce qui concerne les denrées alimentaires et les autres produits, modifié par les lois des 22 mars 1989 et 27 décembre 2004, est complété comme suit :

« *e)* appliquer les mesures visées à l'article 3, 3°, *a)* et *b),* aux produits cosmétiques et à leurs ingrédients. ».

Art. 123. Dans l'article 22, de la même loi, modifié par les lois du 22 mars 1989 et du 22 décembre 2003, sont apportés les modifications suivantes :

1° dans le § 1er, les mots « une Commission consultative en matière de denrées alimentaires » sont remplacés par les mots « un Conseil consultatif en matière de politique alimentaire et d'utilisation d'autres produits de consommation »;

2° dans le § 2, les mots « Cette commission » sont remplacés par les mots « Ce Conseil »;

3° dans le § 3, les mots « de la Commission Consultative en matière de denrées alimentaires » sont remplacés par les mots « du Conseil consultatif en matière de politique alimentaire et d'utilisation d'autres produits de consommation ».

Section 6. — Modification de la loi du 19 décembre 1950 créant l'Ordre des médecins vétérinaires

Art. 124. L'article 8 de la loi du 19 décembre 1950 créant l'Ordre des médecins vétérinaires, est remplacé par la disposition suivante :

« Art. 8. Les membres des conseils régionaux, effectifs et suppléants, sont élus pour six ans parmi les vétérinaires inscrits depuis cinq ans au moins au tableau de l'Ordre dont ils relèvent.

Les conseils régionaux se renouvellent par moitié tous les trois ans.

Les membres effectifs des conseils régionaux ne sont pas immédiatement rééligibles au sein de ceux-ci. ».

Art. 125. L'article 10 de la même loi est remplacé par la disposition suivante :

« Art. 10. Le conseil régional de l'Ordre élit dans son sein un président, un vice-président et un secrétaire qui constituent le bureau.

Chaque conseil régional et bureau du conseil régional est assisté par un magistrat du siège de l'ordre judiciaire, désigné par le Roi et ayant une voix consultative.

Le Roi nomme aussi, dans les mêmes conditions, un assesseur suppléant. ».

Art. 126. A l'article 12 de la même loi, modifié par les lois du 20 janvier 1961 et du 15 juillet 1970, sont apportées les modifications suivantes :

1° l'alinéa 1er est remplacé par la disposition suivante :

« Art. 12. Le conseil mixte d'appel d'expression néerlandaise et le conseil mixte d'appel d'expression Française sont composés chacun de trois conseillers à la Cour d'appel désignés par le Roi et ayant voix délibérative, l'un d'eux faisant fonction de président, et de trois vétérinaires élus pour un mandat de trois ans parmi les membres ayant siégé au moins six ans comme effectifs dans les conseils régionaux dont ils ne sont plus membres. »;

2° l'alinéa suivant est inséré entre les alinéas 1er et 2 :

« Si le nombre requis de vétérinaires effectifs ou suppléants ne peut pas être atteint en cas d'un nombre insuffisant d'élus ou en cas d'absence ou d'empêchement, le conseil mixte d'appel sera complété par ordonnance de son président ou de son remplaçant par le (les) membre(s) le(s) plus ancien(s) du conseil régional n'ayant pas connu du différend dont appel, dans l'ordre d'ancienneté de siège, et en cas de parité, dans l'ordre d'inscription au tableau. ».

Art. 121. In artikel 13 van dezelfde wet vervallen de woorden « of bestrijdingsmiddelen » en de woorden « of het bestrijdingsmiddel ».

Afdeling 5. — Wijzigingen van de wet van 24 januari 1977 betreffende de bescherming van de gezondheid van de verbruikers op het stuk van voedingsmiddelen en andere producten

Art. 122. Artikel 6, § 1, van de wet van 24 januari 1977 betreffende de bescherming van de gezondheid van de verbruikers op het stuk van voedingsmiddelen en andere producten, gewijzigd bij de wetten van 22 maart 1989 en 27 december 2004, wordt aangevuld als volgt :

« *e)* de maatregelen bedoeld in artikel 3, 3°, *a)* en *b),* toepassen op cosmetica en hun ingrediënten. ».

Art. 123. In artikel 22 van dezelfde wet, gewijzigd bij de wetten van 22 maart 1989 en 22 december 2003, worden de volgende wijzigingen aangebracht :

1° in § 1 worden de woorden « Commissie van Advies inzake voedingsmiddelen » vervangen door de woorden « Adviesraad inzake voedingsbeleid en gebruik van andere consumptieproducten »;

2° in § 2 worden de woorden « Deze Commissie » vervangen door de woorden « Deze Raad »;

3° in § 3 worden de woorden « Commissie van Advies inzake voedingsmiddelen » vervangen door de woorden « Adviesraad inzake voedingsbeleid en gebruik van andere consumptieproducten ».

Afdeling 6. — Wijziging van de wet van 19 december 1950 tot instelling van de Orde der dierenartsen

Art. 124. Artikel 8 van de wet van 19 december 1950 tot instelling van de Orde der dierenartsen, wordt vervangen als volgt :

« Art. 8. De werkelijke en plaatsvervangende leden van de gewestelijke raden worden voor een termijn van zes jaar verkozen onder de dierenartsen die sedert ten minste vijf jaar ingeschreven zijn op de lijsten der Orde waarvan ze afhangen.

De gewestelijke raden worden om de drie jaar met de helft vernieuwd.

De werkelijke leden van de gewestelijke raden zijn niet onmiddellijk herkiesbaar voor deze raden. ».

Art. 125. Artikel 10 van dezelfde wet wordt vervangen als volgt :

« Art. 10. De gewestelijke raad van de Orde verkiest in zijn schoot een voorzitter, een ondervoorzitter en een secretaris, die het bureau vormen.

Elke gewestelijke raad en bureau van de gewestelijke raad wordt bijgestaan door een zittend magistraat van de rechterlijke orde die door de Koning wordt aangewezen en die raadgevende stem heeft.

De Koning benoemt ook, onder dezelfde voorwaarden, een plaatsvervangende bijzitter. ».

Art. 126. In artikel 12 van dezelfde wet, gewijzigd bij de wetten van 20 januari 1961 en van 15 juli 1970, worden de volgende wijzigingen aangebracht :

1° het eerste lid wordt vervangen als volgt :

« Art. 12. De gemengde raad van beroep met het Nederlands als voertaal en de gemengde raad van beroep met het Frans als voertaal zijn ieder samengesteld uit drie door de Koning aangewezen raadsheren in het Hof van beroep, die stemgerechtigd zijn en van wie een als voorzitter optreedt, en uit drie dierenartsen verkozen voor 3 jaar uit de leden die ten minste gedurende 6 jaar als werkelijk lid gezeteld hebben in de gewestelijke raden en er geen deel meer van uitmaken. »;

2° het volgende lid wordt tussen het eerste en het tweede lid ingevoegd :

« In geval van een onvoldoend aantal verkozenen of in geval van afwezigheid of belet waardoor het vereiste aantal werkelijke en plaatsvervangende dierenartsen niet wordt bereikt, zal de gemengde raad van beroep bij beschikking van de voorzitter of zijn vervanger vervolledigd worden met het (de) oudste lid (leden) van de gewestelijke raad voor zover deze geen kennis heeft (hebben) van het voorliggend geschil, en dit volgens anciënniteit van infunctietreding en bij gelijkheid volgens orde van inschrijving op de ledenlijst. ».

Art. 127. L'article 17, alinéa 1er, de la même loi est remplacé par la disposition suivante :

« Le président du Conseil supérieur de l'Ordre et les parties peuvent interjeter appel de toutes les décisions du conseil dans les trente jours de la notification de celle-ci par lettre recommandée. ».

Art. 128. Le Roi fixe, après concertation avec l'Ordre des médecins vétérinaires et les syndicats vétérinaires, la date d'entrée en vigueur des articles 124, 125 et 126.

TITRE X. — *Finances*

CHAPITRE Ier. — *Modification de la législation en matière d'impôts sur les revenus*

Art. 129. A l'article 27, alinéa 2, 5°, du Code des impôts sur les revenus 1992, remplacé par la loi du 7 mars 2002, le mot « Conseils » est chaque fois remplacé par les mots « Parlements de communauté et de région ».

Art. 130. A l'article 52*bis*, 1°, du même Code, inséré par la loi du 8 avril 2003, les mots « l'Exécutif » sont remplacés par les mots « le gouvernement ».

Art. 131. A l'article 53, 17°, du même Code, remplacé par la loi du 7 mars 2002, le mot « Conseils » est remplacé par les mots « Parlements de communauté et de région ».

Art. 132. A l'article 64*bis*, alinéa 3, du même Code, inséré par la loi du 22 juillet 1993, les mots « l'Exécutif régional » et « de l'Exécutif » sont remplacés respectivement par les mots « le Gouvernement régional » et « du Gouvernement régional ».

Art. 133. A l'article 113, § 1er, 3°, *a)*, du même Code, remplacé par la loi du 6 juillet 2004, les mots « l'Exécutif » sont remplacés par les mots « le Gouvernement ».

CHAPITRE II. — *Modification du Code des taxes assimilées aux impôts sur les revenus*

Art. 134. A l'article 91 du Code des taxes assimilées aux impôts sur les revenus, les mots « de l'article 1er de la loi du 24 octobre 1902 concernant le jeu, complété par la loi du 19 avril 1963 et par l'article 1er de la loi du 22 novembre 1974 » sont remplacés par les mots « des articles 4, 7 et 8 de la loi du 7 mai 1999 sur les jeux de hasard, les établissements de jeux de hasard et la protection des joueurs ».

Art. 135. L'article 134 produit ses effets le 30 décembre 2000.

CHAPITRE III. — *Modification du Code de la taxe sur la valeur ajoutée*

Art. 136. A l'article 42, § 1er, alinéa 1er, 4°, du Code de la taxe sur la valeur ajoutée, remplacé par la loi du 28 décembre 1992, les mots « désignés à la sous-position 89.01 A du Tarif des droits d'entrée » sont remplacés par les mots « couverts par le Code NC 8906 10 00 de la Nomenclature Combinée du tarif douanier commun des Communautés européennes ».

Art. 137. A l'article 55, § 1er, alinéa 1er, du même Code, remplacé par la loi du 7 mars 2002 et modifié par la loi du 22 avril 2003, les mots « et 5° » sont remplacés par les mots « , 5° et 6° ».

Art. 138. A l'article 93*quaterdecies*, § 1er, alinéa 2, du même Code, remplacé par la loi du 28 décembre 1992, les mots « le gouvernement ou les Exécutifs, sur leur proposition ou moyennant leur approbation » sont remplacés par les mots « le gouvernement fédéral ou un gouvernement de communauté ou de région, sur sa proposition ou moyennant son approbation ».

TITRE XI. — *Intérieur*

CHAPITRE Ier. — *Modification de la loi du 10 avril 1990 réglementant la sécurité privée et particulière*

Art. 139. A l'article 5 de la loi du 10 avril 1990 réglementant la sécurité privée et particulière, modifié par les lois des 18 juillet 1997, 9 juin 1999 et 7 mai 2004, sont apportées les modifications suivantes :

1° à l'alinéa 1er, 1°, les mots « à l'exception des condamnations pour infraction à la réglementation relative à la police de la circulation routière, » sont insérés entre les mots « même avec sursis, » et les mots « à une quelconque peine correctionnelle ou criminelle »;

Art. 127. Artikel 17, eerste lid, van dezelfde wet wordt vervangen als volgt :

« De voorzitter van de Hoge Raad van de Orde alsmede de partijen, kunnen tegen iedere beslissing van de Raad beroep aantekenen binnen de dertig dagen nadat de beslissing bij aangetekende brief werd betekend. ».

Art. 128. De artikelen 124, 125 en 126 treden in werking op een datum bepaald door de Koning, na overleg met de Orde der dierenartsen en de dierenartsenverenigingen.

TITEL X. — *Financiën*

HOOFDSTUK I. — *Wijzigingen van de wetgeving inzake inkomstenbelastingen*

Art. 129. In artikel 27, tweede lid, 5°, van het Wetboek van de inkomstenbelastingen 1992, vervangen bij de wet van 7 maart 2002, wordt het woord « Raden » telkens vervangen door de woorden « gemeenschaps- en gewestparlementen ».

Art. 130. In artikel 52*bis*, 1°, van hetzelfde Wetboek, ingevoegd bij de wet van 8 april 2003, wordt het woord « Executieve » vervangen door het woord « regering ».

Art. 131. In artikel 53, 17°, van hetzelfde Wetboek, vervangen bij de wet van 7 maart 2002, wordt het woord « Raden » vervangen door de woorden « Gemeenschaps- en Gewestparlementen ».

Art. 132. In artikel 64*bis*, derde lid, van hetzelfde Wetboek, ingevoegd bij de wet van 22 juli 1993, worden de woorden « Gewest Executieve » vervangen door het woord « gewestregering ».

Art. 133. In artikel 113, § 1, 3°, *a)*, van hetzelfde Wetboek, vervangen bij de wet van 6 juli 2004, wordt het woord « Executieve » vervangen door het woord « regering ».

HOOFDSTUK II. — *Wijziging van het Wetboek van de met de inkomstenbelastingen gelijkgestelde belastingen*

Art. 134. In artikel 91 van het Wetboek van de met de inkomstenbelastingen gelijkgestelde belastingen worden de woorden « artikel 1 van de wet van 24 oktober 1902 betreffende het spel, aangevuld bij de wet van 19 april 1963 en bij artikel 1 van de wet van 22 november 1974 » vervangen door de woorden « de artikelen 4, 7 en 8 van de wet van 7 mei 1999 op de kansspelen, de kansspelinrichtingen en de bescherming van de spelers ».

Art. 135. Artikel 134 heeft uitwerking met ingang van 30 december 2000.

HOOFDSTUK III. — *Wijziging van het Wetboek van de belasting over de toegevoegde waarde*

Art. 136. In artikel 42, § 1, eerste lid, 4°, van het Wetboek van de belasting over de toegevoegde waarde, vervangen bij de wet van 28 december 1992, worden de woorden « die bedoeld zijn in de onderverdeling 89.01 A van het Tarief van invoerrechten » vervangen door de woorden « vallende onder de GN-Code 8906 10 00 van de Gecombineerde Nomenclatuur van het gemeenschappelijk douanetarief van de Europese Gemeenschap ».

Art. 137. In artikel 55, § 1, eerste lid, van hetzelfde Wetboek, vervangen bij de wet van 7 maart 2002 en gewijzigd bij de wet van 22 april 2003, worden de woorden « en 5° » vervangen door de woorden « , 5° en 6° ».

Art. 138. In artikel 93*quaterdecies*, § 1, tweede lid, van hetzelfde Wetboek, vervangen bij de wet van 28 december 1992, worden de woorden « de regering of de Executieven, op voordracht of mits hun goedkeuring » vervangen door de woorden « de Federale Regering of een gemeenschaps- of gewestregering, op haar voordracht of met haar goedkeuring ».

TITEL XI. — *Binnenlandse Zaken*

HOOFDSTUK I. — *Wijziging van de wet van 10 april 1990 tot regeling van de private en bijzondere veiligheid*

Art. 139. In artikel 5 van de wet van 10 april 1990 tot regeling van de private en bijzondere veiligheid, gewijzigd bij de wetten van 18 juli 1997, 9 juni 1999 en 7 mei 2004, worden de volgende wijzigingen aangebracht :

1° in het eerste lid, 1°, worden de woorden « behoudens veroordelingen wegens inbreuken op de wetgeving betreffende de politie over het wegverkeer » ingevoegd tussen de woorden « zelfs niet met uitstel, » en de woorden « tot enige correctionele of criminele straf »;

2° l'alinéa 1er est complété comme suit :

« 9° ne pas exercer simultanément des activités pour une entreprise ou un service qui offre des services visés à l'article 1er, § 1er, alinéa 1er, 3°, et pour une entreprise ou service qui effectue des activités pour des cafés ou endroits où on danse;

10° ne pas exercer simultanément des activités pour un service de sécurité et pour une entreprise ou service qui effectue des activités pour des cafés ou endroits où on danse;

11° ne pas assurer simultanément la direction effective d'un café ou d'un lieu où on danse et d'une entreprise qui offre des services visés à l'article 1er, § 1er, alinéa 1er, 5°. »

Art. 140. A l'article 6 de la même loi, modifiée par les lois des 18 juillet 1997, 9 juin 1999 et 7 mai 2004, sont apportées les modifications suivantes :

1° à l'alinéa 1er, 1°, les mots « à une peine de prison de trois mois au moins du chef de coups et blessures volontaires, » sont supprimés; les mots « à l'article 227 du Code pénal » sont insérés entre les mots « aux articles 379 à 386*ter* du Code pénal, » et les mots « à l'article 259*bis* du Code pénal »; les mots « coups et blessures volontaires, » sont insérés entre les mots « faux en écritures, » et les mots « attentat à la pudeur »; les mots « à l'exception des condamnations pour infraction à la réglementation relative à la police de la circulation routière » sont insérés entre les mots « même avec sursis, » et les mots « à une quelconque peine correctionnelle ou criminelle »;

2° l'alinéa 1er est complété comme suit :

« 9° ne pas exercer simultanément des activités pour une entreprise ou service qui offre des services visés à l'article 1er, § 1er, alinéa 1er, 3°, et pour une entreprise ou service qui effectue des activités pour des cafés ou endroits où on danse;

10° ne pas exercer simultanément des activités pour un service de sécurité et pour une entreprise ou service qui effectue des activités pour des cafés ou endroits où on danse. ».

CHAPITRE II. — *Instauration d'une réglementation relative à l'enregistrement et au contrôle des voyageurs résidant dans un service d'hébergement touristique*

Art. 141. Pour l'application du présent chapitre et de ses arrêtés d'exécution, on entend par :

1° service d'hébergement touristique : tous les bâtiments ou endroits où des personnes, pour des motifs touristiques ou professionnels, résident temporairement sans être inscrites dans les registres de la population;

2° voyageur : toute personne majeure et tout mineur non-accompagné âgé de plus que 15 ans qui, pour n'importe quelle raison, séjourne dans un service d'hébergement touristique;

3° fournisseur d'hébergement : tout exploitant professionnel d'un service d'hébergement touristique.

Art. 142. Tout voyageur doit être enregistré par le fournisseur d'hébergement ou par son préposé. Cet enregistrement doit se faire le jour de l'arrivée du voyageur.

Les données suivantes doivent être enregistrées :

1° le numéro d'entreprise du fournisseur d'hébergement;

2° un numéro d'ordre unique et continu;

3° la date de l'arrivée;

4° les données d'identification du voyageur, à savoir :

a) nom et prénom;

b) lieu et date de naissance;

c) la nationalité;

d) le numéro du document d'identité présenté ou l'éventuel document de remplacement.

Pour les voyageurs disposant d'une carte d'identité délivrée ou fournie par les autorités belges les renseignements suivants doivent être indiqués : soit les renseignements visés au point *a)* ainsi que le numéro d'identification du Registre national, soit les renseignements visés aux points *a), b)* et *d)*;

5° le nom et prénom des enfants mineurs d'âge accompagnant le voyageur majeur.

Dans les vingt-quatre heures après le départ du voyageur, l'enregistrement doit être complété par la date de départ.

2° het eerste lid wordt aangevuld als volgt :

« 9° niet tegelijkertijd werkzaamheden uitoefenen voor een onderneming of dienst die diensten levert, bedoeld in artikel 1, § 1, eerste lid, 3°, en voor een onderneming of dienst die activiteiten uitvoert voor cafés of dansgelegenheden;

10° niet tegelijkertijd werkzaamheden uitoefenen voor een veiligheidsdienst en voor een onderneming of dienst die activiteiten uitvoert voor cafés of dansgelegenheden;

11° niet tegelijkertijd de werkelijke leiding hebben van een café of dansgelegenheid en van een onderneming die diensten levert, bedoeld in artikel 1, § 1, eerste lid, 5°. »

Art. 140. In artikel 6 van dezelfde wet, gewijzigd bij de wetten van 18 juli 1997, 9 juni 1999 en 7 mei 2004, worden de volgende wijzigingen aangebracht :

1° in het eerste lid, 1°, vervallen de woorden « tot een gevangenisstraf van tenminste drie maanden wegens opzettelijke slagen en verwondingen »; worden de woorden « bij artikel 227 van het Strafwetboek » ingevoegd tussen de woorden « bij de artikelen 379 tot 386*ter* van het Strafwetboek » en de woorden « bij artikel 259*bis* van het Strafwetboek »; worden de woorden « opzettelijke slagen en verwondingen » ingevoegd tussen de woorden « valsheid in geschriften, » en de woorden « aanranding van de eerbaarheid »; worden de woorden « behoudens veroordelingen wegens inbreuken op de wetgeving betreffende de politie over het wegverkeer » ingevoegd tussen de woorden « zelfs niet met uitstel, » en de woorden « tot enige correctionele of criminele straf »;

2° het eerste lid wordt aangevuld als volgt :

« 9° niet tegelijkertijd werkzaamheden uitoefenen voor een onderneming of dienst die diensten levert, bedoeld in artikel 1, § 1, eerste lid, 3°, en voor een onderneming of dienst die activiteiten uitvoert voor cafés of dansgelegenheden;

10° niet tegelijkertijd werkzaamheden uitoefenen voor een veiligheidsdienst en voor een onderneming of dienst die activiteiten uitvoert voor cafés of dansgelegenheden. ».

HOOFDSTUK II. — *Invoering van een regeling betreffende de registratie en de controle van de reizigers die verblijven in een toeristische verblijfsaccommodatie*

Art. 141. Voor de toepassing van dit hoofdstuk en zijn uitvoeringsbesluiten, wordt verstaan onder :

1° toeristische verblijfsaccommodatie : alle gebouwen of plaatsen waar personen, om toeristische of professionele redenen, tijdelijk verblijven zonder in de bevolkingsregisters ingeschreven te zijn;

2° reiziger : elke meerderjarige en niet-begeleide minderjarige persoon ouder dan 15 jaar die om welke reden ook in een toeristische verblijfsaccommodatie verblijft;

3° logiesverstrekker : elke professionele uitbater van een toeristische verblijfsaccommodatie.

Art. 142. Elke reiziger dient door de logiesverstrekker of zijn aangestelde te worden geregistreerd. Deze registratie moet gebeuren de dag van aankomst van de reiziger.

Volgende gegevens dienen te worden geregistreerd :

1° het ondernemingsnummer van de logiesverstrekker;

2° een uniek en doorlopend volgnummer;

3° de datum van aankomst;

4° de identificatiegegevens van de reiziger, namelijk :

a) naam en voornaam;

b) geboorteplaats en geboortedatum;

c) de nationaliteit;

d) het nummer van het voorgelegde identiteitsdocument of eventueel vervangend document.

Voor de reizigers die beschikken over een identiteitskaart uitgegeven of verstrekt door de Belgische overheid moeten de volgende gegevens worden vermeld : ofwel de gegevens bedoeld in punt *a)* evenals het identificatienummer van het Rijksregister, ofwel de gegevens bedoeld in punten *a), b)* en *d)*;

5° de naam en voornaam van de minderjarige kinderen die een meerderjarige reiziger vergezellen.

Binnen vierentwintig uur na het vertrek van de reiziger dient de registratie te worden aangevuld met de datum van vertrek.

Art. 143. Le fournisseur d'hébergement ou son préposé vérifie l'exactitude des renseignements fournis et se fait présenter à cet effet les documents d'identité ou les documents de remplacement par le voyageur. Le voyageur est obligé de présenter ces pièces.

Art. 144. Si la demande lui est faite, le fournisseur d'hébergement ou son préposé met les données enregistrées à disposition de la police de sorte que le contrôle en est possible.

Art. 145. Les autres règles de l'enregistrement ainsi que de la mise à disposition des données à la police sont déterminées par le Roi.

Art. 146. § 1er. La violation de l'article 143, ainsi que des arrêtés royaux pris en exécution de l'article 145, est sanctionnée d'une peine d'emprisonnement de huit jours à trois mois et d'une amende de 26 à 200 euros, ou d'une de ces peines seulement.

§ 2. La violation de l'article 144 est sanctionnée d'une amende de 26 à 100 euros.

§ 3. Le fournisseur de services d'hébergement est civilement responsable pour l'amende prononcée, conformément au présent article, aux torts de son préposé.

§ 4. Toutes les dispositions du Livre Ier du Code pénal, y compris le chapitre VII et l'article 85, sont applicables aux infractions prévues par le présent chapitre ou par les arrêtés pris pour son exécution.

Art. 147. La loi du 17 décembre 1963 organisant le contrôle des voyageurs dans les maisons d'hébergement est abrogée.

CHAPITRE III. — *Modifications de certains aspects du statut des membres du personnel du cadre administratif et logistique des services de police*

Art. 148. Dans l'article 53*bis* de la loi du 5 août 1992 sur la fonction de police, les mots « les agents auxiliaires de police » sont remplacés par les mots « les agents de police et les membres du personnel du cadre administratif et logistique ».

Art. 149. L'article 7, § 1er, de la loi du 10 avril 1995 relative à la redistribution du travail dans le secteur public, modifié par les lois des 20 mai 1997 et 22 mars 1999, est complété par l'alinéa suivant :

« Par dérogation à l'alinéa 1er, les membres du cadre administratif et logistique des services de police qui sont employés sur le territoire de la Région de Bruxelles-Capitale peuvent, à leur demande, répartir les prestations qu'ils effectuent dans le cadre de la semaine volontaire de quatre jours sur cinq jours ouvrables par semaine. ».

Art. 150. A l'article 13, alinéa 2, de la loi du 13 mai 1999 portant le statut disciplinaire des membres du personnel des services de police, les mots « ou de sa classe » sont insérés entre les mots « de son grade » et les mots « au moment où ».

Art. 151. L'article 2 de la loi du 26 avril 2002 relative aux éléments essentiels du statut des membres du personnel des services de police et portant diverses autres dispositions relatives aux services de police, est complété comme suit :

« 15° « la formation certifiée » : la formation qui vise à actualiser et à développer les compétences des membres du personnel du cadre administratif et logisitique et qui se conclut par la validation des connaissances acquises lors de cette formation;

16° « classe » : groupement de fonctions de niveau comparable d'encadrement ou de contribution à l'organisation. ».

Art. 152. Dans l'article 8 de la même loi, les mots « Sous réserve de l'application de l'article 9, chaque » sont remplacés par le mot « Chaque ».

Art. 153. Les articles 9 et 10 de la même loi sont abrogés.

Art. 154. Le Roi fixe les règles transitoires en ce qui concerne les membres du personnel qui sont nommés avant le 1er janvier 2007 dans le grade de chef de travaux et de chef d'équipe.

Art. 155. L'intitulé du Chapitre VI du Titre II de la même loi est remplacé par l'intitulé suivant :

« Chapitre VI. — La carrière barémique, la promotion par accession à un grade ou à une classe supérieur(e) et la promotion par accession à un cadre ou à un niveau supérieur ».

Art. 156. L'article 29, alinéa 2, de la même loi, est complété comme suit : « ou d'une même classe ».

Art. 143. De logiesvertrekker of zijn aangestelde gaat de juistheid van de verstrekte inlichtingen na en doet zich te dien einde door de reiziger de nodige identiteitsbewijzen of vervangende documenten voorleggen. De reiziger is verplicht die stukken voor te leggen.

Art. 144. De logiesverstrekker of zijn aangestelde stelt, indien hij daarom wordt verzocht, de geregistreerde gegevens ter beschikking van de politie zodat de controle ervan mogelijk is.

Art. 145. De nadere regels betreffende de registratie alsmede betreffende de terbeschikkingstelling van de politie van de gegevens worden door de Koning bepaald.

Art. 146. § 1. De overtreding van artikel 143 alsmede van de koninklijke besluiten ter uitvoering van artikel 145 wordt gestraft met een gevangenisstraf van acht dagen tot drie maanden en met een geldboete van 26 tot 200 euro, of met één van die straffen alleen.

§ 2. De overtreding van artikel 144 wordt gestraft met een geldboete van 26 tot 100 euro.

§ 3. De logiesverstrekker is burgerlijk aansprakelijk voor de krachtens dit artikel aan zijn aangestelde opgelegde geldboete.

§ 4. Al de bepalingen van boek I van het Strafwetboek, hoofdstuk VII en artikel 85 niet uitgezonderd, zijn van toepassing op de overtredingen van dit hoofdstuk en van de besluiten genomen ter uitvoering ervan.

Art. 147. De wet van 17 december 1963 tot inrichting van de controle op reizigers in logementhuizen wordt opgeheven.

HOOFDSTUK III. — *Wijzigingen van bepaalde aspecten van het statuut van de personeelsleden van het administratief en logistiek kader van de politiediensten*

Art. 148. In artikel 53*bis* van de wet van 5 augustus 1992 op het politieambt worden de woorden « de hulpagenten van politie » vervangen door de woorden « de agenten van politie en de personeelsleden van het administratief en logistiek kader ».

Art. 149. Artikel 7, § 1, van de wet van 10 april 1995 betreffende de herverdeling van de arbeid in de openbare sector, gewijzigd bij de wetten van 20 mei 1997 en 22 maart 1999, wordt aangevuld als volgt :

« In afwijking van het eerste lid, kunnen de personeelsleden van het administratief en logistiek kader van de politiediensten die tewerkgesteld zijn op het grondgebied van het Brussels Hoofdstedelijk Gewest, op hun vraag, de prestaties die zij in het raam van de vrijwillige vierdagenweek verrichten, over vijf werkdagen per week spreiden. ».

Art. 150. In artikel 13, tweede lid, van de wet van 13 mei 1999 houdende het tuchtstatuut van de personeelsleden van de politiediensten, worden de woorden « of van zijn klasse » ingevoegd tussen de woorden « van zijn graad » en de woorden « dan houdt de terugzetting ».

Art. 151. Artikel 2 van de wet van 26 april 2002 houdende de essentiële elementen van het statuut van de personeelsleden van de politiediensten en houdende diverse andere bepalingen met betrekking tot de politiediensten, wordt aangevuld als volgt :

« 15° « de gecertificeerde opleiding » : een opleiding die erop gericht is de competenties van het personeelslid van het administratief en logistiek kader te actualiseren en te ontwikkelen en die wordt afgesloten met de validering van de verworven kennis van die opleiding;

16° « klasse » : groepering van functies met een vergelijkbaar niveau van omkadering of bijdrage aan de organisatie. ».

Art. 152. In artikel 8 van dezelfde wet worden de woorden « Onder voorbehoud van de toepassing van artikel 9 omvat elk niveau » vervangen door de woorden « Elk niveau omvat ».

Art. 153. De artikelen 9 en 10 van dezelfde wet worden opgeheven.

Art. 154. De Koning bepaalt de nadere overgangsregels met betrekking tot de personeelsleden die vóór 1 januari 2007 in de graad van werkleider of ploegbaas werden benoemd.

Art. 155. Het opschrift van Hoofdstuk VI van Titel II van dezelfde wet wordt vervangen als volgt :

« Hoofdstuk VI. — De baremische loopbaan, de bevordering door verhoging in graad of klasse en de bevordering door overgang naar een hoger kader of niveau ».

Art. 156. Artikel 29, tweede lid, van dezelfde wet wordt aangevuld als volgt : « of klasse ».

Art. 157. L'article 30, 3°, de la même loi, est complété comme suit : « ou une formation certifiée ».

Art. 158. A l'article 31 de la même loi, les mots « ou, selon le cas, le membre du personnel du niveau A, » sont supprimés.

Art. 159. L'intitulé de la Section 3 du Chapitre VI du Titre II de la même loi est remplacé par l'intitulé suivant :

« Section 3. — La promotion par accession à un grade ou une classe supérieur(e) ».

Art. 160. L'intitulé de la Sous-section 2 de la Section 3 du Chapitre VI du Titre II de la même loi est remplacé par l'intitulé suivant :

« Sous-section 2. — La promotion par accession à une classe supérieure des membres du personnel du cadre administratif et logistique de niveau A ».

Art. 161. L'article 34 de la même loi est remplacé par la disposition suivante :

« Art. 34. Pour être promu par accession à une classe supérieure, le membre du personnel doit :

1° disposer d'une ancienneté déterminée par le Roi;

2° être désigné dans un emploi vacant de la classe envisagée conformément aux règles de mobilité ou de procédure de désignation à un mandat. ».

Art. 162. Les articles 35 et 36 de la même loi sont abrogés.

Art. 163. A l'article 93, § 2, alinéa 1er, de la même loi, les mots « du cadre opérationnel » sont supprimés.

Art. 164. Dans l'article XII.VII.7 de l'arrêté royal du 30 mars 2001 portant la position juridique du personnel des services de police, confirmé par la loi-programme du 30 décembre 2001 et modifié par la loi du 16 mars 2006, les mots « douze mois » sont remplacés par les mots « dix-huit mois ».

Art. 165. Le présent chapitre produit ses effets le 1er janvier 2007 à l'exception de l'article 164 qui produit ses effets le 1er avril 2005.

Promulguons la présente loi, ordonnons qu'elle soit revêtue du sceau de l'Etat et publiée par le *Moniteur belge*.

Donné à Bruxelles, le 1er mars 2007.

ALBERT

Par le Roi :

Le Premier Ministre,
G. VERHOFSTADT

La Ministre de la Justice,
Mme L. ONKELINX

Le Ministre des Finances,
D. REYNDERS

La Ministre de la Protection de la Consommation,
Mme F. VAN DEN BOSSCHE

Le Ministre de l'Intérieur,
P. DEWAEL

Pour le Ministre de l'Economie, absent :
Le Vice-Premier Ministre et Ministre de l'Intérieur,
P. DEWAEL

Le Ministre des Affaires sociales et de la Santé publique,
R. DEMOTTE

La Ministre des Classes moyennes et de l'Agriculture,
Mme S. LARUELLE

Le Ministre de l'Environnement,
B. TOBBACK

Le Ministre de l'Emploi,
P. VANVELTHOVEN

Le Secrétaire d'Etat à la Simplification administrative,
V. VAN QUICKENBORNE

Scellé du sceau de l'Etat :

La Ministre de la Justice,
Mme L. ONKELINX

Art. 157. In artikel 30, 3°, van dezelfde wet worden de woorden « of een gecertificeerde opleiding » ingevoegd tussen de woorden « een voortgezette opleiding » en de woorden « hebben gevolgd ».

Art. 158. In artikel 31 van dezelfde wet vervallen de woorden « of, naar gelang van het geval, het personeelslid van niveau A, ».

Art. 159. Het opschrift van Afdeling 3 van Hoofdstuk VI van Titel II van dezelfde wet wordt vervangen als volgt :

« Afdeling 3. — De bevordering door verhoging in graad of klasse ».

Art. 160. Het opschrift van Onderafdeling 2 van Afdeling 3 van Hoofdstuk VI van Titel II van dezelfde wet wordt vervangen als volgt :

« Onderafdeling 2. — De bevordering door overgang naar een hogere klasse van de personeelsleden van niveau A van het administratief en logistiek kader ».

Art. 161. Artikel 34 van dezelfde wet wordt vervangen als volgt :

« Art. 34. Om bevorderd te worden door overgang naar een hogere klasse moet het personeelslid :

1° de door de Koning bepaalde anciënniteit bezitten;

2° overeenkomstig de regels inzake de mobiliteit of via de mandaatprocedure worden aangewezen in een vacante betrekking van de beoogde klasse. ».

Art. 162. De artikelen 35 en 36 van dezelfde wet worden opgeheven.

Art. 163. In artikel 93, § 2, eerste lid, van dezelfde wet vervallen de woorden « uit het operationeel kader ».

Art. 164. In artikel XII.VII.7 van het koninklijk besluit van 30 maart 2001 tot regeling van de rechtspositie van het personeel van de politiediensten, bekrachtigd bij de programmawet van 30 december 2001 en gewijzigd bij de wet van 16 maart 2006, worden de woorden « twaalf maanden » vervangen door de woorden « achttien maanden ».

Art. 165. Dit hoofdstuk heeft uitwerking met ingang van 1 januari 2007, met uitzondering van artikel 164 dat uitwerking heeft met ingang van 1 april 2005.

Kondigen deze wet af, bevelen dat zij met 's Lands zegel zal worden bekleed en door het *Belgisch Staatsblad* zal worden bekendgemaakt.

Gegeven te Brussel, 1 maart 2007.

ALBERT

Van Koningswege :

De Eerste Minister,
G. VERHOFSTADT

De Minister van Justitie,
Mevr. L. ONKELINX

De Minister van Financiën,
D. REYNDERS

De Minister van Consumentenzaken,
Mevr. F. VAN DEN BOSSCHE

De Minister van Binnenlandse Zaken,
P. DEWAEL

Voor de Minister van Economie, afwezig :
De Vice-Eerste Minister en Minister van Binnenlandse Zaken,
P. DEWAEL

De Minister van Sociale Zaken en Volksgezondheid,
R. DEMOTTE

De Minister van Middenstand en Landbouw,
Mevr. S. LARUELLE

De Minister van Leefmilieu,
B. TOBBACK

De Minister van Werk,
P. VANVELTHOVEN

De Staatssecretaris voor Administratieve Vereenvoudiging,
V. VAN QUICKENBORNE

Met 's Lands zegel gezegeld :

De Minister van Justitie,
Mevr. L. ONKELINX

Note

(1) *Documents de la Chambre des représentants :*

51-2788-2006/2007 :

001 : Projet de loi.

002 à 007 : Amendements.

008 à 010 : Rapports.

011 : Amendement.

012 à 014 : Rapports.

015 : Rapport complémentaire.

016 : Texte adopté par les commissions.

017 : Amendements.

018 : Texte adopté en séance plénière et transmis au Sénat.

Compte rendu intégral : 8 février 2007.

Documents du Sénat :

3-2055-2006/2007 :

N° 1 : Projet non évoqué par le Sénat.

Nota

(1) *Stukken van de Kamer van volksvertegenwoordigers :*

51-2788-2006/2007 :

001 : Wetsontwerp.

002 tot 007 : Amendementen.

008 tot 010 : Verslagen.

011 : Amendement.

012 tot 014 : Verslagen.

015 : Aanvullend verslag.

016 : Tekst aangenomen door de commissies.

017 : Amendementen.

018 : Tekst aangenomen in plenaire vergadering en overgezonden aan de Senaat.

Integraal verslag : 8 februari 2007.

Stukken van de Senaat :

3-2055-2006/2007 :

Nr. 1 : Ontwerp niet geëvoceerd door de Senaat.

SERVICE PUBLIC FEDERAL FINANCES

F. 2007 — 1147 [C − 2007/03088]

2 FEVRIER 2007. — Loi contenant le règlement définitif des budgets des services d'administration générale de l'Etat pour l'année 2005 et des Services de l'Etat à gestion séparée pour des années précédentes (1)

ALBERT II, Roi des Belges,

A tous, présents et à venir, Salut.

La Chambre des représentants a adopté et Nous sanctionnons ce qui suit :

Article 1er. La présente loi règle une matière visée à l'article 74, 3° de la Constitution.

TITRE Ier. — Services d'administration générale de l'Etat

Année budgetaire 2005

CHAPITRE Ier. — *Engagements effectués en exécution du budget (Tableau A)*

§ 1er. Fixation des crédits d'engagement.

Art. 2. Les crédits d'engagement dont les départements peuvent disposer pour les engagements de l'année budgétaire 2005 s'élèvent à 2.076.213.000,00 €.

Cette somme comprend :

1) les crédits d'engagement initiaux alloués par les lois budgétaires	1.847.871.000,00 €
2) les ajustements de crédits (résultat net)	228.342.000,00 €
	2.076.213.000,00 €

Art. 3. Le montant total des crédits d'engagement alloués pour l'année budgétaire 2005 est réduit des crédits d'engagement disponibles à la fin de l'année budgétaire et annulés définitivement 819.823.645,62 €

Art. 4. Par suite des dispositions contenues dans les articles 2 et 3 ci-dessus, les crédits d'engagement définitifs de l'année budgétaire 2005 sont fixés à 1.256.389.354,38 €.

Cette somme est égale aux engagements enregistrés à charge des crédits budgétaires de l'année budgétaire 2005.

§ 2. Fixation des autorisations d'engagement.

Art. 5. Les autorisations d'engagement dont les départements peuvent disposer pour l'année budgétaire 2005 s'élèvent à la somme de 60.100.000,00 €.

Cette somme comprend :

1) les autorisations d'engagement initiales allouées par les lois budgétaires	59.779.000,00 €
2) les ajustements des autorisations (résultat net)	321.000,00 €
	60.100.000,00 €

FEDERALE OVERHEIDSDIENST FINANCIEN

N. 2007 — 1147 [C − 2007/03088]

2 FEBRUARI 2007. — Wet houdende eindregeling van de begrotingen van de diensten van algemeen bestuur van de Staat van het jaar 2005 en van Staatsdiensten met afzonderlijk beheer van voorgaande jaren (1)

ALBERT II, Koning der Belgen,

Aan allen die nu zijn en hierna wezen zullen, Onze Groet.

De Kamer van volksvertegenwoordigers heeft aangenomen en Wij bekrachtigen hetgeen volgt :

Artikel 1. Deze wet regelt een aangelegenheid bedoeld in artikel 74, 3° van de Grondwet.

TITEL I. — Diensten van algemeen bestuur van de Staat

Begrotingsjaar 2005

HOOFDSTUK I. — *Vastleggingen gedaan in uitvoering van de begroting (Tabel A)*

§ 1. Vaststelling van de vastleggingskredieten.

Art. 2. De vastleggingskredieten beschikbaar ten behoeve van de ministeriële departementen voor de vastleggingen van het begrotingsjaar 2005 belopen in totaal 2.076.213.000,00 €.

Dit bedrag omvat :

1) oorspronkelijke vastleggingskredieten toegestaan bij de begrotingswetten	1.847.871.000,00 €
2) de aanpassingen van de kredieten (netto-resultaat)	228.342.000,00 €
	2.076.213.000,00 €

Art. 3. De in totaal voor het begrotingsjaar 2005 verleende vastleggingskredieten worden verminderd met de aan het eind van het begrotingsjaar beschikbare en definitief geannuleerde vastleggingskredieten 819.823.645,62 €

Art. 4. Ingevolge de bepalingen vervat in de bovengenoemde artikelen 2 en 3 worden de definitieve vastleggingskredieten van het begrotingsjaar 2005 vastgesteld op 1.256.389.354,38 €.

Deze som is gelijk aan de ten laste van de begrotingskredieten van het begrotingsjaar 2005 geboekte vastleggingen.

§ 2. Vaststelling van de vastleggingsmachtigingen.

Art. 5. De vastleggingsmachtigingen beschikbaar ten behoeve van de ministeriële departementen voor het begrotingsjaar 2005 belopen in totaal 60.100.000,00 €.

Dit bedrag omvat :

1) oorspronkelijke vastleggingsmachtigingen toegestaan bij de begrotingswetten	59.779.000,00 €
2) de aanpassingen van de machtigingen (netto-resultaat)	321.000,00 €
	60.100.000,00 €

Art. 6. Le montant total des autorisations d'engagement allouées pour l'année budgétaire 2005 est réduit des autorisations d'engagement restées disponibles et qui sont à annuler définitivement ..... 4.174.942,64 €

Art. 7. Par suite des dispositions contenues dans les articles 5 et 6 ci-dessus, les autorisations d'engagement définitives de l'année budgétaire 2005 sont fixées à ..... 55.925.057,36 €

Cette somme est égale aux engagements enregistrés à charge des autorisations d'engagement de l'année budgétaire 2005.

§ 3. Fixation des engagements.

Art. 8. Les engagements de dépenses sont arrêtés comme suit :

a) effectués à charge des crédits d'engagement de l'année budgétaire 2005 ..... 1.256.389.354,38 €

b) effectués à charge des autorisations d'engagement de l'année budgétaire 2005 ..... 55.925.057,36 €

CHAPITRE II

Recettes et dépenses effectuées en exécution du budget

§ 1er. Fixation des recettes.

(Tableau B)

Art. 9. Les droits constatés au profit de l'Etat pour l'année budgétaire 2005 s'élèvent à la somme de 99.294.849.440,66 €.

Ce montant se subdivise comme suit :

— recettes courantes	60.725.671.071,52 €
— recettes de capital	1.393.365.760,43 €
— produit des emprunts	37.175.812.608,71 €

Art. 10. Les recettes imputées sur la même année budgétaire sont fixées à 82.904.345.226,24 €

Ce montant se décompose comme suit :

— recettes courantes	44.694.323.976,19 €
— recettes de capital	1.034.208.641,34 €
— produit des emprunts	37.175.812.608,71 €

Art. 11. Les droits constatés restant à recouvrer à la clôture de l'année budgétaire s'élèvent à 16.390.504.214,42 €.

Cette somme se décompose comme suit :

a) droits à annuler ou à porter en surséance indéfinie :

— recettes courantes	218.353.827,75 €
— recettes de capital	11.203,68 €
Total	218.365.031,43 €

b) droits à reporter à l'année budgétaire suivante :

— recettes courantes	15.812.993.267,58 €
— recettes de capital	359.145.915,41 €
Total	16.172.139.182,99 €

§ 2. Fixation des dépenses

(Tableau C)

Art. 12. Les opérations imputées à charge de l'année budgétaire 2005 sont arrêtées comme suit :

a) sur crédits d'ordonnancement

— prestations d'années antérieures	58.022.725,33 €
— prestations de l'année en cours	958.459.824,16 €
	1.016.482.549,49 €

b) sur crédits non dissociés

— prestations d'années antérieures	956.014.155,44 €
— prestations de l'année en cours	65.446.827.876,16 €
	66.402.842.031,60 €

Art. 6. De in totaal voor het begrotingsjaar 2005 verleende vastleggingsmachtigingen worden verminderd met de beschikbaar gebleven vastleggingsmachtigingen die definitief geannuleerd moeten worden ..... 4.174.942,64 €

Art. 7. Ingevolge de bepalingen vervat in bovengenoemde artikelen 5 en 6 worden de definitieve vastleggingsmachtigingen van het begrotingsjaar 2005 vastgesteld op ..... 55.925.057,36 €

Deze som is gelijk aan de ten laste van de vastleggingsmachtigingen van het begrotingsjaar 2005 geboekte vastleggingen.

§ 3. Vaststelling van de vastleggingen.

Art. 8. De vastleggingen van uitgaven worden vastgesteld als volgt :

a) uitgevoerd ten laste van de vastleggingskredieten van het begrotingsjaar 2005 ..... 1.256.389.354,38 €

b) uitgevoerd ten laste van de vastleggingsmachtigingen van het begrotingsjaar 2005 ..... 55.925.057,36 €

HOOFDSTUK II

Ontvangsten en uitgaven gedaan in uitvoering van de begroting

§ 1. Vaststelling van de ontvangsten.

(Tabel B)

Art. 9. De op het begrotingsjaar 2005 ten behoeve van de Staat vastgestelde rechten bedragen 99.294.849.440,66 €.

Dit bedrag is vastgesteld als volgt :

— lopende ontvangsten	60.725.671.071,52 €
— kapitaalontvangsten	1.393.365.760,43 €
— opbrengst der leningen :	37.175.812.608,71 €

Art. 10. De op hetzelfde begrotingsjaar aangerekende ontvangsten worden vastgesteld op 82.904.345.226,24 €

Dit bedrag is vastgesteld als volgt :

— lopende ontvangsten	44.694.323.976,19 €
— kapitaalontvangsten	1.034.208.641,34 €
— opbrengst der leningen :	37.175.812.608,71 €

Art. 11. De vastgestelde rechten nog te innen bij de afsluiting van het begrotingsjaar bedragen 16.390.504.214,42 €.

Deze som wordt onderverdeeld als volgt :

a) te annuleren of in onbepaald uitstel te brengen rechten :

— lopende ontvangsten	218.353.827,75 €
— kapitaalontvangsten	11.203,68 €
Totaal	218.365.031,43 €

b) naar het volgende begrotingsjaar over te dragen rechten :

— lopende ontvangsten	15.812.993.267,58 €
— kapitaalontvangsten	359.145.915,41 €
Totaal	16.172.139.182,99 €

§ 2. Vaststelling van de uitgaven

(Tabel C)

Art. 12. De tijdens het begrotingsjaar 2005 aangerekende verrichtingen worden vastgesteld als volgt :

a) op ordonnanceringskredieten

— prestaties van de vorige jaren	58.022.725,33 €
— prestaties van het lopend jaar	958.459.824,16 €
	1.016.482.549,49 €

b) op niet-gesplitste kredieten

— prestaties van de vorige jaren	956.014.155,44 €
— prestaties van het lopend jaar	65.446.827.876,16 €
	66.402.842.031,60 €

c) sur crédits variables

— prestations d'années antérieures	16.794.802,95 €
— prestations de l'année en cours	4.191.253.489,22 €
	4.208.048.292,17 €
TOTAL DES DEPENSES	71.627.372.873,26 €

Les paiements effectués, justifiés ou régularisés à charge de l'année budgétaire 2005 s'établissent comme suit 67.737.390.658,24 €.

Art. 13. (Tableau D)

Les paiements imputés à charge du budget et dont la justification ou la régularisation est renvoyée à une année suivante en application de l'article 32 de la loi du 28 juin 1963 s'élèvent à 3.889.982.215,02 €.

§ 3. Fixation des crédits.

Art. 14. Les crédits ouverts aux départements ministériels pour l'année 2005 s'élèvent au total à 77.126.041.584,54 €.

Ce montant comprend :

1° des crédits de l'année, se décomposant comme suit :

a) budget initial

Crédits d'ordonnancement	1.053.632.000,00 €
Crédits non dissociés	67.332.107.000,00 €
Crédits variables	4.129.314.440,58 €

b) ajustements des crédits (résultat net)

Crédits d'ordonnancement	41.579.000,00 €
Crédits non dissociés	— 100.132.000,00 €

2° crédits reportés fusionnés

Crédits variables	1.652.559.648,05 €

3° désaffectation des recettes affectées

Crédits variables	– 0,00 €

Total des crédits de l'année et assimilés (1°, 2° et 3°)

Crédits d'ordonnancement	1.095.211.000,00 €
Crédits non dissociés	67.231.975.000,00 €
Crédits variables	5.781.874.088,63 €

4° crédits reportés non-fusionnés

Crédits non dissociés	3.016.981.495,91 €

Total des crédits :

Crédits d'ordonnancement	1.095.211.000,00 €
Crédits non dissociés	70.248.956.495,91 €
Crédits variables	5.781.874.088,63 €
	77.126.041.584,54 €

Art. 15. Le montant des crédits alloués pour l'année budgétaire 2005 est réduit :

1° des crédits à reporter à l'année 2006 se décomposant comme suit :

* crédits à fusionner

Crédits variables	1.573.825.796,46 €

* Crédits à ne pas fusionner

Crédits non dissociés	2.501.939.565,40 €
Total :	4.075.765.361,86 €

2° des crédits disponibles à la fin de l'année budgétaire et qui sont à annuler :

Crédits d'ordonnancement	78.728.450,51 €
Crédits non dissociés	1.344.174.898,91 €
Total :	1.422.903.349,42 €

c) op variabele kredieten

— prestaties van de vorige jaren	16.794.802,95 €
— prestaties van het lopend jaar	4.191.253.489,22 €
	4.208.048.292,17 €
TOTAAL VAN DE UITGAVEN	71.627.372.873,26 €

De ten laste van het begrotingsjaar 2005 uitgevoerde betalingen, verantwoord of geregulariseerd, belopen 67.737.390.658,24 €.

Art. 13. (Tabel D)

De ten laste van de begroting aangerekende betalingen waarvan bij toepassing van artikel 32 van de wet van 28 juni 1963, de verantwoording of de regularisatie naar een volgend jaar wordt verwezen, belopen 3.889.982.215,02 €.

§ 3. Vaststelling van de kredieten.

Art. 14. De kredieten geopend ten behoeve van de ministeriële departementen voor het begrotingsjaar 2005 belopen in totaal 77.126.041.584,54 €.

Dit bedrag omvat :

1° kredieten eigen aan het jaar, samengesteld als volgt :

a) oorspronkelijke begroting

Ordonnanceringskredieten	1.053.632.000,00 €
Niet-gesplitste kredieten	67.332.107.000,00 €
Variabele kredieten	4.129.314.440,58-€

b) aanpassingen van de kredieten (nettoresultaat)

Ordonnanceringskredieten	41.579.000,00 €
Niet-gesplitste kredieten	— 100.132.000,00 €

2° overgedragen gefusioneerde kredieten

Variabele kredieten	1.652.559.648,05 €

3° desaffectatie van bestemde ontvangsten

Variabele kredieten	– 0,00 €

Totaal van de kredieten van het jaar en gelijkgestelde (1°, 2° en 3°)

Ordonnanceringskredieten	1.095.211.000,00 €
Niet-gesplitste kredieten	67.231.975.000,00 €
Variabele kredieten	5.781.874.088,63 €

4° overgedragen niet-gefusioneerde kredieten

Niet-gesplitste kredieten	3.016.981.495,91 €

Totaal van de kredieten :

Ordonnanceringskredieten	1.095.211.000,00 €
Niet-gesplitste kredieten	70.248.956.495,91 €
Variabele kredieten	5.781.874.088,63 €
	77.126.041.584,54 €

Art. 15. Het bedrag van de voor het begrotingsjaar 2005 verleende kredieten wordt verminderd met :

1° naar het jaar 2006 over te dragen, kredieten, samengesteld als volgt :

* te fusioneren kredieten

Variabele kredieten	1.573.825.796,46 €

* niet te fusioneren kredieten

Niet-gesplitste kredieten	2.501.939.565,40 €
Totaal :	4.075.765.361,86 €

2° de aan het eind van het begrotingsjaar beschikbare kredieten die te annuleren zijn :

Ordonnanceringskredieten	78.728.450,51 €
Niet-gesplitste kredieten	1.344.174.898,91 €
Totaal :	1.422.903.349,42 €

Les reports et les annulations de crédits se montent à :

Crédits d'ordonnancement	78.728.450,51 €
Crédits non dissociés	3.846.114.464,31 €
Crédits variables	1.573.825.796,46 €
Total :	5.498.668.711,28 €

Art. 16. Des crédits complémentaires pour couvrir des dépenses au-delà ou en l'absence des crédits ouverts ne doivent pas être alloués.

Art. 17. Par suite des dispositions contenues dans les articles 14, 15 et 16, les crédits définitifs de l'année budgétaire 2005 sont fixés comme suit :

Crédits d'ordonnancement	1.016.482.549,49 €
Crédits non dissociés	66.402.842.031,60 €
Crédits variables	4.208.048.292,17 €
Total	71.627.372.873,26 €

§ 4. Fixation du résultat général du budget de l'année budgétaire 2005 (Tableau F).

Art. 18. Le résultat général du budget de l'année budgétaire 2005 est définitivement arrêté comme suit :

Total des recettes	82.904.345.226,24 €
Total des dépenses	71.627.372.873,26 €
Excédent de recettes pour l'année 2005	11.276.972.352,98 €
Ce montant vient en diminution du déficit cumulé existant à la clôture de l'année budgétaire 2004 soit :	49.871.097.965,90 €
	38.594.125.612,92 €

Ce dernier montant sera transféré au compte de l'année budgétaire 2006.

CHAPITRE III. — *Recettes et dépense seffectuées en exécution du budget des fonds spéciaux (Tableau G)*

§ 1er. Fonds de restitution et d'attribution.

Art. 19. Le règlement définitif du budget des fonds de restitution et d'attribution de l'année 2005 est arrêté comme suit :

1. Recettes	53.828.410.699,38 €
2. Dépenses	53.263.128.451,29 €

La justification ou la régularisation d'une partie de ces dépenses s'élevant 28.826.652.956,98 € est renvoyée à une année suivante, en application de l'article 32 de la loi du 28 juin 1963.

3. Excédent des recettes :	565.282.248,09 €
Cet excédent de recettes vient en augmentation du solde existant à la clôture de l'année budgétaire précédente, soit :	477.105.965,48 €

Le résultat définitif ainsi obtenu, soit 1.042.388.213,57 €, est transféré, au compte de l'année budgétaire 2006.

§ 2. Services de l'Etat à gestion séparée (ancien régime)

Art. 20. Le règlement définitif des budgets des services de l'Etat à gestion séparée de l'année 2005 est arrêté comme suit (ancien régime) :

1. Recettes	81.882.790,05 €
2. Dépenses	26.125.720,55 €

De overdrachten en annulaties van kredieten bedragen :

Ordonnanceringskredieten	78.728.450,51 €
Niet-gesplitste kredieten	3.846.114.464,31 €
Variabele kredieten	1.573.825.796,46 €
Totaal :	5.498.668.711,28 €

Art. 16. Er zijn geen aanvullende kredieten toe te kennen tot dekking van uitgaven boven of buiten de kredieten.

Art. 17. Ten gevolge van de bepalingen vervat in de artikelen 14, 15 en 16 worden de definitieve kredieten van het begrotingsjaar 2005 vastgesteld als volgt :

Ordonnanceringskredieten	1.016.482.549,49 €
Niet-gesplitste kredieten	66.402.842.031,60 €
Variabele kredieten	4.208.048.292,17 €
Totaal	71.627.372.873,26 €

§ 4. Vaststelling van het resultaat van de begroting van het begrotingsjaar 2005 (Tabel F).

Art. 18. Het resultaat van de begroting van het begrotingsjaar 2005 wordt definitief vastgesteld als volgt :

Totaal van de ontvangsten	82.904.345.226,24 €
Totaal van de uitgaven	71.627.372.873,26 €
Ontvangstenexcedent voor het jaar 2005	11.276.972.352,98 €
Dit bedrag komt in mindering van het gecumuleerd tekort dat bestond bij het afsluiten van het begrotingsjaar 2004 .	49.871.097.965,90 €
	38.594.125.612,92 €

Dit laatste bedrag zal naar de rekening van het begrotingsjaar 2006 worden overgedragen.

HOOFDSTUK III. — *Ontvangsten en uitgaven gedaan in uitvoering van de begroting van de speciale fondsen (Tabel G)*

§ 1. Terugbetalings- en toewijzingsfondsen.

Art. 19. De eindregeling van de begroting van de terugbetalings- en toewijzingsfondsen wordt voor het jaar 2005 vastgesteld als volgt :

1. Ontvangsten	53.828.410.699,38 €
2. Uitgaven	53.263.128.451,29 €

De verantwoording of regularisatie van een gedeelte van die uitgaven, groot 28.826.652.956,98 € wordt, bij toepassing van artikel 32 van de wet van 28 juni 1963 naar een volgend jaar verwezen.

3. Ontvangstenexcedent :	565.282.248,09 €
Dit ontvangstenexcedent komt in meerdering van het overschot vastgesteld bij het afsluiten van het voorgaande begrotingsjaar, zijnde	477.105.965,48 €

Het aldus bekomen eindresultaat, zijnde 1.042.388.213,57 €, wordt overgedragen naar de rekening van het begrotingsjaar 2006.

§ 2. Staatsdiensten met afzonderlijk beheer (oud regime)

Art. 20. De eindregeling van de begrotingen van de staatsdiensten met afzonderlijk beheer wordt voor het jaar 2005 vastgesteld als volgt (oud regime) :

1. Ontvangsten	81.882.790,05 €
2. Uitgaven	26.125.720,55 €

La justification ou la régularisation d'une partie de ces dépenses s'élevant à 21.954.293,29 € est renvoyée à une année suivante, en application de l'article 32 de la loi du 28 juin 1963.

3. Excédent des recettes : ..... 55.757.069,50 €

Cet excédent de recettes vient en augmentation du solde existant à la clôture de l'année budgétaire précédente, soit ..... 21.834.876,13 €

Le résultat définitif ainsi obtenu, soit 77.591.945,63 € est transféré, au compte de l'année budgétaire 2006.

CHAPITRE IV. — *Disposition spéciale*

Art. 21. Il est renoncé au recouvrement de la dette du Fonds des Routes vis-à-vis l'Etat fédéral, à concurrence de 795.404.678,08 euros. La comptabilité est mise en concordance avec cette disposition.

TITRE II. — Opérations effectuées en exécution des budgets des services de l'Etat à gestion séparée (Tableau H)

Année budgétaire 2003

Art. 22. Service de restauration et d'hôtellerie de la défense (Créé par l'article 47 de la loi de programme du 19 juillet 2001)

Référence budgétaire :

Loi du 27 décembre 2002 contenant le budget général des dépenses pour l'année budgétaire 2003, article 4-01-1.

Le règlement définitif du budget du Service de restauration et d'hôtellerie de la défense s'établit pour l'année budgétaire 2003 comme suit :

a) les recettes imputées : ..... 23.167.476,76 €

b) les dépenses :

Les opérations imputées à charge de l'année budgétaire 2003 s'élèvent au total à ..... 18.429.524,99 €

c) Les crédits alloués par les lois budgétaires s'élèvent au total à ..... 29.500.000,00 €

Des crédits complémentaires pour couvrir des dépenses de l'année 2003 au-delà ou en l'absence des crédits ouverts ne doivent pas être alloués.

Les crédits de paiement excédant les dépenses soit 11.070.475,01 € sont annulés.

d) Résultat du budget :

Le résultat définitif du budget de l'année 2003 s'établit comme suit :

— recettes ..... 23.167.476,76 €

— dépenses ..... 18.429.524,99 €

excédent de recettes ..... 4.737.951,77 €

lequel, si l'on tient compte de l'excédent des recettes sur les dépenses à la clôture de l'année de gestion précédente, soit 0,00 € porte l'excédent des recettes au 31 décembre 2003 à 4.737.951,77 €.

Art. 23. Musée royal de l'armée (Créé par l'article 95 de la loi de programme du 30 décembre 2001)

Référence budgétaire :

Loi du 27 décembre 2002 contenant le budget général des dépenses pour l'année budgétaire 2003, article 4-01-1.

Le règlement définitif du budget du Musée royal de l'armée s'établit pour l'année budgétaire 2003 comme suit :

a) les recettes imputées ..... 2.469.058,48 €

b) les dépenses :

Les opérations imputées à charge de l'année budgétaire 2003 s'élèvent au total à : ..... 1.121.730,20 €

c) Les crédits alloués par les lois budgétaires s'élèvent au total à.. 4.265.000,00 €

Des crédits complémentaires pour couvrir des dépenses de l'année 2003 au-delà ou en l'absence des crédits ouverts ne doivent pas être alloués.

Les crédits de paiement excédant les dépenses soit 3.143.269,80 € sont annulés.

De verantwoording of regularisatie van een gedeelte van die uitgaven, groot 21.954.293,29 € wordt, bij toepassing van artikel 32 van de wet van 28 juni 1963 naar een volgend jaar verwezen.

3. Ontvangstenexcedent : ..... 55.757.069,50 €

Dit ontvangstenexcedent komt in meerdering van het overschot vastgesteld bij het afsluiten van het voorgaande begrotingsjaar, zijnde ..... 21.834.876,13 €

Het aldus bekomen eindresultaat, zijnde 77.591.945,63 €, wordt overgedragen naar de rekening van het begrotingsjaar 2006.

HOOFDSTUK IV. — *Bijzondere bepaling*

Art. 21. Er wordt afgezien van de invordering van de schuld van het Wegenfonds ten opzichte van de federale Staat ten belope van 795.404.678,08 euro. De comptabiliteit wordt in overeenstemming gebracht met deze bepaling.

TITEL II. — Verrichtingen gedaan ter uitvoering van de begrotingen van de Staatsdiensten met afzonderlijk beheer (Tabel H)

Begrotingsjaar 2003

Art. 22. Restauratie en hoteldienst van defensie (Opgericht bij artikel 47 van de programmawet van 19 juli 2001)

Begrotingsverwijzing :

Wet van 27 december 2002 houdende de algemene uitgavenbegroting voor het begrotingsjaar 2003, artikel 4-01-1.

De eindregeling van de begroting van de Restauratie en hoteldienst van defensie is voor het begrotingsjaar 2003 vastgesteld als volgt :

a) de aangerekende ontvangsten : ..... 23.167.476,76 €

b) de uitgaven :

De tijdens het begrotingsjaar 2003 aangerekende verrichtingen belopen in totaal ..... 18.429.524,99 €

c) De kredieten toegekend bij de begrotingswetten belopen in totaal ..... 29.500.000,00 €

Er zijn geen aanvullende kredieten toe te kennen tot dekking van uitgaven van het begrotingsjaar 2003 boven of buiten de kredieten.

De betalingskredieten die de uitgaven overtreffen, zegge 11.070.475,01 € worden geannuleerd.

d) Uitslag van de begroting :

De eindcijfers van de begroting voor het jaar 2003 worden vastgesteld als volgt :

— ontvangsten ..... 23.167.476,76 €

— uitgaven ..... 18.429.524,99 €

ontvangstenexcedent ..... 4.737.951,77 €

dat, gevoegd bij het excedent van de ontvangsten op de uitgaven, vastgesteld bij het afsluiten van het vorige beheersjaar, hetzij 0,00 €, het ontvangstenexcedent brengt op 31 december 2003 op 4.737.951,77 €.

Art. 23. Koninklijk legermuseum (Opgericht bij artikel 59 van de programmawet van 30 december 2001)

Begrotingsverwijzing :

Wet van 27 december 2002 houdende de algemene uitgavenbegroting voor het begrotingsjaar 2003, artikel 4-01-1.

De eindregeling van de begroting van het Koninklijk legermuseum is voor het begrotingsjaar 2003 vastgesteld als volgt :

a) de aangerekende ontvangsten ..... 2.469.058,48 €

b) de uitgaven :

De tijdens het begrotingsjaar 2003 aangerekende verrichtingen belopen in totaal ..... 1.121.730,20 €

c) De kredieten toegekend bij de begrotingswetten belopen in totaal..... 4.265.000,00 €

Er zijn geen aanvullende kredieten toe te kennen tot dekking van uitgaven van het begrotingsjaar 2003 boven of buiten de kredieten.

De betalingskredieten die de uitgaven overtreffen, zegge 3.143.269,80 €, worden geannuleerd.

d) Résultat du budget :

Le résultat définitif du budget de l'année 2003 s'établit comme suit :

— recettes ..... 2.469.058,48 €

— dépenses ..... 1.121.730,20 €

excédent de recettes ..... 1.347.328,28 €

lequel, si l'on tient compte de l'excédent des recettes sur les dépenses à la clôture de l'année de gestion précédente, soit 0,00 € porte l'excédent des recettes au 31 décembre 2003 à 1.347.328,28 €

Art. 24. Bibliothèque royale de Belgique (Créé par l'arrêté royal n° 504 du 31 décembre 1986)

Référence budgétaire :

Loi du 27 décembre 2002 contenant le budget général des dépenses pour l'année budgétaire 2003, article 4-01-1.

Le règlement définitif du budget de la Bibliothèque royale de Belgique s'établit pour l'année budgétaire 2003 comme suit :

a) les recettes imputées : ..... 6.513.682,37 €

b) les dépenses :

Les opérations imputées à charge de l'année budgétaire 2003 s'élèvent au total à : ..... 5.782.800,58 €

c) Les crédits alloués par les lois budgétaires s'élèvent au total à ..... 6.509.792,00 €

Des crédits complémentaires pour couvrir des dépenses de l'année 2003 au-delà ou en l'absence des crédits ouverts ne doivent pas être alloués.

Les crédits de paiement excédant les dépenses soit 726.991,42 € sont annulés.

d) Résultat du budget :

Le résultat définitif du budget de l'année 2003 s'établit comme suit :

— recettes ..... 6.513.682,37 €

— dépenses ..... 5.782.800,58 €

excédent de recettes ..... 730.881,79 €

lequel, si l'on tient compte de l'excédent des recettes sur les dépenses à la clôture de l'année de gestion précédente, soit 3.428.032,37 € porte l'excédent des recettes au 31 décembre 2003 à 4.158.914,16 €.

Art. 25. Institut royal du patrimoine artistique (Créé par l'arrêté royal n° 504 du 31 décembre 1986).

Référence budgétaire :

Loi du 27 décembre 2002 contenant le budget général des dépenses pour l'année budgétaire 2003, article 4-01-1.

Le règlement définitif du budget de l'Institut royal du patrimoine artistique s'établit pour l'année budgétaire 2003 comme suit :

a) les recettes imputées : ..... 2.583.411,06 €

b) les dépenses :

Les opérations imputées à charge de l'année budgétaire 2003 s'élèvent au total à ..... 2.183.170,69 €

c) Les crédits alloués par les lois budgétaires s'élèvent au total à ..... 1.739.400,00 €

Pour couvrir les dépenses de l'année 2003 effectuées au-delà ou en l'absence des crédits ouverts pour le service des budgets, des crédits complémentaires sont alloués pour un montant de 443.770,69 €.

Il n'y a pas de crédits de paiement excédant les dépenses.

d) Uitslag van de begroting :

De eindcijfers van de begroting voor het jaar 2003 worden vastgesteld als volgt :

— ontvangsten ..... 2.469.058,48 €

— uitgaven ..... 1.121.730,20 €

ontvangstenexcedent ..... 1.347.328,28 €

dat, gevoegd bij het excedent van de ontvangsten op de uitgaven, vastgesteld bij het afsluiten van het vorige beheersjaar, hetzij 0,00 €, het ontvangstenexcedent brengt op 31 december 2003 op 1.347.328,28 €

Art. 24. Koninklijke bibliotheek van België (Opgericht bij het koninklijk besluit nr. 504 van 31 december 1986)

Begrotingsverwijzing :

Wet van 27 december 2002 houdende de algemene uitgavenbegroting voor het begrotingsjaar 2003, artikel 4-01-1.

De eindregeling van de begroting van de Koninklijke bibliotheek van België is voor het begrotingsjaar 2003 vastgesteld als volgt :

a) de aangerekende ontvangsten : ..... 6.513.682,37 €

b) de uitgaven :

De tijdens het begrotingsjaar 2003 aangerekende verrichtingen belopen in totaal : ..... 5.782.800,58 €

c) De kredieten toegekend bij de begrotingswetten belopen in totaal ..... 6.509.792,00 €

Er zijn geen aanvullende kredieten toe te kennen tot dekking van uitgaven van het begrotingsjaar 2003 boven of buiten de kredieten.

De betalingskredieten die de uitgaven overtreffen, zegge 726.991,42-€ worden geannuleerd.

d) Uitslag van de begroting :

De eindcijfers van de begroting voor het jaar 2003 worden vastgesteld als volgt :

— ontvangsten ..... 6.513.682,37 €

— uitgaven ..... 5.782.800,58 €

ontvangstenexcedent ..... 730.881,79 €

dat, gevoegd bij het excedent van de ontvangsten op de uitgaven, vastgesteld bij het afsluiten van het vorige beheersjaar, hetzij 3.428.032,37 €, het ontvangstenexcedent brengt op 31 december 2003 op 4.158.914,16 €.

Art. 25. Koninklijke instituut voor het kunstpatrimonium (Opgericht bij het koninklijk besluit nr 504 van 31 december 1986).

Begrotingsverwijzing :

Wet van 27 december 2002 houdende de algemene uitgavenbegroting voor het begrotingsjaar 2003, artikel 4-01-1.

De eindregeling van de begroting van het Koninklijke instituut voor het kunstpatrimonium is voor het begrotingsjaar 2003 vastgesteld als volgt :

a) de aangerekende ontvangsten : 2.583.411,06

b) de uitgaven :

De tijdens het begrotingsjaar 2003 aangerekende verrichtingen belopen in totaal ..... 2.183.170,69 €

c) De kredieten toegekend bij de begrotingswetten belopen in totaal ..... 1.739.400,00 €

Tot dekking van de uitgaven van het begrotingsjaar 2003 gedaan boven of buiten de kredieten uitgetrokken voor de dienst van de begrotingen, worden aanvullende kredieten toegekend voor een bedrag van 443.770,69 €.

Er zij geen betalingskredieten die de uitgaven overtreffen.

d) Résultat du budget :

Le résultat définitif du budget de l'année 2003 s'établit comme suit :

— recettes	2.583.411,06 €
— dépenses	2.183.170,69 €
excédent de recettes	400.240,37 €

lequel, si l'on tient compte de l'excédent des recettes sur les dépenses à la clôture de l'année de gestion précédente, soit 1.496.688,99 € porte l'excédent des recettes au 31 décembre 2003 à 1.896.929,36 €.

Art. 26. Les archives générales du royaume et les archives de l'état dans les provinces (Créé par l'arrêté royal n° 504 du 31 décembre 1986).

Référence budgétaire :

Loi du 27 décembre 2002 contenant le budget général des dépenses pour l'année budgétaire 2003, article 4-01-1.

Le règlement définitif du budget des archives générales du royaume et des archives de l'état dans les provinces s'établit pour l'année budgétaire 2003 comme suit :

a) les recettes imputées : 4.965.385,21 €

b) les dépenses :

Les opérations imputées à charge de l'année budgétaire 2003 s'élèvent au total à 4.680.191,04 €

c) Les crédits alloués par les lois budgétaires s'élèvent au total à 5.448.265,00 €

Des crédits complémentaires pour couvrir des dépenses de l'année 2003 au-delà ou en l'absence des crédits ouverts ne doivent pas être alloués.

Les crédits de paiement excédant les dépenses soit 768.073,96 € sont annulés.

d) Résultat du budget :

Le résultat définitif du budget de l'année 2003 s'établit comme suit :

— recettes	4.965.385,21 €
— dépenses	4.680.191,04 €
excédent de recettes	285.194,17 €

lequel, si l'on tient compte de l'excédent des recettes sur les dépenses à la clôture de l'année de gestion précédente, soit 4.002.988,61 € porte l'excédent des recettes au 31 décembre 2003 à 4.288.182,78 €.

Art. 27. Centre d'études et de documentation « guerre et société contemporaines » (Créé par l'arrêté royal n° 504 du 31 décembre 1986)

Référence budgétaire :

Loi du 27 décembre 2002 contenant le budget général des dépenses pour l'année budgétaire 2003, article 4-01-1.

Le règlement définitif du budget du Centre d'études et de documentation « guerre et société contemporaines » s'établit pour l'année budgétaire 2003 comme suit :

a) les recettes imputées 1.433.672,86 €

b) les dépenses :

Les opérations imputées à charge de l'année budgétaire 2003 s'élèvent au total à 1.561.419,10 €

c) Les crédits alloués par les lois budgétaires s'élèvent au total à 1.459.963,00 €

Pour couvrir les dépenses de l'année 2003 effectuées au-delà ou en l'absence des crédits ouverts pour le service des budgets, des crédits complémentaires sont alloués pour un montant de 101.456,10 €.

Il n'y a pas de crédits de paiement excédant les dépenses.

d) Uitslag van de begroting :

De eindcijfers van de begroting voor het jaar 2003 worden vastgesteld als volgt :

— ontvangsten	2.583.411,06 €
— uitgaven	2.183.170,69 €
ontvangstenexcedent	400.240,37 €

dat, gevoegd bij het excedent van de ontvangsten op de uitgaven, vastgesteld bij het afsluiten van het vorige beheersjaar, hetzij 1.496.688,99 €, het ontvangstenexcedent brengt op 31 december 2003 op 1.896.929,36 €

Art. 26. Algemeen rijksarchief en rijksarchief in de provinciën (Opgericht bij het koninklijk besluit nr 504 van 31 december 1986).

Begrotingsverwijzing :

Wet van 27 december 2002 houdende de algemene uitgavenbegroting voor het begrotingsjaar 2003, artikel 4-01-1.

De eindregeling van de begroting van het Algemeen rijksarchief en rijksarchief in de provinciën is voor het begrotingsjaar 2003 vastgesteld als volgt :

a) de aangerekende ontvangsten : 4.965.385,21 €

b) de uitgaven :

De tijdens het begrotingsjaar 2003 aangerekende verrichtingen belopen in totaal 4.680.191,04 €

c) De kredieten toegekend bij de begrotingswetten belopen in totaal 5.448.265,00 €

Er zijn geen aanvullende kredieten toe te kennen tot dekking van uitgaven van het begrotingsjaar 2003 boven of buiten de kredieten.

De betalingskredieten die de uitgaven overtreffen, zegge 768.073,96-€ worden geannuleerd.

d) Uitslag van de begroting :

De eindcijfers van de begroting voor het jaar 2003 worden vastgesteld als volgt :

— ontvangsten	4.965.385,21 €
— uitgaven	4.680.191,04 €
ontvangstenexcedent	285.194,17 €

dat, gevoegd bij het excedent van de ontvangsten op de uitgaven, vastgesteld bij het afsluiten van het vorige beheersjaar, hetzij 4.002.988,61 €, het ontvangstenexcedent brengt op 31 december 2003 op 4.288.182,78 €.

Art. 27. Studie- en documentatiecentrum « oorlog en hedendaagse maatschappij » (Opgericht bij het koninklijk besluit nr 504 van 31 december 1986)

Begrotingsverwijzing :

Wet van 27 december 2002 houdende de algemene uitgavenbegroting voor het begrotingsjaar 2003, artikel 4-01-1.

De eindregeling van de begroting van het Studie- en documentatiecentrum « oorlog en hedendaagse maatschappij » is voor het begrotingsjaar 2003 vastgesteld als volgt :

a) de aangerekende ontvangsten 1.433.672,86 €

b) de uitgaven :

De tijdens het begrotingsjaar 2003 aangerekende verrichtingen belopen in totaal 1.561.419,10 €

c) De kredieten toegekend bij de begrotingswetten belopen in totaal 1.459.963,00 €

Tot dekking van de uitgaven van het begrotingsjaar 2003 gedaan boven of buiten de kredieten uitgetrokken voor de dienst van de begrotingen, worden aanvullende kredieten toegekend voor een bedrag van 101.456,10 €.

Er zij geen betalingskredieten die de uitgaven overtreffen.

d) Résultat du budget :

Le résultat définitif du budget de l'année 2003 s'établit comme suit :

— recettes ..... 1.433.672,86 €

— dépenses ..... 1.561.419,10 €

excédent de dépenses ..... 127.746,24 €

lequel, si l'on tient compte de l'excédent des recettes sur les dépenses à la clôture de l'année de gestion précédente, soit 155.738,92 € porte l'excédent des recettes au 31 décembre 2003 à 27.992,68 €.

Année budgétaire 2004

Art. 28. IPC Residence Palace (Créé par l'article 51 de la loi de programme du 19 juillet 2001).

Référence budgétaire :

Loi du 13 juillet 2004 contenant le 1er ajustement du budget général des dépenses pour l'année budgétaire 2004, article 4-01-1.

Le règlement définitif du budget de IPC s'établit pour l'année budgétaire 2004 comme suit :

a) les recettes imputées ..... 2.869.350,36 €

b) les dépenses :

Les opérations imputées à charge de l'année budgétaire 2004 s'élèvent au total à ..... 1.719.239,27 €

c) Les crédits alloués par les lois budgétaires s'élèvent au total à ..... 3.254.542,68 €

Pour couvrir les dépenses de l'année 2004 effectuées au-delà ou en l'absence des crédits ouverts pour le service des budgets, des crédits complémentaires sont alloués pour un montant de 92.062,72 €.

Les crédits de paiement excédant les dépenses soit 1.627.366,13 € sont annulés.

d) Résultat du budget :

Le résultat définitif du budget de l'année 2004 s'établit comme suit :

— recettes ..... 2.869.350,36 €

— dépenses ..... 1.719.239,27 €

excédent de recettes ..... 1.150.111,09 €

lequel, si l'on tient compte de l'excédent des recettes sur les dépenses à la clôture de l'année de gestion précédente, soit 314.656,02 € porte l'excédent des recettes au 31 décembre 2004 à 1.464.767,11 €.

Art. 29. FED + (Créé par l'article 103 de la loi de programme du 30 décembre 2001).

Service chargé du développement d'initiatives sur le plan culturel, promotionnel et sur le plan de la détente, la formation et le sport au profit des fonctionnaires fédéraux.

Référence budgétaire :

Loi du 22 décembre 2003 contenant le budget général des dépenses pour l'année budgétaire 2004, article 4-01-1.

Le règlement définitif du budget de « FED+ » s'établit pour l'année budgétaire 2004 comme suit :

a) les recettes imputées ..... 241.534,74 €

b) les dépenses :

Les opérations imputées à charge de l'année budgétaire 2004 s'élèvent au total à ..... 280.167,50 €

c) Les crédits alloués par les lois budgétaires s'élèvent au total à ..... 240.000,00 €

Pour couvrir les dépenses de l'année 2004 effectuées au-delà ou en l'absence des crédits ouverts pour le service des budgets, des crédits complémentaires sont alloués pour un montant de 81.224,74 €.

Les crédits de paiement excédant les dépenses soit 41.057,24 € sont annulés.

d) Uitslag van de begroting :

De eindcijfers van de begroting voor het jaar 2003 worden vastgesteld als volgt :

— ontvangsten ..... 1.433.672,86 €

— uitgaven ..... 1.561.419,10 €

uitgavenexcedent ..... 127.746,24 €

dat, gevoegd bij het excedent van de ontvangsten op de uitgaven, vastgesteld bij het afsluiten van het vorige beheersjaar, hetzij 155.738,92 €, het ontvangstenexcedent brengt op 31 december 2003 op 27.992,68 €.

Begrotingsjaar 2004

Art. 28. IPC Residence Palace (Opgericht bij artikel 51 van de programmawet van 19 juli 2001).

Begrotingsverwijzing :

Wet van 13 juli 2004 houdende de 1e aanpassing van de algemene uitgavenbegroting voor het begrotingsjaar 2004, artikel 4-01-1.

De eindregeling van de begroting van IPC is voor het begrotingsjaar 2004 vastgesteld als volgt :

a) de aangerekende ontvangsten ..... 2.869.350,36 €

b) de uitgaven :

De tijdens het begrotingsjaar 2004 aangerekende verrichtingen belopen in totaal ..... 1.719.239,27 €

c) De kredieten toegekend bij de begrotingswetten belopen in totaal ..... 3.254.542,68 €

Tot dekking van de uitgaven van het begrotingsjaar 2004 gedaan boven of buiten de kredieten uitgetrokken voor de dienst van de begrotingen, worden aanvullende kredieten toegekend voor een bedrag van 92.062,72 €.

De betalingskredieten die de uitgaven overtreffen, zegge 1.627.366,13 € worden geannuleerd.

d) Uitslag van de begroting :

De eindcijfers van de begroting voor het jaar 2004 worden vastgesteld als volgt :

— ontvangsten ..... 2.869.350,36 €

— uitgaven ..... 1.719.239,27 €

ontvangstenexcedent ..... 1.150.111,09 €

dat, gevoegd bij het excedent van de ontvangsten op de uitgaven, vastgesteld bij het afsluiten van het vorige beheersjaar, hetzij 314.656,02 €, het ontvangstenexcedent brengt op 31 december 2004 op 1.464.767,11 €.

Art. 29. FED + (Opgericht bij artikel 103 van de programmawet van 30 december 2001).

Dienst belast met het ontwikkelen van culturele, promotionele, ontspannende, vormende en sportieve initiatieven ten behoeve van de federale ambtenaren.

Begrotingsverwijzing :

Wet van 22 december 2003 houdende de algemene uitgavenbegroting voor het begrotingsjaar 2004, artikel 4-01-1.

De eindregeling van de begroting van « FED+ » is voor het begrotingsjaar 2004 vastgesteld als volgt :

a) de aangerekende ontvangsten ..... 241.534,74 €

b) de uitgaven :

De tijdens het begrotingsjaar 2004 aangerekende verrichtingen belopen in totaal ..... 280.167,50 €

c) De kredieten toegekend bij de begrotingswetten belopen in totaal ..... 240.000,00 €

Tot dekking van de uitgaven van het begrotingsjaar 2004 gedaan boven of buiten de kredieten uitgetrokken voor de dienst van de begrotingen, worden aanvullende kredieten toegekend voor een bedrag van 81.224,74 €.

De betalingskredieten die de uitgaven overtreffen, zegge 41.057,24 € worden geannuleerd.

d) Résultat du budget :

Le résultat définitif du budget de l'année 2004 s'établit comme suit :

— recettes	241.534,74 €
— dépenses	280.167,50 €
excédent de dépenses	38.632,76 €

lequel, si l'on tient compte de l'excédent des recettes sur les dépenses à la clôture de l'année de gestion précédente, soit 99.069,76 € porte l'excédent des recettes au 31 décembre 2003 à 60.437,00 €.

Art. 30. Selor (créé par l'article 159 de la loi du 20 juillet 1991 portant des dispositions sociales et diverses).

Référence budgétaire :

Loi du 13 juillet 2004 contenant le 1er ajustement du budget général des dépenses pour l'année budgétaire 2004, article 4-01-1.

Le règlement définitif du budget de Selor s'établit pour l'année budgétaire 2004 comme suit :

a) les recettes imputées ..... 12.221.131,75 €

b) les dépenses :

Les opérations imputées à charge de l'année budgétaire 2004 s'élèvent au total à ..... 15.499.894,91 €

c) Les crédits alloués par les lois budgétaires s'élèvent au total à ..... 15.217.000,00 €

Pour couvrir les dépenses de l'année 2004 effectuées au-delà ou en l'absence des crédits ouverts pour le service des budgets, des crédits complémentaires sont alloués pour un montant de 702.041,68 €.

Les crédits de paiement excédant les dépenses soit 419.146,77 € sont annulés.

d) Résultat du budget :

Le résultat définitif du budget de l'année 2004 s'établit comme suit :

— recettes	12.221.131,75 €
— dépenses	15.499.894,91 €
excédent de dépenses	3.278.763,16 €

lequel, si l'on tient compte de l'excédent des recettes sur les dépenses à la clôture de l'année de gestion précédente, soit 5.010.407,18 € porte l'excédent des recettes au 31 décembre 2004 à 1.731.644,02 €.

Art. 31. Service de restauration et d'hôtellerie de la défense (Créé par l'article 47 de la loi de programme du 19 juillet 2001).

Référence budgétaire :

Loi du 22 décembre 2003 contenant le budget général des dépenses pour l'année budgétaire 2004, article 4-01-1.

Le règlement définitif du budget du Service de restauration et d'hôtellerie de la défense s'établit pour l'année budgétaire 2004 comme suit :

a) les recettes imputées ..... 24.788.492,17 €

b) les dépenses :

Les opérations imputées à charge de l'année budgétaire 2003 s'élèvent au total à ..... 24.398.132,90 €

c) Les crédits alloués par les lois budgétaires s'élèvent au total à ..... 29.500.000,00 €

Des crédits complémentaires pour couvrir des dépenses de l'année 2004 au-delà ou en l'absence des crédits ouverts ne doivent pas être alloués.

Les crédits de paiement excédant les dépenses soit 5.101.867,10 € sont annulés.

d) Résultat du budget :

Le résultat définitif du budget de l'année 2004 s'établit comme suit :

— recettes	24.788.492,17 €
— dépenses	24.398.132,90 €
excédent de recettes	390.359,27 €

d) Uitslag van de begroting :

De eindcijfers van de begroting voor het jaar 2004 worden vastgesteld als volgt :

— ontvangsten	241.534,74 €
— uitgaven	280.167,50 €
uitgavenexcedent	38.632,76 €

dat, gevoegd bij het excedent van de ontvangsten op de uitgaven, vastgesteld bij het afsluiten van het vorige beheersjaar, hetzij 99.069,76 €, het ontvangstenexcedent op 31 december 2003 brengt op 60.437,00 €.

Art. 30. Selor (opgericht bij artikel 159 van de wet van 20 juli 1991 houdende sociale en diverse bepalingen).

Begrotingsverwijzing :

Wet van 13 juli 2004 houdende de 1e aanpassing van de algemene uitgavenbegroting voor het begrotingsjaar 2004, artikel 4-01-1.

De eindregeling van de begroting van Selor is voor het begrotingsjaar 2004 vastgesteld als volgt :

a) de aangerekende ontvangsten ..... 12.221.131,75 €

b) de uitgaven :

De tijdens het begrotingsjaar 2004 aangerekende verrichtingen belopen in totaal ..... 15.499.894,91 €

c) De kredieten toegekend bij de begrotingswetten belopen in totaal ..... 15.217.000,00 €

Tot dekking van de uitgaven van het begrotingsjaar 2004 gedaan boven of buiten de kredieten uitgetrokken voor de dienst van de begrotingen, worden aanvullende kredieten toegekend voor een bedrag van 702.041,68 €.

De betalingskredieten die de uitgaven overtreffen, zegge 419.146,77 € worden geannuleerd.

d) Uitslag van de begroting :

De eindcijfers van de begroting voor het jaar 2004 worden vastgesteld als volgt :

— ontvangsten	12.221.131,75 €
— uitgaven	15.499.894,91 €
uitgavenexcedent	3.278.763,16 €

dat, gevoegd bij het excedent van de ontvangsten op de uitgaven, vastgesteld bij het afsluiten van het vorige beheersjaar, hetzij 5.010.407,18 €, het ontvangstenexcedent op 31 december 2004 brengt op 1.731.644,02 €.

Art. 31. Restauratie en hoteldienst van defensie (Opgericht bij artikel 47 van de programmawet van 19 juli 2001).

Begrotingsverwijzing :

Wet van 22 december 2003 houdende de algemene uitgavenbegroting voor het begrotingsjaar 2004, artikel 4-01-1.

De eindregeling van de begroting van de Restauratie en hoteldienst van defensie is voor het begrotingsjaar 2004 vastgesteld als volgt :

a) de aangerekende ontvangsten ..... 24.788.492,17 €

b) de uitgaven :

De tijdens het begrotingsjaar 2003 aangerekende verrichtingen belopen in totaal ..... 24.398.132,90 €

c) De kredieten toegekend bij de begrotingswetten belopen in totaal ..... 29.500.000,00 €

Er zijn geen aanvullende kredieten toe te kennen tot dekking van uitgaven van het begrotingsjaar 2004 boven of buiten de kredieten.

De betalingskredieten die de uitgaven overtreffen, zegge 5.101.867,10 € worden geannuleerd.

d) Uitslag van de begroting :

De eindcijfers van de begroting voor het jaar 2004 worden vastgesteld als volgt :

— ontvangsten	24.788.492,17 €
— uitgaven	24.398.132,90 €
ontvangstenexcedent	390.359,27 €

lequel, si l'on tient compte de l'excédent des recettes sur les dépenses à la clôture de l'année de gestion précédente, soit 7.032.559,96 € porte l'excédent des recettes au 31 décembre 2004 à 7.422.919,23 €.

Art. 32. Musée royal de l'armée (Créé par l'article 95 de la loi de programme du 30 décembre 2001).

Référence budgétaire :

Loi du 13 juillet 2004 contenant le 1er ajustement du budget général des dépenses pour l'année budgétaire 2004, article 4-01-1.

Le règlement définitif du budget du Musée royal de l'armée s'établit pour l'année budgétaire 2004 comme suit :

a) les recettes imputées ..... 6.394.800,44 €

b) les dépenses :

Les opérations imputées à charge de l'année budgétaire 2004 s'élèvent au total à ..... 3.065.946,79 €

c) Les crédits alloués par les lois budgétaires s'élèvent au total à ..... 3.001.007,00 €

Pour couvrir les dépenses de l'année 2004 effectuées au-delà ou en l'absence des crédits ouverts pour le service des budgets, des crédits complémentaires sont alloués pour un montant de 399.751,18 €

Les crédits de paiement excédant les dépenses soit 334.811,39 € sont annulés.

d) Résultat du budget :

Le résultat définitif du budget de l'année 2004 s'établit comme suit :

— recettes ..... 6.394.800,44 €

— dépenses ..... 3.065.946,79 €

excédent de recettes ..... 3.328.853,65 €

lequel, si l'on tient compte de l'excédent des recettes sur les dépenses à la clôture de l'année de gestion précédente, soit 1.347.328,28 € porte l'excédent des recettes au 31 décembre 2004 à 4.676.181,93 €

Promulguons la présente loi, ordonnons qu'elle soit revêtue du sceau de l'Etat et publiée par le *Moniteur belge.*

Donné à Bruxelles, le 2 février 2007.

ALBERT

Par le Roi :

Le Ministre des Finances,
D. REYNDERS

Scellé du sceau de l'Etat :

La Ministre de la Justice,
Mme L. ONKELINX

Note

(1) *Session 2006-2007.*

Chambre des représentants

Documents. — Projet de loi, 51-2824/1. – Rapport, 51-2824/2. — Texte adopté en séance plénière et soumis à la sanction royale, 51-2824/3.

Compte rendu intégral. — 18 janvier 2007.

dat, gevoegd bij het excedent van de ontvangsten op de uitgaven, vastgesteld bij het afsluiten van het vorige beheersjaar, hetzij 7.032.559,96 €, het ontvangstenexcedent brengt op 31 december 2004 op 7.422.919,23 €.

Art. 32. Koninklijk legermuseum (Opgericht bij artikel 59 van de programmawet van 30 december 2001).

Begrotingsverwijzing :

Wet van 13 juli 2004 houdende de 1e aanpassing van de algemene uitgavenbegroting voor het begrotingsjaar 2004, artikel 4-01-1.

De eindregeling van de begroting van het Koninklijk legermuseum is voor het begrotingsjaar 2004 vastgesteld als volgt :

a) de aangerekende ontvangsten ..... 6.394.800,44 €

b) de uitgaven :

De tijdens het begrotingsjaar 2004 aangerekende verrichtingen belopen in totaal ..... 3.065.946,79 €

c) De kredieten toegekend bij de begrotingswetten belopen in totaal ..... 3.001.007,00 €

Tot dekking van de uitgaven van het begrotingsjaar 2004 gedaan boven of buiten de kredieten uitgetrokken voor de dienst van de begrotingen, worden aanvullende kredieten toegekend voor een bedrag van 399.751,18 €

De betalingskredieten die de uitgaven overtreffen, zegge 334.811,39-€ worden geannuleerd.

d) Uitslag van de begroting :

De eindcijfers van de begroting voor het jaar 2004 worden vastgesteld als volgt :

— ontvangsten ..... 6.394.800,44 €

— uitgaven ..... 3.065.946,79 €

ontvangstenexcedent ..... 3.328.853,65 €

dat, gevoegd bij het excedent van de ontvangsten op de uitgaven, vastgesteld bij het afsluiten van het vorige beheersjaar, hetzij 1.347.328,28 €, het ontvangstenexcedent brengt op 31 december 2004 op 4.676.181,93 €

Kondigen deze wet af, bevelen dat zij met 's Lands zegel zal worden bekleed en door het *Belgisch Staatsblad* zal worden bekendgemaakt.

Gegeven te Brussel, 2 februari 2007.

ALBERT

Van Koningswege :

De Minister van Financiën,
D. REYNDERS

Met 's Lands zegel gezegeld :

De Minister van Justitie,
Mevr. L. ONKELINX

Nota

(1) *Zitting 2006-2007.*

Kamer van volksvertegenwoordigers

Stukken. — Wetsontwerp, 51-2824/1. — Verslag, 51-2824/2. — Tekst aangenomen in de plenaire vergadering en aan de Koning ter bekrachtiging voorgelegd, 51-2824/3.

Integraal verslag. — 18 januari 2007.

TABLEAU A **TABEL A**

ENGAGEMENTS ANNEE BUDGETAIRE 2005 - VASTLEGGINGEN BEGROTINGSJAAR 2005

Référence : 163 ème Cahier de la Cour des comptes
Verwijzing : 163 ste Boek van het Rekenhof

	Budgets initiaux - Oorspronkelijke begrotingen	Ajustement du budget (résultat net) - Aanpassing van de begroting (netto resultaat)	Total - Totaal	Engagements imputés - Aangerekende Vastleggingen	Règlement des crédits et autorisations - Regeling van de kredieten en de machtigingen			Crédits et autorisations définitifs de l'année - Definitieve kredieten en machtigingen van het jaar
					Crédits et autorisations disponibles à la fin de l'année budgétaire - Beschikbare kredieten en machtigingen aan het eind van het begrotingsjaar	Crédits reportés à l'année suivante - Naar het volgende jaar overgedragen kredieten	Crédits et autorisations à annuler - Te annuleren kredieten en machtigingen	
Crédits d'engagement Vastleggingskredieten	1.847.871.000,00	228.342.000,00	2.076.213.000,00	1.256.389.354,38	819.823.645,62	0,00	819.823.645,62	1.256.389.354,38
Autorisations d'engagement Vastleggingsmachtigingen	59.779.000,00	321.000,00	60.100.000,00	55.925.057,36	4.174.942,64	0,00	4.174.942,64	55.925.057,36

TABLEAU B

TABEL B

RECETTES - ANNEE BUDGETAIRE 2005
ONTVANGSTEN - BEGROTINGSJAAR 2005

Référence : 163ème Cahier de la Cour des comptes
Verwijzing : 163ste Boek van het Rekenhof

Nature des recettes - Aard van de ontvangsten	Situation des recettes - Toestand van de ontvangsten				Règlement des droits non recouvrés - Regeling van de niet ingevorderde vastgestelde rechten		Différence entre les prévisions et les recettes comptabilisées - Verschil tussen de ramingen en de geboekte ontvangsten	
	Prévisions - Ramingen	Droits constatés - Vastgestelde rechten	Recettes imputées - Aangerekende ontvangsten	Différence entre droits constatés et recettes imputées - Verschil tussen vastgestelde rechten en aangerekende ontvangsten	A annuler ou à porter en suréance indéfinie - Te annuleren of in onbepaald uitstel te brengen	A reporter - Over te dragen	Excédent des prévisions sur les recouvrements - Meer geraamd dan ingevorderd	Excédent des recouvrements sur les prévisions - Meer ingevorderd dan geraamd
1. Recettes courantes - Lopende ontvangsten								
A. Recettes fiscales - Fiscale ontvangsten	39.790.295.000,00	55.999.197.505,35	40.314.589.530,46	15.684.608.974,89	112.932,77	15.684.496.042,12	0,00	524.293.530,46
B. Recettes non fiscales - Niet-fiscale ontvangsten								
1. Finances - Financiën	1.564.761.000,00	1.784.164.561,86	1.741.243.894,41	42.920.667,47	1.112.815,65	41.807.871,82	0,00	176.482.894,41
2. Autres départements - Andere departementen	2.590.628.000,00	2.942.308.984,29	2.638.491.551,32	303.817.432,97	217.128.079,33	86.689.353,64	0,00	47.863.551,32
Totaux 1 et 2 - Totalen 1 en 2	4.155.389.000,00	4.726.473.566,17	4.379.735.445,73	346.738.120,44	218.240.894,98	128.497.225,46	0,00	224.346.445,73
Totaux recettes courantes - Totalen lopende ontvangsten	43.945.684.000,00	50.725.671.071,52	44.694.323.976,19	16.031.347.095,33	218.353.627,75	15.812.993.267,58	0,00	748.639.975,19
2. Recettes de capital - Kapitaalontvangsten								
A. Recettes fiscales - Fiscale ontvangsten	0,00	0,00	0,00	0,00	0,00	0,00	0,00	0,00
B. Recettes non fiscales - Niet-fiscale ontvangsten								
1. Finances - Financiën	256.816.000,00	301.131.179,19	260.307.943,39	40.823.235,80	1.192,50	40.822.043,30	0,00	3.491.943,39
2. Autres départements - Andere departementen	256.389.000,00	1.092.234.581,24	773.900.697,95	318.333.883,29	10.011,18	318.323.872,11	0,00	517.511.697,95
Totaux 1 et 2 - Totalen 1 en 2	513.205.000,00	1.393.365.760,43	1.034.208.641,34	359.157.119,09	11.203,68	359.145.915,41	0,00	521.003.641,34
Totaux recettes de capital - Totalen kapitaalontvangsten	513.205.000,00	1.393.365.760,43	1.034.208.641,34	359.157.119,09	11.203,68	359.145.915,41	0,00	521.003.641,34
3. Produit des emprunts - Opbrengst der leningen	25.212.500.000,00	37.175.812.608,71	37.175.812.608,71	0,00	0,00	0,00	0,00	11.963.312.608,71
TOTAL GENERAL - ALGEMEEN TOTAAL	69.671.389.000,00	89.294.849.440,66	82.904.345.226,24	16.390.504.214,42	218.365.031,43	16.172.139.182,99	0,00	13.232.956.226,24

TABLEAU C **TABEL C**

DEPENSES - ANNEE BUDGETAIRE 2005 UITGAVEN - BEGROTINGSJAAR 2005

Référence : 163 ème Cahier de la Cour des comptes
Verwijzing : 163 ste Boek van het Rekenhof

Nature des crédits - Aard van de kredieten	Allocation des crédits - Toekenning van de kredieten					
	Budgets initiaux (1) - Oorspronkelijke begrotingen (1)	Ajustement des crédits (résultat net) - Aanpassing van de kredieten (netto resultaat)	Répartition des crédits provisionnels - Verdeling van de provisionele kredieten	Crédits reportés (2) - Overgedragen kredieten (2)	Désaffectation de recettes affectées à un fonds organique - Desaffectatie van aan een organiek fonds geaffecteerde ontvangsten	Total - Totaal
Opérations sur crédits non dissociés reportés - Verrichtingen op overgedragen niet-gesplitste kredieten						
Crédits non dissociés - Niet-gesplitste kredieten	0,00	0,00	0,00	3.016.981.495,91		3.016.981.495,91
Opérations sur crédits de l'année en cours - Verrichtingen op kredieten eigen aan het jaar						
Crédits non dissociés - Niet-gesplitste kredieten	67.332.107.000,00	-100.132.000,00	0,00	0,00		67.231.975.000,00
Crédits d'ordonnancement - Ordonnanceringskredieten	1.053.632.000,00	41.579.000,00	0,00	0,00		1.095.211.000,00
Crédits variables - Variabele kredieten	4.129.314.440,58	0,00	0,00	1.652.559.648,05	0,00	5.781.874.088,63
Total général - Algemeen totaal	72.515.053.440,58	-58.553.000,00	0,00	4.669.541.143,96	0,00	77.126.041.584,54

Nature des crédits - Aard van de kredieten	Situation des dépenses - Toestand van de uitgaven			
	Totaux des dépenses - Totalen der uitgaven	Opérations imputées - Aangerekende verrichtingen		Dont paiements non régularisés - Waarvan niet geregulariseerde betalingen
		Prestations années antérieures - Prestaties tijdens de vorige jaren	Prestations au cours de l'année - Prestaties in de loop van het jaar	
Opérations sur crédits non dissociés reportés - Verrichtingen op overgedragen niet-gesplitste kredieten				
Crédits non dissociés - Niet-gesplitste kredieten	1.672.806.597,00	944.976.294,51	727.830.302,49	27.069.440,06
Opérations sur crédits de l'année en cours - Verrichtingen op kredieten eigen aan het jaar				
Crédits non dissociés - Niet-gesplitste kredieten	64.730.035.434,60	11.037.860,93	64.718.997.573,67	3.105.757.420,34
Crédits d'ordonnancement - Ordonnanceringskredieten	1.016.482.549,49	58.022.726,33	958.459.824,16	52.915.177,31
Crédits variables - Variabele kredieten	4.206.048.292,17	16.794.802,95	4.191.253.489,22	704.240.177,31
Total général - Algemeen totaal	71.627.372.873,26	1.030.831.683,72	70.596.541.189,54	3.889.982.215,02

Nature des crédits - Aard van de kredieten	Règlement des crédits - Regeling van de kredieten			
	Crédits complémentaires à accorder - Toe te kennen aanvullende kredieten	Crédits à annuler définitivement - Definitief te annuleren kredieten	Crédits à reporter - Over te dragen kredieten	Crédits définitifs - Definitieve kredieten
Opérations sur crédits non dissociés reportés - Verrichtingen op overgedragen niet-gesplitste kredieten				
Crédits non dissociés - Niet-gesplitste kredieten	0,00	1.344.174.898,91	0,00	1.672.806.597,00
Opérations sur crédits de l'année en cours - Verrichtingen op kredieten eigen aan het jaar				
Crédits non dissociés - Niet-gesplitste kredieten	0,00	0,00	2.501.939.565,40	64.730.035.434,60
Crédits d'ordonnancement - Ordonnanceringskredieten	0,00	78.728.450,51	0,00	1.016.482.549,49
Crédits variables - Variabele kredieten	0,00	0,00	1.573.825.796,46	4.206.048.292,17
Total général - Algemeen totaal	0,00	1.422.903.349,42	4.075.765.361,86	71.627.372.873,26

(1) Pour les crédits variables, les montants indiqués dans cette colonne correspondent aux recettes affectées aux dépenses des fonds budgétaires, conformément à l'article 45, §2, des lois coordonnées sur la comptabilité de l'Etat -
(1) Voor de variabele kredieten stemmen de in deze kolom opgenomen bedragen overeen met de ontvangsten bestemd voor de uitgaven van de begrotingsfondsen, overeenkomstig artikel 45, §2, van de gecoördineerde wetten op de rijkscomptabiliteit
(2) Crédits reportés en vertu des articles 34 et 35 de l'arrêté royal du 17 juillet 1991 portant coordination des lois sur la comptabilité de l'Etat et en vertu de dispositions spéciales.-
(2) Overgedragen kredieten krachtens artikels 34 en 35 van het Koninklijk besluit van 17 juli 1991 houdende coördinatie van de wetten op de Rijkscomptabiliteit en krachtens speciale wetsbepalingen.

TABLEAU D

TABEL D

DEPENSES DONT LA JUSTIFICATION OU LA REGULARISATION EST RENVOYEE A UNE ANNEE SUIVANTE - ANNEE BUDGETAIRE 2005
UITGAVEN WAARVAN DE VERANTWOORDING OF DE REGULARISATIE NAAR EEN VOLGEND JAAR WORDT VERWEZEN - BEGROTINGSJAAR 2005

BUDGETS	Dépenses payées au moyen de dispositions sur crédits ouverts - Uitgaven betaald door middel van beschikkingen op geopende kredieten	Dépenses payées directement sur la caisse d'un comptable - Uitgaven rechtstreeks betaald uit het incasso van een rekenplichtige	Dépenses payées au moyen d'avances du Trésor (1) (2) - Uitgaven betaald door middel van schatkistvoorschotten (1) (2)	TOTAL - TOTAAL	BEGROTINGEN
BUDGET SANS PROGRAMMES					BEGROTING ZONDER PROGRAMMA'S
Dotations	0,00	0,00	0,00	0,00	Dotaties
BUDGETS DEPARTEMENTAUX					DEPARTEMENTALE BEGROTINGEN
Chancellerie du Premier Ministre	0,00	0,00	140.187,52	140.187,52	Kanselarij van de Eerste Minister
Budget et contrôle de la gestion	0,00	5.544,36	0,00	5.544,36	Budget- en beheerscontrole
Personnel et organisation	0,00	0,00	1.120,62	1.120,62	Personeel en organisatie
Technologie de l'Information et de la communication	0,00	0,00	73.878,47	73.878,47	Informatie- en communicatietechnologie
Justice	19.441.885,32	0,00	5.831,55	19.447.716,87	Justitie
Intérieur	0,00	0,00	31.197,71	31.197,71	Binnenlandse Zaken
Affaires étrangères, Commerce extérieur et coopération au développement	0,00	0,00	23.035.649,33	23.035.649,33	Buitenlandse Zaken, Buitenlandse Handel en Ontwikkelingssamenwerking
Défense nationale	148.390.770,12	0,00	50.620.944,94	199.011.715,06	Landsverdediging
Police fédérale et fonctionnement intégré	136.250,00	0,00	12.096,99	148.346,99	Federale politie en geïntegreerde werking
Finances	0,00	47.493.300,78	1.789.242,21	49.282.542,99	Financiën
Pensions	740.000,00	0,00	66.052,98	806.052,98	Pensioenen
Emploi, Travail et concertation sociale	0,00	0,00	1.101,01	1.101,01	Werkgelegenheid, Arbeid en sociaal overleg
Sécurité sociale	231.766.179,35	0,00	0,00	231.766.179,35	Sociale zekerheid
Santé publique, sécurité de la chaîne alimentaire et environnement	0,00	0,00	7.380.757,68	7.380.757,68	Volksgezondheid, veiligheid van de voedselketen en Leefmilieu
Economie, PME, Classes Moyennes et Energie	3.046.205,97	0,00	69.870,97	3.116.076,94	Economie, KMO, Middenstand en Energie
Mobilité et transports	0,00	0,00	300.044.954,61	300.044.954,61	Mobiliteit en transport
Intégration sociale, Lutte contre la pauvreté et Economie sociale	146.096.127,90	0,00	87,21	146.096.215,11	Sociale integratie, strijd tegen de armoede en sociale economie
Politique scientifique	0,00	0,00	284.613,94	284.613,94	Wetenschapsbeleid
Dette publique	0,00	2.909.308.363,48	0,00	2.909.308.363,48	Rijksschuld
Financement de l'Union Européenne	0,00	0,00	0,00	0,00	Financiering van de Europese Unie
TOTAUX	549.617.418,66	2.956.807.208,62	383.557.687,74	3.889.982.215,02	TOTALEN

(1) Y compris les paiements à l'étranger. - Inbegrepen de betalingen in het buitenland.
(2) Notamment Art. 44 des lois coordonnées sur la comptabilité de l'Etat. - Onder meer Art. 44 van de gecoördineerde wetten op de Rijkscomptabiliteit.

Tabel E

Tableau E

Rekening van uitvoering van de begroting van de Staat over het begrotingsjaar 2005 :
uitgaven die de kredieten overschrijden en waarvoor aanvullende kredieten moeten worden goedgekeurd
Compte d'exécution du budget de l'Etat pour l'année budgétaire 2005 :
dépenses qui excèdent les crédits et pour lesquelles des crédits complémentaires doivent être alloués

Nummers en tekst van de kredieten - Numéros et libellés des crédits	Toe te stane aanvullende kredieten - Crédits complémentaires à allouer
Crédits reportés de l'année budgétaire 2004 **Van het begrotingsjaar 2004 overgedragen kredieten**	
nihil	nihil
Kredieten eigen aan het begrotingsjaar 2005 **Crédits de l'année budgétaire 2005**	
nihil	nihil
TOTAAL – TOTAL	**0,00**

TABLEAU F

COMPTE DU BUDGET DE L'ANNEE BUDGETAIRE 2005
Référence : 163e Cahier de la Cour des Comptes

TABEL F

REKENING VAN DE BEGROTING VAN HET BEGROTINGSJAAR 2005
Verwijzing : 163e Boek van het Rekenhof

A. Recettes		**A. Ontvangsten**
I. Recettes courantes		**I. Lopende ontvangsten**
Recettes fiscales		Fiscale ontvangsten
Contributions directes	31.350.367.636,30	Directe belastingen
Douanes et accises	6.164.908.734,51	Douane en accijnzen
T.V.A., Enregistrement et Domaines	2.799.312.159,65	B.T.W., Registratie en Domeinen
Total des recettes fiscales	40.314.588.530,46	Totaal fiscale ontvangsten
Recettes non-fiscales		Niet-fiscale ontvangsten
Finances	1.741.243.894,41	Financiën
Autres départements	2.638.491.551,32	Andere departementen
Total des recettes non fiscales	4.379.735.445,73	Totaal niet-fiscale ontvangsten
Total des recettes courantes	44.694.323.976,19	Totaal voor de lopende ontvangsten
II. Recettes de capital		**II. Kapitaalontvangsten**
Recettes fiscales		Fiscale ontvangsten
T.V.A., Enregistrement et Domaines	0,00	B.T.W., Registratie en Domeinen
Recettes non-fiscales		Niet-fiscale ontvangsten
Finances	260.307.943,39	Financiën
Autres départements	773.900.697,95	Andere departementen
Total des recettes de capital	1.034.208.641,34	Totaal voor de kapitaalontvangsten
III. Produit des emprunts		**III. Opbrengst der leningen**
Total des produits des emprunts	37.175.812.608,71	Totaal voor de opbrengst der leningen

B. Dépenses		**B. Uitgaven**
I. Dépenses sur crédits non dissociés reportés		**I. Uitgaven op overgedragen niet-gesplitste kredieten**
Budgets		Begrotingen
BUDGET SANS PROGRAMMES		BEGROTING ZONDER PROGRAMMA'S
Dotations	772.000,00	Dotaties
BUDGETS DEPARTEMENTAUX 2002		DEPARTEMENTALE BEGROTINGEN 2002
Chancellerie du Premier Ministre	6.656.020,61	Kanselarij van de Eerste Minister
Budget et contrôle de gestion	633.492,72	Budget- en beheerscontrole
Personnel et organisation	5.158.978,34	Personeel en organisatie

Technologie de l'information et de la communication	2.436.443,13	Communicatietechnologie
Justice	114.338.567,86	Justitie
Intérieur	113.120.883,77	Binnenlandse Zaken
Affaires étrangères , Commerce extérieur et coopération au développement	161.434.162,53	Buitenlandse Zaken , Buitenlandse Handel en ontwikkelingssamenwerking
Défense nationale	463.367.592,33	Landsverdediging
Police fédérale et fonctionnement intégré	155.617.835,75	Federale politie en geïntegreerde werking
Finances	140.606.002,96	Financiën
Régie des bâtiments	83.729.000,00	Regie der gebouwen
Pensions	9.585.666,38	Pensioenen
Emploi, travail et concertation sociale	8.709.241,26	Werkgelegenheid, Arbeid en sociaal overleg
Sécurité Sociale	123.411.267,59	Sociale Zekerheid
Santé publique, sécurité de la chaîne alimentaire et Environnement	39.042.955,58	Volksgezondheid, veiligheid van de voedselketen en Leefmilieu
Intégration sociale, lutte contre la pauvreté et économie sociale	80.174.036,29	Maatschappelijke integratie, armoedebestrijding en sociale economie
Economie, P.M.E., classes moyennes et énergie	50.089.157,93	Economie, KMO, Middenstand en energie
Mobilité et transports	61.427.096,73	Mobiliteit en vervoer
Politique scientifique	32.040.953,53	Wetenschapsbeleid
Dette Publique	20.455.241,71	Rijksschuld
Financement de l'Union européenne	0,00	Financiering van de Europese Unie
Total général	**1.672.806.597,00**	**Algemeen totaal**

II. Dépenses sur crédits de l'année en cours	**II. Uitgaven op kredieten eigen aan het jaar**
Crédits	Kredieten
(a) Crédits non dissociés	(a) Niet-gesplitste kredieten
(b) Crédits dissociés d'ordonnancement	(b) Gesplitste Ordonnanceringskredieten
(c) Crédits variables - Variabele Kredieten	(c) Variabele Kredieten

Budgets			Begrotingen
BUDGET SANS PROGRAMMES			BEGROTING ZONDER PROGRAMMA'S
Dotations	(a)	418.947.277,06	Dotaties
BUDGETS DEPARTEMENTAUX 2005			DEPARTEMENTALE BEGROTINGEN 2005
Chancellerie du Premier Ministre	(a)	104.720.904,52	Kanselarij van de Eerste Minister
	(b)	0,00	
	(c)	2.029.086,21	
Budget et contrôle de la gestion	(a)	18.838.532,04	Budget en beheerscontrole
Personnel et organisation	(a)	39.812.633,67	Personeel en organisatie
	(b)	5.051.274,75	
Technologie de l'information et de la communication	(a)	10.980.635,43	Informatie- en communicatietechnologie
	(b)	11.517.696,68	
Justice	(a)	1.186.310.721,11	Justitie
	(b)	38.303.519,51	
	(c)	13.522.808,35	

Intérieur	(a)	303.688.385,04	Binnenlandse Zaken
	(b)	16.704.401,25	
	(c)	31.531.423,98	
Affaires étrangères , Commerce extérieur et Coopération au développement	(a)	745.856.400,10	Buitenlandse Zaken , Buitenlandse Handel en Ontwikkelingssamenwerking
	(b)	323.745.846,93	
	(c)	22.883.613,80	
Défense nationale	(a)	1.741.421.228,02	Landsverdediging
	(b)	288.564.102,87	
	(c)	41.898.494,03	
Police fédérale et fonctionnement intégré	(a)	1.252.512.476,13	Federale politie en geïntegreerde werking
	(b)	4.339.990,34	
	(c)	32.352.277,76	
Finances	(a)	1.394.132.932,25	Financiën
	(b)	31.151.693,91	
	(c)	3.481.066,32	
Régie des bâtiments	(a)	442.750.000,00	Regie der gebouwen
Pensions	(a)	5.960.320.184,33	Pensioenen
	(c)	1.715.436.903,01	
Emploi, travail et concertation sociale	(a)	576.499.592,24	Werkgelegenheid, arbeid en sociaal overleg
	(b)	2.984.571,05	
	(c)	11.617.944,50	
Sécurité sociale	(a)	8.126.838.131,80	Sociale zekerheid
	(c)	0,00	
Santé publique, sécurité de la chaîne alimentaire et environnement	(a)	193.066.709,97	Volksgezondheid, veiligheid van de voedselketen en leefmilieu
	(b)	5.691.401,85	
	(c)	25.806.324,56	
Intégration sociale , lutte contre la pauvreté et économie sociale	(a)	878.754.288,12	Maatschappelijke integratie, armoedebestrijding en sociale economie
	(b)	37.475.243,12	
	(c)	6.530.616,86	
Economie, PME, classes moyennes et énergie	(a)	229.104.058,10	Economie, KMO, middenstand en energie
	(b)	25.851.661,28	
	(c)	13.509.738,58	
Mobilité et transports	(a)	3.059.763.563,71	Mobiliteit en vervoer
	(b)	9.196.005,22	
	(c)	73.955.753,13	
politique scientifique	(a)	226.450.222,88	Wetenschapsbeleid
	(b)	215.905.140,73	
	(c)	7.238.797,56	
Dette publique	(a)	35.672.545.409,02	Rijksschuld
	(c)	2.206.253.443,52	
Financement de l'Union Européenne	(a)	2.146.721.149,06	Financiering van de Europese Unie
Total	(a)	64.730.035.434,60	Totaal
	(b)	1.016.482.549,49	
	(c)	4.208.048.292,17	
Total général		**69.954.566.276,26**	**Algemeen totaal**

C. Récapitulation		C. Samenvatting
I. Recettes		**I. Ontvangsten**
Recettes courantes	44.694.323.976,19	Lopende ontvangsten
Recettes de capital	1.034.208.641,34	Kapitaalontvangsten
Produits des emprunts	37.175.812.608,71	Opbrengst der leningen
Total	82.904.345.226,24	Totaal
II. Dépenses		**II. Uitgaven**
Dépenses sur crédits non dissociés reportés	1.672.806.597,00	Uitgaven op overgedragen niet-gesplitste kredieten
Dépenses sur crédits de l'année en cours		Uitgaven op kredieten eigen aan het jaar
Crédits non dissociés	64.730.035.434,60	Niet-gesplitste kredieten
Crédits dissociés d'ordonnancement	1.016.482.549,49	Gesplitste ordonnanceringskredieten
Crédits variables	4.208.048.292,17	Variabele kredieten
Sous-Total	69.954.566.276,26	Subtotaal
Total	71.627.372.873,26	Totaal
III. Excédent des recettes pour l'année budgétaire 2005	11.276.972.352,98	**III. Ontvangstenexcedent** voor het begrotingsjaar 2005

FONDS DE RESTITUTION ET D'ATTRIBUTION - TERUGBETALINGS- EN TOEWIJZINGSFONDSEN

BUDGET BEGROTING	SOLDES au 01.01.2005 — SALDI per 01.01.2005	RECETTES - ONTVANGSTEN			DEPENSES - UITGAVEN			DIFFERENCE Recettes / Dépenses — VERSCHIL Ontvangsten / Uitgaven	SOLDES au 31.12.2005 — SALDI per 31.12.2005
		Versements à la Trésorerie et chez le Caissier de l'Etat — Stortingen bij de Thesaurie en bij de Staatskassier	Versements chez les comptables * Virements internes — Stortingen bij de rekenplichtingen * Interne overboekingen	Total - Totaal	Paiements régularisés — Geregulariseerde betalingen	Paiements restant à régulariser — Betalingen die te regulariseren blijven	Total - Totaal		
18 Finances - Financiën									
1. Restitutions 1. Terugbetalingen	199.338.928,21	62.725.410,01	18.270.120.340,60	18.332.845.750,61	13.683.859.118,23	4.594.365.862,12	18.278.224.980,35	54.620.770,26	253.959.698,47
2. Attributions aux Communautés, aux régions et aux commissions communautaires françaises et flamande 2. Toewijzingen aan de Gemeenschappen, aan de Gewesten en aan de franse en vlaamse gemeenschapscommissies	72.041.320,00	0,00	25.786.926.189,00	25.786.926.189,00	10.308.629.898,00	15.478.296.291,00	25.786.926.189,00	0,00	72.041.320,00
3. Attributions à la Sécurité sociale 3. Toewijzingen aan de Sociale Zekerheid	205.725.717,27	0,00	9.569.938.402,91	9.569.938.402,91	443.986.478,08	8.613.868.047,00	9.057.854.525,08	512.083.877,83	717.809.595,10
4. Attribution au bureau de sélection de l'administration fédérale 4. Toewijzing aan het selectiebureau van de federale overheid	0,00	0,00	0,00	0,00	0,00	0,00	0,00	0,00	0,00
5. Attribution au fonds de vieillissement 5. Toewijzing aan het zilverfonds	0,00	0,00	0,00	0,00	0,00	0,00	0,00	0,00	0,00
6. Attributions aux zones de police 6. Toewijzingen aan de politiezones	0,00	0,00	18.149.345,00	18.149.345,00	0,00	18.149.345,00	18.149.345,00	0,00	0,00
7. Affectations aux ménages 7. Toewijzing aan de gezinnen	0,00	0,00	111.888.511,86	111.888.511,86	0,00	113.310.911,86	113.310.911,86	-1.422.400,00	-1.422.400,00
8. Attributions diverses 8. Diverse toewijzingen	0,00	0,00	8.562.500,00	8.562.500,00	0,00	8.562.500,00	8.562.500,00	0,00	0,00
TOTAUX - TOTALEN	477.106.965,48	62.725.410,01	53.765.685.289,37	53.828.410.699,38	24.436.475.494,31	28.826.552.956,98	53.263.128.451,29	565.282.248,09	1.042.388.213,57

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TABLEAU G

SERVICES DE L'ETAT A GESTION SEPAREE - STAATSDIENSTEN MET AFZONDERLIJK BEHEER
(comptes de gestion - beheersrekeningen)

TABEL G

BUDGET BEGROTING	SOLDES au 01.01.2005 — SALDI per 01.01.2005	RECETTES - ONTVANGSTEN			DEPENSES - UITGAVEN			DIFFERENCE Recettes / Dépenses — VERSCHIL Ontvangsten / Uitgaven	SOLDES au 31.12.2005 — SALDI per 31.12.2005
		Versements à la Trésorerie et chez le Caissier de l'Etat — Stortingen bij de Thesaurie en bij de Staatskassier	Versements chez les comptables * Virements internes — Stortingen bij de rekenplichtingen * Interne overboekingen	Total - Totaal	Paiements régularisés — Geregulariseerde betalingen	Paiements restant à régulariser — Betalingen die te regulariseren blijven	Total - Totaal		
personnel et organisation personeel en organisatie	8.133.842,39	0,00	55.000.000,00	55.000.000,00	2.976.097,27	0,00	2.976.097,27	52.023.902,73	60.157.745,12
Justice Justitie	61.627,20	0,00	661.577,14	661.577,14	0,00	604.577,69	604.577,69	56.999,45	118.626,65
Intérieur Binnenlandse Zaken	8.476,14	0,00	211.169,32	211.169,32	0,00	206.230,78	206.230,78	4.938,54	13.414,68
Affaires Etrangères , Commerce Extérieur et Coopération au développement Buitenlandse Zaken , Buitenlandse Handel en Ontwikkelingssamenwerking	24.651,02	0,00	384.047,60	384.047,60	0,00	363.937,81	363.937,81	20.109,79	44.760,81
Finances Financiën	7.221.232,46	0,00	13.279.127,59	13.279.127,59	1.195.329,99	9.225.734,26	10.421.064,25	2.858.063,34	10.079.295,80
Intégration sociale, lutte contre la pauvreté et économie sociale Maatschappelijke integratie, armoedebestrijding en sociale economie	586.961,40	0,00	3.720.496,40	3.720.496,40	0,00	3.635.378,02	3.635.378,02	85.118,38	672.079,78
Politique scientifique Wetenschapsbeleid	5.798.085,52	0,00	8.626.372,00	8.626.372,00	0,00	7.918.434,73	7.918.434,73	707.937,27	6.506.022,79
TOTAUX - TOTALEN	21.834.876,13	0,00	81.882.790,05	81.882.790,05	4.171.427,26	21.954.293,29	26.125.720,55	55.757.069,50	77.591.945,63

SERVICES DE L'ETAT A GESTION SEPAREE - COMPTES D'EXECUTION
STAATSDIENSTEN MET AFZONDERLIJK BEHEER - UITVOERINGSREKENINGEN

Référence : 163 ème Cahier de la Cour des comptes
Verwijzing : 163 ste Boek van het Rekenhof

RECETTES - ONTVANGSTEN Service de l'Etat à gestion séparée - Staatsdienst met afzonderlijk Beheer	Situation des recettes - Toestand van de ontvangsten				Règlement des droits non recouvrés - Regeling van de niet ingevorderde vastgestelde rechten		Différence entre les prévisions et les recettes comptabilisées - Verschil tussen de ramingen en de geboekte ontvangsten	
	Prévisions - Ramingen	Droits constatés - Vastgestelde rechten	Recettes imputées - Aangerekende ontvangsten	Différence entre droits constatés et recettes imputées - Verschil tussen vastgestelde rechten en aangerekende ontvangsten	A annuler ou à porter en suréance indéfinie - Te annuleren of in onbepaald uitstel te brengen	A reporter - Over te dragen	Excédent des prévisions sur les recouvrements - Meer geraamd dan ingevorderd	Excédent des recouvrements sur les prévisions - Meer ingevorderd dan geraamd
Musée royal de l'armée 2003 *Koninklijk legermuseum 2003*	4.914.800,00	4.952.558,48	2.469.058,48	2.483.500,00	0,00	2.483.500,00	2.445.741,52	0,00
Service de restauration et d'hôtellerie de la défense 2003 *Restauratie en hoteldienst van defensie 2003*	29.500.000,00	26.607.167,69	23.167.476,76	3.439.690,93	0,00	3.439.690,93	6.332.523,24	0,00
La Bibliothèque royale de Belgique 2003 *Koninklijke bibliotheek van België 2003*	6.509.792,00	6.513.682,37	6.513.682,37	0,00	0,00	0,00	0,00	3.890,37
Les Archives générales du Royaume et les Archives de l'Etat dans les provinces 2003 *Algemeen rijksarchief en rijksarchief in de provinciën 2003*	4.965.970,00	4.965.385,21	4.965.385,21	0,00	0,00	0,00	584,79	0,00
Centre d'Etudes et de Documentation "Guerre et Sociétés contemporaines" 2003 *Studie- en documentatiecentrum "Oorlog en hedendaagse maatschappij" 2003*	1.459.963,00	1.433.672,86	1.433.672,86	0,00	0,00	0,00	26.290,14	0,00
L'Institut royal du Patrimoine artistique 2003 *Koninklijke Instituut voor het kunstpatrimonium 2003*	1.727.700,00	2.583.411,06	2.583.411,06	0,00	0,00	0,00	0,00	855.711,06
Centre international de presse 2004 *Internationaal persecentrum 2004*	2.555.896,00	3.466.314,75	2.869.350,36	596.964,39	32.270,75	564.693,64	0,00	313.454,36
Selor 2004 *Selor 2004*	12.422.000,00	12.250.914,47	12.221.131,75	29.782,72	0,00	29.782,72	200.868,25	0,00
FED + 2004 *FED + 2004*	241.985,46	243.520,20	241.534,74	1.985,46	1.985,46	0,00	450,72	0,00
Musée royal de l'armée 2004 *Koninklijk legermuseum 2004*	6.147.000,00	6.394.800,44	6.394.800,44	0,00	0,00	0,00	0,00	247.800,44
Service de restauration et d'hôtellerie de la défense 2004 *Restauratie en hoteldienst van defensie 2004*	29.500.000,00	27.582.447,65	24.788.492,17	2.793.955,48	0,00	2.793.955,48	4.711.507,83	0,00

TABEL H TABLEAU H

SERVICES DE L'ETAT A GESTION SEPAREE - COMPTES D'EXECUTION
STAATSDIENSTEN MET AFZONDERLIJK BEHEER - UITVOERINGSREKENINGEN

Référence : 163 ème Cahier de la Cour des comptes
Verwijzing : 163 ste Boek van het Rekenhof

DEPENSES - UITGAVEN	Allocation des crédits - Toekenning van de kredieten				Situation des dépenses - Toestand van de uitgaven	Règlement des crédits - Regeling van de kredieten		
Service de l'Etat à gestion séparée - Staatsdienst met afzonderlijk Beheer	Budgets primitifs - Oorspronkelijke begrotingen	Ajustement des crédits (résultat net) - Aanpassing van de kredieten (netto resultaat)	Crédits reportés - Overgedragen kredieten	Total - Totaal	Totaux des dépenses - Totalen der uitgaven	Crédits complémentaires à accorder - Toe te kennen aanvullende kredieten	Crédits à annuler définitivement - Definitief te annuleren kredieten	Crédits à reporter - Over te dragen kredieten
Musée royal de l'armée 2003 *Koninklijk legermuseum 2003*	4.265.000,00	0,00	0,00	4.265.000,00	1.121.730,20	0,00	3.143.269,80	0,00
Service de restauration et d'hôtellerie de la défense 2003 *Restauratie en hoteldienst van defensie 2003*	29.500.000,00	0,00	0,00	29.500.000,00	18.429.524,99	0,00	11.070.475,01	0,00
La Bibliothèque royale de Belgique 2003 *Koninklijke bibliotheek van België 2003*	6.509.792,00	0,00	0,00	6.509.792,00	5.782.800,58	0,00	726.991,42	0,00
Les Archives générales du Royaume et les Archives de l'Etat dans les provinces 2003 *Algemeen rijksarchief en rijksarchief in de provinciën 2003*	5.448.265,00	0,00	0,00	5.448.265,00	4.680.191,04	0,00	768.073,96	0,00
Centre d'Etudes et de Documentation "Guerre et Sociétés contemporaines" 2003 *Studie- en documentatiecentrum "Oorlog en hedendaagse maatschappij" 2003*	1.459.963,00	0,00	0,00	1.459.963,00	1.561.419,10	101.456,10	0,00	0,00
L'Institut royal du Patrimoine artistique 2003 *Koninklijk Instituut voor het kunstpatrimonium 2003*	1.739.400,00	0,00	0,00	1.739.400,00	2.183.170,69	443.770,69	0,00	0,00
Centre international de presse 2004 *Internationaal perscentrum 2004*	2.478.828,00	0,00	775.714,68	3.254.542,68	1.719.239,27	92.062,72	1.627.366,13	0,00
Selor 2004 *Selor 2004*	15.217.000,00	0,00	0,00	15.217.000,00	15.499.894,91	702.041,68	419.146,77	0,00
FED + 2004 *FED + 2004*	240.000,00	0,00	0,00	240.000,00	280.167,50	81.224,74	41.057,24	0,00
Musée royal de l'armée 2004 *Koninklijk legermuseum 2004*	3.001.007,00	0,00	0,00	3.001.007,00	3.065.946,79	399.751,18	334.811,39	0,00
Service de restauration et d'hôtellerie de la défense 2004 *Restauratie en hoteldienst van defensie 2004*	29.500.000,00	0,00	0,00	29.500.000,00	24.398.132,90	0,00	5.101.867,10	0,00

TABLEAU H

TABEL H

SERVICES DE L'ETAT A GESTION SEPAREE - COMPTES D'EXECUTION
STAATSDIENSTEN MET AFZONDERLIJK BEHEER - UITVOERINGSREKENINGEN

Référence : 163 ème Cahier de la Cour des comptes
Verwijzing : 163 ste Boek van het Rekenhof

RECAPITULATION SAMENVATTING Service de l'Etat à gestion séparée Staatsdienst met afzonderlijk Beheer	solde au 01/01 - saldo op 01/01	recettes - ontvangsten	dépenses - uitgaven	solde de l'année - saldo van het jaar	solde au 31/12 - saldo op 31/12
Musée royal de l'armée 2003 *Koninklijk legermuseum 2003*	0,00	2.469.058,48	1.121.730,20	1.347.328,28	1.347.328,28
Service de restauration et d'hôtellerie de la défense 2003 *Restauratie en hoteldienst van defensie 2003*	0,00	23.167.476,76	18.429.524,99	4.737.951,77	4.737.951,77
La Bibliothèque royale de Belgique 2003 *Koninklijke bibliotheek van België 2003*	3.428.032,37	6.513.682,37	5.782.800,58	730.881,79	4.158.914,16
Les Archives générales du Royaume et les Archives de l'Etat dans les provinces 2003 *Algemeen rijksarchief en rijksarchief in de provinciën 2003*	4.002.988,61	4.965.385,21	4.680.191,04	285.194,17	4.288.182,78
Centre d'Etudes et de Documentation "Guerre et Sociétés contemporaines" 2003 *Studie- en documentatiecentrum "Oorlog en hedendaagse maatschappij" 2003*	155.738,92	1.433.672,86	1.561.419,10	-127.746,24	27.992,68
L'Institut royal du Patrimoine artistique 2003 *Koninklijk Instituut voor het kunstpatrimonium 2003*	1.496.688,99	2.583.411,06	2.183.170,69	400.240,37	1.896.929,36
Centre International de presse 2004 *International persecentrum 2004*	314.656,02	2.869.350,36	1.719.239,27	1.150.111,09	1.464.767,11
Sabor 2004 *Sabor 2004*	5.010.407,18	12.221.131,75	15.499.894,91	-3.278.763,16	1.731.644,02
FED + 2004 *FED + 2004*	99.069,76	241.534,74	280.167,50	-38.632,76	60.437,00
Musée royal de l'armée 2004 *Koninklijk legermuseum 2004*	1.347.328,28	6.394.800,44	3.065.946,79	3.328.853,65	4.676.181,93
Service de restauration et d'hôtellerie de la défense 2004 *Restauratie en hoteldienst van defensie 2004*	7.032.559,96	24.788.492,17	24.398.132,90	390.359,27	7.422.919,23

SERVICE PUBLIC FEDERAL FINANCES

F. 2007 — 1148 [C − 2007/03126]

14 FEVRIER 2007. — Loi contenant le règlement définitif des budgets d'organismes d'intérêt public pour l'année 1997 (1)

ALBERT II, Roi des Belges,

A tous, présents et à venir, Salut.

La Chambre des représentants a adopté et Nous sanctionnons ce qui suit :

Article 1er. La présente loi règle une matière visée à l'article 74, 3° de la Constitution.

Art. 2. Office régulateur de la navigation intérieure

(Institué par l'arrêté-loi du 12 décembre 1944)

Référence budgétaire :

Loi du 16 décembre 1996 contenant le budget général des dépenses pour l'année budgétaire 1997, article 2.33.5.

Le règlement définitif du budget de l'Office régulateur de la Navigation intérieure pour l'année de gestion 1997 se présente comme suit : (en francs)

FEDERALE OVERHEIDSDIENST FINANCIEN

N. 2007 — 1148 [C − 2007/03126]

14 FEBRUARI 2007. — Wet houdende eindregeling van de begrotingen van de instellingen van openbaar nut van het jaar 1997 (1)

ALBERT II, Koning der Belgen,

Aan allen die nu zijn en hierna wezen zullen, Onze Groet.

De Kamer van volksvertegenwoordigers heeft aangenomen en Wij bekrachtigen hetgeen volgt :

Artikel 1. Deze wet regelt een aangelegenheid bedoeld in artikel 74, 3°, van de Grondwet.

Art. 2. Dienst voor Regeling der Binnenvaart

(Ingesteld bij besluitwet van 12 december 1944)

Begrotingsverwijzing :

Wet van 16 december 1996 houdende de algemene uitgavenbegroting voor het begrotingsjaar 1997, artikel 2.33.5.

De eindregeling van de begroting van de Dienst voor Regeling der Binnenvaart voor het beheersjaar 1997 is voorgesteld als volgt : (in franken)

a) engagements (pour mémoire)

b) recettes

Recettes prévues dans la loi budgétaire

95.730.000

Recettes imputées

97.063.384

Différence

1.333.384

c) dépenses

Crédits

1° alloués par la loi budgétaire

95.730.000

2° alloués en application de l'article 5 de la loi du 16 mars 1954

- 1.350.000

Total des crédits

94.380.000

Dépenses imputées

84.043.068

Excédent de crédits à annuler

10.336.932

d) récapitulation

Le résultat définitif du budget de l'année de gestion 1997 se résume comme suit :

recettes

97.063.384

dépenses

84.043.068

Excédent de recettes

13.020.316

Le résultat de l'année de gestion 1997 vient s'ajouter au solde budgétaire cumulé existant au 31 décembre de l'année de gestion précédente, soit 17.518.280.F (solde créditeur), ce qui porte le solde budgétaire cumulé au 31 décembre de l'année de gestion 1997 à 30.538.596.F (solde créditeur)

e) budget pour ordre

Prévisions

recettes

111.900.000

dépenses

113.900.000

Opérations pour ordre réalisées

recettes

493.720.365

dépenses

449.424.258

excédent de recettes

44.296.107

Résultat pour ordre cumulé

Résultat cumulé au 31 décembre 1996

45.038.690

résultat de l'année

44.296.107

résultat cumulé au 31 décembre 1997

89.334.797

Art. 3. Office de renseignements et d'aide aux familles des militaires

(Institué par l'arrêté du 14 décembre 1940 prorogé par la loi du 12 juillet 1952)

a) vastleggingen (pro memorie)

b) ontvangsten

Ontvangsten voorzien in de begrotingswet

95.730.000

Aangerekende ontvangsten

97.063.384

Verschil

1.333.384

c) uitgaven

Kredieten

1° toegekend bij de begrotingswet

95.730.000

2° toegekend in toepassing van artikel 5 van de wet van 16 maart 1954

- 1.350.000

Totaal van de kredieten

94.380.000

Aangerekende uitgaven

84.043.068

Kredietoverschot te annuleren

10.336.932

d) samenvatting

De eindregeling van de begroting voor het beheersjaar 1997 wordt samengevat als volgt :

ontvangsten

97.063.384

uitgaven

84.043.068

Overschot van ontvangsten

13.020.316

Het resultaat voor het beheersjaar 1997 wordt gevoegd bij het gecumuleerd begrotingssaldo op 31 december van het vorige beheersjaar, hetzij 17.518.280.F (creditsaldo), wat het gecumuleerd begrotingssaldo op 31 december van het beheersjaar 1997 brengt op 30.538.596.F (creditsaldo)

e) begroting voor orde

Ramingen

ontvangsten

111.900.000

uitgaven

113.900.000

Uitgevoerde ordeverrichtingen

ontvangsten

493.720.365

uitgaven

449.424.258

overschot van ontvangsten

44.296.107

Gecumuleerd resultaat voor orde

gecumuleerd resultaat op 31 december 1996

45.038.690

resultaat van het jaar

44.296.107

gecumuleerd resultaat op 31 december 1997.

89.334.797

Art. 3. Hulp- en informatiebureau voor gezinnen van militairen

(Ingesteld bij besluit van 14 december 1940 verlengd bij de wet van 12 juli 1952)

Référence budgétaire :

Loi du 16 décembre 1996 contenant le budget général des dépenses pour l'année budgétaire 1997, article 2.16.17

Le règlement définitif du budget de l'Office de renseignements et d'aide aux familles des militaires pour l'année de gestion 1997 se présente comme suit : (en francs)

a) engagements (pour mémoire)

b) recettes

Recettes prévues dans la loi budgétaire

170.550.000

Recettes imputées

171.034.511

Différence

484.511

c) dépenses

Crédits

1° alloués par la loi budgétaire

170.550.000

2° alloués en application de l'article 5 de la loi du 16 mars 1954

- 2.400.000

3° complémentaires sur lesquels le législateur doit statuer

13.051.742

Total des crédits

181.201.742

Dépenses imputées

166.674.143

Excédent de crédits à annuler

14.527.599

d) récapitulation

Le résultat définitif du budget de l'année de gestion 1997 se résume comme suit :

recettes

171.034.511

dépenses

166.674.143

Excédent de recettes

4.360.368

Le résultat de l'année de gestion 1997 vient s'ajouter au solde budgétaire cumulé existant au 31 décembre de l'année de gestion précédente, soit 27.574.988.F (solde créditeur), ce qui porte le solde budgétaire cumulé au 31 décembre de l'année de gestion 1997 à 31.935.356.F (solde créditeur)

Art. 4. Institut d'expertise vétérinaire

(institué par la loi du 13 juillet 1981)

Référence budgétaire :

Loi du 16 décembre 1996 contenant le budget général des dépenses pour l'année budgétaire 1997, article 2.26.12

Le règlement définitif du budget de l'Institut d'expertise vétérinaire pour l'année de gestion 1997 se présente comme suit : (en francs)

a) engagements (pour mémoire)

b) recettes

Recettes prévues dans la loi budgétaire

2.282.400.000

Recettes imputées

2.453.655.851

Différence

171.255.851

c) dépenses

1° Crédits alloués par la loi budgétaire

2.210.100.000

Begrotingsverwijzing :

Wet van 16 december 1996 houdende de algemene uitgavenbegroting voor het begrotingsjaar 1997, artikel 2.16.17

De eindregeling van de begroting van het Hulp- en Informatiebureau voor gezinnen van militairen voor het beheersjaar 1997 is vastgesteld als volgt : (in franken)

a) vastleggingen (pro memorie)

b) ontvangsten

Ontvangsten voorzien in de begrotingswet

170.550.000

Aangerekende ontvangsten

171.034.511

Verschil

484.511

c) uitgaven

Kredieten

1° toegekend bij de begrotingswet

170.550.000

2° toegekend in toepassing van artikel 5 van de wet van 16 maart 1954

- 2.400.000

3° aanvullende kredieten waarover de wetgever uitspraak dient te doen

13.051.742

Totaal van de kredieten

181.201.742

Aangerekende uitgaven

166.674.143

Kredietoverschot te annuleren

14.527.599

d) samenvatting

De eindregeling van de begroting voor het beheersjaar 1997 wordt samengevat als volgt :

ontvangsten

171.034.511

uitgaven

166.674.143

Overschot van ontvangsten

4.360.368

Het resultaat voor het beheersjaar 1997 wordt gevoegd bij het gecumuleerd begrotingssaldo op 31 december van het vorige beheersjaar, hetzij 27.574.988.F (creditsaldo), wat het gecumuleerd begrotingssaldo op 31 december van het beheersjaar 1997 brengt op 31.935.356.F (creditsaldo)

Art. 4. Instituut voor veterinaire keuring

(ingesteld bij de wet van 13 juli 1981)

Begrotingsverwijzing :

Wet van 16 december 1996 houdende de algemene uitgavenbegroting voor het begrotingsjaar 1997, artikel 2.26.12

De eindregeling van de begroting van het Instituut voor Veterinaire Keuring voor het beheersjaar 1997 is vastgesteld als volgt : (in franken)

a) vastleggingen (pro memorie)

b) ontvangsten

Ontvangsten voorzien in de begrotingswet

2.282.400.000

Aangerekende ontvangsten

2.453.655.851

Verschil

171.255.851

c) uitgaven

1° Kredieten toegekend bij de begrotingswet

2.210.100.000

2° complémentaires pour les dépenses au-delà du montant des crédits non limitatifs

145.598.922

Total des crédits

2.355.698.922

Dépenses imputées

2.256.380.191

Excédent de crédits à annuler

99.318.731

d) récapitulation

Le résultat définitif du budget de l'année de gestion 1997 se résume comme suit :

recettes

2.453.655.851

dépenses

2.256.380.191

Excédent de recettes

197.275.660

Le résultat de l'année de gestion 1997 vient s'ajouter au solde budgétaire cumulé existant au 31 décembre de l'année de gestion précédente, soit 1.425.196.605.F (solde créditeur), ce qui porte le solde budgétaire cumulé au 31 décembre de l'année de gestion 1997 à 1.622.472.265.F (solde créditeur)

Art. 5. Institut national de recherche sur les conditions de travail

(transformé du statut d'organisme de catégorie B en catégorie A par la loi du 20 juillet 1991)

Référence budgétaire :

Loi du 16 décembre 1996 contenant le budget général des dépenses pour l'année budgétaire 1997, article 2.23.8

Le règlement définitif du budget de l'Institut national de recherche sur les conditions de travail pour l'année de gestion 1997 se présente comme suit : (en francs)

a) engagements (pour mémoire)

b) recettes

Recettes prévues dans la loi budgétaire

32.500.000

Recettes imputées

33.695.815

Différence

1.195.815

c) dépenses

Crédits

1° alloués par la loi budgétaire

32.500.000

2° alloués en application de l'article 5 de la loi du 16 mars 1954

- 2.093.774

3° complémentaires sur lesquels le législateur doit statuer

11.413.162

Total des crédits

41.819.388

Dépenses imputées

38.395.333

Excédent de crédits à annuler

3.424.055

d) récapitulation

Le résultat définitif du budget de l'année de gestion 1997 se résume comme suit :

recettes

33.695.815

2° aanvullende kredieten voor de uitgaven boven het oorspronkelijke bedrag niet-limitatieve kredieten

145.598.922

Totaal van de kredieten

2.355.698.922

Aangerekende uitgaven

2.256.380.191

Kredietoverschot te annuleren

99.318.731

d) samenvatting

De eindregeling van de begroting voor het beheersjaar 1997 wordt samengevat als volgt :

ontvangsten

2.453.655.851

uitgaven

2.256.380.191

Overschot van ontvangsten

197.275.660

Het resultaat voor het beheersjaar 1997 wordt gevoegd bij het gecumuleerd begrotingssaldo op 31 december van het vorige beheersjaar, hetzij 1.425.196.605.F (creditsaldo), wat het gecumuleerd begrotingssaldo op 31 december van het beheersjaar 1997 brengt op 1.622.472.265.F (creditsaldo)

Art. 5. Nationaal onderzoeksinstituut voor arbeidsomstandigheden

(omgevormd van het statuut van instelling van categorie B naar categorie A bij de wet van 20 juli 1991)

Begrotingsverwijzing :

Wet van 16 december 1996 houdende de algemene uitgavenbegroting voor het begrotingsjaar 1997, artikel 2.23.8

De eindregeling van de begroting van het Nationaal onderzoeksinstituut voor arbeidsomstandigheden voor het beheersjaar 1997 is vastgesteld als volgt : (in franken)

a) vastleggingen (pro memorie)

b) ontvangsten

Ontvangsten voorzien in de begrotingswet

32.500.000

Aangerekende ontvangsten

33.695.815

Verschil

1.195.815

c) uitgaven

Kredieten

1° toegekend bij de begrotingswet

32.500.000

2° toegekend in toepassing van artikel 5 van de wet van 16 maart 1954

- 2.093.774

3° aanvullende kredieten waarover de wetgever uitspraak dient te doen

11.413.162

Totaal van de kredieten

41.819.388

Aangerekende uitgaven

38.395.333

Kredietoverschot te annuleren

3.424.055

d) samenvatting

De eindregeling van de begroting voor het beheersjaar 1997 wordt samengevat als volgt :

ontvangsten

33.695.815

dépenses

38.395.333

Excédent de dépenses

4.699.518

Le résultat de l'année de gestion 1997 vient s'ajouter au solde budgétaire cumulé existant au 31 décembre de l'année de gestion précédente, soit 32.552.683.F (solde créditeur), ce qui porte le solde budgétaire cumulé au 31 décembre de l'année de gestion 1997 à 27.853.165.F (solde créditeur)

Art. 6. Régie des bâtiments

(instituée par la loi du 1er avril 1971)

Référence budgétaire :

Loi du 16 décembre 1996 contenant le budget général des dépenses pour l'année budgétaire 1997, article 2.19.7

Le règlement définitif du budget de la Régie des bâtiments pour l'année de gestion 1997 se présente comme suit : (en francs)

a) engagements

Crédits d'engagement alloués pour l'année budgétaire 1997

10.476.427.000

Engagements imputés

7.544.657.849

Excédent de crédits à annuler

2.931.769.151

b) recettes

Recettes prévues dans la loi budgétaire

21.499.165.000

Recettes imputées

21.544.559.538

Différence

45.394.538

c) dépenses

Crédits

1° alloués par la loi budgétaire

21.487.165.000

2° complémentaires sur lesquels le législateur doit statuer

13.660.219

3° complémentaires pour les dépenses au-delà du montant des crédits non limitatifs

343.995.322

Total des crédits

21.844.820.541

Dépenses imputées

19.810.109.181

Excédent de crédits à annuler

2.034.711.360

uitgaven

38.395.333

Overschot van uitgaven

4.699.518

Het resultaat voor het beheersjaar 1997 wordt gevoegd bij het gecumuleerd begrotingssaldo op 31 december van het vorige beheersjaar, hetzij 32.552.683.F (creditsaldo), wat het gecumuleerd begrotingssaldo op 31 december van het beheersjaar 1997 brengt op 27.853.165.F (creditsaldo)

Art. 6. Regie der gebouwen

(ingesteld bij de wet van 1 april 1971)

Begrotingsverwijzing :

Wet van 16 december 1996 houdende de algemene uitgavenbegroting voor het begrotingsjaar 1997, artikel 2.19.7

De eindregeling van de begroting van de Regie der gebouwen voor het beheersjaar 1997 is vastgesteld als volgt : (in franken)

a) vastleggingen

Vastleggingskredieten toegekend voor het begrotingsjaar 1997

10.476.427.000

Aangerekende vastleggingen

7.544.657.849

Te annuleren overschot van kredieten

2.931.769.151

b) ontvangsten

Ontvangsten voorzien in de begrotingswet

21.499.165.000

Aangerekende ontvangsten

21.544.559.538

Verschil

45.394.538

c) uitgaven

Kredieten

1° toegekend bij de begrotingswet

21.487.165.000

2° aanvullende kredieten waarover de wetgever uitspraak dient te doen

13.660.219

3° aanvullende kredieten voor de uitgaven boven het oorspronkelijke bedrag niet-limitatieve kredieten

343.995.322

Totaal van de kredieten

21.844.820.541

Aangerekende uitgaven

19.810.109.181

Kredietoverschot te annuleren

2.034.711.360

d) récapitulation

Le résultat définitif du budget de l'année de gestion 1997 se résume comme suit :

recettes

21.544.559.538

dépenses

19.810.109.181

Excédent de recettes

1.734.450.357

Le résultat de l'année de gestion 1997 vient s'ajouter au solde budgétaire cumulé existant au 31 décembre de l'année de gestion précédente, soit 5.141.670.133.F (solde créditeur), ce qui porte le solde budgétaire cumulé au 31 décembre de l'année de gestion 1997 à 6.876.120.490.F (solde créditeur)

e) budget pour ordre

Prévisions

recettes

85.100.000

dépenses

85.100.000

Opérations pour ordre réalisées

recettes

688.833.383

dépenses

294.726.722

excédent de recettes

394.106.661

Résultat pour ordre cumulé

Résultat cumulé au 31 décembre 1996

238.265.030

résultat de l'année

394.106.661

résultat cumulé au 31 décembre 1997

632.371.691

Art. 7. Institut belge des services postaux et des télécommunications

(Institué par la loi du 21 mars 1991)

Référence budgétaire :

Loi du 6 juillet 1997 contenant le deuxième ajustement du budget général des dépenses pour l'année budgétaire 1997, article 2.33.2

Le règlement définitif du budget de l'Institut belge des services postaux et des télécommunications pour l'année de gestion 1997 se présente comme suit : (en francs)

a) engagements (pour mémoire)

b) recettes

Recettes prévues dans la loi budgétaire

884.300.000

Recettes imputées

730.606.369

d) samenvatting

De eindregeling van de begroting voor het beheersjaar 1997 wordt samengevat als volgt :

ontvangsten

21.544.559.538

uitgaven

19.810.109.181

Overschot van ontvangsten

1.734.450.357

Het resultaat voor het beheersjaar 1997 wordt gevoegd bij het gecumuleerd begrotingssaldo op 31 december van het vorige beheersjaar, hetzij 5.141.670.133.F (creditsaldo), wat het gecumuleerd begrotingssaldo op 31 december van het beheersjaar 1997 brengt op 6.876.120.490.F (creditsaldo)

e) begroting voor orde

Ramingen

ontvangsten

85.100.000

uitgaven

85.100.000

Uitgevoerde ordeverrichtingen

ontvangsten

688.833.383

uitgaven

294.726.722

overschot van ontvangsten

394.106.661

Gecumuleerd resultaat voor orde

gecumuleerd resultaat op 31 december 1996

238.265.030

resultaat van het jaar

394.106.661

gecumuleerd resultaat op 31 december 1997.

632.371.691

Art. 7. Belgisch instituut voor postdiensten en telecommunicatie

(Ingesteld bij wet van 21 maart 1991)

Begrotingsverwijzing :

Wet van 6 juli 1997 houdende tweede aanpassing van de algemene uitgavenbegroting voor het begrotingsjaar 1997, artikel 2.33.2

De eindregeling van de begroting van het Belgisch instituut voor postdiensten en telecommunicatie voor het beheersjaar 1997 is voorgesteld als volgt : (in franken)

a) vastleggingen (pro memorie)

b) ontvangsten

Ontvangsten voorzien in de begrotingswet

884.300.000

Aangerekende ontvangsten

730.606.369

Différence

153.693.631

c) dépenses

Crédits

1° alloués par la loi budgétaire

884.300.000

2° alloués en application de l'article 5 de la loi du 16 mars 1954

29.620.000

3° complémentaires sur lesquels le législateur doit statuer

9.794.720

4° complémentaires pour les dépenses au-delà du montant des crédits non limitatifs

84.633

Total des crédits

923.799.353

Dépenses imputées

813.827.621

Excédent de crédits à annuler

109.971.732

d) récapitulation

Le résultat définitif du budget de l'année de gestion 1997 se résume comme suit :

recettes

730.606.369

dépenses

813.827.621

Excédent de dépenses

83.221.252

Le résultat de l'année de gestion 1997 vient s'ajouter au solde budgétaire cumulé existant au 31 décembre de l'année de gestion précédente, soit 297.255.449.F (solde créditeur), ce qui porte le solde budgétaire cumulé au 31 décembre de l'année de gestion 1997 à 214.034.197.F (solde créditeur)

Promulguons la présente loi, ordonnons qu'elle soit revêtue du sceau de l'Etat et publiée par le *Moniteur belge.*

Donné à Bruxelles, le 14 février 2007

ALBERT

Par le Roi :

Le Ministre des Finances,
D. REYNDERS

Scellé du sceau de l'Etat :

La Ministre de la Justice,
L. ONKELINX

Notes

(1) *Session 2006-2007.*
Chambre des représentants.
Documents — 51-2791/1 : Projet de loi. — 51-2791/2 : Rapport. — 51-2791/3 : Texte adopté en séance plénière et soumis à la sanction royale.

TABLEAUX

Tableau A résultat des budgets

Tableau B engagements

Tableau C paiements

Verschil

153.693.631

c) uitgaven

Kredieten

1° toegekend bij de begrotingswet

884.300.000

2° toegekend in toepassing van artikel 5 van de wet van 16 maart 1954

29.620.000

3° aanvullende kredieten waarover de wetgever uitspraak dient te doen

9.794.720

4° aanvullende kredieten voor de uitgaven boven het oorspronkelijke bedrag niet-limitatieve kredieten

84.633

Totaal van de kredieten

923.799.353

Aangerekende uitgaven

813.827.621

Kredietoverschot te annuleren

109.971.732

d) samenvatting

De eindregeling van de begroting voor het beheersjaar 1997 wordt samengevat als volgt :

ontvangsten

730.606.369

uitgaven

813.827.621

Overschot van uitgaven

83.221.252

Het resultaat voor het beheersjaar 1997 wordt gevoegd bij het gecumuleerd begrotingssaldo op 31 december van het vorige beheersjaar, hetzij 297.255.449.F (creditsaldo), wat het gecumuleerd begrotingssaldo op 31 december van het beheersjaar 1997 brengt op 214.034.197.F (creditsaldo)

Kondigen deze wet af, bevelen dat zij met 's Lands zegel zal worden bekleed en door het *Belgisch Staatsblad* zal worden bekendgemaakt.

Gegeven te Brussel, 14 februari 2007

ALBERT

Van Koningswege :

De Minister van Financiën,
D. REYNDERS

Met 's Lands zegel gezegeld :

De Minister van Justitie,
L. ONKELINX

Nota's

(1) *Zitting 2006-2007.*
Kamer van volksvertegenwoordigers.
Stukken. — 51-2791/1 : Wetsontwerp. — 51-2791/2 : Verslag. — 51-2791/3 : Tekst aangenomen in de plenaire vergadering en aan de Koning ter bekrachtiging voorgelegd.

TABELLEN

Tabel A resultaat van de begrotingen

Tabel B vastleggingen

Tabel C betalingen

ORGANISMES D'INTERET PUBLIC - INSTELLINGEN VAN OPENBAAR NUT

Année budgétaire 1997 — Begrotingsjaar 1997 Référence : 155e Cahier de la Cour des comptes, fascicule II B

Verwijzing : 155e Boek van het Rekenhof, deel II B

Tableau A : résultat des budgets

Tabel A : resultaat van de begrotingen

Organismes d'intérêt public — Instellingen van openbaar nut	Situation au début de l'année — Toestand bij het begin van het jaar	Opérations de l'année — Verrichtingen van het jaar		Résultat budgétaire de l'année — Begrotingsresultaat van het jaar		Résultat général des budgets — Algemeen resultaat van de begrotingen
	Excédent de recettes — Excedent ontvangsten	Recettes imputées — Aangerekende ontvangsten	Dépenses imputées — Aangerekende uitgaven	Excédent de dépenses — Excedent uitgaven	Excédent de recettes — Excedent ontvangsten	Excédent de recettes — Excedent ontvangsten
Office de renseignements et d'aide aux familles des militaires	27.574.988	171.034.511	166.674.143	0	4.360.368	31.935.356
Hulp- en informatiebureau voor gezinnen van militairen						
Institut national de recherche sur les conditions de travail	32.552.683	33.695.815	38.395.333	4.699.518	0	27.853.165
Nationaal onderzoeksinstituut voor arbeidsomstandigheden						
Institut d'expertise vétérinaire - Instituut voor veterinaire keuring	1.425.196.605	2.453.655.851	2.256.380.191	0	197.275.660	1.622.472.265
Office régulateur de la navigation intérieure	17.518.280	97.063.384	84.043.068	0	13.020.316	30.538.596
Dienst voor regeling der binnenvaart						
Office régulateur de la navigation intérieure - budget pour ordre	45.038.690	493.720.365	449.424.258	0	44.296.107	89.334.797
Dienst voor regeling der binnenvaart - begroting voor orde						
Régie des Bâtiments - Regie der Gebouwen	5.141.670.133	21.544.559.538	19.810.109.181	0	1.734.450.357	6.876.120.490
Régie des Bâtiments - budget pour ordre	238.265.030	688.833.383	294.726.722	0	394.106.661	632.371.691
Regie der gebouwen - begroting voor orde						
Institut belge des services postaux et des télécommunications	297.255.449	730.606.369	813.827.621	83.221.252	0	214.034.197
Belgisch instituut voor postdiensten en telecommunicatie						

Tableau B : Engagements 1997

Tabel B : Vastleggingen 1997

Organismes d'intérêt public — Instellingen van openbaar nut	Allocations des crédits — Toekenning van de kredieten			Engagements imputées — Aangerekende vastleggingen	Règlement des crédits — Regeling van de kredieten		Crédits définitifs — Definitieve kredieten
	Budgets primitifs + ajustements — Oorspronkelijke begrotingen + aanpassingen	Crédits sur lesquels le législateur doit statuer — Kredieten waarover de wetgever uitspraak moet doen	Total — Totaal		Reports — Overdrachten	Annulations — Annulaties	
Régie des Bâtiments Regie der Gebouwen	10.476.427.000	0	10.476.427.000	7.544.657.849	0	2.931.769.151	7.544.657.849

Tableau C : Paiements 1997

Tabel C : Betalingen 1997

Organismes d'intérêt public — Instellingen van openbaar nut	Allocation des crédits - Toekenning van de kredieten					Dépenses imputées — Aangerekende uitgaven	Règlement des crédits — Regeling van de kredieten		Crédits définitifs — Definitieve kredieten
	Budgets primitifs + ajustements — Oorspronkelijke begrotingen + aanpassingen	Crédits alloués en vertu de l'article 5 de la loi du 16 mars 1954 — Kredieten toegestaan krachtens artikel 5 van de wet van 16 maart 1954	Crédits complémentaires pour les dépenses au-delà du montant des crédits non limitatifs — Aanvullende kredieten voor de uitgaven boven het oorspronkelijke bedrag niet-limitatieve kredieten	Dépassements des crédits limitatifs et dépenses sans crédit — Overschrijdingen van limitatieve kredieten en uitgaven zonder kredieten	Total général — Algemeen totaal		Reports en vertu de dispositions légales — Overdrachten krachtens wetsbepalingen	Annulations — Annulaties	
Office de renseignements et d'aide aux familles des militaires Hulp- en informatiebureau voor gezinnen van militairen	170.550.000	– 2.400.000	0	13.051.742	181.201.742	166.674.143	0	14.527.599	166.674.143
Institut national de recherche sur les conditions de travail Nationaal onderzoeksinstituut voor arbeidsomstandigheden	32.500.000	– 2.093.774	0	11.413.162	41.819.388	38.395.333	0	3.424.055	38.395.333
Institut d'expertise vétérinaire Instituut voor veterinaire keuring	2.210.100.000		145.598.922	0	2.355.698.922	2.256.380.191	0	99.318.731	2.256.380.191
Office régulateur de la navigation intérieure Dienst voor regeling der binnenvaart	95.730.000	– 1.350.000	0	0	94.380.000	84.043.068	0	10.336.932	84.043.068
Régie des bâtiments Regie der Gebouwen	21.487.165.000		343.995.322	13.660.219	21.844.820.541	19.810.109.181	0	2.034.711.360	19.810.109.181
Institut belge des services postaux et des télécommunications Belgisch instituut voor postdiensten en telecommunicatie	884.300.000	29.620.000	84.633	9.794.720	923.799.353	813.827.621	0	109.971.732	813.827.621

Folio N° 2727

SERVICE PUBLIC FEDERAL FINANCES

F. 2007 — 1149 [C − 2007/03127]

14 FEVRIER 2007. — Loi contenant le règlement définitif des budgets d'organismes d'intérêt public pour l'année 1998 (1)

ALBERT II, Roi des Belges,
A tous, présents et à venir, Salut.

La Chambre des représentants a adopté et Nous sanctionnons ce qui suit :

Article 1er. La présente loi règle une matière visée à l'article 74, 3° de la Constitution.

Art. 2. Office régulateur de la navigation intérieure

(Institué par l'arrêté-loi du 12 décembre 1944)

Référence budgétaire :

Loi du 19 décembre 1997 contenant le budget général des dépenses pour l'année budgétaire 1998, article 2.33.5.

Le règlement définitif du budget de l'Office régulateur de la Navigation intérieure pour l'année de gestion 1998 se présente comme suit : (en francs)

a) engagements (pour mémoire)

b) recettes

Recettes prévues dans la loi budgétaire

85.805.000

Recettes imputées

109.578.623

Différence

23.773.623

c) dépenses

Crédits

1° alloués par la loi budgétaire

85.695.000

2° alloués en application de l'article 5 de la loi du 16 mars 1954

400.000

Total des crédits

86.095.000

Dépenses imputées

78.593.064

Excédent de crédits à annuler

7.501.936

d) récapitulation

Le résultat définitif du budget de l'année de gestion 1998 se résume comme suit :

recettes

109.578.623

dépenses

78.593.064

Excédent de recettes

30.985.559

FEDERALE OVERHEIDSDIENST FINANCIEN

N. 2007 — 1149 [C − 2007/03127]

14 FEBRUARI 2007. — Wet houdende eindregeling van de begrotingen van de instellingen van openbaar nut van het jaar 1998 (1)

ALBERT II, Koning der Belgen,
Aan allen die nu zijn en hierna wezen zullen, Onze Groet.

De Kamer van volksvertegenwoordigers heeft aangenomen en Wij bekrachtigen hetgeen volgt :

Artikel 1. Deze wet regelt een aangelegenheid bedoeld in artikel 74, 3° van de Grondwet.

Art. 2. Dienst voor Regeling der Binnenvaart

(Ingesteld bij besluitwet van 12 december 1944)

Begrotingsverwijzing :

Wet van 19 december 1997 houdende de algemene uitgavenbegroting voor het begrotingsjaar 1998, artikel 2.33.5.

De eindregeling van de begroting van de Dienst voor Regeling der Binnenvaart voor het beheersjaar 1998 is voorgesteld als volgt : (in franken)

a) vastleggingen (pro memorie)

b) ontvangsten

Ontvangsten voorzien in de begrotingswet

85.805.000

Aangerekende ontvangsten

109.578.623

Verschil

23.773.623

c) uitgaven

Kredieten

1° toegekend bij de begrotingswet

85.695.000

2° toegekend in toepassing van artikel 5 van de wet van 16 maart 1954

400.000

Totaal van de kredieten

86.095.000

Aangerekende uitgaven

78.593.064

Kredietoverschot te annuleren

7.501.936

d) samenvatting

De eindregeling van de begroting voor het beheersjaar 1998 wordt samengevat als volgt :

ontvangsten

109.578.623

uitgaven

78.593.064

Overschot van ontvangsten

30.985.559

Le résultat de l'année de gestion 1998 vient s'ajouter au solde budgétaire cumulé existant au 31 décembre de l'année de gestion précédente, soit 30.538.596.F (solde créditeur), ce qui porte le solde budgétaire cumulé au 31 décembre de l'année de gestion 1998 à 61.524.155.F (solde créditeur)

e) budget pour ordre

Prévisions

recettes

413.300.000

dépenses

413.300.000

Opérations pour ordre réalisées

recettes

608.012.088

dépenses

531.357.992

excédent de recettes

76.654.096

Résultat pour ordre cumulé

Résultat cumulé au 31 décembre 1997

89.334.797

résultat de l'année

76.654.096

résultat cumulé au 31 décembre 1998

165.988.893

Art. 3. Institut belge des services postaux et des télécommunications

(Institué par la loi du 21 mars 1991)

Référence budgétaire :

Loi du 5 juillet 1998 contenant le deuxième ajustement du budget général des dépenses pour l'année budgétaire 1998, article 2.33.2

Le règlement définitif du budget de l'Institut belge des services postaux et des télécommunications pour l'année de gestion 1998 se présente comme suit : (en francs)

a) engagements (pour mémoire)

b) recettes

Recettes prévues dans la loi budgétaire

1.119.200.000

Recettes imputées

973.596.323

Différence

145.603.677

c) dépenses

Crédits

1° alloués par la loi budgétaire

1.119.200.000

2° alloués en application de l'article 5 de la loi du 16 mars 1954

- 251.590.000

3° complémentaires sur lesquels le législateur doit statuer

29.454.290

Het resultaat voor het beheersjaar 1998 wordt gevoegd bij het gecumuleerd begrotingssaldo op 31 december van het vorige beheersjaar, hetzij 30.538.596.F (creditsaldo), wat het gecumuleerd begrotingssaldo op 31 december van het beheersjaar 1998 brengt op 61.524.155.F (creditsaldo)

e) begroting voor orde

Ramingen

ontvangsten

413.300.000

uitgaven

413.300.000

Uitgevoerde ordeverrichtingen

ontvangsten

608.012.088

uitgaven

531.357.992

overschot van ontvangsten

76.654.096

Gecumuleerd resultaat voor orde

gecumuleerd resultaat op 31 december 1997

89.334.797

resultaat van het jaar

76.654.096

gecumuleerd resultaat op 31 december 1998.

165.988.893

Art. 3. Belgisch instituut voor postdiensten en telecommunicatie

(Ingesteld bij wet van 21 maart 1991)

Begrotingsverwijzing :

Wet van 5 juli 1998 houdende de tweede aanpassing van de algemene uitgavenbegroting voor het begrotingsjaar 1998, artikel 2.33.2

De eindregeling van de begroting van het Belgisch instituut voor postdiensten en telecommunicatie voor het beheersjaar 1998 is voorgesteld als volgt : (in franken)

a) vastleggingen (pro memorie)

b) ontvangsten

Ontvangsten voorzien in de begrotingswet

1.119.200.000

Aangerekende ontvangsten

973.596.323

Verschil

145.603.677

c) uitgaven

Kredieten

1° toegekend bij de begrotingswet

1.119.200.000

2° toegekend in toepassing van artikel 5 van de wet van 16 maart 1954

- 251.590.000

3° aanvullende kredieten waarover de wetgever uitspraak dient te doen

29.454.290

Total des crédits

897.064.290

Dépenses imputées

813.462.399

Excédent de crédits à annuler

83.601.891

d) récapitulation

Le résultat définitif du budget de l'année de gestion 1998 se résume comme suit :

recettes

973.596.323

dépenses

813.462.399

Excédent de recettes

160.133.924

Le résultat de l'année de gestion 1998 vient s'ajouter au solde budgétaire cumulé existant au 31 décembre de l'année de gestion précédente, soit 214.034.197.F (solde créditeur), ce qui porte le solde budgétaire cumulé au 31 décembre de l'année de gestion 1998 à 374.168.121.F (solde créditeur)

Art. 4. Office de renseignements et d'aide aux familles des militaires

(Institué par l'arrêté du 14 décembre 1940 prorogé par la loi du 12 juillet 1952)

Référence budgétaire :

Loi du 19 décembre 1997 contenant le budget général des dépenses pour l'année budgétaire 1998, article 2.16.17

Le règlement définitif du budget de l'Office de renseignements et d'aide aux familles des militaires pour l'année de gestion 1998 se présente comme suit : (en francs)

a) engagements (pour mémoire)

b) recettes

Recettes prévues dans la loi budgétaire

176.550.000

Recettes imputées

176.690.062

Différence

140.062

c) dépenses

Crédits

1° alloués par la loi budgétaire

175.810.000

2° alloués en application de l'article 5 de la loi du 16 mars 1954

800.000

3° complémentaires pour les dépenses au-delà du montant des crédits non limitatifs

11.439.204

Total des crédits

188.049.204

Dépenses imputées

168.300.763

Excédent de crédits à annuler

19.748.441

Totaal van de kredieten

897.064.290

Aangerekende uitgaven

813.462.399

Kredietoverschot te annuleren

83.601.891

d) samenvatting

De eindregeling van de begroting voor het beheersjaar 1998 wordt samengevat als volgt :

ontvangsten

973.596.323

uitgaven

813.462.399

Overschot van ontvangsten

160.133.924

Het resultaat voor het beheersjaar 1998 wordt gevoegd bij het gecumuleerd begrotingssaldo op 31 december van het vorige beheersjaar, hetzij 214.034.197.F (creditsaldo), wat het gecumuleerd begrotingssaldo op 31 december van het beheersjaar 1998 brengt op 374.168.121.F (creditsaldo)

Art. 4. Hulp- en informatiebureau voor gezinnen van militairen

(Ingesteld bij besluit van 14 december 1940 verlengd bij de wet van 12 juli 1952)

Begrotingsverwijzing :

Wet van 19 december 1997 houdende de algemene uitgavenbegroting voor het begrotingsjaar 1998, artikel 2.16.17

De eindregeling van de begroting van het Hulp- en Informatiebureau voor gezinnen van militairen voor het beheersjaar 1998 is vastgesteld als volgt : (in franken)

a) vastleggingen (pro memorie)

b) ontvangsten

Ontvangsten voorzien in de begrotingswet

176.550.000

Aangerekende ontvangsten

176.690.062

Verschil

140.062

c) uitgaven

Kredieten

1° toegekend bij de begrotingswet

175.810.000

2° toegekend in toepassing van artikel 5 van de wet van 16 maart 1954

800.000

3° aanvullende kredieten voor de uitgaven boven het oorspronkelijke bedrag niet-limitatieve kredieten

11.439.204

Totaal van de kredieten

188.049.204

Aangerekende uitgaven

168.300.763

Kredietoverschot te annuleren

19.748.441

d) récapitulation

Le résultat définitif du budget de l'année de gestion 1998 se résume comme suit :

recettes

176.690.062

dépenses

168.300.763

Excédent de recettes

8.389.299

Le résultat de l'année de gestion 1998 vient s'ajouter au solde budgétaire cumulé existant au 31 décembre de l'année de gestion précédente, soit 31.935.356.F (solde créditeur), ce qui porte le solde budgétaire cumulé au 31 décembre de l'année de gestion 1998 à 40.324.655.F (solde créditeur)

Art. 5. Institut d'expertise vétérinaire

(institué par la loi du 13 juillet 1981)

Référence budgétaire :

Loi du 19 décembre 1997 contenant le budget général des dépenses pour l'année budgétaire 1998, article 2.26.12

Le règlement définitif du budget de l'Institut d'expertise vétérinaire pour l'année de gestion 1998 se présente comme suit : (en francs)

a) engagements (pour mémoire)

b) recettes

Recettes prévues dans la loi budgétaire

2.446.200.000

Recettes imputées

2.565.800.000

Différence

119.600.000

c) dépenses

Crédits

1. alloués par la loi budgétaire

2.285.100.000

2. complémentaires sur lesquels le législateur doit statuer

7.300.000

3° complémentaires pour les dépenses au-delà du montant des crédits non limitatifs

238.000.000

Total des crédits

2.530.400.000

Dépenses imputées

2.530.400.000

Excédent de crédits à annuler

0

d) récapitulation

Le résultat définitif du budget de l'année de gestion 1998 se résume comme suit :

recettes

2.565.800.000

d) samenvatting

De eindregeling van de begroting voor het beheersjaar 1998 wordt samengevat als volgt :

ontvangsten

176.690.062

uitgaven

168.300.763

Overschot van ontvangsten

8.389.299

Het resultaat voor het beheersjaar 1998 wordt gevoegd bij het gecumuleerd begrotingssaldo op 31 december van het vorige beheersjaar, hetzij 31.935.356.F (creditsaldo), wat het gecumuleerd begrotingssaldo op 31 december van het beheersjaar 1998 brengt op 40.324.655.F (creditsaldo)

Art. 5. Instituut voor veterinaire keuring

(ingesteld bij de wet van 13 juli 1981)

Begrotingsverwijzing :

Wet van 19 december 1997 houdende de algemene uitgavenbegroting voor het begrotingsjaar 1998, artikel 2.26.12

De eindregeling van de begroting van het Instituut voor Veterinaire Keuring voor het beheersjaar 1998 is vastgesteld als volgt : (in franken)

a) vastleggingen (pro memorie)

b) ontvangsten

Ontvangsten voorzien in de begrotingswet

2.446.200.000

Aangerekende ontvangsten

2.565.800.000

Verschil

119.600.000

c) uitgaven

Kredieten

1° toegekend bij de begrotingswet

2.285.100.000

2° aanvullende kredieten waarover de wetgever uitspraak dient te doen

7.300.000

3° aanvullende kredieten voor de uitgaven boven het oorspronkelijke bedrag niet-limitatieve kredieten

238.000.000

Totaal van de kredieten

2.530.400.000

Aangerekende uitgaven

2.530.400.000

Kredietoverschot te annuleren

0

d) samenvatting

De eindregeling van de begroting voor het beheersjaar 1998 wordt samengevat als volgt :

ontvangsten

2.565.800.000

dépenses

2.530.400.000

Excédent de recettes

35.400.000

Le résultat de l'année de gestion 1998 vient s'ajouter au solde budgétaire cumulé existant au 31 décembre de l'année de gestion précédente, soit 1.622.472.265.F (solde créditeur), ce qui porte le solde budgétaire cumulé au 31 décembre de l'année de gestion 1998 à 1.657.872.265.F (solde créditeur)

Art. 6. Institut national de recherche sur les conditions de travail

(transformé du statut d'organisme de catégorie B en catégorie A par la loi du 20 juillet 1991)

Référence budgétaire :

Loi du 19 décembre 1997 contenant le budget général des dépenses pour l'année budgétaire 1998, article 2.23.9

Le règlement définitif du budget de l'Institut national de recherche sur les conditions de travail pour l'année de gestion 1998 se présente comme suit : (en francs)

a) engagements (pour mémoire)

b) recettes

Recettes prévues dans la loi budgétaire

38.385.000

Recettes imputées

33.189.268

Différence

5.195.732

c) dépenses

Crédits

1° alloués par la loi budgétaire

38.385.000

2. alloués en application de l'article 5 de la loi du 16 mars 1954

- 1.800.000

3° complémentaires sur lesquels le législateur doit statuer

6.166.093

Total des crédits

42.751.093

Dépenses imputées

38.389.264

Excédent de crédits à annuler

4.361.829

d) récapitulation

Le résultat définitif du budget de l'année de gestion 1998 se résume comme suit :

recettes

33.189.268

dépenses

38.389.264

Excédent de dépenses

5.199.996

uitgaven

2.530.400.000

Overschot van ontvangsten

35.400.000

Het resultaat voor het beheersjaar 1998 wordt gevoegd bij het gecumuleerd begrotingssaldo op 31 december van het vorige beheersjaar, hetzij 1.622.472.265.F (creditsaldo), wat het gecumuleerd begrotingssaldo op 31 december van het beheersjaar 1998 brengt op 1.657.872.265.F (creditsaldo)

Art. 6. Nationaal onderzoeksinstituut voor arbeidsomstandigheden

(omgevormd van het statuut van instelling van categorie B naar categorie A bij de wet van 20 juli 1991)

Begrotingsverwijzing :

Wet van 19 december 1997 houdende de algemene uitgavenbegroting voor het begrotingsjaar 1998, artikel 2.23.9

De eindregeling van de begroting van het Nationaal onderzoeksinstituut voor arbeidsomstandigheden voor het beheersjaar 1998 is vastgesteld als volgt : (in franken)

a) vastleggingen (pro memorie)

b) ontvangsten

Ontvangsten voorzien in de begrotingswet

38.385.000

Aangerekende ontvangsten

33.189.268

Verschil

5.195.732

c) uitgaven

Kredieten

1° toegekend bij de begrotingswet

38.385.000

2° toegekend in toepassing van artikel 5 van de wet van 16 maart 1954

- 1.800.000

3° aanvullende kredieten waarover de wetgever uitspraak dient te doen

6.166.093

Totaal van de kredieten

42.751.093

Aangerekende uitgaven

38.389.264

Kredietoverschot te annuleren

4.361.829

d) samenvatting

De eindregeling van de begroting voor het beheersjaar 1998 wordt samengevat als volgt :

ontvangsten

33.189.268

uitgaven

38.389.264

Overschot van uitgaven

5.199.996

Le résultat de l'année de gestion 1998 vient s'ajouter au solde budgétaire cumulé existant au 31 décembre de l'année de gestion précédente, soit 27.853.165.F (solde créditeur), ce qui porte le solde budgétaire cumulé au 31 décembre de l'année de gestion 1998 à 22.653.169.F (solde créditeur)

Art. 7. Régie des bâtiments

(instituée par la loi du 1er avril 1971)

Référence budgétaire :

Loi du 19 décembre 1997 contenant le budget général des dépenses pour l'année budgétaire 1998, article 2.19.7

Le règlement définitif du budget de la Régie des bâtiments pour l'année de gestion 1998 se présente comme suit : (en francs)

a) engagements

Crédits d'engagement alloués pour l'année budgétaire 1998

14.490.133.345

Crédits d'engagement complémentaires sur lesquels le législateur doit statuer

292.921.498

Engagements imputés

8.946.561.422

Excédent de crédits à annuler

5.836.493.421

b) recettes

Recettes prévues dans la loi budgétaire

20.013.125.000

Recettes imputées

21.005.536.410

Différence

992.411.410

c) dépenses

Crédits

1° alloués par la loi budgétaire

20.099.703.000

2° complémentaires sur lesquels le législateur doit statuer

198.538

3° complémentaires pour les dépenses au-delà du montant des crédits non limitatifs

340.190.816

4° alloués en application de l'article 5 de la loi du 16 mars 1954

3.922.053.302

Total des crédits

24.362.145.656

Dépenses imputées

20.671.657.937

Excédent de crédits à annuler

3.690.487.719

Het resultaat voor het beheersjaar 1998 wordt gevoegd bij het gecumuleerd begrotingssaldo op 31 december van het vorige beheersjaar, hetzij 27.853.165.F (creditsaldo), wat het gecumuleerd begrotingssaldo op 31 december van het beheersjaar 1998 brengt op 22.653.169.F (creditsaldo)

Art. 7. Regie der gebouwen

(ingesteld bij de wet van 1 april 1971)

Begrotingsverwijzing :

Wet van 19 december 1997 houdende de algemene uitgavenbegroting voor het begrotingsjaar 1998, artikel 2.19.7

De eindregeling van de begroting van de Regie der gebouwen voor het beheersjaar 1998 is vastgesteld als volgt : (in franken)

a) vastleggingen

Vastleggingskredieten toegekend voor het begrotingsjaar 1998

14.490.133.345

aanvullende vastleggingskredieten waarover de wetgever uitspraak dient te doen

292.921.498

Aangerekende vastleggingen

8.946.561.422

Te annuleren overschot van kredieten

5.836.493.421

b) ontvangsten

Ontvangsten voorzien in de begrotingswet

20.013.125.000

Aangerekende ontvangsten

21.005.536.410

Verschil

992.411.410

c) uitgaven

Kredieten

1° toegekend bij de begrotingswet

20.099.703.000

2° aanvullende kredieten waarover de wetgever uitspraak dient te doen

198.538

3° aanvullende kredieten voor de uitgaven boven het oorspronkelijke bedrag niet-limitatieve kredieten

340.190.816

4° toegekend in toepassing van artikel 5 van de wet van 16 maart 1954

3.922.053.302

Totaal van de kredieten

24.362.145.656

Aangerekende uitgaven

20.671.657.937

Kredietoverschot te annuleren

3.690.487.719

d) récapitulation

Le résultat définitif du budget de l'année de gestion 1998 se résume comme suit :

recettes

21.005.536.410

dépenses

20.671.657.937

Excédent de recettes

333.878.473

Le résultat de l'année de gestion 1998 vient s'ajouter au solde budgétaire cumulé existant au 31 décembre de l'année de gestion précédente, soit 6.876.120.490.F (solde créditeur), ce qui porte le solde budgétaire cumulé au 31 décembre de l'année de gestion 1998 à 7.209.998.963.F (solde créditeur)

e) budget pour ordre

Prévisions

recettes

85.100.000

dépenses

85.100.000

Opérations pour ordre réalisées

recettes

178.362.821

dépenses

143.837.174

excédent de recettes

34.525.647

Résultat pour ordre cumulé

Résultat cumulé au 31 décembre 1997

632.371.691

résultat de l'année

34.525.647

résultat cumulé au 31 décembre 1998

666.897.338

Promulguons la présente loi, ordonnons qu'elle soit revêtue du sceau de l'Etat et publiée par le *Moniteur belge.*

Donné à Bruxelles, le 14 février 2007.

ALBERT

Par le Roi :

Le Ministre des Finances,
D. REYNDERS

Scellé du sceau de l'Etat :

La Ministre de la Justice,
Mme L. ONKELINX

Notes

(1) *Session 2006-2007.*
Chambre des représentants.
Documents. — 51-2792/1 : Projet de loi. — 51-2792/2 : Texte adopté en séance plénière et soumis à la sanction royale

TABLEAUX
Tableau A résultat des budgets
Tableau B engagements
Tableau C paiements

d) samenvatting

De eindregeling van de begroting voor het beheersjaar 1998 wordt samengevat als volgt :

ontvangsten

21.005.536.410

uitgaven

20.671.657.937

Overschot van ontvangsten

333.878.473

Het resultaat voor het beheersjaar 1998 wordt gevoegd bij het gecumuleerd begrotingssaldo op 31 december van het vorige beheersjaar, hetzij 6.876.120.490.F (creditsaldo), wat het gecumuleerd begrotingssaldo op 31 december van het beheersjaar 1998 brengt op 7.209.998.963.F (creditsaldo)

e) begroting voor orde

Ramingen

ontvangsten

85.100.000

uitgaven

85.100.000

Uitgevoerde ordeverrichtingen

ontvangsten

178.362.821

uitgaven

143.837.174

overschot van ontvangsten

34.525.647

Gecumuleerd resultaat voor orde

gecumuleerd resultaat op 31 december 1997

632.371.691

resultaat van het jaar

34.525.647

gecumuleerd resultaat op 31 december 1998.

666.897.338

Kondigen deze wet af, bevelen dat zij met 's Lands zegel zal worden bekleed en door het *Belgisch Staatsblad* zal worden bekendgemaakt.

Gegeven te Brussel, 14 februari 2007.

ALBERT

Van Koningswege :

De Minister van Financiën,
D. REYNDERS

Met 's Lands zegel gezegeld :

De Minister van Justitie,
L. ONKELINX

Nota's

(1) *Zitting 2006-2007.*
Kamer van volksvertegenwoordigers.
Stukken. — 51-2792/1 : Wetsontwerp. — 51-2792/2 : Tekst aangenomen in de plenaire vergadering en aan de Koning ter bekrachtiging voorgelegd.

TABELLEN
Tabel A resultaat van de begrotingen
Tabel B vastleggingen
Tabel C betalingen

INSTELLINGEN VAN OPENBAAR NUT - ORGANISMES D'INTERET PUBLIC

Année budgétaire 1998 — Begrotingsjaar 1998

Référence : 156e Cahier de la Cour des comptes, fascicule II B

Verwijzing : 156e Boek van het Rekenhof, deel II B

Tableau A : résultats des budgets

Tabel A : resultaat van de begrotingen

Organismes d'intérêt public — Instellingen van openbaar nut	Situation au début de l'année — Toestand bij het begin van het jaar	Opérations de l'année — Verrichtingen van het jaar		Résultat budgétaire de l'année — Begrotingsresultaat van het jaar		Résultat général des budgets — Algemeen resultaat van de begrotingen
	Excédent de recettes — Excedent ontvangsten	Recettes imputées — Aangerekende ontvangsten	Dépenses imputées — Aangerekende uitgaven	Excédent de dépenses — Excedent uitgaven	Excédent de recettes — Excedent ontvangsten	Excédent de recettes — Excedent ontvangsten
Office de renseignements et d'aide aux familles des militaires Hulp- en informatiebureau voor gezinnen van militairen	31.935.356	176.690.062	168.300.763	0	8.389.299	40.324.655
Institut national de Recherche sur les conditions de Travail Nationaal Onderzoeksinstituut voor Arbeidsomstandigheden	27.853.165	33.189.268	38.389.264	5.199.996	0	22.653.169
Institut d'expertise vétérinaire - Instituut voor veterinaire keuring	1.622.472.265	2.565.800.000	2.530.400.000	0	35.400.000	1.657.872.265
Office régulateur de la navigation intérieure Dienst voor regeling der binnenvaart	30.538.596	109.578.623	78.593.064	0	30.985.559	61.524.155
Office régulateur de la navigation intérieure - budget pour ordre Dienst voor regeling der binnenvaart - begroting voor orde	89.334.797	608.012.088	531.357.992	0	76.654.096	165.988.893
Régie des bâtiments - Regie der gebouwen	6.876.120.490	21.005.536.410	20.671.657.937	0	333.878.473	7.209.998.963
Régie des bâtiments - budget pour ordre Regie der gebouwen - begroting voor orde	632.371.691	178.362.821	143.837.174	0	34.525.647	666.897.338
Institut belge des services postaux et télécommunications Belgisch instituut voor postdiensten en telecommunicatie	214.034.197	973.596.323	813.462.399	0	160.133.924	374.168.121

Tabel B : Vastleggingen 1998

Tableau B : Engagements 1998

Organismes d'intérêt public — Instellingen van openbaar nut	Allocations des crédits — Toekenning van de kredieten			Engagements imputées — Aangerekende vastleggingen	Règlement des crédits — Regeling van de kredieten		Crédits définitifs — Definitieve kredieten
	Budgets primitifs + ajustements — Oorspronkelijke begrotingen + aanpassingen	Crédits sur lesquels le législateur doit statuer — Kredieten waarover de wetgever uitspraak moet doen	Total — Totaal		Reports — Overdrachten	Annulations — Annulaties	
Régie des Bâtiments - Regie der Gebouwen	14.490.133.345	292.921.498	14.783.054.843	8.946.561.422	0	5.836.493.421	8.946.561.422

Tableau C : Paiements 1998

Tabel C : Betalingen 1998

Organismes d'intérêt public — Instellingen van openbaar nut	Allocation des crédits - Toekenning van de kredieten					Dépenses imputées — Aangerekende uitgaven	Règlement des crédits — Regeling van de kredieten		Crédits définitifs — Definitieve kredieten
	Budgets primitifs + ajustements — Oorspronkelijke begrotingen + aanpassingen	Crédits alloués en vertu de l'article 5 de la loi du 16 mars 1954 — Kredieten toegestaan krachtens artikel 5 van de wet van 16 maart 1954	Crédits complémentaires pour les dépenses au-delà du montant des crédits non limitatifs — Aanvullende kredieten voor de uitgaven boven het oorspronkelijke bedrag niet-limitatieve kredieten	Dépassements des crédits limitatifs et dépenses sans crédit — Overschrijdingen van limitatieve kredieten en uitgaven zonder kredieten	Total général — Algemeen totaal		Reports en vertu de dispositions légales — Overdrachten krachtens wetsbepalingen	Annulations — Annulaties	
Office de renseignements et d'aide aux familles des militaires Hulp- en informatiebureau voor gezinnen van militairen	175.810.000	800.000	0	11.439.204	188.049.204	168.300.763	0	19.748.441	168.300.763
Institut national de Recherche sur les Conditions de Travail Nationaal Onderzoeksinstituut voor Arbeidsomstandigheden	38.385.000	– 1.800.000	0	6.166.093	42.751.093	38.389.264	0	4.361.829	38.389.264

Organismes d'intérêt public — Instellingen van openbaar nut	Allocation des crédits - Toekenning van de kredieten					Dépenses imputées — Aangerekende uitgaven	Règlement des crédits — Regeling van de kredieten		Crédits définitifs — Definitieve kredieten
	Budgets primitifs + ajustements — Oorspronkelijke begrotingen + aanpassingen	Crédits alloués en vertu de l'article 5 de la loi du 16 mars 1954 — Kredieten toegestaan krachtens artikel 5 van de wet van 16 maart 1954	Crédits complémentaires pour les dépenses au-delà du montant des crédits non limitatifs — Aanvullende kredieten voor de uitgaven boven het oorspronkelijke bedrag niet-limitatieve kredieten	Dépassements des crédits limitatifs et dépenses sans crédit — Overschrijdingen van limitatieve kredieten en uitgaven zonder kredieten	Total général — Algemeen totaal		Reports en vertu de dispositions légales — Overdrachten krachtens wetsbepalingen	Annulations — Annulaties	
Institut d'expertise vétérinaire - Instituut voor veterinaire keuring	2.285.100.000	0	238.000.000	7.300.000	2.530.400.000	2.530.400.000	0	0	2.530.400.000
Office régulateur de la navigation intérieure - Dienst voor regeling der binnenvaart	85.695.000	400.000	0	0	86.095.000	78.593.064	0	7.501.936	78.671.657.937
Régie des bâtiments - Regie der gebouwen	20.099.703.000	3.922.053.302	340.190.816	198.538	24.362.145.656	20.671.657.937	0	3.690.487.719	20.671.657.937
Institut belge des services postaux et des telecommunications - Belgisch instituut voor postdiensten en telecommunicatie	1.119.200.000	-251.590.000	0	29.454.290	897.064.290	813.462.399	0	83.601.891	813.462.399

Folio N° 2738

SERVICE PUBLIC FEDERAL JUSTICE

F. 2007 — 1150 [2007/09223]

23 JANVIER 2007. — Loi modifiant l'article 46*bis* du Code d'instruction criminelle (1)

ALBERT II, Roi des Belges,
A tous, présents et à venir, Salut.

Les Chambres ont adopté et Nous sanctionnons ce qui suit :

Article 1er. La présente loi vise une matière visée à l'article 77 de la Constitution.

Art. 2. L'article 46*bis* du Code d'instruction criminelle, inséré par la loi du 10 juin 1998 et modifié par la loi du 27 décembre 2004 est remplacé comme suit :

« Art. 46*bis*. § 1er. En recherchant les crimes et les délits, le procureur du Roi peut, par une décision motivée et écrite, en requérant au besoin le concours de l'opérateur d'une réseau de communication électronique ou d'un fournisseur d'un service de communication électronique ou d'un service de police désigné par le Roi, procéder ou faire procéder sur la base de toutes données détenues par lui, ou au moyen d'un accès aux fichiers des clients de l'opérateur ou du fournisseur de service à :

1° l'identification de l'abonné ou de l'utilisateur habituel d'un service de communication électronique ou du moyen de communication électronique utilisé;

2° l'identification des services de communication électronique auxquels une personne déterminée est abonnée ou qui sont habituellement utilisés par une personne déterminée.

La motivation reflète le caractère proportionnel eu égard au respect de la vie privée et subsidiaire à tout autre devoir d'enquête.

En cas d'extrême urgence, chaque officier de police judiciaire peut, avec l'accord oral et préalable du procureur du Roi, et par une décision motivée et écrite requérir ces données. L'officier de police judiciaire communique cette décision motivée et écrite ainsi que les informations recueillies dans les vingt-quatre heures au procureur du Roi et motive par ailleurs l'extrême urgence.

§ 2. Chaque opérateur d'un réseau de communication électronique et chaque fournisseur d'un service de communication électronique qui est requis de communiquer les données visées au paragraphe premier, donne au procureur du Roi ou à l'officier de police judiciaire les données qui ont été demandées dans un délai à fixer par le Roi, sur la proposition du Ministre de la Justice et du Ministre compétent pour les Télécommunications.

Le Roi fixe, après avis de la Commission de la protection de la vie privée et sur proposition du Ministre de la Justice et du Ministre compétent pour les Télécommunications, les conditions techniques d'accès aux données visées au § 1er et disponibles pour le procureur du Roi et le service de police désigné au même paragraphe.

Toute personne qui, du chef de sa fonction, a connaissance de la mesure ou y prête son concours, est tenue de garder le secret. Toute violation du secret est punie conformément à l'article 458 du Code pénal.

Le refus de communiquer les données est puni d'une amende de vingt-six euros à dix mille euros. »

Art. 3. A la loi du 27 décembre 2004 portant des dispositions diverses sont apportées les modifications suivantes :

1° L'article 15 est abrogé;

2° A l'alinéa 4 de l'article 19, les mots « Les articles 15 et 16 entrent » sont remplacés par les mots « L'article 16 entre ».

FEDERALE OVERHEIDSDIENST JUSTITIE

N. 2007 — 1150 [2007/09223]

23 JANUARI 2007. — Wet tot wijziging van artikel 46*bis* van het Wetboek van strafvordering (1)

ALBERT II, Koning der Belgen,
Aan allen die nu zijn en hierna wezen zullen, Onze Groet.

De Kamers hebben aangenomen en Wij bekrachtigen hetgeen volgt :

Artikel 1. Deze wet regelt een aangelegenheid als bedoeld in artikel 77 van de Grondwet.

Art. 2. Artikel 46*bis* van het Wetboek van strafvordering, zoals ingevoegd bij de wet van 10 juni 1998 en gewijzigd bij wet van 27 december 2004 wordt vervangen als volgt :

« Art. 46*bis*. § 1. Bij het opsporen van de misdaden en wanbedrijven kan de procureur des Konings bij een gemotiveerde en schriftelijke beslissing, door zo nodig de medewerking van de operator van een elektronisch communicatienetwerk of van de verstrekker van een elektronische communicatiedienst of van een politiedienst aangewezen door de Koning te vorderen, overgaan of doen overgaan op basis van ieder gegeven in zijn bezit of door middel van een toegang tot de klantenbestanden van de operator of van de dienstenverstrekker tot :

1° de identificatie van de abonnee of de gewoonlijke gebruiker van een elektronische communicatiedienst of van het gebruikte elektronische communicatiemiddel;

2° de identificatie van de elektronische communicatiediensten waarop een bepaald persoon geabonneerd is of die door een bepaald persoon gewoonlijk gebruikt worden.

De motivering weerspiegelt de proportionaliteit met inachtneming van de persoonlijke levenssfeer en de subsidiariteit ten opzichte van elke andere onderzoeksdaad.

In geval van uiterst dringende noodzakelijkheid kan iedere officier van gerechtelijke politie, na mondelinge en voorafgaande instemming van de procureur des Konings, bij een gemotiveerde en schriftelijke beslissing deze gegevens opvorderen. De officier van gerechtelijke politie deelt deze gemotiveerde en schriftelijke beslissing en de verkregen informatie binnen vierentwintig uur mee aan de procureur des Konings en motiveert tevens de uiterst dringende noodzakelijkheid.

§ 2. Iedere operator van een elektronisch communicatienetwerk en iedere verstrekker van een elektronische communicatiedienst van wie gevorderd wordt de in paragraaf 1 bedoelde gegevens mee te delen, verstrekt de procureur des Konings of de officier van gerechtelijke politie de gegevens die werden opgevraagd binnen een termijn te bepalen door de Koning, op het voorstel van de Minister van Justitie en de Minister bevoegd voor Telecommunicatie.

De Koning bepaalt, na advies van de Commissie voor de bescherming van de persoonlijke levenssfeer en op voorstel van de Minister van Justitie en van de minister die bevoegd is voor Telecommunicatie, de technische voorwaarden voor de toegang tot de in § 1 bedoelde gegevens, die beschikbaar zijn voor de procureur des Konings en voor de in dezelfde paragraaf aangewezen politiedienst.

Iedere persoon die uit hoofde van zijn bediening kennis krijgt van de maatregel of daaraan zijn medewerking verleent, is tot geheimhouding verplicht. Iedere schending van het geheim wordt gestraft overeenkomstig artikel 458 van het Strafwetboek.

Weigering de gegevens mee te delen, wordt gestraft met geldboete van zesentwintig euro tot tienduizend euro. »

Art. 3. Aan de wet van 27 december 2004 houdende diverse bepalingen worden volgende wijzigingen aangebracht :

1° Artikel 15 wordt opgeheven;

2° In het vierde lid van artikel 19 worden de woorden « De artikelen 15 en 16 treden » vervangen door de woorden « Artikel 16 treedt ».

Promulguons la présente loi, ordonnons qu'elle soit revêtue du sceau de l'Etat et publiée par le *Moniteur belge.*

Donné à Bruxelles, le 23 janvier 2007.

ALBERT

Par le Roi :

La Ministre de la Justice,
Mme L. ONKELINX

Scellé du sceau de l'Etat :

La Ministre de la Justice,
Mme L. ONKELINX

Note

(1) *Session ordinaire 2005-2006.*

Sénat :

Documents parlementaires. — Projet de loi, n° 3-1824/1.

Session ordinaire 2006-2007.

Sénat :

Documents parlementaires. — Amendements, n° 3-1824/2. — Rapport de la Commission, n° 3-1824/3. — Texte amendé par la Commission, n° 3-1824/4.

Annales parlementaires. — Discussion et adoption. Séance du 26 octobre 2006.

Chambre des représentants :

Documents parlementaires. — Projet transmis par le Sénat, n° 51-2724/1. Rapport de la Commission, n° 51-2724/2. — Texte adopté en séance plénière et soumis à la sanction royale, n° 51-2724/3.

Annales parlementaires. — Discussion et adoption. Séance du 14 décembre 2006.

Kondigen deze wet af, bevelen dat zij met 's Lands zegel zal worden bekleed en door het *Belgisch Staatsblad* zal worden bekendgemaakt.

Gegeven te Brussel, 23 januari 2007.

ALBERT

Van Koningswege :

De Minister van Justitie,
Mevr. L. ONKELINX

Met 's Lands zegel gezegeld :

De Minister van Justitie,
Mevr. L. ONKELINX

Nota

(1) *Gewone zitting 2005-2006.*

Senaat :

Parlementaire stukken. — Wetsontwerp, nr. 3-1824/1.

Gewone zitting 2006-2007.

Senaat :

Parlementaire stukken. — Amendementen, nr. 3-1824/2. — Verslag van de Commissie, nr. 3-1824/3. — Tekst geamendeerd door de Commissie, nr. 3-1824/4.

Parlementaire Handelingen. — Bespreking en aanneming. Vergadering van 26 oktober 2006.

Kamer van volksvertegenwoordigers :

Parlementaire stukken. — Ontwerp overgezonden door de Senaat, nr. 51-2724/1. — Verslag van de Commissie, nr. 51-2724/2. — Tekst aangenomen in de plenaire vergadering en overgezonden aan de Koning ter bekrachtiging voorgelegd, nr. 51-2724/3.

Parlementaire Handelingen. — Bespreking en aanneming. Vergadering van 14 december 2006.

SERVICE PUBLIC FEDERAL INTERIEUR

F. 2007 — 1151 [C − 2007/00151]

6 MARS 2007. — Arrêté ministériel portant modification de l'arrêté ministériel du 7 septembre 2001 relatif à la délégation de certains pouvoirs du Ministre de l'Intérieur à certaines autorités de la police fédérale et de l'arrêté ministériel du 28 décembre 2001 portant exécution de certaines dispositions de l'arrêté royal du 30 mars 2001 portant la position juridique du personnel des services de police

Le Ministre de l'Intérieur,

Vu la loi du 7 décembre 1998 organisant un service de police intégré, structuré à deux niveaux, notamment l'article 142*ter*, alinéa 2, 5°;

Vu l'arrêté royal du 30 mars 2001 portant la position juridique du personnel des services de police (PJPol), notamment les articles IV.I.12, IV.I.23, IV.I.38, IV.I.47, IV.II.32, alinéa 2, 2°, IV.II.33, V.II.15, alinéa 2, V.III.16, alinéa 1er, VI.II.22, VI.II.46, alinéa 1er, VI.II.52, alinéa 1er, VI.II.81, 1°, VII.I.15, § 3, VII.II.14, VII.II.29, alinéa 2, VII.II.30, alinéa 1er, VII.II.31, VII.II.33, alinéa 1er, VII.II.39, alinéa 2, VII.II.40, alinéa 1er, VII.II.41, VII.II.43, alinéa 1er, VII.III.35, VII.III.36, alinéa 1er, VII.III.37, alinéa 1er, VII.III.43, alinéa 1er, VII.III.45, alinéa 1er, VII.III.76, alinéa 1er, VII.IV.16, VII.IV.31, alinéa 1er, VII.IV.32, alinéa 1er, VII.IV.34, alinéa 1er, et X.III.1er, 2°, *a)*;

Vu l'arrêté royal du 20 novembre 2001 relatif aux formations de base des membres du personnel du cadre opérationnel des services de police et portant diverses dispositions transitoires, notamment l'article 11;

Vu l'arrêté ministériel du 7 septembre 2001 relatif à la délégation de certains pouvoirs du Ministre de l'Interieur à certaines autorités de la police fédérale, notamment les articles 19, 20, 21, 22 et 23;

Vu l'arrêté ministériel du 28 décembre 2001 portant exécution de certaines dispositions de l'arrête royal du 30 mars 2001 portant la position juridique du personnel des services de police (AEPol), notamment les articles VII.1er à VII.3;

Vu l'avis de l'Inspecteur général des Finances, donné le 4 février 2005;

Vu l'accord du Ministre du Budget du 21 février 2006;

FEDERALE OVERHEIDSDIENST BINNENLANDSE ZAKEN

N. 2007 — 1151 [C − 2007/00151]

6 MAART 2007. — Ministerieel besluit tot wijziging van het ministerieel besluit van 7 september 2001 betreffende het overdragen van sommige bevoegdheden van de Minister van Binnenlandse Zaken aan bepaalde overheden van de federale politie en van het ministerieel besluit van 28 december 2001 tot uitvoering van sommige bepalingen van het koninklijk besluit van 30 maart 2001 tot regeling van de rechtspositie van het personeel van de politiediensten

De Minister van Binnenlandse Zaken,

Gelet op de wet van 7 december 1998 tot organisatie van een geïntegreerde politiedienst, gestructureerd op twee niveaus, inzonderheid op artikel 142*ter*, tweede lid, 5°;

Gelet op het koninklijk besluit van 30 maart 2001 tot regeling van de rechtspositie van het personeel van de politiediensten (RPPol), inzonderheid op de artikelen IV.I.12, IV.I.23, IV.I.38, IV.I.47, IV.II.32, tweede lid, 2°, IV.II.33, V.II.15, tweede lid, V.III.16, eerste lid, VI.II.22, VI.II.46, eerste lid, VI.II.52, eerste lid, VI.II.81, 1°, VII.I.15, § 3, VII.II.14, VII.II.29, tweede lid, VII.II.30, eerste lid, VII.II.31, VII.II.33, eerste lid, VII.II.39, tweede lid, VII.II.40, eerste lid, VII.II.41, VII.II.43, eerste lid, VII.III.35, VII.III.36, eerste lid, VII.III.37, eerste lid, VII.III.43, eerste lid, VII.III.45, eerste lid, VII.III.76, eerste lid, VII.IV.16, VII.IV.31, eerste lid, VII.IV.32, eerste lid, VII.IV.34, eerste lid en X.III.1er, 2°, *a)*;

Gelet op het koninklijk besluit van 20 november 2001 betreffende de basisopleidingen van de personeelsleden van het operationeel kader van de politiediensten en houdende diverse andere overgangsbepalingen, inzonderheid op artikel 11;

Gelet op het ministerieel besluit van 7 september 2001 betreffende het overdragen van sommige bevoegdheden van de Minister van Binnenlandse Zaken aan bepaalde overheden van de federale politie, inzonderheid op de artikelen 19, 20, 21, 22 en 23;

Gelet op het ministerieel besluit van 28 december 2001 tot uitvoering van sommige bepalingen van het koninklijk besluit van 30 maart 2001 tot regeling van de rechtspositie van het personeel van de politiediensten (UBPol), inzonderheid op de artikelen VII.1 tot VII.3;

Gelet op het advies van de Inspecteur-generaal van Financiën, gegeven op 4 februari 2005;

Gelet op de akkoordbevinding van de Minister van Begroting van 21 februari 2006;

Vu l'accord du Ministre de la Fonction Publique du 12 octobre 2005;

Considérant que l'avis du Conseil consultatif des bourgmestres n'a pas été régulièrement donné dans le délai requis et qu'aucune demande de prolongation n'a été formulée; qu'en conséquent, il y a été passé outre;

Vu l'avis 40.781/2/V du Conseil d'Etat, donné le 19 juillet 2006 en application de l'article 84, § 1er, alinéa 1er, 1°, des lois coordonnées sur le Conseil d'Etat;

Arrête :

Article 1er. L'article 19 de l'arrêté ministériel du 7 septembre 2001 relatif à la délégation de certains pouvoirs du Ministre de l'Intérieur à certaines autorités de la police fédérale, est remplacé par la disposition suivante :

« Art. 19. Le service visé aux articles IV.I.12, IV.I.38, IV.I.47 et VII.IV.16 PJPol, est la direction du recrutement et de la sélection de la police fédérale. »

Art. 2. L'article 20 du même arrêté est remplacé par la disposition suivante :

« Art. 20. Le service visé aux articles IV.II.32, alinéa 2, 2°, et IV.II.33 PJPol, est la direction de la formation de la police fédérale. »

Art. 3. L'article 21 du même arrêté est remplacé par la disposition suivante :

« Art. 21. Le délégué visé aux articles V.II.15, alinéa 2, VI.II.22 et X.III.1er, 2°, *a)*, PJPol, est le directeur général de la direction générale des ressources humaines de la police fédérale. »

Art. 4. L'article 22 du même arrêté est remplacé par la disposition suivante :

« Art. 22. Le service visé aux articles IV.I.23, VI.II.46, alinéa 1er, VII.I.15, § 3, alinéas 1er et 2, VII.II.14, VII.II.29, alinéa 2, VII.II.30, alinéa 1er, VII.II.31, alinéas 1er et 2, VII.II.33, alinéa 1er, VII.II.39, alinéa 2, VII.II.40, alinéa 1er, VII.II.41, alinéas 1er et 2, VII.II.43, alinéa 1er, VII.III.35, VII.III.36, alinéa 1er, VII.III.37, alinéas 1er et 2, VII.III.43, alinéa 1er, VII.III.45, alinéa 1er, VII.III.76, alinéa 1er, VII.IV.31, alinéa 1er, VII.IV.32, alinéa 1er et VII.IV.34, alinéa 1er, PJPol, est la direction de la mobilité et de la gestion des carrières de la police fédérale. »

Art. 5. Un article 22*bis*, rédigé comme suit, est inséré dans le même arrêté :

« Art. 22*bis*. Le service visé à l'article V.III.16, alinéa 1er, PJPol, est la direction de la politique, de la gestion et du développement de la direction générale des ressources humaines de la police fédérale. »

Art. 6. L'article 23 du même arrêté est abrogé.

Art. 7. Il est inséré dans le même arrêté un chapitre VIII*bis*, comprenant les articles 24*bis* et 24*ter*, rédigé comme suit :

« CHAPITRE VIII*bis*. — AUTRES DELEGATIONS DE COMPETENCES

Art. 24*bis*. Le service visé à l'article 142*ter*, alinéa 2, 5°, de la loi du 7 décembre 1998 organisant un service de police intégré, structuré à deux niveaux, est la direction de la formation de la police fédérale.

Art. 24*ter*. Le service visé à l'article 11 de l'arrêté royal du 20 novembre 2001 relatif aux formations de base des membres du personnel du cadre opérationnel des services de police et portant diverses dispositions transitoires, est la direction du recrutement et de la sélection de la police fédérale. »

Art. 8. Les articles VII.1er et VII.2 AEPol sont abrogés.

Art. 9. L'article VII.3 AEPol est remplacé par la disposition suivante :

« Art. VII.3. Pour octroyer l'échelle de traitement supérieure dans la carrière barémique, le commissaire général ou le directeur général qu'il désigne ou, selon le cas, le chef de corps ou le membre du personnel qu'il désigne, élaborent un dossier reprenant notamment :

1° la dernière évaluation du membre du personnel concerné;

2° un extrait de la liste nominative visée à l'article II.I.9 PJPol déterminant son ancienneté de grade et d'échelle de traitement;

3° le cas échéant, la preuve du suivi de la formation requise. »

Bruxelles, 6 mars 2007.

P. DEWAEL

Gelet op de akkoordbevinding van de Minister van Ambtenarenzaken van 12 oktober 2005;

Overwegende dat het advies van de Adviesraad van burgemeesters niet regelmatig binnen de voorgeschreven termijn gegeven is en dat geen verzoek om verlenging van de termijn gedaan is; dat er bijgevolg aan is voorbijgegaan;

Gelet op het advies 40.781/2/V van de Raad van State, gegeven op 19 juli 2006 met toepassing van artikel 84, § 1, eerste lid, 1°, van de gecoördineerde wetten op de Raad van State;

Besluit :

Artikel 1. Artikel 19 van het ministerieel besluit van 7 september 2001 betreffende het overdragen van sommige bevoegdheden van de Minister van Binnenlandse Zaken aan bepaalde overheden van de federale politie, wordt vervangen als volgt :

« Art. 19. De in de artikelen IV.I.12, IV.I.38, IV.I.47 en VII.IV.16 RPPol, bedoelde dienst is de directie van de rekrutering en van de selectie van de federale politie. »

Art. 2. Artikel 20 van hetzelfde besluit wordt vervangen als volgt :

« Art. 20. De in de artikelen IV.II.32, tweede lid, 2°, en IV.II.33 RPPol, bedoelde dienst is de directie van de opleiding van de federale politie. »

Art. 3. Artikel 21 van hetzelfde besluit wordt vervangen als volgt :

« Art. 21. De in de artikelen V.II.15, tweede lid, VI.II.22 en X.III.1, 2°, *a)*, RPPol, bedoelde afgevaardigde is de directeur-generaal van de algemene directie personeel van de federale politie. »

Art. 4. Artikel 22 van hetzelfde besluit wordt vervangen als volgt :

« Art. 22. De in de artikelen IV.I.23, VI.II.46, eerste lid, VII.I.15, § 3, eerste en tweede lid, VII.II.14, VII.II.29, tweede lid, VII.II.30, eerste lid, VII.II.31, eerste en tweede lid, VII.II.33, eerste lid, VII.II.39, tweede lid, VII.II.40, eerste lid, VII.II.41, eerste en tweede lid, VII.II.43, eerste lid, VII.III.35, VII.III.36, eerste lid, VII.III.37, eerste en tweede lid, VII.III.43, eerste lid, VII.III.45, eerste lid, VII.III.76, eerste lid, VII.IV.31, eerste lid, VII.IV.32, eerste lid, en VII.IV.34, eerste lid, RPPol, bedoelde dienst is de directie van de mobiliteit en het loopbaanbeheer van de federale politie. »

Art. 5. In hetzelfde besluit wordt een artikel 22*bis* ingevoegd, luidende :

« Art. 22*bis*. De in artikel V.III.16, eerste lid, RPPol bedoelde dienst is de directie van het beleid, het beheer en de ontwikkeling van de algemene directie personeel van de federale politie. »

Art. 6. Artikel 23 van hetzelfde besluit wordt opgeheven.

Art. 7. In hetzelfde besluit wordt een hoofdstuk VIII*bis* ingevoegd, dat de artikelen 24*bis* en 24*ter* omvat, luidende :

« HOOFDSTUK VIII*bis*. — ANDERE OVERGEDRAGEN BEVOEGDHEDEN

Art. 24*bis*. De in artikel 142*ter*, tweede lid, 5°, van de wet van 7 december 1998 tot organisatie van een geïntegreerde politiedienst, gestructureerd op twee niveaus, bedoelde dienst is de directie van de opleiding van de federale politie.

Art. 24*ter*. De in artikel 11 van het koninklijk besluit van 20 november 2001 betreffende de basisopleidingen van de personeelsleden van het operationeel kader van de politiediensten en houdende diverse andere overgangsbepalingen, bedoelde dienst is de directie van de rekrutering en van de selectie van de federale politie. »

Art. 8. De artikelen VII.1 en VII.2 UBPol worden opgeheven.

Art. 9. Artikel VII.3 UBPol wordt vervangen als volgt :

« Art. VII.3. Voor het toekennen van de hogere loonschaal in de baremische loopbaan stelt de commissaris-generaal of de door deze aangewezen directeur-generaal of, naar gelang van het geval, de korpschef of het door deze aangewezen personeelslid, een dossier samen dat inzonderheid omvat :

1° de laatste evaluatie van het betrokken personeelslid;

2° een uittreksel van de in artikel II.I.9 RPPol bedoelde naamlijst tot vaststelling van zijn graad- en loonschaalanciënniteit;

3° in voorkomend geval, het bewijs van het gevolgd hebben van de vereiste opleiding. »

Brussel, 6 maart 2007.

P. DEWAEL

SERVICE PUBLIC FEDERAL MOBILITE ET TRANSPORTS

F. 2007 — 1152 [C − 2007/14078]

15 FEVRIER 2007. — Arrêté royal autorisant la suppression du passage à niveau n° 22 de la ligne ferroviaire 43 Angleur-Marloie à Esneux moyennant la construction d'un passage supérieur et déclarant d'utilité publique la prise de possession immédiate des parcelles nécessaires pour la construction du passage supérieur précité

ALBERT II, Roi des Belges,

A tous, présents et à venir, Salut.

Vu la loi du 12 avril 1835 concernant les péages et règlements de police sur les chemins de fer, notamment l'article 2;

Vu la loi du 26 juillet 1962, modifiée par la loi du 6 avril 2000, relative à la procédure d'extrême urgence en matière d'expropriation pour cause d'utilité publique;

Vu la loi du 21 mars 1991 portant réforme de certaines entreprises publiques économiques, notamment l'article 10, § 2, 2°;

Vu l'arrêté royal du 14 juin 2004 portant réforme des structures de gestion de l'infrastructure ferroviaire, notamment l'article 4;

Considérant que la suppression des passages à niveau, notamment sur les lignes voyageurs, contribue à l'amélioration de la sécurité ferroviaire et routière;

Considérant que les passages à niveau sont, en outre, des entraves potentielles à l'exploitation ferroviaire et que leur suppression favorise le bon déroulement de l'exploitation des lignes ferroviaires;

Considérant que la construction d'un passage supérieur constitue, d'un point de vue technique, d'aménagement rural et financier, la solution la mieux appropriée aux éventuels problèmes de circulation causés par la suppression du passage à niveau n° 22;

Considérant que le plan n° OA-0430-014.990-009 qui décrit les travaux est conforme à la solution précitée;

Considérant que pour la réalisation du plan précité il a été tenu compte de l'avis de la commune ainsi que des remarques issues de l'enquête publique;

Considérant que la prise de possession des parcelles mentionnées au plan n° OA-0430-014.990-009 et situées sur le territoire de la commune d'Esneux, est nécessaire pour l'exécution des travaux;

Considérant que le danger potentiel pour la sécurité de la circulation au passage à niveau confère un caractère d'urgence aux travaux visés;

Considérant, par conséquent, que la prise de possession immédiate, pour cause d'utilité publique, des parcelles en question est indispensable;

Sur la proposition de Notre Ministre de la Mobilité,

Nous avons arrêté et arrêtons :

Article 1er. Infrabel est autorisée à supprimer le passage à niveau n° 22 de la ligne ferroviaire 43 à Esneux, moyennant la construction d'un passage supérieur tel qu'indiqué au plan n° OA-0430-014.990-009, annexé au présent arrêté.

Art. 2. L'utilité publique requiert, pour la construction du passage supérieur précité, la prise de possession immédiate des parcelles indiquées au plan n° OA-0430-014.990-009, annexé au présent arrêté.

Art. 3. Les parcelles indiquées au plan visé ci-dessus et nécessaires à l'exécution des travaux en question seront, à défaut de cession amiable, emprises et occupées conformément à la loi du 26 juillet 1962, modifiée par la loi du 6 avril 2000, relative à la procédure d'extrême urgence en matière d'expropriation pour cause d'utilité publique.

Art. 4. Notre Ministre de la Mobilité est chargé de l'exécution du présent arrêté.

Donné à Bruxelles, le 15 février 2007.

ALBERT

Par le Roi :

Le Ministre de la Mobilité,

R. LANDUYT

FEDERALE OVERHEIDSDIENST MOBILITEIT EN VERVOER

N. 2007 — 1152 [C − 2007/14078]

15 FEBRUARI 2007. – Koninklijk besluit dat de afschaffing van overweg nr. 22 op de spoorlijn 43 Angleur-Marloie te Esneux machtigt mits het bouwen van een overbrugging en dat de onmiddellijke inbezitneming van de percelen nodig voor de bouw van voornoemde overbrugging van openbaar nut verklaart

ALBERT II, Koning der Belgen,

Aan allen die nu zijn en hierna wezen zullen, Onze Groet.

Gelet op de wet van 12 april 1835 betreffende de tolgelden en politiereglementen op de spoorwegen, inzonderheid op artikel 2;

Gelet op de wet van 26 juli 1962, gewijzigd bij de wet van 6 april 2000, betreffende de rechtspleging bij hoogdringende omstandigheden inzake onteigening ten algemenen nutte;

Gelet op de wet van 21 maart 1991 betreffende de hervorming van sommige economische overheidsbedrijven, inzonderheid op artikel 10, § 2, 2°;

Gelet op het koninklijk besluit van 14 juni 2004 tot hervorming van de beheersstructuren van de spoorweginfrastructuur, inzonderheid op artikel 4;

Overwegende dat de afschaffing van overwegen, meer bepaald op reizigerslijnen, de veiligheid van het wegverkeer en het spoorverkeer bevordert;

Overwegende dat overwegen bovendien potentiële hindernissen vormen voor de spoorwegexploitatie en hun afschaffing het vlotte verloop van de uitbating van de spoorlijnen ten goede komt;

Overwegende dat de bouw van een overbrugging vanuit technisch, landschappelijk en financieel oogpunt de meest optimale oplossing vormt voor eventuele verkeersproblemen veroorzaakt door de afschaffing van overweg nr. 22;

Overwegende dat het plan nr. OA-0430-014.990-009 dat de werken beschrijft beantwoordt aan de bovenstaande oplossing;

Overwegende dat bij de uitwerking van genoemd plan rekening gehouden werd met het advies van de gemeente en de opmerkingen naar voren gekomen tijdens het openbaar onderzoek;

Overwegende dat de inbezitneming van de percelen, aangeduid op het plan nr. OA-0430-014.990-009 en gelegen op het grondgebied van de gemeente Esneux nodig is voor de uitvoering van de werken;

Overwegende dat het potentieel gevaar voor de verkeersveiligheid aan de overweg de beoogde werken een dringend karakter geeft;

Overwegende dat derhalve de onmiddellijke inbezitneming van de bedoelde percelen ten algemene nutte onontbeerlijk is;

Op de voordracht van Onze Minister van Mobiliteit,

Hebben Wij besloten en besluiten Wij :

Artikel 1. Infrabel is gemachtigd tot de afschaffing van overweg nr. 22 op de spoorlijn 43 te Esneux mits de bouw van een overbrugging, zoals aangegeven op het plan nr. OA-0430-014.990-009, gevoegd bij dit besluit.

Art. 2. Het algemeen nut vordert voor de bouw van genoemde overbrugging de onmiddellijke inbezitneming van de percelen opgenomen in het plan nr. OA-0430-014.990-009, gevoegd bij dit besluit.

Art. 3. Bij gebrek aan afstand in der minne, worden de voor de werken benodigde en op voormelde plan aangewezen percelen ingenomen en bezet overeenkomstig de wet van 26 juli 1962, gewijzigd bij de wet van 6 april 2000, betreffende de rechtspleging bij hoogdringende omstandigheden inzake onteigening ten algemenen nutte.

Art. 4. Onze Minister van Mobiliteit is belast met de uitvoering van dit besluit.

Gegeven te Brussel, 15 februari 2007.

ALBERT

Van Koningswege :

De Minister van Mobiliteit,

R. LANDUYT

Tableau des emprises — Tabel der innemingen

Numéro d'ordre — Volgnr.	Indications cadastrales — Kadastrale aanduidingen			Contenance de la parcelle suivant cadastre — Oppervlakte van het perceel volgens kadaster			Contenance de l'emprise suivant cadastre — Oppervlakte van de inneming volgens kadaster			Nom et adresse des propriétaires — Naam en adres van de eigenaars
	Section — Sectie	N° de la parcelle — Perceelnr.	Nature — Aard	Ha	A	Ca	Ha	A	Ca	
1	D	1147f	Pâture Weiland	0	59	50	00	04	32	HUMBLET Catherine Myriam avenue des Trois Couronnes 24 - 4130 ESNEUX
2	D	1149n	Jardin Tuin	00	03	00	00	01	25	VIVARIO Eric Léopold Quarreux 50 - 4920 AYWAILLE VIVARIO Janine Manuela avenue des Lauriers 67 - 4053 CHAUDFONTAINE PRION Marie Louise avenue Louise 471 - 1050 BRUXELLES VIVARIO Marielle Corinne rue des Wallons 213 - 4000 LIEGE
3	D	1147g	Chemin Weg	00	07	30	00	00	37	Société IMMAX avenue des Trois Couronnes 10 - 4130 ESNEUX SALGADO Lopez Daniel avenue des Trois Couronnes 16 - 4130 ESNEUX DEL FARRA Séverine Manon avenue des Trois Couronnes 16 - 4130 ESNEUX

SERVICE PUBLIC FEDERAL SECURITE SOCIALE

F. 2007 — 1153 [2007/22236]

26 JANVIER 2007. — Arrêté royal portant l'intégration de certains agents de l'Institut national d'assurance maladie-invalidité dans la carrière du niveau A

ALBERT II, Roi des Belges,

A tous, présents et à venir, Salut.

Vu l'arrêté royal du 3 avril 1997 portant des mesures en vue de la responsabilisation des institutions publiques de sécurité sociale, en application de l'article 47 de la loi du 26 juillet 1996 portant modernisation de la sécurité sociale et assurant la viabilité des régimes légaux des pensions, confirmé par la loi du 12 décembre 1997, notamment l'article 21, §§ 1er et 3;

Vu l'arrêté royal du 8 novembre 1998 fixant les diverses dispositions pécuniaires applicables aux grades particuliers à l'Institut national d'assurance maladie-invalidité, modifié par les arrêtés royaux des 4 décembre 2001 et 13 mars 2003;

Vu l'arrêté royal du 24 janvier 2002 fixant le statut du personnel des institutions publiques de sécurité sociale, modifié par les arrêtés royaux des 24 octobre 2003 et 30 novembre 2003;

Vu l'arrêté royal du 4 août 2004 relatif à la carrière du niveau A des agents de l'Etat, modifié par l'arrêté royal du 4 mai 2005;

Vu l'avis du Comité général de gestion de l'Institut national d'assurance maladie-invalidité, donné le 26 septembre 2005;

Vu l'avis du Commissaire du gouvernement du Budget, donné le 4 octobre 2005;

Vu l'accord de Notre Ministre du Budget, donné le 12 avril 2006;

Vu l'accord de Notre Ministre de la Fonction publique, donné le 24 janvier 2006;

Vu l'avis du Collège des Institutions publiques de Sécurité sociale, donné le 14 juillet 2006;

Vu le protocole du 4 août 2006 du Comité de secteur XX;

Vu l'avis 41250/3 du Conseil d'Etat, donné le 19 septembre 2006;

Sur la proposition de Notre Ministre des Affaires sociales,

Nous avons arrêté et arrêtons :

CHAPITRE Ier. — *Intégration de certains agents dans la nouvelle carrière du niveau A*

Section 1re. — Grades particuliers

Article 1er. § 1er. Les agents qui, au 1er décembre 2004, sont titulaires de l'un des grades rayés repris ci-après dans la colonne 1, et revêtus d'une échelle de traitement reprise dans la colonne 2, sont nommés d'office dans la classe reprise dans la colonne 3, rémunérés par l'échelle de traitement reprise dans la colonne 4 et portent le titre repris en regard dans la colonne 5.

FEDERALE OVERHEIDSDIENST SOCIALE ZEKERHEID

N. 2007 — 1153 [2007/22236]

26 JANUARI 2007. — Koninklijk besluit houdende integratie van sommige ambtenaren van het Rijksinstituut voor ziekte- en invaliditeitsverzekering in de loopbaan van niveau A

ALBERT II, Koning der Belgen,

Aan allen die nu zijn en hierna wezen zullen, Onze Groet.

Gelet op het koninklijk besluit van 3 april 1997 houdende maatregelen met het oog op de responsabilisering van de openbare instellingen van sociale zekerheid, met toepassing van artikel 47 van de wet van 26 juli 1996 tot modernisering van de sociale zekerheid en tot vrijwaring van de leefbaarheid van de wettelijke pensioenstelsels, bekrachtigd bij de wet van 12 december 1997, inzonderheid op artikel 21, §§ 1 en 3;

Gelet op het koninklijk besluit van 8 november 1998 tot vaststelling van de diverse geldelijk bepalingen toepasselijk op de bijzondere graden bij het Rijksinstituut voor ziekte- en invaliditeitsverzekering, gewijzigd bij de koninklijke besluiten van 4 december 2001 en 13 maart 2003;

Gelet op het koninklijk besluit van 24 januari 2002 houdende vaststelling van het statuut van het personeel van de openbare instellingen van sociale zekerheid, gewijzigd bij de koninklijke besluiten van 24 oktober 2003 en 30 november 2003;

Gelet op het koninklijk besluit van 4 augustus 2004 betreffende de loopbaan van niveau A van het Rijkspersoneel, gewijzigd bij het koninklijk besluit van 4 mei 2005;

Gelet op het advies van het Algemeen Beheerscomité van het Rijksinstituut voor ziekte- en invaliditeitsverzekering, gegeven op 26 september 2005;

Gelet op het advies van de Regeringscommissaris van begroting, gegeven op 4 oktober 2005;

Gelet op de akkoordbevinding van Onze Minister van Begroting, gegeven op 12 april 2006;

Gelet op de akkoordbevinding van Onze Minister van Ambtenarenzaken, gegeven op 24 januari 2006;

Gelet op het advies van het College van de Openbare Instellingen van Sociale Zekerheid, gegeven op 14 juli 2006;

Gelet op het protocol van 4 augustus 2006 van het Sectorcomité XX;

Gelet op het advies 41250/3 van de Raad van State, gegeven op 19 september 2006;

Op de voordracht van Onze Minister van Sociale Zaken,

Hebben Wij besloten en besluiten Wij :

HOOFDSTUK I. — *Integratie van sommige ambtenaren in de nieuwe loopbaan van niveau A*

Afdeling 1. — Bijzondere graden

Artikel 1. § 1. De ambtenaren die op 1 december 2004 titularis zijn van één van de geschrapte graden die hierna in kolom 1 zijn opgenomen en bekleed zijn met een weddenschaal die in kolom 2 is opgenomen, worden ambtshalve benoemd in de klasse die in kolom 3 is opgenomen, bezoldigd in de weddenschaal die in kolom 4 is opgenomen en dragen ze de titel hier tegenover vermeld in kolom 5.

1	2	3	4	5
Actuaire/Actuaris	10D	A2	A22	Attaché actuaire/Attaché actuaris
Actuaire/Actuaris	10E	A2	A23	
Actuaire/Actuaris	30.188,87 — 42.897,20	A3	A31	
Inspecteur d'actuariat (carrière plane en extinction)/ Actuariaatsinspecteur (vlakke loopbaan in uitdoving)	10D	A2	A22	
Inspecteur d'actuariat (carrière plane en extinction)/ Actuariaatsinspecteur (vlakke loopbaan in uitdoving)	10E	A2	A23	

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1	2	3	4	5
Actuaire-directeur/Actuaris-directeur	13C	A3	A32	Conseiller actuaire/Adviseur actuaris
Actuaire-directeur/Actuaris-directeur	13D	A3	A33	
Actuaire (carrière plane en extinction/Actuaris (vlakke loopbaan in uitdoving)	13C	A3	A32	
Pharmacien (carrière plane en extinction)/Apotheker (vlakke loopbaan in uitdoving)	10D	A2	A22	Attaché pharmacien/Attaché apotheker
Pharmacien (carrière plane en extinction)/Apotheker (vlakke loopbaan in uitdoving)	10E	A2	A23	
Pharmacien en chef-directeur (carrière plane en extinction)/Hoofdapotheker-directeur (vlakke loopbaan in uitdoving)	13D	A3	A32	Conseiller pharmacien/Adviseur apotheker
Médecin-inspecteur/Geneesheer-inspecteur	34.573,62 — 48.879,34	A3	A32	Attaché médecin-inspecteur/Attaché geneesheer-inspecteur
Médecin-inspecteur/Geneesheer-inspecteur	37.880,51 — 53.003,97	A3	A33	
Médecin-inspecteur/Geneesheer-inspecteur	38.508,33 — 54.039,89	A4	A41	
Médecin-inspecteur/Geneesheer-inspecteur	39.552,65 — 55.084,43	A4	A42	
Médecin-inspecteur-directeur/Geneesheer-inspecteur-directeur	39.352,05 — 55.084,47	A4	A42	Conseiller médecin-inspecteur/Adviseur geneesheer-inspecteur
Médecin-inspecteur-directeur/Geneesheer-inspecteur-directeur	40.228,36 — 55.960,78	A4	A42	
Inspecteur social général/Sociaal inspecteur-generaal	15A	A4	A42	Conseiller général inspecteur social/Adviseur-generaal sociaal inspecteur
Médecin-inspecteur général/Geneesheer-inspecteur-generaal	41.224,61 — 57.165,37	A4	A43	Conseiller général médecin-inspecteur/Adviseur-generaal geneesheer-inspecteur
Médecin-directeur général/Geneesheer-directeur-generaal	16A	A5	A51	Médecin directeur général (grade supprimé)/Geneesheer directeur-generaal (afgeschafte graad)
Administrateur général adjoint/Adjunct-administrateur-generaal	16A	A5	A51	Administrateur général adjoint (grade supprimé)/Adjunct-administrateur-generaal (afgeschafte graad)
Administrateur général/Administrateur-generaal	16B	A5	A52	Administrateur général (grade supprimé)/Administrateur-generaal (afgeschafte graad)

§ 2. L'ancienneté de classe des agents nommés en application du § 1er, est égale à l'ancienneté de grade acquise à la date du 1er décembre 2004 dans le grade dont ils étaient titulaires.

L'ancienneté acquise dans le niveau 1 est censée être acquise dans le niveau A.

§ 3. L'ancienneté pécuniaire acquise par ces agents est censée être acquise dans la nouvelle échelle de traitement.

§ 4. Par dérogation au § 1er, s'il y échet, les agents conservent le bénéfice de l'échelle de traitement du grade dont ils étaient revêtus, pour autant qu'elle soit plus favorable.

Art. 2. Par dérogation à l'article 1er, les agents anciennement revêtus d'un grade rayé repris dans la colonne 1 et rémunérés par l'échelle de traitement reprise dans la colonne 2, et qui comptent au minimum une ancienneté pécuniaire reprise dans la colonne 3, sont intégrés dans l'échelle de traitement reprise dans la colonne 4.

§ 2. De klasseanciënniteit van de ambtenaren, benoemd in toepassing van § 1, is gelijk aan de graadanciënniteit welke verkregen was op 1 december 2004 in de graad waarvan ze titularis waren.

De anciënniteit verkregen in niveau 1 wordt geacht verkregen te zijn in niveau A.

§ 3. De door deze ambtenaren verkregen geldelijke anciënniteit wordt geacht verkregen te zijn in de nieuwe weddenschaal.

§ 4. In afwijking van § 1, en in voorkomend geval, behouden de ambtenaren het voordeel van de weddenschaal van de graad waarmee ze waren bekleed, voorzover deze gunstiger is.

Art. 2. In afwijking van artikel 1 worden de ambtenaren, voorheen bekleed met een geschrapte graad die in kolom 1 is opgenomen en bezoldigd in de weddenschaal die in kolom 2 is opgenomen, en die ten minste een geldelijke anciënniteit hebben zoals vermeld in kolom 3, geïntegreerd in de weddenschaal die in kolom 4 is opgenomen.

1	2	3	4
Actuaire-directeur/Actuaris-directeur	13c	14 ans/jaar	A33
Actuaire (carrière plane en extinction)/Actuaris (vlakke loopbaan in uitdoving)	13C	14 ans/jaar	A33
Médecin-inspecteur/Geneesheer-inspecteur	34.573,62 — 48.879,34	13 ans/jaar	A33
Médecin-inspecteur/Geneesheer-inspecteur	37.880,51 — 53.003,97	10 ans/jaar	A41
Médecin-inspecteur/Geneesheer-inspecteur	38.508,33 — 54.039,89	17 ans/jaar	A42

Art. 3. § 1er. Les grades suivants sont rayés :

Actuaire;

Actuaire-directeur;

Inspecteur d'actuariat (carrière plane en extinction);

Actuaire (carrière plane en extinction);

Médecin-inspecteur;

Médecin-inspeteur-directeur;

Médecin-inspecteur général;

Pharmacien (carrière plane en extinction);

Pharmacien en chef-directeur (carrière plane en extinction);

Inspecteur social général.

§ 2. Les grades suivants sont supprimés :

Médecin-directeur général;

Administrateur général adjoint;

Administrateur général.

§ 3. Par dérogation aux articles 3 et 4 de l'arrêté royal du 2 octobre 1937 portant le statut des agents de l'Etat, le niveau A comprend les grades supprimés d'administrateur général, administrateur général adjoint et médecin-directeur général. Les agents revêtus de ces grades sont nommés dans une classe de métiers A5. Ils portent le titre de leur grade supprimé.

Section 2. — Grades communs

Art. 4. § 1er. Par dérogation à l'article 216, § 1er, de l'arrêté royal du 4 août 2004 relatif à la carrière du niveau A des agents de l'Etat, l'agent qui, au 1er décembre 2004, est titulaire du grade rayé d'inspecteur social-directeur, revêtu de l'échelle de traitement particulière 33.978,98 — 48.694,01, est intégré dans l'échelle de traitement A32.

§ 2. Par dérogation au § 1er, l'agent qui, au 1er décembre 2004, est titulaire du grade rayé d'inspecteur social-directeur, revêtu de l'échelle particulière 33.978,98 — 48.694,01 et qui compte une ancienneté pécuniaire d'au moins quatorze ans, est intégré dans l'échelle de traitement A33.

§ 3. Les dispositions de l'article 1er, § 4, sont applicables.

CHAPITRE II. — *Dispositions transitoires, abrogatoires et finales*

Art. 5. Les agents, anciennement revêtus du grade d'actuaire et rémunérés dans l'échelle de traitement 10E, qui comptent une ancienneté de grade d'au moins dix-huit ans à la date du 30 novembre 2004, obtiennent l'échelle de traitement particulière 30.188,87 — 42.897,20 le 1er jour du mois qui suit celui de leur inscription à une formation certifiée, pour autant qu'ils l'aient réussie et qu'ils ne bénéficient pas d'un régime plus avantageux.

Art. 6. Les agents, anciennement revêtus du grade d'inspecteur d'actuariat (carrière plane en extinction) et rémunérés dans l'échelle de traitement 10E, obtiennent l'échelle de traitement 13C dès qu'ils comptent une ancienneté de classe de dix-huit ans et pour autant qu'ils ne bénéficient pas à ce moment d'une échelle de traitement plus favorable.

Art. 7. Les agents, anciennement revêtus du grade de médecin-inspecteur et rémunérés dans l'échelle de traitement particulière 34.573,62 — 48.879,34 obtiennent automatiquement l'échelle de traitement particulière 37.880,51 — 53.003,97, dès qu'ils comptent une ancienneté cumulée de neuf ans dans l'ancien grade de rang 10 et dans la classe de métier A3.

Art. 8. Les agents, anciennement revêtus du grade de médecin-inspcteur et rémunérés dans l'échelle de traitement particulière 37.880,51 — 53.003,97 qui comptent une ancienneté de grade d'au moins dix-huit ans à la date du 30 novembre 2004, obtiennent l'échelle de traitement particulière 38.508,33 — 54.039,89, le 1er jour du mois qui suit celui de leur inscription à une formation certifiée, pour autant qu'ils l'aient réussie et qu'ils ne bénéficient pas d'un régime plus avantageux.

Art. 3. § 1. De volgende graden worden geschrapt :

Actuaris;

Actuaris-directeur;

Actuariaatsinspecteur (vlakke loopbaan in uitdoving);

Actuaris (vlakke loopbaan in uitdoving);

Geneesheer-inspecteur;

Geneesheer-inspecteur-directeur;

Geneesheer-inspecteur-generaal;

Apotheker (vlakke loopbaan in uitdoving);

Hoofdapotheker-directeur (vlakke loopbaan in uitdoving);

Sociaal inspecteur-generaal.

§ 2. De volgende graden worden afgeschaft :

Geneesheer-directeur-generaal;

Adjunct-administrateur-generaal;

Administrateur-generaal.

§ 3. In afwijking van de artikelen 3 en 4 van het koninklijk besluit van 2 oktober 1937 houdende het statuut van het Rijkspersoneel bevat niveau A de afgeschafte graden van administrateur-generaal, adjunct-administrateur-generaal en geneesheer-directeur-generaal. De ambtenaren bekleed met deze graden worden in een vakklasse A5 benoemd. Ze dragen de titel van hun afgeschafte graad.

Afdeling 2. — Gemene graden

Art. 4. § 1. In afwijking van artikel 216, § 1, van het koninklijk besluit van 4 augustus 2004 betreffende de loopbaan van niveau A van het Rijkspersoneel, wordt de ambtenaar die op 1 december 2004 titularis is van de geschrapte graad van sociaal inspecteur-directeur en bekleed met de bijzondere weddenschaal 33.978,98 — 48.694,01, geïntegreerd in de weddenschaal A32.

§ 2. In afwijking van § 1 wordt de ambtenaar die op 1 december 2004 titularis is van de geschrapte graad van sociaal inspecteur-directeur en bezoldigd in de bijwondere weddenschaal 33.978,98 — 48.694,01 en die ten minste een geldelijke anciënniteit heeft van veertien jaar, geïntegreerd in de weddenschaal A33.

§ 3. De bepalingen van artikel 1, § 4, zijn van toepassing.

HOOFDSTUK II. — *Overgangs-opheffings- en slotbepalingen*

Art. 5. De ambtenaren, voorheen bekleed met de graad van actuaris en bezoldigd in de weddenschaal 10E, die op 30 november 2004 ten minste achttien jaar graadanciënniteit hebben, bekomen de bijzondere weddenschaal 30.188,87 — 42.897,20 op de eerste dag van de maand volgend op de datum van hun inschrijving voor een gecertificeerde opleiding, voor zover ze erin geslaagd zijn en ze op dat ogenblik geen gunstiger regeling genieten.

Art. 6. De ambtenaren, voorheen bekleed met de graad van actuariaatsinspecteur (vlakke loopbaan in uitdoving) en bezoldigd in de weddenschaal 10E, bekomen de weddenschaal 13C, zodra ze achtien jaar klasseanciënniteit hebben en voorzover ze op dat ogenblik geen gunstiger weddenschaal genieten.

Art. 7. De ambtenaren, voorheen bekleed met de graad van geneesheer-inspecteur en bezoldigd in de bijwondere weddenschaal 34.573,62 — 48.879,34 bekomen automatisch de bijzondere weddenschaal 37.880,51 — 53.003,97, zodra ze een gecumuleerde anciënniteit van negen jaar hebben in hun vorige graad van rang 10 en in vakklasse A3.

Art. 8. De ambtenaren, voorheen bekleed met de graad van geneesheer-inspecteur en bezoldigd in de bijzondere weddenschaal 37.880,51 — 53.003,97 die op 30 november 2004 ten minste achttien jaar graadanciënniteit hebben, bekomen de bijzondere weddenschaal 38.508,33 — 54.039,89, op de eerste dag van de maand volgend op de datum van hun inschrijving voor een gecertificeerde opleiding, voorzover ze erin geslaagd zijn en ze op dat ogenblik geen gunstiger regeling genieten.

Art. 9. Les agents, anciennement revêtus du grade de pharmacien (carrière plane en extinction) et rémunérés dans l'échelle de traitement 10E, obtiennent l'échelle de traitement 13D dès qu'ils comptent une ancienneté de classe de dix-huit ans et pour autant qu'ils ne bénéficient pas à ce moment d'une échelle de traitement plus favorable.

Art. 10. Pour la période qui va du 1er décembre 2004 à la date d'entrée en vigueur de l'arrêté royal du rangeant les différentes fonctions de médecin-inspecteur dans des classes de métier, conformément à l'article 5*ter* de l'arrêté royal du 2 octobre 1937 portant le statut des agents de l'Etat, les lauréats d'une sélection comparative de médecin-inspecteur peuvent être nommés dans la classe dans laquelle le grade rayé a été intégré conformément à l'article 1er, § 1er, du présent arrêté.

Art. 11. Sont abrogés, dans l'arrêté royal du 8 novembre 1998 fixant les diverses dispositions pécuniaires applicables aux grades particuliers à l'Institut national d'assurance maladie-invalidité :

1° l'article 5;

2° l'article 6;

3° l'article 7;

4° l'article 8;

5° l'article 9, modifié par les arrêtés royaux du 4 décembre 2001 et du 13 mars 2003;

6° l'article 10;

7° l'article 11, modifié par les arrêtés royaux du 4 décembre 2001 et du 13 mars 2003;

8° l'article 12, modifié par les arrêtés royaux du 4 décembre 2001 et du 13 mars 2003;

9° l'article 13, modifié par les arrêtés royaux du 4 décembre 2001 et du 13 mars 2003;

10° l'article 14, modifié par l'arrêté royal du 4 décembre 2001;

11° l'article 15;

12° l'article 16;

13° l'article 17;

14° l'article 18;

15° l'article 19;

16° l'article 21, modifié par les arrêtés royaux du 4 décembre 2001 et du 13 mars 2003;

17° l'article 22, modifié par les arrêtés royaux du 4 décembre 2001 et du 13 mars 2003.

Art. 12. L'arrêté royal du 8 novembre 1998 relatif au classement hiérarchique des grades particuliers que peuvent porter les agents de l'Institut national d'assurance maladie-invalidité, est abrogé.

Art. 13. Le présent arrêté produit ses effets le 1er décembre 2004.

Art. 14. Notre Ministre des Affaires sociales est chargé de l'exécution du présent arrêté.

Donné à Bruxelles, le 26 janvier 2007.

ALBERT

Par le Roi :

Le Ministre des Affaires sociales,
R. DEMOTTE

Art. 9. De ambtenaren, voorheen bekleed met de graad van apotheker (vlakke loopbaan in uitdoving) en bezoldigd in de weddenschaal 10E, bekomen de weddenschaal 13D, zodra er achttien jaar klasseanciënniteit hebben en voorzover ze op dat ogenblik geen gunstiger weddenschaal genieten.

Art. 10. Voor de periode van 1 december 2004 tot de datum van de inwerkingtreding van het koninklijk besluit dat de verschillende functies van geneesheer-inspecteur in vakklassen indeelt, overeenkomstig artikel 5*ter* van het koninklijk besluit van 2 oktober 1937 houdende het statuut van het Rijkspersoneel, kunnen de geslaagden van een vergelijkende selectie van geneesheer-inspeceur benoemd worden in de klasse waarin de geschrapte graad geïntegreerd is overeenkomstig artikel 1, § 1, van dit besluit.

Art. 11. In het koninklijk besluit van 8 november 1998 tot vaststelling van de diverse geldelijke bepalingen toepasselijk op de bijzondere graden bij het Rijksinstituut voor ziekte- en invaliditeitsverzekering, worden opgeheven :

1° artikel 5;

2° artikel 6;

3° artikel 7;

4° artikel 8;

5° artikel 9, gewijzigd bij de koninklijke besluiten van 4 december 2001 en 13 maart 2003;

6° artikel 10;

7° artikel 11, gewijzigd bij de koninklijke besluiten van 4 december 2001 en 13 maart 2003;

8° artikel 12, gewijzigd bij de koninklijke besluiten van 4 december 2001 en 13 maart 2003;

9° artikel 13, gewijzigd bij de koninklijke besluiten van 4 december 2001 en 13 maart 2003;

10° artikel 14, gewijzigd bij de koninklijk besluit van 4 december 2001;

11° artikel 15;

12° artikel 16;

13° artikel 17;

14° artikel 18;

15° artikel 19;

16° artikel 21, gewijzigd bij de koninklijke besluiten van 4 december 2001 en 13 maart 2003;

17° artikel 22, gewijzigd bij de koninklijke besluiten van 4 december 2001 en 13 maart 2003.

Art. 12. Het koninklijk besluit van 8 november 1998 betreffende de hiërarchische indeling van de bijzondere graden waarvan de ambtenaren van het Rijksinstituut voor ziekte- en invaliditeitsverzekering titularis kunnen zijn, wordt opgeheven.

Art. 13. Dit besluit heeft uitwerking met ingang van 1 december 2004.

Art. 14. Onze Minister van Sociale Zaken is belast met de uitvoering van dit besluit.

Gegeven te Brussel, 26 januari 2007.

ALBERT

Van Koningswege :

De Minister van Sociale Zaken,
R. DEMOTTE

SERVICE PUBLIC FEDERAL SECURITE SOCIALE

F. 2007 — 1154 [S − C − 2007/22235]

26 JANVIER 2007. — Arrêté royal modifiant l'arrêté royal du 19 novembre 1999 accordant aux médecins-fonctionnaires de l'Institut national d'assurance maladie-invalidité, une allocation pour compenser l'interdiction d'exercer toute autre pratique médicale

ALBERT II, Roi des Belges,

A tous, présents et à venir, Salut.

Vu l'arrêté royal du 3 avril 1997 portant des mesures en vue de la responsabilisation des institutions publiques de sécurité sociale, en application de l'article 47 de la loi du 26 juillet 1996 portant modernisation de la sécurité sociale et assurant la viabilité des régimes légaux des pensions, modifié en dernier lieu par l'arrêté royal du 7 octobre 2003;

Vu l'arrêté royal du 8 novembre 1998 fixant les diverses dispositions pécuniaires applicables aux grades particuliers à l'Institut national d'assurance maladie-invalidité, modifié par les arrêtés royaux des 4 décembre 2001 et 13 mars 2003;

Vu l'arrêté royal du 19 novembre 1999 accordant aux médecins-fonctionnaires de l'Institut national d'assurance maladie-invalidité, une allocation pour compenser l'interdiction d'exercer toute autre pratique médicale, modifié par l'arrêté royal du 4 décembre 2001;

Vu l'arrêté royal du 26 janvier 2007 portant l'intégration de certains agents de l'Institut national d'assurance maladie-invalidité dans la carrière A;

Vu l'avis du Commissaire de gouvernement du budget, donné le 28 septembre 2005;

Vu l'avis du Comité général de gestion de l'Institut national d'assurance maladie-invalidité;

Vu l'accord de Notre Ministre du Budget, donné le 12 avril 2006;

Vu l'accord de Notre Ministre de la Fonction publique, donné le 24 janvier 2006;

Vu le protocole du 4 août 2006 dans lequel sont consignées les conclusions de la négociation menée au sein du Comité de secteur XX;

Sur la proposition de Notre Ministre des Affaires sociales,

Nous avons arrêté et arrêtons :

Article 1er. Dans les dispositions de l'article 3, de l'arrêté royal du 19 novembre 1999 accordant aux médecins-fonctionnaires de l'Institut national d'assurance maladie-invalidité, une allocation pour compenser l'interdiction d'exercer toute autre pratique médicale, reprises ci-après dans la colonne 1, les échelles de traitement reprises dans la colonne 2 sont remplacées, à partir du 1er janvier 2003, par les échelles de traitement reprises dans la colonne 3 et, à partir du 1er décembre 2004, par les échelles de traitement reprises dans la colonne 4.

FEDERALE OVERHEIDSDIENST SOCIALE ZEKERHEID

N. 2007 — 1154 [S − C − 2007/22235]

26 JANUARI 2007. — Koninklijk besluit tot wijziging van het koninklijk besluit van 19 november 1999 tot toekenning aan de geneesheren-ambtenaren van het Rijksinstituut voor ziekte- en invaliditeitsverzekering, van een toelage ter compensatie van het verbod tot uitoefening van enige andere medische praktijk

ALBERT II, Koning der Belgen,

Aan allen die nu zijn en hierna wezen zullen, Onze Groet.

Gelet op het koninklijk besluit van 3 april 1997 betreffende maatregelen met het oog op de responsabilisering van de openbare instellingen van sociale zekerheid, met toepassing van artikel 47 van de wet van 26 juli 1996 tot modernisering van de sociale zekerheid en tot vrijwaring van de leefbaarheid van de wettelijke pensioenstelsels, laatst gewijzigd bij het koninklijk besluit van 7 oktober 2003;

Gelet op het koninklijk besluit van 8 november 1998 tot vaststelling van de diverse geldelijke bepalingen toepasselijk op de bijzondere graden bij het Rijksinstituut voor ziekte- en invaliditeitsverzekering, gewijzigd bij de koninklijke besluiten van 4 december 2001 en 13 maart 2003;

Gelet op het koninklijk besluit van 19 november 1999 tot toekenning aan de geneesheren-ambtenaren van het Rijksinstituut voor ziekte- en invaliditeitsverzekering, van een toelage ter compensatie van het verbod tot uitoefening van enige andere medische praktijk, gewijzigd bij het koninklijk besluit van 4 december 2001;

Gelet op het koninklijk besluit van 26 januari 2007 houdende integratie van sommige ambtenaren van het Rijksinstituut voor ziekte-en invaliditeitsverzekering in de loopbaan van niveau A;

Gelet op het advies van de Regeringscommissaris van begroting, gegeven op 28 september 2005;

Gelet op het advies van het Algemeen Beheerscomité van het Rijksinstituut voor ziekte- en invaliditeitsverzekering;

Gelet op de akkoordbevinding van Onze Minister van Begroting, gegeven op 12 april 2006;

Gelet op de akkoordbevinding van Onze Minister van Ambtenarenzaken, gegeven op 24 januari 2006;

Gelet op het protocol van 4 augustus 2006 waarin de conclusies van de onderhandelingen gevoerd binnen het sectorcomité XX worden vermeld;

Op de voordracht van Onze Minister van Sociale Zaken,

Hebben Wij besloten en besluiten Wij :

Artikel 1. In de hierna in kolom 1 vermelde bepalingen van artikel 3, van het koninklijk besluit van 19 november 1999 tot toekenning aan de geneesheren-ambtenaren van het Rijksinstituut voor ziekte- en invaliditeitsverzekering, van een toelage ter compensatie van het verbod tot uitoefening van enige andere medische praktijk, worden de weddenschalen die in kolom 2 zijn opgenomen, met ingang van 1 januari 2003 vervangen door de weddeschalen die in kolom 3 zijn opgenomen, en met ingang van 1 december 2004 door de weddeschalen die in kolom 4 zijn opgenomen.

1	2	3	4
§ 2, 1°	37.504,45- 52.479,09	37.880,51- 53.003,97	A33
§ 2, 2°	38.127,05- 53.504,83	38.508,33- 54.039,89	A41
§ 2, 2°	39.161,03- 54.539,03	39.552,65- 55.048,43	A42
§ 2, 3°	38.962,42- 54538,97	39.352,05- 55.084,47	A42
§ 2, 4°	39.830,05- 55.406,60	40.228,36- 55.960,78	A42
§ 2, 5°	40.816,44 -56.599,35	41.224,61- 57.165,37	A43
§ 2, 6°	45.709,49- 60.278,77	46.166,59- 60.881,62	A51

Art. 2. Le présent arrêté produit ses effets le 1er janvier 2003.

Art. 3. Notre Ministre des Affaires sociales est chargé de l'exécution du présent arrêté.

Donné à Bruxelles, le 26 janvier 2007.

ALBERT

Par le Roi :

Le Ministre des Affaires sociales,
R. DEMOTTE

Art. 2. Dit besluit heeft uitwerking met ingang van 1 januari 2003.

Art. 3. Onze Minister van Sociale Zaken is belast met de uitvoering van dit besluit.

Gegeven te Brussel, 26 januari 2007.

ALBERT

Van Koningswege :

De Minister van Sociale Zaken,
R. DEMOTTE

Folio N° 2748

SERVICE PUBLIC FEDERAL SECURITE SOCIALE

F. 2007 — 1155 [S − C − 2007/22269]

30 JANVIER 2007. — Arrêté royal fixant les cadres linguistiques des services centraux de l'Office national d'allocations familiales pour travailleurs salariés

ALBERT II, Roi des Belges,

A tous, présents et à venir, Salut.

Vu les lois sur l'emploi des langues en matière administrative, coordonnées le 18 juillet 1966, notamment, l'article 43, modifié par la loi du 4 avril 2006;

Vu l'arrêté royal du 5 juillet 2006 déterminant, en vue de l'application de l'article 43 des lois sur l'emploi des langues en matière administrative, coordonnées le 18 juillet 1966, les emplois des agents des services centraux des institutions publiques de sécurité sociale, qui constituent un même degré de la hiérarchie;

Vu l'arrêté du 6 juin 2006 du Comité de gestion portant fixation du plan de personnel 2006-2008 pour l'Office national d'allocations familiales pour travailleurs salariés;

Vu l'avis du Comité de gestion de l'Office national d'allocations familiales pour travailleurs salariés donné le 5 septembre 2006;

Attendu qu'il a été satisfait aux prescriptions de l'article 54, alinéa 2, des lois précitées sur l'emploi des langues en matière administrative;

Vu l'avis n° 38.267. de la Commission permanente de contrôle linguistique, donné le 21 décembre 2006;

Sur la proposition de notre Ministre des Affaires sociales,

Nous avons arrêté et arrêtons :

Article 1er. Les emplois prévus aux services centraux de l'Office national d'allocations familiales pour travailleurs salariés sont répartis comme suit entre les cadres linguistiques :

FEDERALE OVERHEIDSDIENST SOCIALE ZEKERHEID

N. 2007 — 1155 [S − C − 2007/22269]

30 JANUARI 2007. — Koninklijk besluit tot bepaling van de taalkaders in de centrale diensten van de Rijksdienst voor kinderbijslag voor werknemers

ALBERT II, Koning der Belgen,

Aan allen die nu zijn en hierna wezen zullen, Onze Groet.

Gelet op de wetten op het gebruik van de talen in bestuurszaken, gecoördineerd op 18 juli 1966, inzonderheid op artikel 43, gewijzigd bij de wet van 4 april 2006;

Gelet op het koninklijk besluit van 5 juli 2006 tot vaststelling, met het oog op de toepassing van artikel 43 van de wetten op het gebruik van de talen in bestuurszaken, gecoördineerd op 18 juli 1966, van de betrekkingen van de ambtenaren van de centrale diensten van de openbare instellingen van sociale zekerheid, die eenzelfde trap van de hiërarchie vormen;

Gelet op het besluit van 6 juni 2006 van het Beheerscomité tot vastlegging van het personeelsplan 2006-2008 voor de Rijksdienst voor kinderbijslag voor werknemers;

Gelet op het advies van het Beheerscomité van de Rijksdienst voor kinderbijslag voor werknemers gegeven op 5 september 2006;

Aangezien voldaan werd aan de voorschriften van artikel 54, tweede lid, van voornoemde wetten op het gebruik van de talen in bestuurszaken;

Gelet op advies nr. 38.267 van de Vaste Commissie voor Taaltoezicht, gegeven op 21 december 2006;

Op de voordracht van Onze Minister van Sociale Zaken,

Hebben Wij besloten en besluiten Wij :

Artikel 1. De betrekkingen toegewezen aan de centrale diensten van de Rijksdienst voor kinderbijslag voor werknemers worden als volgt verdeeld over de taalkaders :

Degrés de la hiérarchie — Trappen van de hiërarchie	Cadre français Nombre d'emplois — Frans kader Aantal betrekkingen	Cadre néerlandais Nombre d'emplois — Nederlands kader Aantal betrekkingen	Cadre bilingue Nombre d'emplois — Tweetalig kader Aantal betrekkingen	
			Réservés aux fonctionnaires du rôle linguistique français — Voorbehouden aan de ambtenaren van de Franse taalrol	Réservés aux fonctionnaires du rôle linguistique néerlandais — Voorbehouden aan de ambtenaren van de Nederlandse taalrol
1	25 %	25 %	25 %	25 %
2	43 %	43 %	7 %	7 %
3	53,92 %	46,08		
4	53,92 %	46,08		
5	53,92 %	46,08		

Art. 2. Le présent arrêté produit ses effets le 21 juillet 2006.

Art. 3. Notre Ministre des Affaires sociales est chargé de l'exécution du présent arrêté.

Donné à Bruxelles, le 30 janvier 2007.

ALBERT

Par le Roi :

Le Ministre des Affaires sociales,
R. DEMOTTE

Art. 2. Dit besluit heeft uitwerking met ingang van 21 juli 2006.

Art. 3. Onze Minister van Sociale Zaken is belast met de uitvoering van dit besluit.

Gegeven te Brussel, 30 januari 2007.

ALBERT

Van Koningswege :

De Minister van Sociale Zaken,
R. DEMOTTE

SERVICE PUBLIC FEDERAL SECURITE SOCIALE

F. 2007 — 1156 [C − 2007/22313]

13 FEVRIER 2007. — Arrêté royal modifiant certaines dispositions relatives au régime des prestations familiales en faveur des travailleurs indépendants

ALBERT II, Roi des Belges,

A tous, présents et à venir, Salut.

Vu la loi du 29 mars 1976 relative aux prestations familiales des travailleurs indépendants, notamment l'article 1er;

Vu l'arrêté royal du 8 avril 1976 établissant le régime des prestations familiales en faveur des travailleurs indépendants, modifié en dernier lieu par l'arrêté royal du 5 août 2006;

Vu l'avis de l'Inspecteur des Finances, donné le 13 novembre 2006;

Vu l'accord de Notre Ministre du Budget, donné le 16 novembre 2006;

Vu l'avis n° 41.874/1 du Conseil d'Etat, donné le 29 décembre 2006, en application de l'article 84, § 1er, alinéa 1er, 1°, des lois coordonnées sur le Conseil d'Etat;

Sur la proposition de notre Ministre des Affaires sociales et de Notre Ministre des Classes moyennes, et de l'avis de Nos Ministres qui en ont délibéré en Conseil,

Nous avons arrêté et arrêtons :

Article 1er. Dans l'article 9, § 1er, de l'arrêté royal du 8 avril 1976 établissant le régime des prestations familiales en faveur des travailleurs indépendants, modifié en dernier lieu par l'arrêté royal du 30 septembre 1997, les mots « l'un d'eux » sont remplacés par les mots : « un attributaire visé à l'article 15, §§ 1er et 2 ».

Art. 2. Dans l'article 12 du même arrêté, les mots « L'attributaire visé » sont remplacés par les mots « L'orphelin visé ».

Art. 3. Le présent arrêté entre en vigueur à la même date que celle fixée par Nous en exécution de l'article 153, alinéa 1er, de la loi du 27 décembre 2005 portant des dispositions diverses.

Art. 4. Notre Ministre des Classes moyennes est chargée de l'exécution du présent arrêté.

Donné à Bruxelles, le 13 fevrier 2007.

ALBERT

Par le Roi :

Le Ministre des Affaires sociales,
R. DEMOTTE

La Ministre des Classes moyennes,
Mme S. LARUELLE

FEDERALE OVERHEIDSDIENST SOCIALE ZEKERHEID

N. 2007 — 1156 [C − 2007/22313]

13 FEBRUARI 2007. — Koninklijk besluit tot wijziging van sommige bepalingen betreffende de regeling van de gezinsbijslag ten voordele van de zelfstandigen.

ALBERT II, Koning der Belgen,

Aan allen die nu zijn en hierna wezen zullen, Onze Groet.

Gelet op de wet van 29 maart 1976 betreffende de gezinsbijslag voor zelfstandigen, inzonderheid op artikel 1;

Gelet op het koninklijk besluit van 8 april 1976 houdende regeling van de gezinsbijslag ten voordele van de zelfstandigen, laatst gewijzigd bij het koninklijk besluit van 5 augustus 2006;

Gelet op het advies van de Inspecteur van Financiën, gegeven op 13 november 2006;

Gelet op de akkoordbevinding van Onze Minister van Begroting, gegeven op 16 november 2006;

Gelet op het advies nr. 41.874/1 van de Raad van State, gegeven op 29 december 2006 met toepassing van artikel 84, § 1, eerste lid, 1°, van de gecoördineerde wetten op de Raad van State;

Op de voordracht van Onze Minister van Sociale Zaken en Onze Minister van Middenstand, en op het advies van Onze in Raad vergaderde Ministers,

Hebben Wij besloten en besluiten Wij :

Artikel 1. In artikel 9, § 1, van het koninklijk besluit van 8 april 1976 houdende regeling van de gezinsbijslag ten voordele van de zelfstandigen, laatst gewijzigd bij het koninklijk besluit van 30 september 1997, worden de woorden « een van beiden » vervangen door de woorden « een rechthebbende bedoeld in artikel 15, §§ 1 en 2 ».

Art. 2. In artikel 12 van hetzelfde besluit worden de woorden « bedoelde rechthebbende » vervangen door de woorden « bedoelde wees ».

Art. 3. Dit besluit treedt in werking op dezelfde datum dan die door Ons vastgesteld in uitvoering van artikel 153, eerste lid, van de wet van 27 december 2005 houdende diverse bepalingen.

Art. 4. Onze Minister van Middenstand is belast met de uitvoering van dit besluit.

Gegeven te Brussel, 13 februari 2007.

ALBERT

Van Koningswege :

De Minister van Sociale Zaken,
R. DEMOTTE

De Minister van Middenstand,
Mevr. S. LARUELLE

SERVICE PUBLIC FEDERAL SANTE PUBLIQUE, SECURITE DE LA CHAINE ALIMENTAIRE ET ENVIRONNEMENT

F. 2007 — 1159 (2007 — 1109) [2007/22343]

8 FEVRIER 2007. — Arrêté royal modifiant l'arrêté royal du 15 octobre 1997 relatif aux produits cosmétiques. — Erratum

Au *Moniteur belge* du 9 mars 2007, deuxième édition, acte n° 2006/23316, à la page 12299, il faut lire les articles 3 et 4 comme suit :

« **Art. 3.** L'article 4*bis* du même arrêté, inséré par l'arrêté royal du 25 novembre 2004, est complété par l'alinéa suivant :

« Les dispositions du présent article sont d'application au plus tard jusqu'au 11 mars 2009, date à laquelle les expérimentations animales seront interdites.

Toutefois, pour les expérimentations concernant la toxicité des doses répétées, la toxicité pour la reproduction et la toxicocinétique, cette date est reportée au 11 mars 2013. »

FEDERALE OVERHEIDSDIENST VOLKSGEZONDHEID, VEILIGHEID VAN DE VOEDSELKETEN EN LEEFMILIEU

N. 2007 — 1159 (2007 — 1109) [2007/22343]

8 FEBRUARI 2007. — Koninklijk besluit tot wijziging van het koninklijk besluit van 15 oktober 1997 betreffende cosmetica. — Erratum

In het *Belgisch Staatsblad* van 9 maart 2007, tweede uitgave, akte nr. 2006/23316, blz. 12299, moeten de artikelen 3 en 4 gelezen worden als volgt :

« **Art. 3.** Artikel 4*bis* van hetzelfde besluit, ingevoegd bij het koninklijk besluit van 25 november 2004, wordt aangevuld met het volgende lid :

« De bepalingen van dit artikel zijn van toepassing tot uiterlijk 11 maart 2009, datum waarop de dierproeven zullen verboden zijn.

Evenwel voor proeven in verband met toxiciteit bij herhaalde toediening, toxiciteit met betrekking tot de voortplanting en toxicokinetiek, wordt deze datum uitgesteld tot 11 maart 2013. »

Art. 4. A l'annexe du même arrêté, chapitre VI, première partie, modifiée par les arrêtés royaux des 16 octobre 1998, 14 janvier 2000, 8 juin 2000, 25 novembre 2004 et 22 décembre 2005, dans la version en langue néerlandaise, l'entrée suivante est ajoutée sous le numéro d'ordre 27 :

Art. 4. In de bijlage van hetzelfde besluit, hoofdstuk VI, eerste deel, gewijzigd door de koninklijke besluiten van 16 oktober 1998, 14 januari 2000, 8 juni 2000, 25 november 2004 en 22 december 2005, wordt in de Nederlandse tekst de volgende vermelding toegevoegd met als rangnummer 27 :

Rangnummer	Stoffen	Maximaal toelaatbare concentratie	Beperkingen en eisen	Gebruiksvoorwaarden en waarschuwingen die op het etiket dienen te worden vermeld
a	b	c	d	e
″27	Imidazolidinylureum (+)	0,6 %″		

»

SERVICE PUBLIC FEDERAL JUSTICE ET SERVICE PUBLIC FEDERAL INTERIEUR

F. 2007 — 1160 [C − 2007/00152]

2 MARS 2007. — Arrêté royal portant modification de l'arrêté royal du 30 mars 2001 portant la position juridique du personnel des services de police

ALBERT II, Roi des Belges,
A tous, présents et à venir, Salut.

Vu la loi du 7 décembre 1998 organisant un service de police intégré, structuré à deux niveaux, notamment l'article 121, tel que remplacé par la loi du 26 avril 2002, et 137*bis*, inséré par la loi du 20 juin 2006;

Vu l'arrêté royal du 30 mars 2001 portant la position juridique du personnel des services de police (PJPol), notamment les articles VI.II.20, alinéa 1er, VI.II.38, VI.II.39, alinéas 1er et 3, VI.II.40, VII.II.3, § 2, VII.IV.3, § 2, IX.I.9, IX.II.6, alinéa 1er, et X.III.1er, 2°, *a)*;

Vu l'avis de l'Inspecteur général des Finances, donné le 4 février 2005;

Vu l'accord de Notre Ministre du Budget du 21 février 2006;

Vu l'accord de Notre Ministre de la Fonction publique du 12 octobre 2005;

Considérant que l'avis du Conseil consultatif des bourgmestres n'a pas été régulièrement donné dans le délai requis et qu'aucune demande de prolongation n'a été formulée; qu'en conséquent, il y a été passé outre;

Vu l'avis 40.780/2/V du Conseil d'Etat, donné le 19 juillet 2006 en application de l'article 84, § 1er, alinéa 1er, 1°, des lois coordonnées sur le Conseil d'Etat;

Vu le protocole n° 260/2 du comité de négociation pour les services de police du 31 janvier 2007;

Sur la proposition de Notre Ministre de la Justice et de Notre Ministre de l'Intérieur,

Nous avons arrêté et arrêtons :

Article 1er. L'article VI.II.20, alinéa 1er, PJPol est remplacé par l'alinéa suivant :

« Art. VI.II.20. Le service désigné par le ministre conformément à l'article VI.II.19, § 1er, alinéa 1er, transmet sans délai la candidature au chef de corps ou au commissaire général ou au directeur général concerné, selon qu'il s'agit d'une vacance d'emploi dans un corps de police locale ou à la police fédérale. »

FEDERALE OVERHEIDSDIENST JUSTITIE EN FEDERALE OVERHEIDSDIENST BINNENLANDSE ZAKEN

N. 2007 — 1160 [C − 2007/00152]

2 MAART 2007. — Koninklijk besluit tot wijziging van het koninklijk besluit van 30 maart 2001 tot regeling van de rechtspositie van het personeel van de politiediensten

ALBERT II, Koning der Belgen,
Aan allen die nu zijn en hierna wezen zullen, Onze Groet.

Gelet op de wet van 7 december 1998 tot organisatie van een geïntegreerde politiedienst, gestructureerd op twee niveaus, inzonderheid op de artikelen 121, vervangen bij de wet van 26 april 2002, en 137*bis*, ingevoegd bij de wet van 20 juni 2006;

Gelet op het koninklijk besluit van 30 maart 2001 tot regeling van de rechtspositie van het personeel van de politiediensten (RPPol), inzonderheid op de artikelen VI.II.20, eerste lid, VI.II.38, VI.II.39, eerste en derde lid, VI.II.40, VII.II.3, § 2, VII.IV.3, § 2, IX.I.9, IX.II.6, eerste lid, en X.III.1, 2°, *a)*;

Gelet op het advies van de Inspecteur-generaal van Financiën, gegeven op 4 februari 2005;

Gelet op de akkoordbevinding van Onze Minister van Begroting van 21 februari 2006;

Gelet op de akkoordbevinding van Onze Minister van Ambtenarenzaken van 12 oktober 2005;

Overwegende dat het advies van de Adviesraad van burgemeesters niet regelmatig binnen de voorgeschreven termijn gegeven is en dat geen verzoek om verlenging van de termijn gedaan is; dat er bijgevolg aan is voorbijgegaan;

Gelet op het advies 40.780/2/V van de Raad van State, gegeven op 19 juli 2006 met toepassing van artikel 84, § 1, eerste lid, 1°, van de gecoördineerde wetten op de Raad van State;

Gelet op het protocol nr 206/2 van het onderhandelingscomité voor de politiediensten van 31 januari 2007;

Op de voordracht van Onze Minister van Justitie en Onze Minister van Binnenlandse Zaken,

Hebben Wij besloten en besluiten Wij :

Artikel 1. Artikel VI.II.20, eerste lid, RPPol wordt vervangen als volgt :

« Art. VI.II.20. De door de minister overeenkomstig artikel VI.II.19, § 1, eerste lid, aangewezen dienst deelt de kandidaatstellingen onverwijld mee aan de korpschef of aan de commissaris-generaal of de betrokken directeur-generaal, naargelang het een vacature in een korps van de lokale politie dan wel in de federale politie betreft. »

Art. 2. L'article VI.II.38 PJPol est remplacé par la disposition suivante :

« Art. VI.II.38. Le directeur général des ressources humaines, le cas échéant sur avis conforme du commissaire général pour les emplois à attribuer au sein du commissariat général ou du directeur général concerné pour les emplois à attribuer au sein de sa direction générale, compare les titres et mérites respectifs des candidats estimés aptes par la commission de sélection fédérale pour officiers de la police fédérale ou, selon le cas, par la commission de sélection fédérale pour les membres du personnel du niveau A de la police fédérale sur base de la proposition de cette commission de sélection et des données définies à l'article VI.II.35, alinéa 3, à la suite de quoi il décide quel est le candidat le plus apte pour l'emploi à attribuer par mobilité.

Si ce candidat est un officier de la police fédérale ou, selon le cas, un membre du personnel du cadre administratif et logistique du niveau A de la police fédérale, le directeur général des ressources humaines le désigne pour l'emploi à attribuer par mobilité.

Si ce candidat est porteur du brevet de direction visé à l'article VII.II.4, 3°, ou un officier d'un corps de la police locale ou, selon le cas, un membre du personnel du cadre administratif et logistique du niveau A d'un corps de la police locale, le directeur général des ressources humaines le propose à l'autorité de nomination en vue de sa nomination, à la suite de quoi il désigne le membre du personnel nommé à l'emploi à attribuer par mobilité au sein de la police fédérale. »

Art. 3. L'article VI.II.39, alinéas 1er et 3, PJPol est remplacé par les alinéas suivants :

« S'il s'agit d'un emploi à attribuer par mobilité qui conformément à l'article VI.II.22 est attribué à l'ancienneté, le directeur général des ressources humaines détermine l'ordre d'ancienneté entre les candidatures qui ont été déclarées recevables.

Si le candidat possédant la plus grande ancienneté est un membre d'un corps de la police locale, le directeur général des ressources humaines le nomme ou l'engage, après quoi il le désigne à l'emploi à attribuer par mobilité au sein de la police fédérale »

Art. 4. L'article VI.II.40 PJPol est remplacé par la disposition suivante :

« Art. VI.II.40. S'il s'agit d'un emploi à attribuer par mobilité pour un membre du personnel d'un autre cadre que celui d'officier ou à un membre du personnel d'un autre niveau que le niveau A et s'il ne s'agit pas d'un emploi au sens de l'article VI.II.22, le directeur général des ressources humaines, le cas échéant, sur avis conforme du commissaire général pour les emplois à attribuer au sein du commissariat général ou du directeur général concerné pour les emplois à attribuer au sein de sa direction générale, compare les titres et mérites des candidatures estimées recevables sur base des données définies à l'article VI.II.35, alinéa 3, après quoi il décide quel est le candidat le plus apte.

Si ce candidat est un membre de la police fédérale, le directeur général des ressources humaines le désigne pour l'emploi à attribuer par mobilité.

Si ce candidat est un membre d'un corps de la police locale, le directeur général des ressources humaines le nomme ou l'engage après quoi il désigne le membre du personnel engagé ou nommé pour l'emploi à attribuer par mobilité au sein de la police fédérale. »

Art. 5. L'article VII.II.3, § 2, PJPol est remplacé par la disposition suivante :

« § 2. A l'exception de l'augmentation d'échelle de traitement visée au § 1er, l'échelle de traitement supérieure dans la carrière barémique est octroyée par le commissaire général ou le directeur général qu'il désigne ou, selon le cas, le chef de corps ou le membre du personnel qu'il désigne. Toutefois, si l'évaluation d'un membre du personnel de la police locale comporte la mention finale "insuffisant", l'autorité compétente dans le cadre de la carrière barémique est le bourgmestre ou le collège de police.

Le ministre fixe les modalités relatives à cet octroi. »

Art. 2. Artikel VI.II.38 RPPol wordt vervangen als volgt :

« Art. VI.II.38. De directeur-generaal van het personeel, in voorkomend geval, op eensluidend advies van de commissaris-generaal voor de in het commissariaat-generaal te begeven betrekkingen of de betrokken directeur-generaal voor de in zijn algemene directie te begeven betrekkingen, vergelijkt de respectieve aanspraken en verdiensten van de door de federale selectiecommissie voor officieren van de federale politie of, naar gelang van het geval, de federale selectiecommissie voor personeelsleden van niveau A van de federale politie geschikt bevonden kandidaten op grond van het voorstel van die selectiecommissie en de in artikel VI.II.35, derde lid, bepaalde gegevens, waarna hij beslist welke de voor de bij mobiliteit te begeven betrekking meest geschikte kandidaat is.

Is deze kandidaat een officier van de federale politie, of, naar gelang van het geval, een personeelslid van het administratief en logistiek kader van niveau A van de federale politie, dan wijst de directeur-generaal van het personeel, deze aan voor de bij mobiliteit te begeven betrekking.

Is deze kandidaat houder van het directiebrevet bedoeld in artikel VII.II.4, 3°, of een officier van een korps van de lokale politie of, naar gelang van het geval, een personeelslid van het administratief en logistiek kader van niveau A van een korps van de lokale politie, dan draagt de directeur-generaal van het personeel deze voor benoeming voor aan de benoemende overheid, waarna hij het benoemde personeelslid aanwijst voor de bij mobiliteit te begeven betrekking in de federale politie. »

Art. 3. Artikel VI.II.39, eerste en derde lid, RPPol wordt vervangen als volgt :

« Betreft het een bij mobiliteit te begeven betrekking die overeenkomstig artikel VI.II.22 bij anciënniteit wordt verleend, dan bepaalt de directeur-generaal van het personeel de volgorde van anciënniteit onder de ontvankelijk bevonden kandidaatstellingen.

Is de kandidaat met de grootste anciënniteit een personeelslid van een korps van de lokale politie, dan wordt deze door de directeur-generaal van het personeel benoemd of in dienst genomen waarna hij die aanwijst voor de bij mobiliteit te begeven betrekking in de federale politie. »

Art. 4. Artikel VI.II.40 RPPol wordt vervangen als volgt :

« Art. VI.II.40. Betreft het een bij mobiliteit te begeven betrekking voor een personeelslid van een ander kader dan het officierskader of voor een personeelslid van een ander niveau dan het niveau A en betreft het geen betrekking in de zin van artikel VI.II.22, dan vergelijkt de directeur-generaal van het personeel, in voorkomend geval, op eensluidend advies van de commissaris-generaal voor de in het commissariaat-generaal te begeven betrekkingen of de betrokken directeur-generaal voor de in zijn algemene directie te begeven betrekkingen de aanspraken en verdiensten van de ontvankelijk bevonden kandidaatstellingen op grond van de in artikel VI.II.35, derde lid, bepaalde gegevens, waarna hij beslist welke de meest geschikte kandidaat is.

Is deze kandidaat een personeelslid van de federale politie, dan wijst de directeur-generaal van het personeel deze aan voor de bij mobiliteit te begeven betrekking.

Is deze kandidaat een personeelslid van een korps van de lokale politie, dan benoemt of neemt de directeur-generaal van het personeel deze in dienst, waarna hij de benoemde of indienstgenomene aanwijst voor de bij mobiliteit te begeven betrekking in de federale politie. »

Art. 5. Artikel VII.II.3, § 2, RPPol wordt vervangen als volgt :

« § 2. Met uitzondering van de loonschaalverhoging bedoeld in § 1, wordt de hogere loonschaal binnen de baremische loopbaan toegekend door de commissaris-generaal of de door deze aangewezen directeur-generaal of, naar gelang van het geval, de korpschef of het door deze aangewezen personeelslid. Indien de evaluatie van een personeelslid van de lokale politie de eindvermelding «onvoldoende» draagt, is de bevoegde overheid in het raam van de baremische loopbaan evenwel de burgemeester of het politiecollege.

De minister stelt de nadere regels inzake die toekenning vast. »

Art. 6. L'article VII.IV.3, § 2, PJPol est remplacé par la disposition suivante :

« § 2. A l'exception de l'augmentation d'échelle de traitement visée au § 1er, l'échelle de traitement supérieure dans la carrière barémique est octroyée par le commissaire général ou le directeur général qu'il désigne ou, selon le cas, le chef de corps ou le membre du personnel qu'il désigne. Toutefois, si l'évaluation d'un membre du personnel de la police locale comporte la mention finale « insuffisant », l'autorité compétente dans le cadre de la carrière barémique est le bourgmestre ou le collège de police.

Le ministre fixe les modalités relatives à cet octroi. »

Art. 7. L'article IX.I.9 PJPol est remplacé par la disposition suivante :

« Art. IX.I.9. Le membre du personnel peut introduire volontairement sa démission au moyen d'une lettre adressée au directeur général du personnel ou au directeur de la direction de sa direction générale qu'il désigne ou, selon le cas, au chef de corps ou au membre du personnel qu'il désigne. Il ne peut quitter son service que moyennant l'accord de l'autorité précitée et en observant le délai de préavis d'un mois. Si cette autorité n'a pas donné de réponse dans les soixante jours qui suivent la date de l'envoi de la demande, l'accord est censé avoir été octroyé.

Le délai de préavis visé à l'alinéa 1er commence le premier jour du mois qui suit le mois au cours duquel la décision visée à l'alinéa 1er a été portée à la connaissance du membre du personnel ou le jour où le délai de soixante jours, suivant la date de l'envoi visé à l'alinéa 1er, est écoulé.

L'autorité visée à l'alinéa 1er peut, avec l'accord du membre du personnel, réduire le délai de préavis visé à l'alinéa 1er.

Lorsque la démission volontaire peut s'accompagner de l'obligation pour le membre du personnel de payer, à l'Etat, à la commune ou à la zone pluricommunale l'indemnité visée à l'article 85 de la loi du 26 avril 2002 relative aux éléments essentiels du statut des membres du personnel des services de police et portant diverses autres dispositions relatives aux services de police, l'autorité visée à l'alinéa 1er transmet sans délai la demande de démission au ministre ou, selon le cas, au bourgmestre ou au collège de police, compétents pour statuer dans ce cas sur la demande de démission, dans les mêmes conditions que celles visées à l'alinéa 1er et pour, le cas échéant, réduire le délai de préavis visé à l'alinéa 1er avec l'accord du membre du personnel. »

Art. 8. Il est inséré dans l'article IX.II.6, alinéa 1er, PJPol, à la place du 2°, qui devient le 3°, un nouveau 2°, rédigé comme suit :

« 2° dans le cas visé à l'article VIII.XI.5, selon le cas, par le directeur général du personnel ou le directeur de la direction de sa direction générale qu'il désigne, ou par le chef de corps ou le membre du personnel qu'il désigne. »

Art. 9. A l'article X.III.1er, 2°, *a)* PJPol les mots « le ministre » sont remplacés par les mots « le ministre ou son délégué ».

Art. 10. A partir de la date visée à l'article 54 de la loi du 20 juin 2006 portant modification de divers textes relatifs à la police intégrée, il y a lieu de comprendre dans les textes légaux et réglementaires, en attendant leur adaptation, par la « direction générale du personnel de la police fédérale », la « direction générale des moyens en matériel de la police fédérale » et la « direction générale de l'appui opérationnel de la police fédérale », ainsi que par le « directeur général de la direction générale du personnel de la police fédérale », le « directeur général de la direction générale des moyens en matériel de la police fédérale » et le « directeur général de la direction générale de l'appui opérationnel de la police fédérale », respectivement la « direction générale de l'appui et de la gestion » et le « directeur général de la direction, générale de l'appui et de la gestion » et ce, en ce qui concerne les compétences et les membres du personnel qui en dépendent.

Art. 11. Notre Ministre de la Justice et Notre Ministre de l'Intérieur sont chargés, chacun en ce qui le concerne, de l'exécution du présent arrêté.

Donné à Bruxelles, le 2 mars 2007.

ALBERT

Par le Roi :

La Vice-Première Ministre et Ministre de la Justice,
Mme L. ONKELINX

Le Vice-Premier Ministre et Ministre de l'Intérieur,
P. DEWAEL

Art. 6. Artikel VII.IV.3, § 2, RPPol wordt vervangen als volgt :

« § 2. Met uitzondering van de loonschaalverhoging bedoeld in § 1, wordt de hogere loonschaal binnen de baremische loopbaan toegekend door de commissaris-generaal of de door deze aangewezen directeur-generaal of, naar gelang van het geval, de korpschef of het door deze aangewezen personeelslid. Indien de evaluatie van een personeelslid van de lokale politie de eindvermelding « onvoldoende » draagt, is de bevoegde overheid in het raam van de baremische loopbaan evenwel de burgemeester of het politiecollege.

De minister stelt de nadere regels inzake die toekenning vast. »

Art. 7. Artikel IX.I.9 RPPol wordt vervangen als volgt :

« Art. IX.I.9. Het personeelslid kan zijn ontslag vrijwillig indienen door middel van een brief aan de directeur-generaal van het personeel of aan de directeur van de directie van zijn algemene directie die hij aanwijst of, naar gelang van het geval, aan de korpschef of aan het door deze aangewezen personeelslid. Het mag slechts na toestemming van de voormelde overheid en mits naleving van een opzeggingstermijn van één maand, zijn dienst verlaten. Indien die overheid niet binnen de zestig dagen na de datum van de verzending van de aanvraag heeft geantwoord, wordt de toestemming geacht te zijn verleend.

De in het eerste lid bedoelde opzeggingstermijn gaat in op de eerste dag van de maand volgend op die waarin de in het eerste lid bepaalde beslissing ter kennis werd gebracht van het personeelslid dan wel waarin de in het eerste lid bedoelde termijn van zestig dagen na de datum van verzending is verstreken.

De in het eerste lid bedoelde overheid kan, met akkoord van het personeelslid, de in het eerste lid bedoelde opzeggingstermijn inkorten.

Wanneer het vrijwillig ontslag kan gepaard gaan met de verplichting voor het personeelslid om aan de Staat, aan de gemeente of aan de meergemeentezone de vergoeding bedoeld in artikel 85 van de wet van 26 april 2002 houdende de essentiële elementen van het statuut van de personeelsleden van de politiediensten en houdende diverse andere bepalingen met betrekking tot de politiediensten, te betalen, bezorgt de in het eerste lid bedoelde overheid, onverwijld de aanvraag tot ontslag aan de minister of, naar gelang van het geval, aan de burgemeester of het politiecollege, die in dat geval, volgens dezelfde voorwaarden als deze bedoeld in het eerste lid, bevoegd zijn om te beslissen over de aanvraag tot ontslag en, in voorkomend geval, om, met akkoord van het personeelslid, de in het eerste lid bedoelde opzeggingstermijn in te korten. »

Art. 8. In artikel IX.II.6, eerste lid, RPPol wordt in plaats van het 2°, dat het 3° wordt, een nieuw 2° ingevoegd, luidende :

« 2° in het geval bedoeld in artikel VIII.XI.5, naar gelang van het geval, door de directeur-generaal van het personeel of de directeur van de directie van zijn algemene directie die hij aanwijst, of door de korpschef of het door deze aangewezen personeelslid. »

Art. 9. In artikel X.III.1, 2°, *a)*, RPPol worden de woorden « de minister » vervangen door de woorden « de minister of zijn afgevaardigde ».

Art. 10. Vanaf de in artikel 54 van de wet van 20 juni 2006 tot wijziging van bepaalde teksten betreffende de geïntegreerde politie bedoelde datum, moeten in de wettelijke en reglementaire teksten, in afwachting van de aanpassing ervan, onder de « algemene directie personeel van de federale politie », de « algemene directie materiële middelen van de federale politie » en de « algemene directie operationele ondersteuning van de federale politie », alsmede onder « de directeur-generaal van de algemene directie personeel van de federale politie », de « directeur-generaal van de algemene directie materiële middelen van de federale politie » en de « directeur-generaal van de algemene directie operationele ondersteuning van de federale politie », respectievelijk de « algemene directie van de ondersteuning en het beheer » en de « directeur-generaal van de algemene directie van de ondersteuning en het beheer » worden begrepen en dit inzake de bevoegdheden en de personeelsleden die er van afhangen.

Art. 11. Onze Minister van Justitie en Onze Minister van Binnenlandse Zaken zijn, ieder wat hem betreft, belast met de uitvoering van dit besluit.

Gegeven te Brussel, 2 maart 2007.

ALBERT

Van Koningswege :

De Vice-Eerste Minister en Minister van Justitie,
Mevr. L. ONKELINX

De Vice-Eerste Minister en Minister van Binnenlandse Zaken,
P. DEWAEL

SERVICE PUBLIC FEDERAL JUSTICE ET SERVICE PUBLIC FEDERAL INTERIEUR

F. 2007 — 1161 [S − C − 2007/00150]

2 MARS 2007. — Arrêté royal relatif aux membres des services d'appui à la gestion à la police fédérale

ALBERT II, Roi des Belges,
A tous, présents et à venir, Salut.

Vu la loi du 7 décembre 1998 organisant un service de police intégré, structuré à deux niveaux, notamment l'article 121;

Vu l'arrêté royal du 14 novembre 2006 relatif à l'organisation et aux compétences de la police fédérale, notamment l'article 18;

Vu l'avis de l'Inspecteur des Finances, donné le 27 juillet 2006;

Vu le protocole n° 189/2 du 31 août 2006 du comité de négociation pour les services de police;

Vu l'accord de Notre Ministre du Budget, donné le 12 octobre 2006;

Vu l'accord de Notre Ministre de la Fonction publique, donné le 25 septembre 2006;

Considérant que l'avis du Conseil consultatif des bourgmestres n'a pas été régulièrement donné dans le délai requis et qu'aucune demande de prolongation du délai n'a pas été formulée; qu'en conséquent, il y a été passé outre;

Vu l'avis n° 42.057/2 du Conseil d'Etat, donné le 31 janvier 2007 en application de l'arcticle 84, § 1er, alinéa 1er, 1°, des lois coordonnées sur le Conseil d'Etat;

Sur la proposition de Notre Ministre de la Justice et de Notre Ministre de l'Intérieur,

Nous avons arrêté et arrêtons :

Article 1er. Le collaborateur du service d'appui à la gestion du commissaire général ou d'un directeur général de la police fédérale est choisi en raison de son expertise, en principe pour la durée du mandat de celui qui l'a choisi.

Le collaborateur qui n'a pas la qualité de membre du personnel préalablement à sa désignation est engagé contractuellement à la police fédérale. Une éventuelle statutarisation ultérieure au sein des services de police est subordonnée à la réussite des épreuves de recrutement qui sont légalement et réglementairement imposées.

Art. 2. Le membre du personnel de la police fédérale est désigné conformément aux dispositions relatives à la réaffectation et moyennant son accord préalable.

Le membre du personnel de la police locale est désigné d'un commun accord entre lui-même, le bourgmestre ou le collège de police et, selon le cas, le commissaire général ou le directeur général concerné.

La personne qui n'est pas membre du personnel préalablement à son engagement est désignée d'un commun accord entre elle-même et, selon le cas, le commissaire général ou le directeur général concerné.

Art. 3. Il peut être mis fin à la désignation au sein du service d'appui à la gestion par le commissaire général ou le directeur général concerné, et le membre du personnel statutaire moyennant un préavis d'un mois, à moins que les parties conviennent d'un préavis plus court.

Art. 4. Pour la durée de sa désignation, le collaborateur du service d'appui à la gestion bénéficie d'une allocation annuelle de 3.402,84 EUR ou, s'il n'appartient pas au cadre des officiers ou du niveau A, de 2.381,98 EUR. Cette allocation est payée mensuellement à terme échu. L'allocation mensuelle correspond à 1/12e du montant annuel. La règle de mobilité en vigueur pour les traitements du personnel des ministères est applicable à cette allocation. Elle est liée à l'indice-pivot 138,01.

Les dispositions de l'article XI.II.17, § 3, PJPol sont, mutatis mutandis, applicables à cette allocation.

FEDERALE OVERHEIDSDIENST JUSTITIE EN FEDERALE OVERHEIDSDIENST BINNENLANDSE ZAKEN

N. 2007 — 1161 [S − C − 2007/00150]

2 MAART 2007. — Koninklijk besluit met betrekking tot de leden van de diensten voor beleidsondersteuning bij de federale politie

ALBERT II, Koning der Belgen,
Aan allen die nu zijn en hierna wezen zullen, Onze Groet.

Gelet op de wet van 7 december 1998 tot organisatie van een geïntegreerde politiedienst, gestructureerd op twee niveaus, inzonderheid op artikel 121;

Gelet op het koninklijk besluit van 14 november 2006 betreffende de organisatie en de bevoegdheden van de federale politie, inzonderheid op artikel 18;

Gelet op het advies van de Inspecteur van Financiën, gegeven op 27 juli 2006;

Gelet op het protocol nr. 189/2 van 31 augustus 2006 van het onderhandelingscomité voor de politiediensten;

Gelet op de akkoordbevinding van Onze Minister van Begroting, gegeven op 12 oktober 2006;

Gelet op de akkoordbevinding van Onze Minister van Ambtenarenzaken, gegeven op 25 september 2006;

Overwegende dat het advies van de Adviesraad van burgemeesters niet regelmatig binnen de voorgeschreven termijn gegeven is en dat geen verzoek om verlenging van de termijn gedaan is; dat er bijgevolg aan is voorbijgegaan;

Gelet op het advies nr. 42.057/2 van de Raad van State, gegeven op 31 januari 2007 met toepassing van artikel 84, § 1, eerste lid, 1°, van de gecoördineerde wetten op de Raad van State;

Op de voordracht van Onze Minister van Justitie en Onze Minister van Binnenlandse Zaken,

Hebben Wij besloten en besluiten Wij :

Artikel 1. De medewerker van de dienst voor beleidsondersteuning van de commissaris-generaal of van een directeur-generaal wordt gekozen omwille van zijn expertise, in principe voor de duur van het mandaat van diegene die hem koos.

De medewerker die vóór zijn aanwijzing geen personeelslid is, wordt contractueel aangeworven bij de federale politie. Een eventuele latere statutarisering binnen de politiediensten is onderworpen aan het slagen in de wettelijke en reglementaire voorgeschreven proeven in het raam van de aanwerving.

Art. 2. Het personeelslid van de federale politie wordt aangewezen overeenkomstig de herplaatsingsregels en mits zijn voorafgaand akkoord.

Het personeelslid van de lokale politie wordt aangewezen op grond van een onderling akkoord tussen hem zelf, de burgemeester of het politiecollege en, naar gelang van het geval, de commissaris-generaal of de betrokken directeur-generaal.

De persoon die vóór zijn aanwijzing geen personeelslid is, wordt aangewezen op grond van een onderling akkoord tussen haar zelf en, naar gelang van het geval, de commissaris-generaal of de betrokken directeur-generaal.

Art. 3. De commissaris-generaal of de betrokken directeur-generaal alsmede het statutair personeelslid kunnen de aanwijzing voor de dienst voor beleidsondersteuning beëindigen mits een opzegtermijn van één maand, behoudens een conventioneel bepaalde kortere opzegtermijn.

Art. 4. Voor de duur van zijn aanwijzing geniet de medewerker van de dienst voor beleidsondersteuning een jaartoelage van 3.402,84 EUR of, zo hij niet tot het kader van officieren of van niveau A behoort, van 2.381,98 EUR. Deze toelage wordt maandelijks na vervallen termijn uitbetaald. De maandtoelage is gelijk aan 1/12de van het jaarbedrag. Het mobiliteitsstelsel van toepassing op de wedden van het personeel van de ministeries is van toepassing op die toelage. Zij wordt gekoppeld aan de spilindex 138,01.

De bepalingen van artikel XI.II.17, § 3, RPPol zijn mutatis mutandis van toepassing op deze toelage.

Folio N° 2754

Art. 5. Pour la durée de sa désignation, le membre du personnel de la police locale est soumis aux dispositions du Titre Ier, Chapitres V et VI de l'arrêté royal du 26 mars 2005 portant réglementation des détachements structurels de membres du personnel des services de police et de situations similaires et introduisant des mesures diverses.

Art. 6. Notre Ministre de la Justice et Notre Ministre de l'Intérieur sont chargés, chacun en ce qui le concerne, de l'exécution du présent arrêté.

Donné à Bruxelles, le 2 mars 2007.

ALBERT

Par le Roi :

La Vice-Première Ministre et Ministre de la Justice,
Mme L. ONKELINX

Le Vice-Premier Ministre et Ministre de l'Intérieur,
P. DEWAEL

Art. 5. Voor de duur van zijn aanwijzing valt het personeelslid van de lokale politie onder de toepassing van de bepalingen van Titel I, Hoofdstukken V en VI van het koninklijk besluit van 26 maart 2005 tot regeling van de structurele detacheringen van de personeelsleden van de politiediensten en van soortgelijke toestanden en tot invoering van verschillende maatregelen.

Art. 6. Onze Minister van Justitie en Onze Minister van Binnenlandse Zaken zijn, ieder wat hem betreft, belast met de uitvoering van dit besluit.

Gegeven te Brussel, 2 maart 2007.

ALBERT

Van Koningswege :

De Vice-Eerste Minister en Minister van Justitie,
Mevr. L. ONKELINX

De Vice-Eerste Minister en Minister van Binnenlandse Zaken,
P. DEWAEL

SERVICE PUBLIC FEDERAL ECONOMIE, P.M.E., CLASSES MOYENNES ET ENERGIE ET SERVICE PUBLIC FEDERAL EMPLOI, TRAVAIL ET CONCERTATION SOCIALE

F. 2007 — 1162 [C − 2007/11041]

28 FEVRIER 2007. — Arrêté royal relatif à la compatibilité électromagnétique

ALBERT II, Roi des Belges,

A tous, présents et à venir, Salut.

Vu la loi du 9 février 1994, relative à la sécurité des produits et des services, notamment l'article 4, § 1er, remplacé par les lois des 4 avril 2001 et 18 décembre 2002;

Vu la loi du 17 janvier 2003, relative au statut du régulateur des secteurs des postes et des télécommunications belges, notamment les articles 24 et 25, § 1er;

Vu la loi du 13 juin 2005, relative aux communications électroniques, notamment l'article 15;

Vu l'arrêté royal du 18 mai 1994 relatif à la compatibilité électromagnétique;

Considérant que les normes traduisent l'état actuel de la technique généralement reconnu, que la normalisation est importante pour le bon fonctionnement du marché interne et que la conformité aux normes harmonisées applicables constitue une présomption de conformité aux exigences essentielles correspondantes;

Considérant que, dans certains cas, le bon fonctionnement d'appareils électriques peut être perturbé lorsqu'ils sont exposés à des radiations électromagnétiques, ce qui peut alors conduire à une situation pouvant compromettre la sécurité ou la santé de l'utilisateur de ces appareils, et qu'il est dès lors nécessaire — pour tout équipement — de garantir un niveau adéquat de compatibilité électromagnétique et de préserver les prestations d'autres équipements se trouvant dans les environs afin de protéger la sécurité et la santé de l'utilisateur;

Considérant qu'un équipement garantissant un niveau adéquat de compatibilité électromagnétique et ne perturbant pas les prestations d'autres équipements se trouvant dans les environs, n'est pas forcément un produit qui ne présente aucun risque lorsqu'il est utilisé dans des conditions d'utilisation normales ou pouvant être raisonnablement attendues, et qu'il doit dès lors aussi répondre à la législation nationale ou communautaire spécifique en matière de sécurité des équipements.

Vu l'avis 41.891/1 du Conseil d'Etat, donné le 4 janvier 2007 en application de l'article 84, § 1er, alinéa 1er, 1°, des lois coordonnées sur le Conseil d'Etat;

Sur la proposition de Notre Vice-Première Ministre et Ministre de la Protection de la Consommation, de Notre Ministre de l'Energie, de Notre Ministre de l'Emploi,

Nous avons arrêté et arrêtons :

CHAPITRE Ier. — *Dispositions générales*

Article 1er. Le présent arrêté transpose en droit la Directive 2004/108/CE du Parlement européen et du Conseil du 15 décembre 2004, relative au rapprochement des législations des Etats membres concernant la compatibilité électromagnétique et abrogeant la Directive 89/336/CEE.

FEDERALE OVERHEIDSDIENST ECONOMIE, K.M.O., MIDDENSTAND EN ENERGIE EN FEDERALE OVERHEIDSDIENST WERKGELEGENHEID, ARBEID EN SOCIAAL OVERLEG

N. 2007 — 1162 [C − 2007/11041]

28 FEBRUARI 2007. — Koninklijk besluit betreffende de elektromagnetische compatibiliteit

ALBERT II, Koning der Belgen,

Aan allen die nu zijn en hierna wezen zullen, Onze Groet.

Gelet op de wet van 9 februari 1994 betreffende de veiligheid van producten en diensten, inzonderheid op artikel 4, § 1, vervangen bij de wetten van 4 april 2001 en 18 december 2002;

Gelet op de wet van 17 januari 2003 met betrekking tot het statuut van de regulator van de Belgische post- en telecommunicatiesector, inzonderheid op de artikelen 24 en 25, § 1;

Gelet op de wet van 13 juni 2005 betreffende de elektronische communicatie, inzonderheid op artikel 15;

Gelet op het koninklijk besluit van 18 mei 1994 betreffende de elektromagnetische compatibiliteit;

Overwegende dat normen de algemeen erkende stand der techniek weergeven, dat normalisatie van belang is voor het goed functioneren van de interne markt en dat de overeenstemming met de toepasselijke geharmoniseerde normen een vermoeden van overeenstemming met overeenkomstige essentiële eisen vormt;

Overwegende dat de correcte werking van elektrische toestellen in bepaalde gevallen kan worden verstoord indien deze worden blootgesteld aan elektromagnetische stralingen, wat dan kan leiden tot een situatie die de veiligheid of de gezondheid van de gebruiker van die toestellen in het gedrang brengt, en dat daarom — voor elke uitrusting — het waarborgen van een passend niveau van elektromagnetische compatibiliteit en het vrijwaren van de prestaties van andere uitrusting in de omgeving noodzakelijk is voor de bescherming van de veiligheid en de gezondheid van de gebruiker;

Overwegende dat een uitrusting die een passend niveau van elektromagnetische compatibiliteit waarborgt en die de prestaties van andere uitrusting in de omgeving vrijwaart, niet noodzakelijk een product is dat bij normale of redelijkerwijs te verwachten gebruiksomstandigheden geen enkel risico oplevert, en daarom tevens dient te voldoen aan de specifieke communautaire of nationale wetgeving inzake de veiligheid van uitrusting.

Gelet op het advies 41.891/1 van de Raad van State, gegeven op 4 januari 2007 met toepassing van artikel 84, § 1, eerste lid, 1°, van de gecoördineerde wetten op de Raad van State;

Op de voordracht van Onze Vice-Eerste Minister en Minister van Consumentenzaken, van Onze Minister van Energie, van Onze Minister van Werk,

Hebben Wij besloten en besluiten Wij :

HOOFDSTUK I. — *Algemene bepalingen*

Artikel 1. Dit besluit zet de Richtlijn 2004/108/EG van het Europees Parlement en de Raad van 15 december 2004 betreffende de onderlinge aanpassing van de wetgevingen van de lidstaten inzake elektromagnetische compatibiliteit en tot intrekking van Richtlijn 89/336/EEG om in Belgische recht.

Art. 2. Aux fins du présent arrêté, on entend par :

1° « équipement » : un appareil ou une installation fixe quelconque;

2° « appareil » : tout produit fini ou combinaison de produits finis disponible sur le marché comme une unité fonctionnelle séparée, destiné à un utilisateur final et susceptible de produire ou d'être affecté par des perturbations électromagnétiques;

3° « installation fixe » : une combinaison particulière de plusieurs types d'appareils et, le cas échéant, d'autres dispositifs, qui sont assemblés, installés et prévus pour un usage permanent à un endroit prédéfini;

4° « compatibilité électromagnétique » : l'aptitude d'un équipement à fonctionner dans son environnement électromagnétique de façon satisfaisante et sans produire lui-même des perturbations électromagnétiques intolérables pour d'autres équipements dans cet environnement;

5° « perturbation électromagnétique » : tout phénomène électromagnétique susceptible de créer des troubles de fonctionnement d'un équipement. Une perturbation électromagnétique peut être un bruit électromagnétique, un signal non désiré ou une modification du milieu de propagation lui-même;

6° « immunité » : l'aptitude d'équipements à fonctionner comme prévu, sans dégradation en présence de perturbations électromagnétiques;

7° « à des fins de sécurité » : aux fins de préserver la vie humaine ou des biens;

8° « environnement électromagnétique » : la totalité des phénomènes électromagnétiques observables en un lieu donné;

9° « organisme notifié » : un organisme répondant aux critères énumérés à l'annexe VI et reconnu comme tel;

10° « déclaration CE de conformité » : document par lequel un fabricant assure et déclare que l'appareil répond aux dispositions du présent arrêté qui le concernent;

11° « norme harmonisée » : une spécification technique adoptée par un organisme européen de normalisation agréé dans le cadre d'un mandat délivré par la Commission européenne conformément aux procédures établies par la directive 98/34/CE en vue de l'élaboration d'une exigence européenne, dépourvue de caractère obligatoire, et dont les références ont été publiées au Journal officiel des Communautés européennes;

12° « autorités compétentes » :

a) la Direction générale de l'Energie, la Direction générale de la Qualité et de la Sécurité et la Direction générale du Contrôle et de la Médiation du Service public fédéral Economie, P.M.E., Classes moyennes et Energie;

b) la Direction générale du Contrôle du Bien-être au Travail du Service public fédéral Emploi, Travail et Concertation sociale;

c) l'Institut belge des Services postaux et des Télécommunications (I.B.P.T.) créé par l'article 71 de la loi du 21 mars 1991 portant réforme de certaines entreprises publiques économiques.

Aux fins du présent arrêté, les articles suivants sont réputés être des appareils au sens de l'alinéa 1er, 2° :

1° les composants ou sous-ensembles destinés à être incorporés dans un appareil par l'utilisateur final, et qui sont susceptibles de provoquer des perturbations électromagnétiques, ou dont le fonctionnement risque d'être affecté par ces perturbations;

2° les installations mobiles définies comme une combinaison d'appareils et, le cas échéant, d'autres dispositifs, prévue pour être déplacée et pour fonctionner dans des lieux différents.

Art. 3. Le présent arrêté régit la compatibilité électromagnétique des équipements. Il vise à prévoir que les équipements doivent être conformes à un niveau adéquat de compatibilité électromagnétique.

Le présent arrêté ne s'applique pas :

1° aux équipements visés à l'article 2, 43°, de la loi du 13 juin 2005 relative aux communications électroniques;

2° aux produits, aux pièces et aux équipements aéronautiques visés par le règlement (CE) n° 1592/2002 du Parlement européen et du Conseil du 15 juillet 2002 concernant des règles communes dans le domaine de l'aviation civile et instituant une Agence européenne de la sécurité aérienne;

Art. 2. In dit besluit wordt verstaan onder :

1° « uitrusting » : elk apparaat of vaste installatie;

2° « apparaat » : elk afgewerkt toestel of een samenstel ervan beschikbaar op de markt als één aparte functionele eenheid bestemd voor een eindgebruiker en die elektromagnetische storingen kan veroorzaken of erdoor beïnvloed kan worden;

3° « vaste installatie » : een specifieke combinatie van verschillende soorten apparaten en eventueel andere inrichtingen, die samengesteld, geïnstalleerd en bestemd zijn om bestendig op een vooraf bepaalde plaats gebruikt te worden;

4° « elektromagnetische compatibiliteit » : de eigenschap van een uitrusting om in haar elektromagnetische omgeving op bevredigende wijze te kunnen functioneren zonder zelf elektromagnetische storingen te veroorzaken die ontoelaatbaar zijn voor andere uitrusting in die omgeving;

5° « elektromagnetische storing » : elk elektromagnetisch verschijnsel dat een verslechtering van de prestaties van uitrusting kan veroorzaken. Een elektromagnetische storing kan een elektromagnetische ruis, een ongewenst signaal of een wijziging in het voortplantingsmilieu zelf zijn;

6° « ongevoeligheid » : de eigenschap van uitrusting om in aanwezigheid van een elektromagnetische storing te kunnen functioneren zoals beoogd zonder verslechtering van prestaties;

7° « veiligheidsdoeleinden » : de doeleinden van de bescherming van menselijk leven of van goederen;

8° « elektromagnetische omgeving » : het geheel van waarneembare elektromagnetische verschijnselen op een bepaalde locatie;

9° « aangemelde instantie » : instantie die aan de in bijlage VI genoemde criteria voldoet en als zodanig erkend is;

10° « EG-verklaring van overeenstemming » : document waarin een fabrikant verzekert en verklaart dat het apparaat beantwoordt aan de bepalingen van dit besluit die erop betrekking hebben;

11° « geharmoniseerde norm » : een door een erkende Europese normalisatie-instelling, in opdracht van de Europese Commissie en in overeenstemming met de procedures van Richtlijn 98/34/EG goedgekeurde technische specificatie, met het doel een niet-dwingende Europese vereiste vast te stellen, en waarvan de referenties in het Publicatieblad van de Europese Gemeenschappen zijn bekendgemaakt;

12° « bevoegde overheden » :

a) de Algemene Directie van Energie, de Algemene Directie van Kwaliteit en Veiligheid en de Algemene Directie Controle en Bemiddeling van de Federale Overheidsdienst Economie, KMO, Middenstand en Energie;

b) de Algemene Directie van Toezicht op het Welzijn op het Werk van de Federale Overheidsdienst Werkgelegenheid, Arbeid en Sociaal Overleg;

c) het Belgisch Instituut voor Postdiensten en Telecommunicatie (B.I.P.T.) opgericht bij artikel 71 van de wet van 21 maart 1991 betreffende de hervorming van sommige economische overheidsbedrijven.

In dit besluit worden als een apparaat beschouwd in de zin van het eerste lid, 2° :

1° componenten of subassemblages die bedoeld zijn om door de eindgebruiker te worden ingebouwd in een apparaat en die in staat zijn elektromagnetische storingen te veroorzaken of waarvan de werking door dergelijke storingen kan worden beïnvloed;

2° mobiele installaties omschreven als een combinatie van apparaten, en, waar van toepassing, andere inrichtingen, die bestemd is om te worden verplaatst en te worden gebruikt op een verscheidenheid van locaties.

Art. 3. Dit besluit regelt de elektromagnetische compatibiliteit van uitrusting. Het strekt ertoe te eisen dat uitrusting voldoet aan een passend niveau van elektromagnetische compatibiliteit.

Dit besluit is niet van toepassing op :

1° apparatuur in de zin van artikel 2, 43°, van de wet van 13 juni 2005 betreffende de elektronische communicatie;

2° luchtvaartproducten, onderdelen en uitrustingsstukken in de zin van de Verordening (EG) nr.1592/2002 van het Europees Parlement en de Raad van 15 juli 2002 tot vaststelling van gemeenschappelijke regels op het gebied van burgerluchtvaart en tot oprichting van een Europees Agentschap voor de veiligheid van de luchtvaart;

3° aux équipements radio visés à l'article 34, 2° de la loi du 13 juin 2005 relative aux communications électroniques.

Le présent arrêté ne s'applique pas aux équipements dont les caractéristiques physiques impliquent par leur nature même :

1° qu'ils sont incapables de produire ou de contribuer à produire des émissions électromagnétiques qui dépassent un niveau permettant aux équipements hertziens et de télécommunications et aux autres équipements de fonctionner comme prévu; et

2° qu'ils fonctionneront sans dégradation inacceptable en présence de perturbations électromagnétiques normalement présentes lors de l'utilisation prévue;

Lorsque, pour les équipements visés à l'alinéa 1er, les exigences essentielles définies à l'annexe I sont prévues totalement ou partiellement de manière plus spécifique par d'autres arrêtés royaux transposant des directives communautaires, le présent arrêté ne s'applique pas, ou cesse de s'appliquer, à ces équipements en ce qui concerne ces exigences à dater de la mise en œuvre desdits arrêtés royaux;

Le présent arrêté est sans effet sur l'application du droit communautaire ou national régissant la sécurité des équipements.

Art. 4. Les équipements visés à l'article 3 ne peuvent être mis sur le marché et/ou en service que s'ils sont conformes à l'ensemble des dispositions du présent arrêté dès lors qu'ils sont dûment installés, entretenus et utilisés conformément à leur destination.

Art. 5. Il ne peut être fait obstacle, pour des raisons liées à la compatibilité électromagnétique, à la mise sur le marché et/ou à la mise en service d'équipements conformes au présent arrêté.

Les dispositions du présent arrêté n'affectent pas l'application des mesures spéciales suivantes relatives à la mise en service ou à l'utilisation de :

1° mesures pour résoudre un problème de compatibilité électromagnétique existant ou prévu sur un site spécifique;

2° mesures prises pour des raisons de sécurité, visant à protéger les réseaux de télécommunications publics ou les stations de réception ou d'émission lorsqu'ils sont utilisés à des fins de sécurité dans le cadre de situations bien définies quant au spectre.

Il ne peut être fait obstacle à la présentation et/ou à la démonstration, lors de foires commerciales, d'expositions ou d'événements similaires, d'équipements non conformes au présent arrêté, à condition qu'il soit clairement indiqué que ces équipements ne peuvent pas être mis sur le marché et/ou mis en service tant qu'ils n'ont pas été rendus conformes au présent arrêté. Les démonstrations ne peuvent avoir lieu que si les mesures adéquates sont prises pour éviter des perturbations électromagnétiques.

Art. 6. Les équipements visés à l'article 3 doivent satisfaire aux exigences essentielles figurant à l'annexe Ire.

Art. 7. La conformité d'équipements avec les normes harmonisées applicables donne lieu à une présomption de conformité avec les exigences essentielles figurant à l'annexe I auxquelles ces normes se réfèrent. Cette présomption de conformité se limite au champ d'application de la (des) norme(s) harmonisée(s) appliquée(s) et aux exigences essentielles applicables qu'elle(s) couvre(nt).

CHAPITRE II. — *Appareils*

Art. 8. La conformité des appareils avec les exigences essentielles visées à l'annexe I est démontrée en recourant à la procédure décrite à l'annexe II (contrôle interne de la fabrication). Toutefois, il est également possible, au gré du fabricant ou de son mandataire dans la Communauté, de suivre la procédure décrite à l'annexe III.

Art. 9. Les appareils dont la conformité avec le présent arrêté a été établie par la procédure visée à l'article 8 portent le marquage « CE » qui l'atteste. L'apposition du marquage « CE » incombe au fabricant ou à son mandataire dans la Communauté. Le marquage « CE » est apposé conformément aux dispositions de l'annexe V.

L'apposition sur les appareils ou sur leur emballage ou sur leur mode d'emploi de marques susceptibles d'induire en erreur des tiers par rapport à la signification et/ou au graphisme du marquage « CE » est interdite.

3° radioapparatuur in de zin van artikel 34, 2°, van de wet van 13 juni 2005 betreffende de elektronische communicatie.

Dit besluit is niet van toepassing op uitrusting die vanwege de inherente aard van haar fysische eigenschappen :

1° geen elektromagnetische emissies kan produceren of niet kan bijdragen tot de productie van elektromagnetische emissies van een niveau dat hoger ligt dan het niveau waarop radio- en telecommunicatieapparatuur en andere uitrusting overeenkomstig hun bestemming kunnen functioneren; en

2° zonder onaanvaardbare verslechtering functioneert in aanwezigheid van elektromagnetische storingen die normaal gesproken het gevolg zijn van het gebruik overeenkomstig haar bestemming;

Wanneer voor de in het eerste lid bedoelde uitrusting de in bijlage I bedoelde essentiële eisen al geheel of gedeeltelijk op meer specifieke wijze bij andere koninklijke besluiten ter omzetting van communautaire richtlijnen zijn vastgesteld, is dit besluit, wat deze eisen betreft, niet of niet langer van toepassing op die uitrusting, vanaf de toepassingsdatum van die koninklijke besluiten;

Dit besluit heeft geen gevolgen voor de toepassing van communautaire of nationale wetgeving inzake de veiligheid van uitrusting.

Art. 4. De in artikel 3 bedoelde uitrusting kan alleen in de handel worden gebracht en/of in gebruik worden genomen indien zij voldoet aan alle voorschriften van dit besluit wanneer zij op passende wijze wordt geïnstalleerd en onderhouden en overeenkomstig haar bestemming wordt gebruikt.

Art. 5. Het op de markt brengen en/of het in gebruik nemen van uitrusting die aan de bepalingen van dit besluit voldoet mag niet belemmerd worden om redenen die verband houden met de elektromagnetische compatibiliteit.

De bepalingen van dit besluit doen geen afbreuk aan de toepassing van de volgende speciale maatregelen betreffende de ingebruikneming of het gebruik van uitrusting :

1° maatregelen om een bestaand of te verwachten probleem in verband met de elektromagnetische compatibiliteit op een bepaalde locatie te verhelpen;

2° maatregelen die om veiligheidsredenen genomen worden om openbare telecommunicatienetwerken of zend- of ontvangstations te beschermen, indien deze worden gebruikt voor veiligheidsdoeleinden in duidelijk gedefinieerde spectrumsituaties.

Er mag geen belemmering zijn tijdens handelsbeurzen, tentoonstellingen of soortgelijke evenementen, tentoonstellen en/of demonstreren van uitrusting die niet aan dit besluit voldoet, op voorwaarde dat duidelijk aangegeven wordt dat de uitrusting niet op de markt mag worden gebracht en/of in gebruik mag worden genomen zolang zij niet in overeenstemming is gebracht met dit besluit. Demonstraties mogen alleen worden uitgevoerd wanneer er passende maatregelen zijn genomen om elektromagnetische storingen te vermijden.

Art. 6. De in artikel 3 bedoelde uitrusting dient aan de in bijlage I opgenomen essentiële eisen te voldoen.

Art. 7. De overeenstemming van uitrusting met de toepasselijke geharmoniseerde normen levert een vermoeden van overeenstemming op met de essentiële eisen van bijlage I waarop deze normen betrekking hebben. Dit vermoeden van overeenstemming is beperkt tot de werkingssfeer van de toegepaste geharmoniseerde norm(en) en tot de desbetreffende essentiële eisen waarop deze geharmoniseerde norm(en) betrekking hebben.

HOOFDSTUK II. — *Apparaten*

Art. 8. Overeenstemming van apparaten met de in bijlage I bedoelde essentiële eisen, wordt aangetoond door gebruik te maken van de in bijlage II omschreven procedure (interne productiecontrole). De fabrikant of diens gevolmachtigde in de Gemeenschap kan, indien hij dit wenst, evenwel ook de in bijlage III omschreven procedure volgen.

Art. 9. Apparaten waarvan de overeenstemming met dit besluit is vastgesteld volgens de procedure van artikel 8, zijn voorzien van de CE-markering die deze overeenstemming bevestigt. Het aanbrengen van de CE-markering is de verantwoordelijkheid van de fabrikant of diens gevolmachtigde in de Gemeenschap. De CE-markering wordt aangebracht overeenkomstig de bepalingen van bijlage V.

Het aanbrengen, op het apparaat, de verpakking of de gebruiksaanwijzing ervan, van tekens die derde partijen zouden kunnen misleiden betreffende de betekenis en/of de grafische vormgeving van de CE-markering is verboden.

Toute autre marque peut être apposée sur les appareils, leur emballage ou leur mode d'emploi, pour autant que cela ne compromette ni la visibilité ni la lisibilité du marquage « CE ».

Sans préjudice de l'article 11, s'il est établi que le marquage « CE » a été appliqué indûment, le fabricant ou son mandataire dans la Communauté doit, sans délai, rendre les appareils conformes aux dispositions relatives au marquage « CE » et aviser, dans un délai d'un mois à dater de la constatation de l'infraction, l'autorité compétente concernée des mesures prises dans ce cadre.

Art. 10. Chaque appareil doit être identifié par son type, le lot dont il fait partie, son numéro de série ou toute autre information permettant de l'identifier.

Chaque appareil doit être accompagné du nom et de l'adresse du fabricant et, au cas où il n'est pas établi dans la Communauté, du nom et de l'adresse de son mandataire ou de la personne dans la Communauté responsable pour la mise sur le marché communautaire de l'appareil.

Le fabricant doit fournir des informations sur toute précaution spécifique à prendre lors du montage, de l'installation, de l'entretien ou de l'utilisation de l'appareil, de façon à garantir que, une fois mis en service, il soit conforme aux exigences en matière de protection prévues à l'annexe I[re], point 1.

Les appareils pour lesquels la conformité avec les exigences en matière de protection n'est pas assurée dans les zones résidentielles doivent être accompagnés d'une indication claire de cette restriction d'emploi, s'il y a lieu également sur l'emballage.

Les informations nécessaires afin de permettre une utilisation de l'appareil conforme aux fins prévues pour celui-ci figurent dans les instructions qui l'accompagnent.

Pour les produits destinés à des fins professionnelles dont l'étiquetage indique l'usage professionnel, qui ne sont pas mis à la disposition des consommateurs dans la distribution, et qui ne sont utilisés sur le marché du travail que dans un nombre exceptionnellement faible, il peut être dérogé à l'obligation d'établir l'étiquetage et l'information prescrites par la loi du 9 février 1994 relative à la sécurité des produits et des services, les modes d'emploi ainsi que les documents de garantie dans la langue ou les langues de la région linguistique où les produits sont mis sur le marché.

Art. 11. § 1[er]. Lorsqu'il existe une présomption qu'un appareil ne réponde pas aux exigences de protection visées à l'annexe I, point 1, les autorités compétentes font procéder, chacune en ce qui la concerne, à une vérification de l'appareil en cause.

La vérification des appareils est confiée à un laboratoire agréé conformément aux dispositions de l'article 13.

Si lors de la vérification, il apparaît qu'il n'est pas satisfait aux exigences de protection visées à l'annexe I, point 1, notification motivée par lettre recommandée à la poste en est faite au fabricant en précisant si la non-conformité résulte :

1° du non-respect des exigences de protection visées à l'annexe I[re], point 1, lorsque l'appareil ne correspond pas aux normes visées à l'article 7;

2° d'une mauvaise application des normes visées à l'article 7;

3° d'une lacune des normes visées à l'article 7.

Dans un délai d'un mois, à dater de la notification visée à l'alinéa 3, l'intéressé peut adresser à l'autorité compétente, par lettre recommandée à la poste, une demande de réexamen sur la base d'une motivation circonstanciée.

Lorsque le résultat du réexamen est connu ou lorsque l'intéressé n'a pas demandé de réexamen dans les trente jours de la notification visée à l'alinéa 3, l'autorité compétente peut retirer du marché l'appareil en cause, en interdire la mise sur le marché ou en restreindre la libre circulation.

§ 2 Lorsqu'il est constaté qu'un appareil non conforme a été soumis à la procédure d'évaluation de la conformité visée à l'annexe III, chaque administration compétente prend, en fonction de ses compétences, les mesures appropriées à l'égard de l'auteur de l'avis qualifié visé à l'annexe III, point 3.

Op het apparaat, de verpakking of de gebruiksaanwijzing mogen andere tekens worden aangebracht, op voorwaarde dat dit niet ten koste gaat van de zichtbaarheid of de leesbaarheid van de CE-markering.

Onverminderd artikel 11, indien vastgesteld is dat de CE-markering onrechtmatig is aangebracht, zorgt de fabrikant of diens gevolmachtigde in de Gemeenschap er onmiddellijk voor dat het apparaat in overeenstemming wordt gebracht met de bepalingen betreffende de CE-markering en bericht, binnen een termijn van een maand na de vaststelling van de inbreuk, de betrokken bevoegde overheid van de terzake genomen maatregelen.

Art. 10. Elk apparaat wordt geïdentificeerd met behulp van een type-, partij-, serienummer of gelijk welke andere informatie aan de hand waarvan het apparaat kan worden geïdentificeerd.

Bij elk apparaat worden de naam en het adres van de fabrikant gevoegd en, indien deze niet in de Gemeenschap is gevestigd, de naam en het adres van diens gevolmachtigde of van de persoon in de Gemeenschap die verantwoordelijk is voor het op de Gemeenschapsmarkt brengen van het apparaat.

De fabrikant verstrekt informatie over specifieke voorzorgsmaatregelen die tijdens de assemblage, de installatie, het onderhoud of het gebruik van het apparaat moeten worden getroffen om ervoor te zorgen dat het apparaat bij ingebruikname aan de in bijlage I, punt 1, bedoelde beschermingseisen voldoet.

Een apparaat waarvan de overeenstemming met de beschermingseisen in woongebieden niet gegarandeerd kan worden, gaat vergezeld van een duidelijke aanduiding van deze gebruiksbeperkingen, waar nodig ook op de verpakking.

De informatie die nodig is om het apparaat overeenkomstig haar bestemming te kunnen gebruiken, wordt vermeld in de instructies die het apparaat vergezellen.

De voor professionele doeleinden bestemde producten waarvan de etikettering het professioneel gebruik aangeeft, die niet in de distributie ter beschikking zijn van de consumenten, en die slechts in een uitzonderlijk klein aantal op de arbeidsmarkt aangewend worden, mag afgeweken worden van de verplichting om de etiketteringen en de door de wet van 9 februari 1994 betreffende de veiligheid van producten en diensten voorgeschreven informatie, de gebruiksaanwijzingen en de garantiebewijzen op te stellen in de taal of talen van het taalgebied waar producten op de markt worden gebracht.

Art. 11. § 1. Wanneer er een vermoeden bestaat dat een apparaat niet aan de in bijlage I, punt 1 bedoelde beschermingseisen voldoet, kunnen de bevoegde overheden, ieder wat hem betreft, overgaan tot een onderzoek van het betrokken apparaat.

Het onderzoek van de apparaten wordt aan een erkend laboratorium overeenkomstig de bepalingen van artikel 13 toevertrouwd.

Indien uit het onderzoek, blijkt dat er niet wordt voldaan aan de beschermingseisen bedoeld in bijlage I, punt 1, wordt daarvan bij een ter post aangetekende brief kennisgeving gedaan aan de fabrikant, waarbij wordt verklaard of het conformiteitgebrek voortspruit uit :

1° de niet-inachtneming van de beschermingseisen bedoeld in bijlage I, punt 1, wanneer het apparaat niet in overeenstemming is met de in artikel 7 bedoelde normen;

2° een verkeerde toepassing van de in artikel 7 bedoelde normen;

3° een leemte in de in artikel 7 bedoelde normen.

Binnen een termijn van een maand na de kennisgeving bedoeld in het derde lid, kan betrokkene bij een ter post aangetekende brief aan de bevoegde overheid een aanvraag tot een nieuw onderzoek richten op basis van een uitvoerige motivering.

Wanneer het resultaat van het nieuw onderzoek bekend is of wanneer betrokkene binnen 30 dagen na de kennisgeving bedoeld in het derde lid geen nieuw onderzoek heeft gevraagd, kan de bevoegde overheid, het betrokken apparaat uit de handel nemen, het in de handel brengen ervan verbieden of het vrije verkeer ervan beperken.

§ 2. Wanneer er wordt vastgesteld dat een niet-conform apparaat onderworpen werd aan de in bijlage III bedoelde conformiteitsbeoordelings- procedure, treft elke bevoegde overheid, rekening houdend met haar bevoegdheden, de passende maatregelen ten aanzien van de auteur van de in bijlage III, punt 3, bedoelde verklaring.

Art. 12. Les organismes désignés pour accomplir les tâches visées à l'annexe III, point 3 sont notifiés à la Commission européenne. Cette notification indique si les organismes sont désignés pour accomplir les tâches visées à l'annexe III, point 3 pour tous les appareils couverts par le présent arrêté et/ou les exigences essentielles visées à l'annexe I ou s'ils ne sont désignés que pour certains aspects spécifiques et/ou catégories d'appareils.

Pour être agréés et le rester, les organismes notifiés ainsi que les laboratoires d'essais doivent satisfaire aux conditions figurant à l'annexe VI. Les laboratoires doivent également satisfaire aux critères généraux en matière de laboratoires d'essais déterminés dans la norme NBN-EN 17025.

Les organismes conformes aux critères d'évaluation fixés par les normes harmonisées applicables sont présumés conformes aux critères exposés à l'annexe VI auxquels de telles normes harmonisées se rapportent. La Commission publie au *Journal officiel de l'Union européenne* les références à ces normes.

Art. 13. § 1er. La demande d'agrément est adressée au Ministre de l'Energie ou au Ministre de la Protection de la Consommation. A la demande doivent être jointes les pièces établissant que l'organisme ou le laboratoire satisfait aux conditions visées par l'article 12.

Les Ministres de l'Energie et de la Protection de la Consommation fixent la date et les modalités selon lesquelles les laboratoires d'essais doivent apporter la démonstration de leur conformité à la norme NBN-EN 17025 par la présentation d'une accréditation délivrée sur base de la loi du 20 juillet 1990 concernant l'accréditation des organismes de certification et de contrôle ainsi que des laboratoires d'essais, et de ses arrêtés d'exécution.

§ 2. La demande est examinée par les agents visés à l'article 18. Les agents peuvent se faire assister par des experts.

Les frais résultant de prestations de tiers et se rapportant à l'examen de la demande incombent au demandeur.

§ 3. Si l'examen visé au § 2 donne un résultat positif, les agents soumettent la proposition d'agrément au Ministre de l'Energie et au Ministre de la Protection de la Consommation qui prennent conjointement une décision.

Si l'examen visé au § 2 donne un résultat négatif, le refus est communiqué, avec indication des motifs, à l'organisme ou au laboratoire concerné, par lettre recommandée à la poste.

Art. 14. L'agrément est accordé pour une durée maximale de 5 ans.

La demande de renouvellement de l'agrément est introduite au plus tard six mois avant l'expiration de la durée de l'agrément, conformément aux dispositions de l'article 13.

Art. 15. Sans préjudice des attributions des officiers de police judiciaire, les agents et les officiers de police judiciaire visés à l'article 18 peuvent entrer librement dans les locaux des organismes notifiés et laboratoires agréés. Ils peuvent réclamer et vérifier tous les documents et données utiles attestant du respect des conditions d'agrément fixées par le présent arrêté. Si nécessaire, ils se font confier les documents ou une copie des documents permettant le contrôle.

Lorsqu'un ou plusieurs critères visés à l'article 12 ne sont plus respectés, ils fixent un délai, permettant à l'organisme notifié ou au laboratoire agréé de s'y conformer. Ce délai ne peut excéder trente jours.

Art. 16. Le Ministre de l'Energie et le Ministre de la Protection de la Consommation peuvent retirer conjointement, par décision motivée, l'agrément accordé à un organisme ou laboratoire :

1° si, à l'issue du délai fixé par l'agent compétent pour se conformer aux critères visés à l'article 12, cet organisme ou ce laboratoire ne satisfait toujours pas à ces critères;

2° si cet organisme ou ce laboratoire exerce, en qualité d'organisme notifié ou de laboratoire agréé, des activités dans un domaine pour lequel l'agrément n'est pas accordé.

Le retrait de l'agrément est notifié à l'organisme notifié ou au laboratoire agréé, par lettre recommandée à la poste.

Art. 12. De Europese Commissie wordt in kennis gesteld van de instanties die voor het uitvoeren van de in bijlage III, punt 3 genoemde taken zijn aangewezen. Bij de aanmelding wordt vermeld of deze instanties aangewezen zijn om de in bijlage III, punt 3 bedoelde taken uit te voeren voor alle apparaten die onder dit besluit vallen en/of voor alle in bijlage I genoemde essentiële eisen, dan wel of de reikwijdte van de aanwijzing beperkt is tot bepaalde specifieke aspecten en/of categorieën apparaten.

Om erkend te worden en te blijven moeten de aangemelde instanties, evenals de beproevingslaboratoria voldoen aan de voorwaarden die voorkomen in bijlage VI. De laboratoria moeten ook voldoen aan criteria inzake beproevingslaboratoria die bepaald zijn in de norm NBN-EN 17025.

De instanties die voldoen aan de door de toepasselijke geharmoniseerde normen vastgestelde beoordelingscriteria, worden geacht te voldoen aan de criteria van bijlage VI waarop deze geharmoniseerde normen betrekking hebben. De Commissie maakt de referenties van deze normen bekend in het *Publicatieblad van de Europese Unie.*

Art. 13. § 1. De aanvraag tot erkenning moet worden gericht aan de Minister van Energie of de Minister van Consumentenzaken. Bij de aanvraag dienen de stukken te worden gevoegd waaruit blijkt dat de instantie of het laboratorium voldoet aan de in artikel 12 bedoelde voorwaarden.

De Ministers van Energie en van Consumentenzaken, bepalen de datum en de modaliteiten volgens dewelke de beproevingslaboratoria het bewijs moeten leveren dat zij conform zijn met de norm NBN-EN 17025 en dit door voorlegging van een accreditatie die is afgeleverd op basis van de wet van 20 juli 1990 betreffende de accreditatie van certificatie- en keuringsinstellingen alsmede van beproevingslaboratoria en van de uitvoeringsbesluiten ervan.

§ 2. De aanvraag wordt onderzocht door de in artikel 18 bedoelde ambtenaren. De ambtenaren kunnen zich laten bijstaan door deskundigen.

De kosten voortvloeiend uit de prestaties van derden en die betrekking hebben op het onderzoek van de aanvraag rusten op de aanvrager.

§ 3. Indien het onderzoek bedoeld in § 2 een positief resultaat geeft, leggen de ambtenaren het voorstel van erkenning voor aan de Minister van Energie en de Minister van Consumentenzaken die samen een beslissing nemen.

Indien het onderzoek bedoeld in § 2 een negatief resultaat geeft, wordt de weigering, met opgave van de redenen, bij een ter post aangetekende brief aan de betrokken instantie of het betrokken laboratorium meegedeeld.

Art. 14. De erkenning wordt verleend voor een maximumduur van 5 jaar.

De aanvraag tot hernieuwing van de erkenning moet ten laatste zes maanden voor de afloop van de erkenningsduur worden ingediend, overeenkomstig de bepalingen van artikel 13.

Art. 15. Onverminderd de bevoegdheid van de officieren van gerechtelijke politie, hebben de ambtenaren alsook de officieren van gerechtelijke politie vermeld in artikel 18 vrije toegang tot de lokalen van de aangemelde instanties en erkende laboratoria. Zij kunnen alle nuttige documenten en gegevens vragen en onderzoeken die getuigen van de naleving van de bij dit besluit vastgestelde voorwaarden. Indien dit nodig is, moeten de documenten of een kopie van de documenten die de controle mogelijk maakt, hen worden overhandigd.

Wanneer één of verschillende in het artikel 12 bedoelde criteria niet meer zijn nageleefd, stellen zij een termijn vast die het de aangemelde instantie of het erkende laboratorium mogelijk maakt zich ernaar te richten. Deze termijn mag geen dertig dagen overschrijden.

Art. 16. De Minister van Energie en de Minister van Consumentenzaken kunnen gezamenlijk bij een met redenen omklede beslissing de aan een instantie of laboratorium verleende erkenning intrekken :

1° indien deze instantie of dit laboratorium, na afloop van de door de bevoegde ambtenaar vastgestelde termijn om zich te richten naar de in artikel 12 bedoelde criteria, nog altijd niet aan deze criteria voldoet;

2° indien deze instantie of dit laboratorium, in de hoedanigheid van aangemelde instantie of erkend laboratorium, activiteiten uitoefent op een gebied waarvoor de erkenning niet wordt verleend.

De intrekking van de erkenning wordt aan de aangemelde instantie of het erkende laboratorium bij een ter post aangetekende brief ter kennis gebracht.

CHAPITRE III. — *Installations fixes*

Art. 17. § 1er. Les appareils mis sur le marché et pouvant être incorporés dans une installation fixe sont soumis à toutes les dispositions applicables concernant les appareils contenues dans le présent arrêté.

Les dispositions des articles 6, 8, 9 et 10 ne sont, toutefois, pas d'application obligatoire dans le cas d'appareils prévus pour être incorporés dans une installation fixe donnée et qui ne sont pas disponibles dans le commerce par ailleurs. Dans de tels cas, la documentation d'accompagnement doit identifier l'installation fixe ainsi que ses caractéristiques en matière de compatibilité électromagnétique et indiquer les précautions à prendre pour y incorporer les appareils de façon à ne pas compromettre la conformité de cette installation. La documentation doit comprendre, en outre, les informations visées à l'article 10, alinéa 1er et 2.

§ 2. Lorsque certains éléments indiquent la non-conformité de l'installation fixe, notamment lorsqu'il y a des plaintes concernant des perturbations produites par ladite installation, l'autorité compétente peut demander la preuve de la conformité de l'installation fixe et, s'il y a lieu, procéder à une évaluation.

Lorsqu'une non-conformité est constatée, l'autorité compétente peut imposer les mesures appropriées pour rendre l'installation fixe conforme aux exigences en matière de protection prévues à l'annexe Ire, point 1.

§ 3. La personne responsable de l'établissement de la conformité d'une installation fixe avec les exigences essentielles applicables et de la mise à disposition de la documentation visée à l'annexe I, point 2, est le propriétaire ou le mandataire que celui-ci aura désigné au préalable (exploitant, installateur,…).

CHAPITRE IV. — *Dispositions finales*

Art. 18. Les infractions aux dispositions du présent arrêté sont recherchées, constatées, poursuivies et punies conformément aux dispositions de la loi du 9 février 1994 relative à la sécurité des produits et des services par les agents désignés à cet effet par le Ministre compétent, chacun en ce qui le concerne, et par les officiers de police judiciaire visés aux articles 24 et 25 de la loi du 17 janvier 2003 relative au statut du régulateur des secteurs des postes et des télécommunications.

Art. 19. Le Ministre de l'Energie et le Ministre de la Protection de la Consommation font publier au *Moniteur belge* la liste des laboratoires agréés et organismes notifiés agréés conformément à l'article 12.

Art. 20. L'arrêté royal du 18 mai 1994 relatif à la compatibilité électromagnétique est abrogé.

Art. 21. Il ne peut être fait obstacle à la mise sur le marché et/ou la mise en service d'équipements conformes aux dispositions de l'arrêté royal du 18 mai 1994 relatif à la compatibilité électromagnétique et mis sur le marché avant le 20 juillet 2009.

Art. 22. Le présent arrêté entre en vigueur le 20 juillet 2007.

Art. 23. Notre Vice-Première Ministre et Ministre de la Protection de la Consommation, Notre Ministre de l'Energie et Notre Ministre de l'Emploi sont chargés, chacun en ce qui le concerne, de l'exécution du présent arrêté.

Donné à Bruxelles, le 28 février 2007.

ALBERT

Par le Roi :

La Vice-Première Ministre
et Ministre de la Protection de la Consommation,
Mme F. VAN DEN BOSSCHE

Le Ministre de l'Energie,
M. VERWILGHEN

Le Ministre de l'Emploi,
P. VANVELTHOVEN

HOOFDSTUK III. — *Vaste installaties*

Art. 17. § 1. Apparaten die op de markt zijn gebracht en die in een vaste installatie kunnen worden ingebouwd, zijn onderworpen aan alle voor apparaten toepasselijke bepalingen die in dit besluit zijn opgenomen.

Het bepaalde in de artikelen 6, 8, 9 en 10 is evenwel niet verplicht in het geval van een apparaat dat bestemd is om in een bepaalde vaste installatie te worden geïntegreerd en anderszins niet in de handel verkrijgbaar is. In dergelijke gevallen wordt de vaste installatie in de begeleidende documentatie geïdentificeerd, met vermelding van de eigenschappen ervan in verband met de elektromagnetische compatibiliteit en van de voorzorgsmaatregelen welke moeten worden genomen om het apparaat in de vaste installatie in te bouwen, teneinde de overeenstemming van de desbetreffende installatie niet aan te tasten. Voorts wordt in de documentatie de informatie opgenomen als bedoeld in artikel 10, eerste en tweede lid.

§ 2. Wanneer er aanwijzingen zijn dat de vaste installatie niet aan de eisen voldoet, in het bijzonder bij klachten over storingen die door de installatie zouden worden veroorzaakt, kan de bevoegde overheid eisen dat er bewijs van overeenstemming van de vaste installatie wordt voorgelegd en, zo nodig, een beoordeling inleiden.

Wanneer is vastgesteld dat niet aan de eisen is voldaan, kan de bevoegde overheid passende maatregelen opleggen om de vaste installatie in overeenstemming te brengen met de beschermingseisen van bijlage I, punt 1.

§ 3. De verantwoordelijke persoon voor de vaststelling van de overeenstemming van een vaste installatie met de toepasselijke essentiële eisen en voor het ter beschikking houden van de documentatie bedoeld in bijlage I, punt 2, is de eigenaar of de mandataris die door hem voorafgaandelijk werd aangeduid (uitbater, installateur,…).

HOOFDSTUK IV. — *Slotbepalingen*

Art. 18. Overtredingen op de bepalingen van dit besluit worden opgespoord, vastgesteld, vervolgd en bestraft overeenkomstig de bepalingen van de wet van 9 februari 1994 betreffende de veiligheid van producten en diensten door de ambtenaren hiertoe aangeduid door de bevoegde Minister, ieder wat hem betreft, en door de officieren van gerechtelijke politie vermeld in de artikelen 24 en 25 van de wet van 17 januari 2003 met betrekking tot het statuut van de regulator van de Belgische post- en telecommunicatiesector.

Art. 19. De Minister van Energie en de Minister van Consumentenzaken maken in het *Belgisch Staatsblad* de lijst bekend van de erkende laboratoria en aangemelde instanties die erkend zijn overeenkomstig artikel 12.

Art. 20. Het koninklijk besluit van 18 mei 1994 betreffende de elektromagnetische compatibiliteit wordt opgeheven.

Art. 21. Het op de markt brengen en/of de ingebruikname van uitrusting die in overeenstemming is met de bepalingen van het koninklijk besluit van 18 mei 1994 betreffende de elektromagnetische compatibiliteit en die vóór 20 juli 2009 op de markt is gebracht, mag niet worden belemmerd.

Art. 22. Dit besluit treedt in werking op 20 juli 2007.

Art. 23. Onze Vice-Eerste Minister en Minister van Consumentenzaken, Onze Minister van Energie en Onze Minister van Werk zijn, ieder wat hem betreft, belast met de uitvoering van dit besluit.

Gegeven te Brussel, 28 februari 2007.

ALBERT

Van Koningswege :

De Vice-Eerste Minister en Minister van Consumentenzaken,

Mevr. F. VAN DEN BOSSCHE

De Minister van Energie,
M. VERWILGHEN

De Minister van Werk,
P. VANVELTHOVEN

Annexe I

re Exigences essentielles visées à l'article 6

1. Exigences en matière de protection

Les équipements doivent être conçus et fabriqués, conformément à l'état de la technique, de façon à garantir :

a) que les perturbations électromagnétiques produites ne dépassent pas le niveau au-delà duquel des équipements hertziens et de télécommunications ou d'autres équipements ne peuvent pas fonctionner comme prévu;

b) qu'ils possèdent un niveau d'immunité aux perturbations électromagnétiques auxquelles il faut s'attendre dans le cadre de l'utilisation prévue qui leur permette de fonctionner sans dégradation inacceptable de ladite utilisation.

2. Exigences spécifiques applicables aux installations fixes

Mise en place et utilisation prévue de composants :

Les installations fixes doivent être montées selon les bonnes pratiques d'ingénierie et dans le respect des informations sur l'utilisation prévue pour leurs composants, afin de satisfaire aux exigences en matière de protection figurant au point 1. Ces bonnes pratiques d'ingénierie sont documentées et la ou les personnes responsables tiennent cette documentation à la disposition des autorités compétentes à des fins d'inspection aussi longtemps que l'installation fixe fonctionne.

Vu pour être annexé à Notre arrêté du 28 février 2007 relatif à la compatibilité électromagnétique.

ALBERT

Par le Roi :

La Vice-Première Ministre
et Ministre de la Protection de la Consommation,
Mme F. VAN DEN BOSSCHE

Le Ministre de l'Energie,
M. VERWILGHEN

Le Ministre de l'Emploi,
P. VANVELTHOVEN

Annexe II

Procédure d'évaluation de la conformité visée à l'article 8
(contrôle interne de la fabrication)

1. Le fabricant doit effectuer une évaluation de la compatibilité électromagnétique des appareils, sur la base des phénomènes à prendre en compte, en vue de satisfaire aux exigences en matière de protection figurant à l'annexe I, point 1. L'application correcte de toutes les normes harmonisées applicables équivaut à l'exécution de l'évaluation de la compatibilité électromagnétique.

2. L'évaluation de la compatibilité électromagnétique doit prendre en compte toutes les conditions de fonctionnement normales prévues. Dans les cas où les appareils peuvent prendre plusieurs configurations, l'évaluation de la compatibilité électromagnétique doit déterminer s'ils satisfont aux exigences en matière de protection figurant à l'annexe I re, point 1, dans toutes les configurations possibles identifiées par le fabricant comme représentatives de l'utilisation prévue.

3. Conformément aux dispositions de l'annexe IV, le fabricant constitue une documentation technique fournissant la preuve de la conformité des appareils avec les exigences essentielles du présent arrêté.

4. Le fabricant ou son mandataire dans la Communauté tient la documentation technique à la disposition des autorités compétentes pendant au moins dix ans à partir de la date à laquelle le dernier appareil de ce type a été fabriqué.

Bijlage I

Essentiële eisen als bedoeld in artikel 6

1. Beschermingseisen

Uitrusting moet, rekening houdende met de stand van de techniek, zodanig zijn ontworpen en vervaardigd dat wordt gegarandeerd dat :

a) de opgewekte elektromagnetische storingen het niveau niet overschrijden waarboven radio- en telecommunicatieapparatuur en andere uitrusting niet meer overeenkomstig hun bestemming kunnen functioneren;

b) zij een zodanig niveau van ongevoeligheid voor de bij normaal gebruik te verwachten elektromagnetische storingen bezit dat zij zonder onaanvaardbare verslechtering van het beoogd gebruik kan functioneren.

2. Specifieke eisen voor vaste installaties

Installatie en beoogd gebruik van componenten :

Een vaste installatie moet worden geïnstalleerd volgens goede technologische praktijken en overeenkomstig de informatie over het beoogde gebruik van de componenten, teneinde aan de in punt 1 bedoelde beschermingseisen te voldoen. Deze goede technologische praktijken moeten gedocumenteerd zijn en de desbetreffende documentatie dient, zolang de vaste installatie in bedrijf is, voor inspectiedoeleinden ter beschikking van de bevoegde overheden te worden gehouden.

Gezien om te worden gevoegd bij Ons besluit van 28 februari 2007 betreffende de elektromagnetische compatibiliteit.

ALBERT

Van Koningswege :

De Vice-Eerste Minister en Minister van Consumentenzaken,

Mevr. F. VAN DEN BOSSCHE

De Minister van Energie,
M. VERWILGHEN

De Minister van Werk,
P. VANVELTHOVEN

Bijlage II

Conformiteitsbeoordelingsprocedure als bedoeld in artikel 8
(interne productiecontrole)

De fabrikant dient apparaten aan een, op relevante verschijnselen gebaseerde elektromagnetische compatibiliteitsbeoordeling te onderwerpen, teneinde aan de in bijlage I, punt 1, bedoelde beschermingseisen te voldoen. De juiste toepassing van alle relevante geharmoniseerde normen, wordt beschouwd als gelijkwaardig aan het uitvoeren van de elektromagnetische compatibiliteitsbeoordeling.

2. Bij de elektromagnetische compatibiliteitsbeoordeling moet rekening worden gehouden met alle normale beoogde gebruikscondities. Indien apparaten verschillende configuraties kunnen aannemen, dient de elektromagnetische compatibiliteitsbeoordeling te bevestigen dat de apparaten aan de in bijlage I, punt 1, bedoelde beschermingseisen voldoen in alle mogelijke configuraties die door de fabrikant worden aangegeven als representatief voor het beoogde gebruik.

3. Met inachtneming van het bepaalde in bijlage IV stelt de fabrikant technische documentatie op die het bewijs levert dat het apparaat aan de essentiële eisen van dit besluit voldoet.

4. De fabrikant of diens gevolmachtigde in de Gemeenschap houdt de technische documentatie gedurende ten minste tien jaar na de datum waarop het betrokken apparaat voor het laatst is vervaardigd, ter beschikking van de bevoegde overheden.

5. La conformité des appareils avec toutes les exigences essentielles applicables est attestée par une déclaration CE de conformité établie par le fabricant ou son mandataire dans la Communauté.

6. Le fabricant ou son mandataire dans la Communauté tient la déclaration CE de conformité à la disposition des autorités compétentes pour une période d'au moins dix ans à partir de la date à laquelle le dernier appareil de ce type a été fabriqué.

7. Lorsque ni le fabricant ni son mandataire ne sont établis dans la Communauté, l'obligation de tenir à la disposition des autorités compétentes la déclaration CE de conformité et la documentation technique incombe à la personne qui met les appareils sur le marché communautaire.

8. Le fabricant prend toutes les mesures nécessaires pour assurer que les produits sont fabriqués conformément à la documentation technique visée au point 3 ainsi qu'aux dispositions du présent arrêté qui leur sont applicables.

9. La documentation technique et la déclaration CE de conformité sont établies conformément aux dispositions contenues à l'annexe IV.

Vu pour être annexé à Notre arrêté du 28 février 2007 relatif à la compatibilité électromagnétique.

ALBERT

Par le Roi :

La Vice-Première Ministre
et Ministre de la Protection de la Consommation,
Mme F. VAN DEN BOSSCHE

Le Ministre de l'Energie,
M. VERWILGHEN

Le Ministre de l'Emploi,
P. VANVELTHOVEN

5. De overeenstemming van apparaten met alle toepasselijke essentiële eisen moet worden bekrachtigd aan de hand van een EG-verklaring van overeenstemming die door de fabrikant of diens gevolmachtigde in de Gemeenschap wordt verstrekt.

6. De fabrikant of diens gevolmachtigde in de Gemeenschap dient de EG-verklaring van overeenstemming gedurende ten minste tien jaar na de datum waarop het betrokken apparaat voor het laatst is vervaardigd, ter beschikking te houden van de bevoegde overheden.

7. Is noch de fabrikant, noch diens gevolmachtigde in de Gemeenschap gevestigd, dan is degene die het apparaat in de Gemeenschap op de markt brengt, ertoe verplicht de EG-verklaring van overeenstemming en de technische documentatie ter beschikking te houden van de bevoegde overheden.

8. De fabrikant moet alle nodige maatregelen nemen om ervoor te zorgen dat de producten worden vervaardigd in overeenstemming met de in punt 3 bedoelde technische documentatie en met de toepasselijke bepalingen van dit besluit.

9. De technische documentatie en de EG-verklaring van overeenstemming moeten worden opgesteld volgens de bepalingen van bijlage IV.

Gezien om te worden gevoegd bij Ons besluit van 28 februari 2007 betreffende de elektromagnetische compatibiliteit.

ALBERT

Van Koningswege :

De Vice-Eerste Minister en Minister van Consumentenzaken,

Mevr. F. VAN DEN BOSSCHE

De Minister van Energie,
M. VERWILGHEN

De Minister van Werk,
P. VANVELTHOVEN

Annexe III

Procédure d'évaluation de la conformité visée à l'article 8

1. La présente procédure consiste à appliquer la procédure visée à l'annexe II, complétée comme indiqué ci-après.

2. Le fabricant ou son mandataire dans la Communauté présente la documentation technique à l'organisme notifié visé à l'article 12 et demande une évaluation à cet organisme. Le fabricant ou son mandataire dans la Communauté précise à l'organisme notifié quels aspects des exigences essentielles doivent faire l'objet de son évaluation.

3. L'organisme notifié examine la documentation technique et évalue si cette documentation démontre de manière adéquate le respect des exigences prévues par le présent arrêté qui font l'objet de son évaluation. Si la conformité de l'appareil est confirmée, l'organisme notifié remet un avis qualifié en ce sens au fabricant ou à son mandataire dans la Communauté. Cet avis qualifié se limite aux aspects des exigences essentielles qui ont fait l'objet de l'évaluation de l'organisme notifié.

4. Le fabricant ajoute l'avis qualifié de l'organisme notifié à la documentation technique.

Vu pour être annexé à Notre arrêté du 28 février 2007 relatif à la compatibilité électromagnétique.

ALBERT

Par le Roi :

La Vice-Première Ministre
et Ministre de la Protection de la Consommation,
Mme F. VAN DEN BOSSCHE

Le Ministre de l'Energie,
M. VERWILGHEN

Le Ministre de l'Emploi,
P. VANVELTHOVEN

Bijlage III

Conformiteitsbeoordelingsprocedure als bedoeld in artikel 8

1. Deze procedure komt neer op de toepassing van bijlage II met de volgende aanvulling.

2. De fabrikant of diens gevolmachtigde in de Gemeenschap legt de in artikel 12 bedoelde aangemelde instantie de technische documentatie voor en verzoekt haar om een beoordeling. De fabrikant of diens gevolmachtigde in de Gemeenschap meldt aan de aangemelde instantie welke aspecten van de essentiële eisen door haar beoordeeld moeten worden.

3. De aangemelde instantie onderzoekt de technische documentatie en beoordeelt of die documentatie naar behoren aantoont dat aan de door haar te beoordelen eisen van dit besluit is voldaan. Indien wordt bevestigd dat het apparaat daarmee in overeenstemming is, geeft de aangemelde instantie aan de fabrikant of diens gevolmachtigde in de Gemeenschap een verklaring af die de overeenstemming van het apparaat bevestigt. De verklaring blijft beperkt tot de door haar beoordeelde aspecten van de essentiële eisen.

4. De fabrikant voegt de verklaring van de aangemelde instantie bij de technische documentatie.

Gezien om te worden gevoegd bij Ons besluit van 28 februari 2007 betreffende de elektromagnetische compatibiliteit.

ALBERT

Van Koningswege :

De Vice-Eerste Minister en Minister van Consumentenzaken,

Mevr. F. VAN DEN BOSSCHE

De Minister van Energie,
M. VERWILGHEN

De Minister van Werk,
P. VANVELTHOVEN

Annexe IV

Documentation technique et déclaration CE de conformité

1. Documentation technique

La documentation technique doit permettre d'évaluer la conformité de l'appareil avec les exigences essentielles. Elle doit couvrir la conception et la fabrication de l'appareil et notamment contenir :

- une description générale des appareils,

- des preuves de la conformité aux normes harmonisées éventuellement appliquées, que ce soit entièrement ou en partie,

- lorsque le fabricant n'a pas appliqué de normes harmonisées ou ne les a appliquées que partiellement, une description et une explication des mesures prises pour satisfaire aux exigences essentielles du présent arrêté, y compris une description de l'évaluation de la compatibilité électromagnétique visée à l'annexe II, point 1, les résultats des calculs de conception effectués, les examens effectués, les rapports d'essai, etc.,

- un avis qualifié de l'organisme notifié, lorsque la procédure visée à l'annexe III a été suivie.

2. Déclaration CE de conformité

La déclaration CE de conformité doit contenir au moins les éléments suivants :

- une référence à la directive 2004/108/CE;

- l'identification de l'appareil sur lequel elle porte, au sens de l'article 10, alinéa 1er;

- le nom et l'adresse du fabricant et, le cas échéant, le nom et l'adresse de son mandataire dans la Communauté;

- une référence datée des spécifications auxquelles la conformité est déclarée, dans le but d'assurer la conformité de l'appareil avec les dispositions du présent arrêté;

- la date de cette déclaration;

- l'identité et la signature de la personne habilitée à engager le fabricant ou son mandataire.

Vu pour être annexé à Notre arrêté du 28 février 2007 relatif à la compatibilité électromagnétique.

ALBERT

Par le Roi :

La Vice-Première Ministre
et Ministre de la Protection de la Consommation,
Mme F. VAN DEN BOSSCHE

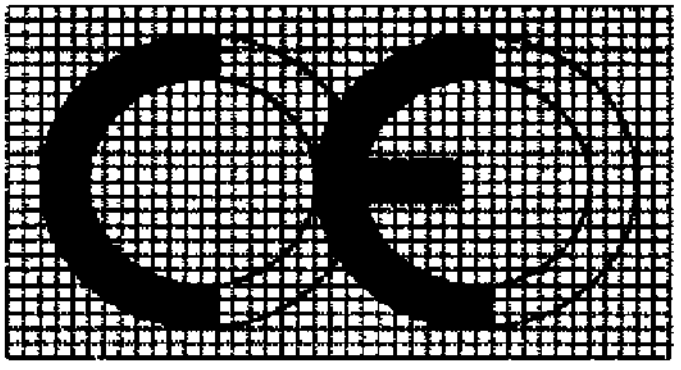
Le Ministre de l'Energie,
M. VERWILGHEN

Le Ministre de l'Emploi,
P. VANVELTHOVEN

Annexe V

Marquage « CE » visé à l'article 9

Le marquage « CE » est constitué des initiales « CE » selon le graphisme suivant :



Bijlage IV

Technische documentatie en EG-verklaring van overeenstemming

1. Technische documentatie

Aan de hand van de technische documentatie moet de overeenstemming van het apparaat met de essentiële eisen kunnen worden beoordeeld. De technische documentatie moet betrekking hebben op het ontwerp en de vervaardiging van het apparaat en moet in het bijzonder het volgende omvatten :

- een algemene beschrijving van het apparaat;

- een bewijs van de overeenstemming met de eventueel beschikbare geharmoniseerde normen die volledig of gedeeltelijk worden toegepast,

- indien de fabrikant de geharmoniseerde normen niet heeft toegepast, of deze slechts gedeeltelijk heeft toegepast, een beschrijving en uitleg van de genomen maatregelen om aan de essentiële eisen van dit besluit te voldoen, inclusief een beschrijving van de in bijlage II, punt 1, bedoelde elektromagnetische compatibiliteitsbeoordeling, resultaten van gemaakte ontwerpberekeningen, uitgevoerde onderzoeken, testverslagen, enzovoorts,

- een verklaring van de aangemelde instantie, indien de in bijlage III bedoelde procedure is gevolgd.

2. EG-verklaring van overeenstemming

De EG-verklaring van overeenstemming moet ten minste het volgende omvatten :

- een verwijzing naar de richtlijn 2004/108/EG;

- de identificatie van het betrokken apparaat, als bedoeld in artikel 10, eerste lid;

- de naam en het adres van de fabrikant en, indien van toepassing, de naam en het adres van zijn gevolmachtigde in de Gemeenschap;

- een gedateerde referentie van de specificaties waarmee het apparaat volgens de verklaring in overeenstemming is, teneinde de overeenstemming van het apparaat met de bepalingen van dit besluit te verzekeren;

- de datum van die verklaring;

- de identiteit en de handtekening van de persoon die gemachtigd is om de fabrikant of diens gevolmachtigde te binden.

Gezien om te worden gevoegd bij Ons besluit van 28 februari 2007 betreffende de elektromagnetische compatibiliteit.

ALBERT

Van Koningswege :

De Vice-Eerste Minister en Minister van Consumentenzaken,

Mevr. F. VAN DEN BOSSCHE

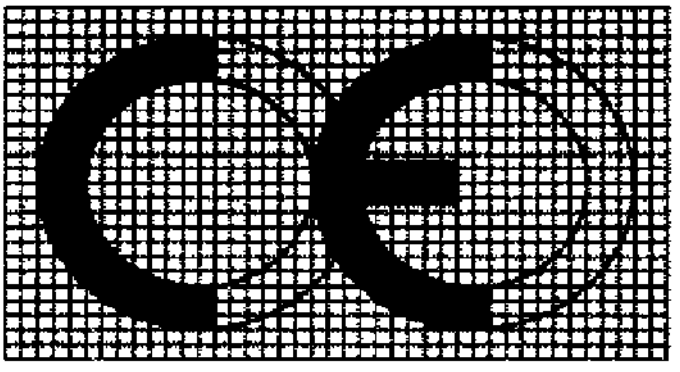
De Minister van Energie,
M. VERWILGHEN

De Minister van Werk,
P. VANVELTHOVEN

Bijlage V

CE-markering als bedoeld in artikel 9

De CE-markering bestaat uit de letters »CE »in de volgende vorm :



Le marquage « CE » doit avoir une hauteur d'au moins 5 mm. En cas de réduction ou d'agrandissement du marquage « CE », les proportions telles qu'elles ressortent du graphisme gradué figurant ci-dessus doivent être respectées.

Le marquage « CE » doit être appliqué sur l'appareil ou sur sa plaque signalétique. Si cela est impossible ou injustifié étant donné la nature de l'appareil, il doit être appliqué sur l'emballage, le cas échéant, et sur les documents d'accompagnement.

Lorsque l'appareil est soumis à d'autres directives couvrant d'autres aspects et prévoyant également le marquage « CE », celui-ci indique que l'appareil est également conforme à ces autres directives.

Toutefois, lorsqu'une ou plusieurs de ces directives laissent le choix au fabricant, pendant une période transitoire, du régime à appliquer, le marquage « CE » indique la conformité aux seules directives appliquées par le fabricant. Dans ce cas, les références des directives appliquées, telles que publiées au *Journal officiel de l'Union européenne*, doivent être inscrites sur les documents, notes explicatives ou instructions requis par ces directives et accompagnant l'appareil en question.

Vu pour être annexé à Notre arrêté du 28 février 2007 relatif à la compatibilité électromagnétique.

ALBERT

Par le Roi :

La Vice-Première Ministre
et Ministre de la Protection de la Consommation,
Mme F. VAN DEN BOSSCHE

Le Ministre de l'Energie,
M. VERWILGHEN

Le Ministre de l'Emploi,
P. VANVELTHOVEN

Annexe VI

Critères d'évaluation des organismes à notifier

1. Les organismes notifiés doivent remplir les conditions minimales suivantes :

a) disponibilité en personnel ainsi qu'en moyens et équipements nécessaires;

b) compétence technique et intégrité professionnelle du personnel;

c) indépendance quant à l'élaboration des rapports et à la réalisation de la surveillance prévues par le présent arrêté royal;

d) indépendance des cadres et du personnel technique par rapport à toutes les parties intéressées, les groupements ou les personnes ayant directement ou indirectement affaire avec les équipements en cause;

e) respect du secret professionnel par le personnel;

f) souscription d'une assurance de responsabilité civile à moins que cette responsabilité ne soit couverte par l'Etat.

2. Le respect des conditions figurant au point 1 est périodiquement vérifié par les administrations compétentes.

Vu pour être annexé à Notre arrêté du 28 février 2007 relatif à la compatibilité électromagnétique.

ALBERT

Par le Roi :

La Vice-Première Ministre
et Ministre de la Protection de la Consommation,
Mme F. VAN DEN BOSSCHE

Le Ministre de l'Energie,
M. VERWILGHEN

Le Ministre de l'Emploi,
P. VANVELTHOVEN

De CE-markering moet ten minste 5 mm hoog zijn. Bij verkleining of vergroting van de CE-markering moeten de verhoudingen van bovenstaande gegradueerde afbeelding in acht worden genomen.

De CE-markering wordt op het apparaat of op het gegevensplaatje aangebracht. Wanneer echter de aard van het apparaat dat niet toelaat of niet rechtvaardigt, wordt de CE-markering aangebracht op de verpakking, voorzover deze bestaat, en op de begeleidende documenten.

Indien het apparaat met betrekking tot andere aspecten onder andere richtlijnen valt die voorzien in het aanbrengen van de CE-markering, geeft deze markering aan dat het apparaat ook aan deze andere richtlijnen voldoet.

Indien echter in één of meer van deze richtlijnen gedurende een overgangsperiode de keuze van de toe te passen regeling aan de fabrikant wordt gelaten, geeft de CE-markering alleen aan dat aan de door de fabrikant toegepaste richtlijnen wordt voldaan. In dat geval moeten de in het *Publicatieblad van de Europese Unie* bekendgemaakte referenties van de toegepaste richtlijnen worden vermeld in de door de richtlijnen vereiste documenten, handleidingen of gebruiksaanwijzingen die bij het apparaat zijn gevoegd.

Gezien om te worden gevoegd bij Ons besluit van 28 februari 2007 betreffende de elektromagnetische compatibiliteit.

ALBERT

Van Koningswege :

De Vice-Eerste Minister en Minister van Consumentenzaken,

Mevr. F. VAN DEN BOSSCHE

De Minister van Energie,
M. VERWILGHEN

De Minister van Werk,
P. VANVELTHOVEN

Bijlage VI

Criteria voor de beoordeling van de instanties die worden aangemeld

1. De aangemelde instanties moeten aan de volgende minimumvoorwaarden voldoen :

a) beschikbaarheid van personeel, alsmede van de nodige middelen en uitrusting;

b) vakbekwaamheid en professionele integriteit van het personeel;

c) onafhankelijkheid bij het opstellen van verslagen en het uitoefenen van het bij dit koninklijk besluit voorgeschreven onderzoek;

d) onafhankelijkheid van het leidinggevend en het technisch personeel ten aanzien van alle partijen, groepen en personen die directe of indirecte belangen hebben bij de betrokken uitrusting;

e) bewaring van het beroepsgeheim door het personeel;

f) het hebben van een burgerlijke aansprakelijkheidsverzekering, tenzij deze aansprakelijkheid op grond van het nationale recht reeds door de Staat wordt gedekt.

2. Door de bevoegde overheden wordt periodiek gecontroleerd of nog altijd aan de in punt 1 genoemde voorwaarden wordt voldaan.

Gezien om te worden gevoegd bij Ons besluit van 28 februari 2007 betreffende de elektromagnetische compatibiliteit.

ALBERT

Van Koningswege :

De Vice-Eerste Minister en Minister van Consumentenzaken,

Mevr. F. VAN DEN BOSSCHE

De Minister van Energie,
M. VERWILGHEN

De Minister van Werk,
P. VANVELTHOVEN

GOUVERNEMENTS DE COMMUNAUTE ET DE REGION
GEMEENSCHAPS- EN GEWESTREGERINGEN
GEMEINSCHAFTS- UND REGIONALREGIERUNGEN

COMMUNAUTE FRANÇAISE — FRANSE GEMEENSCHAP

MINISTERE DE LA COMMUNAUTE FRANÇAISE

F. 2007 — 1161 [2007/200739]

25 JANVIER 2007. — Arrêté du Gouvernement de la Communauté française définissant la forme et les modalités de transmission du rapport d'activités des centres psycho-médico-sociaux, en application de l'article 41, § 4, du décret du 14 juillet 2006 relatif aux missions, programmes et rapport d'activités des centres P.M.S.

Le Gouvernement de la Communauté française,

Vu le décret du 14 juillet 2006 relatif aux missions, programmes et rapport d'activités des centres psycho-médico-sociaux, notamment l'article 41, § 4;

Vu l'avis rendu le 9 janvier 2007 par le Conseil d'Etat en application de l'article 84, § 1er, alinéa 1er, 1o, des lois coordonnées sur le Conseil d'Etat;

Sur la proposition de la Ministre-Présidente, chargée de l'Enseignement obligatoire et de Promotion sociale;

Vu la délibération du Gouvernement de la Communauté française du 25 janvier 2007;

Arrête :

Article 1er. Le rapport d'activités daté et signé par le directeur du centre pour les centres organisés par la Communauté française et par le Pouvoir organisateur pour les centres subventionnés par la Communauté française est transmis à l'Administration générale de l'Enseignement et de la Recherche scientifique, avant le 1er octobre qui suit l'exercice concerné.

Il est adressé à l'attention de Monsieur l'Administrateur général,

Administration générale de l'Enseignement et de la Recherche scientifique.

Art. 2. Une copie du projet de centre, tel qu'approuvé par le Ministre pour les centres organisés par la Communauté française et par le Pouvoir organisateur pour les centres subventionnés par la Communauté française, est jointe à ce rapport d'activités.

Art. 3. Le rapport d'activités sera transmis pour la première fois avant le 1er octobre 2010.

Art. 4. Le présent arrêté entre en vigueur le jour de sa publication au *Moniteur Belge.*

Bruxelles, le 25 janvier 2007.

Par le Gouvernement de la Communauté française,

La Ministre-Présidente,
chargée de l'Enseignement obligatoire et de Promotion sociale,
Mme M. ARENA

VERTALING

MINISTERIE VAN DE FRANSE GEMEENSCHAP

N. 2007 — 1161 [2007/200739]

25 JANUARI 2007. — Besluit van de Regering van de Franse Gemeenschap tot vaststelling van de vorm en de nadere regels voor de overzending van het activiteitenverslag van de psycho-medisch-sociale centra, met toepassing van artikel 41, § 4, van het decreet van 14 juli 2006 betreffende de opdrachten, programma's en activiteitenverslag van de psycho-medisch-sociale centra

De Regering van de Franse Gemeenschap,

Gelet op het decreet van 14 juli 2006 betreffende de opdrachten, programma's en activiteitenverslag van de psycho-medisch-sociale centra, inzonderheid op artikel 41, § 4;

Gelet op het advies van de Raad van State, gegeven op 9 januari 2007, met toepassing van artikel 84, § 1, eerste lid, 1o, van de gecoördineerde wetten op de Raad van State;

Op de voordracht van de Minister-Presidente, belast met het Leerplichtonderwijs en het Onderwijs voor sociale promotie;

Gelet op de beraadslaging van de Regering van de Franse Gemeenschap van 25 januari 2007;

Besluit :

Artikel 1. Het activiteitenverslag, dat wordt gedateerd en ondertekend door de directeur van het centrum, voor de door de Franse Gemeenschap georganiseerde centra, en door de inrichtende macht, voor de door de Franse Gemeenschap gesubsidieerde centra, wordt aan het Algemeen Bestuur Onderwijs en Wetenschappelijk Onderzoek vóór 1 oktober volgend op het betrokken boekjaar overgezonden.

Dit verslag wordt ter attentie van de Administrateur-generaal, Algemeen Bestuur Onderwijs en Wetenschappelijk Onderzoek gestuurd.

Art. 2. Een afschrift van het project van het centrum, zoals goedgekeurd door de Minister, voor de door de Franse Gemeenschap georganiseerde centra, en door de inrichtende macht, voor de door de Franse Gemeenschap gesubsidieerde centra, wordt gevoegd bij dit activiteitenverslag.

Art. 3. Het activiteitenverslag zal voor de eerste keer vóór 1 oktober 2010 overgezonden worden.

Art. 4. Dit besluit treedt in werking de dag waarop het in het *Belgisch Staatsblad* wordt bekendgemaakt.

Brussel, 25 januari 2007.

Vanwege de Regering van de Franse Gemeenschap,

De Minister-Presidente,
belast met het Leerplichtonderwijs en het Onderwijs voor sociale promotie,
Mevr. M. ARENA

REGION WALLONNE — WALLONISCHE REGION — WAALS GEWEST

MINISTERE DE LA REGION WALLONNE

F. 2007 — 1162 [2007/200750]

15 FEVRIER 2007. — Décret modifiant l'intitulé de la section 2 du chapitre IV du titre I^er^ du Livre I^er^ et les articles 1^er^, 7 et 12 du Code wallon de l'Aménagement du Territoire, de l'Urbanisme et du Patrimoine (1)

Le Parlement wallon a adopté et Nous, Gouvernement, sanctionnons ce qui suit :

Article 1^er^. Dans l'article 1^er^ du Code wallon de l'Aménagement du Territoire, de l'Urbanisme et du Patrimoine, entre le mot "économiques," et le mot "patrimoniaux", sont insérés les mots "de mobilité,".

Art. 2. L'intitulé de la section 2 du chapitre IV du titre I^er^ du Livre I^er^ du même Code est remplacé comme suit :

« *Section 2.* — De la commission consultative communale d'aménagement du territoire et de mobilité ».

Art. 3. Dans l'article 7 du même Code, sont apportées les modifications qui suivent :

1. Au § 1^er^, alinéa 1^er^, après les mots "d'aménagement du territoire", sont insérés les mots "et de mobilité".

2. Au même alinéa, entre les mots ", et en arrête" et les mots "le règlement d'ordre intérieur." , est inséré le mot "simultanément".

3. A l'alinéa 2 du même paragraphe, les points 1° à 5° sont remplacés comme suit :

« 1° douze membres pour une population de moins de vingt mille habitants;

2° seize membres pour une population d'au moins vingt mille habitants. »

4. Dans la première phrase du § 2, alinéa 1^er^, les mots "Le conseil communal" sont remplacés par les mots "Dans les six mois de sa propre installation, le conseil communal".

5. Le même paragraphe est complété par les alinéas qui suivent :

« Le président et tout membre de la commission communale sont tenus à la confidentialité des données personnelles des dossiers dont ils ont connaissance, ainsi que des débats et des votes de la commission communale.

En cas de conflit d'intérêts, le président ou tout membre quitte la séance de la commission communale.

En cas d'inconduite notoire d'un membre ou de manquement grave à un devoir de sa charge, le président de la commission communale en informe le conseil communal qui peut proposer au Gouvernement d'en acter la suspension ou la révocation. »

6. Au § 3, alinéa 5, entre les mots "le conseil communal choisit" et les mots "les membres", sont insérés les mots "le président et".

7. Le même alinéa est complété comme suit :

« 3° une représentation de la pyramide des âges spécifique à la commune. »

8. Au § 3, l'alinéa 7 est complété comme suit :

« En ce compris le président, tout membre de la commission communale ne peut exercer plus de deux mandats effectifs consécutifs. »

9. Le même paragraphe est complété comme suit :

« Ne peut pas être président de la commission communale tout membre du collège communal.

Le membre du collège communal ayant l'aménagement du territoire et l'urbanisme dans ses attributions et le conseiller visé à l'article 12, § 1^er^, 6°, siègent auprès de la commission communale avec voix consultative. »

10. Dans la deuxième phrase du § 4, alinéa 2, les mots "à la demande du collège des bourgmestre et échevins" sont remplacés par les mots "lorsque l'avis de la commission communale est requis en vertu d'une disposition législative ou réglementaire, à la demande du collège communal".

11. L'article est complété comme suit :

« § 8. Le Gouvernement peut arrêter le montant du jeton de présence auquel ont droit le président et les membres de la commission communale. »

Art. 4. L'article 12, alinéa 1^er^, 7°, du même Code est complété comme suit :

« avec pour missions :

— de constituer, par des recherches à long ou à moyen terme et par des expertises à court terme, un outil d'aide à la décision pour le Gouvernement;

— d'organiser une chaire interuniversitaire annuelle du développement territorial;

— d'assurer la formation continuée à destination des conseillers en aménagement du territoire visée au point 6° par la mise en contact des chercheurs de la conférence permanente de développement territorial et des conseillers;

— de procéder à divers modes de transmission et de vulgarisation des recherches et des résultats des recherches dans le domaine de l'aménagement du territoire, de l'urbanisme et du développement territorial. »

Promulguons le présent décret, ordonnons qu'il soit publié au *Moniteur belge*.

Namur, le 15 février 2007.

Le Ministre-Président,
E. DI RUPO

Le Ministre du Logement, des Transports et du Développement territorial,
A. ANTOINE

Le Ministre du Budget, des Finances, de l'Equipement et du Patrimoine,
M. DAERDEN

La Ministre de la Formation,
Mme M. ARENA

Le Ministre des Affaires intérieures et de la Fonction publique,
Ph. COURARD

La Ministre de la Recherche, des Technologies nouvelles et des Relations extérieures,
Mme M.-D. SIMONET

Le Ministre de l'Economie, de l'Emploi et du Commerce extérieur,
J.-C. MARCOURT

La Ministre de la Santé, de l'Action sociale et de l'Egalité des chances,
Mme Ch. VIENNE

Le Ministre de l'Agriculture, de la Ruralité, de l'Environnement et du Tourisme,
B. LUTGEN

Note

(1) *Session 2006-2007.*
Documents du Parlement wallon 533 (2006-2007), n^{os} 1 à 5.
Compte rendu intégral, séance publique du 14 février 2007.
Discussion - Votes.

ÜBERSETZUNG

MINISTERIUM DER WALLONISCHEN REGION

D. 2007 — 1162 [2007/200750]

15. FEBRUAR 2007 — Dekret zur Abänderung des Titels des Abschnitts 2 des Kapitels IV des Titels I des Buches I und der Artikel 1, 7 und 12 des Wallonischen Gesetzbuches über die Raumordnung, den Städtebau und das Erbe (1)

Das Wallonische Parlament hat Folgendes angenommen und Wir, Regierung, sanktionieren es:

Artikel 1 - In Artikel 1 des Wallonischen Gesetzbuches über die Raumordnung, den Städtebau und das Erbe wird das Wort "Mobilitäts-" zwischen die Wörter "wirtschaftlichen," und "erbe-" eingefügt.

Art. 2 - Die Überschrift von Abschnitt 2 von Kapitel IV von Titel I von Buch I desselben Gesetzbuches wird wie folgt ersetzt:

«*Abschnitt 2* — Kommunaler Beratungsausschuss für Raumordnung und Mobilität»

Art. 3 - In Artikel 7 desselben Gesetzbuches werden folgende Abänderungen vorgenommen:

1. In § 1 Absatz 1 werden nach dem Wort "Raumordnung" die Wörter "und Mobilität" hinzugefügt.

2. Im selben Absatz wird zwischen die Wörter "und legt" und "dessen Geschäftsordnung" das Wort "gleichzeitig" eingefügt.

3. In Absatz 2 desselben Paragraphen werden die Punkte 1° bis 5° wie folgt ersetzt:

«1° zwölf Mitglieder für eine Bevölkerung unter 10 000 Einwohnern;

2° sechzehn Mitglieder für eine Bevölkerung von mindestens 20 000 Einwohnern.»

4. Im ersten Satz von § 2 Absatz 1 werden die Wörter "Der Gemeinderat entscheidet" durch die Wörter "Innerhalb der ersten sechs Monate nach seiner eigenen Aufstellung entscheidet der Gemeinderat" ersetzt.

5. Derselbe Paragraph wird mit den folgenden Absätzen ergänzt:

«Der Vorsitzende und jedes Mitglied des Kommunalausschusses sind verpflichtet, die Vertraulichkeit der persönlichen Daten der Akten, von denen sie Kenntnis haben, sowie der Debatten und Abstimmungen des Kommunalausschusses zu beachten.

Bei Interessenskonflikten verlässt der Vorsitzende oder jegliches Mitglied die Sitzung des Kommunalausschusses.

Im Falle eines notorischen Fehlverhaltens oder einer schwerwiegenden Pflichtverletzung seitens eines Mitglieds, informiert der Vorsitzende des Kommunalausschusses den Gemeinderat, der der Regierung vorschlagen kann, die Amtsenthebung oder Abberufung des Mitglieds zu Protokoll zu bringen.»

6. In § 3 Absatz 5 werden die Wörter ″den Vorsitzenden und″ zwischen die Wörter ″auf Präsentation eines oder mehrerer Mitglieder des Gemeinderates -″ und die Wörter ″die Mitglieder″ eingefügt.

7. Derselbe Absatz wird wie folgt ergänzt:

«3° eine Vertretung der für die Gemeinde spezifischen Alterspyramide.»

8. In § 3 wird Absatz 7 wie folgt ergänzt:

«Ein Mitglied des Kommunalausschusses, einschließlich des Vorsitzenden, darf nicht mehr als zwei aufeinanderfolgende Mandate als effektives Mitglied ausüben.»

9. Derselbe Paragraph wird wie folgt ergänzt:

«Vorsitzender des Kommunalausschusses darf kein Mitglied des Gemeindekollegiums sein.

Das Mitglied des Gemeindekollegiums, zu dessen Zuständigkeitsbereich die Raumordnung und der Städtebau gehören, und der in Artikel 12 § 1 6° erwähnte Berater nehmen mit beratender Stimme an den Sitzungen des Kommunalausschusses teil.»

10. Im zweiten Satz von § 4 Absatz 2 werden die Wörter ″auf Anfrage des Bürgermeister- und Schöffenkollegiums″ durch die Wörter ″, wenn das Gutachten des Kommunalausschusses aufgrund einer Gesetzes- und Verordnungsbestimmung erforderlich ist, auf Anfrage des Gemeindekollegiums″ ersetzt.»

11. Der Artikel wird wie folgt ergänzt:

«§ 8 - Die Regierung kann den Betrag des Anwesenheitsgelds, auf welches der Vorsitzende und die Mitglieder des Kommunalausschusses Anspruch haben, festlegen.»

Art. 4 - Artikel 12 Absatz 1 7° desselben Gesetzbuches wird wie folgt ergänzt:

«mit den folgenden Aufgaben:

— durch lang- oder mittelfristige Forschungen und kurzfristige Begutachtungen ein Entscheidungshilfsmittel für die Regierung zu sein;

— eine jährliche interuniversitäre Charta für räumliche Entwicklung zu organisieren;

— die Weiterbildung für die unter 6° erwähnten Raumordnungsberater zu gewährleisten, indem die Forscher der ständigen Konferenz zur territorialen Entwicklung und die Berater in Kontakt gebracht werden;

— verschiedene Arten der Übertragung und Verbreitung der Forschungen und Forschungsergebnisse im Bereich der Raumordnung, des Städtebaus und der räumlichen Entwicklung vorzunehmen.»

Wir fertigen das vorliegende Dekret aus und ordnen an, dass es im *Belgischen Staatsblatt* veröffentlicht wird.

Namur, den 15. Februar 2007

Der Minister-Präsident,
E. DI RUPO

Der Minister des Wohnungswesens, des Transportwesens und der räumlichen Entwicklung,
A. ANTOINE

Der Minister des Haushalts, der Finanzen, der Ausrüstung und des Erbes,
M. DAERDEN

Die Ministerin der Ausbildung,
Frau M. ARENA

Der Minister der inneren Angelegenheiten und des öffentlichen Dienstes,
Ph. COURARD

Die Ministerin der Forschung, der neuen Technologien und der auswärtigen Beziehungen,
Frau M.-D. SIMONET

Der Minister der Wirtschaft, der Beschäftigung und des Außenhandels,
J.-C. MARCOURT

Die Ministerin der Gesundheit, der sozialen Maßnahmen und der Chancengleichheit,
Frau Ch. VIENNE

Der Minister der Landwirtschaft, der ländlichen Angelegenheiten, der Umwelt und des Tourismus,
B. LUTGEN

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Fußnote

(1) *Sitzungsperiode 2006-2007.*
Dokumente des wallonischen Parlaments 533 (2006-2007) Nrn. 1 bis 5.
Ausführliches Sitzungsprotokoll, öffentliche Sitzung vom 14. Februar 2007.
Diskussion - Abstimmung.

VERTALING

MINISTERIE VAN HET WAALSE GEWEST

N. 2007 — 1162 [2007/200750]

15 FEBRUARI 2007. — Decreet tot wijziging van het opschrift van afdeling 2, hoofdstuk IV, titel I, van Boek I en de artikelen 7 en 12 van het Waalse Wetboek van Ruimtelijke Ordening, Stedenbouw en Patrimonium (1)

Het Waalse Parlement heeft aangenomen en Wij, Regering, bekrachtigen hetgeen volgt :

Artikel 1. In artikel 1 van het Waalse Wetboek van Ruimtelijke Ordening, Stedenbouw en Patrimonium wordt tussen de woorden ″economische″ en ″patrimoniale″ het woord ″mobiliteits-″ ingevoegd.

Art. 2. In boek I van hetzelfde Wetboek wordt het opschrift van afdeling 2, hoofstuk IV, van titel I vervangen als volgt :

« *Afdeling 2.* — Gemeentelijke adviescommissie voor ruimtelijke ordening en mobiliteit »

Art. 3. In artikel 7 van hetzelfde Wetboek worden de volgende wijzigingen aangebracht :

1. In § 1, eerste lid, wordt het woord ″en mobiliteit″ na de woorden ″van ruimtelijke ordening″ ingevoegd.

2. In hetzelfde lid wordt tussen de woorden ″en legt er″ en ″het huishoudelijk reglement van vast″ het woord ″gelijktijdig″ ingevoegd.

3. In het tweede lid van dezelfde paragraaf worden de punten 1° tot 5° vervangen als volgt :

« 1° twaalf leden voor een bevolking van minder dan twintigduizend inwoners;

″2° zestien leden voor een bevolking van minstens twintigduizend inwoners. »

4. In de eerste zin van § 2, eerste lid, worden de woorden ″De gemeenteraad″ vervangen door de woorden ″De gemeenteraad binnen zes maanden na zijn eigen installatie″.

5. Dezelfde paragraaf wordt aangevuld met de volgende leden :

« De voorzitter en elk lid van de gemeentelijke commissie zijn verplicht tot geheimhouding van de persoonlijke gegevens van de dossiers waarvan ze kennis hebben, alsook van de debatten en van de stemmingen van de gemeentelijke commissie.

In geval van belangenconflict verlaat de voorzitter of elk lid de zitting van de gemeentelijke commissie.

In geval van kennelijk wangedrag van een lid of van ernstig verzuim in de uitoefening van zijn opdracht verwittigt de voorzitter van de gemeentelijke commissie de gemeenteraad, die de Regering kan voorstellen om akte te nemen van de schorsing of de afzetting van bedoeld lid. »

6. In § 3, vijfde lid, worden tussen de woorden ″de gemeenteraad kiest″ en ″de leden″ de woorden ″de voorzitter en″ ingevoegd.

7. Hetzelfde lid wordt aangevuld als volgt :

« 3° een weergave van de leeftijdspyramide die eigen is aan de gemeente. »

8. In § 3 wordt het zevende lid aangevuld als volgt :

« Elk lid van de gemeentelijke commissie, de voorzitter inbegrepen, mag niet meer dan twee opeenvolgende effectieve mandaten uitoefenen. »

9. Dezelfde paragraaf wordt aangevuld als volgt :

« Een lid van de gemeenteraad mag de gemeentelijke commissie niet voorzitten.

Het lid van de gemeenteraad dat bevoegd is voor ruimtelijke ordening en stedenbouw en de adviseur bedoeld in artikel 12, § 1, 6°, hebben zitting in de gemeentelijke commissie met raadgevende stem. »

10. In de tweede zin van § 4, tweede lid, worden de woorden ″op verzoek van het college van burgemeester en schepenen″ vervangen door de woorden ″als het advies op verzoek van de gemeentelijke commissie krachtens een wettelijke of reglementaire bepaling vereist wordt,″.

11. Het artikel wordt aangevuld als volgt :

« § 8. Het bedrag van het presentiegeld waarop de voorzitter en de leden van de gemeentelijke commissie recht hebben kan door de Regering vastgelegd worden. »

Art. 4. Artikel 12, eerste lid, 7°, van hetzelfde Wetboek wordt aangevuld als volgt :

« met de volgende opdrachten :

— d.m.v. onderzoeken op middellange termijn en expertisen op korte termijn de Regering een hulpmiddel verschaffen bij haar besluitvorming;

— een jaarlijkse interuniversitaire leerstoel van de ruimtelijke ontwikkeling organiseren;

— zorgen voor de in punt 6° bedoelde voortgezette opleiding voor de adviseurs inzake de ruimtelijke ordening, door de onderzoekers van de vaste conferentie inzake ruimtelijke ontwikkeling en de adviseurs in contact te brengen met elkaar;

— verschillende wijzen van transmissie en vulgarisatie van de onderzoeken en de resultaten van de onderzoeken uitwerken op het gebied van ruimtelijke ordening, stedenbouw en ruimtelijke ontwikkeling. »

Kondigen dit decreet af, bevelen dat het in het *Belgisch Staatsblad* zal worden bekendgemaakt.

Namen, 15 februari 2007.

De Minister-President,
E. DI RUPO

De Minister van Huisvesting, Vervoer en Ruimtelijke Ontwikkeling,
A. ANTOINE

De Minister van Begroting, Financiën, Uitrusting en Patrimonium,
M. DAERDEN

De Minister van Vorming,
Mevr. M. ARENA

De Minister van Binnenlandse Aangelegenheden en Ambtenarenzaken,
Ph. COURARD

De Minister van Onderzoek, Nieuwe Technologieën en Buitenlandse Betrekkingen,
Mevr. M.-D. SIMONET

De Minister van Economie, Tewerkstelling en Buitenlandse Handel,
J.-C. MARCOURT

De Minister van Gezondheid, Sociale Actie en Gelijke Kansen,
Mevr. Ch. VIENNE

De Minister van Landbouw, Landelijke Aangelegenheden, Leefmilieu en Toerisme,
B. LUTGEN

Nota

(1) *Zitting 2006-2007.*
Stukken van het Waals Parlement 533 (2006-2007), nrs. 1 tot 5.
Volledig verslag, openbare vergadering van 14 februari 2007.
Bespreking - Stemmingen.

REGION DE BRUXELLES-CAPITALE — BRUSSELS HOOFDSTEDELIJK GEWEST

MINISTERE DE LA REGION DE BRUXELLES-CAPITALE

F. 2007 — 1165 [S − C − 2007/31104]

1er MARS 2007. — Ordonnance relative à la protection de l'environnement contre les éventuels effets nocifs et nuisances provoqués par les radiations non ionisantes

Le Parlement de la Région de Bruxelles-Capitale a adopté et Nous, Gouvernement, sanctionnons ce qui suit :

Article 1er.

La présente ordonnance règle une matière visée à l'article 39 de la Constitution.

Définitions

Art. 2. Pour l'application de la présente ordonnance et de ses arrêtés d'exécution, on entend par u radiations non ionisantes », les rayonnements électromagnétiques dont la fréquence est comprise entre 0,1 MHz et 300 GHz.

La présente ordonnance n'est pas applicable aux radiations non ionisantes d'origine naturelle, ni à celles émises par les appareillages utilisés par des particuliers tels que, notamment, les GSM, les réseaux WiFi locaux des particuliers, les systèmes de téléphonie de type DECT.

Sont également exclues du champ d'application de l'ordonnance les radiations non pulsées qui sont émises en vue de transmettre des programmes

- de radiodiffusion aux fréquences comprises entre 87,5 et 108,0 kHz, entre 153 et 261 kHz et entre 531 et 1602 kHz;

- ou de télévision aux fréquences comprises entre 174 et 223 MHz et entre 470 et 830 MHz.

MINISTERIE VAN HET BRUSSELS HOOFDSTEDELIJK GEWEST

N. 2007 — 1163 [S − C − 2007/31104]

1 MAART 2007. — Ordonnantie betreffende de bescherming van het leefmilieu tegen de eventuele schadelijke effecten en hinder van niet-ioniserende stralingen

Het Brussels Hoofdstedelijk Parlement heeft aangenomen en Wij, Regering, bekrachtigen hetgeen volgt :

Artikel 1.

Deze ordonnantie regelt een aangelegenheid als bedoeld in artikel 39 van de Grondwet.

Definities

Art. 2. Voor de toepassing van deze ordonnantie en haar uitvoeringsbesluiten wordt verstaan onder niet-ioniserende stralingen : de elektromagnetische stralingen met een frequentie tussen 0,1 MHz en 300 GHz.

Deze ordonnantie is niet van toepassing op niet-ioniserende stralingen van natuurlijke oorsprong en evenmin op niet-ioniserende stralingen afkomstig van toestellen die gebruikt worden door particulieren, zoals GSM-toestellen, lokale WiFi-netwerken van particulieren, telefoniesystemen van het type DECT.

Vallen eveneens buiten het toepassingsgebied van de ordonnantie, de niet-pulserende stralingen die worden gebruikt voor het uitzenden.

- van radioprogramma's met frequenties tussen 87,5 en 108,0 kHz, tussen 153 en 261 kHz en tussen 531 en 1602 kHz;

- van televisieprogramma's met frequenties tussen 174 en 223 MHz en tussen 470 en 830 MHz.

Normes d'immission environnementales

Art. 3. Le gouvernement fixe les normes générales de qualité auxquelles tout milieu doit répondre afin d'assurer la protection de l'environnement contre les éventuels effets nocifs et nuisances provoqués par les radiations non ionisantes.

Dans toutes les zones accessibles au public, la densité de puissance du rayonnement des radiations non ionisantes ne peut dépasser, à aucun moment, la norme de 0,024 W/m^2 (soit, à titre indicatif, 3 V/m) pour une fréquence de 900 MHz, ceci pour les radiations non ionisantes dont les fréquences sont comprises entre 400 MHz et 2 GHz.

La densité de puissance des radiations non ionisantes ne peut donc dépasser, à aucun moment, la valeur maximale de

- 0,01 W/m^2 pour les fréquences comprises entre 0,1 MHz et 400 MHz;

- f/40.000, exprimée en W/m^2 entre 400 MHz et 2 GHz (où f est la fréquence exprimée en MHz);

- 0,05 W/m^2 pour les frégences comprises entre 2 GHz et 300 GHz.

Pour les champs composés, la densité de puissance doit être limitée de sorte que

lmmissienormen op het vlak van het leefmilieu

Art. 3. De regering stelt de algemene kwaliteitsnormen vast waaraan elk milieu moet voldoen met het oog op de bescherming van het leefmilieu tegen eventuele schadelijke effecten en de hinder van niet-ioniserende stralingen.

In alle voor de bevolking toegankelijke gebieden mag de vermogensdichtheid van de straling van de niet-ioniserende stralingen nooit hoger zijn dan de norm van 0,024 W/m^2 (ter indicatie 3 V/m) bij een referentiefrequentie van 900 MHz voor de niet-ioniserende stralingen waarvan de frequenties tussen 400 MHz en 2 GHz liggen.

De vermogensdichtheid van de niet-ioniserende stralingen mag bijgevolg nooit hoger zijn dan de maximumwaarde van :

- 0,01 W/m^2 voor de frequenties tussen 0,1 MHz en 400 MHz;

- f/40.000, uitgedrukt in W/m^2 tussen 400 MHz en 2 GHz (waarbij f staat voor de frequentie uitgedrukt in MHz);

- 0,05 W/m^2 voor de frequenties tussen 2 GHz en 300 GHz.

Voor de samengestelde velden, moet de vermogensdichtheid zo worden beperkt dat :

$$\sum_{0,1\ MHz}^{300\ GHz} S_i / S_{ii} \leq 1$$

Où S, est la densité de puissance du champ électrique à une fréquence i comprise entre 0,1 MHz et 300 GHz et où Sri est valeur de la densité de puissance maximale exprimée en W/m^2 et telle que définie dans le 3e alinéa du présent article.

Waarbij S, de vermogensdichtheid is van het elektrisch veld met een frequentie i tussen 0,1 Mhz en 300 GHz en waarbij Sii de maximale vermogensdichtheid is in W/m^2 en zoals hierboven gedefinieerd.

Obligation d'information à charge des exploitants

Art. 4. Les exploitants des installations susceptibles de produire ou de transmettre des radiations non ionisantes sont tenus d'informer l'administration régionale compétente et les communes sur le territoire desquelles sont implantées ces installations, quant aux caractéristiques d'exploitation de ces installations. Ces caractéristiques sont, notamment, l'intensité des radiations produites, le type d'installation, les fréquences d'émission, l'angle d'inclinaison des antennes, la hauteur et la dimension de l'installation et la puissance rayonnée des radiations. Le gouvernement arrête la liste de ces caractéristiques.

Lorsqu'une installation se situe à proximité d'une limite communale, cette obligation est étendue à l'égard de la commune limitrophe concernée.

Informatieplicht voor de exploitanten

Art. 4. De exploitanten van toestellen of inrichtingen die niet-ioniserende stralingen kunnen opwekken of doorzenden moeten het bevoegde gewestbestuur en de gemeenten op wier grondgebied deze inrichtingen gevestigd zijn, kennis geven van de exploitatiekenmerken van deze inrichtingen. Deze kenmerken zijn onder meer de intensiteit van de opgewekte stralingen, het type inrichting, de emissiefrequenties, de elevatiehoek van de antennes, de hoogte en de afmetingen van de inrichtingen, het uitgestraalde vermogen van de stralingen. De regering stelt de lijst van die kenmerken vast.

Wanneer een inrichting zich dicht bij een gemeentegrens bevindt, worden die kenmerken ook meegedeeld aan de betrokken aangrenzende gemeente.

Normes d'exploitation des sources

Art. 5. Le gouvernement fixe, dans le cadre de ses compétences, les conditions d'exploitation des installations susceptibles de produire, de transmettre ou de recevoir des radiations non ionisantes.

Les conditions visées par le présent article fixent, notamment, pour chaque périmètre, le nombre et l'intensité des sources de radiations non ionisantes en tenant compte des caractéristiques du périmètre.

Exploitatienormen voor de bronnen

Art. 5. De regering stelt, in het kader van haar bevoegdheden, de exploitatievoorwaarden vast voor de inrichtingen die niet-ioniserende stralingen kunnen opwekken, doorzenden of ontvangen.

De in dit artikel bedoelde voorwaarden stellen onder meer het aantal en de intensiteit van de niet-ioniserende stralingsbronnen vast voor elke perimeter, rekening hoer dend met de kenmerken van die perimeter.

Coordination de la réglementation et de l'action

Art. 6. Le ministre qui a l'Environnement dans ses compétences est chargé d'harmoniser la réglementation ainsi que toute mesure relevant du pouvoir régional et relative à la lutte contre les effets potentiellement nuisibles des radiations non ionisantes.

Coördinatie van de regelgeving en van de actie

Art. 6. De minister tot wiens bevoegdheden Leefmilieu behoort, wordt belast met de harmonisatie van elke onder de bevoegdheid van het Gewest vallende regelgeving en maatregel tegen de mogelijke schadelijke effecten van niet-ioniserende stralingen.

Recherche scientifique

Art. 7. Le gouvernement définit les normes ou conditions générales minimales auxquelles doivent satisfaire les personnes, laboratoires ou organismes publics ou privés qui seront chargés

1° d'étudier l'influence des radiations non ionisantes sur l'environnement;

2° de rechercher les moyens efficaces de lutte contre les éventuels nuisances ou effets nocifs provoqués par les radiations non ionisantes;

3° de tester ou de contrôler les appareils ou installations susceptibles d'engendrer, de transmettre ou de recevoir des radiations non ionisantes, destinés à mesurer, atténuer ou absorber ces dernières ou destinés à pallier leurs nuisances ou effets nocifs éventuels.

Wetenschappelijk onderzoek

Art. 7. De regering bepaalt de algemene minimumnormen of voorwaarden waaraan moet worden voldaan door personen, laboratoria en openbare of privé-instellingen die belast zullen worden met

1° het onderzoek naar de invloed van niet-ioniserende stralingen op het leefmilieu;

2° het onderzoek naar efficiënte middelen om eventuele hinder of eventuele schadelijke effecten van niet-ioniserende stralingen te bestrijden;

3° het beproeven of controleren van toestellen of inrichtingen die niet-ioniserende stralingen kunnen opwekken, dooreenden of ontvangen, bestemd om deze te meten, te dempen of op te slorpen, of de eventuele hinder of de eventuele schadelijke effecten ervan te verhelpen.

Cadastre des émetteurs et publicité

Art. 8. Le gouvernement est chargé de mettre ajour et de rendre publie le cadastre des émetteurs qui sont soumis à la présente ordonnance. Ce cadastre reprend le dossier technique de chacune des installations dont le contenu est déterminé par le Gouvernement et inclut notamment : la localisation précise de l'émetteur, son type, ses dimensions, son orientation, sa puissance d'émission et les autres données techniques qui permettent de déterminer la densité de puissance dans les zones accessibles au publie.

Infractions et sanctions pénales

Art. 9. § 1er. Les infractions aux dispositions de la présente ordonnance et de ses arrêtés d'exécution sont punies d'une amende de 100 EUR à 15.000 EUR et d'un emprisonnement de huit jours à deux ans ou d'une de ces peines seulement.

§ 2. Les peines pourront être doublées, et les peines minimales le seront en tout cas, si ceux qui sont condamnés suivant les dispositions du présent article contreviennent à nouveau, dans les deux ans de cette condamnation, aux dispositions de la présente ordonnance et de ses arrêtés d'exécution.

§ 3. En cas de condamnation pour une infraction aux dispositions de la présente ordonnance et de ses arrêtés d'exécution, le juge peut en outre ordonner, dans le délai qu'il détermine, l'enlèvement des sources de radiations non ionisantes qui ne respecteraient pas les dispositions de la présente ordonnance.

Infractions et sanctions administratives

Art. 10. § 1er. L'article 2, 14°, de l'ordonnance du 25 mars 1999 relative à la recherche, la constatation, la poursuite et la répression des infractions en matière d'environnement, modifié par l'ordonnance du 28 juin 2001, est remplacé par la disposition suivante : « 14° l'ordonnance du... relative à la protection de l'environnement contre les éventuels effets nocifs et nuisances provoqués par les radiations non ionisantes ».

§ 2. L'article 33, 10°, de la même ordonnance, est rem placé par la disposition suivante : « 10° au sens de l'ordonnance du... relative à la protection de l'environnement contre les éventuels effets nocifs et nuisances provoqués par les radiations non ionisantes

- ne respecte pas les normes d'immission environnementales visées à l'article 3;

- ne respecte pas les obligations d'information visées à l'article 4;

- ne respecte pas les normes d'exploitation visées à l'article 5. ».

Dispositions abrogatoires

Art. 11. La loi du 12 juillet 1985 relative à la protection de l'homme et de l'environnement contre les effets nocifs et les nuisances provoqués par les radiations non ionisantes, les infrasons et les ultrasons est abrogée pour ce qui concerne les compétences de la Région de Bruxelles-Capitale.

Codification

Art. 12. Le gouvernement peut, en application de l'article 104 de l'ordonnance du 5 juin 1997 relative aux permis d'environnement, intégrer les dispositions de la présente ordonnance au Code bruxellois de l'Environnement.

Kadaster van de zendinstallaties en bekendmaking

Art. 8. De regering is belast met het updaten en de openbaarui de zendinstallaties waarop deze ordonnantie van toepassing is. Het kadaster omvat het technisch dossier van elke installatie. De regering stelt de inhoud ervan vast. Het omvat inzonderheid : de precieze locatie van de zendinstallatie, het type, de afmetingen ervan, de richting, het zendvermogen en de andere technische gegevens die de mogelijkheid moeten bieden om de vermogensdichtheid in de voor het publiek toegankelijke gebieden vast te stellen.

Overtredingen en strafbepalingen

Art. 9. l. Overtredingen van de bepalingen van deze ordonnantie en van de uitvoeringsbesluiten worden bestraft met een geldboete van 100 EUR tot 15.000 EUR en met een gevangenisstraf van acht dagen tot twee jaar of met een van die straffen.

§ 2. De straffen kunnen en de minimumstraffen zullen in elk geval verdubbeld worden als zij die volgens de bepalingen van dit artikel zijn veroordeeld, binnen twee jaar na die veroordeling de bepalingen van deze ordonnantie en van de uitvoeringsbesluiten opnieuw overtreden.

§ 3. In geval van een veroordeling wegens een overtreding van de bepalingen van deze ordonnantie en van haar uitvoeringsbesluiten, kan de rechter bovendien bevelen dat de bronnen van niet-ioniserende stralingen die niet in overeenstemming zijn met de bepalingen van deze ordonnantie, weggehaald moeten worden binnen een termijn die hij bepaalt.

Overtredingen en administratieve sancties

Art. 10. § 1. Artikel 2, 14°, van de ordonnantie van 25 maart 1999 betreffende de opsporing, de vaststelling, de vervolging en de bestraffing van misdrijven inzake leefmilieu, gewijzigd bij de ordonnantie van 28 juni 2001, wordt door de volgende bepaling vervangen : « 14° de ordonnantie van... betreffende de bescherming van het leefmilieu tegen de eventuele schadelijke effecten en hinder van nietioniserende stralingen ».

§ 2. Artikel 33, 10°, van dezelfde ordonnantie wordt vervangen door de volgende bepaling : « 10° in de zin van de ordonnantie van.... betreffende de bescherming van het leefmilieu tegen de eventuele schadelijke effecten en hinder van niet-ioniserendé stralingen

- de in artikel 3 bedoelde immissienormen op het vlak van het leefmilieu niet in acht neemt;

- de in artikel 4 bedoelde informatieverplichtingen niet in acht neemt;

- de in artikel 5 bedoelde exploitatienormen niet in acht neemt. ».

Opheffingsbepalingen

Art. 11. De wet van 12 juli 1985 betreffende de bescherming van de mens en van het leefinilieu tegen de schadelijke effecten en de hinder van niet-ioniserende stralingen, infrasonen en ultralonen, wordt opgeheven, wat de bevoegdheden van het Brussels Hoofdstedelijk Gewest betreft.

Codificatie

Art. 12. De regering kan, met toepassing van artikel 104 van de ordonnantie van 5 juni 1997 betreffende de milieuvergunningen, de bepalingen van deze ordonnantie invoegen in het Brussels Milieuwetboek.

Entrée en vigueur

Art. 13. La présente ordonnance entre en vigueur deux ans après sa parution au *Moniteur belge*.

Promulguons la présente ordonnance, ordonnons qu'elle soit publiée au *Moniteur belge*.

Le Ministre-Président du Gouvernement de la Région de Bruxelles-Capitale, chargé des Pouvoirs locaux, de l'Aménagement du Territoire, des Monuments et Sites, de la Rénovation urbaine, du Logement, de la Propreté publique et de la Coopération au développement,

Ch. PICQUE

Le Ministre du Gouvernement de la Région de Bruxelles-Capitale, chargé des Finances, du Budget, de la Fonction publique et des Relations extérieures,

G. VANHENGEL

Le Ministre du Gouvernement de la Région de Bruxelles-Capitale, chargé de l'Emploi, de l'Economie, de la Recherche scientifique et de la Lune contre l'incendie et l'Aide médicale urgente,

B. CEREXHE

Le Ministre du Gouvernement de la Région de Bruxelles-Capitale, chargé de la Mobilité et des Travaux publics,

P. SMET

La Ministre du Gouvernement de la Région de Bruxelles-Capitale, chargée de l'Environnement, de l'Energie et de la Politique de l'Eau,

E. HUYTEBROECK

Note

(1) *Documents du Parlement :*

Session ordinaire 2005-2006.

A- 289/1. Proposition d'ordonnance.

Session ordinaire 2006-2007.

A-289/2. Rapport.

Compte rendu intégral. — Discussion et adoption : séance du 14 février 2007.

Inwerkingtreding

Art. 13. Deze ordonnantie treedt in werking twee jaar na de bekendmaking ervan in het *Belgisch Staatsblad*.

Kondigen deze ordonnantie af, bevelen dat ze in het *Belgisch Staatsblad* zal worden bekendgemaakt.

De Minister-President van de Brusselse Hoofdstedelijke Regering, belast met Plaatselijke Besturen, Ruimtelijke Ordening, Monumenten en Landschappen, Stadsvernieuwing, Huisvesting, Openbare Netheid en Ontwikkelingssamenwerking

Ch. PICQUE

De Minister van de Brusselse Hoofdstedelijke Regering, belast met Financiën, Begroting, Openbaar Ambt en Externe Betrekkingen,

G. VANHENGEL

De Minister van de Brusselse Hoofdstedelijke Regering, belast met Tewerkstelling, Economie, Wetenschappelijk Onderzoek, Brandbestrijding en Dringende Medische Hulp,

B. CEREXHE

De Minister van de Brusselse Hoofdstedelijke Regering, belast met Mobiliteit en Openbare Werken,

P. SMET

De Minister van de Brusselse Hoofdstedelijke Regering, belast met Leefmilieu, Energie en Waterbeleid,

E. HUYTEBROECK

Nota

(1) *Documenten van het Parlement :*

Gewone zitting 2005-006.

A- 289/1. Voorstel van ordonnantie.

Gewone zitting 2006-2007.

A-289/2. Verslag.

Integraal verslag. — Bespreking en aanneming : vergadering van 14 februari 2007.

MINISTERE DE LA REGION DE BRUXELLES-CAPITALE

F. 2007 — 1166 [C − 2007/31103]

1er MARS 2007. — Ordonnance modifiant l'ordonnance du 23 juillet 1992 relative à la taxe régionale à charge des occupants d'immeubles bâtis et de titulaires de droits réels sur certains immeubles (1)

Article 1er. La présente ordonnance règle une matière visée à l'article 39 de la Constitution.

Art. 2. Dans l'article 3, § 1er, *c)*, de l'ordonnance du 23 juillet 1992 relative à la taxe régionale à charge des occupants d'immeubles bâtis et de titulaires des droits réels sur certains immeubles, les mots « du superficiaire » sont insérés entre les mots « de l'usufruitier » et les mots « ou du titulaire du droit d'usage ».

Art. 3. A l'article 5 de la même ordonnance, modifié par l'article 4 de l'ordonnance du 21 février 2002, les mots « 165,00 euros » sont remplacés par les mots « 89,00 euros ».

Art. 4. A l'article 7 de la même ordonnance, modifié par l'article 6 de l'ordonnance du 21 février 2002, les modifications suivantes sont apportées :

— dans la première phrase, les mots « Les montants exprimés en euros aux articles 5 et 8, § 1er, sont adaptés » sont remplacés par les mots « Le montant exprimé en euros à l'article 8, § 1er, est adapté »;

— dans la deuxième phrase, les mots « les montants sont arrondis » sont remplacés par les mots « le montant est arrondi ».

Art. 5. L'article 12, § 2, de la même ordonnance est remplacé par ce qui suit :

« § 2. Aussitôt que les rôles sont rendus exécutoires, il en est adressé des extraits aux redevables concernés. L'avertissement-extrait de rôle est daté et porte les mentions visées au § 1er. ».

MINISTERIE VAN HET BRUSSELS HOOFDSTEDELIJK GEWEST

N. 2007 — 1164 [C − 2007/31103]

1 MAART 2007. — Ordonnantie tot wijziging van de ordonnantie van 23 juli 1992 betreffende de gewestbelasting ten laste van bezetters van bebouwde eigendommen en houders van een zakelijk recht op sommige onroerende goederen (1)

Artikel 1. Deze ordonnantie regelt een aangelegenheid als bedoeld in artikel 39 van de Grondwet.

Art. 2. In artikel 3, § 1, *c)*, van de ordonnantie van 23 juli 1992 betreffende de gewestbelasting ten laste van bezetters van bebouwde eigendommen en houders van een zakelijk recht op sommige onroerende goederen, worden de woorden « de opstalhouder » ingevoegd tussen de woorden « de vruchtgebruiker » en de woorden « of de houder van een recht van gebruik ».

Art. 3. In artikel 5 van dezelfde ordonnantie, gewijzigd bij artikel 4 van de ordonnantie van 21 februari 2002, worden de woorden « 165,00 euro » vervangen door de woorden « 89,00 euro ».

Art. 4. In artikel 7 van dezelfde ordonnantie, gewijzigd bij artikel 6 van de ordonnantie van 21 februari 2002, worden de volgende wijzigingen aangebracht :

— in de eerste zin worden de woorden « De in euro uitgedrukte bedragen, bepaald in de artikelen 5 en 8, § 1, worden » vervangen door de woorden « Het in euro uitgedrukte bedrag bepaald in artikel 8, § 1, wordt »;

— in de tweede zin worden de woorden « worden de bedragen » vervangen door de woorden « wordt het bedrag ».

Art. 5. Artikel 12, § 2, van dezelfde ordonnantie, wordt vervangen als volgt :

« § 2. Zodra de kohieren uitvoerbaar verklaard zijn, wordt aan de betrokken belastingplichtigen een aanslagbiljet gezonden. Het aanslagbiljet is gedateerd en draagt de vermeldingen bedoeld in § 1. ».

Art. 6. Dans l'article 19, § 1er, premier alinéa de la même ordonnance, les mots « endéans les trente jours de l'envoi du deuxième rappel visé à l'article 12, § 5 » sont insérés entre les mots « des accessoires » et les mots « , une contrainte ».

Art. 7. L'article 22 de la même ordonnance est remplacé par la disposition suivante :

« Article 22.. L'exécution de la contrainte ne peut être interrompue que par une opposition motivée, formulée par le redevable, qui introduit une action en justice conformément aux dispositions du Code judiciaire relatives aux contestations concernant l'application d'une loi d'impôt.

La notification est faite à la Région, au cabinet du Ministre-Président du Gouvernement. ».

Art. 8. La présente ordonnance entre en vigueur le 1er janvier 2007.

Promulguons la présente ordonnance, ordonnons qu'elle soit publiée au *Moniteur belge*.

Bruxelles, le 1er mars 2007.

Le Ministre-Président du Gouvernement de la Région de Bruxelles-Capitale, chargé des Pouvoirs locaux, de l'Aménagement du Territoire, des Monuments et Sites, de la Rénovation urbaine, du Logement, de la Propreté publique et de la Coopération au développement,

C. PICQUE

Le Ministre du Gouvernement de la Région de Bruxelles-Capitale, chargé des Finances, du Budget, de la Fonction publique et des Relations extérieures,

G. VANHENGEL

Le Ministre du Gouvernement de la Région de Bruxelles-Capitale, chargé de l'Emploi, de l'Economie, de la Recherche scientifique et de la Lutte contre l'incendie et l'Aide médicale urgente,

B. CEREXHE

Le Ministre du Gouvernement de la Région de Bruxelles-Capitale, chargé de la Mobilité et des Travaux publics,

P. SMET

La Ministre du Gouvernement de la Région de Bruxelles-Capitale, chargée de l'Environnement, de l'Energie et de la Politique de l'Eau,

Mme E. HUYTEBROECK

Notes

(1) *Documents du Parlement :*
Session ordinaire 2006-2007 :
A-331/1 — Projet d'ordonnance.
A-331/2 — Rapport.
Compte rendu intégral :
Discussion et adoption : séance du vendredi 16 février 2007.

Art. 6. In artikel 19, § 1, eerste lid, van dezelfde ordonnantie worden de woorden « binnen dertig dagen, te rekenen van de verzending van de tweede herinneringsbrief bedoeld in artikel 12, § 5 » ingevoegd tussen de woorden « toebehoren » en de woorden « , vaardigt de ambtenaar ».

Art. 7. Artikel 22 van dezelfde ordonnantie wordt vervangen door de volgende bepaling :

« Artikel 22. De uitvoering van het dwangbevel kan slechts worden onderbroken door gemotiveerd verzet vanwege de belastingplichtige, die een vordering instelt overeenkomstig de bepalingen van het Gerechtelijk Wetboek inzake geschillen betreffende de toepassing van een belastingwet.

De kennisgeving wordt verricht aan het Gewest, op het kabinet van de Minister-President van de Regering. ».

Art. 8. Deze ordonnantie treedt in werking op 1 januari 2007.

Kondigen deze ordonnantie af, bevelen dat ze in het *Belgisch Staatsblad* zal worden bekendgemaakt.

Brussel, 1 maart 2007.

De Minister-President van de Brusselse Hoofdstedelijke Regering, belast met Plaatselijke Besturen, Ruimtelijke Ordening, Monumenten en Landschappen, Stadsvernieuwing, Huisvesting, Openbare Netheid en Ontwikkelingssamenwerking,

C. PICQUE

De Minister van de Brusselse Hoofdstedelijke Regering, belast met Financiën, Begroting, Openbaar Ambt en Externe Betrekkingen,

G. VANHENGEL

De Minister van de Brusselse Hoofdstedlijke Regering, belast met Tewerkstelling, Economie, Wetenschappelijk Onderzoek, Brandbestrijding en Dringende Medische Hulp,

B. CEREXHE

De Minister van de Brusselse Hoofdstedelijke Regering, belast met Mobiliteit, en Openbare Werken,

P. SMET

De Minister van de Brusselse Hoofdstedelijke Regering, belast met Leefmilieu, Energie en Waterbeleid,

Mevr. E. HUYTEBROECK

Nota's

(1) *Documenten van het Parlement :*
Gewone zitting 2006-2007 :
A-331/1 — Ontwerp van ordonnantie.
A-331/2 — Verslag.
Integraal verslag :
Bespreking en aanneming : vergadering van vrijdag 16 februari 2007.

MINISTERE DE LA REGION DE BRUXELLES-CAPITALE

F. 2007 — 1167 [C − 2007/31105]

26 OCTOBRE 2006. — Arrêté du Gouvernement de la Région de Bruxelles portant modification de l'arrêté du 16 juillet 1998 du Gouvernement de la Région de Bruxelles-Capitale relatif à la transmission au Gouvernement des actes des autorités communales en vue de l'exercice de la tutelle administrative

Le Gouvernement de la Région de Bruxelles-Capitale,

Vu l'ordonnance du 14 mai 1998 organisant la tutelle administrative sur les communes de la Région de Bruxelles-Capitale;

Vu l'avis du Conseil d'Etat, donné le 6 septembre 2006 en application de l'article 84, alinéa 1er, 1°, des lois coordonnées sur le Conseil d'Etat;

MINISTERIE VAN HET BRUSSELS HOOFDSTEDELIJK GEWEST

N. 2007 — 1165 [C − 2007/31105]

26 OKTOBER 2006. — Besluit van de Brusselse Hoofdstedelijke Regering houdende wijziging van het besluit van de Brusselse Hoofdstedelijke Regering van 16 juli 1998 betreffende de overlegging aan de Regering van de akten van de gemeenteoverheden met het oog op de uitoefening van het administratief toezicht

De Brusselse Hoofdstedelijke Regering,

Gelet op de ordonnantie van 14 mei 1998 houdende regeling van het administratief toezicht op de gemeenten van het Brussels Hoofdstedelijk Gewest;

Gelet op het advies van de Raad van State, gegeven op 6 september 2006, in toepassing van artikel 84, eerste lid, 1°, van de gecoördineerde wetten op de Raad van State;

Sur la proposition du Ministre-Président ayant les Pouvoirs locaux dans ses attributions,

Arrête :

Article 1er. A l'article 1 de l'arrêté du Gouvernement de la Région de Bruxelles capitale du 16 juillet 1998 relatif à la transmission au Gouvernement des actes des autorités communales en vue de l'exercice de la tutelle administrative, il est ajouté un 16° libellé comme suit :

« 16° les avis, les communications, les informations, ainsi que les formulaires destinés au public. »

Art. 2. Le présent arrêté entre en vigueur le jour de sa publication au *Moniteur Belge*.

Art. 3. Le Ministre qui a les Pouvoirs locaux dans ses attributions est chargé de l'exécution du présent arrêté.

Bruxelles, le 26 octobre 2006.

Pour le Gouvernement de la Région de Bruxelles-Capitale :

Ch. PICQUE,

Ministre-Président du Gouvernement de la Région de Bruxelles-Capitale chargé des Pouvoirs locaux, de l'Aménagement du territoire, des Monuments et Sites, de la Rénovation urbaine, du Logement, de la Propreté publique et de la Coopération au développement

Gelet op het advies van de Raad van State, gegeven op 6 september 2006, in toepassing van artikel 84, eerste lid, 1°, van de gecoördineerde wetten op de Raad van State,

Besluit :

Artikel 1. In artikel 1 van het besluit van de Brusselse Hoofdstedelijke Regering van 16 juli 1998 betreffende de overlegging aan de Regering van de akten van de gemeenteoverheden met het oog op de uitoefening van het administratief toezicht, wordt een punt 16° ingevoegd dat luidt als volgt :

« 16° de berichten, de mededelingen, de inlichtingen, alsook de formulieren bestemd voor de bevolking. »

Art. 2. Dit besluit treedt in werking op de dag waarop het in het *Belgisch Staatsblad* wordt bekendgemaakt.

Art. 3. De Minister bevoegd voor de Plaatselijke Besturen wordt belast met de uitvoering van dit besluit.

Brussel, 26 oktober 2006.

Voor de Brusselse Hoofdstedelijke Regering :

Ch. PICQUE,

Minister-Voorzitter van de Brusselse Hoofdstedelijke Regering bevoegd voor Plaatselijke Besturen, Ruimtelijke Ordening, Monumenten en Landschappen, Stadsvernieuwing, Huisvesting, Openbare Netheid en Ontwikkelingssamenwerking

AUTRES ARRETES — ANDERE BESLUITEN

SERVICE PUBLIC FEDERAL DE PROGRAMMATION POLITIQUE SCIENTIFIQUE

[S − C − 2007/21020]

Etablissements scientifiques fédéraux. — Personnel

Par arrêté royal du 2 septembre 2004, Mme Van Schuylenbergh, Patricia, née le 4 janvier 1964, attaché sous mandat au Musée royal de l'Afrique centrale, est nommée au grade d'attaché pour un troisième mandat supplémentaire d'un an au même établissement à partir du 1er juillet 2004.

Par arrêté royal du 10 janvier 2007, l'intéressée est nommée au grade d'attaché pour un quatrième mandat supplémentaire d'un an au Musée royal de l'Afrique centrale à partir du 1er juillet 2005.

Par arrêté royal du 13 juin 2005, Mme De Meersman, Martine, née le 10 août 1953, attaché sous mandat au Musée royal de l'Afrique centrale, est nommée au grade d'attaché pour un quatrième mandat supplémentaire d'un an au même établissement à partir du 1er mars 2005.

Par arrêté royal du 10 juin 2006, M. Lemmens, Willem, né le 29 janvier 1982, est nommé à titre définitif au grade d'attaché au Musée royal de l'Afrique central à partir du 10 novembre 2005.

Le recours en annulation des actes précités à portée individuelle peut être soumis à la section d'administration du Conseil d'Etat endéans les soixante jours après cette publication.

La requête doit être envoyée au Conseil d'Etat (adresse : rue de la Science 33, 1000 Bruxelles), sous pli recommandé à la poste.

PROGRAMMATORISCHE FEDERALE OVERHEIDSDIENST WETENSCHAPSBELEID

[S − C − 2007/21020]

Federale Wetenschappelijke Instellingen. — Personeel

Bij koninklijk besluit van 2 september 2004 wordt Mevr. Van Schuylenbergh, Patricia, geboren op 4 januari 1964, attaché met mandaat bij het Koninklijk Museum voor Midden-Afrika, benoemd tot attaché voor een derde bijkomend mandaat van één jaar bij dezelfde instelling met ingang van 1 juli 2004.

Bij koninklijk besluit van 10 januari 2007 wordt de betrokkene met ingang van 1 juli 2005 benoemd tot attaché voor een vierde bijkomend mandaat van één jaar bij het Koninklijk Museum voor Midden-Afrika.

Bij koninklijk besluit van 13 juni 2005 wordt Mevr. De Meersman, Martine, geboren op 10 augustus 1953, attaché met mandaat bij het Koninklijk Museum voor Midden-Afrika, met ingang van 1 maart 2005 benoemd tot attaché voor een vierde bijkomend mandaat van één jaar bij dezelfde instelling.

Bij koninklijk besluit van 10 juni 2006 wordt de heer Lemmens, Willem, geboren op 29 januari 1982, vast benoemd in de graad van attaché bij het Koninklijk Museum voor Midden-Afrika met ingang van 10 november 2005.

Het beroep tot nietigverklaring van de voormelde akten met individuele strekking kan voor de afdeling administratie van de Raad van State worden gebracht binnen zestig dagen na deze bekendmaking.

Het verzoekschrift dient bij ter post aangetekende brief aan de Raad van State (adres : Wetenschapsstraat 33, 1000 Brussel), te worden toegezonden.

SERVICE PUBLIC FEDERAL
DE PROGRAMMATION POLITIQUE SCIENTIFIQUE

[S − C − 2007/21018]

Etablissements scientifiques fédéraux. — Personnel

Par arrêté royal du 27 janvier 2006, M. de Cat, Peter, né le 19 juin 1974, assistant sous mandat à l'Observatoire royal de Belgique, est confirmé à partir du 1er novembre 2005 au rang A de la carrière scientifique du personnel scientifique et est nommé au grade de premier assistant au même établissement.

Par arrêté royal du 10 novembre 2006, l'intéressé est promu au rang B de la carrière scientifique du personnel scientifique à partir du 1er octobre 2006 et est nommé chef de travaux à l'Observatoire royal de Belgique.

Par arrêté royal du 9 mai 2006, M. Van Camp, Michel, né le 19 avril 1969, assistant sous mandat à l'Observatoire royal de Belgique, est confirmé au rang A de la carrière scientifique du personnel scientifique et est nommé au grade de premier assistant au même établissement à partir du 1er août 2005.

Par arrêté royal du 16 octobre 2006, l'intéressé est promu au rang B de la carrière scientifique du personnel scientifique est nommé au grade de chef de travaux à l'Observatoire royal de Belgique à partir du 1er septembre 2005.

Par arrêté royal du 13 octobre 2006, M. Rogge, Vincent, né le 20 décembre 1977, est nommé à titre définitif au grade d'attaché à l'Observatoire royal de Belgique à partir du 1er mai 2006.

Le recours en annulation des actes précités à portée individuelle peut être soumis à la section d'administration du Conseil d'Etat endéans les soixante jours après cette publication.

La requête doit être envoyée au Conseil d'Etat (adresse : rue de la Science 33, 1000 Bruxelles), sous pli recommandé à la poste.

PROGRAMMATORISCHE
FEDERALE OVERHEIDSDIENST WETENSCHAPSBELEID

[S − C − 2007/21018]

Federale Wetenschappelijke Instellingen. — Personeel

Bij koninklijk besluit van 27 januari 2006 wordt de heer De Cat, Peter, geboren op 19 juni 1974, assistent met mandaat bij de Koninklijke Sterrenwacht van België, met ingang van 1 november 2005 bevestigd in rang A van de wetenschappelijke loopbaan van het wetenschappelijk personeel en benoemd tot eerstaanwezend assistent bij dezelfde instelling.

Bij koninklijk besluit van 10 november 2006 wordt de betrokkene met ingang van 1 oktober 2006 bevorderd tot rang B van de wetenschappelijke loopbaan van het wetenschappelijk personeel en benoemd tot werkleider bij de Koninklijke Sterrenwacht van België.

Bij koninklijk besluit van 9 mei 2006 wordt de heer Van Camp, Michel, geboren op 19 april 1969, assistent met mandaat bij de Koninklijke Sterrenwacht van België, bevestigd in rang A van de wetenschappelijke loopbaan van het wetenschappelijk personeel en benoemd tot eerstaanwezend assistent bij dezelfde instelling met ingang van 1 augustus 2005.

Bij koninklijk besluit van 16 oktober 2006 wordt de betrokkene bevorderd tot rang B van de wetenschappelijke loopbaan van het wetenschappelijk personeel en benoemd tot werkleider bij de Koninklijke Sterrenwacht van België met ingang van 1 september 2005.

Bij koninklijk besluit van 13 oktober 2006 wordt de heer Rogge, Vincent, geboren op 20 december 1977, vast benoemd tot attaché bij de Koninklijke Sterrenwacht van België met ingang van 1 mei 2006.

Het beroep tot nietigverklaring van de voormelde akten met individuele strekking kan voor de afdeling administratie van de Raad van State worden gebracht binnen zestig dagen na deze bekendmaking.

Het verzoekschrift dient bij ter post aangetekende brief aan de Raad van State (adres : Wentenschapsstraat 33, 1000 Brussel), te worden toegezonden.

SERVICE PUBLIC FEDERAL
DE PROGRAMMATION POLITIQUE SCIENTIFIQUE

[S − C − 2007/21019]

Etaldissensents scientifiques fédéraux. — Personnel

Par arrêté royal du 14 juin 2006, M. De Meyer, Marc, né le 3 février 1960, chef de section au Musée royal de l'Afrique centrale, est assimilé, à partir du 1er mars 2006, pour la suite de sa carrière aux agents qui sont classés dans le rang C de la carrière scientifique du personnel scientifique.

Par arrêté royal du 1er septembre 2006, M. Maniacky, Jacky, né le 1er mai 1970, assistant sous mandat au Musée royal de l'Afrique centrale, est nommé au grade d'assistant pour un deuxième mandat de deux ans au même établissement à partir du 1er mai 2006.

Par arrêté royal du 17 novembre 2006, M. Mees, Forias, né le 13 décembre 1965, est nommé au grade d'assistant au Musée royal de l'Afrique centrale pour un mandat de deux ans à partir du 1er décembre 2006.

PROGRAMMATORISCHE
FEDERALE OVERHEIDSDIENST WETENSCHAPSBELEID

[S − C − 2007/21019]

Federale Wetenschappelijke Instellingen. — Personeel

Bij koninklijk besluit van 14 juni 2006 wordt de heer De Meyer, Marc, geboren op 3 februari 1960, hoofd van een afdeling bij het Koninklijk Museum voor Midden-Afrika, met ingang van 1 maart 2006 voor zijn verdere loopbaan gelijkgesteld met ambtenaren die zijn ingedeeld in rang C van de wetenschappelijke loopbaan van het wetenschappelijk personeel.

Bij koninklijk besluit van 1 september 2006 wordt de heer Maniacky, Jacky, geboren op 1 mei 1970, assistent met mandaat bij het Koninklijk Museum voor Midden-Afrika, benoemd tot assistent voor een tweede mandaat van twee jaren bij dezelfde instelling met ingang van 1 mei 2006.

Bij koninklijk besluit van 17 november 2006 wordt de heer Mees, Forias, geboren op 13 december 1965, met ingang van 1 december 2006 benoemd tot assistent bij het Koninklijk Museum voor Midden-Afrika voor een mandaat van twee jaren.

Par arrêté royal du 6 décembre 2006, M. De Keyser, Ignace, né le 15 juillet 1946, est engagé directement, à partir du 1er décembre 2006, au rang B de la carrière scientifique du personnel scientifique est nommé à titre définitif au grade de chef de travaux au Musée royal de l'Afrique centrale.

Le recours en annulation des actes précités à portée individuelle peut être soumis à la section d'administration du Conseil d'Etat endéans les soixante jours après cette publication.

La requête doit être envoyée au Conseil d'Etat (adresse : rue de la Science 33, 1000 Bruxelles), sous pli recommandé à la poste.

Bij koninklijk besluit van 6 december 2006 wordt de heer De Keyser, Ignace, geboren op 15 juli 1946, met ingang van 1 december 2006 rechtstreeks aangeworven in rang B van de wetenschappelijke loopbaan van het wetenschappelijk personeel en in vast verband benoemd in de graad van werkleider bij het Koninklijk Museum voor Midden-Afrika.

Het beroep tot nietigverklaring van de voormelde akten met individuele strekking kan voor de afdeling administratie van de Raad van State worden gebracht binnen zestig dagen na deze bekendmaking.

Het verzoekschrift dient bij ter post aangetekende brief aan de Raad van State (adres : Wetenschapsstraat 33, 1000 Brussel), te worden toegezonden.

SERVICE PUBLIC FEDERAL DE PROGRAMMATION POLITIQUE SCIENTIFIQUE

[S − C − 2007/21021]

Etablissements scientifiques fédéraux. — Personnel

Par arrêté royal du 13 octobre 2006, M. Rezabek, Oleg, né le 19 novembre 1974, est nommé à titre définitif au grade d'attaché à l'Observatoire royal de Belgique à partir du 1er mai 2006.

Par arrêté royal du 17 novembre 2006, Mme Van Sprang, Sabine, née le 14 juin 1966, est confirmée au rang A de la carrière scientifique du personnel scientifique et est nommée au grade de premier assistant aux Musées royaux des Beaux Arts de Belgique à partir du 1er septembre 2006.

Par arrêté royal du 21 décembre 2006, l'intéressée est promue au rang B de la carrière scientifique du personnel scientifique et est nommée au grade de chef de travaux aux Musées royaux des Beaux-Arts de Belgique à partir du 1er octobre 2006.

Par arrêté royal du 8 janvier 2007, Mme De Clercq, Hilde, née le 20 janvier 1966, chef de travaux à l'Institut royal du Patrimoine artistique, est chargée d'exercer la fonction supérieure de chef du Département II "Laboratoires" du même établissement pour une période de 6 mois à partir du 1er décembre 2006.

Par arrêté royal du 8 janvier 2007, Mme Ceulemans, Christina, née le 23 mai 1953, chef de travaux à l'Institut royal du Patrimoine artistique, est chargée d'exercer la fonction supérieure de chef du Département I "Documentation" du même établissement pour une période de 6 mois à partir du 1er décembre 2006.

Par arrêté royal du 15 janvier 2007, Mme Kochuyt, Anne-Lize, née le 26 juin 1970, est nommée à titre définitif au grade d'attaché à l'Observatoire royal de Belgique à partir du 1er décembre 2006.

Le recours en annulation des actes précités à portée individuelle peut être soumis à la section d'administration du Conseil d'Etat endéans les soixante jours après cette publication.

La requête doit être envoyée au Conseil d'Etat (adresse : rue de la Science 33, 1000 Bruxelles), sous pli recommandé à la poste.

PROGRAMMATORISCHE FEDERALE OVERHEIDSDIENST WETENSCHAPSBELEID

[S − C − 2007/21021]

Federale Wetenschappelijke Instellingen. — Personeel

Bij koninklijk besluit van 13 oktober 2006 wordt de heer Rezabek, Oleg, geboren op 19 november 1974, vast benoemd tot attaché bij de Koninklijke Sterrenwacht van België met ingang van 1 mei 2006.

Bij koninklijk besluit van 17 november 2006 wordt Mevr. Van Sprang, Sabine, geboren op 14 juni 1966, bevestigd in rang A van de wetenschappelijke loopbaan van het wetenschappelijk personeel en benoemd tot eerstaanwezend assistent bij de Koninklijke Musea voor Schone Kunsten van België met ingang van 1 september 2006.

Bij koninklijk besluit van 21 december 2006 wordt de betrokkene bevorderd tot rang B van de wetenschappelijke loopbaan van het wetenschappelijk personeel en benoemd tot werkleider bij de Koninklijke Musea voor Schone Kunsten van België met ingang van 1 oktober 2006.

Bij koninklijk besluit van 8 januari 2007 wordt Mevr. De Clercq, Hilde, geboren op 20 januari 1966, werkleider bij het Koninklijk Instituut voor het Kunstpatrimonium, belast met de uitoefening van het hoger ambt van hoofd van het departement II "Laboratoria" van dezelfde instelling voor een periode van zes maanden met ingang van 1 december 2006.

Bij koninklijk besluit van 8 januari 2007 wordt Mevr. Ceulemans, Christina, geboren op 23 mei 1953, werkleider bij het Koninklijk Instituut voor het Kunstpatrimonium, belast met de uitoefening van het hoger ambt van hoofd van het departement I "Documentatie" van dezelfde instelling voor een periode van zes maanden met ingang van 1 december 2006.

Bij koninklijk besluit van 15 januari 2007 wordt Mevr. Kochuyt, Anne-Lize, geboren op 26 juni 1970, vast benoemd in de graad van attaché bij de Koninklijke Sterrenwacht van België met ingang van 1 december 2006.

Het beroep tot nietigverklaring van de voormelde akten met individuele strekking kan voor de afdeling administratie van de Raad van State worden gebracht binnen zestig dagen na deze bekendmaking.

Het verzoekschrift dient bij ter post aangetekende brief aan de Raad van State (adres : Wentenschapsstraat 33, 1000 Brussel), te worden toegezonden.

**SERVICE PUBLIC FEDERAL
DE PROGRAMMATION POLITIQUE SCIENTIFIQUE**

[2007/21017]

Académie royale des Sciences d'Outre-Mer

Par arrêté ministériel du 26 janvier 2007 :

— le mandat de M. Devisch, René, représentant la Classe des Sciences morales et politiques au sein de la Commission administrative de l'Académie royale des Sciences d'Outre-Mer, est prolongé pour une durée de trois ans à partir du 1er janvier 2007;

— M. Droesbeke, Jean-Jacques, est nommé pour représenter la Classe des Sciences techniques au sein de la Commission administrative de l'Académie royale des Sciences d'Outre-Mer pour un mandat de trois ans à partir du 1er janvier 2007;

— le mandat de M. Van Impe, William, représentant la Classe des Sciences techniques au sein de la Commission administrative de l'Académie royale des Sciences d'Outre-Mer, est prolongé pour une durée de trois ans à partir du 1er janvier 2007.

**PROGRAMMATORISCHE
FEDERALE OVERHEIDSDIENST WETENSCHAPSBELEID**

[2007/21017]

Koninklijke Academie voor Overzeese Wetenschappen

Bij ministerieel besluit van 26 januari 2007 :

— het mandaat verleend aan de heer Devisch, René, om de Klasse voor Morele en Politieke Wetenschappen te vertegenwoordigen in de schoot van de Bestuurscommissie van de Koninklijke Academie voor Overzeese Wetenschappen, wordt, met ingang van 1 januari 2007 verlengd voor een periode van drie jaren;

— De heer Droesbeke, Jean-Jacques, wordt, met ingang van 1 januari 2007, benoemd voor een mandaat van drie jaren om de Klasse voor Technische Wetenschappen te vertegenwoordigen in de schoot van de Bestuurscommissie van de Koninklijke Academie voor Overzeese Wetenschappen;

— het mandaat verleend aan de heer Van Impe, William, om de Klasse voor Technische Wetenschappen te vertegenwoordigen in de schoot van de Bestuurscommissie van de Koninklijke Academie voor Overzeese Wetenschappen, wordt, met ingang van 1 januari 2007 verlengd voor een periode van drie jaren.

**SERVICE PUBLIC FEDERAL EMPLOI,
TRAVAIL ET CONCERTATION SOCIALE**

[C − 2007/02039]

**2 MARS 2007. — Arrêté royal
portant nomination des membres
du Conseil de l'Egalité des Chances entre Hommes et Femmes**

ALBERT II, Roi des Belges,

A tous, présents et à venir, Salut.

Vu l'arrêté royal du 4 avril 2003 portant réorganisation du Conseil de l'Egalité des Chances entre Hommes et Femmes, notamment les articles 6, 7 et 8;

Sur la proposition de Notre Ministre de la Fonction publique, de l'Intégration sociale, de la Politique des Grandes villes et de l'Egalité des Chances,

Nous avons arrêté et arrêtons :

Article 1er. Est nommée pour une période de quatre ans en qualité de présidente du Conseil de l'Egalité des Chances entre Hommes et Femmes :

Mme Karin Jiroflée.

Art. 2. Sont nommés pour une période de quatre ans en qualité de vice-président(e) du même Conseil :

M. Jean Jacqmain,

Mme Annemie Pernot.

Art. 3. Sont nommés pour une période de quatre ans en qualité de membres effectifs du même Conseil :

1° *a)* Mme Sabine Slegers,

Mme Gitta Vanpeborgh,

Mme Sandra Vercammen,

en qualité de représentantes des organisations représentatives de travailleurs;

b) M. Charles Istasse,

Mme Ann Pincket,

M. Pierre Thonon,

Mme Kathleen Van Havere,

Mme Christine Van Nuffel,

en qualité de représentants des organisations représentatives des employeurs;

c) M. Vincent Van Malderen,

en qualité de représentant du Ministre de la Fonction publique;

Mme Annemie Pernot,

en qualité de représentante du Ministre de l'Emploi;

**FEDERALE OVERHEIDSDIENST WERKGELEGENHEID,
ARBEID EN SOCIAAL OVERLEG**

[C − 2007/02039]

**2 MAART 2007. — Koninklijk besluit
tot benoeming van de leden
van de Raad van de Gelijke Kansen voor Mannen en Vrouwen**

ALBERT II, Koning der Belgen,

Aan allen die nu zijn en hierna wezen zullen, Onze Groet.

Gelet op het koninklijk besluit van 4 april 2003 houdende de reorganisatie van de Raad van de Gelijke Kansen voor Mannen en Vrouwen, inzonderheid op de artikelen 6,7 en 8;

Op de voordracht van Onze Minister van Ambtenarenzaken, Maatschappelijke Integratie, Grootstedenbeleid en Gelijke Kansen,

Hebben Wij besloten en besluiten Wij :

Artikel 1. Wordt benoemd voor een periode van vier jaar als voorzitster van de Raad van de Gelijke Kansen voor Mannen en Vrouwen :

Mevr. Karin Jiroflée.

Art. 2. Worden tot ondervoorzitters benoemd van dezelfde Raad voor een periode van vier jaar :

de heer Jean Jacqmain,

Mevr. Annemie Pernot.

Art. 3. Worden tot effectieve leden benoemd van dezelfde Raad voor een periode van vier jaar :

1° *a)* Mevr. Sabine Slegers,

Mevr. Gitta Vanpeborgh,

Mevr. Sandra Vercammen,

als vertegenwoordigsters van de representatieve werknemersorganisaties;

b) de heer Charles Istasse,

Mevr. Ann Pincket,

de heer Pierre Thonon,

Mevr. Kathleen Van Havere,

Mevr. Christine Van Nuffel,

als vertegenwoordigers van de representatieve werkgeversorganisaties;

c) de heer Vincent Van Malderen,

als vertegenwoordiger van de Minister van Ambtenarenzaken;

Mevr. Annemie Pernot,

als vertegenwoordigster van de Minister van Werk;

M. Patrick Liebermann,

en qualité de représentant du Ministre de l'égalité des chances;

d) M. Jean-Paul Devos,

M. Jean Jacqmain,

Mme Liliane Kerrinckx,

en qualité de représentants des syndicats qui sont reconnus comme représentatifs dans le cadre de la loi de 19 décembre 1974 organisant les relations entre les autorités publiques et les syndicats des agents relevant de ces autorités.

2° *a)* M. Chemsi Cheref-Khan,

Mme Simone Claes-Van Waes,

Mme Nadia Cougneau,

Mme Claire Gavroy,

Mme Sigrun Jorissen,

Mme Valérie Lootvoet,

Mme Annemie Morris,

Mme Hedwige Peemans-Poullet,

Mme Kirsten Peirens,

Mme Dominique Plasman,

Mme Kitty Roggeman,

Mme Leen Scheerlink,

Mme Lutgart Van Parijs,

Mme Vanessa Vens,

Mme Magdeleine Willame-Boonen,

en qualité de représentantes des organisations de femmes qui traitent tous les problèmes relatifs à la politique de l'égalité des chances;

b) M. Fabrice Dreze,

M. Geert Puype,

Mme Danielle Schoonooghe,

en qualité de représentants des organes consultatifs compétents dans le domaine de la politique culturelle et des jeunes;

c) M. Edouard Desmed,

M. Jan Vandoorne,

en qualité de représentants des organisations familiales;

d) Mme Ina Buvens,

Mme Saskia De Block,

M. Emmanuel De Bock,

Mme Dominique De Vos,

Mme Lutgarde Dumont,

Mme Violaine Louant,

Mme Els Keytsman,

M. Michel Peters,

M. Raf Van Bedts,

M. Kris Van Laethem,

en qualité de représentants des partis politiques.

Art. 4. Sont nommés pour une période de quatre ans en qualité de membres suppléants du même Conseil :

1° *a)* M. Erik Decoo,

Mme Celien Vanmoerkerke,

Mme Patricia Biard,

en qualité de représentants des organisations représentatives de travailleurs;

b) Mme Virginie Blanquet,

M. Johan Van Overtveldt,

Mme Gisèle Lamboroy,

M. Johan Bortier,

Mme Dominique Veraert,

en qualité de représentants des organisations représentatives des employeurs;

de heer Patrick Liebermann,

als vertegenwoordiger van de Minister van Gelijke Kansen;

d) de heer Jean-Paul Devos,

de heer Jean Jacqmain,

Mevr. Liliane Kerrinckx,

als vertegenwoordigers van de als representatief erkende vakbonden in het raam van de wet van 19 december 1974 tot regeling van de betrekkingen tussen de overheid en de vakbonden van haar personeel.

2° *a)* de heer Chemsi Cheref-Khan,

Mevr. Simone Claes-Van Waes,

Mevr. Nadia Cougneau,

Mevr. Claire Gavroy,

Mevr. Sigrun Jorissen,

Mevr. Valérie Lootvoet,

Mevr. Annemie Morris,

Mevr. Hedwige Peemans-Poullet,

Mevr. Kirsten Peirens,

Mevr. Dominique Plasman,

Mevr. Kitty Roggeman,

Mevr. Leen Scheerlink,

Mevr. Lutgart Van Parijs,

Mevr. Vanessa Vens,

Mevr. Magdeleine Willame-Boonen,

als vertegenwoordigsters van de vrouwenorganisaties die het geheel van de problemen met betrekking tot het gelijke kansenbeleid behandelen;

b) de heer Fabrice Dreze,

de heer Geert Puype,

Mevr. Danielle Schoonooghe,

als vertegenwoordigers van de adviesorganen bevoegd inzake het cultuur- en jeugdbeleid;

c) de heer Edouard Desmed,

de heer Jan Vandoorne,

als vertegenwoordigers van de gezinsorganisaties;

d) Mevr. Ina Buvens,

Mevr. Saskia De Block,

de heer Emmanuel De Bock,

Mevr. Dominique De Vos,

Mevr. Lutgarde Dumont,

Mevr. Violaine Louant,

Mevr. Els Keytsman,

de heer Michel Peters,

de heer Raf Van Bedts,

de heer Kris Van Laethem,

als vertegenwoordigers van de politieke partijen.

Art. 4. Worden tot plaatsvervangende leden benoemd van dezelfde Raad voor een periode van vier jaar :

1° *a)* de heer Erik Decoo,

Mevr. Celien Vanmoerkerke,

Mevr. Patricia Biard,

als vertegenwoordigers van de representatieve werknemersorganisaties;

b) Mevr. Virginie Blanquet,

de heer Johan Van Overtveldt,

Mevr. Gisèle Lamboroy,

de heer Johan Bortier,

Mevr. Dominique Veraert,

als vertegenwoordigers van de representatieve werkgeversorganisaties;

c) Mme Hafida Othmani,

en qualité de représentante du Ministre de la Fonction publique;

M. Jan Van Ermen,

en qualité de représentant du Ministre de l'Emploi;

Mme Mieke Van Haegendoren,

en qualité de représentante du Ministre de l'Egalité des Chances;

d) Mme Marijke Sterckx,

Mme Marie-José Wellens,

M. Jan Eyndels,

en qualité de représentants des syndicats qui sont reconnus comme représentatifs dans le cadre de la loi de 19 décembre 1974 organisant les relations entre les autorités publiques et les syndicats des agents relevant de ces autorités;

2° *a)* Mme Anne-Marie Geritzen,

M. Robin Desmedt,

Mme Necellata Sunzu,

Mme Josiane Coruzzi,

Mme Eva Dirckx,

Mme Hafida Bachir,

Mme Carla Durlet,

Mme Michèle Bribosia,

Mme Tine Maes,

M. Pierre Baldewijns,

Mme Sofie De Graeve,

Mme Herlindis Moestermans,

M. Koen Dedoncker,

M. Henk Kindt,

Mme Marie-Noëlle Vroonen-Vaes,

en qualité de représentants des organisations de femmes qui traitent tous les problèmes relatifs à la politique de l'égalité des chances;

b) Mme Despina Euthimiou,

Mme Anjes Goris,

M. Thierry Jacques,

en qualité de représentants des organes consultatifs compétents dans le domaine de la politique culturelle et des jeunes;

c) Mme Lydie Gaudier,

Mme Anne-Marie Drieskens,

en qualité de représentantes des organisations familiales;

d) M. Helmer Rooze,

M. Dirk Moons,

Mme Myriam Vanderzippe,

M. Sébastien Storme,

M. Benoît Hanique,

M. Olivier Bourdouxhe,

M. Jan Mertens,

Mme Laurence Glautier,

Mme Yvonne Van Dooren,

Mme Erna Cobbaert,

en qualité de représentants des partis politiques.

c) Mevr. Hafida Othmani,

als vertegenwoordigster van de Minister van Ambtenarenzaken;

de heer Jan Van Ermen,

als vertegenwoordiger van de Minister van Werk;

Mevr. Mieke Van Haegendoren,

als vertegenwoordigster van de Minister van Gelijke Kansen;

d) Mevr. Marijke Sterckx,

Mevr. Marie-José Wellens,

de heer Jan Eyndels,

als vertegenwoordigers van de als representatief erkende vakbonden in het raam van de wet van 19 december 1974 tot regeling van de betrekkingen tussen de overheid en de vakbonden van haar personeel;

2° *a)* Mevr. Anne-Marie Geritzen,

de heer Robin Desmedt,

Mevr. Necellata Sunzu,

Mevr. Josiane Coruzzi,

Mevr. Eva Dirckx,

Mevr. Hafida Bachir,

Mevr. Carla Durlet,

Mevr. Michèle Bribosia,

Mevr. Tine Maes,

de heer Pierre Baldewijns,

Mevr. Sofie De Graeve,

Mevr. Herlindis Moestermans,

de heer Koen Dedoncker,

de heer Henk Kindt,

Mevr. Marie-Noëlle Vroonen-Vaes,

als vertegenwoordigers van de vrouwenorganisaties die het geheel van de problemen met betrekking tot het gelijke kansenbeleid behandelen;

b) Mevr. Despina Euthimiou,

Mevr. Anjes Goris,

de heer Thierry Jacques,

als vertegenwoordigers van de adviesorganen bevoegd inzake het cultuur- en jeugdbeleid;

c) Mevr. Lydie Gaudier,

Mevr. Anne-Marie Drieskens,

als vertegenwoordigsters van de gezinsorganisaties;

d) de heer Helmer Rooze,

de heer Dirk Moons,

Mevr. Myriam Vanderzippe,

de heer Sébastien Storme,

de heer Benoît Hanique,

de heer Olivier Bourdouxhe,

de heer Jan Mertens,

Mevr. Laurence Glautier,

Mevr. Yvonne Van Dooren,

Mevr. Erna Cobbaert,

als vertegenwoordigers van de politieke partijen.

Art. 5. Le présent arrêté entre en vigueur le jour de sa publication au *Moniteur belge*.

Art. 6. Notre Ministre de la Fonction publique, de l'Intégration sociale, de la Politique des Grandes villes et de l'Egalité des Chances, est chargé de l'exécution du présent arrêté.

Donné à Bruxelles, le 2 mars 2007.

ALBERT

Par le Roi :

Le Ministre de la Fonction publique,
de l'Intégration sociale,
de la Politique des grandes villes et l'Egalité des chances,
Ch. DUPONT

Art. 5. Dit besluit treedt in werking de dag waarop het in het *Belgisch Staatsblad* wordt bekendgemaakt.

Art. 6. Onze Minister van Ambtenarenzaken, Maatschappelijke Integratie, Grootstedenbeleid en Gelijke Kansen, is belast met de uitvoering van dit besluit.

Gegeven te Brussel, 2 maart 2007.

ALBERT

Van Koningswege :

De Minister van Ambtenarenzaken,
Maatschappelijke Integratie,
Grootstedenbeleid en Gelijke Kansen,
Ch. DUPONT

SERVICE PUBLIC FEDERAL EMPLOI, TRAVAIL ET CONCERTATION SOCIALE

[C − 2007/12074]

1er MARS 2007. — Arrêté ministériel constituant le Comité paritaire d'apprentissage pour les électriciens : installation et distribution (1)

Le Ministre de l'Emploi,

Vu la loi du 19 juillet 1983 sur l'apprentissage de professions exercées par des travailleurs salariés, notamment l'article 49, § 3, remplacé par la loi du 6 mai 1998;

Vu l'arrêté royal du 5 juillet 1998 portant les règles particulières relatives à la constitution et au fonctionnement des comités paritaires d'apprentissage, du comité paritaire d'apprentissage du Conseil national du Travail et des sous-comités paritaires d'apprentissage, notamment les articles 5 et 6;

Vu la décision de la Sous-commission paritaire pour les électriciens : installation et distribution du 30 juin 2006 de constituer en son sein un comité paritaire d'apprentissage, et sa proposition concernant le nombre de membres de celui-ci et le nombre de mandats par organisation représentée,

Vu la proposition des organisations représentées au sein de la Sous-commission paritaire pour les électriciens : installation et distribution et de son Comité paritaire d'apprentissage, chacune en ce qui concerne ses représentants,

Arrête :

CHAPITRE Ier. — *Nombre de membres et répartition des mandats*

Article 1er. Le nombre des membres qui au sein du Comité paritaire d'apprentissage des électriciens : installation et distribution représentent les employeurs et les travailleurs est fixé à, d'une part, 5 membres effectifs et 5 membres suppléants représentant les employeurs et, d'autre part, 5 membres effectifs et 5 membres suppléants représentant les travailleurs.

Art. 2. § 1er. En ce qui concerne la réprésentation des employeurs, les mandats sont répartis comme suit :

— 1 membre effectif et 1 membre suppléant représentant l'Association nationale des patrons électriciens de Belgique;

— 2 membres effectifs et 2 membres suppléants représentant la Fédération nationale des installateurs-électriciens;

— 1 membre effectif et 1 membre suppléant représentant la Fédération de l'électricité et de l'électronique;

— 1 membre effectif et 1 membre suppléant représentant « het Nationaal verbond der zelfstandige elektriciens en handelaars in elektrische toestellen »;

§ 2. En ce qui concerne la représentation des travailleurs, les mandats sont répartis comme suit :

— 2 membres effectifs et 2 membres suppléants représentant la Fédération Générale des Travailleurs de Belgique;

— 2 membres effectifs et 2 membres suppléants représentant la Confédération des Syndicats Chrétiens;

— 1 membre effectif et 1 membre suppléant représentant la Centrale Générale des Syndicats Libéraux de Belgique.

FEDERALE OVERHEIDSDIENST WERKGELEGENHEID, ARBEID EN SOCIAAL OVERLEG

[C − 2007/12074]

1 MAART 2007
Ministerieel besluit tot oprichting van het Paritair leercomité voor de elektriciens : installatie en distributie (1)

De Minister van Werk,

Gelet op de wet van 19 juli 1983 op het leerlingwezen voor beroepen uitgeoefend door werknemers in loondienst, inzonderheid op artikel 49, § 3, vervangen bij de wet van 6 mei 1998;

Gelet op het koninklijk besluit van 5 juli 1998 houdende de nadere regelen met betrekking tot de samenstelling en de werkwijze van de paritaire leercomités, het paritair leercomité van de Nationale Arbeidsraad en de paritaire sub-leercomités, inzonderheid op de artikelen 5 en 6;

Gelet op de beslissing van het Paritair subcomité voor de elektriciens : installatie en distributie van 30 juni 2006 tot oprichting van een paritair leercomité in zijn schoot, en op zijn voorstel met betrekking tot het aantal leden ervan en het aantal mandaten per vertegenwoordigde organisatie,

Gelet op het voorstel van de in het Paritair subcomité voor de elektriciens : installatie en distributie en in zijn Paritair leercomité vertegenwoordigde organisaties, elk wat zijn vertegenwoordigers betreft,

Besluit :

HOOFDSTUK I. — *Aantal leden en verdeling van de mandaten*

Artikel 1. Het aantal leden die in het Paritair leercomité voor de elektriciens : installatie en distributie de werkgevers en de werknemers vertegenwoordigen, wordt vastgesteld op, enerzijds, 5 gewone en 5 plaatsvervangende leden die de werkgevers vertegenwoordigen en, anderzijds, 5 gewone en 5 plaatsvervangende leden die de werknemers vertegenwoordigen.

Art. 2. § 1. Wat de vertegenwoordiging van de werkgevers betreft, worden de mandaten als volgt verdeeld :

— 1 gewoon lid en 1 plaatsvervangend lid die de Landelijke vereniging van de meesters elektriciens van Belgie vertegenwoordigen;

— 2 gewone leden en 2 plaatsvervangende leden die de Nationale federatie van elektrotechnische ondernemers;

— 1 gewoon lid en 1 plaatsvervangend lid die de Federatie van de elektriciteit en de elektronika vertegenwoordigen;

— 1 gewoon lid en 1 plaatsvervangend lid die het Nationaal verbond der zelfstandige elektriciens en handelaars in elektrische toestellen vertegenwoordigen;

§ 2. Wat de vertegenwoordiging van de werknemers betreft, worden de mandaten als volgt verdeeld :

— 2 gewone en 2 plaatsvervangende leden die het Algemeen Belgisch Vakverbond vertegenwoordigen;

— 2 gewone en 2 plaatsvervangende leden die het Algemeen Christelijk Vakverbond vertegenwoordigen;

— 1 gewoon lid en 1 plaatsvervangend lid die de Algemene Centrale der Liberale Vakbonden van België vertegenwoordigen.

CHAPITRE II. — *Membres*

Art. 3. Sont nommés membres du Comité paritaire d'apprentissage pour les électriciens : installation et distribution :

1° en qualité de représentants des employeurs :

a) membres effectifs :

— pour l'Association nationale des patrons électriciens de Belgique :

M. CARETTE Pol, à 1700 Dilbeek;

— pour la Fédération nationale des installateurs-électriciens :

M. LONGIN Yvan, à 1730 Asse-Kobbegem;

Mme VANCRAENENBROECK Henriette, à 1910 Kampenhout;

— pour la Fédération de l'électricité et de l'électronique :

M. DE COORBYTER Yves, à 9070 Destelbergen;

— pour « het Nationaal verbond der zelfstandige elektriciens en handelaars in elektrische toestellen » :

Mme CAMPHYN Viviane, à 1860 Meise;

b) membres suppléants :

— pour l'Association nationale des patrons électriciens de Belgique :

M. DE LANTSHEERE Michel, à 1982 Zemst;

— pour la Fédération nationale des installateurs-électriciens :

M. PAUWELS Willy, à 5380 Forville;

M. VAN DEN BRULLE Peter, à 9620 Zottegem;

— pour la Fédération de l'électricité et de l'électronique :

M. BINNEMANS Peter, à 2640 Mortsel;

— pour « het Nationaal verbond der zelfstandige elektriciens en handelaars in elektrische toestellen » :

M. RUTTEN Dirk, à 3010 Kessel-Lo;

2° en qualité de représentants des travailleurs :

a) membres effectifs :

— pour la Fédération générale du Travail de Belgique :

M. CUE Alvarez Nicanor, à 4000 Liège;

M. CASTRO Manuel, à 4300 Waremme;

— pour la Confédération des Syndicats chrétiens :

Mme DE BIE Inge, à 2580 Putte;

Mme LOUVIAUX Béatrice, à 4540 Amay;

— pour la Centrale générale des Syndicats libéraux de Belgique :

M. ROELANDT Johan, à 8870 Kaprijke;

b) membres suppléants :

— pour la Fédération générale du Travail de Belgique :

Mme DE WITTE Cindy, à 9220 Hamme;

M. VAN DER VLOET Willy, à 2845 Niel;

— pour la Confédération des Syndicats chrétiens :

M. DE BRUYN Luc, à 2170 Merksem;

M. KEVER Willy, à 4840 Welkenraedt;

— pour la Centrale générale des Syndicats libéraux de Belgique :

De heer BORNER Peter, à 1785 Merchtem.

Art. 4. Le présent arrêté produit ses effets le 1er juillet 2006.

Bruxelles, le 1er mars 2007.

P. VANVELTHOVEN

Notes

(1) Références au *Moniteur belge* :

Loi du 19 juillet 1983, *Moniteur belge* du 31 août 1983.

Loi du 6 mai 1998, *Moniteur belge* du 29 mai 1998.

Arrêté royal du 5 juillet 1998, *Moniteur belge* du 20 août 1998.

HOOFDSTUK II. — *Leden*

Art. 3. Worden benoemd tot leden van het Paritair leercomité voor de elektriciens : installatie en distributie :

1° als vertegenwoordigers van de werkgevers :

a) gewone leden :

— voor de Landelijke vereniging van de meesters elektriciens van Belgie :

de heer CARETTE Pol, te 1700 Dilbeek;

— voor de Nationale federatie van elektrotechnische ondernemers :

de heer LONGIN Yvan, te 1730 Asse-Kobbegem;

Mevr. VANCRAENENBROECK Henriette, te 1910 Kampenhout;

— voor de Federatie van de elektriciteit en de elektronika :

de heer DE COORBYTER Yves, te 9070 Destelbergen;

— voor het Nationaal verbond der zelfstandige elektriciens en handelaars in elektrische toestellen :

Mevr. CAMPHYN Viviane, te 1860 Meise;

b) plaatsvervangende leden :

— voor de Landelijke vereniging van de meesters elektriciens van Belgie :

de heer DE LANTSHEERE Michel, te 1982 Zemst;

— voor de Nationale federatie van elektrotechnische ondernemers :

de heer PAUWELS Willy, te 5380 Forville;

de heer VAN DEN BRULLE Peter, te 9620 Zottegem;

— voor de Federatie van de elektriciteit en de elektronika :

de heer BINNEMANS Peter, te 2640 Mortsel;

— voor het Nationaal verbond der zelfstandige elektriciens en handelaars in elektrische toestellen :

de heer RUTTEN Dirk, te 3010 Kessel-Lo;

2° als vertegenwoordigers van de werknemers :

a) gewone leden :

— voor het Algemeen Belgisch Vakverbond :

de heer CUE Alvarez Nicanor, te 4000 Liège;

de heer CASTRO Manuel, te 4300 Waremme;

— voor het Algemeen Christelijk Vakverbond :

Mevr. DE BIE Inge, te 2580 Putte;

Mevr. LOUVIAUX Béatrice, te 4540 Amay;

— voor de Algemene Centrale der Liberale Vakbonden van België :

de heer ROELANDT Johan, te 8870 Kaprijke;

b) plaatsvervangende leden :

— voor het Algemeen Belgisch Vakverbond :

Mevr. DE WITTE Cindy, te 9220 Hamme;

de heer VAN DER VLOET Willy, te 2845 Niel;

— voor het Algemeen Christelijk Vakverbond :

de heer DE BRUYN Luc, te 2170 Merksem;

de heer KEVER Willy, te 4840 Welkenraedt;

— voor de Algemene Centrale der Liberale Vakbonden van België :

de heer BORNER Peter, te 1785 Merchtem.

Art. 4. Dit besluit heeft uitwerking met ingang van 1 juli 2006.

Brussel, 1 maart 2007.

P. VANVELTHOVEN

Nota's

(1) Verwijzingen naar het *Belgisch Staatsblad* :

Wet van 19 juli 1983, *Belgisch Staatsblad* van 31 augustus 1983.

Wet van 6 mei 1998, *Belgisch Staatsblad* van 29 mei 1998.

Koninklijk besluit van 5 juli 1998, *Belgisch Staatsblad* van 20 augustus 1998.

SERVICE PUBLIC FEDERAL EMPLOI, TRAVAIL ET CONCERTATION SOCIALE

[2007/200737]

Direction générale Relations collectives de travail
Arrêtés concernant les membres des commissions paritaires

Sous-commission paritaire des établissements et services d'éducation et d'hébergement de la Communauté française, de la Région wallonne et de la Communauté germanophone

Par arrêté du Directeur général du 16 février 2007, qui produit ses effets le 1er avril 2006 :

MM. Alain HAMAIDE, à Charleroi, et Paul FOURNY, à Herbeumont, sont nommés, en qualité de représentants d'une organisation d'employeurs, membres effectifs de la Sous-commission paritaire des établissements et services d'éducation et d'hébergement de la Communauté française, de la Région wallonne et de la Communauté germanophone, en remplacement respectivement de MM. Philippe COLPAERT, à Mouscron, et Stéphane EMMANUELIDIS, à Braine-l'Alleud, dont le mandat a pris fin à la demande de l'organisation qui les avait présentés; ils achèveront le mandat de leurs prédécesseurs;

M. Bernard NOISET, à Braives, est nommé, en qualité de représentant d'une organisation d'employeurs, membre suppléant de cette sous-commission, en remplacement de Mme Isabelle PERSOONS, à Remicourt, dont le mandat a pris fin à la demande de l'organisation qui l'avait présentée; il achèvera le mandat de son prédécesseur.

Sous-commission paritaire des établissements et services d'éducation et d'hébergement de la Communauté française, de la Région wallonne et de la Communauté germanophone

Par arrêté du Directeur général du 16 février 2007, qui produit ses effets le 13 juin 2006 :

Mme Viviane STEVENS, à Soignies, est nommée, en qualité de représentante d'une organisation d'employeurs, membre effectif de la Sous-commission paritaire des établissements et services d'éducation et d'hébergement de la Communauté française, de la Région wallonne et de la Communauté germanophone, en remplacement de M. Baudouin ROGER, à Fontaine-l'Evêque, dont le mandat a pris fin à la demande de l'organisation qui l'avait présenté; elle achèvera le mandat de son prédécesseur;

M. Marc STELLEMAN, à Soignies, est nommé, en qualité de représentant d'une organisation d'employeurs, membre suppléant de cette sous-commission, en remplacement de M. Serge FOURMEAU, à Leuze-en-Hainaut, dont le mandat a pris fin à la demande de l'organisation qui l'avait présenté; il achèvera le mandat de son prédécesseur.

Sous-commission paritaire pour les fabriques de ciment

Par arrêté du Directeur général du 16 février 2007, qui produit ses effets le 20 décembre 2006, Mme Ann VERHELST, à Aalter, est nommée, en qualité de représentante d'une organisation de travailleurs, membre suppléant de la Sous-commission paritaire pour les fabriques de ciment, en remplacement de M. Bernard CASTEELS, à Gand, dont le mandat a pris fin à la demande de l'organisation qui l'avait présenté; elle achèvera le mandat de son prédécesseur.

Sous-commission paritaire pour le commerce de combustibles de la Flandre orientale

Par arrêté du Directeur général du 16 février 2007, qui produit ses effets le 20 décembre 2006, M. Bart KESTELOOT, à Courtrai, est nommé, en qualité de représentant d'une organisation de travailleurs, membre suppléant de la Sous-commission paritaire pour le commerce de combustibles de la Flandre orientale, en remplacement de M. Walter BAES, à Anvers, dont le mandat a pris fin à la demande de l'organisation qui l'avait présenté; il achèvera le mandat de son prédécesseur.

FEDERALE OVERHEIDSDIENST WERKGELEGENHEID, ARBEID EN SOCIAAL OVERLEG

[2007/200737]

Algemene Directie Collectieve Arbeidsbetrekkingen
Besluiten betreffende de leden van de paritaire comités

Paritair Subcomité voor de opvoedings- en huisvestingsinrichtingen en -diensten van de Franstalige Gemeenschap, het Waalse Gewest en de Duitstalige Gemeenschap

Bij besluit van de Directeur-generaal van 16 februari 2007, dat uitwerking heeft met ingang van 1 april 2006 :

worden de heren Alain HAMAIDE, te Charleroi, en Paul FOURNY, te Herbeumont, als vertegenwoordigers van een werkgeversorganisatie, tot gewone leden benoemd van het Paritair Subcomité voor de opvoedings- en huisvestingsinrichtingen en -diensten van de Franse Gemeenschap, het Waalse Gewest en de Duitstalige Gemeenschap, respectievelijk ter vervanging van de heren Philippe COLPAERT, te Moeskroen, en Stéphane EMMANUELIDIS, te Eigenbrakel, van wie het mandaat een einde nam op verzoek van de organisatie die hen had voorgedragen; zij zullen het mandaat van hun voorgangers voleindigen;

wordt de heer Bernard NOISET, te Braives, als vertegenwoordiger van een werkgeversorganisatie, tot plaatsvervangend lid benoemd van dit subcomité, ter vervanging van Mevr. Isabelle PERSOONS, te Remicourt, van wie het mandaat een einde nam op verzoek van de organisatie die haar had voorgedragen; hij zal het mandaat van zijn voorgangster voleindigen.

Paritair Subcomité voor de opvoedings- en huisvestingsinrichtingen en -diensten van de Franse Gemeenschap, het Waalse Gewest en de Duitstalige Gemeenschap

Bij besluit van de Directeur-generaal van 16 februari 2007, dat uitwerking heeft met ingang van 13 juni 2006 :

wordt Mevr. Viviane STEVENS, te Zinnik, als vertegenwoordigster van een werkgeversorganisatie, tot gewoon lid benoemd van het Paritair Subcomité voor de opvoedings- en huisvestingsinrichtingen en -diensten van de Franse Gemeenschap, het Waalse Gewest en de Duitstalige Gemeenschap, ter vervanging van de heer Baudouin ROGER, te Fontaine-l'Evêque, van wie het mandaat een einde nam op verzoek van de organisatie die hem had voorgedragen; zij zal het mandaat van haar voorganger voleindigen;

wordt de heer Marc STELLEMAN, te Zinnik, als vertegenwoordiger van een werkgeversorganisatie, tot plaatsvervangend lid benoemd van dit subcomité, ter vervanging van de heer Serge FOURMEAU, te Leuze-en-Hainaut, van wie het mandaat een einde nam op verzoek van de organisatie die hem had voorgedragen; hij zal het mandaat van zijn voorganger voleindigen.

Paritair Subcomité voor de cementfabrieken

Bij besluit van de Directeur-generaal van 16 februari 2007, dat uitwerking heeft met ingang van 20 december 2006, wordt Mevr. Ann VERHELST, te Aalter, als vertegenwoordigster van een werknemersorganisatie, tot plaatsvervangend lid benoemd van het Paritair Subcomité voor de cementfabrieken, ter vervanging van de heer Bernard CASTEELS, te Gent, van wie het mandaat een einde nam op verzoek van de organisatie die hem had voorgedragen; zij zal het mandaat van haar voorganger voleindigen.

Paritair Subcomité voor de handel in brandstoffen van Oost-Vlaanderen

Bij besluit van de Directeur-generaal van 16 februari 2007, dat uitwerking heeft met ingang van 20 december 2006, wordt de heer Bart KESTELOOT, te Kortrijk, als vertegenwoordiger van een werknemersorganisatie, tot plaatsvervangend lid benoemd van het Paritair Subcomité voor de handel in brandstoffen van Oost-Vlaanderen, ter vervanging van de heer Walter BAES, te Antwerpen, van wie het mandaat een einde nam op verzoek van de organisatie die hem had voorgedragen; hij zal het mandaat van zijn voorganger voleindigen.

Commission paritaire pour le commerce de combustibles

Par arrêté du Directeur général du 16 février 2007, qui produit ses effets le 20 décembre 2006, M. Bart KESTELOOT, à Courtrai, est nommé, en qualité de représentant d'une organisation de travailleurs, membre effectif de la Commission paritaire pour le commerce de combustibles, en remplacement de M. Walter BAES, à Anvers, dont le mandat a pris fin à la demande de l'organisation qui l'avait présenté; il achèvera le mandat de son prédécesseur.

Sous-commission paritaire pour la carrosserie

Par arrêté du Directeur général du 16 février 2007, qui produit ses effets le 1er janvier 2007 :

MM. Harry BROUWERS, à Saint-Trond, et Bessim IPEKLI, à Koekelberg, sont nommés, en qualité de représentants de l'organisation d'employeurs, membres effectifs de la Sous-commission paritaire pour la carrosserie, en remplacement respectivement de MM. Jean-Pierre DENUTTE, à Frasnes-lez-Anvaing, et Robert BERNARD, à Amay, dont le mandat a pris fin à la demande de l'organisation qui les avait présentés; ils achèveront le mandat de leurs prédécesseurs;

M. Antoon DE BRUECKER, à Alost, est nommé, en qualité de représentant de l'organisation d'employeurs, membre suppléant de cette sous-commission, en remplacement de M. Eddy GIERAERTS, à As, dont le mandat a pris fin à la demande de l'organisation qui l'avait présenté; il achèvera le mandat de son prédécesseur.

Commission paritaire
des établissements et services d'éducation et d'hébergement

Par arrêté du Directeur général du 16 février 2007, qui produit ses effets le 1er janvier 2007 :

Mme Viviane STEVENS, à Soignies, MM. Paul FOURNY, à Herbeumont, et Martin JORET, à Braine-l'Alleud, sont nommés, en qualité de représentants d'une organisation d'employeurs, membres effectifs de la Commission paritaire des établissements et services d'éducation et d'hébergement, en remplacement respectivement de MM. Baudouin ROGER, à Fontaine-l'Evêque, Stéphane EMMANUELIDIS, à Braine-l'Alleud, et Xavier VAN DE KEERE, à Kraainem, dont le mandat a pris fin à la demande de l'organisation qui les avait présentés; ils achèveront le mandat de leurs prédécesseurs;

Mme Nathalie HENROT, à Fosses-la-Ville, et M. Philippe BOSSAERTS, à Bruxelles, sont nommés, en qualité de représentants d'une organisation d'employeurs, membres suppléants de cette commission, en remplacement respectivement de MM. Daniel THERASSE, à Namur, et Pierre FOURNEAU, à Jodoigne, dont le mandat a pris fin à la demande de l'organisation qui les avait présentés; ils achèveront le mandat de leurs prédécesseurs.

Commission paritaire pour les entreprises horticoles

Par arrêté du Directeur général du 16 février 2007, qui produit ses effets le 17 janvier 2007, M. Patrick DUDJALIJA, à Charleroi, est nommé, en qualité de représentant d'une organisation de travailleurs, membre suppléant de la Commission paritaire pour les entreprises horticoles, en remplacement de M. Hugo COOSEMANS, à Tielt-Winge, dont le mandat a pris fin à la demande de l'organisation qui l'avait présenté; il achèvera le mandat de son prédécesseur.

Sous-commission paritaire des électriciens : installation et distribution

Par arrêté du Directeur général du 16 février 2007, qui produit ses effets le 29 janvier 2007, MM. William VAN ERDEGHEM, à Hamme, et Thierry DUCHENE, à Châtelet, sont nommés, en qualité de représentants d'une organisation de travailleurs, membres effectifs de la Sous-commission paritaire des électriciens : installation et distribution, en remplacement respectivement de MM. Georges JACQUEMIJN, à Glabbeek, et Willy KEVER, à Welkenraedt, dont le mandat a pris fin à la demande de l'organisation qui les avait présentés; ils achèveront le mandat de leurs prédécesseurs.

Paritair Comité voor de handel in brandstoffen

Bij besluit van de Directeur-generaal van 16 februari 2007, dat uitwerking heeft met ingang van 20 december 2006, wordt de heer Bart KESTELOOT, te Kortrijk, als vertegenwoordiger van een werknemersorganisatie, tot gewoon lid benoemd van het Paritair Comité voor de handel in brandstoffen, ter vervanging van de heer Walter BAES, te Antwerpen, van wie het mandaat een einde nam op verzoek van de organisatie die hem had voorgedragen; hij zal het mandaat van zijn voorganger voleindigen.

Paritair Subcomité voor het koetswerk

Bij besluit van de Directeur-generaal van 16 februari 2007, dat uitwerking heeft met ingang van 1 januari 2007 :

worden de heren Harry BROUWERS, te Sint-Truiden, en Bessim IPEKLI, te Koekelberg, als vertegenwoordigers van de werkgeversorganisatie, tot gewone leden benoemd van het Paritair Subcomité voor het koetswerk, respectievelijk ter vervanging van de heren Jean-Pierre DENUTTE, te Frasnes-lez-Anvaing, en Robert BERNARD, te Amay, van wie het mandaat een einde nam op verzoek van de organisatie die hen had voorgedragen; zij zullen het mandaat van hun voorgangers voleindigen;

wordt de heer Antoon DE BRUECKER, te Aalst, als vertegenwoordiger van de werkgeversorganisatie, tot plaatsvervangend lid benoemd van dit subcomité, ter vervanging van de heer Eddy GIERAERTS, te As, van wie het mandaat een einde nam op verzoek van de organisatie die hem had voorgedragen; hij zal het mandaat van zijn voorganger voleindigen.

Paritair Comité
voor de opvoedings- en huisvestingsinrichtingen en -diensten

Bij besluit van de Directeur-generaal van 16 februari 2007, dat uitwerking heeft met ingang van 1 januari 2007 :

worden Mevr. Viviane STEVENS, te Zinnik, de heren Paul FOURNY, te Herbeumont, en Martin JORET, te Eigenbrakel, als vertegenwoordigers van een werkgeversorganisatie, tot gewone leden benoemd van het Paritair Comité voor de opvoedings- en huisvestingsinrichtingen en -diensten, respectievelijk ter vervanging van de heren Baudouin ROGER, te Fontaine-l'Evêque, Stéphane EMMANUELIDIS, te Eigenbrakel, en Xavier VAN DE KEERE, te Kraainem, van wie het mandaat een einde nam op verzoek van de organisatie die hen had voorgedragen; zij zullen het mandaat van hun voorgangers voleindigen;

worden Mevr. Nathalie HENROT, te Fosses-la-Ville, en de heer Philippe BOSSAERTS, te Brussel, als vertegenwoordigers van een werkgeversorganisatie, tot plaatsvervangende leden benoemd van dit comité, respectievelijk ter vervanging van de heren Daniel THERASSE, te Namen, en Pierre FOURNEAU, te Geldenaken, van wie het mandaat een einde nam op verzoek van de organisatie die hen had voorgedragen; zij zullen het mandaat van hun voorgangers voleindigen.

Paritair Comité voor het tuinbouwbedrijf

Bij besluit van de Directeur-generaal van 16 februari 2007, dat uitwerking heeft met ingang van 17 januari 2007, wordt de heer Patrick DUDJALIJA, te Charleroi, als vertegenwoordiger van een werknemersorganisatie, tot plaatsvervangend lid benoemd van het Paritair Comité voor het tuinbouwbedrijf, ter vervanging van de heer Hugo COOSEMANS, te Tielt-Winge, van wie het mandaat een einde nam op verzoek van de organisatie die hem had voorgedragen; hij zal het mandaat van zijn voorganger voleindigen.

Paritair Subcomité voor de elektriciens : installatie en distributie

Bij besluit van de Directeur-generaal van 16 februari 2007, dat uitwerking heeft met ingang van 29 januari 2007, worden de heren William VAN ERDEGHEM, te Hamme, en Thierry DUCHENE, te Châtelet, als vertegenwoordigers van een werknemersorganisatie, tot gewone leden benoemd van het Paritair Subcomité voor de elektriciens : installatie en distributie, respectievelijk ter vervanging van de heren Georges JACQUEMIJN, te Glabbeek, en Willy KEVER, te Welkenraedt, van wie het mandaat een einde nam op verzoek van de organisatie die hen had voorgedragen; zij zullen het mandaat van hun voorgangers voleindigen.

Sous-commission paritaire pour la carrosserie

Par arrêté du Directeur général du 16 février 2007, qui produit ses effets le 30 janvier 2007 :

MM. Luc JANSSENS, à Aarschot, et Michel GOLDMANN, à Mettet, sont nommés, en qualité de représentants d'une organisation de travailleurs, membres effectifs de la Sous-commission paritaire pour la carrosserie, en remplacement respectivement de MM. Serge CAREME, à Aubange, et Jean-Paul SELLEKAERTS, à Zaventem, dont le mandat a pris fin à la demande de l'organisation qui les avait présentés; ils achèveront le mandat de leurs prédécesseurs;

MM. Johnny FRANS, à Zutendaal, et Benoît GERITS, à Liège, sont nommés, en qualité de représentants d'une organisation de travailleurs, membres suppléants de cette sous-commission, en remplacement respectivement de MM. Willy VAN DER VLOET, à Niel, et Rony DE VUYST, à Zedelgem, dont le mandat a pris fin à la demande de l'organisation qui les avait présentés; ils achèveront le mandat de leurs prédécesseurs.

Sous-commission paritaire pour le commerce du bois

Par arrêté du Directeur général du 16 février 2007, qui produit ses effets le 1er février 2007 :

M. Eric HANSSENS, à Sint-Martens-Latem, est nommé, en qualité de représentant de l'organisation d'employeurs, membre effectif de la Sous-commission paritaire pour le commerce du bois, en remplacement de M. Pierre STEENBERGHEN, à Tielt-Winge, dont le mandat a pris fin à la demande de l'organisation qui l'avait présenté; il achèvera le mandat de son prédécesseur;

M. Pierre VAN STEENBERGE, à Gavere, est nommé, en qualité de représentant de l'organisation d'employeurs, membre suppléant de cette sous-commission, en remplacement de Mme Sabine HEYMAN, à Etterbeek, dont le mandat a pris fin à la demande de l'organisation qui l'avait présentée; il achèvera le mandat de son prédécesseur.

Commission paritaire pour les entreprises de valorisation de matières premières de récupération

Par arrêté du Directeur général du 16 février 2007, qui produit ses effets le 1er février 2007, M. Michel GOLDMANN, à Mettet, est nommé, en qualité de représentant d'une organisation de travailleurs, membre effectif de la Commission paritaire pour les entreprises de valorisation de matières premières de récupération, en remplacement de M. Michel MATON, à Frameries, dont le mandat a pris fin à la demande de l'organisation qui l'avait présenté; il achèvera le mandat de son prédécesseur.

Commission paritaire des métaux non-ferreux

Par arrêté du Directeur général du 16 février 2007, qui entre en vigueur le 20 février 2007, M. Alain THAETER, à La Calamine, est nommé, en qualité de représentant d'une organisation de travailleurs, membre effectif de la Commission paritaire des métaux non-ferreux, en remplacement de M. Bernhard DESPINEUX, à Eupen, dont le mandat a pris fin à la demande de l'organisation qui l'avait présenté; il achèvera le mandat de son prédécesseur.

Commission paritaire pour l'entretien du textile

Par arrêté du Directeur général du 16 février 2007, qui entre en vigueur le 20 février 2007, M. Eric MAGNUS, à Meise, est nommé, en qualité de représentant de l'organisation d'employeurs, membre suppléant de la Commission paritaire pour l'entretien du textile, en remplacement de Mme Anne-Sophie LECOCQ, à Genappe, dont le mandat a pris fin à la demande de l'organisation qui l'avait présentée; il achèvera le mandat de son prédécesseur.

Commission paritaire pour les entreprises de nettoyage et de désinfection

Par arrêté du Directeur général du 16 février 2007, qui entre en vigueur le 20 février 2007, M. Mathieu LONDON, à Dalhem, est nommé, en qualité de représentant d'une organisation de travailleurs, membre suppléant de la Commission paritaire pour les entreprises de nettoyage et de désinfection, en remplacement de M. Marc GOBLET, à Herve, dont le mandat a pris fin à la demande de l'organisation qui l'avait présenté; il achèvera le mandat de son prédécesseur.

Paritair Subcomité voor het koetswerk

Bij besluit van de Directeur-generaal van 16 februari 2007, dat uitwerking heeft met ingang van 30 januari 2007 :

worden de heren Luc JANSSENS, te Aarschot, en Michel GOLDMANN, te Mettet, als vertegenwoordigers van een werknemersorganisatie, tot gewone leden benoemd van het Paritair Subcomité voor het koetswerk, respectievelijk ter vervanging van de heren Serge CAREME, te Aubange, en Jean-Paul SELLEKAERTS, te Zaventem, van wie het mandaat een einde nam op verzoek van de organisatie die hen had voorgedragen; zij zullen het mandaat van hun voorgangers voleindigen;

worden de heren Johnny FRANS, te Zutendaal, en Benoît GERITS, te Luik, als vertegenwoordigers van een werknemersorganisatie, tot plaatsvervangende leden benoemd van dit subcomité, respectievelijk ter vervanging van de heren Willy VAN DER VLOET, te Niel, en Rony DE VUYST, te Zedelgem, van wie het mandaat een einde nam op verzoek van de organisatie die hen had voorgedragen; zij zullen het mandaat van hun voorgangers voleindigen.

Paritair Subcomité voor de houthandel

Bij besluit van de Directeur-generaal van 16 februari 2007, dat uitwerking heeft met ingang van 1 februari 2007 :

wordt de heer Eric HANSSENS, te Sint-Martens-Latem, als vertegenwoordiger van de werkgeversorganisatie, tot gewoon lid benoemd van het Paritair Subcomité voor de houthandel, ter vervanging van de heer Pierre STEENBERGHEN, te Tielt-Winge, van wie het mandaat een einde nam op verzoek van de organisatie die hem had voorgedragen; hij zal het mandaat van zijn voorganger voleindigen;

wordt de heer Pierre VAN STEENBERGE, te Gavere, als vertegenwoordiger van de werkgeversorganisatie, tot plaatsvervangend lid benoemd van dit subcomité, ter vervanging van Mevr. Sabine HEYMAN, te Etterbeek, van wie het mandaat een einde nam op verzoek van de organisatie die haar had voorgedragen; hij zal het mandaat van zijn voorgangster voleindigen.

Paritair Comité voor de ondernemingen waar teruggewonnen grondstoffen opnieuw ter waarde worden gebracht

Bij besluit van de Directeur-generaal van 16 februari 2007, dat uitwerking heeft met ingang van 1 februari 2007, wordt de heer Michel GOLDMANN, te Mettet, als vertegenwoordiger van een werknemersorganisatie, tot gewoon lid benoemd van het Paritair Comité voor de ondernemingen waar teruggewonnen grondstoffen opnieuw ter waarde worden gebracht, ter vervanging van de heer Michel MATON, te Frameries, van wie het mandaat een einde nam op verzoek van de organisatie die hem had voorgedragen; hij zal het mandaat van zijn voorganger voleindigen.

Paritair Comité voor de non-ferro metalen

Bij besluit van de Directeur-generaal van 16 februari 2007, dat in werking treedt op 20 februari 2007, wordt de heer Alain THAETER, te Kelmis, als vertegenwoordiger van een werknemersorganisatie, tot gewoon lid benoemd van het Paritair Comité voor de non-ferro metalen, ter vervanging van de heer Bernhard DESPINEUX, te Eupen, van wie het mandaat een einde nam op verzoek van de organisatie die hem had voorgedragen; hij zal het mandaat van zijn voorganger voleindigen.

Paritair Comité voor de textielverzorging

Bij besluit van de Directeur-generaal van 16 februari 2007, dat in werking treedt op 20 februari 2007, wordt de heer Eric MAGNUS, te Meise, als vertegenwoordiger van de werkgeversorganisatie, tot plaatsvervangend lid benoemd van het Paritair Comité voor de textielverzorging, ter vervanging van Mevr. Anne-Sophie LECOCQ, te Genepiën, van wie het mandaat een einde nam op verzoek van de organisatie die haar had voorgedragen; hij zal het mandaat van zijn voorgangster voleindigen.

Paritair Comité voor de schoonmaak- en ontsmettingsondernemingen

Bij besluit van de Directeur-generaal van 16 februari 2007, dat in werking treedt op 20 februari 2007, wordt de heer Mathieu LONDON, te Dalhem, als vertegenwoordiger van een werknemersorganisatie, tot plaatsvervangend lid benoemd van het Paritair Comité voor de schoonmaak- en ontsmettingsondernemingen, ter vervanging van de heer Marc GOBLET, te Herve, van wie het mandaat een einde nam op verzoek van de organisatie die hem had voorgedragen; hij zal het mandaat van zijn voorganger voleindigen.

Commission paritaire
de l'ameublement et de l'industrie transformatrice du bois

Par arrêté du Directeur général du 16 février 2007, qui entre en vigueur le 20 février 2007, M. Ronald LE BLON, à Anvers, est nommé, en qualité de représentant d'une organisation de travailleurs, membre suppléant de la Commission paritaire de l'ameublement et de l'industrie transformatrice du bois, en remplacement de M. Urbain TEMPELAERE, à Anvers, dont le mandat a pris fin à la demande de l'organisation qui l'avait présenté; il achèvera le mandat de son prédécesseur.

Commission paritaire des secteurs connexes
aux constructions métallique, mécanique et électrique

Par arrêté du Directeur général du 16 février 2007, qui entre en vigueur le 20 février 2007, MM. William VAN ERDEGHEM, à Hamme, et Thierry DUCHENE, à Châtelet, sont nommés, en qualité de représentants d'une organisation de travailleurs, membres effectifs de la Commission paritaire des secteurs connexes aux constructions métallique, mécanique et électrique, en remplacement respectivement de MM. Georges JACQUEMIJN, à Glabbeek, et Willy KEVER, à Welkenraedt, dont le mandat a pris fin à la demande de l'organisation qui les avait présentés; ils achèveront le mandat de leurs prédécesseurs.

Sous-commission paritaire pour le port de Gand

Par arrêté du Directeur général du 16 février 2007, qui entre en vigueur le 20 février 2007 :

M. André VAN DAMME, à Gand, membre suppléant de la Sous-commission paritaire pour le port de Gand, est nommé, en qualité de représentant d'une organisation de travailleurs, membre effectif de cette sous-commission, en remplacement de M. Marc LORIDAN, à Schoten, qui est nommé membre suppléant; il achèvera le mandat de son prédécesseur;

M. Bart KESTELOOT, à Courtrai, est nommé, en qualité de représentant d'une organisation de travailleurs, membre effectif de cette sous-commission, en remplacement de M. Eddy COENE, à Eeklo, dont le mandat a pris fin à la demande de l'organisation qui l'avait présenté; il achèvera le mandat de son prédécesseur;

M. Marc LORIDAN, à Schoten, membre effectif de cette sous-commission, est nommé, en qualité de représentant d'une organisation de travailleurs, membre suppléant de cette sous-commission, en remplacement de M. André VAN DAMME, à Gand, qui est nommé membre effectif; il achèvera le mandat de son prédécesseur;

M. Noël DOUBELS, à Gand, est nommé, en qualité de représentant d'une organisation de travailleurs, membre suppléant de cette sous-commission, en remplacement de M. Adelin DEVOS, à Gand, dont le mandat a pris fin à la demande de l'organisation qui l'avait présenté; il achèvera le mandat de son prédécesseur.

Sous-commission paritaire pour les ports d'Ostende et de Nieuport

Par arrêté du Directeur général du 16 février 2007, qui entre en vigueur le 20 février 2007, M. Filip OLDE BIJVANK, à De Pinte, est nommé, en qualité de représentant de l'organisation d'employeurs, membre suppléant de la Sous-commission paritaire pour les ports d'Ostende et de Nieuport, en remplacement de M. Patrick SPOUSTA, à Gand, dont le mandat a pris fin à la demande de l'organisation qui l'avait présenté; il achèvera le mandat de son prédécesseur.

Commission paritaire de l'industrie cinématographique

Par arrêté du Directeur général du 16 février 2007, qui entre en vigueur le 20 février 2007, M. André POITOUX, à Woluwe-Saint-Lambert, est nommé, en qualité de représentant d'une organisation de travailleurs, membre effectif de la Commission paritaire de l'industrie cinématographique, en remplacement de M. Nicola DONATO, à Ixelles, dont le mandat a pris fin à la demande de l'organisation qui l'avait présenté; il achèvera le mandat de son prédécesseur.

Sous-commission paritaire pour la production de films

Par arrêté du Directeur général du 16 février 2007, qui entre en vigueur le 20 février 2007, M. André POITOUX, à Woluwe-Saint-Lambert, est nommé, en qualité de représentant d'une organisation de travailleurs, membre suppléant de la Sous-commission paritaire pour la

Paritair Comité
voor de stoffering en de houtbewerking

Bij besluit van de Directeur-generaal van 16 februari 2007, dat in werking treedt op 20 februari 2007, wordt de heer Ronald LE BLON, te Antwerpen, als vertegenwoordiger van een werknemersorganisatie, tot plaatsvervangend lid benoemd van het Paritair Comité voor de stoffering en de houtbewerking, ter vervanging van de heer Urbain TEMPELAERE, te Antwerpen, van wie het mandaat een einde nam op verzoek van de organisatie die hem had voorgedragen; hij zal het mandaat van zijn voorganger voleindigen.

Paritair Comité voor de sectors
die aan de metaal-, machine- en elektrische bouw verwant zijn

Bij besluit van de Directeur-generaal van 16 februari 2007, dat in werking treedt op 20 februari 2007, worden de heren William VAN ERDEGHEM, te Hamme, en Thierry DUCHENE, te Châtelet, als vertegenwoordigers van een werknemersorganisatie, tot gewone leden benoemd van het Paritair Comité voor de sectors die aan de metaal-, machine- en elektrische bouw verwant zijn, respectievelijk ter vervanging van de heren Georges JACQUEMIJN, te Glabbeek, en Willy KEVER, te Welkenraedt, van wie het mandaat een einde nam op verzoek van de organisatie die hen had voorgedragen; zij zullen het mandaat van hun voorgangers voleindigen.

Paritair Subcomité voor de haven van Gent

Bij besluit van de Directeur-generaal van 16 februari 2007, dat in werking treedt op 20 februari 2007 :

wordt de heer André VAN DAMME, te Gent, plaatsvervangend lid van het Paritair Subcomité voor de haven van Gent, als vertegenwoordiger van een werknemersorganisatie, tot gewoon lid benoemd van dit subcomité, ter vervanging van de heer Marc LORIDAN, te Schoten, die tot plaatsvervangend lid wordt benoemd; hij zal het mandaat van zijn voorganger voleindigen;

wordt de heer Bart KESTELOOT, te Kortrijk, als vertegenwoordiger van een werknemersorganisatie, tot gewoon lid benoemd van dit subcomité, ter vervanging van de heer Eddy COENE, te Eeklo, van wie het mandaat een einde nam op verzoek van de organisatie die hem had voorgedragen; hij zal het mandaat van zijn voorganger voleindigen;

wordt de heer Marc LORIDAN, te Schoten, gewoon lid van dit subcomité, als vertegenwoordiger van een werknemersorganisatie, tot plaatsvervangend lid benoemd van dit subcomité, ter vervanging van de heer André VAN DAMME, te Gent, die tot gewoon lid wordt benoemd; hij zal het mandaat van zijn voorganger voleindigen;

wordt de heer Noël DOUBELS, te Gent, als vertegenwoordiger van een werknemersorganisatie, tot plaatsvervangend lid benoemd van dit subcomité, ter vervanging van de heer Adelin DEVOS, te Gent, van wie het mandaat een einde nam op verzoek van de organisatie die hem had voorgedragen; hij zal het mandaat van zijn voorganger voleindigen.

Paritair Subcomité voor de havens van Oostende en Nieuwpoort

Bij besluit van de Directeur-generaal van 16 februari 2007, dat in werking treedt op 20 februari 2007, wordt de heer Filip OLDE BIJVANK, te De Pinte, als vertegenwoordiger van de werkgeversorganisatie, tot plaatsvervangend lid benoemd van het Paritair Subcomité voor de havens van Oostende en Nieuwpoort, ter vervanging van de heer Patrick SPOUSTA, te Gent, van wie het mandaat een einde nam op verzoek van de organisatie die hem had voorgedragen; hij zal het mandaat van zijn voorganger voleindigen.

Paritair Comité voor het filmbedrijf

Bij besluit van de Directeur-generaal van 16 februari 2007, dat in werking treedt op 20 februari 2007, wordt de heer André POITOUX, te Sint-Lambrechts-Woluwe, als vertegenwoordiger van een werknemersorganisatie, tot gewoon lid benoemd van het Paritair Comité voor het filmbedrijf, ter vervanging van de heer Nicola DONATO, te Elsene, van wie het mandaat een einde nam op verzoek van de organisatie die hem had voorgedragen; hij zal het mandaat van zijn voorganger voleindigen.

Paritair Subcomité voor de filmproductie

Bij besluit van de Directeur-generaal van 16 februari 2007, dat in werking treedt op 20 februari 2007, wordt de heer André POITOUX, te Sint-Lambrechts-Woluwe, als vertegenwoordiger van een werknemersorganisatie, tot plaatsvervangend lid benoemd van het Paritair Sub-

production de films, en remplacement de M. Nicola DONATO, à Ixelles, dont le mandat a pris fin à la demande de l'organisation qui l'avait présenté; il achèvera le mandat de son prédécesseur.

Commission paritaire du spectacle

Par arrêté du Directeur général du 16 février 2007, qui entre en vigueur le 20 février 2007, M. André POITOUX, à Woluwe-Saint-Lambert, est nommé, en qualité de représentant d'une organisation de travailleurs, membre effectif de la Commission paritaire du spectacle, en remplacement de M. Nicola DONATO, à Ixelles, dont le mandat a pris fin à la demande de l'organisation qui l'avait présenté; il achèvera le mandat de son prédécesseur.

Commission paritaire pour les entreprises de courtage et agences d'assurances

Par arrêté du Directeur général du 16 février 2007, qui entre en vigueur le 20 février 2007, M. Luc DE LENTACKER, à Louvain, est nommé, en qualité de représentant d'une organisation de travailleurs, membre effectif de la Commission paritaire pour les entreprises de courtage et agences d'assurances, en remplacement de M. Jan TOMMISSEN, à Maasmechelen, dont le mandat a pris fin à la demande de l'organisation qui l'avait présenté; il achèvera le mandat de son prédécesseur.

Commission paritaire pour les banques

Par arrêté du Directeur général du 16 février 2007, qui entre en vigueur le 20 février 2007 :

Mme Elke MAES, à Stabroek, membre suppléant de la Commission paritaire pour les banques, est nommée, en qualité de représentante d'une organisation de travailleurs, membre effectif de cette commission, en remplacement de M. Tjeu TIJSKENS, à Louvain, dont le mandat a pris fin à la demande de l'organisation qui l'avait présenté; elle achèvera le mandat de son prédécesseur;

M. Wim DE CLERCQ, à Grammont, est nommé, en qualité de représentant d'une organisation de travailleurs, membre suppléant de cette commission, en remplacement de Mme Elke MAES, à Stabroek, qui est nommée membre effectif; il achèvera le mandat de son prédécesseur.

Commission paritaire pour la marine marchande

Par arrêté du Directeur général du 16 février 2007, qui entre en vigueur le 20 février 2007 :

M. Peter VERSTUYFT, à Mortsel, membre suppléant de la Commission paritaire pour la marine marchande, est nommé, en qualité de représentant de l'organisation d'employeurs, membre effectif de cette commission, en remplacement de M. Peter RAES, à Anvers, dont le mandat a pris fin à la demande de l'organisation qui l'avait présenté; il achèvera le mandat de son prédécesseur;

M. Paul MOEYAERT, à Schelle, est nommé, en qualité de représentant de l'organisation d'employeurs, membre effectif de cette commission, en remplacement de M. Boudewijn BAERT, à Anvers, dont le mandat a pris fin à la demande de l'organisation qui l'avait présenté; il achèvera le mandat de son prédécesseur;

M. Geert ASSELMAN, à Anvers, est nommé, en qualité de représentant de l'organisation d'employeurs, membre suppléant de cette commission, en remplacement de M. Peter VERSTUYFT, à Mortsel, qui est nommé membre effectif; il achèvera le mandat de son prédécesseur.

Sous-commission paritaire pour les entreprises agréées fournissant des travaux ou services de proximité

Par arrêté du Directeur général du 16 février 2007, qui entre en vigueur le 20 février 2007, Mme Viviane LECOCQ, à Ham-sur-Heure-Nalinnes, est nommée, en qualité de représentante d'une organisation de travailleurs, membre suppléant de la Sous-commission paritaire pour les entreprises agréées fournissant des travaux ou services de proximité, en remplacement de M. Jacques MICHIELS, à Namur, dont le mandat a pris fin à la demande de l'organisation qui l'avait présenté; elle achèvera le mandat de son prédécesseur.

comité voor de filmproductie, ter vervanging van de heer Nicola DONATO, te Elsene, van wie het mandaat een einde nam op verzoek van de organisatie die hem had voorgedragen; hij zal het mandaat van zijn voorganger voleindigen.

Paritair Comité voor het vermakelijkheidsbedrijf

Bij besluit van de Directeur-generaal van 16 februari 2007, dat in werking treedt op 20 februari 2007, wordt de heer André POITOUX, te Sint-Lambrechts-Woluwe, als vertegenwoordiger van een werknemersorganisatie, tot gewoon lid benoemd van het Paritair Comité voor het vermakelijkheidsbedrijf, ter vervanging van de heer Nicola DONATO, te Elsene, van wie het mandaat een einde nam op verzoek van de organisatie die hem had voorgedragen; hij zal het mandaat van zijn voorganger voleindigen.

Paritair Comité voor de makelarij en verzekerings-agentschappen

Bij besluit van de Directeur-generaal van 16 februari 2007, dat in werking treedt op 20 februari 2007, wordt de heer Luc DE LENTACKER, te Leuven, als vertegenwoordiger van een werknemersorganisatie, tot gewoon lid benoemd van het Paritair Comité voor de makelarij en verzekeringsagentschappen, ter vervanging van de heer Jan TOMMISSEN, te Maasmechelen, van wie het mandaat een einde nam op verzoek van de organisatie die hem had voorgedragen; hij zal het mandaat van zijn voorganger voleindigen.

Paritair Comité voor de banken

Bij besluit van de Directeur-generaal van 16 februari 2007, dat in werking treedt op 20 februari 2007 :

wordt Mevr. Elke MAES, te Stabroek, plaatsvervangend lid van het Paritair Comité voor de banken, als vertegenwoordigster van een werknemersorganisatie, tot gewoon lid benoemd van dit comité, ter vervanging van de heer Tjeu TIJSKENS, te Leuven, van wie het mandaat een einde nam op verzoek van de organisatie die hem had voorgedragen; zij zal het mandaat van haar voorganger voleindigen;

wordt de heer Wim DE CLERCQ, te Geraardsbergen, als vertegenwoordiger van een werknemersorganisatie, tot plaatsvervangend lid benoemd van dit comité, ter vervanging van Mevr. Elke MAES, te Stabroek, die tot gewoon lid wordt benoemd; hij zal het mandaat van zijn voorgangster voleindigen.

Paritair Comité voor de koopvaardij

Bij besluit van de Directeur-generaal van 16 februari 2007, dat in werking treedt op 20 februari 2007 :

wordt de heer Peter VERSTUYFT, te Mortsel, plaatsvervangend lid van het Paritair Comité voor de koopvaardij, als vertegenwoordiger van de werkgeversorganisatie, tot gewoon lid benoemd van dit comité, ter vervanging van de heer Peter RAES, te Antwerpen, van wie het mandaat een einde nam op verzoek van de organisatie die hem had voorgedragen; hij zal het mandaat van zijn voorganger voleindigen;

wordt de heer Paul MOEYAERT, te Schelle, als vertegenwoordiger van de werkgeversorganisatie, tot gewoon lid benoemd van dit comité, ter vervanging van de heer Boudewijn BAERT, te Antwerpen, van wie het mandaat een einde nam op verzoek van de organisatie die hem had voorgedragen; hij zal het mandaat van zijn voorganger voleindigen;

wordt de heer Geert ASSELMAN, te Antwerpen, als vertegenwoordiger van de werkgeversorganisatie, tot plaatsvervangend lid benoemd van dit comité, ter vervanging van de heer Peter VERSTUYFT, te Mortsel, die tot gewoon lid wordt benoemd; hij zal het mandaat van zijn voorganger voleindigen.

Paritair Subcomité voor de erkende ondernemingen die buurtwerken of -diensten leveren

Bij besluit van de Directeur-generaal van 16 februari 2007, dat in werking treedt op 20 februari 2007, wordt Mevr. Viviane LECOCQ, te Ham-sur-Heure-Nalinnes, als vertegenwoordigster van een werknemersorganisatie, tot plaatsvervangend lid benoemd van het Paritair Subcomité voor de erkende ondernemingen die buurtwerken of -diensten leveren, ter vervanging van de heer Jacques MICHIELS, te Namen, van wie het mandaat een einde nam op verzoek van de organisatie die hem had voorgedragen; zij zal het mandaat van haar voorganger voleindigen.

Commission paritaire de l'industrie du gaz et de l'électricité

Par arrêté du Directeur général du 16 février 2007, qui entre en vigueur le 20 février 2007 :

M. Michel SCHIFFERS, à Liège, est nommé, en qualité de représentant de l'organisation d'employeurs, membre effectif de la Commission paritaire de l'industrie du gaz et de l'électricité, en remplacement de Mme Anne SCHMITT, à Etterbeek, membre effectif démissionnaire, dont il achèvera le mandat;

M. Vincent VAN DAMME, à Kapellen, est nommé, en qualité de représentant de l'organisation d'employeurs, membre suppléant de cette commission, en remplacement de Mme Ilse MATTHIJSSENS, à Anvers, dont le mandat a pris fin à la demande de l'organisation qui l'avait présentée; il achèvera le mandat de son prédécesseur.

Commission paritaire de l'industrie du gaz et de l'électricité

Par arrêté du Directeur général du 16 février 2007, qui entre en vigueur le 20 février 2007 :

M. Philippe DEMOL, à Bruxelles, est nommé, en qualité de représentant d'une organisation de travailleurs, membre effectif de la Commission paritaire de l'industrie du gaz et de l'électricité, en remplacement de M. Marcel DE CEULENEER, à Anderlecht, dont le mandat a pris fin à la demande de l'organisation qui l'avait présenté; il achèvera le mandat de son prédécesseur;

MM. Didier NICAISE, à Lessines, et Romain WIJCKMANS, à Bruxelles, sont nommés, en qualité de représentants d'une organisation de travailleurs, membres suppléants de cette commission, en remplacement respectivement de M. Jean-Pierre LOUIS, à Frameries, et Mme Cécile VAN CLAPDURP, à Anderlecht, dont le mandat a pris fin à la demande de l'organisation qui les avait présentés; ils achèveront le mandat de leurs prédécesseurs.

Commission paritaire pour le secteur socio-culturel

Par arrêté du Directeur général du 16 février 2007, qui entre en vigueur le 20 février 2007, M. Jacques CRUL, à Blegny, est nommé, en qualité de représentant d'une organisation d'employeurs, membre effectif de la Commission paritaire pour le secteur socio-culturel, en remplacement de M. Willy MONFORT, à Seraing, dont le mandat a pris fin à la demande de l'organisation qui l'avait présenté; il achèvera le mandat de son prédécesseur.

Commission paritaire pour le secteur socio-culturel

Par arrêté du Directeur général du 16 février 2007, qui entre en vigueur le 20 février 2007, M. André POITOUX, à Woluwe-Saint-Lambert, est nommé, en qualité de représentant d'une organisation de travailleurs, membre effectif de la Commission paritaire pour le secteur socio-culturel, en remplacement de M. Nicola DONATO, à Ixelles, dont le mandat a pris fin à la demande de l'organisation qui l'avait présenté; il achèvera le mandat de son prédécesseur.

Sous-commission paritaire pour le secteur socio-culturel de la Communauté française et germanophone et de la Région wallonne

Par arrêté du Directeur général du 16 février 2007, qui entre en vigueur le 20 février 2007 :

M. Thierry DEMANET, à Namur, membre suppléant de la Sous-commission paritaire pour le secteur socio-culturel de la Communauté française et germanophone et de la Région wallonne, est nommé, en qualité de représentant de l'organisation d'employeurs, membre effectif de cette sous-commission, en remplacement de M. Willy MONFORT, à Seraing, dont le mandat a pris fin à la demande de l'organisation qui l'avait présenté; il achèvera le mandat de son prédécesseur;

M. Christoph AUSSEMS, à Eupen, est nommé, en qualité de représentant de l'organisation d'employeurs, membre suppléant de cette sous-commission, en remplacement de M. Thierry DEMANET, à Namur, qui est nommé membre effectif; il achèvera le mandat de son prédécesseur.

Paritair Comité voor het gas- en elektriciteitsbedrijf

Bij besluit van de Directeur-generaal van 16 februari 2007, dat in werking treedt op 20 februari 2007 :

wordt de heer Michel SCHIFFERS, te Luik, als vertegenwoordiger van de werkgeversorganisatie, tot gewoon lid benoemd van het Paritair Comité voor het gas- en elektriciteitsbedrijf, ter vervanging van Mevr. Anne SCHMITT, te Etterbeek, ontslagnemend gewoon lid, van wie het mandaat hij zal voleindigen;

wordt de heer Vincent VAN DAMME, te Kapellen, als vertegenwoordiger van de werkgeversorganisatie, tot plaatsvervangend lid benoemd van dit comité, ter vervanging van Mevr. Ilse MATTHIJSSENS, te Antwerpen, van wie het mandaat een einde nam op verzoek van de organisatie die haar had voorgedragen; hij zal het mandaat van zijn voorgangster voleindigen.

Paritair Comité voor het gas- en elektriciteitsbedrijf

Bij besluit van de Directeur-generaal van 16 februari 2007, dat in werking treedt op 20 februari 2007 :

wordt de heer Philippe DEMOL, te Brussel, als vertegenwoordiger van een werknemersorganisatie, tot gewoon lid benoemd van het Paritair Comité voor het gas- en elektriciteitsbedrijf, ter vervanging van de heer Marcel DE CEULENEER, te Anderlecht, van wie het mandaat een einde nam op verzoek van de organisatie die hem had voorgedragen; hij zal het mandaat van zijn voorganger voleindigen;

worden de heren Didier NICAISE, te Lessen, en Romain WIJCKMANS, te Brussel, als vertegenwoordigers van een werknemersorganisatie, tot plaatsvervangende leden benoemd van dit comité, respectievelijk ter vervanging van de heer Jean-Pierre LOUIS, te Frameries, en Mevr. Cécile VAN CLAPDURP, te Anderlecht, van wie het mandaat een einde nam op verzoek van de organisatie die hen had voorgedragen; zij zullen het mandaat van hun voorgangers voleindigen.

Paritair Comité voor de socio-culturele sector

Bij besluit van de Directeur-generaal van 16 februari 2007, dat in werking treedt op 20 februari 2007, wordt de heer Jacques CRUL, te Blegny, als vertegenwoordiger van een werkgeversorganisatie, tot gewoon lid benoemd van het Paritair Comité voor de socio-culturele sector, ter vervanging van de heer Willy MONFORT, te Seraing, van wie het mandaat een einde nam op verzoek van de organisatie die hem had voorgedragen; hij zal het mandaat van zijn voorganger voleindigen.

Paritair Comité voor de socio-culturele sector

Bij besluit van de Directeur-generaal van 16 februari 2007, dat in werking treedt op 20 februari 2007, wordt de heer André POITOUX, te Sint-Lambrechts-Woluwe, als vertegenwoordiger van een werknemersorganisatie, tot gewoon lid benoemd van het Paritair Comité voor de socio-culturele sector, ter vervanging van de heer Nicola DONATO, te Elsene, van wie het mandaat een einde nam op verzoek van de organisatie die hem had voorgedragen; hij zal het mandaat van zijn voorganger voleindigen.

Paritair Subcomité voor de socio-culturele sector van de Franstalige en Duitstalige Gemeenschap en het Waalse Gewest

Bij besluit van de Directeur-generaal van 16 februari 2007, dat in werking treedt op 20 februari 2007 :

wordt de heer Thierry DEMANET, te Namen, plaatsvervangend lid van het Paritair Subcomité voor de socio-culturele sector van de Franstalige en Duitstalige Gemeenschap en het Waalse Gewest, als vertegenwoordiger van de werkgeversorganisatie, tot gewoon lid benoemd van dit subcomité, ter vervanging van de heer Willy MONFORT, te Seraing, van wie het mandaat een einde nam op verzoek van de organisatie die hem had voorgedragen; hij zal het mandaat van zijn voorganger voleindigen;

wordt de heer Christoph AUSSEMS, te Eupen, als vertegenwoordiger van de werkgeversorganisatie, tot plaatsvervangend lid benoemd van dit subcomité, ter vervanging van de heer Thierry DEMANET, te Namen, die tot gewoon lid wordt benoemd; hij zal het mandaat van zijn voorganger voleindigen.

SERVICE PUBLIC FEDERAL EMPLOI, TRAVAIL ET CONCERTATION SOCIALE

[2007/12117]

Juridictions du travail. — Nomination

Par arrêté royal du 2 mars 2007, M. Dumont, Roel, est nommé juge social effectif au titre d'employeur au tribunal du travail de Hasselt, en remplacement de Mme Lacroix, Brigitte, dont il achèvera le mandat.

FEDERALE OVERHEIDSDIENST WERKGELEGENHEID, ARBEID EN SOCIAAL OVERLEG

[2007/12117]

Arbeidsgerechten. — Benoeming

Bij koninklijk besluit van 2 maart 2007 is de heer Dumont, Roel, benoemd tot werkend rechter in sociale zaken, als werkgever, bij de arbeidsrechtbank van Hasselt ter vervanging van Mevr. Lacroix, Brigitte, wier mandaat hij zal voleindigen.

SERVICE PUBLIC FEDERAL EMPLOI, TRAVAIL ET CONCERTATION SOCIALE

[2007/12119]

Juridictions du travail. — Nomination

Par arrêté royal du 2 mars 2007, M. Meseure, Danny, est nommé conseiller social effectif au titre d'employeur à la cour du travail de Gand en remplacement de M. Davin, Guy, dont il achèvera le mandat.

FEDERALE OVERHEIDSDIENST WERKGELEGENHEID, ARBEID EN SOCIAAL OVERLEG

[2007/12119]

Arbeidsgerechten. — Benoeming

Bij koninklijk besluit van 2 maart 2007 is de heer Meseure, Danny, benoemd tot werkend raadsheer in sociale zaken, als werkgever, bij het arbeidshof van Gent ter vervanging van de heer Davin, Guy, wiens mandaat hij zal voleindigen.

SERVICE PUBLIC FEDERAL EMPLOI, TRAVAIL ET CONCERTATION SOCIALE

[2007/12116]

Juridictions du travail. — Démission

Par arrêté royal du 2 mars 2007, démission honorable de ses fonctions de conseiller social effectif au titre d'employeur à la cour du travail d'Anvers est accordée à M. Cloostermans, Herman, à la fin du mois de juillet 2007, au cours duquel il atteindra la limite d'âge.

L'intéressé est autorisé à porter le titre honorifique de ses fonctions.

FEDERALE OVERHEIDSDIENST WERKGELEGENHEID, ARBEID EN SOCIAAL OVERLEG

[2007/12116]

Arbeidsgerechten. — Ontslag

Bij koninklijk besluit van 2 maart 2007 wordt aan de heer Cloostermans, Herman, op het einde van de maand juli 2007, in de loop van dewelke hij de leeftijdsgrens zal bereiken, eervol ontslag verleend uit het ambt van werkend raadsheer in sociale zaken, als werkgever, bij het arbeidshof van Antwerpen.

Belanghebbende wordt ertoe gemachtigd de eretitel van het ambt te voeren.

SERVICE PUBLIC FEDERAL EMPLOI, TRAVAIL ET CONCERTATION SOCIALE

[2007/12113]

Juridictions du travail. — Démission

Par arrêté royal du 2 mars 2007, démission honorable de ses fonctions de conseiller social effectif au titre d'employeur à la cour du travail d'Anvers est accordée à M. Vleeschdrager, Eddy, à la fin du mois d'août 2007, au cours duquel il atteindra la limite d'âge.

L'intéressé est autorisé à porter le titre honorifique de ses fonctions.

FEDERALE OVERHEIDSDIENST WERKGELEGENHEID, ARBEID EN SOCIAAL OVERLEG

[2007/12113]

Arbeidsgerechten. — Ontslag

Bij koninklijk besluit van 2 maart 2007 wordt aan de heer Vleeschdrager, Eddy, op het einde van de maand augustus 2007, in de loop van dewelke hij de leeftijdsgrens zal bereiken, eervol ontslag verleend uit het ambt van werkend raadsheer in sociale zaken, als werkgever, bij het arbeidshof van Antwerpen.

Belanghebbende wordt ertoe gemachtigd de eretitel van het ambt te voeren.

SERVICE PUBLIC FEDERAL SECURITE SOCIALE

[2007/22234]

26 JANVIER 2007. — Arrêté royal attribuant une filière de métiers aux fonctionnaires dirigeants de niveau A de l'Institut national d'assurance maladie-invalidité

ALBERT II, Roi des Belges,
A tous, présents et à venir, Salut.

Vu la loi du 25 avril 1963 sur la gestion des organismes d'intérêt public de sécurité sociale et de prévoyance sociale, notamment l'article 9;

FEDERALE OVERHEIDSDIENST SOCIALE ZEKERHEID

[2007/22234]

26 JANUARI 2007. — Koninklijk besluit tot toewijzing van een vakrichting aan de leidende ambtenaren van niveau A van het Rijksinstituut voor ziekte- en invaliditeitsverzekering

ALBERT II, Koning der Belgen,
Aan allen die nu zijn en hierna wezen zullen, Onze Groet.

Gelet op de wet van 25 april 1963 betreffende het beheer van de instellingen van openbaar nut voor sociale zekerheid en sociale voorzorg, inzonderheid op artikel 9;

Vu l'arrêté royal du 24 janvier 2002 fixant le statut du personnel des institutions publiques de sécurité sociale;

Vu l'arrêté royal du 8 janvier 1973 fixant le statut du personnel de certains organismes d'intérêt public, notamment l'article 3, § 1er, 1° et 15°, rétabli par l'arrêté royal du 4 août 2004;

Vu l'arrêté royal du 2 octobre 1937 portant le statut des agents de l'Etat, notamment l'article 3, remplacé par l'arrêté royal du 4 août 2004;

Vu l'arrêté royal du 4 août 2004 relatif à la carrière du niveau A des agents de l'Etat, notamment l'article 224, modifié par l'arrêté royal du 4 mai 2005;

Vu l'accord de Notre Ministre de la Fonction publique, donné le 9 janvier 2006;

Sur la proposition de Notre Ministre des Affaires sociales,

Nous avons arrêté et arrêtons :

Article 1er. En exécution de l'article 224, § 1er, alinéa 1er, de l'arrêté royal du 4 août 2004 relatif à la carrière A des agents de l'Etat, modifié par l'arrêté royal du 4 mai 2005, la filière de métiers Gestion générale est attribuée à M. De Cock, Johan (N), classe A5.

Art. 2. Le présent arrêté produit ses effets le 1er décembre 2004.

Art. 3. Notre Ministre des Affaires sociales est chargé de l'exécution du présent arrêté.

Donné à Bruxelles, le 26 janvier 2007.

ALBERT

Par le Roi :

Le Ministre des Affaires sociales,
R. DEMOTTE

Gelet op het koninklijk besluit van 24 januari 2002 houdende vaststelling van het statuut van het personeel van de openbare instellingen van sociale zekerheid;

Gelet op het koninklijk besluit van 8 januari 1973 tot vaststelling van het statuut van het personeel van sommige instellingen van openbaar nut, inzonderheid op artikel 3, § 1, 1° en 15°, hersteld bij het koninklijk besluit van 4 augustus 2004;

Gelet op het koninklijk besluit van 2 oktober 1937 houdende het statuut van het Rijkspersoneel, inzonderheid op artikel 3, vervangen bij het koninklijk besluit van 4 augustus 2004;

Gelet op het koninklijk besluit van 4 augustus 2004 betreffende de loopbaan van niveau A van het Rijkspersoneel, inzonderheid op artikel 224, gewijzigd bij het koninklijk besluit van 4 mei 2005;

Gelet op de akkoordbevinding van Onze Minister van Ambtenarenzaken van 9 januari 2006;

Op de voordracht van Onze Minister van Sociale Zaken,

Hebben Wij besloten en besluiten Wij :

Artikel 1. In uitvoering van artikel 224, § 1, eerste lid, van het koninklijk besluit van 4 augustus 2004 betreffende de loopbaan A van het Rijkspersoneel, gewijzigd bij koninklijk besluit van 4 mei 2005, wordt de vakrichting Algemeen beheer toegewezen aan de heer DE Cock, Johan (N), klasse A5.

Art. 2. Dit besluit heeft uitwerking met ingang van 1 december 2004.

Art. 3. Onze Minister van Sociale Zaken is belast met de uitvoering van dit besluit.

Gegeven te Brussel, 26 januari 2007.

ALBERT

Van Koningswege :

De Minister van Sociale Zaken,
R. DEMOTTE

SERVICE PUBLIC FEDERAL SECURITE SOCIALE

[2007/22319]

Caisse auxiliaire d'assurance maladie-invalidité Comitéde gestion Démission et nomination d'un membre suppléant

Par arrêté royal du 15 février 2007, qui entre en vigueur le jour de la présente publication :

- démission honorable de son mandat de membre suppléant du Comité de gestion de la Caisse auxiliaire d'assurance maladie-invalidité est accordée à M. Jef Maes;

- Mme Celien Vanmoerkerke est nommée en qualité de membre suppléant du Comité de gestion de la Caisse auxiliaire précitée, au titre de représentante des organisations représentatives des travailleurs, en remplacement de M. Jef Maes, dont elle achèvera le mandat.

FEDERALE OVERHEIDSDIENST SOCIALE ZEKERHEID

[2007/22319]

Hulpkas voor ziekte- en invaliditeitsverzekering. — Beheerscomité Ontslag en benoeming van een plaatsvervangend lid

Bij koninklijk besluit van 15 februari 2007, dat in werking treedt de dag van deze bekendmaking :

- wordt eervol ontslag uit zijn mandaat van plaatsvervangend lid van het Beheerscomité van de Hulpkas voor ziekte- en invaliditeitsverzekering verleend aan de heer Jef Maes;

- wordt Mevr. Celien Vanmoerkerke, benoemd tot plaatsvervangend lid van het Beheerscomité van voornoemde Hulpkas, in de hoedanigheid van vertegenwoordigster van de representatieve werknemersorganisaties, ter vervanging van de heer Jef Maes, wiens mandaat zij zal voleindigen.

SERVICE PUBLIC FEDERAL ECONOMIE, P.M.E., CLASSES MOYENNES ET ENERGIE

[C − 2007/11086]

16 FEVRIER 2007. — Arrêté ministériel modifiant la liste des unités d'établissement d'un Guichet d'Entreprises agréé

La Ministre des Classes moyennes et de l'Agriculture,

Vu la loi du 16 janvier 2003 portant création d'une Banque-Carrefour des Entreprises, modernisation du Registre de Commerce, création de Guichets d'Entreprises agréés et portant diverses dispositions, notamment les articles 42, 45 et 46;

FEDERALE OVERHEIDSDIENST ECONOMIE, K.M.O., MIDDENSTAND EN ENERGIE

[C − 2007/11086]

16 FEBRUARI 2007. — Ministerieel besluit tot wijziging van de lijst van vestigingseenheden van een erkend Ondernemingsloket

De Minister van Middenstand en Landbouw,

Gelet op de wet van 16 januari 2003 tot oprichting van een Kruispuntbank van Ondernemingen, tot modernisering van het Handelsregister, tot oprichting van erkende Ondernemingsloketten en houdende diverse bepalingen, inzonderheid op de artikelen 42, 45 en 46;

Vu l'arrêté ministériel du 19 mai 2003 fixant les modes de preuve de la compétence professionnelle des Guichets d'Entreprises agréés;

Vu l'arrêté ministériel du 11 juin 2003 agréant en tant que Guichet d'Entreprises l'association sans but lucratif ESPACE INDEPENDANT – H.D.P. GUICHET D'ENTREPRISES, dont le siège social est établi rue Botanique 67-75, à 1210 Bruxelles (Saint-Josse-ten-Noode), modifié en dernier lieu par l'arrêté ministériel du 15 mars 2006;

Vu la demande du 27 janvier 2007, introduite par l'association sans but lucratif ESPACE INDEPENDANT – H.D.P. GUICHET D'ENTREPRISES, afin de modifier l'adresse des unités d'établissement établies Patijntjestraat 270, à 9000 Gent, et rue d'Havré 29, à 7000 Mons,

Arrête :

Article unique. La liste des unités d'établissement de l'association sans but lucratif ESPACE INDEPENDANT – H.D.P. GUICHET D'ENTREPRISES, dont le siège social est établi rue Botanique 67-75, à 1210 Bruxelles (Saint-Josse-ten-Noode), mentionnée dans l'arrêté ministériel du 11 juin 2003 et modifiée en dernier lieu le 15 mars 2006, est remplacée par la liste suivante :

Watermolenstraat 18, 9320 Aalst (Erembodegem)
Frankrijklei 39, 2000 Antwerpen
Gistelsesteenweg 17, 8200 Brugge (Sint-Andries)
Rue Botanique 67-75, 1210 Bruxelles (Saint-Josse-ten-Noode)
Place des Tramways 9/2, 6000 Charleroi
Stationsstraat 41, 9900 Eeklo
Rue Pierquin 18, 5030 Gembloux
Astridlaan 185, 9000 Gent
Industriepark Drongen 5, 9031 Gent (Drongen)
Thonissenlaan 56/A, 3500 Hasselt
President Kennedypark 31/A, 8500 Kortrijk
Place de la Cathédrale 16/2, 4000 Liège
Grand-Place 10, 7000 Mons
Rue de Bruxelles 51, 1400 Nivelles
Euphrosina Beernaertstraat 104, 8400 Oostende
Stationsstraat 11, 9600 Ronse
Plezantstraat 161, 9100 Sint-Niklaas
Parklaan 59/3, 1930 Zaventem

Bruxelles, le 16 février 2007.

Mme S. LARUELLE

Gelet op het ministerieel besluit van 19 mei 2003 tot bepaling van de bewijsmodaliteiten van de beroepsbekwaamheid van de erkende Ondernemingsloketten;

Gelet op het ministerieel besluit van 11 juni 2003 tot erkenning als Ondernemingsloket van de vereniging zonder winstoogmerk KONTAKTPUNT K.M.O. – H.D.P. ONDERNEMINGSLOKET, waarvan de maatschappelijke zetel gevestigd is te 1210 Brussel (Sint-Joost-ten-Node), Kruidtuinstraat 67-75, laatst gewijzigd bij het ministerieel besluit van 15 maart 2006;

Gelet op de aanvraag van 27 januari 2007, ingediend door de vereniging zonder winstoogmerk KONTAKTPUNT K.M.O. – H.D.P. ONDERNEMINGSLOKET, teneinde het adres van de vestigingseenheden gevestigd te 9000 Gent, Patijntjestraat 270, en te 7000 Mons, rue d'Havré 29, te wijzigen,

Besluit :

Enig artikel. De lijst van de vestigingseenheden van de vereniging zonder winstoogmerk KONTAKTPUNT K.M.O. – H.D.P. ONDERNEMINGSLOKET, waarvan de maatschappelijke zetel gevestigd is te 1210 Brussel (Sint-Joost-ten-Node), Kruidtuinstraat 67-75, vermeld in het ministerieel besluit van 11 juni 2003 en laatst gewijzigd op 15 maart 2006, wordt vervangen als volgt :

Watermolenstraat 18, 9320 Aalst (Erembodegem)
Frankrijklei 39, 2000 Antwerpen
Gistelsesteenweg 17, 8200 Brugge (Sint-Andries)
Kruidtuinstraat 67-75, 1210 Brussel (Sint-Joost-ten-Node)
Place des Tramways 9/2, 6000 Charleroi
Stationsstraat 41, 9900 Eeklo
Rue Pierquin 18, 5030 Gembloux
Astridlaan 185, 9000 Gent
Industriepark Drongen 5, 9031 Gent (Drongen)
Thonissenlaan 56/A, 3500 Hasselt
President Kennedypark 31/A, 8500 Kortrijk
Place de la Cathédrale 16/2, 4000 Liège
Grand-Place 10, 7000 Mons
Rue de Bruxelles 51, 1400 Nivelles
Euphrosina Beernaertstraat 104, 8400 Oostende
Stationsstraat 11, 9600 Ronse
Plezantstraat 161, 9100 Sint-Niklaas
Parklaan 59/3, 1930 Zaventem

Brussel, 16 februari 2007.

Mevr. S. LARUELLE

SERVICE PUBLIC FEDERAL ECONOMIE, P.M.E., CLASSES MOYENNES ET ENERGIE

[C − 2007/11099]

23 FEVRIER 2007. — Arrêté ministériel prorogeant l'arrêté ministériel du 13 février 2004 portant octroi à la SA C-POWER d'une autorisation de pose de deux câbles d'énergie électrique de 150 kV pour le raccordement au réseau électrique des installations de production d'électricité à partir des vents faisant l'objet de la concession domaniale (Thorntonbank) délivrée par l'arrêté ministériel du 27 juin 2003, ainsi que des câbles d'énergie électrique de 36 kV entre ces installations

Le Ministre de l'Energie,

Vu la loi du 13 juin 1969 sur l'exploration et l'exploitation des ressources non vivantes de la mer territoriale et du plateau continental, notamment l'article 4, remplacé par la loi du 22 avril 1999, et l'article 5, modifié par la loi du 22 avril 1999;

Vu la loi du 22 avril 1999 concernant la zone économique exclusive de la Belgique en Mer du Nord, notamment l'article 38;

FEDERALE OVERHEIDSDIENST ECONOMIE, K.M.O., MIDDENSTAND EN ENERGIE

[C − 2007/11099]

23 FEBRUARI 2007. — Ministerieel besluit tot verlenging van het ministerieel besluit van 13 februari 2004 houdende toekenning aan de NV C-POWER van een vergunning voor de aanleg van twee elektriciteitskabels van 150 kV voor de aansluiting op het elektriciteitsnet van de installaties voor productie van elektriciteit uit wind die het voorwerp uitmaken van de domeinconcessie (Thorntonbank) afgeleverd bij ministerieel besluit van 27 juni 2003 alsook van elektriciteitskabels van 36 kV tussen deze installaties

De Minister van Energie,

Gelet op de wet van 13 juni 1969 inzake de exploratie en de exploitatie van niet-levende rijkdommen van de territoriale zee en het continentaal plat, inzonderheid op artikel 4, vervangen bij de wet van 22 april 1999 en artikel 5, gewijzigd bij de wet van 22 april 1999;

Gelet op de wet van 22 april 1999 betreffende de exclusieve economische zone van België in de Noordzee, inzonderheid op artikel 38;

Vu l'arrêté royal du 12 mars 2002 relatif aux modalités de pose de câbles d'énergie électrique qui pénètrent dans la mer territoriale ou dans le territoire national ou qui sont installés ou utilisés dans le cadre de l'exploration du plateau continental, de l'exploitation des ressources minérales et autres ressources non vivantes ou de l'exploitation d'îles artificielles, d'installations ou d'ouvrages relevant de la juridiction belge, notamment l'article 14;

Vu l'arrêté ministériel du 13 février 2004 portant octroi à la SA C-POWER d'une autorisation de pose de deux câbles d'énergie électrique de 150 kV pour le raccordement au réseau électrique des installations de production d'électricité à partir des vents faisant l'objet de la concession domaniale (Thorntonbank) délivrée par l'arrêté ministériel du 27 juin 2003, ainsi que des câbles d'énergie électrique de 36 kV entre ces installations;

Vu la demande de la SA C-POWER du 17 janvier 2007 visant à obtenir une prorogation de l'arrêté ministériel du 13 février 2004 précité;

Considérant que l'article 14 de l'arrêté royal du 12 mars 2002 précité prévoit que l'autorisation octroyée est périmée si le bénéficiaire n'a pas entamé les activités de pose dans un délai de trois ans à compter de sa notification, mais qu'à sa demande, elle peut être prorogée pour une période de deux ans; que la notification de l'arrêté ministériel du 13 février 2004 précité a été effectuée le 5 mars 2004,

Arrête :

Article 1er. L'arrêté ministériel du 13 février 2004 portant octroi à la SA C-POWER d'une autorisation de pose de deux câbles d'énergie électrique de 150 kV pour le raccordement au réseau électrique des installations de production d'électricité à partir des vents faisant l'objet de la concession domaniale (Thorntonbank) délivrée par l'arrêté ministériel du 27 juin 2003, ainsi que des câbles d'énergie électrique de 36 kV entre ces installations, est prorogé jusqu'au 5 mars 2009.

Art. 2. Expédition certifiée conforme du présent arrêté est adressée à la SA C-POWER.

Art. 3. Expédition certifiée conforme du présent arrêté est adressée aux administrations représentées au sein de la commission consultative établie par l'arrêté royal du 12 août 2000 instituant la commission consultative chargée d'assurer la coordination entre les administrations concernées par la gestion d'exploration et de l'exploitation du plateau continental et de la mer territoriale et en fixant les modalités et les frais de fonctionnement.

Bruxelles, le 23 février 2007.

M. VERWILGHEN

Gelet op het koninklijk besluit van 12 maart 2002 betreffende de nadere regels voor het leggen van elektriciteitskabels die in de territoriale zee of het nationaal grondgebied binnenkomen of die geplaatst of gebruikt worden in het kader van de exploratie van het continentaal plat, de exploitatie van de minerale rijkdommen en andere niet-levende rijkdommen daarvan of van de werkzaamheden van kunstmatige eilanden, installaties of inrichtingen die onder Belgische rechtsmacht vallen, inzonderheid op artikel 14;

Gelet op het ministerieel besluit van 13 februari 2004 houdende toekenning aan de NV C-POWER van een vergunning voor de aanleg van twee elektriciteitskabels van 150 kV voor de aansluiting op het elektriciteitsnet van de installaties voor productie van elektriciteit uit wind die het voorwerp uitmaken van de domeinconcessie (Thorntonbank) afgeleverd bij ministerieel besluit van 27 juni 2003 alsook van elektriciteitskabels van 36 kV tussen deze installaties;

Gelet op de aanvraag van de NV C-POWER van 17 januari 2007 voor het bekomen van een verlenging van het voornoemd ministerieel besluit van 13 februari 2004;

Overwegend dat het artikel 14 van het voornoemd koninklijk besluit van 12 maart 2002 voorziet dat de toegekende vergunning vervalt indien de begunstigde de activiteiten niet heeft aangevangen binnen een termijn van drie jaar te rekenen vanaf de betekening van de vergunning, maar dat zij op zijn verzoek kan worden verlengd voor een periode van twee jaar; dat de betekening van het voornoemd ministerieel besluit van 13 februari 2004 werd uitgevoerd op 5 maart 2004,

Besluit :

Artikel 1. Het ministerieel besluit van 13 februari 2004 houdende toekenning van een vergunning aan de NV C-POWER voor de aanleg van twee elektriciteitskabels van 150 kV voor de aansluiting op het elektriciteitsnet van de installaties voor de productie van elektriciteit uit wind die het voorwerp uitmaken van de domeinconcessie (Thorntonbank) afgeleverd bij ministerieel besluit van 27 juni 2003, alsook van elektriciteitskabels van 36 kV tussen deze installaties, wordt verlengd tot 5 maart 2009.

Art. 2. Een voor eensluidend verklaard afschrift van dit besluit wordt gericht aan de NV C-POWER.

Art. 3. Een voor eensluidend verklaard afschrift van dit besluit wordt gericht aan de administraties die vertegenwoordigd zijn binnen de raadgevende commissie die is opgericht bij het koninklijk besluit van 12 augustus 2000 tot instelling van de raadgevende commissie belast met de coördinatie tussen de administraties die betrokken zijn bij het beheer van de exploratie en de exploitatie van het continentaal plat en van de territoriale zee en tot vaststelling van de werkingsmodaliteiten en -kosten ervan.

Brussel, 23 februari 2007.

M. VERWILGHEN

SERVICE PUBLIC FEDERAL ECONOMIE, P.M.E., CLASSES MOYENNES ET ENERGIE

[C − 2007/11097]

23 FEVRIER 2007. — Arrêté ministériel n° 37 portant confirmation d'agréation d'une entreprise pratiquant la location-financement

Le Ministre de l'Economie,

Vu l'arrêté royal n° 55 du 10 novembre 1967 organisant le statut juridique des entreprises pratiquant la location-financement, modifié par la loi du 11 février 1994, notamment l'article 2;

FEDERALE OVERHEIDSDIENST ECONOMIE, K.M.O., MIDDENSTAND EN ENERGIE

[C − 2007/11097]

23 FEBRUARI 2007. — Ministerieel besluit nr. 37 houdende bevestiging van erkenning van een onderneming gespecialiseerd in financieringshuur

De Minister van Economie,

Gelet op het koninklijk besluit nr. 55 van 10 november 1967 tot regeling van het juridisch statuut der ondernemingen gespecialiseerd in financieringshuur, gewijzigd bij de wet van 11 februari 1994, inzonderheid op artikel 2;

Vu l'arrêté ministériel du 23 février 1968 déterminant les conditions d'agréation des entreprises pratiquant la location-financement dont le statut juridique a été organisé par l'arrêté royal n° 55 du 10 novembre 1967,

Arrête :

Article 1er. L' entreprise nommément désignée ci-après, initialement agréée sous le nom Fima-Lease SA, est confirmée sous le numéro figurant en regard de son nom sous sa nouvelle dénomination, en vue de pratiquer les opérations visées à l'article 2 de l'arrêté royal n° 55 du 10 novembre 1967 organisant le statut juridique des entreprises pratiquant la location-financement :

214 AASTRA LEASE SA
RUE DE LA GRENOUILLETTE 2*B*
1130 BRUXELLES
ONDERNEMINGSNUMMER/NUMERO D'ENTREPRISE :
0436.075.772

Art. 2. Le présent arrêté entre en vigueur le 23 février 2007.

Bruxelles, le 23 février 2007.

M. VERWILGHEN

Gelet op het ministerieel besluit van 23 februari 1968 tot bepaling van de voorwaarden tot erkenning van de ondernemingen gespecialiseerd in financieringshuur, en waarvan het juridisch statuut door het koninklijk besluit nr. 55 van 10 november 1967 geregeld wordt,

Besluit :

Artikel 1. De volgende met name hierna aangeduide onderneming, oorspronkelijk erkend onder de benaming Fima-Lease NV, wordt bevestigd onder het nummer voor haar naam onder haar nieuwe benaming, met het oog op het uitoefenen van activiteiten bedoeld in artikel 2 van het koninklijk besluit nr. 55 van 10 november 1967 tot regeling van het juridisch statuut der ondernemingen gespecialiseerd in financieringshuur :

214 AASTRA LEASE SA
RUE DE LA GRENOUILLETTE 2*B*
1130 BRUXELLES
ONDERNEMINGSNUMMER/NUMERO D'ENTREPRISE :
0436.075.772

Art. 2. Dit besluit treedt in werking op 23 februari 2007.

Brussel, 23 februari 2007.

M. VERWILGHEN

SERVICE PUBLIC FEDERAL ECONOMIE, P.M.E., CLASSES MOYENNES ET ENERGIE

[C − 2007/11098]

23 FEVRIER 2007. — Arrêté ministériel n° 38 portant retrait et confirmation d'agréation d'entreprises pratiquant la location-financement

Le Ministre de l'Economie,

Vu l'arrêté royal n° 55 du 10 novembre 1967 organisant le statut juridique des entreprises pratiquant la location-financement, modifié par la loi du 11 février 1994, notamment l'article 2;

Vu l'arrêté ministériel du 23 février 1968 déterminant les conditions d'agréation des entreprises pratiquant la location-financement dont le statut juridique a été organisé par l'arrêté royal n° 55 du 10 novembre 1967,

Arrête :

Article 1er. L'agréation de l'entreprise nommément désignée ci-après est retirée, celle-ci ayant fait l'objet d'une dissolution anticipée :

317 franfinance Belgium NV,
Coremansstraat 34,
2600 Berchem,
ondernemingsnummer/numéro d'entreprise :
0463.778.279.

Art. 2. L'entreprise nommément désignée ci-après, initialement agréée sous le nom COMPUTERS SERVICES & LEASING SA, est confirmée sous le numéro figurant en regard de son nom sous sa nouvelle dénomination, en vue de pratiquer les opérations visées à l'article 2 de l'arrêté royal n° 55 du 10 novembre 1967 organisant le statut juridique des entreprises pratiquant la location-financement :

227 CHG-Méridian computer leasing Belgium SA,
boulevard Général Wahis 238,
1030 Bruxelles,
ondernemingsnummer/numéro d'entreprise :
0420.890.621.

Art. 3. Le présent arrêté entre en vigueur le 23 février 2007.

Bruxelles, le 23 février 2007.

M. VERWILGHEN

FEDERALE OVERHEIDSDIENST ECONOMIE, K.M.O., MIDDENSTAND EN ENERGIE

[C − 2007/11098]

23 FEBRUARI 2007. — Ministerieel besluit nr. 38 houdende schrapping en bevestiging van erkenning van ondernemingen gespecialiseerd in financieringshuur

De Minister van Economie,

Gelet op het koninklijk besluit nr. 55 van 10 november 1967 tot regeling van het juridisch statuut der ondernemingen gespecialiseerd in financieringshuur, gewijzigd bij de wet van 11 februari 1994, inzonderheid op artikel 2;

Gelet op het ministerieel besluit van 23 februari 1968 tot bepaling van de voorwaarden tot erkenning van de ondernemingen gespecialiseerd in financieringshuur, en waarvan het juridisch statuut door het koninklijk besluit nr. 55 van 10 november 1967 geregeld wordt,

Besluit :

Artikel 1. De erkenning van de volgende met name hierna aangeduide onderneming wordt ingetrokken daar zij het voorwerp uitmaakte van een vervroegde ontbinding :

317 Franfinance Belgium NV,
Coremansstraat 34,
2600 Berchem,
Ondernemingsnummer/numéro d'entreprise
0463.778.279.

Art. 2. De volgende met name hierna aangeduide onderneming, oorspronkelijk erkend onder de benaming COMPUTERS SERVICES & LEASING NV, wordt bevestigd onder het nummer voor haar naam onder haar nieuwe benaming, met het oog op het uitoefenen van activiteiten bedoeld in artikel 2 van het koninklijk besluit nr. 55 van 10 november 1967 tot regeling van het juridisch statuut der ondernemingen gespecialiseerd in financieringshuur :

227 CHG-Méridian computer leasing Belgium SA,
boulevard Général Wahis 238,
1030 Bruxelles,
ondernemingsnummer/numéro d'entreprise :
0420.890.621.

Art. 3. Dit besluit treedt in werking op 23 februari 2007.

Brussel, 23 februari 2007.

M. VERWILGHEN

GOUVERNEMENTS DE COMMUNAUTE ET DE REGION
GEMEENSCHAPS- EN GEWESTREGERINGEN
GEMEINSCHAFTS- UND REGIONALREGIERUNGEN

VLAAMSE GEMEENSCHAP — COMMUNAUTE FLAMANDE

VLAAMSE OVERHEID

Ruimtelijke Ordening, Woonbeleid en Onroerend Erfgoed

[2007/35388]

Ruimtelijke ordening. — Gemeentelijk ruimtelijk uitvoeringsplan. — Provincie Limburg

ALKEN. — Bij besluit van 1 februari 2007 heeft de deputatie van de provincie Limburg het gemeentelijk ruimtelijk uitvoeringsplan « Centrum III », dat definitief vastgesteld werd door de gemeenteraad van Alken in zitting van 30 november 2006 en dat een memorie van toelichting, een plan bestaande feitelijke toestand, een plan bestaande juridische toestand, een bestemmingsplan en stedenbouwkundige voorschriften bevat, goedgekeurd.

VLAAMSE OVERHEID

Ruimtelijke Ordening, Woonbeleid en Onroerend Erfgoed

[2007/35387]

Ruimtelijke ordening. — Gemeentelijk ruimtelijk structuurplan. — Provincie Limburg

HECHTEL-EKSEL. — Bij besluit van 1 maart 2007 heeft de deputatie van de provincie Limburg het gemeentelijk ruimtelijk structuurplan, definitief vastgesteld door de gemeenteraad van Hechtel-Eksel in zitting van 30 november 2006 en dat een informatief, een richtinggevend en een bindend gedeelte bevat, goedgekeurd mits aan de in het overwegend gedeelte van het goedkeuringsbesluit opgenomen opmerkingen wordt tegemoet gekomen met uitsluiting van :

— de ontwikkelingsperspectieven met betrekking tot handel, horeca en diensten en vermeerdering van het aantal woongelegenheden voor gewone zonevreemde woningen en zoals met blauw doorstreept in het « beleidskader zonevreemde woningen » (kaartenbundel);

— figuur 13 « ontwikkelingsrichting bedrijvenzone Borgveld » uit de kaartenbundel en zoals met blauw doorstreept.

VLAAMSE OVERHEID

Ruimtelijke Ordening, Woonbelied en Onroerend Erfgoed

[2007/35389]

Ruimtelijke ordening. — Gemeentelijk ruimtelijk uitvoeringsplan. — Provincie Oost-Vlaanderen

GAVERE. — Bij besluit van 15 februari 2007 heeft de deputatie van de provincie Oost-Vlaanderen het gemeentelijk ruimtelijk uitvoeringsplan « Belgometal » van de gemeente Gavere, bestaande uit een toelichtingsnota, een plan bestaande en juridische toestand, grafisch plan en stedenbouwkundige voorschriften, goedgekeurd.

VLAAMSE OVERHEID

Ruimtelijke Ordening, Woonbeleid en Onroerend Erfgoed

[2007/35390]

Ruimtelijke ordening. — Gemeentelijk ruimtelijk uitvoeringsplan. — Provincie Oost-Vlaanderen

ZULTE. — Bij besluit van 1 maart 2007 heeft de deputatie van de provincie Oost-Vlaanderen het gemeentelijk ruimtelijk uitvoeringsplan « Oudenaardestraat » van de gemeente Zulte bestaande uit een toelichtingsnota, plan bestaande en juridische toestand, grafisch plan en stedenbouwkundige voorschriften goedgekeurd met uitsluiting van volgende bepalingen (deze zijn in de bundel met stedenbouwkundige voorschriften met rood omrand) :

— de bepaling (...) « 1 tennisterrein » (...) in artikel 3.2.6. van de stedenbouwkundige voorschriften voor de zone voor woonkorrels in agrarisch gebied;

— de bepaling (...) « en stapelen van goederen in open lucht. » in de bestemmingsvoorschriften voor de zone voor parkeerplaatsen, toeritten, laad- en losplaatsen in deelplan 2 « IMET »;

— de bepaling (...) « en stapelen van goederen in open lucht. » in de bestemmingsvoorschriften voor de zone voor parkeerplaatsen, toeritten, laad- en losplaatsen in deelplan 4 « Accountantskantoor Vandorpe en Co »;

— de bepaling (...) « en stapelen van goederen in open lucht. » in de bestemmingsvoorschriften voor de zone voor parkeerplaatsen, toeritten, laad- en losplaatsen in deelplan 7 « Stoomtechniek CVBA »;

— de bepaling (...) « en stapelen van goederen in open lucht. » in de bestemmingsvoorschriften voor de zone voor parkeerplaatsen, toeritten, laad- en losplaatsen in deelplan 11 « Naessens Management ».

COMMUNAUTE FRANÇAISE — FRANSE GEMEENSCHAP

MINISTERE DE LA COMMUNAUTE FRANÇAISE

[2007/200712]

25 JANVIER 2007. — Arrêté du Gouvernement de la Communauté française modifiant l'arrêté du Gouvernement de la Communauté française du 8 juillet 2005 portant désignation des présidents et membres du personnel composant la commission interzonale et les Commissions zonales d'affectation créées en application de l'article 14*sexies* et 14*septies* de l'arrêté royal du 22 mars 1969 fixant le statut des membres du personnel directeur et enseignant, du personnel auxiliaire d'éducation, du personnel paramédical des établissements d'enseignement gardien, primaire, spécial, moyen, technique, de promotion sociale et artistique de l'Etat, des internats dépendant de ces établissements et des membres du personnel du service d'inspection chargé de la surveillance de ces établissements

Le Gouvernement de la Communauté française,

Vu la loi du 22 juin 1964 relative au statut des membres du personnel de l'enseignement de l'Etat, telle que modifiée;

Vu l'arrêté royal du 22 mars 1969 fixant le statut des membres du personnel directeur et enseignant, du personnel auxiliaire d'éducation, du personnel paramédical des établissements d'enseignement gardien, primaire, spécial, moyen, technique, de promotion sociale et artistique de l'Etat, des internats dépendant de ces établissements et des membres du personnel du service d'inspection chargé de la surveillance de ces établissements, notamment l'article 14sexies, inséré par l'arrêté du Gouvernement de la Communauté française du 12 janvier 1998, remplacé par les décrets du 17 mai 1999 et 03 mars 2004 et l'article 14*septies*, inséré par le décret du 17 mai 1999, remplacé par le décret du 3 mars 2004;

Vu l'arrêté du Gouvernement de la Communauté française du 8 juillet 2005 portant désignation des présidents et membres du personnel composant la commission interzonale et les Commissions zonales d'affectation créées en application de l'article 14sexies et 14septies de l'arrêté royal du 22 mars 1969 fixant le statut des membres du personnel directeur et enseignant, du personnel auxiliaire d'éducation, du personnel paramédical des établissements d'enseignement gardien, primaire, spécial, moyen, technique, de promotion sociale et artistique de l'Etat, des internats dépendant de ces établissements et des membres du personnel du service d'inspection chargé de la surveillance de ces établissements;

Sur la proposition de la Ministre-Présidente, chargée de l'Enseignement obligatoire et de Promotion sociale, de la Vice-Présidente et Ministre de l'Enseignement supérieur, de la Recherche scientifique et des Relations internationales et du Ministre de la Fonction publique et des Sports,

Arrête :

Article 1er. A l'article 1er, 5°, de l'arrêté du Gouvernement de la Communauté française du 8 juillet 2005 portant désignation des présidents et membres du personnel composant la commission interzonale et les Commissions zonales d'affectation créées en application de l'article 14*sexies* et 14*septies* de l'arrêté royal du 22 mars 1969 fixant le statut des membres du personnel directeur et enseignant, du personnel auxiliaire d'éducation, du personnel paramédical des établissements d'enseignement gardien, primaire, spécial, moyen, technique, de promotion sociale et artistique de l'Etat, des internats dépendant de ces établissements et des membres du personnel du service d'inspection chargé de la surveillance de ces établissements, les mots : « M. Robert MANCHON » sont remplacés par les mots : « Mme Jacqueline MURET »

Art. 2. A l'article 9, 1°, de l'arrêté du Gouvernement de la Communauté française du 8 juillet 2005 portant désignation des présidents et membres du personnel composant la commission interzonale et les Commissions zonales d'affectation créées en application de l'article 14*sexies* et 14*septies* de l'arrêté royal du 22 mars 1969 fixant le statut des membres du personnel directeur et enseignant, du personnel auxiliaire d'éducation, du personnel paramédical des établissements d'enseignement gardien, primaire, spécial, moyen, technique, de promotion sociale et artistique de l'Etat, des internats dépendant de ces établissements et des membres du personnel du service d'inspection chargé de la surveillance de ces établissements, les mots : « M. Félicien DE LAET, Directeur général à la Direction générale des Personnels de l'Enseignement de la Communauté française » sont remplacés par les mots : « M. Bernard GORET, Directeur général ff de la direction générale des personnels de l'Enseignement de la Communauté française » et les mots : « M. Bernard GORET, Directeur général adjoint de la direction générale des personnels de l'Enseignement de la Communauté française » sont remplacés par les mots : « Mme Lise-Anne Hanse, Directrice générale de l'Enseignement obligatoire. ».

Art. 3. A l'article 9, 7° de l'arrêté du Gouvernement de la Communauté française du 8 juillet 2005 précité, les mots : « M. Robert MANCHON » sont remplacés par les mots : « Mme Jacqueline MURET ».

Art. 4. Le présent arrêté entre en vigueur le jour de sa signature.

Art. 5. La Ministre de l'Enseignement obligatoire et de Promotion sociale est chargée de l'exécution du présent arrêté.

Bruxelles, le 25 janvier 2007.

Par le Gouvernement de la Communauté française :

La Ministre-Présidente,
chargée de l'Enseignement obligatoire et de Promotion sociale,
Mme M. ARENA

La Vice-Présidente
et Ministre de l'Enseignement supérieur, de la Recherche scientifique et des Relations internationales,
Mme M.-D. SIMONET

Le Ministre de la Fonction publique et des Sports,
C. EERDEKENS

VERTALING

MINISTERIE VAN DE FRANSE GEMEENSCHAP

[2007/200712]

25 JANUARI 2007. — Besluit van de Regering van de Franse Gemeenschap tot wijziging van het besluit van de Regering van de Franse Gemeenschap van 8 juli 2005 tot benoeming van de voorzitters en de personeelsleden die de Interzonale en de Zonale Affectatiecommissies samenstellen, die opgericht zijn bij toepassing van artikel 14*sexies* en 14*septies* van het koninklijk besluit van 22 maart 1969 tot vaststelling van het statuut van de leden van het bestuurs- en onderwijzend personeel, van het opvoedend hulppersoneel, van het paramedisch personeel der inrichtingen voor kleuter-, lager, buitengewoon, middelbaar, technisch onderwijs, onderwijs voor sociale promotie en kunstonderwijs van de Staat, alsmede der internaten die van deze inrichtingen afhangen en van de leden van de inspectiedienst die belast is met het toezicht op deze inrichtingen

De Regering van de Franse Gemeenschap,

Gelet op de wet van 22 juni 1964 betreffende het statuut der personeelsleden van het Rijksonderwijs, zoals gewijzigd;

Gelet op het koninklijk besluit van 22 maart 1969 tot vaststelling van het statuut van de leden van het bestuurs- en onderwijzend personeel, van het opvoedend hulppersoneel, van het paramedisch personeel der inrichtingen voor kleuter-, lager, buitengewoon, middelbaar, technisch onderwijs, onderwijs voor sociale promotie en kunstonderwijs van de Staat, alsmede der internaten die van deze inrichtingen afhangen en van de leden van de inspectiedienst die belast is met het toezicht op deze inrichtingen, inzonderheid op artikel 14sexies, ingevoegd bij het besluit van de Regering van de Franse Gemeenschap van 12 januari 1998, vervangen bij de decreten van 17 mei 1999 en 3 maart 2004 en op artikel 14*septies,* ingevoegd bij het decreet van 17 mei 1999, vervangen bij het decreet van 03 maart 2004;

Gelet op het besluit van de Regering van de Franse Gemeenschap van 8 juli 2005 tot benoeming van de voorzitters en de personeelsleden die de Interzonale en de Zonale Affectatiecommissies samenstellen, die opgericht zijn bij toepassing van artikel 14sexies en 14septies van het koninklijk besluit van 22 maart 1969 tot vaststelling van het statuut van de leden van het bestuurs- en onderwijzend personeel, van het opvoedend hulppersoneel, van het paramedisch personeel der inrichtingen voor kleuter-, lager, buitengewoon, middelbaar, technisch onderwijs, onderwijs voor sociale promotie en kunstonderwijs van de Staat, alsmede der internaten die van deze inrichtingen afhangen en van de leden van de inspectiedienst die belast is met het toezicht op deze inrichtingen;

Op de voordracht van de Minister-Presidente, belast met het Leerplichtonderwijs en het Onderwijs voor Sociale promotie,van de Vice-Presidente en de Minister van Hoger Onderwijs, Wetenschappelijk Onderzoek en Internationale Betrekkingen en van de Minister van Ambtenarenzaken en Sport,

Besluit :

Artikel 1. In artikel 1, 5°, van het besluit van de Regering van de Franse Gemeenschap van 8 juli 2005 tot benoeming van de voorzitters en de personeelsleden die de Interzonale en de Zonale Affectatiecommissies samenstellen, die opgericht zijn bij toepassing van artikel 14*sexies* en 14*septies* van het koninklijk besluit van 22 maart 1969 tot vaststelling van het statuut van de leden van het bestuurs- en onderwijzend personeel, van het opvoedend hulppersoneel, van het paramedisch personeel der inrichtingen voor kleuter-, lager, buitengewoon, middelbaar, technisch onderwijs, onderwijs voor sociale promotie en kunstonderwijs van de Staat, alsmede der internaten die van deze inrichtingen afhangen en van de leden van de inspectiedienst die belast is met het toezicht op deze inrichtingen, worden de woorden « De heer Robert MANCHON » vervangen door de woorden « Mevr. Jacqueline MURET ».

Art. 2. In artikel 9, 1°, van het besluit van de Regering van de Franse Gemeenschap van 8 juli 2005 tot benoeming van de voorzitters en de personeelsleden die de Interzonale en de Zonale Affectatiecommissies samenstellen, die opgericht zijn bij toepassing van artikel 14*sexies* en 14*septies* van het koninklijk besluit van 22 maart 1969 tot vaststelling van het statuut van de leden van het bestuurs- en onderwijzend personeel, van het opvoedend hulppersoneel, van het paramedisch personeel der inrichtingen voor kleuter-, lager, buitengewoon, middelbaar, technisch onderwijs, onderwijs voor sociale promotie en kunstonderwijs van de Staat, alsmede der internaten die van deze inrichtingen afhangen en van de leden van de inspectiedienst die belast is met het toezicht op deze inrichtingen, worden de woorden « De heer Félicien DE LAET, Directeur-generaal van de Algemene Dienst Onderwijspersoneel van de Franse Gemeenschap » vervangen door de woorden « De heer Bernard GORET, waarnemend directeur-generaal van de Algemene Directie voor het Onderwijspersoneel van de Franse Gemeenschap » en de woorden « De heer Bernard GORET, Adjunct-Directeur-generaal van de Algemene Dienst Onderwijspersoneel van de Franse Gemeenschap » vervangen door de woorden « Mevr. Lise-Anne HANSE, Directeur-generaal van het Leerplichtonderwijs ».

Art. 3. In artikel 9, 7°, van voornoemd besluit van de Regering van de Franse Gemeenschap van 8 juli 2005, worden de woorden « De heer Robert MANCHON » vervangen door de woorden « Mevr. Jacqueline MURET ».

Art. 4. Dit besluit treedt in werking de dag waarop het ondertekend wordt.

Art. 5. De Minister van Leerplichtonderwijs en Onderwijs voor Sociale Promotie wordt belast met de uitvoering van dit besluit.

Brussel, 25 januari 2007.

Vanwege de Regering van de Franse Gemeenschap :

De Minister-Presidente,
belast met het Leerplichtonderwijs en het Onderwijs voor Sociale Promotie,
Mevr. M. ARENA

De Vice-Presidente
en Minister van Hoger Onderwijs, Wetenschappelijk Onderzoek en Internationale Betrekkingen,
Mevr. M.-D. SIMONET

De Minister van Ambtenarenzaken en Sport,
C. EERDEKENS

REGION WALLONNE — WALLONISCHE REGION — WAALS GEWEST

MINISTERE DE LA REGION WALLONNE

[2007/200769]

Pouvoirs locaux

Un arrêté ministériel du 20 février 2007 approuve :

— la décision du 23 novembre 2006 par laquelle le conseil d'administration de la SCRL "Société intercommunale pour la distribution du gaz, de l'électricité et de la télédistribution dans la région de Mouscron" désigne en son point 4, M. Fernand Vantieghem en tant qu'administrateur, en remplacement de M. Christian Leclercq, démissionnaire;

— les décisions du 13 décembre 2006 par lesquelles le conseil d'administration de la SCRL "Société intercommunale pour la distribution du gaz, de l'électricité et de la télédistribution dans la région de Mouscron" désigne en son point 2, Mme Charlotte Tratsaert, MM. Jean-François Hoste, Frédéric Desplechin et Guillaume Farvaque en tant qu'administrateurs, en remplacement respectivement de MM. Guy Tratsaert, Yves Depauw et Joël Donche, non réélus en qualité de conseillers communaux, et de M. Jean-Luc Parque, démissionnaire;

— les décisions du 13 décembre 2006 par lesquelles le conseil d'administration de la SCRL "Société intercommunale pour la distribution du gaz, de l'électricité et de la télédistribution dans la région de Mouscron" désigne en son point 3, Mme Charlotte Tratsaert, MM. Jean-Pierre Detremmerie et Guillaume Farvaque, membres du comité de direction, en remplacement respectivement de MM. Guy Tratsaert et Yves Depauw, non réélus conseillers communaux suite aux élections communales du 8 octobre 2006, et de M. Jean-Luc Parque, démissionnaire.

VERTALING

MINISTERIE VAN HET WAALSE GEWEST

[2007/200769]

Plaatselijke besturen

Bij ministerieel besluit van 20 februari 2007 worden de volgende beslissingen goedgekeurd :

— de beslissing van 23 november 2006 waarbij de raad van bestuur van de CVBA "Société intercommunale pour la distribution du gaz et de l'électricité dans la région de Mouscron" (Intercommunale voor gas- en elektriciteitdistributie in de regio Moeskroen) in haar punt 4 de heer Fernand Vantieghem als bestuurder aanwijst ter vervanging van de heer Christian Leclercq, ontslagnemend;

— de beslissingen van 13 december 2006 waarbij de raad van bestuur van de CVBA "Société intercommunale pour la distribution du gaz et de l'électricité dans la région de Mouscron" in haar punt 2 Mevr. Charlotte Tratsaert, de heren Jean-François Hoste, Frédéric Desplechin en Guillaume Farvaque als bestuurders aanwijst ter vervanging van respectievelijk de heren Guy Tratsaert, Yves Depauw en Joël Donche, niet herverkozen als gemeenteraadsleden, en de heer Jean-Luc Parque, ontslagnemend;

— de beslissingen van 13 december 2006 waarbij de raad van bestuur van de CVBA "Société intercommunale pour la distribution du gaz et de l'électricité dans la région de Mouscron" in haar punt 3 Mevr. Charlotte Tratsaert, de heren Jean-Pierre Detremmerie en Guillaume Farvaque, leden van het directiecomité, aanwijst ter vervanging van respectievelijk de heren Guy Tratsaert en Yves Depauw, niet herverkozen als gemeenteraadslid na de gemeenteverkiezingen van 8 oktober 2006, en de heer Jean-Luc Parque, ontslagnemend.

MINISTERE DE LA REGION WALLONNE

[2007/200748]

Pouvoirs locaux

Un arrêté ministériel du 14 février 2007 approuve les modifications apportées aux articles 1er, 4, 5, 8, 18, 21, 23, 26, 27, 30, 32, 34, 35, 36, 37, 38, 39, 40, 41, 42, 44, 45, 47, 48, 49, 50, 51 et 54 des statuts de la SCRL "Association intercommunale d'étude et d'exploitation d'électricité et de gaz" par son assemblée générale extraordinaire du 1er décembre 2006 suite au décret du 19 juillet 2006 modifiant le Code de la démocratie locale et de la décentralisation.

Le même arrêté n'approuve pas les modifications apportées aux articles 20 et 33 des statuts de la SCRL "Association intercommunale d'étude et d'exploitation d'électricité et de gaz" par son assemblée générale extraordinaire du 1er décembre 2006 suite au décret du 19 juillet 2006 modifiant le Code de la démocratie locale et de la décentralisation.

Un arrêté ministériel du 15 février 2007 approuve les modifications apportées aux articles 7, 13, point I, 14, points 2, 4 et 5, 15*bis*, 16, 18, 20, 22, points *A* et *B*, 25, 26, 30, 33 et 35 des statuts de la SCRL "Telelux" par son assemblée générale extraordinaire du 29 novembre 2006 suite au décret du 19 juillet 2006 modifiant le Code de la démocratie locale et de la décentralisation.

Le même arrêté n'approuve pas les modifications apportées aux articles 13, point II, 14, point 1, alinéas 1er et 2, 22, points *C* et *D*, des statuts de la SCRL "Telelux" par son assemblée générale extraordinaire du 29 novembre 2006 suite au décret du 19 juillet 2006 modifiant le Code de la démocratie locale et de la décentralisation.

Un arrêté ministériel du 15 février 2007 approuve les modifications apportées aux articles 7, 12, 13, 15, 16, points 1er, 3 et 4, 17, point 2, 19*bis*, 21, 24, point *A*, 27, 28, 33 et 35 des statuts de la SCRL "Intercommunale pour la distribution d'énergie dans la province de Luxembourg" par son assemblée générale extraordinaire du 29 novembre 2006 suite au décret du 19 juillet 2006 modifiant le Code de la démocratie locale et de la décentralisation.

Le même arrêté n'approuve pas les modifications apportées aux articles 16, point 2, 17, points 1er et 3, 19, 24, points *C* et *D* des statuts de la SCRL "Intercommunale pour la distribution d'énergie dans la province de Luxembourg" par son assemblée générale extraordinaire du 29 novembre 2006 suite au décret du 19 juillet 2006 modifiant le Code de la démocratie locale et de la décentralisation.

Un arrêté ministériel du 23 février 2007 n'approuve pas les décisions du 20 décembre 2006 par lesquelles l'assemblée générale extraordinaire des associés de la SCRL "Intercommunale Centre hospitalier psychiatrique" modifie les articles 1er, 2, 3, 4, 6, 7, 13, 15, 17, 18, 19, 20, 21, 25, 26, 27, 29, 30, 31, 33, 33*bis*, 34, 35, 36, 38, 39, 41, 45, 46, 49, 51 des statuts, y insère les articles 25*bis*, 42*bis* et abroge les articles 32, 43, 47 et 52 des mêmes statuts.

Un arrêté ministériel du 26 février 2007 approuve la décision du 30 novembre 2006 par laquelle l'assemblée générale extraordinaire des associés de la SCRL "Intercommunale pure de financement du Hainaut" a modifié ses statuts pour les mettre en conformité avec le décret du 19 juillet 2006 relatif à la coopération entre communes et pour faire suite à l'absorption du secteur financement de la SCRL "Association intercommunale de l'énergie et de l'eau" qui a été scindée.

Un arrêté ministériel du 26 février 2007 approuve la décision du 28 novembre 2006 par laquelle l'assemblée générale extraordinaire des associés de la SCRL "Association intercommunale Bureau économique de la province de Namur" modifie ses statuts afin de les mettre en conformité avec le Code de la démocratie locale et de la décentralisation.

Un arrêté ministériel du 26 février 2007 approuve la décision du 1er décembre 2006 par laquelle le conseil d'administration de la SCRL "Intercommunale des eaux du Centre du Brabant wallon" nomme M. Pascal Wellens, M. Hector Tubiermont, M. Daniel Danloy, M. Jean-Luc Dalmeiren et Mme Patricia Beaucclercq-Janssens en qualité de membres de l'organe restreint de gestion en lieu et place de Mme Annabelle Evraerd, M. Amand Dumonceau, M. Jean-Luc Delsauvenière, M. Hassan Ouaklani et M. Jacques Duponcheel.

Le même arrêté approuve la décision du 1er décembre 2006 par laquelle le conseil d'administration de la SCRL "Intercommunale des eaux du Centre du Brabant wallon nomme M. Pascal Wellens en qualité de vice-président du conseil d'administration en lieu et place de M. Jean-Luc Delsauvenière, démissionnaire.

Un arrêté ministériel du 26 février 2007 approuve la décision du 28 novembre 2006 par laquelle l'assemblée générale extraordinaire des associés de la SCRL "Association intercommunale BEP-Expansion économique" modifie ses statuts afin de les mettre en conformité avec le Code de la démocratie locale et de la décentralisation.

Un arrêté ministériel du 26 février 2007 approuve la décision du 30 novembre 2006 par laquelle l'assemblée générale des associés de la SCRL "Intercommunale hospitalière Famenne-Ardenne-Condroz" modifie ses statuts.

Un arrêté ministériel du 27 février 2007 approuve la décision du 27 novembre 2006 par laquelle l'assemblée générale ordinaire des associés de la SCRL "Holding communal énergétique" prononce la clôture de la liquidation de l'intercommunale.

Un arrêté ministériel du 27 février 2007 approuve la décision du 29 novembre 2006 par laquelle l'assemblée générale extraordinaire des associés de la SCRL "Intercommunale de financement de la province de Luxembourg" a modifié ses statuts pour les mettre en concordance avec le décret du 19 juillet 2006 relatif à la coopération entre communes, sauf le 6e alinéa de l'article 10, le 1er alinéa du point 2 de l'article 17, le point 2 de l'article 18, l'alinéa 3 de l'article 24 et le dernier alinéa du point *A*.4 de l'article 26.

Un arrêté ministériel du 1er mars 2007 n'approuve pas les décisions du 19 décembre 2006 par lesquelles l'assemblée générale extraordinaire des associés de la SCRL "Intercommunale des personnes âgées de Liège et environs" modifie les articles 1er, 4, 6, 7, 13, 15, 17, 18, 19, 20, 21, 25, 26, 27, 29, 30, 31, 33, 33*bis*, 34, 35, 36, 38, 39, 41, 45, 46, 49, 51 des statuts, y insère les articles 25*bis*, 42*bis* et abroge les articles 32, 43, 47 et 52.

PROVINCE DU BRABANT WALLON. — Un arrêté ministériel du 21 février 2007 approuve la résolution du 25 janvier 2007 par laquelle le conseil provincial du Brabant wallon décide de modifier le règlement du 18 décembre 1997 relatif à l'octroi d'indemnités pour frais de séjour.

PROVINCE DU BRABANT WALLON. — Un arrêté ministériel du 21 février 2007 approuve la résolution du 25 janvier 2007 par laquelle le conseil provincial du Brabant wallon décide de modifier le règlement du 25 mars 1999 relatif à l'octroi d'une indemnité pour l'utilisation d'un vélo pour se rendre sur le lieu de travail.

PROVINCE DU BRABANT WALLON. — Un arrêté ministériel du 21 février 2007 approuve la résolution du 25 janvier 2007 par laquelle le conseil provincial du Brabant wallon décide de modifier le règlement du 18 décembre 1997 relatif à l'octroi d'une indemnité pour frais de déplacements.

PROVINCE DU BRABANT WALLON. — Un arrêté ministériel du 21 février 2007 approuve la résolution du 25 janvier 2007 par laquelle le conseil provincial du Brabant wallon décide de modifier le règlement du 25 mars 1999 relatif à l'octroi d'une indemnité pour l'accomplissement de travaux dangereux, insalubres ou incommodes.

PROVINCE DU BRABANT WALLON. — Un arrêté ministériel du 21 février 2007 approuve la résolution du 25 janvier 2007 par laquelle le conseil provincial du Brabant wallon décide de supprimer le premier tiret de l'article 4 du règlement du 4 septembre 1997 fixant le cadre et le régime de travail des agents provinciaux contractuels et des agents provinciaux pouvant bénéficier d'une aide à la promotion de l'emploi conformément au décret du 25 avril 2002.

PROVINCE DU BRABANT WALLON. — Un arrêté ministériel du 21 février 2007 approuve la résolution du 25 janvier 2007 par laquelle le conseil provincial du Brabant wallon décide de modifier le statut pécuniaire du personnel provincial en ce qui concerne l'octroi de l'allocation de fin d'année en cas de cumul et la valorisation de service antérieurs en tant que stagiaire ONEm ou agent CMT.

PROVINCE DU BRABANT WALLON. — Un arrêté ministériel du 21 février 2007 approuve la résolution du 25 janvier 2007 par laquelle le conseil provincial du Brabant wallon décide de modifier le statut administratif du personnel provincial en ce qui concerne l'octroi de l'exercice de fonctions supérieures et la valorisation de services antérieurs en tant que stagiaire ONEm ou agent CMT.

PROVINCE DU BRABANT WALLON. — Un arrêté ministériel du 21 février 2007 approuve la résolution du 25 janvier 2007 par laquelle le conseil provincial du Brabant wallon décide de modifier le règlement du 4 septembre 1997 relatif aux conditions particulières de recrutement, de promotion et d'évolution de carrière du personnel non enseignant.

PROVINCE DU BRABANT WALLON. — Un arrêté ministériel du 21 février 2007 approuve la résolution du 25 janvier 2007 par laquelle le conseil provincial du Brabant wallon décide de modifier le règlement du 4 septembre 1997 fixant le cadre et le régime de travail des agents provinciaux contractuels et A.P.E. en y introduisant les principes de mobilité et d'écartement.

PROVINCE DU BRABANT WALLON. — Un arrêté ministériel du 26 février 2007 approuve la résolution du 25 janvier 2007 par laquelle le conseil provincial du Brabant wallon décide de modifier le règlement du 4 septembre 1997 fixant le statut administratif des agents provinciaux en ce qui concerne la qualité d'agent provincial, l'absence prolongée et la cessation de fonction.

PROVINCE DU BRABANT WALLON. — Un arrêté ministériel du 26 février 2007 approuve la résolution du 25 janvier 2007 par laquelle le conseil provincial du Brabant wallon décide de compléter le cadre du personnel de la Direction d'administration du greffe en y insérant le Service gestion des ressources humaines.

PROVINCE DU HAINAUT. — Un arrêté ministériel du 20 février 2007 autorise le conseil provincial de la province du Hainaut à acquérir, par voie d'expropriation pour cause d'utilité publique, les anciennes aires dispersées de la base aérienne de Chièvres, sises sur le territoire de la commune de Lens (ex Bauffe), ci-dessous décrites :

Lens, 2e division (Bauffe), section A, nos 73 m, 73 n, 76 m/partie, 76 r, 79 e, 79 g, 82 h, 82 k, 82 m, 82 n, 82 p, 82 s, 84 g, 84 h, 84 k, 84 m, 86 b2, 86 d2, 86 f2, 86 h2, 86 k2, 86 l2, 86 n, 86 p2, 86 t, 86 x, 87 g, 87 h, 87 l, 87 m, 94 f, 94 g, 95 d, 96 e, 96 f, 96 g, 97 g, 97 h, 97 k, 97 l, 98 c, 99 c, 100 b, 101 b, 102 a, 104 a, 105 b, 105 c, 112 c, 117 g, 117 h, 119 a, 120 c, 120 d, 123 e, 123 f, 123 h, 124 c, 124 e, 125 r, 125 t, 126 c, 126 e, 127 d, 127 f, 128 e, 129 f, 129 g, 130 c, 131 b, 132 f, 133 a, 135 e, 136 e2, 136 f2, 136 h2, 136 k2, 136 m2, 136 n2, 136 p2, 136 r, 136 r2, 136 w2, 136 y, 137 b, 139 l, 139 p, 173 c, 173 d, 175/2 a, 175 d, 176 e, 177 h, 177 l, 272 f2, 272 g3, 272 s2, 272 t2, 272 v2, 378 a, 382 b, 383 b, pour une superficie de 30 ha 33 a 55 ca (suivant le cadastre), appartenant au Ministère de la Défense nationale, Forces armées, Etat-Major général, Division Infrastructure, 8e Direction régionale, plaine de Belgrade, 5001 Namur (Belgrade).

Le même arrêté précise qu'il sera fait application de la procédure d'extrême urgence en matière d'expropriation prévue à l'article 5 de la loi du 26 juillet 1962.

PROVINCE DE NAMUR. — Un arrêté ministériel du 14 février 2007 approuve la résolution du 22 décembre 2006 par laquelle le conseil provincial de Namur décide de rétribuer le juriste attaché au Centre de coordination de la petite enfance - Service d'aide et d'interventions locales pour les familles et les enfants.

FLERON. — Un arrêté ministériel du 13 février 2007 annule la délibération du 9 juin 2006 du collège des bourgmestre et échevins de Fléron décidant d'approuver les termes de la convention relative à l'adhésion des bibliothèques de Fléron au réseau provincial informatisé des bibliothèques.

REGION DE BRUXELLES-CAPITALE — BRUSSELS HOOFDSTEDELIJK GEWEST

MINISTERE DE LA REGION DE BRUXELLES-CAPITALE

[C − 2007/31109]

8 FEVRIER 2007. — Arrêté du Gouvernement de la Région de Bruxelles-Capitale portant octroi d'une subvention à l'ASBL « Rire et Grandir – Groeien en Lachen » pour l'année 2007

Le Gouvernement de la Région de Bruxelles-Capitale,

Vu les lois sur la comptabilité de l'Etat, coordonnées le 17 juillet 1991, notamment les articles 55, 56, 57 et 58;

MINISTERIE VAN HET BRUSSELS HOOFDSTEDELIJK GEWEST

[C − 2007/31109]

8 FEBRUARI 2007. — Besluit van de Brusselse Hoofdstedelijke Regering houdende toekenning van een toelage aan de VZW « Rire et Grandir – Groeien en Lachen » voor het jaar 2007

De Brusselse Hoofdstedelijke Regering,

Gelet op de gecoördineerde wetten van de Raad van State van 17 juli 1991, inzonderheid op artikel 55, 56, 57 en 58;

Vu la loi du 16 mai 2003 fixant les dispositions générales applicables aux budgets, au contrôle des subventions et à la comptabilité des communautés et des régions, ainsi qu'à l'organisation du contrôle de la Cour des comptes, notamment les articles 11 et 12;

Vu l'ordonnance organique du 23 février 2006 portant les dispositions applicables au budget, à la comptabilité et au contrôle;

Vu l'ordonnance du 22 décembre 2007 contenant le budget général des dépenses pour l'année budgétaire 2007, notamment l'article 20;

Vu l'arrêté du Gouvernement de la Région de Bruxelles-Capitale du 18 juillet 2000 portant règlement de son fonctionnement et réglant la signature des actes du Gouvernement, notamment l'article 5n);

Vu la convention du 4 mai 2004 relative à la création et à la gestion de la crèche de proximité du Ministère de la Région de Bruxelles-capitale; notamment les articles 5 et 9;

Vu l'avis de l'Inspection des Finances du 31 janvier 2007;

Vu l'accord du Ministre du Budget;

Considérant que l'accueil des enfants en bas âge du personnel du Ministère de la Région de Bruxelles-Capitale a été rendu possible par la création d' une crèche de proximité;

Considérant qu'il est important que cet accueil puisse se poursuivre être maintenu dans les mêmes conditions de capacité et de qualité;

Considérant en outre que la crêche fonctionne à pleine capacité d'enfants et de personnel;

Considérant enfin qu'il n'y a plus de place à temps plein disponible avant 2008 et que d'ici là sont disponibles deux temps partiels mais pas avant septembre 2007,

Arrête :

Article 1er. Une subvention de 370 000 EUR est octroyée à l'ASBL « Rire et Grandir - Groeien en Lachen ».

Adresse : Avenue de la Chasse 152 à 1040 Bruxelles

Art. 2. La présente subvention est imputée à l'allocation de base 10.02.45.33.00 du budget général des dépenses de la Région de Bruxelles-Capitale pour l'année budgétaire 2007 conformément à l'ordonnance de finances;

Art. 3. Cette subvention est destinée à permettre au bénéficiaire de couvrir, au titre de dépenses admissibles, les frais relatifs :

- au fonctionnement de la crèche de proximité destinée à accueillir notamment des enfants des membres du personnel du Ministère de la Région de Bruxelles-Capitale, à savoir les frais salariaux et les dépenses générales de fonctionnement;

- à la location d'un immeuble situé à proximité du siège du Ministère de la Région de Bruxelles-Capitale;

— aux charges du bâtiment.

Art. 4. La subvention sera liquidée selon les modalités suivantes :

— une tranche de 351 000 EUR sera mise en liquidation dès la signature du présent arrêté;

— une deuxième tranche soit le solde de 19 000 EUR, sera liquidée après approbation par le Comité d'accompagnement de la crèche du rapport final d'activités. Ce rapport sera accompagné d'un décompte final des recettes et des dépenses appuyé de pièces justificatives classées par postes et reprises dans une liste avec le montant correspondant, les pièces doivent être fournies pour le 30 mars de l'année qui suit l'année pour laquelle la subvention est allouée;

— si le rapport final révèle un solde positif, ce solde sera remboursé.

Gelet op de wet van 16 mei 2003 tot vaststelling van de algemene bepalingen die gelden voor de begrotingen, de controle op de subsidies en voor de boekhouding van de gemeenschappen en de gewesten, alsook voor de organisatie van de controle door het Rekenhof, inzonderheid op artikelen 11 en 12;

Gelet op de organieke ordonnantie van 23 februari 2006 houdende de bepalingen die van toepassing zijn op de begroting,de boekhouding en de controle;

Gelet op de ordonnantie van 22 december 2007 houdende de algemene uitgavenbegroting voor het begrotingsjaar 2007, inzonderheid op artikel 20;

Gelet op het besluit van de Brusselse Hoofdstedelijke Regering van 18 juli 2000 tot regeling van haar werkwijze en tot regeling van de ondertekening van de akten van de Regering, inzonderheid op artikel 5n);

Gelet op de overeenkomst van 4 mei 2004 betreffende de oprichting en het beheer van de buurtcrèche van het Ministerie van het Brussels Hoofdstedelijk Gewest inzonderheid op de artikels 5 en 9;

Gelet op het advies van de Inspectie van Financiën van 31 januari 2007;

Gelet op de akkoordbevinding van de Minister van Begroting;

Overwegende dat de opvang van jonge kinderen van het personeel van het Ministerie van het Brussels Hoofdstedelijk Gewest mogelijk werd gemaakt door de oprichting van een buurtcrèche;

Overwegende dat het belangrijk is dat deze opvang kan worden voortgezet en worden gehandhaafd in dezelfde omstandigheden wat betreft de kwaliteit en capaciteit;

Overwegende dat de bovendien crèche op vol vermogen qua kinderen en personeelsbezetting werkt;

Overwegende, tenslotte, dat er geen voltijdse plaatsen meer ter beschikking zijn vóór 2008 en er tegen dan twee deeltijdse plaatsen ter beschikking zijn, doch slechts vanaf september 2007,

Besluit :

Artikel 1. Een toelage van 370 000 EUR wordt toegekend aan de vzw « Rire et Grandir - Groeien en Lachen ».

Bruxelles Adres: Jachtlaan 152, 1040 Brussel.

Art. 2. Deze toelage wordt geboekt op basisallocatie 10.02.45.33.00 van de algemene uitgavenbegroting van het Brussels Hoofdstedelijk Gewest voor het begrotingsjaar 2007 overeenkomstig de financieordonnantie;

Art. 3. Deze toelage is bedoeld om de begunstigde in staat te stellen de onkosten, als toelaatbare kosten, te dekken betreffende:

- de werking van de buurtcrèche bedoeld voor de opvang van in het bijzonder de kinderen van de personeelsleden van het Ministerie van het Brussels Hoofdstedelijk Gewest, nl. de loonkosten en de algemene werkingskosten;

- de huur van een onroerend goed in de omgeving van de zetel van het Ministerie van het Brussels Hoofdstedelijk Gewest;

— de vaste kosten van het gebouw.

Art. 4. De toelage wordt uitbetaald als volgt:

— een schijf van 351 000 EUR, wordt betaald zodra dit besluit zal hebben getekend worden;

— een tweede schijf, zijnde het saldo van 19 000 EUR, wordt betaald na goedkeuring van het eindverslag van de activiteiten door het Begeleidingscomité van de crèche. Dit verslag, vergezeld van een eindafrekening van de inkomsten en uitgaven gestaafd met bewijsstukken gerangschikt per post en opgenomen in een lijst met het overeenstemmende bedrag, de stukken moeten worden afgeleverd voor 30 maart van het jaar dat volgt op het jaar waarvoor de toelage wordt toegekend;

- indien uit het eindverslag een positief saldo blijkt, wordt dit saldo terugbetaald.

Les tranches seront liquidées au n° de compte : 001- 4263833-80.

Art. 5. Un comité d'accompagnement est institué. Il est composé de trois personnes du Ministère désignées par le Secrétaire général;

Ce comité se réunira au terme de chaque trimestre échu afin d'approuver les rapports d'activités, ainsi qu'au moment du dépôt du décompte final pour déterminer le cas échéant le sort qui sera réservé au solde positif.

Art. 6. Le versement de la subvention n'a pas pour conséquence de créer dans le chef du bénéficiaire un droit inconditionnel à l'octroi de la subvention, chaque versement étant considéré comme ayant été liquidé à titre de provision.

La partie non justifiée de la subvention sera déduite du montant du solde à verser. Si la partie non justifiée dépassait le montant du solde, elle serait remboursée au Ministère de la Région de Bruxelles-Capitale, à concurrence du montant indûment perçu, moyennant les modalités d'usage.

Art. 7. Le bénéficiaire de la présente subvention engage et gère son personnel sous sa seule responsabilité. Le Ministère de la Région de Bruxelles-Capitale ne peut être rendu responsable de tout dommage causé à des tiers du chef de la réalisation de l'opération décrite à l'article 3.

Art. 8. Le présent arrêté entre en vigueur le jour de sa signature.

Bruxelles, le 8 février 2007.

Le Ministre-Président du Gouvernement de la Région de Bruxelles-Capitale, chargé des Pouvoirs locaux, de l'Aménagement du Territoire, des Monuments et Sites, de la Rénovation urbaine, du Logement, de la Propreté publique et de la Coopération au Développement.

Ch. PICQUE

Le Ministre du Gouvernement de la Région de Bruxelles-Capitale chargé des Finances, du Budget, de la Fonction publique et des Relations extérieures,

G. VANHENGEL

De schijven worden gestort op rekeningnummer: 001- 4263833-80.

Art. 5. Er wordt een begeleidingscomité opgericht. Het is samengesteld uit drie personen van het Ministerie aangesteld door de Secretaris-generaal.

Dit comité vergadert op het einde van elk trimester om de verslagen van de activiteiten goed te keuren en bij het neerleggen van de eindafrekening om in voorkomend geval te bepalen wat er gebeurt met het positief saldo.

Art. 6. De storting van de toelage geeft de begunstigde geen onvoorwaardelijk recht op de toekenning van de toelage, aangezien elke storting wordt beschouwd als voorschot.

Het niet-verantwoorde deel van de toelage zal worden afgetrokken van het te storten saldobedrag. Als het niet-verantwoorde deel het saldobedrag overschrijdt, wordt het terugbetaald aan het Ministerie van het Brussels Hoofdstedelijk Gewest, ten belope van het onrechtmatig ontvangen bedrag, volgens de gebruikelijke modaliteiten.

Art. 7. Enkel de begunstigde van deze toelage is verantwoordelijk voor de aanwerving en het beheer van zijn personeel. Het Ministerie van het Brussels Hoofdstedelijk Gewest kan niet aansprakelijk worden gesteld voor enig nadeel berokkend aan derden door de uitvoering van de onderneming beschreven in artikel 3.

Art. 8. Dit besluit treedt in werking op de dag van de ondertekening ervan.

Brussel, 8 februari 2007.

De Minister-Voorzitter van de Brusselse Hoofdstedelijke Regering, belast met Plaatselijke Besturen, Ruimtelijke Ordening, Monumenten en Landschappen, Stadsvernieuwing, Huisvesting, Openbare Netheid en Ontwikkelingssamenwerking,

Ch. PICQUE

De Minister van de Brusselse Hoofdstedelijke Regering belast met Financiën, Begroting,
Openbaar Ambt en Externe Betrekkingen,

G. VANHENGEL

AVIS OFFICIELS — OFFICIELE BERICHTEN

SELOR
BUREAU DE SELECTION DE L'ADMINISTRATION FEDERALE

Recrutement. — Résultats

[2007/200772]

Sélection d'infirmiers-contrôleur (m/f) (niveau B), d'expression néerlandaise, pour l'Institut national d'Assurance maladie-invalidité (ANG06027). — Résultats

Classement des lauréats du concours d'admission au stage :

1. HERBOTS, MARISSA, 3840 BORGLOON.

2. VAN VAERENBERGH, FILIP, 9400 NINOVE.

SELOR
SELECTIEBUREAU VAN DE FEDERALE OVERHEID

Werving. — Uitslagen

[2007/200772]

Selectie van Nederlandstalige verpleegkundige-controleurs (m/v) (niveau B) voor de Rijksdienst voor ziekte- en invaliditeitsverzekering (ANG06027). — Uitslagen

Rangschikking van de geslaagde kandidaten voor toelating tot de stage :

1. HERBOTS, MARISSA, 3840 BORGLOON.

2. VAN VAERENBERGH, FILIP, 9400 NINOVE.

3. ANTHEUNIS, ANJA, 3800 SINT-TRUIDEN.
4. SAERENS, AN, 2330 MERKSPLAS.
5. FLAMAND, ANNELEEN, 9620 ZOTTEGEM.
6. D'HOOGE, KRISTIEN, 9120 BEVEREN.
7. DE JONGHE, SABINE, 8301 KNOKKE-HEIST.
8. ARENTS, JOKE, 8750 WINGENE.
9. VAN CAMP, PATRICIA, 1785 MERCHTEM.
10. DE SMEDT, KATLEEN, 8000 BRUGGE.

3. ANTHEUNIS, ANJA, 3800 SINT-TRUIDEN.
4. SAERENS, AN, 2330 MERKSPLAS.
5. FLAMAND, ANNELEEN, 9620 ZOTTEGEM.
6. D'HOOGE, KRISTIEN, 9120 BEVEREN.
7. DE JONGHE, SABINE, 8301 KNOKKE-HEIST.
8. ARENTS, JOKE, 8750 WINGENE.
9. VAN CAMP, PATRICIA, 1785 MERCHTEM.
10. DE SMEDT, KATLEEN, 8000 BRUGGE.

SELOR
BUREAU DE SELECTION DE L'ADMINISTRATION FEDERALE

[2007/200771]

Sélection de contrôleurs de navigation (m/f) (niveau C), d'expression néerlandaise, pour la section "Scheepvaartbegeleiding" de l'Administration flamande (ANV06051). — Résultats

Classement des lauréats du concours d'admission au stage :

1. MARTINAT, MYRIAM, 8480 ICHTEGEM.
2. DUFOOR, STEFAN, 9130 BEVEREN.
3. VANDERMEERSCH, EMMERSON, 8400 OOSTENDE.
4. STANDAERT, FRANKY, 8400 OOSTENDE.
5. SAUVAGE, DIETER, 8200 SINT-ANDRIES-BRUGGE.
6. MAERTENS, IVE, 8420 DE HAAN.
7. HUYSMANS, JOERI, 2310 RIJKEVORSEL.
8. GHOOS, LUDO, 8820 TORHOUT.
9. DERAECK, SIMON, 9050 LEDEBERG.
10. BUYLE, PIERRE, 9260 WICHELEN.
11. VAN DEN BOGAERT, LEON, 9230 WETTEREN.
12. DIETENS, WERNER, 3220 HOLSBEEK.
13. GAUTHIER, CAROLINE, 2223 HEIST-OP-DEN-BERG.
14. SCHOKKELE, ANDRIES, 8800 ROESELARE.
15. DE STERCKE, EDWIN, 9850 NEVELE.
16. CHRISTIAENS, ANTHONY, 8310 BRUGGE (SINT-KRUIS).
17. VAN WONTERGHEM, TONY, 8420 DE HAAN.
18. BESCHUYT, JORDY, 8400 OOSTENDE.
19. VAN BOSSCHE, JOHAN, 9000 GENT.
20. HENSELS, MAARTEN, 3200 AARSCHOT.
21. DURON, PIETER, 8400 OOSTENDE.
22. WOUTERS, PASCALE, 8370 BLANKENBERGE.
23. VERMEULEN, KOEN, 2170 ANTWERPEN.
24. VANHEUSDEN, ALEXANDER, 2970 SCHILDE.
25. GEERTS, GUNTER, 2920 KALMTHOUT.
26. LAMMERTYN, THIJS, 8800 ROESELARE.
27. LUDECKE, TIM, 2180 ANTWERPEN.

SELOR
SELECTIEBUREAU VAN DE FEDERALE OVERHEID

[2007/200771]

Selectie van Nederlandstalige verkeersleiders (m/v) (niveau C) voor de afdeling Scheepvaartbegeleiding van de Vlaamse overheid (ANV06051). — Uitslagen

Rangschikking van de geslaagde kandidaten voor toelating tot de stage :

1. MARTINAT, MYRIAM, 8480 ICHTEGEM.
2. DUFOOR, STEFAN, 9130 BEVEREN.
3. VANDERMEERSCH, EMMERSON, 8400 OOSTENDE.
4. STANDAERT, FRANKY, 8400 OOSTENDE.
5. SAUVAGE, DIETER, 8200 SINT-ANDRIES-BRUGGE.
6. MAERTENS, IVE, 8420 DE HAAN.
7. HUYSMANS, JOERI, 2310 RIJKEVORSEL.
8. GHOOS, LUDO, 8820 TORHOUT.
9. DERAECK, SIMON, 9050 LEDEBERG.
10. BUYLE, PIERRE, 9260 WICHELEN.
11. VAN DEN BOGAERT, LEON, 9230 WETTEREN.
12. DIETENS, WERNER, 3220 HOLSBEEK.
13. GAUTHIER, CAROLINE, 2223 HEIST-OP-DEN-BERG.
14. SCHOKKELE, ANDRIES, 8800 ROESELARE.
15. DE STERCKE, EDWIN, 9850 NEVELE.
16. CHRISTIAENS, ANTHONY, 8310 BRUGGE (SINT-KRUIS).
17. VAN WONTERGHEM, TONY, 8420 DE HAAN.
18. BESCHUYT, JORDY, 8400 OOSTENDE.
19. VAN BOSSCHE, JOHAN, 9000 GENT.
20. HENSELS, MAARTEN, 3200 AARSCHOT.
21. DURON, PIETER, 8400 OOSTENDE.
22. WOUTERS, PASCALE, 8370 BLANKENBERGE.
23. VERMEULEN, KOEN, 2170 ANTWERPEN.
24. VANHEUSDEN, ALEXANDER, 2970 SCHILDE.
25. GEERTS, GUNTER, 2920 KALMTHOUT.
26. LAMMERTYN, THIJS, 8800 ROESELARE.
27. LUDECKE, TIM, 2180 ANTWERPEN.

CONSEIL SUPERIEUR DE LA JUSTICE

[C − 2007/18042]

Désignation d'un membre du Bureau

Conformément à l'article 259*bis*-4, du Code judiciaire, le Conseil supérieur de la Justice a, le 7 mars 2007, désigné Mme Malmendier, Christiane, membre magistrat du Conseil supérieur de la Justice, comme membre du Bureau du Conseil supérieur de la Justice.

Mme Malmendier préside le Collège francophone et la Commission d'avis et d'enquête francophone.

HOGE RAAD VOOR DE JUSTITIE

[C − 2007/18042]

Aanwijzing van een Bureaulid

Overeenkomstig artikel 259*bis*-4, van het Gerechtelijk Wetboek heeft de Hoge Raad voor de Justitie op 7 maart 2007 Mevr. Malmendier, Christiane, lid-magistraat van de Hoge Raad voor de Justitie, aangewezen als bureaulid van de Hoge Raad voor de Justitie.

Mevr. Malmendier zit het Franstalig College en de Franstalige advies- en onderzoekscommissie voor.

SERVICE PUBLIC FEDERAL FINANCES

Administration du cadastre, de l'enregistrement et des domaines

Publication prescrite par l'article 770 du Code civil

[2007/54483]

Succession en déshérence de De Vos, Octavie

—

De Vos, Octavie Angèle, veuve de Van Cauwenberge, Joseph, née à Zottegem le 15 mars 1912, domiciliée à Monceau-sur-Sambre, rue du Moulin 8, est décédée à Montigny-le-Tilleul le 25 octobre 2003, sans laisser de successeur connu.

Avant de statuer sur la demande de l'Administration de la T.V.A., de l'enregistrement et des domaines tendant à obtenir, au nom de l'Etat, l'envoi en possession de la succession, le tribunal de première instance de Charleroi a, par ordonnance du 15 février 2007, prescrit les publications et affiches prévues par l'article 770 du Code civil.

Namur, le 6 mars 2007.

Le directeur de l'enregistrement et des domaines,
M. de Pierpont.

(54483)

FEDERALE OVERHEIDSDIENST FINANCIEN

Administratie van het kadaster, registratie en domeinen

Bekendmaking voorgeschreven bij artikel 770 van het Burgerlijk Wetboek

[2007/54483]

Erfloze nalatenschap van De Vos, Octavie

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De Vos, Octavie Angèle, weduwe van Van Cauwenberge, Joseph, geboren te Zottegem op 15 maart 1912, wonende te Monceau-sur-Sambre, Molensestraat 8, is overleden te Montigny-le-Tilleul op 25 oktober 2003, zonder bekende erfopvolgers na te laten.

Alvorens te beslissen over de vraag van de Administratie van de BTW, registratie en domeinen, namens de Staat, tot inbezitstelling van de nalatenschap, heeft de rechtbank van eerste aanleg van Charleroi, bij beschikking van 15 februari 2007, de bekendmakingen en aanplakkingen voorzien bij artikel 770 van het Burgerlijk Wetboek bevolen.

Namen, 6 maart 2007.

De directeur der registratie en domeinen,
M. de Pierpont.

(54483)

SERVICE PUBLIC FEDERAL EMPLOI, TRAVAIL ET CONCERTATION SOCIALE

[2007/12100]

Pouvoir judiciaire. — Tribunal du travail de Charleroi

Le 20 février 2007, M. Franquin, André, juge social au titre d'employeur, au tribunal du travail de Charleroi, a été désigné par le premier président de ce tribunal pour exercer les fonctions de magistrat suppléant jusqu'à ce qu'il ait atteint l'âge de septante ans.

FEDERALE OVERHEIDSDIENST WERKGELEGENHEID, ARBEID EN SOCIAAL OVERLEG

[2007/12100]

Rechterlijke Macht. — Arbeidsrechtbank te Charleroi

Op 20 februari 2007 werd de heer Franquin, André, rechter in sociale zaken, als werkgever, bij de arbeidsrechtbank te Charleroi, door de eerste voorzitter van deze rechtbank aangewezen om het ambt van plaatsvervangend magistraat uit te oefenen tot hij de leeftijd van zeventig jaar heeft bereikt.

SERVICE PUBLIC FEDERAL EMPLOI, TRAVAIL ET CONCERTATION SOCIALE

[2007/12118]

Juridictions du travail. — Avis aux organisations représentatives. — Place vacante d'un juge social effectif au titre d'employeur au tribunal du travail de Bruges, en remplacement de M. Danny Meseure

Les organisations représentatives intéressées sont invitées à présenter les candidatures à cette fonction conformément aux articles 2 et 3 de l'arrêté royal du 7 avril 1970 et au plus tard dans les trois mois qui suivent la publication du présent avis.

Ces présentations doivent être adressées au SPF Emploi, Travail et Concertation sociale, Service des Juridictions du travail, rue Ernest Blerot 1, à 1070 Bruxelles.

Les listes seront accompagnées d'un extrait d'acte de naissance pour chacun des candidats présentés.

FEDERALE OVERHEIDSDIENST WERKGELEGENHEID, ARBEID EN SOCIAAL OVERLEG

[2007/12118]

Arbeidsgerechten. — Bericht aan de representatieve organisaties. — Openstaande plaats van een werkend rechter in sociale zaken als werkgever bij de arbeidsrechtbank van Brugge, ter vervanging van de heer Danny Meseure

De betrokken organisaties worden verzocht de kandidaturen voor te dragen overeenkomstig de artikelen 2 en 3 van het koninklijk besluit van 7 april 1970 en uiterlijk binnen de drie maanden na de bekendmaking van dit bericht.

De voordrachten van de kandidaten moeten worden gericht aan de FOD Werkgelegenheid, Arbeid en Sociaal Overleg, Dienst Arbeidsgerechten, Ernest Blerotstraat 1, 1070 Brussel.

Bij de lijsten wordt voor elk der voorgedragen kandidaten een uittreksel van de geboorteakte gevoegd.

SERVICE PUBLIC FEDERAL EMPLOI, TRAVAIL ET CONCERTATION SOCIALE

[2007/12115]

Juridictions du travail. — Avis aux organisations représentatives. — Place vacante d'un conseiller social effectif au titre d'employeur à la cour du travail d'Anvers, en remplacement de M. Herman Cloostermans à partir du 11 juillet 2007

Les organisations représentatives intéressées sont invitées à présenter les candidatures à cette fonction conformément aux articles 2 et 3 de l'arrêté royal du 7 avril 1970 et au plus tard dans les trois mois qui suivent la publication du présent avis.

FEDERALE OVERHEIDSDIENST WERKGELEGENHEID, ARBEID EN SOCIAAL OVERLEG

[2007/12115]

Arbeidsgerechten. — Bericht aan de representatieve organisaties. — Openstaande plaats van een werkend raadsheer in sociale zaken als werkgever bij het arbeidshof van Antwerpen, ter vervanging van de heer Herman Cloostermans vanaf 11 juli 2007

De betrokken organisaties worden verzocht de kandidaturen voor te dragen overeenkomstig de artikelen 2 en 3 van het koninklijk besluit van 7 april 1970 en uiterlijk binnen de drie maanden na de bekendmaking van dit bericht.

Ces présentations doivent être adressées au SPF Emploi, Travail et Concertation sociale, Service des Juridictions du travail, rue Ernest Blerot 1, à 1070 Bruxelles.

Les listes seront accompagnées d'un extrait d'acte de naissance pour chacun des candidats présentés.

De voordrachten van de kandidaten moeten worden gericht aan de FOD Werkgelegenheid, Arbeid en Sociaal Overleg, Dienst Arbeidsgerechten, Ernest Blerotstraat 1, 1070 Brussel.

Bij de lijsten wordt voor elk der voorgedragen kandidaten een uittreksel van de geboorteakte gevoegd.

SERVICE PUBLIC FEDERAL EMPLOI, TRAVAIL ET CONCERTATION SOCIALE

[2007/12114]

Juridictions du travail. — Avis aux organisations représentatives. — Place vacante d'un conseiller social effectif au titre d'employeur à la cour du travail d'Anvers, en remplacement de M. Eddy Vleeschdrager à partir du 28 août 2007

Les organisations représentatives intéressées sont invitées à présenter les candidatures à cette fonction conformément aux articles 2 et 3 de l'arrêté royal du 7 avril 1970 et au plus tard dans les trois mois qui suivent la publication du présent avis.

Ces présentations doivent être adressées au SPF Emploi, Travail et Concertation sociale, Service des Juridictions du travail, rue Ernest Blerot 1, à 1070 Bruxelles.

Les listes seront accompagnées d'un extrait d'acte de naissance pour chacun des candidats présentés.

FEDERALE OVERHEIDSDIENST WERKGELEGENHEID, ARBEID EN SOCIAAL OVERLEG

[2007/12114]

Arbeidsgerechten. — Bericht aan de representatieve organisaties. — Openstaande plaats van een werkend raadsheer in sociale zaken als werkgever bij het arbeidshof van Antwerpen, ter vervanging van de heer Eddy Vleeschdrager vanaf 28 augustus 2007

De betrokken organisaties worden verzocht de kandidaturen voor te dragen overeenkomstig de artikelen 2 en 3 van het koninklijk besluit van 7 april 1970 en uiterlijk binnen de drie maanden na de bekendmaking van dit bericht.

De voordrachten van de kandidaten moeten worden gericht aan de FOD Werkgelegenheid, Arbeid en Sociaal Overleg, Dienst Arbeidsgerechten, Ernest Blerotstraat 1, 1070 Brussel.

Bij de lijsten wordt voor elk der voorgedragen kandidaten een uittreksel van de geboorteakte gevoegd.

GOUVERNEMENTS DE COMMUNAUTE ET DE REGION
GEMEENSCHAPS- EN GEWESTREGERINGEN
GEMEINSCHAFTS- UND REGIONALREGIERUNGEN

VLAAMSE GEMEENSCHAP — COMMUNAUTE FLAMANDE

JOBPUNT VLAANDEREN

[C − 2007/05002]

Jobpunt Vlaanderen coördineert de selectie van een administrateur-generaal en een algemeen directeur voor OPZ Rekem

Het Openbaar Psychiatrisch Zorgcentrum Rekem, omvat een psychiatrisch ziekenhuis en een psychiatrisch verzorgingstehuis. Met zijn 491 erkende bedden en ca. 520 personeelsleden is het OPZC Rekem een grote zorgverlener in de regio. Het OPZC biedt een aangepaste behandeling en dienstverlening aan de psychisch zieke medemens. De aangeboden zorg vertrekt vanuit een holistische visie en is gebaseerd op een bio-psychosociaal model, gericht op reïntegratie in de maatschappij op een zo kort mogelijke termijn. Het OPZC Rekem profileert zich als een regionaal psychiatrisch ziekenhuis voor de doelgroep volwassenen en ouderen en als supraregionaal psychiatrisch ziekenhuis voor forensische patiënten. Het OPZC maakt deel uit van de Vlaamse Gemeenschap, meer specifiek van het beleidsdomein Welzijn, Volksgezondheid en Gezin. Meer informatie over de organisatie en haar werking kan u vinden op www.opzrekem.be. Het zorgcentrum zoekt voor indiensttreding een (m/v) :

Administrateur-generaal

Uw functie : vertrekkende vanuit de missie en kerntaken van het OPZC stelt u op middellange en lange termijn een strategisch beleidsplan op waarin zorgvernieuwing centraal staat. Dit beleidsplan kan u op een duidelijke manier vertalen naar het operationele niveau. U hebt de dagelijkse leiding over het OPZC Rekem en stuurt het directieteam en de stafleden op een gedreven en inspirerende manier aan. U beheert de algemene werkingsmiddelen optimaal, waardoor u zorgt voor een financieel gezond evenwicht. U onderhoudt interne en externe contacten en zorgt zo voor een open informatiestroom, een grote toegankelijkheid en een goed maatschappelijk imago. U zit de directievergaderingen voor en neemt een actieve rol op in de raad van bestuur waaraan u rapporteert. U rapporteert eveneens aan het beleidsdomein.

Uw profiel : uw masteropleiding (of gelijkgesteld) hebt u aangevuld met minstens 5 jaar leidinggevende ervaring, verworven in de laatste 10 jaar, of u hebt 10 jaar nuttige professionele ervaring. U hebt uitstekende managementvaardigheden. U hebt affiniteit met de gezondheids- en welzijnssector en u bent bereid zich hierin in te werken. U hebt inzicht in het maatschappelijk belang van het OPZC en in de werking van de overheid en engageert zich om het OPZC Rekem vanuit deze context aan te sturen. U motiveert, stimuleert en werkt op een constructieve manier samen met uw medewerkers, inclusief het medisch team. U communiceert open en duidelijk en kan onderhandelen op diverse niveaus. U kan delegeren naar het juiste niveau.

U beschikt over de volgende competenties :

— voortdurend verbeteren

— samenwerken

— klantgerichtheid

— betrouwbaarheid

— conceptueel denken

— overtuigingskracht

— besluitvaardigheid

— 360°- inlevingsvermogen

— richting geven

— organisatiebetrokkenheid

— delegeren

Algemeen directeur

Uw functie : in het organogram van het OPZC Rekem staat de algemeen directeur rechtstreeks onder de administrateur-generaal. U bent enerzijds directeur van uw afdeling en anderzijds ambtshalve de waarnemend vervanger bij functionele afwezigheid van de administrateur-generaal. U maakt de algemene beleidsopties operationeel voor de eigen afdeling. U hebt de dagelijkse leiding over deze afdeling en stuurt het middenkader van deze afdeling op een gedreven en inspirerende manier aan. Binnen het kader van het algemene communicatiebeleid van het OPZC, staat u in voor de organisatie van een adequate externe communicatie en goede contacten met de belangrijkste actoren om een goede informatie-uitwisseling te verzekeren en het professionele imago van uw afdeling en de entiteit te versterken. Daarnaast werkt u nauw samen met de administrateur-generaal. U kan ambtshalve de administrateur-generaal vervangen in alle bevoegdheden en verantwoordelijkheden om de continuïteit van de diensten te verzekeren.

Uw profiel : uw masteropleiding (of gelijkgesteld) hebt u aangevuld met minstens 3 jaar leidinggevende ervaring, verworven in de laatste 10 jaar, of u hebt 8 jaar nuttige professionele ervaring. U hebt uitstekende managementvaardigheden. U hebt affiniteit met de gezondheids- en welzijnssector en u bent bereid zich hierin in te werken. U motiveert, stimuleert en werkt op een constructieve manier samen met uw medewerkers. U communiceert open en duidelijk en kan onderhandelen op diverse niveaus. U kan delegeren naar het juiste niveau.

U beschikt over de volgende competenties :

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— overtuigingskracht

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— 360°- inlevingsvermogen

— richting geven

— organisatiebetrokkenheid

— delegeren

Algemene toelatingsvoorwaarden voor deze functies :

Voor de toegang tot een functie bij de diensten van de Vlaamse overheid gelden de volgende algemene toelatingsvoorwaarden :

1. een gedrag hebben dat in overeenstemming is met de eisen van de beoogde betrekking;

2. de burgerlijke en politieke rechten genieten;

3. aan de dienstplichtwetten voldoen;

4. de medische geschiktheid bezitten die vereist is voor de uit te oefenen functie.

Algemene aanwervingsvoorwaarden :

1. Voor de administrateur-generaal : U genoot een universitaire opleiding (of gelijkgesteld) en u hebt deze aangevuld met minstens 5 jaar leidinggevende ervaring, verworven in de laatste 10 jaar of u hebt 10 jaar nuttige professionele ervaring. Voor interne kandidaten die reeds tot een niveau A of een gelijkgesteld niveau behoren, gelden deze diplomavoorwaarden niet.

2. Voor de algemeen directeur : U genoot een universitaire opleiding (of gelijkgesteld) en u hebt deze aangevuld met minstens 3 jaar leidinggevende ervaring, verworven in de laatste 10 jaar of u hebt 8 jaar nuttige professionele ervaring. Voor interne kandidaten die reeds tot een niveau A of een gelijkgesteld niveau behoren, gelden deze diplomavoorwaarden niet.

Wij bieden u : een mandaatfunctie op N-niveau of N1-niveau met een arbeidscontract van onbepaalde duur ● een inhoudelijk boeiende en afwisselende functie met veel verantwoordelijkheid ● een salaris in overeenstemming met de loonschalen van het OPZC Rekem waarbij nuttige ervaring wordt gevaloriseerd.

Interesse ? De uitgebreide functiebeschrijvingen vindt u terug op de websites www.opzrekem.be of www.jobpunt.be. Voor bijkomende informatie over de functies, de procedure of het salarispakket, kan u terecht bij Dr. Rene Kusters, administrateur-generaal OPZC Rekem, op het nummer 089 84 70 03. U kan deelnemen aan de selectieprocedure door op www.jobpunt.be de gestructureerde vragenlijst te downloaden onder de knop topfuncties Vlaamse overheid' en ingevuld terug te sturen uiterlijk 30 maart 2007 naar sollicitaties@jobpunt.be of per brief naar Jobpunt Vlaanderen, t.a.v. Bart Voets, Interleuvenlaan 62, zone 2, 3001 Heverlee.

Folio N° 2806

JOBPUNT VLAANDEREN

[2007/200806]

Jobpunt Vlaanderen coördineert de aanwerving en de aanleg van een werfreserve van een jurist voor het Vlaams Agentschap voor Personen met een Handicap (VAPH)

VAPH is een agentschap van de Vlaamse overheid behorend tot het beleidsdomein Welzijn, Volksgezondheid en Gezin.

1. Situering.

Het Vlaams Agentschap voor Personen met een Handicap (VAPH) heeft als taak de sociale integratie van mensen met een handicap te bevorderen. Daartoe ondersteunt het initiatieven om personen met een handicap te laten deelnemen aan het dagelijkse maatschappelijke leven. In ruimere zin betekent dit maatschappelijke aanvaarding en volwaardig burgerschap voor deze groep.

Het betaalt daartoe allerhande subsidies uit zowel aan/voor personen met een handicap (hulp bij tewerkstelling/materiële hulpmiddelen) als aan voorzieningen waar gehandicapten wonen.

De maatschappelijke zetel bevindt zich in Brussel maar er zijn ook provinciale afdelingen in Leuven, Brugge, Hasselt, Antwerpen en Gent.

Het VAPH telt ± 300 personeelsleden.

Je zal tewerkgesteld worden in de juridische cel van de Stafdienst en rapporteert aan de verantwoordelijke. De juridische cel staat in voor dossiers inzake wettelijke subrogatie, de heroverwegingscommissie, zaken voor de arbeidsrechtbanken en terugvorderingdossiers. Daarnaast is de cel belast met het schrijven van regelgeving en het beantwoorden van juridische vragen van andere diensten. Binnen de cel werken, naast de verantwoordelijke, 4 juristen en een administratief medewerker.

2. Functiebeschrijving.

2.1. Doel van de functie.

Algemeen :

Je staat in voor het samenstellen, behandelen en nakijken van dossiers en toepassen van de regelgeving teneinde de dossiers tijdig en correct af te handelen.

Je staat mee voor de opmaak van besluiten en reglementering en geeft advies bij de beleidsvoorbereiding. Je werkt mee voor de actualisering van de regelgeving van het VAPH.

Je kan ook bevraagd worden rond allerlei algemene juridische vragen die zich bij de werking van het VAPH als geheel kunnen stellen (zoals beslagen op lonen of vraagstukken rond de huur van gebouwen, principekwesties, procedurekwesties,)

Je beantwoordt juridische vragen en geeft advies aan de lijn.

Momenteel hebben wij volgende functie vacant :

Je bent dossierbeheerder voor de dossiers wettelijke subrogatie (dossiers waar verantwoordelijke derden bij betrokken zijn en waarbij de kosten van opname en hulpmiddelen verhaald worden op de derde/verzekeringsmaatschappij.) Hiervoor werk je ook samen met andere afdelingen binnen het VAPH.

- Je legt contacten met advocaten, personen met een handicap, verzekeringsmaatschappijen,... en wint informatie in bij hen.
- Je staat in voor de opvolging van de afhandeling van de schaderegeling.
- Je geeft advies aan de Provinciale Afdeling rond de te nemen beslissing.

2.2. Competentieprofiel.

2.2.1. Technische competenties.

Je kan vlot werken met het MS-Office-pakket.

Indien je ervaring hebt met het behandelen van verzekeringsdossiers vormt dit een troef.

2.2.2. Persoonsgebonden competenties.

Samenwerken.

Met het oog op het algemeen belang, lever je een bijdrage aan een gezamenlijk resultaat op het niveau van een team, entiteit of de organisatie, ook wanneer dat niet onmiddellijk van persoonlijk belang is. Je helpt anderen en pleegt overleg.

Betrouwbaarheid.

Je handelt vanuit de codes van integriteit, zorgvuldigheid, objectiviteit, gelijke behandeling, correctheid en transparantie uitgaande van de basisregels, sociale en ethische normen (diversiteit, milieuzorg,...). Je komt afspraken na en je neemt je verantwoordelijkheid op. Je brengt sociale en ethische normen in de praktijk.

Voortdurend verbeteren.

Je verbetert voortdurend je eigen functioneren en de werking van de entiteit, door de bereidheid om te leren en mee te groeien met veranderingen. Je ontwikkelt je binnen de eigen functie en werkt actief mee aan het verbeteren van de uitvoering van taken.

Klantgerichtheid.

Met het oog op het dienen van het algemeen belang onderken je de legitieme behoeften van verschillende soorten (interne en externe) klanten en je reageert er adequaat op. Je onderneemt acties om voor de klant de meest geschikte oplossing te bieden voor vragen en problemen die minder voor de hand liggend zijn.

Probleemanalyse (analytisch denken).

Je duidt een probleem in zijn verbanden. Op een efficiënte wijze ga je op zoek naar bijkomende, relevante informatie. Je maakt eenvoudige analyses van complexe dossiers.

Oordeelsvorming (synthetisch denken).

Je uit meningen en je hebt zicht op de consequenties ervan, op basis van een afweging van relevante criteria. Je vormt een goed onderbouwd en geïntegreerd oordeel.

Schriftelijke uitdrukkingsvaardigheid.

Je hanteert een schrijfstijl die past bij de boodschap en de doelgroep. Je structureert je boodschap en hanteert een gepast taalgebruik in functie van de situatie en het publiek.

Overtuigingskracht.

Je verkrijgt instemming voor een mening, aanpak of visie door het gebruik van goed onderbouwde argumenten, door de dialoog en het overleg aan te gaan, door het gepaste aanwenden van autoriteit (bevoegdheid en deskundigheid) en door het uitbouwen van gepaste strategieën. Je overtuigt door inhoud en aanpak.

Nauwgezetheid.

Je volbrengt je taken nauwgezet en met zin voor detail. Je gaat gepast om met materialen. Je blijft onder verhoogde druk kwaliteitsvol werk afleveren.

Initiatief.

Je onderkent kansen en je stelt voor en/of onderneemt uit eigen beweging acties. Je neemt initiatieven die aantonen dat je anticipeert op gebeurtenissen.

Organiseren.

Je geeft de benodigde acties, tijd en middelen aan en je coördineert die elementen om de doelstellingen te bereiken conform de planning. Je coördineert acties, tijd en middelen.

3. Deelnemingsvoorwaarden.

Je hebt een licentiaat/masterdiploma rechten of bent laatstejaarsstudent in deze richting tijdens het academiejaar 2006-2007.

4. Selectieprocedure.

4.1.CV-screening.

Aan de hand van een gestructureerde vragenlijst gebeurt een eerste screening op basis van vooraf bepaalde criteria.

4.2 Pre-selectieproef.

Indien er meer dan 8 kandidaten weerhouden worden na het beoordelen van de gestructureerde vragenlijst, kan er een pre-selectieproef georganiseerd worden.

4.3. Psychotechnische proef.

Dit gedeelte heeft tot doel de basisvaardigheden voor het uitoefenen van de functie na te gaan. Hierbij worden psychotechnische oefeningen aangeboden. Dit gedeelte is eliminerend. De kandidaten worden zeer geschikt, geschikt of minder geschikt bevonden. Kandidaten met minstens een beoordeling geschikt gaan door naar de volgende selectieproef.

Deze proeven zullen plaatsvinden tussen 16 en 25 april 2007.

Ze zullen afgenomen worden door een extern selectiebureau (Randstad).

4.4. Jurygesprek.

In dit gedeelte wordt gepeild naar de vaardigheden, de motivatie en de interesse, de attitude, de werkervaring en de vaktechnische kennis. Hiervoor kan een case gebruikt worden.

Om te slagen, dienen de kandidaten 60 punten op 100 te behalen.

5. Aanwerving.

5.1. Toelatingsvoorwaarden te vervullen op de datum van de aanwerving :

Burger zijn van de Europese Unie, een gedrag hebben dat in overeenstemming is met de eisen van de beoogde betrekking, de burgerlijke en politieke rechten genieten, aan de dienstplichtwetten hebben voldaan en de lichamelijke geschiktheid bezitten die vereist is voor het uit te oefenen ambt.

Opmerking :

Na de aanwerving dien je met goed gevolg een proeftijd van twaalf maanden te volbrengen vooraleer je tot ambtenaar kan worden benoemd.

5.2. Rangschikking.

De geslaagden worden gerangschikt op basis van de behaalde punten op het jurygesprek.

6. Salaris.

Het brutostartsalaris bedraagt 2.578 euro per maand (salarisschaal A111).

7. Openbaarheid van bestuur.

Gelet op de wet van 11 april 1994 betreffende de openbaarheid van bestuur kunnen de kandidaten feedback vragen over de selectie. Er kan uitsluitend ingegaan worden op aanvragen die schriftelijk worden ingediend binnen een termijn van drie maanden na de schriftelijke mededeling van het resultaat.

8. Inschrijving.

Stuur een sollicitatiebrief met gestructureerde vragenlijst (dat je kan downloaden op www.jobpunt.be) en met vermelding van de functie uiterlijk op 25 maart 2007 naar VAPH, Sterrenkundelaan 30, 1210 Brussel, t.a.v. Carolina Platteau of mail het naar carolina.platteau@vlafo.be Je kan de nodige documenten ook opvragen op het nummer 02-225 86 59 bij Carolina Platteau.

9. Informatie.

Wilt u meer informatie over de functie dan kan u terecht bij Anna Vanermen, verantwoordelijke juridische cel via anna.vanermen@vlafo.be Bekijk ook onze website www.vlafo.be

JOBPUNT VLAANDEREN

[2007/200805]

Jobpunt Vlaanderen coördineert de aanwerving en de aanleg van een werfreserve van een maatschappelijk assistent (dossierbehandelaar) voor het Vlaams Agentschap voor Personen met een Handicap (VAPH)

VAPH is een agentschap van de Vlaamse overheid behorend tot het beleidsdomein Welzijn, Volksgezondheid en Gezin.

1. Situering.

Het Vlaams Agentschap voor Personen met een Handicap (VAPH) heeft als taak de sociale integratie van mensen met een handicap te bevorderen. Daartoe ondersteunt het initiatieven om personen met een handicap te laten deelnemen aan het dagelijkse maatschappelijke leven. In ruimere zin betekent dit maatschappelijke aanvaarding en volwaardig burgerschap voor deze groep.

Het betaalt daartoe allerhande subsidies uit zowel aan/voor personen met een handicap (hulp bij tewerkstelling/materiële hulpmiddelen) als aan voorzieningen waar gehandicapten wonen.

De maatschappelijke zetel bevindt zich in Brussel maar er zijn ook provinciale afdelingen in Leuven, Brugge, Hasselt, Antwerpen en Gent.

Het VAPH telt ± 300 personeelsleden.

Als maatschappelijk assistent wordt je tewerkgesteld in de provinciale afdeling Antwerpen te Berchem. De afdeling individu gerichte prestaties (IGP) staat in voor het betalen van subsidies in verband met het toekennen van hulpmiddelen voor en/of aan personen met een handicap. De provinciale afdeling telt een 30-tal mensen.

Je komt terecht in een team van ongeveer 15 personen waar je samen met je collega maatschappelijk assistent instaat voor de inhoudelijke dossierbehandeling en het onderzoek rond de toekenning van de hulpmiddelen.

2. Functiebeschrijving.

2.1. Doel van de functie.

Als maatschappelijk assistent van de Provinciale Afdeling heb je een kernfunctie rond het toekennen van hulpmiddelen voor personen met een handicap (aanpassingen woning, rolstoelen, leesloupes, liften, enz.). Hiervoor baseer je je op de geldende wetgeving.

— Je maakt verslagen op over de contacten met je cliënten voor de verschillende commissies binnen het Vlaams Agentschap. Je neemt beslissingen over het toekennen van de hulpmiddelen.

Voor een goede voorbereiding van je dossiers en/of voor de controle na de toekenning ga je indien nodig op huisbezoek. Je volgt de dossierbehandeling op een gestructureerde wijze nauwgezet op. Het administratieve werk en de dossierbehandeling nemen ongeveer 3/4e van het werk in beslag.

— Je vormt een belangrijke schakel bij de contacten met externe partners die meewerken aan het begeleiden van personen met een handicap (mutualiteiten, multidisciplinaire teams die het inschrijvingsdossier van de aanvrager opmaken, enz.) Je fungeert als aanspreekpunt voor deze diensten. Je legt contacten en onderhoudt ze.

— Je verstrekt algemene informatie zowel aan personen als aan verenigingen en voorzieningen. Je geeft voordrachten en infosessies omtrent de werking van het Vlaams Agentschap aan groepen, scholen, verenigingen,... Je woont opendeurdagen en informatiebeurzen bij als vertegenwoordiger van het Vlaams Agentschap.

Je zal bij concrete vragen van mensen over andere aspecten van het maatschappelijk leven steeds gericht doorverwijzen.

2.2. Competentieprofiel.

2.2.1.Technische competenties.

— Je hebt een goede basiskennis van Word en Excel en noties van Powerpoint.

— Indien je een goede kennis hebt van sociale wetgeving en sociale kaart is dit een sterke troef.

— Je hebt een sterke interesse voor administratief werk.

— Je beschikt over een wagen en een rijbewijs B.

2.2.2. Persoonsgebonden competenties.

Samenwerken.

Je levert een bijdrage aan een gezamenlijk resultaat op niveau van een team, entiteit of de organisatie, ook wanneer dit niet onmiddellijk van persoonlijk belang is. Je helpt anderen en pleegt overleg.

Betrouwbaarheid.

Je handelt vanuit de codes van integriteit, zorgvuldigheid, objectiviteit, gelijke behandeling, correctheid en transparantie. Je komt afspraken na en je neemt je verantwoordelijkheid op. Je brengt sociale en ethische normen in de praktijk.

Voortdurend verbeteren.

Je verbetert voortdurend de werking door gericht te zijn op resultaat en kwaliteit; je bent bereid tot voortdurend leren, en je staat open voor verandering. Je bent bereid om je snel in te werken in de specifieke reglementering. Je ontwikkelt je binnen de eigen functie en werkt actief mee aan het verbeteren van de uitvoering van taken.

Klantgerichtheid.

Met het oog op het dienen van het algemeen belang onderken je de legitieme behoeften van verschillende soorten (interne en externe) klanten en je reageert er adequaat op. Je onderneemt acties om voor de klant de meest geschikte oplossing te bieden voor vragen en problemen die minder voor de hand liggend zijn.

360º inlevingsvermogen.

Het vermogen om uitgesproken en onuitgesproken informatie op te pikken en adequaat daarop te reageren, en dit zowel ten aanzien van medewerkers, collega's, klanten, hiërarchie... Je reageert adequaat op door anderen geuite gedachten, gevoelens, behoeften en verwachtingen.

Flexibel gedrag.

Je kunt de eigen gedragsstijl veranderen om een gesteld doel te bereiken. Je kunt in verschillende situaties of ten aanzien van verschillende personen op een efficiënte wijze je gedrag aanpassen. Je past je aanpak en gedrag aan als de concrete situatie dat vereist.

Probleemanalyse (analytisch denken).

Je duidt een probleem in zijn verbanden. Op een efficiënte wijze ga je op zoek naar bijkomende, relevante informatie. Je legt verbanden en ziet oorzaken.

Plannen.

Structuur aanbrengen in tijd, ruimte en prioriteit bij het aanpakken van taken of problemen. Je plant je eigen werk effectief.

Schriftelijke uitdrukkingsvaardigheid.

Je hanteert een schrijfstijl die past bij de boodschap en de doelgroep. Je structureert je boodschap en hanteert een gepast taalgebruik afhankelijk van de situatie of het publiek.

Netwerken.

Je ontwikkelt en bestendigt relaties, allianties en coalities binnen en buiten de eigen organisatie/entiteit en je wendt die aan voor het verkrijgen van informatie, steun en medewerking. Je maakt actief gebruik van bestaande contacten in functie van de eigen opdracht.

3. Deelnemingsvoorwaarden.

Je hebt een diploma van maatschappelijk assistent of bent laatstejaarsstudent in deze richting tijdens het academiejaar 2006-2007.

4. Selectieprocedure.

4.1.CV-screening.

Aan de hand van een gestructureerde vragenlijst gebeurt een eerste screening op basis van vooraf bepaalde criteria.

4.2 Pre-selectieproef.

Indien er meer dan 8 kandidaten weerhouden worden na het beoordelen van de gestructureerde vragenlijst, kan er een pre-selectieproef georganiseerd worden.

4.3. Psychotechnische proef.

Dit gedeelte heeft tot doel de basisvaardigheden voor het uitoefenen van de functie na te gaan. Hierbij worden psychotechnische oefeningen aangeboden. Dit gedeelte is eliminerend. De kandidaten worden zeer geschikt, geschikt of minder geschikt bevonden. Kandidaten met minstens een beoordeling geschikt gaan door naar de volgende selectieproef.

Deze proeven zullen plaatsvinden tussen 16 en 25 april 2007.

Ze zullen afgenomen worden door een extern selectiebureau (Randstad).

4.4. Jurygesprek.

In dit gedeelte wordt gepeild naar de vaardigheden, de motivatie en de interesse, de attitude, de werkervaring en de vaktechnische kennis. Hiervoor kan een case gebruikt worden.

Om te slagen, dienen de kandidaten 60 punten op 100 te behalen.

5. Aanwerving.

5.1. Toelatingsvoorwaarden te vervullen op de datum van de aanwerving :

Burger zijn van de Europese Unie, een gedrag hebben dat in overeenstemming is met de eisen van de beoogde betrekking, de burgerlijke en politieke rechten genieten, aan de dienstplichtwetten hebben voldaan en de lichamelijke geschiktheid bezitten die vereist is voor het uit te oefenen ambt.

Opmerking :

Na de aanwerving dien je met goed gevolg een proeftijd van negen maanden te volbrengen vooraleer je tot ambtenaar kan worden benoemd.

5.2. Rangschikking.

De geslaagden worden gerangschikt op basis van de behaalde punten op het jurygesprek.

6. Salaris.

Het brutostartsalaris bedraagt 1.908 euro per maand (salarisschaal B111).

7. Openbaarheid van bestuur.

Gelet op de wet van 11 april 1994 betreffende de openbaarheid van bestuur kunnen de kandidaten feedback vragen over de selectie. Er kan uitsluitend ingegaan worden op aanvragen die schriftelijk worden ingediend binnen een termijn van drie maanden na de schriftelijke mededeling van het resultaat.

8. Inschrijving :

Stuur een sollicitatiebrief met gestructureerde vragenlijst (dat je kan downloaden op www.jobpunt.be) en met vermelding van de functie uiterlijk op 25 maart 2007 naar VAPH, Sterrenkundelaan 30, 1210 Brussel, t.a.v. Carolina Platteau of mail het naar carolina.platteau@vlafo.be

Je kan de nodige documenten ook opvragen op het nummer 02-225 86 59 bij Carolina Platteau.

9. Informatie.

Wilt u meer informatie over de functie dan kan u terecht bij Elke Smits, maatschappelijk assistent, op 03-270 34 67 Bekijk ook onze website www.vlafo.be

ORDRES DU JOUR — AGENDA'S

PARLEMENT DE LA REGION DE BRUXELLES-CAPITALE

[C − 2007/20034]

Réunion de commission

Ordre du jour

Jeudi 15 mars 2007, à 14 h 30 m

(Palais du Parlement bruxellois - salle de commission 206)

Commission des Finances, du Budget, de la Fonction publique, des Relations extérieures et des Affaires générales

— Proposition d'ordonnance (de MM. Didier Gosuin, Philippe Pivin et Jacques Simonet) modifiant l'ordonnance du 29 avril 2004 organisant le contrôle des dépenses électorales et des communications gouvernementales.

Poursuite de la discussion. — Votes.

— Proposition d'ordonnance (de M. Jacques Simonet et Mme Marion Lemesre) modifiant l'ordonnance du 29 avril 2004 organisant le contrôle des dépenses électorales et des communications gouvernementales.

— Désignation d'un rapporteur.

— Discussion. — Votes.

— Proposition d'ordonnance (de Mmes Caroline Persoons et Martine Payfa) organisant un Code régional de participation.

— Désignation d'un rapporteur.

— Discussion. — Votes.

— Proposition d'ordonnance (de MM. Didier Gosuin et Jacques Simonet) instituant le système de la représentation proportionnelle au sein des organismes régionaux.

— Désignation d'un rapporteur.

— Discussion. — Votes.

BRUSSELS HOOFDSTEDELIJK PARLEMENT

[C − 2007/20034]

Commissievergadering

Agenda

Donderdag 15 maart 2007, om 14 u. 30 m.

(Paleis van het Brussels Parlement - commissiezaal 206)

Commissie voor de Financiën, Begroting, Openbaar Ambt, Externe Betrekkingen en Algemene Zaken

— Voorstel van ordonnantie (van de heren Didier Gosuin, Philippe Pivin en Jacques Simonet) tot wijziging van de ordonnantie van 29 april 2004 betreffende de controle van de verkiezingsuitgaven en de regeringsmededelingen.

Voortzetting van de bespreking. — Stemmingen.

— Voorstel van ordonnantie (van de heer Jacques Simonet en Mevr. Marion Lemesre) tot wijziging van de ordonnantie van 29 april 2004 betreffende de controle van de verkiezingsuitgaven en de regeringsmededelingen.

— Aanwijzing van een rapporteur.

— Bespreking. — Stemmingen.

— Voorstel van ordonnantie (van Mevr. Caroline Persoons en Mevr. Martine Payfa) voor het opstellen van een Gewestelijke Code voor inspraak.

— Aanwijzing van een rapporteur.

— Bespreking. — Stemmingen.

— Voorstel van ordonnantie (van de heren Didier Gosuin en Jacques Simonet) tot invoering van het stelsel van de evenredige vertegenwoordiging in de instellingen van het Gewest.

— Aanwijzing van een rapporteur.

— Bespreking. — Stemmingen.

ASSEMBLEE REUNIE DE LA COMMISSION COMMUNAUTAIRE COMMUNE DE LA REGION DE BRUXELLES-CAPITALE

[C − 2007/20032]

Réunion de commission

Ordre du jour

Jeudi 15 mars 2007, à 14 h 30 m

(Palais du Parlement bruxellois - salle de commission 201)

Commission de la Santé

Proposition de résolution (de Mmes Fatiha Saïdi, Carla Dejonghe et M. André du Bus de Warnaffe) relative à l'évaluation et à l'amélioration du dispositif régional de prévention du cancer du sein.

Poursuite de la discussion. — Votes.

VERENIGDE VERGADERING VAN DE GEMEENSCHAPPELIJKE GEMEENSCHAPSCOMMISSIE VAN HET BRUSSELS HOOFDSTEDELIJK GEWEST

[C − 2007/20032]

Commissievergadering

Agenda

Donderdag 15 maart 2007, om 14 u. 30 m.

(Paleis van het Brussels Parlement - commissiezaal 201)

Commissie voor de Gezondheid

Voorstel van resolutie (van Mevr. Fatiha Saïdi, Mevr. Carla Dejonghe en de heer André du Bus de Warnaffe) betreffende de evaluatie en de verbetering van de gewestelijke maatregelen inzake preventie van borstkanker.

Voorzetting van de bespreking. — Stemmingen.

PUBLICATIONS LEGALES ET AVIS DIVERS

WETTELIJKE BEKENDMAKINGEN EN VERSCHILLENDE BERICHTEN

UNIVERSITEIT GENT

—

Vacatures
(zie http://aivwww.UGent.be/DPO/vacatures/AAP.pl)

Assisterend academisch personeel

Bij de Faculteit ingenieurswetenschappen is volgend mandaat te begeven : het betreft een tijdelijke aanstelling voor een termijn van drie jaar die hernieuwbaar is.

TW16

Een betrekking van voltijds doctor-assistent bij de vakgroep wiskundige analyse (tel. 09-264 49 47); salaris à 100 % : min. € 29.069,73 - max. € 45.317,25, thans uitbetaald à 140,02 %.

Profiel van de kandidaat :

diploma van doctor in de wiskunde (aan de diplomavoorwaarden moet voldaan zijn op datum van aanstelling);

publicaties in wetenschappelijke tijdschriften die een ruime verspreiding kennen en die een beroep doen op deskundigen voor de beoordeling van de ingezonden manuscripten;

mededelingen of voordrachten op wetenschappelijke conferenties strekken tot aanbeveling;

uitgesproken interesse hebben voor studentenbegeleiding in de academische en/of voortgezette academische opleidingen;

wetenschappelijk onderzoek verricht hebben in het vakgebied Cliffordanalyse.

Inhoud van de functie :

verrichten van wetenschappelijk onderzoek in het domein van het vakgebied Cliffordanalyse;

medewerking aan het onderwijs van de vakgroep;

medewerking aan de dienstverlening in de vakgroep;

minimum 70 % van de tijd dient aan wetenschappelijk onderzoek besteed te worden.

Indiensttreding : ten vroegste 1 augustus 2007.

De kandidaturen, met *curriculum vitae*, een afschrift van het vereist diploma en een overzicht van de behaalde studieresultaten (per jaar), moeten per aangetekend schrijven ingediend worden bij de Directie Personeel en Organisatie van de Universiteit Gent, Sint-Pietersnieuwstraat 25, 9000 Gent, uiterlijk op 28 maart 2007. (19176)

Zelfstandig academisch personeel

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Wijziging vacaturebericht in het *Belgisch Staatsblad* van 26 februari 2007, blz. 9215

Op 26 februari 2007 verscheen in het *Belgisch Staatsblad* de publicatie van vier aan de Universiteit Gent, in de Faculteit psychologie en pedagogische wetenschappen, te begeven voltijdse ambten van docent of hoofddocent voor een opdracht in verschillende vakgebieden binnen de vakgroep experimentele psychologie, de vakgroep experimenteel-klinische en gezondheidspsychologie, de vakgroep onderwijskunde en de vakgroep personeelsbeleid, arbeids- en organisatiepsychologie.

Voor deze voltijds te begeven ambten dienen de kandidaturen ingediend te worden, uiterlijk op 29 maart 2007 (i.p.v. op 15 maart 2007, zoals gepubliceerd in het *Belgisch Staatsblad* van 26 februari 2007). (19173)

Decreet van 18 mei 1999
houdende organisatie van de ruimtelijke ordening

—

Stad Ieper

—

Gemeentelijk ruimtelijk uitvoeringsplan
met daaraan gekoppeld onteigeningsplan
Rup Hoge Akker II Vlamertinge
Bekendmaking van het onderzoek

Overeenkomstig het decreet van 18 mei 1999 houdende de organisatie van de ruimtelijke ordening gewijzigd bij diverse decreten, in het bijzonder artikel 49, § 2, maakt het college van burgemeester en schepenen bekend dat het gemeentelijk ruimtelijk uitvoeringsplan met daaraan gekoppeld onteigeningsplan Hoge Akker II Vlamertinge voorlopig aangenomen door de gemeenteraad in zitting van 5 maart 2007, ter inzage ligt op het stadhuis, eerste verdieping, afdeling ruimtelijke ordening en leefmilieu, vanaf zaterdag 17 maart 2007, te 9 uur, tot en met donderdag 17 mei 2007, te 12 uur.

Al wie omtrent het uitvoeringsplan bezwaren of opmerkingen te maken heeft, moet die per aangetekende brief of tegen ontvangstbewijs bezorgen aan de voorzitter van de Gemeentelijke Commissie voor Ruimtelijke Ordening, p/a stadhuis, Grote Markt 34, 8900 Ieper, uiterlijk op donderdag 17 mei 2007, te 12 uur.

Ieper, 6 maart 2007. (8355)

Gemeente Londerzeel

—

Het college van burgemeester en schepenen brengt — conform de bepalingen van het decreet ruimtelijke ordening en stedenbouw, d.d. 18 mei 1999 en wijzigingen — ter kennis van de bevolking dat het herzieningsdossier van het B.P.A. « Malderen Dorp-Zuid », d.d. 29 juni 1992 — houdende de bestaande toestand, het bestemmingsplan, de stedenbouwkundige voorschriften en memorie van toelichting, door de gemeenteraad voorlopig werd aangenomen in zitting van 23 februari 2007.

Van woensdag 14 maart 2007 tot en met vrijdag 13 april 2007 ligt dit voornoemde herzieningsplan ter inzage op de dienst Grondgebiedszaken, Malderendorp 14, 1840 Londerzeel, iedere werkdag van 8 u. 30 m. tot 12 uur, en maandagavond van 16 tot 19 uur.

Al wie omtrent deze wijziging bezwaren of opmerkingen te maken heeft, moet deze schriftelijk aan het schepencollege overmaken uiterlijk op vrijdag 13 april 2007, om 11 u. 30 m. (8356)

Gemeente Sint-Gillis-Waas

—

Bericht van onderzoek de commodo et incommodo
Ontwerp gemeentelijk ruimtelijk uitvoeringsplan
herbestemming deel parkgebied Sint-Pauwels

Het college van burgemeester en schepenen maakt aan de bevolking bekend dat, ingevolge de beslissing van de gemeenteraad van 1 maart 2007 het ontwerp gemeentelijk ruimtelijk uitvoeringsplan herbestemming deel parkgebied Sint-Pauwels voorlopig werd vastgesteld.

Wie tegen dit ontwerp bezwaar heeft, kan dit schriftelijk aan de Gecoro Sint-Gillis-Waas laten weten, op het adres Kerkstraat 29, 9170 Sint-Gillis-Waas, en dit vóór 14 mei 2007, uiterlijk om 12 uur. Het

dossier ligt ter inzage op het gemeentehuis van Sint-Gillis-Waas, Kerkstraat 29, afdeling Ruimtelijke Ordening, vanaf 16 maart 2007 tot en met 14 mei 2007, van maandag tot en met vrijdag in de voormiddag vanaf 8 u. 30 m. tot 12 uur, op dinsdagnamiddag van 16 uur tot 18 u. 30 m. en op woensdagnamiddag van 14 tot 16 uur.

De wnd. gemeentesecretaris S. Deckers.

De burgemeester, R. Audenaert. (8357)

Annonces – Aankondigingen

SOCIETES – VENNOOTSCHAPPEN

Ets Antoine, société anonyme,
rue de la Bienvenue 7-9, à 1070 Bruxelles

RPM Bruxelles BE 0440.449.680

—

Assemblée générale ordinaire le 30 mars 2007, à 11 heures, au siège social. — Ordre du jour : 1. Rapport de gestion. 2. Approbation des comptes annuels et comptes des résultats. 3. Affectation des résultats. 4. Décharge aux administrateurs et au commissaire-réviseur. 5. Divers. Pour assister à l'assemblée, se conformer aux statuts. (8358)

Ets Antoine, société anonyme,
rue de la Bienvenue 7-9, à 1070 Bruxelles

RPM Bruxelles BE 0440.449.680

—

Assemblée générale ordinaire le 30 mars 2007, à 11 heures, au siège social. — Ordre du jour : 1. Rapport de gestion. 2. Approbation des comptes annuels et comptes des résultats. 3. Affectation des résultats. 4. Décharge aux administrateurs et au commissaire-réviseur. 5. Divers. Pour assister à l'assemblée, se conformer aux statuts.

Assemblée générale extraordinaire le 30 mars 2007, à 12 heures, au siège social. — Ordre du jour : Autorisation à donner au conseil d'administration, dans le respect des conditions imposées par la loi, et dans une période qui se termine six mois après la date d'entrée en vigueur de l'autorisation, d'acquérir des actions propres de la société, à concurrence du nombre maximum légal et pour une contre valeur qui sera établie au moment du rachat. Pour assister à l'assemblée, se conformer aux statuts. (8359)

Avallon, société anonyme,
avenue Prince d'Orange 28*A*, 1180 Bruxelles

RPM Bruxelles BE 0431.200.434

—

Assemblée générale ordinaire le 30 mars 2007, à 18 heures, au siège social. — Ordre du jour : 1. Rapport du conseil d'administration. 2. Approbation des comptes annuels au 30 septembre 2006. 3. Affectation des résultats. 4. Décharge aux administrateurs. 5. Divers. (8360)

Menuiserie Industrielles, société anonyme,
chaussée de Bruxelles 584, 1410 Waterloo

RPM Nivelles BE 0465.570.405

—

MM. les actionnaires sont invités à assister à l'assemblée générale des actionnaires qui aura lieu le 30 mars 2007, à 18 heures, au siège social. — Ordre du jour : 1. Approbation du bilan et du compte de résultat au 31 décembre 2006. 2. Approbation de l'affectation du résultat de l'exercice 2006. (8361)

CVA WERELDHAVE BELGIUM SCA,
commanditaire vennootschap op aandelen
die een publiek beroep doet op het spaarwezen,
vastgoedbevak naar Belgisch recht,
te 1800 Vilvoorde, Medialaan 30

RPR 0412.597.022.

—

Bijeenroeping jaarvergadering en buitengewone algemene vergadering

De aandeelhouders van de Comm.VA WERELDHAVE BELGIUM SCA worden verzocht de jaarvergadering en de buitengewone algemene vergadering bij te wonen die zullen gehouden worden op woensdag 11 april 2007, vanaf 10 u. 45 m., in de kantoren van de maatschappelijke zetel, Medialaan 30, te 1800 Vilvoorde. De buitengewone algemene vergadering vindt plaats om 10 u. 45 m. en wordt om 11 uur gevolgd door de jaarvergadering.

I. JAARVERGADERING

De dagorde van deze vergadering luidt als volgt :

1. Bespreking van het verslag van de zaakvoerder met betrekking tot de jaarrekening van de vennootschap per 31 december 2006.

2. Verslag van de commissaris met betrekking tot voormelde jaarrekening.

3. Jaarrekening :

toelichting bij het ontwerp van jaarrekening;

onderzoek en bespreking;

goedkeuring van de jaarrekening.

Voorstel tot besluit :

De algemene vergadering keurt de jaarrekening afgesloten op 31 december 2006 goed.

4. Bestemming van het resultaat :

voorstel van de zaakvoerder;

bespreking.

Voorstel tot besluit :

De algemene vergadering beslist het resultaat van het afgelopen boekjaar te bestemmen op de wijze zoals voorgesteld door de zaakvoerder, zijnde :

uitkering van een bruto dividend van € 3,75 per aandeel;

toevoeging van het saldo van het resultaat aan de beschikbare reserves.

5. Kwijting aan de zaakvoerder en aan de commissaris.

Voorstel tot besluit :

De algemene vergadering verleent kwijting aan de zaakvoerder en de commissaris voor hun mandaat tot 31 december 2006.

6. Hernieuwing van het mandaat van de commissaris.

Voorstel tot besluit :

De algemene vergadering beslist het mandaat van commissaris, PriceWaterhouse Coopers,vertegenwoordigd door de heer Luc Discry, te hernieuwen voor een periode van 3 jaar met ingang van heden. De jaarlijks te indexeren vergoeding voor de controle op de statutaire en geconsolideerde jaarrekening bedraagt € 40.700.

7. Corporate Governance.

8. Rondvraag.

II. BUITENGEWONE ALGEMENE VERGADERING

1. Voorstel tot wijziging van de beleggingspolitiek en voorstel tot wijziging van artikel 5 van de statuten als volgt :

"Artikel 5. - BELEGGINGSPOLITIEK

Het collectief beleggen in onroerende goederen door middel van kapitalen bijeengebracht door het publiek beroep doen op het spaarwezen in België of in het buitenland zal als volgt gebeuren. In hoofdzaak bestaat de onroerend goed portefeuille op 1 januari 2007 uit commerciële centra en kwalitatief hoogstaande kantoorgebouwen.

Bij toekomstige investeringen zal de voorkeur gegeven worden aan investeringen en/of uitbreidingen in commerciële centra en retailprojecten gelegen in België of Luxemburg; in tweede rangorde bij voorkeur aan nieuwe of structureel gerenoveerde kwalitatief hoogstaande kantoorgebouwen in kennisintensieve gebieden. Bijkomend wordt geïnvesteerd in ander vastgoed in België en vastgoed gelegen in de Europese Unie."

Voorstel tot besluit :

De algemene vergadering beslist tot wijziging van de beleggingspolitiek zoals opgenomen in het nieuwe artikel 5 van de statuten.

2. Beslissing tot wijziging van artikelen 8 en 22 van de statuten van de vennootschap teneinde deze in overeenstemming te brengen met de bepalingen van de wet van 14 december 2005 houdende afschaffing van de effecten aan toonder en artikel 536 W. venn.

Voorstel tot besluit :

'De algemene vergadering beslist de artikelen 8 en 22 van de statuten van de vennootschap als volgt te wijzigen teneinde deze in overeenstemming te brengen met de bepalingen van de wet van veertien december tweeduizend en vijf houdende afschaffing van de effecten aan toonder en artikel 536 W. venn. :

"Artikel 8 - AARD VAN DE AANDELEN

De aandelen zijn op naam of gedematerialiseerd. Van zodra de aandelen op naam volledig zijn volgestort, kan de aandeelhouder, op zijn kosten aan de zaakvoerder vragen deze aandelen om te zetten in gedematerialiseerde aandelen.

Op schriftelijk verzoek van een aandeelhouder zal de zaakvoerder de gedematerialiseerde aandelen omzetten in aandelen op naam.

De omzetting van de gedematerialiseerde aandelen in aandelen op naam zal plaatsvinden door inschrijving in het register van aandelen op naam, gedateerd en getekend door de aandeelhouder of zijn mandataris en door de zaakvoerder van de vennootschap of een bijzondere volmachtdrager.

Het gedematerialiseerde aandeel wordt vertegenwoordigd door een boeking op rekening, op naam van de eigenaar of de houder bij een erkende rekeninghouder of de vereffeningsinstelling .

Het op rekening geboekte aandeel wordt overgedragen door overschrijving van rekening op rekening.

Het aantal van de op elk ogenblik in omloop zijnde gedematerialiseerde aandelen wordt, per categorie van aandeel, in het register van de aandelen op naam ingeschreven op naam van de vereffeningsinstelling.

De omzetting in gedematerialiseerde aandelen waarvan sprake in dit artikel kan gevraagd worden zodra de vennootschap een vereffeningsinstelling heeft aangeduid.

Overgangsbepaling

Overeenkomstig de bepalingen van de wet van veertien december tweeduizend en vijf houdende afschaffing van de effecten aan toonder kan de vennootschap tot en met éénendertig december tweeduizend en zeven effecten aan toonder uitgeven en bestaat de mogelijkheid dat er tot en met éénendertig december tweeduizend dertien effecten aan toonder van de vennootschap in omloop zijn. De bepalingen van deze statuten die handelen over gedematerialiseerde effecten zijn mutatis mutandis van toepassing op de effecten aan toonder.

Effecten aan toonder die op een effectenrekening staan bestaan met ingang van één januari tweeduizend en acht in gedematerialiseerde vorm.

Effecten aan toonder die niet op een effectenrekening staan worden vanaf één januari tweeduizend en acht automatisch omgezet in gedematerialiseerde effecten vanaf het moment dat ze op een effectenrekening worden geplaatst.

Uiterlijk tot éénendertig december tweeduizend en twaalf (voor effecten aan toonder uitgegeven na drieëntwintig december tweeduizend en vijf) en éénendertig december tweeduizend dertien (voor effecten aan toonder uitgegeven vóór drieëntwintig december tweeduizend en vijf) kunnen de houders van effecten aan toonder die niet automatisch zijn omgezet krachtens voorgaande alinea's, de omzetting van deze effecten vragen in gedematerialiseerde effecten dan wel in effecten op naam overeenkomstig de procedure uiteengezet in artikel 7 (voor effecten aan toonder uitgegeven vóór drieëntwintig december tweeduizend en vijf) of 8 (voor effecten aan toonder uitgegeven na drieëntwintig december tweeduizend en vijf) van de voormelde Wet houdende afschaffing van de effecten aan toonder. De in deze alinea opgenomen termijnen en artikelen van de wet van veertien december tweeduizend en vijf dienen ingeval van wijziging van de voormelde Wet te worden gelezen en vervangen door de overeenkomstige termijnen en artikelen van de gewijzigde wet.

Na voormelde periode zullen de niet omgezette effecten aan toonder van rechtswege worden omgezet in gedematerialiseerde effecten en door de zaakvoerder worden ingeschreven op een effectenrekening.

Vanaf één januari tweeduizend vijftien worden de effecten waarvan de rechthebbenden ongekend zijn gebleven (tot op het moment van de hiernavermelde verkoop), te koop aangeboden overeenkomstig artikel 11 van de voormelde wet houdende afschaffing van de effecten aan toonder.

Artikel 22 - DEPONERING VAN EFFECTEN

Om te worden toegelaten tot de algemene vergadering en voor zover de zaakvoerder dit vereist in de oproepingen, moeten de eigenaars van aandelen op naam alsook de houders van warrants en obligaties op naam en de houders van certificaten op naam die met medewerking van de vennootschap werden uitgegeven binnen de termijn aangegeven door de zaakvoerder in de oproeping die niet minder dan drie werkdagen en niet meer dan zes werkdagen mag bedragen voor de datum bepaald voor de bijeenkomst van de algemene vergadering, aan de zaakvoerder hun intentie meedelen om deel te nemen aan de algemene vergadering.

De eigenaars van gedematerialiseerde effecten moeten, om tot de algemene vergadering te worden toegelaten, een door de erkende rekeninghouder of door de vereffeningsinstelling conform artikel 474 van het Wetboek van vennootschappen opgesteld attest neerleggen waaruit de onbeschikbaarheid blijkt van de gedematerialiseerde aandelen tot op de datum van de algemene vergadering, en dit binnen de termijn aangegeven door de zaakvoerder in de oproeping die niet minder dan drie werkdagen en niet meer dan zes werkdagen mag bedragen voor de datum bepaald voor de bijeenkomst van de algemene vergadering, en op de in de oproeping aangeduide plaats.

De zaakvoerder kan een registratiedatum vastleggen en bepalen dat de aandeelhouders aan de algemene vergadering kunnen deelnemen en er hun stemrecht kunnen uitoefenen, met betrekking tot aandelen waarvan zij op de registratiedatum om vierentwintig uur eigenaar zijn, ongeacht het aantal aandelen waarvan zij houder zijn op de dag van de algemene vergadering. De registratiedatum kan niet vroeger dan op de vijftiende dag en niet later dan vijf werkdagen vóór de algemene vergadering worden vastgesteld. De registratiedatum en de wijze waarop de aandeelhouders zich kunnen laten registreren worden vermeld in de oproeping. In dit geval dient de eigenaar van gedematerialiseerde effecten een door de erkende rekeninghouder of door de vereffeningsinstelling conform artikel 474 van het Wetboek van vennootschappen opgesteld attest neer te leggen waaruit blijkt dat de betrokkene eigenaar is van de gedematerialiseerde aandelen om vierentwintig uur op de registratiedatum.

Overgangsbepaling

De eigenaars van aandelen aan toonder alsook de houders van warrants of obligaties aan toonder en de houders van certificaten aan toonder die met medewerking van de vennootschap werden uitgegeven moeten binnen dezelfde termijn hun titels op de plaats aangeduid in de oproeping deponeren of zich laten registreren op de registratiedatum met betrekking tot deze effecten aan toonder.

Zij worden tot de algemene vergadering toegelaten op vertoon van hun identiteitsbewijs en van het attest waaruit blijkt dat hun aandelen, obligaties, warrants of certificaten die met medewerking van de vennootschap werden uitgegeven tijdig werden neergelegd of dat zij zich geldig hebben laten registeren op de registratiedatum met betrekking tot deze effecten aan toonder.

Vanaf één januari tweeduizend en acht zullen de eigenaars van voormelde effecten aan toonder die hun aandelen zullen hebben neergelegd of zullen hebben laten registreren bij de erkende rekeninghouder of de vereffeningsinstelling, het attest moeten voorleggen waarvan sprake in het tweede en derde lid van dit artikel'.

3. Verslag van de zaakvoerder in toepassing van artikel 604 van het Wetboek van vennootschappen bevattende een opgave van de bijzondere omstandigheden binnen dewelke de zaakvoerder gebruik zal kunnen maken van het toegestaan kapitaal en welke doeleinden zij daarbij zal nastreven.

4. Voorstel tot hernieuwing van de machtiging aan de zaakvoerder om het kapitaal van de vennootschap te verhogen, in één of meerdere keren ten belope van een maximum bedrag van tweehonderd miljoen euro (200.000.000 EUR), binnen het kader van het toegestaan kapitaal en voorstel tot aanpassing artikel 7*bis* in de statuten :

"Artikel 7*bis*. - TOEGESTAAN KAPITAAL

Het is de zaakvoerder uitdrukkelijk toegelaten het maatschappelijk kapitaal te verhogen in een of meerdere keren ten belope van een maximum bedrag van tweehonderd miljoen euro (200.000.000 EUR) door inbreng in geld of in natura, desgevallend, door incorporatie van reserves of uitgiftepremies, in overeenstemming met de regels voorgeschreven in het Wetboek van vennootschappen, onderhavige statuten en het artikel 11 van het koninklijk besluit van tien april negentienhonderd vijf en negentig betreffende de vastgoedbevaks.

Deze toelating wordt toegestaan voor een duur van vijf jaar te rekenen vanaf de publikatie in de bijlage van het *Belgisch Staatsblad* van een uittreksel van het proces-verbaal van de buitengewone algemene vergadering van elf april tweeduizend en zeven.

Deze toelating is hernieuwbaar.

Bij elke kapitaalsverhoging stelt de zaakvoerder de prijs, de eventuele uitgiftepremie en de voorwaarden van uitgifte van de nieuwe aandelen vast tenzij de algemene vergadering daar zelf zou over beslissen.

De kapitaalsverhogingen kunnen aanleiding geven tot de uitgifte van aandelen met of zonder stemrecht.

Wanneer de kapitaalsverhogingen, door de zaakvoerder beslist ingevolge deze toelating, een uitgiftepremie bevatten moet het bedrag van deze uitgiftepremie op een speciale onbeschikbare rekening geplaatst worden genoemd "uitgiftepremies" die zoals het kapitaal de waarborg uitmaakt voor derden en die niet zal kunnen verminderd of afgeschaft worden tenzij mits een beslissing van de algemene vergadering die vergadert volgens de voorwaarden van aanwezigheid en meerderheid voorzien voor een kapitaalsvermindering, behoudens de omzetting in kapitaal zoals hierboven voorzien."

Voorstel tot besluit

De algemene vergadering beslist tot hernieuwing van de machtiging aan de zaakvoerder, om binnen het kader van het toegestaan kapitaal, het maatschappelijk kapitaal in een of meerdere keren te verhogen ten belope van een maximum bedrag van tweehonderd miljoen euro (200.000.000 EUR).

5. Voorstel tot hernieuwing van de machtiging tot inkoop van eigen aandelen en voorstel tot wijziging van artikel 9 punt 2 van de statuten als volgt :

"Volgens een beslissing van de buitengewone algemene vergadering van elf april tweeduizend en zeven, genomen overeenkomstig artikel 620, paragraaf 1, van het Wetboek van vennootschappen, kan de vennootschap voor een duur van drie jaar te rekenen vanaf de bekendmaking van deze beslissing in de bijlage van het *Belgisch Staatsblad*, zijn eigen aandelen met stemrecht, of als er zijn, zonder stemrecht, verwerven, en dit zonder voorafgaande beslissing van de algemene vergadering, door aankoop of ruil, rechtstreeks of door een persoon die handelt in eigen naam maar voor rekening van de vennootschap, wanneer deze verkrijging noodzakelijk is om te voorkomen dat de vennootschap een ernstig en dreigend nadeel lijdt".

Voorstel tot besluit :

De algemene vergadering beslist de machtiging tot inkoop van eigen aandelen te verlenen, voor een duur van drie jaar te rekenen vanaf de bekendmaking van deze beslissing in de bijlage van het *Belgisch Staatsblad* en enkel wanneer deze verkrijging noodzakelijk is om te voorkomen dat de vennootschap een ernstig en dreigend nadeel lijdt.

6. Onder voorbehoud van goedkeuring van de Commissie voor het Bank-, Financie- en Assurantiewezen, voorstel om de statuten aan te passen aan de wet van twintig juli tweeduizend en vier, in het bijzonder :

elke verwijzing naar de wet van vier december negentienhonderd negentig te vervangen door de overeenkomstige verwijzing naar de wet van twintig juli tweeduizend en vier met betrekking tot bepaalde vormen van collectief beheer van beleggingsportefeuilles,

aanpassing van artikel 12, C, lid 3 van de statuten door wijziging van de woorden ' in de schoot van zijn raad van bestuur aanbelangen" door "de effectieve leiding wordt toevertrouwd aan ten minste twee natuurlijke personen",

aanpassing van artikel 1, lid 4 van de statuten door toevoeging van het woord "openbare" aan "beleggingsvennootschap met vast kapitaal naar Belgisch recht" en aan "bevak naar Belgisch recht",

in het kader daarvan eventueel andere tekstuele aanpassingen aan te brengen.

Voorstel tot besluit :

De algemene vergadering beslist :

elke verwijzing naar de wet van vier december negentienhonderd negentig te vervangen door de overeenkomstige verwijzing naar de wet van twintig juli tweeduizend en vier met betrekking tot bepaalde vormen van collectief beheer van beleggingsportefeuilles,

aanpassing van artikel 12, C, lid 3 van de statuten door wijziging van de woorden ' in de schoot van zijn raad van bestuur…. aanbelangen" door "de effectieve leiding wordt toevertrouwd aan ten minste twee natuurlijke personen",

aanpassing van artikel 1, lid 4 van de statuten door toevoeging van het woord "openbare" aan "beleggingsvennootschap met vast kapitaal naar Belgisch recht" en aan "bevak naar Belgisch recht",

in het kader daarvan eventueel andere tekstuele aanpassingen aan te brengen.

onder opschortende voorwaarde van de goedkeuring van de Commissie voor het Bank-, Financie- en Assurantiewezen.

7. Voorstel tot wijziging van artikel 29, teneinde het in overeenstemming te brengen met artikel 7 van het koninklijk besluit van één en twintig juni tweeduizend en zes op de boekhouding, de jaarrekening en de geconsolideerde jaarrekening van openbare vastgoedbevaks

Voorstel tot besluit

De algemene vergadering beslist om artikel 29 aan te passen als volgt :

"De vennootschap verdeelt, ten titel van vergoeding van het kapitaal, de winst in overeenstemming en conform artikel 7 van het koninklijk besluit van één en twintig juni tweeduizend en zes op de boekhouding, de jaarrekening en de geconsolideerde jaarrekening van openbare vastgoedbevaks."

8. Volmacht voor de coördinatie van de statuten

Voorstel tot besluit :

De algemene vergadering beslist volmacht te verlenen voor het opmaken van een gecoördineerde tekst van statuten.

Overeenkomstig artikel 22 van de statuten, worden de houders van aandelen aan toonder verzocht hun aandelen 3 dagen vóór de algemene vergadering te deponeren aan de loketten van volgende financiële instellingen : ING, Fortis Bank of KBC-Bank.

Overeenkomstig artikel 22 van de statuten dienen de houders van aandelen op naam hun intentie tot deelname aan de algemene vergadering bij gewone brief te richten aan de zetel van de vennootschap, eveneens minstens drie dagen vóór de algemene vergadering.

Ter beschikkingstelling van de jaardocumenten 2006

Het jaarverslag, de jaarrekening en het verslag van de commissaris over het boekjaar 2006 zijn vanaf 26 maart 2007 gratis beschikbaar ten kantore van de vennootschap. Deze documenten zijn ook vrij beschikbaar op de website : www.wereldhavebelgium.com

Voor info tel. : +32-2-732 19 00 (8362)

**"HERMES", naamloze vennootschap,
beleggingsvennootschap met veranderlijk kapitaal
naar Belgisch recht
Instelling voor Collectieve Beleggingen
in financiële instrumenten en liquide middelen
te 2020 Antwerpen, Jan Van Rijswijcklaan 184**

0443.743.425 - RPR Antwerpen

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Oproepingsbericht aan de aandeelhouders

De aandeelhouders worden uitgenodigd op de buitengewone algemene vergadering die zal plaatsvinden op de maatschappelijke zetel op 2 april 2007, om 14 uur, voor Meester Marc SLEDSENS, geassocieerd notaris te Antwerpen.

De vergadering zal er beraadslagen over de volgende agenda :

1) Voorstel aan de buitengewone algemene vergadering om BEURSFONDSEN-BEHEER NV aan te stellen als BEHEERVENNOOTSCHAP overeenkomstig art. 43, § 1, van de Wet van 20 juli 2004 betreffende bepaalde vormen van collectief beheer van beleggingsportefeuilles, én voorstel om haar vergoeding binnen de statutaire grenzen vast te leggen. De aanstelling gebeurt in het kader van het zich conformeren van de bevek aan deze wet van 20 juli 2004.

Voorstel van besluit : "Goedkeuring van de aanstelling van Beursfondsen-Beheer NV als beheervennootschap overeenkomstig art.43, § 1, van de wet van 20 juli 2004 betreffende bepaalde vormen van collectief beheer van beleggingsportefeuilles, én voorstel om haar vergoeding binnen de statutaire grenzen vast te leggen."

2) Benoeming en ontslag van bestuurders

Voorstel van besluit : "De vergadering neemt akte van het ontslag als bestuurder door de vennootschap Bank Delen N.V., én benoemt de heren Jean-Pierre Wellens en Marc Verteneuil als bestuurders van de bevek tot aan de Algemene Vergadering van april 2008."

3) Voorstel tot inlassing in artikel 23 van de statuten van de bepaling dat de jaarlijkse uitkering aan de dividendgerechtigde aandelen het geheel voorzien van de inkomsten uit interesten die werden verkregen, na aftrek van de proportioneel daarmee verband houdende bezoldigingen, commissies en kosten.

4) Voorstel tot vervanging van de woorden "de Commissie voor het Bank- en Financiewezen" in de artikelen 4, 24 en 27 door de woorden "de Commissie voor het Bank-, Financie- en Assurantiewezen".

5) Afschaffing effecten aan toonder - dematerialisatie van effecten

Voorstel van besluit : "Vanaf 1/1/2008 zal de vennootschap geen aandelen aan toonder meer uitgeven. De aandelen aan toonder van de vennootschap die op 1/1/2008 reeds uitgegeven en op een effectenrekening zijn geplaatst zullen vanaf deze datum onder een gedematerialiseerde vorm bestaan. De overige aandelen aan toonder zullen eveneens, al naargelang hun inschrijving op een effectenrekening vanaf 1 januari 2008, automatisch worden omgezet in gedematerialiseerde effecten. De gedematerialiseerde aandelen zijn vertegenwoordigd door een boeking op een rekening, op naam van de eigenaar of de houder, bij een erkende rekeninghouder of een vereffinginstelling. Aan de raad van bestuur wordt de bevoegdheid verleend om, binnen de beperkingen opgelegd door de wet, de modaliteiten vast te leggen voor de omwisseling van de vroegere effecten aan toonder in gedematerialiseerde effecten (en/of effecten op naam), en de noodzakelijke statutaire aanpassingen door te voeren.

6) Voorstel aan de buitengewone algemene vergadering tot goedkeuring van de nieuwe statuten van de vennootschap.

Ingevolge de goedkeuring van de agendapunten 1 tem 4 hierboven, én ingevolge de nieuwe wetgeving met de wet van 20 juli 2004 betreffende bepaalde vormen van collectief beheer van beleggingsportefeuilles én het koninklijk besluit van 4 maart 2005 met betrekking tot bepaalde openbare instellingen voor collectieve beleggingen, worden de artikelen 1, 4, 5, 6, 7, 8, 9, 10, 14, 16, 17, 19, 20, 22, 23, 24, 25, 26 en 27 van de statuten gewijzigd, wordt er een nieuw artikel 18 toegevoegd, én worden de oude artikelnummers 18 tem 27 gewijzigd in 19 t.e.m. 28.

De integrale tekst van het voorstel van de nieuwe statuten is verkrijgbaar op de maatschappelijke zetel van de vennootschap.

Voorstel van besluit : "Goedkeuring van de nieuwe statuten van de vennootschap."

7) De aandeelhouders van de compartimenten van HERMES die niet akkoord gaan met de voorgestelde wijzigingen krijgen, tot één maand na datum van publicatie van deze wijziging in twee dagbladen die landelijk of in grote oplage worden verspreid, de mogelijkheid om kosteloos (uitgezonderd beurstaks) uit te treden.

De wijziging van beleggingspolitiek van de compartimenten gaat in, één maand na de buitengewone algemene vergadering.

8) Machtiging coördinatie.

Om te kunnen deelnemen aan of zich te kunnen laten vertegenwoordigen op deze vergadering, dient elke aandeelhouder aan toonder uiterlijk 5 werkdagen voor de datum van de vergadering zijn aandelen neer te leggen bij Bank Delen.

De aandeelhouders op naam moeten binnen dezelfde periode, de raad van bestuur (Jan Van Rijswijcklaan 184, 2020 Antwerpen) schriftelijk op de hoogte te brengen van hun intentie om de vergadering bij te wonen en van het aantal effecten waarvoor ze van plan zijn aan de stemming deel te nemen. (8363)

**ARGENTA SELECTION FUND BEVEK,
naamloze vennootschap,
Compartiment Amerikaanse Groeiaandelen
Belgiëlei 49-53, 2018 Antwerpen**

RPR Antwerpen 0475.527.751

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Oproeping voor de buitengewone algemene vergadering
van het compartiment Amerikaanse Groeiaandelen

Beste Aandeelhouder,

De raad van bestuur heeft de eer de aandeelhouders van het compartiment Amerikaanse Groeiaandelen van de naamloze vennootschap Argenta Selection Fund, bevek naar Belgisch recht met meerdere compartimenten, opterend voor een belegging in effecten en liquiditeiten, (hierna de Vennootschap) uit te nodigen op een buitengewone algemene vergadering, die doorgaat op vrijdag 30 maart 2007, om 16 uur, op de maatschappelijke zetel om de verslagen van de raad van bestuur en van de commissaris te aanhoren en om te beraadslagen en te beslissen over de ontbinding van het compartiment Amerikaanse Groeiaandelen overeenkomstig de hierna sub 3 vermelde agenda en voorstellen tot besluit.

1. Rechtvaardiging van het voorstel tot ontbinding

De raad van bestuur verwijst naar het verslag van de raad van bestuur, opgesteld in overeenstemming met artikel 181 van het Wetboek van Vennootschappen, betreffende het voorstel tot ontbinding van het compartiment Amerikaanse Groeiaandelen van de Vennootschap, dat ter inzage werd neergelegd bij het directiesecretariaat van Argenta Spaarbank NV, voor een uitgebreide rechtvaardiging van het voorstel tot ontbinding.

De ontbinding van het compartiment Amerikaanse Groeiaandelen kadert in het ruimere perspectief dat de raad van bestuur de Vennootschap zelf wenst te ontbinden.

De raad van bestuur ziet geen reden voor het verdere bestaan van het compartiment Amerikaanse Groeiaandelen en de Vennootschap, aangezien de Vennootschap en haar compartimenten onvoldoende activa hebben om op termijn een rendabel en efficiënt beheer te garanderen.

2. Geschorste activiteiten

De raad van bestuur heeft beslist om vanaf 23 februari 2007 geen inschrijvingen noch orders voor het inkopen van aandelen meer te aanvaarden in het compartiment Amerikaanse Groeiaandelen, evenals de bepaling van de netto-inventariswaarde te schorsen. Deze schorsing zal gelden tot een bericht gecommuniceerd wordt aan de aandeelhouders van het compartiment Amerikaanse Groeiaandelen met informatie over het compartiment in vereffening en de modaliteiten inzake de vergoeding van hun aandelen.

3. Agenda van de buitengewone algemene vergadering en voorstellen tot besluit.

De raad van bestuur nodigt de aandeelhouders uit om over volgende dagorde te beraadslagen en te beslissen :

* Bespreking van het verslag van de raad van bestuur, opgesteld in overeenstemming met artikel 181 van het Wetboek van vennootschappen, betreffende het voorstel tot ontbinding van het compartiment Amerikaanse Groeiaandelen van de Vennootschap.

* Bespreking van de staat van activa en passiva, afgesloten per 31 december 2006.

* Bespreking van het verslag van Deloitte Bedrijfsrevisoren BV o.v.v.e. CVBA met maatschappelijke zetel te 1050 Brussel, Louizalaan 240, vertegenwoordigd door de heer Jos Vlaminckx als commissaris, opgesteld in overeenstemming met artikel 181 van het Wetboek van Vennootschappen, betreffende de staat van activa en passiva, afgesloten per 31 december 2006.

* Ontbinding en invereffeningstelling van het compartiment Amerikaanse Groeiaandelen.

Voorstel tot besluit : Na voormelde bespreking van de diverse verslagen besluit de vergadering het compartiment Amerikaanse Groeiaandelen te ontbinden en invereffening te stellen vanaf heden. Vanaf heden wordt het compartiment Amerikaanse Groeiaandelen geacht verder te bestaan voor haar vereffening.

* Benoeming van een vereffenaar.

Voorstel tot besluit : Tot vereffenaars worden aangesteld : de heer Roger Mertens, de heer Dirk Van Rompuy en de heer Marco Citta, die aanvaarden, en bevestigen niet getroffen te zijn door enige maatregel die zich tegen deze aanvaarding verzet.

* Bepaling van de bevoegdheden van de vereffenaar.

Voorstel tot besluit : De aangestelde vereffenaars hebben de meest uitgebreide machten voorzien in de artikelen 186 en volgende van het Wetboek van vennootschappen. De vereffenaars verbinden het compartiment Amerikaanse Groeiaandelen slechts handelend als college.

Zij mogen handelingen verrichten voorzien in artikel 187 zonder dat hiervoor een nieuwe beslissing door de algemene vergadering nodig is.

Zij mogen de hypotheekbewaarder ontslaan van de ambtshalve te nemen inschrijving; zij mogen verzaken aan alle zakelijke rechten, voorrechten, hypotheken, rechtsvorderingen tot ontbinding, opheffing verlenen met of zonder betaling van alle bevoorrechte of hypothecaire inschrijvingen, overschrijvingen, beslagen, elk verzet of andere belemmeringen.

De vereffenaars worden ontslagen inventaris op te maken en mag zich aan de boeken en bescheiden van het compartiment Amerikaanse Groeiaandelen houden.

Zij mogen onder hun verantwoordelijkheid voor bijzondere en bepaalde verrichtingen, een gedeelte van zijn machten die zij zullen bepalen, overdragen aan één of meer lasthebbers voor de duur die hij vaststelt.

Behoudens bijzondere delegatie worden alle akten die het compartiment Amerikaanse Groeiaandelen in vereffening verbinden, zelfs deze waaraan een openbaar of ministerieel ambtenaar zijn medewerking verleent, geldig ondertekend door de vereffenaars.

Het lid van het college van vereffenaars dat rechtstreeks of onrechtstreeks een belang van vermogensrechtelijke aard heeft dat strijdig is met een beslissing of een aan het college van vereffenaars voorgelegde verrichting, is gehouden artikel 523 van het Wetboek van vennootschappen na te komen, dat van overeenkomstige toepassing is.

Het mandaat van vereffenaar is onbezoldigd.

* Kwijting van de bestuurders.

Voorstel tot besluit : De vergadering beslist dat de algemene vergadering die de jaarrekening zal behandelen, zich tevens zal dienen uit te spreken over het verlenen van kwijting aan de bestuurders over de betreffende periode.

De aandeelhouders die wensen de buitengewone algemene vergadering van het compartiment Amerikaanse Groeiaandelen bij te wonen of zich te laten vertegenwoordigen, worden verzocht bij het directiesecretariaat van Argenta Spaarbank NV, te 2018 Antwerpen, Belgiëlei 49-53, hun aandelen aan toonder ten laatste op vrijdag 23 maart 2007 te deponeren. Eigenaars van aandelen op naam moeten binnen dezelfde periode schriftelijk de raad van bestuur op de hoogte brengen van hun intentie om de algemene vergadering bij te wonen en van het aantal aandelen waarover ze van plan zijn aan de stemming deel te nemen. De aandeelhouders kunnen op bovenstaand adres de statuten, het laatste (half)jaarverslag, het prospectus, het vereenvoudigd prospectus, het verslag van de raad van bestuur en van de commissaris overeenkomstig artikel 181 Wetboek van vennootschappen en de staat van activa en passiva per 31 december 2006 verkrijgen.

Deze buitengewone algemene vergadering wordt gehouden vermits tijdens de buitengewone algemene vergadering van 13 maart 2007 met dezelfde dagorde het vereiste aanwezigheidsquorum niet werd bereikt.

De aangekondigde buitengewone algemene vergadering zal geldig kunnen beslissen, ongeacht het door de aanwezige aandeelhouders vertegenwoordigde deel van het kapitaal.

4. Mogelijkheid tot inschrijven op de rechten van deelneming van andere instellingen voor collectieve belegging of compartimenten met een gelijkaardige beleggingspolitiek en de modaliteiten ervan of van de begeleidingsmaatregelen.

Er zal aan de beleggers de mogelijkheid worden geboden om gedurende een maand, te rekenen vanaf de inbetalingstelling van de vereffeningwaarde van de rechten van deelneming, zonder kosten, behoudens eventuele taksen, de vereffeningswaarde van hun rechten van deelneming te herinvesteren in rechten van deelneming van een compartiment naar keuze van Argenta-Fund SICAV, een Luxemburgse collectieve beleggingsinstelling.

(8364) De raad van bestuur.

ARGENTA SELECTION FUND SICAV,
société anonyme,
Compartiment Amerikaanse Groeiaandelen
Belgiëlei 49-53, 2018 Anvers

RPM Anvers 0475.527.751

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Convocation à l'assemblée générale extraordinaire
du compartiment Amerikaanse Groeiaandelen

Cher Actionnaire,

Le conseil d'administration a l'honneur d'inviter les actionnaires du compartiment Amerikaanse Groeiaandelen de la société anonyme Argenta Selection Fund, sicav de droit belge à plusieurs compartiments choisissant un investissement en titres et liquidités (ci-après la Société), à une assemblée générale extraordinaire, qui se tiendra le vendredi 30 mars 2007, à 16 heures, au siège social en vue d'entendre les rapports du conseil d'administration et du commissaire et en vue de délibérer et de décider de la dissolution du compartiment Amerikaanse Groeiaandelen, conformément à l'ordre du jour et aux propositions de résolutions mentionnés ci-après au point 3.

1. Justification de la proposition de dissolution

Le conseil d'administration se réfère, pour une justification plus importante de la proposition de dissolution, au rapport du conseil d'administration rédigé conformément à l'article 181 du Code des Sociétés relatif à la proposition de dissolution du compartiment Amerikaanse Groeiaandelen de la Société, qui a été déposé pour consultation auprès du secrétariat de direction de Argenta Spaarbank SA.

La dissolution du compartiment Amerikaanse Groeiaandelen intervient dans un contexte plus vaste, à savoir le souhait du conseil d'administration de dissoudre la Société même.

Le conseil d'administration ne voit aucune raison à la poursuite de l'existence du compartiment Amerikaanse Groeiaandelen et de la Société, la Société et ses compartiments disposant d'actifs insuffisants pour garantir à terme une gestion rentable et efficace.

2. Activités suspendues

Le conseil d'administration a décidé, à partir de 23 février 2007, de ne plus accepter de souscriptions à ou d'ordres pour le rachat d'actions dans le compartiment Amerikaanse Groeiaandelen, et de suspendre la détermination de la valeur d'inventaire nette. Cette suspension vaudra jusqu'à communication d'un avis aux actionnaires du compartiment Amerikaanse Groeiaandelen comportant des informations relatives au compartiment en liquidation et aux modalités afférentes à la compensation de leurs actions.

3. Ordre du jour de l'assemblée générale extraordinaire et propositions de résolutions.

Le conseil d'administration invite les actionnaires à délibérer et à décider de l'ordre du jour suivant :

* Discussion du rapport du conseil d'administration, rédigé en vertu de l'article 181 du Code des Sociétés relatif à la proposition de dissolution du compartiment Amerikaanse Groeiaandelen de la Société.

* Discussion de l'état résumant la situation active et passive au 31 décembre 2006.

* Discussion du rapport de Deloitte Réviseurs d'entreprises SC sous la forme d'une SCRL dont le siège social est sis à 1050 Bruxelles, avenue Louise 240, représentée par M. Jos Vlaminckx, commissaire, rédigé conformément à l'article 181 du Code des sociétés portant sur l'état résumant la situation active et passive au 31 décembre 2006.

* Dissolution et mise en liquidation du compartiment Amerikaanse Groeiaandelen.

Proposition de résolution : Après la discussion précitée des divers rapports, l'assemblée décide, à partir de ce jour, de dissoudre le compartiment Amerikaanse Groeiaandelen et de le mettre en liquidation. À partir de ce jour, il est considéré que le compartiment Amerikaanse Groeiaandelen ne continue d'exister qu'en vue de sa liquidation.

* Désignation d'un liquidateur.

Proposition de résolution : Sont désignés en qualité de liquidateurs : M. Roger Mertens, M. Dirk Van Rompuy et M. Marco Citta, qui acceptent et confirment ne faire l'objet d'aucune mesure empêchant une telle acceptation.

* Détermination des compétences du liquidateur.

Proposition de résolution : Les liquidateurs désignés disposent des pouvoirs les plus étendus prévus aux articles 186 et suivants du Code des sociétés. Les liquidateurs n'engagent le compartiment Amerikaanse Groeiaandelen que lorqu'ils agissent collégialement.

Ils peuvent effectuer les actions prévues à l'article 187 sans qu'une nouvelle décision de l'assemblée générale ne soit nécessaire à cet égard.

Ils peuvent décharger le conservateur des hypothèques de prendre des inscriptions d'office; ils peuvent renoncer à tous les droits réels, les privilèges, les hypothèques, les demandes de dissolution, octroyer la mainlevée de toutes les inscriptions hypothécaires, les transcriptions, les saisies, les oppositions et autres entraves, avec ou sans paiement.

Les liquidateurs sont déchargés de la rédaction d'un inventaire et peuvent s'en tenir à la comptabilité et aux documents du compartiment Amerikaanse Groeiaandelen.

Ils sont autorisés à transférer la partie de leurs pouvoirs qu'ils indiquent à un ou plusieurs mandataires pour la durée qu'ils auront déterminée; et ceci sous leur propre responsabilité au regard d'actions spéciales et particulières.

Sauf délégation particulière, tous les agissements qui lient le compartiment Amerikaanse Groeiaandelen en liquidation, même ceux auxquels un fonctionnaire public ou ministériel collaborerait, seront valables moyennant signature des liquidateurs.

Le membre du collège des liquidateurs qui aurait, directement ou indirectement, un intérêt de nature patrimoniale qui serait opposé à une décision du collège de liquidateurs ou à une opération qui serait présentée à celui-ci, sera tenu d'observer l'article 523 du Code des sociétés, qui s'applique par analogie.

Le mandat du liquidateur ne sera pas rémunéré.

* Décharge des administrateurs.

Proposition de résolution : L'assemblée décide que l'assemblée générale qui traitera des comptes annuels, devra également se prononcer sur l'octroi de la décharge aux administrateurs pour la période concernée.

Les actionnaires qui souhaiteraient assister ou se faire représenter à l'assemblée générale extraordinaire du compartiment Amerikaanse Groeiaandelen, sont invités à déposer leurs actions au porteur auprès du secrétariat de direction d'Argenta Spaarbank SA, à 2018 Antwerpen, Belgiëlei 49-53, le vendredi 23 mars 2007 au plus tard. Endéans le même délai, les propriétaires des actions nominatives sont tenus d'informer le conseil d'administration par écrit, de leur intention d'assister à l'assemblée générale et du nombre d'actions sur base desquelles ils envisagent de participer au vote. Les actionnaires peuvent obtenir à l'adresse susmentionnée, les statuts, le dernier rapport annuel (semestriel), le prospectus, le prospectus abrégé, le rapport du conseil d'administration et du commissaire conformément à l'article 181 du Code des sociétés et l'état de la situation active et passive au 31 décembre 2006.

Cette assemblée générale extraordinaire est organisée car à l'assemblée générale extraordinaire du 13 mars 2007 avec le même ordre du jour, le quorum de présence requis n'était pas atteint.

L'assemblée générale extraordinaire annoncée pourra délibérer valablement, quelle que soit la portion du capital représentée par les actionnaires présents.

4. Possibilité de souscrire aux parts et aux termes afférents ou à des mesures d'accompagnement d'autres organismes de placement collectif ou compartiments ayant une politique d'investissement similaire.

Les actionnaires auront la possibilité de réinvestir la valeur de liquidation de leurs parts dans des parts d'un compartiment choisi par Argenta-Fund SICAV, un organisme de placement collectif Luxembourgeois, pendant un mois courant à partir de la mise en paiement de la valeur de liquidation des parts, sans frais, sauf taxes éventuelles.

(8364) Le conseil d'administration.

ARGENTA SELECTION FUND BEVEK,
naamloze vennootschap,
Compartiment Europese Media
Belgiëlei 49-53, 2018 Antwerpen

RPR Antwerpen 0475.527.751

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Oproeping voor de buitengewone algemene vergadering van het compartiment Europese Media

De raad van bestuur heeft de eer de aandeelhouders van het compartiment Europese Media van de naamloze vennootschap Argenta Selection Fund, bevek naar Belgisch recht met meerdere compartimenten, opterend voor een belegging in effecten en liquiditeiten, (hierna de Vennootschap) uit te nodigen op een buitengewone algemene vergadering, die doorgaat op vrijdag 30 maart 2007, om 16 u. 15 m., op de maatschappelijke zetel om de verslagen van de raad van bestuur en van de commissaris te aanhoren en om te beraadslagen en te beslissen over de ontbinding van het compartiment Europese Media, en, aangezien het compartiment Europese Media het laatste te ontbinden en vereffenen compartiment van de Vennootschap is, het voorstel tot ontbinding van de Vennootschap (artikel 16, § 3, van de Wet van 20 juli 2004 betreffende bepaalde vormen van collectief beheer van beleggingsportefeuilles), overeenkomstig de hierna sub 3 vermelde agenda en voorstellen tot besluit.

1. Rechtvaardiging van het voorstel tot ontbinding

De raad van bestuur verwijst naar het verslag van de raad van bestuur, opgesteld in overeenstemming met artikel 181 van het Wetboek van vennootschappen, betreffende het voorstel tot ontbinding van het compartiment Europese Media van de Vennootschap, dat ter inzage werd neergelegd bij het directiesecretariaat van Argenta Spaarbank NV, voor een uitgebreide rechtvaardiging van het voorstel tot ontbinding.

De ontbinding van het compartiment Europese Media kadert in het ruimere perspectief dat de raad van bestuur de Vennootschap zelf wenst te ontbinden.

De raad van bestuur ziet geen reden voor het verdere bestaan van het compartiment Europese Media en de Vennootschap, aangezien de Vennootschap en haar compartimenten onvoldoende activa hebben om op termijn een rendabel en efficiënt beheer te garanderen.

2. Geschorste activiteiten

De raad van bestuur heeft beslist om vanaf de datum van deze publicatie geen inschrijvingen noch orders voor het inkopen van aandelen meer te aanvaarden in het compartiment Europese Media, evenals de bepaling van de netto-inventariswaarde te schorsen. Deze schorsing zal gelden tot een bericht gecommuniceerd wordt aan de aandeelhouders van het compartiment Europese Media met informatie over het compartiment in vereffening en de modaliteiten inzake de vergoeding van hun aandelen.

3. Agenda van de buitengewone algemene vergadering en voorstellen tot besluit

De raad van bestuur nodigt de aandeelhouders uit om over volgende dagorde te beraadslagen en te beslissen :

* Bespreking van het verslag van de raad van bestuur, opgesteld in overeenstemming met artikel 181 van het Wetboek van vennootschappen, betreffende het voorstel tot ontbinding van het compartiment Europese Media van de Vennootschap.

* Bespreking van de staat van activa en passiva, afgesloten per 31 december 2006.

* Bespreking van het verslag van Deloitte Bedrijfsrevisoren BV o.v.v.e. CVBA met maatschappelijke zetel te 1050 Brussel, Louizalaan 240, vertegenwoordigd door de heer Jos Vlaminckx als commissaris, opgesteld in overeenstemming met artikel 181 van het Wetboek van vennootschappen, betreffende de staat van activa en passiva, afgesloten per 31 december 2006.

* Ontbinding en invereffeningstelling van het compartiment Europese Media

Voorstel tot besluit : Na voormelde bespreking van de diverse verslagen besluit de vergadering het compartiment Europese Media te ontbinden en invereffening te stellen vanaf heden. Vanaf heden wordt het compartiment Europese Media geacht verder te bestaan voor haar vereffening. De vergadering neemt kennis van het feit dat het compartiment Amerikaanse Groeiaandelen reeds ontbonden en invereffening gesteld werd en dat de vereffening van het compartiment Europese Media, als laatste compartiment van de Vennootschap zal leiden tot de vereffening van de Vennootschap overeenkomstig artikel 16, § 3, van de Wet van 20 juli 2004 betreffende bepaalde vormen van collectief beheer van beleggingsportefeuilles. De vergadering stelt daarom vast dat de Vennootschap vanaf heden wordt geacht verder te bestaan voor haar vereffening.

* Benoeming van een vereffenaar.

Voorstel tot besluit : Tot vereffenaars worden aangesteld : de heer Roger Mertens, de heer Dirk Van Rompuy en de heer Marco Citta, die aanvaarden, en bevestigen niet getroffen te zijn door enige maatregel die zich tegen deze aanvaarding verzet.

* Bepaling van de bevoegdheden van de vereffenaar.

Voorstel tot besluit : De aangestelde vereffenaars hebben de meest uitgebreide machten voorzien in de artikelen 186 en volgende van het Wetboek van vennootschappen. De vereffenaars verbinden het compartiment Europese Media en de Vennootschap slechts handelend als college.

Zij mogen handelingen verrichten voorzien in artikel 187 zonder dat hiervoor een nieuwe beslissing door de algemene vergadering nodig is.

Zij mogen de hypotheekbewaarder ontslaan van de ambtshalve te nemen inschrijving. Zij mogen verzaken aan alle zakelijke rechten, voorrechten, hypotheken, rechtsvorderingen tot ontbinding, opheffing verlenen met of zonder betaling van alle bevoorrechte of hypothecaire inschrijvingen, overschrijvingen, beslagen, elk verzet of andere belemmeringen.

De vereffenaars worden ontslagen inventaris op te maken en mag zich aan de boeken en bescheiden van het compartiment Europese Media en de Vennootschap houden.

Zij mogen onder hun verantwoordelijkheid voor bijzondere en bepaalde verrichtingen, een gedeelte van zijn machten die zij zullen bepalen, overdragen aan één of meer lasthebbers voor de duur die hij vaststelt.

Behoudens bijzondere delegatie worden alle akten die het compartiment Europese Media en de Vennootschap in vereffening verbinden, zelfs deze waaraan een openbaar of ministerieel ambtenaar zijn medewerking verleent, geldig ondertekend door de vereffenaars.

Het lid van het college van vereffenaars dat rechtstreeks of onrechtstreeks een belang van vermogensrechtelijke aard heeft dat strijdig is met een beslissing of een aan het college van vereffenaars voorgelegde verrichting, is gehouden artikel 523 van het Wetboek van vennootschappen na te komen, dat van overeenkomstige toepassing is.

Het mandaat van vereffenaar is onbezoldigd.

* Kwijting van de bestuurders.

Voorstel tot besluit : De vergadering stelt vast dat ingevolge het besluit tot ontbinding van het compartiment Europese Media als laatste compartiment van de Vennootschap de opdracht van alle in functie zijnde bestuurders een einde neemt. Dienaangaande beslist de vergadering dat de algemene vergadering die de jaarrekening zal behandelen zich tevens zal dienen uit te spreken over het verlenen van kwijting over de betreffende periode.

De aandeelhouders die wensen de buitengewone algemene vergadering bij te wonen of zich te laten vertegenwoordigen, worden verzocht bij het directiesecretariaat van Argenta Spaarbank NV, te 2018 Antwerpen, Belgiëlei 49-53, hun aandelen aan toonder ten laatste op vrijdag 23 maart 2007 te deponeren. Eigenaars van aandelen op naam moeten binnen dezelfde periode schriftelijk de raad van bestuur op de hoogte brengen van hun intentie om de algemene vergadering bij te wonen en van het aantal aandelen waarover ze van plan zijn aan de stemming deel te nemen. De aandeelhouders kunnen op bovenstaand adres de statuten, het laatste (half)jaarverslag, het prospectus, het vereenvoudigd prospectus, het verslag van de raad van bestuur en van de commissaris overeenkomstig artikel 181 Wetboek van vennootschappen en de staat van activa en passiva per 31 december 2006 verkrijgen.

De buitengewone algemene vergadering kan geldig beraadslagen over de agenda wanneer de aanwezigen ten minste de helft van het maatschappelijk kapitaal vertegenwoordigen.

4. Mogelijkheid tot inschrijven op de rechten van deelneming van andere instellingen voor collectieve belegging of compartimenten met een gelijkaardige beleggingspolitiek en de modaliteiten ervan of van de begeleidingsmaatregelen.

Er zal aan de beleggers de mogelijkheid worden geboden om gedurende een maand, te rekenen vanaf de inbetalingstelling van de vereffeningwaarde van de rechten van deelneming, zonder kosten, behoudens eventuele taksen, de vereffeningswaarde van hun rechten van deelneming te herinvesteren in rechten van deelneming van een compartiment naar keuze van Argenta-Fund SICAV, een Luxemburgse collectieve beleggingsinstelling.

(8365) De raad van bestuur.

ARGENTA SELECTION FUND SICAV, société anonyme,
Compartiment Europese Media
Belgiëlei 49-53, 2018 Anvers

RPM Anvers 0475.527.751

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Convocation à l'assemblée générale extraordinaire
du compartiment Europese Media

Le conseil d'administration a l'honneur d'inviter les actionnaires du compartiment Europese Media de la société anonyme Argenta Selection Fund, sicav de droit belge à plusieurs compartiments choisissant un investissement en titres et liquidités, (ci-après la Société) à une assemblée générale extraordinaire, qui se tiendra le vendredi 30 mars 2007, à 16 h 15 m, au siège social en vue d'entendre les rapports du conseil d'administration et du commissaire et en vue de délibérer et de décider de la dissolution du compartiment Europese Media et puisque le compartiment Europese Media est le dernier compartiment de la Société à dissoudre et liquider, la proposition de dissolution de la

Société (article 16, § 3, de la loi du 20 juillet 2004 relative à certaines formes de gestion collective de portefeuilles d'investissement), conformément à l'ordre du jour et aux propositions de résolutions mentionnés ci-après au point 3.

1. Justification de la proposition de dissolution

Le conseil d'administration se réfère, pour une justification plus importante de la proposition de dissolution, au rapport du conseil d'administration rédigé conformément à l'article 181 du Code des sociétés relatif à la proposition de dissolution du compartiment Média Europe de la Société, qui a été déposé pour consultation au secrétariat de direction d'Argenta Spaarbank SA.

La dissolution du compartiment Europese Media intervient dans un contexte plus vaste à savoir le souhait du conseil d'administration de dissoudre la Société même.

Le conseil d'administration ne voit aucune raison à la poursuite de l'existence du compartiment Europese Media et de la Société, la Société et ses compartiments disposant d'actifs insuffisants pour garantir à terme une gestion rentable et efficace.

2. Activités suspendues

Le conseil d'administration a décidé, à partir de la date de cette publication, de ne plus accepter de souscriptions à ou d'ordres pour le rachat d'actions dans le compartiment Europese Media, et de suspendre la détermination de la valeur d'inventaire nette. Cette suspension vaudra jusqu'à communication d'un avis aux actionnaires du compartiment Europese Media comportant des informations relatives au compartiment en liquidation et aux modalités afférentes à la compensation de leurs actions.

3. Ordre du jour de l'assemblée générale extraordinaire et propositions de résolutions

Le conseil d'administration invite les actionnaires à délibérer et à décider de l'ordre du jour suivant :

* Discussion du rapport du conseil d'administration, rédigé en vertu de l'article 181 du Code des sociétés relatif à la proposition de dissolution du compartiment Europese Media de la Société.

* Discussion de l'état résumant la situation active et passive au 31 décembre 2006.

* Discussion du rapport de Deloitte Réviseurs d'entreprises SC sous la forme d'une SCRL dont le siège social est sis à 1050 Bruxelles, avenue Louise 240, représentée par M. Jos Vlaminckx, commissaire, rédigé conformément à l'article 181 du Code des sociétés portant sur l'état résumant la situation active et passive au 31 décembre 2006.

* Dissolution et mise en liquidation du compartiment Europese Media.

Proposition de résolution : Après la discussion précitée des divers rapports, l'assemblée décide à partir de ce jour, de dissoudre le compartiment Europese Media et de le mettre en liquidation. À partir de ce jour, il est considéré que le compartiment Europese Media ne continue à exister qu'en vue de sa liquidation.

L'assemblée prend connaissance du fait que le compartiment Amerikaanse Groeiaandelen a déjà été mise en liquidation et liquidée et que la liquidation du compartiment Europese Media, en tant que dernier compartiment de la Société, va entraîner la dissolution de la Société en vertu de l'article 16 § 3 de la loi du 20 juillet 2004 relative à certaines formes de gestion collective de portefeuilles d'investissement. L'assemblée décide dès lors, de considérer à partir de ce jour que la Société ne continue à exister qu'en vue de sa liquidation.

* Désignation d'un liquidateur.

Proposition de résolution : Sont désignés en qualité de liquidateurs : M. Roger Mertens, M. Dirk Van Rompuy et M. Marco Citta, qui acceptent et confirment ne faire l'objet d'aucune mesure empêchant une telle acceptation.

* Détermination des compétences du liquidateur.

Proposition de résolution : Les liquidateurs désignés disposent des pouvoirs les plus étendus prévus aux articles 186 et suivants du Code des sociétés. Les liquidateurs n'engagent le compartiment Europese Media et la Société que lorqu'ils agissent collégialement.

Ils peuvent effectuer les actions prévues à l'article 187 sans qu'une nouvelle décision de l'assemblée générale ne soit nécessaire à cet égard.

Ils peuvent décharger le conservateur des hypothèques de prendre des inscriptions d'office. Ils peuvent renoncer à tous les droits réels, les privilèges, les hypothèques, les demandes de dissolution, octroyer la mainlevée de toutes les inscriptions hypothécaires, les transcriptions, les saisies, les oppositions et autres entraves, avec ou sans paiement.

Les liquidateurs sont déchargés de la rédaction d'un inventaire et peuvent s'en tenir à la comptabilité et aux documents du compartiment Europese Media et de la Société. Ils sont autorisés à transférer la partie de leurs pouvoirs qu'ils indiquent à un ou plusieurs mandataires pour la durée qu'ils auront déterminée; et ceci sous leur propre responsabilité au regard d'actions spéciales et particulières.

Sauf délégation particulière, tous les agissements qui lient le compartiment Europese Media ou la Société en liquidation, même ceux auxquels un fonctionnaire public ou ministériel collaborerait, seront valables moyennant signature des liquidateurs.

Le membre du collège des liquidateurs qui aurait, directement ou indirectement, un intérêt de nature patrimoniale qui serait opposé à une décision du collège de liquidateurs ou à une opération qui serait présentée à celui-ci, sera tenu d'observer l'article 523 du Code des sociétés, qui s'applique par analogie.

Le mandat du liquidateur ne sera pas rémunéré.

* Décharge des administrateurs.

Proposition de résolution : L'assemblée constate que la tâche de tous les administrateurs en fonction prendra fin, suite à la décision de dissolution du compartiment Europese Media, le dernier compartiment de la Société. À cet égard, l'assemblée décidée que l'assemblée générale qui traitera des comptes annuels, devra également se prononcer sur l'octroi de la décharge pour la période concernée.

Les actionnaires qui souhaiteraient assister ou se faire représenter à l'assemblée générale extraordinaire sont invités à déposer leurs actions au porteur auprès du secrétariat de direction de Argenta Spaarbank SA, à 2018 Antwerpen, Belgiëlei 49-53, le vendredi 23 mars 2007 au plus tard. Endéans le même délai, les propriétaires des actions nominatives sont tenus d'informer le conseil d'administration par écrit de leur intention d'assister à l'assemblée générale et du nombre d'actions sur base desquelles ils envisagent de participer au vote. Les actionnaires peuvent obtenir à l'adresse susmentionnée les statuts, le dernier rapport annuel (semestriel), le prospectus, le prospectus agrégé, le rapport du conseil d'administration et du commissaire conformément à l'article 181 du Code des sociétés et l'état de la situation active et passive au 31 décembre 2006.

4. Possibilité de souscrire aux parts et aux termes afférents ou à des mesures d'accompagnement d'autres organismes de placement collectif ou compartiments ayant une politique d'investissement similaire.

Les actionnaires auront la possibilité de réinvestir la valeur de liquidation de leurs parts dans des parts d'un compartiment choisi par Argenta-Fund SICAV, un organisme de placement collectif Luxembourgeois, pendant un mois courant à partir de la mise en paiement de la valeur de liquidation des parts, sans frais, sauf taxes éventuelles.

(8365) Le conseil d'administration.

ALL BETON, naamloze vennootschap,

Domien Veysstraat 49, 8570 Vichte

Ondernemingsnummer 0430.353.861 — RPR Kortrijk

—

Algemene vergadering op de zetel op 07/4/2007, om 11 uur. Agenda : 1. Verslag raad van bestuur. 2. Goedkeuring van de jaarrekening per 31/12/2006. 3. Beraadslaging art. 96, 6°, W. Venn. 4. Beslissing eventuele vervroegde ontbinding art. 634 W. Venn. 5. Bestemming resultaat. 6. Kwijting aan bestuurders. 7. Goedkeuring voorafgenomen bezoldiging bestuurders. 8. Diversen.

(AOPC1701305/ 14.03) (8489)

BLANOR, naamloze vennootschap,
Scheitlerlaan 23, 1150 Brussel-15

Ondernemingsnummer 0457.571.7642

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Algemene vergadering op de zetel op 06/4/2007, om 19 uur. Agenda : Verslag raad van bestuur. Goedkeuring van de jaarrekening. Bestemming resultaat. Kwijting aan bestuurders. Diversen.

(AOPC-1-7-00976/ 14.03) (8490)

BUNKER, naamloze vennootschap,
Marlier 1, 1730 Asse

Ondernemingsnummer 0442.818.262

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Algemene vergadering op de zetel op 06/4/2007, om 19 uur. Agenda : Verslag raad van bestuur. Goedkeuring van de jaarrekening. Bestemming resultaat. Kwijting aan bestuurders. Eventuele statutaire benoemingen. Diversen.

(AOPC-1-7-00696/ 14.03) (8491)

EXPERTEN ASSOCIATIE, naamloze vennootschap,
Pastoor Raeymaekersstraat 25, bus 31, 3600 Genk

Ondernemingsnummer 0428.893.517

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Algemene vergadering op de zetel op 31/3/2007, om 15 uur. Agenda : Verslag raad van bestuur. Goedkeuring van de jaarrekening. Bestemming resultaat. Kwijting aan bestuurders. Eventuele statutaire benoemingen. Diversen.

(AOPC-1-7-00467/ 14.03) (8492)

GEBROEDERS NIJS, naamloze vennootschap,
Mechelsesteenweg 56, 2840 Rumst

Ondernemingsnummer 0400.765.693

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Algemene vergadering op de zetel op 31/3/2007, om 15 uur. Agenda : Verslag raad van bestuur. Goedkeuring van de jaarrekening. Bestemming resultaat. Kwijting aan bestuurders. Eventuele statutaire benoemingen. Diversen.

(AOPC-1-7-00886/ 14.03) (8493)

Groothandel KVS Dilsen, naamloze vennootschap,
Rijksweg 180, 3650 Dilsen-Stokkem

Ondernemingsnummer 0401.317.407

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Algemene vergadering op de zetel op 06/4/2007, om 20 uur. Agenda : Verslag raad van bestuur. Goedkeuring van de jaarrekening. Bestemming resultaat. Kwijting aan bestuurders. Diversen.

(AOPC-1-7-01141/ 14.03) (8494)

IMMO ATLANTA, naamloze vennootschap,
Triphon de Smetstraat 9, 9140 Temse

Ondernemingsnummer 0419.594.185

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Algemene vergadering op de zetel op 06/4/2007, om 18 uur. Agenda : Verslag raad van bestuur. Goedkeuring van de jaarrekening. Bestemming resultaat. Kwijting aan bestuurders. Diversen.

(AOPC-1-7-02324/ 14.03) (8495)

IMMOBILIËN MAALDERIJ ROOSENS,
in het kort : "IMMARO", naamloze vennootschap,

Sint-Rochusstraat 187, 2100 Deurne

RPR Antwerpen 0442.582.987

—

Op de vergadering van 12 maart 2007 was minder dan de helft van het kapitaal vertegenwoordigd. De aandeelhouders worden daarom opnieuw uitgenodigd op een buitengewone algemene vergadering, met de zelfde agenda, te houden op het kantoor van geassocieerde notarissen Van Tricht en De Wispelaere, te Merksem, Bredabaan 644, op donderdag 29 maart 2007, om 11 uur. Deze vergadering zal geldig kunnen beraadslagen en besluiten ongeacht het vertegenwoordigde deel van het kapitaal.

De vergadering heeft de volgende agenda :

1) Bevestiging met betrekking tot de geldige oproeping en samenstelling van de vergadering.

2) Aanvulling van artikel 2 van de statuten met de mogelijkheid voor het oprichten van administratieve zetels en bedrijfszetels.

3) Aanpassing van de statuten aan de wet van veertien december tweeduizend en vijf tot afschaffing van de effecten aan toonder. Invoering van het principe van aandelen op naam vanaf 1 januari 2013; overgangsperiode tot dan waarin ook aandelen aan toonder nog mogelijk zijn.

4) Opheffing van het toegestane kapitaal.

5) Inlassing van een nieuw artikel 7, handelend over de ondeelbaarheid van aandelen.

6) Opheffing van de vermelding van de aflossing van het kapitaal.

7) Uitdrukkelijke regeling van de rechten die verbonden zijn aan de aandelen bij opsplitsing van het eingendomsrecht van een aandeel in vruchtgebruik en naakte eigendom, in een nieuw artikel 11.

8) Aanpassing van het artikel over de samenstelling van de raad van bestuur : twee bestuurders mogelijk indien de vennootschap niet meer dan twee aandeelhouders telt en invoering van de vaste vertegenwoordiger voor bestuurdersrechtspersonen.

9) Vervanging van het artikel 15 dat handelt over de bevoegdheden en de vertegenwoordigen van de raad van bestuur door de artikelen 16 tot 18 die respectievelijk handelen over de vergadering van de raad van best uur, de bevoegdheden en de vertegenwoordiging.

10) Herschrijving van de artikelen die handelen over de algemene vergadering.

11) Aanpassing van de statuten aan de wettelijke verplichtingen inzake de boekhouding.

12) Aanpassing van het artikel dat handelt over de ontbinding en vereffening van de vennootschap.

13) Aanpassing van de statuten aan de invoering van het Wetboek van vennootschappen.

14) Opdracht voor coördinatie van de statuten en de mogelijkheid tot hernummering van de statuten, ingevolge de voorgaande besluiten.

15) Volmacht voor het rechtspersonenregister en inzake de belasting over de toegevoegde waarde.

Om toegelaten te worden tot de vergadering moeten de aandeelhouders uiterlijk op 23 maart hun aandelen deponeren op de zetel van de vennootschap.

(AXPC-1-7-02735/ 14.03) (8496)

IMMO LE CHATEAU, société anonyme,
route de Mons 1, bte 6, 7120 Estinnes-au-Val

RPM 0451.070.388

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Le quorum n'ayant pas été atteint lors de l'A.G. ordinaire du 02/2/2007, à 14 h 30 m, au siège social, une deuxième assemblée générale ordinaire se réunira au siège social le 29/3/2007, à 14 h 30 m. Ordre du jour : Rapport du conseil administration. Approbation comptes annuels au 30/9/2006. Affectation résultat. Décharge aux administrateurs. Divers.

(AOPC-1-7-04268/ 14.03) (8497)

J.P.M.J., société anonyme,
chemin des Bœufs 12, 4910 Theux

Numéro d'entreprise 0445.100.534

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Assemblée ordinaire au siège social le 02/4/2007, à 11 heures. Ordre du jour : Rapport du conseil d'administration. Approbation des comptes annuels. Affectation des résultats. Décharge aux administrateurs. Divers.

(AOPC-1-7-00780/ 14.03) (8498)

LA PORTE D'ARDENNE, société anonyme,
Grand-Rue 49, 6760 Virton

Numéro d'entreprise 0440.275.971

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Assemblée ordinaire au siège social le 31/3/2007, à 17 heures. Ordre du jour : Rapport du conseil d'administration. Approbation des comptes annuels. Affectation des résultats. Décharge aux administrateurs. Nominations statutaires éventuelles. Divers.

(AOPC-1-7-02402/ 14.03) (8499)

LAMITREF INDUSTRIES, naamloze vennootschap,
Frederic Sheidlaan, 2620 Hemiksem

Ondernemingsnummer 0459.960.538 — RPR Antwerpen

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De aandeelhouders worden vriendelijk uitgenodigd op de jaarvergadering, die zal plaatsvinden op dinsdag 3 april 2007, om 16 uur, op de maatschappelijke zetel te 2620 Hemiksem, Frederic Sheidlaan. De vergadering zal beraadslagen en besluiten nemen over de volgende agenda :

1. Bespreking van het verslag van de raad van bestuur over het boekjaar eindigend per 31/12/2006.

2. Bespreking van het verslag van de commissaris over het boekjaar eindigend per 31 december 2006.

3. Goedkeuring van de jaarrekening van de vennootschap en mededeling van de geconsolideerde jaarrekening van de Groep over het boekjaar 2006.

4. Resultaatsbestemming van het boekjaar 2006.

5. Kwijting aan de bestuurders.

6. Kwijting aan de commissaris.

7. Benoeming/herbenoeming van bestuurders.

8. Varia.

Deelnemingsformaliteiten

Om toegelaten te worden tot de jaarvergadering, en overeenkomstig artikel 23 van de statuten, moeten de aandeelhouders de volgende formaliteiten vervullen :

(i) Om te worden toegelaten tot de jaarvergadering moet elke eigenaar van aandelen minstens drie werkdagen vóór de datum die bepaald werd voor de bijeenkomst, zijn voornemen, om aan de vergadering deel te nemen schriftelijk ter kennis brengen van de raad van bestuur. aandeelhouders die nog in het bezit zijn van aandelen aan toonder dienen deze ten laatste drie werkdagen vóór de vergadering, om te zetten in aandelen op naam, om rechtsgeldig aan de vergadering te kunnen deelnemen.

(ii) Elke aandeelhouder mag zich op de algemene aandeelhoudersvergadering doen vertegenwoordigen door een volmachtdrager, al dan niet aandeelhouder.

De modellen van volmachten in de vorm zoals goedgekeurd door de vennootschap en die moeten worden gebruikt, om te worden vertegenwoordigd op de jaarvergadering kunnen worden verkregen op de maatschappelijke zetel van de vennootschap.

Om toegelaten te worden tot de vergadering zullen de aandeelhouders en volmachthouders hun identiteit moeten bewijzen en de vertegenwoordigers van rechtspersonen zullen de documenten moeten voorleggen die hun identiteit en hun hoedanigheid bewijzen, en dit uiterlijk onmiddellijk vóór het begin van de vergadering.

Gezien de beslissing op de buitengewone algemene vergadering van 1 juni 2005, om alle aandelen aan toonder, om te zetten in aandelen op naam en deze omzetting door meer dan 99,5 % van de aandeelhouders werd gedaan zal er in de toekomst geen publicatie meer gebeuren, om de jaarvergadering van aandeelhouders bijeen te roepen.

De raad van bestuur.

(AOPC-1-7-04091/ 14.03) (8500)

LE FOYER FORESTOIS, société civile
sous la forme d'une société anonyme,
square Toinon 1, 1190 Bruxelles

Agréée par la Société du Logement
de la Région de Bruxelles-Capitale

Registre des sociétés civiles
ayant emprunté la forme commerciale,
Bruxelles n° 86

—

L'assemblée générale extraordinaire se tiendra au siège social le vendredi 30 mars 2007, à 11 heures, avec l'ordre du jour suivant :

Démission de neuf administrateurs avec voix délibérative, présentés par la commune de Forest, et d'un administrateur avec voix délibérative, présenté par le C.P.A.S. de Forest.

Révocation sur demande de la Commune de Forest des mandats d'un administrateur avec voix délibérative, présenté par la commune de Forest, et de deux administrateurs avec voix consultative, présentés par la commune de Forest.

Décharge aux administrateurs avec voix délibérative, démissionnaires et/ou révoqués.

Nomination des administrateurs avec voix délibérative et avec voix consultative proposés par la commune de Forest lors de la délibération du conseil communal du 27 février 2007 en remplacement des administrateurs avec et sans voix délibérative, démissionnaires et/ou révoqués, repris aux points 1 et 2 du présent ordre du jour.

Pour être admis aux assemblées, MM. les actionnaires sont priés de se conformer, à l'article 24 des statuts.

(AXPC-1-7-04271/ 14.03) (8501)

MEUBLES BELOT ET EUROSTYL, société anonyme,
chemin de Nivelles 27/31, 7060 Soignies

Numéro d'entreprise 0412.512.987

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Assemblée ordinaire au siège social le 31/3/2007, à 15 heures. Ordre du jour : Rapport du conseil d'administration. Approbation des comptes annuels. Affectation des résultats. Décharge aux administrateurs. Nominations statutaires éventuelles. Divers.

(AOPC-1-7-03029/ 14.03) (8502)

NOORDERMAN, naamloze vennootschap,
P. Deconinckstraat 27, 8800 Roeselare

Ondernemingsnummer 0432.145.490

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Algemene vergadering op de zetel op 02/4/2007, om 14 uur. Agenda : Verslag raad van bestuur. Goedkeuring van de jaarrekening. Bestemming resultaat. Kwijting aan bestuurders. Diversen.

(AOPC-1-7-03130/ 14.03) (8503)

RADJA, naamloze vennootschap,
Legeweg 379, 8200 Brugge

Ondernemingsnummer 0436.390.528

—

Algemene vergadering op de zetel op 06/4/2007, om 16 uur. Agenda : Verslag raad van bestuur. Goedkeuring van de jaarrekening per 31/12/2006. Bestemming resultaat. Kwijting aan bestuurders. Allerlei. Zich richten naar de statuten.

(AOPC-1-7-02050/ 14.03) (8504)

RESIDENCE LES DEUX VALLEES, société anonyme,
rue de la Gare 17, 4170 Comblain-au-Pont

Numéro d'entreprise 0424.857.129

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Assemblée ordinaire au siège social le 06/4/2007, à 19 heures. Ordre du jour : Rapport du conseil d'administration. Approbation des comptes annuels. Affectation des résultats. Décharge aux administrateurs. Nominations statutaires éventuelles. Divers.

(AOPC-1-7-04247/ 14.03) (8505)

MAALDERIJ ROOSENS, naamloze vennootschap,
Metropoolstraat 3-4, 2900 Schoten

RPR Antwerpen 0442.582.789

—

De aandeelhouders worden uitgenodigd op de buitengewone algemene vergadering, te houden op het kantoor van geassocieerde notarissen Van Tricht en De Wispelaere, te Merksem, Bredabaan 644, op donderdag 29 maart 2007, om 11 u. 30 m.

De vergadering heeft de volgende agenda :

1) Bevestiging met betrekking tot de geldige oproeping en samenstelling van de vergadering.

2) Aanvulling van artikel 2 van de statuten met de mogelijkheid voor het oprichten van administratieve zetels en bedrijfszetels.

3) Aanpassing van de statuten aan de wet van veertien december tweeduizend en vijf tot afschaffing van de effecten aan toonder. Invoering van het principe van aandelen op naam vanaf 1 januari 2013; overgangsperiode tot dan waarin ook aandelen aan toonder nog mogelijk zijn.

4) Opheffing van het toegestane kapitaal.

5) Inlassing van een nieuw artikel 7, handelend over de ondeelbaarheid van aandelen.

6) Opheffing van de vermelding van de aflossing van het kapitaal.

7) Uitdrukkelijke regeling van de rechten die verbonden zijn aan de aandelen bij opsplitsing van het eigendomsrecht van een aandeel in vruchtgebruik en naakte eigendom, in een nieuw artikel 11.

8) Aanpassing van het artikel over de samenstelling van de raad van bestuur : twee bestuurders mogelijk indien de vennootschap niet meer dan twee aandeelhouders telt en invoering van de vaste vertegenwoordiger voor bestuurdersrechtspersonen.

9) Vervanging van het artikel 15 dat handelt over de bevoegdheden en de vertegenwoordigen van de raad van bestuur door de artikelen 16 tot 18 die respectievelijk handelen over de vergadering van de raad van best uur, de bevoegdheden en de vertegenwoordiging.

10) Herschrijving van de artikelen die handelen over de algemene vergadering.

11) Aanpassing van de statuten aan de wettelijke verplichtingen inzake de boekhouding.

12) Aanpassing van het artikel dat handelt over de ontbinding en vereffening van de vennootschap.

13) Aanpassing van de statuten aan de invoering van het Wetboek van vennootschappen.

14) Opdracht voor coördinatie van de statuten en de mogelijkheid tot hernummering van de statuten, ingevolge de voorgaande besluiten.

15) Volmacht voor het rechtspersonenregister en inzake de belasting over de toegevoegde waarde.

Om toegelaten te worden tot de vergadering moeten de aandeelhouders uiterlijk op 23 maart hun aandelen deponeren op de zetel van de vennootschap.

(AXPC-1-7-02736/ 14.03) (8506)

SODIMATE, société anonyme,
rue de Birmingham 112, 1070 Bruxelles

Numéro d'entreprise 0426.977.271

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Assemblée ordinaire au siège social le 04/3/2007, à 10 heures. Ordre du jour : Rapport du conseil d'administration. Approbation des comptes annuels. Affectation des résultats. Décharge aux administrateurs. Nominations statutaires éventuelles. Divers.

(AOPC-1-7-04285/ 14.03) (8507)

VEENMAN PROJEKTONTWIKKELING, naamloze vennootschap,
Apostelhuizen 26*H-I-J*, 9000 Gent

Ondernemingsnummer 0448.253.628

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Algemene vergadering op de zetel op 31/3/2007, om 15 uur. Agenda : Verslag raad van bestuur. Voorlezen van en goedkeuring van de jaarrekening. Bestemming resultaat. Kwijting aan bestuurders. Verderzetting van de vennootschap.

(AOPC-1-7-01255/ 14.03) (8508)

VERBEKE SHIPPING, naamloze vennootschap,
Voshollei 10, 2930 Brasschaat

Ondernemingsnummer 0428.527.093 — RPR Antwerpen

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De aandeelhouders worden uitgenodigd tot de bijzondere algemene vergadering, die zal gehouden worden op 30/3/2007, om 10 uur, op de maatschappelijke zetel. Agenda : Mededeling van de geconsolideerde jaarrekening per 30/9/2006 en het verslag over de geconsolideerde jaarrekening overeenkomstig artikel 120 van het Wetboek van vennootschappen aan de vennoten van de consoliderende vennootschap. - Kwijting verlenen aan de bestuurders en de commissaris. De aandeelhouders worden verzocht zich te schikken naar de bepalingen van de statuten. Neerlegging van de aandelen ten minste vijf dagen vóór de algemene vergadering, op de maatschappelijke zetel.

(AXPC-1-7-00243/ 14.03) (8509)

Voor Ons Recht Deinze, naamloze vennootschap,
Beekstraat 124, 9800 Deinze

Ondernemingsnummer 0456.180.013

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Algemene vergadering op de zetel op 31/3/2007, om 17 uur. Agenda : Verslag raad van bestuur. Goedkeuring van de jaarrekening. Bestemming resultaat. Kwijting aan bestuurders. Eventuele statutaire benoemingen. Diversen.

(AOPC-1-7-01055/ 14.03) (8510)

V.C., naamloze vennootschap,
Brugsesteenweg 19, 9900 Eeklo

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Algemene vergadering op de zetel op 07/4/2007, om 10 uur. Agenda : Verslag raad van bestuur. Goedkeuring van de jaarrekening. Bestemming resultaat. Kwijting aan bestuurders. Diversen.

(AOPC-1-7-02777/ 14.03) (8511)

WARNANTS & MATTERNE, burgerlijke vennootschap onder de vorm van een naamloze vennootschap,
Sint-Truidersteenweg 162, 3500 Hasselt

Ondernemingsnummer 0426.876.511

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Gewone en buitengewone algemene vergadering

De Algemene en buitengewone algemene vergadering zal gehouden worden op het kantoor van de notaris Stefan D'Huys, te Kortessem, Dorpsstraat 1, op woensdag 4 april 2007, om 20 uur, met als volgende agenda : Verslag van de raad van bestuur. Goedkeuring van de jaarrekening. Bestemming resultaat. Kwijting aan de bestuurders. Ontslag en benoemingen bestuurders. Wijziging dag en uur, van de algemene vergadering. Verplaatsing van de maatschappelijke zetel. Aanpassing van de statuten aan het Wetboek van vennootschappen. Diversen. De aandeelhouders die aan de vergadering wensen deel te nemen moeten zich schikken naar de bepalingen van de statuten.

(AOPC-1-7-03878/ 14.03) (8512)

Groupe Multipharma,
société coopérative à responsabilité limitée

Siège social : route de Lennik 900, à 1070 Bruxelles.

RPM Bruxelles 0401.985.519

—

Convocation

Nous vous invitons à assister à l'assemblée générale extraordinaire de GROUPE MULTIPHARMA SCRL, qui se tiendra le jeudi 29 mars 2007, à 10 heures, au siège social, route de Lennik 900, à Anderlecht.

Ordre du jour :

1) *a)* Rapport du conseil d'administration exposant la justification détaillée de la modification proposée, à l'objet social; à ce rapport est joint un état résumant la situation active et passive de la société arrêté au 31 décembre 2006.

b) Rapport du commissaire de la société sur l'état résumant la situation active et passive de la société joint au rapport du conseil d'administration.

c) Modification de l'objet social de la société afin de mieux tenir compte de certaines évolutions de l'activité du groupe et des spécificités de l'organisation du groupe — Proposition de remplacer l'objet social actuel par le suivant :

« 1. La société a pour objet de promouvoir, organiser, réaliser tant en Belgique qu'à l'étranger la production, l'achat, la vente, l'importation, l'exportation, la distribution de substances, produits et services présentés comme possédant des propriétés curatives ou préventives, à l'égard des maladies humaines, animales ou végétales, et visant au rétablissement, au maintien ou, à l'amélioration de la santé.

Cet objet devra être réalisé en veillant, à assurer aux consommateurs les meilleures conditions économiques et une qualité optimale.

2. La société pourra notamment établir et exploiter, tant pour ses membres que pour des tiers :

1° des officines pharmaceutiques dans lesquelles s'effectue la vente de médicaments ainsi que d'articles de toilette et d'hygiène, de parfumerie, de diététique, de cosmétologie, de dermatologie et de bandagisterie;

2° des établissements qui fournissent des produits et des services en matière d'optique, de bandagisterie, d'orthopédie, de prothèse, d'audiométrie, de fournitures dentaires, de matériel médical et des accessoires, et tous autres produits assimilés;

3° tous autres établissements en rapport avec son objet;

4° des magasins de gros et des départements de fabrication et d'analyse en rapport avec les activités énumérées ci-avant.

3. La société peut exercer son activité directement ou, à l'intervention de filiales. Elle peut notamment, à cet effet créer ou prendre des participations dans toutes activités de droit belge ou étranger, affermer ses activités ou prendre certaines activités en affermage, faire apport ou recevoir des apports de branche d'activité ou d'universalité, fusionner, se scinder et plus généralement, réaliser toutes opérations utiles, à son développement et entreprendre toutes exploitations utiles, à la réalisation de son objet social et au développement de ses activités.

La société peut, plus généralement, accomplir toutes opérations quelconques, commerciales, industrielles, financières, mobilières ou immobilières se rapportant directement ou indirectement, à son objet. »

4. La société a également pour objet l'assistance administrative, comptable et financière, ainsi que la gestion et la prise de participations dans des sociétés exerçant des activités similaires ou plus généralement complétant la sienne, ainsi que dans toutes sociétés belges ou étrangères dont l'activité permet de développer ses activités ainsi que les activités de ses filiales, société-mère ou sociétés liées. La société assure, à leur demande, la gestion de la trésorerie des sociétés précitées et, dans ce cadre, de même que dans le cadre de la gestion de sa trésorerie, faire toutes opérations de placement, achat, vente, échange et gestion de toutes actions, parts, obligations ou bons et titres négociables émis par des sociétés belges ou étrangères, de droit public ou privé, ainsi que tout organisme de placement belge ou étranger.

2) Conversion en euros de la valeur nominale des parts sociales; en vue d'obtenir une valeur de deux euros cinquante cents pour les anciennes parts, à cent francs et une valeur de vingt-cinq euros pour les anciennes parts, à mille francs, augmentation, à due concurrence du capital social par prélèvement sur les réserves disponibles.

3) Unification des parts sociales, à mille (1 000) francs par suppression des deux catégories (A et B).

4) Conversion en euros de la part fixe du capital social.

5) Augmentation de la part fixe du capital, à concurrence de quarante-deux mille cent vingt-neuf euros cinquante cents (42.129,50 EUR) pour la porter de quatre millions neuf cent cinquante-sept mille huit cent septante euros cinquante cents (4.957.870,50 EUR), à cinq millions (5.000.000) d'euros.

6) Modification de la dénomination sociale en "Multipharma".

7) Insertion de dispositions relatives au registre des parts (afin, notamment, de prévoir un registre électronique).

8) Insertion d'un article réglant les appels de fonds sur les parts sociales non entièrement libérées.

9) Réduction de cinq, à deux ans du délai dans lequel les anciens associés doivent réclamer le remboursement de leurs parts.

10) Modification des dispositions contenant les conditions générale d'admission et de perte de la qualité d'associé, simplification de la définition de la qualité de client.

11) Modification en matière d'exclusion afin de prévoir que celle-ci est prononcée par le conseil d'administration, avec possibilité de recours devant l'assemblée générale.

12) Fixation des date et heure de l'assemblée générale ordinaire (deuxième jeudi du mois de juin, à dix heures trente minutes), modification du mode de convocation des assemblées générales, précisions sur le système de représentation des associés.

13) Modification de la composition du conseil d'administration, de son mode de convocation et de la durée du mandat d'administrateur (à ramener de quatre, à trois ans).

14) Insertion de dispositions relatives aux conflits d'intérêts dans le chef des administrateurs.

15) Insertion d'une disposition au sujet des décisions écrites du conseil d'administration.

16) Insertion d'une disposition relative, à la constitution de divers comités au sein de la société.

17) Précisions quant, à l'organisation du comité de direction.

18) Simplification des dispositions relatives, à l'affectation du résultat.

19) Insertion d'une disposition qui tient compte de l'évolution de l'octroi de ristournes, notamment sur les cartes de fidélité.

20) Adoption d'un texte refondu des statuts — Le texte de la nouvelle version des statuts est, à la disposition des associés au siège social de la société.

21) En application de l'article 22 des statuts réduisant le nombre des administrateurs et la durée des mandats :

21.1. Remplacement de l'ensemble des membres du conseil d'administration.

21.2. Nomination du nombre d'administrateurs prévu par les statuts parmi les administrateurs existants.

(8513) Le conseil d'administration.

Multipharma Groep,
coöperatieve vennootschap met beperkte aansprakelijkheid

Maatschappelijke zetel : Lenniksebaan 900, 1070 Brussel

RPR Brussel 0401.985.519

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Bijeenroeping

Wij nodigen u uit deel te nemen aan de buitengewone algemene vergadering van de CVBA MULTIPHARMA Groep, die zal plaatsvinden op donderdag 29 maart 2007, om 10 uur, in de lokalen van de maatschappelijke zetel, gevestigd Lenniksebaan 900, te Anderlecht.

Agenda :

1) *a)* Verslag van de raad van bestuur aangaande de gedetailleerde rechtvaardiging van de voorgestelde wijziging van het maatschappelijk doel; bij dat verslag is een samenvattende balans van de actief- en passiefrekeningen van de vennootschap gevoegd, op datum van 31 december 2006.

b) Verslag van de commissaris van de vennootschap over de samenvattende balans van de actief- en passiefrekeningen van de vennootschap, gevoegd bij het verslag van de raad van bestuur.

c) Wijziging van het maatschappelijk doel van de vennootschap teneinde beter rekening te houden met bepaalde ontwikkelingen op het vlak van de activiteiten van de groep en met de specifieke organisatie van de groep - Voorstel, om het huidige maatschappelijk doel te vervangen door de volgende tekst :

« 1. De vennootschap heeft als doel de bevordering, organisatie en verwezenlijking, zowel in België als in het buitenland, van de productie, de aankoop, verkoop, de invoer, de uitvoer, de verdeling van stoffen, producten en diensten die worden voorgesteld als hebbende genezende of preventieve eigenschappen ten aanzien van menselijke, dierlijke of plantaardige ziekten en die strekken tot het herstel of het behoud of de verbetering van de gezondheid.

Dit doel moet worden gerealiseerd door er over te waken aan de verbruikers de beste economische voorwaarden en een optimale kwaliteit te verzekeren.

2. De vennootschap kan onder meer zowel voor haar leden als voor derden overgaan tot de vestiging en uitbating :

1° van apotheken waar geneesmiddelen en eveneens toilet- en hygiëne-, reuk-, dieet- en cosmetica-artikelen verkocht worden en artikelen rond dermatologie en bandagistserie;

2° van vestigingen die producten en diensten leveren op het gebied van de optiek, de bandagistserie, de orthopedie, de prothese, de audiometrie, tandheelkundige leveringen, medisch materiaal en dito bijhorigheden en van alle gelijkgestelde producten;

3° van elke andere vestiging in verband met haar doel;

4° van groothandelsmagazijnen en van afdelingen voor de vervaardiging en de ontleding met betrekking tot de hierboven opgesomde activiteiten.

3. De vennootschap kan haar activiteiten rechtstreeks of door tussenkomst van dochtervennootschappen uitoefenen. Hiertoe kan zij onder meer elke activiteit naar Belgisch of naar buitenlands recht tot stand brengen of er aan deelnemen, haar bedrijfsactiviteit verpachten of bepaalde bedrijfsactiviteiten in pacht nemen, een inbreng verrichten of een inbreng van een tak van werkzaamheid of een algemeenheid ontvangen, een fusie aangaan, zich splitsen en meer in het algemeen, alle verrichtingen uitvoeren welke bijdragen tot haar ontwikkeling en elke exploitatie ondernemen welke nuttig is voor de verwezenlijking van haar maatschappelijk doel en voor de ontwikkeling van haar activiteit.

De vennootschap kan, meer algemeen, alle verrichtingen van welke aard ook (commerciële, industriële, financiële, roerende of onroerende) uitvoeren die rechtstreeks of onrechtstreeks met haar maatschappelijk doel verband houden.

4. De vennootschap heeft eveneens tot doel de bijstand op administratief, boekhoudkundig en financieel vlak, evenals het beheer en het nemen van participaties in vennootschappen die gelijkaardige activiteiten of activiteiten aanvullend aan de hare uitoefenen, en ook in alle Belgische of buitenlandse vennootschappen waarvan de activiteit toestaat haar activiteiten, evenals deze van haar dochtervennootschappen, moedervennootschap of verbonden ondernemingen, te ontwikkelen.

De vennootschap verzekert, op hun vraag, het beheer van de geldelijke middelen van de voornoemde vennootschappen en in dit kader, evenzeer als in het kader van het beheer van haar geldelijke middelen, het uitvoeren van alle verrichtingen van belegging, aankoop, verkoop, ruil, en beheer van alle aandelen, deelbewijzen, obligaties of bons en verhandelbare effecten uitgegeven door Belgische of buitenlandse vennootschappen, van publiek of privaat recht, evenals iedere Belgische of buitenlandse beleggingsinstelling.

2) Omzetting in euro van de nominale waarde van de maatschappelijke aandelen; teneinde de waarde van de oude aandelen van honderd frank op twee euro en vijftig cent te brengen en de waarde van de oude aandelen van duizend frank op vijfentwintig euro te brengen, verhoging van het maatschappelijk kapitaal door afhouding op de beschikbare reserves.

3) Samenvoeging van de maatschappelijke aandelen van duizend (1 000) frank door de afschaffing van de twee categorieën (A en B).

4) Omzetting in euro van het vast gedeelte van het maatschappelijk kapitaal.

5) Verhoging van het vast gedeelte van het kapitaal met tweeënveertigduizend honderd negenentwintig euro en vijftig cent (42.129,50 EUR) teneinde dit te brengen van vier miljoen negenhonderdzevenenvijftigduizend achthonderd zeventig euro en vijftig cent (4.957.870,50 EUR) op vijf miljoen (5.000.000) euro.

6) Wijziging van de maatschappelijke benaming in "Multipharma".

7) Inlassing van bepalingen met betrekking tot het aandelenregister (met name met het oog op de invoering van een elektronisch register).

8) Inlassing van een artikel betreffende de oproepen tot volstorting van de niet-volgestorte maatschappelijke aandelen.

9) Inkorting van vijf naar twee jaar van de termijn waarbinnen voormalige vennoten de terugbetaling van hun aandelen dienen te eisen.

10) Wijziging van de bepalingen met betrekking tot de algemene voorwaarden voor toetreding en verlies van de hoedanigheid van vennoot, vereenvoudiging van de definitie van de hoedanigheid van cliënt.

11) Wijziging van de bepalingen met betrekking tot uitsluiting zodat deze door de raad van bestuur moet worden beslist, met mogelijkheid tot beroep voor de algemene vergadering.

12) Vastlegging van datum en uur, van de gewone algemene vergadering (2de donderdag van de maand juni, om tien uur dertig); wijziging van de wijze van bijeenroeping van de algemene vergadering, verduidelijkingen aangaande het systeem van vertegenwoordiging van de vennoten.

13) Wijziging van de samenstelling van de raad van best uur, van diens wijze van bijeenroeping en van de duur van het mandaat van bestuurder (terug te brengen van vier naar drie jaar).

14) Inlassing van bepalingen met betrekking tot belangenvermenging in hoofde van de bestuurders.

15) Inlassing van een bepaling met betrekking tot de schriftelijke besluiten van raad van bestuur.

16) Inlassing van een bepaling met betrekking tot de samenstelling van diverse comités binnen de vennootschap.

17) Verduidelijking aangaande de organisatie van het directiecomité.

18) Vereenvoudiging van de bepalingen met betrekking tot de bestemming van het resultaat.

19) Inlassing van een bepaling die rekening houdt met de ontwikkeling van de toekenning van kortingen, in het bijzonder op getrouwheidskaarten.

20) Goedkeuring van de herwerkte tekst van de statuten — De tekst van de herwerkte versie van de statuten wordt ter beschikking gesteld van de vennoten op de maatschappelijke zetel van de vennootschap.

21) Krachtens artikel 22 van de statuten, dat voorziet in de vermindering van het aantal bestuurders en de inkorting van de duur van de mandaten :

21.1. Vervanging van alle leden van de raad van bestuur.

21.2. Benoeming van het in de statuten vastgelegde aantal bestuurders uit de bestaande bestuurders.

De raad van bestuur.

(AXPC-1-7-04253/ 14.03) (8513)

Multipharma,
société coopérative à responsabilité limitée

Siège social : route de Lennik 900, à 1070 Bruxelles

RPM Bruxelles 0401.995.516

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Convocation

Nous vous invitons à assister à l'assemblée générale extraordinaire de MULTIPHARMA SCRL, qui se tiendra le jeudi 29 mars 2007, à 11 h 30 m, au siège social, route de Lennik 900, à Anderlecht.

Ordre du jour :

1) *a)* Rapport du conseil d'administration exposant la justification détaillée de la modification proposée, à l'objet social; à ce rapport est joint un état résumant la situation active et passive de la société arrêté au 31 décembre 2006.

b) Rapport du commissaire de la société sur l'état résumant la situation active et passive de la société joint au rapport du conseil d'administration.

c) Modification de l'objet social de la société afin de mieux tenir compte de certaines évolutions de l'activité du groupe et des spécificités de l'organisation du groupe — Proposition de remplacer l'objet social actuel par le suivant :

« La société a pour objet tant en Belgique qu'à l'étranger, toutes opérations financières, mobilières et immobilières, se rapportant, à la production, l'achat, la vente, l'importation, l'exportation, la distribution de substances, produits et services présentés comme possédant des propriétés curatives ou préventives, à l'égard des maladies humaines, animales ou végétales, et visant au rétablissement, au maintien ou, à l'amélioration de la santé.

Elle peut notamment, à ce titre :

a) procéder, à toutes opérations financières, telles qu'acquérir, par voie d'achat ou autrement, toutes valeurs mobilières, créances, parts d'associés et participations dans toutes entreprises financières, industrielles et commerciales, de droit belge ou étranger, effectuer tous actes de gestion de portefeuille ou de capitaux, prendre tous engagements, à titre de caution, aval ou garanties généralement quelconques;

b) s'intéresser, par voie d'apport, de fusion, de souscription, de commandite ou de toutes autres manières, dans toutes entreprises, associations ou sociétés de droit belge ou étranger dont l'objet serait similaire, analogue, connexe ou simplement utile, à la réalisation de tout ou partie de son objet social;

c) effectuer toutes opérations et toutes études ayant trait, à tous biens ou, à tous droits immobiliers par nature, par incorporation ou par destination et aux biens et/ou, à tous droits mobiliers qui en découlent, telles qu'acheter, construire, transformer, aménager, louer, sous-louer, échanger, vendre, ainsi qu'effectuer de manière générale, tout ce qui se rattache directement ou indirectement, à la gestion ou, à la mise en valeur, pour elle-même ou pour autrui, de toutes propriétés immobilières bâties ou non bâties;

d) réaliser toutes opérations industrielles, commerciales ou de service, dans la mesure où elles favorisent directement ou indirectement son objet";

e) pourvoir, à l'administration, à la supervision et au contrôle de toutes sociétés liées ou avec laquelle il existe un lien de participation;

f) dans la mesure où ces opérations ne sont pas réservées par la loi aux banques et aux organismes de crédit, consentir tous prêts ou garanties sous quelque forme et pour quelque durée que ce soit, à toutes sociétés liées ou avec laquelle il existe un lien de participation.

La société peut, de même, prendre toute participation dans d'autres sociétés coopératives et dans toutes autres sociétés ou groupements qui contribuent ou dont l'objet est de nature, à contribuer au développement des sociétés coopératives et mutualistes.

La société peut, plus généralement, accomplir toutes opérations quelconques (commerciales, industrielles, financières, mobilières ou immobilières) se rapportant directement ou indirectement, à son objet social.

2) Conversion en euros de la valeur nominale des parts sociales en vue d'obtenir une valeur de de vingt-cinq euros pour les anciennes parts, à mille francs, augmentation, à due concurrence du capital social par prélèvement sur les réserves disponibles.

3) Conversion en euros de la part fixe du capital social.

4) Augmentation de la part fixe du capital, à concurrence de deux millions quatre cent septante-cinq mille deux cent dix euros soixante-cinq cents (2.475.210,65 EUR) pour la porter de vingt-quatre mille sept cent quatre- vingt-neuf euros trente-cinq cents (24.789,35 EUR), à deux millions cinq cent mille (2.500.000) euros par prélèvement sur la part variable du capital.

5) Modification de la dénomination sociale en Multipharma Group.

6) Insertion de dispositions relatives aux parts sociales, au registre des parts et aux appels de fonds sur les parts sociales non entièrement libérées.

7) Détermination des causes de la perte de la qualité d'associé.

8) Fixation des date et heure de l'assemblée générale ordinaire (deuxième jeudi du mois de juin, à douze heures), modification du mode de convocation des assemblées générales, précisions sur le système de représentation des associés et sur les décisions écrites de l'assemblée générale.

9) Précisions et modifications en matière de vote et quorum de l'assemblée générale.

10) Modification de la composition du conseil d'administration, de son mode de convocation et de la durée du mandat d'administrateur (à ramener de quatre, à trois ans).

11) Insertion de dispositions relatives aux conflits d'intérêts dans le chef des administrateurs.

12) Insertion d'une disposition au sujet des décisions écrites du conseil d'administration.

13) Insertion d'une disposition relative, à la constitution de divers comités au sein de la société.

14) Précisions quant, à l'organisation du comité de direction.

15) Simplification des dispositions relatives, à l'affectation du résultat.

16) Précisions relatives, à l'hypothèse de la liquidation de la société.

17) Insertion de dispositions relatives au règlement d'ordre intérieur et, à la résolution des différends par voie d'arbitrage.

18) Adoption d'un texte refondu des statuts — Le texte de la nouvelle version des statuts est, à la disposition des associés au siège social de la société.

(8514) Le conseil d'administration.

Multipharma,
coöperatieve vennootschap met beperkte aansprakelijkheid

Maatschappelijke zetel : Lenniksebaan 900, 1070 Brussel

RPR Brussel 0401.995.516

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Bijeenroeping

Wij nodigen u uit deel te nemen aan de buitengewone algemene vergadering van de CVBA MULTIPHARMA, die zal plaatsvinden op donderdag 29 maart 2007, om 11 u. 30 m., in de lokalen van de maatschappelijke zetel, gevestigd Lenniksebaan 900, te Anderlecht.

Agenda :

1) *a)* Verslag van de raad van bestuur aangaande de gedetailleerde rechtvaardiging van de voorgestelde wijziging van het maatschappelijk doel van de vennootschap; bij genoemd verslag is een samenvattende balans gevoegd van de actief- en passiefrekeningen van de vennootschap op datum van 31 december 2006.

b) Verslag van de commissaris van de vennootschap over de samenvattende balans van de actief- en passiefrekeningen van de vennootschap, gevoegd bij het verslag van de raad van bestuur.

c) Wijziging van het maatschappelijk doel van de vennootschap teneinde beter rekening te houden met bepaalde ontwikkelingen op het vlak van de activiteiten van de groep en met de specifieke organisatie van de groep — Voorstel, om het huidige maatschappelijk doel te vervangen door de volgende tekst :

"De vennootschap heeft als doel, zowel in België als in het buitenland, het verwezenlijken van alle financiële verrichtingen, roerende en onroerende, die betrekking hebben op de productie, de aankoop, de verkoop, de invoer, de uitvoer, de verdeling van stoffen, producten en diensten, die worden voorgesteld als hebbende genezende of preventieve eigenschappen ten aanzien van menselijke, dierlijke of plantaardige ziekten en die strekken tot het herstel, het behoud of de verbetering van de gezondheid.

In dit kader kan zij onder meer :

a) overgaan tot alle financiële verrichtingen, zoals het verwerven door middel van aankoop of op andere wijze, van alle effecten, schuldvorderingen, deelbewijzen en deelnemingen in alle financiële, industriële en handelsondernemingen naar Belgisch of buitenlands recht, het verrichten van alle taken van portefeuillebeheer of het beheer van kapitalen, het aangaan van alle verbintenissen als borg, aval of waarborgen in het algemeen van welke aard ook;

b) een belang nemen door middel van inbreng, fusie, inschrijving, geldschieting, of op iedere andere wijze, in alle ondernemingen, verenigingen of vennootschappen naar Belgisch of buitenlands recht waarvan het doel gelijkaardig, analoog, samenhangend of louter nuttig is voor de totstandkoming van geheel of een deel van haar maatschappelijke doel;

c) alle verrichtingen en alle studies uitvoeren die betrekking hebben op alle goederen of alle rechten die onroerend zijn door hun aard, door incorporatie of door bestemming of die betrekking hebben op roerende goederen en/of op alle roerende rechten die eruit voortvloeien, zoals het aankopen, bouwen, omvormen, inrichten, huren, onderhuren, ruilen, verkopen, evenals, in het algemeen, al hetgeen verrichten dat rechtstreeks of onrechtstreeks betrekking heeft op het beheer of het in waarde doen toenemen, voor haarzelf of voor anderen, van alle onroerende eigendommen, bebouwd of niet bebouwd;

d) industriële, commerciële of dienstenverrichtingen uitvoeren in de mate waarin deze rechtstreeks of onrechtstreeks haar doel ten gunste komen;

e) voorzien in het beheer, het toezicht van en de controle op alle vennootschappen waarmee zij verbonden is of waarmee er een deelnemingsverhouding bestaat;

f) in de mate waarin deze verrichtingen door de wet niet zijn voorbehouden aan banken en kredietinstellingen, leningen of waarborgen onder welke vorm en voor welke duur dan ook toestaan aan alle verbonden vennootschappen of aan alle vennootschappen waarmee er een deelnemingsverhouding bestaat.

Evenzeer kan de vennootschap gelijk welke participatie nemen in andere coöperatieve vennootschappen en in alle andere vennootschappen of groeperingen die bijdragen tot, of waarvan het doel van aard is bij te dragen tot, de ontwikkeling van de coöperatieve vennootschappen en mutualiteiten.

De vennootschap kan, meer algemeen, alle verrichtingen van welke aard ook (commerciële, industriële, financiële, roerende of onroerende) uitvoeren die rechtstreeks of onrechtstreeks met haar maatschappelijke doel verband houden.

2) Omzetting in euro van de nominale waarde van de maatschappelijke aandelen, teneinde de waarde van de oude aandelen van duizend frank op vijfentwintig euro te brengen, verhoging van het maatschappelijk kapitaal door afhouding op de beschikbare reserves.

3) Omzetting in euro van het vast gedeelte van het maatschappelijk kapitaal.

4) Verhoging van het vast gedeelte van het kapitaal met twee miljoen vierhonderdvijfenzeventigduizend tweehonderd en tien euro en vijfenzestig cent (2.475.210,65 EUR) teneinde dit te brengen van vierentwintigduizend zevenhonderd negenentachtig euro en vijfendertig cent (24.789,35 EUR) op twee miljoen vijfhonderdduizend euro (2.500.000 EUR) door afhouding op het variabele gedeelte van het kapitaal.

5) Wijziging van de maatschappelijke benaming in Multipharma Group.

6) Inlassing van bepalingen met betrekking tot de maatschappelijke aandelen, het aandelenregister en de oproepen tot volstorting van de niet-volgestorte maatschappelijke aandelen.

7) Vaststelling van de oorzaken van het verlies van de hoedanigheid van vennoot.

8) Vastlegging van datum en uur, van de gewone algemene vergadering (tweede donderdag van de maand juni, om twaalf uur), wijziging van de wijze van bijeenroeping van de algemene vergadering, verduidelijkingen aangaande het systeem van vertegenwoordiging van de vennoten en aangaande de schriftelijke besluiten van de algemene vergadering.

9) Verduidelijkingen en wijzigingen aangaande stemming en quorum van de algemene vergadering.

10) Wijziging van de samenstelling van de raad van bestuur, van diens wijze van bijeenroeping en van de duur van het mandaat van bestuurder (teruggebracht van vier naar drie jaar).

11) Inlassing van bepalingen met betrekking tot belangenvermenging in hoofde van de bestuurders.

12) Inlassing van een bepaling met betrekking tot de schriftelijke besluiten van raad van bestuur.

13) Inlassing van een bepaling met betrekking tot de samenstelling van diverse comités binnen de vennootschap.

14) Verduidelijking aangaande de organisatie van het directiecomité.

15) Vereenvoudiging van de bepalingen met betrekking tot de bestemming van het resultaat.

16) Bijzonderheden met betrekking tot de vereffening van de vennootschap.

17) Inlassing van bepalingen met betrekking tot het huishoudelijk reglement en het beslechten van geschillen via arbitrage.

18) Goedkeuring van de herwerkte tekst van de statuten — De tekst van de herwerkte versie van de statuten wordt ter beschikking gesteld van de vennoten op de maatschappelijke zetel van de vennootschap.

De raad van bestuur.

(AXPC-1-7-04254/ 14.03) (8514)

PHARMACIES POPULAIRES LIÈGEOISES,
société coopérative à responsabilité limitée

Siège social : route de Lennik 900, 1070 Bruxelles

RPM Bruxelles 0402.352.337

—

Convocation

Nous vous invitons à assister à l'assemblée générale extraordinaire de la SCRL Pharmacies populaires liégeoises, qui se tiendra le jeudi 29 mars 2007, à 10 h 30 m, dans les locaux du siège social, route de Lennik 900, à 1070 Bruxelles.

Ordre du jour :

1) *a)* Rapport du conseil d'administration exposant la justification détaillée de la modification proposée, à l'objet social; à ce rapport est joint un état résumant la situation active et passive de la société arrêté au 31 décembre 2006.

b) Rapport du commissaire de la société sur l'état résumant la situation active et passive de la société joint au rapport du conseil d'administration.

c) Modification de l'objet social de la société afin de mieux tenir compte de certaines évolutions de l'activité du groupe et des spécificités de l'organisation du groupe — Proposition de remplacer l'objet social actuel par le suivant :

« 1. La société a pour objet de promouvoir, organiser, réaliser, tant en Belgique qu'a l'étranger, la production, l'achat, la vente, l'importation, l'exportation, la distribution de substances, produits et services présentés comme possédant des propriétés curatives ou préventives, à l'égard des maladies humaines, animales ou végétales, et visant au rétablissement, au maintien ou, à l'amélioration de la santé.

Cet objet devra être réalisé en veillant, à assurer aux consommateurs les meilleures conditions économiques et une qualité optimale.

2. La société pourra notamment établir et exploiter, tant pour ses membres que pour des tiers :

1) des officines pharmaceutiques dans lesquelles s'effectue la vente de médicaments, ainsi que d'articles de toilette et d'hygiène, de parfumerie, de diététique, de cosmétologie, de dermatologie et de bandagisterie;

2) des établissements qui fournissent des produits et des services en matière d'optique, de bandagisterie, d'orthopédie, de prothèse, d'audiométrie, de fournitures dentaires, de matériel médical et des accessoires, et tous autres produits assimilés;

3) tous autres établissements en rapport avec son objet;

4) des magasins de gros et des départements de fabrication et d'analyse en rapport avec les activités énumérées ci-avant.

3. La société peut exercer son activité directement ou, à l'intervention de filiales. Elle peut notamment, à cet effet créer ou prendre des participations dans toutes activités de droit belge ou étranger, affermer ses activités ou prendre certaines activités en affermage, faire apport ou recevoir des apports de branche d'activité ou d'universalité, fusionner, se scinder et plus généralement, réaliser toutes opérations utiles, à son développement et entreprendre toutes exploitations utiles, à la réalisation de son objet social et au développement de ses activités.

La société peut, plus généralement, accomplir toutes opérations quelconques, commerciales, industrielles, financières, mobilières ou immobilières se rapportant directement ou indirectement, à son objet. »

2) Insertion de dispositions relatives aux parts sociales, au registre des parts et aux appels de fonds sur les parts sociales non entièrement libérées.

3) Précisions et modifications en matière de perte de la qualité d'associé.

4) Insertion de dispositions relatives au remboursement des parts et aux droits des héritiers et créanciers des associés.

5) Fixation des date et heure de l'assemblée générale ordinaire (2e jeudi du mois de juin, à 11 heures), modification du mode de convocation des assemblées générales, précisions sur le système de représentation des associés et sur les décisions écrites de l'assemblée générale.

6) Précisions et modifications en matière de vote et quorum.

7) Précisions et modifications en matière de composition, de convocation et de réunion du conseil d'administration ainsi qu'en matière de rémunération des administrateurs.

8) Insertion de dispositions relatives aux conflits d'intérêts dans le chef des administrateurs.

9) Insertion d'une disposition au sujet des décisions écrites du conseil d'administration.

10) Insertion d'une disposition relative, à la constitution de divers comités au sein de la société.

11) Précisions quant, à l'organisation du comité de direction.

12) Insertion d'une disposition relative au contrôle externe de la société.

13) Simplification des dispositions relatives, à l'affectation du résultat.

14) Insertion de dispositions relatives, à la dissolution et liquidation de la société, au règlement d'ordre intérieur et, à la résolution des différends par voie d'arbitrage.

15) Adoption d'un texte refondu des statuts - Le texte de la nouvelle version des statuts est, à la disposition des associés au siège social de la société.

Le conseil d'administration.

(AXPC-1-7-04255/ 14.03) (8515)

PAVIA, burgerlijke vennootschap
onder de vorm van een naamloze vennootschap,
Godefriduskaai 36, 2000 Antwerpen

Ondernemingsnummer 0450.463.248 — RPR Antwerpen

—

De houders van effecten aan toonder worden uitgenodigd tot de jaarvergadering op de zetel van de vennootschap op 29 maart 2007, om 15 uur. Agenda : Bespreking en goedkeuring van de jaarrekening afgesloten per 31/12/2006. Kwijting.

De raad van bestuur.

(PC-1-7-04289/14.03.07) (8516)

Aime Byttebier-Michels, naamloze vennootschap,
Oudenaardestraat 110, 8570 Anzegem

0436.382.313 RPR Kortrijk

—

De aandeelhouders worden verzocht de buitengewone algemene vergadering bij te wonen die zal gehouden worden te 8550 Zwevegem, Leopoldstraat 45, voor het ambt van notaris Dirk Declercq, op vrijdag 30 maart 2007, om 14 uur, met volgende agenda :

1. Verslag van de raad van bestuur houdende een omstandige verantwoording van de voorgestelde wijziging/uitbreiding van het doel van de vennootschap waarbij gevoegd een samenvattende staat van de actieve en passieve toestand van de vennootschap afgesloten op één en dertig december tweeduizend en zes.

2. Wijziging/uitbreiding van het maatschappelijk doel, door vervanging van de tekst van het derde gedachtenstreepje in artikel drie van de statuten door de hierna vermelde tekst :

"- de groot- en kleinhandel, de aan- en verkoop, de commissiehandel, de import en de export, het optreden als tussenpersoon in alle soorten handel, hetzij ondermeer als producent of als agent, makelaar, vertegenwoordiger, verdeler, zaakwaarnemer, concessionaris van alle textiel en confectie- en textielproducten van welke waard ook : artikelen voor kinderverzorging, speelgoed en alle toebehoren met betrekking tot de omgeving van het kind; artikelen met betrekking tot kantoor- en binnenhuisinrichtingen; decoratieartikelen en geschenken; tafel-, bed- en huishoudlinnen, en andere huishoudelijke artikelen; textielwaren voor de institutionele markt (hotels, restaurants, verzorgings- en verpleegtehuizen,...); vrijetijdsartikelen en gadgets; overgordijnen, gordijnen en wandtextielen; veiligheidartikelen en persoonlijke beschermingsmiddelen, geassorteerde textielwaren,"

3. Aanpassing van artikel 9 van de statuten aan de toekomstige afschaffing van de aandelen aan toonder : voorstel tot vervanging van de eerste en tweede alinea van artikel 9 van de statuten door de hierna vermelde tekst :

"De aandelen zijn op naam of aan toonder, naar keuze van de aandeelhouder, en dit tot zolang de wet aandelen aan toonder toestaat".

4. Aanpassing van artikel 41 van de statuten inzake ontbindingvereffening aan de gewijzigde vennootschapswetgeving terzake.

5. Machten te verlenen aan de raad van bestuur voor de uitvoering van de genomen besluiten, tot coördinatie van de statuten en neerlegging van zelfde overeenkomstig de wettelijke bepalingen terzake.

Om toegelaten te worden tot de vergadering dienen de aandeelhouders zich te schikken naar de voorschriften der statuten. (8517)

Corent, naamloze vennootschap,
Archimedesstraat 7, bus 0/B, 8400 Oostende

RPR Oostende 0421.420.854

—

Jaarvergadering op 6/04/2007, om 10 uur, op de zetel. Agenda : Goedkeuring jaarrekening per 31/12/2006. Bestemming resultaat. Jaarverslag. Kwijting bestuurders. Ontslagen en benoemingen. (8518)

D & D Holding, naamloze vennootschap,
Oostendesteenweg 224, 8480 Eernegem

0407.265.584 RPR Brugge

—

Jaarvergadering op 6/04/2007, om 16 uur, op de zetel. Agenda : Verslag raad van bestuur. Goedkeuring jaarrekening per 31/12/2006. Bestemming resultaat. Kwijting bestuurders. Goedkeuring weddes bestuurders. (8519)

Entreprises Emeric Kroch, société anonyme, avenue De Tervueren 311, 1150 Bruxelles

0400.630.091 RPM Bruxelles

—

Assemblée générale ordinaire le 6/04/2007, à 11 heures, au siège social. Ordre du jour : Rapport du conseil d'administration. Approbation des comptes annuels au 31/12/2006. Affectation des résultats. Décharge aux administrateurs. Divers. (8520)

Immo Caprice, naamloze vennootschap, Maastrichtersteenweg 149/13, 3500 Hasselt

0442.339.202 RPR Hasselt

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Jaarvergadering op 6/04/2007, om 14 uur, op de zetel. Agenda : Verslag raad van bestuur. Goedkeuring jaarrekening per 31/12/2006. Bestemming resultaat. Kwijting bestuurders en beslissing over hun vergoedingen. Ontslagen en benoemingen. Diversen. (8521)

MC INVEST, naamloze vennootschap, Slakkenstraat 1A, 3650 Dilsen-Stokkem

0430.246.666 RPR Tongeren

—

Jaarvergadering op 06/04/2007, om 20 uur, op de zetel. Agenda : Verslag raad van bestuur. Goedkeuring jaarrekening per 31/12/2006. Bestemming resultaat. Kwijting bestuurders. Varia. Zich richten naar de statuten. (8522)

Nimo, naamloze vennootschap, Beekstraat 5, 2400 Mol

0438.019.336 RPR Turnhout

—

Jaarvergadering op 06/04/2007, om 18 uur, op de zetel. Agenda : Verslag raad van bestuur. Goedkeuring jaarrekening per 31.12.2006. Bestemming resultaat. (Her)benoeming. Kwijting bestuurders. Varia. (8523)

Administrations publiques et Enseignement technique

Openbare Besturen en Technisch Onderwijs

PLACES VACANTES – OPENSTAANDE BETREKKINGEN

Katholieke Hogeschool Leuven

—

De Katholieke Hogeschool Leuven is een hogeschool die ongeveer 5.000 studenten opleidt tot professionele bachelors en de waarden teamwerk, levenslang leren, ondernemingszin, respect en bezieling hoog in het vaandel voert.

Voor de centrale diensten zoeken wij een Webontwikkelaar (m/v) (referentie : KHLeuven/ATP/2007 - 004)

Opdracht :

Je bouwt in samenwerking met je collega's de KHLeuven inter- en intranetsites verder uit.

Je werkt mee aan het nauwkeurig in kaart brengen van de behoeften en de prioriteiten rond inter- en intranet en het selecteren en implementeren van de nodige ondersteunende technologische platformen.

Je werkt mee aan het opstellen en onderhouden van standaarden (oa. stijlgids), procedures, herbruikbare componenten en ondersteunende hulpmiddelen.

Je werkt mee aan het implementeren en onderhouden van extern verworven applicaties of ontwikkelt zelf (delen van) applicaties als het extern verwerven niet mogelijk of opportuun is.

Je begeleidt en ondersteunt occasionele ontwikkelaars (bv. andere medewerkers, stagiairs, jobstudenten).

Profiel :

Je bent een teamplayer.

Je beschikt over goede mondelinge communicatieve vaardigheden zodat je een goed inzicht in de behoeften krijgt en gebruikers en collega's over het gebruik en beheer van de applicaties kunt instrueren. Je bent in staat heldere teksten (o.m. procedures) te schrijven.

Je hebt kennis van en bij voorkeur ervaring met internet technologie (HTML, CSS, XML, javascript, lava) en relationele databanken.

Je hebt kennis / ervaring van PHP, Linux, UML, Perl, Net, MS Access of bent bereid om op korte tijd deze kennis te verwerven.

Je bezit het vermogen en de flexibiliteit om de technologische evoluties te volgen.

Je bent in staat om een informatie te modeleren en te structureren en om een technisch design uit te werken.

Je kunt planmatig en doelgericht werken en kan werkzaamheden op voorhand inschatten.

Diploma : graduaat toegepaste informatica of gelijkwaardig door ervaring.

Aard van de betrekking :

Voltijdse opdracht, lid van het administratief en technisch personeel (ATP), niveau B, graad B2 volgens het hogeschooldecreet. Tijdelijk vacante betrekking. Aanstellingsovereenkomst van onbepaalde duur vanaf 1 april 2007.

Salarisschaal : weddenschaal voor ATP B21.

Datum van indiensttreding : 1 april 2007.

Plaats van tewerkstelling : KHLeuven, centrale diensten, Abdij van Park 9, 3001 Leuven (Heverlee).

Selectiemethode : preselectie op basis van de ingestuurde sollicitatiedossiers, selectieproeven en een selectie-interview.

Meer uitleg bij : Vital Coenegrachts, coördinator ICT (016-39 60 47 of vital.coenegrachts@khleuven.be).

Sollicitaties (met vermelding van de referentie) uiterlijk op 27 maart 2007 t.a.v. Marie-Ann De Rynck, coördinator personeelszaken (telefoon : 016-39 86 68 - mail : marie-ann.de.rynck@khleuven.be), Abdij van Park 9, 3001 Leuven (Heverlee). (8366)

Universiteit Gent

—

(2006/WE/11/B) : Eén voltijdse betrekking in functieklasse B (graad 4) als hoofdmedewerker (technicus) bij de vakgroep Biologie (faculteit Wetenschappen) - wedde à 100 % : graad 4 : min. € 15.733,71-max. € 30.897,78.

Profiel van de kandidaat :

Diploma van hogeschoolonderwijs van één cyclus.

Kennis en/of ervaring inzake ecologische veldtechnieken en geografische informatiesystemen.

Basiskennis elektronische databanken.

Kennis en/of ervaring inzake het manipuleren van zangvogels in gevangenschap is een pluspunt.

Kennis van de courante softwareprogramma's (MS Office).

Zin voor nauwgezetheid.

Zin voor efficiënte planning.

Flexibele ingesteldheid.

Interesse voor technologische ontwikkelingen.

Bereidheid zich permanent bij te scholen.

Inhoud van de functie :

Ontwerpen en beheren van elektronische databestanden in functie van onderzoek en onderwijs.

Ondersteuning verlenen bij het uitvoeren van veldobservaties, ecologische veldexperimenten en laboratoriumproeven.

Verlenen van logistieke hulp bij de organisatie van practica, excursies en stages.

Verlenen van administratieve ondersteuning bij het catalogeren van onderwijs- en onderzoeksmateriaal.

(2007/TW561A) - Eén voltijdse betrekking in functieklasse A (graad 7 of 8) als directiemedewerker (coördinator permanente vorming) bij het Instituut voor Permanente Vorming (faculteit Ingenieurswetenschappen) - wedde à 100 % : graad 7 : min. € 21.278,78 - max. € 40.549,62; graad 8 : min. € 23.895,45 - max. € 40.549,62.

Profiel van de kandidaat :

Diploma van academisch onderwijs van twee cycli of diploma van hogeschoolonderwijs van twee cycli.

Vertrouwd zijn met ICT : ondermeer :

Vertrouwd zijn met het gebruik van netwerktoepassingen zoals email, bestandsoverdracht, raadplegingen en netwerkservers.

Kennis van de opmaak van webpagina's en grafische documenten.

Kennis van en ervaring met de courante softwarepakketten (MS Office).

Kennis van basisbegrippen zoals budgettering, facturatie, klantenbeheer en boekhouding.

Goede kennis van de Engelse taal (spreken en schrijven), basiskennis van de Franse taal.

Vertrouwd zijn met een universitaire werkomgeving is een pluspunt.

Vertrouwd zijn met het industriële weefsel in Vlaanderen is een pluspunt.

Beschikken over een goed organisatievermogen in functie van het opzetten en leiden van vergaderingen.

Beschikken over goede sociale vaardigheden.

Beschikken over didactische vaardigheden waaronder vlot kunnen spreken voor een publiek.

Beschikken over goede communicatieve vaardigheden.

Verantwoordelijkheidszin.

Zin voor nauwgezetheid en correctheid.

Zelfredzaam zijn.

Flexibele ingesteldheid om in uitzonderlijke situaties andere taken op zich te nemen zoals catering, onthaal deelnemers, verzorgen van cursusmateriaal en in functie van prestaties buiten de reguliere werkuren.

Enthousiaste en gemotiveerde werkattitude in functie van een taakgeoriënteerde werkomgeving.

Inhoud van de functie :

Instaan voor de coördinatie van de activiteiten van het Instituut voor Permanente Vorming van de faculteit Ingenieurswetenschappen en de faculteit Bio-ingenieurswetenschappen. Dit omvat :

Initiatie en uitwerking van vormingsactiviteiten.

Prospectie van activiteiten (enquêtes, bedrijfsbezoeken, enz.).

Instaan voor de opvolging van de opleidingsmarkt.

Instaan voor de uit- en verwerking van evaluaties van de IVPV-opleidingen.

Budgetteren van opleidingen, het inschatten van financiële risico's.

Instaan voor het beleggen, begeleiden en opvolgen van stafvergaderingen en vergaderingen ter voorbereiding, uitvoering en evaluatie van de IVPV-opleidingen.

Opmaken en bekendmaken van de activiteiten van het IVPV (via folders, tijdschriften, beurzen, websites, enz.).

Instaan voor het opzetten en uitwerken van e-learning activiteiten.

Algemene beschikkingen voor deze betrekking :

Meer info omtrent de selectieprocedure kan u opvragen bij Barbara Van Laere op het telefoonnummer 09-243 89 54 (contactpersoon Barbara Van Laere) of op het e-mailadres hrs.government@hudson.com

De wedde wordt thans uitbetaald aan 140,02 %.

De kandidaten moeten een gedrag hebben dat in overeenstemming is met de eisen van de beoogde betrekking en moeten lichamelijk geschikt bevonden worden in een geneeskundig onderzoek bij het departement Medisch toezicht.

Deze vacature is een statutaire betrekking met een stageperiode van 6 maanden. De selectieprocedure is functiegericht en staat op het peil van het niveau en de graad van de vacante betrekking.

De preselectie gebeurt door De Witte & Morel. De definitieve selectie gebeurt door de Universiteit Gent.

De kandidaturen - bestaande uit een gemotiveerde sollicitatiebrief, CV en een kopie van het behaalde diploma worden ten laatste op 22 maart 2007, om 17 uur, gericht aan :

De Witte & Morel

T.a.v. Mevr. Barbara Van Laere

Moutstraat 56, 9000 Gent (8367)

Gemeentebestuur Kuurne

—

Aanwerving van een directeur aan de gemeentelijke basisschool Pienter.

Het gemeentebestuur van Kuurne gaat over tot de aanwerving van een directeur aan de gemeentelijke basisschool Pienter. Er wordt tevens een wervingsreserve aangelegd die twee jaar geldig is.

De aanwervingsvoorwaarden worden als volgt vastgesteld :

Algemene decretale bepalingen :

1. Houder zijn van de bekwaamheidsbewijzen vastgesteld voor dit specifiek ambt.

2. Voldoen aan de algemene wervingsvoorwaarden van artikel 19 van het decreet Rechtspositie van 27 maart 1991.

3. Als laatste evaluatie geen evaluatie met de eindconclusie « onvoldoende » hebben verkregen.

4. De betrekking in hoofdambt uitoefenen op het moment van vaste benoeming.

Aanvullende voorwaarden :

5. Op de uiterste inschrijvingsdatum in vast verband benoemd zijn in het onderwijs voor een voltijdse opdracht.

6. De minimumleeftijd van 30 jaar bereikt hebben in de loop van 2007.

7. Beantwoorden aan het profiel.

8. Slagen voor het examen.

9. Het getuigschrift van hoger opvoedkundige studiën (Ghos) bezitten of behalen binnen de proefperiode.

10. Na de proefperiode, die twee schooljaren bedraagt, wordt de directeur die tijdens de proefperiode in de uitvoering van zijn ambt voldoening heeft geschonken en de betrekking in hoofdambt uitoefent, in vast verband benoemd.

In het kader van het gelijkekansenplan worden vrouwen aangemoedigd deel te nemen aan de aanwervingsproef.

Alle inlichtingen kunnen bekomen worden bij het gemeentebestuur, tel. 056-73 71 21.

Kandidaatstellingen moeten gericht worden aan het college van burgemeester en schepenen, Marktplein 9, te 8520 Kuurne. Alle kandidaatstellingen moeten vergezeld zijn van een copie van het vereiste diploma, een CV en een bewijs van vaste benoeming voor een voltijdse betrekking. Deze moeten aangetekend verstuurd worden ten laatste op 6 april 2007. (8368)

Stad Geel

—

Bij het stadsbestuur van Geel wordt één voltijdse betrekking van bestuurssecretaris in vast verband open verklaard en wordt een werfreserve van twee jaar aangelegd.

De aanwervingsvoorwaarden zijn vastgesteld als volgt :

a) houder zijn van diploma's of getuigschriften die in aanmerking komen voor de aanwerving in de betrekkingen van niveau 1 in de rijksbesturen en van

b) een diploma of getuigschrift uitgereikt na het beëindigen van een volledige cyclus van leergangen administratieve wetenschappen in overeenstemming met het door de Koning voorgestelde minimumprogramma.

Worden vrijgesteld van het diploma of getuigschrift uitgereikt na het beëindigen van een volledig cyclus van leergangen van administratieve wetenschappen, de kandidaten die houder zijn van één van de volgende diploma's :

dokter of licentiaat in de rechten;

licentiaat in de administratieve wetenschappen;

licentiaat in het notariaat;

licentiaat in de politieke wetenschappen;

licentiaat in de economische wetenschappen;

licentiaat in de handelswetenschappen;

licenciaat in de bestuurskunde;

gediplomeerde, na een cyclus van vijf jaar, van de afdeling administratieve wetenschappen van het « Instituut d'enseignement supérieur Lucien Cooremans », te Brussel eb van het Hoger Instituut voor Bestuurswetenschappen en Handelswetenschappen te Elsene of van het Provinciaal Hoger Instituut voor Bestuurswetenschappen, te Antwerpen;

licentiaat, wiens wetenschappelijk diploma werd uitgereikt door de Koloniale Hogeschool van België te Antwerpen, wanneer deze studies over ten minste vier jaar liepen;

houder zijn van een diploma of getuigschrift in aanmerking genomen voor de aanwerving in de betrekking van niveau 1 in de rijksbesturen, voor zover de bekwaamheidsakte werd uitgereikt na studies van ten minste zestig uren publiek, administratief en/of burgerlijk recht omvatten.

c) Slagen in een aanwervingsexamen.

Functiebeschrijving en bijkomende inlichtingen zijn te bekomen op de personeelsdienst van het stadsbestuur op het telefoonnummer 014-57 08 76.

Kandidaturen, met bijvoeging van een sollicitatiebrief, een CV, afschriften van diploma's en een uittreksel uit het strafregister, dienen aangetekend verstuurd te worden aan het college van burgemeester en schepenen, Werft 20, te 2440 Geel, of tegen ontvangstbewijs afgegeven op de personeelsdienst van het stadsbestuur uiterlijk op 29 maart 2007. (8369)

Stad Mortsel

—

Het stadsbestuur van Mortsel gaat over tot de aanwerving van een directeur voor het gesubsidieerd technisch instituut, Dieseghemlei 60, te Mortsel.

Taken :

leiding geven aan de school onder het toezicht van het schoolbestuur;

richting en sturing geven aan de personeelsleden, hen motiveren en enthousiasmeren en een goede samenwerking tussen hen tot stand brengen;

een visie en een strategie ontwikkelen, actualiseren en in concrete actieplannen omzetten;

plannen en coördineren om het beoogde doel te bereiken.

Vereisten :

in vast verband benoemd zijn, in het onderwijs of in een centrum voor leerlingenbegeleiding;

houder zijn van een vereist bekwaamheidsbewijs vastgesteld voor het ambt directeur (instelling met een 3e graad);

communicatievaardig zijn;

zich onderwerpen aan een psychologische proef;

zijn visie op de te begeven betrekking verdedigen ten overstaan van een commissie;

beschikbaar zijn op 1 september 2007.

Kandidaturen moeten uiterlijk op 18 april 2007, bij een ter post aangetekende brief (de datum van de poststempel geldt als bewijs) opgezonden worden naar het college van burgemeester en schepenen, Liersesteenweg 1, 2640 Mortsel, vergezeld van volgende bewijsstukken : bewijs van goed gedrag en zeden, afschrift van het diploma, bewijs van vaste benoeming, uitgebreid CV.

Bijkomende inlichtingen zijn te bekomen bij het stadsbestuur van Mortsel, dienst onderwijs, tel. 03-444 17 92. (8370)

Gemeente Grobbendonk

—

De gemeente Grobbendonk gaat over tot aanwerving van een (m/v) stedenbouwkundig ambtenaar.

Statutair - Niveau A - Voltijds

REF : BS/STEDENBOUWKUNDIGE

U staat in voor de uitvoering van de door de wetgeving op ruimtelijke ordening, inclusief de toepasselijke uitvoeringsbesluiten, opgedragen taken. Concreet betekent dit oa. de opvolging en afhandeling van alle stedenbouwkundige dossiers. Daarnaast geeft u leiding aan de dienst ruimtelijke ordening en volgt u de wetgeving inzake stedenbouw en ruimtelijke ordening van nabij op.

Wie kan zich inschrijven voor de selectieprocedure :

Houders van een diploma dat toegang geeft tot het niveau A en van een diploma van een opleiding ruimtelijke ordening, zoals vastgesteld door de besluiten van de Vlaamse regering van 3 maart 2000 en 19 mei 2000 tot vaststelling van de voorwaarden waaraan personen moeten voldoen om als ambtenaar van ruimtelijke ordening te kunnen worden aangesteld.

Laatstejaarsstudenten dienen te bewijzen dat zij laatstejaarsstudent zijn door middel van het indienen van een attest afgeleverd door de onderwijsinstelling.

Aanwervingsvoorwaarden :

Meerderjarig zijn op dag van het afsluiten van de kandidaturen.

Laatstejaarsstudenten moeten uiterlijk op 15 oktober 2007 over bovenvermeld diploma beschikken.

Slagen in een schriftelijke en mondelinge selectieproef.

Wat bieden wij je ?

Een afwisselende job binnen een aangename stimulerende werkomgeving.

Maandloon op niveau A.

Maaltijdcheques en fietsvergoeding.

Gratis hospitalisatieverzekering.

Er word een wervingsreserve vastgelegd voor de duur van 3 jaar.

Geïnteresseerd ?

Heb je belangstelling voor deze functie ? Stuur dan uiterlijk op 9 april 2007 je gemotiveerde kandidatuur met CV en een kopie van je diploma naar de heer burgemeester, Boudewijnstraat 4, te 2280 Grobbendonk (poststempel of ontvangstbewijs op de personeelsdienst telt als bewijs). Vermeld ook zeker de referentiecode van de vacature.

Meer informatie over deze functie kan je vinden op de website www.grobbendonk.be of bij de personeelsdienst : Boudewijnstraat 4, te 2280 Grobbendonk, tel. : 014-50 78 74. (8371)

Actes judiciaires et extraits de jugements

Gerechtelijke akten en uittreksels uit vonnissen

Publication faite en exécution de l'article 488bis e, § 1er du Code civil

Bekendmaking gedaan overeenkomstig artikel 488bis e, § 1 van het Burgerlijk Wetboek

Désignation d'administrateur provisoire
Aanstelling voorlopig bewindvoerder

Justice de paix du canton d'Andenne

Par ordonnance de M. le juge de paix du canton d'Andenne, en date du 6 mars 2007, le nommé M. Dethise, Jean-Luc André Emile Ghislain, né le 22 août 1963 à Ciney, domicilié et résidant rue Gouverneur Falize 27/1, à 5300 Seilles, a été déclaré incapable de gérer ses biens et a été pourvu d'un administrateur provisoire en la personne de Me Marlène Laurent, avocat, dont les bureaux sont établis rue de la Taillette 1, à 5340 Faulx-les-Tombes.

Pour extrait conforme : le greffier en chef, (signé) Martine Grégoire. (62698)

Par ordonnance de M. le juge de paix du canton d'Andenne, en date du 6 mars 2007, le nommé M. Luc Motte, né le 30 juin 1967 à Huy, domicilié et résidant rue Horseilles 18, à 5300 Andenne, a été déclaré incapable de gérer ses biens et a été pourvu d'un administrateur provisoire en la personne de M. Jean Arnaud Motte, retraité, domicilié rue Horseilles 18, à 5300 Andenne.

Pour extrait conforme : le greffier en chef, (signé) Martine Grégoire. (62699)

Justice de paix du canton de Beauraing-Dinant-Gedinne, siège de Beauraing

Suite à la requête déposée le 14 mars 2006, par ordonnance du juge de paix du canton de Beauraing-Dinant-Gedinne, siège de Beauraing, rendue le 11 avril 2006, M. Weron, Jean-Marie, né le 13 novembre 1936 à Hour, célibataire, domicilié rue Lissoir 15, à 5563 Houyet (Hour), a été déclaré incapable de gérer ses biens et a été pourvu d'un administrateur provisoire en la personne de M. Evrard, Damien, avocat, dont les bureaux sont établis rue du Plantis 5, à 5561 Houyet (Gendron-Celles).

Pour extrait conforme : le greffier adjoint principal, (signé) Englebert, Joseph. (62700)

Justice de paix du canton de Binche

Par ordonnance de M. le juge de paix suppléant du canton de Binche, en date du 28 février 2007, Wery, Alain, avocat, domicilié à 6150 Anderlues, rue Janson 40, a été désigné en qualité d'administrateur provisoire de De Munter, Roger Léon Louis, né à Péronnes-lez-Binche le 19 juillet 1948, résidant à 7120 Rouveroy, « Home Le Rouveroy », rue Roi Albert 40, cette personne étant incapable de gérer ses biens.

Pour extrait conforme : le greffier, (signé) Maryline George. (62701)

Par ordonnance de M. le juge de paix suppléant du canton de Binche, en date du 28 février 2007, Devillez, Murielle, avocate, domiciliée à 7141 Mont-Saint-Aldegonde, rue de Namur 73, a été désigné en qualité d'administrateur provisoire de Lachapelle, Renée Marie Thérèse, née à Epinois le 21 février 1937, résidant à 7130 Binche, rue Saint-Usmer 16, cette personne étant incapable de gérer ses biens.

Pour extrait conforme : le greffier, (signé) Maryline George. (62702)

Par ordonnance de M. le juge de paix suppléant du canton de Binche, en date du 28 février 2007, Wery, Alain, avocat, domicilié à 6150 Anderlues, rue Janson 40, a été désigné en qualité d'administrateur provisoire de Saint-Ghislain, Jean-Claude Yvan Guy Georges, né à Mons le 24 mai 1956, résidant à 7120 Rouveroy, « Home Le Rouveroy », rue Roi Albert 40, cette personne étant incapable de gérer ses biens.

Pour extrait conforme : le greffier, (signé) Maryline George. (62703)

Par ordonnance de M. le juge de paix suppléant du canton de Binche, en date du 1er février 2007, Triolo, Anna, couturière, domiciliée à 7160 Chapelle-lez-Herlaimont, rue Vandervelde 77, a été désignée en qualité d'administrateur provisoire de Triolo, Gerlando, né à San Biagio Platani AG (Italie) le 4 février 1921, résidant à 7140 Morlanwelz, « Les Foyers de Bascoup », chaussée de Bascoup 2, cette personne étant incapable de gérer ses biens.

Pour extrait conforme : le greffier en chef, (signé) Marie-Claire Pierronne. (62704)

Justice de paix du troisième canton de Bruxelles

Par ordonnance du juge de paix du troisième canton de Bruxelles, du 2 mars 2007, Mme Goossens, Anne Marie Madeleine, domiciliée à 1020 Bruxelles (Laeken), avenue de la Reine 278, résidant à l'établissement « Institut Pachéco », rue du Grand Hospice 7, à 1000 Bruxelles, a été déclarée incapable de gérer ses biens et a été pourvue d'un administrateur provisoire en la personne de Mme Gaillard, Martine, domiciliée à 1050 Bruxelles, avenue Louise 391/7.

Le greffier en chef, (signé) Freddy Bonnewijn. (62705)

Justice de paix du cinquième canton de Charleroi

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Par ordonnance du juge de paix du cinquième canton de Charleroi, en date du 28 février 2007, la nommée Capoduro, Giuseppina, épouse de De Conto, Mario, née à Venezia (Italie) le 10 mars 1922, domiciliée à Charleroi, ex-Couillet, rue de Marcinelle 156, a été déclarée incapable de gérer ses biens et a été pourvue d'un administrateur provisoire, étant : Parmentier, Benoît, avocat, domicilié à Charleroi, ex-Gilly, chaussée de Fleurus 72.

Requête déposée le 18 janvier 2007.

Pour extrait certifié conforme : le greffier adjoint, (signé) Fabienne Hiernaux. (62706)

Par ordonnance du juge de paix du cinquième canton de Charleroi, en date du 28 février 2007, le nommé De Conto, Mario, époux de Capoduro, Giuseppina né à Valdobbiadene (Italie) le 16 janvier 1923, domicilié à Charleroi, ex-Couillet, rue de Marcinelle 156, a été déclaré incapable de gérer ses biens et a été pourvu d'un administrateur provisoire, étant : Parmentier, Benoît, avocat, domicilié à Charleroi, ex-Gilly, chaussée de Fleurus 72.

Requête déposée le 18 janvier 2007.

Pour extrait certifié conforme : le greffier adjoint, (signé) Fabienne Hiernaux. (62707)

Justice de paix du canton de Fléron

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Suite à la requête déposée le 23 février 2007, par ordonnance du juge de paix du canton de Fléron, rendue le 28 février 2007, M. Dejong, Antoine, époux Juszczakiewiecz, né le 23 février 1925 à Jambes, domicilié rue des Sept Collines 58, à 4052 Beaufays, résidant « Clinique Notre-Dame des Bruyères », rue de Gaillarmont 600, à 4032 Chênée, a été déclaré incapable de gérer ses biens et a été pourvu d'un administrateur provisoire en la personne de Mme Juszczakiewiecz, Danièle, née le 4 juillet 1946 à Aix-en-Provence, domiciliée rue des Sept Collines 58, à 4052 Beaufays.

Pour extrait conforme : le greffier en chef, (signé) Joseph Leruth. (62708)

Justice de paix du canton de Grâce-Hollogne

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Par ordonnance du juge de paix du canton de Grâce-Hollogne, rendue le 22 février 2007, M. Comhaire, Jamin, né le 21 mars 1921 à Gleixhe, veuf, domicilié val d'Awirs 11, à 4480 Engis, résidant à la maison de repos « Les Fougères », chaussée de Ramet 204, à 4400 Flémalle (Ivoz-Ramet), a été déclaré incapable de gérer ses biens et a été pourvu d'un administrateur provisoire en la personne de Mme Comhaire, Daniele, née le 5 août 1949 à Ougrée, divorcée, domiciliée val d'Awirs 12, à 4480 Engis.

Pour extrait conforme : le greffier, (signé) Clebant, Colette. (62709)

Par ordonnance du juge de paix du canton de Grâce-Hollogne, rendue le 27 février 2007, Mme Loozen, Elisa, née le 20 avril 1920, domiciliée à la maison de repos « La Boisellerie », rue E. Remouchamps 51, à 4460 Grâce-Hollogne, a été déclarée incapable de gérer ses biens et a été pourvue d'un administrateur provisoire en la personne de Me Haenen, Anne-Françoise, avocat, juge de paix suppléant, dont le cabinet est établi avenue Blonden 74-76, à 4000 Liège.

Pour extrait conforme : le greffier, (signé) Clebant, Colette. (62710)

Justice de paix du canton d'Ixelles

—

Par ordonnance rendue le 1er mars 2007, par Mme le juge de paix du canton d'Ixelles, Lekeux, Raymond Alfred, veuf Arcq, Denise, de nationalité belge, né à Inkisi (Congo belge) le 7 décembre 1930, pensionné, « Résidence Gray Couronne » à 1050 Bruxelles, avenue de la Couronne 42, a été mis hors d'état de gérer ses biens et a été pourvu d'un administrateur provisoire en la personne de Lekeux, Anne, domiciliée à 1340 Ottignies, rue de Namur 34.

Pour extrait conforme : le greffier adjoint délégué, (signé) Cerulus, Madeleine. (62711)

Justice de paix du canton de Marche-en-Famenne-Durbuy, siège de Marche-en-Famenne

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Suite à la requête déposée le 31 janvier 2007, par ordonnance du juge de paix du canton de Marche-en-Famenne-Durbuy, siège de Marche-en-Famenne, rendue le 22 février 2007, Mme Ledoux, Marjorie, née le 13 novembre 1985 à Marche-en-Famenne, célibataire, domiciliée rue Verte 6, à 6900 Hargimont, a été déclarée incapable de gérer ses biens et a été pourvue d'un administrateur provisoire en la personne de M. Ledoux, Jean, dessinateur technique, domicilié rue Verte 6, à 6900 Hargimont.

Pour extrait conforme : le greffier adjoint principal, (signé) Lebrun-Jacob, Liliane (62712)

Justice de paix du canton de Molenbeek-Saint-Jean

—

Suite à la requête déposée le 19 janvier 2007, par ordonnance du juge de paix du canton de Molenbeek-Saint-Jean, rendue le 16 février 2007, Mme Hélène De Blust, née à Bruxelles le 21 juillet 1936, domiciliée à 1080 Molenbeek-Saint-Jean, « Home Servus Seniorum », avenue Jean Dubrucq 89, a été déclarée incapable de gérer ses biens et a été pourvue d'un administrateur provisoire en la personne de M. Thierry Navarre, avocat, place communale 11, à 1080 Molenbeek-Saint-Jean.

Pour extrait conforme : le greffier en chef, (signé) Martine Rimaux. (62713)

Suite à la requête déposée le 16 janvier 2007, par ordonnance du juge de paix du canton de Molenbeek-Saint-Jean, rendue le 16 février 2007, M. Quoc Dinh Vo, né à Binh Dinh (Vietnam du Sud) en 1972, domicilié à 1080 Molenbeek-Saint-Jean, rue de Birmingham 103, a été déclaré incapable de gérer ses biens et a été pourvu d'un administrateur provisoire en la personne de M. Thierry Navarre, avocat, place communale 11, à 1080 Molenbeek-Saint-Jean.

Pour extrait conforme : le greffier en chef, (signé) Martine Rimaux. (62714)

Justice de paix du canton de Nivelles

—

Suite à la requête déposée le 14 février 2007, par ordonnance du juge de paix du canton de Nivelles, rendue le 28 février 2007, Mme Delville, Jeanne Léonie, née le 15 mai 1929 à Péruwelz, domiciliée rue Nicole Lebrun 14, à 1470 Genappe, résidant Résidence d'Euroster, rue Couture Mathy 7, à 1470 Genappe, a été déclarée incapable de gérer ses biens et a été pourvue d'un administrateur provisoire en la personne de Me Vroonen, Claudine, avocat de résidence rue de la Station 61*a*, à 1410 Waterloo.

Pour extrait conforme : le greffier en chef, (signé) Vanpe, Marc. (62715)

Suite à la requête déposée le 14 février 2007, par ordonnance du juge de paix du canton de Nivelles, rendue le 28 février 2007, M. Gilet, Michel Gustave Charles, né le 23 décembre 1937 à Charleroi, domicilié rue Nicolas Lebrun 14, à 1470 Genappe, résidant Clinique Saint-Pierre, avenue Reine Fabiola 9, à 1340 Ottignies, a été déclaré incapable de gérer ses biens et a été pourvu d'un administrateur provisoire en la personne de Me Vroonen, Claudine, avocat de résidence rue de la Station 61*a*, à 1410 Waterloo.

Pour extrait conforme : le greffier en chef, (signé) Vanpe, Marc. (62716)

Suite à la requête déposée le 31 janvier 2007, par ordonnance du juge de paix du canton de Nivelles, rendue le 22 février 2007, Mlle Gruslin, Béatrice Nicole Didier Ghislaine, née le 5 novembre 1969 à Nivelles, domiciliée rue Lagasse 70, à 1400 Nivelles, a été déclarée incapable de gérer ses biens et a été pourvue d'un administrateur provisoire en la personne de Mme Gruslin, Véronique, née le 4 janvier 1968 à Nivelles, domiciliée rue Lagasse 70, à 1400 Nivelles.

Pour extrait conforme : le greffier en chef, (signé) Vanpe, Marc. (62717)

Justice de paix du canton de Saint-Hubert-Bouillon-Paliseul, siège de Paliseul

—

Suite à la requête déposée le 19 février 2007, par jugement du juge de paix du canton de Saint-Hubert-Bouillon-Paliseul, siège de Paliseul, rendu le 6 mars 2007, M. Felix, Michel Denis Antoine Ghislain Marie, belge, né le 4 septembre 1960 à Saint-Hubert, marié, domicilié rue Nouvelle 12, à 6850 Paliseul, a été déclaré incapable de gérer ses biens et a été pourvu d'un administrateur provisoire en la personne de Mme Monseu, Josiane, née le 10 décembre 1962 à Issoire (France), mariée, domiciliée rue Nouvelle 12, à 6850 Paliseul.

Pour extrait conforme : le greffier en chef, (signé) Castagne, Marie-Thérèse. (62718)

Justice de paix du premier canton de Tournai

—

Suite à la requête déposée le 12 février 2007, par ordonnance du juge de paix du premier canton de Tournai, rendue le 28 février 2007, Mme Gaillet, Christine, née le 22 janvier 1986 à Saint-Ghilsain, domiciliée rue Emile Royer 36, à 7642 Calonne, a été déclarée incapable de gérer ses biens et a été pourvue d'un administrateur provisoire en la personne de Me Pochart, Jean-Philippe, avocat, dont le cabinet est établi rue Childéric 47, à 7500 Tournai.

Pour extrait conforme : le greffier, (signé) Dehaen, Christophe. (62719)

Justice de paix du canton d'Uccle

—

Par ordonnance du juge de paix du canton d'Uccle, en date du 7 mars 2007, en suite de la requête déposée le 16 février 2007, M. Segers, Gilbert René Olivier, de nationalité belge, né à Laeken le 16 mars 1920, pensionné, marié, domicilié et résidant à l'établissement « M.R.S. Nazareth », chaussée de Waterloo 961, à 1180 Uccle, a été déclaré incapable de gérer ses biens et a été pourvu d'un administrateur provisoire, étant Me Antoine, Jean, avocat, ayant son cabinet à 1050 Ixelles, avenue Louise 479/45.

Pour extrait conforme : le greffier en chef, (signé) Goies, Pascal. (62720)

Justice de paix du canton de Woluwe-Saint-Pierre

—

Par ordonnance rendue le 5 mars 2007, rép. : 1206, par le juge de paix de complément de Woluwe-Saint-Pierre, la nommée Mme Borger, Renée Marion, née à Berlin le 23 juillet 1932, domiciliée à 1200 Bruxelles, avenue Andromède 1/9, a été déclarée inapte à gérer ses biens et a été pourvue d'un administrateur provisoire étant Mme Anne Dauvrin, avocat à 1040 Bruxelles, rue Jonniaux 14.

Pour extrait conforme : le greffier, (signé) Kinon, Josiane. (62721)

Suite à la requête déposée le 1er février 2007, par ordonnance du juge de paix de complément du canton de la justice de paix de Woluwe-Saint-Pierre, rendue le 1er mars 2007, Mme Elisabeth Dopp, née le 29 mars 1967, domiciliée à 1200 Bruxelles, chemin des Deux Maisons 79/9, a été déclarée incapable de gérer ses biens et a été pourvue d'un administrateur provisoire en la personne de Mme Fabienne Ligot, avocat à 1200 Bruxelles, avenue de Broqueville 116/10.

Pour extrait conforme : le greffier adjoint délégué, (signé) Steels, Isabelle. (62722)

Par ordonnance rendue le 27 février 2007, rép. : 1133, par le juge de paix de complément de la justice de paix de Woluwe-Saint-Pierre, la nommée Mme Vervloet, Pauline, née le 7 mars 1920, domiciliée à 1150 Bruxelles, avenue de Hinnisdael 25 bte 3, a été déclarée inapte à gérer ses biens et a été pourvue d'un administrateur provisoire étant : Mme Willems, Dominique, avocat à 1150 Bruxelles, rue François Gay 275.

Pour extrait conforme : le greffier, (signé) Kinon, Josiane. (62723)

Vredegerecht van het achtste kanton Antwerpen

—

Bij vonnis van de vrederechter van het achtste kanton Antwerpen, verleend op 7 maart 2007, werd Peeters, Margaretha, geboren te Borgerhout op 27 september 1923, weduwe van Jacques, Daniel, verblijvende in het Rust- en Verzorgingstehuis Meerminne, te 2640 Mortsel, Meerminne 6, niet in staat verklaard haar goederen te beheren en kreeg toegevoegd als voorlopig bewindvoerder : haar dochter, Jacques, Marianne, wonende te 2140 Borgerhout-Antwerpen, Borgerhoutsestraat 47 bus 41.

Er werd vastgesteld dat het verzoekschrift neergelegd werd op 21 februari 2007.

Berchem (Antwerpen), 7 maart 2007.

Voor eensluidend uittreksel : de hoofdgriffier, (get.) Arthur Jespers. (62725)

Vredegerecht van het twaalfde kanton Antwerpen

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Bij beschikking van de vrederechter van het twaalfde kanton Antwerpen, verleend op 6 maart 2007, werd Van Offel, Nancy Carolina Robert, geboren te Antwerpen op 20 juni 1968, ongehuwd, wonende te 2100 Antwerpen-Deurne, Dordrechtlaan 6, niet in staat verklaard haar goederen te beheren en kreeg toegevoegd als voorlopig bewindvoerder : Elbers, John, advocaat, kantoorhoudende te 2000 Antwerpen, Britselei 28 bus 2.

Het verzoekschrift werd neergelegd ter griffie op 23 februari 2007.

Antwerpen-Deurne, 6 maart 2007.

Voor eensluidend uittreksel : (get.) Richard Blendeman, hoofdgriffier. (62726)

Bij beschikking van de vrederechter van het twaalfde kanton Antwerpen, verleend op 6 maart 2007, werd Broeckx, Maria Augusta Cornelia, weduwe van de heer Marcel Charles Joseph Van De Heijning, geboren te Antwerpen op 12 januari 1925, wonende te 2100 Antwerpen-Deurne, Dascottelei 142/144, niet in staat verklaard haar goederen te beheren en kreeg toegevoegd als voorlopig bewindvoerder : Van Den Bosch, Chantal, geboren te Deurne op 3 augustus 1963, advocaat, kantoorhoudende te 2100 Antwerpen-Deurne, August Van de Wielelei 348.

Het verzoekschrift werd neergelegd ter griffie op 26 februari 2007.

Antwerpen-Deurne, 6 maart 2007.

Voor eensluidend uittreksel : (get.) Richard Blendeman, hoofd-griffier. (62727)

Vredegerecht van het kanton Genk

—

Vonnis d.d. 6 maart 2007, verklaart Grosemans, Maria Louise Josephine, geboren te Hasselt op 24 september 1922, gedomicilieerd te 3600 Genk, Meeënheide 74, verblijvende Rusthuis Prinsenpark, D'Ierdstraat 11, te 3600 Genk, niet in staat zelf haar goederen te beheren.

Voegt toe als voorlopig bewindvoerder : Vangeneugden, Leon, geboren te Genk op 12 januari 1946, gepensioneerde, wonende te 3600 Genk, Meeënheide 74*A*.

Genk, 7 maart 2007.

De hoofdgriffier, (get.) Thijs, Lode. (62728)

Vredegerecht van het kanton Grimbergen

—

Bij beschikking van de vrederechter van het kanton Grimbergen, verleend op 1 maart 2007, werd de heer Kevin De Bot, geboren te Jette op 26 oktober 1983, wonende te 1750 Lennik, Schapenstraat 120, thans verblijvende in het Sint-Alexiusinstituut, Grimbergsesteenweg 40, te 1850 Grimbergen, niet in staat verklaard zijn goederen te beheren en kreeg toegevoegd als voorlopig bewindvoerder : Mr. Cloosen, Balder, advocaat met kantoor te 1050 Elsene, Jaargetijdenlaan 54.

Grimbergen, 6 maart 2007.

De griffier, (get.) De Backer, Elise. (62729)

Vredegerecht van het kanton Ieper II-Poperinge, zetel Ieper

—

Bij vonnis van de vrederechter van het kanton Ieper II-Poperinge, zetel Ieper, verleend op 23 februari 2007, werd de heer Sohier, Patrick, geboren te Poperinge op 24 oktober 1966, wonende te 8970 Poperinge, Provenseweg 19, doch verblijvende in het Psychiatrisch Ziekenhuis H. Hart te 8900 Ieper, Poperingseweg 16, niet in staat verklaard zijn goederen te beheren en kreeg toegevoegd als voorlopige bewindvoerder : Onraet, Christine, advocaat te 8900 Ieper, Bloemenstraat 1 GLVA.

Ieper, 6 maart 2007.

De hoofdgriffier, (get.) Alexander, Yves. (62730)

Vredegerecht van het kanton Leuven-1

—

Bij vonnis van de vrederechter van het kanton Leuven-1, d.d. 6 maart 2007, verklaren Vandecauter, Stephan Daniel Marc, geboren te Oudergem op 26 maart 1954, gepensioneerd, wonende te 3000 Leuven, Verkortingsstraat 15, verblijvende U.C. Sint Jozef, Leuvensestraat 517, te 3070 Kortenberg, niet in staat zelf de goederen te beheren.

Voegt toe als voorlopig bewindvoerder : Vandecauter, Constant, geboren te Leuven op 26 januari 1957, wonende te 3000 Leuven, Verkortingsstraat 15.

Leuven, 6 maart 2007.

Voor eensluidend uittreksel : de eerstaanwezend adjunct-griffier, (get.) Temperville, Karine. (62731)

Bij vonnis van de vrederechter van het kanton Leuven-1, d.d. 6 maart 2007, verklaren Houthoofd, Simone, geboren op 12 september 1922, wonende en verblijvende in home Onze Lieve Vrouw van Lourdes, 3071 Erps-Kwerps, Dorpsstraat 10, niet in staat zelf de goederen te beheren.

Voegt toe als voorlopig bewindvoerder : Vandebroek, Michael, geboren te Leuven op 28 juni 1973, advocaat, kantoorhoudende te 3000 Leuven, J.P. Minckelersstraat 33.

Leuven, 6 maart 2007.

Voor eensluidend uittreksel : de eerstaanwezend adjunct-griffier, (get.) Temperville, Karine. (62732)

Vredegerecht van het kanton Mechelen

—

Bij vonnis van de vrederechter van het kanton Mechelen, verleend op 6 maart 2007, werd Dupay, Angela Joanna, geboren te Mechelen op 20 mei 1920, wonende te 2800 Mechelen, Grote Nieuwedijkstraat 345, verblijvende in het A.Z. Sint-Maarten, te 2800 Mechelen, Zwartzustersvest 47, niet in staat verklaard haar goederen te beheren en kreeg toegevoegd als voorlopig bewindvoerder : Schippers, Linda Lea, geboren te Mechelen op 11 maart 1959, wonende te 2500 Lier, Stijn Streuvelslaan 2.

Het verzoekschrift tot aanstelling van een voorlopig bewindvoerder werd ingediend op 14 februari 2007.

Mechelen, 7 maart 2007.

Voor eensluidend uittreksel : (ge.) Peter Vankeer, adjunct-griffier. (62733)

Vredegerecht van het kanton Merelbeke

—

Bij beschikking van de vrederechter van het kanton Merelbeke, verleend op 20 februari 2007, werd Marquenie, Marian, geboren te Gent op 18 oktober 1960, gedomicilieerd te 9000 Gent, Kikvorsstraat 74, met huidige verblijfplaats te 9090 Melle, Caritasstraat 76, Psychiatrisch Centrum Caritas, niet in staat verklaard haar goederen te beheren en kreeg toegevoegd als voorlopig bewindvoerder : De Becker, Ann, advocaat, wonende te 9000 Gent, Kortrijksesteenweg 219.

Merelbeke, 6 maart 2007.

Voor eensluidend afschrift : de hoofdgriffier, (get.) R. Hantson. (62734)

Bij beschikking van de vrederechter van het kanton Merelbeke, verleend op 20 februari 2007, werd Podevijn, Rosina, geboren te Aalst op 30 juni 1928, gedomicilieerd en met huidige verblijfplaats te 9090 Melle, Brusselsesteenweg 322*A*, Rustoord VZW Helianthus, niet in staat verklaard haar goederen te beheren en kreeg toegevoegd als voorlopig bewindvoerder : Roggeman, Rudy, wonende te 9031 Gent (Drongen), Boskeetstraat 44.

Merelbeke, 5 maart 2007.

Voor eensluidend afschrift : de hoofdgriffier, (get.) R. Hantson. (62735)

Vredegerecht van het kanton Mol

—

Bij beschikking van de plaatsvervangend vrederechter van het kanton Mol, verleend op 27 februari 2007, werd Schrijvers, Maria Francisca Clementina, gepensioneerde, geboren te Balen op 2 mei 1916, gedomicilieerd en verblijvende in het rusthuis Home Keiheuvel, te 2490 Balen, Kapelstraat 105-107, niet in staat verklaard om zelf haar goederen te beheren en werd haar toegevoegd als voorlopige bewindvoerster : Wouters, Egied, advocaat, kantoorhoudende te 2490 Balen, Lindestraat 2, met algehele bevoegdheid.

Mol, 7 maart 2007.

Voor eensluidend uittreksel : de hoofdgriffier, (get.) Willy Huysmans. (62736)

Vredegerecht van het kanton Overijse-Zaventem, zetel Zaventem

—

Bij beschikking van de vrederechter van het kanton Overijse-Zaventem, zetel Zaventem, verleend op 7 maart 2007, werd Pyck, Claudine Hélène, geboren te Brugge op 15 april 1946, zonder beroep, wonende te 1932 Zaventem, Acacialaan 3, niet in staat verklaard haar goederen te beheren en kreeg toegevoegd als voorlopig bewindvoerder : Mr. Somers, Eva, advocaat, kantoorhoudend te 1930 Zaventem, Parklaan 32.

Er werd vastgesteld dat het verzoekschrift neergelegd werd op 12 februari 2007.

Zaventem, 7 maart 2007.

Voor eensluidend uittreksel : De hoofdgriffier, (get.) Egerickx, Marcel. (62737)

Vredegerecht van het eerste kanton Sint-Niklaas

—

Bij beschikking van de vrederechter van het eerste kanton Sint-Niklaas, verleend op 1 maart 2007, werd Van Riet, Denise, geboren te Sint-Niklaas op 12 februari 1947, zonder beroep, wonende te 9100 Sint-Niklaas, Vermorgenstraat 81, niet in staat verklaard haar goederen te beheren en kreeg toegevoegd als voorlopig bewindvoerder : Amelinckx, Daniël, advocaat, met kantoor te 9140 Temse, Piet Nutenlaan 7*a*.

Sint-Niklaas, 2 maart 2007.

Voor eensluidend uittreksel : de adjunct-griffier, (get.) Vermeulen, Gisele. (62738)

Bij beschikking van de vrederechter van het eerste kanton Sint-Niklaas, verleend op 1 maart 2007, werd Van Bosch, Annie, geboren te Sint-Niklaas op 28 september 1950, modeontwerpster, wonende te 9100 Sint-Niklaas, August Nobelsstraat 15/4, niet in staat verklaard haar goederen te beheren en kreeg toegevoegd als voorlopig bewindvoerder : Mr. Daniël Amelinckx, met kantoor te 9140 Temse, Piet Nutenlaan 7*a*.

Sint-Niklaas, 2 maart 2007.

Voor eensluidend uittreksel : de adjunct-griffier, (get.) Vermeulen, Gisele. (62739)

Vredegerecht van het kanton Sint-Truiden

—

Het vonnis van de plaatsvervangend vrederechter van het kanton Sint-Truiden, verleend op 6 maart 2007, verklaart Aerts, Eveline, geboren te Diest op 23 december 1926, wonende te 3800 Sint-Truiden, Luikerstraat 41/0401, verblijvende P.Z. Sancta Maria, Melveren-Centrum 111, te 3800 Sint-Truiden, niet in staat zelf haar goederen te beheren.

Voegt toe als voorlopige bewindvoerder : Nagels-Coune, Trudo, advocaat te 3800 Sint-Truiden, Terbiest 83.

Sint-Truiden, 7 maart 2007.

Voor eensluidend uittreksel : de hoofdgriffier, (get.) Marina Derwael. (62740)

Vredegerecht van het kanton Zottegem-Herzele, zetel Zottegem

—

Vonnis d.d. 22 februari 2007 :

verklaart Reyns, Lydia Leona Valentina, geboren te Noroy (Frankrijk) op 23 augustus 1935, wonende te 9620 Zottegem, Beislovenstraat 129, verblijvende in het Woon- en Zorgcentrum Ter Deinsbeke, Deinsbekestraat 23, te 9620 Zottegem, niet in staat zelf haar goederen te beheren;

voegt toe als voorlopig bewindvoerder : Reyns, Christian, wonende te 9620 Zottegem, Zuidstraat 54.

Er werd vastgesteld dat het verzoekschrift neergelegd werd op 19 januari 2007.

Zottegem, 6 maart 2007.

De eerstaanwezend adjunct-griffier, (get.) Van den Abbeele, Veerle. (62741)

Vonnis d.d. 22 februari 2007 :

verklaart De Sadeleer, Bart, geboren te Zottegem op 29 november 1973, wonende te 9620 Zottegem, Groenstraat 10, niet in staat zelf zijn goederen te beheren;

voegt toe als voorlopig bewindvoerder : Mr. Christoph Glas, advocaat, gevestigd te 9620 Zottegem, Wolvenstraat 60.

Er werd vastgesteld dat het verzoekschrift neergelegd werd op 2 februari 2007.

Zottegem, 5 maart 2007.

De eerstaanwezend adjunct-griffier, (get.) Van den Abbeele, Veerle. (62742)

Mainlevée d'administration provisoire
Opheffing voorlopig bewind

—

Justice de paix du premier canton d'Anderlecht

—

Par ordonnance du juge de paix du premier canton d'Anderlecht, en date du 6 mars 2006, il a été mis fin d'office à l'administration provisoire des biens de Mme Gauwe, Maria, décédée le 21 janvier 2007 à Anderlecht.

Pour extrait certifié conforme : le greffier, (signé) Hugo De Waegeneer. (62743)

Justice de paix du canton de Dour-Colfontaine, siège de Colfontaine

—

Suite à l'ordonnance du juge de paix du conaton de Dour-Colfontaine, siège de Colfontaine, rendue le 2 mars 2007, Me Olivier Bridoux, domicilié à 7340 Pâturages, rue de l'Eglise 8, a été déchargé de ses fonctions d'administrateur provisoire des biens de Mme Salsac, Raymonde, née le 5 novembre 1925, domiciliée de son vivant à 7080 Frameries, rue de la Libération 194, et décédée le 15 décembre 2006.

Pour extrait conforme : le greffier en chef, (signé) Breuse, Brigitte. (62744)

Justice de paix du canton de Forest

—

Par ordonnance du juge de paix du canton de Forest, en date du 2 mars 2007, il a été mis fin au mandat de Ghyssels, Marc Jean, avocat à 1180 Uccle, avenue Brugmann 287, en sa qualité d'administrateur provisoire de Willemsen, Yvonne Joséphine Maria, née à Antwerpen le 19 décembre 1910, en son vivant domiciliée à 1190 Forest, avenue Albert 92/1, cette personne est décédée à Uccle, en date du 30 janvier 2007.

Pour extrait certifié conforme : le greffier en chef, (signé) Paul Van Herzeele. (62745)

Justice de paix du canton de Grâce-Hollogne

—

Par ordonnance du juge de paix du canton de Grâce-Hollogne, rendue le 2 mars 2007, a été levée la mesure d'administration provisoire prise par ordonnance du 18 mai 2006, et publiée au *Moniteur belge* du 13 juin 2006, à l'égard de Mme Fequenne, Berthe Félicie, née le 27 mars 1915 à Liège, veuve de M. Humblet, Louis, domiciliée de son vivant à la maison de repos « Le Château d'Awans », rue du Château 1, à 4340 Awans, cette personne étant décédée le 8 février 2007 à Awans, il a été mis fin, en conséquence, à la mission de son administrateur provisoire, à savoir : M. Drozda, Johann Stefan, né le 2 décembre 1944 à Wallhausen, domicilié parc de la Gotte 57, à 4550 Nandrin.

Pour extrait conforme : le greffier, (signé) Clebant, Colette. (62746)

Justice de paix du canton de Liège IV

—

Suite à la requête déposée le 8 février 2007, par ordonnance du juge de paix du canton de Liège IV, rendue le 5 mars 2007, a été levée la mesure d'administration provisoire prise par ordonnance de M. le juge de paix du deuxième canton de Liège, en date du 28 avril 2005, et publiée au *Moniteur belge* du 19 mai 2005, à l'égard de Clajot, Jean Marie Henri Ghislain Christian, né le 4 juillet 1950 à Wegnez, domicilié à la « Résidence Blé d'Or », rue Jules Cralle 363, cette personne étant redevenue capable de gérer ses biens, il a été mis fin à la mision de son administrateur provisoire, à savoir : Me Dembour, François, dont les bureaux sont situés à 4000 Liège, place de Bronckart 1.

Pour extrait conforme : le greffier en chef, (signé) Frankinet, Régine. (62747)

Justice de paix du canton de Molenbeek-Saint-Jean

—

Suite à la requête déposée le 11 janvier 2007, par ordonnance du juge de paix du canton de Molenbeek-Saint-Jean, rendue le 1er mars 2007, a été levée la mesure d'administration provisoire prise par ordonnance du 3 juin 2005, et publiée au *Moniteur belge* du 15 juin 2005, à l'égard de Mohammed Nakouri, né à Fahs le 8 février 1962, domicilié à 1080 Molenbeek-Saint-Jean, boulevard Belgica 51, cette personne étant redevenue capable de gérer ses biens, il a été mis fin partiellement, à la mission de son administrateur provisoire, à savoir : Mme Habiba Nakouri, domiciliée à 1020 Laeken, rue de la Royauté 4, néanmoins, elle continuera à gérer le compte épargne.

Pour extrait conforme : le greffier en chef, (signé) Martine Rimaux. (62748)

Vredegerecht van het tweede kanton Aalst

—

Bij beschikking van de vrederechter van het tweede kanton Aalst, verleend op 6 maart 2007, werd een einde gesteld aan de opdracht van Vermeulen, Benjamin, advocaat, wonende te Aalst, Leopoldlaan 32*a*, als voorlopig bewindvoerder over : Van der Storm, Guy, geboren te Aalst op 17 februari 1965, gedomicilieerd te Aalst, Rozendreef 161, bus 25.

Voor eensluidend uittreksel : de hoofdgriffier, (get.) Myriam Haegeman. (62749)

Vredegerecht van het tweede kanton Antwerpen

—

Bij vonnis van de vrederechter van het tweede kanton Antwerpen, verleend op dinsdag 6 maart 2007, werd volgende beslissing uitgesproken :

verklaart Burmensky, Angelina, bediende, wonende te 2242 Pulderbos, Fazantenlaan 40, aangewezen bij vonnis verleend door de vrederechter van het tweede kanton, op 11 juli 2006 (rolnummer 06A471, Rep.R. 1026/2006) tot voorlopige bewindvoerder over : Brazali, Larysa, geboren te Rowne (USSR) op 6 januari 1921, in leven laatst wonende te 2240 Zandhoven, Rusthuislaan 21 (gepubliceerd in het *Belgisch Staatsblad* van 26 juli 2007), met ingang vanaf 17 februari 2007 ontslagen van haar opdracht, gelet op het overlijden van de beschermde.

Antwerpen, 6 maart 2007.

Voor eensluidend uittreksel : de griffier, (get.) Patrick Beyens. (62750)

Vredegerecht van het kanton Arendonk

—

Bij beschikking van de vrederechter van het kanton Arendonk, verleend op 6 maart 2007, werd Anthonis, Joost Maria Jozef, advocaat, geboren te Herentals op 13 mei 1965, wonende te 2200 Herentals, Lierseweg 3, aangewezen bij beschikking verleend door de vrederechter van het kanton Arendonk, op 18 november 2003 (03B146 Rep.R. 2493/2003), tot voorlopig bewindvoerder in vervanging van wijlen Vic Mercelis, vorige bewindvoerder over : Schaek, Anna Maria Philomena Francisca, geboren te Turnhout op 12 oktober 1913, wonende te 2380 Ravels, rusthuis « O.L. Vrouw der Kempen », O.L. Vrouwstraat 3 (oorspronkelijk gepubliceerd in het *Belgisch Staatsblad* van 14 maart 2000, onder nr. 61721), ontslagen van de opdracht, gezien de beschermde persoon overleden is.

Arendonk, 6 maart 2007

De hoofdgriffier, (get.) Van Gorp, Sylvain. (62751)

Vredegerecht van het vijfde kanton Brussel

—

Bij beschikking van de vrederechter van het nieuwe vijfde kanton Brussel, de dato 6 maart 2007, werd ambtshalve een einde gesteld aan het mandaat van : Mr. De Kerpel, Ann, advocate, 1860 Meise, Wijnberg 22, die bij beschikking van de vrederechter van dit kanton de dato 29 september 2005 aangesteld werd als voorlopige bewindvoerder over : de heer Roose, Yves, geboren te Sint-Joost-ten-Node op 3 oktober 1967, 1731 Relegem, Brusselsesteenweg 567.

Voor eensluidend uittreksel : de afgevaardigde adjunct-griffier, (get.) Betty Thienpont. (62752)

Vredegerecht van het eerste kanton Gent

—

Bij beschikking van de vrederechter van het eerste kanton Gent, verleend op 7 maart 2007, werd Martens, Inge, advocaat te 9032 Wondelgem, Sint-Markoenstraat 18, aangesteld als voorlopig bewindvoerder bij onze beschikking d.d. 8 september 2005 over : De Troy, Michel, geboren op 18 februari 1922, laatst wonende te 9090 Melle, RVT Helianthus, Brusselsesteenweg 322*A*, ontlast van haar ambt als voorlopig bewindvoerder ingevolge het overlijden van De Troy, Michel, op 7 februari 2007.

Gent, 7 maart 2007

Voor eensluidend uittreksel : de hoofdgriffier, (get.) Van Parijs, Nadine. (62753)

Vredegerecht van het kanton Leuven 3

—

Beschikking d.d. 6 maart 2007 :

verklaart Dierickx, François Joseph Pierre, geboren te Leuven op 18 augustus 1951, wonende te 3001 Heverlee, Willem Van den Abeelelaan 9, aangewezen bij beschikking verleend door de vrederechter van het kanton Leuven 3, op 21 september 2006 (rolnummer 06a2760) tot voorlopig bewindvoerder over : Dierickx, Pierre Alphonse, geboren te Heverlee op 16 augustus 1925, in leven verblijvende te 3001 Heverlee, Zorgcentrum Home Vogelzang, Tervuursesteenweg 290, met ingang van heden ontslagen van de opdracht, gezien de beschermde persoon overleden is.

Leuven, 6 maart 2007.

De adjunct-griffier, (get.) De Queker, Francisca. (62754)

Beschikking d.d. 6 maart 2007 :

verklaart Soeteweye, Philippe, wonende te 3001 Heverlee, Vlietstraat 33, aangewezen bij beschikking verleend door de vrederechter van het kanton Leuven 3, op 3 juli 2000 (01B39) tot voorlopig bewindvoerder over : Prinsier, Blanche, geboren te Houtem op 13 januari 1915, in leven wonende te 3040 Huldenberg, RVT Ter Meeren, Wolfshaegen 186, met ingang van heden ontslagen van de opdracht, gezien de beschermde persoon overleden is.

Leuven, 6 maart 2007.

De adjunct-griffier, (get.) De Queker, Francisca. (62755)

Remplacement d'administrateur provisoire
Vervanging voorlopig bewindvoerder

—

Justice de paix du troisième canton de Liège

—

Suite à la requête déposée le 22 janvier 2007, par décision du juge de paix du troisième canton de Liège rendue le 7 mars 2007, Mme Goffin, Juliette, née le 25 janvier 1930 à Saint-Georges-sur-Meuse, domiciliée quai du Halage 14, 4480 Engis, Ipal Le Peri, Montagne Sainte-Walburge 4*B*, 4000 Liège, a été déclarée incapable de gérer ses biens et a été pourvue d'un administrateur provisoire en la personne de Me Giovannangeli, Fabrice, avocat, domicilié rue Joseph Wauters 19, 4540 Amay, en remplacement de Me Jean Costers, avocat, domicilié à 4500 Huy, rue d'Italie 7, désigné par notre décision du 13 février 2007, et publiée au *Moniteur belge* du 26 février 2007.

Pour extrait conforme : le greffier adjoint principal, (signé) Bouchoms, Jacques. (62756)

Justice de paix du canton de Saint-Hubert-Bouillon-Paliseul, siège de Paliseul

—

Par ordonnance du juge de paix du canton de Saint-Hubert-Bouillon-Paliseul, siège de Paliseul, rendue d'office le 6 mars 2007, Mme Piquard, Angèle, Belge, née le 28 août 1927 à Bertrix, pensionnée, veuve, domiciliée rue du Stade 9, à 6880 Bertrix, déclarée incapable de gérer ses biens par jugement du 30 janvier 2007 (*Moniteur belge* du 7 février 2007), a été pourvue d'un administrateur provisoire en la personne de Me Davreux, Patrick, avocat, domicilié rue de la Station 17, à 6920 Wellin, en remplacement de : M Tinant, Thierry, domicilié rue du Stade 9, à 6880 Bertrix.

Pour extrait conforme : le greffier en chef, (signé) Castagne, Marie-Thérèse. (62757)

Vredegerecht van het eerste kanton Aalst

—

Bij beschikking, d.d. 6 maart 2007, van de vrederechter van het eerste kanton Aalst, verklaart de heer Boquez, Alain, verblijvende in het 't Rusthofje, te 9550 Herzele, Provincieweg 252-254, niet in staat zelf zijn goederen te beheren.

Maakt op heden een einde aan de opdracht van de heer Boquez, Renaat, als bewindvoerder van de heer Boquez, Alain, verblijvende in het 't Rusthofje, te 9550 Herzele, Provincieweg 252-254.

Stelt ter vervanging aan de heer Joost Callebaut, advocaat te 9300 Aalst, Binnenstraat 39/1, met de bevoegdheid zoals bepaald in artikel 488*bis*, 1, paragraaf 1 t/m paragraaf 5 B.W.

Aalst, 7 maart 2007.

De griffier, (get.) Luc Renneboog. (62758)

Vredegerecht van het tweede kanton Gent

—

Bij beschikking van de vrederechter van het tweede kanton te Gent, verleend op 27 februari 2007, werd een einde gesteld aan de opdracht van Annick Verstringhe, advocaat, kantoorhoudend te 9000 Gent, Monterreystraat 16, aangesteld bij beschikking van 3 februari 2006 (ARV 25/2006) over Keleman, Linda Camilla, geboren te Wetteren op 24 juli 1958, gedomicilieerd en verblijvend te 9820 Merelbeke, Industriepark 6, in home « De Heide », en kreeg in vervanging toegevoegd als voorlopige bewindvoerder, haar broer : Keleman, Helmar, geboren te Wetteren op 15 april 1963, gedomicilieerd te 9052 Gent (Zwijnaarde), Maaltemeers 37.

Gent, 7 maart 2007.

Voor eensluidend uittreksel : de griffier, (get.) C. Aper. (62759)

Vredegerecht van het kanton Leuven-1

—

Bij vonnis van de vrederechter van het kanton Leuven-1, d.d. 2 maart 2007 :

verklaren Vandenbempt, Marc Jan Gaston Jeanine, advocaat, geboren te Leuven op 1 oktober 1964, kantoorhoudende te 3001 Heverlee, Van Arenbergplein 3, aangewezen bij vonnis, verleend door de vrederechter van het kanton Leuven-1, op 5 december 2006, tot voorlopige bewindvoerder over Crabbé, Jimmy, geboren te Lubbeek op 3 april 1974, wonende te 3010 Kessel-Lo, Molenstraat 1, met ingang van 2 maart 2007 ontslagen van zijn opdracht;

voegen toe als voorlopige bewindvoerder : Crabbé, Jules, geboren te Sint-Joris-Winge op 30 mei 1945, meubelhandelaar, wonende te 3010 Kessel-Lo, Molenstraat 1.

Leuven, 7 maart 2007.

Voor eensluidend uittreksel : de eerstaanwezend adjunct-griffier, (get.) Temperville, Karine. (62760)

Publication prescrite par l'article 793 du Code civil

Bekendmaking voorgeschreven bij artikel 793 van het Burgerlijk Wetboek

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Acceptation sous bénéfice d'inventaire
Aanvaarding onder voorrecht van boedelbeschrijving

—

Le 2 mars 2007, au greffe du tribunal de première instance de Bruxelles, M. Kabamba-Mukadi, Benoît, né à Kananga (Congo) le 12 février 1960, domicilié à 2170 Merksem (Antwerpen), Van Stralenlei 12, bte 12, agissant en sa qualité de père de Mlle Kabamba Mukadi, Sarah Hélène Yvette Alexa, née à Woluwe-Saint-Lambert le 29 juin 1994, domiciliée à 1200 Woluwe-Saint-Lambert, avenue Edouard Speeckaert 23, a déclaré, au nom de sa fille, accepter sous bénéfice d'inventaire, la succession de Mme Van Mosnenck, Marie Christine Jeanne Fernande Bernadette Colette, née à Bruxelles le 26 juin 1954, domiciliée en dernier lieu à Woluwe-Saint-Lambert, avenue Edouard Speeckaert 23, décédée à Woluwe-Saint-Lambert le 8 janvier 2007.

Les créanciers et légataires sont invités à faire connaître leurs droits, par avis recommandé, dans un délai de trois mois à compter de la présente insertion aux notaires associés Vanhalewyn, Philippe & Quentin, à Kraainem, avenue Arthur Dezangré 21.

(Signé) Philippe Vanhalewyn; Quentin Vanhalewyn, notaires associés. (8372)

———————

Het blijkt uit een akte, verleden ter griffie van de rechtbank van eerste aanleg te Leuven op 1 maart 2007, dat de nalatenschap van Mevr. Stiers, Eulalie Madeleine, geboren te Geetbets op 6 september 1912, in leven laatst wonende te Geetbets, Brugskensweg 5, weduwe van de heer Raymaekers, Augustinus Alphonsus, overleden te Tienen op 25 juni 2006, werd aanvaard onder voorrecht van boedelbeschrijving, namens de heer Raymaekers, José, geboren te Geetbets op 24 oktober 1940, wonende te Geetbets, Brugskensweg 5, vertegenwoordigd door zijn voorlopige bewindvoerder, de heer Raymaekers, Marcel Jules Jean, wonende te Tienen, Sint-Pietersstraat 110.

Bij toepassing van artikel 793 van het Burgerlijk Wetboek werd woonst verkozen op het kantoor van notaris Bernard Indekeu, te Zoutleeuw, Nieuwstraat 17, alwaar schuldeisers en legatarissen zich dienen bekend te maken.

(Get.) Mr. Bernard Indekeu, notaris te Zoutleeuw. (8373)

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Tribunal de première instance de Dinant

—

Suivant acte n° 07/608 dressé au greffe du tribunal de première instance de Dinant le 7 mars 2007, Mme Jocelyne Cambier, domiciliée à Matagne-la-Petite, rue du Carmel 9, agissant avec l'autorisation de M. le juge de paix du canton de Couvin en date du 26 octobre 2006, dont copie conforme restera annexée au présent acte, pour et au nom de son enfant mineur Bryan Collart, né à Charleroi le 21 novembre 1995, domicilié avec elle, a déclaré, pour et au nom de son enfant mineur, accepter sous bénéfice d'inventaire, la succession qui lui est dévolue par le décès de son père Jean-Pol Collart, né à Matagne-la-Petite le 16 mai 1958, en son vivant domicilié à Matagne-la-Petite, rue du Carmel 9, et décédé à Charleroi en date du 13 juin 2006.

Les créanciers et les légataires sont invités à faire connaître leurs droits, par avis recommandé, dans un délai de trois mois à compter de la présente à Me Philippe Lambinet, notaire à 5660 Couvin, rue de la Falaise 79.

Pour extrait conforme : le greffier adjoint, (signé) J. Colin. (8374)

Tribunal de première instance de Liège

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L'an deux mille sept, le sept mars, au greffe du tribunal de première instance de Liège, a comparu : Digneffe, Denis, né le 12 août 1965 à Waremme, agissant en sa qualité de représentant légal de son enfant mineur d'âge : Digneffe, Delphine, née le 12 juillet 1995 à Liège, tous deux domiciliés rue des Hadrènes 2, à Sprimont, et à ce autorisé par ordonnance du juge de paix du canton de Sprimont rendue le 13 décembre 2006, ordonnance qui est produite en simple copie et qui restera annexée au présent acte, lequel comparant a déclaré accepter, sous bénéfice d'inventaire, la succession de Istace, Marie Christine Michelle Josée, née à Liège le 19 avril 1965, de son vivant domiciliée à Sprimont, rue des Hadrènes 2, et décédée le 1er juillet 2006 à Veurne.

Conformément aux prescriptions du dernier alinéa de l'article 793 du Code civil, le comparant déclare faire élection de domicile en l'étude de Me Marc Wauthier, notaire, rue Lambert le Bègue 32, à 4000 Liège.

Les créanciers et légataires sont invités à faire connaître leurs droits, par avis recommandé, au domicile élu dans les trois mois de la présente insertion.

Le greffier, (signature illisible). (8375)

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L'an deux mille sept, le huit mars, au greffe du tribunal de première instance de Liège, a comparu : Akif, Jamilla, avocat à Liège, Mont Saint-Martin 20, porteuse d'une procuration sous seing privé qui restera annexée au présent acte pour et au nom de Missotten, Laurent, né à Namur le 8 août 1988, domicilié à Crisnée, Grand-Route 7, laquelle comparante a déclaré ès qualités, accepter sous bénéfice d'inventaire, la succession de Missotten, Eric, né à Waremme le 31 juillet 1958, de son vivant domicilié à Crisnée, Grand-Route 7, et décédé le 17 juillet 2006 à Tintigny.

Conformément aux prescriptions du dernier alinéa de l'article 793 du Code civil, la comparante déclare faire élection de domicile en l'étude de Me Philippe Hansoul, avocat à Liège, Mont Saint-Martin 20.

Les créanciers et légataires sont invités à faire connaître leurs droits, par avis recommandé, au domicile élu dans les trois mois de la présente insertion.

Le greffier, (signature illisible). (8376)

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Tribunal de première instance de Tournai

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Par acte n° 07-145 dressé au greffe du tribunal de première instance de Tournai, province de Hainaut, le 7 mars 2007 :

Meertens, Jacqueline Marie-Jeanne, née à Bourlers le 15 mai 1962, domiciliée à 6464 Chimay (Bourlers), rue des Trappistes 89, agissant en qualité de mère, titulaire de l'autorité parentale sur ses enfants mineurs :

Vancayemberg, Lora, née à Chimay le 20 septembre 1990;

Vancayemberg, Joel, né à Chimay le 22 mars 1993,

tous deux domiciliés avec leur mère,

autorisée par ordonnance prononcée le 28 février 2007 par M. le juge de paix du canton de Beaumont-Chimay-Merbes-le-Château, siège de Chimay, dont une copie nous a été produite, laquelle comparante a déclaré vouloir accepter, sous bénéfice d'inventaire, la succession de Vancayemberg, Marc Luc Sylva Max, né le 20 septembre 1962 à Lessines, en son vivant domicilié à Lessines, place de Ghoy 25*B*, décédé à Lessines le 28 décembre 2006.

Les créanciers et légataires sont invités à faire connaître leurs droits, par avis recommandé, au domicile élu dans les trois mois de la présente insertion.

L'élection de domicile est faite chez Me M.-C. Stevaux, notaire à 6460 Chimay, rue de l'Athénée 19.

Tournai, le 7 mars 2007.

Pour extrait conforme : le greffier, (signé) Cl. Verschelden. (8377)

Par acte n° 07-146 dressé au greffe du tribunal de première instance de Tournai, province de Hainaut, le 7 mars 2007 :

Me John Dehaene, avocat à Mons, agissant en qualité de curateur à la faillite de Cocu, Jean-Marie, né à Hautrage le 21 juillet 1946, domicilié à 7320 Bernissart, rue de l'Enfer 6*A*, désigné par jugement prononcé le 15 mai 2006 par le tribunal de commerce de Tournai. Lequel comparant a déclaré vouloir accepter sous bénéfice d'inventaire la succession de :

Letot, Paula Augustine Louis, née à Hautrage le 21 juillet 1946, en son vivant domicilié à Bernissart, rue de l'Enfer 6*A*, décédée à Saint-Ghislain le 1er décembre 2006.

Les créanciers et légataires sont invités à faire connaître leurs droits par avis recommandé au domicile élu dans les trois de la présente insertion.

L'élection de domicile est faite chez Me Anthony Pirard, notaire à 7972 Quevaucamps, place Langlois 24.

Tournai, le 7 mars 2007.

Pour extrait conforme : le greffier, (signé) Cl. Verschelden. (8378)

Rechtbank van eerste aanleg te Brussel

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Volgens akte (akte nr. 07-479) verleden ter griffie van de rechtbank van eerste aanleg te Brussel op acht maart tweeduizend en zeven :

Door Mevr. Waterkeyn, Vanessa, wonende te 1050 Brussel, Victor Greysonstraat 19;

In hoedanigheid van : volmachtdraagster krachtens dertien hierbijgevoegde onderhandse volmachten :

1. de eerste gedateerd van 10.10.2006 en gegeven door Mevr. Lebeau, Anne-Marie Benoite, en wonende te 1653 Beersel, Heiendaallaan 12;

2. de tweede gedateerd van 20.10.2006 en gegegen door de heer Jean-Jacques Lebeau, en wonende te 1600 Sint-Pieters-Leeuw, Dauw Defosselaan 13 B1V;

3. de derde gedateerd van 7.10.2006 en gegeven door Mevr. Lebeau, Monique Laurence, en wonende te 3110 Rotselaar, Boonhafstraat 11;

4. de vierde gedateerd van 14.12.2006 en gegeven door de heer Desmedt, Paul Jean-Marie, en wonende te 1500 Halle, Lenniksesteenweg 541;

5. de vijfde gedateerd van 14.12.2006 en gegeven door Mevr. Desmedt, Greta Joanna A., en wonende te 1652 Alsemberg, Steenweg naar Halle 20;

6. de zesde gedateerd van 12.10.2006 en gegeven door Mevr. Mosselmans, Agnes Virginie M., en wonende te 1652 Alsemberg-Beersel, Frans De Greefstraat 38;

7. de zevende gedateerd van 20.10.2006 en gegeven door de heer Mosselmans, Willy Karel Jukien, en wonende te 1600 Sint-Pieters-Leeuw, Eiklaan 64;

8. de achtste gedateerd van 26.09.2006 en gegeven door Mevr. Desmedt, Liliane Isabella C.V.J., wonende te 8501 Heule, Kortrijksestraat 32;

9. de negende gedateerd van 23.03.2006 en gegeven door de heer Desmedt, Hedwig Jos Virginie, wonende te 5031 Grand-Leez, rue
d' Aische-en-Refail 31;

10. de tiende gedateerd van 16.01.2007 en gegeven door Mevr. Desmedt, Lydia Elise Charline Marie-José, en wonende te 1500 Halle, Prinses Paolalaan 15;

11. de elfde gedateerd van 22.12.2006 en gegeven door Mevr. Desmedt, Christiane Virginir J., en wonende te 1700 Dilbeek, Hof ter Puttenlaan 32;

12. de twaalfde gedateerd van 14.10.2006 en gegeven door de heer Desmedt, Jos Elie M., en wonende te 8434 Westende, Westenlaan 1 B403;

13. de dertiende gedateerd van 24.09.2006 en gegeven door de heer Desmedt, René Jean, en wonende te 1640 Sint-Genesius-Rode, Grasmuslaan 12/302;

Heeft verklaard de nalatenschap te aanvaarden onder voorecht van boedelbeschrijving van : Desmedt, Clementina Maria, geboren te Sint-Genesius-Rode op 21 april 1919, in leven wonende te Beersel, Vroenenbosstraat 43, en overleden op 18 april 2006 te Beersel.

De schuldeisers en legatarissen worden verzocht, bij aangetekend bericht, hun rechten te doen kennen binnen de drie maanden, te rekenen van de datum van onderhavige opneming, gericht aan Mr. Jean-Paul Vernimmen, notaris te 1640 Sint-Genesius-Rode, Zoniënwoudlaan 252.

Brussel, 8 maart 2007.

De griffier : (get.) Philippe Mignon. (8379)

Rechtbank van eerste aanleg te Dendermonde

—

Bij akte, verleden ter griffie van de rechtbank van eerste aanleg te Dendermonde op acht maart tweeduizend en zeven, heeft :

Mr. B. Roggeman, advocaat te 9400 Ninove, Koepoortstraat 11, handelend in zijn hoedanigheid van voogd ad hoc over de hierna vermelde minderjarige en hiertoe aangesteld bij beschikking van de vrederechter van het kanton Ninove d.d. 12 oktober 2006 :

Deckmijn, Kimberly, geboren te Aalst op 29 november 1992, wonende te 9450 Haaltert/Denderhoutem, Stichelen 9,

verklaard onder voorrecht van boedelbeschrijving de nalatenschap te aanvaarden van wijlen Deckmijn, Danny, geboren te Ninove op 30 maart 1963, in leven laatst wonende te 9400 Nederhasselt, Van der Schuerenstraat 56, en overleden te Gent op 7 april 2006.

De schuldeisers en legatarissen worden verzocht binnen de drie maanden, te rekenen van de datum van opneming in het *Belgisch Staatsblad* , hun rechten bij aangetekend schrijven te doen kennen ter studie van Mr. notaris M. Pieters, ter standplaats Ninove, Aalstersesteenweg 15.

Dendermonde, 8 maart 2007.

De griffier : (get.) A. Vermeire. (8380)

Rechtbank van eerste aanleg te Tongeren

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Ten jare tweeduizend en zeven, op achtentwintig februari.

Ter griffie van de rechtbank van eerste aanleg van het gerechtelijk arrondissement Tongeren voor ons Sabina Provoost, e.a. adjunct-griffier is verschenen :

Coemans, Martine, juriste, geboren te Neerpelt op 27 augustus 1981, wonende te 3950 Bocholt (Kaulille), Raakstraat 27, handelend in haar hoedanigheid van volmachtdraagster namens :

Nelis, Sabine Catharina Josepha, geboren te Bree op 18 juli 1969, weduwe van de heer Stals, Jean Jozef, wonende te 3670 Meeuwen-Gruitrode, Weg naar Ellikom 14, handelend in haar hoedanigheid van moeder en draagster van het ouderlijk gezag over :

Stals, Sarah, ongehuwd, geboren te Bree op 14 januari 1993, en

Stals, Bieke, ongehuwd, geboren te Bree op 5 mei 1995, beiden gedomicilieerd en verblijvende te 3670 Meeuwen-Gruitrode, Weg naar Ellikom 14;

hiertoe gemachtigd door de heer vrederechter van het kanton te Bree op datum van 11 januari 2007;

die ons in het Nederlands verklaart de nalatenschap van wijlen Stals, Jean Jozef, geboren te Maaseik op 9 mei 1965, in leven wonende te Meeuwen-Gruitrode, Weg naar Ellikom 14, overleden te Genk op 5 oktober 2006, te aanvaarden onder voorrecht van boedelbeschrijving.

De schuldeisers en legatarissen worden verzocht bij aangetekend schrijvenhun rechten te doen gelden binnen de drie maanden te rekenen vanaf de datum van de opneming van deze akte in het *Belgisch Staatsblad* .

Dat aangetekend schrijven moet verzonden worden aan Mr. Marc Van Nerum, notaris, met standplaats te 3670 Meeuwen-Gruitrode, Hoogstraat 30.

Waarvan akte opgemaakt op verzoek van de verschijnster en door deze, na voorlezing, ondertekend samen met ons e.a. adjunct-griffier.

Voor eensluidend verklaarde copie afgeleverd aan Mr. Van Nerum, notaris te Meeuwen-Gruitrode.

Tongeren, 28 februari 2007.

De hoofdgriffier : (get.) H. Roeffelaer. (8381)

Ten jare tweeduizend en zeven, op achtentwintig februari.

Ter griffie van de rechtbank van eerste aanleg van het gerechtelijk arrondissement Tongeren voor ons Sabina Provoost, e.a. adjunct-griffier is verschenen :

Coemans, Martine, juriste, geboren te Neerpelt op 27 augustus 1981, wonende te 3950 Bocholt (Kaulille), Raakstraat 27, handelend in haar hoedanigheid van volmachtdraagster namens :

Schoofs, Godelieve, geboren te Bree op 24 februari 1963, weduwe van Van den Bosch, Willy Maria Hubert, wonende te 3960 Bree (Opitter), Molenstraat 4,

handelend in haar hoedanigheid van moeder en draagster van het ouderlijk gezag over :

Van Den Bosch, Cindy, geboren te Bree op 16 december 1988, gedomicilieerd en verblijvende te 3960 Bree (Opitter), Molenstraat 4;

hiertoe gemachtigd door de heer Vrederechter van het kanton Bree op datum van 19 oktober 2006;

die ons in het Nederlands verklaart de nalatenschap van wijlen Van Den Bosch, Willy Maria Hubert, geboren te Ekeren op 20 mei 1959, in leven wonende te (Bree) Opitter, Molenstraat 4, overleden te Maaseik op 7 mei 2006;

te aanvaarden onder voorrecht van boedelbeschrijving.

De schuldeisers en legatarissen worden verzocht bij aangetekend schrijven hun rechten te doen gelden binnen de drie maanden te rekenen vanaf de datum van de opneming van deze akte in het *Belgisch Staatsblad* .

Dat aangetekend schrijven moet verzonden worden aan Mr. Marc Van Nerum, notaris, met standplaats te 3670 Meeuwen-Gruitrode, Hoogstraat 30.

Waarvan akte opgemaakt op verzoek van de verschijnster en door deze, na voorlezing, ondertekend samen met ons e.a. adjunct-griffier.

Voor eensluidend verklaarde copie afgeleverd aan Mr. Van Nerum, notaris te Meeuwen-Gruitrode.

Tongeren, 28 februari 2007.

De hoofdgriffier : (get.) H. Roeffelaer. (8382)

Ten jare tweeduizend en zeven, op achtentwintig februari.

Ter griffie van de rechtbank van eerste aanleg van het gerechtelijk arrondissement Tongeren voor ons Sabina Provoost, e.a. adjunct-griffier is verschenen :

Coemans, Martine, juriste, geboren te Neerpelt op 27 augustus 1981, wonende te 3950 Bocholt (Kaulille), Raakstraat 27, handelend in haar hoedanigheid van volmachtdragster namens :

Luyten, Louis Martinus, geboren te Bree op 19 mei 1955, wonende te 3670 Meeuwen-Gruitrode, Wijshagerkiezel 103, handelend in zijn hoedanigheid van vader en drager van het ouderlijk gezag over :

Luyten, Katrien, geboren te Genk op 13 oktober 1995, gedomicilieerd en verblijvende te 3670 Meeuwen-Gruitrode, Wijshagerkiezel 103;

hiertoe gemachtigd door de heer vrederechter van het kanton Bree op datum van 30 november 2006;

die ons in het Nederlands verklaart de nalatenschap van wijlen Schreurs, Carine Gerardine, geboren te Maaseik op 28 juli 1963, in leven wonende te Meeuwen-Gruitrode, Wijshagerkiezel 103, overleden te Meeuwen-Gruitrode op 26 augustus 2006.

te aanvaarden onder voorrecht van boedelbeschrijving.

De schuldeisers en legatarissen worden verzocht bij aangetekend schrijven hun rechten te doen gelden binnen de drie maanden te rekenen vanaf de datum van de opneming van deze akte in het *Belgisch Staatsblad* .

Dat aangetekend schrijven moet verzonden worden aan Mr. Marc Van Nerum, notaris, met standplaats te 3670 Meeuwen-Gruitrode, Hoogstraat 30.

Waarvan akte opgemaakt op verzoek van de verschijnster en door deze, na voorlezing, ondertekend samen met ons e.a. adjunct-griffier.

Voor eensluidend verklaarde copie afgeleverd aan Mr. Van Nerum, notaris te Meeuwen-Gruitrode.

Tongeren, 28 februari 2007.

De hoofdgriffier : (get.) H. Roeffelaer. (8383)

Rechtbank van eerste aanleg te Turnhout

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Bij akte, verleden ter griffie van de rechtbank van eerste aanleg te Turnhout op acht maart tweeduizend en zeven, heeft :

De Keyser, Ludo, geboren te Mortsel op 28 februari 1947, advocaat, wonende te 2350 Vosselaar, Bolk 57;

handelend in zijn hoedanigheid van voorlopig bewindvoerder, hiertoe aangewezen bij beschikking van de vrederechter van het kanton Turnhout de dato 6 december 2006 over :

Gabriels, Philomena, geboren te Essen op 27 december 1920, wonende te 2460 Kasterlee, Rozenwijk 20, thans verblijvende R.V.T. Lindelo, Lindelostraat 10, te 2275 Lille;

tevens handelende ingevolge machtiging hem verleend, en dit in toepassing van artikel 488*bis f)* par. 3 *e)* van het Burgerlijk Wetboek, door de vrederechter van het kanton Turnhout ingevolge beschikking de dato 20 februari 2007;

verklaard onder voorrecht van boedelbeschrijving de nalatenschap te aanvaarden van wijlen Heylen, Alfons Jan Maria, geboren te Tielen op 10 juni 1933, in leven laatst wonende te 2460 Kasterlee, Rozenwijk 20, en overleden te Turnhout op 25 september 2006.

De schuldeisers en legatarissen worden verzocht binnen de drie maanden, te rekenen van de datum van opneming in het *Belgisch Staatsblad* , hun rechten bij aangetekend schrijven te doen kennen op het kantoor van Mr. Ludo De Keyser, advocaat, kantoorhoudende te 2350 Vosselaar, Bolk 57.

Turnhout, 8 maart 2007.

De griffier : (get.) I. Sterckx. (8384)

Publication faite en exécution de l'article 805 du Code civil

Bekendmaking gedaan overeenkomstig artikel 805 van het Burgerlijk Wetboek

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Par décision du tribunal de première instance de Liège du 2 mars 2007, Me Pierre Defourny, avocat, juge suppléant, place de Bronckart 1, à 4000 Liège, a été désigné en qualité de curateur à la succession réputée vacante de M. Marcel Dantine, né à Jemeppe le 23 juillet 1945, de son vivant domicilié à 4420 Saint-Nicolas, rue Bordelais 202/0071, et décédé à Saint-Nicolas le 28 septembre 2002.

Les créanciers sont invités à envoyer leur déclaration de créance au curateur endéans les trois mois.

(Signé) Pierre Defourny, avocat. (8385)

Concordat judiciaire – Gerechtelijk akkoord

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Concordat judiciaire — Gerechtelijk akkoord

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Tribunal de commerce de Liège

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Par jugement du 6 mars 2007, le tribunal de commerce de Liège a rouvert le délai de déclaration des créances dans le cadre du concordat de la SA M.A.D., dont le siège social est établi à 4342 Awans (Hognoul), chaussée de Bruxelles 60, pour l'activité suivante : études techniques et activités d'ingénierie, inscrite à la Banque-Carrefour des Entreprises sous le n° 0433.804.289.

Ce jugement invite les créanciers qui ne se seraient pas déjà manifestés ou qui l'auraient fait incomplètement à faire leur déclaration de créance au greffe du tribunal de commerce de Liège (îlot Saint-Michel, rue Joffre 12, 4000 Liège), au plus tard le 27 mars 2007.

Maintient la date des débats sur l'octroi d'un sursis définitif au mardi 8 mai 2007, à 9 h 30 m, à l'audience publique de la troisième chambre du tribunal de commerce de Liège.

Pour extrait conforme : le greffier, (signé) A. Herten. (8386)

Faillite – Faillissement

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Tribunal de commerce de Liège

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Par jugement du 27 février 2007, le tribunal de commerce de Liège a déclaré close, pour absence d'actif, la faillite prononcée en date du 29 mai 2006, à charge de la SPRL Litore, ayant son siège social à 4000 Liège, rue du Chera 169, inscrite à la Banque-Carrefour des Entreprises sous le n° 0451.007.240, a déclaré la société faillie inexcusable et a déchargé de ses fonctions, le curateur, Me Didier Grignard, avocat à 4000 Liège, quai Orban 52.

Aux termes de l'article 185 du Code des sociétés, est réputé liquidateur, M. Jean-Marie Chamberlan, route de Terwagne 16, à 4757 Seny.

Pour extrait conforme : le greffier-chef de service, (signé) J. Tits. (8388)

Par jugement du 27 février 2007, le tribunal de commerce de Liège a déclaré close, pour absence d'actif, la faillite prononcée en date du 22 janvier 2001, à charge de la SPRL Le Temple Services, ayant son siège social à 4020 Liège, rue Saint-Julien 2, inscrite à la Banque-Carrefour des Entreprises sous le n° 0460.681.011, a déclaré la société faillie inexcusable et a déchargé de leurs fonctions, les curateurs, Mes Pierre Henfling, avocat à 4000 Liège, rue Charles Morren 4, et Béatrice Versie, avocat à 4000 Liège, rue Lambert-le-Bègue 9.

Aux termes de l'article 185 du Code des sociétés, est réputé liquidateur, Mme Brigitte Beckers, rue de Fragnée 192, à 4000 Liège.

Pour extrait conforme : le greffier-chef de service, (signé) J. Tits. (8389)

Par jugement du 27 février 2007, le tribunal de commerce de Liège a déclaré close, pour absence d'actif, la faillite prononcée en date du 27 janvier 2005, à charge de la SPRL Sky Pizza, ayant son siège social à 4020 Liège, rue Surlet 77-79, inscrite à la Banque-Carrefour des Entreprises sous le n° 0860.509.665, a déclaré la société faillie inexcusable et a déchargé de ses fonctions, le curateur, Me Joëlle Delhaxhe, avocat à 4053 Embourg, avenue Albert I^{er} 25.

Aux termes de l'article 185 du Code des sociétés, est réputé liquidateur, M. Abdulah Haddari, rue Jean Lamoureux 37, à 4040 Herstal.

Pour extrait conforme : le greffier-chef de service, (signé) J. Tits. (8390)

Par jugement du 27 février 2007, le tribunal de commerce de Liège a déclaré close, pour absence d'actif, la faillite prononcée en date du 9 mai 2005, à charge de la SCRIS Zaza Rest, ayant son siège social à 4020 Liège, rue Surlet 57, inscrite à la Banque-Carrefour des Entreprises sous le n° 0479.894.929, a déclaré la société faillie inexcusable et a déchargé de ses fonctions, le curateur, Me André Magotteaux, avocat à 4000 Liège, rue du Pont 36.

Aux termes de l'article 185 du Code des sociétés, est réputé liquidateur, M. Dogan Boztas, rue Saint-Nicolas 2*b*, à 4000 Liège.

Pour extrait conforme : le greffier-chef de service, (signé) J. Tits. (8391)

Par jugement du 27 février 2007, le tribunal de commerce de Liège a déclaré close, pour absence d'actif, la faillite prononcée en date du 4 novembre 2002, à charge de la SA Verfraai, ayant son siège social à 4000 Liège, rue Côte d'Or 68, inscrite à la Banque-Carrefour des Entreprises sous le n° 0404.096.753, a déclaré la société faillie inexcusable et a déchargé de ses fonctions, le curateur, Me René Swennen, avocat à 4000 Liège, boulevard Piercot 13.

Aux termes de l'article 185 du Code des sociétés, est réputé liquidateur, Me René Swennen, avocat à 4000 Liège, boulevard Piercot 13.

Pour extrait conforme : le greffier-chef de service, (signé) J. Tits. (8392)

Par jugement du 27 février 2007, le tribunal de commerce de Liège a déclaré close, pour insuffisance d'actif, la faillite prononcée en date du 3 mars 2006, à charge de la SCRL Jofa, ayant son siège social à 4000 Liège, Cheravoie 12, inscrite à la Banque-Carrefour des Entreprises sous le n° 0436.564.633, a déclaré la société faillie inexcusable et a déchargé de leurs fonctions, les curateurs, Mes Jean-Marc Van Durme, avocat à 4000 Liège, rue de Joie 56, et Koenraad Tanghe, avocat à 4000 Liège, rue Duvivier 22.

Aux termes de l'article 185 du Code des sociétés, est réputé liquidateur, M. Giuseppe Borrini, rue de la Wache 16, à 4000 Liège.

Pour extrait conforme : le greffier-chef de service, (signé) J. Tits. (8393)

Par jugement du 27 février 2007, le tribunal de commerce de Liège a déclaré close, pour absence d'actif, la faillite prononcée en date du 7 juillet 2005, à charge de la SCRIS Kasel & Associés, ayant son siège social à 4000 Rocourt, chaussée de Tongres 499, inscrite à la Banque-Carrefour des Entreprises sous le n° 0477.825.859, a déclaré la société faillie inexcusable et a déchargé de ses fonctions, le curateur, Me Claude Philippart de Foy, avocat à 4020 Liège, quai des Tanneurs 24/011.

Aux termes de l'article 185 du Code des sociétés, est réputé liquidateur, Me Claude Philippart de Foy, avocat à 4020 Liège, quai des Tanneurs 24/011.

Pour extrait conforme : le greffier-chef de service, (signé) J. Tits. (8394)

Par jugement du 27 février 2007, le tribunal de commerce de Liège a déclaré close, pour insuffisance d'actif, la faillite prononcée en date du 10 mai 2004, à charge de la SPRL Used Car Consulting Office Belgium, en abrégé Uccob, ayant son siège social à 4671 Blegny, rue Cahorday 24, inscrite à la Banque-Carrefour des Entreprises sous le n° 0466.819.329, a déclaré la société faillie inexcusable et a déchargé de leurs fonctions, les curateurs, Mes Pierre Henfling et François Minon, avocats à 4000 Liège, rue Charles Morren 4.

Aux termes de l'article 185 du Code des sociétés, est réputé liquidateur, M. Philippe Franco del Rosso, rue Raes de Heers 1*a*, à 4020 Liège.

Pour extrait conforme : le greffier-chef de service, (signé) J. Tits. (8395)

Par jugement du 27 février 2007, le tribunal de commerce de Liège a déclaré close, pour insuffisance d'actif, la faillite prononcée en date du 8 mars 2004, à charge de la SA Euring Travel, ayant son siège social à 4031 Angleur, quai des Ardennes 142, inscrite à la Banque-Carrefour des Entreprises sous le n° 0456.449.435, a déclaré la société faillie inexcusable et a déchargé de ses fonctions, le curateur, Me Jean-Luc Dewez, avocat à 4600 Visé, rue des Remparts 6/d2.

Aux termes de l'article 185 du Code des sociétés, est réputé liquidateur, M. Christophe Urth, rue de Nelhain 21, à 4607 Mortroux.

Pour extrait conforme : le greffier-chef de service, (signé) J. Tits. (8396)

Par jugement du 27 février 2007, le tribunal de commerce de Liège a déclaré close, pour insuffisance d'actif, la faillite prononcée en date du 21 novembre 2005, à charge de la SPRL Auto Industrie D.S., ayant son siège social à 4020 Liège, quai Edouard van Beneden 15, inscrite à la Banque-Carrefour des Entreprises sous le n° 0438.256.094, a déclaré la société faillie inexcusable et a déchargé de ses fonctions, le curateur, Me Philippe Jehasse, avocat à 4000 Liège, rue Charles Morren 4.

Aux termes de l'article 185 du Code des sociétés, est réputé liquidateur, M. Claude Huberty, rue V. Bouillene 18, à 4800 Verviers.

Pour extrait conforme : le greffier-chef de service, (signé) J. Tits. (8397)

Par jugement du 27 février 2007, le tribunal de commerce de Liège a déclaré close, pour absence d'actif, la faillite prononcée en date du 18 octobre 2004, à charge de la SPRL Alezia, ayant son siège social à 4000 Liège, chaussée de Tongres 5, inscrite à la Banque-Carrefour des Entreprises sous le n° 0475.479.152, a déclaré la société faillie inexcusable et a déchargé de ses fonctions, le curateur, Me Alain Bodeus, avocat à 4000 Liège, rue du Limbourg 50.

Aux termes de l'article 185 du Code des sociétés, est réputé liquidateur, Me Alain Bodeus, avocat à 4000 Liège, rue du Limbourg 50.

Pour extrait conforme : le greffier-chef de service, (signé) J. Tits. (8398)

Par jugement du 27 février 2007, le tribunal de commerce de Liège déclare close, par liquidation, la faillite de la SC La Baguette, rue des Francs Arquebusiers 11, à 4600 Visé.

Donne décharge au curateur de sa mission.

En application de l'article 81 de la loi du 8 août 1997 sur les faillites, déclare la société inexcusable.

Déclare ladite société dissoute, prononce la clôture immédiate de sa liquidation, et en application de l'article 185 du Code des sociétés, indique en qualité de liquidateur, Me Didier Grignard, avocat à 4020 Liège, quai Orban 52.

(Signé) Didier Grignard, avocat. (8399)

Par jugement du 27 février 2007, le tribunal de commerce de Liège déclare close, par liquidation, la faillite de la SPRL Sierra, rue de Biez 59, à 4031 Angleur.

Donne décharge au curateur de sa mission.

En application de l'article 81 de la loi du 8 août 1997 sur les faillites, déclare la société inexcusable.

Déclare ladite société dissoute, prononce la clôture immédiate de sa liquidation, et en application de l'article 185 du Code des sociétés, indique en qualité de liquidateur, M. Paul Sanchez Sierra, rue Berthelot 15/3, à 1190 Bruxelles, organe dirigeant de la société faillie.

(Signé) Didier Grignard, avocat. (8400)

Par jugement du 27 février 2007, le tribunal de commerce de Liège déclare close, par liquidation, la faillite de la SPRL Cuipers M., Bois de Neuville 10, à 4121 Neuville-en-Condroz.

Donne décharge au curateur de sa mission.

En application de l'article 81 de la loi du 8 août 1997 sur les faillites, déclare la société inexcusable.

Déclare ladite société dissoute, prononce la clôture immédiate de sa liquidation, et en application de l'article 185 du Code des sociétés, indique en qualité de liquidateur, M. Michel Cuipers, rue André Renard 21, à 4624 Romsée, organe dirigeant de la société faillie.

(Signé) Didier Grignard, avocat. (8401)

Par jugement du 27 février 2007, le tribunal de commerce de Liège a déclaré close, par liquidation, la faillite ouverte à charge de la SPRL Hair Design, sur Saint-Rémy 15, à 4601 Visé, BCE 0462.352.973 décharge le curateur de sa gestion et dit la société faillie inexcusable.

(Signé) F. Kerstenne, avocat. (8402)

Tribunal de commerce de Nivelles

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Par jugement du tribunal de commerce de Nivelles du 5 mars 2007, a été déclarée ouverte, sur citation, la faillite de Rent-o-Mobil SPRL, rue de la Longue Semaine 20, 1461 Haut-Ittre, n° B.C.E. 0480.240.862.

Juge-commissaire : M. Pietquin, Bernard.

Curateur : Me Westerlinck, Eleonore, avocat à 1400 Nivelles, rue de Charleroi 2.

Date limite du dépôt des créances : dans les trente jours de la date de la faillite.

Dépôt par la curatelle du premier procès-verbal de vérification des créances au greffe au plus tard le 16 avril 2007.

Dit que les personnes physiques qui se sont constituées sûreté personnelle du failli, ont le moyen d'en faire déclaration au greffe, conformément à l'article 72*ter* de la loi sur les faillites.

Pour extrait conforme : la greffière en chef f.f., (signé) P. Fourneau. (8404)

Par jugement du tribunal de commerce de Nivelles du 5 mars 2007, a été déclarée ouverte, sur citation, la faillite de Kenji SA, rue du Mole 2, 1420 Braine-l'Alleud, n° B.C.E. 0872.653.174.

Juge-commissaire : M. Pietquin, Bernard.

Curateur : Me Westerlinck, Eleonore, avocat à 1400 Nivelles, rue de Charleroi 2.

Date limite du dépôt des créances : dans les trente jours de la date de la faillite.

Dépôt par la curatelle du premier procès-verbal de vérification des créances au greffe au plus tard le 16 avril 2007.

Dit que les personnes physiques qui se sont constituées sûreté personnelle du failli, ont le moyen d'en faire déclaration au greffe, conformément à l'article 72*ter* de la loi sur les faillites.

Pour extrait conforme : la greffière en chef f.f., (signé) P. Fourneau. (8405)

Par jugement du tribunal de commerce de Nivelles du 5 mars 2007, a été déclarée ouverte, sur citation, la faillite de Careme et Cie SCS, rue Charles Dubois 44*A*, 1342 Limelette, n° B.C.E. 0465.055.513.

Juge-commissaire : M. Paul, André.

Curateur : Me Bastenière, Jean-Noel, avocat à 1410 Waterloo, chaussée de Louvain 241.

Date limite du dépôt des créances : dans les trente jours de la date de la faillite.

Dépôt par la curatelle du premier procès-verbal de vérification des créances au greffe au plus tard le 16 avril 2007.

Dit que les personnes physiques qui se sont constituées sûreté personnelle du failli, ont le moyen d'en faire déclaration au greffe, conformément à l'article 72*ter* de la loi sur les faillites.

Pour extrait conforme : la greffière en chef f.f., (signé) P. Fourneau. (8406)

Tribunal de commerce de Marche-en-Famenne

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Par jugement du 5 mars 2007, le tribunal de commerce de Marche-en-Famenne a déclaré clôturées, par liquidation, les opérations de la faillite de M. Patrick Albert Victor René Distatte, restaurateur, né à Ixelles le 28 février 1955, de nationalité belge, B.C.E. 0691.058.088, domicilié à 6980 La Roche-en-Ardenne, rue de l'Eglise 22, faillite déclarée par jugement de ce tribunal en date du 16 février 2004, désignant Me Eric Robert, avocat à Vielsalm, rue Chars à Bœufs 4, en qualité de curateur.

Dit que le failli est excusable.

Pour extrait conforme : le curateur, (signé) Me Eric Robert. (8407)

Tribunal de commerce de Liège

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Par décision du 27 février 2007, le tribunal de commerce de Liège a procédé à la clôture de la faillite de la SPRL Saturne, dont le siège était établi rue des Mineurs 39, bte 41, à 4040 Herstal, BCE n° 0475.848.544.

M. Jean-Baptiste Gelo Signorino, rue Noël Dessard 11, à 4610 Beyne-Heusay, a été désigné en qualité de liquidateur, conformément à l'article 85 du Code des sociétés.

(Signé) Pierre Cavenaille, avocat. (8403)

Rechtbank van koophandel te Brugge, afdeling Brugge

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Bij vonnis van de tijdelijke eerste kamer bis van de rechtbank van koophandel te Brugge, afdeling Brugge, d.d. 8 maart 2007, werd, op bekentenis, het faillissement uitgesproken van Mevr. Van Rompaey, Hildegard, wonende te 8370 Blankenberge, Langestraat 73/GLVL, voor detailhandel in boeken, kranten, tijdschriften en kantoorbehoeften, dagbladhandel, met als handelsbenaming « Boekenworm », en met als ondernemingsnummer 0503.579.458.

Datum van staking van betalingen : 8 maart 2007.

Curator : Mr. Valerie De Kimpe, advocaat te 8000 Brugge, Gulden Vlieslaan 16.

De aangiften van schuldvordering dienen neergelegd te worden ter griffie van de rechtbank van koophandel te 8000 Brugge, Kazernevest 3, vóór 6 april 2007.

De personen die zich persoonlijk zeker hebben gesteld voor de gefailleerde (onder meer de borgen van de gefailleerde), kunnen hiervan ter griffie een verklaring neerleggen overeenkomstig artikel 72*ter* Fail.W.

Het eerste proces-verbaal van verificatie van de schuldvorderingen zal dienen neergelegd te worden op de griffie van de rechtbank, uiterlijk op 16 april 2007.

Voor eensluidend verklaard uittreksel : de griffier, (get.) R. Becue. (8408)

Rechtbank van koophandel te Brugge, afdeling Oostende

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Bij vonnis van de derde kamer van de rechtbank van koophandel te Brugge, afdeling Oostende, werd op 7 maart 2007, op bekentenis, het faillissement uitgesproken van BVBA Ho Dynasty, met zetel en handelsuitbating gevestigd te 8400 Oostende, Visserskaai 17-18, gekend onder het ondernemingsnummer 0476.181.809, en met als handelsactiviteit restaurant van het traditionele type, klaarmaken, thuisbezorgen en eventueel serveren van maaltijden en bereide schotels, het organiseren en verzorgen van bruiloften, banketten, cocktails, lunches, recepties, onder de benaming « Ho Dynasty ».

De datum van staking van betaling is vastgesteld op 7 maart 2007.

Tot curator werd aangesteld : Mr. Francis Volckaert, advocaat te 8400 Oostende, Elisabethlaan 25, bus 1.

De aangiften van schuldvordering dienen neergelegd te worden ter griffie van de rechtbank van koophandel te 8400 Oostende, Canadaplein, vóór 6 april 2007.

De personen die zich persoonlijk zeker hebben gesteld voor de gefailleerde (onder meer de borgen van de gefailleerde), kunnen hiervan ter griffie een verklaring neerleggen overeenkomstig artikel 72*ter* Fail.W.

Het proces-verbaal van verificatie van de schuldvorderingen zal dienen neergelegd te worden op de griffie van de rechtbank uiterlijk op 20 april 2007.

Voor eensluidend verklaard uittreksel : de waarnemend hoofdgriffier, (get.) A. Toune. (8409)

Rechtbank van koophandel te Gent

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Wijziging datum staking betaling

Bij vonnis van de rechtbank van koophandel te Gent, tweede kamer, d.d. 5 maart 2007, werd in het faillissement van de BVBA Abocon Evergem, met zetel te 9940 Evergem, Kasteelstraat 12, en ondernemingsnummer 0456.661.251, de datum van staking van betaling bepaald op 24 januari 2006.

Voor eensluidend uittreksel : de hoofdgriffier, (get.) H. Vanmaldeghem. (8410)

Bij vonnis van de rechtbank van koophandel te Gent, d.d. 6 maart 2007, op bekentenis, derde kamer, werd het faillissement vastgesteld inzake Martens, Leen Geertrui Gilbert, zelfstandige uitbater van restaurant/cafetaria, geboren te Gent op 8 april 1982, en wonende te 9040 Gent, Engelstraat 29, hoofdelijk aansprakelijk vennoot van de V.O.F. Malee, met ondernemingsnummer 0876.821.107.

Rechter-commissaris : de heer Michel Reyniers.

Datum staking van de betalingen : 6 september 2006.

Indienen schuldvorderingen : griffie rechtbank van koophandel, Oude Schaapmarkt 22, 9000 Gent, vóór 3 april 2007.

Neerlegging ter griffie van het eerste proces-verbaal van nazicht der ingediende schuldvorderingen : 17 april 2007.

De personen die zich persoonlijk zeker hebben gesteld voor de gefailleerde (zoals onder meer de personen die zich borg hebben gesteld) kunnen hiervan een verklaring ter griffie afleggen (art. 72*bis* en art. 72*ter* F.W.).

De curator : Mr. Johan Ghekiere, advocaat, kantoorhoudende te 9000 Gent, Coupure 15.

Voor eensluidend uittreksel : de hoofdgriffier, (get.) Hubert Vanmaldeghem. (8411)

Bij vonnis van de rechtbank van koophandel te Gent, d.d. 6 maart 2007, op bekentenis, derde kamer, werd het faillissement vastgesteld inzake Van Durme, Holger Alfons M., onderneming voor diensten in verband met de landbouw; aanleg en onderhoud van tuinen en parken, geboren te Sint-Amandsberg op 28 juni 1971, en wonende te 9090 Melle, Kruisstraat 38, hebbende als ondernemingsnummer 0643.373.482.

Rechter-commissaris : de heer Paul Van Houtte.

Datum staking van de betalingen : 6 maart 2007.

Indienen schuldvorderingen : griffie rechtbank van koophandel, Oude Schaapmarkt 22, 9000 Gent, vóór 3 april 2007.

Neerlegging ter griffie van het eerste proces-verbaal van nazicht der ingediende schuldvorderingen : 19 april 2007.

De personen die zich persoonlijk zeker hebben gesteld voor de gefailleerde (zoals onder meer de personen die zich borg hebben gesteld) kunnen hiervan een verklaring ter griffie afleggen (art. 72*bis* en art. 72*ter* F.W.).

De curator : Mr. Serge Van Eeghem, advocaat, kantoorhoudende te 9000 Gent, Zuidstationstraat 34-36.

Voor eensluidend uittreksel : de hoofdgriffier, (get.) Hubert Vanmaldeghem. (8412)

Bij vonnis van de rechtbank van koophandel te Gent, d.d. 6 maart 2007, op bekentenis, derde kamer, werd het faillissement vastgesteld inzake Verhelst, Mario Jozef Julia, zelfstandige uitbater van restaurant/cafetaria, geboren te Gent op 22 april 1970, en wonende te 9040 Gent, Engelstraat 29, hoofdelijk aansprakelijk vennoot van de V.O.F. Malee, met ondernemingsnummer 0876.821.107.

Rechter-commissaris : de heer Michel Reyniers.

Datum staking van de betalingen : 6 september 2006.

Indienen schuldvorderingen : griffie rechtbank van koophandel, Oude Schaapmarkt 22, 9000 Gent, vóór 3 april 2007.

Neerlegging ter griffie van het eerste proces-verbaal van nazicht der ingediende schuldvorderingen : 17 april 2007.

De personen die zich persoonlijk zeker hebben gesteld voor de gefailleerde (zoals onder meer de personen die zich borg hebben gesteld) kunnen hiervan een verklaring ter griffie afleggen (art. 72*bis* en art. 72*ter* F.W.).

De curator : Mr. Johan Ghekiere, advocaat, kantoorhoudende te 9000 Gent, Coupure 15.

Voor eensluidend uittreksel : de hoofdgriffier, (get.) Hubert Vanmaldeghem. (8413)

Bij vonnis van de rechtbank van koophandel te Gent, d.d. 6 maart 2007, op bekentenis, derde kamer, werd het faillissement vastgesteld inzake CV 'T Pompken, in vereffening, uitbating van café, handelsbemiddeling in goederen, algemeen assortiment, met maatschappelijke zetel gevestigd te 9080 Lochristi, Oude Slagmanstraat 1, hebbende als ondernemingsnummer 0442.235.569.

Rechter-commissaris : de heer Hendrik Vanhoutte.

Datum staking van de betalingen : 6 september 2006.

Indienen schuldvorderingen : griffie rechtbank van koophandel, Oude Schaapmarkt 22, 9000 Gent, vóór 3 april 2007.

Neerlegging ter griffie van het eerste proces-verbaal van nazicht der ingediende schuldvorderingen : 17 april 2007.

De personen die zich persoonlijk zeker hebben gesteld voor de gefailleerde (zoals onder meer de personen die zich borg hebben gesteld) kunnen hiervan een verklaring ter griffie afleggen (art. 72*bis* en art. 72*ter* F.W.).

De curator : Mr. Marcel Gyde, advocaat, kantoorhoudende te 9070 Destelbergen, Dendermondsesteenweg 78.

Voor eensluidend uittreksel : de hoofdgriffier, (get.) Hubert Vanmaldeghem. (8414)

Bij vonnis van de rechtbank van koophandel te Gent, d.d. 6 maart 2007, op bekentenis, derde kamer, werd het faillissement vastgesteld inzake Scoren International BVBA, uitbating van kapsalons, overige groothandel, detailhandel in cosmetica en toiletartikelen, koeriers exclusief de nationale posterijen, met maatschappelijke zetel gevestigd te 9000 Gent, Sint-Salvatorstraat 123, en hebbende als ondernemingsnummer 0873.414.130.

Rechter-commissaris : de heer Michel Reyniers.

Datum staking van de betalingen : 5 maart 2007.

Indienen schuldvorderingen : griffie rechtbank van koophandel, Oude Schaapmarkt 22, 9000 Gent, vóór 3 april 2007.

Neerlegging ter griffie van het eerste proces-verbaal van nazicht der ingediende schuldvorderingen : 17 april 2007.

De personen die zich persoonlijk zeker hebben gesteld voor de gefailleerde (zoals onder meer de personen die zich borg hebben gesteld) kunnen hiervan een verklaring ter griffie afleggen (art. 72*bis* en art. 72*ter* F.W.).

De curator : Mr. Johan Ghekiere, advocaat, kantoorhoudende te 9000 Gent, Coupure 15.

Voor eensluidend uittreksel : de hoofdgriffier, (get.) Hubert Vanmaldeghem. (8415)

Bij vonnis van de rechtbank van koophandel te Gent, d.d. 6 maart 2007, op bekentenis, derde kamer, werd het faillissement vastgesteld inzake Malee Vennootschap onder Firma, uitbating van restaurant van het traditionele type, met maatschappelijke zetel gevestigd te 9000 Gent, Dendermondsesteenweg 112, en hebbende als ondernemingsnummer 0876.821.107.

Rechter-commissaris : de heer Michel Reyniers.

Datum staking van de betalingen : 6 september 2006.

Indienen schuldvorderingen : griffie rechtbank van koophandel, Oude Schaapmarkt 22, 9000 Gent, vóór 3 april 2007.

Neerlegging ter griffie van het eerste proces-verbaal van nazicht der ingediende schuldvorderingen : 17 april 2007.

De personen die zich persoonlijk zeker hebben gesteld voor de gefailleerde (zoals onder meer de personen die zich borg hebben gesteld) kunnen hiervan een verklaring ter griffie afleggen (art. 72*bis* en art. 72*ter* F.W.).

De curator : Mr. Johan Ghekiere, advocaat, kantoorhoudende te 9000 Gent, Coupure 15.

Voor eensluidend uittreksel : de hoofdgriffier, (get.) Hubert Vanmaldeghem. (8416)

Rechtbank van koophandel te Hasselt

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De rechtbank van koophandel te Hasselt, tweede kamer, heeft bij vonnis van 8 maart 2007, het faillissement op naam van Aazett Reinigingstechnieken BVBA, Geuskens 7, te 3910 Neerpelt, gesloten verklaard.

Ondernemingsnummer 0466.384.512.

Dossiernummer : 5436.

Aard vonnis : sluiting bij vereffening.

Wordt als vereffenaar beschouwd :

Johny Frederickx, te 3900 Neerpelt, Geuskens 7.

Voor eensluidend uittreksel : de adjunct-griffier, (get.) V. Achten. (8417)

De rechtbank van koophandel te Hasselt, tweede kamer, heeft bij vonnis van 8 maart 2007, het faillissement op naam van Bogaerts, Siegfridus, Nieuwstraat 29/B, te 3520 Zonhoven, gesloten verklaard.

Ondernemingsnummer 0773.028.038.

Dossiernummer : 5065.

Aard vonnis : sluiting bij vereffening - niet verschoonbaar (art. 80 F.).

Voor eensluidend uittreksel : de adjunct-griffier, (get.) V. Achten. (8418)

De rechtbank van koophandel te Hasselt, tweede kamer, heeft bij vonnis van 8 maart 2007, het faillissement op naam van Saiko BVBA, uitbating te 3660 Opglabbeek, Nijverheidslaan 1595, Dellestraat 3, te 3520 Zonhoven, gesloten verklaard.

Ondernemingsnummer 0473.962.388.

Dossiernummer : 5264.

Aard vonnis : sluiting bij vereffening.

Wordt als vereffenaar beschouwd :

Marcel Louwet, Dellestraat 3, te 3520 Zonhoven.

Voor eensluidend uittreksel : de adjunct-griffier, (get.) V. Achten. (8419)

De rechtbank van koophandel te Hasselt, tweede kamer, heeft bij vonnis van 8 maart 2007, de faillietverklaring, op dagvaarding, uitgesproken van Noelanders Jan BVBA, Bosstraat 15*A*, bus 1, te 3500 Hasselt.

Ondernemingsnummer 0480.083.781.

Handelswerkzaamheid : vervaardiging van timmer- en schrijnwerk.

Dossiernummer : 5936.

Rechter-commissaris : de heer De Meester, C.

Curator : Mr. Pauwels, Geert, Berenbroekstraat 84*A*, te 3500 Hasselt.

Tijdstip ophouden van betaling : 8 maart 2007.

Indienen van de schuldvorderingen : griffie van de rechtbank van koophandel te Hasselt, Havermarkt 10, vóór 7 april 2007.

Datum waarop het eerste proces-verbaal van verificatie van de schuldvorderingen ter griffie wordt neergelegd, is bepaald op 19 april 2007.

Voor eensluidend uittreksel : de adjunct-griffier, (get.) V. Achten. (8420)

Rechtbank van koophandel te Leuven

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Bij vonnis van de rechtbank van koophandel te Leuven, d.d. 6 maart 2007, werd het faillissement V.O.F. Makarius, Reyskens Marc, geboren te Genk op 27 december 1962, en de heer Reyskens, Joris, geboren te Genk op 7 juni 1982, gesloten verklaard.

De heren Reyskens, Marc en Joris, werden verschoonbaar verklaard.

Curator : Celis Jacques en Christophe, advocaten te 3290 Diest, F. Allenstraat 4.

Worden als vereffenaars beschouwd : Reyskens, Marc, wonende te 3000 Leuven, Brusselsestraat 106, en Reyskens, Joris, wonende te 3000 Leuven, Sint-Hubertusstraat 2/A11.

De griffier : (get.) W. Coosemans. (8421)

Bij vonnis van de rechtbank van koophandel te Leuven, d.d. 6 maart 2007, werd het faillissement van de NV Peeters, met zetel te 3130 Betekom, steenweg op Aarschot 34, ondernemingsnummer 0420.883.196, gesloten verklaard.

De gefailleerde vennootschap werd niet verschoonbaar verklaard.

Curator : Mr. Viviane Missoul, advocate te 3010 Leuven, Koning Albertlaan 186.

Vereffenaar : Peeters, Marc, 3130 Betekom, Aarschotsesteenweg 51.

De griffier : (get.) W. Coosemans. (8422)

Bij vonnis van de rechtbank van koophandel te Leuven, d.d. 6 maart 2007, werd het faillissement van de BVBA Kova, met zetel te 3461 Molenbeek-Wersbeek, Halensebaan 108, ondernemingsnummer 0437.020.929, gesloten verklaard.

De gefailleerde vennootschap werd niet verschoonbaar verklaard.

Curator : Mr. Luc Jordens, advocaat te 3010 Kessel-Lo, Diestsesteenweg 325.

Vereffenaar : Van Der Velpen, Roger, 3461 Molenbeek-Wersbeek, Halensebaan 108.

De griffier : (get.) W. Coosemans. (8423)

Bij vonnis van de rechtbank van koophandel te Leuven, d.d. 6 maart 2007, werd het faillissement van de NV Travel Jump, met zetel te 3053 Haasrode, bedrijvencentrum, Interleuvenlaan 62, HR Leuven 77488, gesloten verklaard.

De gefailleerde vennootschap werd niet verschoonbaar verklaard.

Curator : Mr. Armand Mombaerts, advocaat, thans opgevolgd door Mr. Johan Mommaerts, advocaat te 3000 Leuven, J.-P. Minckelersstraat 33.

Vereffenaars : Gys, Hermina, 2370 Arendonk, Koeistraat 45, en Aernoudt, Jacky, 3000 Leuven, Amerikalaan 33/0021.

De griffier : (get.) W. Coosemans. (8424)

Rechtbank van koophandel te Oudenaarde

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Bij vonnis van de rechtbank van koophandel te Oudenaarde, d.d. 1 maart 2007, werd het faillissement van de BVBA Vereecken-Declippele, met vennootschapszetel te 9500 Geraardsbergen, Gasthuisstraat 12, met ondernemingsnummer 0422.657.902, afgesloten door vereffening. Als vermoedelijke vereffenaar wordt beschouwd : de heer De Clippele, Jacques, wonende te 9500 Geraardsbergen, Gasthuisstraat 12.

Voor eensluidend verklaard uittreksel : de griffier, (get.) Fostier, Marijke. (8425)

Bij vonnis van de rechtbank van koophandel te Oudenaarde, d.d. 1 maart 2007, werd het faillissement op naam van NV Batec, met vennootschapszetel te 9500 Geraardsbergen, Edingseweg 125, met ondernemingsnummer 0433.223.378, afgesloten door vereffening. Als vermoedelijke vereffenaar wordt beschouwd : de heer Van Herreweghe, Eddy, wonende te 1653 Beersel, Dennenlaan 3.

Voor eensluidend verklaard uittreksel : de griffier, (get.) Fostier, Marijke. (8426)

Rechtbank van koophandel te Tongeren

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Bij vonnis van de rechtbank van koophandel te Tongeren van 8 maart 2007 werd het faillissement, uitgesproken in datum van 26 september 2005, op naam van MC Plafonneringswerken BVBA, te 3700 Tongeren, Geebroek 43, gesloten verklaard bij vereffening.

RPR/ondernemingsnummer 0474.994.548.

De gefailleerde werd niet verschoonbaar verklaard.

De rechtbank heeft voor recht gezegd dat de vennootschap ontbonden is en vereffend wordt, dat de vereffening gesloten is en dat overeenkomstig art. 185 Venn. W. als vereffenaar wordt beschouwd :

Vangeebergen, John, te 3730 Hoeselt, Schalkhovenstraat 53.

Dossiernummer : 4540.

Voor eensluidend uittreksel : de eerstaanwezend adjunct-griffier, (get.) W. Meurmans. (8427)

Bij vonnis van de rechtbank van koophandel te Tongeren van 8 maart 2007 werd het faillissement, uitgesproken in datum van 23 oktober 1995, op naam van Grauls, Benjamin, geboren op 25 augustus 1964, te 3500 Hasselt, Hommelvennestraat 20, gesloten verklaard bij vereffening.

De gefailleerde werd verschoonbaar verklaard.

Dossiernummer : 2548.

Voor eensluidend uittreksel : de eerstaanwezend adjunct-griffier, (get.) W. Meurmans. (8428)

De rechtbank van koophandel te Tongeren heeft bij vonnis van 8 maart 2007, op dagvaarding, het faillissement uitgesproken van Mialma NV, te 3700 Tongeren, Grote Markt 19.

Ondernemingsnummer 0440.636.257.

Handelswerkzaamheid : bemiddeling bij aankoop, verkoop en verhuur van onroerend goed.

Drijft handel te 3700 Tongeren, Sint-Truidersteenweg 152.

Als curatoren werden aangesteld Mrs. Vanbuul, M.; Ruysschaert, F. en Bernaerts, M., 18e Oogstwal 37/1, 3700 Tongeren.

Het tijdstip van staking van betaling werd vastgesteld op 8 september 2006.

De schuldvorderingen dienen uiterlijk op 7 april 2007 neergelegd ter griffie van de rechtbank van koophandel te Tongeren, Kielenstraat 22, bus 4.

De datum voor het neerleggen ter griffie van deze rechtbank van het eerste proces-verbaal van nazicht van de schuldvorderingen wordt bepaald op 26 april 2007.

De personen die zich persoonlijk zeker hebben gesteld voor de gefailleerde (onder meer de borgen van de gefailleerde), dienen hiervan ter griffie een verklaring neer te leggen overeenkomstig art. 72*ter* Fail.W.

Ref. rechtbank : PD 4886.

Voor eensluidend uittreksel : de eerstaanwezend adjunct-griffier, (get.) W. Meurmans. (8429)

Rechtbank van koophandel te Turnhout

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Bij vonnis van de tweede kamer van de rechtbank van koophandel te Turnhout van 6 maart 2007, werd het faillissement van de genaamde 'T Groentenboerke BVBA, Schuttershofstraat 27, 2330 Merksplas, afgesloten.

Ondernemingsnummer 0465.728.969.

Sluiting bij vereffening.

Vereffenaar : de heer Schrauwen, Bart.

Laatst gekend adres : 2330 Merksplas, Leest 4.

De griffier : (get.) L. Verstraelen. (8430)

Bij vonnis van de tweede kamer van de rechtbank van koophandel te Turnhout van 6 maart 2007, werd het faillissement van de genaamde Mervaes BVBA, Winkelom 77, 2440 Geel, afgesloten.

Ondernemingsnummer 0448.858.788.

Sluiting bij vereffening.

Vereffenaar : de heer Merckx, Matheus.

Laatst gekend adres : Lindestraat 33, 5331 GT Kerkdriel (Nederland).

De griffier : (get.) L. Verstraelen. (8431)

Bij vonnis van de tweede kamer van de rechtbank van koophandel te Turnhout van 6 maart 2007, werd het faillissement van de genaamde European Cargo Solutions NV, Lilsedijk 11, 2340 Beerse, afgesloten.

Ondernemingsnummer 0475.942.178.

Sluiting bij gebrek aan voldoende actief.

Vereffenaars : Verstappen, André, en Broos, Gert.

Laatst gekend adres : Lilsedijk 11, 2340 Beerse.

De griffier : (get.) L. Verstraelen. (8432)

Bij vonnis van de tweede kamer van de rechtbank van koophandel te Turnhout van 6 maart 2007, werd het faillissement van de genaamde Yip Oosterse Produkten BVBA, Hinnenboomstraat 21, 2322 Minderhout, afgesloten.

Ondernemingsnummer 0459.569.568.

Sluiting bij gebrek aan enig actief.

Vereffenaar : Singh Jarnail.

Laatst gekend adres : 2322 Minderhout, Hinnenboomstraat 38.

De griffier : (get.) L. Verstraelen. (8433)

Bij vonnis van de tweede kamer van de rechtbank van koophandel te Turnhout van 6 maart 2007, werd het faillissement van de genaamde Janssens, Sylvie, voorheen Rundershoek 6, 2430 Laakdal, geboren op 27 augustus 1971, thans Kapellestraat 2, 2400 Mol, afgesloten.

Ondernemingsnummer 0869.469.495.

Sluiting bij gebrek aan enig actief.

De gefailleerde werd niet verschoonbaar verklaard.

De griffier : (get.) L. Verstraelen. (8434)

Bij vonnis van de tweede kamer van de rechtbank van koophandel te Turnhout van 6 maart 2007, werd de genaamde De Peuter, Bastiaan, geboren op 23 maart 1975, Steegmans 63, 2490 Balen, brasserie « Ensuite », met ondernemingsnummer 0864.504.877, failliet verklaard, op bekentenis.

Rechter-commissaris : de heer Boiy.

Curator : advocaat Van Gompel, Dorp 8, 2360 Oud-Turnhout.

Tijdstip van ophouding van betaling : 6 maart 2007.

Indiening van schuldvorderingen : vóór 3 april 2007.

Neerlegging eerste proces-verbaal nazicht schuldvorderingen : op 17 april 2007.

De personen die zich persoonlijk zeker hebben gesteld voor de gefailleerde (zoals onder meer de personen die zich borg hebben gesteld) kunnen hiervan een verklaring ter griffie afleggen (art. 72*bis* en art. 72*ter* F.W.).

De griffier : (get.) L. Verstraelen. (8435)

Bij vonnis van de tweede kamer van de rechtbank van koophandel te Turnhout van 6 maart 2007, werd de genaamde Hoogstraten Consultancy BVBA, Graatakker 189/3, 2300 Turnhout, boekhoudkantoor, met ondernemingsnummer 0447.544.538, failliet verklaard, op bekentenis.

Rechter-commissaris : de heer Sleebus.

Curator : advocaat Van Rompaey, Zandberg 19, 2260 Westerlo.

Tijdstip van ophouding van betaling : 6 maart 2007.

Indiening van schuldvorderingen : vóór 3 april 2007.

Neerlegging eerste proces-verbaal nazicht schuldvorderingen : op 17 april 2007.

De personen die zich persoonlijk zeker hebben gesteld voor de gefailleerde (zoals onder meer de personen die zich borg hebben gesteld) kunnen hiervan een verklaring ter griffie afleggen (art. 72*bis* en art. 72*ter* F.W.).

De griffier : (get.) L. Verstraelen. (8436)

Bij vonnis van de tweede kamer van de rechtbank van koophandel te Turnhout van 6 maart 2007, werd de genaamde WLW Logistics BVBA, Geelsebaan 68, 2470 Retie, taxidienst en koerierdiensten, met ondernemingsnummer 0873.742.445, failliet verklaard, op bekentenis.

Rechter-commissaris : de heer Imans.

Curator : advocaat Robeyns, Baron F. Du Fourstraat 2/8, 2300 Turnhout.

Tijdstip van ophouding van betaling : 6 maart 2007.

Indiening van schuldvorderingen : vóór 3 april 2007.

Neerlegging eerste proces-verbaal nazicht schuldvorderingen : op 17 april 2007.

De personen die zich persoonlijk zeker hebben gesteld voor de gefailleerde (zoals onder meer de personen die zich borg hebben gesteld) kunnen hiervan een verklaring ter griffie afleggen (art. 72*bis* en art. 72*ter* F.W.).

De griffier : (get.) L. Verstraelen. (8437)

Bij vonnis van de tweede kamer van de rechtbank van koophandel te Turnhout van 6 maart 2007, werd de genaamde Leys, Monica, geboren op 19 maart 1960, Herentalsesteenweg 114*A*, 2280 Grobbendonk, broodjeszaak « Industrieke », met ondernemingsnummer 0701.313.562, failliet verklaard, op bekentenis.

Rechter-commissaris : de heer Boiy.

Curator : advocaat Peeters, Gerheiden 97, 2250 Olen.

Tijdstip van ophouding van betaling : 6 maart 2007.

Indiening van schuldvorderingen : vóór 3 april 2007.

Neerlegging eerste proces-verbaal nazicht schuldvorderingen : op 17 april 2007.

De personen die zich persoonlijk zeker hebben gesteld voor de gefailleerde (zoals onder meer de personen die zich borg hebben gesteld) kunnen hiervan een verklaring ter griffie afleggen (art. 72*bis* en art. 72*ter* F.W.).

De griffier : (get.) L. Verstraelen. (8438)

Bij vonnis van de tweede kamer van de rechtbank van koophandel te Turnhout van 6 maart 2007, werd de genaamde C-Blok BVBA, Larumseweg 99, 2440 Geel, taverne « Campus », met ondernemingsnummer 0875.244.658, failliet verklaard, op bekentenis.

Rechter-commissaris : de heer Sleebus.

Curator : advocaat Geukens, Lindestraat 2, 2490 Balen.

Tijdstip van ophouding van betaling : 6 maart 2007.

Indiening van schuldvorderingen : vóór 3 april 2007.

Neerlegging eerste proces-verbaal nazicht schuldvorderingen : op 17 april 2007.

De personen die zich persoonlijk zeker hebben gesteld voor de gefailleerde (zoals onder meer de personen die zich borg hebben gesteld) kunnen hiervan een verklaring ter griffie afleggen (art. 72*bis* en art. 72*ter* F.W.).

De griffier : (get.) L. Verstraelen. (8439)

Régime matrimonial – Huwelijksvermogensstelsel

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Suivant jugement prononcé en date du 17 janvier 2007 par le tribunal de première instance de Namur, le contrat de mariage modificatif du régime matrimonial entre M. Lechien, Henri Jules ghislain (NN 460804-201-21), né à Uccle le 4 août 1946, et son épouse, Mme De Nys, Christine Maria Renée Norbert (NN 451109-214-53), née à Termonde le 9 novembre 1945, domiciliés ensemble à Maillen (Assesse), château d'Arche 63, dressé par acte du notaire Jean-Paul Declairfayt, à Assesse, le 6 septembre 2006, a été homologué.

(Signé) J.-P. Declairfayt, notaire. (8440)

Par requête en date du 5 mars 2007, les époux Leclere, Philippe Louis Pol, de nationalité belge, né à Huy le 6 mai 1965, et Gentile Francesca (prénon unique), de nationalité belge, née à Liège le 22 janvier 1968, tous deux domiciliés à Saint-Georges-sur-Meuse, rue Georges Berotte 82, vont introduire devant le tribunal civil de première instance séant à Huy, une requête en homologation du contrat modificatif à leur régime matrimonial dressé en date du 5 mars 2007 par le notaire Renaud Grégoire, notaire associé de la société de notaires « Denis Grégoire, Renaud Grégoire et Marjorie Albert, notaires associés », société civile à forme de SPRL, dont le siège est établi à Moha, rue de Bas-Oha 252*A*, contrat entraînant apport d'un immeuble et de la dette le grevant à la société accessoire adjointe au régime de séparation de biens initial, laquel le société a été constituée préalablement par les époux aux termes de l'acte modificatif reçu par le notaire Renaud Grégoire, précité le 29 novembre 2006.

Pour extrait conforme : pour les époux Leclere-Gentile, Philippe, Renaud Grégoire, notaire associé, à Moha/Wanze. (8441)

Par jugement rendu le 19 janvier 2007, le tribunal de première instance d'Arlon a homologué l'acte portant modification du régime matrimonial de M. Dazy, Gilles Daniel Christian, né à Saint-Mard le 31 décembre 1972, et son épouse, Mme Verlaine, Cindy Béatrice Danielle, née à Messancy le 31 août 1983, domiciliés à 6740 Sainte-Marie-sur-Semois (Etalle), Grand-rue 163/1, acte reçu par le notaire Michel Bechet, à Etalle, le 24 novembre 2006, comportant modification de la composition du patrimoine commun, par ameublissement d'un immeuble propre à M. Dazy, au profit dudit patrimoine commun.

Pour les époux : (signé) Michel Bechet, notaire. (8442)

A été rendu le 19 janvier 2007 par le tribunal de première instance d'Arlon, sous le numéro 209 du rôle des requêtes, un jugement contenant homologation pure et simple de l'acte portant modification du régime matrimonial de M. Courard, Robert Joseph Gilles, retraité, né à Athus le 28 août 1938, de nationalité belge, et son épouse, Mme Weber, Monique Julia Laure, née à Hereford (Grande-Bretagne) le 19 décembre 1942, de nationalité belge, tous deux demeurant et domiciliés à 6791 Athus, commune d'Aubange, avenue de la Libération 16, acte reçu par Me Geneviève Oswald, notaire à Athus (Aubange), le 30 octobre 2006, et par lequel lesdits époux ont maintenu le régime légal avec apport de plusieurs biens immeubles en communauté.

Athus, le 8 mars 2007.

Pour extrait conforme : (signé) Geneviève Oswald, notaire. (8443)

Par requête en date du 5 mars 2007, les épous M. Leclercq, Eric Luc Paul et Mme Eeckhout, Martine Paulette Hélène Yvonne Marie, domiciliés ensemble à 1342 Limelette, Clos des Pinsons 21, ont introduit devant le tribunal civil de première instance de Nivelles, une requête en homologation du contrat modificatif de leur régime matrimonial dressé par acte reçu par le notaire associé Benoît Colmant, de Grez-Doiceau, en date du 5 mars 2007.

Aux termes de cet acte, les époux ont déclaré maintenir le régime de séparation des biens avec adjonction d'une société d'acquêts et y ont adjoint des modifications.

Pour extrait conforme : (signé) B. Colmant, notaire associé. (8444)

Suivant jugement prononcé par la quatrième chambre du tribunal de première instance de Huy en date du 21 mars 2005, le contrat modificatif du régime matrimonial entre M. d'Otreppe de Bouvette, Jean-Marie Joseph, né à Liège le 16 février 1920, et son épouse, Mme de Halleux, Nicole Marie Elisabeth Louise Ghislaine, née à Liège le 30 mars 1904, domiciliés à Faimes, bois du Grand Bon Dieu 1, dressé par acte de Me Jean-Louis Snyers, notaire à Hannut, en date du 24 septembre 2004, a été homologué.

(Signé) Jean-Louis Snyers, notaire. (8445)

Par requête du 6 février 2007, M. Weerts, Joseph Edgard Anastase Pierre Ghislain, né à Saint-Servais le 28 avril 1945, et son épouse, Mme Estievenart, Yvette Renée Ghislaine, née à Namur le 25 mars 1957, domiciliés à 5021 Namur-Boninne, rue Bois d'Esneux 57.

Mariés à Jambes, le 16 mai 1975, sous le régime de la communauté réduite aux acquêts, en vertu de leur contrat de mariage reçu par le notaire Jean Watillon, à Namur, le 29 avril 1975, et n'ont apporté à ce jour aucune modification à leur régime matrimonial.

Ont demandé au tribunal de première instance de Namur l'homologation de l'acte reçu par le notaire Pierre Hames, à Namur, le 6 février 2007.

Aux termes de cet acte :

les époux précités ont déclaré maintenir pour leur régime matrimonial le régime de la communauté réduire aux acquêts, tel qu'organisé par leur contrat de mariage susvanté;

M. Josepht Weerts, déclare apporter à la communauté le bien décrit ci-après, dont il est propriétaire :

une maison d'habitation sur et avec terrain, l'ensemble sis à 5021 Namur-Boninne, rue Bois d'Esneux 57.

Namur, le 6 février 2007.

(Signé) S. Watillon, notaire. (8446)

Il résulte d'un jugement rendu le 17 janvier 2007, par la douzième chambre du tribunal de première instance de Bruxelles qu'a été homologuée la modification de régime matrimonial intervenue pardevant le notaire Michel Cornelis, à Anderlecht, le 6 juillet 2006 entre M. De Ridder, Jean Louis, pensionné, né le 28 avril 1920, à Anderlecht, et son épouse, Mme Swierk, Fanny, pensionnée, née le 23 décembre 1936, à Forest, demeurant ensemble à Jette, boulevard De Smet De Naeyer 42, bte 12, et contenant l'ameublissement d'un bien situé à Anderlecht, rue Raskin 22, étant l'appartement 6 au deuxième étage droite, la cave numéro 4 aux sous sols ainsi que le garage numéro 1.

Pour les parties : (signé) Michel Cornelis, notaire. (8447)

Par jugement du 25 janvier 2007, le tribunal de première instance de Dinant a homologué la modification de régime matrimonial intervenue entre M. Anciaux, Jean-Paul Bernard Alix, né à Givet (France) le 24 septembre 1969, et son épouse, Mme Mourin, Ingrid Gérardine Yvonnee, née à Tournai le 8 janvier 1968, domiciliés ensemble à Beauraing, section de Winenne, rue des Ardennes 492, aux termes d'un acte dressé par Me Etienne Beguin, notaire à Beauraing, en date du 9 novembre 2006.

Le contrat modificatif comporte adjonction d'une société d'acquêts accessoire au régime de séparation de biens et apport de deux immeubles sis à Winenne à cette société.

Beauraing, le 8 mars 2007.

(Signé) E. Beguin, notaire. (8448)

Par jugement du 28 février 2007, le tribunal de première instance de Tournai, quatrième chambre, a homologué l'acte de modification au régime matrimonial reçu par le notaire Alain Mahieu, à Mouscron, en date du 14 septembre 2006, entre M. Lefebvre, Alfred, né à Roubaix (France) le 31 décembre 1935, de nationalité française, et Mme Kerckhoove Alfréda Françoise, née à Petite Synthe (France) le 16 janvier 1933, domiciliés et demeurant à 7700 Mouscron, avenue des Feux Follets 27, et aux termes duquel ils ont stipulé à titre de convention de mariage et entre associés, qu'en cas de dissolution du mariage par le décès de l'un des époux, qu'il y ait ou non des descendants issus du mariage, l'ancienne communauté légale et le patrimoine commun appartiendront au survivant d'eux pour la totalité en pleine propriété, à charge pour le survivant d'eux de payer les dettes communes.

Mouscron, le 8 mars 2007.

Pour les époux Lefebvre-Kerckhoove, Alain Mahieu, notaire associé à Mouscron. (8449)

Par jugement du 28 février 2007, le tribunal de première instance de Tournai, quatrième chambre, a homologué l'acte de modification au régime matrimonial reçu par le notaire Alain Mahieu, à Mouscron, en date du 8 novembre 2006, entre M. Bortier, Piet Jules Corneel, né à Poperinge le 26 septembre 1973, et Mme Gyselinck, Dorine Germaine, née à Kortrijk le 29 juin 1969, domiciliés et demeurant à 7700 Mouscron (Luingne), rue de Tombrouck 43 et consistait dans l'apport au patrimoine commun d'un immeuble propre par Mme Gyselinck, Dorine.

Mouscron, le 8 mars 2007.

Pour les époux Bortier-Gyselinck : (signé) Alain Mahieu, notaire associé à Mouscron. (8450)

Bij verzoekschrift van 8 maart 2007, verzoeken de heer Eric Norbert Aurèle Declercq, en echtgenote, Mevr. Elisabth Martha Maria Martens, wonende te Oostkamp, Stuivenbergstraat 116, de rechtbank van eerste aanleg te Brugge de akte te homologeren, verleden voor notaris Bernard D'hoore te Beernem, op 8 maart 2007, houdende wijziging in de samenstelling van de vermogens, zonder een ander stelsel aan te nemen en zonder dat deze wijziging de vereffening van hun stelsel tot gevolg heeft of dat deze wijziging aanleiding geeft tot transactionele regeling, doch met inbreng door de heer Eric Declercq van een eigen onroerend goed in het gemeenschappelijk huwelijksvermogen.

Namens de echtgenoten : (get.) B. D'hoore, notaris te Beernem. (8451)

Bij vonnis door de zevende kamer van de rechtbank van eerste aanleg te Brussel, op 17 januari 2007, werd de akte gehomologeerd, verleden voor notaris An-Katrien Van Laer, te Herne, op 6 oktober 2006, waarbij de echtgenoten Demeulder, Jacques Jean Hubert-Develer, Monique Magy, hun huwelijksstelsel hebben gewijzigd in die zin dat zij het tussen hen bestaande stelsel van gemeenschap beperkt tot de aanwinsten hebben behouden, doch met inbreng in het gemeenschappelijk vermogen door de heer Demeulder, Jacques van diverse eigen onroerende goederen te Herne.

Voor de verzoekers : (get.) An-Katrien Van Laer, notaris. (8452)

Bij vonnis gewezen door de derde kamer van de rechtbank van eerste aanleg te Mechelen, op 18 januari 2007 werd de akte gehomologeerd, verleden voor notaris Jacques Morrens, te Bonheiden op 22 februari 2006, waarbij de heer en Mevr. Verbruggen, Luc Amand Anna-Schueremans, Hilde Leontina Maria, samenwonende te Bonheiden-Rijmenam, Kraaivenstraat 7, hun huwelijksstelsel hebben gewijzigd in die zin dat zij het tussen hen bestaande wettelijk stelsel hebben behouden, doch met inbreng in het gemeenschappelijk vermogen door Mevr. Hilde Schueremans van een eigen onroerend goed.

Namens de echtgenoten Verbruggen, Luc-Schueremans, Hilde : (get.) Jacques Morrens, notaris te Bonheiden. (8453)

De heer Coene, William en Mevr. Verhoest, Jeanne, samenwonende te 8600 Diksmuide, Maagdhoek 43, vragen bij verzoekschrift van 7 maart 2007, de homologatie aangevraagd bij de rechtbank van eerste aanleg te Veurne, van de akte tot wijziging van hun huwelijksvermogensstelsel opgemaakt voor notaris Stefaan Buylaert, te Torhout, op 5 maart 2007. Deze wijziging houdt onder andere in, inbreng door de echtgenoot van een onroerend goed in het gemeenschappelijk vermogen.

Namens de echtgenoten Coene-Verhoest : (get.) Stefaan Buylaert, notaris te Torhout. (8454)

Bij door beide echtgenoten ondertekend verzoekschrift op 23 februari 2007, voor gezien getekend door de griffier en ingeschreven in het register der verzoekschriften onder nummer 07/438/B werd ter homologatie voorgelegd aan de burgerlijke rechtbank van eerste aanleg te Turnhout, de akte verleden op 6 februari 2007, voor notaris Nouwkens, G., met standplaats te 2390 Malle, waarbij Govers, Guido Ludovica Jozef, geboren te Turnhout op 7 april 1957, en zijn echtgenote,

Mevr. Van Hooghten, Christiane Constant Francine, geboren te Wechelderzande op 15 november 1957, samenwonende te 2275 Lille, Vlimmersebaan 9, hun huwelijksvermogensstelsel wijzigden.

Turnhout, 2 maart 2007.

De griffier, (get.) I. Sterckx. (8455)

Bij verzoekschrift van 2 maart 2007 hebben de echtgenoten, de heer Christiaan André Agnes Gellinck, bediende, geboren te Oostende op 21 mei 1972, en zijn echtgenote, Mevr. Annick Irène José Rombaut, tandtechnicus, geboren te Gent op 20 november 1971, samenwonende te De Piinte (voorheen Zevergem), Polderdreef 81, bij de burgerlijke rechtbank van eerste aanleg te Gent, een verzoek ingediend tot homologatie van de akte, verleden voor Mr. Jan Myncke, notaris te Gent, op 2 maart 2007, inhoudende de wijziging van hun huwelijksvermogensstelsel waarbij het stelsel van de zuivere scheiding van goederen wordt aangenomen.

(Get.) Jan Myncke, notaris. (8456)

Bij vonnis van de rechtbank van eerste aanleg te Mechelen, derde kamer, rechtsprekend in burgerlijke zaken, d.d. 4 januari 2006, werd gehomologeerd de notariële akte d.d. 16 oktober 2006, verleden voor notaris Annemie Coussement, met standplaats te 2570 Duffel, Liersesteenweg 55, op verzoek van de heer De Cuyper, Lodewijk Frans Maria, gepensioneerde, geboren te Duffel op 29 juni 1936, en ziijn echtgenote, Mevr. Peeters, Marcella Maria Antonia, huisvrouw, geboren te Duffel op 3 oktober 1936, samenwonende te 2570 Duffel, Vrijheidsstraat 7, gehuwd te Duffel op 17 augustus 1957, houdende wijziging van hun huwelijkscontract verleden voor notaris Jean Cuvelier, met standplaats te Duffel, d.d. 19 juli 1957, bij middelgrote wijziging door inbreng door Mevr. Peeters van een onroerend goed in de gemeenschap.

Duffel, 8 maart 2007.

Voor eensluidend uittreksel : (get.) Annemie Coussement, notaris. (8457)

Bij vonnis uitgesproken door de rechtbank van eeerste aanleg te Kortrijk, op 11 januari 2007 werd de akte wijziging huwelijksvermogensstelsel, verleden op 3 november 2006 voor notaris Jean Pierre Lesage te Hoogleden, gehomologeerd.

Ingevolge deze akte hebben de heer Bert Francis Vergote, geboren te Roeselare op 16 juni 1975, en zijn echtgenote, Mevr. Nathalie Maria Hermien Vandenbroucke, geboren te Roeselare op 2 oktober 1975, samenwonende te 8800 Roeselare, Boterstraat 38, verklaard hun huwelijksstelsel zijnde het wettelijk stelsel bij gebreke aan voorafgaandelijk huwelijkscontract te wijzigen in die zin dat Mevr. Nathalie Vandenbroucke een onroerend goed heeft ingebracht in de huwgemeenschap.

Voor de echtgenoten Vergote-Vandenbroucke : (get.) J.P. Lesage, notaris. (8458)

Bij verzoekschrift van 9 januari 2007 hebben de echtgenoten, de heer Tuypens, Danny Victor (NN 690211.383.71 en IK-nummer 590.0605071.11), geboren te Ninove op 11 februari 1969, en zijn echtgenote, Mevr. Schellaert, Katleen (NN 700624.296.11 en IK-nummer 590.0778304.02), geboren te Aalst op 24 juni 1970, samenwonend te 9450 Haaltert, Huytstraat 44, voor de rechtbank van eerste aanleg te Dendermonde een aanvraag ingediend tot homologatie van de akte wijziging van de huwelijksovereenkomst, opgesteld door notaris Olivier Van Maele, te Aalst, op 9 januari 2007, bevattende de inbreng door Mevr. Schellaert, Katleen, in het gemeenschappelijk vermogen, de geheel volle eigendom van een onroerend goed.

Gedaan te Aalst, 6 maart 2007.

Namens de partijen : (get.) Mr. Olivier van Maele, notaris te Aalst. (8459)

Bij vonnis van 31 januari 2006, homologeerde de rechtbank van eerste aanleg te Tongeren de akte van wijziging huwelijksstelsel, verleden voor notaris Catherine Delwaide, te Borgloon, op 21 september 2006, houdende de wijziging van het huwelijksstelsel van het stelsel van scheiding van goederen naar het stelsel van de algehele gemeenschap, door de Hamel, Nordine, geboren te Ghazaouet-Tlemcen (Algerije) op 27 maart 1947, en zijn echtgenote, Mevr. Sevenants, Yvette Irma Rachèle, geboren te Kessel-Lo op 9 augustus 1946, samenwonende te 3840 Borgloon-Gotem, Kalenberg 100.

(Get.) Mr. Catherine Delwaide, notaris met standplaats te Borgloon. (8460)

De heer Collard, Jean Claude Arthur Robert Ghislain, kaderbediende, geboren te Coquilhatstad (Congo) op 16 september 1954, identiteitskaart nummer 590-2156106-16 en nationaal nummer 54.09.16-061-74, en zijn echtgenote, Mevr. Berghmans, Liliane Rosa Francine, zonder beroep, geboren te Aarschot op 18 maart 1954, identiteitskaart nummer 590-2252364-50 en nationaal nummer 54.03.18-308-16, beiden gedomicilieerd te 3080 Tervuren, Graaf André Ryckmanslaan 4, gehuwd te Evere op 20 augustus 1977 onder het wettelijk stelsel ingevolge huwelijkscontract, verleden voor notaris Michel Leunen, te Vilvoorde, op 16 augustus 1977, hebben hun huwelijksstelsel gewijzigd door de inbreng door de heer Collard, Jean van een onroerend goed in het gemeenschappelijk vermogen, overeenkomstig artikel 1394 en volgende van het Burgerlijk Wetboek. Tevens hebben zij een keuzebeding ingelast in hun huwelijkscontract.

Ten dien einde zal de akte houdende wijziging van het huwelijksstelsel, verleden voor notaris Alexandra Jadoul, te Tervuren, op 8 februari 2007, ter homologatie aan de rechtbank van eerste aanleg te Brussel worden neergelegd.

Tervuren, 8 maart 2007.

Voor de echtgenoten Collard-Berghmans : (get.) Arthur Lenaerts, notaris te Tervuren. (8461)

Ingevolge vonnis uitgesproken op 11 januari 2007 door de zesde kamer van de rechtbank van eerste aanleg te Kortrijk, werd de akte houdende wijziging aan het huwelijksvermogensstelsel tussen de heer Vandoorne, Pascal Michel Jacques, en zijn echtgenote, Mevr. Luangxay, Lasamy, samenwonende te 8560 Wevelgem, Wezelstraat 28, verleden voor geassocieerd notaris Francis Develter, te Menen, op 23 oktober 2006, gehomologeerd.

(Get.) Francis Develter, geassocieerd notaris. (8462)

Bij verzoekschrift van 1 februari 2007, neergelegd op de griffie van de rechtbank van eerste aanleg te Gent, op 6 maart 2007, hebben de heer Teirlynck, Gilbert, ambtenaar op rust, en Mevr. Vereecke, Lutgardis, ambtenaar op rust, samenwonende te Mariakerke (Gent), Guldenroedestraat 34, de homologatie aangevraagd bij de rechtbank van eerste aanleg te Gent, van de wijziging van hun huwelijksvermogensstelsel, verleden voor geassocieerd notaris Annelies Wylleman, te Evergem (Sleidinge), op 1 februari 2007, houdende inbreng door de echtgenoot van een onroerend goed in het gemeenschappelijk vermogen.

Namens de echtgenoten Teirlynck-Vereecke : (get.) A. Wylleman, notaris. (8463)

Bij verzoekschrift van 8 maart 2007 hebben de heer Jansen, Jan Jozef Rosalia Constantia, en echtgenote, Mevr. Michielsen, Betsy Joanna Francine, samenwonende te 2321 Hoogstraten-Meer, Frankenberg 10*A*, voor de rechtbank van eerste aanleg te Turnhout een vraag ingediend tot homologatie van de akte houdende wijziging van hun huwelijksvermogensstelsel, verleden voor notaris Paul Rommens, te Hoogstraten-Meer, op 8 maart 2007, inhoudende behoud van het wettelijk stelsel, met inbreng door de man van een eigen onroerend goed in het gemeenschappelijk vermogen.

(Get.) Paul Rommens, notaris. (8464)

Bij vonnis van de tweede BI kamer van de rechtbank van eerste aanleg te Antwerpen, op 24 januari 2007, werd de akte gehomologeerd verleden voor notaris Yves Mallentjer, te Antwerpen-Hoboken, op 22 mei 2006, houdende wijziging van het huwelijksvermogensstelsel tussen de heer Castelyn, Danny Jozef Emilia, arbeider, en zijn echtgenote, Mevr. Zhang, Yu, huisvrouw, samenwonende te 2660 Antwerpen-Hoboken, Heidestraat 59.

In deze akte werd het huwelijksvermogensstelsel gewijzigd in wettelijk stelsel en werd het onroerend goed te 2660 Antwerpen-Hoboken, Heidestraat 59, in het gemeenschappelijk vermogen gebracht door de heer Castelyn.

Voor eensluidend uittreksel : voor de echtgenoten Castelyn-Zhang, (get.) Yves Mallentjer, notaris. (8465)

Bij verzoekschrift van 27 februari 2007 hebben de echtgenoten, de heer De Graeve, Luc Maurice Ludo Marie, administratief bediende, geboren te Sint-Amandsberg op 2 april 1958, van Belgische nationaliteit, en zijn echtgenote, Mevr. Van Assel, Sabine Irma Leopold Yvonne, bediende, geboren te Gent op 8 mei 1960, van Belgische nationaliteit, en samenwonende te 9185 Wachtebeke, Langelede 54*A*, de rechtbank van eerste aanleg te Gent, om homologatie verzocht van de akte verleden voor notaris Luc Roegiers, te Wachtebeke, op 27 februari 2007, houdende het behoud van hun wettelijk huwelijksstelsel doch met inbreng door Mevr. Van Assel, Sabine van een eigen onroerend goed en verzaking aan het recht van natrekking met toelating tot bouwen in de gemeenschap en inlassing van een keuzebeding betreffende het gemeenschappelijk vermogen.

Wachtebeke, 8 maart 2007.

Namens de echtgenoten De Graeve, Luc-Van Assel, Sabine : (get.) Luc Roegiers, notaris. (8466)

Volgens vonnis uitgesproken op 11 januari 2007, door de zesde kamer van de rechtbank van eerste aanleg te Kortrijk, werd de akte wijziging huwelijksvermogensstelsel tussen de echtgenoten Marnix Vamaele-Osaro, Judith, wonende te Kortrijk, Brugsesteenweg 213, gehomologeerd.

Wijzigende akte verleden voor notaris Frederic Opsomer te Kortrijk, op 12 oktober 2006.

(Get.) F. Opsomer, notaris. (8467)

Bij verzoekschrift van 7 maart 2007 hebben de echtgenoten Capiau, Luc Jan Jozef-Banaeian, Farahnaz, samenwonende te Wetteren, Massemen, Massemsesteenweg 247, homologatie aangevraagd bij de rechtbank van eerste aanleg te Dendermonde van de akte, verleden voor notaris Chr. Uytterhaegen, te Wetteren, op 7 maart 2007, houdende wijziging van hun bestaand huwelijksstelsel inhoudende een scheiding van goederen met een beperkte gemeenschap, door inbreng van een eigen onroerend goed van de heer Capiau, Luc in het gemeenschappelijk vermogen.

(Get.) Chr. Uytterhaegen, notaris te Wetteren. (8468)

Bij vonnis van 11 januari 2007 heeft de rechtbank van eerste aanleg te Kortrijk de akte gehomologeerd, verleden voor notaris Paul Dalle, te Koksijde (Oostduinkerke), op 4 november 2006, houdende wijziging van het huwelijksvermogensstelsel, inhoudend inbreng van een eigen onroerend goed door Mevr. Hubrecht, Michèle Elisabeth Robert, geboren te Kortrijk op 3 oktober 1972, in de huwgemeenschap met de heer Naert, Pieter Vincent Johan, geboren te Kortrijk op 4 juni 1981, samenwonende te 8500 Kortrijk, Doorniksewijk 94.

Oostduinkerke, 7 maart 2007.

Voor de echtgenoten : (get.) Paul Dalle, notaris. (8469)

Bij verzoekschrift van 20 februari 2007 hebben de heer Yilmaz, Ceylan, geboren te Haarlem (Nederland) op 7 maart 1970, van Nederlandse nationaliteit, wonende te 2025 NK Haarlem (Nederland), Gerard van Eckerenstraat 12*I*, en zijn echtgenote, Mevr. Soylu, Nursen, geboren te Genk op 23 mei 1980, wonende te 3600 Genk, Nieuwe Ervenstraat 17, homologatie gevraagd aan de rechtbank van eerste aanleg te Tongeren, van de akte houdende wijziging aan hun huwelijksvermogensstelsel, verleden voor notaris Yves Clercx, te Genk, op 20 februari 2007, waarbij zij hun huidig stelsel wijzigen van het wettelijk stelsel in een stelsel der scheiding van goederen.

Namens de verzoekers : (get.) Yves Clercx, notaris te Genk. (8470)

Op datum van 10 januari 2007 hebben de heer Atton, Luc, geboren te Watermaal-Bosvoorde op 14 juni 1958, wonende te Wemmel, E. Van Elewijckstraat 67, en zijn echtgenote, Mevr. Tjantele, Sophie Luci Yolande, geboren te Etterbeek op 13 maart 1960, wonende te Wemmel, E. Van Elewijckstraat 67, gehuwd te Las Vegas (Nevada-USA) op 29 oktober 2000, onder het wettelijk stelsel van de gemeenschap, en hebben geen enkele wijziging noch verandering aangebracht aan hun huwelijksstelsel, een verzoek ingediend ter homologatie van hun wijzigend contract van hun huwelijksvermogensstelsel, opgemaakt door Mr. Pierre Van den Eynde, notaris te Sint-Joost-ten-Node, op 10 januari 2007.

Dit wijzigend contract voorziet de aanneming van het stelsel van de scheiding van goederen met deelname in de aanwinsten.

Voor eensluidend uittreksel : (get.) Pierre Van den Eynde, notaris. (8471)

Bij vonnis uitgesproken op 11 januari 2007 door de zesde kamer van de rechtbank van eerste aanleg te Kortrijk, werd de akte houdende wijziging van het huwelijksvermogensstelsel tussen de heer Ramant, Erik Theophiel, buiten beroep, en zijn echtgenote, Mevr. Grauwet, Jenny Leonie Alida, huishoudster, samenwonende te 8800 Roeselare, Henri Horriestraat 40*B*, bus 4, met inbreng van een eigen onroerend goed van de echtgenoot in de gemeenschap, en verleden voor notaris Christophe Mouriau de Meulenacker, te Torhout, op 2 november 2006, gehomologeerd.

Voor gelijkvormig verklarend uittreksel.

Voor de verzoekers : (get.) Christophe Mouriau de Meulenacker, notaris te Torhout. (8472)

Bij vonnis van de rechtbank van eerste aanleg te Kortrijk op 11 januari 2007, werd gehomologeerd de akte verleden voor notaris Sabine Destrooper, te Ledegem, op 25 oktober 2006, houdende wijziging van het huwelijksvermogensstelsel tussen de heer Ramon, Freddy Paul, mecanicien, en echtgenote, Mevr. Coone, Rika Esther, textielarbeidster, samenwonende te Roeselare-Rumbeke, Maria's-Lindestraat 21.

Wijziging : inbreng door de man in het gemeenschappelijk vermogen, zonder aanleiding te geven tot vergoeding, van een onroerend goed en van de inschrijving erop bestaande.

Namens de echtgenoten Ramon, Freddy-Coone, Rika : (get.) Destrooper, Sabine, geassocieerd notaris. (8473)

Bij vonnis uitgesproken op 12 december 2006 heeft de rechtbank van eerste aanleg te Oudenaarde, de akte van wijziging van huwelijksvermogensstelsel, verleden op 12 september 2006, voor notaris Marc Sobrie te Zwalm, gehomologeerd.

Ingevolge deze akte hebben de echtgenoten de heer Erauw, Charles Adolf Josef, gepensioneerde, geboren te Sint-Maria-Latem op 18 maart 1933, en zijn echtgenote, Mevr. Dubois, Anna Justina Victoria, gepensioneerde, geboren te Mater op 19 oktober 1936, beiden wonende te 9630 Zwalm, Sylvain Van de Veldestraat 43, verklaard gehuwd te willen blijven onder het wettelijk stelsel en dat de wijziging slaat op de inbreng van een eigen goed van de man.

(Get.) Marc Sobrie, notaris. (8474)

Bij vonnis de dato 31 januari 2007, gewezen en uitgesproken in raadkamer van de tweede B1 kamer van de rechtbank van eerste aanleg van het gerechtelijk arrondissement Antwerpen, werd de akte verleden voor notaris Caroline De Cort, op 17 juli 2006, houdende een wijziging van het huwelijksvermogensstelsel tussen de heer Elst, Ludovicus Charles Maria, bediende, geboren te Antwerpen op 8 juli 1951, en zijn echtgenote, Mevr. De Wispeleir, Rita Victorine Bernadette, zonder beroep, geboren te Antwerpen op 11 januari 1953, samenwonende te Antwerpen-Wilrijk, Fort VI-straat 158, gehomologeerd.

(Get.) Caroline de Cort, notaris. (8475)

Bij vonnis van de rechtbank van eerste aanleg te Kortrijk, de dato 11 januari 2007, werd de akte verleden door geassocieerd notaris Nathalie Desimpel, te Waregem, op 21 september 2006, houdende wijziging van het huwelijksvermogensstelsel, bestaande tussen de heer Koen Jozef Elisa Balcaen, en zijn echtgenote, Mevr. Veronique Emma Balcaen, samenwonende te 8790 Waregem, Berkenlaan 21, inhoudende inbreng van een eigen onroerend goed in het gemeenschappelijk vermogen, gehomologeerd.

Waregem, 8 maart 2007.

Voor de echtgenoten : (get.) geassocieerd notaris Thérèse Dufaux. (8476)

Bij verzoekschrift neergelegd op de griffie op 9 maart 2007 hebben de heer Velghe, Dirk, bruggepensioneerde, en zijn echtgenote, Mevr. Moerman Marinda, bediende, samenwonende te 8200 Brugge (Sint-Andries), Fort Zevenbergen 3, de homologatie gevraagd aan de rechtbank van eerste aanleg te Brugge, van de akte verleden voor notaris Ann Allaer, te Ieper, op 18 januari 2007, bedingende behoud van het stelsel van de wettelijke gemeenschap van goederen, met inbreng van een onroerend goed van het eigen vermogen van de man naar het gemeenschappelijk vermogen.

Namens de echtgenoten Velghe-Moerman : (get.) notaris Ann Allaer te Ieper. (8477)

Bij verzoekschrift neergelegd op de griffie op 9 maart 2007 hebben de heer Vanhaute, Erik, gepensioneerd, en zijn echtgenote, Mevr. Rommens, Arlette, gepensioneerd, samenwonende te 8900 Ieper, Hoge Wieltjesgracht 7, de homologatie gevraagd aan de rechtbank van eerste aanleg te Ieper, van de akte verleden voor notaris Ann Allaer, te Ieper, op 27 februari 2007, bedingende behoud van het stelsel van de wettelijke gemeenschap van goederen, met inbreng van een onroerend goed van het eigen vermogen van de man naar het gemeenschappelijk vermogen.

Namens de echtgenoten Vanhaute-Rommens : (get.) Ann Allaer, notaris. (8478)

Rechtbank van eerste aanleg te Antwerpen

—

Op 22 januari 2007 hebben de heer Meersmans, Willy Edmond Agnes, gepensioneerde, en zijn echtgenote, Mevr. Pauwels, Frieda Jozefa Maria Augusta, huisvrouw, samenwonende te 2900 Schoten, Alice Nahonlei 2*a*, ter griffie van de rechtbank van eerste aanleg te Antwerpen, een verzoekschrift d.d. 9 november 2006 neergelegd strekkende tot homologatie van de akte, verleden voor notaris Jacques Vernimmen, te Nijlen, op 9 november 2006, waarbij zij hun huwelijksvermogensstelsel wijzigden.

Antwerpen, 26 februari 2007.

Voor eensluidend uittreksel afgeleverd aan verzoekers : de griffier, (get.) N. Verhard. (8479)

Op 6 februari 2007 hebben de heer Leenaerts, Willy Désiré Hortensia, en zijn echtgenote, Mevr. Bartholomeeussen, Margareta Agnes Constantinus, samenwonende te 2980 Zoersel, Zandstraat 76/0002, ter griffie van de rechtbank van eerste aanleg te Antwerpen, een verzoekschrift d.d. 23 januari 2007 neergelegd strekkende tot homologatie van de akte, verleden voor notaris Geert Nouwkens, te Oostmalle, gemeente Malle, op 23 januari 2007, waarbij zij hun huwelijksvermogensstelsel wijzigden.

Antwerpen, 26 februari 2007.

Voor eensluidend uittreksel afgeleverd aan verzoekers : de griffier, (get.) N. Verhard. (8480)

Succession vacante – Onbeheerde nalatenschap

—

Par ordonnance du 2 mars 2007, le tribunal de première instance de Liège a déclaré la succession vacante de Mme Berthe Catherine Jeanne Gardier, née à Nessonvaux le 9 octobre 1939, domiciliée de son vivant à 4030 Grivegnée, place de Brouckère 3, décédée à Liège le 9 août 2006.

Me Claude Sonnet, avocat à 4000 Liège, place Verte 13, a été désignée en qualité de curateur à ladite succession.

Les créanciers et héritiers éventuels sont priés de se mettre en rapport avec le curateur dans les trois mois de la présente publication.

(Signé) Claude Sonnet, avocat. (8481)

Tribunal de première instance de Bruxelles

—

La douzième chambre du tribunal de première instance de Bruxelles a désigné le 26 septembre 2006, Me Marie-Dominique Coppieters 't Wallant, avocat, juge suppléant, avenue du Pesage 61, bte 18, à 1050 Bruxelles, en qualité de curateur à la succession de Hermans, Marguerite Joséphine Lucienne Gérardine, née à Liège le 12 janvier 1901, domiciliée de son vivant à Bruxelles, boulevard du Midi 142, décédée à Bruxelles le 2 mars 2005.

Bruxelles, le 8 mars 2007.

Le greffier adjoint délégué, (signé) Ch. Sauvage. (8482)

Tribunal de première instance de Neufchâteau

—

Par jugement prononcé le 7 mars 2007, le tribunal de première instance de Neufchâteau a désigné Me Marie-Eve Bouillon, avocat à 6870 Saint-Hubert, place du Fays 12, en qualité de curateur à la succession vacante de M. Marechal, Willy, né à Tillet le 14 juin 1927, en son vivant domicilié à 6870 Saint-Hubert, rue du Mont 11, décédé le 24 juin 2004 à Sainte-Ode.

Pour extrait conforme : le greffier-chef de service, (signé) J. Forthomme. (8483)

Tribunal de première instance de Nivelles

—

Par ordonnance rendue le 1er mars 2007 en la chambre du conseil du tribunal de première instance de Nivelles, affaires civiles, Me Jeegers, Christine, avocate, juge suppléant, dont les bureaux sont établis à 1330 Rixensart, avenue de Mérode 8, est désignée en qualité de curateur à la succession vacante de Mireille Alice Fondu, née à Tubize le 21 avril 1945, de son vivant domiciliée à 1400 Nivelles, rue de Namur 3, bte 07, et décédée le 10 mai 2006 à Nivelles.

Les créanciers ou légataires sont invités à faire connaître, par avis recommandé, leurs droits dans un délai de trois mois à compter de la présente insertion.

Nivelles, le 7 mars 2007.

Pour extrait conforme : le greffier-chef de service, (signé) J.-M. Lamotte. (8484)

Rechtbank van eerste aanleg te Antwerpen

—

Op 22 december 2006 verleende de tweede B kamer van de rechtbank van eerste aanleg te Antwerpen, een vonnis waarbij Mr. K. Maenhout, advocaat en plaatsvervangend rechter te Antwerpen, kantoorhoudende te 2018 Antwerpen, Van Eycklei 10, werd aangesteld als curator over de onbeheerde nalatenschap van wijlen Fabry, Erik Jan, geboren te Wilrijk op 18 oktober 1960, uit de echt gescheiden van Christel Joannes Cesarine Flamant, laatst wonende te 2020 Antwerpen, Pieter Génardstraat 18 en overleden te Antwerpen, district Antwerpen op 31 december 2005.

Antwerpen, 7 maart 2007.

De griffier, (get.) Daniëls, A. (8485)

Rechtbank van eerste aanleg te Turnhout

—

Bij beschikking de dato 7 maart 2007 op verzoekschrift verleend, heeft de rechtbank van eerste aanleg, zittinghoudende te Turnhout, eerste kamer, over de onbeheerde nalatenschap van wijlen de heer Beerten, Leon Maria Jozef, geboren te Herentals op 24 juli 1934, laatst wonende te Herentals, Watervoort 9 en overleden te Herentals op 21 augustus 1998, als curator aangesteld : Mr. Monika Moens, advocate te 2200 Herentals, Lierseweg 238.

Turnhout, 7 maart 2007.

De griffier-hoofd van dienst, (get.) J. Beliën. (8486)

Biij beschikking de dato 7 maart 2007 op verzoekschrift verleend, heeft de rechtbank van eerste aanleg, zittinghoudende te Turnhout, eerste kamer, over de onbeheerde nalatenschap van wijlen de heer Jean Jacques Smeets, geboren te Antwerpen op 12 februari 1948, laatst wonende te 2400 Mol, Galbergen 21 en overleden te Mol op 12 augustus 2006 als curator aangesteld : Mr. Peter Verpoorten, advocaat te Mol, Rode Kruislaan 5.

Turnhout, 7 maart 2007.

De griffier-hoofd van dienst, (get.) J. Beliën. (8487)

Rechtbank van eerste aanleg te Brussel

—

Bij beschikking d.d. 19 februari 2007 van de zevenentwintigste kamer van de rechtbank van eerste aanleg te Brussel, werd Mr. Alex Wijns, advocaat en plaatsvervangende rechter, Albertlaan 248, te 1190 Brussel, aangesteld als curator over de nalatenschap van Seveik, Danielle Julia Gabrielle, geboren te Ukkel op 6 november 1951, laatst gehuisvest te 1750 Lennik, Kroonstraat 44, overleden te Opwijk op 21 december 2005.

Brussel, 8 maart 2007.

De afgevaardigd adjunct-griffier, (get.) Ch. Sauvage. (8488)

Moniteur belge, rue de Louvain 40-42, 1000 Bruxelles. – *Belgisch Staatsblad*, Leuvenseweg 40-42, 1000 Brussel.
Conseiller/Adviseur : A. VAN DAMME

JUSTEL - Législation consolidée

http://www.ejustice.just.fgov.be/eli/ordonnance/2007/03/01/2007031104/justel

Dossier numéro : 2007-03-01/38

Titre

1 MARS 2007. - Ordonnance relative à la protection de l'environnement contre les éventuels effets nocifs et nuisances provoqués par les radiations non ionisantes

Situation : Intégration des modifications en vigueur publiées jusqu'au 04-04-2023 inclus.

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Texte

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Définitions [1 et champ d'application]1
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(1)<ORD 2014-04-03/16, art. 2, 002; En vigueur : 10-05-2014>

Art. 2.[1 § 1er. Pour l'application de la présente ordonnance et de ses arrêtés d'exécution, on entend par :
1° " radiations non ionisantes " : les rayonnements électromagnétiques dont la fréquence est comprise entre 0,1 MHz et 300 GHz;
2° " [2 " zones accessibles au public à l'intérieur " : les locaux d'un bâtiment dans lesquels des personnes peuvent ou pourront séjourner régulièrement, en particulier les locaux d'habitation, hôtels, écoles, crèches, hôpitaux, homes pour personnes âgées et les bâtiments dévolus à la pratique régulière du sport ou de jeux ;]2;
[2 2° /1 " zones accessibles au public à l'extérieur " : les lieux situés à l'extérieur ou apparentés accessibles au public, en particulier les jardins, intérieurs d'îlots, zones de parcs, les cours de récréation et les balcons, les terrasses couvertes ou non de bâtiments, les boxes garages, les cabanes, les jardins d'hiver, les serres et autres vérandas similaires ;]2
3° " broadcast " : les radiations émises en vue de transmettre des programmes de radiodiffusion aux fréquences autorisées par l'Institut Belge des Postes et Télécommunications :
- pour la fréquence modulée, dans la bande FM;
- pour la modulation d'amplitude ou autre dans les bandes des ondes longues, moyennes et courtes;
- pour les fréquences autorisées du DAB (digital audio broadcasting); et
- pour les fréquences autorisées du DVB (digital video broadcasting/télévision numérique terrestre).
La notion de broadcast peut être complétée par le Gouvernement;
4° " pouvoir public " : une personne morale occupant, à quelque titre que ce soit, un bâtiment sur le territoire de la Région ou y exerçant des activités et qui relève d'une des catégories suivantes :
a) les autorités fédérales, régionales et communautaires, les pouvoirs publics locaux et les organismes d'intérêt

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public;
b) tout organisme non visé au point a) :
- créé pour satisfaire spécifiquement des besoins d'intérêt général ayant un caractère autre qu'industriel ou commercial et;
- dont soit l'activité est financée majoritairement par les pouvoirs publics visés aux points a) et b), soit la gestion est soumise à un contrôle par ces derniers, et;
- dont l'organe d'administration, de direction ou de surveillance est composé de membres dont plus de la moitié sont désignés par les pouvoirs publics visés aux points a) et b);
c) les associations formées par un ou plusieurs des pouvoirs publics visés aux points a) et b)[2 ;]2
[2 " 5° " antenne " : système d'émission conçu pour émettre un signal de radio-télécommunication par ondes électromagnétiques ;
6° " opérateur " : toute personne morale titulaire du droit d'émettre, ainsi que les sociétés liées ou associées au sens du Code des sociétés et des associations, à l'exclusion des opérateurs broadcast ;
7° " opérateur broadcast " : opérateur de réseau visé à l'article 1.3-1, 33°, du décret de la Communauté française du 4 février 2021 relatif aux services de medias audiovisuels et aux services de partage de vidéos ou à l'article 2, 22°, du décret flamand du 27 mars 2009 relatif à la radiodiffusion et à la télévision ;
8° " situation d'urgence " : tout événement ponctuel qui entraîne ou qui est susceptible d'entraîner des conséquences dommageables pour la vie sociale, comme un trouble grave de la sécurité publique, une menace grave contre la vie ou la santé des personnes et/ou contre des intérêts matériels importants, et qui nécessite la coordination des acteurs compétents, en ce compris les disciplines, afin de faire disparaître la menace ou de limiter les conséquences néfastes de l'événement ;
9° " OMC (Operation and Maintenance Center) " : élément technique de base d'un réseau, mis en place en vue d'en assurer sa gestion et comprenant notamment le reflet des paramétrages utilisés sur le réseau et les compteurs et statistiques ;
10° " base de données UrbIS-Adm 3D " : banque de données qui contient des informations ayant une valeur unique et originale pour la Région de Bruxelles-Capitale et fournit des garanties spécifiques en ce qui concerne la précision, l'exhaustivité et la disponibilité de l'information, visée dans l'annexe de l'accord de coopération du 18 avril 2014 entre l'Etat fédéral, la Région flamande, la Région wallonne et la Région de Bruxelles-Capitale concernant la Structure de Coordination de l'information patrimoniale]2
§ 2. La présente ordonnance n'est pas applicable aux radiations non ionisantes d'origine naturelle, ni à celles émises par les appareillages utilisés par des particuliers tels que, notamment, les GSM, les terminaux de télécommunication mobile, les réseaux WiFi locaux des particuliers, les systèmes de téléphonie de type DECT et les radiations émises par les radios amateurs.
[2 Les dispositions de la présente ordonnance ne sont pas applicables lors de situations d'urgence]2.]1

(NOTE : par son arrêt n° 12/2016 du 27-01-2016 (M.B. 24-03-2016, p. 20376), la Cour constitutionnelle a annulé les mots "à l'exclusion notamment des balcons et des terrasses de bâtiments" dans le présent article)

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(1)<ORD 2014-04-03/16, art. 2, 002; En vigueur : 10-05-2014>
(2)<ORD 2023-03-02/16, art. 1, 004; En vigueur : 01-05-2023>

Normes d'émmission environnementales.

Art. 3.[1 § 1er. Le Gouvernement fixe les normes générales de qualité auxquelles tout milieu doit répondre afin d'assurer la protection de l'environnement contre les éventuels effets nocifs et nuisances provoqués par les radiations non ionisantes.
[2 ...]2
[2 ...]2
[2 ...]2
[2 § 1er/1. Sans préjudice des paragraphes 1er/3 et 4, dans toutes les zones accessibles au public à l'intérieur et à l'extérieur, les densités de puissance du rayonnement des radiations non ionisantes ne peuvent dépasser, à aucun moment, les valeurs suivantes dans les zones accessibles au public à l'intérieur (S_{int}) et dans les zones accessibles au public à l'extérieur (S_{ext}):

Fréquences	S_{ext}	S_{int}	Frequenties	S_{ext}	S_{int}
	(W/m2)	(W/m2)		(W/m2)	(W/m2)
0.1 à 400 MHz	0,2497	0,0994	0.1 tot 400 MHz	0,2497	0,0994
400 à 2000 MHz	f / 1597,28	f / 4012,19	400 tot 2000 MHz	f / 1597,28	f / 4012,19
2 à 300 GHz	1,2539	0,4992	2 tot 300 GHz	1,2539	0,4992

où f est la fréquence exprimée en MHz.
A titre indicatif, à 900 MHz, la norme S_{int} = 0.2243 W/m^2 correspond à un champ électrique, E_{int} = 9,19 V/m ;

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tandis que la norme S_{ext} = 0.5635 W/m^2 correspond à un champ électrique, E_{ext} = 14,57 V/m.

Par dérogation à l'alinéa 1er, les densités de puissance du rayonnement des radiations non ionisantes applicables dans les zones accessibles au public à l'extérieur sont également applicables dans les zones accessibles au public à l'intérieur lorsque, dans ces dernières, les fenêtres ou portes, donnant vers l'extérieur, sont ouvertes.][2]

[2 § 1er/2. Pour les champs électromagnétiques composés, les limitations suivantes s'appliquent aux champs électromagnétiques dans les zones accessibles au public à l'intérieur et à l'extérieur :

(Image non reprise pour des raisons techniques, voir M.B. du 04-04-2023, p. 36061)

où :

- S_i est la densité de puissance à la fréquence i ;

- S_{ri} est la limite de la densité de puissance à la fréquence i telle que définie dans le tableau visé au paragraphe § 1er/1 du présent article.

La densité de puissance du rayonnement est calculée et/ou mesurée selon les modalités fixées par le Gouvernement notamment sur la base des avis et recommandations des instances internationales compétentes.][2]

[2 § 1er/3. Les antennes générant des radiations non ionisantes dans la gamme de fréquences comprises entre 20 GHz et 300 GHz sont interdites. Le Gouvernement est habilité à autoriser ces antennes dans le respect des autorisations délivrées par d'autres niveaux de pouvoir.

Les antennes de type faisceaux hertziens ne sont pas concernées par l'interdiction visée à l'alinéa précédent.][2]

§ 2. Il est instauré un comité d'experts des radiations non ionisantes, dénommé ci-après " le Comité ". Le Comité comprend [2 entre sept et treize][2] membres dotés d'une expérience médicale, scientifique, économique ou technique pertinente au regard de l'objet de la présente ordonnance.

Le Gouvernement détermine la composition et le fonctionnement du Comité.

Le Comité est chargé d'évaluer la mise en oeuvre de la présente ordonnance et de ses arrêtés d'exécution, notamment au regard des évolutions des technologies et des connaissances scientifiques, des impératifs économiques et de santé publique. A cet effet, le Comité rend annuellement au Gouvernement un rapport qui peut comprendre des recommandations. [2 Le Gouvernement présente annuellement le rapport au Parlement et Bruxelles Environnement le publie sur son site internet dans les trois mois de sa réception par le Gouvernement][2]. Le Gouvernement peut également solliciter à tout moment un tel rapport et des recommandations de la part du Comité. [2 ...][2]

Dans l'exercice de ses missions, le Comité peut notamment consulter :

- [2 les opérateurs et les opérateurs broadcast][2];

- [2 Bruxelles Environnement et Bruxelles Urbanisme et Patrimoine][2];

- le Conseil supérieur de la Santé.][1]

[2 Le Comité rend un avis sur tous les projets de modification de la présente ordonnance et sur l'adoption ou la modification de ses mesures d'exécution.

Le Comité peut collaborer avec tout expert scientifique ou groupe d'experts institués au niveau international, fédéral, régional ou local.][2]

[2 § 3. Le Gouvernement conclut avec les opérateurs une charte de bonne conduite visant notamment à assurer aux citoyens la plus grande transparence possible quant au développement des réseaux de téléphonie mobiles, à fixer une ou plusieurs ligne(s) de conduite pour les opérateurs, et ce, tant au niveau technique qu'environnemental ou de santé publique, et/ou à fixer des objectifs aux opérateurs relatifs à la gestion des déchets liés au développement des réseaux de téléphonie mobile.

Les opérateurs collectivement peuvent conclure, modifier ou renouveler une convention environnementale avec la Région conformément aux dispositions de l'ordonnance du 29 avril 2004 relatives aux conventions environnementales.][2]

[2 § 4. En cas de dépassement des normes visées au paragraphe 1er/1, le présent paragraphe est d'application.

Les opérateurs dont les antennes contribuent au dépassement des normes visées au paragraphe 1er/1 réduisent le champ électrique émis par leurs antennes afin que les normes visées au paragraphe 1er/1 soient respectées, le cas échéant en se concertant entre eux et avec les opérateurs broadcast.

Les opérateurs broadcast dont les antennes contribuent au dépassement des normes visées au paragraphe 1er/1 transmettent aux opérateurs et à Bruxelles Environnement toutes les informations techniques liées aux radiations non ionisantes des antennes concernées si celles-ci sont différentes de celles transmises en application de l'article 4.

Le Gouvernement peut préciser les modalités de cette concertation ainsi que la méthode à appliquer par les opérateurs afin, le cas échéant, de réduire leur quote-part respective par rapport à la densité de puissance impliquant un dépassement des normes visées au paragraphe 1er/1. Le Gouvernement précise les modalités en cas d'accord entre les opérateurs et, en cas d'absence d'accord, les obligations qui peuvent leur être imposées.

Par dérogation au paragraphe 1er/1, si les obligations imposées aux opérateurs en vertu de l'alinéa précédent ou toute autre mesure mise en oeuvre par les opérateurs ou les opérateurs broadcast ne permettent pas de réduire suffisamment la densité de puissance des antennes concernées afin d'assurer le respect des normes visées au paragraphe 1er/1, seuls les opérateurs impliqués dans le dépassement sont tenus de respecter ensemble et en tenant compte des informations transmises conformément à l'alinéa 3 et à l'article 4, 42,6 % et 17 % des normes visées au paragraphe 1er/1 respectivement dans les zones accessibles au public à l'intérieur et

dans les zones accessibles au public à l'extérieur.

Le régime d'exception visé à l'alinéa précédent ne peut à aucun moment impliquer des densités de puissance du rayonnement des radiations non ionisantes dans les zones accessibles au public à l'intérieur et dans les zones accessibles au public à l'extérieur supérieures à celles visées dans la Recommandation 1999/519/CE du Conseil du 12 juillet 1999 relative à la limitation de l'exposition du public aux champs électromagnétiques (de 0 Hz à 300 GHz) et ses évolutions futures, et ne peut concerner maximum que 0,0065 % des surfaces du sol et des enveloppes des bâtiments de la base de données UrbIS-Adm 3D. Le Gouvernement est habilité à fixer des limites inférieures. Bruxelles Environnement tient à jour une liste à destination du Gouvernement et du Comité, répertoriant les cas d'application visés à l'alinéa 5.][2]

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(1)<ORD 2014-04-03/16, art. 3, 002; En vigueur : 10-05-2014>
(2)<ORD 2023-03-02/16, art. 3, 004; En vigueur : 01-05-2023>

[[1] Obligation générale des opérateurs et des opérateurs broadcast][1]

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(1)<Inséré par ORD 2023-03-02/16, art. 4, 004; En vigueur : 01-05-2023>

Art. 3/1. [[1] Sans préjudice de l'article 3, tout opérateur et tout opérateur broadcast qui exploite une antenne sur le territoire de la Région de Bruxelles-Capitale doit être en mesure de justifier à tout moment le respect de la norme d'immission visée à l'article 3 et de prendre immédiatement toutes les mesures qui s'imposent lorsqu'il a connaissance, par quelque moyen que ce soit, que la norme d'immission visée à l'article 3 n'est pas respectée.][1]

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(1)<Inséré par ORD 2023-03-02/16, art. 4, 004; En vigueur : 01-05-2023>

[-1 Obligation d'information à charge des opérateurs et des opérateurs broadcast]-1.

Art. 4.[[1] . § 1er. Les opérateurs et les opérateurs broadcast sont tenus d'informer Bruxelles Environnement, Bruxelles Urbanisme et Patrimoine, et la commune sur le territoire de laquelle elle est implantée, de toute antenne qui émet des radiations non ionisantes dont la liste est arrêtée par le Gouvernement, quant aux caractéristiques d'exploitation de cette antenne. Ces caractéristiques sont, notamment, le lieu et la position exacte d'implantation, le diagramme de rayonnement, le type d'antenne, les fréquences d'émission, l'angle d'inclinaison des antennes, la hauteur et la dimension de l'antenne et la puissance rayonnée des radiations. Le Gouvernement peut préciser la liste de ces caractéristiques, les différencier en fonction des destinataires ou des types d'antennes ou ajouter d'autres caractéristiques ainsi que déterminer le délai de transmission de ces caractéristiques et les modalités de transmission.

Lorsqu'une antenne se situe à moins de 200 mètres d'une limite communale, cette obligation est étendue à l'égard de la commune limitrophe concernée.

§ 2. Les opérateurs et opérateurs broadcast doivent transmettre, à première demande, à Bruxelles Environnement toute information sollicitée, y compris, le cas échéant, un extrait de leurs bases de données de configuration réseau provenant de l'OMC (Operation and Maintenance Center). Cet extrait ou toute autre information peut concerner l'ensemble des antennes spécifiées par Bruxelles Environnement et sera fourni par voie électronique dans les 20 jours de la réception de la demande. Ces informations contiendront au minimum les puissances maximales des balises à la sortie des baies techniques, le nombre de fréquences porteuses et les tilts électriques, si ces derniers sont configurés à distance depuis l'OMC (Operation and Maintenance Center). Bruxelles Environnement peut préciser les informations contenues dans l'extrait à fournir ainsi que son format.][1]

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(1)<ORD 2023-03-02/16, art. 5, 004; En vigueur : 01-05-2023>

Art. 4 DROIT FUTUR.

[[1] . § 1er. Les opérateurs et les opérateurs broadcast sont tenus d'informer Bruxelles Environnement, Bruxelles Urbanisme et Patrimoine, et la commune sur le territoire de laquelle elle est implantée, de toute antenne qui émet des radiations non ionisantes dont la liste est arrêtée par le Gouvernement, quant aux caractéristiques d'exploitation de cette antenne. Ces caractéristiques sont, notamment, le lieu et la position exacte d'implantation, le diagramme de rayonnement, le type d'antenne, les fréquences d'émission, l'angle d'inclinaison des antennes, la hauteur et la dimension de l'antenne et la puissance rayonnée des radiations. Le Gouvernement peut préciser la liste de ces caractéristiques, les différencier en fonction des destinataires ou des types d'antennes ou ajouter d'autres caractéristiques ainsi que déterminer le délai de transmission de ces caractéristiques et les modalités de transmission.

Lorsqu'une antenne se situe à moins de 200 mètres d'une limite communale, cette obligation est étendue à l'égard de la commune limitrophe concernée.

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voie électronique dans les 20 jours de la réception de la demande. Ces informations contiendront au minimum les puissances maximales des balises à la sortie des baies techniques, le nombre de fréquences porteuses et les tilts électriques, si ces derniers sont configurés à distance depuis l'OMC (Operation and Maintenance Center). Bruxelles Environnement peut préciser les informations contenues dans l'extrait à fournir ainsi que son format.][1]

[2 § 3. Les opérateurs dont la liste est fixée par le Gouvernement transmettent annuellement à Bruxelles Environnement un rapport relatif à l'efficacité énergétique par technologie et à la consommation énergétique des antennes et de leur réseau. Le Gouvernement détermine le contenu minimal de ce rapport][2]

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(1)<ORD 2023-03-02/16, art. 5, 004; En vigueur : 01-05-2023>
(2)<ORD 2023-03-02/16, art. 5,§2, 004; En vigueur : indéterminée>

Normes d'exploitation des sources.

Art. 5.Le gouvernement fixe, dans le cadre de ses compétences, les conditions d'exploitation des installations susceptibles de produire, de transmettre ou de recevoir des radiations non ionisantes.

Les conditions visées par le présent article fixent, notamment, pour chaque périmètre, le nombre et l'intensité des sources de radiations non ionisantes en tenant compte des caractéristiques du périmètre.

[1 Le Gouvernement peut prévoir des régimes différenciés et spécifiques pour certains types d'antennes en fonction de leurs caractéristiques propres.][1]

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(1)<ORD 2023-03-02/16, art. 6, 004; En vigueur : 01-05-2023>

Coordination de la réglementation et de l'action.

Art. 6. Le ministre qui a l'Environnement dans ses compétences est chargé d'harmoniser la réglementation ainsi que toute mesure relevant du pouvoir régional et relative à la lutte contre les effets potentiellement nuisibles des radiations non ionisantes.

Recherche scientifique.

Art. 7. Le gouvernement définit les normes ou conditions générales minimales auxquelles doivent satisfaire les personnes, laboratoires ou organismes publics ou privés qui seront chargés

1° d'étudier l'influence des radiations non ionisantes sur l'environnement;

2° de rechercher les moyens efficaces de lutte contre les éventuels nuisances ou effets nocifs provoqués par les radiations non ionisantes;

3° de tester ou de contrôler les appareils ou installations susceptibles d'engendrer, de transmettre ou de recevoir des radiations non ionisantes, destinés à mesurer, atténuer ou absorber ces dernières ou destinés à pallier leurs nuisances ou effets nocifs éventuels.

Cadastre [1 des émetteurs et des toits publics, et publicité][1]

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(1)<ORD 2014-04-03/16, art. 4, 002; En vigueur : 10-05-2014>

Art. 8.[1 § 1er.][1] [2 § 1er. Le Gouvernement est chargé de mettre à jour et de rendre public un cadastre des antennes dont la liste est arrêtée par le Gouvernement. Ce cadastre reprend les données techniques de chacune des antennes notamment la localisation précise de l'antenne, son type, ses dimensions, son orientation, sa puissance d'émission et les autres données techniques qui permettent de déterminer la densité de puissance dans les zones accessibles au public. Le Gouvernement peut préciser les données techniques et ajouter d'autres caractéristiques.

Ce cadastre des antennes est publié sur le site internet de Bruxelles Environnement pour permettre à tout citoyen d'introduire à tout moment auprès de Bruxelles Environnement une réclamation concernant le respect de la norme d'immission visée à l'article 3 et/ou le respect des conditions d'exploitation des antennes concernées. Sans préjudice des sanctions applicables et des autres mesures prévues dans la présente ordonnance, s'il estime cette réclamation fondée, Bruxelles Environnement prend les mesures pour assurer le respect des dispositions de la présente ordonnance.][2].][1]

[1 § 2. [2 Le Gouvernement met en place un cadastre des toits de bâtiments occupés par des pouvoirs publics et qui pourraient accueillir des antennes. Ce cadastre est mis à jour régulièrement][2].

Afin de réaliser les objectifs poursuivis par la présente ordonnance, le Gouvernement peut imposer aux organismes administratifs autonomes, au sens de l'article 85 de l'ordonnance organique du 23 février 2006 portant les dispositions applicables au budget, à la comptabilité et au contrôle, de permettre le placement de telles installations sur le toit de ces bâtiments.][1]

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(1)<ORD 2014-04-03/16, art. 4, 002; En vigueur : 10-05-2014>
(2)<ORD 2023-03-02/16, art. 7, 004; En vigueur : 01-05-2023>

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[-1 Obligations des opérateurs en matière d'information aux consommateurs et de gestion des déchets]-1

Art. 8/1 DROIT FUTUR.

[1 Les opérateurs dont la liste est fixée par le Gouvernement sont tenus de mettre en place et de soutenir des campagnes d'information afin de sensibiliser à la prévention des déchets issus de leurs activités, notamment compte tenu de l'évolution technologique et du renouvellement des appareils connectés.
Ces campagnes d'information informent le public notamment de l'utilisation écologiquement rationnelle des appareils, de l'intérêt du réemploi et de la préparation en vue du réemploi des appareils connectés et, en dernier ressort, des systèmes de collecte et de gestion des déchets.
Le Gouvernement peut préciser le contenu, la fréquence et les modalités des campagnes d'information à mettre en oeuvre, ainsi que leurs publics cibles en fonction des objectifs recherchés.]1

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(1)<Inséré par ORD 2023-03-02/16, art. 8, 004; En vigueur : indéterminée>

Art. 8/2 DROIT FUTUR.

[1 Les opérateurs dont la liste est fixée par le Gouvernement sont tenus d'établir des statistiques sur les appareils qu'ils mettent sur le marché et qui sont collectés en tant que déchets ou qui font l'objet de réemploi, aux sens des dispositions de l'ordonnance du 14 juin 2012 relative aux déchets.]1

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(1)<Inséré par ORD 2023-03-02/16, art. 8, 004; En vigueur : indéterminée>

Art. 8/3 DROIT FUTUR.

[1 Au plus tard le 1er avril de chaque année, les opérateurs, séparément ou collectivement, transmettent à Bruxelles Environnement un rapport annuel relatif à l'année précédente (période du 1er janvier au 31 décembre) détaillant notamment les actions mises en oeuvre, les montants dépensés et les impacts constatés par rapport aux mesures mises en oeuvre dans le cadre de l'article 8/1, ainsi qu'un rapport sur les données statistiques visées à l'article 8/2.
Le Gouvernement peut préciser le contenu du rapport annuel visé à l'alinéa précédent.]1

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(1)<Inséré par ORD 2023-03-02/16, art. 8, 004; En vigueur : indéterminée>

[-1 Infractions]-1
(2)<ORD 2023-03-02/16, art. 9, 004; En vigueur : 01-05-2023>

Art. 9.[1 Est puni de la peine prévue à l'article 31, § 1er, du Code du 25 mars 1999 de l'inspection, la prévention, la constatation et la répression des infractions en matière d'environnement et de la responsabilité environnementale, celui qui :
1° ne respecte pas les normes visées à l'article 3 ou ses mesures d'exécution ou ne respecte pas l'interdiction visée à l'article 3, § 1er/3 ;
2° ne respecte pas les obligations d'information visées à l'article 4 ou ses mesures d'exécution ;
3° ne respecte pas les normes d'exploitation visées à l'article 5 ou ses mesures d'exécution ;
4° ne respecte pas les obligations de communication et de rapportage visées aux articles 8/1, 8/2 et 8/3 ou leurs mesures d'exécution ;
5° ne respecte pas les normes ou conditions générales visées à l'article 7 ou ses mesures d'exécution]1
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(1)<ORD 2023-03-02/16, art. 9, 004; En vigueur : 01-05-2023>

Infractions et sanctions administratives.>

Art. 10. § 1er. L'article 2, 14°, de l'ordonnance du 25 mars 1999 relative à la recherche, la constatation, la poursuite et la répression des infractions en matière d'environnement, modifié par l'ordonnance du 28 juin 2001, est remplacé par la disposition suivante : " 14° l'ordonnance du... relative à la protection de l'environnement contre les éventuels effets nocifs et nuisances provoqués par les radiations non ionisantes ".
§ 2. L'article 33, 10°, de la même ordonnance, est rem placé par la disposition suivante : " 10° au sens de l'ordonnance du... relative à la protection de l'environnement contre les éventuels effets nocifs et nuisances provoqués par les radiations non ionisantes
- ne respecte pas les normes d'immission environnementales visées à l'article 3;
- ne respecte pas les obligations d'information visées à l'article 4;

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- ne respecte pas les normes d'exploitation visées à l'article 5. ".

Dispositions abrogatoires.

Art. 11. La loi du 12 juillet 1985 relative à la protection de l'homme et de l'environnement contre les effets nocifs et les nuisances provoqués par les radiations non ionisantes, les infrasons et les ultrasons est abrogée pour ce qui concerne les compétences de la Région de Bruxelles-Capitale.

Codification.

Art. 12. Le gouvernement peut, en application de l'article 104 de l'ordonnance du 5 juin 1997 relative aux permis d'environnement, intégrer les dispositions de la présente ordonnance au Code bruxellois de l'Environnement.

Entrée en vigueur.

Art. 13. La présente ordonnance entre en vigueur deux ans après sa parution au Moniteur belge.

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LOIS, DECRETS, ORDONNANCES ET REGLEMENTS
WETTEN, DECRETEN, ORDONNANTIES EN VERORDENINGEN

GRONDWETTELIJK HOF

N. 2009 — 1620 [2009/201210]

Uittreksel uit arrest nr. 40/2009 van 11 maart 2009

Rolnummers 4312 en 4355

In zake : de beroepen tot gehele of gedeeltelijke vernietiging van de wet van 10 mei 2007 tot wijziging van de wet van 30 juli 1981 tot bestraffing van bepaalde door racisme of xenofobie ingegeven daden, ingesteld door Jurgen Ceder en anderen en door de vzw « Liga voor Mensenrechten ».

Het Grondwettelijk Hof,

samengesteld uit de voorzitters M. Bossuyt en M. Melchior, en de rechters P. Martens, E. De Groot, L. Lavrysen, A. Alen, J.-P. Snappe, J.-P. Moerman, E. Derycke en J. Spreutels, bijgestaan door de griffier P.-Y. Dutilleux, onder voorzitterschap van voorzitter M. Bossuyt,

wijst na beraad het volgende arrest :

I. *Onderwerp van de beroepen en rechtspleging*

a. Bij verzoekschrift dat aan het Hof is toegezonden bij op 11 oktober 2007 ter post aangetekende brief en ter griffie is ingekomen op 12 oktober 2007, is beroep tot vernietiging ingesteld van de wet van 10 mei 2007 tot wijziging van de wet van 30 juli 1981 tot bestraffing van bepaalde door racisme of xenofobie ingegeven daden (bekendgemaakt in het *Belgisch Staatsblad* van 30 mei 2007, tweede editie) door Jurgen Ceder, wonende te 1700 Dilbeek, Prieeldreef 1a, Frank Vanhecke, wonende te 8310 Assebroek, J. Van Belleghemstraat 1, Gerolf Annemans, wonende te 2050 Antwerpen, Blancefloerlaan 175, Filip Dewinter, wonende te 2180 Ekeren, Klaverveldenlaan 1, en Joris Van Hauthem, wonende te 1750 Lennik, Scheestraat 21.

b. Bij verzoekschrift dat aan het Hof is toegezonden bij op 29 november 2007 ter post aangetekende brief en ter griffie is ingekomen op 30 november 2007, heeft de vzw « Liga voor Mensenrechten », met zetel te 9000 Gent, Stopenberghestraat 2, beroep tot vernietiging ingesteld van artikel 21 van voormelde wet van 10 mei 2007.

Die zaken, ingeschreven onder de nummers 4312 en 4355 van de rol van het Hof, werden samengevoegd.

(...)

II. *In rechte*

(...)

Ten aanzien van de omvang van de beroepen

B.1.1. De Ministerraad voert aan dat de beroepen zonder voorwerp zijn, omdat ze zijn gericht tegen wetsartikelen die formeel gezien niet bestaan. De bestreden wet van 10 mei 2007 « tot wijziging van de wet van 30 juli 1981 tot bestraffing van bepaalde door racisme of xenofobie ingegeven daden » (hierna : wet van 10 mei 2007) bestaat immers slechts uit drie artikelen, waarvan het derde artikel 34 nieuwe artikelen invoegt in de wet van 30 juli 1981 « tot bestraffing van bepaalde door racisme of xenofobie ingegeven daden » (hierna : Antiracismewet). Dat derde artikel wordt evenwel niet door de verzoekende partijen bestreden.

B.1.2. Uit de verzoekschriften kan genoegzaam worden afgeleid dat de erin aangevoerde middelen zijn gericht tegen de artikelen van de Antiracismewet, zoals ingevoegd bij artikel 3 van de wet van 10 mei 2007. De memories van de Ministerraad doen overigens ervan blijken dat hij in staat was te antwoorden op de middelen en de argumenten van de verzoekende partijen.

De exceptie wordt verworpen.

B.2.1. Het Hof kan slechts uitdrukkelijk bestreden wetskrachtige bepalingen vernietigen waartegen middelen worden aangevoerd en, in voorkomend geval, bepalingen die niet worden bestreden maar onlosmakelijk zijn verbonden met de bepalingen die moeten worden vernietigd.

B.2.2. Te dezen worden enkel middelen aangevoerd tegen de artikelen 10, 17, 18, 20, 21, 22, 23, 24, 25, 29, 30, 31 en 32 van de Antiracismewet, zoals ingevoegd bij de wet van 10 mei 2007. Bijgevolg wordt het onderzoek van het beroep tot vernietiging beperkt tot die bepalingen en tot die welke onlosmakelijk ermee zijn verbonden.

Ten aanzien van de ontvankelijkheid van de beroepen

In de zaak nr. 4312

B.3.1. De Ministerraad betwist het belang van de verzoekende partijen in de zaak nr. 4312 in zoverre zij zouden optreden namens een politieke partij. Zij zouden immers niet het bewijs leveren dat zij die partij rechtsgeldig zouden vertegenwoordigen.

B.3.2. Ter verantwoording van hun belang voeren de verzoekende partijen aan dat de bestreden bepalingen de vrijheid van meningsuiting zouden beperken waarover zij dienen te kunnen beschikken als lid van respectievelijk het Vlaams Parlement, de Kamer van volksvertegenwoordigers, de Senaat en het Europees Parlement. Zij beweren niet op te treden namens een politieke partij.

B.4.1. Volgens de Ministerraad zouden de verzoekende partijen in de zaak nr. 4312 niet over het vereiste belang beschikken om de vernietiging te vragen van artikel 23 van de Antiracismewet, zoals ingevoegd bij de wet van 10 mei 2007. Die bepaling zou immers uitsluitend van toepassing zijn op openbare officieren of ambtenaren, of op dragers of agenten van het openbaar gezag of van de openbare macht, terwijl geen van de verzoekende partijen zich zou beroepen op een van die hoedanigheden.

B.4.2. Naar luid van artikel 2, 3°, van de bijzondere wet van 6 januari 1989 kan een beroep tot vernietiging worden ingesteld « door de voorzitters van de wetgevende vergaderingen op verzoek van twee derde van hun leden ».

Daaruit volgt dat de wetgever de mogelijkheid voor de leden van de wetgevende vergaderingen om in rechte te treden heeft willen beperken door die mogelijkheid aan hun voorzitters voor te behouden, en op voorwaarde dat twee derde van de leden erom zouden verzoeken. Een lid van een vergadering doet dus niet, in die enkele hoedanigheid, blijken van het vereiste belang om voor het Hof op te treden.

B.4.3. Vermits de verzoekende partijen lid zijn van respectievelijk het Vlaams Parlement, de Kamer van volksvertegenwoordigers, de Senaat en het Europees Parlement, valt evenwel niet uit te sluiten dat zij als dragers van het openbaar gezag zouden kunnen worden beschouwd. In zoverre het bestreden artikel 23 hen rechtstreeks en ongunstig kan raken, doen zij dan ook blijken van het vereiste belang.

B.5.1. Volgens de Ministerraad streven de verzoekende partijen in essentie een onwettig belang na bij hun beroep tot vernietiging van artikel 22 van de Antiracismewet, zoals ingevoegd bij de wet van 10 mei 2007, aangezien zij in werkelijkheid de wettelijke bepaling beogen te bestrijden, op grond waarvan drie met de voormalige politieke partij « Vlaams Blok » verbonden vzw's werden veroordeeld, met de bedoeling ertoe te komen dat het behoren tot of zijn medewerking verlenen aan een groep of een vereniging die kennelijk, herhaaldelijk en publiek discriminatie of segregatie bedrijft of verkondigt, niet meer strafbaar zou zijn.

B.5.2. Ofschoon het bestreden artikel 22 van de Antiracismewet, zoals ingevoegd bij de wet van 10 mei 2007, inhoudelijk een draagwijdte heeft die soortgelijk is aan die van het bij de bestreden wet opgeheven artikel 3 van de Antiracismewet van 30 juli 1981, heeft de wetgever bij het aannemen van de bestreden bepaling zijn wil getoond om opnieuw te legifereren. De omstandigheid dat drie met de voormalige politieke partij « Vlaams Blok » verbonden vzw's werden veroordeeld op grond van het vroegere artikel 3 van de Antiracismewet, ontneemt de verzoekende partijen niet hun belang bij het bestrijden van het nieuwe artikel 22 van die wet.

B.5.3. Het belang van de verzoekende partijen kan immers niet als onrechtmatig worden beschouwd doordat hun argumentatie in strijd zou zijn met beslissingen die in kracht van gewijsde zijn gegaan. Het feit dat zulke beslissingen bestaan, ontzegt hun niet het recht de grondwettigheid te betwisten van latere wetsbepalingen, ook al zouden die bepalingen de oplossing van die beslissingen bevestigen.

In de zaak nr. 4355

B.6.1. De Ministerraad betwist het belang van de verzoekende partij in de zaak nr. 4355 (de vzw « Liga voor Mensenrechten »), in zoverre zij niet aantoont dat er een voldoende band bestaat tussen de door haar bestreden bepaling en haar maatschappelijk doel.

B.6.2. Wanneer een vereniging zonder winstoogmerk die niet haar persoonlijk belang aanvoert, voor het Hof optreedt, is vereist dat haar maatschappelijk doel van bijzondere aard is en, derhalve, onderscheiden van het algemeen belang; dat zij een collectief belang verdedigt; dat haar maatschappelijk doel door de bestreden norm kan worden geraakt; dat ten slotte niet blijkt dat dit maatschappelijk doel niet of niet meer werkelijk wordt nagestreefd.

B.6.3. Volgens artikel 3 van haar statuten heeft de vzw « Liga voor Mensenrechten » tot doel elke onrechtvaardigheid en elke aanslag op de rechten van personen of gemeenschappen te bestrijden en de beginselen van gelijkheid, vrijheid en humanisme, waarop de democratische maatschappijen zijn gebaseerd en die zijn vervat in de mensenrechtenverdragen en -verklaringen, te verdedigen.

Zonder dat een dergelijke omschrijving van het maatschappelijk doel van een vzw letterlijk moet worden genomen als een middel dat die vereniging aanwendt om gelijk welke norm aan te vechten onder het voorwendsel dat elke norm een weerslag heeft op iemands rechten, kan ervan worden uitgegaan dat een bepaling die het uiten van bepaalde meningen strafbaar stelt, van die aard is dat zij het maatschappelijk doel van de vereniging ongunstig kan raken. De omstandigheid dat de verzoekende partij heel erg actief is op het vlak van de bestrijding van racisme, ontneemt haar niet het belang bij het bestrijden van een bepaling die deel uitmaakt van de antiracismewetgeving, waarvan zij van oordeel is dat zij strijdig is met de vrijheid van meningsuiting.

B.7. De excepties worden verworpen.

Ten aanzien van de ontvankelijkheid van de middelen

B.8. Om te voldoen aan de vereisten van artikel 6 van de bijzondere wet van 6 januari 1989, moeten de middelen van het verzoekschrift te kennen geven welke van de regels waarvan het Hof de naleving waarborgt, zouden zijn geschonden, alsook welke de bepalingen zijn die deze regels zouden schenden, en uiteenzetten in welk opzicht die regels door de bedoelde bepalingen zouden zijn geschonden.

B.9.1. Volgens de Ministerraad zijn het eerste, het tweede en het zesde middel in de zaak nr. 4312 onontvankelijk omdat het onduidelijk zou zijn of de verzoekende partijen een schending van artikel 12, dan wel van artikel 14, van de Grondwet aanvoeren. De door de verzoekende partijen aangevoerde argumenten zouden immers veeleer betrekking hebben op de strafbaarstelling dan op het opleggen van de straf.

B.9.2. Uit het verzoekschrift blijkt genoegzaam dat de verzoekende partijen de met de desbetreffende middelen bestreden artikelen verwijten in strijd te zijn met het door de artikelen 12 en 14 van de Grondwet gewaarborgde strafrechtelijke wettigheidsbeginsel, omdat die bepalingen strafbaarstellingen zouden bevatten die onvoldoende duidelijk en voorspelbaar zouden zijn. Het feit dat die partijen in hun verzoekschrift artikel 12 van de Grondwet niet vermelden, heeft de Ministerraad niet verhinderd op hun argumenten te antwoorden. Het verzoekschrift in de zaak nr. 4312 voldoet op dat vlak bijgevolg aan de vereisten van artikel 6 van de bijzondere wet van 6 januari 1989.

De exceptie wordt verworpen.

B.10.1. Volgens de Ministerraad is het vierde middel in de zaak nr. 4312 onontvankelijk, in zoverre het is afgeleid uit de schending van de artikelen 10 en 11 van de Grondwet. De verzoekende partijen zouden nalaten aan te tonen hoe het met dat middel bestreden artikel in strijd zou zijn met het beginsel van gelijkheid en niet-discriminatie.

B.10.2. Wanneer een schending van het beginsel van gelijkheid en niet-discriminatie wordt aangevoerd, moet in de regel worden gepreciseerd welke categorieën van personen met elkaar moeten worden vergeleken en in welk opzicht de aangevochten bepaling een verschil in behandeling teweegbrengt dat discriminerend zou zijn.

Wanneer echter een schending van het beginsel van gelijkheid en niet-discriminatie, in samenhang gelezen met een ander grondrecht, wordt aangevoerd, volstaat het te preciseren in welk opzicht dat grondrecht is geschonden. De categorie van personen van wie dat grondrecht zou zijn geschonden, moet immers worden vergeleken met de categorie van personen voor wie dat grondrecht is gewaarborgd.

B.10.3. Aangezien het vierde middel in de zaak nr. 4312 is afgeleid uit de schending van de artikelen 10, 11 en 19 van de Grondwet, doordat het bestreden artikel 20 van de Antiracismewet, zoals ingevoegd bij de wet van 10 mei 2007, de vrijheid van meningsuiting op onverantwoorde wijze zou beperken, moet het middel, in zoverre het is afgeleid uit de schending van de artikelen 10 en 11 van de Grondwet, in die zin worden begrepen dat de categorie van personen van wie de vrijheid van meningsuiting zou zijn geschonden, moet worden vergeleken met de categorie van personen voor wie de vrijheid van meningsuiting is gewaarborgd.

De exceptie wordt verworpen.

B.11.1. Volgens de Ministerraad is het zesde middel in de zaak nr. 4312 onontvankelijk, in zoverre het is afgeleid uit de schending van artikel 23 van de Grondwet. De verzoekende partijen zouden nalaten aan te tonen hoe het met dat middel bestreden artikel in strijd zou zijn met dat grondwetsartikel.

B.11.2. De verzoekende partijen zetten niet uiteen in welke zin de in het bestreden artikel 22 van de Antiracismewet, zoals ingevoegd bij de wet van 10 mei 2007, vervatte strafbaarstelling in strijd zou zijn met de in artikel 23 van de Grondwet vermelde economische, sociale en culturele grondrechten. In zoverre het zesde middel in de zaak nr. 4312 is afgeleid uit de schending van artikel 23 van de Grondwet, is het onontvankelijk.

B.12.1. Volgens de Ministerraad is het achtste middel in de zaak nr. 4312 onontvankelijk, in zoverre het is afgeleid uit de schending van de artikelen 13, 22, 23, 24, 25, 26 en 27 van de Grondwet. De verzoekende partijen zouden nalaten aan te tonen hoe de met dat middel bestreden artikelen, die betrekking hebben op de regeling van de bewijslast, in strijd zouden zijn met die grondwetsartikelen.

B.12.2. De artikelen 22, 23, 24, 25, 26 en 27 van de Grondwet waarborgen respectievelijk het recht op eerbiediging van het privé- en gezinsleven, het recht een menswaardig leven te leiden, de vrijheid van onderwijs, de persvrijheid, de vrijheid van vergadering en van vereniging.

Het achtste middel dient aldus te worden begrepen dat de uit de bestreden bepalingen voorvloeiende verplichting te bewijzen dat er geen discriminatie is geweest, een inmenging vormt in voormelde rechten en vrijheden, waarvan dient te worden nagegaan of ze redelijk is verantwoord.

Artikel 13 van de Grondwet waarborgt aan alle personen die zich in dezelfde toestand bevinden het recht om volgens dezelfde regels inzake bevoegdheid en rechtspleging te worden berecht. Aldus dient een verschil in behandeling in dat opzicht redelijk te worden verantwoord.

De exceptie wordt verworpen.

B.13.1. Volgens de Ministerraad is het negende middel in de zaak nr. 4312 onontvankelijk, in zoverre het is afgeleid uit de schending van de artikelen 13, 14, 19, 22, 23, 24, 25, 26 en 27 van de Grondwet. De verzoekende partijen zouden nalaten aan te tonen hoe de met dat middel bestreden artikelen, die betrekking hebben op de bevoegdheid van het Centrum voor gelijkheid van kansen en voor racismebestrijding en van de in de bestreden wet bedoelde belangenverenigingen om in rechte op te treden, in strijd zouden zijn met die grondwetsartikelen.

B.13.2. Zoals gesteld in B.12.2, vloeit uit artikel 13 van de Grondwet voort dat een verschil in behandeling in regels inzake bevoegdheid en rechtspleging redelijk dient te worden verantwoord. In zoverre het middel een schending aanvoert van artikel 13 van de Grondwet, is het ontvankelijk.

Voor het overige zetten de verzoekende partijen niet uiteen in welk opzicht de in de bestreden bepalingen vervatte mogelijkheid om in rechte op te treden, een inmenging zou uitmaken in de in de artikelen 14, 19, 22, 23, 24, 25, 26 en 27 van de Grondwet gewaarborgde rechten en vrijheden. In zoverre het middel een schending aanvoert van voormelde grondwetsbepalingen, is het onontvankelijk.

B.14.1. Volgens de Ministerraad zijn het tweede en het vierde middel in de zaak nr. 4312 niet ontvankelijk, aangezien ze zijn gericht tegen normatieve bepalingen die reeds vóór de bestreden wet deel uitmaakten van de Belgische rechtsorde.

B.14.2. De omstandigheid dat een middel is gericht tegen een nieuwe wettelijke bepaling die een draagwijdte heeft die soortgelijk is aan die van een bepaling die reeds in de Belgische rechtorde bestond, leidt op zich niet tot de onontvankelijkheid van dat middel.

Ofschoon het met het tweede en het vierde middel bestreden artikel 20 van de Antiracismewet, zoals ingevoegd bij de wet van 10 mei 2007, een draagwijdte heeft die soortgelijk is aan die van het bij de bestreden wet opgeheven artikel 1 van de Antiracismewet van 30 juli 1981, heeft de wetgever bij het aannemen van de bestreden bepaling zijn wil getoond om opnieuw te legifereren.

De exceptie wordt verworpen.

B.15.1. Volgens de Ministerraad zijn het derde en het vijfde middel in de zaak nr. 4312 niet ontvankelijk, aangezien het nadeel waarover de verzoekende partijen zich beklagen, niet zou voortvloeien uit de met die middelen bestreden artikelen 20 en 21 van de Antiracismewet, zoals ingevoegd bij de wet van 10 mei 2007, maar uit artikel 4 van het Internationaal Verdrag inzake de uitbanning van alle vormen van rassendiscriminatie, ter uitvoering waarvan de bestreden artikelen werden aangenomen.

B.15.2. De omstandigheid dat de wetgever een internationaal verdrag beoogt uit te voeren, ontslaat hem niet ervan de in de desbetreffende middelen aangehaalde artikelen 10, 11 en 19 van de Grondwet, die het beginsel van gelijkheid en niet-discriminatie en de vrijheid van meningsuiting waarborgen, na te leven.

Artikel 4 van het Internationaal Verdrag inzake de uitbanning van alle vormen van rassendiscriminatie bepaalt overigens dat de Staten de erin opgesomde handelingen strafbaar dienen te stellen « met inachtneming van de beginselen vervat in de Universele Verklaring van de Rechten van de Mens en van de rechten die uitdrukkelijk worden genoemd in artikel 5 van dit Verdrag ». In artikel 5 van het Verdrag worden onder meer het recht op vrijheid van mening en meningsuiting en het recht op gelijke behandeling door de rechterlijke instanties en alle andere organen die zijn belast met de rechtsbedeling, uitdrukkelijk genoemd. Het beginsel van gelijkheid en niet-discriminatie en de vrijheid van meningsuiting dienen bovendien te worden beschouwd als « beginselen vervat in de Universele Verklaring van de Rechten van de Mens ».

De exceptie wordt verworpen.

Ten gronde

B.16. De in beide beroepen aangevoerde middelen kunnen worden gegroepeerd als volgt :

(I) de middelen afgeleid uit de schending van het strafrechtelijke wettigheidsbeginsel, al dan niet in samenhang gelezen met het beginsel van gelijkheid en niet-discriminatie;

(II) de middelen afgeleid uit de schending van de vrijheid van meningsuiting, al dan niet in samenhang gelezen met het beginsel van gelijkheid en niet-discriminatie;

(III) de middelen afgeleid uit de schending van de vrijheid van vereniging en van vergadering, al dan niet in samenhang gelezen met het beginsel van gelijkheid en niet-discriminatie;

(IV) de middelen afgeleid uit de schending van het beginsel van gelijkheid en niet-discriminatie.

I. Wat betreft de middelen afgeleid uit de schending van het strafrechtelijke wettigheidsbeginsel, al dan niet in samenhang gelezen met het beginsel van gelijkheid en niet-discriminatie

B.17. In het eerste middel in de zaak nr. 4312 voeren de verzoekende partijen aan dat de artikelen 20, 22, 23, 24 en 25 van de Antiracismewet, zoals ingevoegd bij de wet van 10 mei 2007, niet bestaanbaar zijn met het strafrechtelijke wettigheidsbeginsel, doordat die bepalingen misdrijven invoeren, maar daarbij het substantiële onderdeel ervan, namelijk « discriminatie », op een uiterst vage en onvoorzienbare wijze zouden onderverdelen in vier verschillende handelingen, namelijk (1) opzettelijke directe discriminatie, (2) opzettelijke indirecte discriminatie, (3) opdracht tot discrimineren en (4) intimidatie.

In het tweede middel voeren zij aan dat artikel 20, 3°, van de voormelde wet niet bestaanbaar is met het strafrechtelijke wettigheidsbeginsel, doordat die bepaling het aanzetten tot segregatie jegens een groep, een gemeenschap of de leden ervan strafbaar stelt, zonder daarbij het substantiële element « segregatie » te definiëren.

In het zesde middel voeren zij aan dat artikel 22 van de voormelde wet niet bestaanbaar is met het strafrechtelijke wettigheidsbeginsel, doordat die bepaling personen die behoren tot of hun medewerking verlenen aan een groep of een vereniging die kennelijk en herhaaldelijk discriminatie of segregatie verkondigt, strafbaar stelt in uiterst vage bewoordingen.

I.A. Het strafrechtelijke wettigheidsbeginsel

B.18.1. Het wettigheidsbeginsel in strafzaken gaat uit van de idee dat de strafwet moet worden geformuleerd in bewoordingen op grond waarvan eenieder, op het ogenblik waarop hij een gedrag aanneemt, kan uitmaken of dat gedrag al dan niet strafbaar is. Het eist dat de wetgever in voldoende nauwkeurige, duidelijke en rechtszekerheid biedende bewoordingen bepaalt welke feiten strafbaar worden gesteld, zodat, enerzijds, diegene die een gedrag aanneemt, vooraf op afdoende wijze kan inschatten wat het strafrechtelijke gevolg van dat gedrag zal zijn en, anderzijds, aan de rechter geen al te grote beoordelingsbevoegdheid wordt gelaten.

Het wettigheidsbeginsel in strafzaken staat evenwel niet eraan in de weg dat de wet aan de rechter een beoordelingsbevoegdheid toekent. Er dient immers rekening te worden gehouden met het algemene karakter van de wetten, de uiteenlopende situaties waarop zij van toepassing zijn en de evolutie van de gedragingen die zij bestraffen.

Aan het vereiste dat een misdrijf duidelijk moet worden omschreven in de wet, is voldaan wanneer de rechtzoekende, op basis van de bewoordingen van de relevante bepaling en, indien nodig, met behulp van de interpretatie daarvan door de rechtscolleges, kan weten welke handelingen en welke verzuimen zijn strafrechtelijke aansprakelijkheid meebrengen.

B.18.2. Enkel bij het onderzoek van een specifieke strafbepaling is het mogelijk om, rekening houdend met de elementen eigen aan de misdrijven die zij wil bestraffen, te bepalen of de door de wetgever gehanteerde algemene bewoordingen zo vaag zijn dat ze het wettigheidsbeginsel in strafzaken zouden schenden.

I.B. De aangevoerde schending van het strafrechtelijke wettigheidsbeginsel door het begrip « discriminatie » in de artikelen 20, 22, 23, 24 en 25 van de wet

B.19.1. De in titel IV (« Strafrechtelijke bepalingen ») van de Antiracismewet vervatte artikelen 20, 22, 23, 24 en 25, zoals ingevoegd bij de wet van 10 mei 2007, betreffen de strafbaarstelling van diverse vormen van discriminatie. Artikel 19 van de voormelde wet bepaalt dienaangaande :

« Voor de toepassing van deze titel wordt begrepen onder discriminatie, elke vorm van opzettelijke directe discriminatie, opzettelijke indirecte discriminatie, opdracht tot discrimineren en intimidatie op grond van de beschermde criteria ».

Door te bepalen wat onder de in de bestreden bepalingen gebruikte term « discriminatie » dient te worden verstaan, is het voormelde artikel 19 onlosmakelijk verbonden met die bepalingen.

B.19.2. Volgens de verzoekende partijen in de zaak nr. 4312 zouden de begrippen « opzettelijke directe discriminatie », « opzettelijke indirecte discriminatie », « opdracht tot discrimineren » en « intimidatie » onvoldoende duidelijk zijn.

B.20. Het Hof dient voor elk van de in B.19.2 vermelde begrippen na te gaan of ze aan de in B.18.1 vermelde criteria voldoen.

I.B.1. Het begrip « opzettelijke directe discriminatie »

B.21.1. Wat het begrip « opzettelijke directe discriminatie » betreft, definieert artikel 4, 7°, van de Antiracismewet, zoals ingevoegd bij de wet van 10 mei 2007, « directe discriminatie » als volgt :

« direct onderscheid op grond van een beschermd criterium dat niet gerechtvaardigd kan worden op grond van de bepalingen van titel II ».

Volgens artikel 4, 6°, van die wet dient onder « direct onderscheid » het volgende te worden verstaan :

« de situatie die zich voordoet wanneer iemand ongunstiger wordt behandeld dan een ander in een vergelijkbare situatie wordt, is of zou worden behandeld op basis van één van de beschermde criteria ».

Die definities zijn ontleend aan de relevante Europese richtlijnen (*Parl. St.*, Kamer, 2006-2007, DOC 51-2720/001, pp. 14 en 22). Zo is er volgens artikel 2, lid 2, van de richtlijn 2000/43/EG van 29 juni 2000 « houdende toepassing van het beginsel van gelijke behandeling van personen ongeacht ras of etnische afstamming », die de wet van 10 mei 2007 beoogt om te zetten, directe discriminatie « wanneer iemand op grond van ras of etnische afstamming ongunstiger wordt behandeld dan een ander in een vergelijkbare situatie wordt, is of zou worden behandeld ».

B.21.2. De rechtvaardigingsgronden in titel II waarnaar wordt verwezen in voormelde definitie van het begrip « directe discriminatie » en die een direct onderscheid op grond van een van de door die wet « beschermde criteria » rechtvaardigen, worden uiteengezet in de artikelen 7 en 8 van de Antiracismewet, zoals ingevoegd bij de wet van 10 mei 2007. De algemene rechtvaardigingsgronden bepaald in de artikelen 10 en 11 van die wet gelden ten aanzien van zowel een direct als een indirect onderscheid op grond van een van de « beschermde criteria ».

Vermits er luidens artikel 4, 7°, van de Antiracismewet, zoals ingevoegd bij de wet van 10 mei 2007, sprake is van directe discriminatie wanneer een direct onderscheid op grond van een « beschermd criterium » niet is gerechtvaardigd op grond van bepalingen van titel II van de wet, maken de in die titel vermelde rechtvaardigingsgronden derhalve een essentieel bestanddeel uit van het begrip directe discriminatie.

B.22. De wetgever heeft bij het bepalen van de rechtvaardigingsgronden voor een « direct onderscheid » op grond van een zogenaamd ras, huidskleur, afkomst of nationale of etnische afstamming, gekozen voor een « gesloten systeem van rechtvaardiging », wat betekent dat een verschil in behandeling enkel kan worden gerechtvaardigd op grond van beperkte, specifieke en vooraf bepaalde rechtvaardigingsgronden.

Voor een « direct onderscheid » op grond van nationaliteit geldt een « open systeem van rechtvaardiging », wat betekent dat een verschil in behandeling het voorwerp kan uitmaken van een objectieve en redelijke rechtvaardiging die niet verder wordt verduidelijkt en die wordt overgelaten aan het uiteindelijke oordeel van de rechter.

Tijdens de parlementaire voorbereiding werd erop gewezen dat de richtlijn 2000/43/EG van 29 juni 2000 « houdende toepassing van het beginsel van gelijke behandeling van personen ongeacht ras of etnische afstamming » een « open systeem van rechtvaardiging » verbiedt « voor de meerderheid van de materies geviseerd door het toepassingsgebied van de wet » en dat het voor de materies die niet onder het toepassingsgebied van die richtlijn vallen, aangewezen is eveneens te kiezen voor een « gesloten systeem van rechtvaardiging », vanwege de rechtspraak van het Europees Hof voor de Rechten van de Mens inzake onderscheiden die zijn gebaseerd op de etnische origine van een persoon (*Parl. St.*, Kamer, 2006-2007, DOC 51-2720/001, pp. 47-48). De afwijkende regeling voor onderscheiden gebaseerd op nationaliteit werd verantwoord met verwijzing naar « de verschillende aard van het criterium ' nationaliteit ' in vergelijking met de andere beschermde criteria » (*ibid.*, p. 48).

B.23.1. Artikel 7, § 2, van de Antiracismewet, zoals ingevoegd bij de wet van 10 mei 2007, bepaalt :

« Elk direct onderscheid op grond van nationaliteit vormt een directe discriminatie, tenzij dit direct onderscheid objectief gerechtvaardigd wordt door een legitiem doel en de middelen voor het bereiken van dat doel passend en noodzakelijk zijn.

Het eerste lid laat echter in geen enkel geval toe dat een direct onderscheid op grond van nationaliteit dat verboden is door het recht van de Europese Unie, wordt gerechtvaardigd ».

B.23.2. Uit de omschrijving van het begrip « direct onderscheid », waarnaar de definitie van het begrip « directe discriminatie » verwijst, en inzonderheid uit het woord « ongunstiger », blijkt allereerst dat enkel sprake kan zijn van directe discriminatie indien de personen die tot de gediscrimineerde categorie behoren, worden benadeeld.

B.23.3. Uit de parlementaire voorbereiding van de wet van 10 mei 2007 blijkt vervolgens dat de wetgever met de omschrijving van de in artikel 7, § 2, bepaalde rechtvaardigingsgrond (het directe onderscheid wordt objectief gerechtvaardigd door een legitiem doel en de middelen voor het bereiken van dat doel zijn passend en noodzakelijk) zich heeft willen aansluiten bij de omschrijving van het begrip discriminatie volgens de vaste rechtspraak van het Europees Hof voor de Rechten van de Mens, het Grondwettelijk Hof, het Hof van Cassatie en de Raad van State. Een lid van de Kamer van volksvertegenwoordigers stelde « een verschil in formulering vast tussen dit wetsontwerp enerzijds en de wet van 25 februari 2003 anderzijds » (*Parl. St.*, Kamer, 2006-2007, DOC 51-2720/009, p. 110). Dat lid formuleerde hieromtrent de volgende vraag :

« Deze laatste [de wet van 25 februari 2003] bepaalt dat een verschil in behandeling geen verboden voorgeschreven discriminatie is, wanneer ze objectief en redelijkerwijs gerechtvaardigd kan worden. De nieuwe wet bepaalt daarentegen dat een onderscheid objectief moet worden gerechtvaardigd door een legitiem doel en dat de middelen voor het bereiken van dat doel passend en noodzakelijk moeten zijn.

Moet men hieruit besluiten dat het in de toekomst moeilijker zal zijn onderscheiden te rechtvaardigen ? Voegt met name de term ' noodzakelijk ' een bijkomende voorwaarde toe in vergelijking met hetgeen de wet van 2003 vereist ? » (*ibid.*).

De minister antwoordde het volgende :

« de noodzakelijkheidvoorwaarde [is] reeds impliciet bepaald in de wet van 25 februari 2003. Ze dekt de voorwaarden inzake proportionaliteit en doeltreffendheid die voortvloeien uit de wet van 2003 zoals die wordt geïnterpreteerd in het licht van de rechtspraak van het Arbitragehof en het Hof van Justitie van de Europese Gemeenschappen » (*ibid.*, p. 111).

Hij voegde er nog het volgende aan toe :

« Bijgevolg is de uitdrukkelijke vermelding van deze voorwaarde in de tekst van het wetsontwerp geen toevoeging van een bijkomende voorwaarde. Afgezien van de verschillen in de formulering, wordt de *status quo* over de grond van de zaak behouden » (*ibid.*).

B.23.4. Het tweede lid van artikel 7, § 2, van de Antiracismewet, zoals ingevoegd bij de wet van 10 mei 2007, naar luid waarvan het eerste lid in geen enkel geval toelaat dat een direct onderscheid op grond van nationaliteit dat verboden is door het recht van de Europese Unie, kan worden gerechtvaardigd, verduidelijkt het eerste lid van artikel 7, § 2, maar voegt in wezen geen nieuwe criteria toe. Er dient immers ervan te worden uitgegaan dat een door het recht van de Europese Unie verboden onderscheid niet objectief en redelijk kan worden gerechtvaardigd.

B.23.5. Uit de toevoeging van het woord « opzettelijk » in artikel 19 van de Antiracismewet, zoals ingevoegd bij de wet van 10 mei 2007, luidens welke onder « discriminatie » onder meer « elke vorm van opzettelijke directe discriminatie » dient te worden begrepen, blijkt ten slotte dat het om een opzettelijk misdrijf gaat. Zelfs wanneer de rechter zou oordelen dat een direct onderscheid op grond van nationaliteit niet objectief en redelijk is te verantwoorden, dan nog zou er slechts sprake kunnen zijn van opzettelijke directe discriminatie wanneer wordt aangetoond dat de beklaagde wetens en willens heeft gehandeld. Derhalve volstaat het feit dat hij niet in staat is een objectieve en redelijke verantwoording te geven voor het door hem gemaakte onderscheid niet. Aangetoond dient allereerst te worden dat de beklaagde door dat onderscheid opzettelijk iemand ongunstig heeft willen behandelen op basis van nationaliteit, in de wetenschap dat hiervoor geen redelijke verantwoording bestaat.

B.23.6. Vermits de wetgever in artikel 7, § 2, van de Antiracismewet, zoals ingevoegd bij de wet van 10 mei 2007, de criteria overneemt die eenduidig zijn ontwikkeld door zowel nationale als internationale rechtscolleges voor de toetsing aan het beginsel van gelijkheid en niet-discriminatie, en een opzet vereist opdat er sprake kan zijn van « opzettelijke directe discriminatie », zijn de gebruikte criteria voldoende nauwkeurig, duidelijk en voorspelbaar en dus verenigbaar met het strafrechtelijke wettigheidsbeginsel.

B.24.1. Met betrekking tot directe onderscheiden op grond van een zogenaamd ras, huidskleur, afkomst of nationale of etnische afstamming, geldt een gesloten rechtvaardigingssysteem. Artikel 7, § 1, van de Antiracismewet, zoals ingevoegd bij de wet van 10 mei 2007, bepaalt dienaangaande :

« Elk direct onderscheid op grond van een zogenaamd ras, huidskleur, afkomst of nationale of etnische afstamming, vormt een directe discriminatie, behalve in de gevallen bepaald in de artikelen 8, 10 en 11 ».

B.24.2. Volgens artikel 8, § 1, van de Antiracismewet, zoals ingevoegd bij de wet van 10 mei 2007, kan een direct onderscheid op grond van een zogenaamd ras, huidskleur, afkomst of nationale of etnische afstamming, op het vlak van de arbeidsbetrekkingen enkel worden gerechtvaardigd op basis van een wezenlijke en bepalende beroepsvereiste.

Het begrip « wezenlijke en bepalende beroepsvereiste » wordt nader omschreven in artikel 8, § 2, dat bepaalt :

« Van een wezenlijke en bepalende beroepsvereiste kan slechts sprake zijn wanneer :

- een bepaald kenmerk, dat verband houdt met een zogenaamd ras, huidskleur, afkomst of nationale of etnische afstamming, vanwege de aard van de betrokken specifieke beroepsactiviteiten of de context waarin deze worden uitgevoerd, wezenlijk en bepalend is, en;

- het vereiste berust op een legitieme doelstelling en evenredig is ten aanzien van deze nagestreefde doelstelling ».

B.24.3. Volgens de parlementaire voorbereiding van de wet van 10 mei 2007 kan « een kenmerk dat verband houdt met een beschermd criterium [...] als een wezenlijke en bepalende beroepsvereiste worden beschouwd (1) vanwege de *aard* van de betrokken specifieke beroepsactiviteiten en (2) vanwege de *context* waarin de betrokken specifieke beroepsactiviteiten worden uitgevoerd » (*Parl. St.*, Kamer, 2006-2007, DOC 51-2720/001, p. 49). Bovendien vermeldt die parlementaire voorbereiding het volgende :

« De regel van de wezenlijke en bepalende beroepsvereisten dient als uitzonderingsregel zorgvuldig te worden gehanteerd en mag alleen gebruikt worden voor die beroepsvereisten die strikt noodzakelijk zijn om de activiteiten in kwestie uit te oefenen. Het voorontwerp vereist - in lijn met de Europese richtlijnen - dat het moet gaan om specifieke beroepsactiviteiten. Dit betekent dat de noodzaak tot het stellen van het vereiste steeds afhankelijk dient te zijn van de concrete activiteiten die door een (aan te werven) werknemer zullen worden verricht. Als het gevraagde criterium voor een bepaalde categorie van werknemers in sommige gevallen noodzakelijk is en in sommige gevallen niet, kan het criterium niet per definitie opgelegd worden aan de volledige categorie van werknemers » (*ibid.*, p. 49).

Hieruit blijkt dat de wetgever met het begrip « wezenlijke en bepalende beroepsvereiste » bedoelt dat dient te worden nagegaan of een onderscheid op een van de in artikel 8 van de Antiracismewet, zoals ingevoegd bij de wet van 10 mei 2007, vermelde gronden, gelet op de aard van de beroepsactiviteit en de context, noodzakelijk is voor de arbeidsbetrekkingen.

B.24.4. Ook het feit dat de beroepsvereiste dient te berusten op een legitieme doelstelling en evenredig dient te zijn ten aanzien van die doelstelling wordt in de parlementaire voorbereiding nader omschreven :

« Als legitieme doelstelling voor het uitvaardigen van regels inzake wezenlijke en bepalende beroepsvereisten werden in het verleden onder meer reeds aanvaard :

- de bescherming van het privé-leven;

- het respect voor de gevoelens van de patiënt;

- de openbare veiligheid;

- de verzekering van de gevechtskracht.

Meer in het algemeen kunnen legitieme doelstellingen worden gevonden in de bescherming van grondrechten, en dus de culturele sfeer (bijvoorbeeld het vrijwaren van de artistieke vrijheid of vrijwaren van authenticiteit) of in de commerciële sfeer (bijvoorbeeld vrijwaren van reclame gericht op bepaalde doelgroepen) en in veiligheid (veiligheid in de onderneming; veiligheid van derden; de openbare veiligheid).

In een tweede fase dient gecontroleerd te worden of de wezenlijke en bepalende beroepsvereiste evenredig is aan de legitieme doelstelling. In lijn met het Europese recht houdt deze evenredigheidstoets een controle in op het passend en noodzakelijk karakter van het beroepsvereiste ten aanzien van de nagestreefde doelstelling (arrest *Johnston*, 222/84, 15 mei 1986, rechtsoverweging 38) » (*Parl. St.*, Kamer, 2006-2007, DOC 51-2720/001, pp. 49-50).

B.24.5. In zoverre de rechter dient na te gaan of een beroepsvereiste op een legitieme doelstelling berust en evenredig is ten aanzien van de nagestreefde doelstelling, verschilt die toetsing niet van de in artikel 7, § 2, neergelegde algemene rechtvaardigingsgrond, volgens welke een direct onderscheid een discriminatie vormt tenzij het wordt gerechtvaardigd door een legitiem doel en de middelen passend en noodzakelijk zijn voor dat doel.

B.24.6. Zoals in B.23.5 werd opgemerkt, blijkt uit de toevoeging van het woord « opzettelijk » in artikel 19 van de Antiracismewet, zoals ingevoegd bij de wet van 10 mei 2007, luidens welke onder « discriminatie » onder meer « elke vorm van opzettelijke directe discriminatie » dient te worden begrepen, ten slotte dat het om een opzettelijk misdrijf gaat. Het loutere feit dat de rechter zou oordelen dat een bepaald kenmerk geen wezenlijke of bepalende beroepsvereiste zou vormen, volstaat derhalve niet opdat er sprake kan zijn van een opzettelijke directe discriminatie. Daartoe dient allereerst te worden bewezen dat de beklaagde, op het ogenblik dat hij het betwiste verschil in behandeling heeft aangenomen, wist dat het niet om een wezenlijke of bepalende beroepsvereiste ging.

B.24.7. Uit wat voorafgaat blijkt dat de in artikel 8 van de Antiracismewet, zoals ingevoegd bij de wet van 10 mei 2007, aangewende criteria voldoende nauwkeurig, duidelijk en voorspelbaar zijn en dat die bepaling derhalve verenigbaar is met het strafrechtelijke wettigheidsbeginsel.

B.25.1. Overeenkomstig artikel 10, § 1, van de Antiracismewet, zoals ingevoegd bij de wet van 10 mei 2007, geeft een direct of indirect onderscheid op grond van een van de « beschermde criteria » nooit aanleiding tot de vaststelling van enige vorm van discriminatie wanneer dat directe of indirecte onderscheid een maatregel van positieve actie inhoudt.

B.25.2. Die bepaling voorziet aldus in een algemene rechtvaardigingsgrond, krachtens welke een onderscheid op grond van een « beschermd criterium » geen discriminatie uitmaakt.

B.25.3. Overeenkomstig artikel 10, § 2, van de Antiracismewet, zoals ingevoegd bij de wet van 10 mei 2007, kan een maatregel van positieve actie slechts worden genomen wanneer aan de volgende voorwaarden is voldaan :

« - er moet een kennelijke ongelijkheid zijn;

- het verdwijnen van deze ongelijkheid moet worden aangewezen als een te bevorderen doelstelling;

- de maatregel van positieve actie moet van tijdelijke aard zijn en van die aard zijn dat hij verdwijnt zodra de beoogde doelstelling is bereikt;

- de maatregel van positieve actie mag de rechten van derden niet onnodig beperken ».

B.25.4. Overeenkomstig het bestreden artikel 10, § 3, dient de Koning de situaties waarin en de voorwaarden waarbij een maatregel van positieve actie kan worden genomen te bepalen. Dat optreden van de Koning werd als volgt verantwoord :

« Eén van de voorwaarden inzake rechtmatigheid waaraan het Arbitragehof positieve actie onderwerpt, is het feitelijke bestaan van een duidelijke ongelijkheid ten nadele van de ' doelgroep ' van positieve actie. Per definitie is een privé-actor die alleen handelt, niet in staat op macroscopisch vlak te oordelen of deze voorwaarde vervuld is. Daarom is de Regering van oordeel dat in elk van de drie wetten de toepassing van positieve actie onderworpen moet zijn aan een voorafgaande toestemming en reglementaire omkadering vanwege de Koning » (*Parl. St.*, Kamer, 2006-2007, DOC 51-2720/001, p. 23).

B.25.5. Uit wat voorafgaat blijkt dat een persoon die zich ter rechtvaardiging van een direct of indirect onderscheid op de in artikel 10 bepaalde algemene rechtvaardigingsgrond wil beroepen, weet aan welke voorwaarden hij moet voldoen. Of er al dan niet sprake is van een kennelijke ongelijkheid zal immers genoegzaam blijken uit het koninklijk besluit dat de situaties bepaalt waarin een maatregel van positieve actie kan worden genomen. Hetzelfde geldt wat de termijn betreft gedurende welke die maatregel kan worden genomen. In zoverre dient te worden nagegaan of de maatregel van positieve actie een legitiem doel (het verdwijnen van een kennelijke ongelijkheid) heeft en andermans rechten niet onnodig beperkt, verschilt die toetsing in wezen niet van de in artikel 7, § 2, neergelegde rechtvaardigingsgrond.

B.25.6. Bijgevolg is de in artikel 10 bepaalde rechtvaardigingsgrond voldoende nauwkeurig, duidelijk en voorspelbaar en dus verenigbaar met het strafrechtelijke wettigheidsbeginsel.

B.26.1. Overeenkomstig artikel 11, § 1, van de Antiracismewet, zoals ingevoegd bij de wet van 10 mei 2007, geeft een direct of indirect onderscheid op grond van een van de « beschermde criteria » nooit aanleiding tot de vaststelling van een discriminatie verboden door die wet, wanneer dat onderscheid wordt opgelegd door of krachtens een wet.

B.26.2. Die uitzondering werd als volgt verantwoord :

« Dit artikel verhindert conflicten tussen deze wet en andere overheidsmaatregelen die onderscheid op grond van de beschermde criteria opleggen. Krachtens dit artikel begaat een persoon geen door de wet verboden discriminatie, wanneer deze persoon handelt in overeenstemming met de regelgeving die onderscheid op grond van de beschermde criteria organiseert.

Deze bepaling waarborgt de rechtszekerheid. Zij verhindert dat een burger een keuze dient te maken tussen de normen die hij dient na te leven (het voorontwerp of de wet die onderscheid organiseert) » (*Parl. St.*, Kamer, 2006-2007, DOC 51-2720/001, pp. 52-53).

B.26.3. Artikel 11, § 2, van de Antiracismewet, zoals ingevoegd bij de wet van 10 mei 2007, bepaalt dat paragraaf 1 van die bepaling geen uitspraak doet over de bestaanbaarheid van een direct of indirect onderscheid dat door of krachtens een wet wordt opgelegd, met de Grondwet, het recht van de Europese Unie en het in België geldende internationale recht. Zo vermag het slachtoffer van een vermeende discriminatie het Hof te vragen de wet die het onderscheid oplegt te toetsen aan het grondwettelijke beginsel van gelijkheid en niet-discriminatie (*Parl. St.*, Kamer, 2006-2007, DOC 51-2720/001, p. 53).

B.26.4. Zolang evenwel de wet die het onderscheid oplegt van kracht is, biedt zulks een voldoende rechtvaardiging voor dat onderscheid.

De in artikel 11 bepaalde rechtvaardigingsgrond is voldoende nauwkeurig, duidelijk en voorspelbaar en dus verenigbaar met het strafrechtelijke wettigheidsbeginsel.

B.27. Aldus dient te worden besloten dat de rechtvaardigingsgronden in titel II, waarnaar wordt verwezen in de definitie van het begrip « opzettelijke directe discriminatie » en die een essentieel bestanddeel uitmaken van dat begrip, voldoende nauwkeurig, duidelijk en voorspelbaar zijn. Bijgevolg schendt het begrip « opzettelijke directe discriminatie » het wettigheidsbeginsel in strafzaken niet.

I.B.2. Het begrip « opzettelijke indirecte discriminatie »

B.28.1. « Indirecte discriminatie » wordt in artikel 4, 9°, van de Antiracismewet, zoals ingevoegd bij de wet van 10 mei 2007, gedefinieerd als een « indirect onderscheid op grond van een beschermd criterium dat niet gerechtvaardigd kan worden op grond van de bepalingen van titel II ».

Een « indirect onderscheid » is « de situatie die zich voordoet wanneer een ogenschijnlijk neutrale bepaling, maatstaf of handelwijze personen gekenmerkt door een bepaald beschermd criterium, in vergelijking met andere personen bijzonder kan benadelen » (artikel 4, 8°, van de Antiracismewet, zoals ingevoegd bij de wet van 10 mei 2007).

B.28.2. De rechtvaardigingsgronden in titel II waarnaar wordt verwezen in de voormelde definitie van het begrip « indirecte discriminatie » en die een indirect onderscheid op grond van een van de door die wet « beschermde criteria » rechtvaardigen, zijn vermeld in artikel 9 van de Antiracismewet, zoals ingevoegd bij de wet van 10 mei 2007. De algemene rechtvaardigingsgronden bepaald in de artikelen 10 en 11 van die wet gelden zowel ten aanzien van een direct als van een indirect onderscheid op grond van een van de « beschermde criteria ».

In zoverre er luidens artikel 4, 9°, van de Antiracismewet sprake is van indirecte discriminatie wanneer een indirect onderscheid op grond van een « beschermd criterium » niet gerechtvaardigd is op grond van de bepalingen van titel II van die wet, maken de in die titel vermelde rechtvaardigingsgronden derhalve een essentieel bestanddeel uit van het begrip indirecte discriminatie.

B.29.1. Artikel 9 van de Antiracismewet, zoals ingevoegd bij de wet van 10 mei 2007, bepaalt :

« Elk indirect onderscheid op grond van een van de beschermde criteria vormt een indirecte discriminatie, tenzij de ogenschijnlijk neutrale bepaling, maatstaf of handelwijze die aan de grondslag ligt van het indirecte onderscheid objectief wordt gerechtvaardigd door een legitiem doel en de middelen voor het bereiken van dat doel passend en noodzakelijk zijn ».

B.29.2. Uit de parlementaire voorbereiding van de wet van 10 mei 2007 blijkt dat de strafbaarstelling van opzettelijke indirecte discriminatie beoogt te vermijden dat een ogenschijnlijk neutraal criterium wordt gehanteerd teneinde het verbod op directe discriminatie te omzeilen (*Parl. St.*, Kamer, 2006-2007, DOC 51-2720/001, pp. 41 en 60).

B.29.3. De wetgever beoogde tevens tegemoet te komen aan het arrest nr. 157/2004 van 6 oktober 2004, waarin het Hof het volgende oordeelde :

« B.54. Volgens artikel 2, § 2, van de wet is ' er [...] sprake van indirecte discriminatie wanneer een ogenschijnlijk neutrale bepaling, maatstaf of handelwijze als dusdanig een schadelijke weerslag heeft op personen op wie een van de in § 1 genoemde discriminatiegronden van toepassing is, tenzij die bepaling, maatstaf of handelwijze objectief en redelijkerwijze wordt gerechtvaardigd '.

B.55. Ook al voegt de verwijzing naar het feit dat die bepaling, maatstaf of handelwijze ' objectief en redelijkerwijze wordt gerechtvaardigd ' niets toe aan de definitie van het begrip ' discriminatie ' vermeld in B.35, toch is het moeilijk denkbaar op welke manier opzettelijk zou kunnen worden aangezet tot een ' ogenschijnlijk neutrale handelwijze ', of tot een daad waarvan de discriminerende aard alleen tot uiting komt door de ' schadelijke weerslag ' ervan. Zulk een definitie bevat een vaag element dat niet verhindert dat een burgerrechtelijke maatregel kan worden genomen tegen indirecte discriminatie, maar dat niet verenigbaar is met de vereiste van voorzienbaarheid die inherent is aan de strafwet.

B.56. De strafbaarstelling die bij artikel 6, § 1, eerste streepje, is gecreëerd, voldoet bijgevolg enkel aan het wettigheidsbeginsel in strafzaken indien zij in die zin wordt geïnterpreteerd dat zij alleen betrekking heeft op het opzettelijk aanzetten tot directe discriminatie ».

Om dat bezwaar te verhelpen, spreekt de voormelde definitie van het begrip « indirect onderscheid », waarnaar de definitie van het begrip « indirecte discriminatie » verwijst, van een ogenschijnlijk neutrale bepaling, maatstaf of handelwijze die personen gekenmerkt door een bepaald « beschermd criterium », in vergelijking met andere personen bijzonder kan benadelen. In de parlementaire voorbereiding wordt hieromtrent het volgende overwogen :

« Met deze Europese definitie (die is overgenomen in de drie voorgestelde wetten) die indirecte discriminatie meet aan een resultaat dat zich daadwerkelijk voordoet of *waarvan men denkt dat het zich waarschijnlijk zal voordoen in functie van de gewone ervaring*, [wordt] het perfect denkbaar dat een indirecte discriminatie ' anticipeerbaar ' is en dus ' opzettelijk ' wordt begaan door de dader » (*Parl. St.*, Kamer, 2006-2007, DOC 51-2720/001, p. 30).

In antwoord op de vraag hoe indirecte discriminatie opzettelijk kan zijn, antwoordde de minister, met verwijzing naar de rechtspraak van het Hof van Justitie van de Europese Gemeenschappen, het volgende :

« Om de ter bespreking voorliggende wetsontwerpen op dat punt volkomen af te stemmen op de vereisten van het communautair recht, definiëren zij indirecte discriminatie als ' de situatie waarin een ogenschijnlijk neutrale bepaling, maatstaf of handelswijze personen met een bepaald beschermd criterium in vergelijking met andere personen bijzonder kan benadelen ', en wel op voorwaarde dat een soortgelijke praktijk niet mag stoelen op één van de bij elk van de drie wetsontwerpen bepaalde rechtvaardigingsgronden.

Die definitie verwoordt dus het begrip ' indirecte discriminatie ' met verwijzing naar een feit dat zich daadwerkelijk heeft voorgedaan, en dat achteraf wordt vastgesteld, dan wel met verwijzing naar een feit waarvan redelijkerwijs *a priori* mag worden aangenomen dat het zich zou kunnen voordoen, op grond van de gemeenschappelijke ervaring. Uit dat laatste oogpunt is het dus volkomen denkbaar dat indirecte discriminatie ' anticipeerbaar ' kan zijn, en derhalve met opzet kan worden begaan door de persoon die ze toepast. Zulks geldt tevens voor het aanzetten tot een soortgelijke vorm van discriminatie » (*Parl. St.*, Kamer, 2006-2007, DOC 51-2720/009, pp. 45-46).

B.29.4. Uit het voorgaande blijkt dat er enkel sprake kan zijn van « opzettelijke indirecte discriminatie » wanneer allereerst een andere grond van onderscheid wordt gehanteerd dan nationaliteit, een zogenaamd ras, huidskleur, afkomst of nationale of etnische afstamming, maar die personen gekenmerkt door een van de in de bestreden wet vermelde gronden bijzonder kan benadelen. Vervolgens dient die grond te worden gehanteerd teneinde een onderscheid op een van de in de bestreden wet vermelde gronden te maken zonder dat hiervoor een objectieve en redelijke verantwoording bestaat. Ten slotte dient het opzettelijk karakter te worden aangetoond (*Parl. St.*, Kamer, 2006-2007, DOC 51-2720/009, p. 114).

Het volstaat derhalve niet dat een bepaling, maatstaf of handelwijze een categorie van personen gekenmerkt door een in de bestreden wet vermelde grond bijzonder kan benadelen. Er dient ook te worden aangetoond dat de auteur van die bepaling, maatstaf of handelwijze op het ogenblik dat hij ze heeft gesteld of aangenomen, wist dat die categorie van personen hierdoor zou worden benadeeld zonder dat hiervoor een redelijke verantwoording bestond en dat hij dat nadeel ook heeft gewild. Met toepassing van de algemene strafrechtelijke beginselen is het aan de vervolgende partij om hiervan het bewijs te leveren, waarbij elke twijfel in het voordeel is van de beklaagde.

B.29.5. Onder voorbehoud van die interpretatie is de in artikel 9 vermelde rechtvaardigingsgrond voldoende nauwkeurig, duidelijk en voorspelbaar en dus verenigbaar met het strafrechtelijke wettigheidsbeginsel.

B.30. Vermits een indirect onderscheid op basis van een van de in de bestreden wet vermelde gronden eveneens kan worden gerechtvaardigd op basis van de algemene rechtvaardigingsgronden bepaald in de artikelen 10 en 11 van de Antiracismewet, zijn die rechtvaardigingsgronden om de in B.25 en B.26 vermelde redenen verenigbaar met het strafrechtelijke wettigheidsbeginsel.

B.31. De rechtvaardigingsgronden in titel II, waarnaar wordt verwezen in de definitie van het begrip « opzettelijke indirecte discriminatie » en die een essentieel bestanddeel uitmaken van dat begrip, zijn voldoende nauwkeurig, duidelijk en voorspelbaar. Bijgevolg schendt het begrip « opzettelijke indirecte discriminatie » het wettigheidsbeginsel in strafzaken niet.

I.B.3. Het begrip « opdracht tot discrimineren »

B.32.1. Artikel 4, 12°, van de Antiracismewet, zoals ingevoegd bij de wet van 10 mei 2007, omschrijft het begrip « opdracht tot discrimineren » als volgt :

« elke handelwijze die er in bestaat wie ook opdracht te geven een persoon, een groep, een gemeenschap of een van hun leden te discrimineren op grond van één van de beschermde criteria ».

B.32.2. Uit de parlementaire voorbereiding blijkt dat het verbod om een opdracht te geven tot discriminatie beoogt « te verhinderen dat men door het gebruik van tussenpersonen tracht te ontsnappen aan het verbod op discriminatie » (*Parl. St.*, Kamer, 2006-2007, DOC 51-2720/009, p. 42). De minister haalde het volgende voorbeeld aan :

« Het kan gebeuren dat een kandidaat-huurder wordt afgewezen door een immobiliënmakelaar op grond van discriminatoire criteria voor de huur van een onroerend goed waarvoor de makelaar optreedt als bemiddelaar; de immobiliënmakelaar ontkomt dan niet aan zijn aansprakelijkheid zoals die wordt bepaald door de wetsontwerpen, door aan te geven dat hij handelde in uitdrukkelijke opdracht van de eigenaar. [...] Wanneer de immobiliënmakelaar echter aantoont dat hij effectief handelde in uitdrukkelijke opdracht van de eigenaar, zal ook de eigenaar kunnen worden aangesproken door de kandidaat-huurder omwille van een autonome schending van de wet, met name van het verbod tot opdracht tot discrimineren » (*ibid.*, pp. 42-43).

B.32.3. Uit het voorgaande blijkt dat, bij de persoon die opdracht geeft tot discrimineren, opzet is vereist. Hij dient namelijk te weten dat het onderscheid dat een andere persoon in zijn opdracht maakt, niet objectief en redelijk is verantwoord. De bewijslast van dat opzettelijke element rust op de eiser (*ibid.*, p. 47).

B.32.4. Het begrip « opdracht tot discrimineren » is voldoende nauwkeurig, duidelijk en voorspelbaar en dus verenigbaar met het strafrechtelijke wettigheidsbeginsel.

I.B.4. Het begrip « intimidatie »

B.33.1. Artikel 4, 10°, van de Antiracismewet, zoals ingevoegd bij de wet van 10 mei 2007, definieert het begrip « intimidatie » als volgt :

« ongewenst gedrag dat met een van de beschermde criteria verband houdt, en tot doel of gevolg heeft dat de waardigheid van de persoon wordt aangetast en een bedreigende, vijandige, beledigende, vernederende of kwetsende omgeving wordt gecreëerd ».

Uit die definitie blijkt dat ongewenst gedrag strafbaar is voor zover aan drie voorwaarden is voldaan : (1) het dient verband te houden met « beschermde criteria », (2) het dient tot doel of gevolg te hebben dat de waardigheid van de persoon wordt aangetast en (3) het dient een bedreigende, vijandige, beledigende, vernederende of kwetsende omgeving te creëren.

B.33.2. In de parlementaire voorbereiding van de bestreden wet wordt aangegeven dat onder meer de definitie van « intimidatie » (in het Frans : *harcèlement*) is ontleend aan het gemeenschapsrecht (*Parl. St.*, Kamer, 2006-2007, DOC 51-2720/001, pp. 14 en 22; DOC 51-2720/009, pp. 14 en 18; Senaat, 2006-2007, nr. 3-2362/3, pp. 9 en 12). Dezelfde termen komen immers voor in artikel 2, lid 3, van de richtlijn 2000/43/EG van de Raad van 29 juni 2000 houdende toepassing van het beginsel van gelijke behandeling van personen ongeacht ras of etnische afstamming en in artikel 2, lid 3, van de richtlijn 2000/78/EG van de Raad van 20 november 2000 tot instelling van een algemeen kader voor gelijke behandeling in arbeid en beroep. Artikel 2, lid 3, van de voormelde richtlijn 2000/43/EG bepaalt :

« Intimidatie [in het Frans : *harcèlement*; in het Engels : *harassment*] wordt als discriminatie in de zin van lid 1 beschouwd als er sprake is van ongewenst gedrag dat met ras of etnische afstamming verband houdt, en tot doel of gevolg heeft dat de waardigheid van een persoon wordt aangetast en een bedreigende, vijandige, beledigende, vernederende of kwetsende omgeving wordt gecreëerd. Het begrip intimidatie kan in dit verband worden gedefinieerd in overeenstemming met de nationale wetgeving en praktijken van de lidstaten ».

In zijn gewone betekenis, verwijst het begrip « intimidatie » in de zin van « belaging » naar het onrechtmatige gedrag, met name door vernederingen en bedreigingen, dat een persoon arglistig en herhaaldelijk aanneemt ten aanzien van een andere persoon, om die te destabiliseren.

B.33.3. Het begrip aantasting van de persoonlijke waardigheid of van de menselijke waardigheid is een begrip dat reeds is aangewend zowel door de Grondwetgever (artikel 23 van de Grondwet) en de wetgever (artikelen 136*quater*, 433*quinquies* en 433*decies* van het Strafwetboek; artikelen 1675/3, derde lid, 1675/10, § 4, eerste lid, 1675/12, § 2, eerste lid, en 1675/13, § 6, van het Gerechtelijk Wetboek; artikel 2 van de wet van 2 juni 1998 houdende oprichting van een Informatie- en Adviescentrum inzake de schadelijke sektarische organisaties en van een Administratieve coördinatiecel inzake de strijd tegen schadelijke sektarische organisaties; artikel 5 van de basiswet van 12 januari 2005 betreffende het gevangeniswezen en de rechtspositie van de gedetineerden; artikel 3 van de wet van 12 januari 2007 betreffende de opvang van asielzoekers en van bepaalde andere categorieën van vreemdelingen) als door de rechtspraak (zie Cass., 23 maart 2004, *Arr. Cass.*, 2004, nr. 165, en 8 november 2005, *Arr. Cass.*, 2005, nr. 576).

B.33.4. Doordat artikel 4, 10°, van de bestreden wet bepaalt dat « intimidatie » in de zin van « belaging » een gedrag is dat de erin aangegeven elementen tot doel of gevolg heeft, geeft het ten slotte niet aan dat dat gedrag zou kunnen worden bestraft indien het als gevolg heeft dat een bedreigende, vijandige, beledigende, vernederende of kwetsende omgeving zou worden gecreëerd, zelfs indien zulks niet de bedoeling was. Het is immers moeilijk denkbaar dat een dergelijk gedrag door de dader niet wetens en willens kan zijn aangenomen.

B.33.5. Onder voorbehoud van die interpretatie is het begrip « intimidatie » in de zin van « belaging » voldoende nauwkeurig, duidelijk en voorspelbaar en is het bijgevolg bestaanbaar met het strafrechtelijke wettigheidsbeginsel.

B.34. Het eerste middel in de zaak nr. 4312 is niet gegrond.

I.C. De aangevoerde schending van het strafrechtelijke wettigheidsbeginsel door het begrip « segregatie » in artikel 20, 3°, van de wet

B.35. Volgens artikel 20, 3°, van de Antiracismewet, zoals ingevoegd bij de wet van 10 mei 2007, is strafbaar

« hij die in een van de in artikel 444 van het Strafwetboek bedoelde omstandigheden aanzet tot discriminatie of tot segregatie jegens een groep, een gemeenschap of de leden ervan, wegens een van de beschermde criteria, en dit, zelfs buiten de in artikel 5 bedoelde domeinen ».

B.36.1. Aangezien de term « segregatie » niet wordt gedefinieerd in de bestreden wet, dient hij te worden geïnterpreteerd in de gangbare betekenis ervan, namelijk sociale scheiding van bevolkingsgroepen in een land met gemengde bevolking.

B.36.2. Reeds vóór de wijziging ervan bij de bestreden wet, maakte de Antiracismewet gebruik van het begrip « segregatie ». De rechtspraak die betrekking had op dat begrip, heeft de term in de hierboven aangehaalde, gangbare, betekenis geïnterpreteerd.

Het concept komt overigens eveneens voor in het Internationaal Verdrag inzake de uitbanning van alle vormen van rassendiscriminatie.

B.36.3. Ook tijdens de parlementaire voorbereiding van de bestreden wet werd de term toegelicht in de hierboven aangehaalde betekenis. Op vraag van een parlementslid wat het begrip segregatie kan toevoegen aan het begrip discriminatie, antwoordde de bevoegde minister « dat segregatie een gescheiden maar gelijke behandeling inhoudt van groepen, bijvoorbeeld op grond van geslacht of ras ».

Hij voegde daaraan toe :

« Het vermelden van dit begrip vormt een reactie tegen de ' *separate but equal*-theorie ' die geruime tijd heeft geheerst in het Amerikaanse Hooggerechtshof, waarbij werd geoordeeld dat een gescheiden behandeling van mensen op grond van huidskleur of ras geen discriminatie vormt voorzover de behandeling gelijk is. Uiteraard is deze theorie vandaag niet meer van kracht. Segregatie wordt als een vorm van discriminatie beschouwd. Het verschil is dat discriminatie in het verleden in principe een verschil in behandeling veronderstelde. In het kader van de voorliggende ontwerpen wordt gesproken van ongunstige behandeling en omvat discriminatie dus eveneens segregatie » (*Parl. St.*, Senaat, 2006-2007, nr. 3-2362/3, p. 32).

B.36.4. Uit die parlementaire voorbereiding blijkt dat de wetgever, hoewel hij van oordeel is dat een gescheiden maar gelijke behandeling van personen op grond van huidskleur of ras eveneens als een discriminatie dient te worden beschouwd, het aangewezen heeft geacht het begrip segregatie in de bestreden bepaling toe te voegen, om op dat vlak elke betwisting te voorkomen.

B.37. Het begrip « segregatie » is voldoende nauwkeurig, duidelijk en voorspelbaar en dus verenigbaar met het strafrechtelijke wettigheidsbeginsel.

B.38. Het tweede middel in de zaak nr. 4312 is niet gegrond.

I.D. De aangevoerde schending van het strafrechtelijke wettigheidsbeginsel door het in artikel 22 van de Antiracismewet omschreven misdrijf

B.39. Artikel 22 van de Antiracismewet, zoals ingevoegd bij de wet van 10 mei 2007, bepaalt :

« Met gevangenisstraf van een maand tot een jaar en met geldboete van vijftig euro tot duizend euro of met een van die straffen alleen wordt gestraft, hij die behoort tot een groep of tot een vereniging die kennelijk en herhaaldelijk discriminatie of segregatie wegens een van de beschermde criteria verkondigt in de in artikel 444 van het Strafwetboek bedoelde omstandigheden, dan wel aan zodanige groep of vereniging zijn medewerking verleent ».

B.40. De verzoekende partijen in de zaak nr. 4312 bekritiseren die bepaling, in zoverre de erin gehanteerde termen « discriminatie », « segregatie », « verkondigen », « kennelijk en herhaaldelijk » en « behoren tot of zijn medewerking verlenen aan » te vaag zouden zijn om in een strafrechtelijke bepaling te worden gebruikt.

B.41. Uit de parlementaire voorbereiding blijkt dat de wetgever met de bestreden bepaling de bedoeling had het vroegere artikel 3 van de Antiracismewet van 30 juli 1981 over te nemen (*Parl. St.*, Kamer, 2006-2007, DOC 51-2720/001, p. 61). Uit diezelfde voorbereiding blijkt eveneens dat hij aan de in de bestreden bepaling gehanteerde termen, behoudens uitdrukkelijk anders geregeld, dezelfde draagwijdte heeft willen verlenen als de in het vroegere artikel 3 van de Antiracismewet voorkomende termen, zoals geïnterpreteerd door de rechtspraak (*Parl. St.*, Senaat, 2006-2007, nr. 3-2362/3, p. 33).

B.42.1. Met betrekking tot de term « verkondigen » vermeldt de parlementaire voorbereiding :

« [Een lid] vraagt of het woord ' verkondigen ' gebruikt in artikel 22 dezelfde betekenis heeft als de woorden ' aanzetten tot ' gebruikt in artikel 20.

De minister bevestigt dit. Het verschillend woordgebruik is toe te schrijven aan het feit dat het wetsontwerp *grosso modo* de terminologie van de Conventie van 1965 en letterlijk die van artikel 3 van de wet van 1981 overneemt » (*Parl. St.*, Senaat, 2006-2007, nr. 3-2362/3, p. 33).

B.42.2. De wetgever heeft derhalve aan de term « verkondigen » dezelfde draagwijdte willen verlenen als aan de in artikel 20 van de Antiracismewet, zoals ingevoegd bij de wet van 10 mei 2007, gehanteerde term « aanzetten tot ».

B.42.3. Uit de parlementaire voorbereiding van de Antiracismewet, zoals die van kracht was vóór de wijziging ervan bij de wet van 10 mei 2007, blijkt dat de in het vroegere artikel 3 gehanteerde term « verkondigen » eveneens diende te worden opgevat als « aanzetten tot ». Tijdens die voorbereiding verklaarde de minister immers :

« Artikel 3 moet worden gezien in samenhang met de artikelen 1 en 2, waarvan het een verlengstuk vormt.

Artikel 1 beteugelt immers het aanzetten tot discriminatie, rassenscheiding, haat of geweld wegens ras, huidskleur, afkomst of nationale of ethnische afstamming, terwijl artikel 2 de daden bestraft welke op grond van die criteria discriminerend zijn. Het is noodzakelijk eveneens de deelneming te ontmoedigen aan verenigingen die de in de artikelen 1 en 2 beteugelde daden bedrijven en propageren. Dankzij dit procédé zullen die verenigingen geleidelijk worden uitgeroeid en zullen zij, bij gebrek aan leden, ophouden te bestaan » (*Parl. St.*, Kamer, B.Z. 1979, nr. 214/9, p. 27).

Enkele parlementsleden merkten op dat het woord « verkondigen » op een inzet wijst die verder reikt dan de eenvoudige uiting van een mening :

« Dat woord moet worden verstaan in de context van artikel 1 en van het gehele ontwerp.

De verenigingen die bedoeld worden, zijn die welke ' openlijk en herhaaldelijk ' haat, geweld en rassendiscriminatie voorstaan. Het zijn verenigingen die racistische propaganda voeren.

Volgens die leden heeft ' verkondigen ' dus dezelfde betekenis als ' aanzetten ', ' bevorderen ' » (*Parl. St.*, Senaat, 1980-1981, nr. 594/2, p. 20).

Die interpretatie werd bovendien bevestigd in de rechtspraak.

B.42.4. Uit het voorgaande volgt dat de in de desbetreffende strafbaarstelling gehanteerde term « verkondigen » steeds de betekenis heeft gehad van « aanzetten tot », « aansporen om iets te doen », « opzetten, aanstoken ».

In die context kan niet staande worden gehouden dat de term onvoldoende nauwkeurig, duidelijk en voorspelbaar zou zijn.

B.43.1. In de parlementaire voorbereiding van de Antiracismewet, zoals die van kracht was vóór de inwerkingtreding van de bestreden wet, werd over de in het vroegere artikel 3 gehanteerde termen « kennelijk en herhaaldelijk » het volgende gesteld :

« [De minister] wijst er ook op dat de groep of vereniging rassendiscriminatie of rassenscheiding kennelijk en herhaaldelijk moet propageren of bedrijven. Aldus wordt uitgesloten dat wegens het kennelijk en herhaaldelijk karakter van de daden personen te goeder trouw misleid worden of de houding van de groep en de vereniging niet kennen of dat zij ertoe blijven behoren, niettegenstaande de houding van de groep of vereniging. De wil om tot die groepen of verenigingen te behoren, kan dus niet langer in twijfel worden getrokken.

Het subamendement stelt voortaan elke medewerking met zulk een groep of vereniging ook strafbaar » (*Parl. St.*, Senaat, B.Z. 1979, nr. 214/9, p. 36).

B.43.2. Uit het voorgaande volgt dat de wetgever met de termen « kennelijk en herhaaldelijk » heeft willen bereiken dat van het in de bestreden bepaling omschreven misdrijf slechts sprake kan zijn wanneer het voor de beklaagde zonder meer duidelijk is dat de bedoelde groep of vereniging zich meerdere malen schuldig heeft gemaakt aan het aanzetten tot discriminatie of segregatie op een van de in de bestreden wet vermelde gronden.

B.43.3. In zijn arrest van 9 november 2004 heeft het Hof van Cassatie die interpretatie van de in het vroegere artikel 3 van de Antiracismewet vervatte termen « kennelijk en herhaaldelijk » als volgt bevestigd :

« Dat het aldus om ongelijke behandelingen door de vereniging of de groep moet gaan waarvan het voor de beklaagde zonder meer duidelijk is dat zij niet voor een objectieve en redelijke rechtvaardiging vatbaar zijn, hetzij wegens de aard zelf van de behandeling, hetzij op grond van de bestaande rechtspraak, en welke ongelijke behandelingen bijgevolg geen nadere legitimiteits- en proportionaliteitstoets door de rechter behoeven » (Cass., 9 november 2004, *Arr. Cass.*, 2004, nr. 539).

Het Hof van Cassatie heeft daarbij gespecificeerd dat het niet is vereist dat de groep of de vereniging « werd of wordt vervolgd, persoonlijk schuldig geacht of veroordeeld » (*ibid.*).

B.43.4. In zoverre de bedoelde vereniging of groep herhaaldelijk aanzet tot een direct of een indirect onderscheid op grond van een van de « beschermde criteria », kan van het in de bestreden bepaling omschreven misdrijf bijgevolg slechts sprake zijn, wanneer het voor de beklaagde onmiddellijk duidelijk is dat dit onderscheid, hetzij wegens de aard zelf ervan, hetzij op grond van de bestaande rechtspraak, niet kan worden gerechtvaardigd overeenkomstig de bepalingen van de bestreden wet, die overigens, voor wat directe onderscheiden betreft, voorziet in een gesloten systeem van rechtvaardiging.

In die context kan niet staande worden gehouden dat de termen « kennelijk en herhaaldelijk » onvoldoende nauwkeurig, duidelijk en voorspelbaar zijn.

B.44.1. De termen « behoren tot » en « zijn medewerking verlenen aan » dienen te worden geïnterpreteerd in de gangbare betekenis ervan. De gebruikelijke betekenis van het werkwoord « behoren tot » een groep of een vereniging is « lid zijn van », « deel uitmaken van » die groep of vereniging. De gebruikelijke betekenis van het werkwoord « medewerking verlenen aan » een groep of vereniging is « behulpzaam zijn », « hulp bieden » bij de activiteiten van die groep of vereniging.

B.44.2. Wat het morele element betreft, vermeldt de parlementaire voorbereiding :

« Dit misdrijf vereist geen bijzonder opzet, algemeen opzet volstaat. Het volstaat dat de beklaagden wetens en willens behoren of hun medewerking verlenen aan een vereniging die kennelijk en herhaaldelijk een discriminatie of segregatie verkondigt in de omstandigheden genoemd in artikel 444 van het Strafwetboek (zie ook Cass. 9 november 2004) » (*Parl. St.*, Kamer, 2006-2007, DOC 51-2720/001, p. 61).

In het aangehaalde arrest van 9 november 2004 heeft het Hof van Cassatie over het vroegere artikel 3 van de Antiracismewet geoordeeld dat

« de rechter die moet oordelen over een strafvervolging op grond van artikel 3 Racismewet, [...] moet oordelen of het bewezen is dat :

1. [...]

2. de beklaagde wetens en willens tot deze groep of deze vereniging behoort of daaraan zijn medewerking verleent ». (Cass., 9 november 2004, *Arr. Cass.*, 2004, nr. 539).

B.44.3. Daaruit volgt dat de bestreden bepaling niet vereist dat de beklaagde zelf kennelijk en herhaaldelijk discriminatie of segregatie verkondigt, opdat hij strafbaar zou zijn. Het volstaat dat hij wetens en willens behoort tot of zijn medewerking verleent aan de desbetreffende groep of vereniging. Zoals is vermeld in B.43, vereist de bestreden bepaling door het gebruik van de woorden « kennelijk en herhaaldelijk », echter wel dat het voor de persoon die behoort tot of zijn medewerking verleent aan de bedoelde groep of vereniging, zonder meer duidelijk is dat die groep of vereniging discriminatie of segregatie op een van de in de bestreden wet vermelde gronden verkondigt.

In die context kan niet staande worden gehouden dat de termen « behoren tot of zijn medewerking verlenen aan » onvoldoende nauwkeurig, duidelijk en voorspelbaar zijn.

B.45. Om dezelfde redenen als aangegeven in B.19 tot B.37, zijn de termen « discriminatie » en « segregatie » eveneens voldoende nauwkeurig, duidelijk en voorspelbaar om in een strafrechtelijke bepaling te worden gehanteerd.

B.46. Het zesde middel in de zaak nr. 4312 is, in zoverre het is afgeleid uit de schending van het strafrechtelijke wettigheidsbeginsel, niet gegrond.

II. Wat betreft de middelen (of onderdelen ervan) afgeleid uit de schending van de vrijheid van meningsuiting, al dan niet in samenhang gelezen met het beginsel van gelijkheid en niet-discriminatie

B.47. Het derde en het vierde middel in de zaak nr. 4312 zijn gericht tegen artikel 20 van de Antiracismewet, zoals ingevoegd bij de wet van 10 mei 2007, dat het aanzetten tot discriminatie, segregatie, haat of geweld onder bepaalde voorwaarden strafbaar stelt. De verzoekende partijen voeren aan dat die bepaling niet bestaanbaar is met de artikelen 10, 11 en 19 van de Grondwet, doordat ze de vrijheid van meningsuiting op onverantwoorde wijze zou beperken. Het voormelde artikel 20 wordt eveneens bekritiseerd in zoverre die bepaling het aanzetten tot discriminatie, segregatie, haat of geweld strafbaar stelt, maar dat niet doet met betrekking tot de handelingen zelf die discriminatie, haat of geweld inhouden, wat afbreuk zou doen aan het gelijkheidsbeginsel, in samenhang gelezen met de vrijheid van meningsuiting.

Het vijfde middel in de zaak nr. 4312 en de twee middelen in de zaak nr. 4355 zijn gericht tegen artikel 21 van de Antiracismewet, zoals ingevoegd bij de wet van 10 mei 2007, dat het verspreiden van denkbeelden die zijn gegrond op rassuperioriteit of rassenhaat strafbaar stelt. Volgens de verzoekende partijen is die bepaling niet bestaanbaar met de vrijheid van meningsuiting. In het tweede middel in de zaak nr. 4355 voert de verzoekende partij eveneens aan dat het bestreden artikel niet bestaanbaar is met het beginsel van gelijkheid en niet-discriminatie, doordat die bepaling een niet te verantwoorden verschil in behandeling in het leven roept tussen personen die het slachtoffer zijn van discriminatoire uitlatingen, naar gelang van de discriminatiegrond waarop die uitlatingen zijn gebaseerd.

In het zesde middel in de zaak nr. 4312 voeren de verzoekende partijen ten slotte aan dat artikel 22 van de Antiracismewet, zoals ingevoegd bij de wet van 10 mei 2007, niet bestaanbaar is met de artikelen 10, 11 en 19 van de Grondwet, doordat die bepaling het behoren tot of het zijn medewerking verlenen aan een groep of een vereniging die kennelijk en herhaaldelijk discriminatie of segregatie verkondigt, strafbaar stelt, en aldus op discriminerende wijze afbreuk doet aan de vrijheid van meningsuiting.

II.A. De verhouding tussen de vrijheid van meningsuiting en het recht op bescherming tegen rassendiscriminatie in het algemeen

B.48.1. Artikel 19 van de Grondwet bepaalt :

« De vrijheid van eredienst, de vrije openbare uitoefening ervan, alsmede de vrijheid om op elk gebied zijn mening te uiten, zijn gewaarborgd, behoudens bestraffing van de misdrijven die ter gelegenheid van het gebruikmaken van die vrijheden worden gepleegd ».

B.48.2. Artikel 10 van het Europees Verdrag voor de rechten van de mens bepaalt :

« 1. Eenieder heeft recht op vrijheid van meningsuiting. Dit recht omvat de vrijheid een mening te koesteren en de vrijheid om inlichtingen of denkbeelden te ontvangen of door te geven, zonder inmenging van overheidswege en ongeacht grenzen. Dit artikel belet niet dat Staten radio-omroep-, bioscoop- of televisie-ondernemingen kunnen onderwerpen aan een systeem van vergunningen.

2. Daar de uitoefening van deze vrijheden plichten en verantwoordelijkheden met zich brengt, kan zij worden onderworpen aan bepaalde formaliteiten, voorwaarden, beperkingen of sancties, welke bij de wet worden voorzien en die in een democratische samenleving nodig zijn in het belang van 's lands veiligheid, de bescherming van de openbare orde en het voorkomen van strafbare feiten, de bescherming van de gezondheid of de goede zeden, de bescherming van de goede naam of de rechten van anderen om de verspreiding van vertrouwelijke mededelingen te voorkomen of om het gezag en de onpartijdigheid van de rechterlijke macht te waarborgen ».

B.49.1. De in die artikelen gewaarborgde vrijheid van meningsuiting is een van de pijlers van een democratische samenleving. Zij geldt niet alleen voor de « informatie » of de « ideeën » die gunstig worden onthaald of die als onschuldig of onverschillig worden beschouwd, maar ook voor die welke de Staat of een of andere groep van de bevolking « schokken, verontrusten of kwetsen ». Zo willen het het pluralisme, de verdraagzaamheid en de geest van openheid, zonder welke er geen democratische samenleving kan bestaan (EHRM, 7 december 1976, *Handyside* t. Verenigd Koninkrijk, § 49; 23 september 1998, *Lehideux en Isorni* t. Frankrijk, § 55; en 28 september 1999, *Öztürk* t. Turkije, § 64).

B.49.2. Niettemin brengt de uitoefening van de vrijheid van meningsuiting, zoals blijkt uit de bewoordingen van artikel 10.2 van het Europees Verdrag voor de rechten van de mens, bepaalde plichten en verantwoordelijkheden met zich mee (EHRM, 4 december 2003, *Gündüz* t. Turkije, § 37), onder meer de principiële plicht bepaalde grenzen « die meer bepaald de bescherming van de goede naam en de rechten van anderen nastreven » niet te overschrijden (EHRM, 24 februari 1997, *De Haes en Gijsels* t. België, § 37; 21 januari 1999, *Fressoz en Roire* t. Frankrijk, § 45; 15 juli 2003, *Ernst e.a.* t. België, § 92). De vrijheid van meningsuiting kan, krachtens artikel 10.2 van het Europees Verdrag voor de rechten van de mens, onder bepaalde voorwaarden worden onderworpen aan formaliteiten, voorwaarden, beperkingen of sancties, met het oog op, onder meer, de bescherming van de goede naam of de rechten van anderen.

Artikel 19 van de Grondwet verbiedt dat de vrijheid van meningsuiting aan preventieve beperkingen wordt onderworpen, maar niet dat misdrijven die ter gelegenheid van het gebruikmaken van die vrijheid worden gepleegd, worden bestraft.

B.49.3. Uit de rechtspraak van het Europees Hof en van de Europese Commissie voor de Rechten van de Mens blijkt bovendien dat haatdragende uitlatingen, in bepaalde omstandigheden en onder bepaalde voorwaarden, geen bescherming genieten onder artikel 10 van het Europees Verdrag voor de rechten van de mens (EHRM, 10 oktober 2000, *Ibrahim Aksoy* t. Turkije, § 63; 24 juni 2003, *Roger Garaudy* t. Frankrijk; 4 december 2003, *Gündüz* t. Turkije, § 41; ECRM, 11 oktober 1979, nrs. 8348/78 en 8406/78, *Glimmerveen en Hagenbeek* t. Nederland, *D.R.* 18, p. 187).

In het arrest *Gündüz* t. Turkije van 4 december 2003, stelde het Europees Hof bijvoorbeeld :

« Er bestaat overigens geen twijfel over dat concrete uitlatingen die een haatdiscours vormen, zoals het Hof heeft vastgesteld in de zaak *Jersild* t. Denemarken (arrest van 23 september 1994, reeks A. nr. 298, p. 25, § 35), en die voor individuen of groepen beledigend kunnen zijn, niet de bescherming van artikel 10 van het Verdrag genieten » (§ 41) (eigen vertaling).

In de ontvankelijkheidsbeslissing *Roger Garaudy* t. Frankrijk van 24 juni 2003 oordeelde het Europees Hof dat « het ontkennen of minimaliseren van de Holocaust » te beschouwen is als « een van de scherpste vormen van raciale laster en van het aanzetten tot haat jegens de joden » (p. 29). Volgens het Europees Hof

« brengen de ontkenning of de herziening van dergelijke historische feiten de waarden in het gedrang die ten grondslag liggen aan de strijd tegen racisme en antisemitisme en kunnen zij de openbare orde ernstig verstoren. Doordat zij andermans rechten schenden, zijn dergelijke handelingen niet verenigbaar met de democratie en de rechten van de mens, en de auteurs ervan streven zonder enige twijfel doelstellingen na die bij artikel 17 van het Verdrag zijn verboden » (*ibid.*) (eigen vertaling).

In een andere ontvankelijkheidsbeslissing luidde het oordeel van het Europees Hof als volgt :

« Te dezen bevatte de poster in kwestie een foto van de brandende *Twin Towers*, de woorden ' *Islam out of Britain - Protect the British People* ' en een symbool van een halvemaan en ster in een verbodsteken. Het Hof neemt kennis van en is het eens met de beoordeling van de nationale rechtscolleges dat de woorden en afbeeldingen op de poster neerkwamen op een openbare uiting van scherpe kritiek op alle moslims in het Verenigd Koninkrijk. Een dergelijke algemene, felle uitval naar een religieuze groep, waarbij de groep in haar geheel met een ernstige terreurdaad in verband wordt gebracht, is onbestaanbaar met de in het Verdrag verkondigde en gewaarborgde waarden, met name verdraagzaamheid, sociale vrede en niet-discriminatie. Het uitstallen van de poster door de verzoeker in zijn raam was een handeling in de zin van artikel 17 die, bijgevolg, niet de bescherming van de artikelen 10 of 14 genoot » (EHRM, 16 november 2004, *Norwood* t. Verenigd Koninkrijk) (eigen vertaling).

In nog een andere ontvankelijkheidsbeslissing besliste het Europees Hof :

« Te dezen schreef en publiceerde de verzoeker een reeks artikelen waarin de joden als de oorzaak van het kwaad in Rusland werden afgeschilderd. Hij beschuldigde een volledige etnische groep ervan een samenzwering te beramen tegen het Russische volk en schreef de joodse leiders de fascistische ideologie toe. Zowel in zijn publicaties als in zijn mondelinge opmerkingen tijdens de terechtzitting ontzegde hij de joden consequent het recht op nationale waardigheid door te beweren dat zij geen natie vormden. Het Hof twijfelt niet aan de uitgesproken antisemitische teneur van de standpunten van de verzoeker en is het eens met de beoordeling van de nationale rechtscolleges dat hij via zijn publicaties haat poogde op te wekken jegens het joodse volk. Een dergelijke algemene en felle uitval naar één etnische groep is in strijd met de onderliggende waarden van het Verdrag, met name verdraagzaamheid, sociale vrede en niet-discriminatie. Bijgevolg is het Hof van oordeel dat de verzoeker, krachtens artikel 17 van het Verdrag, de bij artikel 10 van het Verdrag geboden bescherming niet kan genieten » (EHRM, 20 februari 2007, *Ivanov* t. Rusland) (eigen vertaling).

Het in die beslissingen aangehaalde artikel 17 van het Europees Verdrag voor de rechten van de mens bepaalt :

« Geen der bepalingen van dit Verdrag mag worden uitgelegd als zou zij voor een Staat, een groep of een persoon het recht inhouden enige activiteit aan de dag te leggen of enige daad te verrichten welke ten doel heeft de rechten of vrijheden welke in dit Verdrag zijn vermeld te vernietigen of deze rechten en vrijheden meer te beperken dan bij dit Verdrag is voorzien ».

B.50. Uit het voorgaande volgt, enerzijds, dat bepaalde uitlatingen niet onder de bescherming van de vrijheid van meningsuiting vallen, en, anderzijds, dat beperkingen van de vrijheid van meningsuiting met het oog op de bescherming van de rechten van anderen, onder bepaalde voorwaarden aanvaardbaar zijn. Wat dit laatste betreft, moet eveneens rekening worden gehouden met het uit artikel 19 van de Grondwet voortvloeiende verbod van preventieve beperkingen.

B.51. Volgens artikel 3 van de Antiracismewet, zoals ingevoegd bij de wet van 10 mei 2007, heeft die wet tot doel een algemeen kader te creëren voor de bestrijding van discriminatie op grond van nationaliteit, een zogenaamd ras, huidskleur, afkomst of nationale of etnische afstamming.

B.52.1. Verschillende internationale verdragen bevatten bepalingen die beogen discriminaties op dergelijke gronden te bestrijden.

B.52.2. Artikel 14 van het Europees Verdrag voor de rechten van de mens bepaalt :

« Het genot van de rechten en vrijheden, welke in dit Verdrag zijn vermeld, is verzekerd zonder enig onderscheid op welke grond ook, zoals geslacht, ras, kleur, taal, godsdienst, politieke of andere overtuiging, nationale of maatschappelijke afkomst, het behoren tot een nationale minderheid, vermogen, geboorte of andere status ».

Artikel 20.2 van het Internationaal Verdrag inzake burgerrechten en politieke rechten bepaalt :

« Het propageren van op nationaliteit, ras of godsdienst gebaseerde haatgevoelens die aanzetten tot discriminatie, vijandigheid of geweld, is bij de wet verboden ».

Artikel 26 van dat Verdrag bepaalt :

« Allen zijn gelijk voor de wet en hebben zonder discriminatie aanspraak op gelijke bescherming door de wet. In dit verband verbiedt de wet discriminatie van welke aard ook en garandeert een ieder gelijke en doelmatige bescherming tegen discriminatie op welke grond ook, zoals ras, huidskleur, geslacht, taal, godsdienst, politieke of andere overtuiging, nationale of maatschappelijke afkomst, eigendom, geboorte of andere status ».

Krachtens artikel 13, lid 1, van het Verdrag tot oprichting van de Europese Gemeenschap kan de Raad passende maatregelen nemen om discriminatie op grond van geslacht, ras of etnische afstamming, godsdienst of overtuiging, handicap, leeftijd of seksuele geaardheid te bestrijden.

Uit de parlementaire voorbereiding van de bestreden wet (*Parl. St.*, Kamer, 2006-2007, DOC 51-2720/009, p. 39) blijkt dat, hoewel het niet door België is geratificeerd, rekening is gehouden met het Twaalfde Aanvullend Protocol bij het Europees Verdrag voor de rechten van de mens, waarvan artikel 1 bepaalt :

« Het genot van elk in de wet neergelegd recht moet worden verzekerd zonder enig onderscheid op welke grond dan ook, zoals geslacht, ras, kleur, taal, godsdienst, politieke of andere mening, nationale of maatschappelijke afkomst, het behoren tot een nationale minderheid, vermogen, geboorte of andere status ».

Hoewel het vooralsnog niet juridisch bindend is, werd eveneens rekening gehouden met het Handvest van de grondrechten van de Europese Unie, waarvan artikel 21 bepaalt :

« 1. Elke discriminatie, met name op grond van geslacht, ras, kleur, etnische of sociale afkomst, genetische kenmerken, taal, godsdienst of overtuigingen, politieke of andere denkbeelden, het behoren tot een nationale minderheid, vermogen, geboorte, een handicap, leeftijd of seksuele geaardheid, is verboden.

2. Binnen de werkingssfeer van de Verdragen en onverminderd de bijzondere bepalingen ervan, is iedere discriminatie op grond van nationaliteit verboden ».

B.52.3. Te dezen dient in het bijzonder rekening te worden gehouden met het Internationaal Verdrag inzake de uitbanning van alle vormen van rassendiscriminatie, goedgekeurd bij de wet van 9 juli 1975.

Artikel 4 van dat Verdrag bepaalt :

« De Staten die partij zijn bij dit Verdrag veroordelen alle propaganda en alle organisaties die berusten op denkbeelden of theorieën die uitgaan van de superioriteit van een bepaald ras of een groep personen van een bepaalde huidskleur of etnische afstamming, of die trachten rassenhaat en rassendiscriminatie in enige vorm te rechtvaardigen of te bevorderen, en nemen de verplichting op zich onverwijld positieve maatregelen te nemen die erop zijn gericht aan elke vorm van aanzetting tot of aan elke uiting van een zodanige discriminatie een einde te maken en met het oog daarop, met inachtneming van de beginselen vervat in de Universele Verklaring van de Rechten van de Mens en van de rechten die uitdrukkelijk worden genoemd in artikel 5 van dit Verdrag, onder andere :

a) Strafbaar bij de wet te verklaren het verspreiden, op welke wijze ook, van denkbeelden die zijn gegrond op rassuperioriteit of rassenhaat, aanzetting tot rassendiscriminatie, zomede alle daden van geweld of aanzetting daartoe, die zijn gericht tegen een ras of een groep personen van een andere huidskleur of etnische afstamming, alsook het verlenen van steun aan tegen bepaalde rassen gerichte activiteiten, waaronder begrepen de financiering daarvan;

b) Organisaties, alsook georganiseerde en alle andere propaganda-activiteiten die rassendiscriminatie in de hand werken en daartoe aanzetten, onwettig te verklaren en te verbieden, en deelneming aan zodanig organisaties of activiteiten als strafbaar bij de wet aan te merken;

c) Niet toe te staan dat overheidsorganen of overheidsinstellingen, hetzij op nationaal, hetzij op plaatselijk niveau, rassendiscriminatie bevorderen of daartoe aanzetten ».

B.53. Het Europees Hof voor de Rechten van de Mens heeft overigens in verschillende arresten geoordeeld dat raciale discriminatie bijzonder verwerpelijk is en een speciale waakzaamheid en een strenge reactie van de overheid vereist. Daarom is het, volgens dat Hof, noodzakelijk dat de autoriteiten « alle middelen aanwenden waarover zij beschikken om racisme en racistisch geweld te bestrijden, waardoor ze de democratische maatschappijvisie versterken waarin verscheidenheid niet wordt ervaren als een bedreiging, maar veeleer als een rijkdom » (eigen vertaling) (EHRM (Grote Kamer), 6 juli 2005, *Natchova e.a.* t. Bulgarije, § 145; 13 december 2005, *Timichev* t. Rusland, § 56; (Grote Kamer), 13 november 2007, *D.H. e.a.* t. Tsjechische Republiek, § 176; 5 juni 2008, *Sampanis e.a.* t. Griekenland, § 69)).

B.54. Uit het in B.52.3 aangehaalde artikel 4 van het Internationaal Verdrag inzake de uitbanning van alle vormen van rassendiscriminatie volgt dat de verdragspartijen zich ertoe hebben verbonden om onder meer de volgende handelingen strafbaar te stellen in hun wetgeving : (1) het verspreiden van denkbeelden die zijn gegrond op rassuperioriteit of rassenhaat, (2) het aanzetten tot rassendiscriminatie, (3) alle daden van geweld of aanzetting daartoe, die zijn gericht tegen een ras of een groep personen van een andere huidskleur of etnische afstamming, (4) het verlenen van steun aan tegen bepaalde rassen gerichte activiteiten, waaronder begrepen de financiering ervan en (5) de deelneming aan organisaties of propaganda-activiteiten die rassendiscriminatie in de hand werken en daartoe aanzetten.

De uit de in B.52.2 aangehaalde internationale normen voorvloeiende noodzaak om discriminaties te bestrijden en de uit het Internationaal Verdrag inzake de uitbanning van alle vormen van rassendiscriminatie voortvloeiende noodzaak om de hierboven vermelde handelingen strafbaar te stellen, brengen met zich mee dat de bestreden bepalingen kunnen worden beschouwd als maatregelen die in een democratische samenleving nodig zijn in de zin van artikel 10.2 van het Europees Verdrag voor de rechten van de mens, in het belang van de goede naam en de rechten van anderen.

De bestreden bepalingen zijn bovendien strafrechtelijke bepalingen en beogen op zich dus niet de vrijheid van meningsuiting te onderwerpen aan preventieve beperkingen.

B.55. In zoverre er te dezen kan worden gesproken van « inmengingen » in de vrijheid van meningsuiting, zijn die inmengingen bovendien vastgelegd bij wet. Dat neemt niet weg dat moet worden nagegaan of ze niet onevenredig zijn met het doel dat ermee wordt nagestreefd en of de desbetreffende wettelijke bepalingen voorzienbaar en toegankelijk zijn.

II.B. Het aanzetten tot discriminatie, segregatie, haat of geweld (artikel 20)

B.56.1. Artikel 20 van de Antiracismewet, zoals ingevoegd bij de wet van 10 mei 2007, luidt :

« Met gevangenisstraf van een maand tot een jaar en met geldboete van vijftig euro tot duizend euro of met een van die straffen alleen wordt gestraft :

1° hij die in een van de in artikel 444 van het Strafwetboek bedoelde omstandigheden aanzet tot discriminatie jegens een persoon wegens een van de beschermde criteria, en dit, zelfs buiten de in artikel 5 bedoelde domeinen;

2° hij die in een van de in artikel 444 van het Strafwetboek bedoelde omstandigheden aanzet tot haat of geweld jegens een persoon wegens een van de beschermde criteria, en dit, zelfs buiten de in artikel 5 bedoelde domeinen;

3° hij die in een van de in artikel 444 van het Strafwetboek bedoelde omstandigheden aanzet tot discriminatie of tot segregatie jegens een groep, een gemeenschap of de leden ervan, wegens een van de beschermde criteria, en dit, zelfs buiten de in artikel 5 bedoelde domeinen;

4° hij die in een van de in artikel 444 van het Strafwetboek bedoelde omstandigheden aanzet tot haat of geweld jegens een groep, een gemeenschap of de leden ervan, wegens een van de beschermde criteria, en dit, zelfs buiten de in artikel 5 bedoelde domeinen ».

B.56.2. De in die bepaling vervatte verwijzing naar artikel 444 van het Strafwetboek geeft aan dat het aanzetten tot discriminatie, segregatie, haat of geweld alleen strafbaar is indien het gebeurt in een van de volgende omstandigheden :

« - Hetzij in openbare bijeenkomsten of plaatsen;

- Hetzij in tegenwoordigheid van verscheidene personen, in een plaats die niet openbaar is, maar toegankelijk voor een aantal personen die het recht hebben er te vergaderen of ze te bezoeken;

- Hetzij om het even welke plaats, in tegenwoordigheid van de beledigde en voor getuigen;

- Hetzij door geschriften, al dan niet gedrukt, door prenten of zinnebeelden, die aangeplakt, verspreid of verkocht, te koop geboden of openlijk tentoongesteld worden;

- Hetzij ten slotte door geschriften, die niet openbaar gemaakt, maar aan verscheidene personen toegestuurd of meegedeeld worden ».

B.57. De term « aanzetten tot » geeft op zich aan dat de strafbaar gestelde handelingen verder gaan dan louter informatie, ideeën of kritiek. De gebruikelijke betekenis van het werkwoord « aanzetten tot » is « aansporen om iets te doen », « opzetten, aanstoken ». Er kan slechts sprake zijn van aanzetten tot discriminatie, indien de uitlatingen die gedaan zijn in de omstandigheden beschreven in artikel 444 van het Strafwetboek, aanmoedigen of aansporen tot een verschil in behandeling dat niet kan worden verantwoord door de in de bestreden wet vervatte rechtvaardigingsgronden. Dat aanzetten zal in dat geval alleen kunnen worden verklaard door de wil aan te sporen tot haat of geweld, zodat de termen « haat », « geweld » en « discriminatie » die in de bestreden bepaling worden gebruikt, de verschillende gradaties van eenzelfde gedrag aangeven. Vermits « segregatie » kan worden beschouwd als een discriminatie geldt hetzelfde voor die term.

B.58. De woorden « haat » en « geweld » zijn zodanig ingeburgerd dat iedereen redelijkerwijze weet welke uitlatingen en geschriften, prenten of zinnebeelden die hij verspreidt, binnen het toepassingsgebied van de strafwet vallen. Op basis van die woorden kan een onderscheid worden gemaakt tussen de uiting van een mening, die vrij blijft - ook al is zij scherp, kritisch of polemisch -, en het aanzetten tot discriminatie, segregatie, haat of geweld dat alleen strafbaar is wanneer wordt aangetoond dat er sprake is van een voornemen om aan te zetten tot discriminerend, haatdragend of gewelddadig gedrag.

B.59. Uit de parlementaire voorbereiding blijkt ten slotte dat het om een opzettelijk misdrijf gaat :

« Overeenkomstig het arrest van het Arbitragehof (Arbitragehof nr. 157/2004, 6 oktober 2004, B.51) is voor de toepassing van deze bepaling een ' bijzonder opzet ' vereist. In lijn met het arrest van het Arbitragehof dient er met andere woorden sprake te zijn van een bijzondere wil om aan te zetten tot discriminatie, haat of geweld » (*Parl. St.*, Kamer, 2006-2007, DOC 51-2720/001, p. 61).

Bijgevolg dient ervan te worden uitgegaan dat er sprake moet zijn van bijzonder opzet. Wegens de draagwijdte die moet worden gegeven aan de termen aanzetten, discriminatie, segregatie, haat en geweld, mag het niet gaan om een misdrijf waarvan het bestaan zou worden aangenomen vanaf het ogenblik dat de materiële elementen ervan aanwezig zijn. Integendeel, om te kunnen spreken van een misdrijf dient het specifieke morele element dat vervat is in de termen zelf die in de wet worden gehanteerd, te zijn aangetoond.

Door de vereiste dat er sprake moet zijn van een bijzondere wil aan te zetten tot discriminatie, segregatie, haat of geweld, wordt uitgesloten dat, indien geen sprake is van zulk een aanzetten, het verspreiden van pamfletten strafbaar zou kunnen worden gesteld; hetzelfde moet gelden voor grappen, spottende uitlatingen, meningen en elke uiting die, bij gebrek aan het vereiste bijzondere opzet, behoort tot de vrijheid van meningsuiting.

B.60. Het vierde middel in de zaak nr. 4312 is niet gegrond.

B.61. Het bestreden artikel 20 wordt verder nog bekritiseerd in zoverre die bepaling het aanzetten tot discriminatie, segregatie, haat of geweld strafbaar stelt, maar dat niet doet met betrekking tot de handelingen zelf die discriminatie, segregatie, haat of geweld inhouden, wat afbreuk zou doen aan het beginsel van gelijkheid en niet-discriminatie, in samenhang gelezen met de vrijheid van meningsuiting (derde middel in de zaak nr. 4312).

B.62. De bestreden wet stelt niet alleen het aanzetten tot discriminatie, segregatie, haat of geweld, maar ook sommige handelingen die discriminaties inhouden, strafbaar. Artikel 23 van de Antiracismewet, zoals ingevoegd bij de wet van 10 mei 2007, voorziet in strafsancties voor openbare officieren of ambtenaren, dragers of agenten van het openbaar gezag of van de openbare macht die in de uitoefening van hun ambt een persoon, een groep, een gemeenschap of leden ervan discrimineren wegens een van de « beschermde criteria ». Artikel 24 voorziet in strafsancties voor personen die binnen het domein van « de toegang tot en het aanbod van goederen en diensten die publiekelijk beschikbaar zijn » een persoon, een groep, een gemeenschap of leden ervan discrimineren wegens een van de « beschermde criteria ». Artikel 25 voorziet in strafsancties voor personen die op het vlak van de arbeidsbetrekkingen discrimineren.

Daaruit volgt dat bepaalde, maar niet alle discriminerende handelingen strafbaar worden gesteld.

B.63. Wanneer de wetgever kiest voor de strafrechtelijke weg, behoort het in beginsel tot zijn beoordelingsbevoegdheid vast te stellen welk gedrag een strafrechtelijke sanctie verdient. De door hem gemaakte keuzes moeten evenwel redelijkerwijze worden verantwoord.

B.64.1. De parlementaire voorbereiding doet ervan blijken dat de wetgever bij het bepalen van de strafbaar te stellen handelingen rekening heeft gehouden met (1) de verplichtingen die voortvloeien uit het Internationaal Verdrag inzake de uitbanning van alle vormen van rassendiscriminatie, (2) de strafbepalingen die waren opgenomen in de wet van 25 februari 2003 « ter bestrijding van discriminatie en tot wijziging van de wet van 15 februari 1993 tot oprichting van een Centrum voor gelijkheid van kansen en voor racismebestrijding » en die de door het Hof in zijn arrest nr. 157/2004 doorgevoerde grondwettigheidstoets hebben doorstaan, en (3) de strafbepalingen die waren opgenomen in de oorspronkelijke wet van 30 juli 1981 tot bestraffing van bepaalde door racisme of xenofobie ingegeven daden, in zoverre ze, rekening houdend met het arrest nr. 157/2004, bestaanbaar zijn met de Grondwet (*Parl. St.*, Kamer, 2006-2007, DOC 51-2720/1, pp. 31-34; DOC 51-2720/006, p. 6).

De in de artikelen 20, 21, 22 en 23 vervatte strafbaarstellingen werden meer bepaald verantwoord met verwijzing naar de uit het aangehaalde Verdrag voortvloeiende verplichtingen of naar strafbaarstellingen die waren opgenomen in de aangehaalde wet van 25 februari 2003. De in de artikelen 24 en 25 vervatte strafbaarstellingen werden verantwoord met verwijzing naar de strafbaarstellingen die waren opgenomen in de oorspronkelijke Antiracismewet van 30 juli 1981. Daarbij werd gepreciseerd dat een opheffing van die bepalingen zou kunnen worden geïnterpreteerd als een « teruggang van het uitgevaardigde verbod » (*Parl. St.*, Kamer, 2006-2007, DOC 51-2720/006, p. 6). De in artikel 25 vervatte strafbaarstelling werd eveneens gemotiveerd met verwijzing naar een aanbeveling van de Europese Commissie tegen Racisme en Intolerantie, een orgaan van de Raad van Europa :

« De Europese Commissie tegen racisme en intolerantie (ECRI) beveelt op haar beurt de Staten expliciet aan discriminatie op basis van ras in het domein van de werkgelegenheid (artikel 18 h) van de aanbeveling nr. 7) strafrechtelijk te bestraffen » (*ibid.*, pp. 8-9).

B.64.2. De tijdens de parlementaire voorbereiding geuite overwegingen kunnen de door de wetgever gemaakte keuzes bij het bepalen van de gedragingen die strafbaar worden gesteld, redelijkerwijze verantwoorden.

Voor het overige vermocht de wetgever redelijkerwijze ervan uit te gaan dat discriminerende handelingen zelf zich meer lenen tot burgerrechtelijke sancties, terwijl uitlatingen en geschriften die tot doel hebben discriminerende handelingen te legitimeren, strafrechtelijk moeten worden bestraft. Dat dergelijke uitlatingen en geschriften worden bestraft « zelfs buiten de in artikel 5 bedoelde domeinen », wordt verantwoord door het feit dat het toepassingsgebied van artikel 4 van het Internationaal Verdrag inzake de uitbanning van alle vormen van rassendiscriminatie niet is beperkt tot die domeinen.

B.65. Het derde middel in de zaak nr. 4312 is niet gegrond.

II.C. Het verspreiden van denkbeelden die zijn gegrond op rassuperioriteit of rassenhaat (artikel 21)

B.66. Artikel 21 van de Antiracismewet, zoals ingevoegd bij de wet van 10 mei 2007, bepaalt :

« Met gevangenisstraf van een maand tot een jaar en met een geldboete van vijftig euro tot duizend euro of met een van die straffen alleen wordt gestraft, hij die in de in artikel 444 van het Strafwetboek bedoelde omstandigheden, denkbeelden die zijn gegrond op rassuperioriteit of rassenhaat, verspreidt ».

B.67.1. Uit de parlementaire voorbereiding blijkt dat de wetgever met de bestreden bepaling wou tegemoetkomen aan de uit artikel 4 van het Internationaal Verdrag inzake de uitbanning van alle vormen van rassendiscriminatie voortvloeiende verplichting om het verspreiden, op welke wijze ook, van denkbeelden die zijn gegrond op rassuperioriteit of rassenhaat strafbaar te stellen (*Parl. St.*, Kamer, 2006-2007, DOC 51-2720/001, p. 61).

B.67.2. Bij de neerlegging van de bekrachtigingsoorkonde heeft België de volgende « toelichtende verklaring » afgelegd bij dat artikel 4 :

« Ten einde te voldoen aan de voorschriften van artikel 4 van het Internationaal Verdrag inzake de uitbanning van alle vormen van rassendiscriminatie zal België er voor zorgen dat zijn wetgeving in overeenstemming wordt gebracht met de verbintenissen die het aangaat door Partij te worden bij het bedoelde Verdrag.

Het Koninkrijk België wil evenwel de nadruk leggen op het belang dat het hecht aan het feit dat artikel 4 van het Verdrag bepaalt dat de in de alinea's a, b en c bedoelde maatregelen zullen worden genomen met inachtneming van de beginselen vervat in de Universele Verklaring van de Rechten van de Mens en van de rechten die uitdrukkelijk worden genoemd in artikel 5 van dat Verdrag. Bijgevolg is het Koninkrijk België van oordeel dat de bij artikel 4 opgelegde verplichtingen dienen samen te gaan met het recht op vrijheid van mening en meningsuiting, alsmede met het recht op vrijheid van vreedzame vergadering en vereniging. Deze rechten worden afgekondigd in de artikelen 19 en 20 van de Universele Verklaring van de Rechten van de Mens en opnieuw bevestigd in de artikelen 19 en 21 van het Internationaal Verdrag inzake burgerrechten en politieke rechten. Ze worden insgelijks vermeld in de punten viii en ix van alinea d, van artikel 5, van het bedoelde Verdrag.

Daarenboven wil het Koninkrijk België de nadruk leggen op het belang dat het eveneens hecht aan de eerbiediging van de rechten vermeld in het Europees Verdrag tot bescherming van de rechten van de mens en de fundamentele vrijheden, met name in de artikelen 10 en 11 respectievelijk met belichting tot de vrijheid van mening en van meningsuiting en de vrijheid van vreedzame vergadering en vereniging ».

Die « toelichtende verklaring » houdt in dat de Belgische Staat zich gebonden acht door de verplichtingen die voortvloeien uit artikel 4 van het Verdrag, evenwel enkel in zoverre die verplichtingen worden geïnterpreteerd in die zin dat ze bestaanbaar zijn met, onder meer, de vrijheid van meningsuiting gewaarborgd bij artikel 19 van de Grondwet en de vrijheid van drukpers gewaarborgd bij artikel 25 van de Grondwet.

B.68.1. Doordat het de verspreiding van denkbeelden die zijn gegrond op rassuperioriteit of rassenhaat, strafbaar stelt in de omstandigheden genoemd in artikel 444 van het Strafwetboek, vormt artikel 21 van de Antiracismewet een inmenging in de vrijheid van meningsuiting, gewaarborgd bij artikel 19 van de Grondwet en bij artikel 10 van het Europees Verdrag voor de rechten van de mens.

B.68.2. Vermits de vrijheid van meningsuiting een van de pijlers is van een democratische samenleving, dienen de uitzonderingen op de vrijheid van meningsuiting op strikte wijze te worden geïnterpreteerd. Er moet worden aangetoond dat de beperkingen noodzakelijk zijn in een democratische samenleving, aan een dwingende maatschappelijke behoefte beantwoorden en evenredig zijn aan de wettige doelstellingen die daarmee worden nagestreefd.

B.68.3. De noodzaak in een democratische samenleving om de verspreiding van denkbeelden gegrond op rassuperioriteit of rassenhaat tegen te gaan door ze te bestraffen, is door de wetgever erkend met de bestreden bepaling.

Ook de internationale gemeenschap deelt die zorg. Dit blijkt niet alleen uit het reeds aangehaalde artikel 4 van het Internationaal Verdrag inzake de uitbanning van alle vormen van rassendiscriminatie, dat voor de verdragspartijen de verplichting inhoudt om elke uiting van racisme strafbaar te stellen, in het bijzonder onder meer het verspreiden van denkbeelden die zijn gegrond op rassuperioriteit of rassenhaat, maar ook uit de verschillende internationale instrumenten die de zienswijze bevestigen dat het van het allergrootste belang is rassendiscriminatie in al haar vormen en uitingen te bestrijden, zoals het Europees Hof voor de Rechten van de Mens nog recentelijk bevestigde (EHRM, 10 juli 2008, *Soulas e.a.* t. Frankrijk, § 42).

Zoals vermeld in B.53, heeft het Europees Hof voor de Rechten van de Mens overigens in verschillende arresten geoordeeld dat raciale discriminatie bijzonder verwerpelijk is en een speciale waakzaamheid en een strenge reactie van de overheid vereist.

B.68.4. De beperking van de vrijheid van meningsuiting dient bovendien te beantwoorden aan een dwingende maatschappelijke behoefte en moet evenredig zijn aan de wettige doelstellingen die daarmee worden nagestreefd.

Uit de in B.49.3 vermelde rechtspraak van het Europees Hof en van de Europese Commissie voor de Rechten van de Mens kan worden afgeleid dat het doelbewust verspreiden, met het oog op het aantasten van de waardigheid van personen, van denkbeelden die zijn gegrond op rassuperioriteit of rassenhaat, geen bescherming geniet onder artikel 10 van het Europees Verdrag voor de rechten van de mens.

B.69. Tijdens de parlementaire voorbereiding van de bestreden bepaling werd onderstreept dat die bepaling dient te worden geïnterpreteerd en toegepast overeenkomstig artikel 10 van het Europees Verdrag voor de rechten van de mens (*Parl. St.*, Kamer, 2006-2007, DOC 51-2720/009, p. 40), zoals ook de afdeling wetgeving van de Raad van State had geadviseerd (*Parl. St.*, Kamer, 2006-2007, DOC 51-2720/001, pp. 105-106).

In de parlementaire voorbereiding werd het volgende benadrukt :

« Voorts moet de aandacht worden gevestigd op het woord ' verspreiden '. Het is afkomstig van de Conventie van 1965, teneinde zo nauw mogelijk aan te sluiten bij de door die tekst opgelegde verplichtingen. In de authentieke Engelse versie van dat verdrag wordt de term ' *dissemination* ' gebruikt. Daaronder moet niet worden verstaan de daad van degene die er zich, door een louter materiële handeling, toe beperkt andermans ideeën die berusten op rassuperioriteit of rassenhaat bij een ruimer publiek te verspreiden, maar wel de daad die erin bestaat in de in artikel 444 Strafwetboek bedoelde omstandigheden dergelijke ideeën uit te brengen, te uiten of voor te staan als intellectueel auteur. Degene die er zich door louter materiële handelingen toe beperkt door een ander geformuleerde ideeën die berusten op rassuperioriteit of rassenhaat te verspreiden of er meer ruchtbaarheid aan te geven, kan eventueel zelf strafrechtelijk aansprakelijk worden gesteld als medeplichtige, maar dan binnen de strikte perken van het in artikel 25, tweede lid, van de Grondwet bedoelde beginsel van de getrapte aansprakelijkheid.

Bovendien moet de nadruk worden gelegd op het moreel aspect van de strafbaarstelling waarvan de materiële elementen aldus worden omschreven. Zoals de minister reeds heeft aangegeven, gaat het om een bijzonder bedrog [lees : bijzonder opzet]. Het verweten gedrag zal alleen strafrechtelijk strafbaar zijn als de aanklager bewijst dat de verspreiding van de betrokken ideeën tot doel heeft de haat ten aanzien van een groep van mensen aan te wakkeren en de totstandkoming van een voor hen discriminerend of op segregatie gericht beleid te rechtvaardigen. Die vereiste zal de strafrechter de mogelijkheid bieden het onderscheid te maken tussen eensdeels het objectief wetenschappelijk onderzoek en anderdeels het ' pseudowetenschappelijk ' discours over de rassuperioriteit, waarvan het precies de doelstelling is de haat ten aanzien van een groep van mensen aan te wakkeren en de totstandkoming van een voor hen discriminerend of op segregatie gericht beleid te rechtvaardigen » (*Parl. St.*, Kamer, 2006-2007, DOC 51-2720/009, p. 63; zie ook Senaat, 2006-2007, nr. 3-2362/3, p. 32).

B.70.1. Uit die toelichting blijkt dat de wetgever het in de bestreden bepaling vervatte misdrijf heeft opgevat als een misdrijf dat een bijzonder opzet vereist : er is slechts sprake van een misdrijf als bewezen is dat « de verspreiding van de betrokken ideeën tot doel heeft de haat ten aanzien van een groep van mensen aan te wakkeren en de totstandkoming van een voor hen discriminerend of op segregatie gericht beleid te rechtvaardigen ».

Uit die toelichting blijkt eveneens dat de wetgever in de eerste plaats heeft beoogd om de « intellectuele auteur van de denkbeelden » strafbaar te stellen. Personen die andermans ideeën verspreiden kunnen slechts worden veroordeeld binnen de perken van het in artikel 25, tweede lid, van de Grondwet bedoelde beginsel van de getrapte aansprakelijkheid (in zoverre voldaan is aan de toepassingsvoorwaarden van dat artikel) en op voorwaarde dat er bij hen sprake is van het reeds vermelde bijzonder opzet.

Uit de gebruikte term « verspreiden » volgt dat er slechts sprake is van dat misdrijf wanneer aan de desbetreffende denkbeelden algemene bekendheid werd gegeven. De gangbare betekenis van die term is immers « alom bekendmaken ». Aangezien de bestreden bepaling het « verspreiden » niet koppelt aan het gebruik van een bepaald medium, is de wijze waarop aan de desbetreffende denkbeelden algemene bekendheid werd gegeven, niet bepalend om uit te maken of er al dan niet sprake is van het misdrijf. Wel bepalend is dat het « verspreiden » dient te gebeuren in een van de in artikel 444 van het Strafwetboek bedoelde omstandigheden.

B.70.2. Uit de omstandigheid dat voor het misdrijf een bijzonder opzet is vereist, volgt dat het bestaan van dat misdrijf niet kan worden aangenomen vanaf het ogenblik dat enkel de materiële elementen ervan aanwezig zijn. Opdat sprake kan zijn van een misdrijf, dient een specifiek moreel element te worden aangetoond. Dat specifieke morele element, dat is vervat in de woorden « verspreiden », « rassenhaat » en « rassuperioriteit », betreft meer bepaald de wil om denkbeelden te verspreiden met het oog op het aanwakkeren van haat ten aanzien van een groep van mensen of met het oog op de totstandkoming van een voor hen discriminerend of op segregatie gericht beleid.

De uitingen moeten derhalve een minachtende of haatdragende strekking hebben, hetgeen uitingen van wetenschap en kunst buiten het verbod plaatst, en zij moeten de fundamentele minderwaardigheid van een groep uitdrukken.

B.71.1. Onder voorbehoud van die interpretatie, doet de bestreden bepaling niet op discriminerende wijze afbreuk aan de vrijheid van meningsuiting, zoals gewaarborgd bij artikel 19 van de Grondwet en artikel 10 van het Europees Verdrag voor de rechten van de mens.

B.71.2. In tegenstelling tot wat de verzoekende partij in de zaak nr. 4355 beweert, leidt een « verwerping van het beroep, onder voorbehoud van interpretatie » op zich niet tot een schending van de vrijheid van meningsuiting. Een dergelijk beschikkend gedeelte houdt in dat het Hof de desbetreffende bepaling slechts grondwettig acht wanneer die bepaling wordt geïnterpreteerd zoals aangegeven.

B.72. Onder voorbehoud van de in B.70.2 vermelde interpretatie, zijn het vijfde middel in de zaak nr. 4312 en het eerste middel in de zaak nr. 4355 niet gegrond.

B.73. In het tweede middel in de zaak nr. 4355 voert de verzoekende partij eveneens aan dat het bestreden artikel 21 niet bestaanbaar is met het beginsel van gelijkheid en niet-discriminatie, doordat die bepaling een niet te verantwoorden verschil in behandeling in het leven zou roepen tussen personen die het slachtoffer zijn van discriminatoire uitlatingen, naargelang die uitlatingen zijn gebaseerd, enerzijds, op nationaliteit, een zogenaamd ras, huidskleur, afkomst of nationale of etnische afstamming, dan wel, anderzijds, op een andere discriminatiegrond.

B.74.1. Zoals in herinnering is gebracht in B.63, behoort het in beginsel tot de beoordelingsbevoegdheid van de wetgever om vast te stellen welk gedrag een strafrechtelijke sanctie verdient, zij het dat de door hem gemaakte keuzes op dat vlak redelijkerwijze moeten worden verantwoord. Die beoordelingsbevoegdheid van de wetgever is evenwel aan beperkingen onderworpen wanneer België zich internationaalrechtelijk ertoe heeft verbonden een bepaald gedrag strafbaar te stellen.

B.74.2. Volgens artikel 4 van het Internationaal Verdrag inzake de uitbanning van alle vormen van rassendiscriminatie nemen de verdragspartijen de verplichting op zich « strafbaar bij de wet te verklaren het verspreiden, op welke wijze ook, van denkbeelden die zijn gegrond op rassuperioriteit of rassenhaat ».

Met de bestreden bepaling komt de Belgische wetgever tegemoet aan die internationaalrechtelijke verplichting, die het door de verzoekende partijen bekritiseerde verschil in behandeling redelijkerwijze kan verantwoorden.

Uit het onderzoek van het vijfde middel in de zaak nr. 4312 en het eerste middel in de zaak nr. 4355 is bovendien gebleken dat de bestraffing van de verspreiding van bepaalde denkbeelden is onderworpen aan strenge voorwaarden, precies om de beperking van de uitoefening van de vrijheden, waarvan de schending werd aangevoerd, terug te brengen tot datgene wat strikt noodzakelijk wordt geacht in een democratische samenleving. In dat perspectief kan de eerbiediging van het beginsel van gelijkheid en niet-discriminatie niet ertoe leiden dat de uitoefening van die vrijheden tevens zou moeten worden beperkt met betrekking tot denkbeelden die zijn gegrond op een superioriteit van of haat tegen dragers van andere menselijke kenmerken of overtuigingen.

Door de bestraffing van de verspreiding van denkbeelden te beperken tot de denkbeelden die zijn gegrond op rassuperioriteit of rassenhaat, die een ernstige bedreiging vormen voor de democratische samenleving, heeft de wetgever een maatregel genomen die redelijk is verantwoord.

B.75. Het tweede middel in de zaak nr. 4355 is niet gegrond.

II.D. Het behoren tot of het zijn medewerking verlenen aan een groep of een vereniging die kennelijk en herhaaldelijk discriminatie of segregatie verkondigt (artikel 22)

B.76. Het in B.39 aangehaalde artikel 22 van de Antiracismewet, zoals ingevoegd bij de wet van 10 mei 2007, voorziet in strafsancties voor personen die behoren tot of hun medewerking verlenen aan een groep of een vereniging die kennelijk en herhaaldelijk discriminatie of segregatie verkondigt in de in artikel 444 van het Strafwetboek bedoelde omstandigheden.

B.77. Uit de parlementaire voorbereiding blijkt dat de wetgever met het bestreden artikel 22 wou tegemoetkomen aan de uit artikel 4 van het Internationaal Verdrag inzake de uitbanning van alle vormen van rassendiscriminatie voortvloeiende verplichting om « organisaties, alsook georganiseerde en alle andere propaganda-activiteiten die rassendiscriminatie in de hand werken en daartoe aanzetten, onwettig te verklaren en te verbieden, en deelneming aan zodanige organisaties of activiteiten als strafbaar bij de wet aan te merken » (*Parl. St.*, Kamer, 2006-2007, DOC 51-2720/009, p. 25).

B.78.1. Zoals in herinnering is gebracht in B.42, dient het woord « verkondigen » te worden geïnterpreteerd als « aanzetten tot ». De in de bestreden bepaling bedoelde groepen en verenigingen betreffen bijgevolg groepen en verenigingen die kennelijk en herhaaldelijk aanzetten tot discriminatie en segregatie. Zoals blijkt uit B.59, kan er slechts sprake zijn van een « aanzetten tot » indien de betrokken groep of vereniging doet blijken van een bijzonder opzet.

B.78.2. In zoverre de bestreden bepaling de vrijheid van meningsuiting van groepen en verenigingen zou beperken, is die beperking, om dezelfde redenen als aangegeven in B.57 tot B.60, evenredig met het door de wetgever nagestreefde doel dat erin bestaat de rechten van anderen te beschermen en uitvoering te geven aan de uit het Internationaal Verdrag inzake de uitbanning van alle vormen van rassendiscriminatie voortvloeiende verplichting te strijden tegen organisaties die rassendiscriminatie in de hand werken.

B.79.1. Vermits het behoren tot en het zijn medewerking verlenen aan een groep of een vereniging de uitdrukking van een bepaalde mening kunnen vormen, zou de bestreden bepaling eveneens een inmenging kunnen vormen in de vrijheid van meningsuiting van individuen, groepen en verenigingen, die hoewel ze niet zelf aanzetten tot discriminatie of segregatie, behoren tot of hun medewerking verlenen aan groepen of verenigingen die aanzetten tot discriminatie of segregatie.

B.79.2. Zoals in herinnering is gebracht in B.43, vereist de bestreden bepaling door het gebruik van de woorden « kennelijk en herhaaldelijk », dat het voor de persoon die « behoort tot » of zijn « medewerking verleent aan » de bedoelde groep of vereniging, zonder meer duidelijk is dat die groep of vereniging aanzet tot discriminatie of segregatie wegens een van de « beschermde criteria ». Bovendien is vereist dat de betrokken persoon « wetens en willens » behoort tot een dergelijke groep of vereniging, dan wel zijn medewerking eraan verleent. Het is bijgevolg uitgesloten dat personen die te goeder trouw behoren tot of hun medewerking verlenen aan een dergelijke groep of vereniging worden getroffen door de bestreden maatregel.

Om die reden is de aangevoerde inmenging in de vrijheid van meningsuiting van de bedoelde personen, groepen of verenigingen evenmin onevenredig met het doel dat erin bestaat te strijden tegen organisaties die rassendiscriminatie in de hand werken.

B.80. In zoverre het zesde middel in de zaak nr. 4312 is afgeleid uit de schending van artikel 19, al dan niet in samenhang gelezen met de artikelen 10 en 11, van de Grondwet, is het niet gegrond.

III. Wat betreft de middelen afgeleid uit de schending van de vrijheid van vereniging en van vergadering, al dan niet in samenhang gelezen met het beginsel van gelijkheid en niet-discriminatie

B.81. In het zesde middel in de zaak nr. 4312 voeren de verzoekende partijen eveneens aan dat artikel 22 van de Antiracismewet, zoals ingevoegd bij de wet van 10 mei 2007, door het strafbaar stellen van het behoren tot of het zijn medewerking verlenen aan een groep of een vereniging die kennelijk en herhaaldelijk segregatie verkondigt in de omstandigheden bedoeld in artikel 444 van het Strafwetboek, op discriminerende en onverantwoorde wijze afbreuk zou doen aan zowel de vrijheid van vereniging als de vrijheid van vergadering.

B.82.1. Artikel 26 van de Grondwet bepaalt :

« De Belgen hebben het recht vreedzaam en ongewapend te vergaderen, mits zij zich gedragen naar de wetten, die het uitoefenen van dit recht kunnen regelen zonder het echter aan een voorafgaand verlof te onderwerpen.

Deze bepaling is niet van toepassing op bijeenkomsten in de open lucht, die ten volle aan de politiewetten onderworpen blijven ».

B.82.2. Artikel 27 van de Grondwet bepaalt :

« De Belgen hebben het recht van vereniging; dit recht kan niet aan enige preventieve maatregel worden onderworpen ».

B.82.3. Artikel 11 van het Europees Verdrag voor de rechten van de mens bepaalt :

« 1. Eenieder heeft recht op vrijheid van vreedzame vergadering en op vrijheid van vereniging, met inbegrip van het recht om vakverenigingen op te richten en zich bij vakverenigingen aan te sluiten voor de bescherming van zijn belangen.

2. De uitoefening van deze rechten kan aan geen andere beperkingen worden onderworpen dan die welke bij de wet zijn voorzien en die in een democratische samenleving nodig zijn in het belang van 's lands veiligheid, de openbare orde en het voorkomen van strafbare feiten, voor de bescherming van de gezondheid of de goede zeden, of de bescherming van de rechten en vrijheden van anderen. Dit artikel verbiedt niet, dat wettige beperkingen worden aangebracht in de uitoefening van deze rechten door leden van de gewapende macht, van de politie, of van het ambtelijk apparaat van de Staat ».

B.83. De artikelen 26 en 27 van de Grondwet erkennen het recht van vereniging en vergadering en verbieden, behoudens voor wat de bijeenkomsten in open lucht betreft, die rechten aan enige voorafgaande maatregel te onderwerpen. Die bepalingen staan niet eraan in de weg dat de wetgever de uitoefening van die rechten regelt met betrekking tot de aangelegenheden waarin zijn optreden in een democratische samenleving nodig is in het belang van, onder meer, de bescherming van de rechten van anderen.

B.84.1. De parlementaire voorbereiding van de Antiracismewet van 30 juli 1981 doet ervan blijken dat de wetgever met de bestreden bepaling « een doelmatiger bestrijding van de verenigingen die racistische theorieën verkondigen » mogelijk wou maken, zonder maatregelen te moeten nemen « die de politieke overheid in staat stellen die bewegingen te ontbinden en de wetgeving op de privémilities te verstrakken » (*Parl. St.*, Kamer, B.Z. 1979, nr. 214/9, p. 26).

B.84.2. In zoverre de bestreden bepaling niet verhindert dat een vereniging kan blijven bestaan, zelfs wanneer een of meer leden of medewerkers ervan op grond van die bepaling werden veroordeeld, noch dat die vereniging kan vergaderen, onderwerpt zij de vrijheid van vereniging en de vrijheid van vergadering niet aan voorafgaande beperkingen.

B.84.3. De bestreden maatregel dient bovendien te worden beschouwd, onder meer wegens de uit artikel 4 van het Internationaal Verdrag inzake de uitbanning van alle vormen van rassendiscriminatie voortvloeiende verplichtingen, als noodzakelijk in een democratische samenleving in het belang van de bescherming van de rechten van anderen. Vermits zij op zich het voortbestaan van de desbetreffende vereniging niet verhindert, noch de mogelijkheid voor die vereniging om vergaderingen te organiseren beperkt, is de maatregel evenredig ten aanzien van de doelstelling die erin bestaat te strijden tegen organisaties die rassendiscriminatie in de hand werken.

B.84.4. In zoverre de bestreden bepaling het recht van personen beperkt om toe te treden tot een zelf gekozen vereniging of zijn medewerking te verlenen aan een vergadering van die vereniging, is die bepaling evenmin onevenredig ten aanzien van de door de wetgever nagestreefde doelstelling. De bestreden bepaling vereist immers dat het voor de persoon die behoort tot of zijn medewerking verleent aan de bedoelde groep of vereniging, zonder meer duidelijk is dat die groep of vereniging aanzet tot discriminatie of segregatie op een van de in de bestreden wet vermelde gronden. Bovendien is vereist dat de betrokken persoon « wetens en willens » behoort tot een dergelijke groep of vereniging, dan wel zijn medewerking eraan verleent.

B.85. In zoverre het zesde middel in de zaak nr. 4312 is afgeleid uit de schending van de artikelen 26 en 27, al dan niet in samenhang gelezen met de artikelen 10 en 11, van de Grondwet, is het niet gegrond.

IV. Wat betreft de middelen die zijn afgeleid uit de schending van het beginsel van gelijkheid en niet-discriminatie

IV.A. De algemene rechtvaardigingsgrond « positieve actie »

B.86. In het zevende middel in de zaak nr. 4312 voeren de verzoekende partijen aan dat artikel 10 van de Antiracismewet, zoals ingevoegd bij de wet van 10 mei 2007, niet bestaanbaar zou zijn met de artikelen 10 en 11 van de Grondwet, in zoverre die bepaling een algemene rechtvaardigingsgrond voorziet voor maatregelen van positieve actie.

B.87. Het bestreden artikel 10 bepaalt :

« § 1. Een direct of indirect onderscheid op grond van een van de beschermde criteria geeft nooit aanleiding tot de vaststelling van enige vorm van discriminatie wanneer dit directe of indirecte onderscheid een maatregel van positieve actie inhoudt.

§ 2. Een maatregel van positieve actie kan slechts worden uitgevoerd mits naleving van de volgende voorwaarden :

- er moet een kennelijke ongelijkheid zijn;

- het verdwijnen van deze ongelijkheid moet worden aangewezen als een te bevorderen doelstelling;

- de maatregel van positieve actie moet van tijdelijke aard zijn en van die aard zijn dat hij verdwijnt zodra de beoogde doelstelling is bereikt;

- de maatregel van positieve actie mag de rechten van derden niet onnodig beperken.

§ 3. In naleving van de in § 2 vastgelegde voorwaarden, bepaalt de Koning bij een besluit vastgesteld na overleg in de Ministerraad, de situaties waarin en de voorwaarden waarbij een maatregel van positieve actie getroffen kunnen [lees : kan] worden.

[...] ».

B.88. In het verleden heeft het Hof aanvaard dat de wetgever maatregelen van positieve actie neemt indien zij juist ertoe strekken een bestaande ongelijkheid te verhelpen. Toch moeten dergelijke « corrigerende ongelijkheden », om bestaanbaar te zijn met het beginsel van gelijkheid en niet-discriminatie, slechts in die gevallen worden toegepast waarin een kennelijke ongelijkheid blijkt, moet het verdwijnen van die ongelijkheid als een te bevorderen doelstelling worden aangewezen, moeten de maatregelen van tijdelijke aard zijn en verdwijnen wanneer het door de wetgever beoogde doel eenmaal is bereikt en mogen zij niet onnodig andermans rechten beperken (arrest nr. 9/94 van 27 januari 1994, B.6.2; arrest nr. 42/97 van 14 juli 1997, B.20; arrest nr. 157/2004 van 6 oktober 2004, B.79).

B.89. De wetgever heeft de rechtspraak van het Hof inzake corrigerende ongelijkheden uitdrukkelijk in de wettekst willen opnemen. De voorwaarden die in de bestreden bepaling worden vermeld, stemmen overeen met de voorwaarden die het Hof in zijn voormelde arresten aan maatregelen van positieve actie heeft verbonden.

B.90.1. De bestreden bepaling machtigt de Koning om de situaties waarin en de voorwaarden waarbij een maatregel van positieve actie kan worden genomen, te bepalen. Uit de parlementaire voorbereiding blijkt dat zonder een dergelijk kader private personen zich niet kunnen beroepen op de algemene rechtvaardigingsgrond voor maatregelen van positieve actie (*Parl. St.*, Kamer, 2006-2007, DOC 51-2720/001, 51-2721/001, 51-2722/001, p. 52).

Bij het vaststellen van de situaties waarin en de voorwaarden waarbij een maatregel van positieve actie kan worden genomen, dient de Koning de voorwaarden bepaald in het bestreden artikel 10, § 2, van de Antiracismewet in acht te nemen, alsmede de relevante rechtspraak van het Hof van Justitie van de Europese Gemeenschappen. Hij dient die situaties en die voorwaarden bovendien op een zodanige wijze te bepalen dat eenieder die zich op die rechtvaardigingsgrond wenst te beroepen eveneens die voorwaarden naleeft.

B.90.2. Wanneer de bevoegde rechter een maatregel van positieve actie van een burger beoordeelt, dient hij derhalve na te gaan of in essentie aan dezelfde voorwaarden is voldaan als wanneer de bevoegde rechter een maatregel van positieve actie van de overheid beoordeelt. Die gelijke behandeling houdt geen discriminatie in.

Zoals het Hof reeds heeft geoordeeld in B.10.3 tot B.10.5 van zijn arrest nr. 17/2009 van 12 februari 2009, bevinden de overheid en de burgers die aan het verbod van discriminatie zijn onderworpen zich immers niet in wezenlijk verschillende situaties in zoverre zij, in feite of in rechte, een machtspositie in het rechtsverkeer innemen die hen in de gelegenheid stelt om te discrimineren.

Nu het de wetgever toekomt de verplichting om het discriminatieverbod na te leven nader uit te werken, kan het hem niet worden verweten om in een kader voor maatregelen van positieve actie te voorzien en de criteria voor de uitvoering daarvan af te stemmen op de criteria die ook de overheid dient na te leven.

B.91. Het zevende middel in de zaak nr. 4312 is niet gegrond.

IV.B. De bewijslastregeling

B.92. In het achtste middel in de zaak nr. 4312 voeren de verzoekende partijen aan dat de artikelen 29 en 30 van de Antiracismewet, zoals ingevoegd bij de wet van 10 mei 2007, de artikelen 10, 11, 13, 14, 19, 22, 23, 24, 25, 26 en 27 van de Grondwet schenden, doordat ze de bewijslast zouden omkeren en daarbij een niet te verantwoorden verschil in behandeling zouden invoeren tussen twee categorieën van slachtoffers, naargelang zij al dan niet de betreffende bewijslastregeling kunnen genieten.

B.93. De bestreden artikelen maken deel uit van titel V « Bewijslast » van de Antiracismewet, zoals ingevoegd bij de wet van 10 mei 2007.

Volgens het bestreden artikel 29 zijn de bepalingen van deze titel van toepassing op alle gerechtelijke procedures, met uitzondering van de strafrechtelijke procedures.

B.94.1. Het bestreden artikel 30 bepaalt :

« § 1. Wanneer een persoon die zich slachtoffer acht van een discriminatie, het Centrum of een van de belangenverenigingen voor het bevoegde rechtscollege feiten aanvoert die het bestaan van een discriminatie op grond van een van de beschermde criteria kunnen doen vermoeden, dient de verweerder te bewijzen dat er geen discriminatie is geweest.

§ 2. Onder feiten die het bestaan van een directe discriminatie op grond van een beschermd criterium kunnen doen vermoeden, wordt onder meer, doch niet uitsluitend, begrepen :

1° de gegevens waaruit een bepaald patroon van ongunstige behandeling blijkt ten aanzien van personen die drager zijn van een welbepaald beschermd criterium; onder meer verschillende, los van elkaar staande bij het Centrum of een van de belangenverenigingen gedane meldingen; of

2° de gegevens waaruit blijkt dat de situatie van het slachtoffer van de ongunstigere behandeling, vergelijkbaar is met de situatie van de referentiepersoon.

§ 3. Onder feiten die het bestaan van een indirecte discriminatie op grond van een beschermd criterium kunnen doen vermoeden, wordt onder andere, doch niet uitsluitend, begrepen :

1° algemene statistieken over de situatie van de groep waartoe het slachtoffer van de discriminatie behoort of feiten van algemene bekendheid; of

2° het gebruik van een intrinsiek verdacht criterium van onderscheid; of

3° elementair statistisch materiaal waaruit een ongunstige behandeling blijkt ».

B.94.2. Die bepaling is het resultaat van een amendement, dat als volgt werd verantwoord :

« Het artikel van het wetsontwerp nam de bepaling over van de wet van 2003 betreffende de omkering van de bewijslast, vereist door de communautaire richtlijnen (richtlijn 43/2000, art. 8; richtlijn 78/2000, art. 10).

De auteurs van het amendement zijn van oordeel dat het principe van de omkering van de bewijslast globaler moet worden verduidelijkt dan hetgeen de huidige bepaling doet. De doelstelling van dit amendement bestaat er dus in de artikelen 10 van de richtlijn 43/2000 en 8 van de richtlijn 78/2000 om te zetten, rekening houdend met de rechtspraak van het Hof van Justitie, om een kader vast te leggen dat de rechter in staat stelt het bestaan van een discriminatie te vermoeden, waardoor de bewijslast ten laste van de verweerder wordt gelegd » (*Parl. St.*, Kamer, 2006-2007, DOC 51-2720/004, p. 2).

B.95. De omkering van de bewijslast is ingegeven door de vaststelling dat slachtoffers van discriminatie moeilijkheden ervaren om die discriminatie te kunnen bewijzen. In de parlementaire voorbereiding werd hieromtrent het volgende overwogen :

« Discriminatiewetgeving kan zonder evenwichtige verschuiving van de bewijslast niet efficiënt functioneren » (*Parl. St.*, Kamer, 2006-2007, DOC 51-2720/009, p. 73; zie ook *ibid.*, pp. 85-86).

Tevens wenste de wetgever rekening te houden met het feit dat de auteur van een laakbare handeling soms poogt te verhullen dat hij op een van de in de bestreden wet vermelde gronden een onderscheid heeft gemaakt (*ibid.*, pp. 74 en 77).

B.96. De door de wetgever ingevoerde maatregel berust op een objectief criterium, namelijk de aard van de vorderingen waarbij de omkering van de bewijslast wordt ingevoerd en is pertinent om de door hem beoogde doelstelling van efficiënte bescherming tegen discriminatie te waarborgen. Er dient evenwel te worden nagegaan of de maatregel niet onevenredig is.

B.97. Te dien aanzien dient allereerst te worden vastgesteld dat er enkel sprake kan zijn van een omkering van de bewijslast nadat het slachtoffer feiten heeft bewezen die het bestaan van discriminatie doen vermoeden. Bijgevolg dient het slachtoffer aan te tonen dat de verweerder daden heeft gesteld of opdrachten heeft gegeven die *prima facie* discriminerend zouden kunnen zijn. De bewijslast ligt derhalve in de eerste plaats bij het slachtoffer (*Parl. St.*, Kamer, 2006-2007, DOC 51-2720/009, p. 72).

De aangevoerde feiten moeten voldoende sterk en pertinent zijn. Het volstaat daarbij niet dat een persoon aantoont dat hij het voorwerp is geweest van een voor hem ongunstige behandeling. Hij dient tevens de feiten te bewijzen die erop lijken te wijzen dat die ongunstige behandeling is ingegeven door ongeoorloofde motieven. Hiertoe kan hij bijvoorbeeld aantonen dat zijn situatie vergelijkbaar is met de situatie van een referentiepersoon (artikel 30, § 2, 2º), zijnde een persoon die niet wordt gekenmerkt door een van de in de bestreden wet vermelde gronden en die door de verweerder op een verschillende wijze wordt behandeld.

Voormelde feiten vermogen evenwel niet algemeen van aard te zijn, maar moeten specifiek aan de auteur van het onderscheid kunnen worden toegeschreven. Aangezien volgens het bestreden artikel 30, § 2, 1º, « de gegevens waaruit een bepaald patroon van ongunstige behandeling blijkt ten aanzien van personen die drager zijn van een welbepaald beschermd criterium » een vermoeden van directe discriminatie doen ontstaan, dient dat patroon bij die personen te bestaan.

Hetzelfde dient te gelden ten aanzien van feiten die het bestaan van een indirecte discriminatie op een van de in de bestreden wet vermelde gronden kunnen doen vermoeden. Het kan daarbij niet volstaan aan de hand van statistisch materiaal aan te tonen dat een ogenschijnlijk neutrale grond personen gekenmerkt door een van de in de bestreden wet vermelde gronden benadeelt. Bovendien dient tevens te worden aangetoond dat de verweerder zich hiervan bewust was. Het statistische materiaal dient overigens aan zekere kwaliteitseisen te voldoen opdat de rechter ermee rekening kan houden, zoals met name blijkt uit de rechtspraak van het Hof van Justitie en van het Europees Hof voor de Rechten van de Mens :

« Voorts zij eraan herinnerd, dat de nationale rechter dient te beoordelen, of de statistische gegevens waardoor de situatie op de arbeidsmarkt wordt gekenmerkt, geldig zijn en of zij in aanmerking kunnen worden genomen, dat wil zeggen of zij betrekking hebben op een voldoende groot aantal personen, of er niet zuiver toevallige of conjuncturele verschijnselen in tot uitdrukking komen, en of zij in het algemeen relevant kunnen worden geacht (zie arrest van 27 oktober 1993, Enderby, C-127/92, *Jurispr.* blz. I-5535, punt 17) » (HvJ, 9 februari 1999, Seymour-Smith, C-167/97, § 62).

« Het Hof is van oordeel dat, wanneer de weerslag van maatregelen of van praktijken op een individu of op een groep dient te worden geëvalueerd, de statistieken die, nadat zij aan een kritisch onderzoek van het Hof zijn onderworpen, betrouwbaar en significant lijken, voldoende zijn om het door de verzoeker te leveren begin van bewijs te vormen » (EHRM (Grote Kamer), 13 november 2007, *D.H. e.a.* t. Tsjechische Republiek, § 188) (eigen vertaling).

B.98. De feiten aangevoerd door de persoon die zich het slachtoffer acht van discriminatie, door het Centrum voor gelijkheid van kansen en voor racismebestrijding of door een van de belangenverenigingen, genieten op zich geen bijzondere bewijswaarde. De rechter dient de juistheid van de gegevens die hem zullen worden voorgelegd te beoordelen overeenkomstig de regels van gemeen recht. Zo verklaarde de minister :

« de rechter moet [...] geval per geval oordelen over de regelmatigheid van de aangebrachte bewijzen en de bewijskracht ervan » (*Parl. St.*, Kamer, 2006-2007, DOC 51-2720/009, p. 88).

De rechter behoudt bovendien de nodige appreciatievrijheid. In de parlementaire voorbereiding werd hieromtrent het volgende verklaard :

« Het [komt] aan de rechter toe [...] om te oordelen op grond van de gegevens die hem worden voorgelegd of er in een bepaalde situatie een vermoeden van directe of indirecte discriminatie is. Vervolgens kan hij beslissen of hij al dan niet een omkering of een verschuiving van de bewijslast toelaat » (*Parl. St.*, Kamer, 2006-2007, DOC 51-2720/009, p. 70).

B.99. Uit de parlementaire voorbereiding blijkt nog dat er slechts gebruik kan worden gemaakt van instrumenten die aanleiding kunnen geven tot de omkering van de bewijslast, nadat er zich feiten hebben voorgedaan die mogelijkerwijs als discriminatie kunnen worden beschouwd en het nooit gaat om een proactieve controle (*Parl. St.*, Kamer, 2006-2007, DOC 51-2720/009, pp. 70, 71 en 79).

B.100.1. Uit hetgeen voorafgaat blijkt dat de bestreden bepalingen een billijk evenwicht tot stand hebben gebracht tussen de procespartijen door, enerzijds, rekening te houden met de nadelige procedurele uitgangssituatie waarin het slachtoffer zich bevindt en door, anderzijds, de situaties waarin de bewijslast naar de verweerder kan verschuiven, aan een aantal voorwaarden te onderwerpen, zodat niet blijkt dat de wetgever op discriminerende wijze afbreuk zou hebben gedaan aan het recht op een eerlijk proces.

Ten slotte is de omkering van de bewijslast, volgens het bestreden artikel 29, niet van toepassing in strafrechtelijke procedures. Aangezien rekening dient te worden gehouden met het vermoeden van onschuld, zoals het wordt gewaarborgd door artikel 6.2 van het Europees Verdrag voor de rechten van de mens en door artikel 14.2 van het Internationaal Verdrag inzake burgerrechten en politieke rechten, is die uitzondering verantwoord. Bovendien dient rekening te worden gehouden met artikel 8, lid 3, van de richtlijn 2000/43/EG van 29 juni 2000 « houdende toepassing van het beginsel van gelijke behandeling van personen ongeacht ras of etnische afstamming », naar luid waarvan de in artikel 8, lid 1, vermelde noodzaak om maatregelen te nemen op het vlak van de bewijslast niet van toepassing is in strafprocedures.

B.100.2. Volgens de verzoekende partijen is het niet uit te sluiten dat de in een burgerlijke zaak genomen beslissing een weerslag heeft op de strafrechtelijke procedure wanneer de daad waardoor de bepalingen van de Antiracismewet worden overtreden, een strafbaar feit uitmaakt. Zoals uit de tekst van artikel 30, § 1, blijkt, heeft de omkering van de bewijslast geen betrekking op het strafbare feit zelf, doch wel op de discriminerende aard van de gedraging. In de hypothese dat de omkering van de bewijslast, toegepast in een burgerlijke zaak, later het bewijs in een strafzaak zou kunnen beïnvloeden, zou de strafrechter niettemin ertoe zijn gehouden de bewijsstukken *in concreto* te beoordelen en het vermoeden van onschuld van de beklaagde te eerbiedigen.

B.101. Gelet op de voorwaarden waaronder de bestreden maatregel geldt, is die maatregel niet zonder verantwoording.

B.102. Het achtste middel in de zaak nr. 4312 is niet gegrond.

IV.C. Wat betreft de bevoegdheid van het Centrum voor gelijkheid van kansen en voor racismebestrijding en van de in de wet bedoelde belangenverenigingen om in rechte op te treden

B.103. In het negende middel in de zaak nr. 4312 voeren de verzoekende partijen aan dat de artikelen 17, 18, 30, 31 en 32 van de Antiracismewet, zoals ingevoegd bij de wet van 10 mei 2007, niet bestaanbaar zijn met de artikelen 10, 11 en 13 van de Grondwet, doordat die bepalingen een bevoegdheid om in rechte op te treden toekennen aan het Centrum voor gelijkheid van kansen en voor racismebestrijding (hierna : het Centrum), aan instellingen van openbaar nut, aan verenigingen die zich tot doel stellen de rechten van de mens te verdedigen en discriminatie te bestrijden, aan representatieve werkgevers- en werknemersorganisaties en aan representatieve organisaties van zelfstandigen.

B.104. Volgens het bestreden artikel 31 kan het Centrum in rechte optreden in de geschillen waartoe de Antiracismewet aanleiding kan geven. Volgens het bestreden artikel 32 kunnen instellingen van openbaar nut, verenigingen die op de dag van de feiten ten minste drie jaar rechtspersoonlijkheid bezitten en die zich statutair tot doel stellen de rechten van de mens te verdedigen of discriminatie te bestrijden, representatieve werknemers- en werkgeversorganisaties en representatieve organisaties van zelfstandigen in rechte optreden in de geschillen waartoe de Antiracismewet aanleiding kan geven, « wanneer afbreuk wordt gedaan aan de statutaire opdrachten die ze zich tot doel hebben gesteld ».

Wanneer het Centrum of een van de in artikel 32 bedoelde belangenverenigingen voor het bevoegde rechtscollege feiten aanvoeren die het bestaan van een discriminatie op een van de in de bestreden wet vermelde gronden kunnen doen vermoeden, dient de verweerder te bewijzen dat er geen discriminatie is geweest (artikel 30 van de Antiracismewet).

Volgens het bestreden artikel 17 kan de rechter diegene die de discriminatie heeft gepleegd veroordelen tot de betaling van een dwangsom, wanneer het Centrum of een van de in artikel 32 bedoelde belangenverenigingen daarom verzoeken.

Naar luid van het bestreden artikel 18 kan de voorzitter van de rechtbank van eerste aanleg of, naar gelang van de aard van de daad, de voorzitter van de arbeidsrechtbank of van de rechtbank van koophandel, de staking bevelen van een daad waardoor de bepalingen van de antiracismewet worden overtreden, wanneer het Centrum of een van de in artikel 32 bedoelde belangenverenigingen daarom verzoeken.

B.105. Het verschil in behandeling dat uit de bestreden artikelen voortvloeit berust op een objectief criterium, namelijk de bijzondere aard van de betwistingen waarin het optreden in rechte mogelijk is; bovendien heeft de wetgever rekening kunnen houden met de bijzondere ervaring van de organisaties en verenigingen die zijn gemachtigd om in rechte op te treden.

Hun vordering is evenwel slechts ontvankelijk als zij bewijzen dat zij handelen met instemming van het slachtoffer van de wetsovertreding of van de discriminatie (artikel 33 van de Antiracismewet). Bovendien moet het slachtoffer wiens instemming door de vereniging wordt overgelegd, eveneens een rechtmatig en persoonlijk belang hebben.

Onder meer rekening houdend met de bepalingen van de EG-richtlijnen die dat type van collectieve vorderingen aanmoedigen (artikel 7, lid 2, van de richtlijn 2000/43/EG en artikel 9, lid 2, van de richtlijn 2000/78/EG), is de maatregel, ook wat de burgerlijke vordering in strafprocedures betreft, niet zonder redelijke verantwoording.

B.106. Het negende middel in de zaak nr. 4312 is niet gegrond.

Om die redenen,

het Hof

onder voorbehoud van de interpretaties vermeld in B.29.4, B.33.4 en B.70.2, verwerpt de beroepen.

Aldus uitgesproken in het Nederlands, het Frans en het Duits, overeenkomstig artikel 65 van de bijzondere wet van 6 januari 1989, op de openbare terechtzitting van 11 maart 2009.

De griffier, De voorzitter,

P.-Y. Dutilleux. M. Bossuyt.

COUR CONSTITUTIONNELLE

F. 2009 — 1620 [2009/201210]

Extrait de l'arrêt n° 40/2009 du 11 mars 2009

Numéros du rôle : 4312 et 4355

En cause : les recours en annulation totale ou partielle de la loi du 10 mai 2007 modifiant la loi du 30 juillet 1981 tendant à réprimer certains actes inspirés par le racisme et la xénophobie, introduits par Jurgen Ceder et autres et par l'ASBL « Liga voor Mensenrechten ».

La Cour constitutionnelle,

composée des présidents M. Bossuyt et M. Melchior, et des juges P. Martens, E. De Groot, L. Lavrysen, A. Alen, J.-P. Snappe, J.-P. Moerman, E. Derycke et J. Spreutels, assistée du greffier P.-Y. Dutilleux, présidée par le président M. Bossuyt,

après en avoir délibéré, rend l'arrêt suivant :

I. *Objet des recours et procédure*

a. Par requête adressée à la Cour par lettre recommandée à la poste le 11 octobre 2007 et parvenue au greffe le 12 octobre 2007, un recours en annulation de la loi du 10 mai 2007 modifiant la loi du 30 juillet 1981 tendant à réprimer certains actes inspirés par le racisme et la xénophobie (publiée au *Moniteur belge* du 30 mai 2007, deuxième édition) a été introduit par Jurgen Ceder, demeurant à 1700 Dilbeek, Prieeldreef 1a, Frank Vanhecke, demeurant à 8310 Assebroek, J. Van Belleghemstraat 1, Gerolf Annemans, demeurant à 2050 Anvers, Blancefloerlaan 175, Filip Dewinter, demeurant à 2180 Ekeren, Klaverveldenlaan 1, et Joris Van Hauthem, demeurant à 1750 Lennik, Scheestraat 21.

b. Par requête adressée à la Cour par lettre recommandée à la poste le 29 novembre 2007 et parvenue au greffe le 30 novembre 2007, l'ASBL « Liga voor Mensenrechten », dont le siège est établi à 9000 Gand, Stopenberghestraat 2, a introduit un recours en annulation de l'article 21 de la loi du 10 mai 2007 précitée.

Ces affaires, inscrites sous les numéros 4312 et 4355 du rôle de la Cour, ont été jointes.

(...)

II. *En droit*

(...)

Quant à l'étendue des recours

B.1.1. Le Conseil des ministres fait valoir que les recours sont sans objet, parce qu'ils sont dirigés contre des articles qui, d'un point de vue formel, n'existent pas. La loi attaquée du 10 mai 2007 « modifiant la loi du 30 juillet 1981 tendant à réprimer certains actes inspirés par le racisme et la xénophobie » (ci-après : la loi du 10 mai 2007) ne comprend, en effet, que trois articles, dont le troisième insère 34 nouveaux articles dans la loi du 30 juillet 1981 « tendant à réprimer certains actes inspirés par le racisme et la xénophobie » (ci-après : la loi anti-racisme). Cet article 3 n'est toutefois pas attaqué par les parties requérantes.

B.1.2. Il peut être déduit à suffisance des requêtes que les moyens invoqués sont dirigés contre les articles de la loi anti-racisme tels qu'ils ont été insérés par l'article 3 de la loi du 10 mai 2007. Par ailleurs, les mémoires du Conseil des ministres font apparaître que celui-ci était en mesure de répondre aux moyens et aux arguments des parties requérantes.

L'exception est rejetée.

B.2.1. La Cour peut uniquement annuler les dispositions législatives explicitement attaquées contre lesquelles des moyens sont invoqués et, le cas échéant, des dispositions qui ne sont pas attaquées, mais qui sont indissociablement liées aux dispositions qui doivent être annulées.

B.2.2. En l'espèce, les moyens sont uniquement dirigés contre les articles 10, 17, 18, 20, 21, 22, 23, 24, 25, 29, 30, 31 et 32 de la loi anti-racisme, tels qu'ils ont été insérés par la loi du 10 mai 2007. Par conséquent, l'examen du recours en annulation est limité à ces dispositions et à celles qui leur seraient indissociablement liées.

Quant à la recevabilité des recours

Dans l'affaire n° 4312

B.3.1. Le Conseil des ministres conteste l'intérêt des parties requérantes dans l'affaire n° 4312 en ce qu'elles agiraient au nom d'un parti politique. En effet, elles ne fourniraient pas la preuve qu'elles représentent valablement ce parti.

B.3.2. En vue d'étayer leur intérêt, les parties requérantes font valoir que les dispositions attaquées limiteraient la liberté d'expression dont elles doivent pouvoir disposer en tant que membre, respectivement, du Parlement flamand, de la Chambre des représentants, du Sénat et du Parlement européen. Elles ne prétendent pas intervenir au nom d'un parti politique.

B.4.1. Selon le Conseil des ministres, les parties requérantes dans l'affaire n° 4312 ne disposeraient pas de l'intérêt requis pour demander l'annulation de l'article 23 de la loi anti-racisme, tel qu'il a été inséré par la loi du 10 mai 2007. En effet, cette disposition serait exclusivement applicable aux fonctionnaires ou officiers publics, ou à tout dépositaire ou agent de l'autorité ou de la force publique, alors qu'aucune des parties requérantes n'invoquerait l'une de ces qualités.

B.4.2. Aux termes de l'article 2, 3°, de la loi spéciale du 6 janvier 1989, un recours en annulation peut être introduit « par les présidents des assemblées législatives à la demande de deux tiers de leurs membres ».

Il en résulte que le législateur a entendu limiter la possibilité d'agir en justice pour les membres des assemblées législatives en la réservant à leurs présidents et à la condition que deux tiers des membres en fassent la demande. Un membre d'une assemblée ne justifie dès lors pas, en cette seule qualité, de l'intérêt requis pour agir devant la Cour.

B.4.3. Etant donné que les parties requérantes sont respectivement membres du Parlement flamand, de la Chambre des représentants, du Sénat et du Parlement européen, il n'est toutefois pas exclu qu'elles puissent être considérées comme dépositaires de l'autorité. Etant donné que l'article 23 attaqué peut les affecter directement et défavorablement, ces parties justifient dès lors de l'intérêt requis.

B.5.1. Selon le Conseil des ministres, les parties requérantes poursuivent essentiellement un intérêt illégitime par leur recours en annulation de l'article 22 de la loi anti-racisme, tel qu'il a été inséré par la loi du 10 mai 2007, étant donné qu'elles entendent en réalité contester la disposition législative sur la base de laquelle ont été condamnées trois ASBL liées à l'ancien parti politique « Vlaams Blok », afin que le fait de faire partie d'un groupement ou d'une association qui, de manière manifeste et répétée, pratique ou prône publiquement la discrimination ou la ségrégation ou le fait de lui prêter son concours, ne soient plus punissables.

B.5.2. Bien que l'article 22 attaqué de la loi anti-racisme, tel qu'il a été inséré par la loi du 10 mai 2007, ait, du point de vue du contenu, une portée analogue à celle de l'article 3, abrogé par la loi attaquée, de la loi anti-racisme du 30 juillet 1981, le législateur a, en adoptant la disposition attaquée, manifesté sa volonté de légiférer à nouveau. La circonstance que trois ASBL liées à l'ancien parti politique « Vlaams Blok » ont été condamnées sur la base de l'ancien article 3 de la loi anti-racisme ne prive pas les parties requérantes de leur intérêt à attaquer le nouvel article 22 de cette loi.

B.5.3. L'intérêt des parties requérantes ne peut en effet être tenu pour illégitime en ce que l'argumentation qu'elles développent contredirait des décisions passées en force de chose jugée. L'existence de ces décisions ne les prive pas du droit de contester la constitutionnalité de dispositions législatives qui leur sont postérieures, même si elles confirment la solution adoptée par ces décisions.

Dans l'affaire n° 4355

B.6.1. Le Conseil des ministres conteste l'intérêt de la partie requérante dans l'affaire n° 4355 (l'ASBL « Liga voor Mensenrechten »), en ce qu'elle ne démontre pas un lien suffisant entre la disposition qu'elle conteste et son objet social.

B.6.2. Lorsqu'une association sans but lucratif qui n'invoque pas son intérêt personnel agit devant la Cour, il est requis que son objet social soit d'une nature particulière et, dès lors, distinct de l'intérêt général; qu'elle défende un intérêt collectif; que la norme attaquée soit susceptible d'affecter son objet social; qu'il n'apparaisse pas, enfin, que cet objet social n'est pas ou n'est plus réellement poursuivi.

B.6.3. Selon l'article 3 de ses statuts, l'ASBL « Liga voor Mensenrechten » a pour objet de lutter contre toute injustice et contre toute atteinte aux droits des personnes ou des communautés et de défendre les principes d'égalité, de liberté et d'humanisme sur lesquels sont fondées les sociétés démocratiques et qui sont inscrits dans les conventions et déclarations relatives aux droits de l'homme.

Sans qu'une telle définition de l'objet social d'une ASBL doive être prise à la lettre comme un moyen que cette association se donne d'attaquer n'importe quelle norme sous le prétexte que toute norme a une incidence sur les droits de quelqu'un, il peut être admis qu'une disposition qui réprime la manifestation de certaines opinions soit de nature à pouvoir affecter défavorablement l'objet social de l'association. La circonstance que la partie requérante est particulièrement active dans la lutte contre le racisme ne la prive pas de l'intérêt à contester une disposition qui fait partie de la législation anti-racisme, dont elle estime qu'elle est contraire à la liberté d'expression.

B.7. Les exceptions sont rejetées.

Quant à la recevabilité des moyens

B.8. Pour satisfaire aux exigences de l'article 6 de la loi spéciale du 6 janvier 1989, les moyens de la requête doivent faire connaître, parmi les règles dont la Cour garantit le respect, celles qui seraient violées ainsi que les dispositions qui violeraient ces règles et exposer en quoi ces règles auraient été transgressées par ces dispositions.

B.9.1. Selon le Conseil des ministres, les premier, deuxième et sixième moyens dans l'affaire n° 4312 sont irrecevables parce que l'on n'aperçoit pas clairement si les parties requérantes allèguent la violation de l'article 12 ou de l'article 14 de la Constitution. En effet, les arguments invoqués par les parties requérantes porteraient plutôt sur l'incrimination que sur l'infliction de la peine.

B.9.2. Il apparaît à suffisance de la requête que les parties requérantes reprochent aux articles attaqués par ces moyens de violer le principe de légalité en matière pénale garanti par les articles 12 et 14 de la Constitution au motif que ces dispositions contiendraient des incriminations qui seraient insuffisamment claires et prévisibles. Le fait que ces parties ne mentionnent pas l'article 12 de la Constitution dans leur requête n'a pas empêché le Conseil des ministres de répondre à leurs arguments. Par conséquent, la requête dans l'affaire n° 4312 satisfait sur ce point aux exigences de l'article 6 de la loi spéciale du 6 janvier 1989.

L'exception est rejetée.

B.10.1. Selon le Conseil des ministres, le quatrième moyen dans l'affaire n° 4312 est irrecevable en ce qu'il est pris de la violation des articles 10 et 11 de la Constitution. Les parties requérantes ne démontreraient pas en quoi l'article attaqué par ce moyen serait contraire au principe d'égalité et de non-discrimination.

B.10.2. Lorsqu'est invoquée une violation du principe d'égalité et de non-discrimination, il faut en règle générale préciser quelles sont les catégories de personnes qui sont comparées et en quoi la disposition attaquée entraîne une différence de traitement qui serait discriminatoire.

Toutefois, lorsqu'une violation du principe d'égalité et de non-discrimination est alléguée en combinaison avec un autre droit fondamental, il suffit de préciser en quoi ce droit fondamental est violé. En effet, la catégorie de personnes pour laquelle ce droit fondamental serait violé doit être comparée avec la catégorie de personnes envers laquelle ce droit fondamental est garanti.

B.10.3. Etant donné que le quatrième moyen dans l'affaire n° 4312 est pris de la violation des articles 10, 11 et 19 de la Constitution, en ce que l'article 20 attaqué de la loi anti-racisme, tel qu'il a été inséré par la loi du 10 mai 2007, limiterait la liberté d'expression de manière injustifiée, le moyen, en ce qu'il est pris de la violation des articles 10 et 11 de la Constitution, doit être interprété en ce sens que la catégorie des personnes dont la liberté d'expression serait violée doit être comparée avec la catégorie des personnes dont la liberté d'expression est garantie.

L'exception est rejetée.

B.11.1. Selon le Conseil des ministres, le sixième moyen dans l'affaire n° 4312 est irrecevable en ce qu'il est pris de la violation de l'article 23 de la Constitution. Les parties requérantes ne démontreraient pas en quoi la disposition attaquée par ce moyen serait contraire à cet article de la Constitution.

B.11.2. Les parties requérantes n'exposent pas en quoi l'incrimination contenue à l'article 22 de la loi anti-racisme, tel qu'il a été inséré par la loi du 10 mai 2007, serait contraire aux droits fondamentaux économiques, sociaux et culturels mentionnés à l'article 23 de la Constitution. En ce qu'il est pris de la violation de l'article 23 de la Constitution, le sixième moyen dans l'affaire n° 4312 est irrecevable.

B.12.1. Selon le Conseil des ministres, le huitième moyen dans l'affaire n° 4312 est irrecevable en ce qu'il est pris de la violation des articles 13, 22, 23, 24, 25, 26 et 27 de la Constitution. Les parties requérantes ne démontreraient pas en quoi les articles attaqués par ce moyen, qui portent sur le règlement de la charge de la preuve, seraient contraires à ces dispositions constitutionnelles.

B.12.2. Les articles 22, 23, 24, 25, 26 et 27 de la Constitution garantissent respectivement le droit au respect de la vie privée et familiale, le droit de mener une vie conforme à la dignité humaine, la liberté de l'enseignement, la liberté de la presse, la liberté de réunion et d'association.

Le huitième moyen doit être interprété en ce sens que l'obligation - découlant des dispositions attaquées - de prouver qu'il n'y a pas eu discrimination constitue une ingérence dans les droits et libertés précités, dont il convient d'examiner si elle est raisonnablement justifiée.

L'article 13 de la Constitution garantit à toutes les personnes qui se trouvent dans la même situation le droit d'être jugées selon les mêmes règles en ce qui concerne la compétence et la procédure. Une différence de traitement à cet égard doit donc être raisonnablement justifiée.

L'exception est rejetée.

B.13.1. Selon le Conseil des ministres, le neuvième moyen dans l'affaire n° 4312 est irrecevable en ce qu'il est pris de la violation des articles 13, 14, 19, 22, 23, 24, 25, 26 et 27 de la Constitution. Les parties requérantes ne démontreraient pas en quoi les articles attaqués par ce moyen, qui portent sur le pouvoir d'ester en justice du Centre pour l'égalité des chances et la lutte contre le racisme et des groupements d'intérêts visés dans la loi attaquée, seraient contraires à ces dispositions constitutionnelles.

B.13.2. Ainsi qu'il a été dit en B.12.2, il découle de l'article 13 de la Constitution qu'une différence de traitement quant aux règles relatives à la compétence et à la procédure doit être raisonnablement justifiée. En ce qu'il dénonce la violation de l'article 13 de la Constitution, le moyen est recevable.

Pour le surplus, les parties requérantes n'exposent pas en quoi la possibilité d'ester en justice, prévue par les dispositions attaquées, constituerait une ingérence dans les droits et libertés garantis par les articles 14, 19, 22, 23, 24, 25, 26 et 27 de la Constitution. En ce qu'il dénonce la violation des dispositions constitutionnelles précitées, le moyen est irrecevable.

B.14.1. Selon le Conseil des ministres, les deuxième et quatrième moyens dans l'affaire n° 4312 sont irrecevables étant donné qu'ils sont dirigés contre des dispositions normatives qui faisaient déjà partie de l'ordre juridique belge avant la loi attaquée.

B.14.2. La circonstance qu'un moyen soit dirigé contre une disposition législative nouvelle qui a une portée analogue à celle d'une disposition qui existait déjà dans l'ordre juridique belge n'implique pas en soi l'irrecevabilité de ce moyen.

Bien que l'article 20 de la loi anti-racisme, attaqué par les deuxième et quatrième moyens, tel qu'il a été inséré par la loi du 10 mai 2007, ait une portée analogue à celle de l'article 1er de la loi anti-racisme du 30 juillet 1981, abrogé par la loi attaquée, le législateur a, en adoptant la disposition attaquée, manifesté sa volonté de légiférer à nouveau.

L'exception est rejetée.

B.15.1. Selon le Conseil des ministres, les troisième et cinquième moyens dans l'affaire nº 4312 sont irrecevables étant donné que le préjudice dont se plaignent les parties requérantes ne découlerait pas des articles 20 et 21 de la loi anti-racisme attaqués par ces moyens, tels qu'ils ont été insérés par la loi du 10 mai 2007, mais bien de l'article 4 de la Convention internationale sur l'élimination de toutes les formes de discrimination raciale, en exécution duquel les articles attaqués ont été adoptés.

B.15.2. La circonstance que le législateur entend donner exécution à une convention internationale ne le dispense pas de respecter les articles 10, 11 et 19 de la Constitution - invoqués dans les moyens précités -, qui garantissent le principe d'égalité et de non-discrimination ainsi que la liberté d'expression.

L'article 4 de la Convention internationale sur l'élimination de toutes les formes de discrimination raciale dispose par ailleurs que les Etats condamnent les actes énumérés dans cette disposition « tenant dûment compte des principes formulés dans la Déclaration universelle des droits de l'homme et des droits expressément énoncés à l'article 5 de [cette] Convention ». L'article 5 de la Convention cite notamment expressément le droit à la liberté d'opinion et d'expression ainsi que le droit à un traitement égal devant les tribunaux et tout autre organe administrant la justice. Le principe d'égalité et de non-discrimination ainsi que la liberté d'expression doivent en outre être considérés comme des « principes formulés dans la Déclaration universelle des droits de l'homme ».

L'exception est rejetée.

Quant au fond

B.16. Les moyens articulés dans les deux recours peuvent être regroupés comme suit :

(I) les moyens pris de la violation du principe de légalité en matière pénale, combiné ou non avec le principe d'égalité et de non-discrimination;

(II) les moyens pris de la violation de la liberté d'expression, combinée ou non avec le principe d'égalité et de non-discrimination;

(III) les moyens pris de la violation de la liberté d'association et de réunion, combinée ou non avec le principe d'égalité et de non-discrimination;

(IV) les moyens pris de la violation du principe d'égalité et de non-discrimination.

I. En ce qui concerne les moyens pris de la violation du principe de légalité en matière pénale, combiné ou non avec le principe d'égalité et de non-discrimination

B.17. Dans le premier moyen dans l'affaire nº 4312, les parties requérantes font valoir que les articles 20, 22, 23, 24 et 25 de la loi anti-racisme, tels qu'ils ont été insérés par la loi du 10 mai 2007, ne sont pas compatibles avec le principe de légalité en matière pénale, en ce que ces dispositions établissent des infractions mais en subdivisant en quatre actes distincts leur élément substantiel, c'est-à-dire la « discrimination », d'une manière extrêmement vague et imprévisible, à savoir (1) la discrimination directe intentionnelle; (2) la discrimination indirecte intentionnelle; (3) l'injonction de discriminer; et (4) le harcèlement.

Dans le deuxième moyen, elles font valoir que l'article 20, 3º, de la loi précitée n'est pas compatible avec le principe de légalité en matière pénale, en ce que cette disposition réprime l'incitation à la ségrégation à l'égard d'un groupe, d'une communauté ou de leurs membres sans définir l'élément substantiel de la « ségrégation ».

Dans le sixième moyen, elles font valoir que l'article 22 de la loi précitée n'est pas compatible avec le principe de légalité en matière pénale en ce que cette disposition rend punissables en des termes particulièrement vagues les personnes qui font partie d'un groupement ou d'une association qui, de manière manifeste et répétée, prône la discrimination ou la ségrégation, ou qui lui prêtent leur concours.

I.A. Principe de légalité en matière pénale

B.18.1. Le principe de légalité en matière pénale procède de l'idée que la loi pénale doit être formulée en des termes qui permettent à chacun de savoir, au moment où il adopte un comportement, si celui-ci est ou non punissable. Il exige que le législateur indique, en des termes suffisamment précis, clairs et offrant la sécurité juridique, quels faits sont sanctionnés, afin, d'une part, que celui qui adopte un comportement puisse évaluer préalablement, de manière satisfaisante, quelle sera la conséquence pénale de ce comportement et afin, d'autre part, que ne soit pas laissé au juge un trop grand pouvoir d'appréciation.

Toutefois, le principe de légalité en matière pénale n'empêche pas que la loi attribue un pouvoir d'appréciation au juge. Il faut en effet tenir compte du caractère de généralité des lois, de la diversité des situations auxquelles elles s'appliquent et de l'évolution des comportements qu'elles répriment.

La condition qu'une infraction doit être clairement définie par la loi se trouve remplie lorsque le justiciable peut savoir, à partir du libellé de la disposition pertinente et, au besoin, à l'aide de son interprétation par les juridictions, quels actes et omissions engagent sa responsabilité pénale.

B.18.2. Ce n'est qu'en examinant une disposition pénale spécifique qu'il est possible, en tenant compte des éléments propres aux infractions qu'elle entend réprimer, de déterminer si les termes généraux utilisés par le législateur sont à ce point vagues qu'ils méconnaîtraient le principe de légalité en matière pénale.

I.B. Violation alléguée du principe de légalité en matière pénale par la notion de « discrimination » aux articles 20, 22, 23, 24 et 25 de la loi

B.19.1. Les articles 20, 22, 23, 24 et 25 figurant dans le titre IV (« Dispositions pénales ») de la loi anti-racisme, tels qu'ils ont été insérés par la loi du 10 mai 2007, concernent l'incrimination de diverses formes de discrimination. L'article 19 attaqué dispose à cet égard :

« Pour l'application du présent titre, la discrimination s'entend de toute forme de discrimination directe intentionnelle, de discrimination indirecte intentionnelle, d'injonction de discriminer ou de harcèlement, fondée sur un critère protégé ».

En précisant ce qu'il y a lieu d'entendre par le terme « discrimination » utilisé dans les dispositions attaquées, l'article 19 précité est indissociablement lié à ces dispositions.

B.19.2. Selon les parties requérantes dans l'affaire nº 4312, les notions de « discrimination directe intentionnelle », de « discrimination indirecte intentionnelle », d'« injonction de discriminer » et de « harcèlement » ne seraient pas suffisamment claires.

B.20. La Cour doit vérifier pour chacune des notions mentionnées en B.19.2 si elles satisfont aux critères mentionnés en B.18.1.

I.B.1. Notion de « discrimination directe intentionnelle »

B.21.1. En ce qui concerne la notion de « discrimination directe intentionnelle », l'article 4, 7°, de la loi anti-racisme, inséré par la loi du 10 mai 2007, définit la « discrimination directe » comme suit :

« distinction directe, fondée sur l'un des critères protégés, qui ne peut être justifiée sur la base des dispositions du titre II ».

Selon l'article 4, 6°, de cette loi, il convient d'entendre ce qui suit par « distinction directe » :

« la situation qui se produit lorsque, sur la base de l'un des critères protégés, une personne est traitée de manière moins favorable qu'une autre personne ne l'est, ne l'a été ou ne le serait dans une situation comparable ».

Ces définitions sont issues des directives européennes pertinentes (*Doc. parl.*, Chambre, 2006-2007, DOC 51-2720/001, pp. 14 et 22). Ainsi, selon l'article 2, paragraphe 2, de la directive 2000/43/CE du 29 juin 2000 « relative à la mise en œuvre du principe de l'égalité de traitement entre les personnes sans distinction de race ou d'origine ethnique », que la loi du 10 mai 2007 vise à transposer, une discrimination directe se produit « lorsque, pour des raisons de race ou d'origine ethnique, une personne est traitée de manière moins favorable qu'une autre ne l'est, ne l'a été ou ne le serait dans une situation comparable ».

B.21.2. Les motifs de justification figurant au titre II, auxquels il est fait référence dans la définition précitée de la notion de « discrimination directe » et qui justifient une distinction directe sur la base d'un des « critères protégés » par cette loi, sont mentionnés aux articles 7 et 8 de la loi anti-racisme, insérés par la loi du 10 mai 2007. Les motifs généraux de justification définis aux articles 10 et 11 de cette loi s'appliquent pour une distinction tant directe qu'indirecte sur la base d'un des « critères protégés ».

Etant donné qu'aux termes de l'article 4, 7°, de la loi anti-racisme, inséré par la loi du 10 mai 2007, il y a discrimination directe lorsqu'une distinction directe fondée sur un « critère protégé » n'est pas justifiée sur la base des dispositions du titre II de la loi, les motifs de justification mentionnés dans ce titre constituent dès lors un élément essentiel de la notion de discrimination directe.

B.22. En vue de déterminer les motifs de justification d'une « distinction directe » fondée sur une prétendue race, la couleur de peau, l'ascendance ou l'origine nationale ou ethnique, le législateur a opté pour un « système de justification fermé », lequel implique qu'une différence de traitement ne peut être justifiée que sur la base de motifs limités, ponctuels et définis par avance.

A une « distinction directe » fondée sur la nationalité s'applique un « système de justification ouvert », impliquant qu'une différence de traitement peut faire l'objet d'une justification objective et raisonnable, qui n'est pas précisée davantage et qui est laissée à l'appréciation finale du juge.

Au cours des travaux préparatoires, il a été souligné que la directive 2000/43/CE du 29 juin 2000 « relative à la mise en œuvre du principe de l'égalité de traitement entre les personnes sans distinction de race ou d'origine ethnique » interdit un « système de justification ouvert [...] pour la plupart des domaines d'application de la loi » et qu'il est indiqué, pour les matières qui ne relèvent pas du champ d'application de cette directive, d'opter également pour un « système de justification fermé », en raison de la jurisprudence de la Cour européenne des droits de l'homme pour ce qui est des distinctions fondées sur l'origine ethnique d'une personne (*Doc. parl.*, Chambre, 2006-2007, DOC 51-2720/001, pp. 47-48). Le système dérogatoire pour les distinctions fondées sur la nationalité a été justifié par référence à « la nature différente du critère ' nationalité ' par rapport aux autres critères protégés » (*ibid.*, p. 48).

B.23.1. L'article 7, § 2, de la loi anti-racisme, inséré par la loi du 10 mai 2007, énonce :

« Toute distinction directe fondée sur la nationalité constitue une discrimination directe, à moins qu'elle ne soit objectivement justifiée par un but légitime et que les moyens de réaliser cet objectif soient appropriés et nécessaires.

L'alinéa premier ne permet cependant en aucun cas de justifier une distinction directe fondée sur la nationalité qui serait interdite par le droit de l'Union européenne ».

B.23.2. La définition de la notion de « distinction directe », à laquelle se réfère la définition de la notion de « discrimination directe », et en particulier les mots « de manière moins favorable » font apparaître en premier lieu qu'une discrimination directe ne peut se produire que si les personnes qui appartiennent à la catégorie discriminée sont lésées.

B.23.3. Il ressort ensuite des travaux préparatoires de la loi du 10 mai 2007 que, par la définition du motif de justification visé à l'article 7, § 2, (la distinction directe est justifiée objectivement par un but légitime et les moyens de réaliser ce but doivent être appropriés et nécessaires), le législateur a voulu se conformer à la définition de la notion de discrimination selon la jurisprudence constante de la Cour européenne des droits de l'homme, de la Cour constitutionnelle, de la Cour de cassation et du Conseil d'Etat. Un membre de la Chambre des représentants constatait « par ailleurs une différence de formulation entre le projet de loi à l'examen, d'une part, et la loi du 25 février 2003, d'autre part » (*Doc. parl.*, Chambre, 2006-2007, DOC 51-2720/009, p. 110). Il posa à ce sujet la question suivante :

« Cette dernière [la loi du 25 février 2003] dispose qu'une différence de traitement n'est pas une discrimination interdite lorsqu'elle est objectivement et raisonnablement justifiée. La nouvelle loi, en revanche, prévoit qu'une distinction doit être objectivement justifiée par un but légitime et que les moyens de réaliser ce but doivent être appropriés et nécessaires.

Faut-il en conclure qu'à l'avenir il sera plus difficile de justifier une distinction? En d'autres termes, le mot ' nécessaires ' ajoute-t-il une condition supplémentaire rapport à ce qui était requis en vertu de la loi de 2003 ? » (*ibid.*).

Le ministre répondit ce qui suit :

« [...] la condition de nécessité est déjà implicitement prévue dans la loi du 25 février 2003. Elle couvre les conditions relatives à la proportionnalité et à l'efficacité qui découlent de la loi de 2003, telles qu'elles sont interprétées à la lumière de la jurisprudence de la Cour d'arbitrage et de la Cour de justice des Communautés européennes » (*ibid.*, p. 111).

Il ajouta :

« Il s'ensuit que la mention explicite de cette condition dans le texte du projet de loi n'ajoute pas une condition supplémentaire. Indépendamment des différences de formulation, sur le fond de l'affaire, le statu quo est maintenu » (*ibid.*).

B.23.4. L'alinéa 2 de l'article 7, § 2, de la loi anti-racisme, tel qu'il a été inséré par la loi du 10 mai 2007, aux termes duquel l'alinéa 1er ne permet en aucun cas de justifier une distinction directe fondée sur la nationalité qui serait interdite par le droit de l'Union européenne, précise l'alinéa 1er de l'article 7, § 2, mais n'ajoute en réalité pas de nouveaux critères. En effet, il faut partir du principe qu'une distinction interdite par le droit de l'Union européenne ne peut être justifiée de manière objective et raisonnable.

B.23.5. Enfin, il ressort de l'ajout du terme « intentionnel » à l'article 19 de la loi anti-racisme, inséré par la loi du 10 mai 2007, aux termes duquel, par « discrimination » il convient d'entendre notamment « toute forme de discrimination directe intentionnelle », qu'il s'agit d'un délit intentionnel. Même si le juge devait considérer qu'une distinction directe fondée sur la nationalité n'est pas justifiée de manière objective et raisonnable, il ne pourrait cependant être question de discrimination directe intentionnelle que lorsqu'il est démontré que le prévenu a agi sciemment et volontairement. Il ne suffit par conséquent pas que le prévenu ne soit pas en mesure de donner une justification objective et raisonnable à la distinction qu'il a établie. Il faut d'abord que soit démontré que le prévenu, par cette distinction, a intentionnellement voulu traiter une personne défavorablement sur la base de la nationalité, sachant qu'il n'existe pour ce faire aucune justification raisonnable.

B.23.6. Etant donné que le législateur reprend, à l'article 7, § 2, de la loi anti-racisme, inséré par la loi du 10 mai 2007, les critères qui ont été développés de manière précise par les juridictions nationales et internationales en vue d'exercer un contrôle au regard du principe d'égalité et de non-discrimination et exige une intention pour qu'il puisse être question d'une « discrimination directe intentionnelle », les critères utilisés sont suffisamment précis, clairs et prévisibles et, partant, compatibles avec le principe de légalité en matière pénale.

B.24.1. S'agissant des distinctions directes fondées sur une prétendue race, la couleur de peau, l'ascendance ou l'origine nationale ou ethnique, c'est un système de justification fermé qui s'applique. L'article 7, § 1er, de la loi anti-racisme, inséré par la loi du 10 mai 2007, dispose à cet égard :

« Toute distinction directe fondée sur une prétendue race, la couleur de peau, l'ascendance ou l'origine nationale ou ethnique, constitue une discrimination directe, sauf dans les hypothèses visées aux articles 8, 10 et 11 ».

B.24.2. Selon l'article 8, § 1er, de la loi anti-racisme, inséré par la loi du 10 mai 2007, dans le domaine des relations de travail, une distinction directe fondée sur une prétendue race, la couleur de peau, l'ascendance ou l'origine nationale ou ethnique ne peut être justifiée que sur la base d'une exigence professionnelle essentielle et déterminante.

La notion d'« exigences professionnelles essentielles et déterminantes » est précisée à l'article 8, § 2, qui dispose :

« Il ne peut être question d'une exigence professionnelle essentielle et déterminante que lorsque :

- une caractéristique déterminée, liée à une prétendue race, la couleur de peau, l'ascendance ou l'origine nationale ou ethnique, est essentielle et déterminante en raison de la nature spécifique de l'activité professionnelle concernée ou du contexte de son exécution, et;

- l'exigence repose sur un objectif légitime et est proportionnée par rapport à celui-ci. ».

B.24.3. Selon les travaux préparatoires de la loi du 10 mai 2007, « une caractéristique liée à un critère protégé peut être considérée comme une exigence professionnelle essentielle et déterminante sur la base (1) de la nature des activités professionnelles spécifiques concernées et (2) du contexte dans lequel les activités professionnelles spécifiques sont réalisées. » (*Doc. parl.*, Chambre, 2006-2007, DOC 51-2720/001, p. 49). En outre, les travaux préparatoires précités indiquent ce qui suit :

« En tant que règle d'exception, la règle des exigences professionnelles essentielles et déterminantes doit être appliquée avec parcimonie et uniquement pour les exigences professionnelles qui sont strictement nécessaires afin d'exercer les activités en question. A l'instar des Directives européennes, l'avant-projet exige qu'il s'agisse d'activités professionnelles spécifiques, ce qui veut dire que la nécessité de fixer l'exigence devra toujours dépendre des activités concrètes réalisées par un travailleur (à engager). Si le critère demandé pour une catégorie de travailleurs déterminée est nécessaire dans certains cas et pas nécessaire dans d'autres cas, le critère ne peut pas être imposé d'office à la catégorie complète des travailleurs » (*ibid.*, p. 49).

Il apparaît ainsi que le législateur entend, par la notion d'« exigences professionnelles essentielles et déterminantes », indiquer qu'il convient de vérifier si une distinction fondée sur l'un des motifs mentionnés à l'article 8 de la loi anti-racisme, inséré par la loi du 10 mai 2007, est nécessaire, eu égard à la nature de l'activité professionnelle et au contexte, pour les relations de travail.

B.24.4. Le fait que l'exigence professionnelle doit être fondée sur un objectif légitime et être proportionnée par rapport à cet objectif est également précisé dans les travaux préparatoires :

« Par le passé, les justifications suivantes ont entre autres été acceptées comme objectifs légitimes pour l'édiction d'exigences professionnelles essentielles et déterminantes :

- la protection de la vie privée;

- le respect de la sensibilité du patient;

- la sécurité publique;

- le maintien de la force de combat dans l'armée.

Plus généralement, des objectifs légitimes peuvent être trouvés dans la protection des droits fondamentaux, dans le monde culturel (p.e. la garantie de la liberté artistique ou de l'authenticité) ou le monde commercial (p.e. la garantie de la publicité visant certains groupes cibles) et dans la sécurité (sécurité dans l'entreprise; sécurité des personnes tierces; sécurité publique).

Dans un deuxième temps, il est nécessaire de contrôler si l'exigence professionnelle essentielle et déterminante est proportionnée à l'objectif légitime. A l'enseigne du droit européen, ce contrôle de proportionnalité comprend un contrôle de l'appropriation et de la nécessité de l'exigence professionnelle vis-à-vis de l'objectif poursuivi (arrêt Johnston, 222/84, 15 mai 1986, considérant 38) » (*Doc. parl.*, Chambre, 2006-2007, DOC 51-2720/001, pp. 49-50).

B.24.5. Du fait que le juge doit examiner si une exigence professionnelle repose sur un but légitime et est proportionnée par rapport au but poursuivi, ce contrôle ne s'écarte pas du motif général de justification inscrit à l'article 7, § 2, en vertu duquel une distinction directe est discriminatoire sauf si elle est justifiée par un but légitime et que les moyens de réaliser ce but sont appropriés et nécessaires.

B.24.6. Ainsi qu'il a été observé en B.23.5, il ressort enfin de l'ajout du mot « intentionnel » à l'article 19 de la loi anti-racisme, inséré par la loi du 10 mai 2007, aux termes duquel il y a lieu d'entendre par « discrimination » notamment « toute forme de discrimination directe intentionnelle », qu'il s'agit d'un délit intentionnel. La simple circonstance que le juge décide qu'une caractéristique ne constitue pas une exigence professionnelle essentielle ou déterminante ne suffit dès lors pas pour qu'il soit question d'une discrimination directe intentionnelle. Pour ce faire, il convient d'abord de prouver que le prévenu, au moment où il a opéré la différence de traitement litigieuse, savait qu'il ne s'agissait pas d'une exigence professionnelle essentielle ou déterminante.

B.24.7. Il ressort de ce qui précède que les critères utilisés à l'article 8 de la loi anti-racisme, inséré par la loi du 10 mai 2007, sont suffisamment précis, clairs et prévisibles et que cette disposition est, partant, compatible avec le principe de légalité en matière pénale.

B.25.1. Conformément à l'article 10, § 1er, de la loi anti-racisme, inséré par la loi du 10 mai 2007, une distinction directe ou indirecte fondée sur l'un des « critères protégés » ne s'analyse jamais en une quelconque forme de discrimination lorsque cette distinction directe ou indirecte constitue une mesure d'action positive.

B.25.2. Cette disposition prévoit donc un motif général de justification en vertu duquel une distinction fondée sur un « critère protégé » ne constitue pas une discrimination.

B.25.3. Conformément à l'article 10, § 2, de la loi anti-racisme, inséré par la loi du 10 mai 2007, une mesure d'action positive ne peut être prise que moyennant le respect des conditions suivantes :

« - il doit exister une inégalité manifeste;

- la disparition de cette inégalité doit être désignée comme un objectif à promouvoir;

- la mesure d'action positive doit être de nature temporaire, étant de nature à disparaître dès que l'objectif visé est atteint;

- la mesure d'action positive ne doit pas restreindre inutilement les droits d'autrui ».

B.25.4. Conformément à l'article 10, § 3, attaqué, le Roi doit déterminer les hypothèses et les conditions dans lesquelles une mesure d'action positive peut être prise. Cette intervention du Roi a été justifiée comme suit :

« L'une des conditions de licéité auxquelles la Cour d'arbitrage subordonne le recours à l'action positive, est l'existence, dans les faits, d'une inégalité manifeste au détriment du ' groupe-cible ' de l'action positive. Par définition, un acteur privé, agissant seul, n'est pas en mesure d'apprécier correctement, au niveau macroscopique, si cette condition de licéité se trouve remplie. Voilà pourquoi le gouvernement a estimé que, dans chacune des trois législations, le recours à l'action positive devait être subordonné à une autorisation et un encadrement réglementaire préalables de la part du Roi » *(Doc. parl.*, Chambre, 2006-2007, DOC 51-2720/001, p. 23).

B.25.5. Il ressort de ce qui précède qu'une personne qui souhaite invoquer, en vue de justifier une distinction directe ou indirecte, le motif général de justification prévu à l'article 10, sait à quelles conditions elle doit satisfaire. En effet, l'arrêté royal qui fixe les situations dans lesquelles peut être prise une mesure d'action positive fera apparaître à suffisance qu'il est question ou non d'une inégalité manifeste. Il en va de même en ce qui concerne le délai au cours duquel cette mesure peut être prise. En ce qu'il convient de vérifier si la mesure d'action positive poursuit un but légitime (la disparition d'une inégalité manifeste) et ne restreint pas inutilement les droits d'autrui, ce contrôle ne s'écarte pas fondamentalement du motif de justification inscrit à l'article 7, § 2.

B.25.6. Par conséquent, le motif de justification défini à l'article 10 est suffisamment précis, clair et prévisible et, partant, compatible avec le principe de légalité en matière pénale.

B.26.1. Conformément à l'article 11, § 1er, de la loi anti-racisme, inséré par la loi du 10 mai 2007, une distinction directe ou indirecte fondée sur un des « critères protégés » ne s'analyse jamais en une discrimination prohibée par cette loi lorsque cette distinction est imposée par ou en vertu d'une loi.

B.26.2. Cette exception a été justifiée comme suit :

« Cet article empêche les conflits entre la présente loi et d'autres législations ou réglementations qui imposent une distinction de traitement sur base des critères protégés. En vertu de cet article, une personne ne commet aucune discrimination défendue par la loi, si cette personne agit en conformité avec la législation ou la réglementation qui organise la distinction sur la base des critères protégés.

Cette disposition garantit la sécurité juridique. Elle empêche qu'un citoyen doive faire un choix entre les normes qu'il doit respecter (la présente loi anti-discrimination ou la loi qui organise la distinction) » (*Doc. parl.*, Chambre, 2006-2007, DOC 51-2720/001, pp. 52-53).

B.26.3. L'article 11, § 2, de la loi anti-racisme, inséré par la loi du 10 mai 2007, dispose que le paragraphe 1er de cette disposition ne préjuge en rien de la conformité d'une distinction directe ou indirecte imposée par ou en vertu d'une loi avec la Constitution, le droit de l'Union européenne et le droit international en vigueur en Belgique. Ainsi, la victime d'une discrimination alléguée peut demander à la Cour de contrôler la loi qui impose la distinction au regard du principe constitutionnel d'égalité et de non-discrimination (*Doc. parl.*, Chambre, 2006-2007, DOC 51-2720/001, p. 53).

B.26.4. Toutefois, tant que la loi qui impose cette distinction est en vigueur, cette disposition offre une justification suffisante pour cette distinction.

Le motif de justification prévu à l'article 11 est suffisamment précis, clair et prévisible et, partant, compatible avec le principe de légalité en matière pénale.

B.27. Les motifs de justification figurant au titre II, auxquels il est fait référence dans la définition de la notion de « discrimination directe intentionnelle » et qui font partie intégrante de cette notion, sont dès lors suffisamment précis, clairs et prévisibles. La notion de « discrimination directe intentionnelle » ne viole par conséquent pas le principe de légalité en matière pénale.

I.B.2. Notion de « discrimination indirecte intentionnelle »

B.28.1. La « discrimination indirecte » est définie à l'article 4, 9°, de la loi anti-racisme, inséré par la loi du 10 mai 2007, comme une « distinction indirecte fondée sur l'un des critères protégés, qui ne peut être justifiée sur la base des dispositions du titre II ».

Une « distinction indirecte » est « la situation qui se produit lorsqu'une disposition, un critère ou une pratique apparemment neutre est susceptible d'entraîner, par rapport à d'autres personnes, un désavantage particulier pour des personnes caractérisées par l'un des critères protégés » (article 4, 8°, de la loi anti-racisme, inséré par la loi du 10 mai 2007).

B.28.2. Les motifs de justification figurant au titre II, auxquels il est fait référence dans la définition précitée de la notion de « discrimination indirecte » et qui justifient une distinction indirecte fondée sur l'un des « critères protégés » par cette loi sont mentionnés à l'article 9 de la loi anti-racisme, inséré par la loi du 10 mai 2007. Les motifs généraux de justification déterminés aux articles 10 et 11 de cette loi s'appliquent tant pour une distinction directe que pour une distinction indirecte fondée sur l'un des « critères protégés ».

Du fait qu'aux termes de l'article 4, 9°, de la loi anti-racisme, il y a discrimination indirecte lorsqu'une distinction indirecte fondée sur l'un des « critères protégés » ne peut être justifiée sur la base des dispositions du titre II de cette loi, les motifs de justification mentionnés dans ce titre constituent dès lors un élément essentiel de la notion de discrimination indirecte.

B.29.1. L'article 9 de la loi anti-racisme, inséré par la loi du 10 mai 2007, dispose :

« Toute distinction indirecte fondée sur l'un des critères protégés constitue une discrimination indirecte, à moins que la disposition, le critère ou la pratique apparemment neutre qui est au fondement de cette distinction indirecte soit objectivement justifié par un but légitime et que les moyens de réaliser cet objectif soient appropriés et nécessaires ».

B.29.2. Il ressort des travaux préparatoires de la loi du 10 mai 2007 que l'incrimination de la discrimination indirecte intentionnelle tend à éviter que soit utilisé un critère apparemment neutre aux fins de contourner l'interdiction de discrimination directe (*Doc. parl.*, Chambre, 2006-2007, DOC 51-2720/001, pp. 41 et 60).

B.29.3. Le législateur entendait également répondre à l'arrêt n° 157/2004 du 6 octobre 2004, dans lequel la Cour a jugé :

« B.54. Aux termes de l'article 2, § 2, de la loi, ' il y a discrimination indirecte lorsqu'une disposition, un critère ou une pratique apparemment neutre a en tant que tel un résultat dommageable pour des personnes auxquelles s'applique un des motifs de discrimination visés au § 1er, à moins que cette disposition, ce critère ou cette pratique ne repose sur une justification objective et raisonnable '.

B.55. Si la référence à la ' justification objective et raisonnable ' de la disposition, du critère ou de la pratique n'ajoute rien à la définition de la notion de ' discrimination ' rappelée en B.35, en revanche on imagine mal comment il pourrait être incité intentionnellement à une ' pratique apparemment neutre ' ou à un acte dont le caractère discriminatoire ne se manifeste que par son ' résultat dommageable '. Une telle définition contient un élément d'incertitude qui n'empêche pas qu'une discrimination indirecte puisse faire l'objet d'une mesure civile mais qui n'est pas compatible avec l'exigence de prévisibilité propre à la loi pénale.

B.56. Il s'ensuit que l'incrimination créée par l'article 6, § 1er, premier tiret, ne satisfait au principe de légalité en matière pénale qu'à la condition qu'elle soit interprétée comme ne visant que l'incitation intentionnelle à la discrimination directe ».

Afin de remédier à ce grief, la définition précitée de la notion de « distinction indirecte », à laquelle se réfère la définition de la notion de « discrimination indirecte », fait allusion à une disposition, à un critère ou une pratique apparemment neutre qui est susceptible d'entraîner, par rapport à d'autres personnes, un désavantage particulier pour des personnes caractérisées par l'un des « critères protégés ». Au cours des travaux préparatoires, il a été considéré ce qui suit à ce sujet :

« A l'aune de cette définition européenne (reprise dans les trois lois proposées), qui identifie la discrimination indirecte par référence à un résultat effectivement produit ou *dont on estime probable qu'il advienne en fonction de l'expérience commune*, il devient parfaitement concevable qu'une discrimination indirecte soit ' anticipable ', et donc, puisse être ' intentionnelle ' dans le chef de celui qui la commet » (*Doc. parl.*, Chambre, 2006-2007, DOC 51-2720/001, p. 30).

En réponse à la question de savoir comment une discrimination indirecte peut être intentionnelle, le ministre, se référant à la jurisprudence de la Cour de justice des Communautés européennes, répondit ce qui suit :

« Aux fins de se conformer parfaitement aux exigences du droit communautaire sur ce point, les projets à l'examen définissent la discrimination indirecte comme ' la situation qui se produit lorsqu'une disposition, un critère ou une pratique apparemment neutre est susceptible d'entraîner, par rapport à d'autres personnes, un désavantage particulier pour des personnes caractérisées par un critère protégé ', et ce, pourvu qu'une telle pratique ne puisse s'autoriser d'aucune des justifications prévues par chacun des trois projets.

La définition ainsi formulée identifie donc la discrimination indirecte par référence à un résultat effectivement produit et constaté *a posteriori* ou par référence a un résultat dont il est raisonnable de présumer, *a priori*, qu'il pourrait advenir, et ce, en raison de l'expérience commune. Sous ce second angle, il est donc parfaitement concevable qu'une discrimination indirecte soit ' anticipable ' et donc, puisse être ' intentionnelle ' dans le chef de celui qui la commet. Il en va également de la sorte pour une incitation à une telle forme de discrimination » (*Doc. parl.*, Chambre, 2006-2007, DOC 51-2720/009, pp. 45-46).

B.29.4. Il ressort de ce qui précède qu'il ne peut être question de « discrimination indirecte intentionnelle » que lorsqu'est utilisé un autre motif de distinction que la nationalité, une prétendue race, la couleur de peau, l'ascendance ou l'origine nationale ou ethnique, mais qui puisse léser particulièrement des personnes caractérisées par l'un des motifs mentionnés dans la loi attaquée. Ensuite, il faut que ce motif soit utilisé afin d'établir une distinction sur la base d'un des motifs mentionnés dans la loi attaquée sans qu'existe pour ce faire une justification objective et raisonnable. Enfin, le caractère intentionnel doit être démontré (*Doc. parl.*, Chambre, 2006-2007, DOC 51-2720/009, p. 114).

Il ne suffit dès lors pas qu'une disposition, un critère ou une pratique puisse léser particulièrement une catégorie de personnes caractérisée par des motifs mentionnés dans la loi attaquée. Il convient de démontrer que l'auteur de cette disposition, de ce critère ou de cette pratique savait, au moment des faits, que cette catégorie de personnes serait de ce fait lésée sans qu'existât pour ce faire une justification raisonnable et il convient également de démontrer qu'il a voulu ce préjudice. Par application des principes généraux du droit pénal, il appartient à la partie poursuivante d'en fournir la preuve, tout doute profitant au prévenu.

B.29.5. Sous réserve de cette interprétation, le motif de justification inscrit à l'article 9 est suffisamment précis, clair et prévisible et, partant, compatible avec le principe de légalité en matière pénale.

B.30. Etant donné qu'une distinction indirecte fondée sur l'un des motifs mentionnés dans la loi attaquée peut également être justifiée sur la base des motifs généraux de justification prévus aux articles 10 et 11 de la loi réprimant le racisme, ces motifs de justification sont, pour les raisons indiquées en B.25 et B.26, compatibles avec le principe de légalité en matière pénale.

B.31. Les motifs de justification figurant au titre II, auxquels il est fait référence dans la définition de la notion de « discrimination indirecte intentionnelle » et qui constituent un élément essentiel de cette notion, sont dès lors suffisamment précis, clairs et prévisibles. Par conséquent, la notion de « discrimination indirecte intentionnelle » ne viole pas le principe de légalité en matière pénale.

I.B.3. Notion d'« injonction de discriminer »

B.32.1. L'article 4, 12°, de la loi anti-racisme, inséré par la loi du 10 mai 2007, définit la notion d'« injonction de discriminer » comme suit :

« tout comportement consistant à enjoindre à quiconque de pratiquer une discrimination, sur la base de l'un des critères protégés, à l'encontre d'une personne, d'un groupe, d'une communauté ou de l'un de leurs membres ».

B.32.2. Il apparaît des travaux préparatoires que l'interdiction d'enjoindre de pratiquer une discrimination a pour objectif « d'empêcher qu'on tente, par l'utilisation d'intermédiaires, d'échapper à l'interdiction de discrimination » (*Doc. parl.*, Chambre, 2006-2007, DOC 51-2720/009, p. 42). Le ministre avait cité l'exemple suivant :

« Supposez qu'un candidat locataire soit refusé par un agent immobilier sur la base de critères discriminatoires pour la location d'un bien immobilier pour lequel l'agent intervient en tant qu'intermédiaire. L'agent immobilier n'échappe alors pas à sa responsabilité dans le cadre des projets de loi en alléguant qu'il a agi sur l'ordre explicite du propriétaire. [...] Cependant, lorsque l'agent immobilier prouve qu'il a effectivement agi sur l'ordre explicite du propriétaire, le candidat locataire pourra également demander des comptes au propriétaire en raison d'une violation autonome de la loi, notamment de l'interdiction d'enjoindre de pratiquer une discrimination » (*ibid.*, pp. 42-43).

B.32.3. Il ressort de ce qui précède que, pour la personne qui donne l'injonction de pratiquer une discrimination, un élément intentionnel est requis. Cette personne doit, en effet, savoir que la distinction qu'une autre personne établit dans sa mission n'est pas objectivement et raisonnablement justifiée. La charge de la preuve de cet élément intentionnel repose sur le demandeur (*ibid.*, p. 47).

B.32.4. La notion d'« injonction de discriminer » est suffisamment précise, claire et prévisible et, partant, compatible avec le principe de légalité en matière pénale.

I.B.4. Notion de « harcèlement »

B.33.1. L'article 4, 10°, de la loi anti-racisme, inséré par la loi du 10 mai 2007, définit la notion de « harcèlement » comme suit :

« comportement indésirable qui est lié à l'un des critères protégés, et qui a pour objet ou pour effet de porter atteinte à la dignité de la personne et de créer un environnement intimidant, hostile, dégradant, humiliant ou offensant ».

Il apparaît de cette définition qu'un comportement indésirable est punissable pour autant qu'il soit satisfait à trois conditions : (1) il doit être lié aux « critères protégés », (2) il doit avoir pour objet ou pour effet de porter atteinte à la dignité de la personne et (3) il doit créer un environnement intimidant, hostile, dégradant, humiliant ou offensant.

B.33.2. Les travaux préparatoires de la loi attaquée indiquent que la définition du harcèlement est, entre autres, empruntée au droit communautaire (*Doc. parl.*, Chambre, 2006-2007, DOC 51-2720/001, pp. 14 et 22; DOC 51-2720/009, pp. 14 et 18; Sénat, 2006-2007, n° 3-2362/3, pp. 9 et 12). Les mêmes termes apparaissent en effet à l'article 2, paragraphe 3, de la directive 2000/43/CE du Conseil du 29 juin 2000 relative à la mise en œuvre du principe de l'égalité de traitement entre les personnes sans distinction de race ou d'origine ethnique et à l'article 2, paragraphe 3, de la directive 2000/78/CE du Conseil du 20 novembre 2000 portant création d'un cadre général en faveur de l'égalité de traitement en matière d'emploi et de travail. L'article 2, paragraphe 3, de la directive 2000/43/CE précitée dispose :

« Le harcèlement est considéré comme une forme de discrimination au sens du paragraphe 1 lorsqu'un comportement indésirable lié à la race ou à l'origine ethnique se manifeste, qui a pour objet ou pour effet de porter atteinte à la dignité d'une personne et de créer un environnement intimidant, hostile, dégradant, humiliant ou offensant. Dans ce contexte, la notion de harcèlement peut être définie conformément aux législations et pratiques nationales des Etats membres ».

Entendu dans son sens commun, le harcèlement désigne la conduite abusive, notamment par humiliations et menaces, qui est exercée de manière insidieuse et répétée par une personne sur une autre, pour la déstabiliser.

B.33.3. La notion d'atteinte à la dignité de la personne ou à la dignité humaine est une notion qui est déjà utilisée tant par le Constituant (article 23 de la Constitution) et le législateur (articles 136*quater*, 433*quinquies* et 433*decies* du Code pénal; articles 1675/3, alinéa 3, 1675/10, § 4, alinéa 1er, 1675/12, § 2, alinéa 1er et 1675/13, § 6, du Code judiciaire; article 2 de la loi du 2 juin 1998 portant création d'un Centre d'information et d'avis sur les organisations sectaires nuisibles et d'une Cellule administrative de coordination de la lutte contre les organisations sectaires nuisibles; article 5 de la loi du 12 janvier 2005 de principes concernant l'administration des établissements pénitentiaires ainsi que le statut juridique des détenus; article 3 de la loi du 12 janvier 2007 sur l'accueil des demandeurs d'asile et de certaines autres catégories d'étrangers) que par la jurisprudence (Voir Cass., 23 mars 2004, *Pas.*, 2004, n° 165 et 8 novembre 2005, *Pas.*, 2005, n° 576).

B.33.4. Enfin, en disposant que le harcèlement est un comportement qui a pour objet ou pour effet les éléments qu'il mentionne, l'article 4, 10°, de la loi attaquée n'indique pas que ce comportement pourrait être sanctionné s'il a pour conséquence qu'un environnement intimidant, hostile, dégradant, humiliant ou offensant soit créé, même si telle n'était pas l'intention. L'on conçoit en effet mal qu'un tel comportement puisse ne pas avoir été adopté en connaissance de cause par son auteur.

B.33.5. Sous réserve de cette interprétation, la notion de « harcèlement » est suffisamment précise, claire et prévisible et est par conséquent compatible avec le principe de légalité en matière pénale.

B.34. Le premier moyen dans l'affaire n° 4312 n'est pas fondé.

I.C. Violation alléguée du principe de légalité en matière pénale par la notion de « ségrégation » à l'article 20, 3°, de la loi

B.35. Selon l'article 20, 3°, de la loi anti-racisme, inséré par la loi du 10 mai 2007, est punissable

« quiconque, dans l'une des circonstances indiquées à l'article 444 du Code pénal, incite à la discrimination ou à la ségrégation à l'égard d'un groupe, d'une communauté ou de leurs membres, en raison de l'un des critères protégés, et ce, même en dehors des domaines visés à l'article 5 ».

B.36.1. Etant donné que le terme « ségrégation » n'est pas défini dans la loi attaquée, il doit être interprété dans son sens courant, à savoir la séparation sociale de collectivités dans un pays ayant une population mixte.

B.36.2. Avant sa modification par la loi attaquée, la loi anti-racisme faisait déjà usage de la notion de « ségrégation ». La jurisprudence qui portait sur cette notion a interprété le terme dans le même sens courant.

Cette notion apparaît par ailleurs également dans la Convention internationale sur l'élimination de toutes les formes de discrimination raciale.

B.36.3. Au cours des travaux préparatoires de la loi attaquée, le terme a aussi été précisé dans la signification précitée. A la demande d'un député souhaitant savoir ce que la notion de ségrégation peut ajouter à la notion de discrimination, le ministre compétent a répondu que « la ségrégation implique un traitement séparé mais égal des groupes, sur la base du sexe ou de la race, par exemple ».

Il a précisé en outre :

« La mention de cette notion constitue une réaction contre la théorie *' separate but equal '*, qui a longtemps prévalu à la Cour suprême américaine, selon laquelle un traitement séparé des personnes sur la base de la couleur de la peau ou de la race ne relève pas de la discrimination tant que le traitement est égal. Cette théorie n'est bien entendu plus en vigueur à l'heure actuelle. La ségrégation est considérée comme une forme de discrimination, même dans le cadre des projets actuels. La différence est que, jadis, la discrimination supposait, en principe, un traitement différent. Dans le cadre des projets actuels, on parle de traitement défavorable, ce qui fait que la discrimination couvre également la notion de ségrégation » (*Doc. parl.*, Sénat, 2006-2007, n° 3-2362/3, p. 32).

B.36.4. Il ressort de ces travaux préparatoires que, bien qu'il soit d'avis qu'un traitement séparé mais égal de personnes sur la base de la couleur de la peau ou de la race doit également être considéré comme une discrimination, le législateur a jugé opportun d'ajouter la notion de ségrégation dans la disposition attaquée, afin d'éviter toute contestation à cet égard.

B.37. La notion de « ségrégation » est suffisamment précise, claire et prévisible et est dès lors compatible avec le principe de légalité en matière pénale.

B.38. Le deuxième moyen dans l'affaire n° 4312 n'est pas fondé.

I.D. Prétendue violation du principe de légalité en matière pénale par l'infraction définie à l'article 22 de la loi anti-racisme

B.39. L'article 22 de la loi anti-racisme, inséré par la loi du 10 mai 2007, dispose :

« Est puni d'un emprisonnement d'un mois à un an et d'une amende de cinquante euros à mille euros, ou de l'une de ces peines seulement, quiconque fait partie d'un groupement ou d'une association qui, de manière manifeste et répétée, prône la discrimination ou la ségrégation fondée sur l'un des critères protégés dans les circonstances indiquées à l'article 444 du Code pénal, ou lui prête son concours ».

B.40. Les parties requérantes dans l'affaire n° 4312 critiquent cette disposition en ce que les termes « discrimination », « ségrégation », « prôner », « de manière manifeste et répétée », « faire partie de » et « prêter son concours » qu'elle utilise seraient trop vagues pour pouvoir figurer dans une disposition pénale.

B.41. Il ressort des travaux préparatoires que, par la disposition attaquée, le législateur entendait reprendre l'ancien article 3 de la loi anti-racisme du 30 juillet 1981 (*Doc. parl.*, Chambre, 2006-2007, DOC 51-2720/001, p. 61). Il ressort également des mêmes travaux préparatoires qu'il entendait donner aux termes utilisés dans la disposition attaquée, sauf dérogation expresse, la même portée qu'aux termes figurant dans l'ancien article 3 de la loi anti-racisme, tels qu'ils sont interprétés par la jurisprudence (*Doc. parl.*, Sénat, 2006-2007, n° 3-2362/3, p. 33).

B.42.1. Quant au terme « prôner », les travaux préparatoires mentionnent :

« [Un membre] demande si le mot ' prône ' utilisé à l'article 22 a la même signification que les mots ' incite à ' utilisés à l'article 20.

Le ministre le confirme. Cette différence de vocabulaire résulte du fait que le projet reprend, en substance, les termes de la Convention de 1965, et, de manière explicite, ceux de l'article 3 de la loi de 1981 » (*Doc. parl.*, Sénat, 2006-2007, n° 3-2362/3, p. 33).

B.42.2. Le législateur a donc entendu donner au terme « prôner » la même portée qu'au terme « inciter à » utilisé à l'article 20 de la loi anti-racisme, inséré par la loi du 10 mai 2007.

B.42.3. Il apparaît des travaux préparatoires de la loi anti-racisme, telle qu'elle était applicable avant sa modification par la loi du 10 mai 2007, que le terme « prôner » utilisé à l'article 3 ancien devait également être pris au sens d'« inciter à ». En effet, au cours de ces travaux préparatoires, le ministre a déclaré :

« L'article 3 doit être examiné dans la continuité des articles 1er et 2 dont il constitue le prolongement.

En effet, si l'article 1er sanctionne l'incitation à la discrimination, à la ségrégation, à la haine et à la violence, en raison de la race, de la couleur, de l'ascendance ou de l'origine nationale ou ethnique, et si l'article 2 sanctionne les actes discriminatoires en raison de ces critères, il est indispensable de décourager également la participation aux associations qui prônent et pratiquent les actes sanctionnés par les articles 1er et 2. Par ce procédé, on éliminera progressivement ces associations, qui cesseront d'exister faute de membres » (*Doc. parl.*, Chambre, S.E. 1979, n° 214/9, p. 27).

Plusieurs parlementaires ont observé que le terme « prôner » indique un engagement qui va au-delà de la simple expression d'une opinion :

« L'expression doit être comprise par référence à l'article 1er et à l'ensemble du texte.

Les associations qui sont prises en considération sont celles qui préconisent la haine, la violence, la discrimination raciale ' de façon manifeste et répétée '. Il s'agit d'associations qui font de la propagande raciste.

Selon ces membres, ' prôner ' est donc l'équivalent d'' inciter ', d'' encourager ' » (*Doc. parl.*, Sénat, 1980-1981, n° 594/2, p. 20).

Cette interprétation a en outre été confirmée par la jurisprudence.

B.42.4. Il découle de ce qui précède que le terme « prôner » utilisé dans l'incrimination en question a toujours eu la signification d'« inciter à », « entraîner, pousser quelqu'un à faire quelque chose ».

Dans ce contexte, il ne peut être soutenu que le terme soit insuffisamment précis, clair et prévisible.

B.43.1. Au cours des travaux préparatoires de la loi anti-racisme, telle qu'elle était en vigueur avant l'entrée en vigueur de la loi attaquée, il a été dit ce qui suit au sujet des termes « de manière manifeste et répétée » utilisés dans l'ancien article 3 :

« [Le ministre] spécifie également que le groupement ou l'association doit prôner ou pratiquer la discrimination ou la ségrégation raciale de manière manifeste et répétée. Par cette précision, il est exclu, du fait du caractère manifeste et répété des actes, que des personnes de bonne foi soient induites en erreur ou ignorent le comportement du groupement et de l'association ou continuent à en faire partie nonobstant les attitudes de leur groupement ou association. La volonté de participer à ces groupements ou à ces associations ne peut donc plus être mise en doute.

Le sous-amendement sanctionne désormais également tout concours à semblable groupement ou association » (*Doc. parl.*, Sénat, S.E. 1979, n° 214/9, p. 36).

B.43.2. Il résulte de ce qui précède que le législateur, par les termes « de manière manifeste et répétée », a voulu qu'il ne soit question du délit défini dans la disposition attaquée que lorsqu'il est évident pour le prévenu que le groupement ou l'association en question a plusieurs fois incité à la discrimination ou à la ségrégation fondée sur l'un des motifs mentionnés dans la loi attaquée.

B.43.3. Dans son arrêt du 9 novembre 2004, la Cour de cassation a confirmé comme suit cette interprétation des termes « de manière manifeste et répétée » figurant dans l'ancien article 3 de la loi anti-racisme :

« il doit, dès lors, s'agir de traitements discriminatoires pratiqués par le groupement ou l'association dont il est évident, pour le prévenu, qu'ils ne sont pas susceptibles de justification objective et raisonnable, soit en raison de la nature même du traitement, soit sur la base de la jurisprudence existante, ces traitements discriminatoires ne nécessitant par conséquent pas de contrôle plus circonstancié de légitimité et de proportionnalité par le juge » (Cass., 9 novembre 2004, *Pas.*, 2004, n° 539).

La Cour de cassation a précisé qu'il n'était pas requis que le groupement ou l'association « ait été ou soit poursuivi, considéré personnellement coupable ou condamné » (*ibid.*).

B.43.4. En ce que l'association ou le groupement en question incite de manière répétée à une distinction directe ou indirecte fondée sur un des « critères protégés », il ne peut par conséquent être question de l'infraction définie dans la disposition attaquée que lorsqu'il est évident pour le prévenu que cette distinction, soit de par sa nature, soit sur la base de la jurisprudence existante, ne peut être justifiée conformément aux dispositions de la loi attaquée qui, par ailleurs, en ce qui concerne les distinctions directes, prévoit un système de justification fermé.

Dans ce contexte, il ne peut être soutenu que les termes « de manière manifeste et répétée » seraient insuffisamment précis, clairs ou prévisibles.

B.44.1. Les termes « faire partie de » et « prêter son concours à » doivent être interprétés dans leur signification courante. La signification usuelle de la locution « faire partie » d'un groupement ou d'une association est « être membre de ». La signification usuelle de la locution « prêter son concours à » un groupement ou une association est « apporter son aide » aux activités de ce groupement ou de cette association.

B.44.2. En ce qui concerne l'élément moral, les travaux préparatoires mentionnent :

« Ce délit n'exige pas un dol spécial : un dol général est suffisant. Il suffit que les prévenus appartiennent ou accordent leur coopération sciemment à une association qui prône de manière manifeste et répétée la discrimination ou la ségrégation dans les circonstances visées à l'article 444 du Code pénal (voir aussi Cass. 9 novembre 2004) » (*Doc. parl.*, Chambre, 2006-2007, DOC 51-2720/001, p. 61).

Dans l'arrêt précité de la Cour de cassation du 9 novembre 2004, celle-ci a jugé au sujet de l'article 3 ancien de la loi anti-racisme :

« le juge qui doit statuer sur des poursuites pénales fondées sur l'article 3 de la loi du 30 juillet 1981 [...] doit uniquement décider s'il est établi que :

1. [...];

2. le prévenu fait partie de ce groupement ou de cette association, ou lui prête son concours, sciemment et volontairement » (Cass., 9 novembre 2004, *Pas.* 2004, n° 539).

B.44.3. Il s'ensuit que la disposition attaquée n'exige pas que le prévenu prône lui-même de manière manifeste et répétée la discrimination ou la ségrégation pour qu'il soit punissable. Il suffit qu'il fasse partie du groupement ou de l'association en question, ou qu'il lui prête son concours, sciemment et volontairement. Ainsi qu'il a été mentionné en B.43, la disposition attaquée exige cependant, par l'utilisation des mots « de manière manifeste et répétée », qu'il soit évident pour la personne qui fait partie de ce groupement ou de cette association ou lui prête son concours que ce groupement ou cette association prône la discrimination ou la ségrégation fondée sur l'un des motifs mentionnés dans la loi attaquée.

Dans ce contexte, il ne peut être soutenu que les termes « faire partie de » ou « prêter son concours à » sont insuffisamment précis, clairs et prévisibles.

B.45. Pour les mêmes raisons que celles indiquées en B.19 à B.37, les termes « discrimination » et « ségrégation » sont également suffisamment précis, clairs et prévisibles pour pouvoir être utilisés dans une disposition pénale.

B.46. Le sixième moyen dans l'affaire n° 4312, en ce qu'il est pris de la violation du principe de légalité en matière pénale, n'est pas fondé.

II. En ce qui concerne les moyens (ou les branches de moyens) pris de la violation de la liberté d'expression, combinée ou non avec le principe d'égalité et de non-discrimination

B.47. Les troisième et quatrième moyens dans l'affaire n° 4312 sont dirigés contre l'article 20 de la loi anti-racisme, inséré par la loi du 10 mai 2007, qui punit, sous certaines conditions, l'incitation à la discrimination, à la ségrégation, à la haine ou à la violence. Les parties requérantes font valoir que cette disposition n'est pas compatible avec les articles 10, 11 et 19 de la Constitution, en ce qu'elle limiterait de manière injustifiée la liberté d'expression. L'article 20 précité est également critiqué en ce que cette disposition punit l'incitation à la discrimination, à la ségrégation, à la haine ou à la violence, mais ne le fait pas en ce qui concerne les actes mêmes qui contiennent la discrimination, la haine ou la violence, ce qui porterait atteinte au principe d'égalité, combiné avec la liberté d'expression.

Le cinquième moyen dans l'affaire n° 4312 et les deux moyens dans l'affaire n° 4355 sont dirigés contre l'article 21 de la loi anti-racisme, inséré par la loi du 10 mai 2007, qui punit la diffusion d'idées fondées sur la supériorité ou la haine raciale. Selon les parties requérantes, cette disposition n'est pas compatible avec la liberté d'expression. Dans le second moyen dans l'affaire n° 4355, la partie requérante fait également valoir que l'article attaqué n'est pas compatible avec le principe d'égalité et de non-discrimination en ce que cette disposition établit une différence de traitement injustifiée entre des personnes qui sont victimes de propos discriminatoires, en fonction du motif de discrimination sur lequel ces propos sont fondés.

Dans le sixième moyen dans l'affaire 4312, les parties requérantes font enfin valoir que l'article 22 de la loi anti-racisme, inséré par la loi du 10 mai 2007, n'est pas compatible avec les articles 10, 11 et 19 de la Constitution, en ce que cette disposition « punit le fait d'appartenir à ou de prêter son concours à » un groupement ou une association qui prône de manière manifeste et répétée la discrimination ou la ségrégation, et porte ainsi une atteinte discriminatoire à la liberté d'expression.

II.A. Relation entre la liberté d'expression et le droit à la protection contre la discrimination raciale en général

B.48.1. L'article 19 de la Constitution dispose :

« La liberté des cultes, celle de leur exercice public, ainsi que la liberté de manifester ses opinions en toute matière, sont garanties, sauf la répression des délits commis à l'occasion de l'usage de ces libertés. »

B.48.2. L'article 10 de la Convention européenne des droits de l'homme dispose :

« 1. Toute personne a droit à la liberté d'expression. Ce droit comprend la liberté d'opinion et la liberté de recevoir ou de communiquer des informations ou des idées sans qu'il puisse y avoir ingérence d'autorités publiques et sans considération de frontière. Le présent article n'empêche pas les Etats de soumettre les entreprises de radiodiffusion, de cinéma ou de télévision à un régime d'autorisations.

2. L'exercice de ces libertés comportant des devoirs et des responsabilités peut être soumis à certaines formalités, conditions, restrictions ou sanctions, prévues par la loi, qui constituent des mesures nécessaires, dans une société démocratique, à la sécurité nationale, à l'intégrité territoriale ou à la sûreté publique, à la défense de l'ordre et à la prévention du crime, à la protection de la santé ou de la morale, à la protection de la réputation ou des droits d'autrui, pour empêcher la divulgation d'informations confidentielles ou pour garantir l'autorité et l'impartialité du pouvoir judiciaire. »

B.49.1. La liberté d'expression consacrée par ces articles constitue l'un des fondements essentiels d'une société démocratique. Elle vaut non seulement pour les « informations » ou « idées » accueillies avec faveur ou considérées comme inoffensives ou indifférentes, mais aussi pour celles qui choquent, inquiètent ou heurtent l'Etat ou une fraction de la population. Ainsi le veulent le pluralisme, la tolérance et l'esprit d'ouverture sans lesquels il n'est pas de société démocratique (CEDH, 7 décembre 1976, *Handyside* c. Royaume-Uni, § 49, 23 septembre 1998, *Lehideux* et *Isorni* c. France, § 55, et 28 septembre 1999, *Öztürk* c. Turquie, § 64).

B.49.2. Ainsi qu'il ressort des termes de l'article 10.2 de Convention européenne des droits de l'homme, l'exercice de la liberté d'expression implique néanmoins certaines obligations et responsabilités (CEDH, 4 décembre 2003, *Gündüz* c. Turquie, § 37), notamment le devoir de principe de ne pas franchir certaines limites « tenant notamment à la protection de la réputation et aux droits d'autrui » (CEDH, 24 février 1997, *De Haes et Gijsels* c. Belgique, § 37; 21 janvier 1999, *Fressoz et Roire* c. France, § 45; 15 juillet 2003, *Ernst e.a.* c. Belgique, § 92). La liberté d'expression peut, en vertu de l'article 10.2 de la Convention européenne des droits de l'homme, être soumise, sous certaines conditions, à certaines formalités, conditions, restrictions ou sanctions, en vue, notamment, de la protection de la réputation ou des droits d'autrui.

L'article 19 de la Constitution interdit que la liberté d'expression soit soumise à des restrictions préventives, mais non que les infractions qui sont commises à l'occasion de la mise en œuvre de cette liberté soient sanctionnées.

B.49.3. Il apparaît en outre de la jurisprudence de la Cour européenne et de la Commission européenne des droits de l'homme que, dans certaines circonstances et sous certaines conditions, les propos haineux ne bénéficient pas de la protection de article 10 de la Convention européenne des droits de l'homme (CEDH, 10 octobre 2000, *Ibrahim Aksoy* c. Turquie, § 63; 24 juin 2003, *Roger Garaudy* c. France; 4 décembre 2003, *Gündüz* c. Turquie, § 41; Com. E.D.H., 11 octobre 1979, nos 8348/78 et 8406/78, *Glimmerveen et Hagenbeek* c. Pays-Bas, *D.R.* 18, p. 187).

Dans l'arrêt *Gündüz* c. Turquie du 4 décembre 2003 par exemple, la Cour européenne a jugé :

« Par ailleurs, nul doute que des expressions concrètes constituant un discours de haine, comme la Cour l'a noté dans l'affaire *Jersild* c. Danemark (arrêt du 23 septembre 1994, série A nº 298, p. 25, § 35), pouvant être insultantes pour des individus ou des groupes, ne bénéficient pas de la protection de l'article 10 de la Convention » (§ 41).

Dans la décision sur la recevabilité *Roger Garaudy* c. France du 24 juin 2003, la Cour européenne a jugé que « la négation ou la minimisation de l'Holocauste » doit être considérée comme « l'une des formes les plus aiguës de diffamation raciale envers les Juifs et d'incitation à la haine à leur égard » (p. 29). Selon la Cour européenne :

« La négation ou la révision de faits historiques de ce type remettent en cause les valeurs qui fondent la lutte contre le racisme et l'antisémitisme et sont de nature à troubler gravement l'ordre public. Portant atteinte aux droits d'autrui, de tels actes sont incompatibles avec la démocratie et les droits de l'homme et leurs auteurs visent incontestablement des objectifs du type de ceux prohibés par l'article 17 de la Convention » (*ibid.*).

Dans une autre décision sur la recevabilité, la Cour européenne a décidé :

« L'affiche en question dans l'affaire actuelle contenait une photographie des *Twin Towers* en flammes, avec les termes ' L'Islam, hors de Grande-Bretagne ! - Protégeons le peuple britannique ' et le symbole du croissant et de l'étoile reproduit dans un panneau d'interdiction. La Cour constate et se rallie à l'appréciation faite par les juridictions internes, à savoir que les mots et les images de l'affiche constituaient l'expression publique d'une attaque dirigée contre tous les musulmans du Royaume-Uni. Une attaque aussi véhémente, à caractère général, contre un groupe religieux, qui établit un lien entre l'ensemble du groupe et un acte terroriste grave, est incompatible avec les valeurs proclamées et garanties par la Convention, en particulier la tolérance, la paix sociale et la non-discrimination. Le fait pour le requérant d'exposer l'affiche à sa fenêtre s'analyse en un acte qui relève de l'article 17 et ne bénéficie donc pas de la protection des articles 10 et 14 » (CEDH, 16 novembre 2004, *Norwood* c. Royaume-Uni, trad.).

Dans une autre décision sur la recevabilité, la Cour européenne a encore considéré :

« Dans le cas présent, le requérant est l'auteur d'une série d'articles qu'il a publiés, présentant les Juifs comme la source du mal en Russie. Il accuse tout un groupe ethnique de fomenter une conspiration contre le peuple russe et impute une idéologie fasciste aux dirigeants juifs. Tant dans ses publications que lors de ses propos tenus à l'audience, il refuse constamment aux Juifs le droit à la dignité nationale, affirmant qu'ils ne forment pas une nation. La Cour ne doute pas de la teneur manifestement antisémite des opinions du requérant et se rallie à la constatation faite par les juridictions internes qu'il cherche, au travers de ses publications, à inciter à la haine contre le peuple juif. Une attaque aussi véhémente, à caractère général, contre un groupe ethnique déterminée est contraire aux valeurs qui sous-tendent la Convention, en particulier la tolérance, la paix sociale et la non-discrimination. Par conséquent, la Cour estime qu'en vertu de l'article 17 de la Convention, le requérant ne peut pas bénéficier de la protection offerte par l'article 10 de la Convention » (CEDH, 20 février 2007, *Ivanov* c. Russie, trad.).

L'article 17 de la Convention européenne des droits de l'homme, mentionné dans ces décisions, dispose :

« Aucune des dispositions de la présente Convention ne peut être interprétée comme impliquant pour un Etat, un groupement ou un individu, un droit quelconque de se livrer à une activité ou d'accomplir un acte visant à la destruction des droits ou libertés reconnus dans la présente Convention ou à des limitations plus amples de ces droits et libertés que celles prévues à ladite Convention ».

B.50. Il découle de ce qui précède, d'une part, que certains propos ne bénéficient pas de la protection de la liberté d'expression et, d'autre part, que des restrictions à la liberté d'expression en vue de protéger les droits d'autrui sont, sous certaines conditions, admissibles. En ce qui concerne ce dernier point, il convient également de prendre en compte l'interdiction de restrictions préventives, découlant de l'article 19 de la Constitution.

B.51. Selon l'article 3 de la loi anti-racisme, inséré par la loi du 10 mai 2007, cette loi a pour objet de créer un cadre général en vue de lutter contre la discrimination fondée sur la nationalité, une prétendue race, la couleur de peau, l'ascendance ou l'origine nationale ou ethnique.

B.52.1. Diverses conventions internationales contiennent des dispositions qui visent à lutter contre les discriminations fondées sur de tels motifs.

B.52.2. Aux termes de l'article 14 de la Convention européenne des droits de l'homme :

« La jouissance des droits et libertés reconnus dans la présente Convention doit être assurée, sans distinction aucune, fondée notamment sur le sexe, la race, la couleur, la langue, la religion, les opinions politiques ou toutes autres opinions, l'origine nationale ou sociale, l'appartenance à une minorité nationale, la fortune, la naissance ou toute autre situation ».

L'article 20.2 du Pacte international relatif aux droits civils et politiques dispose :

« Tout appel à la haine nationale, raciale ou religieuse qui constitue une incitation à la discrimination, à l'hostilité ou à la violence est interdit par la loi ».

L'article 26 de ce Pacte dispose :

« Toutes les personnes sont égales devant la loi et ont droit sans discrimination à une égale protection de la loi. A cet égard, la loi doit interdire toute discrimination et garantir à toutes les personnes une protection égale et efficace contre toute discrimination, notamment de race, de couleur, de sexe, de langue, de religion, d'opinion politique et de toute autre opinion, d'origine nationale ou sociale, de fortune, de naissance ou de toute autre situation ».

En vertu de l'article 13, paragraphe 1, du Traité instituant la Communauté européenne, le Conseil peut prendre les mesures nécessaires en vue de combattre toute discrimination fondée sur le sexe, la race ou l'origine ethnique, la religion ou les convictions, un handicap, l'âge ou l'orientation sexuelle.

Il ressort des travaux préparatoires de la loi attaquée (*Doc. parl.*, Chambre, 2006-2007, DOC 51-2720/009, p. 39) qu'il a été tenu compte, bien que la Belgique ne l'ait pas ratifié, du Douzième Protocole additionnel à la Convention européenne des droits de l'homme, dont l'article 1er dispose :

« La jouissance de tout droit prévu par la loi doit être assurée, sans discrimination aucune, fondée notamment sur le sexe, la race, la couleur, la langue, la religion, les opinions politiques ou toutes autres opinions, l'origine nationale ou sociale, l'appartenance à une minorité nationale, la fortune, la naissance ou toute autre situation ».

Bien qu'elle ne soit pas encore juridiquement obligatoire, il a également été tenu compte de la Charte des droits fondamentaux de l'Union européenne, dont l'article 21 dispose :

« 1. Est interdite, toute discrimination fondée notamment sur le sexe, la race, la couleur, les origines ethniques ou sociales, les caractéristiques génétiques, la langue, la religion ou les convictions, les opinions politiques ou toute autre opinion, l'appartenance à une minorité nationale, la fortune, la naissance, un handicap, l'âge ou l'orientation sexuelle.

2. Dans le domaine d'application du traité instituant la Communauté européenne et du traité sur l'Union européenne, et sans préjudice des dispositions particulières desdits traités, toute discrimination fondée sur la nationalité est interdite ».

B.52.3. En l'espèce, il convient de prendre spécialement en compte la Convention internationale sur l'élimination de toutes les formes de discrimination raciale, approuvée par la loi du 9 juillet 1975.

L'article 4 de cette Convention dispose :

« Les Etats parties condamnent toute propagande et toutes organisations qui s'inspirent d'idées ou de théories fondées sur la supériorité d'une race ou d'un groupe de personnes d'une certaine couleur ou d'une certaine origine ethnique, ou qui prétendent justifier ou encourager toute forme de haine et de discrimination raciales; ils s'engagent à adopter immédiatement des mesures positives destinées à éliminer toute incitation à une telle discrimination, ou tous actes de discrimination, et, à cette fin, tenant dûment compte des principes formulés dans la Déclaration universelle des droits de l'homme et des droits expressément énoncés à l'article 5 de la présente Convention, ils s'engagent notamment :

a) A déclarer délits punissables par la loi toute diffusion d'idées fondées sur la supériorité ou la haine raciale, toute incitation à la discrimination raciale, ainsi que tous actes de violence, ou provocation à de tels actes, dirigés contre toute race ou tout groupe de personnes d'une autre couleur ou d'une autre origine ethnique, de même que toute assistance apportée à des activités racistes, y compris leur financement;

b) A déclarer illégales et à interdire les organisations ainsi que les activités de propagande organisée et tout autre type d'activité de propagande qui incitent à la discrimination raciale et qui l'encouragent et à déclarer délit punissable par la loi la participation à ces organisations ou à ces activités;

c) A ne pas permettre aux autorités publiques ni aux institutions publiques, nationales ou locales, d'inciter à la discrimination raciale ou de l'encourager ».

B.53. La Cour européenne des droits de l'homme a par ailleurs considéré dans plusieurs arrêts que la discrimination raciale est particulièrement abjecte et exige une vigilance particulière ainsi qu'une réaction vigoureuse des pouvoirs publics. C'est pour cela qu'il est nécessaire, selon la Cour européenne, que les autorités recourent « à tous les moyens dont elles disposent pour combattre le racisme et la violence raciste, en renforçant ainsi la conception que la démocratie a de la société, y percevant la diversité non pas comme une menace mais comme une richesse » (CEDH (Grande Chambre), 6 juillet 2005, *Natchova e.a.* c. Bulgarie, § 145; 13 décembre 2005, *Timichev* t. Russie, § 56; (Grande Chambre), 13 novembre 2007, *D.H. e.a.* c. République tchèque, § 176; 5 juin 2008, *Sampanis* e.a. c. Grèce, § 69).

B.54. Il découle de l'article 4, cité en B.52.3, de la Convention internationale sur l'élimination de toutes les formes de discrimination raciale que les Etats parties se sont engagés à réprimer dans leur législation notamment les actes suivants : (1) la diffusion d'idées fondées sur la supériorité ou la haine raciale; (2) l'incitation à la discrimination raciale; (3) tous actes de violence ou provocation à de tels actes, dirigés contre toute race ou tout groupe de personnes d'une autre couleur ou d'une autre origine ethnique; (4) toute assistance apportée à des activités racistes, y compris leur financement; et (5) la participation à des organisations ou à des activités de propagande qui incitent à la discrimination raciale et qui l'encouragent.

La nécessité de lutter contre les discriminations, qui découle des normes internationales citées en B.52.2, et la nécessité, découlant de la Convention internationale sur l'élimination de toutes les formes de discrimination raciale, de réprimer les actes précités impliquent que les dispositions attaquées peuvent donc être considérées comme des mesures qui, dans une société démocratique, sont nécessaires au sens de l'article 10.2 de la Convention européenne des droits de l'homme, pour protéger la réputation et les droits d'autrui.

Les dispositions attaquées sont en outre des dispositions pénales et ne visent dès lors pas en soi à soumettre la liberté d'expression à des restrictions préventives.

B.55. Dans la mesure où il est question, en l'espèce, d'« ingérences » dans la liberté d'expression, ces ingérences sont en outre prévues par la loi. Il n'empêche qu'il convient d'examiner si ces ingérences ne sont pas disproportionnées par rapport au but poursuivi et si les dispositions législatives en question sont prévisibles et accessibles.

II.B. Incitation à la discrimination, à la ségrégation, à la haine ou à la violence (article 20)

B.56.1. L'article 20 de la loi anti-racisme, inséré par la loi du 10 mai 2007, énonce :

« Est puni d'un emprisonnement d'un mois à un an et d'une amende de cinquante euros à mille euros, ou de l'une de ces peines seulement :

1° Quiconque, dans l'une des circonstances indiquées à l'article 444 du Code pénal, incite à la discrimination à l'égard d'une personne, en raison de l'un des critères protégés, et ce, même en dehors des domaines visés à l'article 5;

2° Quiconque, dans l'une des circonstances indiquées à l'article 444 du Code pénal, incite à la haine ou à la violence à l'égard d'une personne, en raison de l'un des critères protégés, et ce, même en dehors des domaines visés à l'article 5;

3° Quiconque, dans l'une des circonstances indiquées à l'article 444 du Code pénal, incite à la discrimination ou à la ségrégation à l'égard d'un groupe, d'une communauté ou de leurs membres, en raison de l'un des critères protégés, et ce, même en dehors des domaines visés à l'article 5;

4° Quiconque, dans l'une des circonstances indiquées à l'article 444 du Code pénal, incite à la haine ou à la violence à l'égard d'un groupe, d'une communauté ou de leurs membres, en raison de l'un des critères protégés, et ce, même en dehors des domaines visés à l'article 5 ».

B.56.2. Le renvoi, dans cette disposition, à l'article 444 du Code pénal indique que l'incitation à la discrimination, à la ségrégation, à la haine ou à la violence ne sera punissable que si elle est commise dans l'une des circonstances suivantes :

« - Soit dans des réunions ou lieux publics;

- Soit en présence de plusieurs individus, dans un lieu non public, mais ouvert à un certain nombre de personnes ayant le droit de s'y assembler ou de le fréquenter;

- Soit dans un lieu quelconque, en présence de la personne offensée et devant témoins;

- Soit par des écrits imprimés ou non, des images ou des emblèmes affichés, distribués ou vendus, mis en vente ou exposés aux regard du public;

- Soit enfin par des écrits non rendus publics, mais adressés ou communiqués à plusieurs personnes ».

B.57. Le terme « incitation » indique par lui-même que les actes incriminés vont au-delà de ce qui relève des informations, des idées ou des critiques. Le verbe « inciter à », dans son sens courant, signifie « entraîner, pousser quelqu'un à faire quelque chose ». Il ne peut y avoir incitation à la discrimination que si les propos tenus dans les conditions décrites à l'article 444 du Code pénal comportent un encouragement, une exhortation ou une instigation à une distinction qui ne peut être justifiée par les motifs de justification contenus dans la loi attaquée. L'incitation ne s'expliquera, dans ce cas, que par la volonté d'inciter à la haine ou à la violence, de telle sorte que les termes « haine », « violence » et « discrimination » utilisés par la disposition attaquée désignent les degrés différents d'un même comportement. Etant donné que la « ségrégation » peut être considérée comme une discrimination, il en va de même pour ce terme.

B.58. Les termes « haine » et « violence » ont un contenu suffisamment connu pour que chacun puisse raisonnablement savoir que les propos qu'il tient ou les écrits, images ou emblèmes qu'il diffuse tombent dans le champ d'application de la loi pénale. Ils permettent de distinguer l'expression d'une opinion, qui reste libre - même si elle est vive, critique ou polémique -, de l'incitation à la discrimination, à la ségrégation, à la haine ou à la violence qui n'est punissable que si est démontrée l'intention d'inciter à des comportements discriminatoires, haineux ou violents.

B.59. Il ressort enfin des travaux préparatoires qu'il s'agit d'une infraction intentionnelle :

« Conformément à l'arrêt de la Cour d'Arbitrage (Cour d'Arbitrage n° 157/2004, 6 octobre 2004, B.51), un ' dol spécial ' est requis pour l'application de cette disposition. Dans le droit fil de l'arrêt de la Cour d'Arbitrage, il doit en d'autres termes être question d'une volonté particulière d'inciter à la discrimination, la haine ou la violence » (*Doc. parl.*, Chambre, 2006-2007, DOC 51-2720/001, p. 61).

Cette infraction doit par conséquent être considérée comme requérant l'existence d'un dol spécial. En raison de la portée qu'il convient de donner aux termes d'incitation, de discrimination, de ségrégation, de haine et de violence, il ne peut s'agir d'une infraction dont l'existence serait présumée dès lors que ses éléments matériels sont réunis. Au contraire, l'infraction exige que soit établi l'élément moral spécifique qu'impliquent les termes mêmes utilisés par la loi.

L'exigence d'une volonté particulière d'inciter à la discrimination, à la ségrégation, à la haine ou à la violence exclut que puissent être incriminés, en l'absence d'une telle incitation, les pamphlets; et il doit en être de même des plaisanteries, des caricatures, des opinions et de toute expression qui, faute du dol spécial requis, relève de la liberté d'expression.

B.60. Le quatrième moyen dans l'affaire n° 4312 n'est pas fondé.

B.61. Il est encore reproché à l'article 20 attaqué de punir l'incitation à la discrimination, à la ségrégation, à la haine ou à la violence, mais pas les actes eux-mêmes de discrimination, de ségrégation, de haine ou de violence, ce qui porterait atteinte au principe d'égalité et de non-discrimination, combiné avec la liberté d'expression (troisième moyen dans l'affaire n° 4312).

B.62. La loi attaquée punit non seulement l'incitation à la discrimination, à la ségrégation, à la haine ou à la violence, mais également certains actes qui sont discriminatoires. L'article 23 de la loi anti-racisme, inséré par la loi du 10 mai 2007, prévoit des sanctions pénales pour les fonctionnaires ou officiers publics, les dépositaires ou agents de l'autorité ou de la force publique qui, dans l'exercice de leurs fonctions, commettent une discrimination à l'égard d'une personne, d'un groupe, d'une communauté ou de leurs membres, en raison de l'un des « critères protégés ». L'article 24 prévoit des sanctions pénales pour les personnes qui, dans le domaine de « l'accès aux biens et services et la fourniture de biens et services à la disposition du public », discriminent une personne, un groupe, une communauté ou leurs membres en raison de l'un des « critères protégés ». L'article 25 prévoit des sanctions pénales pour les personnes qui discriminent dans les relations de travail.

Il s'ensuit que certains actes discriminatoires, mais pas tous, sont punis.

B.63. Lorsque le législateur opte pour la voie pénale, il relève en principe de son pouvoir d'appréciation de déterminer quels sont les comportements qui méritent d'être pénalement sanctionnés. Encore faut-il que les choix qu'il fait soient raisonnablement justifiés.

B.64.1. Les travaux préparatoires font apparaître que le législateur a, en fixant les actes à réprimer, pris en compte (1) les obligations qui découlent de la Convention internationale sur l'élimination de toutes les formes de discrimination raciale; (2) les dispositions pénales qui figuraient dans la loi du 25 février 2003 « tendant à lutter contre la discrimination et modifiant la loi du 15 février 1993 créant un Centre pour l'égalité des chances et la lutte contre le racisme » et qui ont résisté au contrôle de constitutionnalité exercé par la Cour dans son arrêt n° 157/2004; et (3) les dispositions pénales qui figuraient dans la loi originaire du 30 juillet 1981 tendant à réprimer certains actes inspirés par le racisme ou la xénophobie, dans la mesure où elles sont compatibles avec la Constitution, compte tenu de l'arrêt n° 157/2004 (*Doc. parl.*, Chambre, 2006-2007, DOC 51-2720/1, pp. 31-34; DOC 51-2720/006, p. 6).

Les incriminations contenues dans les articles 20, 21, 22 et 23 ont plus précisément été justifiées par référence aux obligations découlant de la Convention précitée ou aux incriminations figurant dans la loi précitée du 25 février 2003. Les incriminations comprises aux articles 24 et 25 ont été justifiées par référence aux incriminations qui figuraient dans la loi anti-racisme originaire du 30 juillet 1981. Il fut précisé qu'une abrogation de ces dispositions pourrait être interprétée comme un « recul [...] de l'interdit édicté » (*Doc. parl.*, Chambre, 2006-2007, DOC 51-2720/006, p. 6). L'incrimination incluse à l'article 25 a également été motivée par référence à une recommandation de la Commission européenne contre le racisme et l'intolérance, organe du Conseil de l'Europe :

« La Commission européenne contre le racisme et l'intolérance (ECRI) quant à elle, recommande explicitement aux Etats de sanctionner pénalement les discriminations sur base de la race dans le domaine de l'emploi (article 18 h) de la recommandation n° 7) » (*ibid.*, pp. 8-9).

B.64.2. Les considérations émises lors des travaux préparatoires peuvent raisonnablement justifier les choix opérés par le législateur quant aux comportements qui sont réprimés.

Par ailleurs, le législateur a pu raisonnablement considérer que les actes discriminatoires eux-mêmes se prêtent davantage aux sanctions civiles, alors que les propos et les écrits qui entendent légitimer des actes discriminatoires doivent être réprimés pénalement. Le fait que de tels propos et écrits sont punis « même en dehors des domaines visés à l'article 5 » est justifié par la circonstance que le champ d'application de l'article 4 de la Convention internationale sur l'élimination de toutes les formes de discrimination raciale ne se limite pas à ces domaines.

B.65. Le troisième moyen dans l'affaire nº 4312 n'est pas fondé.

II.C. Diffusion d'idées fondées sur la supériorité ou la haine raciale (article 21)

B.66. L'article 21 de la loi anti-racisme, inséré par la loi du 10 mai 2007, dispose :

« Quiconque, dans l'une des circonstances indiquées à l'article 444 du Code pénal, diffuse des idées fondées sur la supériorité ou la haine raciale, est puni d'un emprisonnement d'un mois à un an et d'une amende de cinquante euros à mille euros, ou de l'une de ces peines seulement ».

B.67.1. Il ressort des travaux préparatoires que, par la disposition attaquée, le législateur entendait satisfaire à l'obligation, découlant de l'article 4 de la Convention internationale sur l'élimination de toutes les formes de discrimination raciale, de punir toute diffusion d'idées fondées sur la supériorité ou la haine raciale (*Doc. parl.*, Chambre, 2006-2007, DOC 51-2720/001, p. 61).

B.67.2. Lors du dépôt de l'instrument de ratification, la Belgique a fait la « déclaration explicative » suivante concernant cet article 4 :

« Afin de répondre aux prescriptions de l'article 4 de la Convention internationale sur l'élimination de toutes les formes de discrimination raciale, le Royaume de Belgique veillera à adapter sa législation aux engagements souscrits en devenant Partie à ladite Convention.

Le Royaume de Belgique tient cependant à souligner l'importance qu'il attache au fait que l'article 4 de la Convention dispose que les mesures prévues aux alinéas a, b et c seront adoptées en tenant dûment compte des principes formulés dans la Déclaration universelle des Droits de l'Homme et des droits expressément énoncés a l'article 5 de la Convention. Le Royaume de Belgique considère en conséquence que les obligations imposées par l'article 4 doivent être conciliées avec le droit à la liberté d'opinion et d'expression, ainsi que le droit à la liberté de réunion et d'association pacifiques. Ces droits sont proclamés dans les articles 19 et 20 de la Déclaration universelle des droits de l'homme et ont été réaffirmés dans les articles l9 et 21 du Pacte international relatif aux droits civils et politiques. Ils sont également énoncés aux points viii et ix de l'alinéa d de l'article 5 de ladite Convention.

Le Royaume de Belgique tient en outre à souligner l'importance qu'il attache également au respect des droits énoncés dans la Convention européenne de sauvegarde des droits de l'homme et des libertés fondamentales, notamment en ses articles 10 et 11 concernant respectivement la liberté d'opinion et d'expression ainsi que la liberté de réunion pacifique et d'association ».

Cette « déclaration explicative » implique que l'Etat belge s'estime lié par les obligations qui découlent de l'article 4 de la Convention, mais uniquement dans la mesure où ces obligations sont interprétées en ce sens qu'elles sont compatibles avec notamment, la liberté d'expression garantie par l'article 19 de la Constitution et la liberté de la presse garantie par l'article 25 de la Constitution.

B.68.1. En ce qu'il réprime la diffusion d'idées fondées sur la supériorité ou la haine raciale, dans les circonstances énumérées à l'article 444 du Code pénal, l'article 21 de la loi anti-racisme constitue une ingérence dans la liberté d'expression, consacrée par l'article 19 de la Constitution et par l'article 10 de la Convention européenne des droits de l'homme.

B.68.2. La liberté d'expression constituant l'un des fondements essentiels d'une société démocratique, les exceptions à la liberté d'expression doivent s'interpréter strictement. Il faut démontrer que les restrictions sont nécessaires dans une société démocratique, qu'elles répondent à un besoin social impérieux et qu'elles demeurent proportionnées aux buts légitimes poursuivis.

B.68.3. En adoptant la disposition attaquée, le législateur a reconnu la nécessité, dans une société démocratique, de lutter, en la réprimant, contre la diffusion d'idées fondées sur la supériorité ou la haine raciale.

La communauté internationale partage ce souci. C'est ce qui ressort non seulement de l'article 4 précité de la Convention internationale sur l'élimination de toutes les formes de discrimination raciale qui fait obligation aux Etats parties d'incriminer pénalement tous les actes de racisme, notamment la diffusion d'idées fondées sur la supériorité ou la haine raciale, mais également des différents instruments internationaux qui confirment l'approche selon laquelle il importe au plus haut point de lutter contre la discrimination raciale sous toutes ses formes et manifestations, comme l'a encore confirmé récemment la Cour européenne des droits de l'homme (CEDH, 10 juillet 2008, *Soulas et autres* c. France, § 42).

Ainsi qu'il est mentionné en B.53, la Cour européenne des droits de l'homme a en outre considéré dans plusieurs arrêts que la discrimination raciale est particulièrement abjecte et exige une vigilance particulière ainsi qu'une réaction vigoureuse des pouvoirs publics.

B.68.4. La restriction de la liberté d'expression doit en outre répondre à un besoin social impérieux et être proportionnée aux objectifs légitimes qu'elle poursuit.

Il peut être déduit de la jurisprudence de la Cour européenne et de la Commission européenne des droits de l'homme mentionnée en B.49.3 que la diffusion volontaire, en vue de porter atteinte à la dignité d'individus, d'idées qui sont fondées sur la supériorité ou la haine raciale, ne bénéficie pas de la protection de l'article 10 de la Convention européenne des droits de l'homme.

B.69. Au cours des travaux préparatoires de la disposition attaquée, il a été souligné que cette disposition doit être interprétée et appliquée en conformité avec l'article 10 de la Convention européenne des droits de l'homme (*Doc. parl.*, Chambre, 2006-2007, DOC 51-2720/009, p. 40), comme l'avait également conseillé la section de législation du Conseil d'Etat (*Doc. parl.*, Chambre, 2006-2007, DOCº51-2720/001, pp. 105-106).

Selon les travaux préparatoires :

« Il convient également d'attirer l'attention sur le terme de ' diffusion '. Ce terme est emprunté à la Convention de 1965, aux fins de coller le plus justement possible aux obligations que celle-ci impose. Dans la version authentique anglaise de ce traité, le terme ' dissemination ' est quant à lui utilisé. Ce terme doit être compris comme ne visant pas l'acte de celui qui, par un acte purement matériel, se borne à répandre, auprès d'un public plus large, les idées d'autrui fondées sur la supériorité raciale ou la haine raciale, mais bien l'acte de celui qui, dans les circonstances visées à l'article 444 du Code pénal, émet, exprime ou encore prône, lui-même, comme auteur intellectuel, les idées concernées. Celui qui, par ses actes purement matériels, se borne à répandre ou encore à accroître la publicité des idées fondées sur la supériorité raciale ou la haine raciale formulées par autrui pourra éventuellement voir sa propre responsabilité pénale engagée comme complice, mais dans les strictes limites du principe de la responsabilité en cascade visé par l'article 25, al. 2, de la Constitution.

Il convient de surcroît d'insister sur l'élément moral de l'incrimination dont les éléments matériels ont ainsi été définis. Comme le ministre l'a déjà signalé, il s'agit d'un dol spécial. Le comportement reproché ne sera pénalement punissable que s'il est démontré, par l'accusation, que la diffusion des idées concernées a pour objectif d'attiser la haine à l'égard d'un groupe humain et de justifier la mise en place, à son égard, d'une politique discriminatoire ou ségrégationniste. Cette exigence permettra au juge pénal [de faire une distinction] entre, d'une part, la recherche scientifique objective, et d'autre part, le discours ' pseudo-scientifique ' sur la supériorité raciale dont, précisément, l'objectif est d'attiser la haine à l'égard d'un groupe humain et de justifier la mise en place, à son égard, d'une politique discriminatoire ou ségrégationniste » (*Doc. parl.*, Chambre, 2006-2007, DOC 51-2720/009, p. 63; voy. également Sénat, 2006-2007, n° 3-2362-3, p. 32).

B.70.1. Il ressort de cet exposé que le législateur a conçu l'infraction inscrite dans cette disposition comme une infraction qui exige un dol spécial : il n'y a infraction que s'il est prouvé que « la diffusion des idées concernées a pour objectif d'attiser la haine à l'égard d'un groupe humain et de justifier la mise en place, à son égard, d'une politique discriminatoire ou ségrégationniste ».

Il ressort également de cet exposé que le législateur a en premier lieu entendu punir l'« auteur intellectuel des idées ». Ceux qui diffusent les idées d'autrui ne peuvent être condamnés que dans les limites du principe de la responsabilité en cascade, visé à l'article 25, alinéa 2, de la Constitution (dans la mesure où il est satisfait aux conditions d'application de cet article) et à condition qu'il existe dans leur chef le dol spécial précité.

Il ressort du terme « diffuser » qu'il n'y a infraction que lorsqu'une publicité générale a été donnée aux idées en question. La signification usuelle de ce terme est en effet « répandre dans le public ». Etant donné que la disposition attaquée ne lie pas la « diffusion » à l'utilisation d'un média précis, la façon dont il a été donné une publicité générale aux idées en question n'est pas déterminante pour établir s'il y a eu ou non infraction. Ce qui est déterminant, c'est que la « diffusion » se fasse dans l'une des circonstances prévues par l'article 444 du Code pénal.

B.70.2. Il découle de la circonstance qu'un dol spécial est requis pour cette infraction que l'existence de celle-ci ne peut être admise à partir du moment où seuls les éléments matériels de l'infraction sont présents. Pour qu'il y ait infraction, un élément moral spécifique doit être prouvé. Cet élément moral spécifique, qui est inclus dans les termes « diffuser », « haine raciale » et « supériorité raciale », porte plus précisément sur la volonté de diffuser des idées en vue d'attiser la haine à l'égard d'un groupe de personnes ou en vue de justifier la mise en place, à son égard, d'une politique discriminatoire ou ségrégationniste.

Les propos doivent dès lors avoir une portée méprisante ou haineuse, ce qui exclut de l'interdiction les propos scientifiques et artistiques, et ils doivent exprimer l'infériorité fondamentale d'un groupe.

B.71.1. Sous réserve de cette interprétation, la disposition attaquée ne porte pas une atteinte discriminatoire à la liberté d'expression, telle qu'elle est garantie par l'article 19 de la Constitution et par l'article 10 de la Convention européenne des droits de l'homme.

B.71.2. Contrairement à ce que soutient la partie requérante dans l'affaire n° 4355, un « rejet du recours, sous réserve d'interprétation » ne conduit pas en soi à une violation de la liberté d'expression. Un tel dispositif implique que la Cour n'estime la disposition en question constitutionnelle que si cette disposition est interprétée tel qu'il est indiqué.

B.72. Sous réserve de l'interprétation mentionnée en B.70.2, le cinquième moyen dans l'affaire n° 4312 et le premier moyen dans l'affaire n° 4355 ne sont pas fondés.

B.73. Dans le second moyen dans l'affaire n° 4355, les parties requérantes font également valoir que l'article 21 attaqué n'est pas compatible avec le principe d'égalité et de non-discrimination en ce que cette disposition créerait une différence de traitement injustifiée entre les personnes qui sont victimes de propos discriminatoires, selon que ces propos sont fondés, d'une part, sur la nationalité, une prétendue race, la couleur de peau, l'ascendance ou l'origine nationale ou ethnique ou, d'autre part, sur un autre motif de discrimination.

B.74.1. Ainsi qu'il a été rappelé en B.63, il relève en principe du pouvoir d'appréciation du législateur de déterminer quel comportement mérite une sanction pénale, étant entendu que les choix qu'il opère dans ce domaine doivent être raisonnablement justifiés. Ce pouvoir d'appréciation du législateur est toutefois soumis à des restrictions lorsque la Belgique s'est engagée sur le plan international à réprimer un comportement déterminé.

B.74.2. Selon l'article 4 de la Convention internationale sur l'élimination de toutes les formes de discrimination raciale, les Etats parties s'engagent à « déclarer délits punissables par la loi toute diffusion d'idées fondées sur la supériorité ou la haine raciale ».

Par la disposition attaquée, le législateur belge satisfait à cette obligation de droit international, qui peut justifier raisonnablement la différence de traitement critiquée par les parties requérantes.

Il est par ailleurs apparu de l'examen du cinquième moyen dans l'affaire n° 4312 et du premier moyen dans l'affaire n° 4355 que la répression de la diffusion de certaines idées est soumise à des conditions strictes, précisément afin de limiter la restriction de l'exercice des libertés dont la violation a été alléguée à ce qui est considéré comme strictement nécessaire dans une société démocratique. Dans cette perspective, le respect du principe d'égalité et de non-discrimination ne peut avoir pour conséquence que l'exercice de ces libertés doive également être limité en ce qui concerne les idées qui sont fondées sur la supériorité ou la haine à l'égard d'individus qui sont porteurs d'autres caractéristiques humaines ou qui ont d'autres convictions.

En limitant la répression de la diffusion d'idées aux idées qui sont fondées sur la supériorité ou la haine raciale, lesquelles constituent une grave menace pour la société démocratique, le législateur a pris une mesure qui est raisonnablement justifiée.

B.75. Le second moyen dans l'affaire n° 4355 n'est pas fondé.

II.D. Le fait de faire partie d'un groupement ou d'une association qui, de manière manifeste et répétée, prône la discrimination ou la ségrégation ou de lui prêter son concours (article 22)

B.76. L'article 22 de la loi anti-racisme, cité en B.39, inséré par la loi du 10 mai 2007, prévoit des sanctions pénales pour les personnes qui font partie d'un groupement ou d'une association qui, de manière manifeste et répétée, prône la discrimination ou la ségrégation, ou lui prêtent leur concours, dans les circonstances indiquées à l'article 444 du Code pénal.

B.77. Il ressort des travaux préparatoires que, par l'article 22 attaqué, le législateur entendait satisfaire à l'obligation découlant de l'article 4 de la Convention internationale sur l'élimination de toutes les formes de discrimination raciale, de « déclarer illégales et [d'] interdire les organisations ainsi que les activités de propagande organisée et tout autre type d'activité de propagande qui incitent à la discrimination raciale et qui l'encouragent et [de] déclarer délit punissable par la loi la participation à ces organisations ou à ces activités » (*Doc. parl.*, Chambre, 2006-2007, DOC 51-2720/009, p. 25).

B.78.1. Ainsi qu'il a été rappelé en B.42, le terme « prôner » doit être interprété comme « inciter à ». Les groupements et associations visés dans la disposition attaquée sont dès lors des groupements et associations qui incitent, de manière manifeste et répétée, à la discrimination et à la ségrégation. Comme il ressort du B.59, il ne peut être question d'« incitation » que dans l'hypothèse d'un dol spécial dans le chef du groupement ou de l'association en question.

B.78.2. Dans la mesure où la disposition attaquée limiterait la liberté d'expression de groupements et d'associations, cette restriction est, pour les mêmes raisons que celles indiquées en B.57 à B.60, proportionnée au but poursuivi par le législateur, qui consiste à protéger les droits d'autrui et à donner exécution à l'obligation, découlant de la Convention internationale sur l'élimination de toutes les formes de discrimination raciale, de lutter contre les organisations qui encouragent la discrimination raciale.

B.79.1. Etant donné que faire partie d'un groupement ou d'une association et lui prêter son concours peut constituer l'expression d'une opinion, la disposition attaquée pourrait également constituer une ingérence dans la liberté d'expression des individus, groupements et associations qui, bien qu'ils n'incitent pas eux-mêmes à la discrimination ou à la ségrégation, font partie de groupements ou d'associations qui incitent à la discrimination ou à la ségrégation, ou leur prêtent leur concours.

B.79.2. Ainsi qu'il a été rappelé en B.43, la disposition attaquée exige, par l'utilisation des mots « de manière manifeste et répétée », qu'il soit évident pour la personne qui « fait partie » ou « prête son concours à » ce groupement ou cette association que ce groupement ou cette association incite à la discrimination ou à la ségrégation en raison d'un des « critères protégés ». Il est en outre requis que la personne en question fasse partie d'un tel groupement ou d'une telle association, ou lui prête son concours, « sciemment et volontairement ». Il est dès lors exclu que des personnes qui, de bonne foi, font partie d'un tel groupement ou d'une telle association, ou lui prêtent leur concours, soient frappées par la mesure litigieuse.

Pour cette raison, l'ingérence alléguée dans la liberté d'expression des personnes, groupements ou associations en question n'est pas davantage disproportionnée par rapport au but, qui consiste à lutter contre les organisations qui encouragent la discrimination raciale.

B.80. En ce qu'il est pris de la violation de l'article 19, combiné ou non avec les articles 10 et 11, de la Constitution, le sixième moyen dans l'affaire n° 4312 n'est pas fondé.

III. En ce qui concerne les moyens pris de la violation de la liberté d'association et de réunion, combinée ou non avec le principe d'égalité et de non-discrimination

B.81. Dans le sixième moyen dans l'affaire n° 4312, les parties requérantes font également valoir que l'article 22 de la loi anti-racisme, inséré par la loi du 10 mai 2007, en incriminant le fait de faire partie d'un groupement ou d'une association qui prône, de manière manifeste et répétée, la ségrégation ou de lui prêter son concours, dans les circonstances visées à l'article 444 du Code pénal, porte une atteinte discriminatoire et injustifiée tant à la liberté d'association qu'à la liberté de réunion.

B.82.1. L'article 26 de la Constitution dispose :

« Les Belges ont le droit de s'assembler paisiblement et sans armes, en se conformant aux lois qui peuvent régler l'exercice de ce droit, sans néanmoins le soumettre à une autorisation préalable.

Cette disposition ne s'applique point aux rassemblements en plein air, qui restent entièrement soumis aux lois de police ».

B.82.2. L'article 27 de la Constitution dispose :

« Les Belges ont le droit de s'associer; ce droit ne peut être soumis à aucune mesure préventive ».

B.82.3. L'article 11 de la Convention européenne des droits de l'homme dispose :

« 1. Toute personne a droit à la liberté de réunion pacifique et à la liberté d'association, y compris le droit de fonder avec d'autres des syndicats et de s'affilier à des syndicats pour la défense de ses intérêts.

2. L'exercice de ces droits ne peut faire l'objet d'autres restrictions que celles qui, prévues par la loi, constituent des mesures nécessaires, dans une société démocratique, à la sécurité nationale, à la sûreté publique, à la défense de l'ordre et à la prévention du crime, à la protection de la santé ou de la morale, ou à la protection des droits et libertés d'autrui. Le présent article n'interdit pas que des restrictions légitimes soient imposées à l'exercice de ces droits par les membres des forces armées, de la police ou de l'administration de l'Etat ».

B.83. Les articles 26 et 27 de la Constitution reconnaissent le droit d'association et de réunion et, sauf en ce qui concerne les réunions en plein air, s'opposent à ce que ces droits soient soumis à des mesures préalables. Ces dispositions ne s'opposent pas à ce que le législateur règle l'exercice de ces droits en ce qui concerne les matières dans lesquelles son intervention est nécessaire, dans une société démocratique, à, notamment, la protection des droits d'autrui.

B.84.1. Les travaux préparatoires de la loi anti-racisme du 30 juillet 1981 font apparaître que, par la disposition attaquée, le législateur a entendu « lutter efficacement contre les organisations défendant des théories racistes », sans devoir prendre des mesures « permettant aux autorités politiques de dissoudre ces mouvements et de renforcer la législation sur les milices privées » (*Doc. parl.*, Chambre, S.E. 1979, n° 214/9, p. 26).

B.84.2. Dès lors que la disposition attaquée n'empêche pas qu'une association puisse continuer d'exister, même lorsqu'un ou plusieurs de ses membres ou de ses collaborateurs ont été condamnés sur la base de cette disposition, ni que cette association puisse se réunir, cette disposition ne soumet pas la liberté d'association et la liberté de réunion à des mesures préalables.

B.84.3. La mesure attaquée doit en outre être considérée, notamment en raison des obligations découlant de l'article 4 de la Convention internationale sur l'élimination de toutes les formes de discrimination raciale, comme étant nécessaire, dans une société démocratique, dans l'intérêt de la protection des droits d'autrui. Etant donné qu'elle ne fait pas obstacle, en soi, à la continuation de l'association en question, ni ne restreint la possibilité pour cette association d'organiser des réunions, la mesure est proportionnée par rapport à l'objectif qui consiste à lutter contre des organisations qui encouragent la discrimination raciale.

B.84.4. En ce qu'elle limite le droit des personnes d'adhérer à une association de leur choix ou de prêter leur assistance à une réunion de cette association, la disposition attaquée n'est pas davantage disproportionnée par rapport à l'objectif poursuivi par le législateur. En effet, la disposition attaquée exige qu'il soit évident pour la personne qui fait partie de ce groupement ou de cette association ou lui prête son concours, que ce groupement ou cette association incite à la discrimination ou à la ségrégation fondée sur l'un des motifs mentionnés dans la loi attaquée. En outre, il est requis que la personne en question fasse partie d'un tel groupement ou d'une telle association, ou lui prête son concours, « sciemment et volontairement ».

B.85. En ce qu'il est pris de la violation des articles 26 et 27, combinés ou non avec les articles 10 et 11, de la Constitution, le sixième moyen dans l'affaire n° 4312 n'est pas fondé.

IV. En ce qui concerne les moyens pris de la violation du principe d'égalité et de non-discrimination

IV.A. Motif général de justification de l'« action positive »

B.86. Dans leur septième moyen dans l'affaire n° 4312, les parties requérantes font valoir que l'article 10 de la loi anti-racisme, inséré par la loi du 10 mai 2007, n'est pas compatible avec les articles 10 et 11 de la Constitution en ce que cette disposition prévoirait un motif de justification général pour les mesures d'action positive.

B.87. L'article 10 attaqué dispose :

« § 1er. Une distinction directe ou indirecte fondée sur l'un des critères protégés ne s'analyse pas en une quelconque forme de discrimination, lorsque cette distinction directe ou indirecte constitue une mesure d'action positive.

§ 2. Une mesure d'action positive ne peut être mise en œuvre que moyennant le respect des conditions suivantes :

- il doit exister une inégalité manifeste;

- la disparition de cette inégalité doit être désignée comme un objectif à promouvoir;

- la mesure d'action positive doit être de nature temporaire, étant de nature à disparaître dès que l'objectif visé est atteint;

- la mesure d'action positive ne doit pas restreindre inutilement les droits d'autrui.

§ 3. Dans le respect des conditions fixées au § 2, le Roi détermine, par arrêté délibéré en Conseil des ministres, les hypothèses et les conditions dans lesquelles une mesure d'action positive peut être mise en œuvre.

[...] ».

B.88. Par le passé, la Cour a admis que le législateur prenne des mesures d'action positive si elles visent précisément à remédier à une inégalité existante. De telles « inégalités correctrices » doivent néanmoins, pour être compatibles avec le principe d'égalité et de non-discrimination, n'être appliquées que dans des cas d'inégalité manifeste; la disparition de cette inégalité doit être désignée comme un objectif à promouvoir; les mesures doivent être de nature temporaire, étant destinées à disparaître dès que l'objectif visé est atteint et elles ne peuvent restreindre inutilement les droits d'autrui (arrêt nº 9/94 du 27 janvier 1994, B.6.2; arrêt nº 42/97 du 14 juillet 1997, B.20; arrêt nº 157/2004 du 6 octobre 2004, B.79).

B.89. Le législateur a voulu reprendre expressément dans le texte de la loi la jurisprudence de la Cour en matière d'inégalités correctrices. Les conditions mentionnées dans la disposition attaquée correspondent à celles que la Cour a, dans les arrêts précités, attachées aux mesures d'action positive.

B.90.1. La disposition attaquée habilite le Roi à déterminer les hypothèses et les conditions dans lesquelles une mesure d'action positive peut être prise. Il ressort des travaux préparatoires que, sans pareil cadre, les particuliers ne peuvent invoquer le motif général de justification des mesures d'action positive (*Doc. parl.*, Chambre, 2006-2007, DOC 51-2720/001, DOC 51-2721/001, DOC 51-2722/001, p. 52).

Lorsqu'Il détermine les hypothèses et les conditions dans lesquelles une mesure d'action positive peut être mise en œuvre, le Roi doit respecter les conditions mentionnées à l'article 10, § 2, attaqué de la loi anti-racisme et tenir compte de la jurisprudence pertinente de la Cour de justice des Communautés européennes. Il doit en outre déterminer ces hypothèses et conditions de manière à ce que celui qui souhaite invoquer ce motif de justification respecte également ces conditions.

B.90.2. Lorsqu'il examine une mesure d'action positive d'un citoyen, le juge compétent doit dès lors vérifier s'il est globalement satisfait aux mêmes conditions que lorsque le juge compétent examine une mesure d'action positive des pouvoirs publics. Ce traitement égal n'est pas discriminatoire.

En effet, ainsi que la Cour l'a jugé en B.10.3 à B.10.5 de son arrêt nº 17/2009 du 12 février 2009, les citoyens et les pouvoirs publics qui sont soumis à l'interdiction de discrimination ne se trouvent pas dans des situations fondamentalement différentes lorsqu'ils occupent, en fait ou en droit, une position dominante dans les relations juridiques qui leur donne l'occasion de discriminer.

Dès lors qu'il appartient au législateur de préciser l'obligation de respecter l'interdiction de discrimination, il ne peut lui être reproché de prévoir un cadre pour les mesures d'action positive et d'aligner les critères pour leur exécution sur les critères que les pouvoirs publics doivent aussi respecter.

B.91. Le septième moyen dans l'affaire nº 4312 n'est pas fondé.

IV.B. Régime de la charge de la preuve

B.92. Dans le huitième moyen dans l'affaire nº 4312, les parties requérantes font valoir que les articles 29 et 30 de la loi anti-racisme, insérés par la loi du 10 mai 2007, violent les articles 10, 11, 13, 14, 19, 22, 23, 24, 25, 26 et 27 de la Constitution, en ce qu'ils renverseraient la charge de la preuve et établiraient, ce faisant, une différence de traitement injustifiée entre deux catégories de victimes, selon qu'elles peuvent ou non bénéficier du régime de la charge de la preuve en question.

B.93. Les articles attaqués font partie du titre V « Charge de la preuve » de la loi anti-racisme, inséré par la loi du 10 mai 2007.

Selon l'article 29 attaqué, les dispositions de ce titre sont applicables à toutes les procédures judiciaires, à l'exception des procédures pénales.

B.94.1. L'article 30 attaqué dispose :

« § 1er. Lorsqu'une personne qui s'estime victime d'une discrimination, le Centre ou l'un des groupements d'intérêts invoque devant la juridiction compétente des faits qui permettent de présumer l'existence d'une discrimination fondée sur l'un des critères protégés, il incombe au défendeur de prouver qu'il n'y a pas eu de discrimination.

§ 2. Par faits qui permettent de présumer l'existence d'une discrimination directe fondée sur un critère protégé, sont compris, entre autres, mais pas exclusivement :

1º les éléments qui révèlent une certaine récurrence de traitement défavorable à l'égard de personnes partageant un critère protégé; entre autres, différents signalements isolés faits auprès du Centre ou l'un des groupements d'intérêts; ou

2º les éléments qui révèlent que la situation de la victime du traitement plus défavorable est comparable avec la situation de la personne de référence.

§ 3. Par faits qui permettent de présumer l'existence d'une discrimination indirecte fondée sur un critère protégé, sont compris, entre autres, mais pas exclusivement :

1º des statistiques générales concernant la situation du groupe dont la victime de la discrimination fait partie ou des faits de connaissance générale; ou

2º l'utilisation d'un critère de distinction intrinsèquement suspect; ou

3º du matériel statistique élémentaire qui révèle un traitement défavorable ».

B.94.2. Cette disposition est le résultat d'un amendement, qui a été justifié comme suit :

« L'article du projet de loi reprenait la disposition de la loi de 2003 relative au partage de la charge de la preuve exigé par les directives communautaires (directive 43/2000, art. 8; directive 78/2000, art. 10).

Les auteurs de l'amendement estiment qu'il convient de préciser plus globalement le principe du renversement de la charge de la preuve que ne le fait la disposition actuelle. L'objectif du présent amendement est donc de transposer les articles 10 de la directive 43/2000 et 8 de la directive 78/2000, en tenant compte de la jurisprudence de la Cour de Justice, pour fixer un cadre permettant au juge de présumer de l'existence d'une discrimination, faisant de ce fait incomber la charge de preuve à la partie défenderesse » (*Doc. parl.*, Chambre, 2006-2007, DOC 51-2720/004, p. 2).

B.95. Le renversement de la charge de la preuve a été dicté par le constat que les victimes d'une discrimination rencontrent des difficultés pour prouver cette discrimination. Au cours des travaux préparatoires, il a été considéré ce qui suit à ce sujet :

« La législation en matière de discrimination ne peut pas fonctionner efficacement sans un déplacement équilibré de la charge de la preuve » (*Doc. parl.*, Chambre, 2006-2007, DOC 51-2720/009, p. 73; voy. aussi *ibid.*, pp. 85-86).

Le législateur souhaitait en outre tenir compte de la circonstance que l'auteur d'un acte répréhensible tente parfois de cacher qu'il a fait une distinction fondée sur un des motifs mentionnés dans la loi attaquée (*ibid.*, pp. 74 et 77).

B.96. La mesure instaurée par le législateur repose sur un critère objectif, à savoir la nature des actions pour lesquelles le renversement de la charge de la preuve est instauré et elle est pertinente pour atteindre le but qu'il poursuit, à savoir garantir une protection efficace contre la discrimination. Il convient toutefois de vérifier si la mesure n'est pas disproportionnée.

B.97. A cet égard, il convient avant tout de constater qu'il ne saurait être question d'un renversement de la charge de la preuve qu'après que la victime prouve les faits qui laissent présumer l'existence d'une discrimination. Par conséquent, la victime doit démontrer que le défendeur a commis des actes ou a donné des instructions qui pourraient, de prime abord, être discriminatoires. La charge de la preuve incombe dès lors en premier lieu à la victime (*Doc. parl.*, Chambre, 2006-2007, DOC 51-2720/009, p. 72).

Les faits avancés doivent être suffisamment graves et pertinents. Il ne suffit pas qu'une personne prouve qu'elle a fait l'objet d'un traitement qui lui est défavorable. Cette personne doit également prouver les faits qui semblent indiquer que ce traitement défavorable a été dicté par des motifs illicites. Pour ce faire, elle peut par exemple démontrer que sa situation est comparable à celle d'une personne de référence (article 30, § 2, 2°), c'est-à-dire une personne qui n'est pas caractérisée par un des motifs mentionnés dans la loi attaquée et qui est traitée différemment par le défendeur.

Les faits précités ne peuvent toutefois avoir un caractère général, mais doivent pouvoir être imputés spécifiquement à l'auteur de la distinction. Etant donné que, selon l'article 30, § 2, 1°, attaqué, « les éléments qui révèlent une certaine récurrence de traitement défavorable à l'égard de personnes partageant un critère protégé » font naître une présomption de discrimination directe, cette récurrence doit exister dans le chef de ces personnes.

Il doit en être de même pour les faits qui peuvent faire présumer l'existence d'une discrimination indirecte fondée sur un des motifs mentionnés dans la loi attaquée. Il ne suffit pas de démontrer sur la base de statistiques qu'un critère apparemment neutre lèse des personnes caractérisées par un motif mentionné dans la loi attaquée. Il faut démontrer en outre que le défendeur en était conscient. Les données statistiques doivent par ailleurs satisfaire à certaines exigences de qualité pour que le juge puisse en tenir compte, ainsi qu'il ressort notamment de la jurisprudence de la Cour de justice et de la Cour européenne des droits de l'homme :

« Il y a lieu également de rappeler qu'il appartient au juge national d'apprécier si les données statistiques caractérisant la situation de la main d'œuvre sont valables et si elles peuvent être prises en compte, c'est-à-dire si elles portent sur un nombre suffisant d'individus, si elles ne sont pas l'expression de phénomènes purement fortuits ou conjoncturels et si, d'une manière générale, elles apparaissent significatives (voir arrêt du 27 octobre 1993, Enderby, C-127/92, Rec. p. I-5535, point 17) » (CJCE, 9 février 1999, Seymour-Smith, C-167/97, § 62).

« La Cour estime que, lorsqu'il s'agit d'évaluer l'incidence de mesures ou de pratiques sur un individu ou sur un groupe, les statistiques qui, après avoir été soumises à un examen critique de la Cour, paraissent fiables et significatives suffisent pour constituer le commencement de preuve à apporter par le requérant » (CEDH, (grande chambre), 13 novembre 2007, *D.H. e.a.* c. République tchèque, § 188).

B.98. Les faits allégués par la personne qui s'estime victime d'une discrimination, par le Centre pour l'égalité des chances et la lutte contre le racisme ou par l'un des groupements d'intérêts ne bénéficient pas par eux-mêmes d'une force probante particulière. Le juge doit apprécier, conformément au droit commun, l'exactitude des éléments qui lui seront soumis. Ainsi, le ministre a déclaré :

« c'est au juge qu'il appartient d'apprécier [...], au cas par cas, la régularité des preuves produites et la force probante de celles-ci » (*Doc. parl.*, Chambre, 2006-2007, DOC 51-2720/009, p. 88).

Le juge conserve en outre la nécessaire liberté d'appréciation. Au cours des travaux préparatoires, il a été précisé à ce sujet :

« il appartient au juge de déterminer, sur la base des données qui lui sont présentées, si, dans une situation particulière, il y a ou non présomption de discrimination directe ou indirecte. Il peut ensuite décider d'autoriser ou non un renversement ou un glissement de la charge de la preuve » (*Doc. parl.*, Chambre, 2006-2007, DOC 51-2720/009, p. 70).

B.99. Il ressort encore des travaux préparatoires qu'il ne peut être fait usage d'instruments qui peuvent donner lieu au renversement de la charge de la preuve qu'après la survenance de faits qui pourraient être considérés comme discriminatoires et qu'il ne s'agit jamais d'un contrôle proactif (*Doc. parl.*, Chambre, 2006-2007, DOC 51-2720/009, pp. 70, 71 et 79).

B.100.1. Il apparaît de ce qui précède que les dispositions attaquées ont réalisé un juste équilibre entre les parties au procès, d'une part, en tenant compte de la situation de départ défavorable quant à la procédure dans laquelle se trouve la victime et, d'autre part, en soumettant les situations dans lesquelles la charge de la preuve peut être déplacée vers le défendeur à une série de conditions, de sorte qu'il n'apparaît pas que le législateur aurait porté une atteinte discriminatoire au droit à un procès équitable.

Enfin, selon l'article 29 attaqué, le renversement de la charge de la preuve n'est pas applicable aux procédures pénales. Etant donné qu'il convient de prendre en compte la présomption d'innocence, telle qu'elle est garantie par l'article 6.2 de la Convention européenne des droits de l'homme et par l'article 14.2 du Pacte international relatif aux droits civils et politiques, cette exception est justifiée. Il convient en outre de tenir compte de l'article 8, paragraphe 3, de la directive 2000/43/CE du 29 juin 2000 « relative à la mise en œuvre du principe de l'égalité de traitement entre les personnes sans distinction de race ou d'origine ethnique », aux termes duquel la nécessité mentionnée à l'article 8, paragraphe 1, de prendre des mesures pour ce qui est de la charge de la preuve ne s'applique pas aux procédures pénales.

B.100.2. Selon les parties requérantes, il n'est pas exclu que la décision prise au civil ait une incidence sur la procédure pénale, lorsque l'acte qui enfreint les dispositions de la loi anti-racisme constitue une infraction pénale. Ainsi qu'il ressort du texte de l'article 30, § 1er, le renversement de la charge de la preuve ne concerne pas le fait punissable lui-même, mais la nature discriminatoire du comportement. Dans l'hypothèse où le renversement de la charge de la preuve, appliqué dans une affaire civile, pourrait influencer ultérieurement la preuve dans une affaire pénale, le juge pénal serait néanmoins tenu d'apprécier concrètement les éléments de preuve et de respecter la présomption d'innocence du prévenu.

B.101. Eu égard aux conditions auxquelles la mesure attaquée s'applique, cette mesure n'est pas sans justification.

B.102. Le huitième moyen dans l'affaire nº 4312 n'est pas fondé.

IV.C. Quant au pouvoir d'agir en justice du Centre pour l'égalité des chances et la lutte contre le racisme et des groupements d'intérêts visés dans la loi

B.103. Dans le neuvième moyen dans l'affaire nº 4312, les parties requérantes font valoir que les articles 17, 18, 30, 31 et 32 de la loi anti-racisme, insérés par la loi du 10 mai 2007, ne sont pas compatibles avec les articles 10, 11 et 13 de la Constitution, en ce que ces dispositions confèrent un pouvoir d'agir en justice au Centre pour l'égalité des chances et la lutte contre le racisme (ci-après : le Centre), aux établissements d'utilité publique, aux associations qui ont pour objet la défense des droits de l'homme et la lutte contre la discrimination, aux organisations représentatives des employeurs et des travailleurs et aux organisations représentatives de travailleurs indépendants.

B.104. Conformément à l'article 31 attaqué, le Centre peut ester en justice dans les litiges auxquels pourrait donner lieu la loi anti-racisme. Conformément à l'article 32 attaqué, les établissements d'utilité publique et les associations jouissant de la personnalité juridique depuis au moins trois ans à la date des faits, et se proposant par leurs statuts de défendre les droits de l'homme ou de combattre la discrimination, les organisations représentatives des travailleurs et des employeurs, ainsi que les organisations représentatives de travailleurs indépendants peuvent ester en justice dans les litiges auxquels l'application de la loi anti-racisme donnerait lieu « lorsqu'un préjudice est porté aux fins statutaires qu'ils se sont [donné] pour mission de poursuivre ».

Lorsque le Centre ou l'un des groupements d'intérêts mentionnés à l'article 32 invoque, devant la juridiction compétente, des faits qui permettent de présumer l'existence d'une discrimination fondée sur l'un des motifs mentionnés dans la loi attaquée, il incombe au défendeur de prouver qu'il n'y a pas eu de discrimination (article 30 de la loi anti-racisme).

Selon l'article 17 attaqué, le juge peut condamner l'auteur de la discrimination au paiement d'une astreinte lorsque le Centre ou l'un des groupements d'intérêts visés à l'article 32 le demande.

Aux termes de l'article 18 attaqué, le président du tribunal de première instance ou, selon la nature de l'acte, le président du tribunal du travail ou du tribunal de commerce, peut ordonner la cessation d'un acte constituant un manquement aux dispositions de la loi anti-racisme lorsque le Centre ou l'un des groupements d'intérêts visés à l'article 32 le demande.

B.105. La différence de traitement qui découle des articles attaqués repose sur un critère objectif, à savoir la nature spécifique des litiges pour lesquels il est possible d'ester en justice; le législateur a pu en outre tenir compte de l'expérience particulière des organisations et des associations qui sont autorisées à agir.

Leur action n'est toutefois recevable que si elles prouvent qu'elles ont reçu l'accord de la victime de l'infraction ou de la discrimination (article 33 de la loi anti-racisme). De surcroît, la victime dont l'accord est produit par l'association doit également justifier d'un intérêt légitime et personnel.

Compte tenu, notamment, des dispositions des directives européennes qui encouragent ce type d'actions collectives (article 7, paragraphe 2, de la directive 2000/43/CE et article 9, paragraphe 2, de la directive 2000/78/CE), la mesure, y compris en ce qui concerne l'exercice de l'action civile dans des procédures pénales, n'est pas dépourvue de justification raisonnable.

B.106. Le neuvième moyen dans l'affaire nº 4312 n'est pas fondé.

Par ces motifs,

la Cour

sous réserve des interprétations mentionnées en B.29.4, B.33.4 et B.70.2, rejette les recours.

Ainsi prononcé en langue néerlandaise, en langue française et en langue allemande, conformément à l'article 65 de la loi spéciale du 6 janvier 1989, à l'audience publique du 11 mars 2009.

Le greffier, Le président,

P.-Y. Dutilleux. M. Bossuyt.

VERFASSUNGSGERICHTSHOF

D. 2009 — 1620 [2009/201210]

Auszug aus dem Urteil Nr. 40/2009 vom 11. März 2009

Geschäftsverzeichnisnrn. 4312 und 4355

In Sachen: Klagen auf völlige oder teilweise Nichtigerklärung des Gesetzes vom 10. Mai 2007 zur Abänderung des Gesetzes vom 30. Juli 1981 zur Ahndung bestimmter Taten, denen Rassismus oder Xenophobie zugrunde liegen, erhoben von Jurgen Ceder und anderen und von der VoG «Liga voor Mensenrechten»

Der Verfassungsgerichtshof,

zusammengesetzt aus den Vorsitzenden M. Bossuyt und M. Melchior, und den Richtern P. Martens, E. De Groot, L. Lavrysen, A. Alen, J.-P. Snappe, J.-P. Moerman, E. Derycke und J. Spreutels, unter Assistenz des Kanzlers P.-Y. Dutilleux, unter dem Vorsitz des Vorsitzenden M. Bossuyt,

verkündet nach Beratung folgendes Urteil:

I. *Gegenstand der Klagen und Verfahren*

a. Mit einer Klageschrift, die dem Hof mit am 11. Oktober 2007 bei der Post aufgegebenem Einschreibebrief zugesandt wurde und am 12. Oktober 2007 in der Kanzlei eingegangen ist, erhoben Klage auf Nichtigerklärung des Gesetzes vom 10. Mai 2007 zur Abänderung des Gesetzes vom 30. Juli 1981 zur Ahndung bestimmter Taten, denen Rassismus oder Xenophobie zugrunde liegen (veröffentlicht im *Belgischen Staatsblatt* vom 30. Mai 2007, zweite Ausgabe): Jurgen Ceder, wohnhaft in 1700 Dilbeek, Prieeldreef 1a, Frank Vanhecke, wohnhaft in 8310 Assebroek, J. Van Belleghemstraat 1, Gerolf Annemans, wohnhaft in 2050 Antwerpen, Blancefloerlaan 175, Filip Dewinter, wohnhaft in 2180 Ekeren, Klaverveldenlaan 1, und Joris Van Hauthem, wohnhaft in 1750 Lennik, Scheestraat 21.

b. Mit einer Klageschrift, die dem Hof mit am 29. November 2007 bei der Post aufgegebenem Einschreibebrief zugesandt wurde und am 30. November 2007 in der Kanzlei eingegangen ist, erhob die VoG «Liga voor Mensenrechten», mit Sitz in 9000 Gent, Stopenberghestraat 2, Klage auf Nichtigerklärung von Artikel 21 des vorerwähnten Gesetzes vom 10. Mai 2007.

Diese unter den Nummern 4312 und 4355 ins Geschäftsverzeichnis des Hofes eingetragenen Rechtssachen wurden verbunden.

(...)

II. *In rechtlicher Beziehung*

(...)

In Bezug auf den Umfang der Klagen

B.1.1. Der Ministerrat führt an, die Klagen seien gegenstandslos, da sie gegen Gesetzesartikel gerichtet seien, die es formell nicht gebe. Das angefochtene Gesetz vom 10. Mai 2007 «zur Abänderung des Gesetzes vom 30. Juli 1981 zur Ahndung bestimmter Taten, denen Rassismus oder Xenophobie zugrunde liegen» (nachstehend: Gesetz vom 10. Mai 2007) umfasse nämlich nur drei Artikel, von denen der dritte Artikel 34 neue Artikel in das Gesetz vom 30. Juli 1981 «zur Ahndung bestimmter Taten, denen Rassismus oder Xenophobie zugrunde liegen» (nachstehend: Antirassismusgesetz) einfüge. Dieser dritte Artikel wird jedoch von den klagenden Parteien nicht angefochten.

B.1.2. Aus den Klageschriften ist zur Genüge abzuleiten, dass die darin angeführten Klagegründe gegen die Artikel des Antirassismusgesetzes, eingefügt durch Artikel 3 des Gesetzes vom 10. Mai 2007, gerichtet sind. Die Schriftsätze des Ministerrates ergeben im Übrigen, dass er in der Lage war, auf die Klagegründe und Argumente der klagenden Parteien zu antworten.

Die Einrede wird abgewiesen.

B.2.1. Der Hof kann nur ausdrücklich angefochtene Gesetzesbestimmungen für nichtig erklären, gegen die Klagegründe angeführt werden, sowie gegebenenfalls Bestimmungen, die nicht angefochten werden, jedoch untrennbar mit den für nichtig zu erklärenden Bestimmungen verbunden sind.

B.2.2. Im vorliegenden Fall werden nur Klagegründe gegen die Artikel 10, 17, 18, 20, 21, 22, 23, 24, 25, 29, 30, 31 und 32 des Antirassismusgesetzes, eingefügt durch das Gesetz vom 10. Mai 2007, angeführt. Folglich beschränkt sich die Prüfung der Nichtigkeitsklage auf diese Bestimmungen sowie auf diejenigen, die untrennbar damit verbunden sind.

In Bezug auf die Zulässigkeit der Klagen

In der Rechtssache Nr. 4312

B.3.1. Der Ministerrat stellt das Interesse der klagenden Parteien in der Rechtssache Nr. 4312 in Abrede, insofern sie im Namen einer politischen Partei aufträten. Sie wiesen nämlich nicht nach, dass sie diese Partei rechtgültig vertreten würden.

B.3.2. Zur Rechtfertigung ihres Interesses führen die klagenden Parteien an, dass die angefochtenen Bestimmungen die Freiheit der Meinungsäußerung einschränkten, über die sie als Mitglied des Flämischen Parlaments, der Abgeordnetenkammer, des Senats beziehungsweise des Europäischen Parlaments verfügen müssten. Sie geben nicht an, im Namen einer politischen Partei aufzutreten.

B.4.1. Nach Auffassung des Ministerrates wiesen die klagenden Parteien in der Rechtssache Nr. 4312 nicht das erforderliche Interesse nach, um die Nichtigerklärung von Artikel 23 des Antirassismusgesetzes, eingefügt durch das Gesetz vom 10. Mai 2007, zu beantragen. Diese Bestimmung finde nämlich ausschließlich Anwendung auf öffentliche Amtsträger beziehungsweise auf Inhaber oder Bedienstete der öffentlichen Gewalt, während keine der klagenden Parteien sich auf eine dieser Eigenschaften berufe.

B.4.2. Gemäß Artikel 2 Nr. 3 des Sondergesetzes vom 6. Januar 1989 kann eine Nichtigkeitsklage «von den Präsidenten der gesetzgebenden Versammlungen auf Antrag von zwei Dritteln ihrer Mitglieder» erhoben werden.

Daraus ist zu schlussfolgern, dass der Gesetzgeber die Möglichkeit für die Mitglieder der gesetzgebenden Versammlungen, vor Gericht aufzutreten, einschränken wollte, indem er diese Möglichkeit ihren Präsidenten vorbehalten hat, sowie unter der Bedingung, dass zwei Drittel ihrer Mitglieder dies beantragen. Ein Mitglied dieser Versammlung weist also allein in dieser Eigenschaft nicht das erforderliche Interesse auf, um Klage beim Hof einzureichen.

B.4.3. Da die klagenden Parteien Mitglied des Flämischen Parlaments, der Abgeordnetenkammer, des Senats beziehungsweise des Europäischen Parlaments sind, ist jedoch nicht auszuschließen, dass sie als Inhaber der öffentlichen Gewalt angesehen werden könnten. Insofern der angefochtene Artikel 23 sich unmittelbar und in ungünstigem Sinne auf sie auswirken kann, weisen sie somit das erforderliche Interesse auf.

B.5.1. Nach Auffassung des Ministerrates verfolgten die klagenden Parteien mit ihrer Klage auf Nichtigerklärung von Artikel 22 des Antirassismusgesetzes, eingefügt durch das Gesetz vom 10. Mai 2007, im Wesentlichen ein gesetzwidriges Interesse, da sie in Wirklichkeit die Gesetzesbestimmung bekämpfen wollten, aufgrund deren drei mit der ehemaligen politischen Partei «Vlaams Blok» verbundene VoGs verurteilt worden seien, mit dem Ziel, dass es nicht mehr strafbar sei, einer Gruppe oder Vereinigung anzugehören, die offensichtlich, wiederholt und öffentlich eine Diskriminierung oder Segregation betreibe oder befürworte, oder eine solche Gruppe oder Vereinigung zu unterstützen.

B.5.2. Obschon der angefochtene Artikel 22 des Antirassismusgesetzes, eingefügt durch das Gesetz vom 10. Mai 2007, inhaltlich eine ähnliche Tragweite hat wie der durch das angefochtene Gesetz aufgehobene Artikel 3 des Antirassismusgesetzes vom 30. Juli 1981, hat der Gesetzgeber mit der Annahme der angefochtenen Bestimmung seinen Willen kundgetan, erneut gesetzgeberisch tätig zu werden. Der Umstand, dass drei mit der ehemaligen politischen Partei «Vlaams Blok» verbundene VoGs aufgrund des ehemaligen Artikels 3 des Antirassismusgesetzes verurteilt worden sind, entzieht den klagenden Parteien nicht ihr Interesse an der Anfechtung des neuen Artikels 22 dieses Gesetzes.

B.5.3. Das Interesse der klagenden Parteien kann nämlich nicht als unrechtmäßig angesehen werden, indem ihre Argumentation im Widerspruch zu rechtskräftigen Entscheidungen stehen würde. Die Tatsache, dass solche Entscheidungen vorliegen, entzieht ihnen nicht das Recht, die Verfassungsmäßigkeit späterer Gesetzesbestimmungen anzufechten, auch wenn diese Bestimmungen die in diesen Entscheidungen vorgesehenen Lösungen bestätigen sollten.

In der Rechtssache Nr. 4355

B.6.1. Der Ministerrat stellt das Interesse der klagenden Partei in der Rechtssache Nr. 4355 (die VoG «Liga voor Mensenrechten») in Abrede, insofern sie nicht nachweise, dass ein ausreichender Zusammenhang zwischen der durch sie angefochtenen Bestimmung und ihrem Vereinigungszweck bestehe.

B.6.2. Wenn eine Vereinigung ohne Gewinnerzielungsabsicht, die sich nicht auf ihr persönliches Interesse beruft, vor dem Hof auftritt, ist es erforderlich, dass ihr Vereinigungszweck besonderer Art ist und sich daher vom allgemeinen Interesse unterscheidet, dass sie ein kollektives Interesse vertritt, dass die angefochtene Rechtsnorm den Vereinigungszweck beeinträchtigen kann und dass es sich schließlich nicht zeigt, dass dieser Vereinigungszweck nicht oder nicht mehr tatsächlich erstrebt wird.

B.6.3. Aufgrund von Artikel 3 ihrer Satzung bezweckt die VoG «Liga voor Mensenrechten», jede Ungerechtigkeit und jede Verletzung der Rechte von Personen oder Gemeinschaften zu bekämpfen und die Grundsätze der Gleichheit, der Freiheit und des Humanismus, auf denen demokratische Gesellschaften aufgebaut sind und die in den Menschenrechtsverträgen und -erklärungen verankert sind, zu verteidigen.

Ohne dass eine solche Beschreibung des Vereinigungszwecks einer VoG wörtlich als ein Mittel angesehen werden muss, das diese Vereinigung einsetzt, um gleich welche Norm anzufechten unter dem Vorwand, dass jede Norm sich auf die Rechte von irgendjemandem auswirkt, kann davon ausgegangen werden, dass eine Bestimmung, die die Äußerung bestimmter Meinungen unter Strafe stellt, so beschaffen ist, dass sie sich ungünstig auf den Vereinigungszweck auswirken kann. Der Umstand, dass die klagende Partei insbesondere im Bereich der Rassismusbekämpfung tätig ist, entzieht ihr nicht das Interesse an der Anfechtung einer Bestimmung, die Bestandteil der Antirassismusgesetzgebung ist und die ihrer Ansicht nach im Widerspruch zur Freiheit der Meinungsäußerung steht.

B.7. Die Einreden werden abgewiesen.

In Bezug auf die Zulässigkeit der Klagegründe

B.8. Um den Erfordernissen nach Artikel 6 des Sondergesetzes vom 6. Januar 1989 zu entsprechen, müssen die in der Klageschrift vorgebrachten Klagegründe angeben, welche Vorschriften, deren Einhaltung der Hof gewährleistet, verletzt wären und welche Bestimmungen gegen diese Vorschriften verstoßen würden, und darlegen, in welcher Hinsicht diese Vorschriften durch die fraglichen Bestimmungen verletzt würden.

B.9.1. Nach Auffassung des Ministerrates seien der erste, der zweite und der sechste Klagegrund in der Rechtssache Nr. 4312 unzulässig, da nicht deutlich sei, ob die klagenden Parteien einen Verstoß gegen Artikel 12 der Verfassung oder aber gegen deren Artikel 14 geltend machten. Die Argumente der klagenden Parteien bezögen sich nämlich eher auf die Unterstrafestellung als auf die Auferlegung der Strafe.

B.9.2. Aus der Klageschrift geht zur Genüge hervor, dass die klagenden Parteien bemängeln, dass die mit den betreffenden Klagegründen angefochtenen Artikel gegen das durch die Artikel 12 und 14 der Verfassung gewährleistete Legalitätsprinzip in Strafsachen verstießen, da diese Bestimmungen Unterstrafestellungen enthielten, die unzureichend deutlich und vorhersehbar seien. Der Umstand, dass diese Parteien in ihrer Klageschrift Artikel 12 der Verfassung nicht erwähnt haben, hat den Ministerrat nicht daran gehindert, auf ihre Argumente zu antworten. Die Klageschrift in der Rechtssache Nr. 4312 entspricht diesbezüglich also den Erfordernissen von Artikel 6 des Sondergesetzes vom 6. Januar 1989.

Die Einrede wird abgewiesen.

B.10.1. Nach Auffassung des Ministerrates sei der vierte Klagegrund in der Rechtssache Nr. 4312 unzulässig, insofern er aus einem Verstoß gegen die Artikel 10 und 11 der Verfassung abgeleitet sei. Die klagenden Parteien wiesen nicht nach, inwiefern der mit diesem Klagegrund angefochtene Artikel gegen den Grundsatz der Gleichheit und Nichtdiskriminierung verstoße.

B.10.2. Wenn ein Verstoß gegen den Grundsatz der Gleichheit und Nichtdiskriminierung angeführt wird, muss in der Regel präzisiert werden, welche Kategorien von Personen miteinander zu vergleichen sind und in welcher Hinsicht die angefochtene Bestimmung zu einem Behandlungsunterschied führt, der diskriminierend wäre.

Wenn ein Verstoß gegen den Grundsatz der Gleichheit und Nichtdiskriminierung jedoch in Verbindung mit einem anderen Grundrecht angeführt wird, genügt es zu präzisieren, inwiefern gegen dieses Grundrecht verstoßen würde. Die Kategorie von Personen, für die gegen dieses Grundrecht verstoßen würde, muss nämlich mit der Kategorie von Personen verglichen werden, denen dieses Grundrecht gewährleistet wird.

B.10.3. Da der vierte Klagegrund in der Rechtssache Nr. 4312 aus einem Verstoß gegen die Artikel 10, 11 und 19 der Verfassung abgeleitet ist, indem der angefochtene Artikel 20 des Antirassismusgesetzes, eingefügt durch das Gesetz vom 10. Mai 2007, die Freiheit der Meinungsäußerung auf ungerechtfertigte Weise einschränke, ist der Klagegrund, insofern er aus einem Verstoß gegen die Artikel 10 und 11 der Verfassung abgeleitet ist, in dem Sinne auszulegen, dass die Kategorie von Personen, deren Freiheit der Meinungsäußerung verletzt werden soll, mit der Kategorie von Personen verglichen werden muss, deren Freiheit der Meinungsäußerung gewährleistet ist.

Die Einrede wird abgewiesen.

B.11.1. Nach Auffassung des Ministerrates sei der sechste Klagegrund in der Rechtssache Nr. 4312 unzulässig, insofern er aus einem Verstoß gegen Artikel 23 der Verfassung abgeleitet sei. Die klagenden Parteien wiesen nicht nach, inwiefern der mit diesem Klagegrund angefochtene Artikel gegen diesen Verfassungsartikel verstoße.

B.11.2. Die klagenden Parteien legen nicht dar, inwiefern die Unterstrafestellung, die im angefochtenen Artikel 22 des Antirassismusgesetzes, eingefügt durch das Gesetz vom 10. Mai 2007, enthalten ist, gegen die wirtschaftlichen, sozialen und kulturellen Grundrechte im Sinne von Artikel 23 der Verfassung verstoßen würde. Insofern der sechste Klagegrund in der Rechtssache Nr. 4312 aus einem Verstoß gegen Artikel 23 der Verfassung abgeleitet ist, ist er unzulässig.

B.12.1. Nach Auffassung des Ministerrates sei der achte Klagegrund in der Rechtssache Nr. 4312 unzulässig, insofern er aus einem Verstoß gegen die Artikel 13, 22, 23, 24, 25, 26 und 27 der Verfassung abgeleitet sei. Die klagenden Parteien wiesen nicht nach, inwiefern die mit diesem Klagegrund angefochtenen Artikel, die sich auf die Regelung der Beweislast bezögen, gegen diese Verfassungsartikel verstießen.

B.12.2. Die Artikel 22, 23, 24, 25, 26 und 27 der Verfassung gewährleisten das Recht auf Achtung des Privat- und Familienlebens, das Recht auf ein menschenwürdiges Leben, die Unterrichtsfreiheit, die Pressefreiheit beziehungsweise die Versammlungs- und Vereinigungsfreiheit.

Der achte Klagegrund ist daher so zu verstehen, dass die sich aus den angefochtenen Bestimmungen ergebende Verpflichtung des Nachweises, dass keine Diskriminierung vorliegt, eine Einmischung in die vorstehend angeführten Rechte und Freiheiten darstelle, wobei zu prüfen ist, ob sie vernünftig gerechtfertigt ist.

Artikel 13 der Verfassung gewährleistet allen Personen, die sich in der gleichen Lage befinden, das Recht, gemäß denselben Zuständigkeits- und Verfahrensregeln vor Gericht behandelt zu werden. Somit muss ein diesbezüglicher Behandlungsunterschied vernünftig gerechtfertigt sein.

Die Einrede wird abgewiesen.

B.13.1. Nach Auffassung des Ministerrates sei der neunte Klagegrund in der Rechtssache Nr. 4312 unzulässig, insofern er aus dem Verstoß gegen die Artikel 13, 14, 19, 22, 23, 24, 25, 26 und 27 der Verfassung abgeleitet sei. Die klagenden Parteien wiesen nicht nach, inwiefern die in diesem Klagegrund angefochtenen Artikel, die sich auf die Zuständigkeit des Zentrums für Chancengleichheit und Bekämpfung des Rassismus sowie der im angefochtenen Gesetz erwähnten Interessenvereinigungen, vor Gericht aufzutreten, bezögen, gegen diese Verfassungsartikel verstießen.

B.13.2. Wie in B.12.2 dargelegt wurde, geht aus Artikel 13 der Verfassung hervor, dass ein Behandlungsunterschied bezüglich der Zuständigkeits- und Verfahrensregeln vernünftig gerechtfertigt sein muss. Insofern im Klagegrund ein Verstoß gegen Artikel 13 der Verfassung angeführt wird, ist er zulässig.

Im Übrigen erläutern die klagenden Parteien nicht, inwiefern die durch die angefochtenen Bestimmungen vorgesehene Möglichkeit des Auftretens vor Gericht eine Einmischung in die durch die Artikel 14, 19, 22, 23, 24, 25, 26 und 27 der Verfassung gewährleisteten Rechte und Freiheiten darstellten. Insofern im Klagegrund ein Verstoß gegen die vorerwähnten Verfassungsbestimmungen angeführt wird, ist er unzulässig.

B.14.1. Nach Auffassung des Ministerrates seien der zweite und der vierte Klagegrund in der Rechtssache Nr. 4312 unzulässig, da sie gegen normgebende Bestimmungen gerichtet seien, die bereits vor dem angefochtenen Gesetz zur belgischen Rechtsordnung gehörten.

B.14.2. Der Umstand, dass ein Klagegrund gegen eine neue Gesetzesbestimmung gerichtet ist, die eine ähnliche Tragweite hat wie eine bereits in der belgischen Rechtsordnung bestehende Bestimmung, hat an sich nicht zur Folge, dass der Klagegrund unzulässig ist.

Obwohl der mit dem zweiten und dem vierten Klagegrund angefochtene Artikel 20 des Antirassismusgesetzes, eingefügt durch das Gesetz vom 10. Mai 2007, eine ähnliche Tragweite hat wie der durch das angefochtene Gesetz aufgehobene Artikel 1 des Antirassismusgesetzes vom 30. Juli 1981, hat der Gesetzgeber durch die Annahme der angefochtenen Bestimmung seinen Willen gezeigt, erneut gesetzgeberisch tätig zu werden.

Die Einrede wird abgewiesen.

B.15.1. Nach Auffassung des Ministerrates seien der dritte und der fünfte Klagegrund in der Rechtssache Nr. 4312 nicht zulässig, da der durch die klagenden Parteien bemängelte Nachteil sich nicht aus den durch diese Klagegründe angefochtenen Artikeln 20 und 21 des Antirassismusgesetzes, eingefügt durch das Gesetz vom 10. Mai 2007, ergebe, sondern aus Artikel 4 des Internationalen Übereinkommens zur Beseitigung jeder Form von Rassendiskriminierung, zu dessen Ausführung die angefochtenen Artikel angenommen worden seien.

B.15.2. Der Umstand, dass der Gesetzgeber bezweckt, einen internationalen Vertrag auszuführen, befreit ihn nicht von der Einhaltung der in diesen Klagegründen angeführten Artikel 10, 11 und 19 der Verfassung, die den Grundsatz der Gleichheit und Nichtdiskriminierung sowie die Freiheit der Meinungsäußerung gewährleisten.

Artikel 4 des Internationalen Übereinkommens zur Beseitigung jeder Form von Rassendiskriminierung bestimmt im Übrigen, dass die Staaten die darin aufgelisteten Handlungen unter Strafe stellen müssen «unter gebührender Berücksichtigung der in der Allgemeinen Erklärung der Menschenrechte niedergelegten Grundsätze und der ausdrücklich in Artikel 5 des [...] Übereinkommens genannten Rechte». In Artikel 5 des Übereinkommens sind unter anderem das Recht auf Meinungsfreiheit und freie Meinungsäußerung sowie das Recht auf Gleichbehandlung vor den Gerichten und allen sonstigen Organen der Rechtspflege ausdrücklich angeführt. Der Grundsatz der Gleichheit und Nichtdiskriminierung und die Freiheit der Meinungsäußerung gelten außerdem als «in der Allgemeinen Erklärung der Menschenrechte niedergelegte Grundsätze».

Die Einrede wird abgewiesen.

Zur Hauptsache

B.16. Die in beiden Klagen angeführten Klagegründe können wie folgt zusammengelegt werden:

(I) die Klagegründe, die aus einem Verstoß gegen das Legalitätsprinzip in Strafsachen, gegebenenfalls in Verbindung mit dem Grundsatz der Gleichheit und Nichtdiskriminierung, abgeleitet sind;

(II) die Klagegründe, die aus einem Verstoß gegen die Freiheit der Meinungsäußerung, gegebenenfalls in Verbindung mit dem Grundsatz der Gleichheit und Nichtdiskriminierung, abgeleitet sind;

(III) die Klagegründe, die aus einem Verstoß gegen die Vereinigungs- und Versammlungsfreiheit, gegebenenfalls in Verbindung mit dem Grundsatz der Gleichheit und Nichtdiskriminierung, abgeleitet sind;

(IV) die Klagegründe, die aus einem Verstoß gegen den Grundsatz der Gleichheit und Nichtdiskriminierung abgeleitet sind.

I. In Bezug auf die Klagegründe, die aus einem Verstoß gegen das Legalitätsprinzip in Strafsachen, gegebenenfalls in Verbindung mit dem Grundsatz der Gleichheit und Nichtdiskriminierung, abgeleitet sind

B.17. Im ersten Klagegrund in der Rechtssache Nr. 4312 führen die klagenden Parteien an, die Artikel 20, 22, 23, 24 und 25 des Antirassismusgesetzes, eingefügt durch das Gesetz vom 10. Mai 2007, seien unvereinbar mit dem Legalitätsprinzip in Strafsachen, da diese Bestimmungen Straftaten einführten, dabei jedoch einen wesentlichen Teil davon, nämlich «Diskriminierung», auf äußerst vage und unvorhersehbare Weise in vier verschiedene Handlungen unterteilten, nämlich (1) absichtliche unmittelbare Diskriminierung, (2) absichtliche mittelbare Diskriminierung, (3) Anweisung zur Diskriminierung und (4) Belästigung.

Im zweiten Klagegrund führen sie an, Artikel 20 Nr. 3 des vorerwähnten Gesetzes sei nicht vereinbar mit dem Legalitätsprinzip in Strafsachen, da diese Bestimmung die Anstiftung zu Segregation gegen eine Gruppe, eine Gemeinschaft oder deren Mitglieder unter Strafe stelle, ohne dabei das wesentliche Element «Segregation» zu definieren.

Im sechsten Klagegrund führen sie an, Artikel 22 des vorerwähnten Gesetzes sei nicht vereinbar mit dem Legalitätsprinzip in Strafsachen, da diese Bestimmung Personen, die einer Gruppe oder Vereinigung angehörten, die offensichtlich und wiederholt Diskriminierung oder Segregation befürworte, oder eine solche Gruppe oder Vereinigung unterstützten, in einer äußerst vagen Formulierung unter Strafe stelle.

I.A. Das Legalitätsprinzip in Strafsachen

B.18.1. Das Legalitätsprinzip in Strafsachen geht von der Überlegung aus, dass das Strafgesetz so formuliert werden muss, dass es jedem zu dem Zeitpunkt, wo er ein Verhalten annimmt, ermöglicht, festzustellen, ob dieses Verhalten strafbar ist oder nicht. Es erfordert, dass der Gesetzgeber in einer ausreichend präzisen, deutlichen und Rechtssicherheit bietenden Formulierung festlegt, welche Taten unter Strafe gestellt werden, damit einerseits derjenige, der ein Verhalten annimmt, im Voraus auf ausreichende Weise einschätzen kann, welche strafrechtlichen Folgen dieses Verhalten haben kann, und andererseits dem Richter keine zu große Ermessensbefugnis überlassen wird.

Das Legalitätsprinzip in Strafsachen verhindert jedoch nicht, dass das Gesetz dem Richter eine Ermessensbefugnis gewährt. Es müssen nämlich die allgemeine Beschaffenheit der Gesetze, die unterschiedlichen Situationen, auf die sie Anwendung finden, und die Entwicklung der Verhaltensweisen, die sie bestrafen, berücksichtigt werden.

Das Erfordernis, dass eine Straftat im Gesetz deutlich definiert werden muss, ist erfüllt, wenn der Rechtsuchende auf der Grundlage der Formulierung der relevanten Bestimmung und notwendigenfalls mit Hilfe ihrer Auslegung durch die Rechtsprechungsorgane wissen kann, welche Handlungen und welche Unterlassungen seine strafrechtliche Haftung mit sich bringen.

B.18.2. Nur bei der Prüfung einer spezifischen Strafbestimmung ist es möglich, unter Berücksichtigung der spezifischen Elemente der damit zu ahndenden Straftaten festzustellen, ob die durch den Gesetzgeber angewandte allgemeine Formulierung so vage ist, dass sie gegen das Legalitätsprinzip in Strafsachen verstößt.

I.B. Der angeführte Verstoß gegen das Legalitätsprinzip in Strafsachen durch den Begriff «Diskriminierung» in den Artikeln 20, 22, 23, 24 und 25 des Gesetzes

B.19.1. Die in Titel IV («Strafrechtliche Bestimmungen») des Antirassismusgesetzes enthaltenen Artikel 20, 22, 23, 24 und 25, eingefügt durch das Gesetz vom 10. Mai 2007, beziehen sich auf die Unterstrafestellung verschiedener Formen der Diskriminierung. Artikel 19 des vorerwähnten Gesetzes bestimmt diesbezüglich:

«Für die Anwendung dieses Titels ist unter Diskriminierung jede Form der absichtlichen unmittelbaren Diskriminierung, der absichtlichen mittelbaren Diskriminierung, der Anweisung zur Diskriminierung und der Belästigung aufgrund der geschützten Kriterien zu verstehen».

Indem der genannte Artikel 19 festlegt, was unter dem in den angefochtenen Bestimmungen verwendeten Begriff «Diskriminierung» zu verstehen ist, ist er untrennbar mit diesen Bestimmungen verbunden.

B.19.2. Nach Darlegung der klagenden Parteien in der Rechtssache Nr. 4312 seien die Begriffe «absichtliche unmittelbare Diskriminierung», «absichtliche mittelbare Diskriminierung», «Anweisung zur Diskriminierung» und «Belästigung» nicht deutlich genug.

B.20. Der Hof muss für jeden der in B.19.2 angegebenen Begriffe prüfen, ob sie die in B.18.1 angeführten Kriterien erfüllen.

I.B.1. Der Begriff «absichtliche unmittelbare Diskriminierung»

B.21.1. Was den Begriff «absichtliche unmittelbare Diskriminierung» betrifft, definiert Artikel 4 Nr. 7 des Antirassismusgesetzes, eingefügt durch das Gesetz vom 10. Mai 2007, eine «unmittelbare Diskriminierung» wie folgt:

«unmittelbarer Unterschied aufgrund eines geschützten Kriteriums, der nicht aufgrund der Bestimmungen von Titel II gerechtfertigt werden kann».

Gemäß Artikel 4 Nr. 6 dieses Gesetzes ist unter «unmittelbarer Unterschied» Folgendes zu verstehen:

«eine Situation, die eintritt, wenn eine Person auf der Grundlage eines der geschützten Kriterien in einer vergleichbaren Situation eine weniger günstige Behandlung als eine andere Person erfährt, erfahren hat oder erfahren würde».

Diese Definitionen sind aus den relevanten europäischen Richtlinien abgeleitet (*Parl. Dok.*, Kammer, 2006-2007, DOC 51-2720/001, SS. 14 und 22). So liegt gemäß Artikel 2 Absatz 2 der Richtlinie 2000/43/EG vom 29. Juni 2000 «zur Anwendung des Gleichbehandlungsgrundsatzes ohne Unterschied der Rasse oder der ethnischen Herkunft», die durch das Gesetz vom 10. Mai 2007 umgesetzt werden soll, eine unmittelbare Diskriminierung vor, «wenn eine Person aufgrund ihrer Rasse oder ethnischen Herkunft in einer vergleichbaren Situation eine weniger günstige Behandlung als eine andere Person erfährt, erfahren hat oder erfahren würde».

B.21.2. Die Rechtfertigungsgründe in Titel II, auf die in der vorerwähnten Definition des Begriffs «unmittelbare Diskriminierung» verwiesen wird und die einen unmittelbaren Unterschied aufgrund eines der durch dieses Gesetz «geschützten Kriterien» rechtfertigen, werden in den Artikeln 7 und 8 des Antirassismusgesetzes, eingefügt durch das Gesetz vom 10. Mai 2007, dargelegt. Die allgemeinen Rechtfertigungsgründe im Sinne der Artikel 10 und 11 dieses Gesetzes gelten sowohl in Bezug auf einen unmittelbaren als auch auf einen mittelbaren Unterschied aufgrund eines der «geschützten Kriterien».

Da laut Artikel 4 Nr. 7 des Antirassismusgesetzes, eingefügt durch das Gesetz vom 10. Mai 2007, von einer unmittelbaren Diskriminierung die Rede ist, wenn ein unmittelbarer Unterschied aufgrund eines «geschützten Kriteriums» nicht gerechtfertigt ist aufgrund von Bestimmungen von Titel II des Gesetzes, bilden die in diesem Titel erwähnten Rechtfertigungsgründe folglich einen wesentlichen Bestandteil des Begriffs der unmittelbaren Diskriminierung.

B.22. Der Gesetzgeber hat sich bei der Festlegung der Rechtfertigungsgründe für einen «unmittelbaren Unterschied» aufgrund einer sogenannten Rasse, der Hautfarbe, der Abstammung oder der nationalen oder ethnischen Herkunft für ein «geschlossenes Rechtfertigungssystem» entschieden, was bedeutet, dass ein Behandlungsunterschied nur anhand von begrenzten, spezifischen und vorher festgelegten Rechtfertigungsgründen gerechtfertigt werden kann.

Für einen «unmittelbaren Unterschied» aufgrund der Staatsangehörigkeit gilt ein «offenes Rechtfertigungssystem», was bedeutet, dass ein Behandlungsunterschied Gegenstand einer objektiven und vernünftigen Rechtfertigung sein kann, die nicht im Einzelnen verdeutlicht wird und die letzten Endes dem Urteil des Richters überlassen wird.

Im Laufe der Vorarbeiten wurde darauf verwiesen, dass die Richtlinie 2000/43/EG vom 29. Juni 2000 «zur Anwendung des Gleichbehandlungsgrundsatzes ohne Unterschied der Rasse oder der ethnischen Herkunft» ein «offenes System der Rechtfertigung» verbietet «für die meisten Angelegenheiten, auf die sich der Anwendungsbereich des Gesetzes bezieht» und dass für die Angelegenheiten, auf die diese Richtlinie nicht anwendbar ist, ebenfalls empfohlen wird, sich für ein «geschlossenes Rechtfertigungssystem» zu entscheiden, und zwar aufgrund der Rechtsprechung des Europäischen Gerichtshofes für Menschenrechte in Bezug auf Unterschiede auf der Grundlage der ethnischen Herkunft einer Person (*Parl. Dok.*, Kammer, 2006-2007, DOC 51-2720/001, SS. 47-48). Das abweichende System für Unterschiede aufgrund der Staatsangehörigkeit wurde gerechtfertigt unter Verweis auf «die unterschiedliche Beschaffenheit des Kriteriums ' Staatsangehörigkeit ' im Vergleich zu anderen geschützten Kriterien» (ebenda, S. 48).

B.23.1. Artikel 7 § 2 des Antirassismusgesetzes, eingefügt durch das Gesetz vom 10. Mai 2007, bestimmt:

«Jeder unmittelbare Unterschied auf der Grundlage der Staatsangehörigkeit stellt eine unmittelbare Diskriminierung dar, es sei denn, dieser unmittelbare Unterschied ist durch ein rechtmäßiges Ziel sachlich gerechtfertigt, und die Mittel sind zur Erreichung dieses Ziels angemessen und erforderlich.

Absatz 1 erlaubt es jedoch in keinem Fall, dass ein unmittelbarer Unterschied auf der Grundlage der Staatsangehörigkeit, der durch das Recht der Europäischen Union verboten ist, gerechtfertigt wird».

B.23.2. Aus der Erläuterung des Begriffs «unmittelbarer Unterschied», auf den in der Definition des Begriffs «unmittelbare Diskriminierung» verwiesen wird und insbesondere aus den Wörtern «weniger günstig» geht zunächst hervor, dass nur von einer unmittelbaren Diskriminierung die Rede sein kann, wenn die Personen, die zur diskriminierten Kategorie gehören, benachteiligt werden.

B.23.3. Sodann geht aus den Vorarbeiten zum Gesetz vom 10. Mai 2007 hervor, dass der Gesetzgeber sich mit der Erläuterung des in Artikel 7 § 2 bestimmten Rechtfertigungsgrundes (der unmittelbare Unterschied ist durch ein rechtmäßiges Ziel sachlich gerechtfertigt, und die Mittel sind zur Erreichung dieses Ziels angemessen und erforderlich) der Definition des Begriffs Diskriminierung gemäß der ständigen Rechtsprechung des Europäischen Gerichtshofes für Menschenrechte, des Verfassungsgerichtshofes, des Kassationshofes und des Staatsrats anschließen wollte. Ein Mitglied der Abgeordnetenkammer stellte «einen Unterschied in der Formulierung zwischen diesem Gesetzentwurf einerseits und dem Gesetz vom 25. Februar 2003 andererseits fest» (*Parl. Dok.*, Kammer, 2006-2007, DOC 51-2720/009, S. 110). Es stellte diesbezüglich folgende Frage:

«Letzteres [das Gesetz vom 25. Februar 2003] bestimmt, dass ein Behandlungsunterschied keine verbotene vorgeschriebene Diskriminierung ist, wenn er objektiv und vernünftig gerechtfertigt werden kann. Das neue Gesetz bestimmt hingegen, dass ein Unterschied durch ein rechtmäßiges Ziel sachlich gerechtfertigt sein muss und dass die Mittel zur Erreichung dieses Ziels angemessen und erforderlich sein müssen.

Ist daraus zu schlussfolgern, dass es in Zukunft schwieriger sein wird, Unterschiede zu rechtfertigen? Wird insbesondere durch den Begriff ' erforderlich ' eine zusätzliche Bedingung hinzugefügt im Vergleich zu dem, was im Gesetz von 2003 erforderlich war?» (ebenda).

Der Minister antwortete:

«Die Bedingung der Notwendigkeit ist bereits implizit im Gesetz vom 25. Februar 2003 festgelegt. Sie beinhaltet die Bedingungen bezüglich der Verhältnismäßigkeit und Effizienz, die sich aus dem Gesetz von 2003 ergeben, so wie dieses im Lichte der Rechtsprechung des Schiedshofes und des Gerichtshofes der Europäischen Gemeinschaften ausgelegt wird» (ebenda, S. 111).

Er fügte ferner hinzu:

«Folglich ist die ausdrückliche Erwähnung dieser Bedingung im Text des Gesetzentwurfs keine Hinzufügung einer zusätzlichen Bedingung. Abgesehen von den Unterschieden in der Formulierung wird der Status quo zur Sache aufrechterhalten» (ebenda).

B.23.4. Absatz 2 von Artikel 7 § 2 des Antirassismusgesetzes, eingefügt durch das Gesetz vom 10. Mai 2007, wonach Absatz 1 es in keinem Fall erlaubt, dass ein unmittelbarer Unterschied auf der Grundlage der Staatsangehörigkeit, der durch das Recht der Europäischen Union verboten ist, gerechtfertigt wird, verdeutlicht Absatz 1 von Artikel 7 § 2, fügt jedoch im Wesentlichen keine neuen Kriterien hinzu. Es ist nämlich davon auszugehen, dass ein durch das Recht der Europäischen Union verbotener Unterschied nicht objektiv und vernünftig zu rechtfertigen ist.

B.23.5. Aus dem Hinzufügen des Wortes «absichtlich» in Artikel 19 des Antirassismusgesetzes, eingefügt durch das Gesetz vom 10. Mai 2007, wonach unter «Diskriminierung» unter anderem «jede Form der absichtlichen unmittelbaren Diskriminierung» zu verstehen ist, geht schließlich hervor, dass es sich um eine absichtliche Straftat handelt. Selbst wenn der Richter davon ausgehen sollte, dass ein unmittelbarer Unterschied aufgrund der Staatsangehörigkeit nicht objektiv und vernünftig zu rechtfertigen ist, kann nur dann von einer absichtlichen unmittelbaren Diskriminierung die Rede sein, wenn nachgewiesen wird, dass der Angeklagte wissentlich und willentlich gehandelt hat. Daher genügt der Umstand, dass er nicht imstande ist, eine objektive und vernünftige Rechtfertigung für den von ihm vorgenommenen Unterschied anzuführen, nicht. Zunächst muss nachgewiesen werden, dass der Angeklagte durch diesen Unterschied absichtlich jemanden ungünstig behandeln wollte aufgrund der Staatsangehörigkeit, wissend, dass hierfür keine vernünftige Rechtfertigung besteht.

B.23.6. Da der Gesetzgeber in Artikel 7 § 2 des Antirassismusgesetzes, eingefügt durch das Gesetz vom 10. Mai 2007, die Kriterien übernimmt, die sowohl durch nationale als durch internationale Rechtsprechungsorgane zur Prüfung anhand des Grundsatzes der Gleichheit und Nichtdiskriminierung eindeutig entwickelt wurden, und eine Absicht verlangt, damit von einer «absichtlichen unmittelbaren Diskriminierung» die Rede sein kann, sind die verwendeten Kriterien ausreichend präzise, deutlich und vorhersehbar und folglich mit dem Legalitätsprinzip in Strafsachen vereinbar.

B.24.1. In Bezug auf unmittelbare Unterschiede auf der Grundlage einer sogenannten Rasse, der Hautfarbe, der Abstammung oder der nationalen oder ethnischen Herkunft gilt ein geschlossenes Rechtfertigungssystem. Artikel 7 § 1 des Antirassismusgesetzes, eingefügt durch das Gesetz vom 10. Mai 2007, bestimmt diesbezüglich:

«Jeder unmittelbare Unterschied auf der Grundlage einer sogenannten Rasse, der Hautfarbe, der Abstammung oder der nationalen oder ethnischen Herkunft bildet eine unmittelbare Diskriminierung, außer in den in Fällen im Sinne der Artikel 8, 10 und 11».

B.24.2. Gemäß Artikel 8 § 1 des Antirassismusgesetzes, eingefügt durch das Gesetz vom 10. Mai 2007, ist ein unmittelbarer Unterschied auf der Grundlage einer sogenannten Rasse, der Hautfarbe, der Abstammung oder der nationalen oder ethnischen Herkunft im Bereich der Arbeitsbeziehungen nur auf der Grundlage einer wesentlichen und entscheidenden beruflichen Anforderung zu rechtfertigen.

Der Begriff «wesentliche und entscheidende berufliche Anforderung» wird näher erläutert in Artikel 8 § 2, der bestimmt:

«Von einer wesentlichen und entscheidenden beruflichen Anforderung kann nur die Rede sein, wenn

- ein bestimmtes Merkmal, das mit einer sogenannten Rasse, Hautfarbe, der Abstammung oder der nationalen oder ethnischen Herkunft zusammenhängt, wegen der Beschaffenheit der betreffenden spezifischen Berufstätigkeiten oder des Kontextes, in dem sie ausgeübt werden, wesentlich und entscheidend ist, und

- die Anforderung auf einem rechtmäßigen Zweck beruht und im Verhältnis zu dieser angestrebten Zielsetzung steht».

B.24.3. Gemäß den Vorarbeiten zum Gesetz vom 10. Mai 2007 kann «ein Merkmal, das mit einem geschützten Kriterium zusammenhängt, als eine wesentliche und entscheidende berufliche Anforderung angesehen werden (1) wegen der *Beschaffenheit* der betreffenden spezifischen Berufstätigkeiten und (2) wegen des *Kontextes*, in dem die betreffenden spezifischen Berufstätigkeiten ausgeübt werden» (*Parl. Dok.*, Kammer, 2006-2007, DOC 51-2720/001, S. 49). Außerdem heißt es in diesen Vorarbeiten:

«Die Regel der wesentlichen und entscheidenden beruflichen Anforderung ist als Ausnahmeregel mit Sorgfalt zu handhaben und darf nur angewandt werden auf die beruflichen Anforderungen, die strikt notwendig sind, um die betreffenden Tätigkeiten auszuüben. Der Vorentwurf verlangt - entsprechend den europäischen Richtlinien -, dass es sich um spezifische Berufstätigkeiten handeln muss. Dies bedeutet, dass die Notwendigkeit für die Auferlegung der Anforderung immer von den konkreten Tätigkeiten, die durch den (anzuwerbenden) Arbeitnehmer ausgeführt werden sollen, abhängig sein muss. Wenn das verlangte Kriterium für eine bestimmte Kategorie von Arbeitnehmern in gewissen Fällen notwendig ist und in gewissen Fällen nicht, kann das Kriterium nicht *per definitionem* der vollständigen Kategorie von Arbeitnehmern auferlegt werden» (ebenda, S. 49).

Daraus ergibt sich, dass der Gesetzgeber mit dem Begriff «wesentliche und entscheidende berufliche Anforderung» bezweckt, dass geprüft werden muss, ob ein Unterschied aus einem der in Artikel 8 des Antirassismusgesetzes, eingefügt durch das Gesetz vom 10. Mai 2007, angeführten Gründe angesichts der Beschaffenheit der Berufstätigkeit und des Kontextes notwendig ist für die Arbeitsbeziehungen.

B.24.4. Auch der Umstand, dass die berufliche Anforderung auf einem rechtmäßigen Zweck beruhen und im Verhältnis zu diesem Zweck stehen muss, wurde in den Vorarbeiten im Einzelnen erläutert:

«Als rechtmäßiger Zweck für die Ausarbeitung von Regeln über die wesentlichen und entscheidenden beruflichen Anforderungen wurden in der Vergangenheit unter anderem bereits angenommen:

- der Schutz des Privatlebens;

- die Achtung vor den Gefühlen des Patienten;

- die öffentliche Sicherheit;

- die Sicherung der Gefechtskraft der Armee.

Mehr allgemein ist der rechtmäßige Zweck im Schutz der Grundrechte, also im kulturellen Kreis (beispielsweise die Gewährleistung der künstlerischen Freiheit oder die Gewährleistung der Authentizität) oder im kommerziellen Rahmen (beispielsweise die Gewährleistung von Werbung, die auf bestimmte Zielgruppen ausgerichtet ist) sowie in der Sicherheit (Sicherheit im Unternehmen; Sicherheit Dritter; öffentliche Sicherheit) zu finden.

In einer zweiten Phase muss geprüft werden, ob die wesentliche und entscheidende berufliche Anforderung im Verhältnis zum rechtmäßigen Zweck steht. Entsprechend dem europäischen Recht beinhaltet diese Verhältnismäßigkeitsprüfung eine Kontrolle der geeigneten und notwendigen Beschaffenheit der beruflichen Anforderung im Verhältnis zur angestrebten Zielsetzung (Urteil *Johnston*, 222/84, 15. Mai 1986, Randnr. 38)» (*Parl. Dok.*, Kammer, 2006-2007, DOC 51-2720/001, SS. 49-50).

B.24.5. Insofern der Richter prüfen muss, ob eine berufliche Anforderung auf einem rechtmäßigen Zweck beruht und im Verhältnis zum angestrebten Ziel steht, unterscheidet sich diese Prüfung nicht von dem in Artikel 7 § 2 angeführten allgemeinen Rechtfertigungsgrund, wonach ein unmittelbarer Unterschied eine Diskriminierung darstellt, es sei denn, er wird durch ein legitimes Ziel gerechtfertigt und die Mittel sind für dieses Ziel geeignet und notwendig.

B.24.6. Wie in B.23.5 bemerkt wurde, ergibt sich aus der Hinzufügung des Wortes «absichtlich» in Artikel 19 des Antirassismusgesetzes, eingefügt durch das Gesetz vom 10. Mai 2007, wonach unter «Diskriminierung» unter anderem «jede Form der absichtlichen unmittelbaren Diskriminierung» zu verstehen ist, schließlich, dass es sich um eine absichtliche Straftat handelt. Der bloße Umstand, dass der Richter urteilen sollte, ein bestimmtes Merkmal stelle keine wesentliche oder entscheidende berufliche Anforderung dar, reicht daher nicht, damit von einer absichtlichen unmittelbaren Diskriminierung die Rede sein kann. Hierzu muss zunächst bewiesen werden, dass der Angeklagte zu dem Zeitpunkt, wo er den beanstandeten Behandlungsunterschied vorgenommen hatte, wusste, dass es sich nicht um eine wesentliche oder entscheidende berufliche Anforderung handelte.

B.24.7. Aus dem Vorstehenden ergibt sich, dass die in Artikel 8 des Antirassismusgesetz, eingefügt durch das Gesetz vom 10. Mai 2007, angewandten Kriterien ausreichend präzise, deutlich und vorhersehbar sind und dass diese Bestimmung daher mit dem Legalitätsprinzip in Strafsachen vereinbar ist.

B.25.1. Gemäß Artikel 10 § 1 des Antirassismusgesetzes, eingefügt durch das Gesetz vom 10. Mai 2007, führt ein unmittelbarer oder mittelbarer Unterschied aufgrund eines der «geschützten Kriterien» nie zur Feststellung irgendeiner Form von Diskriminierung, wenn dieser unmittelbare oder mittelbare Unterschied eine positive Maßnahme beinhaltet.

B.25.2. Diese Bestimmung sieht also einen allgemeinen Rechtfertigungsgrund vor, wonach ein Unterschied aufgrund eines «geschützten Kriteriums» keine Diskriminierung darstellt.

B.25.3. Gemäß Artikel 10 § 2 des Antirassismusgesetzes, eingefügt durch das Gesetz vom 10. Mai 2007, kann eine positive Maßnahme nur ergriffen werden, wenn folgende Bedingungen erfüllt sind:

«- es muss eine eindeutige Ungleichheit bestehen;

- die Beseitigung dieser Ungleichheit muss als ein zu förderndes Ziel angegeben sein;

- die positive Maßnahme muss zeitweiliger Art und so beschaffen sein, dass sie verschwindet, sobald das angestrebte Ziel verwirklicht ist;

- die positive Maßnahme darf die Rechte Dritter nicht unnötig einschränken».

B.25.4. Gemäß dem angefochtenen Artikel 10 § 3 muss der König die Situationen, in denen, und die Bedingungen, unter denen eine positive Maßnahme ergriffen werden kann, festlegen. Dieses Einschreiten des Königs wurde wie folgt gerechtfertigt:

«Eine der Bedingungen, die der Schiedshof für eine positive Maßnahme auferlegt, ist das faktische Bestehen einer deutlichen Ungleichheit zum Nachteil der ' Zielgruppe ' der positiven Maßnahme. *Per definitionem* ist eine allein handelnde Privatperson nicht imstande, auf makroskopischer Ebene zu beurteilen, ob diese Bedingung erfüllt ist. Daher vertritt die Regierung den Standpunkt, dass in jedem der drei Gesetze die Anwendung der positiven Maßnahme einer vorherigen Zustimmung und regelmäßigen Begleitung durch den König unterliegen muss» (*Parl. Dok.*, Kammer, 2006-2007, DOC 51-2720/001, S. 23).

B.25.5. Aus dem Vorstehenden ergibt sich, dass eine Person, die sich zur Rechtfertigung eines unmittelbaren oder mittelbaren Unterschieds auf den in Artikel 10 bestimmten allgemeinen Rechtfertigungsgrund berufen möchte, weiß, welche Bedingungen sie erfüllen muss. Ob gegebenenfalls eine offensichtliche Ungleichheit vorliegt, wird nämlich zur Genüge aus dem königlichen Erlass ersichtlich sein, mit dem die Situationen bestimmt werden, in denen eine positive Maßnahme ergriffen werden kann. Das Gleiche gilt für die Frist, innerhalb deren diese Maßnahme ergriffen werden kann. Insofern zu prüfen ist, ob die positive Maßnahme einem legitimen Ziel (das Verschwinden einer offensichtlichen Ungleichheit) dient und die Rechte anderer nicht unnötig einschränkt, unterscheidet sich diese Prüfung nicht wesentlich von dem in Artikel 7 § 2 erwähnten Rechtfertigungsgrund.

B.25.6. Folglich ist der in Artikel 10 bestimmte Rechtfertigungsgrund ausreichend präzise, deutlich und vorhersehbar und folglich mit dem Legalitätsprinzip in Strafsachen vereinbar.

B.26.1. Gemäß Artikel 11 § 1 des Antirassismusgesetzes, eingefügt durch das Gesetz vom 10. Mai 2007, führt ein unmittelbarer oder mittelbarer Unterschied aufgrund eines der «geschützten Kriterien» nie zur Feststellung einer durch dieses Gesetz verbotenen Diskriminierung, wenn dieser Unterschied durch ein Gesetz oder aufgrund eines Gesetzes auferlegt wird.

B.26.2. Diese Ausnahme wurde wie folgt begründet:

«Dieser Artikel verhindert Konflikte zwischen diesem Gesetz und anderen behördlichen Maßnahmen, die Unterschiede aufgrund der geschützten Kriterien vorschreiben. Gemäß diesem Artikel begeht eine Person keine durch das Gesetz verbotene Diskriminierung, wenn sie entsprechend der Regelung handelt, die einen Unterschied aufgrund der geschützten Kriterien organisiert.

Diese Bestimmung gewährleistet die Rechtssicherheit. Sie verhindert, dass ein Bürger zwischen den Normen entscheiden muss, die er einzuhalten hat (der Vorentwurf oder das Gesetz, das einen Unterschied organisiert)» (*Parl. Dok.*, Kammer, 2006-2007, DOC 51-2720/001, SS. 52-53).

B.26.3. Artikel 11 § 2 des Antirassismusgesetzes, eingefügt durch das Gesetz vom 10. Mai 2007, sieht vor, dass Paragraph 1 dieser Bestimmung keine Aussage zur Vereinbarkeit eines unmittelbaren oder mittelbaren Unterschieds, der durch ein Gesetz oder kraft eines Gesetzes auferlegt wird, mit der Verfassung, dem Recht der Europäischen Union und dem in Belgien geltenden internationalen Recht enthält. So kann das Opfer einer vermeintlichen Diskriminierung den Hof bitten, das Gesetz, das den Unterschied vorschreibt, anhand des Verfassungsgrundsatzes der Gleichheit und Nichtdiskriminierung zu prüfen (*Parl. Dok.*, Kammer, 2006-2007, DOC 51-2720/001, S. 53).

B.26.4. Solange jedoch dieses Gesetz, das den Unterschied vorschreibt, in Kraft ist, bietet dies eine ausreichende Rechtfertigung für diesen Unterschied.

Der in Artikel 11 bestimmte Rechtfertigungsgrund ist ausreichend präzise, deutlich und vorhersehbar und folglich vereinbar mit dem Legalitätsprinzip in Strafsachen.

B.27. Es ist also zu schlussfolgern, dass die Rechtfertigungsgründe von Titel II, auf die in der Definition des Begriffs «absichtliche unmittelbare Diskriminierung» verwiesen wird und die einen wesentlichen Bestandteil dieses Begriffs darstellen, ausreichend präzise, deutlich und vorhersehbar sind. Folglich verstößt der Begriff «absichtliche unmittelbare Diskriminierung» nicht gegen das Legalitätsprinzip in Strafsachen.

I.B.2. Der Begriff «absichtliche mittelbare Diskriminierung»

B.28.1. «Mittelbare Diskriminierung» wird in Artikel 4 Nr. 9 des Antirassismusgesetzes, eingefügt durch das Gesetz vom 10. Mai 2007, definiert als ein «mittelbarer Unterschied aufgrund eines geschützten Kriteriums, der nicht aufgrund der Bestimmungen von Titel II gerechtfertigt werden kann».

Ein «mittelbarer Unterschied» ist «eine Situation, die eintritt, wenn dem Anschein nach neutrale Vorschriften, Kriterien oder Verfahren Personen, die durch ein geschütztes Kriterium gekennzeichnet sind, gegenüber anderen Personen in besonderer Weise benachteiligen können» (Artikel 4 Nr. 8 des Antirassismusgesetzes, eingefügt durch das Gesetz vom 10. Mai 2007).

B.28.2. Die Rechtfertigungsgründe in Titel II, auf die in der vorerwähnten Definition des Begriffs «mittelbare Diskriminierung» verwiesen wird und die einen mittelbaren Unterschied aufgrund eines der durch das Gesetz «geschützten Kriterien» rechtfertigen, sind in Artikel 9 des Antirassismusgesetzes, eingefügt durch das Gesetz vom 10. Mai 2007, angeführt. Die allgemeinen Rechtfertigungsgründe, die in den Artikeln 10 und 11 dieses Gesetzes festgelegt sind, gelten sowohl in Bezug auf einen unmittelbaren als auch auf einen mittelbaren Unterschied aufgrund eines der «geschützten Kriterien».

Insofern laut Artikel 4 Nr. 9 des Antirassismusgesetzes eine mittelbare Diskriminierung vorliegt, wenn ein mittelbarer Unterschied aufgrund eines «geschützten Kriteriums» nicht gerechtfertigt ist aufgrund der Bestimmungen von Titel II dieses Gesetzes, stellen die in diesem Titel angeführten Rechtfertigungsgründe folglich einen wesentlichen Bestandteil des Begriffs der mittelbaren Diskriminierung dar.

B.29.1. Artikel 9 des Antirassismusgesetzes, eingefügt durch das Gesetz vom 10. Mai 2007, bestimmt:

«Jeder mittelbare Unterschied aufgrund eines der geschützten Kriterien stellt eine mittelbare Diskriminierung dar, es sei denn, dass dem Anschein nach neutrale Vorschriften, Kriterien oder Verfahren, die diesem mittelbaren Unterschied zugrunde liegen, durch ein rechtmäßiges Ziel sachlich gerechtfertigt sind und die Mittel zur Erreichung dieses Ziels angemessen und erforderlich sind».

B.29.2. Aus den Vorarbeiten zum Gesetz vom 10. Mai 2007 geht hervor, dass durch die Unterstrafestellung absichtlicher mittelbarer Diskriminierung vermieden werden soll, dass ein dem Anschein nach neutrales Kriterium angewandt wird, um das Verbot der unmittelbaren Diskriminierung zu umgehen (*Parl. Dok.*, Kammer, 2006-2007, DOC 51-2720/001, SS. 41 und 60).

B.29.3. Der Gesetzgeber beabsichtigte gleichzeitig, dem Urteil Nr. 157/2004 vom 6. Oktober 2004 Rechnung zu tragen, in dem der Hof erkannte:

«B.54. Laut Artikel 2 § 2 des Gesetzes handelt es sich um ' eine mittelbare Diskriminierung, wenn eine offensichtlich neutrale Bestimmung, ein offensichtlich neutraler Maßstab oder eine offensichtlich neutrale Handelsweise als solche eine schädliche Auswirkung auf Personen hat, auf die eine der in § 1 angeführten Diskriminierungsgründe Anwendung findet, es sei denn, diese Bestimmung, dieser Maßstab oder diese Handelsweise wird objektiv und vernünftig gerechtfertigt '.

B.55. Die Bezugnahme auf den Umstand, dass diese Bestimmung, dieser Maßstab oder diese Handelsweise ' objektiv und vernünftiger gerechtfertigt wird ', hat der Definition des Begriffs ' Diskriminierung ' gemäß B.35 nichts hinzugefügt, doch es ist schwer vorstellbar, wie absichtlich zu einer ' offensichtlich neutralen Handlungsweise ' oder zu einer Tat angestiftet werden könnte, deren diskriminierende Beschaffenheit nur durch ihre ' schädliche Auswirkung ' Ausdruck findet. Eine solche Definition enthält ein ungenaues Element, das nicht verhindert, dass eine zivilrechtliche Maßnahme gegen mittelbare Diskriminierung ergriffen werden kann, das jedoch nicht mit dem Erfordernis der Vorhersehbarkeit, die dem Strafgesetz inhärent ist, vereinbar ist.

B.56. Die durch Artikel 6 § 1 erster Gedankenstrich eingeführte Unterstrafestellung entspricht folglich nur dann dem Legalitätsprinzip in Strafsachen, wenn sie in dem Sinne ausgelegt wird, dass sie sich nur auf die absichtliche Anstiftung zu unmittelbarer Diskriminierung bezieht».

Um dieser Beschwerde entgegenzukommen, ist in der vorerwähnten Definition des Begriffs «mittelbarer Unterschied», auf den in der Definition des Begriffs «mittelbare Diskriminierung» Bezug genommen wird, die Rede von dem Anschein nach neutralen Vorschriften, Kriterien oder Verfahren, durch die Personen, die durch ein bestimmtes «geschütztes Kriterium» gekennzeichnet sind, im Vergleich zu anderen Personen in besonderer Weise benachteiligt werden können. In den Vorarbeiten wurde diesbezüglich folgende Erwägung angeführt:

«Mit dieser europäischen Definition (die in die drei vorgeschlagenen Gesetze übernommen wurde), die eine mittelbare Diskriminierung an einem Ergebnis misst, das tatsächlich eintritt oder *von dem man annimmt, dass es wahrscheinlich entsprechend der üblichen Erfahrung eintreten wird*, wird es durchaus vorstellbar, dass eine mittelbare Diskriminierung ' vorhersehbar ' ist und somit ' absichtlich ' durch den Täter begangen wird» (*Parl. Dok.*, Kammer, 2006-2007, DOC 51-2720/001, S. 30).

In der Antwort auf die Frage, wie eine mittelbare Diskriminierung absichtlich sein könne, erklärte der Minister unter Bezugnahme auf die Rechtsprechung des Gerichtshofes der Europäischen Gemeinschaften:

«Um die zur Erörterung vorliegenden Gesetzentwürfe in diesem Punkt vollständig auf die Erfordernisse des Gemeinschafsrechts abzustimmen, wird darin die mittelbare Diskriminierung definiert als ' die Situation, in der dem Anschein nach neutrale Vorschriften, Kriterien oder Verfahren Personen mit einem bestimmten geschützten Kriterium im Vergleich zu anderen Personen in besonderer Weise benachteiligen können ', und zwar unter der Bedingung, dass eine solche Praxis nicht auf einem der durch jeden der drei Gesetzentwürfe festgelegten Rechtfertigungsgründe beruhen darf.

Diese Definition formuliert also den Begriff ' mittelbare Diskriminierung ' unter Bezugnahme auf einen Fakt, der tatsächlich eingetreten ist und nachträglich festgestellt wird, oder unter Bezugnahme auf einen Fakt, von dem aufgrund der gemeinsamen Erfahrung vernünftigerweise *a priori* angenommen werden kann, dass es eintreten könnte. Aus diesem Gesichtspunkt ist es also durchaus vorstellbar, dass eine mittelbare Diskriminierung ' vorhersehbar ' sein kann und daher absichtlich durch die Person, die sie vornimmt, begangen werden kann. Dies gilt im Übrigen für die Anstiftung zu einer solchen Form von Diskriminierung» (*Parl. Dok.*, Kammer, 2006-2007, DOC 51-2720/009, SS. 45-46).

B.29.4. Aus dem Vorstehenden ergibt sich, dass nur von einer «absichtlichen mittelbaren Diskriminierung» die Rede sein kann, wenn zunächst ein anderer Unterscheidungsgrund als Staatsangehörigkeit, eine sogenannte Rasse, Hautfarbe, Abstammung oder nationale oder ethnische Herkunft angewandt wird, diese Personen jedoch aus einem der im angefochtenen Gesetz angeführten Gründe besonders benachteiligen kann. Anschließend muss dieser Grund angewandt werden, um einen Unterschied aus einem der im angefochtenen Gesetz angeführten Gründe zu machen, ohne dass es hierfür eine objektive und vernünftige Rechtfertigung gibt. Schließlich muss die absichtliche Beschaffenheit nachgewiesen werden (*Parl. Dok.*, Kammer, 2006-2007, DOC 51-2720/009, S. 114).

Es genügt daher nicht, dass Vorschriften, Kriterien oder Verfahren eine Kategorie von Personen, die durch einen im angefochtenen Gesetz erwähnten Grund gekennzeichnet ist, in besonderer Weise benachteiligen können. Es muss auch nachgewiesen werden, dass der Urheber dieser Vorschriften, Kriterien oder Verfahren zu dem Zeitpunkt, wo er sie vorgenommen oder angenommen hat, wusste, dass diese Kategorie von Personen dadurch benachteiligt würde, ohne dass es dafür eine vernünftige Rechtfertigung gab, und dass er diesen Nachteil auch gewollt hat. In Anwendung der allgemeinen Grundsätze des Strafrechts obliegt es der verfolgenden Partei, den Beweis dafür zu erbringen, wobei jeglicher Zweifel dem Angeklagten zum Vorteil gelangt.

B.29.5. Vorbehaltlich dieser Auslegung ist der in Artikel 9 angeführte Rechtfertigungsgrund ausreichend präzise, deutlich und vorhersehbar und folglich mit dem Legalitätsprinzip in Strafsachen vereinbar.

B.30. Da ein mittelbarer Unterschied aus einem der im angefochtenen Gesetz erwähnten Gründe ebenfalls anhand der allgemeinen Rechtfertigungsgründe, die in den Artikeln 10 und 11 des Antirassismusgesetzes festgelegt sind, gerechtfertigt werden kann, sind diese Rechtfertigungsgründe aus den in B.25 und B.26 angeführten Gründen mit dem Legalitätsprinzip in Strafsachen vereinbar.

B.31. Die Rechtfertigungsgründe in Titel II, auf die in der Definition des Begriffs «absichtliche mittelbare Diskriminierung» Bezug genommen wird und die einen wesentlichen Bestandteil dieses Begriffs darstellen, sind ausreichend präzise, deutlich und vorhersehbar. Folglich verstößt der Begriff «absichtliche mittelbare Diskriminierung» nicht gegen das Legalitätsprinzip in Strafsachen.

I.B.3. Der Begriff «Anweisung zur Diskriminierung»

B.32.1. Artikel 4 Nr. 12 des Antirassismusgesetzes, eingefügt durch das Gesetz vom 10. Mai 2007, beschreibt den Begriff «Anweisung zur Diskriminierung» wie folgt:

«Jede Verhaltensweise, die darin besteht, irgendjemandem einen Auftrag zu erteilen, um eine Person, eine Gruppe, eine Gemeinschaft oder eines ihrer Mitglieder zu diskriminieren aufgrund eines der geschützten Kriterien».

B.32.2. Aus den Vorarbeiten geht hervor, dass das Verbot, eine Anweisung zur Diskriminierung zu erteilen, dazu dient, «zu verhindern, dass man durch den Einsatz von Mittelspersonen dem Diskriminierungsverbot zu entgehen versucht» (*Parl. Dok.*, Kammer, 2006-2007, DOC 51-2720/009, S. 42). Der Minister nannte folgendes Beispiel:

«Es kann vorkommen, dass ein Mietbewerber durch einen Immobilienmakler aufgrund eines Kriteriums der Diskriminierung für die Miete einer Immobilie, für die der Makler als Vermittler auftritt, abgewiesen wird; der Immobilienmakler entgeht dann nicht seiner Haftung, die in den Gesetzentwürfen festgelegt ist, indem er anführt, dass er im ausdrücklichen Auftrag des Eigentümers gehandelt habe. [...] Wenn der Immobilienmakler jedoch nachweist, dass er im ausdrücklichen Auftrag des Eigentümers gehandelt hat, wird auch der Eigentümer durch den Mietbewerber wegen einer autonomen Verletzung des Gesetzes, nämlich dem Verbot der Anweisung zur Diskriminierung, haftbar gemacht werden können» (ebenda, SS. 42-43).

B.32.3. Aus dem Vorstehenden ergibt sich, dass auf Seiten der Person, die eine Anweisung zur Diskriminierung erteilt, eine Absicht notwendig ist. Sie muss nämlich wissen, dass der Unterschied, den eine andere Person in ihrem Auftrag macht, nicht objektiv und vernünftig gerechtfertigt ist. Die Beweislast dieses absichtlichen Elements liegt beim Kläger (ebenda, S. 47).

B.32.4. Der Begriff «Anweisung zur Diskriminierung» ist ausreichend präzise, deutlich und vorhersehbar und folglich mit dem Legalitätsprinzip in Strafsachen vereinbar.

I.B.4. Der Begriff «Belästigung»

B.33.1. Artikel 4 Nr. 10 des Antirassismusgesetzes, eingefügt durch das Gesetz vom 10. Mai 2007, definiert den Begriff «Belästigung» wie folgt:

«Unerwünschtes Verhalten, das mit einem der geschützten Kriterien zusammenhängt und bezweckt oder bewirkt, dass die Würde der Person verletzt und ein von Einschüchterungen, Anfeindungen, Erniedrigungen, Entwürdigungen oder Beleidigungen gekennzeichnetes Umfeld geschaffen wird».

Aus dieser Definition ergibt sich, dass das unerwünschte Verhalten strafbar ist, wenn drei Bedingungen erfüllt sind: (1) es muss zusammenhängen mit einem der «geschützten Kriterien», (2) es muss bezwecken oder bewirken, dass die Würde der Person verletzt wird, und (3) es muss ein von Einschüchterungen, Anfeindungen, Erniedrigungen, Entwürdigungen oder Beleidigungen gekennzeichnetes Umfeld geschaffen werden.

B.33.2. In den Vorarbeiten zum angefochtenen Gesetz wurde angeführt, dass unter anderem die Definition von «Belästigung» (in Französisch: *harcèlement*) dem Gemeinschaftsrecht entnommen wurde (*Parl. Dok.*, Kammer, 2006-2007, DOC 51-2720/001, SS. 14 und 22; DOC 51-2720/009, SS. 14 und 18; Senat, 2006-2007, Nr. 3-2362/3, SS. 9 und 12). Die gleichen Begriffe kommen nämlich vor in Artikel 2 Absatz 3 der Richtlinie 2000/43/EG des Rates vom 29. Juni 2000 zur Anwendung des Gleichbehandlungsgrundsatzes ohne Unterschied der Rasse oder der ethnischen Herkunft und in Artikel 2 Absatz 3 der Richtlinie 2000/78/EG des Rates vom 20. November 2000 zur Festlegung eines allgemeinen Rahmens für die Verwirklichung der Gleichbehandlung in Beschäftigung und Beruf. Artikel 2 Absatz 3 der vorerwähnten Richtlinie 2000/43/EG bestimmt:

«Unerwünschte Verhaltensweisen, die im Zusammenhang mit der Rasse oder der ethnischen Herkunft einer Person stehen und bezwecken oder bewirken, dass die Würde der betreffenden Person verletzt und ein von Einschüchterungen, Anfeindungen, Erniedrigungen, Entwürdigungen oder Beleidigungen gekennzeichnetes Umfeld geschaffen wird, sind Belästigungen [in Französisch: *harcèlement*, in Englisch: *harassment*], die als Diskriminierung im Sinne von Absatz 1 gelten. In diesem Zusammenhang können die Mitgliedstaaten den Begriff ' Belästigung ' im Einklang mit den einzelstaatlichen Rechtsvorschriften definieren».

Im gewöhnlichen Sinn entspricht der Begriff «Belästigung» im Sinne von «Bedrängen» dem unrechtmäßigen Verhalten, insbesondere durch Erniedrigung und Bedrohung, das eine Person bösartig und wiederholt annimmt gegenüber einer anderen Person, um diese zu destabilisieren.

B.33.3. Der Begriff der Verletzung der persönlichen Würde oder der menschlichen Würde ist ein Begriff, der sowohl durch den Verfassungsgeber (Artikel 23 der Verfassung) und den Gesetzgeber (Artikel 136*quater*, 433*quinquies* und 433*decies* des Strafgesetzbuches; Artikel 1675/3 Absatz 3, 1675/10 § 4 Absatz 1, 1675/12 § 2 Absatz 1 und 1675/13 § 6 des Gerichtsgesetzbuches; Artikel 2 des Gesetzes vom 2. Juni 1998 zur Errichtung eines Informations- und Beratungszentrums bezüglich der schädlichen sektiererischen Organisationen sowie einer Administrativen Koordinierungszelle bezüglich der Bekämpfung schädlicher sektiererischer Organisationen; Artikel 5 des Grundsatzgesetzes vom 12. Januar 2005 über das Gefängniswesen und die Rechtsstellung der Inhaftierten; Artikel 3 des Gesetzes vom 12. Januar 2007 über die Aufnahme von Asylsuchenden und von bestimmten anderen Kategorien von Ausländern) als auch in der Rechtsprechung verwendet wird (siehe Kass., 23. März 2004, *Arr. Cass.*, 2004, Nr. 165, und 8. November 2005, *Arr. Cass.*, 2005, Nr. 576).

B.33.4. Indem Artikel 4 Nr. 10 des angefochtenen Gesetzes bestimmt, dass «Belästigung» im Sinne von «Bedrängen» ein Verhalten ist, das die darin angeführten Elemente bezweckt oder bewirkt, drückt es schließlich nicht aus, dass dieses Verhalten bestraft werden könnte, wenn es bewirkt, dass ein von Einschüchterungen, Anfeindungen, Erniedrigungen, Entwürdigungen oder Beleidigungen gekennzeichnetes Umfeld geschaffen wird, selbst wenn dies nicht die Absicht war. Es ist nämlich schwer vorstellbar, dass ein solches Verhalten durch den Täter nicht wissentlich und willentlich angenommen werden kann.

B.33.5. Vorbehaltlich dieser Auslegung ist der Begriff «Belästigung» im Sinne von «Bedrängen» ausreichend präzise, deutlich und vorhersehbar und folglich mit dem Legalitätsprinzip in Strafsachen vereinbar.

B.34. Der erste Klagegrund in der Rechtssache Nr. 4312 ist unbegründet.

I.C. Der angeführte Verstoß gegen das Legalitätsprinzip in Strafsachen durch den Begriff «Segregation» in Artikel 20 Nr. 3 des Gesetzes

B.35. Gemäß Artikel 20 Nr. 3 des Antirassismusgesetzes, eingefügt durch das Gesetz vom 10. Mai 2007, macht sich strafbar:

«Wer unter einem der in Artikel 444 des Strafgesetzbuches vorgesehenen Umstände zu Diskriminierung oder Segregation gegen eine Gruppe, eine Gemeinschaft oder deren Mitglieder wegen eines der geschützten Kriterien aufruft, selbst außerhalb der Angelegenheiten im Sinne von Artikel 5».

B.36.1. Da der Begriff «Segregation» im angefochtenen Gesetz nicht definiert wird, ist er in seiner geläufigen Bedeutung auszulegen, nämlich die gesellschaftliche Trennung von Bevölkerungsgruppen in einem Land mit gemischter Bevölkerung.

B.36.2. Bereits vor seiner Abänderung durch das angefochtene Gesetz verwendete das Antirassismusgesetz den Begriff «Segregation». Die sich auf diesen Begriff beziehende Rechtsprechung hat das Wort in der vorstehenden geläufigen Bedeutung ausgelegt.

Das Konzept kommt im Übrigen auch im Internationalen Übereinkommen zur Beseitigung jeder Form von Rassendiskriminierung vor.

B.36.3. Auch während der Vorarbeiten zu dem angefochtenen Gesetz wurde der Begriff in der vorstehend angeführten Bedeutung erläutert. Auf die Frage eines Parlamentsmitglieds, was der Begriff Segregation dem Begriff Diskriminierung hinzufügen könnte, erwiderte der zuständige Minister, «dass Segregation eine getrennte, jedoch gleiche Behandlung von Gruppen, beispielsweise auf der Grundlage des Geschlechts oder der Rasse, bedeutet».

Er fügte hinzu:

«Die Verwendung dieses Begriffs stellt eine Reaktion gegen die ' *separate but equal* '-Theorie dar, die lange Zeit im amerikanischen Obersten Gerichtshof vorgeherrscht hat, wobei man den Standpunkt vertrat, dass eine getrennte Behandlung von Menschen auf der Grundlage der Hautfarbe oder Rasse keine Diskriminierung darstellt, insofern die Behandlung gleich ist. Selbstverständlich hat diese Theorie heute keine Gültigkeit mehr. Segregation gilt als eine Form der Diskriminierung. Der Unterschied besteht darin, dass Diskriminierung in der Vergangenheit einen Behandlungsunterschied voraussetzte. Im Rahmen der vorliegenden Entwürfe ist die Rede von ungünstiger Behandlung und umfasst der Begriff Diskriminierung also ebenfalls Segregation» (*Parl. Dok.*, Senat, 2006-2007, Nr. 3-2362/3, S. 32).

B.36.4. Aus den Vorarbeiten geht hervor, dass der Gesetzgeber, obwohl er den Standpunkt vertritt, dass eine getrennte, jedoch gleiche Behandlung von Personen auf der Grundlage der Hautfarbe oder Rasse ebenfalls als eine Diskriminierung anzusehen ist, es als angebracht erachtete, den Begriff Segregation in der angefochtenen Bestimmung hinzuzufügen, um in dieser Hinsicht jeder Anfechtung vorzubeugen.

B.37. Der Begriff «Segregation» ist ausreichend präzise, deutlich und vorhersehbar und folglich mit dem Legalitätsprinzip in Strafsachen vereinbar.

B.38. Der zweite Klagegrund in der Rechtssache Nr. 4312 ist unbegründet.

I.D. Der angeführte Verstoß gegen das Legalitätsprinzip in Strafsachen durch die in Artikel 22 des Antirassismusgesetzes beschriebene Straftat

B.39. Artikel 22 des Antirassismusgesetzes, eingefügt durch das Gesetz vom 10. Mai 2007, bestimmt:

«Mit einer Gefängnisstrafe von einem Monat bis zu einem Jahr und mit einer Geldbuße von fünfzig Euro bis tausend Euro oder mit nur einer dieser Strafen wird derjenige bestraft, der einer Gruppe oder einer Vereinigung angehört, die offensichtlich und wiederholt eine Diskriminierung oder Segregation wegen eines der geschützten Kriterien unter den in Artikel 444 des Strafgesetzbuches angeführten Umständen befürwortet, oder der eine solche Gruppe oder Vereinigung unterstützt».

B.40. Die klagenden Parteien in der Rechtssache Nr. 4312 üben Kritik an dieser Bestimmung, insofern die darin verwendeten Begriffe «Diskriminierung», «Segregation», «befürworten», «offensichtlich und wiederholt», und «angehören oder unterstützen» zu vage seien, um in einer strafrechtlichen Bestimmung verwendet zu werden.

B.41. Aus den Vorarbeiten geht hervor, dass der Gesetzgeber mit der angefochtenen Bestimmung den ehemaligen Artikel 3 des Antirassismusgesetzes vom 30. Juli 1981 wieder aufnehmen wollte (*Parl. Dok.*, Kammer, 2006-2007, DOC 51-2720/001, S. 61). Aus diesen Vorarbeiten geht ebenfalls hervor, dass er den in der angefochtenen Bestimmung enthaltenen Begriffen, insofern keine andere Regelung vorliegt, dieselbe Tragweite verleihen wollte wie den im vormaligen Artikel 3 des Antirassismusgesetzes vorkommenden Begriffen in dem durch die Rechtsprechung ausgelegten Sinne (*Parl. Dok.*, Senat, 2006-2007, Nr. 3-2362/3, S. 33).

B.42.1. In Bezug auf den Begriff «befürworten» heißt es in den Vorarbeiten:

«[Ein Mitglied] fragt, ob das in Artikel 22 verwendete Wort ' befürworten ' dieselbe Bedeutung habe wie die Wörter ' Anstiftung zu ' in Artikel 20.

Der Minister bestätigt dies. Die unterschiedliche Wortwahl sei darauf zurückzuführen, dass der Gesetzentwurf *grosso modo* die Terminologie des Übereinkommens von 1965 und wortwörtlich diejenige von Artikel 3 des Gesetzes von 1981 übernimmt» (*Parl. Dok.*, Senat, 2006-2007, Nr. 3-2362/3, S. 33).

B.42.2. Der Gesetzgeber wollte deshalb dem Begriff «befürworten» die gleiche Tragweite verleihen wie dem in Artikel 20 des Antirassismusgesetzes, eingefügt durch das Gesetz vom 10. Mai 2007, verwendeten Begriff «Anstiftung zu».

B.42.3. Aus den Vorarbeiten zum Antirassismusgesetz in der vor seiner Abänderung durch das Gesetz vom 10. Mai 2007 geltenden Fassung geht hervor, dass der im ehemaligen Artikel 3 verwendete Begriff «befürworten» ebenfalls im Sinne von «Anstiftung zu» aufzufassen war. Während dieser Vorarbeiten erklärte der Minister nämlich:

«Artikel 3 ist im Zusammenhang mit den Artikeln 1 und 2 zu sehen, deren Verlängerung er darstellt.

Artikel 1 sanktioniert nämlich die Anstiftung zu Diskriminierung, Segregation, Hass oder Gewalt wegen Rasse, Hautfarbe, Abstammung oder nationaler oder ethnischer Herkunft, während Artikel 2 Handlungen bestraft, die aufgrund dieser Kriterien diskriminierend sind. Es ist notwendig, ebenfalls von der Beteiligung an Vereinigungen abzuschrecken, die die in den Artikeln 1 und 2 sanktionierten Handlungen praktizieren oder befürworten. Mit diesem Verfahren werden diese Vereinigungen schrittweise eliminiert; sie werden verschwinden, weil sie keine Mitglieder mehr haben werden» (*Parl. Dok.*, Kammer, Sondersitzungsperiode 1979, Nr. 214/9, S. 27).

Verschiedene Parlamentsmitglieder verwiesen darauf, dass das Wort «befürworten» auf ein Engagement hindeuteten, das über die einfache Äußerung einer Meinung hinausreiche:

«Dieses Wort ist im Kontext von Artikel 1 sowie des gesamten Entwurfs zu verstehen.

Es geht um Vereinigungen, die ' öffentlich und wiederholt ' für Hass, Gewalt und Rassendiskriminierung eintreten. Es sind Vereinigungen, die eine rassistische Propaganda führen.

Nach Darlegung der Mitglieder hat ' befürworten ' somit die gleiche Bedeutung wie ' Anstiftung ', ' fördern '» (*Parl. Dok.*, Senat, 1980-1981, Nr. 594/2, S. 20).

Diese Auslegung wurde außerdem in der Rechtsprechung bestätigt.

B.42.4. Aus dem Vorstehenden wird ersichtlich, dass der in der betreffenden Unterstrafestellung verwendete Begriff «befürworten» immer die Bedeutung «zu etwas anstiften», «anspornen, etwas zu tun», «veranlassen, aufstacheln» hatte.

In diesem Kontext kann nicht der Vorwurf gemacht werden, der Begriff sei nicht ausreichend präzise, deutlich und vorhersehbar.

B.43.1. In den Vorarbeiten zum Antirassismusgesetz in der vor dem Inkrafttreten des angefochtenen Gesetzes geltenden Fassung wurden die im ehemaligen Artikel 3 verwendeten Begriffe «offensichtlich und wiederholt» wie folgt erläutert:

«[Der Minister] verweist auch darauf, dass die Gruppe oder Vereinigung die Rassendiskriminierung oder Segregation offensichtlich und wiederholt befürworten oder praktizieren muss. Somit wird ausgeschlossen, dass wegen der offensichtlichen und wiederholten Beschaffenheit der Handlungen Personen im guten Glauben irregeführt werden oder die Haltung der Gruppe und der Vereinigung nicht kennen oder dass sie der Gruppe oder Vereinigung weiterhin angehören, trotz deren Verhaltens. Der Wille, diesen Gruppen oder Vereinigungen anzugehören, kann also nicht länger in Zweifel gezogen werden.

Der ergänzende Abänderungsantrag stellt zukünftig jede Mitarbeit mit einer solchen Gruppe oder Vereinigung auch unter Strafe» (*Parl. Dok.*, Senat, Sondersitzungsperiode 1979, Nr. 214/9, S. 36).

B.43.2. Aus dem Vorstehenden wird ersichtlich, dass der Gesetzgeber mit den Wörtern «offensichtlich und wiederholt» erreichen wollte, dass von der in der angefochtenen Bestimmung angeführten Straftat nur die Rede sein kann, wenn es dem Angeklagten ohne weiteres deutlich ist, dass die betreffende Gruppe oder Vereinigung sich mehrmals der Anstiftung zu Diskriminierung oder Segregation aus einem der im angefochtenen Gesetz angegebenen Gründe schuldig gemacht hat.

B.43.3. In seinem Urteil vom 9. November 2004 hat der Kassationshof die Auslegung der im vormaligen Artikel 3 des Antirassismusgesetzes enthaltenen Begriffe «offensichtlich und wiederholt» wie folgt bestätigt:

«Dass es sich somit um ungleiche Behandlungen durch die Vereinigung oder die Gruppe handeln muss, bei denen es für den Angeklagten ohne weiteres deutlich ist, dass es hierfür keine objektive und vernünftige Rechtfertigung geben kann, entweder aufgrund der Art der Behandlung selbst oder aufgrund der bestehenden Rechtsprechung, so dass die ungleiche Behandlung folglich keiner weiteren Gesetzmäßigkeits- und Verhältnismäßigkeitsprüfung durch den Richter bedarf» (Kass., 9. November 2004, *Arr. Cass.*, 2004, Nr. 539).

Der Kassationshof hat dabei erläutert, dass es nicht erforderlich ist, dass die Gruppe oder die Vereinigung «verfolgt, als persönlich schuldig angesehen oder verurteilt wurde oder wird» (ebenda).

B.43.4. Insofern die besagte Vereinigung oder Gruppe wiederholt zu einem unmittelbaren oder einem mittelbaren Unterschied aufgrund eines der «geschützten Kriterien» anstiftet, kann von der in der angefochtenen Bestimmung beschriebenen Straftat somit nur die Rede sein, wenn es dem Angeklagten unmittelbar deutlich ist, dass dieser Unterschied entweder aufgrund der Art der Behandlung selbst oder aufgrund der bestehenden Rechtsprechung nicht zu rechtfertigen ist gemäß den Bestimmungen des angefochtenen Gesetzes, das im Übrigen in Bezug auf unmittelbare Unterschiede ein geschlossenes Rechtfertigungssystem vorsieht.

In diesem Kontext kann nicht der Vorwurf gemacht werden, die Begriffe «offensichtlich und wiederholt» seien nicht ausreichend präzise, deutlich und vorhersehbar.

B.44.1. Die Begriffe «angehören» und «unterstützen» sind in ihrer geläufigen Bedeutung auszulegen. Die geläufige Bedeutung des Verbs, einer Gruppe oder einer Vereinigung «angehören», ist, «Mitglied sein» oder «einen Teil bilden» von dieser Gruppe oder Vereinigung. Die geläufige Bedeutung des Verbs, eine Gruppe oder eine Vereinigung «unterstützen», ist, den Tätigkeiten dieser Gruppe oder Vereinigung «behilflich sein», «Hilfe anbieten».

B.44.2. In Bezug auf das moralische Element heißt es in den Vorarbeiten:

«Diese Straftat erfordert keine besondere Absicht, die allgemeine Absicht genügt. Es genügt, dass die Angeklagten wissentlich und willentlich einer Vereinigung angehören, die offensichtlich und wiederholt eine Diskriminierung oder Segregation unter den in Artikel 444 des Strafgesetzbuches vorgesehenen Umständen verkündet, oder eine solche unterstützen (siehe auch Kass. 9. November 2004)» (*Parl. Dok.*, Kammer, 2006-2007, DOC 51-2720/001, S. 61).

In dem vorerwähnten Urteil vom 9. November 2004 hat der Kassationshof in Bezug auf den ehemaligen Artikel 3 des Antirassismusgesetzes Folgendes geurteilt:

«Ein Richter, der über eine Strafverfolgung aufgrund von Artikel 3 des Rassismusgesetzes zu urteilen hat, muss darüber urteilen, ob nachgewiesen ist:

1. [...]

2. dass der Angeklagte wissentlich und willentlich dieser Gruppe oder dieser Vereinigung angehört oder sie unterstützt» (Kass., 9. November 2004, *Arr. Cass.*, 2004, Nr. 539).

B.44.3. Daraus ist zu schließen, dass es aufgrund der angefochtenen Bestimmung nicht erforderlich ist, dass der Angeklagte selbst offensichtlich und wiederholt Diskriminierung oder Segregation befürwortet, um strafbar zu sein. Es genügt, dass er wissentlich und willentlich der betreffenden Gruppe oder Vereinigung angehört und sie unterstützt. Wie in B.43 angeführt wurde, setzt die angefochtene Bestimmung durch die Benutzung der Wörter «offensichtlich und wiederholt» jedoch voraus, dass es der Person, die dieser Gruppe oder dieser Vereinigung angehört und sie unterstützt, ohne weiteres deutlich ist, dass diese Gruppe oder Vereinigung Diskriminierung oder Segregation aus einem der im angefochtenen Gesetz angegebenen Gründe befürwortet.

In diesem Kontext kann nicht der Vorwurf gemacht werden, die Begriffe «angehören oder unterstützen» seien nicht ausreichend präzise, deutlich und vorhersehbar.

B.45. Aus den gleichen Gründen, wie sie in B.19 bis B.37 angegeben wurden, sind die Begriffe «Diskriminierung» und «Segregation» ebenfalls ausreichend präzise, deutlich und vorhersehbar, um in einer strafrechtlichen Bestimmung verwendet zu werden.

B.46. Der sechste Klagegrund in der Rechtssache Nr. 4312 ist insofern, als er aus einem Verstoß gegen das Legalitätsprinzip in Strafsachen abgeleitet ist, unbegründet.

II. In Bezug auf die Klagegründe (oder Teile davon), die aus einem Verstoß gegen die Freiheit der Meinungsäußerung, gegebenenfalls in Verbindung mit dem Grundsatz der Gleichheit und Nichtdiskriminierung, abgeleitet sind

B.47. Der dritte und der vierte Klagegrund in der Rechtssache Nr. 4312 sind gegen Artikel 20 des Antirassismusgesetzes, eingefügt durch das Gesetz vom 10. Mai 2007, gerichtet, der die Anstiftung zu Diskriminierung, Segregation, Hass oder Gewalt unter bestimmten Bedingungen strafbar macht. Die klagenden Parteien führen an, diese Bestimmung sei nicht vereinbar mit den Artikeln 10, 11 und 19 der Verfassung, da sie die Freiheit der Meinungsäußerung auf ungerechtfertigte Weise einschränke. Am vorerwähnten Artikel 20 wird ebenfalls Kritik geäußert, insofern diese Bestimmung die Anstiftung zu Diskriminierung, Segregation, Hass oder Gewalt unter Strafe stelle, dies jedoch nicht tue in Bezug auf die eigentlichen Handlungen, die Diskriminierung, Hass oder Gewalt beinhalteten, was gegen den Gleichheitsgrundsatz in Verbindung mit der Freiheit der Meinungsäußerung verstoße.

Der fünfte Klagegrund in der Rechtssache Nr. 4312 und die zwei Klagegründe in der Rechtssache Nr. 4355 sind gegen Artikel 21 des Antirassismusgesetzes, eingefügt durch das Gesetz vom 10. Mai 2007, gerichtet, der die Verbreitung von Ideen, die sich auf die Überlegenheit einer Rasse oder den Rassenhass gründen, unter Strafe stellt. Nach Auffassung der klagenden Parteien sei diese Bestimmung unvereinbar mit der Freiheit der Meinungsäußerung. Im zweiten Klagegrund in der Rechtssache Nr. 4355 führt die klagende Partei ebenfalls an, dass der angefochtene Artikel nicht mit dem Grundsatz der Gleichheit und Nichtdiskriminierung vereinbar sei, da diese Bestimmung einen nicht zu rechtfertigenden Behandlungsunterschied schaffe zwischen Personen, die Opfer von diskriminierenden Äußerungen seien, je nach dem Diskriminierungsgrund, der die Grundlage dieser Äußerungen bilde.

Im sechsten Klagegrund in der Rechtssache Nr. 4312 führen die klagenden Parteien schließlich an, Artikel 22 des Antirassismusgesetzes, eingefügt durch das Gesetz vom 10. Mai 2007, sei unvereinbar mit den Artikeln 10, 11 und 19 der Verfassung, da diese Bestimmung die Angehörigkeit zu einer Gruppe oder Vereinigung, die offensichtlich und wiederholt Diskriminierung oder Segregation befürworte, beziehungsweise die Unterstützung einer solchen Gruppe oder Vereinigung unter Strafe stelle und somit auf diskriminierende Weise gegen die Freiheit der Meinungsäußerung verstoße.

II.A. Das Verhältnis zwischen der Freiheit der Meinungsäußerung und dem Recht auf Schutz vor Rassendiskriminierung im Allgemeinen

B.48.1. Artikel 19 der Verfassung bestimmt:

«Die Freiheit der Kulte, diejenige ihrer öffentlichen Ausübung sowie die Freiheit, zu allem seine Ansichten kundzutun, werden gewährleistet, unbeschadet der Ahndung der bei der Ausübung dieser Freiheiten begangenen Delikte».

B.48.2. Artikel 10 der Europäischen Menschenrechtskonvention bestimmt:

«(1) Jeder hat Anspruch auf freie Meinungsäußerung. Dieses Recht schließt die Freiheit der Meinung und die Freiheit zum Empfang und zur Mitteilung von Nachrichten oder Ideen ohne Eingriffe öffentlicher Behörden und ohne Rücksicht auf Landesgrenzen ein. Dieser Artikel schließt nicht aus, dass die Staaten Rundfunk-, Lichtspiel- oder Fernsehunternehmen einem Genehmigungsverfahren unterwerfen.

(2) Da die Ausübung dieser Freiheiten Pflichten und Verantwortung mit sich bringt, kann sie bestimmten, vom Gesetz vorgesehenen Formvorschriften, Bedingungen, Einschränkungen oder Unterstrafestellungen unterworfen werden, wie sie vom Gesetz vorgeschrieben und in einer demokratischen Gesellschaft im Interesse der nationalen Sicherheit, der territorialen Unversehrtheit oder der öffentlichen Sicherheit, der Aufrechterhaltung der Ordnung und der Verbrechensverhütung, des Schutzes der Gesundheit und der Moral, des Schutzes des guten Rufes oder der Rechte anderer, um die Unparteilichkeit der Rechtsprechung zu gewährleisten, unentbehrlich sind».

B.49.1. Die in diesen Artikeln gewährleistete Freiheit der Meinungsäußerung ist eine der Säulen einer demokratischen Gesellschaft. Sie gilt nicht nur für die «Information» oder die «Ideen», die positiv aufgenommen oder als harmlos oder neutral angesehen werden, sondern auch für diejenigen, die den Staat oder irgendeine Bevölkerungsgruppe ' schockieren, verunsichern oder verletzen '. Dies erfordern der Pluralismus, die Toleranz und der Geist der Offenheit, ohne die keine demokratische Gesellschaft bestehen kann (EuGHMR, 7. Dezember 1976, *Handyside* gegen Vereinigtes Königreich, § 49; 23. September 1998, *Lehideux und Isorni* gegen Frankreich, § 55; 28. September 1999, *Öztürk* gegen Türkei, § 64).

B.49.2. Dennoch bringt die Ausübung der Freiheit der Meinungsäußerung, wie aus der Formulierung von Artikel 10 Absatz 2 der Europäischen Menschenrechtskonvention ersichtlich ist, gewisse Pflichten und Verantwortungen mit sich (EuGHMR, 4. Dezember 2003, *Gündüz* gegen Türkei, § 37), unter anderem die grundsätzliche Pflicht, gewisse Grenzen, «die insbesondere dem Schutz des guten Rufes und der Rechte anderer dienen» nicht zu überschreiten (EuGHMR, 24. Februar 1997, *De Haes und Gijsels* gegen Belgien, § 37; 21. Januar 1999, *Fressoz und Roire* gegen Frankreich, § 45; 15. Juli 2003, *Ernst u.a.* gegen Belgien, § 92). Der Freiheit der Meinungsäußerung können aufgrund von Artikel 10 Absatz 2 der Europäischen Menschenrechtskonvention unter bestimmten Bedingungen Formalitäten, Bedingungen, Einschränkungen oder Sanktionen auferlegt werden, unter anderem im Hinblick auf den Schutz des guten Rufes oder der Rechte anderer.

Artikel 19 der Verfassung verbietet es, dass der Freiheit der Meinungsäußerung präventive Einschränkungen auferlegt werden, jedoch nicht, dass Straftaten, die anlässlich der Inanspruchnahme dieser Freiheit begangen werden, bestraft werden.

B.49.3. Aus der Rechtsprechung des Europäischen Gerichtshofes und der Europäischen Kommission für Menschenrechte geht außerdem hervor, dass von Hass gekennzeichnete Äußerungen unter bestimmten Umständen und unter bestimmten Bedingungen nicht durch Artikel 10 der Europäischen Menschenrechtskonvention geschützt sind (EuGHMR, 10. Oktober 2000, *Ibrahim Aksoy* gegen Türkei, § 63; 24. Juni 2003, *Roger Garaudy* gegen Frankreich; 4. Dezember 2003, *Gündüz* gegen Türkei, § 41; EuKomMR, 11. Oktober 1979, Nrn. 8348/78 und 8406/78, *Glimmerveen und Hagenbeek* gegen Niederlande, *D.R.* 18, S. 187).

Im Urteil *Gündüz* gegen Türkei vom 4. Dezember 2003 erklärte der Europäische Gerichtshof beispielsweise:

«Es besteht übrigens kein Zweifel daran, dass konkrete Äußerungen, die Hass propagieren, wie der Gerichtshof in der Rechtssache *Jersild* gegen Dänemark festgestellt hat (Urteil vom 23. September 1994, Serie A., Nr. 298, S. 25, § 35), und die für Einzelpersonen oder Gruppen beleidigend sein können, nicht den Schutz von Artikel 10 der Konvention genießen» (§ 41).

In der Zulässigkeitsentscheidung *Roger Garaudy* gegen Frankreich vom 24. Juni 2003 erkannte der Europäische Gerichtshof, dass «das Leugnen oder Herunterspielen des Holocaust» als «eine der schärfsten Formen der Rassenverleumdung und der Anstiftung zu Hass gegen die Juden» anzusehen ist (S. 29). Dem Europäischen Gerichtshof zufolge

«gefährden die Leugnung oder die Revision solcher historischen Fakten die Werte, die die Grundlage der Bekämpfung des Rassismus und Antisemitismus bilden, und können sie die öffentliche Ordnung ernsthaft stören. Indem solche Handlungen die Rechte anderer verletzen, sind sie nicht zu vereinen mit der Demokratie und den Menschenrechten, und ihre Urheber streben zweifellos Ziele an, die aufgrund von Artikel 17 der Konvention verboten sind» (ebenda).

In einer anderen Zulässigkeitsentscheidung lautete das Urteil des Europäischen Gerichtshofes wie folgt:

«Das betreffende Poster enthielt ein Foto der brennenden *Twin Towers*, die Wörter *' Islam out of Britain - Protect the British People '* und ein Symbol eines Halbmondes und Sterns in einem Verbotszeichen. Der Gerichtshof nimmt dies zu Protokoll und stimmt der Beurteilung der nationalen Rechtsprechungsorgane zu, dass die Wörter und Abbildungen auf dem Poster auf eine öffentliche Äußerung scharfer Kritik an allen Muslimen im Vereinigten Königreich hinausliefen. Ein solch allgemeiner, heftiger Ausbruch gegenüber einer religiösen Gruppe, wobei die Gruppe insgesamt mit einer ernsthaften terroristischen Tat in Verbindung gebracht wird, ist unvereinbar mit den in der Konvention verkündeten und gewährleisteten Werten, nämlich Toleranz, sozialer Friede und Nichtdiskriminierung. Das Ausstellen des Posters durch den Kläger in seinem Fenster war eine Handlung im Sinne von Artikel 17, die folglich nicht den Schutz der Artikel 10 oder 14 genoss» (EuGHMR, 16. November 2004, *Norwood* gegen Vereinigtes Königreich).

In einer weiteren Zulässigkeitsentscheidung urteilte der Europäische Gerichtshof:

«In diesem Fall schrieb und publizierte der Kläger eine Reihe von Artikeln, in denen die Juden als die Quelle des Bösen in Russland geschildert wurden. Er beschuldigte eine vollständige ethnische Gruppe, eine Konspiration gegen das russische Volk zu planen und schrieb den jüdischen Leitern die faschistische Ideologie zu. Sowohl in seinen Publikationen als auch in seinen mündlichen Anmerkungen während des Gerichtsverfahrens verweigerte er den Juden ständig das Recht auf nationale Würde, indem er anführte, sie bildeten keine Nation. Der Hof zweifelt nicht am ausgesprochen antisemitischen Gehalt der Standpunkte des Klägers und stimmt der Beurteilung der nationalen Rechtsprechungsorgane zu, dass er mit seinen Publikationen versuchte, Hass gegen das jüdische Volk zu erwecken. Ein solch allgemeiner und heftiger Ausbruch gegenüber einer ethnischen Gruppe steht im Widerspruch zu Werten, die der Konvention zugrunde liegen, nämlich Toleranz, sozialer Friede und Nichtdiskriminierung. Folglich urteilt der Gerichtshof, dass der Kläger aufgrund von Artikel 17 der Konvention den durch Artikel 10 der Konvention gebotenen Schutz nicht genießen kann» (EuGHMR, 20. Februar 2007, *Ivanov* gegen Russland).

Der in diesen Entscheidungen angeführte Artikel 17 der Europäischen Menschenrechtskonvention bestimmt:

«Keine Bestimmung dieser Konvention darf dahingehend ausgelegt werden, dass sie für einen Staat, eine Gruppe oder eine Person das Recht begründet, eine Tätigkeit auszuüben oder eine Handlung zu begehen, die auf die Abschaffung der in der vorliegenden Konvention festgelegten Rechte und Freiheiten oder auf weitergehende Beschränkungen dieser Rechte und Freiheiten, als in der Konvention vorgesehen, hinzielt».

B.50. Aus dem Vorstehenden wird einerseits ersichtlich, dass für gewisse Äußerungen nicht der Schutz der Freiheit der Meinungsäußerung gilt, und andererseits, dass Einschränkungen der Freiheit der Meinungsäußerung im Hinblick auf den Schutz der Rechte anderer unter bestimmten Bedingungen annehmbar sind. In Bezug auf den letztgenannten Aspekt muss gleichzeitig das sich aus Artikel 19 der Verfassung ergebende Verbot der präventiven Einschränkungen berücksichtigt werden.

B.51. Gemäß Artikel 3 des Antirassismusgesetzes, eingefügt durch das Gesetz vom 10. Mai 2007, bezweckt dieses Gesetz, einen allgemeinen Rahmen zur Bekämpfung der Diskriminierung aufgrund der Staatszugehörigkeit, einer sogenannten Rasse, der Hautfarbe, der Abstammung oder der nationalen oder ethnischen Herkunft zu schaffen.

B.52.1. Verschiedene internationale Verträge enthalten Bestimmungen, die darauf ausgerichtet sind, Diskriminierungen aus solchen Gründen zu bekämpfen.

B.52.2. Artikel 14 der Europäischen Menschenrechtskonvention bestimmt:

«Der Genuss der in der vorliegenden Konvention festgelegten Rechte und Freiheiten muss ohne Unterschied des Geschlechts, der Rasse, Hautfarbe, Sprache, Religion, politischen oder sonstigen Anschauungen, nationaler oder sozialer Herkunft, Zugehörigkeit zu einer nationalen Minderheit, des Vermögens, der Geburt oder des sonstigen Status gewährleistet werden».

Artikel 20 Absatz 2 des Internationalen Paktes über bürgerliche und politische Rechte bestimmt:

«Jedes Eintreten für nationalen, rassischen oder religiösen Hass, durch das zu Diskriminierung, Feindseligkeit oder Gewalt aufgestachelt wird, wird durch Gesetz verboten».

Artikel 26 dieses Paktes bestimmt:

«Alle Menschen sind vor dem Gesetz gleich und haben ohne Diskriminierung Anspruch auf gleichen Schutz durch das Gesetz. In dieser Hinsicht hat das Gesetz jede Diskriminierung zu verbieten und allen Menschen gegen jede Diskriminierung, wie insbesondere wegen der Rasse, der Hautfarbe, des Geschlechts, der Sprache, der Religion, der politischen oder sonstigen Anschauung, der nationalen oder sozialen Herkunft, des Vermögens, der Geburt oder des sonstigen Status, gleichen und wirksamen Schutz zu gewährleisten».

Kraft Artikel 13 Absatz 1 des Vertrags zur Gründung der Europäischen Gemeinschaft kann der Rat geeignete Vorkehrungen treffen, um Diskriminierungen aus Gründen des Geschlechts, der Rasse, der ethnischen Herkunft, der Religion oder der Weltanschauung, einer Behinderung, des Alters oder der sexuellen Ausrichtung zu bekämpfen.

Aus den Vorarbeiten zum angefochtenen Gesetz (*Parl. Dok.*, Kammer, 2006-2007, DOC 51-2720/009, S. 39) geht hervor, dass, obwohl es nicht durch Belgien ratifiziert worden ist, dem zwölften Zusatzprotokoll zur Europäischen Menschenrechtskonvention Rechnung getragen wurde, dessen Artikel 1 bestimmt:

«Der Genuss eines jeden im Gesetz verankerten Rechtes muss ohne Unterschied des Geschlechts, der Rasse, Hautfarbe, Sprache, Religion, politischen oder sonstigen Anschauungen, nationaler oder sozialer Herkunft, Zugehörigkeit zu einer nationalen Minderheit, des Vermögens, der Geburt oder des sonstigen Status gewährleistet werden».

Obwohl sie noch nicht rechtsverbindlich ist, wurde auch die Charta der Grundrechte der Europäischen Union berücksichtigt, deren Artikel 21 bestimmt:

«(1) Diskriminierungen, insbesondere wegen des Geschlechts, der Rasse, der Hautfarbe, der ethnischen oder sozialen Herkunft, der genetischen Merkmale, der Sprache, der Religion oder der Weltanschauung, der politischen oder sonstigen Anschauung, der Zugehörigkeit zu einer nationalen Minderheit, des Vermögens, der Geburt, einer Behinderung, des Alters oder der sexuellen Ausrichtung, sind verboten.

(2) Im Anwendungsbereich des Vertrags zur Gründung der Europäischen Gemeinschaft und des Vertrags über die Europäische Union ist unbeschadet der besonderen Bestimmungen dieser Verträge jede Diskriminierung aus Gründen der Staatsangehörigkeit verboten».

B.52.3. Im vorliegenden Fall ist insbesondere das Internationale Übereinkommen zur Beseitigung jeder Form von Rassendiskriminierung, welches durch das Gesetz vom 9. Juli 1975 genehmigt wurde, zu berücksichtigen.

Artikel 4 dieses Übereinkommens bestimmt:

«Die Vertragsstaaten verurteilen jede Propaganda und alle Organisationen, die auf Ideen oder Theorien hinsichtlich der Überlegenheit einer Rasse oder einer Personengruppe bestimmter Hautfarbe oder Volkszugehörigkeit beruhen oder die irgendeine Form von Rassenhass und Rassendiskriminierung zu rechtfertigen oder zu fördern suchen; sie verpflichten sich, unmittelbare und positive Maßnahmen zu treffen, um jedes Aufreizen zur Rassendiskriminierung und alle rassisch diskriminierenden Handlungen auszumerzen; zu diesem Zweck übernehmen sie unter gebührender Berücksichtigung der in der Allgemeinen Erklärung der Menschenrechte niedergelegten Grundsätze und der ausdrücklich in Artikel 5 des vorliegenden Übereinkommens genannten Rechte unter anderem folgende Verpflichtungen:

a) jede Verbreitung von Ideen, die sich auf die Überlegenheit einer Rasse oder den Rassenhass gründen, jedes Aufreizen zur Rassendiskriminierung und jede Gewalttätigkeit oder Aufreizung dazu gegen eine Rasse oder eine Personengruppe anderer Hautfarbe oder Volkszugehörigkeit sowie jede Unterstützung rassenkämpferischer Betätigung einschließlich ihrer Finanzierung zu einer nach dem Gesetz strafbaren Handlung zu erklären,

b) alle Organisationen und alle organisierten oder sonstigen Propagandatätigkeiten, welche die Rassendiskriminierung fördern und dazu aufreizen, als gesetzwidrig zu erklären und zu verbieten und die Beteiligung an derartigen Organisationen oder Tätigkeiten als eine nach dem Gesetz strafbare Handlung anzuerkennen,

c) nicht zuzulassen, dass staatliche oder örtliche Behörden oder öffentliche Einrichtungen die Rassendiskriminierung fördern oder dazu aufreizen».

B.53. Der Europäische Gerichtshof für Menschenrechte hat im Übrigen in verschiedenen Urteilen erkannt, dass Rassendiskriminierung eine besonders verwerfliche Diskriminierung ist, die eine besondere Wachsamkeit und strenge Reaktion der öffentlichen Hand erfordert. Daher ist es nach Auffassung dieses Gerichtshofes notwendig, dass die Behörden «alle Mittel einsetzen, über die sie verfügen, um Rassismus und rassistische Gewalt zu bekämpfen, so dass sie die demokratische Gesellschaftsvision stärken, in der Unterschiedlichkeit nicht als eine Bedrohung, sondern vielmehr als ein Reichtum empfunden wird» (EuGHMR (Große Kammer), 6. Juli 2005, *Natchova u.a.* gegen Bulgarien, § 145; 13. Dezember 2005, *Timichev* gegen Russland, § 56; (Große Kammer), 13. November 2007, *D.H. u.a.* gegen Tschechische Republik, § 176; 5. Juni 2008, *Sampanis u.a.* gegen Griechenland, § 69).

B.54. Aus dem in B.52.3 angeführten Artikel 4 des Internationalen Übereinkommens zur Beseitigung jeder Form von Rassendiskriminierung ergibt sich, dass die Vertragsparteien sich dazu verpflichtet haben, in ihrer Gesetzgebung unter anderem folgende Handlungen unter Strafe zu stellen: (1) jede Verbreitung von Ideen, die sich auf die Überlegenheit einer Rasse oder den Rassenhass gründen, (2) jedes Aufreizen zur Rassendiskriminierung, (3) jede Gewalttätigkeit oder Aufreizung dazu gegen eine Rasse oder eine Personengruppe anderer Hautfarbe oder Volkszugehörigkeit, (4) jede Unterstützung rassenkämpferischer Betätigung einschließlich ihrer Finanzierung und (5) die Beteiligung an Organisationen oder Propagandatätigkeiten, welche die Rassendiskriminierung fördern und dazu aufreizen.

Die sich aus den in B.52.2 angeführten internationalen Normen ergebende Notwendigkeit, Diskriminierungen zu bekämpfen, und die sich aus dem Internationalen Übereinkommen zur Beseitigung jeder Form von Rassendiskriminierung ergebende Notwendigkeit, die vorerwähnten Handlungen unter Strafe zu stellen, bringen es mit sich, dass die angefochtenen Bestimmungen als Maßnahmen angesehen werden können, die in einer demokratischen Gesellschaft notwendig sind im Sinne von Artikel 10 Absatz 2 der Europäischen Menschenrechtskonvention, im Interesse des guten Rufes und der Rechte anderer.

Die angefochtenen Bestimmungen sind außerdem strafrechtliche Bestimmungen und bezwecken folglich nicht, der Freiheit der Meinungsäußerung präventive Einschränkungen aufzuerlegen.

B.55. Insofern im vorliegenden Fall von «Einmischungen» in die Freiheit der Meinungsäußerung die Rede sein kann, sind diese Einmischungen außerdem durch Gesetz festgelegt worden. Dies verhindert nicht, dass geprüft werden muss, ob diese Einmischungen nicht unverhältnismäßig gegenüber dem damit angestrebten Ziel sind und ob die betreffenden Gesetzesbestimmungen vorhersehbar und zugänglich sind.

II.B. Die Anstiftung zu Diskriminierung, Segregation, Hass oder Gewalt (Artikel 20)

B.56.1. Artikel 20 des Antirassismusgesetzes, eingefügt durch das Gesetz vom 10. Mai 2007, bestimmt:

«Mit einer Gefängnisstrafe von einem Monat bis zu einem Jahr und mit einer Geldbuße von fünfzig Euro bis tausend Euro oder mit nur einer dieser Strafen wird bestraft:

1. wer unter einem der in Artikel 444 des Strafgesetzbuches vorgesehenen Umstände zu Diskriminierung gegen eine Person wegen eines der geschützten Kriterien aufruft, selbst außerhalb der Angelegenheiten im Sinne von Artikel 5;

2. wer unter einem der in Artikel 444 des Strafgesetzbuches vorgesehenen Umstände zu Hass oder Gewalt gegen eine Person wegen eines der geschützten Kriterien aufruft, selbst außerhalb der Angelegenheiten im Sinne von Artikel 5;

3. wer unter einem der in Artikel 444 des Strafgesetzbuches vorgesehenen Umstände zu Diskriminierung oder Segregation gegen eine Gruppe, eine Gemeinschaft oder deren Mitglieder wegen eines der geschützten Kriterien aufruft, selbst außerhalb der Angelegenheiten im Sinne von Artikel 5;

4. wer unter einem der in Artikel 444 des Strafgesetzbuches vorgesehenen Umstände zu Hass oder Gewalt gegen eine Gruppe, eine Gemeinschaft oder deren Mitglieder wegen eines der geschützten Kriterien aufruft, selbst außerhalb der Angelegenheiten im Sinne von Artikel 5».

B.56.2. Der in dieser Bestimmung enthaltene Verweis auf Artikel 444 des Strafgesetzbuches drückt aus, dass dieses Anstiften zu Diskriminierung, Segregation, Hass oder Gewalt nur dann strafbar ist, wenn es unter einem der folgenden Umstände erfolgt:

«- Entweder in öffentlichen Versammlungen oder an öffentlichen Orten;

- Oder in Anwesenheit verschiedener Personen an einem nicht öffentlichen Ort, der jedoch einer Anzahl Personen zugänglich ist, die das Recht haben, sich dort zu versammeln oder diesen Ort zu besuchen;

- Oder an gleich welchem Ort in Anwesenheit des Beleidigten und vor Zeugen;

- Oder durch gegebenenfalls gedruckte Schriften, durch Bilder oder Symbole, die angeschlagen, verbreitet oder verkauft, zum Kauf angeboten oder öffentlich ausgestellt werden;

- Oder schließlich durch Schriften, die nicht veröffentlicht, jedoch verschiedenen Personen zugesandt oder mitgeteilt werden».

B.57. Der Begriff «zu etwas anstiften» drückt an sich aus, dass die unter Strafe gestellten Handlungen weitergehen als bloße Information, Ideen oder Kritik. Die übliche Bedeutung des Verbs «zu etwas anstiften» ist «anspornen, etwas zu tun», «veranlassen, aufstacheln». Es kann nur von Anstiftung zu Diskriminierung die Rede sein, wenn die Äußerungen, die unter den in Artikel 444 des Strafgesetzbuches beschriebenen Umständen gemacht wurden, zu einem Behandlungsunterschied ermuntern oder anspornen, der nicht durch die im angefochtenen Gesetz enthaltenen Rechtsfertigungsgründe gerechtfertigt werden kann. Dieses Anstiften ist in diesem Fall nur zu erklären durch den Willen, zu Hass oder Gewalt anzuspornen, so dass die in der angefochtenen Bestimmung verwendeten Begriffe «Hass», «Gewalt» und «Diskriminierung» die verschiedenen Abstufungen desselben Verhaltens ausdrücken. Da «Segregation» als eine Diskriminierung anzusehen ist, gilt das Gleiche auch für diesen Begriff.

B.58. Die Wörter «Hass» und «Gewalt» sind so in den Sprachgebrauch eingegangen, dass jeder vernünftigerweise weiß, welche Äußerungen und Schriften, Bilder oder Symbole, die er verbreitet, in den Anwendungsbereich des Strafgesetzes fallen. Aufgrund dieser Wörter kann unterschieden werden zwischen der Äußerung einer Meinung, die frei bleibt - auch wenn sie scharf, kritisch oder polemisch ist -, und dem Anstiften zu Diskriminierung, Segregation, Hass oder Gewalt, das nur strafbar ist, wenn nachgewiesen wird, dass die Absicht vorliegt, zu einem diskriminierenden, von Hass getragenen oder gewalttätigen Verhalten anzustiften.

B.59. Aus den Vorarbeiten geht schließlich hervor, dass es sich um eine absichtliche Straftat handelt:

«Gemäß dem Urteil des Schiedshofes (Schiedshof Nr. 157/2004, 6. Oktober 2004, B.51) ist zur Anwendung dieser Bestimmung eine ' besondere Absicht ' erforderlich. Entsprechend dem Urteil des Schiedshofes muss mit anderen Worten ein besonderer Wille für die Anstiftung zu Diskriminierung, Hass oder Gewalt vorliegen» (*Parl. Dok.*, Kammer, 2006-2007, DOC 51-2720/001, S. 61).

Demzufolge ist davon auszugehen, dass eine besondere Absicht vorliegen muss. Wegen der Tragweite, die den Begriffen Anstiften, Diskriminierung, Segregation, Hass und Gewalt beizumessen ist, kann es sich nicht um eine Straftat handeln, deren Bestehen angenommen würde ab dem Zeitpunkt, wo deren materielle Elemente vorliegen. Damit von einer Straftat die Rede sein kann, muss im Gegenteil das spezifische moralische Element, das in den im Gesetz verwendeten eigentlichen Begriffen enthalten ist, nachgewiesen werden.

Durch das Erfordernis, dass ein besonderer Wille zur Anstiftung zu Diskriminierung, Segregation, Hass oder Gewalt vorliegen muss, wird ausgeschlossen, dass in dem Fall, wo von einem solchen Anstiften nicht die Rede ist, die Verbreitung von Pamphleten unter Strafe gestellt werden könnte; das Gleiche muss gelten für Scherze, spöttische Äußerungen, Meinungen und jede Äußerung, die in Ermangelung der erforderlichen besonderen Absicht Bestandteil der Freiheit der Meinungsäußerung ist.

B.60. Der vierte Klagegrund in der Rechtssache Nr. 4312 ist unbegründet.

B.61. Am angefochtenen Artikel 20 wird weiterhin Kritik geübt, insofern diese Bestimmung die Anstiftung zu Diskriminierung, Segregation, Hass oder Gewalt unter Strafe stelle, dies jedoch nicht tue in Bezug auf die eigentlichen Handlungen, die Diskriminierung, Hass oder Gewalt beinhalteten, was gegen den Grundsatz der Gleichheit und Nichtdiskriminierung in Verbindung mit der Freiheit der Meinungsäußerung verstoße (dritter Klagegrund in der Rechtssache Nr. 4312).

B.62. Das angefochtene Gesetz stellt nicht nur die Anstiftung zu Diskriminierung, Segregation, Hass oder Gewalt unter Strafe, sondern auch gewisse Handlungen, die eine Diskriminierung beinhalten. Artikel 23 des Antirassismusgesetzes, eingefügt durch das Gesetz vom 10. Mai 2007, sieht strafrechtliche Sanktionen für öffentliche Amtsträger beziehungsweise Inhaber oder Bedienstete der öffentlichen Gewalt vor, die bei der Ausübung ihres Amtes eine Person, eine Gruppe, eine Gemeinschaft oder eines ihrer Mitglieder diskriminieren wegen eines der «geschützten Kriterien». Artikel 24 sieht strafrechtliche Sanktionen vor für Personen, die im Bereich des «Zugangs zu und der Versorgung mit Gütern und Dienstleistungen, die der Öffentlichkeit zur Verfügung stehen» eine Person, eine Gruppe, eine Gemeinschaft oder eines ihrer Mitglieder diskriminieren wegen eines der «geschützten Kriterien». Artikel 25 sieht strafrechtliche Sanktionen vor für Personen, die im Bereich der Arbeitsbeziehungen diskriminieren.

Daraus ist zu schlussfolgern, dass bestimmte, aber nicht alle diskriminierenden Handlungen strafbar sind.

B.63. Wenn der Gesetzgeber sich für den strafrechtlichen Weg entscheidet, gehört es grundsätzlich zu seiner Ermessensbefugnis, festzulegen, welches Verhalten eine strafrechtliche Sanktion verdient. Seine Entscheidungen müssen jedoch vernünftig gerechtfertigt sein.

B.64.1. Aus den Vorarbeiten wird ersichtlich, dass der Gesetzgeber bei der Festlegung der unter Strafe zu stellenden Handlungen Folgendes berücksichtigt hat: (1) die sich aus dem Internationalen Übereinkommen zur Beseitigung jeder Form von Rassendiskriminierung ergebenden Verpflichtungen, (2) die im Gesetz vom 25. Februar 2003 «zur Bekämpfung der Diskriminierung und zur Abänderung des Gesetzes vom 15. Februar 1993 zur Schaffung eines Zentrums für Chancengleichheit und Bekämpfung des Rassismus» enthaltenen Strafbestimmungen, die die Verfassungsmäßigkeitsprüfung durch den Hof in seinem Urteil Nr. 157/2004 bestanden haben, und (3) die Strafbestimmungen, die im ursprünglichen Gesetz vom 30. Juli 1981 zur Ahndung bestimmter Taten, denen Rassismus oder Xenophobie zugrunde liegen, enthalten waren, insofern sie unter Berücksichtigung des Urteils Nr. 157/2004 mit der Verfassung vereinbar sind (*Parl. Dok.*, Kammer, 2006-2007, DOC 51-2720/1, SS. 31-34; DOC 51-2720/006, S. 6).

Die Unterstrafestellungen im Sinne der Artikel 20, 21, 22 und 23 wurden unter anderem gerechtfertigt unter Hinweis auf die sich aus dem angeführten Vertrag ergebenden Verpflichtungen oder auf die im angeführten Gesetz vom 25. Februar 2003 enthaltenen Unterstrafestellungen. Die in den Artikeln 24 und 25 enthaltenen Unterstrafestellungen wurden gerechtfertigt unter Hinweis auf die im ursprünglichen Antirassismusgesetz vom 30. Juli 1981 enthaltenen Unterstrafestellungen. Dabei wurde erläutert, dass eine Aufhebung dieser Bestimmungen als ein «Rückschritt in dem erlassenen Verbot» ausgelegt werden könnte (*Parl. Dok.*, Kammer, 2006-2007, DOC 51-2720/006, S. 6). Die Unterstrafestellung im Sinne von Artikel 25 wurde ebenfalls gerechtfertigt unter Hinweis auf eine Empfehlung der Europäischen Kommission gegen Rassismus und Intoleranz, einem Gremium des Europarates:

«Die Europäische Kommission gegen Rassismus und Intoleranz (ECRI) empfiehlt ihrerseits, dass die Staaten ausdrücklich Diskriminierung auf der Grundlage der Rasse im Bereich der Arbeitsplätze (Artikel 18 Buchstabe h) der Empfehlung Nr. 7) strafrechtlich verfolgen» (ebenda, SS. 8-9).

B.64.2. Die im Laufe der Vorarbeiten geäußerten Überlegungen können die Entscheidungen des Gesetzgebers bei der Festlegung der unter Strafe zu stellenden Handlungen vernünftig rechtfertigen.

Im Übrigen konnte der Gesetzgeber vernünftigerweise davon ausgehen, dass die eigentlichen diskriminierenden Handlungen sich besser für zivilrechtliche Sanktionen eignen, während Äußerungen und Schriftstücke, die eine Legitimierung diskriminierender Handlungen bezwecken, strafrechtlich verfolgt werden müssen. Dass solche Äußerungen und Schriftstücke «selbst außerhalb der Angelegenheiten im Sinne von Artikel 5» bestraft werden, wird dadurch gerechtfertigt, dass der Anwendungsbereich von Artikel 4 des Internationalen Übereinkommens zur Beseitigung jeder Form von Rassendiskriminierung sich nicht auf diese Angelegenheiten beschränkt.

B.65. Der dritte Klagegrund in der Rechtssache Nr. 4312 ist unbegründet.

II.C. Die Verbreitung von Ideen, die sich auf die Überlegenheit einer Rasse oder den Rassenhass gründen (Artikel 21)

B.66. Artikel 21 des Antirassismusgesetzes, eingefügt durch das Gesetz vom 10. Mai 2007, bestimmt:

«Mit einer Gefängnisstrafe von einem Monat bis zu einem Jahr und mit einer Geldbuße von fünfzig Euro bis tausend Euro oder mit nur einer dieser Strafen wird bestraft, wer unter den in Artikel 444 des Strafgesetzbuches vorgesehenen Umständen Ideen verbreitet, die sich auf die Überlegenheit einer Rasse oder den Rassenhass gründen».

B.67.1. Aus den Vorarbeiten geht hervor, dass der Gesetzgeber durch die angefochtene Bestimmung dem sich aus Artikel 4 des Internationalen Übereinkommens zur Beseitigung jeder Form von Rassendiskriminierung ergebenden Verpflichtung, jede Verbreitung von Ideen, die sich auf die Überlegenheit einer Rasse oder den Rassenhass gründen, unter Strafe zu stellen, Folge leisten wollte (*Parl. Dok.*, Kammer, 2006-2007, DOC 51-2720/001, S. 61).

B.67.2. Zu diesem Artikel 4 hat Belgien bei der Hinterlegung der Bestätigungsurkunde folgende «erläuternde Erklärung» abgegeben:

«Um die Vorschriften von Artikel 4 des Internationalen Übereinkommens zur Beseitigung jeder Form von Rassendiskriminierung einzuhalten, muss Belgien dafür sorgen, dass seine Gesetzgebung mit den Verpflichtungen in Einklang gebracht wird, die es annimmt, indem es Partei des erwähnten Vertrags wird.

Das Königreich Belgien möchte jedoch das Interesse hervorheben, das es dem Umstand beimisst, dass in Artikel 4 des Übereinkommens festgelegt ist, dass die in den Buchstaben a), b) und c) vorgesehenen Maßnahmen unter Berücksichtigung der in der Allgemeinen Erklärung der Menschenrechte niedergelegten Grundsätze und der ausdrücklich in Artikel 5 des Übereinkommens genannten Rechte ergriffen werden. Daher ist das Königreich Belgien der Auffassung, dass die durch Artikel 4 auferlegten Verpflichtungen mit dem Recht auf Meinungsfreiheit und freie Meinungsäußerung sowie mit dem Recht, sich friedlich zu versammeln und friedliche Vereinigungen zu bilden, verbunden sein müsse. Diese Rechte sind festgelegt in den Artikeln 19 und 20 der Allgemeinen Erklärung der Menschenrechte und wurden erneut in den Artikeln 19 und 21 des Internationalen Paktes über bürgerliche und politische Rechte bestätigt. Sie sind ebenso in den Ziffern viii) und ix) von Buchstabe d) von Artikel 5 des besagten Übereinkommens angeführt.

Darüber hinaus möchte das Königreich Belgien die Bedeutung hervorheben, die es ebenfalls der Einhaltung der in der Europäischen Menschenrechtskonvention angeführten Rechte beimisst, insbesondere in den Artikeln 10 und 11 bezüglich der Freiheit der Meinung und der Meinungsäußerung beziehungsweise der Freiheit der friedlichen Versammlung und Vereinigung».

Diese «erläuternde Erklärung» beinhaltet, dass der belgische Staat sich durch die Verpflichtungen gebunden fühlt, die sich aus Artikel 4 des Übereinkommens ergeben, jedoch nur, insofern diese Verpflichtungen in dem Sinne ausgelegt werden, dass sie unter anderem mit der Freiheit der Meinungsäußerung, die durch Artikel 19 der Verfassung gewährleistet wird, und der Pressefreiheit, die durch Artikel 25 der Verfassung gewährleistet wird, vereinbar sind.

B.68.1. Indem er die Verbreitung von Ideen, die sich auf die Überlegenheit einer Rasse oder den Rassenhass gründen, unter den in Artikel 444 des Strafgesetzbuches angeführten Umständen unter Strafe stellt, stellt Artikel 21 des Antirassismusgesetzes eine Einmischung in die Freiheit der Meinungsäußerung dar, die durch Artikel 19 der Verfassung und Artikel 10 der Europäischen Menschenrechtskonvention gewährleistet wird.

B.68.2. Da die Freiheit der Meinungsäußerung eine der Säulen einer demokratischen Gesellschaft ist, müssen Ausnahmen zur Freiheit der Meinungsäußerung strikt ausgelegt werden. Es muss nachgewiesen werden, dass die Einschränkungen notwendig sind in einer demokratischen Gesellschaft, einer zwingenden gesellschaftlichen Notwendigkeit entsprechen und im Verhältnis zu den damit angestrebten rechtmäßigen Zielen stehen.

B.68.3. Die Notwendigkeit, in einer demokratischen Gesellschaft die Verbreitung von Ideen, die sich auf die Überlegenheit einer Rasse oder den Rassenhass gründen, zu bekämpfen, indem sie bestraft werden, ist mit der angefochtenen Bestimmung durch den Gesetzgeber anerkannt worden.

Auch die internationale Gemeinschaft teilt diese Sorge. Dies geht nicht nur aus dem bereits angeführten Artikel 4 des Internationalen Übereinkommens zur Beseitigung jeder Form von Rassendiskriminierung hervor, der für die Vertragsparteien die Verpflichtung beinhaltet, jegliche Äußerung von Rassismus unter Strafe zu stellen, insbesondere die Verbreitung von Ideen, die sich auf die Überlegenheit einer Rasse oder den Rassenhass gründen, sondern auch aus den verschiedenen internationalen Instrumenten, die den Standpunkt bestätigen, dass es von größter Bedeutung ist, Rassendiskriminierung in allen Formen und Ausdrucksweisen zu bekämpfen, wie der Europäische Gerichtshof für Menschenrechte noch kürzlich bestätigt hat (EuGHMR, 10. Juli 2008, *Soulas u.a.* gegen Frankreich, § 42).

Wie in B.53 angeführt wurde, hat der Europäische Gerichtshof für Menschenrechte im Übrigen in verschiedenen Urteilen erkannt, dass Rassendiskriminierung eine besonders verwerfliche Diskriminierung ist, die eine besondere Wachsamkeit und strenge Reaktion der öffentlichen Hand erfordert.

B.68.4. Der Schutz der Freiheit der Meinungsäußerung muss außerdem einer zwingenden gesellschaftlichen Notwendigkeit entsprechen und im Verhältnis zu den damit angestrebten rechtmäßigen Zielen stehen.

Aus der in B.49.3 angeführten Rechtsprechung des Europäischen Gerichtshofes und der Europäischen Kommission für Menschenrechte kann abgeleitet werden, dass die zielstrebige Verbreitung von Ideen, die sich auf die Überlegenheit einer Rasse oder den Rassenhass gründen, im Hinblick auf die Verletzung der Würde der Person, keinen Schutz durch Artikel 10 der Europäischen Menschenrechtskonvention genießt.

B.69. Während der Vorarbeiten zu der angefochtenen Bestimmung wurde hervorgehoben, dass diese Bestimmung gemäß Artikel 10 der Europäischen Menschenrechtskonvention auszulegen und anzuwenden ist (*Parl. Dok.*, Kammer, 2006-2007, DOC 51-2720/009, S. 40), wie auch die Gesetzgebungsabteilung des Staatsrates in ihrem Gutachten erklärt hatte (*Parl. Dok.*, Kammer, 2006-2007, DOC 51-2720/001, SS. 105-106).

In den Vorarbeiten wurde hervorgehoben:

«Ferner muss auf das Wort ' Verbreitung ' aufmerksam gemacht werden. Es stammt aus dem Übereinkommen von 1965, um so genau wie möglich den durch diesen Text auferlegten Verpflichtungen zu entsprechen. In der Originalfassung dieses Übereinkommens in Englisch wird der Begriff ' *dissemination* ' verwendet. Darunter ist nicht die Tat einer Person zu verstehen, die sich durch eine rein materielle Handlung darauf beschränkt, die auf Überlegenheit einer Rasse oder Rassenhass beruhenden Ideen eines anderen bei einem größeren Publikum zu verbreiten, sondern vielmehr die Tat, die darin besteht, unter der in Artikel 444 des Strafgesetzbuches erwähnten Umständen solche Ideen auszudrücken, zu äußern oder als intellektueller Autor zu vertreten. Wer sich durch rein materielle Handlungen darauf beschränkt, durch einen anderen formulierte Ideen, die sich auf die Überlegenheit einer Rasse oder den Rassenhass gründen, zu verbreiten oder ihnen mehr Bekanntheit zu verschaffen, kann gegebenenfalls selbst strafrechtlich haftbar gemacht werden als Mitschuldiger, aber dann innerhalb der strengen Grenzen des in Artikel 25 Absatz 2 der Verfassung vorgesehenen Grundsatzes der gestuften Haftung.

Außerdem muss der moralische Aspekt der Unterstrafestellung hervorgehoben werden, deren materielle Elemente somit erläutert werden. Wie der Minister bereits angeführt hat, handelt es sich um eine besondere Absicht. Das zur Last gelegte Verhalten ist nur strafrechtlich strafbar, wenn der Ankläger beweist, dass die Verbreitung der betreffenden Ideen dazu dient, den Hass auf eine Gruppe von Menschen zu entfachen und die Entstehung einer für sie diskriminierenden oder auf Segregation ausgerichteten Politik zu rechtfertigen. Dieses Erfordernis wird dem Strafrichter die Möglichkeit bieten, zwischen einerseits der objektiven wissenschaftlichen Untersuchung und andererseits dem ' pseudowissenschaftlichen ' Diskurs über die Überlegenheit einer Rasse zu unterscheiden, die gerade darauf ausgerichtet ist, den Hass auf eine Gruppe von Menschen zu entfachen und die Entstehung einer für sie diskriminierenden oder auf Segregation ausgerichteten Politik zu rechtfertigen» (*Parl. Dok.*, Kammer, 2006-2007, DOC 51-2720/009, S. 63; siehe auch Senat, 2006-2007, Nr. 3-2362/3, S. 32).

B.70.1. Aus dieser Erläuterung geht hervor, dass der Gesetzgeber die in der angefochtenen Bestimmung erwähnte Straftat als eine Straftat verstanden hat, die eine besondere Absicht erfordert; es liegt nur eine Straftat vor, wenn bewiesen wird, dass die «die Verbreitung der betreffenden Ideen dazu dient, den Hass auf eine Gruppe von Menschen zu entfachen und die Entstehung einer für sie diskriminierenden oder auf Segregation ausgerichteten Politik zu rechtfertigen».

Aus dieser Erläuterung geht ebenfalls hervor, dass der Gesetzgeber an erster Stelle darauf abzielte, den «intellektuellen Autor der Ideen» zu bestrafen. Personen, die Ideen anderer verbreiten, können nur innerhalb der Grenzen des Grundsatzes der gestuften Haftung im Sinne von Artikel 25 Absatz 2 der Verfassung - soweit die Anwendungsbedingungen dieses Artikels erfüllt sind - verurteilt werden, außerdem vorausgesetzt, dass bei ihnen die bereits angesprochene besondere Absicht vorliegt.

Aus dem verwendeten Begriff «Verbreiten» ergibt sich, dass von dieser Straftat nur dann die Rede ist, wenn die betreffenden Ideen allgemein bekannt gegeben wurden. Die gebräuchliche Bedeutung dieses Begriffs ist nämlich «überall bekannt machen». Da die angefochtene Bestimmung das «Verbreiten» nicht mit der Benutzung eines bestimmten Mediums verbindet, ist die Weise, auf die die betreffende Ideen allgemein bekannt gegeben wurden, nicht ausschlaggebend, um festzustellen, ob die Straftat vorliegt oder nicht. Ausschlaggebend ist jedoch, dass die «Verbreitung» unter einem der in Artikel 444 des Strafgesetzbuches vorgesehenen Umstände geschehen muss.

B.70.2. Aus dem Umstand, dass für die Straftat eine besondere Absicht erforderlich ist, ergibt sich, dass das Bestehen dieser Straftat nicht angenommen werden kann ab dem Zeitpunkt, wo nur ihre materiellen Elemente bestehen. Damit von einer Straftat die Rede sein kann, muss ein spezifisches moralisches Element nachgewiesen werden. Dieses spezifische moralische Element, das in den Wörtern «Verbreiten», «Rassenhass» und «Überlegenheit einer Rasse» enthalten ist, betrifft insbesondere den Willen, Ideen zu verbreiten mit der Absicht, den Hass auf eine Gruppe von Menschen zu entfachen oder die Entstehung einer für sie diskriminierenden oder auf Segregation ausgerichteten Politik zu rechtfertigen.

Die Äußerungen müssen daher eine verachtende oder von Hass getragene Ausrichtung haben, was Äußerungen der Wissenschaft und Kunst vom Verbot ausnimmt, und sie müssen die grundlegende Minderwertigkeit einer Gruppe ausdrücken.

B.71.1. Vorbehaltlich dieser Auslegung verletzt die angefochtene Bestimmung nicht auf diskriminierende Weise die Freiheit der Meinungsäußerung, so wie sie durch Artikel 19 der Verfassung und Artikel 10 der Europäischen Menschenrechtskonvention gewährleistet wird.

B.71.2. Im Gegensatz zu dem, was die klagenden Partei in der Rechtssache Nr. 4355 anführt, führt eine «Zurückweisung der Klage, vorbehaltlich der Auslegung» an sich nicht zu einem Verstoß gegen die Freiheit der Meinungsäußerung. Ein solcher Urteilstenor bedeutet, dass der Hof die betreffende Bestimmung nur dann für verfassungsmäßig erachtet, wenn diese Bestimmung in der angegebenen Weise ausgelegt wird.

B.72. Vorbehaltlich der in B.70.2 angeführten Auslegung sind der fünfte Klagegrund in der Rechtssache Nr. 4312 und der erste Klagegrund in der Rechtssache Nr. 4355 unbegründet.

B.73. Im zweiten Klagegrund in der Rechtssache Nr. 4355 führt die klagende Partei ebenfalls an, der angefochtene Artikel 21 sei nicht vereinbar mit dem Grundsatz der Gleichheit und Nichtdiskriminierung, da diese Bestimmung einen nicht zu rechtfertigenden Behandlungsunterschied einführe zwischen Personen, die Opfer diskriminierender Äußerungen seien, je nachdem, ob diese Äußerungen einerseits auf der Staatsangehörigkeit, einer sogenannten Rasse, der Hautfarbe, der Abstammung oder der nationalen oder ethnischen Herkunft oder andererseits auf einem anderen Diskriminierungsgrund beruhten.

B.74.1. Wie in B.63 in Erinnerung gerufen wurde, gehört es grundsätzlich zur Ermessensbefugnis des Gesetzgebers, festzulegen, welches Verhalten eine strafrechtliche Sanktion verdient, auch wenn seine diesbezüglichen Entscheidungen vernünftig gerechtfertigt sein müssen. Diese Ermessensbefugnis des Gesetzgebers unterliegt jedoch Einschränkungen, wenn Belgien sich aufgrund von Bestimmungen des internationalen Rechts verpflichtet hat, ein bestimmtes Verhalten unter Strafe zu stellen.

B.74.2. Gemäß Artikel 4 des Internationalen Übereinkommens zur Beseitigung jeder Form von Rassendiskriminierung verpflichten sich die Vertragsparteien, «jede Verbreitung von Ideen, die sich auf die Überlegenheit einer Rasse oder den Rassenhass gründen» unter Strafe zu stellen.

Mit der angefochtenen Bestimmung kommt der belgische Gesetzgeber dieser Verpflichtung des internationalen Rechts nach, die den durch die klagenden Parteien bemängelten Behandlungsunterschied vernünftig rechtfertigen kann.

Die Prüfung des fünften Klagegrunds in der Rechtssache Nr. 4312 und des ersten Klagegrunds in der Rechtssache Nr. 4355 hat außerdem ergeben, dass die Bestrafung der Verbreitung von bestimmten Ideen strengen Bedingungen unterliegt, gerade um die Einschränkung der Ausübung der Freiheiten, deren Verletzung angeführt wurde, auf das Maß zu begrenzen, das in einer demokratischen Gesellschaft als strikt notwendig betrachtet wird. Diesbezüglich kann die Einhaltung des Grundsatzes der Gleichheit und Nichtdiskriminierung nicht dazu führen, dass die Ausübung dieser Freiheiten ebenfalls in Bezug auf Ideen, die sich auf die Überlegenheit von oder den Hass gegenüber Trägern anderer menschlicher Merkmale oder Überzeugungen beruhten, begrenzt werden müsste.

Indem der Gesetzgeber die Bestrafung der Verbreitung von Ideen auf jene Ideen begrenzt hat, die sich auf die Überlegenheit einer Rasse oder den Rassenhass gründen, die eine ernsthafte Bedrohung für die demokratische Gesellschaft darstellen, hat er eine Maßnahme ergriffen, die vernünftig gerechtfertigt ist.

B.75. Der zweite Klagegrund in der Rechtssache Nr. 4355 ist unbegründet.

II.D. Der Umstand, einer Gruppe oder Vereinigung anzugehören, die offensichtlich und wiederholt eine Diskriminierung oder Segregation befürwortet, oder sie zu unterstützen (Artikel 22)

B.76. Der in B.39 angeführte Artikel 22 des Antirassismusgesetzes, eingefügt durch das Gesetz vom 10. Mai 2007, sieht strafrechtliche Sanktionen vor für Personen, die einer Gruppe oder einer Vereinigung angehören, die offensichtlich und wiederholt Diskriminierung oder Segregation unter den in Artikel 444 des Strafgesetzbuches vorgesehenen Umständen befürwortet, oder eine solche Gruppe oder Vereinigung unterstützen.

B.77. Aus den Vorarbeiten geht hervor, dass der Gesetzgeber mit dem angefochtenen Artikel 22 der sich aus Artikel 4 des Internationalen Übereinkommens zur Beseitigung jeder Form von Rassendiskriminierung ergebenden Verpflichtung entsprechen wollte, «alle Organisationen und alle organisierten oder sonstigen Propagandatätigkeiten, welche die Rassendiskriminierung fördern und dazu aufreizen, als gesetzwidrig zu erklären und zu verbieten und die Beteiligung an derartigen Organisationen oder Tätigkeiten als eine nach dem Gesetz strafbare Handlung anzuerkennen»» (*Parl. Dok.*, Kammer, 2006-2007, DOC 51-2720/009, S. 25).

B.78.1. Wie in B.42 in Erinnerung gerufen wurde, ist das Wort «befürworten» im Sinne von «anstiften zu» auszulegen. Die Gruppen und Vereinigungen im Sinne der angefochtenen Bestimmung betreffen folglich Gruppen und Vereinigungen, die offensichtlich und wiederholt zu Diskriminierung und Segregation anstiften. Wie in B.59 erläutert wurde, kann von «anstiften zu» nur die Rede sein, wenn die betreffende Gruppe oder Vereinigung eine besondere Absicht erkennen lässt.

B.78.2. Insofern die angefochtene Bestimmung die Freiheit der Meinungsäußerung von Gruppen und Vereinigungen einschränken würde, ist diese Einschränkung aus denselben Gründen, wie sie in B.57 bis B.60 dargelegt wurden, verhältnismäßig zum Ziel des Gesetzgebers, nämlich die Rechte anderer zu schützen und die sich aus dem Internationalen Übereinkommen zur Beseitigung jeder Form von Rassendiskriminierung ergebende Verpflichtung zur Bekämpfung von Organisationen, die Rassendiskriminierung fördern, auszuführen.

B.79.1. Insofern die Zugehörigkeit zu und die Unterstützung von Gruppen oder Vereinigungen der Ausdruck einer bestimmten Meinung sein können, könnte die angefochtene Bestimmung ebenfalls eine Einmischung in die Freiheit der Meinungsäußerung von Einzelpersonen, Gruppen und Vereinigungen darstellen, die zwar nicht selbst zu Diskriminierung oder Segregation anstifteten, jedoch Gruppen oder Vereinigungen angehörten, die zu Diskriminierung oder Segregation anstifteten, oder diese unterstützten.

B.79.2. Wie in B.43 in Erinnerung gerufen wurde, erfordert es die angefochtene Bestimmung aufgrund der Verwendung der Wörter «offensichtlich und wiederholt», dass es der Person, die der betreffenden Gruppe oder Vereinigung «angehört» oder «diese unterstützt», ohne weiteres deutlich ist, dass die Gruppe oder Vereinigung zu Diskriminierung oder Segregation anstiftet wegen eines der «geschützten Kriterien». Darüber hinaus ist erforderlich, dass die betreffende Person «wissentlich und willentlich» einer solchen Gruppe oder Vereinigung angehört oder sie unterstützt. Es ist folglich ausgeschlossen, dass Personen, die im guten Glauben einer solchen Gruppe oder Vereinigung angehören oder sie unterstützen, durch die angefochtene Maßnahme betroffen sind.

Aus diesen Gründen ist die angeführte Einmischung in die Freiheit der Meinungsäußerung der genannten Personen, Gruppen oder Vereinigungen ebenfalls nicht unverhältnismäßig zum Ziel der Bekämpfung von Organisationen, die Rassendiskriminierung fördern.

B.80. Insofern der sechste Klagegrund in der Rechtssache Nr. 4312 aus dem Verstoß gegen Artikel 19 der Verfassung, gegebenenfalls in Verbindung mit deren Artikeln 10 und 11, abgeleitet ist, ist er unbegründet.

III. In Bezug auf die Klagegründe, die aus einem Verstoß gegen die Vereinigungs- und Versammlungsfreiheit, gegebenenfalls in Verbindung mit dem Grundsatz der Gleichheit und Nichtdiskriminierung, abgeleitet sind

B.81. Im sechsten Klagegrund in der Rechtssache Nr. 4312 führen die klagenden Parteien ebenfalls an, Artikel 22 des Antirassismusgesetzes, eingefügt durch das Gesetz vom 10. Mai 2007, verletze auf diskriminierende und ungerechtfertigte Weite sowohl die Vereinigungs- als auch die Versammlungsfreiheit, indem er den Umstand unter Strafe stelle, dass man einer Gruppe oder einer Vereinigung angehöre, die offensichtlich und wiederholt Segregation unter den in Artikel 444 des Strafgesetzbuches angeführten Umständen befürworte, oder dass man eine solche Gruppe oder Vereinigung unterstütze.

B.82.1. Artikel 26 der Verfassung bestimmt:

«Die Belgier haben das Recht, sich friedlich und ohne Waffen zu versammeln, unter Beachtung der Gesetze, die die Ausübung dieses Rechts regeln können, ohne diese indessen einer vorherigen Genehmigung zu unterwerfen.

Diese Bestimmung ist nicht auf Versammlungen unter freiem Himmel anwendbar, die gänzlich den Polizeigesetzen unterworfen bleiben».

B.82.2. Artikel 27 der Verfassung bestimmt:

«Die Belgier haben das Recht, Vereinigungen zu bilden; dieses Recht darf keiner präventiven Maßnahme unterworfen werden».

B.82.3. Artikel 11 der Europäischen Menschenrechtskonvention bestimmt:

«(1) Alle Menschen haben das Recht, sich friedlich zu versammeln und sich frei mit anderen zusammenzuschließen, einschließlich des Rechts zum Schutze ihrer Interessen Gewerkschaften zu bilden und diesen beizutreten.

(2) Die Ausübung dieser Rechte darf keinen anderen Einschränkungen unterworfen werden, als den vom Gesetz vorgesehenen, die in einer demokratischen Gesellschaft im Interesse der äußeren und inneren Sicherheit, zur Aufrechterhaltung der Ordnung und zur Verbrechensverhütung, zum Schutz der Gesundheit und der Moral oder zum Schutze der Rechte und Freiheiten anderer notwendig sind. Dieser Artikel verbietet nicht, dass die Ausübung dieser Rechte für Mitglieder der Streitkräfte, der Polizei oder der Staatsverwaltung gesetzlichen Beschränkungen unterworfen wird».

B.83. Die Artikel 26 und 27 der Verfassung erkennen die Vereinigungs- und Versammlungsfreiheit an und verbieten es, vorbehaltlich der Zusammenkünfte im Freien, diese Rechte von irgendeiner vorherigen Maßnahme abhängig zu machen. Diese Bestimmungen verhindern nicht, dass der Gesetzgeber die Ausübung dieser Rechte regelt in Bezug auf die Angelegenheiten, in denen sein Eingreifen in einer demokratischen Gesellschaft notwendig ist, unter anderem im Interesse des Schutzes der Rechte anderer.

B.84.1. Die Vorarbeiten zum Antirassismusgesetz vom 30. Juli 1981 machen deutlich, dass der Gesetzgeber mit der angefochtenen Bestimmung «eine zweckmäßigere Bekämpfung der Vereinigungen, die rassistische Theorien befürworten» ermöglichen wollte, ohne Maßnahmen ergreifen zu müssen, «die die Politik in die Lage versetzen, diese Bewegungen aufzulösen und die Gesetzgebung über Privatmilizen zu verschärfen» (*Parl. Dok.*, Kammer, Sondersitzungsperiode 1979, Nr. 214/9, S. 26).

B.84.2. Insofern die angefochtene Bestimmung es weder verhindert, dass eine Vereinigung bestehen bleiben kann, selbst wenn ein oder mehrere Mitglieder oder Mitarbeiter aufgrund dieser Bestimmung verurteilt wurden, noch, dass diese Vereinigung sich versammeln kann, erlegt sie der Vereinigungsfreiheit und der Versammlungsfreiheit keine vorherigen Einschränkungen auf.

B.84.3. Die angefochtene Maßnahme ist daher, unter anderem wegen der sich aus Artikel 4 des Internationalen Übereinkommens zur Beseitigung jeder Form von Rassendiskriminierung ergebenden Verpflichtungen, als notwendig in einer demokratischen Gesellschaft im Interesse des Schutzes der Rechte anderer anzusehen. Da sie an sich weder den Fortbestand der betreffenden Vereinigungen verhindert, noch die Möglichkeit dieser Vereinigungen zur Organisation von Versammlungen einschränkt, steht die Maßnahme im Verhältnis zur Zielsetzung, die darin besteht, Organisationen zu bekämpfen, die Rassendiskriminierung fördern.

B.84.4. Insofern die angefochtene Bestimmung das Recht von Personen beschränkt, einer selbst gewählten Vereinigung beizutreten oder die Versammlung einer solchen Vereinigung zu unterstützen, ist sie ebenfalls nicht unverhältnismäßig zum Ziel des Gesetzgebers. Die angefochtene Bestimmung erfordert es nämlich, dass es der Person, die einer solchen Gruppe oder Vereinigung angehört oder sie unterstützt, ohne weiteres deutlich ist, dass diese Gruppe oder Vereinigung zur Diskriminierung oder Segregation aus einem der im angefochtenen Gesetz angeführten Gründe aufruft. Darüber hinaus ist es erforderlich, dass die betreffende Person «wissentlich und willentlich» einer solchen Gruppe oder Vereinigung angehört oder sie unterstützt.

B.85. Insofern der sechste Klagegrund in der Rechtssache Nr. 4312 aus einem Verstoß gegen die Artikel 26 und 27 der Verfassung, gegebenenfalls in Verbindung mit deren Artikeln 10 und 11, abgeleitet ist, ist er unbegründet.

IV. In Bezug auf die Klagegründe, die aus einem Verstoß gegen den Grundsatz der Gleichheit und Nichtdiskriminierung abgeleitet sind

IV.A. Der allgemeine Rechtfertigungsgrund «positive Maßnahme»

B.86. Im siebten Klagegrund in der Rechtssache Nr. 4312 führen die klagenden Parteien an, Artikel 10 des Antirassismusgesetzes, eingefügt durch das Gesetz vom 10. Mai 2007, sei nicht vereinbar mit den Artikeln 10 und 11 der Verfassung, insofern diese Bestimmung einen allgemeinen Rechtfertigungsgrund für positive Maßnahmen vorsehe.

B.87. Der angefochtene Artikel 10 bestimmt:

«§ 1. Ein unmittelbarer oder mittelbarer Unterschied, der auf einem der geschützten Kriterien beruht, führt nie zur Feststellung irgendeiner Form der Diskriminierung, wenn dieser unmittelbare oder mittelbare Unterschied eine positive Maßnahme beinhaltet.

§ 2. Eine positive Maßnahme kann nur ergriffen werden, wenn folgende Bedingungen erfüllt sind:

- es muss eine eindeutige Ungleichheit bestehen;

- die Beseitigung dieser Ungleichheit muss als ein zu förderndes Ziel angegeben sein;

- die positive Maßnahme muss zeitweiliger Art und so beschaffen sein, dass sie verschwindet, sobald das angestrebte Ziel verwirklicht ist;

- die positive Maßnahme darf die Rechte Dritter nicht unnötig einschränken.

§ 3. Unter Einhaltung der in § 2 festgelegten Bedingungen legt der König in einem im Ministerrat beratenen Erlass die Situationen fest, in denen, und die Bedingungen, unter denen eine positive Maßnahme ergriffen werden kann.

[...]».

B.88. In der Vergangenheit hat der Hof angenommen, dass der Gesetzgeber positive Maßnahmen ergreift, wenn sie gerade dazu dienen, eine bestehende Ungleichheit zu beseitigen. Allerdings dürfen solche «korrigierenden Ungleichheiten», um mit dem Grundsatz der Gleichheit und Nichtdiskriminierung vereinbar zu sein, nur in den Fällen angewandt werden, in denen sich eine offensichtliche Ungleichheit herausstellt, muss das Verschwinden dieser Ungleichheit als eine zu fördernde Zielsetzung angegeben werden, müssen die Maßnahmen zeitlich begrenzt sein und verschwinden, wenn die Zielsetzung des Gesetzgebers erreicht ist, und dürfen sie nicht unnötig die Rechte anderer einschränken (Urteil Nr. 9/94 vom 27. Januar 1994, B.6.2; Urteil Nr. 42/97 vom 14. Juli 1997, B.20; Urteil Nr. 157/2004 vom 6. Oktober 2004, B.79).

B.89. Der Gesetzgeber wollte die Rechtsprechung des Hofes über korrigierende Ungleichheiten ausdrücklich in den Gesetzestext aufnehmen. Die in der angefochtenen Bestimmung angeführten Bedingungen entsprechen den Bedingungen, die der Hof in seinen vorerwähnten Urteilen mit positiven Maßnahmen verbunden hat.

B.90.1. Die angefochtene Bestimmung ermächtigt den König, die Situationen, in denen, und die Bedingungen, unter denen eine positive Maßnahme ergriffen werden kann, festzulegen. Aus den Vorarbeiten geht hervor, dass ohne einen solchen Rahmen Privatpersonen sich nicht auf den allgemeinen Rechtfertigungsgrund für positive Maßnahmen berufen können (*Parl. Dok.*, Kammer, 2006-2007, DOC 51-2720/001, 51-2721/001, 51-2722/001, S. 52).

Bei der Festlegung der Situationen, in denen, und der Bedingungen, unter denen eine positive Maßnahme ergriffen werden kann, muss der König die im angefochtenen Artikel 10 § 2 des Antirassismusgesetzes vorgesehenen Bedingungen sowie die relevante Rechtsprechung des Gerichtshofes der Europäischen Gemeinschaften beachten. Er muss diese Situationen und diese Bedingungen außerdem so festlegen, dass jeder, der sich auf diesen Rechtfertigungsgrund berufen möchte, ebenfalls diese Bedingungen einhält.

B.90.2. Wenn der zuständige Richter eine positive Maßnahme eines Bürgers beurteilt, muss er daher prüfen, ob im Wesentlichen die gleichen Bedingungen erfüllt sind wie in dem Fall, wo der zuständige Richter eine positive Maßnahme der Behörden beurteilt. Diese gleiche Behandlung beinhaltet keine Diskriminierung.

Wie der Hof bereits in B.10.3 bis B.10.5 seines Urteils Nr. 17/2009 vom 12. Februar 2009 erkannt hat, befinden sich die Behörden und die Bürger, die dem Diskriminierungsverbot unterliegen, nämlich nicht in wesentlich unterschiedlichen Situationen, insofern sie faktisch oder rechtlich eine Machtposition im Rechtsverkehr einnehmen, die ihnen die Möglichkeit zur Diskriminierung bietet.

Da es dem Gesetzgeber obliegt, die Verpflichtung zur Einhaltung des Diskriminierungsverbots im Einzelnen auszuarbeiten, kann ihm nicht vorgeworfen werden, einen Rahmen von positiven Maßnahmen vorzusehen und die Kriterien für deren Ausführung mit den Kriterien, die auch die Behörden einhalten müssen, abzustimmen.

B.91. Der siebte Klagegrund in der Rechtssache Nr. 4312 ist unbegründet.

IV.B. Die Regelung der Beweislast

B.92. Im achten Klagegrund in der Rechtssache Nr. 4312 führen die klagenden Parteien an, die Artikel 29 und 30 des Antirassismusgesetzes, eingefügt durch das Gesetz vom 10. Mai 2007, verstießen gegen die Artikel 10, 11, 13, 14, 19, 22, 23, 24, 25, 26 und 27 der Verfassung, da sie die Beweislast umkehrten und somit einen nicht zu rechtfertigenden Behandlungsunterschied zwischen zwei Kategorien von Opfern einführten, je nachdem, ob sie die betreffende Regelung der Beweislast in Anspruch nehmen könnten oder nicht.

B.93. Die angefochtenen Artikel sind Bestandteil von Titel V «Beweislast» des Antirassismusgesetzes, eingefügt durch das Gesetz vom 10. Mai 2007.

Gemäß dem angefochtenen Artikel 29 sind die Bestimmungen dieses Titels auf alle Gerichtsverfahren anwendbar, mit Ausnahme von strafrechtlichen Verfahren.

B.94.1. Der angefochtene Artikel 30 bestimmt:

«§ 1. Wenn eine Person, die der Auffassung ist, Opfer einer Diskriminierung zu sein, das Zentrum oder eine der Interessenvereinigungen vor dem zuständigen Rechtsprechungsorgan Fakten anführt, die das Bestehen einer Diskriminierung aufgrund eines der geschützten Kriterien vermuten lassen, muss der Beklagte nachweisen, dass keine Diskriminierung vorgelegen hat.

§ 2. Unter Fakten, die das Bestehen einer unmittelbaren Diskriminierung aufgrund eines geschützten Kriteriums vermuten lassen, sind unter anderem, jedoch nicht ausschließlich, zu verstehen:

1. die Elemente, die ein bestimmtes Muster der ungünstigen Behandlung gegenüber Personen erkennen lassen, die Inhaber eines bestimmten geschützten Kriteriums sind, unter anderem unterschiedliche, voneinander unabhängige Meldungen beim vorerwähnten Zentrum oder bei einer der Interessenvereinigungen, oder

2. die Elemente, aus denen hervorgeht, dass die Situation des Opfers der ungünstigeren Behandlung mit der Situation der Referenzpersonen vergleichbar ist.

§ 3. Unter Fakten, die das Bestehen einer mittelbaren Diskriminierung aufgrund eines geschützten Kriteriums vermuten lassen, sind unter anderem, jedoch nicht ausschließlich, zu verstehen:

1. allgemeine Statistiken über die Situation der Gruppe, der das Opfer der Diskriminierung angehört, oder allgemein bekannte Fakten, oder

2. Verwendung eines an sich verdächtigen Unterscheidungskriteriums oder

3. elementare statistische Angaben, aus denen eine ungünstige Behandlung ersichtlich ist».

B.94.2. Diese Bestimmung ist das Ergebnis eines Abänderungsantrags, der wie folgt gerechtfertigt wurde:

«In diesen Artikel des Gesetzentwurfs wurde die Bestimmung des Gesetzes von 2003 über die Umkehr der Beweislast, die durch die europäischen Richtlinien (Richtlinie 43/2000, Artikel 8; Richtlinie 78/2000, Artikel 10) gefordert wird, übernommen.

Die Autoren des Abänderungsantrags sind der Auffassung, der Grundsatz der Umkehr der Beweislast müsse globaler verdeutlicht werden, als es in der derzeitigen Bestimmung der Fall sei. Mit diesem Abänderungsantrag wird also bezweckt, Artikel 10 der Richtlinie 43/2000 und Artikel 8 der Richtlinie 78/2000 unter Berücksichtigung der Rechtsprechung des Gerichtshofes der Europäischen Gemeinschaften umzusetzen, um einen Rahmen festzulegen, der es dem Richter ermöglicht, das Bestehen einer Diskriminierung zu vermuten, so dass die Beweislast dem Beklagten auferlegt wird» (*Parl. Dok.*, Kammer, 2006-2007, DOC 51-2720/004, S. 2).

B.95. Die Umkehr der Beweislast beruht auf der Feststellung, dass es für die Opfer einer Diskriminierung schwierig ist, die Diskriminierung nachzuweisen. In den Vorarbeiten wurde diesbezüglich Folgendes dargelegt:

«Eine Diskriminierungsgesetzgebung kann ohne ausgewogene Verschiebung der Beweislast nicht effizient funktionieren» (*Parl. Dok.*, Kammer, 2006-2007, DOC 51-2720/009, S. 73; siehe auch ebenda, SS. 85-86).

Der Gesetzgeber wollte ebenfalls dem Umstand Rechnung tragen, dass die Urheber einer tadelnswerten Handlung manchmal zu verbergen versuchen, dass sie aus einem der im angefochtenen Gesetz angeführten Gründe einen Unterschied gemacht haben (ebenda, SS. 74 und 77).

B.96. Die Maßnahme des Gesetzgebers beruht auf einem objektiven Kriterium, nämlich der Art der Klagen, für die die Umkehr der Beweislast eingeführt wurde; sie ist sachdienlich, um seine Zielsetzung des wirksamen Schutzes gegen Diskriminierung zu gewährleisten. Es ist jedoch zu prüfen, ob die Maßnahme nicht unverhältnismäßig ist.

B.97. Diesbezüglich ist zunächst festzustellen, dass nur die Rede von einer Umkehr der Beweislast sein kann, nachdem das Opfer Fakten nachgewiesen hat, die das Bestehen einer Diskriminierung vermuten lassen. Folglich muss es beweisen, dass der Beklagte Handlungen ausgeführt oder Aufträge erteilt hat, die *prima facie* diskriminierend sein könnten. Die Beweislast obliegt somit an erster Stelle dem Opfer (*Parl. Dok.*, Kammer, 2006-2007, DOC 51-2720/009, S. 72).

Die angeführten Fakten müssen ausreichend stark und relevant sein. Es reicht nicht aus, dass eine Person nachweist, dass sie Gegenstand einer für sie ungünstigen Behandlung war. Sie muss ebenfalls die Fakten nachweisen, die darauf hinzuweisen scheinen, dass diese ungünstige Behandlung auf unerlaubten Beweggründen beruht. Hierzu kann sie beispielsweise nachweisen, dass ihre Situation mit der Situation einer Referenzperson vergleichbar ist (Artikel 30 § 2 Nr. 2), das heißt einer Person, die nicht durch einen der im angefochtenen Gesetz angeführten Gründe gekennzeichnet ist und die durch den Beklagten auf unterschiedliche Weise behandelt wird.

Die vorerwähnten Fakten dürfen jedoch nicht allgemeiner Art sein, sondern sie müssen spezifisch dem Autor der unterschiedlichen Behandlung zuzuschreiben sein. Insofern gemäß dem angefochtenen Artikel 30 § 2 Nr. 1 «Elemente, die ein bestimmtes Muster der ungünstigen Behandlung gegenüber Personen erkennen lassen, die Inhaber eines bestimmten geschützten Kriteriums sind» eine Vermutung der unmittelbaren Diskriminierung entstehen lassen, muss dieses Muster bei diesen Personen vorliegen.

Das Gleiche hat zu gelten in Bezug auf Fakten, die das Bestehen einer mittelbaren Diskriminierung aus einem der im angefochtenen Gesetz angegebenen Gründe vermuten lassen können. Es reicht dabei nicht aus, anhand statistischer Daten nachzuweisen, dass Personen, die durch einen der im angefochtenen Gesetz angeführten Gründe gekennzeichnet sind, aus einem dem Anschein nach neutralen Grund benachteiligt werden. Darüber hinaus muss auch nachgewiesen werden, dass der Beklagte sich dessen bewusst war. Die statistischen Daten müssen übrigens gewissen Qualitätsanforderungen entsprechen, um vom Richter berücksichtigt werden zu können, wie es unter anderem aus der Rechtsprechung des Gerichtshofes der Europäischen Gemeinschaften und des Europäischen Gerichtshofes für Menschenrechte ersichtlich ist:

«Es ist auch Sache des nationalen Gerichts, zu beurteilen, ob die statistischen Daten über die Situation bei den Arbeitskräften aussagekräftig sind und ob es sie berücksichtigen kann, d.h., ob sie sich auf eine ausreichende Zahl von Personen beziehen, ob sie nicht rein zufällige oder konjunkturelle Erscheinungen widerspiegeln und ob sie generell gesehen aussagekräftig erscheinen (vgl. Urteil vom 27. Oktober 1993 in der Rechtssache C-127/92, *Slg.* 1993, I-5535, Randnr. 17)» (EuGH, 9. Februar 1999, Seymour-Smith, C-167/97, § 62).

«Der Gerichtshof vertritt den Standpunkt, dass dann, wenn die Auswirkungen von Maßnahmen oder von Praktiken auf eine Einzelperson oder auf eine Gruppe zu bewerten sind, Statistiken, die nach einer kritischen Prüfung des Gerichtshofes zuverlässig und aussagekräftig erscheinen, ausreichen, um den durch den Kläger vorzulegenden Beweisansatz zu liefern» (EuGHMR, Große Kammer, 13. November 2007, *D.H. u.a.* gegen Tschechische Republik, § 188).

B.98. Die Fakten, die durch eine Person, die der Auffassung ist, Opfer einer Diskriminierung zu sein, durch das Zentrum für Chancengleichheit und Bekämpfung des Rassismus oder durch eine der Interessenvereinigungen angeführt werden, haben an sich keinen besonderen Beweiswert. Der Richter muss die rechtschaffene und korrekte Beschaffenheit der ihm vorgelegten Elemente gemäß den gemeinrechtlichen Regeln beurteilen. So erklärte der Minister:

«Der Richter muss von Fall zu Fall die Ordnungsmäßigkeit der vorgelegten Beweise und deren Beweiskraft beurteilen» (*Parl. Dok.*, Kammer, 2006-2007, DOC 51-2720/009, S. 88).

Der Richter behält darüber hinaus die erforderliche Beurteilungsfreiheit. In den Vorarbeiten wurde diesbezüglich Folgendes erklärt:

«Es obliegt dem Richter, aufgrund der ihm vorgelegten Elemente zu beurteilen, ob in einer bestimmten Situation eine Vermutung der unmittelbaren oder mittelbaren Diskriminierung vorliegt. Sodann kann er beschließen, ob er eine Umkehr oder eine Verschiebung der Beweislast zulässt oder nicht» (*Parl. Dok.*, Kammer, 2006-2007, DOC 51-2720/009, S. 70).

B.99. Aus den Vorarbeiten geht des Weiteren hervor, dass Instrumente, die Anlass zu der Umkehr der Beweislast sein können, nur dann angewandt werden können, wenn Fakten vorliegen, die möglicherweise als Diskriminierung eingestuft werden können, und es sich nie um eine proaktive Kontrolle handelt (*Parl. Dok.*, Kammer, 2006-2007, DOC 51-2720/009, SS. 70, 71 und 79).

B.100.1. Aus dem Vorstehenden geht hervor, dass die angefochtenen Bestimmungen ein billiges Gleichgewicht geschaffen haben zwischen den Verfahrensparteien, indem einerseits die nachteilige Ausgangssituation des Opfers im Verfahren berücksichtigt wird und andererseits die Situationen, in denen die Beweislast auf den Beklagten verschoben werden kann, einer Reihe von Bedingungen unterliegen, so dass nicht ersichtlich ist, dass der Gesetzgeber auf diskriminierende Weise gegen das Recht auf ein faires Verfahren verstoßen hätte.

Schließlich findet die Umkehrung der Beweislast gemäß dem angefochtenen Artikel 29 nicht Anwendung auf strafrechtliche Verfahren. Da die Unschuldsvermutung zu berücksichtigen ist, so wie sie durch Artikel 6 Absatz 2 der Europäischen Menschenrechtskonvention und durch Artikel 14 Absatz 2 des Internationalen Paktes über bürgerliche und politische Rechte gewährleistet wird, ist diese Ausnahme gerechtfertigt. Darüber hinaus ist Artikel 8 Absatz 3 der Richtlinie 2000/43/EG vom 29. Juni 2000 «zur Anwendung des Gleichbehandlungsgrundsatzes ohne Unterschied der Rasse oder der ethnischen Herkunft» zu berücksichtigen, wonach die in Artikel 8 Absatz 1 vorgesehene Notwendigkeit, Maßnahmen im Bereich der Beweislast zu ergreifen, nicht auf Strafverfahren Anwendung findet.

B.100.2. Nach Auffassung der klagenden Parteien sei nicht auszuschließen, dass die in Zivilsachen getroffene Entscheidung sich auf das strafrechtliche Verfahren auswirke, wenn die Tat, mit der die Bestimmungen des Antirassismusgesetzes überschritten würden, eine strafbare Tat darstelle. Wie aus dem Text von Artikel 30 § 1 hervorgeht, bezieht die Umkehrung der Beweislast sich nicht auf die eigentliche strafbare Tat, sondern auf die diskriminierende Beschaffenheit des Verhaltens. In dem Fall, dass die Umkehrung der Beweislast, die in einer Zivilsache angewandt würde, später den Beweis in einer Strafsache beeinflussen könnte, wäre der Strafrichter dennoch verpflichtet, die Beweise *in concreto* zu beurteilen und die Vermutung der Unschuld des Angeklagten zu beachten.

B.101. In Anbetracht der Bedingungen, unter denen die angefochtene Maßnahme gilt, entbehrt diese keiner Rechtfertigung.

B.102. Der achte Klagegrund in der Rechtssache Nr. 4312 ist unbegründet.

IV.C. In Bezug auf die Befugnis des Zentrums für Chancengleichheit und Bekämpfung des Rassismus sowie der im Gesetz erwähnten Interessenvereinigungen, vor Gericht aufzutreten

B.103. Im neunten Klagegrund in der Rechtssache Nr. 4312 führen die klagenden Parteien an, die Artikel 17, 18, 30, 31 und 32 des Antirassismusgesetzes, eingefügt durch das Gesetz vom 10. Mai 2007, seien nicht vereinbar mit den Artikeln 10, 11 und 13 der Verfassung, da diese Bestimmungen dem Zentrum für Chancengleichheit und Bekämpfung des Rassismus (nachstehend: das Zentrum), gemeinnützigen Einrichtungen, Vereinigungen, deren satzungsmäßiger Zweck darin bestehe, die Menschenrechte zu verteidigen oder Diskriminierung zu bekämpfen, repräsentativen Arbeitnehmer- und Arbeitgeberorganisationen sowie repräsentativen Organisationen von selbständig Erwerbstätigen die Befugnis erteile, vor Gericht aufzutreten.

B.104. Gemäß dem angefochtenen Artikel 31 kann das Zentrum vor Gericht auftreten in Streitsachen, zu denen das Antirassismusgesetz Anlass geben kann. Gemäß dem angefochtenen Artikel 32 können gemeinnützige Einrichtungen, Vereinigungen, die am Datum der Fakten seit mindestens drei Jahren die Rechtspersönlichkeit besitzen und deren satzungsmäßiger Zweck darin besteht, die Menschenrechte zu verteidigen oder Diskriminierung zu bekämpfen, repräsentative Arbeitnehmer- und Arbeitgeberorganisationen und repräsentative Organisationen von selbständig Erwerbstätigen vor Gericht auftreten in den Streitfällen, zu denen das Antirassismusgesetz Anlass geben kann, «wenn dem satzungsgemäßen Auftrag Abbruch getan wird, den sie sich zum Ziel gesetzt haben».

Wenn das Zentrum oder eine der Interessenvereinigungen im Sinne von Artikel 32 vor dem zuständigen Rechtsprechungsorgan Fakten anführen, die das Bestehen einer Diskriminierung aus einem der im angefochtenen Gesetz angegebenen Gründe vermuten lassen können, muss der Beklagte nachweisen, dass keine Diskriminierung vorliegt (Artikel 30 des Antirassismusgesetzes).

Gemäß dem angefochtenen Artikel 17 kann der Richter denjenigen, der eine Diskriminierung begangen hat, zur Zahlung eines Zwangsgeldes verurteilen, wenn das Zentrum oder eine der in Artikel 32 erwähnten Interessenvereinigungen dies beantragen.

Aufgrund des angefochtenen Artikels 18 kann der Präsident des Gerichts erster Instanz oder, je nach der Art der Tat, der Präsident des Arbeitsgerichts oder des Handelsgerichts die Unterlassung einer Tat anordnen, mit der gegen die Bestimmungen des Antirassismusgesetzes verstoßen wurde, wenn das Zentrum oder eine der in Artikel 32 erwähnten Interessenvereinigungen dies beantragen.

B.105. Der sich aus den angefochtenen Artikeln ergebende Behandlungsunterschied beruht auf einem objektiven Kriterium, nämlich der besonderen Beschaffenheit der Streitfälle, für die ein Auftreten vor Gericht möglich ist; darüber hinaus konnte der Gesetzgeber die besondere Erfahrung der Organisationen und Vereinigungen, die befugt sind, vor Gericht aufzutreten, berücksichtigen.

Ihre Klage ist jedoch nur zulässig, wenn sie nachweisen, dass sie mit dem Einverständnis des Opfers der Gesetzesübertretung oder der Diskriminierung handeln (Artikel 33 des Antirassismusgesetzes). Darüber hinaus muss das Opfer, dessen Einverständnis die Vereinigung erhalten hat, ebenfalls ein rechtmäßiges und persönliches Interesse aufweisen.

Unter anderem aufgrund der Bestimmungen der EG-Richtlinien, die diese Art der Kollektivklagen fördern (Artikel 7 Absatz 2 der Richtlinie 2000/43/EG und Artikel 9 Absatz 2 der Richtlinie 2000/78/EG), entbehrt die Maßnahme - auch hinsichtlich der Zivilklage in Strafverfahren - keiner vernünftigen Rechtfertigung.

B.106. Der neunte Klagegrund in der Rechtssache Nr. 4312 ist unbegründet.

Aus diesen Gründen:

Der Hof

weist die Klagen vorbehaltlich der in B.29.4, B.33.4 und B.70.2 erwähnten Auslegungen zurück.

Verkündet in niederländischer, französischer und deutscher Sprache, gemäß Artikel 65 des Sondergesetzes vom 6. Januar 1989, in der öffentlichen Sitzung vom 11. März 2009.

Der Kanzler, Der Vorsitzende,

P.-Y. Dutilleux. M. Bossuyt.

SERVICE PUBLIC FEDERAL AFFAIRES ETRANGERES, COMMERCE EXTERIEUR ET COOPERATION AU DEVELOPPEMENT

F. 2009 — 1621 [C − 2009/15059]

30 MARS 2009. — Loi portant assentiment à la Convention entre le Royaume de Belgique et le Royaume du Maroc tendant à éviter la double imposition et à prévenir l'évasion et la fraude fiscales en matière d'impôts sur le revenu, signée à Bruxelles le 31 mai 2006 (1)

ALBERT II, Roi des Belges,

A tous, présents et à venir, Salut.

Les Chambres ont adopté et Nous sanctionnons ce qui suit :

Article 1er. La présente loi règle une matière visée à l'article 77 de la Constitution.

Art. 2. La Convention entre le Royaume de Belgique et le Royaume du Maroc tendant à éviter la double imposition et à prévenir l'évasion et la fraude fiscales en matière d'impôts sur le revenu, signée à Bruxelles le 31 mai 2006, sortira son plein et entier effet.

Promulguons la présente loi, ordonnons qu'elle soit revêtue du sceau de l'Etat et publiée par le *Moniteur belge.*

Donné à Bruxelles, le 30 mars 2009.

ALBERT

Par le Roi :

Le Ministre des Affaires étrangères,
K. DE GUCHT

Le Ministre des Finances,
D. REYNDERS

Scellé du Sceau de l'Etat :

Le Ministre de la Justice
S. DE CLERCK

Notes

(1) *Session 2008-2009.*

Sénat.

Documents. — Projet de loi déposé le 7 janvier 2009, n° 4-1088/1. — Rapport, n° 4-1088/2.

Annales parlementaires. — Discussion, séance du 29 janvier 2009. — Vote, séance du 29 janvier 2009.

Chambre.

Documents. — Projet transmis par le Sénat, n° 52-1773/1. — Texte adopté en séance plénière et soumis à la sanction royale, n° 52-1773/3. — Rapport, n°. 52-1773/2.

Annales Parlementaire — Discussions, séance du 19 février 2009. — Discussion, séance du 19 février 2009.

(2) L'échange des instruments de ratification a eu lieu le 30 avril 2009. La convention est entrée en vigueur le 30 avril 2009.

Convention entre le Royaume de Belgique et le Royaume du Maroc tendant à éviter la double imposition et à prévenir l'évasion et la fraude fiscales en matière d'impôts sur le revenu

Le Gouvernement du Royaue de Belgique

et

le Gouvernement du Royaume du Maroc,

désireux de conclure une Convention tendant à éviter la double imposition et à prévenir l'évasion et la fraude fiscales en matière d'impôts sur le revenu,

sont convenus des dispositions suivantes :

Article 1

Personnes visées

La présente Convention s'applique aux personnes qui sont des résidents d'un Etat contractant ou des deux Etats contractants.

FEDERALE OVERHEIDSDIENST BUITENLANDSE ZAKEN, BUITENLANDSE HANDEL EN ONTWIKKELINGSSAMENWERKING

N. 2009 — 1621 [C − 2009/15059]

30 MAART 2009. — Wet houdende instemming met de Overeenkomst tussen het Koninkrijk België en het Koninkrijk Marokko tot het vermijden van dubbele belasting en tot het voorkomen van het ontgaan en het ontduiken van belasting inzake belastingen naar het inkomen, ondertekend te Brussel op 31 mei 2006 (1)

ALBERT II, Koning der Belgen,

Aan allen die nu zijn en hierna wezen zullen, Onze Groet.

De Kamers hebben aangenomen en Wij bekrachtigen hetgeen volgt :

Artikel 1. Deze wet regelt een aangelegenheid als bedoeld in artikel 77 van de Grondwet.

Art. 2. De Overeenkomst tussen het Koninkrijk België en het Koninkrijk Marokko tot het vermijden van dubbele belasting en tot het voorkomen van het ontgaan en het ontduiken van belasting inzake belastingen naar het inkomen, ondertekend te Brussel op 31 mei 2006, zal volkomen gevolg hebben.

Kondigen deze wet af, bevelen dat zij met 's Lands zegel zal worden bekleed en door het *Belgisch Staatsblad* zal worden bekendgemaakt.

Gegeven te Brussel, 30 maart 2009.

ALBERT

Van Koningswege :

De Minister van Buitenlandse Zaken,
K. DE GUCHT

De Minister van Financiën,
D. REYNDERS

Met 's Lands zegel gezegeld :

De Minister van Justitie,
S. DE CLERCK

Nota's

(1) *Zitting 2008-2009.*

Senaat.

Documenten. — Ontwerp van wet ingediend op 7 januari 2009, nr. 4-1088/1. — Verslag, nr. 4-1088/2.

Parlementaire Handelingen. — Bespreking, vergadering van 29 januari 2009. — Stemming, vergadering van 29 januari 2009.

Kamer.

Documenten. — Ontwerp overgezonden door de Senaat, nr. 52-1773/1. Tekst aangenomen in plenaire vergadering en aan de Koning ter bekrachtiging voorgelegd, nr. 52-1773/3. — Verslag, nr. 52-1773/2.

Parlementaire Handelingen. — Bespreking, vergadering van 19 februari 2009. — Stemming, vergadering van 19 februari 2009.

(2) De uitwisseling van de akten van bekrachtiging heeft plaatsgevonden op 30 april 2009. De overeenkomst is in werking getreden op 30 april 2009.

Overeenkomst tussen het Koninkrijk België en het Koninkrijk Marokko tot het vermijden van dubbele belasting en tot het voorkomen van het ontgaan en het ontduiken van belasting inzake belastingen naar het inkomen

De Regering van het Koninkrijk België

en

de Regering van het Koninkrijk Marokko,

wensende een Overeenkomst te sluiten tot het vermijden van dubbele belasting en tot het voorkomen van het ontgaan en het ontduiken van belasting inzake belastingen naar het inkomen,

zijn het volgende overeengekomen :

Artikel 1

Personen op wie de Overeenkomst van toepassing is

Deze Overeenkomst is van toepassing op personen die inwoner zijn van een overeenkomstsluitende Staat of van beide overeenkomstsluitende Staten.

Article 2

Impôts visés

1. La présente Convention s'applique aux impôts sur le revenu perçus pour le compte d'un Etat contractant, de ses subdivisions politiques ou de ses collectivités locales, quel que soit le système de perception.

2. Sont considérés comme impôts sur le revenu, les impôts perçus sur le revenu total, ou sur des éléments du revenu, y compris les impôts sur les gains provenant de l'aliénation de biens mobiliers ou immobiliers, les impôts sur le montant global des salaires payés par les entreprises, ainsi que les impôts sur les plus-values.

3. Les impôts actuels auxquels s'applique la Convention sont notamment :

a) en ce qui concerne la Belgique :

(i) l'impôt des personnes physiques;

(ii) l'impôt des sociétés;

(iii) l'impôt des personnes morales;

(iv) l'impôt des non-résidents;

(v) la contribution complémentaire de crise;

y compris les précomptes et les taxes additionnelles auxdits impôts et précomptes;

(ci-après dénommés « l'impôt belge »); et

b) en ce qui concerne le Maroc :

(i) l'impôt général sur le revenu;

(ii) l'impôt sur les sociétés;

(ci-après dénommés « l'impôt marocain »).

4. La Convention s'applique aussi aux impôts de nature identique ou analogue qui seraient établis après la date de signature de la Convention et qui s'ajouteraient aux impôts actuels ou qui les remplaceraient. Les autorités compétentes des Etats contractants se communiquent les modifications significatives apportées à leurs législations fiscales respectives.

Article 3

Définitions générales

1. Au sens de la présente Convention, à moins que le contexte n'exige une interprétation différente :

a) les expressions « un Etat contractant » et « l'autre Etat contractant » désignent, suivant le contexte, la Belgique ou le Maroc;

b) le terme « Belgique » désigne le Royaume de Belgique; employé dans un sens géographique, il désigne le territoire du Royaume de Belgique, y compris la mer territoriale ainsi que les zones maritimes et les espaces aériens sur lesquels, en conformité avec le droit international, le Royaume de Belgique exerce des droits souverains ou sa juridiction;

c) le terme « Maroc » désigne le Royaume du Maroc et, lorsqu'il est employé dans le sens géographique le terme Maroc comprend :

(i) le territoire du Royaume du Maroc, sa mer territoriale, et

(ii) la zone maritime au delà de la mer territoriale, comportant le lit de mer et son sous-sol (plateau continental) et la zone économique exclusive sur laquelle le Maroc exerce ses droits souverains conformément à sa législation et au droit international, aux fins d'exploration et d'exploitation de leurs richesses naturelles;

d) le terme « impôt » désigne l'impôt belge ou l'impôt marocain suivant le contexte;

e) le terme « personne » comprend les personnes physiques, les sociétés, les sociétés de personnes et tous autres groupements de personnes;

Artikel 2

Belastingen waarop de Overeenkomst van toepassing is

1. Deze Overeenkomst is van toepassing op belastingen naar het inkomen die, ongeacht de wijze van heffing, worden geheven ten behoeve van een overeenkomstsluitende Staat, van de staatkundige onderdelen of plaatselijke gemeenschappen daarvan.

2. Als belastingen naar het inkomen worden beschouwd alle belastingen die worden geheven naar het gehele inkomen of naar bestanddelen van het inkomen, daaronder begrepen belastingen naar voordelen verkregen uit de vervreemding van roerende of onroerende goederen, belastingen naar het totale bedrag van de door ondernemingen betaalde lonen of salarissen, alsmede belastingen naar waardevermeerdering.

3. De bestaande belastingen waarop de Overeenkomst van toepassing is, zijn met name :

a) in België :

(i) de personenbelasting;

(ii) de vennootschapsbelasting;

(iii) de rechtspersonenbelasting;

(iv) de belasting van niet-inwoners;

(v) de aanvullende crisisbijdrage;

met inbegrip van de voorheffingen en de aanvullende belastingen op die belastingen en voorheffingen;

(hierna te noemen « de Belgische belasting »); en

b) in Marokko :

(i) de algemene belasting naar het inkomen;

(ii) de vennootschapsbelasting;

(hierna te noemen « de Marokkaanse belasting »).

4. De Overeenkomst is ook van toepassing op gelijke of in wezen gelijksoortige belastingen die na de datum van de ondertekening van de Overeenkomst naast of in de plaats van de bestaande belastingen worden geheven. De bevoegde autoriteiten van de overeenkomstsluitende Staten delen elkaar de belangrijke wijzigingen die in hun onderscheidene belastingwetten zijn aangebracht, mede.

Artikel 3

Algemene bepalingen

1. Voor de toepassing van deze Overeenkomst, tenzij het zinsverband anders vereist :

a) betekenen de uitdrukkingen « een overeenkomstsluitende Staat » en « de andere overeenkomstsluitende Staat », België of Marokko, al naar het zinsverband vereist;

b) betekent de uitdrukking « België » het Koninkrijk België; in aardrijkskundig verband gebruikt betekent zij het grondgebied van het Koninkrijk België, daaronder begrepen de territoriale zee en de maritieme zones en de luchtgebieden waarover het Koninkrijk België, in overeenstemming met het internationaal recht, soevereine rechten of zijn rechtsmacht uitoefent;

c) betekent de uitdrukking « Marokko » het Koninkrijk Marokko; in aardrijkskundig verband gebruikt, omvat zij :

(i) het grondgebied van het Koninkrijk Marokko, zijn territoriale zee, en

(ii) de buiten de territoriale zee gelegen maritieme zone, bestaande uit de zeebodem en zijn ondergrond (continentaal plat), alsmede de exclusieve economische zone waarover Marokko, in overeenstemming met zijn wetgeving en het internationale recht, zijn soevereine rechten uitoefent voor onderzoek en ontginning van de natuurlijke rijkdommen ervan;

d) betekent de uitdrukking « belasting » de Belgische belasting of de Marokkaanse belasting, al naar het zinsverband vereist;

e) omvat de uitdrukking « persoon » een natuurlijke persoon, een vennootschap, een personenvennootschap en elke andere vereniging van personen;

f) le terme « société » désigne toute personne morale ou toute autre entité qui est considérée comme une personne morale aux fins d'imposition dans l'Etat contractant dont elle est un résident;

g) les expressions « entreprise d'un Etat contractant » et « entreprise de l'autre Etat contractant » désignent respectivement une entreprise exploitée par un résident d'un Etat contractant et une entreprise exploitée par un résident de l'autre Etat contractant;

h) l'expression « trafic international » désigne tout transport effectué par un navire ou un aéronef exploité par une entreprise dont le siège de direction effective est situé dans un Etat contractant, sauf lorsque le navire ou l'aéronef n'est exploité qu'entre des points situés dans l'autre Etat contractant;

i) l'expression « autorité compétente » désigne :

(i) dans le cas du Royaume de Belgique, le Ministre des Finances ou son représentant autorisé; et

(ii) dans le cas du Royaume du Maroc, le Ministre des Finances ou son représentant dûment autorisé;

j) le terme « national », en ce qui concerne un Etat contractant, désigne :

(i) toute personne physique qui possède la nationalité de cet Etat contractant;

(ii) toute personne morale, société de personnes et association constituée conformément à la législation en vigueur dans cet Etat contractant.

2. Pour l'application de la Convention à un moment donné par un Etat contractant, tout terme ou expression qui n'y est pas défini a, sauf si le contexte exige une interprétation différente, le sens que lui attribue à ce moment le droit de cet Etat concernant les impôts auxquels s'applique la Convention, le sens attribué à ce terme ou expression par le droit fiscal de cet Etat prévalant sur le sens que lui attribuent les autres branches du droit de cet Etat.

Article 4

Résident

1. Au sens de la présente Convention, l'expression « résident d'un Etat contractant » désigne toute personne qui, en vertu de la législation de cet Etat, est assujettie à l'impôt dans cet Etat, en raison de son domicile, de sa résidence, de son siège de direction ou de tout autre critère de nature analogue, et s'applique aussi à cet Etat ainsi qu'à toutes ses subdivisions politiques ou à ses collectivités locales. Toutefois, cette expression ne comprend pas les personnes qui ne sont assujetties à l'impôt dans cet Etat que pour les revenus de sources situées dans cet Etat.

2. Lorsque, selon les dispositions du paragraphe 1, une personne physique est un résident des deux Etats contractants, sa situation est réglée de la manière suivante :

a) cette personne est considérée comme un résident seulement de l'Etat où elle dispose d'un foyer d'habitation permanent; si elle dispose d'un foyer d'habitation permanent dans les deux Etats, elle est considérée comme un résident seulement de l'Etat avec lequel ses liens personnels et économiques sont les plus étroits (centre des intérêts vitaux);

b) si l'Etat où cette personne a le centre de ses intérêts vitaux ne peut pas être déterminé, ou si elle ne dispose d'un foyer d'habitation permanent dans aucun des Etats, elle est considérée comme un résident seulement de l'Etat où elle séjourne de façon habituelle;

c) si cette personne séjourne de façon habituelle dans les deux Etats, ou si elle ne séjourne de façon habituelle dans aucun d'eux, elle est considérée comme un résident seulement de l'Etat dont elle possède la nationalité;

d) si cette personne possède la nationalité des deux Etats, ou si elle ne possède la nationalité d'aucun d'eux, les autorités compétentes des Etats contractants tranchent la question d'un commun accord.

3. Lorsque, selon les dispositions du paragraphe 1, une personne autre qu'une personne physique est un résident des deux Etats contractants, elle est considérée comme un résident seulement de l'Etat où son siège de direction effective est situé.

f) betekent de uitdrukking « vennootschap » elke rechtspersoon of elke andere eenheid die voor de belastingheffing in de Overeenkomstsluitende Staat waarvan zij inwoner is als een rechtspersoon wordt behandeld;

g) betekenen de uitdrukkingen « onderneming van een overeenkomstsluitende Staat » en « onderneming van de andere overeenkomstsluitende Staat » onderscheidenlijk een onderneming gedreven door een inwoner van een overeenkomstsluitende Staat en een onderneming gedreven door een inwoner van de andere overeenkomstsluitende Staat;

h) betekent de uitdrukking « internationaal verkeer » elk vervoer door een schip of luchtvaartuig dat wordt geëxploiteerd door een onderneming die haar plaats van werkelijke leiding in een overeenkomstsluitende Staat heeft, behalve indien het schip of luchtvaartuig slechts tussen in de andere overeenkomstsluitende Staat gelegen plaatsen wordt geëxploiteerd;

i) betekent de uitdrukking « bevoegde autoriteit » :

(i) in het Koninkrijk België, de Minister van Financiën of zijn gemachtigde vertegenwoordiger, en

(ii) in het Koninkrijk Marokko, de Minister van Financiën of zijn behoorlijk gemachtigde vertegenwoordiger;

j) betekent de uitdrukking « onderdaan » met betrekking tot een Overeenkomstsluitende Staat :

(i) elke natuurlijke persoon die de nationaliteit van die overeenkomstsluitende Staat bezit;

(ii) elke rechtspersoon, personenvennootschap en vereniging die zijn of haar rechtspositie als zodanig ontleent aan de wetgeving die in die overeenkomstsluitende Staat van kracht is.

2. Voor de toepassing van de Overeenkomst op een bepaald tijdstip door een overeenkomstsluitende Staat heeft, tenzij het zinsverband anders vereist, elke niet erin omschreven uitdrukking de betekenis welke die uitdrukking op dat tijdstip heeft volgens de wetgeving van die Staat met betrekking tot de belastingen waarop de Overeenkomst van toepassing is, waarbij elke betekenis overeenkomstig de belastingwetten die in die Staat van toepassing zijn de overhand heeft op een betekenis die aan de uitdrukking wordt gegeven overeenkomstig andere wetten van die Staat.

Artikel 4

Inwoner

1. Voor de toepassing van deze Overeenkomst betekent de uitdrukking « inwoner van een overeenkomstsluitende Staat » iedere persoon die, ingevolge de wetgeving van die Staat, aldaar aan belasting is onderworpen op grond van zijn woonplaats, verblijf, plaats van leiding of enige andere soortgelijke omstandigheid en omvat eveneens die Staat en elk staatkundig onderdeel of plaatselijke gemeenschap daarvan. Die uitdrukking omvat echter niet personen die in die Staat alleen ter zake van inkomsten uit in die Staat gelegen bronnen aan belasting zijn onderworpen.

2 Indien een natuurlijke persoon ingevolge de bepalingen van paragraaf 1 inwoner van beide overeenkomstsluitende Staten is, wordt zijn toestand op de volgende wijze geregeld :

a) hij wordt geacht enkel inwoner te zijn van de Staat waar hij een duurzaam tehuis tot zijn beschikking heeft; indien hij in beide Staten een duurzaam tehuis tot zijn beschikking heeft, wordt hij geacht enkel inwoner te zijn van de Staat waarmede zijn persoonlijke en economische betrekkingen het nauwst zijn (middelpunt van de levensbelangen);

b) indien niet kan worden bepaald in welke Staat hij het middelpunt van zijn levensbelangen heeft of indien hij in geen van de Staten een duurzaam tehuis tot zijn beschikking heeft, wordt hij geacht enkel inwoner te zijn van de Staat waar hij gewoonlijk verblijft;

c) indien hij gewoonlijk verblijft in beide Staten of in geen van beide, wordt hij geacht enkel inwoner te zijn van de Staat waarvan hij onderdaan is;

d) indien hij onderdaan is van beide Staten of van geen van beide, regelen de bevoegde autoriteiten van de overeenkomstsluitende Staten de aangelegenheid in onderlinge overeenstemming.

3. Indien een andere dan een natuurlijke persoon ingevolge de bepalingen van paragraaf 1 inwoner is van beide overeenkomstsluitende Staten, wordt hij geacht enkel inwoner te zijn van de Staat waar de plaats van zijn werkelijke leiding is gelegen.

Article 5

Etablissement stable

1. Au sens de la présente Convention, l'expression « établissement stable » désigne une installation fixe d'affaires par l'intermédiaire de laquelle une entreprise exerce tout ou partie de son activité.

2. L'expression « établissement stable » comprend notamment :

a) un siège de direction;

b) une succursale;

c) un bureau;

d) une usine;

e) un atelier;

f) une mine, un puits de pétrole ou de gaz, une carrière ou tout autre lieu d'exploration et d'extraction de ressources naturelles;

g) un point de vente; et

h) un entrepôt mis à la disposition d'une personne pour stocker les marchandises d'autrui.

3. L'expression « établissement stable » englobe également :

a) un chantier de construction, de montage ou des activités de surveillance s'y exerçant mais seulement lorsque le chantier ou ces activités ont une durée supérieure à six mois;

b) la fourniture de services, y compris les services de consultants, par une entreprise agissant par l'intermédiaire de salariés ou d'autre personnel engagé par l'entreprise à cette fin, mais seulement lorsque les activités de cette nature se poursuivent (pour le même projet ou un projet connexe) sur le territoire de l'Etat contractant pendant une ou des périodes représentant un total de plus de 75 jours dans les limites d'une période quelconque de douze mois.

4. Nonobstant les dispositions précédentes du présent article, on considère qu'il n'y a pas « établissement stable » si :

a) il est fait usage d'installations aux seules fins de stockage, d'exposition ou de livraison de marchandises appartenant à l'entreprise;

b) des marchandises appartenant à l'entreprise sont entreposées aux seules fins de stockage, d'exposition ou de livraison;

c) des marchandises appartenant à l'entreprise sont entreposées aux seules fins de transformation par une autre entreprise;

d) une installation fixe d'affaires est utilisée aux seules fins d'acheter des marchandises ou de réunir des informations pour l'entreprise;

e) une installation fixe d'affaires est utilisée aux seules fins d'exercer, pour l'entreprise, toute autre activité de caractère préparatoire ou auxiliaire;

f) une installation fixe d'affaires est utilisée aux seules fins de l'exercice cumulé d'activités mentionnées aux alinéas *a)* à *e)*, à condition que l'activité d'ensemble de l'installation fixe d'affaires résultant de ce cumul garde un caractère préparatoire ou auxiliaire.

5. Nonobstant les dispositions des paragraphes 1 et 2, lorsqu'une personne - autre qu'un agent jouissant d'un statut indépendant auquel s'applique le paragraphe 7- agit dans un Etat contractant pour le compte d'une entreprise d'un autre Etat contractant, cette entreprise est considérée comme ayant un établissement stable dans le premier Etat contractant pour toutes activités que cette personne exerce pour l'entreprise si ladite personne :

a) Dispose dans cet Etat de pouvoirs, qu'elle y exerce habituellement lui permettant de conclure des contrats au nom de l'entreprise, à moins que les activités de cette personne ne soient limitées à celles qui sont énumérées au paragraphe 4 et qui, exercées par l'intermédiaire d'une installation fixe d'affaires, ne feraient pas de cette installation fixe d'affaires un établissement stable au sens dudit paragraphe; ou

b) Ne disposant pas de ce pouvoir, elle conserve habituellement dans le premier Etat un stock de marchandises sur lequel elle prélève régulièrement des marchandises aux fins de livraison pour le compte de l'entreprise.

Artikel 5

Vaste inrichting

1. Voor de toepassing van deze Overeenkomst betekent de uitdrukking « vaste inrichting » een vaste bedrijfsinrichting met behulp waarvan een onderneming haar werkzaamheden geheel of gedeeltelijk uitoefent.

2. De uitdrukking « vaste inrichting » omvat in het bijzonder :

a) een plaats waar leiding wordt gegeven;

b) een filiaal;

c) een kantoor;

d) een fabriek;

e) een werkplaats;

f) een mijn, een olie- of gasbron, een steengroeve of enige andere plaats van onderzoek en winning van natuurlijke rijkdommen;

g) een verkooppunt; en

h) een opslagplaats, ter beschikking gesteld van een persoon voor het opslaan van andermans goederen.

3. De uitdrukking « vaste inrichting » omvat eveneens :

a) de plaats van uitvoering van een bouwwerk, van constructiewerkzaamheden of van werkzaamheden van toezicht daarop, doch uitsluitend indien de duur van dat bouwwerk of van die werkzaamheden zes maanden overschrijdt;

b) het verstrekken van diensten, daaronder begrepen adviezen, door een onderneming door middel van werknemers of andere personeelsleden die daarvoor door de onderneming werden aangeworven, maar uitsluitend indien zodanige werkzaamheden op het grondgebied van de overeenkomstsluitende Staat (voor hetzelfde project of voor een verbonden project) worden uitgeoefend gedurende een tijdvak of tijdvakken waarvan de totale duur 75 dagen in enig tijdvak van twaalf maanden overschrijdt.

4. Niettegenstaande de voorgaande bepalingen van dit artikel wordt een « vaste inrichting » niet aanwezig geacht indien :

a) gebruik wordt gemaakt van inrichtingen, uitsluitend voor de opslag, uitstalling of levering van aan de onderneming toebehorende goederen;

b) een voorraad van aan de onderneming toebehorende goederen wordt aangehouden, uitsluitend voor opslag, uitstalling of levering;

c) een voorraad van aan de onderneming toebehorende goederen wordt aangehouden, uitsluitend voor de bewerking of verwerking door een andere onderneming;

d) een vaste bedrijfsinrichting wordt aangehouden, uitsluitend om voor de onderneming goederen aan te kopen of inlichtingen in te winnen;

e) een vaste bedrijfsinrichting wordt aangehouden, uitsluitend om voor de onderneming andere werkzaamheden te verrichten, die van voorbereidende aard zijn of het karakter van hulpwerkzaamheden hebben;

f) een vaste bedrijfsinrichting wordt aangehouden, uitsluitend om verscheidene van de in de subparagrafen *a)* tot *e)* vermelde werkzaamheden te verrichten, op voorwaarde dat het geheel van de werkzaamheden van de vaste bedrijfsinrichting van voorbereidende aard is of het karakter van hulpwerkzaamheden heeft.

5. Indien een persoon - niet zijnde een onafhankelijke vertegenwoordiger op wie paragraaf 7 van toepassing is - in een overeenkomstsluitende Staat voor een onderneming van een andere overeenkomstsluitende Staat werkzaam is, wordt die onderneming, niettegenstaande de bepalingen van de paragrafen 1 en 2, geacht een vaste inrichting in de eerstgenoemde overeenkomstsluitende Staat te hebben voor alle werkzaamheden welke deze persoon voor de onderneming verricht, indien die persoon :

a) in die Staat een machtiging bezit om namens de onderneming overeenkomsten af te sluiten en dit recht aldaar gewoonlijk uitoefent, tenzij de werkzaamheden van die persoon beperkt blijven tot de in paragraaf 4 vermelde werkzaamheden die, indien zij met behulp van een vaste bedrijfsinrichting zouden worden verricht, die vaste bedrijfsinrichting niet tot een vaste inrichting zouden stempelen in de zin van bedoelde paragraaf; of

b) zodanige machtiging niet bezit, maar in de eerstgenoemde Staat gewoonlijk een voorraad van goederen aanhoudt waaruit hij regelmatig bestellingen uitvoert voor rekening van de onderneming.

6. Nonobstant les dispositions précédentes du présent article, une entreprise d'assurance d'un Etat contractant est considérée, sauf en matière de réassurance, comme ayant un établissement stable dans l'autre Etat contractant, si elle collecte des primes sur le territoire de cet autre Etat, ou assure des risques qui y sont encourus par l'intermédiaire d'une personne autre qu'un agent jouissant d'un statut indépendant auquel s'applique le paragraphe 7.

7. Une entreprise n'est pas considérée comme ayant un établissement stable dans un Etat contractant du seul fait qu'elle y exerce son activité par l'entremise d'un courtier, d'un commissionnaire général ou de tout autre agent jouissant d'un statut indépendant, à condition que ces personnes agissent dans le cadre ordinaire de leur activité. Toutefois, lorsque les activités d'un tel agent sont exercées exclusivement ou presque exclusivement pour le compte de cette entreprise, et que des conditions sont convenues ou imposées entre cette entreprise et l'agent dans leur relation commerciale et financière qui diffèrent de celles qui auraient pu être établies entre deux entreprises indépendantes, il n'est pas considéré comme un agent jouissant d'un statut indépendant au sens de ce paragraphe.

8. Le fait qu'une société qui est un résident d'un Etat contractant contrôle ou est contrôlée par une société qui est un résident de l'autre Etat contractant ou qui y exerce son activité (que ce soit par l'intermédiaire d'un établissement stable ou non) ne suffit pas, en lui-même, à faire de l'une quelconque de ces sociétés un établissement stable de l'autre.

Article 6

Revenus immobiliers

1. Les revenus qu'un résident d'un Etat contractant tire de biens immobiliers (y compris les revenus des exploitations agricoles ou forestières) situés dans l'autre Etat contractant, sont imposables dans cet autre Etat.

2. L'expression « biens immobiliers » a le sens que lui attribue le droit de l'Etat contractant où les biens considérés sont situés. L'expression comprend, en tous cas, les accessoires, le cheptel mort ou vif des exploitations agricoles et forestières, les droits auxquels s'appliquent les dispositions du droit privé concernant la propriété foncière, l'usufruit des biens immobiliers et les droits à des paiements variables ou fixes pour l'exploitation ou la concession de l'exploitation de gisements minéraux, sources et autres ressources naturelles; les navires, bateaux et aéronefs ne sont pas considérés comme des biens immobiliers.

3. Les dispositions du paragraphe 1 s'appliquent aux revenus provenant de l'exploitation ou de l'utilisation directe, de la location ou de l'affermage, ainsi que de toute autre forme d'exploitation des biens immobiliers.

4. Les dispositions des paragraphes 1 et 3 s'appliquent également aux revenus provenant des biens immobiliers d'une entreprise ainsi qu'aux revenus des biens immobiliers servant à l'exercice d'une profession indépendante.

5. Lorsque la propriété d'actions, parts sociales ou autres droits dans une société ou une autre personne morale résident d'un Etat contractant donne au propriétaire de ces actions, parts ou autres droits la jouissance de biens immobiliers détenus par cette société ou cette autre personne morale, les revenus que le propriétaire tire de l'utilisation directe, de la location ou de l'usage sous toute autre forme de son droit de jouissance sont imposables dans l'Etat contractant où les biens immobiliers sont situés.

Article 7

Bénéfices des entreprises

1. Les bénéfices d'une entreprise d'un Etat contractant ne sont imposables que dans cet Etat, à moins que l'entreprise n'exerce son activité dans l'autre Etat contractant par l'intermédiaire d'un établissement stable qui y est situé. Si l'entreprise exerce son activité d'une telle façon, les bénéfices de l'entreprise sont imposables dans l'autre Etat mais uniquement dans la mesure où ils sont imputables audit établissement stable.

6. Niettegenstaande de voorgaande bepalingen van dit artikel, wordt een verzekeringsonderneming van een overeenkomstsluitende Staat - behalve met betrekking tot herverzekering - geacht in de andere overeenkomstsluitende Staat een vaste inrichting te hebben indien zij op het grondgebied van die andere Staat premies int of aldaar gelegen risico's verzekert door middel van een persoon, niet zijnde een onafhankelijke vertegenwoordiger op wie paragraaf 7 van toepassing is.

7. Een onderneming wordt niet geacht een vaste inrichting in een overeenkomstsluitende Staat te bezitten op grond van de enkele omstandigheid dat zij aldaar zaken doet door middel van een makelaar, een algemeen commissionair of enige andere onafhankelijke vertegenwoordiger, op voorwaarde dat deze personen in de normale uitoefening van hun bedrijf handelen. Wanneer de werkzaamheden van zodanige vertegenwoordiger uitsluitend of nagenoeg uitsluitend voor rekening van die onderneming worden uitgeoefend en er tussen die onderneming en de vertegenwoordiger in hun handelsbetrekkingen en financiële betrekkingen voorwaarden worden overeengekomen of opgelegd, die afwijken van die welke overeengekomen zouden kunnen worden tussen onafhankelijke ondernemingen, wordt hij evenwel niet geacht een onafhankelijk vertegenwoordiger te zijn in de zin van deze paragraaf.

8. De enkele omstandigheid dat een vennootschap die inwoner is van een overeenkomstsluitende Staat, een vennootschap beheerst of wordt beheerst door een vennootschap die inwoner is van de andere overeenkomstsluitende Staat of die in die andere Staat zaken doet (hetzij met behulp van een vaste inrichting, hetzij op andere wijze), stempelt één van beide vennootschappen niet tot een vaste inrichting van de andere.

Artikel 6

Inkomsten uit onroerende goederen

1. Inkomsten die een inwoner van een overeenkomstsluitende Staat verkrijgt uit in de andere overeenkomstsluitende Staat gelegen onroerende goederen (inkomsten uit landbouw- of bosbedrijven daaronder begrepen) mogen in die andere Staat worden belast.

2. De uitdrukking « onroerende goederen » heeft de betekenis die daaraan wordt toegekend door het recht van de overeenkomstsluitende Staat waar de desbetreffende goederen zijn gelegen. De uitdrukking omvat in ieder geval de goederen die bij de onroerende goederen behoren, levende en dode have van landbouw- en bosbedrijven, rechten waarop de bepalingen van het privaatrecht betreffende de grondeigendom van toepassing zijn, vruchtgebruik van onroerende goederen en rechten op veranderlijke of vaste vergoedingen ter zake van de exploitatie, of het recht tot exploitatie, van minerale aardlagen, bronnen en andere bodemrijkdommen; schepen en luchtvaartuigen worden niet als onroerende goederen beschouwd.

3. De bepalingen van paragraaf 1 zijn van toepassing op inkomsten verkregen uit de rechtstreekse exploitatie of het rechtstreeks gebruik, uit het verhuren of verpachten, of uit elke andere vorm van exploitatie van onroerende goederen.

4. De bepalingen van de paragrafen 1 en 3 zijn ook van toepassing op inkomsten uit onroerende goederen van een onderneming en op inkomsten uit onroerende goederen gebezigd voor de uitoefening van een zelfstandig beroep.

5. Indien de eigendom van aandelen, of andere rechten in een vennootschap of in een andere rechtspersoon die inwoner is van een overeenkomstsluitende Staat, aan de eigenaar van die aandelen of andere rechten recht geeft op het genot van onroerende goederen die aan die vennootschap of die andere rechtspersoon toebehoren, mogen de inkomsten die de eigenaar verkrijgt uit het rechtstreeks gebruik, uit het verhuren of uit elke andere vorm van gebruik van zijn recht van genot, worden belast in de overeenkomstsluitende Staat waar de onroerende goederen zijn gelegen.

Artikel 7

Ondernemingswinst

1. Winst van een onderneming van een overeenkomstsluitende Staat is slechts in die Staat belastbaar, tenzij de onderneming in de andere overeenkomstsluitende Staat haar bedrijf uitoefent met behulp van een aldaar gevestigde vaste inrichting. Indien de onderneming aldus haar bedrijf uitoefent, mag de winst van de onderneming in de andere Staat worden belast, maar slechts in zoverre als zij kan worden toegerekend aan die vaste inrichting.

2. Sous réserve des dispositions du paragraphe 3, lorsqu'une entreprise d'un Etat contractant exerce son activité dans l'autre Etat contractant par l'intermédiaire d'un établissement stable qui y est situé, il est imputé, dans chaque Etat contractant, à cet établissement stable les bénéfices qu'il aurait pu réaliser s'il avait constitué une entreprise distincte exerçant des activités identiques ou analogues dans des conditions identiques ou analogues et agissant en toute indépendance.

3. Pour déterminer les bénéfices d'un établissement stable, sont admises en déduction les dépenses exposées aux fins poursuivies par cet établissement stable, y compris les dépenses de direction et les frais généraux d'administration ainsi exposés, soit dans l'Etat où est situé cet établissement stable, soit ailleurs. Toutefois, aucune déduction n'est admise pour les sommes qui seraient, le cas échéant, versées (à d'autres titres que le remboursement de frais encourus) par l'établissement stable au siège central de l'entreprise ou à l'un quelconque de ses bureaux, comme redevances, honoraires, ou autres payements similaires, pour l'usage de brevets ou d'autres droits, ou comme commissions, pour des services précis rendus ou pour une activité de direction ou, sauf dans le cas d'une entreprise bancaire, comme intérêts sur des sommes prêtées à l'établissement stable. De même, il n'est pas tenu compte, dans le calcul des bénéfices de l'établissement stable, des mêmes sommes portées par l'établissement stable au débit du siège central de l'entreprise ou de l'un quelconque de ses autres bureaux.

4. S'il est d'usage, dans un Etat contractant, de déterminer les bénéfices imputables à un établissement stable sur la base d'une répartition des bénéfices totaux de l'entreprise entre ses diverses parties, aucune disposition du paragraphe 2 n'empêche cet Etat contractant de déterminer les bénéfices imposables selon la répartition en usage; la méthode de répartition adoptée doit cependant être telle que le résultat obtenu soit conforme aux principes contenus dans le présent article.

5. Aucun bénéfice n'est imputé à un établissement stable du fait qu'il a simplement acheté des marchandises pour l'entreprise.

6. Aux fins des paragraphes précédents, les bénéfices à imputer à l'établissement stable sont déterminés chaque année selon la même méthode, à moins qu'il n'existe des motifs valables et suffisants de procéder autrement.

7. Lorsque les bénéfices comprennent des éléments de revenus traités séparément dans d'autres articles de la présente Convention, les dispositions desdits articles ne sont pas affectées par les dispositions du présent article.

Article 8

Navigation maritime et aérienne

1. Les bénéfices provenant de l'exploitation, en trafic international, de navires ou d'aéronefs ne sont imposables que dans l'Etat contractant où le siège de direction effective de l'entreprise est situé.

2. Si le siège de direction effective d'une entreprise de navigation maritime est à bord d'un navire, ce siège est considéré comme situé dans l'Etat contractant où se trouve le port d'attache de ce navire ou, à défaut de port d'attache, dans l'Etat contractant dont l'exploitant du navire est un résident.

3. Les dispositions du paragraphe 1 s'appliquent aussi aux bénéfices provenant de la participation à un pool, une exploitation en commun ou un organisme international d'exploitation, mais uniquement à la fraction des bénéfices ainsi réalisés qui revient à chaque participant au prorata de sa part dans l'entreprise commune.

4. Au sens du présent article, les bénéfices de l'entreprise d'un Etat contractant provenant de l'exploitation de navires ou aéronefs en trafic international, comprennent les bénéfices inter alia provenant de l'usage ou de la location de conteneurs, si cette activité est accessoire par rapport à l'exploitation en trafic international par cette entreprise de navires ou d'aéronefs.

2. Onder voorbehoud van de bepalingen van paragraaf 3 wordt, indien een onderneming van een overeenkomstsluitende Staat in de andere overeenkomstsluitende Staat haar bedrijf uitoefent met behulp van een aldaar gevestigde vaste inrichting, in elke overeenkomstsluitende Staat aan die vaste inrichting de winst toegerekend die zij geacht zou kunnen worden te behalen indien zij een onafhankelijke onderneming zou zijn, die dezelfde of soortgelijke werkzaamheden zou uitoefenen onder dezelfde of soortgelijke omstandigheden en die geheel onafhankelijk zou handelen.

3. Bij het bepalen van de winst van een vaste inrichting worden in aftrek toegelaten de kosten, daaronder begrepen kosten van leiding en algemene beheerskosten, die ten behoeve van die vaste inrichting zijn gemaakt, hetzij in de Staat waar die vaste inrichting is gevestigd, hetzij elders. Geen aftrek wordt evenwel toegelaten ter zake van bedragen die in voorkomend geval door de vaste inrichting (anders dan tot terugbetaling van werkelijke kosten) worden betaald aan de hoofdzetel van de onderneming of aan een van haar zetels, in de vorm van royalty's, erelonen of andere soortgelijke betalingen voor het gebruik van octrooien of andere rechten, of als commissie voor het verstrekken van specifieke diensten of voor het geven van leiding, of, behalve in het geval van een bankonderneming, in de vorm van interest van aan de vaste inrichting geleend geld. Bij het bepalen van de winst van de vaste inrichting wordt evenmin rekening gehouden met dergelijke bedragen die door de vaste inrichting ten laste worden gelegd van de hoofdzetel van de onderneming of van een van haar andere zetels.

4. Voor zover het in een overeenkomstsluitende Staat gebruikelijk is de aan een vaste inrichting toe te rekenen winst te bepalen op basis van een verdeling van de totale winst van de onderneming over haar verschillende delen, belet paragraaf 2 die overeenkomstsluitende Staat niet de te belasten winst te bepalen volgens de gebruikelijke verdeling; de gevolgde methode van verdeling moet echter zodanig zijn dat het resultaat in overeenstemming is met de in dit artikel neergelegde beginselen.

5. Geen winst wordt aan een vaste inrichting toegerekend enkel op grond van aankoop door die vaste inrichting van goederen voor de onderneming.

6. Voor de toepassing van de voorgaande paragrafen wordt de aan de vaste inrichting toe te rekenen winst van jaar tot jaar volgens dezelfde methode bepaald, tenzij er een goede en genoegzame reden bestaat om hiervan af te wijken.

7. Indien in de winst inkomstenbestanddelen zijn begrepen die afzonderlijk in andere artikelen van deze Overeenkomst worden behandeld, worden de bepalingen van die artikelen niet aangetast door de bepalingen van dit artikel.

Artikel 8

Zeevaart en luchtvaart

1. Winst uit de exploitatie van schepen of luchtvaartuigen in internationaal verkeer is slechts belastbaar in de overeenkomstsluitende Staat waar de plaats van de werkelijke leiding van de onderneming is gelegen.

2. Indien de plaats van de werkelijke leiding van een zeescheepvaartonderneming zich aan boord van een schip bevindt, wordt deze plaats geacht te zijn gelegen in de overeenkomstsluitende Staat waar het schip zijn thuishaven heeft, of, indien er geen thuishaven is, in de overeenkomstsluitende Staat waarvan de exploitant van het schip inwoner is.

3. De bepalingen van paragraaf 1 zijn ook van toepassing op winst verkregen uit de deelneming in een pool, een gemeenschappelijk bedrijf of een internationaal bedrijfslichaam voor de exploitatie, maar enkel op het gedeelte van de aldus verwezenlijkte winst dat toekomt aan elke deelnemer naar rata van zijn deelneming in de gemeenschappelijke onderneming.

4. Voor de toepassing van dit artikel omvat de winst van een onderneming van een overeenkomstsluitende Staat, die is verkregen uit de exploitatie van schepen of luchtvaartuigen in internationaal verkeer, de winst die onderandere voortkomt uit het gebruik of de verhuring van laadkisten, indien die activiteit bijkomend is ten opzichte van de exploitatie door die onderneming van schepen of luchtvaartuigen in internationaal verkeer.

Article 9

Entreprises associées

1. Lorsque :

a) une entreprise d'un Etat contractant participe directement ou indirectement à la direction, au contrôle ou au capital d'une entreprise de l'autre Etat contractant, ou que

b) les mêmes personnes participent directement ou indirectement à la direction, au contrôle ou au capital d'une entreprise d'un Etat contractant et d'une entreprise de l'autre Etat contractant, et que, dans l'un et l'autre cas, les deux entreprises sont, dans leurs relations commerciales ou financières, liées par des conditions convenues ou imposées, qui diffèrent de celles qui seraient convenues entre des entreprises indépendantes, les bénéfices qui, sans ces conditions, auraient été réalisés par l'une des entreprises mais n'ont pu l'être en fait à cause de ces conditions, peuvent être inclus dans les bénéfices de cette entreprise et imposés en conséquence.

2. Lorsqu'un Etat contractant inclut dans les bénéfices d'une entreprise de cet Etat - et impose en conséquence - des bénéfices sur lesquels une entreprise de l'autre Etat contractant a été imposée dans cet autre Etat, et que les bénéfices ainsi inclus sont des bénéfices qui auraient été réalisés par l'entreprise du premier Etat si les conditions convenues entre les deux entreprises avaient été celles qui auraient été convenues entre des entreprises indépendantes, l'autre Etat procède à un ajustement approprié du montant de l'impôt qui y a été perçu sur ces bénéfices. Pour déterminer cet ajustement, il est tenu compte des autres dispositions de la présente Convention et, si c'est nécessaire, les autorités compétentes des Etats contractants se consultent.

3. Les dispositions du paragraphe 2 ne s'appliquent pas lorsque des procédures judiciaires, administratives ou autres procédures légales ont abouti à la décision définitive qu'à la suite d'action donnant lieu à un ajustement des bénéfices en vertu du paragraphe 1, l'une des entreprises concernées est soumise à des pénalités en raison de fraude, de faute lourde ou d'omission volontaire.

Article 10

Dividendes

1. Les dividendes payés par une société qui est un résident d'un Etat contractant à un résident de l'autre Etat contractant sont imposables dans cet autre Etat.

2. Toutefois, ces dividendes sont aussi imposables dans l'Etat contractant dont la société qui paie les dividendes est un résident, et selon la législation de cet Etat, mais si le bénéficiaire effectif des dividendes est un résident de l'autre Etat contractant, l'impôt ainsi établi ne peut excéder :

a) 6,5 % du montant brut des dividendes si le bénéficiaire effectif est une société qui détient directement au moins 25 % du capital de la société qui paie les dividendes;

b) 10 % du montant brut des dividendes, dans tous les autres cas.

Le présent paragraphe n'affecte pas l'imposition de la société au titre des bénéfices qui servent au paiement des dividendes.

3. Le terme « dividendes » employé dans le présent article désigne les revenus provenant d'actions, actions ou bons de jouissance, parts de mine, parts de fondateur ou autres parts bénéficiaires à l'exception des créances, les revenus d'autres parts sociales ainsi que d'autres revenus, soumis au même régime fiscal que les revenus d'actions par la législation de l'Etat dont la société distributrice est un résident.

4. Les dispositions des paragraphes 1 et 2 ne s'appliquent pas lorsque le bénéficiaire effectif des dividendes, résident d'un Etat contractant, exerce dans l'autre Etat contractant dont la société qui paie les dividendes est un résident, soit une activité industrielle ou commerciale par l'intermédiaire d'un établissement stable qui y est situé, soit une profession indépendante au moyen d'une base fixe qui y est située, et que la participation génératrice des dividendes, s'y rattache effectivement. Dans ce cas, les dispositions de l'article 7 ou de l'article 14, suivant les cas, sont applicables.

Artikel 9

Afhankelijke ondernemingen

1. Indien :

a) een onderneming van een overeenkomstsluitende Staat onmiddellijk of middellijk deelneemt aan de leiding van, aan het toezicht op, dan wel in het kapitaal van een onderneming van de andere overeenkomstsluitende Staat, of

b) dezelfde personen onmiddellijk of middellijk deelnemen aan de leiding van, aan het toezicht op, dan wel in het kapitaal van een onderneming van een overeenkomstsluitende Staat en van een onderneming van de andere overeenkomstsluitende Staat, en in het ene en in het andere geval de twee ondernemingen in hun handelsbetrekkingen of financiële betrekkingen gebonden zijn door voorwaarden die werden overeengekomen of opgelegd en die afwijken van die welke zouden worden overeengekomen tussen onafhankelijke ondernemingen, mag winst die één van de ondernemingen zonder deze voorwaarden zou hebben behaald maar ten gevolge van die voorwaarden niet heeft behaald, worden begrepen in de winst van die onderneming en dienovereenkomstig worden belast.

2. Indien een overeenkomstsluitende Staat in de winst van een onderneming van die Staat winst opneemt — en dienovereenkomstig belast — ter zake waarvan een onderneming van de andere overeenkomstsluitende Staat in die andere Staat is belast, en de aldus opgenomen winst winst is die de onderneming van de eerstbedoelde Staat zou hebben behaald indien tussen de twee ondernemingen zodanige voorwaarden zouden zijn overeengekomen als tussen onafhankelijke ondernemingen zouden zijn overeengekomen, herziet de andere Staat op passende wijze het bedrag aan belasting dat aldaar over die winst is geheven. Bij deze herziening wordt rekening gehouden met de overige bepalingen van deze Overeenkomst en, indien nodig, plegen de bevoegde autoriteiten van de overeenkomstsluitende Staten overleg met elkaar.

3. De bepalingen van paragraaf 2 zijn niet van toepassing wanneer gerechtelijke, administratieve of andere wettelijke procedures hebben geleid tot de definitieve beslissing om, ten gevolge van een handeling die krachtens paragraaf 1 aanleiding heeft gegeven tot een herziening van de winst, aan één van de betrokken ondernemingen een boete op te leggen wegens fraude, zware fout of opzettelijk verzuim.

Artikel 10

Dividenden

1. Dividenden betaald door een vennootschap die inwoner is van een overeenkomstsluitende Staat aan een inwoner van de andere overeenkomstsluitende Staat, mogen in die andere Staat worden belast.

2. Deze dividenden mogen echter ook in de overeenkomstsluitende Staat waarvan de vennootschap die de dividenden betaalt inwoner is overeenkomstig de wetgeving van die Staat worden belast, maar indien de uiteindelijk gerechtigde tot de dividenden inwoner is van de andere overeenkomstsluitende Staat, mag de aldus geheven belasting niet hoger zijn dan :

a) 6,5 % van het brutobedrag van de dividenden indien de uiteindelijk gerechtigde een vennootschap is die onmiddellijk ten minste 25 % bezit van het kapitaal van de vennootschap die de dividenden betaalt;

b) 10 % van het brutobedrag van de dividenden in alle andere gevallen.

Deze paragraaf laat onverlet de belastingheffing van de vennootschap ter zake van de winst waaruit de dividenden worden betaald.

3. De uitdrukking « dividenden », zoals gebezigd in dit artikel, betekent inkomsten uit aandelen, winstaandelen of winstbewijzen, mijnaandelen, oprichtersaandelen of andere rechten op een aandeel in de winst, met uitzondering van schuldvorderingen, inkomsten uit andere rechten in vennootschappen alsmede andere inkomsten die, volgens de wetgeving van de Staat waarvan de uitkerende vennootschap inwoner is, op dezelfde wijze als inkomsten uit aandelen in de belastingheffing worden betrokken.

4. De bepalingen van de paragrafen 1 en 2 zijn niet van toepassing indien de uiteindelijk gerechtigde tot de dividenden, die inwoner is van een overeenkomstsluitende Staat, in de andere overeenkomstsluitende Staat, waarvan de vennootschap die de dividenden betaalt inwoner is, een nijverheids- of handelsbedrijf met behulp van een aldaar gevestigde vaste inrichting of een zelfstandig beroep door middel van een aldaar gevestigde vaste basis uitoefent en het aandelenbezit uit hoofde waarvan de dividenden worden betaald met die vaste inrichting of die vaste basis wezenlijk is verbonden. In dat geval zijn de bepalingen van artikel 7 of van artikel 14, naar het geval, van toepassing.

5. Lorsqu'une société qui est un résident d'un Etat contractant tire des bénéfices ou des revenus de l'autre Etat contractant, cet autre Etat ne peut percevoir aucun impôt sur les dividendes payés par la société, sauf dans la mesure où ces dividendes sont payés à un résident de cet autre Etat ou dans la mesure où la participation génératrice des dividendes se rattache effectivement à un établissement stable ou à une base fixe situés dans cet autre Etat, ni prélever aucun impôt, au titre de l'imposition des bénéfices non distribués, sur les bénéfices non distribués de la société, même si les dividendes payés ou les bénéfices non distribués consistent en tout ou en partie en bénéfices ou revenus provenant de cet autre Etat.

6. Nonobstant toute autre disposition de la présente Convention, lorsqu'une société qui est un résident d'un Etat contractant possède un établissement stable dans l'autre Etat contractant, les bénéfices imposables en vertu du paragraphe 1 de l'article 7, sont soumis à une taxe retenue à la source dans cet autre Etat, lorsque ces bénéfices sont mis à la disposition du siège à l'étranger, mais la taxe ainsi retenue ne peut excéder 6,5 % du montant desdits bénéfices après en avoir déduit l'impôt sur les sociétés y appliqué dans cet autre Etat.

Article 11

Intérêts

1. Les intérêts provenant d'un Etat contractant et payés à un résident de l'autre Etat contractant sont imposables dans cet autre Etat.

2. Toutefois, ces intérêts sont aussi imposables dans l'Etat contractant d'où ils proviennent et selon la législation de cet Etat, mais si le bénéficiaire effectif des intérêts est un résident de l'autre Etat contractant, l'impôt ainsi établi ne peut excéder 10% du montant brut des intérêts.

3. Nonobstant les dispositions du paragraphe 2, les intérêts sont exemptés d'impôt dans l'Etat contractant d'où ils proviennent lorsqu'il s'agit :

a) d'intérêts payés à l'autre Etat contractant ou à une de ses subdivisions politiques ou collectivités locales ou à la Banque Centrale de l'autre Etat contractant;

b) d'intérêts payés en raison d'un prêt concessionnel ou d'un crédit concessionnel ou d'un prêt consenti, publiquement garanti ou en raison de toute autre créance ou crédit doté d'une garantie publique par cet autre Etat et pour les crédits à l'exportation bénéficiant d'un soutien public.

4. Le terme « intérêts » employé dans le présent article désigne les revenus des créances de toute nature, assorties ou non de garanties hypothécaires ou d'une clause de participation aux bénéfices du débiteur, et notamment les revenus des fonds publics et des obligations d'emprunts, y compris les primes et lots attachés à ces titres. Les pénalisations pour paiement tardif ainsi que les intérêts traités comme des dividendes en vertu de l'article 10, paragraphe 3, ne sont pas considérées comme des intérêts au sens du présent article.

5. Les dispositions des paragraphes 1 et 2 ne s'appliquent pas lorsque le bénéficiaire effectif des intérêts, résident d'un Etat contractant, exerce dans l'autre Etat contractant d'où proviennent les intérêts, soit une activité industrielle ou commerciale par l'intermédiaire d'un établissement stable qui y est situé, soit une profession indépendante au moyen d'une base fixe qui y est située, et que la créance génératrice des intérêts se rattache effectivement à cet établissement stable ou à cette base fixe. Dans ces cas, les dispositions de l'article 7 ou de l'article 14, suivant le cas, sont applicables.

6. Les intérêts sont considérés comme provenant d'un Etat contractant lorsque le débiteur est un résident de cet Etat. Toutefois, lorsque le débiteur des intérêts, qu'il soit ou non un résident d'un Etat contractant, a dans un Etat contractant un établissement stable, ou une base fixe, pour lequel la dette donnant lieu au paiement des intérêts a été contractée et qui supporte la charge de ces intérêts, ceux-ci sont considérés comme provenant de l'Etat où l'établissement stable ou la base fixe est situé.

5. Indien een vennootschap die inwoner is van een overeenkomstsluitende Staat winst of inkomsten verkrijgt uit de andere overeenkomstsluitende Staat, mag die andere Staat geen belasting heffen op dividenden die door de vennootschap worden betaald, behalve voor zover die dividenden aan een inwoner van die andere Staat worden betaald of voor zover het aandelenbezit uit hoofde waarvan de dividenden worden betaald wezenlijk is verbonden met een in die andere Staat gelegen vaste inrichting of vaste basis, noch de niet-uitgedeelde winst van de vennootschap onderwerpen aan een belasting op niet-uitgedeelde winst, zelfs indien de betaalde dividenden of de niet-uitgedeelde winst geheel of gedeeltelijk bestaan uit winst of inkomsten die uit die andere Staat afkomstig zijn.

6. Wanneer een vennootschap die inwoner is van een overeenkomstsluitende Staat in de andere overeenkomstsluitende Staat over een vaste inrichting beschikt, wordt, ongeacht elke andere bepaling van deze Overeenkomst, de winst die belastbaar is op grond van artikel 7, paragraaf 1 in die andere Staat onderworpen aan een bij de bron ingehouden belasting wanneer die winst ter beschikking wordt gesteld van de zetel in het buitenland, maar de aldus ingehouden belasting mag niet hoger zijn dan 6,5 % van het bedrag van die winst na aftrek van de vennootschapsbelasting die erop werd toegepast in de andere Staat.

Artikel 11

Interest

1. Interest afkomstig uit een overeenkomstsluitende Staat en betaald aan een inwoner van de andere overeenkomstsluitende Staat mag in die andere Staat worden belast.

2. Deze interest mag echter ook in de overeenkomstsluitende Staat waaruit hij afkomstig is overeenkomstig de wetgeving van die Staat worden belast, maar indien de uiteindelijk gerechtigde tot de interest inwoner is van de andere overeenkomstsluitende Staat, mag de aldus geheven belasting niet hoger zijn dan 10% van het brutobedrag van de interest.

3. Niettegenstaande de bepalingen van paragraaf 2 is interest in de overeenkomstsluitende Staat waaruit hij afkomstig is vrijgesteld indien het gaat om :

a) interest betaald aan de andere overeenkomstsluitende Staat, een staatkundig onderdeel of een plaatselijke gemeenschap daarvan of aan de Centrale Bank van de andere overeenkomstsluitende Staat;

b) interest betaald uit hoofde van een concessionele lening, een concessioneel krediet of van een lening toegestaan onder overheidswaarborg of uit hoofde van enige andere schuldvordering of krediet die door die andere Staat gewaarborgd is en voor uitvoerkredieten die overheidssteun genieten.

4. De uitdrukking « interest », zoals gebezigd in dit artikel, betekent inkomsten uit schuldvorderingen van welke aard ook, al dan niet gewaarborgd door hypotheek of al dan niet aanspraak gevend op een aandeel in de winst van de schuldenaar, en in het bijzonder inkomsten uit overheidsleningen en obligaties, daaronder begrepen premies en loten op die effecten. Boeten voor laattijdige betaling of interest die overeenkomstig artikel 10, paragraaf 3, als dividenden wordt behandeld worden niet beschouwd als interest in de zin van dit artikel.

5. De bepalingen van de paragrafen 1 en 2 zijn niet van toepassing indien de uiteindelijk gerechtigde tot de interest, die inwoner is van een overeenkomstsluitende Staat, in de andere overeenkomstsluitende Staat waaruit de interest afkomstig is, een nijverheids- of handelsbedrijf met behulp van een aldaar gevestigde vaste inrichting of een zelfstandig beroep door middel van een aldaar gevestigde vaste basis uitoefent en de schuldvordering uit hoofde waarvan de interest is verschuldigd wezenlijk is verbonden met die vaste inrichting of die vaste basis. In dat geval zijn de bepalingen van artikel 7 of van artikel 14, naar het geval, van toepassing.

6. Interest wordt geacht uit een overeenkomstsluitende Staat afkomstig te zijn indien de schuldenaar een inwoner van die Staat is. Indien evenwel de schuldenaar van de interest, ongeacht of hij inwoner van een overeenkomstsluitende Staat is of niet, in een overeenkomstsluitende Staat een vaste inrichting of een vaste basis heeft waarvoor de schuld ter zake waarvan de interest wordt betaald is aangegaan en de interest ten laste komt van die vaste inrichting of die vaste basis, wordt die interest geacht afkomstig te zijn uit de Staat waar de vaste inrichting of de vaste basis is gevestigd.

7. Lorsque, en raison de relations spéciales existant entre le débiteur et le bénéficiaire effectif ou que l'un et l'autre entretiennent avec de tierces personnes, le montant des intérêts, compte tenu de la créance pour laquelle ils sont payés, excède celui dont seraient convenus le débiteur et le bénéficiaire effectif en l'absence de pareilles relations, les dispositions du présent article ne s'appliquent qu'à ce dernier montant. Dans ce cas, la partie excédentaire des paiements reste imposable selon la législation de chaque Etat contractant et compte tenu des autres dispositions de la présente Convention.

Article 12

Redevances

1. Les redevances provenant d'un Etat contractant et payées à un résident de l'autre Etat contractant sont imposables dans cet autre Etat.

2. Toutefois, ces redevances sont aussi imposables dans l'Etat contractant d'où elles proviennent et selon la législation de cet Etat, mais si le bénéficiaire effectif des redevances est un résident de l'autre Etat contractant, l'impôt ainsi établi ne peut excéder 10 % du montant brut des redevances.

3. Le terme « redevances » employé dans le présent article désigne les rémunérations de toute nature payées pour l'usage ou la concession de l'usage d'un droit d'auteur sur une œuvre littéraire, artistique ou scientifique, y compris les films cinématographiques ou les films et enregistrements utilisés pour les émissions radiophoniques ou télévisées ou les transmissions par satellite, câble, fibres optiques ou technologies similaires utilisées pour les transmissions destinées au public, les bandes magnétiques, les disquettes ou disques laser (logiciels), d'un brevet, d'une marque de fabrique ou de commerce, d'un dessin ou d'un modèle, d'un plan, d'une formule ou d'un procédé secrets, pour l'usage ou la concession de l'usage d'un équipement industriel, commercial, agricole ou scientifique ou pour des informations ayant trait à une expérience acquise dans le domaine industriel, commercial, agricole, ou scientifique (savoir-faire), ainsi que pour l'assistance technique et les prestations de services et de personnel par une entreprise lorsque cette assistance ou ces prestations ne constituent pas un établissement stable et dans la mesure où les activités d'assistance technique ou les prestations sont effectivement exercées dans l'Etat d'où proviennent les redevances.

4. Les dispositions des paragraphes 1 et 2 ne s'appliquent pas lorsque le bénéficiaire effectif des redevances, résident d'un Etat contractant, exerce dans l'autre Etat contractant d'où proviennent les redevances, soit une activité industrielle ou commerciale par l'intermédiaire d'un établissement stable qui y est situé, soit une profession indépendante au moyen d'une base fixe qui y est située, et que le droit ou le bien générateur des redevances se rattache effectivement à cet établissement stable ou à cette base fixe. Dans ces cas, les dispositions de l'article 7 ou de l'article 14, suivant le cas, sont applicables.

5. Les redevances sont considérées comme provenant d'un Etat contractant lorsque le débiteur est un résident de cet Etat. Toutefois, lorsque le débiteur des redevances, qu'il soit ou non un résident d'un Etat contractant a dans un Etat contractant un établissement stable ou une base fixe, pour lequel l'engagement donnant lieu au paiement des redevances a été contracté et qui supporte la charge de ces redevances, celles-ci sont considérées comme provenant de l'Etat où l'établissement stable où la base fixe est situé.

6. Lorsque, en raison de relations spéciales existant entre le débiteur et le bénéficiaire effectif ou que l'un et l'autre entretiennent avec de tierces personnes, le montant des redevances, compte tenu de la prestation pour laquelle elles sont payées, excède celui dont seraient convenus le débiteur et le bénéficiaire effectif en l'absence de pareilles relations, les dispositions du présent article ne s'appliquent qu'à ce dernier montant. Dans ce cas, la partie excédentaire des paiements reste imposable selon la législation de chaque Etat contractant et compte tenu des autres dispositions de la présente Convention.

7. Indien, ten gevolge van een bijzondere verhouding tussen de schuldenaar en de uiteindelijk gerechtigde of tussen hen beiden en een derde, het bedrag van de interest, gelet op de schuldvordering waarvoor hij wordt betaald, hoger is dan het bedrag dat zonder zulk een verhouding door de schuldenaar en de uiteindelijk gerechtigde zou zijn overeengekomen, zijn de bepalingen van dit artikel slechts op het laatstbedoelde bedrag van toepassing. In dat geval blijft het daarboven uitgaande deel van de betalingen belastbaar overeenkomstig de wetgeving van elke overeenkomstsluitende Staat en met inachtneming van de overige bepalingen van deze Overeenkomst.

Artikel 12

Royalty's

1. Royalty's afkomstig uit een overeenkomstsluitende Staat en betaald aan een inwoner van de andere overeenkomstsluitende Staat mogen in die andere Staat worden belast.

2. Deze royalty's mogen echter ook in de overeenkomstsluitende Staat waaruit zij afkomstig zijn overeenkomstig de wetgeving van die Staat worden belast, maar indien de uiteindelijk gerechtigde tot de royalty's inwoner is van de andere overeenkomstsluitende Staat, mag de aldus geheven belasting niet hoger zijn dan 10 % van het brutobedrag van de royalty's.

3. De uitdrukking « royalty's », zoals gebezigd in dit artikel, betekent vergoedingen van welke aard ook voor het gebruik van, of voor het recht van gebruik van, een auteursrecht op een werk op het gebied van letterkunde, kunst of wetenschap, daaronder begrepen bioscoopfilms en films of banden voor radio- of televisieuitzendingen of voor uitzendingen via satelliet, kabel, glasvezel of gelijksoortige technologische middelen die worden aangewend voor uitzendingen bestemd voor het publiek, magneetbanden, diskettes of laser disks (software), van een octrooi, een fabrieks- of handelsmerk, een tekening, een model, een plan, een geheim recept of een geheime werkwijze, voor het gebruik van, of voor het recht van gebruik van een nijverheids-, handels-, landbouw- of wetenschappelijke uitrusting of voor inlichtingen omtrent ervaringen op het gebied van nijverheid, handel, landbouw of wetenschap (know-how), alsmede voor het verlenen van technische bijstand en voor het leveren van diensten en van personeel door een onderneming, wanneer die bijstand of die levering geen vaste inrichting uitmaken en voor zover de werkzaamheden van technische bijstand of die levering daadwerkelijk zijn gedaan in de Staat waaruit de royalty's afkomstig zijn.

4. De bepalingen van paragrafen 1 en 2 zijn niet van toepassing indien de uiteindelijk gerechtigde tot de royalty's, die inwoner is van een overeenkomstsluitende Staat, in de andere overeenkomstsluitende Staat waaruit de royalty's afkomstig zijn, een nijverheids- of handelsbedrijf met behulp van een aldaar gevestigde vaste inrichting of een zelfstandig beroep door middel van een aldaar gevestigde vaste basis uitoefent en het recht of het goed uit hoofde waarvan de royalty's verschuldigd zijn met die vaste inrichting of die vaste basis wezenlijk is verbonden. In dat geval zijn de bepalingen van artikel 7 of van artikel 14, naar het geval, van toepassing.

5. Royalty's worden geacht uit een overeenkomstsluitende Staat afkomstig te zijn indien de schuldenaar een inwoner is van die Staat. Indien evenwel de schuldenaar van de royalty's, ongeacht of hij inwoner van een overeenkomstsluitende Staat is of niet, in een overeenkomstsluitende Staat een vaste inrichting of een vaste basis heeft waarvoor de verbintenis uit hoofde waarvan de royalty's worden betaald is aangegaan en die de last van de royalty's draagt, worden die royalty's geacht afkomstig te zijn uit de Staat waar de vaste inrichting of de vaste basis is gevestigd.

6. Indien, ten gevolge van een bijzondere verhouding tussen de schuldenaar en de uiteindelijk gerechtigde of tussen hen beiden en een derde, het bedrag van de royalty's, gelet op het gebruik, het recht of de inlichtingen waarvoor zij worden betaald, hoger is dan het bedrag dat zonder zulk een verhouding door de schuldenaar en de uiteindelijk gerechtigde zou zijn overeengekomen, zijn de bepalingen van dit artikel slechts op het laatstbedoelde bedrag van toepassing. In dat geval blijft het daarboven uitgaande deel van de betalingen belastbaar overeenkomstig de wetgeving van elke overeenkomstsluitende Staat en met inachtneming van de overige bepalingen van deze Overeenkomst.

Article 13

Gains en capital

1. Les gains qu'un résident d'un Etat contractant tire de l'aliénation de biens immobiliers visés à l'article 6 et situés dans l'autre Etat contractant, sont imposables dans cet autre Etat.

2. Les gains provenant de l'aliénation de biens mobiliers qui font partie de l'actif d'un établissement stable qu'une entreprise d'un Etat contractant a dans l'autre Etat contractant, ou de biens mobiliers qui appartiennent à une base fixe dont un résident d'un Etat contractant dispose dans l'autre Etat contractant pour l'exercice d'une profession indépendante, y compris de tels gains provenant de l'aliénation de cet établissement stable (seul ou avec l'ensemble de l'entreprise) ou de cette base fixe, sont imposables dans cet autre Etat.

3. Les gains provenant de l'aliénation de navires ou d'aéronefs exploités en trafic international, ou de biens mobiliers affectés à l'exploitation de ces navires ou aéronefs, ne sont imposables que dans l'Etat contractant où le siège de direction effective de l'entreprise est situé.

4. Les gains provenant de l'aliénation des actions en capital d'une société, dont les biens consistent à titre principal, directement ou indirectement, en biens immobiliers situés dans un Etat contractant peuvent être imposés par cet Etat.

5. Les gains provenant de l'aliénation de tous biens autres que ceux visés aux paragraphes 1 à 4 du présent article ne sont imposables que dans l'Etat contractant dont le cédant est un résident.

Article 14

Professions indépendantes

1. Les revenus qu'un résident d'un Etat contractant tire d'une profession libérale ou d'autres activités de caractère indépendant ne sont imposables que dans cet Etat; toutefois, ces revenus sont aussi imposables dans l'autre Etat contractant dans les cas suivants :

a) si ce résident dispose de façon habituelle, dans l'autre Etat contractant, d'une base fixe pour l'exercice de ses activités; en ce cas, seule la fraction des revenus qui est imputable à ladite base fixe est imposable dans l'autre Etat contractant; ou

b) si son séjour dans l'autre Etat contractant s'étend sur une période ou des périodes d'une durée totale égale ou supérieure à 183 jours durant toute période de douze mois commençant ou se terminant au cours de l'année fiscale considérée; en ce cas, seule la fraction des revenus qui est tirée des activités exercées dans cet autre Etat est imposable dans cet autre Etat.

2. L'expression « profession libérale » comprend notamment les activités indépendantes d'ordre scientifique, littéraire, artistique, éducatif ou pédagogique, ainsi que les activités indépendantes des médecins, avocats, ingénieurs, architectes, dentistes et comptables.

Article 15

Professions dépendantes

1. Sous réserve des dispositions des articles 16, 18, 19, 20 et 21, les salaires, traitements et autres rémunérations similaires qu'un résident d'un Etat contractant reçoit au titre d'un emploi salarié ne sont imposables que dans cet Etat, à moins que l'emploi ne soit exercé dans l'autre Etat contractant. Si l'emploi y est exercé, les rémunérations reçues à ce titre sont imposables dans cet autre Etat.

2. Nonobstant les dispositions du paragraphe 1, les rémunérations qu'un résident d'un Etat contractant reçoit au titre d'un emploi salarié exercé dans l'autre Etat contractant ne sont imposables que dans le premier Etat si :

a) le bénéficiaire séjourne dans l'autre Etat pendant une période ou des périodes n'excédant pas au total 183 jours durant toute période de 12 mois commençant ou se terminant au cours de l'année fiscale considérée; et

b) les rémunérations sont payées par un employeur ou pour le compte d'un employeur qui n'est pas un résident de l'autre Etat; et

c) la charge des rémunérations n'est pas supportée par un établissement stable ou une base fixe que l'employeur a dans l'autre Etat.

Artikel 13

Vermogenswinst

1. Voordelen die een inwoner van een overeenkomstsluitende Staat verkrijgt uit de vervreemding van onroerende goederen zoals bedoeld in artikel 6 die in de andere overeenkomstsluitende Staat zijn gelegen, mogen in die andere Staat worden belast.

2. Voordelen verkregen uit de vervreemding van roerende goederen die deel uitmaken van het bedrijfsvermogen van een vaste inrichting die een onderneming van een overeenkomstsluitende Staat in de andere overeenkomstsluitende Staat heeft, of van roerende goederen die behoren tot een vaste basis die een inwoner van een overeenkomstsluitende Staat in de andere overeenkomstsluitende Staat tot zijn beschikking heeft voor de uitoefening van een zelfstandig beroep, daaronder begrepen voordelen verkregen uit de vervreemding van die vaste inrichting (alleen of te zamen met de gehele onderneming) of van die vaste basis, mogen in die andere Staat worden belast.

3. Voordelen verkregen uit de vervreemding van schepen of luchtvaartuigen die in internationaal verkeer worden geëxploiteerd of van roerende goederen die bij de exploitatie van die schepen of luchtvaartuigen worden gebruikt, zijn slechts belastbaar in de overeenkomstsluitende Staat waar de plaats van werkelijke leiding van de onderneming is gelegen.

4. Voordelen verkregen uit de vervreemding van aandelen in het kapitaal van een vennootschap waarvan het vermogen, onmiddellijk of middellijk, hoofdzakelijk bestaat uit in een overeenkomstsluitende Staat gelegen onroerende goederen, mogen in die Staat worden belast.

5. Voordelen verkregen uit de vervreemding van alle andere goederen dan die vermeld in de paragrafen 1 tot 4 zijn slechts belastbaar in de overeenkomstsluitende Staat waarvan de vervreemder inwoner is.

Artikel 14

Zelfstandige beroepen

1. Inkomsten verkregen door een inwoner van een overeenkomstsluitende Staat in de uitoefening van een vrij beroep of ter zake van andere werkzaamheden van zelfstandige aard zijn slechts in die Staat belastbaar; deze inkomsten mogen evenwel in de volgende gevallen ook in de andere overeenkomstsluitende Staat worden belast :

a) indien die inwoner in de andere overeenkomstsluitende Staat voor het verrichten van zijn werkzaamheden geregeld over een vaste basis beschikt; in dat geval mag slechts het deel van de inkomsten dat aan die vaste basis kan worden toegerekend in de andere overeenkomstsluitende Staat worden belast; of

b) indien hij in de andere overeenkomstsluitende Staat verblijft gedurende een tijdvak of tijdvakken die in enig tijdperk van twaalf maanden dat aanvangt of eindigt in het betrokken belastingjaar een totaal van 183 dagen bereiken of te boven gaan; in dat geval mag slechts het deel van de inkomsten dat afkomstig is van de in die andere Staat verrichte werkzaamheden, in die andere Staat worden belast.

2. De uitdrukking « vrij beroep » omvat in het bijzonder zelfstandige werkzaamheden op het gebied van wetenschap, letterkunde, kunst, opvoeding of onderwijs, alsmede de zelfstandige werkzaamheden van artsen, advocaten, ingenieurs, architecten, tandartsen en accountants.

Artikel 15

Niet zelfstandige beroepen

1. Onder voorbehoud van de bepalingen van de artikelen 16, 18, 19, 20 en 21, zijn lonen, salarissen en andere soortgelijke beloningen verkregen door een inwoner van een overeenkomstsluitende Staat ter zake van een dienstbetrekking slechts in die Staat belastbaar, tenzij de dienstbetrekking in de andere overeenkomstsluitende Staat wordt uitgeoefend. Indien de dienstbetrekking aldaar wordt uitgeoefend, mogen de ter zake daarvan verkregen beloningen in die andere Staat worden belast.

2. Niettegenstaande de bepalingen van paragraaf 1 zijn beloningen verkregen door een inwoner van een overeenkomstsluitende Staat ter zake van een in de andere overeenkomstsluitende Staat uitgeoefende dienstbetrekking slechts in de eerstbedoelde Staat belastbaar, indien :

a) de verkrijger in de andere Staat verblijft gedurende een tijdvak of tijdvakken die in enig tijdperk van twaalf maanden dat aanvangt of eindigt in het betrokken belastingjaar een totaal van 183 dagen niet te boven gaan; en

b) de beloningen worden betaald door of namens een werkgever die geen inwoner van de andere Staat is; en

c) de beloningen niet ten laste komen van een vaste inrichting of een vaste basis, die de werkgever in de andere Staat heeft.

3. Nonobstant les dispositions précédentes du présent article, les rémunérations reçues au titre d'un emploi salarié exercé à bord d'un navire ou d'un aéronef exploité en trafic international, sont imposables dans l'Etat contractant où le siège de direction effective de l'entreprise est situé.

Article 16

Tantièmes et rémunérations des dirigeants de sociétés

1. Les tantièmes, jetons de présence et autres rétributions similaires qu'un résident d'un Etat contractant reçoit en sa qualité de membre du conseil d'administration ou de surveillance ou d'un organe analogue d'une société qui est un résident de l'autre Etat contractant sont imposables dans cet autre Etat.

2. Les salaires, traitements et autres rémunérations similaires qu'un résident d'un Etat contractant reçoit en sa qualité de dirigeant occupant un poste de direction de haut niveau dans une société qui est un résident de l'autre Etat contractant sont imposables dans cet autre Etat.

Article 17

Artistes et sportifs

1. Nonobstant les dispositions des articles 14 et 15, les revenus qu'un résident d'un Etat contractant tire de ses activités personnelles exercées dans l'autre Etat contractant en tant qu'artiste du spectacle, tel qu'un artiste de théâtre, de cinéma, de la radio ou de la télévision ou qu'un musicien, ou en tant que sportif, sont imposables dans cet autre Etat.

2. Lorsque les revenus d'activités qu'un artiste du spectacle ou un sportif exerce personnellement et en cette qualité sont attribués non pas à l'artiste ou au sportif lui-même mais à une autre personne, ces revenus sont imposables, nonobstant les dispositions des articles 7, 14 et 15, dans l'Etat contractant où les activités de l'artiste du spectacle ou du sportif sont exercées.

3. Nonobstant les dispositions des paragraphes 1 et 2 du présent article, les revenus d'activités mentionnées au paragraphe 1 dans le cadre d'un programme d'échanges culturels ou sportifs approuvé et financé en totalité ou en partie par un Etat contractant, l'une de ses subdivisions politiques ou collectivités locales et qui ne sont pas exercées dans un but lucratif, sont exonérés d'impôts dans l'Etat contractant où ces activités sont exercées.

Article 18

Pensions, rentes viagères et prestations de sécurité sociale

1. Sous réserve des dispositions du paragraphe 2 de l'article 19, les pensions et autres rémunérations similaires payées à un résident d'un Etat contractant au titre d'un emploi antérieur, ne sont imposables que dans cet Etat. La présente disposition s'applique également aux rentes viagères versées à un résident d'un Etat contractant.

2. Les pensions, rentes viagères et autres versements périodiques ou occasionnels effectués par un Etat contractant ou l'une de ses subdivisions politiques pour assurer les accidents personnels ne sont imposables que dans cet Etat.

3. Nonobstant les dispositions du paragraphe 1, les pensions et autres sommes payées en application de la législation sur la sécurité sociale d'un Etat contractant ne sont imposables que dans cet Etat.

4. Les capitaux et valeurs de rachat qui sont payés au titre d'un emploi antérieur demeurent imposables en Belgique lorsque les cotisations payées au titre de ces capitaux et valeurs de rachat ont été déduites ou ont donné lieu à un autre avantage fiscal lors de l'imposition en Belgique des revenus afférents à cet emploi et que ces capitaux ou valeurs de rachat ne sont pas imposés au Maroc dont le bénéficiaire est un résident.

3. Niettegenstaande de voorgaande bepalingen van dit artikel mogen beloningen, verkregen ter zake van een dienstbetrekking uitgeoefend aan boord van een schip of luchtvaartuig dat in internationaal verkeer wordt geëxploiteerd, worden belast in de overeenkomstsluitende Staat waar de plaats van de werkelijke leiding van de onderneming gelegen is.

Artikel 16

Tantièmes en beloningen voor vennootschapsleiding

1. Tantièmes, presentiegelden en andere soortgelijke beloningen verkregen door een inwoner van een overeenkomstsluitende Staat in zijn hoedanigheid van lid van de raad van bestuur of van toezicht of van een gelijkaardig orgaan van een vennootschap die inwoner is van de andere overeenkomstsluitende Staat, mogen in die andere Staat worden belast.

2. Lonen, salarissen en andere soortgelijke beloningen verkregen door een inwoner van een overeenkomstsluitende Staat in zijn hoedanigheid van leidinggevende die een directiefunctie op hoog niveau uitoefent in een vennootschap die inwoner is van de andere overeenkomstsluitende Staat, mogen in die andere Staat worden belast.

Artikel 17

Artiesten en sportbeoefenaars

1. Niettegenstaande de bepalingen van de artikelen 14 en 15 mogen inkomsten die een inwoner van een overeenkomstsluitende Staat verkrijgt uit zijn persoonlijke werkzaamheden die hij in de andere overeenkomstsluitende Staat verricht in de hoedanigheid van artiest, zoals toneelspeler, film-, radio- of televisieartiest, of musicus, of in de hoedanigheid van sportbeoefenaar, in die andere Staat worden belast.

2. Indien inkomsten uit werkzaamheden die een artiest of een sportbeoefenaar persoonlijk en als zodanig verricht, niet worden toegekend aan de artiest of aan de sportbeoefenaar zelf maar aan een andere persoon, mogen die inkomsten, niettegenstaande de bepalingen van de artikelen 7, 14 en 15, worden belast in de overeenkomstsluitende Staat waar de werkzaamheden van de artiest of de sportbeoefenaar worden verricht.

3. Inkomsten uit de in paragraaf 1 vermelde werkzaamheden, verricht in het kader van een programma van culturele of sportieve uitwisseling dat werd goedgekeurd en volledig of gedeeltelijk gefinancierd door een Overeenkomstsluitende Staat, een staatkundig onderdeel of een plaatselijke gemeenschap daarvan en die niet worden verricht met het doel winst te maken, worden, niettegenstaande de bepalingen van de paragrafen 1 en 2 van dit artikel, van belasting vrijgesteld in de Overeenkomstsluitende Staat waar die werkzaamheden worden verricht.

Artikel 18

Pensioenen, lijfrenten en sociale uitkeringen

1. Onder voorbehoud van de bepalingen van artikel 19, paragraaf 2, zijn pensioenen en andere soortgelijke beloningen, betaald aan een inwoner van een overeenkomstsluitende Staat ter zake van een vroegere dienstbetrekking, slechts in die Staat belastbaar. Deze bepaling geldt ook voor lijfrenten die zijn betaald aan een inwoner van een overeenkomstsluitende Staat.

2. Pensioenen, lijfrenten en andere periodieke of tijdelijke uitkeringen die worden betaald door een overeenkomstsluitende Staat of een staatkundig onderdeel daarvan ter verzekering van persoonlijke ongevallen, zijn alleen in die Staat belastbaar.

3. Niettegenstaande de bepalingen van paragraaf 1 zijn pensioenen en andere vergoedingen, die worden betaald ter uitvoering van de sociale wetgeving van een overeenkomstsluitende Staat, alleen in die Staat belastbaar.

4. Kapitalen en afkoopwaarden, betaald ter zake van een vroegere dienstbetrekking, blijven in België belastbaar wanneer de bijdragen die werden betaald uit hoofde van die kapitalen en afkoopwaarden in mindering werden gebracht of aanleiding hebben gegeven tot een ander belastingvoordeel bij de belastingheffing in België van de inkomsten die bij die dienstbetrekking behoren en die kapitalen of afkoopwaarden niet belast zijn in Marokko, waarvan de gerechtigde inwoner is.

Article 19

Fonctions publiques

1. *a)* Les salaires, traitements et autres rémunérations similaires, autres que les pensions, payées par un Etat contractant, l'une de ses subdivisions politiques ou collectivités locales à une personne physique, au titre de services rendus à cet Etat ou à cette subdivision ou collectivité, ne sont imposables que dans cet Etat.

b) Toutefois, ces salaires, traitements et autres rémunérations similaires ne sont imposables que dans l'autre Etat contractant si les services sont rendus dans cet Etat et si la personne physique est un résident de cet Etat qui :

(i) possède la nationalité de cet Etat; ou

(ii) n'est pas devenu un résident de cet Etat à seule fin de rendre les services.

2. *a)* Les pensions payées par un Etat contractant ou l'une de ses subdivisions politiques ou collectivités locales, soit directement soit par prélèvement sur des fonds qu'ils ont constitués, à une personne physique au titre de services rendus à cet Etat, à cette subdivision ou collectivité, ne sont imposables que dans cet Etat.

b) Toutefois, ces pensions ne sont imposables que dans l'autre Etat contractant si la personne physique est un résident de cet autre Etat et en possède la nationalité.

3. Les dispositions des articles 15, 16, 17 et 18 s'appliquent aux salaires, traitements et autres rémunérations similaires ainsi qu'aux pensions payées au titre de services rendus dans le cadre d'une activité industrielle ou commerciale exercée par un Etat contractant ou l'une de ses subdivisions politiques ou collectivités locales.

Article 20

Etudiants et stagiaires

1. Les sommes qu'un étudiant ou un stagiaire qui est, ou qui était immédiatement avant de se rendre dans un Etat contractant, un résident de l'autre Etat contractant et qui séjourne dans le premier Etat à seule fin d'y poursuivre ses études ou sa formation, reçoit pour couvrir ses frais d'entretien, d'études ou de formation ne sont pas imposables dans cet Etat, à condition qu'elles proviennent de sources situées en dehors de cet Etat.

2. En ce qui concerne les bourses et les rémunérations d'un emploi salarié auxquelles ne s'applique pas le paragraphe 1, un étudiant ou un stagiaire au sens du paragraphe 1 bénéficie, pendant la durée de ces études ou de cette formation, des mêmes exonérations, dégrèvements ou réductions d'impôts que les résidents de l'Etat dans lequel il séjourne.

Article 21

Professeurs et chercheurs

1. Nonobstant les dispositions du paragraphe 1 de l'article 19, une personne physique qui se rend dans un Etat contractant à l'invitation de cet Etat, d'une de ses subdivisions politiques ou collectivités locales, d'une université, d'un établissement d'enseignement ou de toute autre institution culturelle sans but lucratif, ou dans le cadre d'un programme d'échanges culturels pour une période n'excédant pas deux ans à seule fin d'enseigner, de donner des conférences ou de mener des travaux de recherche dans cette institution et qui est ou qui était un résident de l'autre Etat contractant juste avant ce séjour est exemptée de l'impôt dans ledit premier Etat contractant sur la rémunération qu'elle reçoit pour cette activité, à condition que cette rémunération provienne de sources situées en dehors de cet Etat.

2. Les dispositions du paragraphe 1 ne s'appliquent pas aux rémunérations reçues au titre de travaux de recherche entrepris non pas dans l'intérêt public, mais principalement en vue de la réalisation d'un avantage particulier bénéficiant à une ou à des personnes déterminées.

Artikel 19

Overheidsfuncties

1. *a)* Lonen, salarissen en andere soortgelijke beloningen, niet zijnde pensioenen, betaald door een overeenkomstsluitende Staat of een staatkundig onderdeel of plaatselijke gemeenschap daarvan aan een natuurlijke persoon, ter zake van diensten bewezen aan die Staat of aan dat onderdeel of die gemeenschap, zijn slechts in die Staat belastbaar.

b) Die lonen, salarissen en andere soortgelijke beloningen zijn evenwel slechts in de andere overeenkomstsluitende Staat belastbaar indien de diensten in die Staat worden bewezen en de natuurlijke persoon inwoner van die Staat is, die :

(i) onderdaan is van die Staat; of

(ii) niet uitsluitend met het oog op het bewijzen van de diensten inwoner van die Staat is geworden.

2. *a)* Pensioenen door een overeenkomstsluitende Staat of een staatkundig onderdeel of plaatselijke gemeenschap daarvan, hetzij rechtstreeks, hetzij uit door hen in het leven geroepen fondsen, betaald aan een natuurlijke persoon ter zake van diensten bewezen aan die Staat of aan dat onderdeel of die gemeenschap, zijn slechts in die Staat belastbaar.

b) Die pensioenen zijn evenwel slechts in de andere overeenkomstsluitende Staat belastbaar indien de natuurlijke persoon inwoner en onderdaan is van die andere Staat.

3. De bepalingen van de artikelen 15, 16, 17 en 18 zijn van toepassing op lonen, salarissen en andere soortgelijke beloningen en op pensioenen betaald ter zake van diensten bewezen in het kader van een nijverheids- of handelsbedrijf uitgeoefend door een overeenkomstsluitende Staat of een staatkundig onderdeel of plaatselijke gemeenschap daarvan.

Artikel 20

Studenten en stagiairs

1. Bedragen die een student of een voor een beroep of bedrijf in opleiding zijnde persoon die inwoner is, of onmiddellijk vóór zijn bezoek aan een overeenkomstsluitende Staat inwoner was, van de andere overeenkomstsluitende Staat en die uitsluitend voor zijn studie of opleiding in de eerstbedoelde Staat verblijft, ontvangt ten behoeve van zijn onderhoud, studie of opleiding, zijn in die Staat niet belastbaar, op voorwaarde dat die bedragen afkomstig zijn uit bronnen buiten die Staat.

2. Ter zake van studietoelagen, studiebeurzen en beloningen uit een dienstbetrekking waarop paragraaf 1 niet van toepassing is, geniet een in paragraaf 1 bedoelde student of voor een beroep of bedrijf in opleiding zijnde persoon tijdens de duur van die studie of opleiding dezelfde belastingvrijstellingen, -aftrekken of -verminderingen als de inwoners van de Staat waarin hij verblijft.

Artikel 21

Leraren en onderzoekers

1. Een natuurlijke persoon die voor een tijdvak van ten hoogste 2 jaar naar een overeenkomstsluitende Staat gaat op uitnodiging van die Staat, een staatkundig onderdeel of plaatselijke gemeenschap daarvan, een universiteit, een onderwijsinstelling of enige andere culturele instelling zonder winstoogmerk, of in het kader van een cultureel uitwisselingsprogramma, met als enig doel onderwijs te geven, lezingen te houden of werkzaamheden van onderzoek te verrichten in die instelling en die inwoner is, of onmiddellijk vóór zijn verblijf inwoner was van de andere overeenkomstsluitende Staat, wordt, niettegenstaande de bepalingen van artikel 19, paragraaf 1, in eerstgenoemde overeenkomstsluitende Staat vrijgesteld van belasting op de beloningen die hij voor die activiteit ontvangt, op voorwaarde dat die beloningen afkomstig zijn uit bronnen buiten die Staat.

2. De bepalingen van paragraaf 1 gelden niet voor beloningen verkregen ter zake van werkzaamheden van onderzoek die niet worden verricht in het algemeen belang maar hoofdzakelijk in het particulier belang van één of meer bepaalde personen.

Article 22

Autres revenus

1. Les éléments du revenu d'un résident d'un Etat contractant, d'où qu'ils proviennent, qui ne sont pas traités dans les articles précédents de la présente Convention ne sont imposables que dans cet Etat.

2. Les dispositions du paragraphe 1 ne s'appliquent pas aux revenus autres que les revenus provenant de biens immobiliers, tels qu'ils sont définis au paragraphe 2 de l'article 6, lorsque le bénéficiaire de tels revenus, résident d'un Etat contractant, exerce dans l'autre Etat contractant, soit une activité industrielle ou commerciale par l'intermédiaire d'un établissement stable qui y est situé, soit une profession indépendante au moyen d'une base fixe qui y est située, et que le droit ou le bien générateur des revenus s'y rattache effectivement. Dans ce cas, les dispositions de l'article 7 ou de l'article 14, suivant les cas, sont applicables.

3. Nonobstant les dispositions des paragraphes 1 et 2, les éléments du revenu d'un résident d'un Etat contractant qui ne sont pas traités dans les articles précédents de la présente Convention et qui proviennent de l'autre Etat contractant sont aussi imposables dans cet autre Etat.

Article 23

Méthodes pour éliminer les doubles impositions

1. Dans le cas de la Belgique, la double imposition est éliminée de la manière suivante :

a) Lorsqu'un résident de la Belgique reçoit des revenus, autres que des dividendes, des intérêts ou des redevances, qui sont imposables au Maroc conformément aux dispositions de la présente Convention et qui y sont imposés, la Belgique exempte de l'impôt ces revenus, mais elle peut, pour calculer le montant de ses impôts sur le reste du revenu de ce résident, appliquer le même taux que si les revenus en question n'avaient pas été exemptés.

Toutefois, la Belgique exempte également les bénéfices des entreprises qui sont imposables au Maroc conformément aux dispositions de la Convention mais que la législation fiscale marocaine actuelle relative aux incitations fiscales exonère pendant 5 ans consécutifs à compter de l'exercice au cours duquel la première opération donnant lieu à l'exonération a été réalisée. Les autorités compétentes des Etats contractants prennent les mesures nécessaires pour éviter l'utilisation abusive ou contraire aux dispositions visées ci-dessus.

b) Les dividendes qu'une société qui est un résident de la Belgique reçoit d'une société qui est un résident du Maroc sont exemptés de l'impôt des sociétés en Belgique, dans les conditions et limites prévues par la législation belge.

c) Sous réserve des dispositions de la législation belge relatives à l'imputation sur l'impôt belge des impôts payés à l'étranger, lorsqu'un résident de la Belgique reçoit des éléments de revenu qui sont compris dans son revenu global soumis à l'impôt belge et qui consistent en intérêts ou en redevances, l'impôt marocain perçu sur ces revenus est imputé sur l'impôt belge afférent auxdits revenus.

d) Lorsque, conformément à la législation belge, des pertes subies par une entreprise exploitée par un résident de la Belgique dans un établissement stable situé au Maroc ont été effectivement déduites des bénéfices de cette entreprise pour son imposition en Belgique, l'exemption prévue au paragraphe *a)* ne s'applique pas en Belgique aux bénéfices d'autres périodes imposables qui sont imputables à cet établissement, dans la mesure où ces bénéfices ont aussi été exemptés d'impôt au Maroc en raison de leur compensation avec lesdites pertes.

2. Dans le cas du Maroc, la double imposition est éliminée de la manière suivante :

a) Lorsqu'un résident du Maroc reçoit des revenus qui, conformément aux dispositions de la présente Convention, sont imposables en Belgique, le Maroc accorde sur l'impôt qu'il perçoit sur les revenus de ce résident, une déduction d'un montant égal à l'impôt sur le revenu payé en Belgique. Toutefois, cette déduction ne peut excéder la fraction de l'impôt sur le revenu marocain, calculé avant déduction, correspondant aux revenus imposables en Belgique.

Artikel 22

Andere inkomsten

1. Ongeacht de afkomst ervan zijn bestanddelen van het inkomen van een inwoner van een overeenkomstsluitende Staat die niet in de voorgaande artikelen van deze Overeenkomst worden behandeld, slechts in die Staat belastbaar.

2. De bepalingen van paragraaf 1 zijn niet van toepassing op inkomsten, niet zijnde inkomsten uit onroerende goederen als omschreven in artikel 6, paragraaf 2, indien de verkrijger van die inkomsten, die inwoner is van een overeenkomstsluitende Staat, in de andere overeenkomstsluitende Staat een nijverheids- of handelsbedrijf met behulp van een aldaar gevestigde vaste inrichting of een zelfstandig beroep door middel van een aldaar gevestigde vaste basis uitoefent en het recht of het goed dat de inkomsten oplevert met die vaste inrichting of die vaste basis wezenlijk is verbonden. In dat geval zijn de bepalingen van artikel 7 of van artikel 14, naar het geval, van toepassing.

3. Niettegenstaande de bepalingen van de paragrafen 1 en 2 mogen bestanddelen van het inkomen van een inwoner van een overeenkomstsluitende Staat die niet in de voorgaande artikelen van deze Overeenkomst worden behandeld en uit de andere overeenkomstsluitende Staat afkomstig zijn, eveneens in die andere Staat worden belast.

Artikel 23

Wijze waarop dubbele belasting wordt vermeden

1. In België wordt dubbele belasting op de volgende wijze vermeden :

a) Indien een inwoner van België inkomsten verkrijgt, niet zijnde dividenden, interest of royalty's, die ingevolge de bepalingen van deze Overeenkomst mogen worden belast in Marokko en aldaar zijn belast, stelt België deze inkomsten vrij van belasting, maar om het bedrag van de belasting op het overige inkomen van die inwoner te berekenen mag België het belastingtarief toepassen dat van toepassing zou zijn indien die inkomsten niet waren vrijgesteld.

België stelt evenwel ook de winst van ondernemingen vrij die krachtens de bepalingen van de Overeenkomst belastbaar is in Marokko maar die door de huidige Marokkaanse belastingwetgeving inzake fiscale stimuli vrijgesteld wordt gedurende 5 opeenvolgende jaren, te rekenen vanaf het aanslagjaar tijdens hetwelk de eerste verrichting die aanleiding heeft gegeven tot de vrijstelling heeft plaatsgehad. De bevoegde autoriteiten van de overeenkomstsluitende Staten nemen de nodige maatregelen om onrechtmatig gebruik of een toepassing die ingaat tegen de vorenvermelde bepalingen te vermijden.

b) Dividenden die een vennootschap die inwoner is van België verkrijgt van een vennootschap die inwoner is van Marokko, worden in België vrijgesteld van de vennootschapsbelasting op de voorwaarden en binnen de grenzen die in de Belgische wetgeving zijn bepaald.

c) Onder voorbehoud van de bepalingen van de Belgische wetgeving betreffende de verrekening van in het buitenland betaalde belastingen met de Belgische belasting wordt, indien een inwoner van België inkomensbestanddelen verkrijgt die deel uitmaken van zijn samengetelde inkomen dat aan de Belgische belasting is onderworpen en die bestaan uit interest of royalty's, de belasting die in Marokko op die inkomsten werd geheven in mindering gebracht van de Belgische belasting die verhoudingsgewijs overeenstemt met die inkomsten.

d) Indien verliezen geleden door een onderneming die door een inwoner van België met behulp van in een in Marokko gelegen vaste inrichting wordt gedreven, voor de belastingheffing van die onderneming in België conform de Belgische wetgeving werkelijk in mindering van de winst van die onderneming zijn gebracht, is de vrijstelling ingevolge paragraaf *a)* in België niet van toepassing op de winst van andere belastbare tijdperken die aan die inrichting kan worden toegerekend, voor zover als deze winst ook in Marokko door de verrekening van die verliezen van belasting is vrijgesteld.

2. In Marokko wordt dubbele belasting op de volgende wijze vermeden :

a) Indien een inwoner van Marokko inkomsten verkrijgt die volgens de bepalingen van deze Overeenkomst in België mogen worden belast, verleent Marokko een vermindering op de belasting naar het inkomen van die inwoner tot een bedrag dat gelijk is aan de in België betaalde inkomstenbelasting. Die vermindering mag evenwel niet hoger zijn dan het gedeelte van de belasting naar het Marokkaanse inkomen dat, berekend vóór het verlenen van de vermindering, overeenstemt met het inkomen dat in België mag worden belast.

b) Lorsque, conformément à une disposition quelconque de la présente Convention, les revenus qu'un résident du Maroc reçoit sont exonérés d'impôt au Maroc, le Maroc peut néanmoins, pour déterminer le taux de l'impôt sur le reste des revenus de ce résident, tenir compte des revenus exonérés.

Article 24

Non-discrimination

1. Les nationaux d'un Etat contractant ne sont soumis dans l'autre Etat contractant à aucune imposition ou obligation y relative, qui est autre ou plus lourde que celles auxquelles sont ou pourront être assujettis les nationaux de cet autre Etat qui se trouvent dans la même situation, notamment au regard de la résidence. La présente disposition s'applique aussi, nonobstant les dispositions de l'article 1, aux personnes qui ne sont pas des résidents d'un Etat contractant ou des deux Etats contractants.

2. Les apatrides qui sont des résidents d'un Etat contractant ne sont soumis dans l'un ou l'autre Etat contractant à aucune imposition ou obligation y relative, qui est autre ou plus lourde que celles auxquelles sont ou pourront être assujetties les nationaux de l'Etat concerné qui se trouvent dans la même situation notamment au regard de la résidence.

3. L'imposition d'un établissement stable qu'une entreprise d'un Etat contractant a dans l'autre Etat contractant n'est pas établie dans cet autre Etat d'une façon moins favorable que l'imposition des entreprises de cet autre Etat qui exercent la même activité. La présente disposition ne peut être interprétée comme obligeant un Etat contractant à accorder aux résidents de l'autre Etat contractant les déductions personnelles, abattements et réductions d'impôt en fonction de la situation ou des charges de famille qu'il accorde à ses propres résidents.

4. A moins que les dispositions du paragraphe 1 de l'article 9, du paragraphe 7 de l'article 11 ou du paragraphe 6 de l'article 12, ne soient applicables, les intérêts, redevances et autres dépenses payés par une entreprise d'un Etat contractant à un résident de l'autre Etat contractant sont déductibles, pour la détermination des bénéfices imposables de cette entreprise, dans les mêmes conditions que s'ils avaient été payés à un résident du premier Etat.

5. Les entreprises d'un Etat contractant, dont le capital est en totalité ou en partie, directement ou indirectement, détenu ou contrôlé par un ou plusieurs résidents de l'autre Etat contractant, ne sont soumises dans le premier Etat à aucune imposition ou obligation y relative, qui est autre ou plus lourde que celles auxquelles sont ou pourront être assujetties les autres entreprises similaires du premier Etat.

6. Les dispositions du présent article ne peuvent en aucun cas être interprétées comme empêchant l'un ou l'autre Etat contractant de percevoir la taxe visée au paragraphe 6 de l'article 10.

7. Les dispositions de la législation interne de chacun des Etats contractants relatives à la sous-capitalisation et aux prix de transfert s'appliquent dans la mesure où ces dispositions ne sont pas contraires aux principes contenus dans la présente Convention.

8. Les dispositions du présent article s'appliquent, nonobstant les dispositions de l'article 2, aux impôts de toute nature ou dénomination.

b) Indien, ingevolge enige bepaling van deze Overeenkomst, het inkomen dat een inwoner van Marokko verkrijgt vrijgesteld is van belasting in Marokko, mag Marokko niettemin, om het tarief van de belasting op het overige inkomen van die inwoner te berekenen, rekening houden met het vrijgestelde inkomen.

Artikel 24

Non-discriminatie

1. Onderdanen van een overeenkomstsluitende Staat worden in de andere overeenkomstsluitende Staat niet onderworpen aan enige belastingheffing of daarmede verband houdende verplichting, die anders of zwaarder is dan de belastingheffing en daarmede verband houdende verplichtingen waaraan onderdanen van die andere Staat onder gelijke omstandigheden, in het bijzonder met betrekking tot de woonplaats, zijn of kunnen worden onderworpen. Niettegenstaande de bepalingen van artikel 1 is deze bepaling ook van toepassing op personen die geen inwoner zijn van een overeenkomstsluitende Staat of van beide overeenkomstsluitende Staten.

2. Staatlozen die inwoner zijn van een overeenkomstsluitende Staat, worden noch in de ene noch in de andere overeenkomstsluitende Staat onderworpen aan enige belastingheffing of daarmede verband houdende verplichting, die anders of zwaarder is dan de belastingheffing en daarmede verband houdende verplichtingen waaraan onderdanen van de desbetreffende Staat onder gelijke omstandigheden, in het bijzonder met betrekking tot de woonplaats, zijn of kunnen worden onderworpen.

3. De belastingheffing van een vaste inrichting die een onderneming van een overeenkomstsluitende Staat in de andere overeenkomstsluitende Staat heeft, is in die andere Staat niet ongunstiger dan de belastingheffing van ondernemingen van die andere Staat die dezelfde werkzaamheden uitoefenen. Deze bepaling mag niet aldus worden uitgelegd dat zij een overeenkomstsluitende Staat verplicht aan inwoners van de andere overeenkomstsluitende Staat bij de belastingheffing de persoonlijke aftrekken, tegemoetkomingen en verminderingen uit hoofde van de gezinstoestand of gezinslasten te verlenen die hij aan zijn eigen inwoners verleent.

4. Behalve indien de bepalingen van artikel 9, paragraaf 1, artikel 11, paragraaf 7, of artikel 12, paragraaf 6, van toepassing zijn, worden interest, royalty's en andere uitgaven die door een onderneming van een overeenkomstsluitende Staat aan een inwoner van de andere overeenkomstsluitende Staat worden betaald, bij het bepalen van de belastbare winst van die onderneming op dezelfde voorwaarden in mindering gebracht, alsof zij aan een inwoner van de eerstbedoelde Staat zouden zijn betaald.

5. Ondernemingen van een overeenkomstsluitende Staat waarvan het kapitaal geheel of ten dele, onmiddellijk of middellijk, in het bezit is van, of wordt beheerst door één of meer inwoners van de andere overeenkomstsluitende Staat, worden in de eerstbedoelde Staat niet aan enige belastingheffing of daarmede verband houdende verplichting onderworpen die anders of zwaarder is dan de belastingheffing en daarmede verband houdende verplichtingen waaraan andere, soortgelijke ondernemingen van de eerstbedoelde Staat zijn of kunnen worden onderworpen.

6. In geen geval mogen de bepalingen van dit artikel aldus worden uitgelegd dat ze de een of de andere overeenkomstsluitende Staat beletten om de door artikel 10, paragraaf 6, beoogde belasting te heffen.

7. De bepalingen van de nationale wetgeving van elk van de overeenkomstsluitende Staten met betrekking tot onderkapitalisatie en verrekenprijzen zijn van toepassing voor zover zij niet in tegenspraak zijn met de in deze Overeenkomst neergelegde beginselen.

8. Niettegenstaande de bepalingen van artikel 2 zijn de bepalingen van dit artikel van toepassing op belastingen van elke soort en benaming.

Article 25

Procédure amiable

1. Lorsqu'une personne estime que les mesures prises par un Etat contractant ou par les deux Etats contractants entraînent ou entraîneront pour elle une imposition non conforme aux dispositions de la présente Convention, elle peut, indépendamment des recours prévus par le droit interne de ces Etats, soumettre son cas à l'autorité compétente de l'Etat contractant dont elle est un résident ou, si son cas relève du paragraphe 1 de l'article 24, à celle de l'Etat contractant dont elle possède la nationalité. Le cas doit être soumis dans les trois ans qui suivent la première notification des mesures qui entraînent une imposition non conforme aux dispositions de la Convention.

2. L'autorité compétente s'efforce, si la réclamation lui paraît fondée et si elle n'est pas elle même en mesure d'y apporter une solution satisfaisante, de résoudre le cas par voie d'accord amiable avec l'autorité compétente de l'autre Etat contractant, en vue d'éviter une imposition non conforme à la présente Convention. L'accord est appliqué quels que soient les délais prévus par le droit interne des Etats contractants.

3. Les autorités compétentes des Etats contractants s'efforcent, par voie d'accord amiable, de résoudre les difficultés ou de dissiper les doutes auxquels peuvent donner lieu l'interprétation ou l'application de la Convention.

4. Les autorités compétentes des Etats contractants se concertent au sujet des mesures administratives nécessaires à l'exécution des dispositions de la Convention et notamment au sujet des justifications à fournir par les résidents de chaque Etat contractant pour bénéficier dans l'autre Etat des exemptions ou réductions d'impôts prévues à cette Convention.

5. Les autorités compétentes des Etats contractants peuvent communiquer directement entre elles, y compris au sein d'une commission mixte composée de ces autorités ou de leurs représentants, en vue de parvenir à un accord comme il est indiqué aux paragraphes précédents.

Artikel 25

Regeling voor onderling overleg

1. Indien een persoon van oordeel is dat de maatregelen van een overeenkomstsluitende Staat of van beide overeenkomstsluitende Staten voor hem leiden of zullen leiden tot een belastingheffing die niet in overeenstemming is met de bepalingen van deze Overeenkomst, kan hij, onverminderd de rechtsmiddelen waarin het interne recht van die Staten voorziet, zijn geval voorleggen aan de bevoegde autoriteit van de overeenkomstsluitende Staat waarvan hij inwoner is, of indien zijn geval onder artikel 24, paragraaf 1, ressorteert, aan die van de overeenkomstsluitende Staat waarvan hij de nationaliteit bezit. Het geval moet worden voorgelegd binnen drie jaar nadat de maatregelen die een belastingheffing ten gevolge hebben die niet in overeenstemming is met de bepalingen van de Overeenkomst, voor het eerst te zijner kennis zijn gebracht.

2. De bevoegde autoriteit tracht, indien het bezwaar haar gegrond voorkomt en indien zij niet zelf in staat is tot een bevredigende oplossing ervan te komen, de aangelegenheid in onderlinge overeenstemming met de bevoegde autoriteit van de andere overeenkomstsluitende Staat te regelen, ten einde een belastingheffing te vermijden die niet in overeenstemming is met deze Overeenkomst. De overeengekomen regeling wordt uitgevoerd, ongeacht de termijnen waarin het interne recht van de overeenkomstsluitende Staten voorziet.

3. De bevoegde autoriteiten van de overeenkomstsluitende Staten trachten moeilijkheden of twijfelpunten die mochten rijzen met betrekking tot de interpretatie of de toepassing van de Overeenkomst in onderlinge overeenstemming op te lossen.

4. De bevoegde autoriteiten van de overeenkomstsluitende Staten plegen overleg omtrent de administratieve maatregelen die voor de uitvoering van de bepalingen van de Overeenkomst nodig zijn en met name omtrent de bewijsstukken die de inwoners van elke overeenkomstsluitende Staat moeten overleggen om in de andere Staat de door deze Overeenkomst bepaalde belastingvrijstellingen of -verminderingen te verkrijgen.

5. De bevoegde autoriteiten van de overeenkomstsluitende Staten kunnen zich rechtstreeks met elkaar in verbinding stellen, ook binnen een gemengde commissie die is samengesteld uit die autoriteiten of uit hun vertegenwoordigers, om een overeenstemming zoals bedoeld in de voorgaande paragrafen te bereiken.

Article 26

Echange de renseignements

1. Les autorités compétentes des Etats contractants échangent les renseignements nécessaires pour appliquer les dispositions de la présente Convention ou celles de la législation interne des Etats contractants relative aux impôts visés par la Convention, dans la mesure où l'imposition qu'elle prévoit n'est pas contraire à la Convention. Les renseignements reçus par un Etat contractant sont tenus secrets de la même manière que les renseignements obtenus en application de la législation interne de cet Etat et ne sont communiqués qu'aux personnes ou autorités (y compris les tribunaux et organes administratifs) concernés par l'établissement ou le recouvrement des impôts visés par la Convention, par les procédures ou poursuites concernant ces impôts, ou par les décisions sur les recours relatifs à ces impôts.

Ces personnes ou autorités n'utilisent ces renseignements qu'à ces fins, mais peuvent faire état de ces renseignements au cours d'audiences publiques de tribunaux ou dans des jugements.

2. Les dispositions du paragraphe 1 ne peuvent en aucun cas être interprétées comme imposant à un Etat contractant l'obligation :

a) de prendre des mesures administratives dérogeant à sa propre législation et à sa pratique administrative ou à celles de l'autre Etat contractant;

b) de fournir des renseignements qui ne pourraient être obtenus sur la base de sa propre législation ou dans le cadre de sa pratique administrative normale ou de celles de l'autre Etat contractant;

c) de fournir des renseignements qui révèleraient un secret commercial, industriel, professionnel ou un procédé commercial ou des renseignements dont la communication serait contraire à l'ordre public.

Artikel 26

Uitwisseling van inlichtingen

1. De bevoegde autoriteiten van de overeenkomstsluitende Staten wisselen de inlichtingen uit die nodig zijn om uitvoering te geven aan de bepalingen van deze Overeenkomst of aan die van de nationale wetgeving van de overeenkomstsluitende Staten met betrekking tot de belastingen waarop de Overeenkomst van toepassing is, voor zover de belastingheffing waarin die nationale wetgeving voorziet niet in strijd is met de Overeenkomst. De door een overeenkomstsluitende Staat verkregen inlichtingen worden op dezelfde wijze geheim gehouden als inlichtingen die onder de nationale wetgeving van die Staat zijn verkregen en worden alleen ter kennis gebracht van personen of autoriteiten (daaronder begrepen rechterlijke instanties en administratieve lichamen) die betrokken zijn bij de vestiging of invordering van, de tenuitvoerlegging of vervolging ter zake van, of de beslissing in beroepszaken betrekking hebbende op de belastingen waarop deze Overeenkomst van toepassing is.

Deze personen of autoriteiten gebruiken deze inlichtingen slechts voor die doeleinden maar mogen van deze inlichtingen melding maken tijdens openbare rechtszittingen of in rechterlijke beslissingen.

2. In geen geval mogen de bepalingen van paragraaf 1 aldus worden uitgelegd dat zij een overeenkomstsluitende Staat de verplichting opleggen :

a) administratieve maatregelen te nemen die afwijken van de wetgeving en de administratieve praktijk van die of van de andere overeenkomstsluitende Staat;

b) inlichtingen te verstrekken die niet verkrijgbaar zijn volgens de wetgeving of in de normale gang van de administratieve werkzaamheden van die of van de andere overeenkomstsluitende Staat;

c) inlichtingen te verstrekken die een handels-, bedrijfs-, nijverheids- of beroepsgeheim of een handelswerkwijze zouden onthullen, dan wel inlichtingen waarvan het verstrekken in strijd zou zijn met de openbare orde.

Article 27

Assistance au recouvrement

1. Les Etats contractants conviennent de se prêter mutuellement assistance en vue de recouvrer, suivant les règles propres à leur législation et réglementation respectives, les impôts visés par la présente Convention ainsi que les majorations de droits, droits en sus, indemnités de retard, intérêts et frais afférents à ces impôts lorsque ces sommes sont définitivement dues en application des lois et règlements de l'Etat requérant.

2. La demande formulée à cette fin doit être accompagnée des documents exigés par les lois et règlements de l'Etat requérant pour établir que les sommes à recouvrer sont définitivement dues.

3. Au vu de ces documents, les significations et mesures de recouvrement et de perception ont lieu dans l'Etat requis conformément aux lois et règlements applicables pour le recouvrement et la perception de ses propres impôts.

4. Le titre permettant l'exécution dans l'Etat requérant produit les même effets dans l'Etat requis mais la créance correspondant à l'impôt à recouvrer n'est pas considérée comme une créance privilégiée dans l'Etat requis.

5. En ce qui concerne les créances fiscales qui sont susceptibles de recours, l'autorité compétente d'un Etat contractant peut, pour la sauvegarde de ses droits, demander à l'autorité compétente de l'autre Etat contractant de prendre les mesures conservatoires prévues par la législation de celui-ci.

Article 28

Membres des missions diplomatiques et postes consulaires

Les dispositions de la présente Convention ne portent pas atteinte aux privilèges fiscaux dont bénéficient les membres des missions diplomatiques ou postes consulaires en vertu soit des règles générales du droit international, soit des dispositions d'accords particuliers.

Article 29

Entrée en vigueur

1. La présente Convention sera ratifiée et les instruments de ratification seront échangés à Rabat aussitôt que possible. La Convention entrera en vigueur dès l'échange des instruments de ratification.

2. Les dispositions de la présente Convention seront applicables :

a) en ce qui concerne la Belgique :

(i) aux impôts dus à la source sur les revenus attribués ou mis en paiement à partir du 1er janvier de l'année qui suit immédiatement celle de l'entrée en vigueur de la Convention; et

(ii) aux autres impôts établis sur des revenus de périodes imposables commençant à partir du 1er janvier de l'année qui suit immédiatement celle de l'entrée en vigueur de la Convention;

b) en ce qui concerne le Maroc :

(i) aux impôts retenus à la source, pour les montants payés ou crédités à compter du premier janvier de l'année qui suit celle de l'entrée en vigueur de la présente Convention; et

(ii) aux autres impôts, pour tout exercice fiscal ou période d'imposition commençant à compter du premier janvier de l'année qui suit celle de l'entrée en vigueur de la présente Convention.

3. Les dispositions de la Convention et du Protocole final, signés à Rabat le 4 mai 1972, entre le Maroc et la Belgique tendant à éviter les doubles impositions et à régler certaines autres questions en matière d'impôts sur le revenu ainsi que les dispositions de l'Avenant, signé à Bruxelles le 14 février 1983, modifiant et complétant la Convention et le Protocole final entre le Maroc et la Belgique tendant à éviter les doubles impositions et à régler certaines autres questions en matière d'impôts sur le revenu signés à Rabat le 4 mai 1972, cesseront d'avoir effet à l'égard des impôts pour lesquels la présente Convention s'applique conformément au paragraphe 2. La Convention et le Protocole final du 4 mai 1972 ainsi que l'Avenant du 14 février 1983 sont abrogés à compter de la date à laquelle ces accords auront effet pour la dernière fois conformément aux dispositions du présent paragraphe.

Artikel 27

Invorderingsbijstand

1. De overeenkomstsluitende Staten komen overeen elkaar bijstand te verlenen voor de invordering, overeenkomstig de regels van hun respectieve wetgeving en reglementering, van de belastingen waarop deze Overeenkomst van toepassing is alsmede van de verhogingen van rechten, bijkomende rechten, schadevergoedingen voor laattijdige betaling, interest en kosten die met die belastingen verband houden, wanneer die bedragen definitief verschuldigd zijn volgens de wetten en regels van de verzoekende Staat.

2. Het verzoek om invorderingsbijstand moet vergezeld gaan van de bewijsstukken die door de wetten en regels van de verzoekende Staat vereist zijn om vast te stellen dat de in te vorderen bedragen definitief verschuldigd zijn.

3. Na inzage van die documenten vinden de betekeningen en de maatregelen tot invordering en inning plaats in de aangezochte Staat, overeenkomstig de wetten en reglementen die van toepassing zijn voor de invordering en inning van de eigen belastingen van die Staat.

4. De uitvoerbare titel in de verzoekende Staat heeft dezelfde uitwerking in de aangezochte Staat, maar de schuldvordering die overeenstemt met de in te vorderen belasting wordt in de aangezochte Staat niet beschouwd als een bevoorrechte schuldvordering.

5. Met betrekking tot belastingvorderingen waartegen beroep openstaat, mag de bevoegde autoriteit van een overeenkomstsluitende Staat, om zijn rechten te vrijwaren, de bevoegde autoriteit van de andere overeenkomstsluitende Staat verzoeken de conservatoire maatregelen te nemen waarin diens wetgeving voorziet.

Artikel 28

Leden van diplomatieke zendingen en van consulaire posten

De bepalingen van deze Overeenkomst tasten in geen enkel opzicht de fiscale voorrechten aan die leden van diplomatieke zendingen of van consulaire posten ontlenen aan de algemene regelen van het internationaal recht of aan de bepalingen van bijzondere overeenkomsten.

Artikel 29

Inwerkingtreding

1. Deze Overeenkomst zal worden bekrachtigd en de akten van bekrachtiging zullen zo spoedig mogelijk te Rabat worden uitgewisseld. De Overeenkomst zal in werking treden zodra de akten van bekrachtiging zijn uitgewisseld.

2. De bepalingen van deze Overeenkomst zullen toepassing vinden :

a) in België :

(i) op de bij de bron verschuldigde belastingen, op inkomsten die zijn toegekend of betaalbaar gesteld op of na 1 januari van het jaar dat onmiddellijk volgt op het jaar waarin de Overeenkomst in werking is getreden; en

(ii) op de andere belastingen, geheven naar inkomsten van belastbare tijdperken die aanvangen op of na 1 januari van het jaar dat onmiddellijk volgt op het jaar waarin de Overeenkomst in werking is getreden;

b) in Marokko :

(i) op de aan de bron ingehouden belastingen, voor bedragen die zijn toegekend of gecrediteerd op of na 1 januari van het jaar dat volgt op het jaar waarin deze Overeenkomst in werking is getreden; en

(ii) op de andere belastingen, voor elk belastingjaar of elke belastingperiode die aanvangt op of na 1 januari van het jaar dat volgt op het jaar waarin deze Overeenkomst in werking is getreden.

3. De bepalingen van de Overeenkomst en het Slotprotocol dat op 4 mei 1972 te Rabat werd ondertekend tussen Marokko en België tot het vermijden van dubbele belasting en tot regeling van sommige andere aangelegenheden inzake belastingen naar het inkomen en de bepalingen van het op 14 februari 1983 te Brussel ondertekende Avenant tot wijziging en aanvulling van de Overeenkomst en het Slotprotocol tussen België en Marokko tot het vermijden van dubbele belasting en tot regeling van sommige andere aangelegenheden inzake belastingen naar het inkomen, ondertekend te Rabat op 4 mei 1972, zullen ophouden toepassing te vinden op de belastingen waarvoor deze Overeenkomst ingevolge paragraaf 2 uitwerking heeft. De Overeenkomst en het Slotprotocol van 4 mei 1972, alsmede het Avenant van 14 februari 1983 worden opgeheven vanaf de datum waarop deze verdragen voor het laatst toepassing zullen vinden overeenkomstig de bepalingen van deze paragraaf.

Article 30

Dénonciation

La présente Convention demeurera en vigueur tant qu'elle n'aura pas été dénoncée par un Etat contractant. Chaque Etat contractant peut dénoncer la Convention par voie diplomatique avec un préavis minimal de 6 mois avant la fin de chaque année civile postérieure à la cinquième année qui suit celle de l'entrée en vigueur de la présente Convention. Dans ce cas, la Convention cessera d'être applicable :

a) en ce qui concerne la Belgique :

(i) aux impôts dus à la source sur les revenus attribués ou mis en paiement à partir du 1er janvier de l'année qui suit immédiatement celle de la dénonciation; et

(ii) aux autres impôts établis sur des revenus de périodes imposables commençant à partir du 1er janvier de l'année qui suit immédiatement celle de la dénonciation;

b) en ce qui concerne le Maroc :

(i) aux impôts retenus à la source, pour les montants payés ou crédités à compter du premier janvier de l'année qui suit celle spécifiée dans le préavis de dénonciation; et

(ii) aux autres impôts, pour tout exercice fiscal ou période d'imposition commençant à compter du premier janvier de l'année qui suit celle spécifiée dans le préavis de dénonciation.

En foi de quoi, les soussignés, dûment autorisés à cet effet par leurs Gouvernements respectifs, ont signé la présente Convention.

Fait en double exemplaires à Bruxelles, le 31 mai 2006, en langues arabe, néerlandaise et française, chaque texte faisant également foi. En cas de divergence d'interprétation, le texte en langue française prévaudra.

Artikel 30

Beëindiging

Deze Overeenkomst blijft van kracht zolang zij niet is opgezegd door een overeenkomstsluitende Staat. Elke overeenkomstsluitende Staat kan de Overeenkomst langs diplomatieke weg opzeggen door ten minste zes maanden vóór het einde van enig kalenderjaar na het vijfde jaar dat volgt op het jaar waarin deze Overeenkomst in werking is getreden een kennisgeving van beëindiging te zenden. In dat geval houdt de Overeenkomst op van toepassing te zijn :

a) in België :

(i) op de bij de bron verschuldigde belastingen, voor inkomsten die zijn toegekend of betaalbaar gesteld op of na 1 januari van het jaar dat onmiddellijk volgt op het jaar waarin de Overeenkomst is beëindigd; en

(ii) op andere belastingen, geheven naar inkomsten van belastbare tijdperken die aanvangen op of na 1 januari van het jaar dat onmiddellijk volgt op het jaar waarin de Overeenkomst is beëindigd;

b) in Marokko :

(i) op de aan de bron ingehouden belastingen, voor bedragen die zijn toegekend of betaalbaar gesteld op of na 1 januari van het jaar dat volgt op het jaar dat is vermeld in de kennisgeving van de beëindiging; en

(ii) op andere belastingen, voor elk belastingjaar of belastingperiode die aanvangt op of na 1 januari van het jaar dat volgt op het jaar waarin dat is vermeld in de kennisgeving van de beëindiging.

Ten blijke waarvan de ondergetekenden, daartoe behoorlijk gevolmachtigd door hun respectieve Regeringen, deze Overeenkomst hebben ondertekend.

Gedaan in tweevoud te Brussel, op 31 mei 2006, in de Arabische, Nederlandse en Franse taal, zijnde elke tekst gelijkelijk authentiek. In geval van verschil in interpretatie is de Franse tekst beslissend.

SERVICE PUBLIC FEDERAL INTERIEUR

F. 2009 — 1622 [C − 2009/00298]

12 MARS 2009. — Loi modifiant la loi du 19 mai 1994 réglementant la campagne électorale, concernant la limitation et la déclaration des dépenses électorales engagées pour les élections du Parlement de la Région wallonne, du Parlement flamand, du Parlement de la Région de Bruxelles-Capitale et du Parlement de la Communauté germanophone, et fixant le critère de contrôle des communications officielles des autorités publiques. — Traduction allemande

Le texte qui suit constitue la traduction en langue allemande de la loi du 12 mars 2009 modifiant la loi du 19 mai 1994 réglementant la campagne électorale, concernant la limitation et la déclaration des dépenses électorales engagées pour les élections du Parlement de la Région wallonne, du Parlement flamand, du Parlement de la Région de Bruxelles-Capitale et du Parlement de la Communauté germanophone, et fixant le critère de contrôle des communications officielles des autorités publiques (*Moniteur belge* du 7 avril 2009).

Cette traduction a été établie par le Service central de traduction allemande à Malmedy.

FEDERALE OVERHEIDSDIENST BINNENLANDSE ZAKEN

N. 2009 — 1622 [C − 2009/00298]

12 MAART 2009. — Wet tot wijziging van de wet van 19 mei 1994 tot regeling van de verkiezingscampagne en tot beperking en aangifte van de verkiezingsuitgaven voor de verkiezingen van het Vlaams Parlement, het Waals Parlement, het Brussels Hoofdstedelijk Parlement en het Parlement van de Duitstalige Gemeenschap, alsmede tot vaststelling van de toetsingsnorm inzake officiële mededelingen van de overheid. — Duitse vertaling

De hierna volgende tekst is de Duitse vertaling van de wet van 12 maart 2009 tot wijziging van de wet van 19 mei 1994 tot regeling van de verkiezingscampagne en tot beperking en aangifte van de verkiezingsuitgaven voor de verkiezingen van het Vlaams Parlement, het Waals Parlement, het Brussels Hoofdstedelijk Parlement en het Parlement van de Duitstalige Gemeenschap, alsmede tot vaststelling van de toetsingsnorm inzake officiële mededelingen van de overheid (*Belgisch Staatsblad* van 7 april 2009).

Deze vertaling is opgemaakt door de Centrale dienst voor Duitse vertaling in Malmedy.

FÖDERALER ÖFFENTLICHER DIENST INNERES

D. 2009 — 1622 [C − 2009/00298]

12. MÄRZ 2009 — Gesetz zur Abänderung des Gesetzes vom 19. Mai 1994 zur Regelung der Wahlkampagne, über die Einschränkung und Erklärung der Wahlausgaben für die Wahlen des Wallonischen Parlaments, des Flämischen Parlaments, des Parlaments der Region Brüssel-Hauptstadt und des Parlaments der Deutschsprachigen Gemeinschaft und zur Festlegung der Prüfkriterien für offizielle Mitteilungen der öffentlichen Behörden — Deutsche Übersetzung

Der folgende Text ist die deutsche Übersetzung des Gesetzes vom 12. März 2009 zur Abänderung des Gesetzes vom 19. Mai 1994 zur Regelung der Wahlkampagne, über die Einschränkung und Erklärung der Wahlausgaben für die Wahlen des Wallonischen Parlaments, des Flämischen Parlaments, des Parlaments der Region Brüssel-Hauptstadt und des Parlaments der Deutschsprachigen Gemeinschaft und zur Festlegung der Prüfkriterien für offizielle Mitteilungen der öffentlichen Behörden.

Diese Übersetzung ist von der Zentralen Dienststelle für Deutsche Übersetzungen in Malmedy erstellt worden.

FÖDERALER ÖFFENTLICHER DIENST INNERES

12. MÄRZ 2009 — Gesetz zur Abänderung des Gesetzes vom 19. Mai 1994 zur Regelung der Wahlkampagne, über die Einschränkung und Erklärung der Wahlausgaben für die Wahlen des Wallonischen Parlaments, des Flämischen Parlaments, des Parlaments der Region Brüssel-Hauptstadt und des Parlaments der Deutschsprachigen Gemeinschaft und zur Festlegung der Prüfkriterien für offizielle Mitteilungen der öffentlichen Behörden

ALBERT II., König der Belgier,

Allen Gegenwärtigen und Zukünftigen, Unser Gruß!

Die Kammern haben das Folgende angenommen und Wir sanktionieren es:

Artikel 1 - Vorliegendes Gesetz regelt eine in Artikel 78 der Verfassung erwähnte Angelegenheit.

Art. 2 - Artikel 2 des Gesetzes vom 19. Mai 1994 zur Regelung der Wahlkampagne, über die Einschränkung und Erklärung der Wahlausgaben für die Wahlen des Wallonischen Parlaments, des Flämischen Parlaments, des Parlaments der Region Brüssel-Hauptstadt und des Parlaments der Deutschsprachigen Gemeinschaft und zur Festlegung der Prüfkriterien für offizielle Mitteilungen der öffentlichen Behörden, abgeändert durch die Gesetze vom 10. April 1995, 25. Juni 1998, 22. Januar 2002, 2. März 2004, 25. April 2004 und 27. März 2006 und den Königlichen Erlass vom 20. Juli 2000, wird wie folgt abgeändert:

1. In Paragraph 1 Absatz 5 wird der zweite Satz wie folgt ersetzt:

"In diesem Fall müssen die Parteien nachweisen können, dass die von ihnen für diesen oder diese Kandidaten geleisteten Ausgaben im Zusammenhang mit der Kampagne der Partei stehen."

2. Paragraph 2 Nr. 1 wird wie folgt abgeändert:

a) Die Wörter "ihrer Liste" werden durch die Wörter "ihrer(ihren) Liste(n)" ersetzt.

b) Zwischen den Wörtern "von der politischen Partei" und den Wörtern "zu bestimmenden Kandidaten" werden die Wörter "auf der vorgeschlagenen Kandidatenliste" eingefügt.

3. In § 2 Nr. 2 wird der erste Satz wie folgt ersetzt:

"den in Nr. 1 vorgesehenen Betrag für einen einzigen Kandidaten auf der Liste einer politischen Partei, die bei den letzten Wahlen kein Mandat erzielt hat oder im betreffenden Wahlkollegium nicht angetreten ist."

4. [*Abänderung des französischen und niederländischen Textes*]

5. Paragraph 3 Nr. 1 wird wie folgt abgeändert:

a) Die Wörter "ihrer Liste" werden durch die Wörter "ihrer(ihren) Liste(n)" ersetzt.

b) Zwischen den Wörtern "von der politischen Partei" und den Wörtern "zu bestimmenden Kandidaten" werden die Wörter "auf der vorgeschlagenen Kandidatenliste" eingefügt.

6. In § 3 Nr. 2 wird der erste Satz wie folgt ersetzt:

"den in Nr. 1 vorgesehenen Betrag für einen einzigen Kandidaten auf der Liste einer politischen Partei, die bei den letzten Wahlen kein Mandat erzielt hat oder im betreffenden Wahlkreis nicht angetreten ist."

7. [*Abänderung des französischen und niederländischen Textes*]

8. Paragraph 5 Nr. 1 wird wie folgt abgeändert:

a) Die Wörter "ihrer Liste" werden durch die Wörter "ihrer(ihren) Liste(n)" ersetzt.

b) Zwischen den Wörtern "von der politischen Partei" und den Wörtern "zu bestimmenden Kandidaten" werden die Wörter "auf der vorgeschlagenen Kandidatenliste" eingefügt.

9. In § 5 Nr. 2 wird der erste Satz wie folgt ersetzt:

"den in Nr. 1 vorgesehenen Betrag für einen einzigen Kandidaten auf der Liste einer politischen Partei, die bei den letzten Wahlen kein Mandat erzielt hat oder im betreffenden Wahlkreis nicht angetreten ist."

10. Der Artikel wird durch eine Übergangsbestimmung mit folgendem Wortlaut ergänzt:

"Übergangsbestimmung

Für die Festlegung der in den Paragraphen 2 Nr. 1, 3 Nr. 1 und 5 Nr. 1 erwähnten Anzahl Kandidaten am Kopf einer Liste für die Wahlen der Gemeinschafts- und Regionalparlamente vom 7. Juni 2009 gilt für den Fall, in dem eine Liste für die Wahlen vom 13. Juni 2004 aus Kandidaten zusammengestellt war, die gemeinsam von zwei oder mehreren politischen Parteien vorgeschlagen worden waren, und diese Parteien für die Wahlen vom 7. Juni 2009 getrennte Listen vorschlagen, das Kriterium der Parteizugehörigkeit zum 13. Juni 2004 der an diesem Datum für die Wahlen der Gemeinschafts- und Regionalparlamente gewählten Kandidaten."

Art. 3 - In Artikel 5 § 1 desselben Gesetzes, abgeändert durch die Gesetze vom 25. Juni 1998 und 25. April 2004, wird Nr. 5 wie folgt ersetzt:

"5. keine kommerziellen Werbespots in Rundfunk, Fernsehen oder in Kinosälen ausstrahlen, noch entgeltliche Mitteilungen über das Internet machen."

Art. 4 - In Artikel 9 desselben Gesetzes, ersetzt durch das Gesetz vom 25. April 2004 und abgeändert durch das Gesetz vom 27. März 2006, werden die Wörter "die den in Artikel 2 § 1 vorgesehenen zugelassenen Höchstbetrag überschreitet" durch die Wörter "die gegen Artikel 2 § 1 verstößt" ersetzt.

Art. 5 - Artikel 10 desselben Gesetzes, abgeändert durch die Gesetze vom 10. April 1995, 25. Juni 1998, 26. Juni 2000, 25. April 2004 und 27. März 2006, wird wie folgt abgeändert:

1. Paragraph 2 wird wie folgt abgeändert:

a) [*Abänderungsbestimmung des französischen und niederländischen Textes*]

b) Zwischen den Wörtern "des betreffenden Gemeinschaft- oder Regionalparlaments beziehungsweise" und den Wörtern "jeder anderen Person" werden die Wörter "einer Beschwerde" eingefügt.

2. Die Paragraphen 3 und 4 werden wie folgt ersetzt:

"§ 3 - Die Frist für die Ausübung des Initiativrechtes seitens des Prokurators des Königs, für das Erstatten von Anzeigen und für das Einreichen von Beschwerden in Bezug auf die in § 1 erwähnten Verstöße läuft am zweihundertsten Tag nach den Wahlen ab.

In Bezug auf die von dem betreffenden Gemeinschafts- oder Regionalparlament beziehungsweise dem von ihm bestimmten Organ erstatteten Anzeigen verfügt der Prokurator des Königs für die Ausübung der Strafverfolgung in jedem Fall über eine Frist von dreißig Tagen ab Empfang einer Anzeige.

Der Prokurator des Königs übermittelt dem betreffenden Gemeinschafts- oder Regionalparlament beziehungsweise dem von ihm bestimmten Organ eine Abschrift der Beschwerden, die nicht von dem betreffenden Gemeinschafts- oder Regionalparlament beziehungsweise von dem von ihm bestimmten Organ ausgehen, in den acht Tagen nach ihrem Erhalt. Innerhalb derselben Frist setzt der Prokurator des Königs das betreffende Gemeinschafts- oder Regionalparlament beziehungsweise das von ihm bestimmte Organ von seinem Beschluss in Kenntnis, eine Verfolgung aufgrund der in § 1 erwähnten Verstöße einzuleiten.

Innerhalb dreißig Tagen nach Erhalt der Abschrift der eingereichten Beschwerden oder des Verfolgungsbeschlusses erteilt das betreffende Gemeinschafts- oder Regionalparlament beziehungsweise das von ihm bestimmte Organ dem Prokurator des Königs eine mit Gründen versehene Stellungnahme über die Beschwerden beziehungsweise Verfolgungen, von denen der Prokurator des Königs sie gemäß dem vorhergehenden Absatz in Kenntnis gesetzt hat.

Die Frist für die Stellungnahme setzt die Verfolgung aus.

§ 4 - Wer eine Beschwerde beziehungsweise eine Klage einreicht, die sich als unbegründet erweist und für die erwiesen ist, dass sie in der Absicht zu schaden erfolgte, wird mit einer Geldstrafe von 50 EUR bis 500 EUR belegt."

Art. 6 - Vorliegendes Gesetz tritt am Tag seiner Veröffentlichung im *Belgischen Staatsblatt* in Kraft.

Wir fertigen das vorliegende Gesetz aus und ordnen an, dass es mit dem Staatssiegel versehen und durch das *Belgische Staatsblatt* veröffentlicht wird.

Gegeben zu Brüssel, den 12. März 2009

ALBERT

Von Königs wegen:

Der Minister des Innern
G. DE PADT

Mit dem Staatssiegel versehen :

Der Minister der Justiz
S. DE CLERCK

SERVICE PUBLIC FEDERAL INTERIEUR

F. 2009 — 1623 [C − 2009/00299]

12 MARS 2009. — Loi modifiant la loi du 19 mai 1994 relative à la limitation et au contrôle des dépenses électorales engagées pour l'élection du Parlement européen. — Traduction allemande

Le texte qui suit constitue la traduction en langue allemande de la loi du 12 mars 2009 modifiant la loi du 19 mai 1994 relative à la limitation et au contrôle des dépenses électorales engagées pour l'élection du Parlement européen (*Moniteur belge* du 7 avril 2009).

Cette traduction a été établie par le Service central de traduction allemande à Malmedy.

FEDERALE OVERHEIDSDIENST BINNENLANDSE ZAKEN

N. 2009 — 1623 [C − 2009/00299]

12 MAART 2009. — Wet tot wijziging van de wet van 19 mei 1994 betreffende de beperking en de controle van de verkiezingsuitgaven voor de verkiezing van het Europees Parlement. — Duitse vertaling

De hierna volgende tekst is de Duitse vertaling van de wet van 12 maart 2009 tot wijziging van de wet van 19 mei 1994 betreffende de beperking en de controle van de verkiezingsuitgaven voor de verkiezing van het Europees Parlement (*Belgisch Staatsblad* van 7 april 2009).

Deze vertaling is opgemaakt door de Centrale dienst voor Duitse vertaling in Malmedy.

FÖDERALER ÖFFENTLICHER DIENST INNERES

D. 2009 — 1623 [C − 2009/00299]

12. MÄRZ 2009 — Gesetz zur Abänderung des Gesetzes vom 19. Mai 1994 über die Einschränkung und Kontrolle der Wahlausgaben für die Wahl des Europäischen Parlaments — Deutsche Übersetzung

Der folgende Text ist die deutsche Übersetzung des Gesetzes vom 12. März 2009 zur Abänderung des Gesetzes vom 19. Mai 1994 über die Einschränkung und Kontrolle der Wahlausgaben für die Wahl des Europäischen Parlaments.

Diese Übersetzung ist von der Zentralen Dienststelle für Deutsche Übersetzungen in Malmedy erstellt worden.

FÖDERALER ÖFFENTLICHER DIENST INNERES

12. MÄRZ 2009 — Gesetz zur Abänderung des Gesetzes vom 19. Mai 1994 über die Einschränkung und Kontrolle der Wahlausgaben für die Wahl des Europäischen Parlaments

ALBERT II., König der Belgier,

Allen Gegenwärtigen und Zukünftigen, Unser Gruß!

Die Kammern haben das Folgende angenommen und Wir sanktionieren es:

Artikel 1 - Vorliegendes Gesetz regelt eine in Artikel 78 der Verfassung erwähnte Angelegenheit.

Art. 2 - Artikel 1 Nr. 5 des Gesetzes vom 19. Mai 1994 über die Einschränkung und Kontrolle der Wahlausgaben für die Wahl des Europäischen Parlaments, ersetzt durch das Gesetz vom 25. April 2004, wird wie folgt abgeändert:

1. Absatz 3 wird wie folgt ersetzt:

"Die für die Ausübung der Befugnisse der Kontrollkommission gesetzten Fristen werden bei Auflösung der Föderalen Kammern unterbrochen. Die neuen Fristen beginnen ab der in Artikel 1 Nr. 4 Absatz 1 des Gesetzes vom 4. Juli 1989 vorgesehenen Einsetzung der Kommission."

2. In Absatz 4 werden zwischen dem Wort "werden" und den Wörtern "während der in Anwendung von Artikel 10 § 1 Nr. 3 des Gesetzes vom 6. April 1995 zur Einrichtung des in Artikel 82 der Verfassung vorgesehenen parlamentarischen Konzertierungsausschusses und zur Abänderung der am 12. Januar 1973 koordinierten Gesetze über den Staatsrat festgelegten Urlaubszeiträume" die Wörter "während der in Artikel 7*bis* erwähnten Prüfung durch den Rechnungshof und" eingefügt.

Art. 3 - Artikel 2 desselben Gesetzes, abgeändert durch die Gesetze vom 25. Juni 1998, 11. März 2003 und 25. April 2004 und durch den Königlichen Erlass vom 20. Juli 2000, wird wie folgt abgeändert:

1. Paragraph 1 Absatz 4 wird durch folgenden Satz ergänzt:

"In diesem Fall müssen die Parteien nachweisen können, dass die von ihnen für diesen oder diese Kandidaten geleisteten Ausgaben im Zusammenhang mit der Kampagne der Partei stehen."

2. Paragraph 2 Nr. 1 wird wie folgt abgeändert:

a) Die Wörter "ihrer Liste" werden durch die Wörter "ihrer(ihren) Liste(n)" ersetzt.

b) Zwischen den Wörtern "von der politischen Partei" und den Wörtern "zu bestimmenden Kandidaten" werden die Wörter "auf der vorgeschlagenen Kandidatenliste" eingefügt.

3. In § 2 Nr. 2 wird der erste Satz wie folgt ersetzt:

"den in Nr. 1 vorgesehenen Betrag für einen einzigen Kandidaten auf der Liste einer politischen Partei, die bei den letzten Wahlen kein Mandat erzielt hat oder im betreffenden Wahlkollegium nicht angetreten ist."

4. [*Abänderung des französischen und niederländischen Textes*]

5. Der Artikel wird durch eine Übergangsbestimmung mit folgendem Wortlaut ergänzt:

"Übergangsbestimmung

Für die Festlegung der in § 2 Nr. 1 erwähnten Anzahl Kandidaten am Kopf einer Liste für die Wahl des Europäischen Parlaments vom 7. Juni 2009 gilt für den Fall, in dem eine Liste für die Wahlen vom 13. Juni 2004 aus Kandidaten zusammengestellt war, die gemeinsam von zwei oder mehreren politischen Parteien vorgeschlagen worden waren, und diese Parteien für die Wahl vom 7. Juni 2009 getrennte Listen vorschlagen, das Kriterium der Parteizugehörigkeit zum 13. Juni 2004 der an diesem Datum für die Wahl des Europäischen Parlaments gewählten Kandidaten."

Art. 4 - In Artikel 5 § 1 desselben Gesetzes, abgeändert durch die Gesetze vom 25. Juni 1998 und 25. April 2004, wird Nr. 5 wie folgt ersetzt:

"5. keine kommerziellen Werbespots in Rundfunk, Fernsehen oder in Kinosälen ausstrahlen, noch entgeltliche Mitteilungen über das Internet machen."

Art. 5 - Artikel 7*bis*, eingefügt durch das Gesetz vom 25. April 2004, wird durch folgenden Satz ergänzt:

"Die in Artikel 8 § 1 vorgesehene Frist wird während der Prüfung durch den Rechnungshof ausgesetzt."

Art. 6 - Artikel 8 § 1 Absatz 1 desselben Gesetzes, ersetzt durch das Gesetz vom 25. April 2004, wird wie folgt abgeändert:

1. Der erste Satz wird wie folgt ergänzt:

", wobei sie in jedem Fall ab ihrer Einsetzung über eine Frist von neunzig Tagen verfügt."

2. Im zweiten Satz werden die Wörter "Sie kann zu diesem Zweck" durch die Wörter "Sie kann im Hinblick auf die Erfüllung ihrer Aufgaben" ersetzt.

Art. 7 - In Artikel 9 desselben Gesetzes, abgeändert durch das Gesetz vom 25. April 2004, werden die Wörter "Bei Überschreitung des in Artikel 2 § 1 vorgesehenen zugelassenen Höchstbetrages" durch die Wörter "Im Falle eines Verstoßes gegen Artikel 2 § 1" ersetzt.

Art. 8 - Artikel 10 desselben Gesetzes, abgeändert durch die Gesetze vom 25. Juni 1998, 26. Juni 2000 und 25. April 2004, wird wie folgt abgeändert:

1. Paragraph 2 wird wie folgt abgeändert:

a) [*Abänderung des französischen und niederländischen Textes*]

b) Zwischen den Wörtern "der Kontrollkommission beziehungsweise" und den Wörtern "jeder anderen Person" werden die Wörter "einer Beschwerde" eingefügt.

2. Die Paragraphen 3 und 4 werden wie folgt ersetzt:

"§ 3 - Die Frist für die Ausübung des Initiativrechtes seitens des Prokurators des Königs, für das Erstatten von Anzeigen und das Einreichen von Beschwerden in Bezug auf die in § 1 erwähnten Verstöße läuft am zweihundertsten Tag nach den Wahlen ab, wobei die Kontrollkommission in jedem Fall ab ihrer Einsetzung über eine Frist von hundertzehn Tagen verfügt. Was die Kontrollkommission betrifft, wird diese Frist gemäß Artikel 1 Nr. 5 Absatz 3 und 4 unterbrochen beziehungsweise ausgesetzt.

In Bezug auf die von der Kontrollkommission erstatteten Anzeigen verfügt der Prokurator des Königs für die Ausübung der Strafverfolgung in jedem Fall über eine Frist von dreißig Tagen ab Empfang einer Anzeige.

Der Prokurator des Königs übermittelt der Kontrollkommission eine Abschrift der Beschwerden, die nicht von der Kommission ausgehen, in den acht Tagen nach ihrem Erhalt. Innerhalb derselben Frist setzt der Prokurator des Königs die Kontrollkommission von seinem Beschluss in Kenntnis, eine Verfolgung aufgrund der in § 1 erwähnten Verstöße einzuleiten.

Innerhalb dreißig Tagen nach Erhalt der Abschrift der eingereichten Beschwerden oder des Verfolgungsbeschlusses erteilt die Kontrollkommission dem Prokurator des Königs eine mit Gründen versehene Stellungnahme über die Beschwerden beziehungsweise Verfolgungen, von denen der Prokurator des Königs sie gemäß dem vorhergehenden Absatz in Kenntnis gesetzt hat.

Die Frist für die Stellungnahme setzt die Verfolgung aus.

§ 4 - Wer eine Beschwerde beziehungsweise eine Klage einreicht, die sich als unbegründet erweist und für die erwiesen ist, dass sie in der Absicht zu schaden erfolgte, wird mit einer Geldstrafe von 50 EUR bis 500 EUR belegt."

Art. 9 - Vorliegendes Gesetz tritt am Tag seiner Veröffentlichung im *Belgischen Staatsblatt* in Kraft.

Wir fertigen das vorliegende Gesetz aus und ordnen an, dass es mit dem Staatssiegel versehen und durch das *Belgische Staatsblatt* veröffentlicht wird.

Gegeben zu Brüssel, den 12. März 2009

ALBERT

Von Königs wegen:

Der Minister des Innern
G. DE PADT

Mit dem Staatssiegel versehen:

Der Minister der Justiz
S. DE CLERCK

SERVICE PUBLIC FEDERAL INTERIEUR

F. 2009 — 1624 [C − 2009/00300]

14 AVRIL 2009. — Arrêté ministériel déterminant les modèles des instructions pour l'électeur dans les cantons électoraux et communes désignés pour l'usage d'un système de vote automatisé lors des élections simultanées pour le Parlement européen, le Parlement wallon, le Parlement flamand, le Parlement de la Région de Bruxelles-Capitale, les membres bruxellois du Parlement flamand et le Parlement de la Communauté germanophone. — Traduction allemande

Le texte qui suit constitue la traduction en langue allemande de l'arrêté ministériel du 14 avril 2009 déterminant les modèles des instructions pour l'électeur dans les cantons électoraux et communes désignés pour l'usage d'un système de vote automatisé lors des élections simultanées pour le Parlement européen, le Parlement wallon, le Parlement flamand, le Parlement de la Région de Bruxelles-Capitale, les membres bruxellois du Parlement flamand et le Parlement de la Communauté germanophone (*Moniteur belge* du 20 avril 2009).

Cette traduction a été établie par le Service central de traduction allemande à Malmedy.

FEDERALE OVERHEIDSDIENST BINNENLANDSE ZAKEN

N. 2009 — 1624 [C − 2009/00300]

14 APRIL 2009. — Ministerieel besluit tot vaststelling van de modellen van de onderrichtingen voor de kiezer in de kieskantons en gemeenten die voor het gebruik van een geautomatiseerd stemsysteem zijn aangewezen bij de verkiezing voor het Europees Parlement, het Vlaams Parlement, het Waals Parlement, het Brussels Hoofdstedelijk Parlement, de Brusselse leden van het Vlaams Parlement en het Parlement van de Duitstalige Gemeenschap. — Duitse vertaling

De hierna volgende tekst is de Duitse vertaling van het ministerieel besluit van 14 april 2009 tot vaststelling van de modellen van de onderrichtingen voor de kiezer in de kieskantons en gemeenten die voor het gebruik van een geautomatiseerd stemsysteem zijn aangewezen bij de verkiezing voor het Europees Parlement, het Vlaams Parlement, het Waals Parlement, het Brussels Hoofdstedelijk Parlement, de Brusselse leden van het Vlaams Parlement en het Parlement van de Duitstalige Gemeenschap (*Belgisch Staatsblad* van 20 april 2009).

Deze vertaling is opgemaakt door de Centrale dienst voor Duitse vertaling in Malmedy.

FÖDERALER ÖFFENTLICHER DIENST INNERES

D. 2009 — 1624 [C − 2009/00300]

14. APRIL 2009 — Ministerieller Erlass zur Festlegung der Muster der Anweisungen für den Wähler in den Wahlkantonen und Gemeinden, die für die Anwendung eines automatisierten Wahlverfahrens bestimmt sind bei den gleichzeitigen Wahlen für das Europäische Parlament, das Wallonische Parlament, das Flämische Parlament, das Parlament der Region Brüssel-Hauptstadt, die Brüsseler Mitglieder des Flämischen Parlaments und das Parlament der Deutschsprachigen Gemeinschaft — Deutsche Übersetzung

Der folgende Text ist die deutsche Übersetzung des Ministeriellen Erlasses vom 14. April 2009 zur Festlegung der Muster der Anweisungen für den Wähler in den Wahlkantonen und Gemeinden, die für die Anwendung eines automatisierten Wahlverfahrens bestimmt sind bei den gleichzeitigen Wahlen für das Europäische Parlament, das Wallonische Parlament, das Flämische Parlament, das Parlament der Region Brüssel-Hauptstadt, die Brüsseler Mitglieder des Flämischen Parlaments und das Parlament der Deutschsprachigen Gemeinschaft.

Diese Übersetzung ist von der Zentralen Dienststelle für Deutsche Übersetzungen in Malmedy erstellt worden.

FÖDERALER ÖFFENTLICHER DIENST INNERES

14. APRIL 2009 — Ministerieller Erlass zur Festlegung der Muster der Anweisungen für den Wähler in den Wahlkantonen und Gemeinden, die für die Anwendung eines automatisierten Wahlverfahrens bestimmt sind bei den gleichzeitigen Wahlen für das Europäische Parlament, das Wallonische Parlament, das Flämische Parlament, das Parlament der Region Brüssel-Hauptstadt, die Brüsseler Mitglieder des Flämischen Parlaments und das Parlament der Deutschsprachigen Gemeinschaft

Der Minister des Innern,

Aufgrund des Gesetzes vom 11. April 1994 zur Organisierung der automatisierten Wahl, insbesondere des Artikels 29;

Aufgrund des Königlichen Erlasses vom 30. März 1998 zur Ersetzung des Königlichen Erlasses vom 18. April 1994 zur Bestimmung der Wahlkantone, in denen ein automatisiertes Wahlverfahren angewandt wird;

Aufgrund des Ministeriellen Erlasses vom 10. März 1999 zur Festlegung der Reihenfolge der Stimmabgabe bei gleichzeitigen Wahlen in den Kantonen und Gemeinden, die ein automatisiertes Wahlsystem anwenden;

Aufgrund der am 12. Januar 1973 koordinierten Gesetze über den Staatsrat, insbesondere des Artikels 3 § 1 Absatz 1, ersetzt durch das Gesetz vom 4. Juli 1989 und abgeändert durch das Gesetz vom 4. August 1996;

Aufgrund der Dringlichkeit;

In der Erwägung, dass aufgrund der anstehenden auf den 7. Juni 2009 festgelegten gleichzeitigen Wahlen für das Europäische Parlament, das Wallonische Parlament, das Flämische Parlament, das Parlament der Region Brüssel-Hauptstadt, die Brüsseler Mitglieder des Flämischen Parlaments und das Parlament der Deutschsprachigen Gemeinschaft schnellstmöglich die Muster der Anweisungen für den Wähler festgelegt werden müssen, die bei diesen Wahlen in den Wahlkantonen und Gemeinden, die für die Anwendung eines automatisierten Wahlverfahrens bestimmt sind, Anwendung finden werden,

Erläßt:

Artikel 1 - In den Wahlkantonen, die durch den oben erwähnten Königlichen Erlass vom 30. März 1998 für die Anwendung eines automatisierten Wahlverfahrens bestimmt sind, die Kantone Eupen und Sankt Vith ausgenommen, entsprechen bei den gleichzeitigen Wahlen für das Europäische Parlament und das Wallonische Parlament beziehungsweise das Flämische Parlament die Anweisungen für den Wähler dem Muster in Anlage 1.

Art. 2 - In den Wahlkantonen, die durch den oben erwähnten Königlichen Erlass vom 30. März 1998 für die Anwendung eines automatisierten Wahlverfahrens bestimmt worden sind, entsprechen bei den gleichzeitigen Wahlen für das Europäische Parlament, das Parlament der Region Brüssel-Hauptstadt und die Brüsseler Mitglieder des Flämischen Parlaments die Anweisungen für den Wähler dem Muster in Anlage 2.

Art. 3 - In den Wahlkantonen Eupen und Sankt Vith entsprechen bei den gleichzeitigen Wahlen für das Europäische Parlament, das Wallonische Parlament und das Parlament der Deutschsprachigen Gemeinschaft die Anweisungen für den Wähler dem Muster in Anlage 3.

Art. 4 - Der Ministerielle Erlass vom 9. April 2004 zur Festlegung der Muster der Anweisungen für den Wähler in den Wahlkantonen, die für die Anwendung eines automatisierten Wahlverfahrens bestimmt sind bei den gleichzeitigen Wahlen für das Europäische Parlament, das Wallonische Parlament, das Flämische Parlament, das Parlament der Region Brüssel-Hauptstadt, die Brüsseler Mitglieder des Flämischen Parlaments und das Parlament der Deutschsprachigen Gemeinschaft, wird aufgehoben.

Art. 5 - Vorliegender Erlass tritt am Tag seiner Veröffentlichung im *Belgischen Staatsblatt* in Kraft.

Brüssel, den 14. April 2009

G. DE PADT

Anlage 1

(…)

Anlage 2

(…)

Anlage 3

Anweisungen für den Wähler in den Wahlkantonen Eupen und Sankt Vith bei den gleichzeitigen Wahlen für das Europäische Parlament, das Wallonische Parlament und das Parlament der Deutschsprachigen Gemeinschaft

1. Die Wähler werden von 8 bis 15 Uhr zur Stimmabgabe zugelassen. Wähler, die sich um 15 Uhr im Wahllokal befinden, werden noch zur Stimmabgabe zugelassen.

2. Nachdem der Vorsitzende den Personalausweis und die Wahlaufforderung des Wählers überprüft hat, überreicht er ihm gegen Abgabe dieser Unterlagen eine Magnetkarte für die Stimmabgabe. Der Wähler, der Angehöriger eines anderen Mitgliedstaates der Europäischen Union ist, erhält eine validierte Magnetkarte, die so angepasst wurde, dass er ausschließlich für die Wahl des Europäischen Parlaments wählen kann.

3.

— Der Wähler darf sich nur während der für die Stimmabgabe erforderlichen Zeit in der Wahlkabine aufhalten. Um seine Stimmabgabe vorzunehmen, führt er erst die Magnetkarte in den dafür vorgesehenen Schlitz des Kartenlesers am Wahlapparat ein.

— Der Wähler bestimmt die Sprache, in der er seine Stimmabgaben anhand des ihm zur Verfügung gestellten Lichtstiftes vornehmen möchte.

4. Der belgische Wähler, der in den Bevölkerungsregistern einer belgischen Gemeinde eingetragen ist, gibt zunächst seine Stimme für die Wahl des Europäischen Parlaments ab; nachdem er diese Stimmabgabe bestätigt hat, gibt er seine Stimme für die Wahl des Wallonischen Parlaments ab und bestätigt sie; schließlich gibt er seine Stimme für die Wahl des Parlaments der Deutschsprachigen Gemeinschaft ab und bestätigt sie ebenfalls.

Der Wähler, der Angehöriger eines anderen Mitgliedstaates der Europäischen Union ist, gibt seine Stimme für die Wahl des Europäischen Parlaments ab und bestätigt seine Stimmabgabe.

5. Der Wähler geht für die Stimmabgabe wie folgt vor:

a) Für die Wahl des Europäischen Parlaments:

— Der Wähler entscheidet sich für eine Liste, indem er den Lichtstift senkrecht zum Bildschirm hält und auf das Feld der gewählten Liste drückt.

— Ist der Wähler mit der Vorschlagsreihenfolge für die Kandidaten auf der von ihm unterstützten Liste einverstanden, so hält er den Lichtstift senkrecht zum Bildschirm und setzt ihn auf den hellen Mittelpunkt im Kopffeld über dieser Liste, das sich links oben auf dem Bildschirm befindet.

— Wenn nicht, gibt er eine Vorzugsstimme für den ordentlichen Kandidaten und/oder einen oder mehrere Ersatzkandidaten dieser Liste ab, vor denen eine laufende Nummer steht, indem er den Lichtstift senkrecht zum Bildschirm hält und ihn nacheinander auf das Feld dieses oder dieser Kandidaten setzt. Dazu drückt er mit dem Lichtstift gleich wo auf das Stimmfeld des ordentlichen Kandidaten oder eines oder mehrerer Ersatzkandidaten; das Feld des gewählten ordentlichen Kandidaten und/oder jedes gewählten Ersatzkandidaten färbt sich gräulich.

b) Für die Wahl des Wallonischen Parlaments:

— Der Wähler entscheidet sich für eine Liste, indem er den Lichtstift senkrecht zum Bildschirm hält und auf das Feld der gewählten Liste drückt.

— Ist der Wähler mit der Vorschlagsreihenfolge für die Kandidaten auf der von ihm unterstützten Liste einverstanden, so hält er den Lichtstift senkrecht zum Bildschirm und setzt ihn auf den hellen Mittelpunkt im Kopffeld über dieser Liste, das sich links oben auf dem Bildschirm befindet.

— Wenn nicht, gibt er eine Vorzugsstimme für einen oder mehrere ordentliche Kandidaten und/oder Ersatzkandidaten dieser Liste ab, vor denen eine laufende Nummer steht, indem er den Lichtstift senkrecht zum Bildschirm hält und ihn nacheinander auf das Feld dieses oder dieser Kandidaten setzt. Dazu drückt er mit dem Lichtstift gleich wo auf das Stimmfeld eines oder mehrerer ordentlicher Kandidaten und/oder Ersatzkandidaten; das Feld jedes gewählten ordentlichen Kandidaten und/oder jedes gewählten Ersatzkandidaten färbt sich gräulich.

c) Für die Wahl des Parlaments der Deutschsprachigen Gemeinschaft:

— Der Wähler entscheidet sich für eine Liste, indem er den Lichtstift senkrecht zum Bildschirm hält und auf das Feld der gewählten Liste drückt.

— Ist der Wähler mit der Vorschlagsreihenfolge für die Kandidaten auf der von ihm unterstützten Liste einverstanden, so hält er den Lichtstift senkrecht zum Bildschirm und setzt ihn auf den hellen Mittelpunkt im Kopffeld über dieser Liste, das sich links oben auf dem Bildschirm befindet.

— Wenn nicht, gibt er eine Vorzugsstimme für die Kandidaten dieser Liste ab, vor denen eine laufende Nummer steht, indem er den Lichtstift senkrecht zum Bildschirm hält und ihn nacheinander auf das Feld dieses oder dieser Kandidaten setzt. Dazu drückt er mit dem Lichtstift gleich wo auf das Stimmfeld eines oder mehrerer Kandidaten; das Feld jedes gewählten Kandidaten färbt sich gräulich.

6. Nachdem der Wähler seine Stimmabgabe für eine oder mehrere Wahlen bestätigt hat, nimmt er seine Magnetkarte zurück. Er hat die Möglichkeit, seine Stimmabgaben zu visualisieren. Zu diesem Zweck führt der Wähler seine Magnetkarte erneut in den Schlitz ein; er kann jedoch seine Stimmabgaben nicht mehr ändern.

7. Anschließend gibt der Wähler dem Vorsitzenden seine Magnetkarte zurück. Nachdem der Vorsitzende die Karte überprüft und sich vergewissert hat, dass keine durch das Gesetz verbotene Markierung beziehungsweise Eintragung auf ihr angebracht worden ist, fordert der Vorsitzende den Wähler auf, sie in die Urne zu stecken. Der Wähler erhält seine vom Vorsitzenden oder beauftragten Beisitzer ordnungsgemäß abgestempelte Wahlaufforderung zurück.

8. Die Magnetkarte wird für ungültig erklärt:

a) wenn sich bei der in Nr. 7 erwähnten Überprüfung herausstellt, dass eine Markierung oder eine Eintragung absichtlich auf der Karte angebracht worden ist, die den Wähler erkennbar machen könnte,

b) wenn der Wähler infolge einer falschen Handhabung oder eines anderen ungewollten Fehlverhaltens die ihm ausgehändigte Karte beschädigt hat,

c) wenn sich aus irgendeinem technischen Grund die Registrierung der Karte durch die elektronische Urne als unmöglich erweist.

In den im vorangehenden Absatz erwähnten Fällen wird der Wähler aufgefordert, seine Stimmabgabe anhand einer anderen Karte zu wiederholen. Wenn nach einem zweiten Versuch die Karte erneut aufgrund des vorhergehenden Absatzes Buchstabe *a)* für ungültig erklärt wird, wird der Wähler nicht mehr zur Wahl zugelassen und seine Stimmabgabe wird für ungültig erklärt.

9. Wer sein Stimmrecht mehrmals ausübt, wer wählt, ohne wahlberechtigt zu sein, oder wer ohne gültige Vollmacht für einen anderen wählt, macht sich strafbar.

Gesehen, um dem Ministeriellen Erlass vom 14. April 2009 beigefügt zu werden

Der Minister des Innern

G. DE PADT

GOUVERNEMENTS DE COMMUNAUTE ET DE REGION
GEMEENSCHAPS- EN GEWESTREGERINGEN
GEMEINSCHAFTS- UND REGIONALREGIERUNGEN

VLAAMSE GEMEENSCHAP — COMMUNAUTE FLAMANDE

VLAAMSE OVERHEID

N. 2009 — 1625 [C − 2009/35371]

27 MAART 2009. — Decreet houdende vaststelling van een kader voor de gebruikerscompensatie bij bestemmingswijzigingen, overdrukken en erfdienstbaarheden tot openbaar nut (1)

Het Vlaams Parlement heeft aangenomen en Wij, Regering, bekrachtigen hetgeen volgt :

Decreet houdende vaststelling van een kader voor de gebruikerscompensatie bij bestemmingswijzigingen, overdrukken en erfdienstbaarheden tot openbaar nut.

Artikel 1. Dit decreet regelt een gewestaangelegenheid.

Art. 2. Dit decreet stelt een kader vast voor de financiële vergoeding van schade die een gebruiker van een grond lijdt door gebruiksbeperkingen op deze grond, ten gevolge van bestemmingswijzigingen als vermeld in artikel 3, 2°, overdrukken als vermeld in artikel 3, 3°, en door de Vlaamse Regering opgelegde erfdienstbaarheden tot openbaar nut, voor zover via de sectorale regelgeving voor deze gebruikersschade geen afdoende vergoeding bekomen kan worden.

Art. 3. In dit decreet wordt verstaan onder :

1° gebruiker : natuurlijke of rechtspersoon die titularis is van een persoonlijk of zakelijk recht op een grond en die deze grond ook effectief gebruikt en als landbouwer is geïdentificeerd in het GBCS, vermeld in artikel 2, 14°, van het decreet van 22 december 2006 houdende de inrichting van een gemeenschappelijke identificatife van landbouwers, exploitaties en landbouwgrond in het kader van het meststoffenbeleid en het landbouwbeleid;

2° bestemmingswijziging : een wijziging ten gevolge van :

a) een ruimtelijk uitvoeringsplan dat een zone die onder de categorie van gebiedsaanduiding « landbouw » valt, omzet naar een zone die onder de categorie van gebiedsaanduiding « natuur », « bos » of « overig groen » valt;

b) een plan van aanleg dat een agrarisch gebied omzet naar een groengebied, een bosgebied of overig groen;

3° overdrukken : het betreft de overdrukken « ecologisch belang », « ecologische waarde », « overstromingsgebied », « reservaat » of « valleigebied ». De Vlaamse Regering wordt gemachtigd gelijkaardige overdrukken te bepalen. Met « overstromingsgebied » wordt in dit decreet bedoeld de overdruk, vermeld in de bijlage bij het besluit van de Vlaamse Regering van 11 april 2008 tot vaststelling van de nadere regels met betrekking tot de vorm en de inhoud van de ruimtelijke uitvoeringsplannen;

4° gebruikersschade : de schade voor de gebruiker van een grond bestaande uit het verschil tussen de gebruikswaarde van deze grond vóór de inwerkingtreding van een ruimtelijk uitvoeringsplan, een plan van aanleg, of een beschikking tot oplegging van een erfdienstbaarheid tot openbaar nut, onder de voorwaarden, vermeld in artikel 5, en de verminderde gebruikswaarde ervan door gebruiksbeperkingen veroorzaakt door een bestemmingswijziging, als vermeld in artikel 3, 2°, een overdruk, als vermeld in artikel 3, 3°, of een erfdienstbaarheid tot openbaar nut, na de inwerkingtreding van het betreffende ruimtelijk uitvoeringsplan, plan van aanleg, of de beslissing van de Vlaamse Regering waarbij de erfdienstbaarheid tot openbaar nut wordt opgelegd, onverminderd hetgeen is bepaald rond « overstromingsgebied »;

5° de gebruikswaarde : de waarde die wordt bepaald in functie van het effectieve en feitelijke gebruik door een gebruiker voor de door hem bepaalde gebruiksdoeleinden;

6° gebruiksbeperking : beperkingen van het gebruik van een grond op basis van de sectorale regelgeving en die verder gaan dan de vereisten om de basismilieukwaliteit te halen;

7° gebruikerscompensatie : de eenmalige residuaire financiële vergoeding voor de gebruikersschade die groter is dan wat ter vrijwaring van de basismilieukwaliteit moet geduld worden;

8° VLM : Vlaamse Landmaatschappij;

9° beveiligde zending : één van de hiernavolgende betekeningswijzen :

a) een aangetekend schrijven;

b) een afgifte tegen ontvangstbewijs;

c) elke andere door de Vlaamse Regering toegelaten betekeningswijze waarbij de datum van kennisgeving met zekerheid kan worden vastgesteld;

10° basismilieukwaliteit : wordt gedefinieerd als : « de op de vooravond van de opgelegde beperkingen bestaande kwaliteit die wordt bereikt door het naleven van de gebruikelijke goede landbouwmethode, door naleving van de eisen gesteld in de artikelen 3, 4 en 5, van de Verordening 1782/2003 en door het naleven van de voorschriften in de Vlaamse regelgeving rond natuur en milieu ».

Art. 4. § 1. Een gebruiker heeft recht op een gebruikerscompensatie vanwege het Vlaamse Gewest voor de door hem geleden gebruikersschade die ontstaat op het ogenblik van de inwerkingtreding van de bestemmingswijziging of overdruk, vastgelegd in een ruimtelijk uitvoeringsplan of plan van aanleg, op voorwaarde dat :

1° de bestemmingswijziging en/of overdruk beantwoordt aan alle vereisten opgesomd in artikel 6.2.4. van het decreet van 27 maart 2009 betreffende het grond- en pandenbeleid;

2° de gebruiker het effectieve gebruik van de grond aantoont. De Vlaamse Regering kan nadere regels vaststellen over de wijze waarop het effectieve gebruik van de grond kan worden aangetoond.

§ 2. In afwijking van artikel 4, § 1, ontstaat het recht op een gebruikerscompensatie bij een « overstromingsgebied » op het moment waarop het overstromingsgebied wordt ingericht. De voorwaarden uit de vorige paragraaf blijven van overeenkomstige toepassing.

§ 3. Een gebruikerscompensatie kan niet worden aangevraagd door het Vlaamse Gewest en de diensten, instellingen, besturen en vennootschappen, vermeld in artikel 19, § 2, tweede, derde en vierde lid, van het decreet van 18 mei 1999 houdende de organisatie van de ruimtelijke ordening.

Art. 5. Een gebruiker heeft recht op een gebruikerscompensatie vanwege het Vlaamse Gewest voor de door hem geleden gebruikersschade die ontstaat ingevolge een door de Vlaamse Regering opgelegde erfdienstbaarheid tot openbaar nut die op een agrarisch gebied of op een zone die onder de categorie van gebiedsaanduiding « landbouw » valt, meer beperkingen op het vlak van het gebruik van de grond oplegt dan redelijkerwijs in het algemeen belang en ter vrijwaring van de basismilieukwaliteit geduld moet worden.

De gebruikerscompensatie wordt slechts toegekend als de Vlaamse Regering op grond van een advies van de territoriaal bevoegde kapitaalschadecommissie oordeelt dat deze erfdienstbaarheid tot openbaar nut voldoet aan het criterium, vermeld in het eerste lid.

Art. 6. § 1. Vergoedingsmechanismen andere dan de gebruikerscompensatie die tot doel hebben de schade te vergoeden van een beperking van het gebruik worden prioritair aangesproken.

§ 2. De gebruikerscompensatie is verschuldigd als er geen ander vergoedingsmechanisme is.

§ 3. De gebruikerscompensatie is verschuldigd als er een ander vergoedingsmechanisme is en de gebruiker geen vergoeding krijgt binnen het jaar na de aanvraag van de vergoeding volgens dat ander vergoedingsmechanisme.

§ 4. Als de gebruiker binnen het jaar na de aanvraag van de vergoeding volgens een ander vergoedingsmechanisme geen afdoende vergoeding bekomt, heeft de gebruiker recht op het verschil tussen de gebruikerscompensatie en de vergoeding volgens een ander vergoedingsmechanisme.

§ 5. In geval § 3 of § 4 van toepassing is, geldt dat de lopende betalingen worden stopgezet en reeds betaalde tranches teruggevorderd worden, indien de door een gebruikerscompensatie reeds gedekte waardevermindering later gecompenseerd wordt door middel van de toepassing van een sectorale regeling.

§ 6. Indien een perceel na de toekenning van een gebruikerscompensatie wordt onteigend voor de verwezenlijking van het ruimtelijke uitvoeringsplan of het plan van aanleg dat de gedekte gebruikersschade heeft doen ontstaan, wordt het bedrag van de gebruikerscompensatie verminderd met de onteigeningsvergoeding voor de gebruiker.

Art. 7. De gebruikerscompensatie is een billijke schadeloosstelling, die wordt berekend en vastgesteld op basis van en voor zover van toepassing op het betrokken bedrijf, de elementen die gehanteerd worden bij de berekening van de gebruikersvergoeding bij een onteigening.

De Vlaamse Regering zal nadere regels vaststellen met betrekking tot de berekening van de gebruikerscompensatie.

Art. 8. § 1. Aanvragen voor een gebruikerscompensatie worden bij de VLM ingediend binnen een door de Vlaamse Regering bepaalde vervaltermijn.

§ 2. De VLM stelt de aanvrager per beveiligde zending in kennis van haar ontwerpbeslissing. De aanvrager kan bezwaren omtrent deze ontwerpbeslissing formuleren binnen een door de Vlaamse Regering te bepalen vervaltermijn.

Indien geen tijdig bezwaar is ingediend, neemt de VLM onmiddellijk een definitieve beslissing. Zij stelt de aanvrager daarvan per beveiligde zending in kennis.

In het geval van een tijdig ingediend bezwaar stelt de VLM een onderzoek in naar de gegrondheid van de bezwaren van de aanvrager. De VLM neemt na de behandeling van het bezwaar een definitieve beslissing en stelt de aanvrager daarvan per beveiligde zending in kennis.

§ 3. De Vlaamse Regering kan nadere regels vaststellen met betrekking tot de gebruikerscompensatie, meer bepaald wat betreft de aanvraag, de procedure tot toekenning van gebruikerscompensatie, de bezwaarprocedure, vermeld in artikel 8, § 2, en de uitbetalingstermijnen en -modaliteiten.

Art. 9. Het Vlaamse Gewest voorziet jaarlijks in een bijzondere dotatie aan de VLM voor de bekostiging van de gebruikerscompensatie.

Art. 10. De compensaties voor gebruikersschade kunnen worden toegekend naar aanleiding van ruimtelijke uitvoeringsplannen, plannen van aanleg of beschikkingen tot oplegging van een erfdienstbaarheid tot openbaar nut die vanaf 1 januari 2008 definitief zijn vastgesteld of aangenomen.

De vervaltermijn zoals vermeld in artikel 8, § 2, neemt slechts een aanvang vanaf 1 januari 2009.

Art. 11. Aan artikel 38, § 1, eerste lid, van het decreet van 18 mei 1999 houdende de organisatie van de ruimtelijke ordening, gewijzigd bij decreet van 21 november 2003, wordt een punt 8° toegevoegd, dat luidt als volgt :

« 8° in voorkomend geval, een register, al dan niet grafisch, van de percelen waarop een bestemmingswijziging wordt doorgevoerd of een overdruk wordt toegevoegd die aanleiding kan geven tot gebruikerscompensatie, als vermeld, in het decreet van 27 maart 2009 houdende vaststelling van een kader voor de gebruikerscompensatie bij bestemmingswijzigingen. »

Kondigen dit decreet af, bevelen dat het in het *Belgisch Staatsblad* zal worden bekendgemaakt.

Brussel, 27 maart 2009.

De minister-president van de Vlaamse Regering,
K. PEETERS

De Vlaamse minister van Openbare Werken, Energie, Leefmilieu en Natuur,
Mevr. H. CREVITS

Nota

(1) *Zitting 2008-2009 :*
Stukken. — Ontwerp van decreet : 2021 - Nr. 1. — Amendement : 2021 - Nr. 2. — Verslag over hoorzitting : 2021 - Nr. 3. — Verslag : 2021 - Nr. 4. — Tekst aangenomen door de plenaire vergadering : 2021 - Nr. 5.
Handelingen. — Bespreking en aanneming : Middagvergadering van 18 maart 2009.

TRADUCTION

AUTORITE FLAMANDE

F. 2009 — 1625 [C − 2009/35371]

27 MARS 2009. — Décret établissant un cadre pour la compensation des usagers lors de modifications d'affectation, surimpressions et servitudes d'intérêt public

Le Parlement flamand a adopté et Nous, Gouvernement, sanctionnons ce qui suit :

Décret établissant un cadre pour la compensation des usagers lors de modifications d'affectation, surimpressions et servitudes d'intrérêt public.

Article 1er. Le présent décret règle une matière régionale.

Art. 2. Le présent décret établit un cadre pour l'indemnité financière des dommages subis par un usager de terres par des restrictions d'utilisation à ces terres, suite aux modifications d'affectation telles que visées à l'article 3, 2°, aux surimpressions telles que visées à l'article 3, 3°, et aux servitudes d'intérêt public imposées par le Gouvernement flamand, dans la mesure où aucune indemnité satisfaisante pour ces dommages ne peut être obtenue par le biais de la réglementation sectorielle.

Art. 3. Dans le présent décret, on entend par :

1° usager : la personne physique ou morale qui est titulaire d'un droit réel ou personnel sur un terrain et qui utilise effectivement ce terrain et qui est identifié comme agriculteur dans le SIGC, visé à l'article 2, 14°, du décret du 22 décembre 2006 portant création d'une identification commune d'agriculteurs, d'exploitations et de terres agricoles dans la cadre de la politique relative aux engrais et de la politique d'agriculture;

2° modification d'affectation : une modification suite à :

a) un plan d'exécution spatial qu'une zone qui ressort de la catégorie de zones affectées à l'"agriculture", convertit en une zone qui ressort de la catégorie de zones affectées à la 'nature' ou au 'bois' ou aux autres zones vertes';

b) un plan d'aménagement qui convertit une zone agricole en une zone verte, une zone forestière ou une autre zone verte;

3° surimpressions : il s'agit des surimpressions « intérêt écologique », « valeur écologique », « zone inondable », « réserve » ou « zone de vallée ». Le Gouvernement flamand est autorisé à déterminer des surimpressions similaires. Par « zone inondable » on entend au présent décret la surimpression, visée à l'annexe de l'arrêté du Gouvernement flamand du 11 avril 2008 fixant les modalités relatives à la forme et au contenu de plans d'exécution spatiaux;

4° dommages aux usagers : les dommages aux usagers de terres qui consistent en la différence entre la valeur d'utilisation de ces terres avant l'entrée en vigueur d'un plan d'exécution spatial, d'un plan d'aménagement, ou de la disposition d'imposition d'une servitude d'intérêt public, sous les conditions, visées à l'article 5, et leur valeur d'utilisation réduite par des restrictions d'utilisation causées par une modification d'affectation, telle que visée à l'article 3, 2°, une surimpression, telle que visée à l'article 3, 3°, ou une servitude d'intérêt public, suivant l'entrée en vigueur du plan d'exécution spatial concerné, du plan d'aménagement ou de la décision du Gouvernement flamand par laquelle la servitude d'intérêt public est imposée, sans préjudice des dispositions relatives aux « zones inondables ».

5° la valeur d'utilisation : la valeur fixée en fonction de l'utilisation effective par un utilisateur pour les objectifs d'utilisation déterminées par lui;

6° restriction d'utilisation : restrictions de l'utilisation de terres sur la base de la réglementation sectorielle et qui vont au-delà des exigences pour atteindre la qualité environnementale de base;

7° compensation des usagers : l'indemnisation financière résiduaire unique pour les dommages aux usagers supérieurs à ce qui doit être toléré visant la préservation de la qualité environnementale de base;

8° VLM : Vlaamse Landmaatschappij;

9° envoi sécurisé : une des façons de notification suivantes :

a) une lettre recommandée;

b) une remise contre récépissé;

c) toute autre façon de notification autorisée par le Gouvernement flamand par laquelle la date de notification peut être établie avec certitude;

10° qualité environnementale de base : est définie comme suit : « la qualité existante la veille des restrictions imposées qui est atteinte par l'application de bonnes méthodes agricoles usuelles, par le respect des exigences prescrites aux articles 3, 4 et 5, du règlement 1782/2003 et par le respect des prescriptions de la règlementation flamande relative à la nature et l'environnement ».

Art. 4. § 1er. Un usager a droit à une compensation des usagers de la part de la Région flamande pour les dommages subis par lui survenus au moment de l'entrée en vigueur de la modification d'affectation ou de surimpression, fixée dans un plan d'exécution spatial ou d'un plan d'aménagement, à condition que :

1° la modification d'affectation et/ou la surimpression répondent à toutes les exigences énumérées à l'article 6.2.4. du décret du 27 mars 2009 relatif à la politique foncière et immobilière;

2° l'usager démontre l'utilisation effective des terres. Le Gouvernement flamand peut arrêter les modalités de la façon dont l'utilisation effective des terres peut être démontrée.

§ 2. Par dérogation à l'article 4, § 1er, le droit à une compensation des usagers en cas d'une « zone inondable » se forme au moment où la zone inondable est aménagée. Les conditions du paragraphe précédent restent d'application par analogie.

§ 3. Une compensation aux usagers ne peut pas être sollicitée par la Région flamande et par les services, institutions, administrations et sociétés, visées à l'article 19, § 2, deuxième, troisième et quatrième alinéas, du décret du 18 mai 1999 portant organisation de l'aménagement du territoire.

Art. 5. Un usager a droit à une compensation aux usagers de la part de la Région flamande pour les dommages subis par lui survenus suite à une servitude d'intérêt public imposée par le Gouvernement flamand qui ressort dans une zone agricole ou une zone de la catégorie affectée à « l'agriculture », qui impose plus de restrictions sur le plan de l'utilisation des terres que doit être toléré raisonnablement dans l'intérêt public et visant la préservation de la qualité environnementale de base.

La compensation aux usagers n'est octroyée que si le Gouvernement flamand estime sur la base d'un avis de la commission 'perte en capital' que cette servitude à intérêt public répond au critère, visé à l'alinéa premier.

Art. 6. § 1er. Des mécanismes d'indemnisation, autres que la compensation aux usagers ayant pour but d'indemniser les dommages d'une restriction de l'utilisation, sont utilisés en priorité.

§ 2. La compensation aux usagers est due lorsqu'il n'y a pas d'autre mécanisme d'indemnisation.

§ 3. La compensation aux usagers est due lorsqu'il y existe un autre mécanisme d'indemnisation et l'usager n'obtient pas de indemnité dans un an après la demande de l'indemnité suivant l'autre mécanisme d'indemnisation.

§ 4. Lorsque l'usager n'obtient pas d'indemnité satisfaisante dans un an après la demande de l'indemnité suivant un autre mécanisme d'indemnité, l'usager a droit à la différence entre la compensation aux usagers et l'indemnité suivant un autre mécanisme d'indemnité.

§ 5. Dans le cas où § 3 ou § 4 est d'application, les paiements en cours sont cessés et les tranches déjà payées sont recouvrées, si la perte de valeur déjà couverte par une compensation aux usagers est compensée plus tard par l'application d'un règlement sectoriel.

§ 6. Lorsqu'une parcelle est expropriée après l'octroi d'une compensation aux usagers pour la réalisation du plan d'exécution spatial ou le plan d'aménagement qui a provoqué les dommages aux usagers couverts, le montant de la compensation aux usagers est réduit de l'indemnité d'expropriation pour l'usager.

Art. 7. La compensation aux usagers est une indemnité équitable, qui est calculée et fixée sur la base des éléments utilisés lors du calcul de l'indemnité aux usagers lors d'une expropriation, et dans la mesure où l'indemnité est applicable à l'entreprise concernée.

Le Gouvernement flamand arrêtera les modalités relatives au calcul de la compensation aux usagers.

Art. 8. § 1er. Des demandes pour une compensation aux usagers sont introduites auprès de la VLM dans un délai fixé par le Gouvernement flamand.

§ 2. La VLM informe le demandeur de son projet de décision par envoi sécurisé. Le demandeur peut formuler des réclamations concernant ce projet de décision dans un délai à fixer par le Gouvernement flamand.

Si la réclamation n'est pas présentée à temps, la VLM prend immédiatement une décision définitive. Elle en informe le demandeur par envoi sécurisé.

Lorsque la réclamation est présentée à temps, la VLM ouvre une enquête sur le bien-fondé des réclamations du demandeur. Après le traitement de la réclamation, la VLM prend une décision définitive et en informe le demandeur par envoi sécurisé.

§ 3. Le Gouvernement flamand peut arrêter les modalités relatives à la compensation aux usagers, notamment concernant la demande, la procédure d'octroi de la compensation aux usagers, la procédure de réclamation, visée à l'article 8, § 2, et les délais et les modalités de paiement.

Art. 9. La Région flamande prévoit annuellement une dotation spéciale à la VLM, destinée à couvrir la compensation aux usagers.

Art. 10. Les compensations pour les dommages aux usagers peuvent être octroyées à l'occasion de plans d'exécution spatiaux, de plans d'aménagement ou de dispositions d'impositions d'une servitude d'intérêt public qui sont définitivement fixés ou adoptés à partir du 1er janvier 2008.

Le délai tel que visé à l'article 8, § 2, ne prend cours qu'à partir du 1er janvier 2009.

Art. 11. A l'article 38, § 1er, premier alinéa, du décret du 18 mai 1999 portant organisation de l'aménagement du territoire, tel que modifié par le décret du 21 novembre 2003, il est ajouté un point 8°, rédigé comme suit :

« 8° le cas échéant, un registre, graphique ou non, des parcelles dont la destination est modifiée ou pour lesquelles une surimpression est effectuée qui peut provoquer une compensation des usagers, telle que visée au décret du 27 mars 2009 établissant un cadre pour la compensation des usagers lors de modifications d'affectation. »

Promulguons le présent décret, ordonnons qu'il soit publié au *Moniteur belge*.

Bruxelles, le 27 mars 2009.

Le Ministre-Président du Gouvernement flamand,
K. PEETERS

La Ministre flamande des Travaux publics, de l'Energie, de l'Environnement et de la Nature,
Mme H. CREVITS

Note

(1) *Session 2008-2009 :*

Documents. — Projet de décret : 2021 - N° 1. — Amendement : 2021 - N° 2. — Rapport de l'audition : 2021 - N° 3. Rapport : 2021 - N° 4. — Texte adopté en séance plénière: 2021 - N° 5.

Annales. — Discussion et adoption : Séance de l'après-midi du 18 mars 2009.

VLAAMSE OVERHEID

N. 2009 — 1626 [C − 2009/35355]

27 MAART 2009. — Besluit van de Vlaamse Regering tot wijziging van het besluit van de Vlaamse Regering van 18 februari 2005 betreffende bepaalde procedurele aspecten van de waarborgregeling voor kleine en middelgrote ondernemingen

DeVlaamse Regering,

Gelet op het decreet van 6 februari 2004 betreffende een waarborgregeling voor kleine, middelgrote en grote ondernemingen artikelen 5, § 2 tot en met § 5, 6, § 1, 8, § 1 en § 2, 11en 12, gewijzigd bij het decreet van 20 februari 2009 en artikel 16 en artikel 20 van de Bijzondere Wet op de Hervorming van de Instellingen;

Gelet op het besluit van de Vlaamse Regering van 18 februari 2005 betreffende bepaalde procedurele aspecten van de waarborgregeling voor kleine en middelgrote ondernemingen;

Gelet op het akkoord van de Vlaamse minister, bevoegd voor de begroting, gegeven op 11 december 2008;

Gelet op het advies van de Sociaal-Economische Raad van Vlaanderen, gegeven op 21 januari 2009;

Gelet op advies 46.056/1 van de Raad van State, gegeven op 5 maart 2009, met toepassing van artikel 84, § 1, eerste lid, 1°, van de wetten op de Raad van State, gecoördineerd op 12 januari 1973;

Op voorstel van de Vlaamse minister van Economie, Ondernemen, Wetenschap, Innovatie en Buitenlandse Handel;

Na beraadslaging,

Besluit :

Artikel 1. In artikel 1 van het besluit van de Vlaamse Regering van 18 februari 2005 betreffende bepaalde procedurele aspecten van de waarborgregeling voor kleine en middelgrote ondernemingen worden de volgende wijzigingen aangebracht :

1° in § 1 wordt punt 1° vervangen door wat volgt :

« 1° de-minimisverordening : verordening (EG) nr. 1998/2006 van de Commissie van 15 december 2006, gepubliceerd in het Publicatieblad van de Europese Unie op 28 december 2006 in L379/5, betreffende de toepassing van de artikelen 87 en 88 van het Verdrag op de-minimissteun, de latere wijzigingen ervan en elke latere akte die deze verordening vervangt; »;

2° in § 1 wordt punt 2° vervangen door wat volgt :

« 2° Waarborgdecreet : het decreet van 6 februari 2004 betreffende een waarborgregeling voor kleine, middelgrote en grote ondernemingen, met inbegrip van alle latere wijzigingen; »;

3° in § 1, punt 5°, wordt het woord « bipartiete » vervangen door het woord « bilaterale »;

4° § 2 wordt vervangen door wat volgt :

« § 2. De definities, vermeld in artikel 1, punt 2 van de de-minimisverordening en in artikel 2 van het Waarborgdecreet, zijn eveneens van toepassing in dit besluit. »

Art. 2. In artikel 3 van hetzelfde besluit worden de volgende wijzigingen aangebracht :

1° in § 2 worden de woorden ″artikel 29″ vervangen door de woorden ″artikel 3, tweede lid″;

2° in § 3 wordt punt 1° vervangen door wat volgt :

« 1° het gebruikt waarborgbedrag zoals nader te bepalen door de minister; »;

3° in § 3 wordt punt 2° vervangen door wat volgt :

« 2° het gebruikt waarborgbedrag, zoals vermeld in 1°, ten opzichte van het toegekend waarborgbedrag, zoals nader te bepalen door de minister; »;

4° in § 3 wordt punt 3° vervangen door wat volgt :

« 3° een benchmark,waarvan de parameters nader te bepalen zijn door de minister »;

5° in § 3 wordt punt 4° opgeheven.

Art. 3. In artikel 7, § 1, van hetzelfde besluit worden de volgende wijzigingen aangebracht :

1° punt 2° wordt opgeheven;

2° in punt 3° worden de woorden « in de punten 1° en 2° » vervangen door de woorden « in punt 1° »;

3° punt 4° wordt vervangen door wat volgt :

« 4° kaderovereenkomsten die een combinatie bevatten van de overeenkomsten of de eenzijdige wilsverklaringen, vermeld in punt 1° en 3°. »

Art. 4. In artikel 8 van hetzelfde besluit worden de volgende wijzigingen aangebracht :

1° aan § 1, eerste lid, punt 2°, worden de woorden «, tenzij voor de verbintenissen waarvoor een tegengarantie van het Europees Investeringsfonds toegekend wordt; » toegevoegd;

2° in § 1, vierde lid, worden de woorden « de term 'gezamenlijke controle' » vervangen door de woorden « de term 'gezamenlijke controle' »;

3° in § 1 worden het zevende en achtste lid opgeheven;

4° aan § 2 worden een punt 4° en een punt 5° toegevoegd, die luiden als volgt :

« 4° een beding waarin uitdrukkelijk gestipuleerd wordt dat de steun, toegekend op basis van het Waarborgdecreet of de uitvoeringsmaatregelen ervan, de-minimissteun betreft, toegekend op basis van de de-minimisverordening;

5° een beding op grond waarvan Waarborgbeheer NV gerechtigd is, bij overschrijding van de plafonds, vermeld in de de-minimisverordening, de betaling van de kredietnemer te vorderen van de onrechtmatig verleende steun, zijnde het brutosubsidie-equivalent van de steun, toegekend op basis van het Waarborgdecreet en de uitvoeringsmaatregelen ervan. »;

5° in § 4, eerste lid, worden de woorden « algemene of bijzondere » ingevoegd tussen de woorden « waarborghouder » en « afwijkingen »;

6° in § 4 wordt een derde lid toegevoegd :

« De minister kan specifieke doelgroepen definiëren op basis van sector of ontwikkelingsfase, op basis van doel of aard van investering, of op basis van een combinatie van voorgaande elementen en voor elk van die doelgroepen een algemene of bijzondere afwijking toestaan van een of meer voorwaarden vermeld in § 1 of § 2. »

7° § 5 wordt vervangen door wat volgt :

« § 5. Behoudens de bepalingen van artikel 21 mag de som van de lopende verbintenissen van de K.M.O., die onder de toepassing van een waarborg zijn gebracht, in hoofdsom het bedrag van 500.000 euro niet overschrijden. »;

8° in § 6 en in § 7 worden de woorden «, voor een gegeven K.M.O., » geschrapt.

Art. 5. Artikel 10 van hetzelfde besluit wordt vervangen door wat volgt :

« Art. 10. Om verbintenissen van de K.M.O. onder de toepassing van zijn waarborg te brengen, meldt de waarborghouder de financieringsovereenkomst of een andere verrichting aan binnen een termijn van drie maanden na de ondertekening van de authentieke akte en, bij ontstentenis daarvan, van de onderhandse akte of de andere documenten waarin ze zijn vervat. De aanmelding gebeurt bij Waarborgbeheer NV door middel van een correct ingevuld formulier als vermeld in artikel 9.

De minister bepaalt de praktische wijze van indiening van het formulier, vermeld in artikel 9. »

Art. 6. In artikel 12 en 13 van hetzelfde besluit worden de woorden « artikel 10 » vervangen door de woorden « artikel 9 ».

Art. 7. In artikel 15 van hetzelfde besluit worden de woorden « artikel 14, § 1 » vervangen door de woorden « artikel 14 ».

Art. 8. In artikel 16 van hetzelfde besluit wordt § 1 vervangen door wat volgt :

« § 1. De minister legt de premie, vermeld in artikel 15, vast per soort van financieringsovereenkomst en andere verrichting en, in voorkomend geval, per specifieke doelgroep. »

Art. 9. In artikel 18 van hetzelfde besluit worden de woorden « artikel 10, eerste lid » telkens vervangen door de woorden « artikel 9 ».

Art. 10. Artikel 19 van hetzelfde besluit wordt vervangen door wat volgt :

« Art. 19. De verbintenissen van een K.M.O. worden beschouwd als zijnde onder de toepassing van de waarborg van een waarborghouder zodra de waarborghouder bij Waarborgbeheer NV een volledig ingevuld formulier heeft ingediend als vermeld in artikel 9, Waarborgbeheer NV tot de registratie daarvan heeft beslist en het Vlaamse Gewest de betaling van de toepasselijke premie, vermeld in artikel 15, heeft ontvangen. »

Art. 11. In artikel 21, tweede lid, 4°, van hetzelfde besluit wordt het woord « co-financiering » vervangen door het woord « cofinanciering ».

Art. 12. Aan artikel 24 van hetzelfde besluit wordt een tweede lid toegevoegd, dat luidt als volgt :

« De beslissing van de minister, vermeld in artikel 21, heeft alleen gevolg als de financieringsovereenkomst of de andere verrichting op regelmatige wijze werd geregistreerd. »

Art. 13. Artikel 25 en 26 van hetzelfde besluit worden opgeheven.

Art. 14. Aan artikel 31 van hetzelfde besluit wordt een § 3 toegevoegd, die luidt als volgt :

« § 3 Als er aanwijzingen zijn dat het bedrag van de afroep niet voorlopig betaalbaar kan worden gesteld, kan Waarborgbeheer NV de termijn van drie maanden, vermeld in § 2, eenmalig met drie maanden verlengen, om het dossier grondig te onderzoeken. De waarborghouder wordt daarvan met een brief voorafgaandelijk op de hoogte gebracht. »

Art. 15. In artikel 37 van hetzelfde besluit worden de volgende wijzigingen aangebracht :

1° § 1 wordt vervangen door wat volgt :

« § 1. Om na te gaan of de informatie, vermeld in artikel 11, zoals die wordt ingevuld op het formulier, vermeld in artikel 9, correct is, alsmede om na te gaan of een financieringsovereenkomst of een andere verrichting voldoet aan de voorwaarden, vermeld in § 3 en in artikel 7 en 8, is de waarborghouder ertoe gehouden om, op verzoek van Waarborgbeheer NV, de boeken open te leggen voor de onderdelen die betrekking hebben op de K.M.O. waarvoor binnen Waarborgbeheer NV een dossier is geopend. »;

2° in § 4 worden de woorden « artikel 35, § 2 » vervangen door de woorden « artikel 35, § 3 ».

Art. 16. In artikel 38, § 1, 4°, worden de woorden « artikel 8, § 1, eerste lid, 3° » vervangen door de woorden « artikel 8, § 1, eerste lid, 2° ».

Art. 17. Dit besluit treedt in werking op de dag van de bekendmaking ervan in het *Belgisch Staatsblad*.

De bepalingen van dit besluit zijn van toepassing op de financieringsovereenkomsten of andere verrichtingen die door de waarborghouder worden gesloten vanaf de datum van de inwerkingtreding van dit besluit, met uitzondering van artikel 14 van dit besluit die onmiddellijk van toepassing zijn op de bestaande financieringsovereenkomsten of andere verrichtingen. »

Art. 18. De Vlaamse minister, bevoegd voor het economisch beleid, is belast met de uitvoering van dit besluit.

Brussel, 27 maart 2009.

De minister-president van de Vlaamse Regering,
K. PEETERS

De Vlaamse minister van Economie, Ondernemen, Wetenschap, Innovatie en Buitenlandse Handel,
P. CEYSENS

TRADUCTION

AUTORITE FLAMANDE

F. 2009 — 1626 [C − 2009/35355]

27 MARS 2009. — Arrêté du Gouvernement flamand modifiant l'arrêté du Gouvernement flamand du 18 février 2005 relatif à certains aspects procéduraux du régime de garanties pour petites et moyennes entreprises

Le Gouvernement flamand,

Vu le décret du 6 février 2004 réglant l'octroi d'une garantie aux petites, moyennes et grandes entreprises, notamment les articles 5, §§ 2 à 5 inclus, 6, § 1er, 8, §§ 1er et 2, les articles 11 et 12, modifiés par le décret du 20 février 2009, et les articles 16 et 20 de la loi spéciale de réformes institutionnelles;

Vu l'arrêté du Gouvernement flamand du 18 février 2005 relatif à certains aspects procéduraux du régime de garanties pour petites et moyennes entreprises;

Vu l'accord du Ministre flamand chargé du budget, donné le 11 décembre 2008;

Vu l'avis du « Sociaal-Economische Raad van Vlaanderen » (Conseil socio-économique de la Flandre), rendu le 21 janvier 2009;

Vu l'avis 46 056/1 du Conseil d'Etat, donné le 5 mars 2009, en application de l'article 84, § 1er, alinéa premier, 1°, des lois sur le Conseil d'Etat, coordonnées le 12 janvier 1973;

Sur la proposition de la Ministre flamande de l'Economie, de l'Entreprise, des Sciences, de l'Innovation et du Commerce extérieur;

Après délibération,

Arrête :

Article 1er. A l'article 1er de l'arrêté du Gouvernement flamand du 18 février 2005 relatif à certains aspects procéduraux du régime de garanties pour petites et moyennes entreprises, sont apportées les modifications suivantes :

1° dans le § 1er, le point 1° est remplacé par la disposition suivante :

« 1° le Règlement de minimis : le Règlement (CE) n° 1998/2006 de la Commission du 15 décembre 2006, publié dans le Journal officiel de l'Union européenne le 28 décembre 2006 dans L379/5, concernant l'application des articles 87 et 88 du Traité CE aux aides de minimis, ses modifications ultérieures et tout acte ultérieur remplaçant le règlement; »;

2° dans le § 1er, le point 2° est remplacé par la disposition suivante :

« 2° Décret sur les garanties : le décret du 6 février 2004 réglant l'octroi d'une garantie aux petites, moyennes et grandes entreprises, y compris toutes les modifications ultérieures; »;

3° dans le § 1er, point 5°, le mot « bipartite » est remplacé par le mot « bilatérale »;

4° le § 2 est remplacé par la disposition suivante :

« § 2. Les définitions visées à l'article 1er, point 2 du Règlement de minimis et à l'article 2 du Décret sur les Garanties s'appliquent également au présent arrêté. »

Art. 2. A l'article 3 du même arrêté sont apportées les modifications suivantes :

1° au § 2, les mots « l'article 29 » sont remplacés par les mots « l'article 3, alinéa deux »;

2° au § 3, le point 1° est remplacé par la disposition suivante :

« 1° le montant de garantie utilisé tel qu'il sera fixé par le Ministre; »;

3° au § 3, le point 2° est remplacé par la disposition suivante :

« 2° le montant de garantie utilisé, tel que visé au 1°, par rapport au montant de garantie octroyé, tel qu'il sera fixé par le Ministre; »;

4° au § 3, le point 3° est remplacé par la disposition suivante :

« 3° d'un benchmark, dont les paramètres seront fixés par le Ministre; »;

5° au § 3, le point 4° est abrogé.

Art. 3. A l'article 7, § 1er du même arrêté, sont apportées les modifications suivantes :

1° le point 2° est abrogé;

2° au point 3° les mots « aux points 1° et 2° » sont remplacés par les mots « au point 1° »;

3° le point 4° est remplacé par la disposition suivante :

« 4° des conventions-cadre qui contiennent une combinaison des conventions ou des déclarations de volonté unilatérales, visées aux points 1° et 3°. »

Art. 4. A l'article 8 du même arrêté sont apportées les modifications suivantes :

1° au § 1er, premier alinéa, point 2°, les mots «, sauf pour les engagements pour lesquels une contre-garantie du Fonds européen d'investissement est accordée; » sont ajoutés;

2° au § 1er, alinéa quatre, les mots « le terme contrôle conjoint' » sont remplacés par les mots « le terme 'contrôle conjoint' »;

3° au § 1er, les alinéas sept et huit sont abrogés;

4° le § 2 est complété par les points 4° et 5°, rédigés comme suit :

« 4° une clause stipulant explicitement que les aides octroyées sur la base du Décret sur les Garanties ou de ses mesures d'exécution, concernent l'aide de minimis, octroyée sur la base du Règlement de minimis;

5° une clause sur la base de laquelle la Waarborgbeheer NV a le droit, en cas de dépassement des plafonds visés au Règlement de minimis, de demander le paiement par l'emprunteur des aides indûment accordées, à savoir l'équivalent de subvention brut des aides, accordées sur la base du Décret sur les Garanties et de ses mesures d'exécution. »;

5° au § 4, alinéa premier, les mots « générales ou spéciales » sont insérés entre le mot « dérogations » et les mots « à une ou plusieurs »;

6° au § 4 il est ajouté un alinéa trois :

« Le Ministre peut définir des groupes-cibles spécifiques sur la base du secteur ou de la phase de développement, sur la base de l'objectif ou de la nature de l'investissement, ou sur la base d'une combinaison des élément précédents et accorder pour chacun de ces groupes-cibles une dérogation générale ou spéciale à l'une ou plusieurs des conditions visées aux §§ 1 ou 2. »

7° le § 5 est remplacé par la disposition suivante :

« § 5. Sauf les dispositions de l'article 21, la somme des engagements en cours de la PME mises sous l'application d'une garantie ne peut dépasser, en principal, le montant de 500.000 euros. »;

8° aux §§ 6 et 7 les mots «, pour une P.M.E. déterminée, » sont supprimés.

Art. 5. L'article 10 du même arrêté est remplacé par la disposition suivante :

« Art. 10. Aux fins de mettre les engagements de la P.M.E. sous l'application de sa garantie, le bénéficiaire de la garantie notifie la convention de financement ou l'autre opération dans un délai de trois mois de la signature de l'acte authentique et, à défaut de ce dernier, de l'acte sous seing privé ou des autres documents les contenant. La notification se fait auprès de la Waarborgbeheer NV moyennant un formulaire dûment rempli tel que visé à l'article 9.

Le Ministre arrête le mode d'introduction du formulaire, visé à l'article 9. »

Art. 6. Dans les articles 12 et 13 du même arrêté, les mots « l'article 10 » sont remplacés par les mots « l'article 9 ».

Art. 7. Dans l'article 15 du même arrêté, les mots « l'article 14, § 1er » sont remplacés par les mots « l'article 14 ».

Art. 8. Dans l'article 16 du même arrêté, le § 1er est remplacé par la disposition suivante :

« § 1er. Le Ministre fixe la prime, visée à l'article 15, par type de convention de financement et autre opération et, le cas échéant, par groupe-cible spécifique. »

Art. 9. Dans l'article 18 du même arrêté, les mots « l'article 10, premier alinéa » sont chaque fois remplacés par les mots « l'article 9 ».

Art. 10. L'article 19 du même arrêté est remplacé par la disposition suivante :

« Art. 19. Les engagements d'une P.M.E. sont considérés comme étant sous l'application de la garantie d'un bénéficiaire de la garantie dès que le bénéficiaire de la garantie a introduit auprès de la Waarborgbeheer NV un formulaire dûment rempli tel que visé à l'article 9, que la Waarborgbeheer NV a décidé de l'enregistrer et que la Région flamande a reçu le paiement de la prime applicable, visée à l'article 15. »

Art. 11. Dans la version néerlandaise, à l'article 21, alinéa deux, 4° du même arrêté, le mot « co-financiering » est remplacé par le mot « cofinanciering ».

Art. 12. A l'article 24 du même arrêté, il est ajouté un deuxième alinéa ainsi rédigé :

« La décision du Ministre, visée à l'article 21, n'a effet que si la convention de financement ou autre opération a été enregistrée de façon régulière. »

Art. 13. Les articles 25 et 26 du même arrêté sont abrogés.

Art. 14. A l'article 31 du même arrêté, il est ajouté un § 3, rédigé comme suit :

« § 3. Lorsqu'il y a des indications que le montant de l'appel ne peut pas être payé provisoirement, la Waarborgbeheer NV peut proroger le délai de trois mois, visé au § 2, une seule fois de trois mois, afin d'examiner le dossier à fond. Le bénéficiaire de la garantie en est informé au préalable par lettre recommandée. »

Art. 15. A l'article 37 du même arrêté sont apportées les modifications suivantes :

1° le § 1er est remplacé par la disposition suivante :

« § 1. Afin de vérifier si les renseignements visés à l'article 11, tels que remplis dans le formulaire visé à l'article 9, sont corrects et afin de vérifier si une convention de financement ou une autre opération répond aux conditions, visées au § 3 et aux articles 7 et 8, le bénéficiaire de la garantie est tenu d'ouvrir, à la demande de la Waarborgbeheer NV, les livres de comptes en ce qui concerne les éléments portant sur la P.M.E. pour laquelle un dossier a été ouvert au sein de la Waarborgbeheer NV »;

2° au § 4, les mots « article 35, § 2 » sont remplacés par les mots « article 35, § 3 ».

Art. 16. A l'article 38, § 1er, 4°, les mots « article 8, § 1er, premier alinéa, 3° » sont remplacés par les mots « article 8, § 1er, premier alinéa, 2° ».

Art. 17. Le présent arrêté entre en vigueur le jour de sa publication au *Moniteur belge*.

Les dispositions du présent arrêté s'appliquent aux conventions de financement ou autres opérations conclues par le bénéficiaire de la garantie à partir de la date d'entrée en vigueur du présent arrêté, à l'exception de l'article 14 du présent arrêté qui est d'application immédiate aux conventions de financement ou autres opérations existantes. »

Art. 18. Le Ministre flamand ayant la politique économique dans ses attributions est chargé de l'exécution du présent arrêté.

Bruxelles, le 27 mars 2009.

Le Ministre-Président du Gouvernement flamand,
K. PEETERS

La Ministre flamande de l'Economie, de l'Entreprise, des Sciences, de l'Innovation et du Commerce extérieur,
P. CEYSENS

VLAAMSE OVERHEID

N. 2009 — 1627 [C − 2009/35370]

27 MAART 2009. — Besluit van de Vlaamse Regering tot wijziging van het besluit van de Vlaamse Regering van 27 mei 2005 betreffende bepaalde procedurele aspecten van de waarborgregeling voor kleine en middelgrote ondernemingen die hinder ondervinden als gevolg van openbare werken

De Vlaamse Regering,

Gelet op het decreet van 6 februari 2004 betreffende een waarborgregeling voor kleine, middelgrote en grote ondernemingen, artikelen 5, § 2 tot en met § 5, 8, § 1 en 2, 11 en 12 gewijzigd bij het decreet van 20 februari 2009, en de artikelen 15 en 16 en artikel 20 van de Bijzondere Wet op de Hervorming van de Instellingen;

Gelet op het besluit van de Vlaamse Regering van 27 mei 2005 betreffende bepaalde procedurele aspecten van de waarborgregeling voor kleine en middelgrote ondernemingen die hinder ondervinden als gevolg van openbare werken;

Gelet op het akkoord van de Vlaamse minister, bevoegd voor de begroting, gegeven op 11 december 2008;

Gelet op het advies van de Sociaal-Economische Raad van Vlaanderen, gegeven op 21 januari 2009.

Gelet op het advies 46.057/1 van de Raad van State, gegeven op 5 maart 2009, met toepassing van artikel 84, § 1, eerste lid, 1°, van de wetten op de Raad van State, gecoördineerd op 12 januari 1973;

Op voorstel van de Vlaamse minister van Economie, Ondernemen, Wetenschap, Innovatie en Buitenlandse Handel;

Na beraadslaging,

Besluit :

Artikel 1. In artikel 1 van het besluit van de Vlaamse Regering van 27 mei 2005 betreffende bepaalde procedurele aspecten van de waarborgregeling voor kleine en middelgrote ondernemingen die hinder ondervinden als gevolg van openbare werken worden de volgende wijzigingen aangebracht :

1° in § 1 wordt punt 1° vervangen door wat volgt :

« 1° de-minimisverordening : verordening (EG) nr. 1998/2006 van de Commissie van 15 december 2006, gepubliceerd in het *Publicatieblad van de Europese Unie* op 28 december 2006 in L379/5, betreffende de toepassing van artikelen 87 en 88 van het Verdrag op de-minimissteun, de latere wijzigingen ervan en elke latere akte die de verordening vervangt; »;

2° in § 1 wordt punt 2° vervangen door wat volgt :

« 2° Waarborgdecreet : het decreet van 6 februari 2004 betreffende een waarborgregeling voor kleine, middelgrote en grote ondernemingen, met inbegrip van alle latere wijzigingen; »;

3° in § 1, punt 6°, wordt het woord « bipartiete » vervangen door het woord « bilaterale »;

4° in § 1 wordt punt 13° vervangen door wat volgt :

« 13° hinder ondervinden als gevolg van openbare werken : de K.M.O. is minstens gedurende één maand zonder onderbreking moeilijk bereikbaar voor de klanten en de leveranciers als gevolg van werkzaamheden, uitgevoerd op het openbare domein, of werkzaamheden van openbaar nut; »;

5° aan § 1 wordt een punt 14° toegevoegd, dat luidt als volgt :

« 14° hinderattest : attest, uitgereikt door het Agentschap Economie met hierin een verklaring van de stad of gemeente waar de getroffen exploitatiezetel ligt, dat de K.M.O. gedurende ten minste één maand, zonder onderbreking, moeilijk bereikbaar is voor de klanten en de leveranciers als gevolg van werkzaamheden, uitgevoerd op het openbaar domein, of werkzaamheden van openbaar nut. »;

6° § 2 wordt vervangen door wat volgt :

« § 2. De definities, vermeld in artikel 1, punt 2, van de de-minimisverordening en in artikel 2 van het Waarborgdecreet, zijn eveneens van toepassing in dit besluit. »

Art. 2. In artikel 3 van hetzelfde besluit worden de volgende wijzigingen aangebracht :

1° in § 2 worden de woorden « artikel 29 » vervangen door de woorden « artikel 3, tweede lid »;

2° in § 3 wordt punt 1° vervangen door wat volgt :

« 1° het gebruikt waarborgbedrag zoals nader te bepalen door de minister; »;

3° in § 3 wordt punt 2° vervangen door wat volgt :

« 2° het gebruikt waarborgbedrag, zoals vermeld in 1°, ten opzichte van het toegekend waarborgbedrag, zoals nader te bepalen door de minister; »;

4° in § 3 wordt punt 3° vervangen door wat volgt :

« 3° een benchmark, waarvan de parameters nader te bepalen zijn door de minister; »;

5° in § 3 wordt punt 4° opgeheven.

Art. 3. In artikel 7 van hetzelfde besluit wordt aan § 1 een punt 3° toegevoegd, dat luidt als volgt :

« 3° kaderovereenkomsten die een combinatie bevatten van de overeenkomsten vermeld in punt 1° en 2°. »

Art. 4. In artikel 8 van hetzelfde besluit worden de volgende wijzigingen aangebracht :

1° in § 1 wordt een punt 1°*bis* ingevoegd, dat luidt als volgt :

« 1°*bis* de K.M.O. beschikt over een hinderattest; »;

2° in § 1 wordt een punt 2°*bis* ingevoegd, dat luidt als volgt :

« 2°*bis* de K.M.O. heeft voor de aanvang van de openbare werken geen achterstallen, zoals nader bepaald door de minister, inzake betalingen op grond van financieringsovereenkomsten of andere verrichtingen die door de waarborghouder werden toegestaan; »;

3° in § 1 wordt punt 3° vervangen door wat volgt :

« 3° ingeval de medecontractant of wederpartij van de financieringsovereenkomst of andere verrichting activiteiten verricht die aan de BTW onderworpen zijn, dan moet hij een BTW-inschrijvingsnummer hebben verkregen; »;

4° in § 1 wordt punt 4° vervangen door wat volgt :

« 4° voor zover dat wettelijk verplicht is, moet de K.M.O. ingeschreven zijn in de Kruispuntbank van Ondernemingen, vermeld in artikel 5 van de wet van 16 januari 2003, en moet ze daarenboven over de vereiste milieu-, beroeps- en exploitatievergunningen beschikken; »;

5° aan § 2 worden een punt 4° en een punt 5° toegevoegd, die luiden als volgt :

« 4° een beding waarin uitdrukkelijk gestipuleerd wordt dat de steun, toegekend op basis van het Waarborgdecreet of de uitvoeringsmaatregelen ervan, de-minimissteun betreft, toegekend op basis van de de-minimisverordening;

5° een beding op grond waarvan Waarborgbeheer NV gerechtigd is, bij overschrijding van de plafonds, vermeld in de de-minimisverordening, de betaling van de kredietnemer te vorderen van de onrechtmatig verleende steun, zijnde het brutosubsidie-equivalent van de steun, toegekend op basis van het Waarborgdecreet en de uitvoeringsmaatregelen ervan. »;

6° in § 4 wordt het eerste lid vervangen door wat volgt :

« Waarborgbeheer NV kan op gemotiveerde aanvraag van een waarborghouder algemene of bijzondere afwijkingen toestaan van een of meer van de voorwaarden, vermeld in § 1 of § 2. »;

7° § 5 wordt vervangen door wat volgt :

« § 5. De som van de lopende verbintenissen van de K.M.O., die onder toepassing van een waarborg zijn gebracht, mag in hoofdsom het bedrag van 500.000 euro niet overschrijden. »;

8° in § 6 en in § 7 worden de woorden «, voor een gegeven K.M.O., » geschrapt.

Art. 5. Artikel 10 van hetzelfde besluit wordt vervangen door wat volgt :

« Art 10. Om verbintenissen van de K.M.O. onder toepassing van zijn waarborg te brengen, meldt de waarborghouder de financieringsovereenkomst of andere verrichting aan binnen een termijn van drie maanden na de ondertekening van de authentieke akte en, bij ontstentenis daarvan, van de onderhandse akte of de andere documenten waarin ze is vervat. Die aanmelding gebeurt bij Waarborgbeheer NV door middel van een correct ingevuld formulier als vermeld in artikel 9 en moet ingediend zijn uiterlijk zes maanden na de beëindiging van de openbare werken.

De minister bepaalt de praktische wijze van indiening van het formulier, vermeld in artikel 9. »

Art. 6. In artikel 11, § 2, van hetzelfde besluit worden de woorden « artikel 7, § 1, 4° » vervangen door de woorden « artikel 7, § 1, 3° ».

Art. 7. In artikel 12 en 13 van hetzelfde besluit worden de woorden « artikel 10 » vervangen door de woorden « artikel 9 ».

Art. 8. Artikel 16 van hetzelfde besluit wordt vervangen door wat volgt :

« Art. 16. De verbintenissen van een K.M.O. worden beschouwd als zijnde onder de toepassing van de waarborg van een waarborghouder zodra de waarborghouder bij Waarborgbeheer NV een volledig ingevuld formulier heeft ingediend als vermeld in artikel 9 en Waarborgbeheer NV tot de registratie daarvan heeft beslist. »

Art. 9. In artikel 18 van hetzelfde besluit wordt punt 1° vervangen door wat volgt :

« 1° een waarborghouder kan de verbintenissen van de K.M.O. die onder toepassing van zijn waarborg werden gebracht, in hoofdsom afroepen ten hoogste voor het bedrag, vermeld in artikel 11, § 1, 4°; »

Art. 10. Aan artikel 22 van hetzelfde besluit wordt een § 3 toegevoegd, die luidt als volgt :

« § 3. Als er aanwijzingen zijn dat het bedrag van de afroep niet voorlopig betaalbaar kan worden gesteld, kan Waarborgbeheer NV de termijn van drie maanden, vermeld in § 2, eenmalig met drie maanden verlengen, om het dossier grondig te onderzoeken. De waarborghouder wordt daarvan met een brief voorafgaandelijk op de hoogte gebracht. »

Art. 11. In artikel 28 van hetzelfde besluit worden de volgende wijzigingen aangebracht :

1° § 1 wordt vervangen door wat volgt :

« § 1. Om na te gaan of de informatie, vermeld in artikel 11, zoals die wordt ingevuld op het formulier, vermeld in artikel 9, correct is, alsmede om na te gaan of een financieringsovereenkomst of een andere verrichting voldoet aan de voorwaarden, vermeld in § 3 en in artikel 7 en 8, is de waarborghouder ertoe gehouden om, op verzoek van Waarborgbeheer NV, de boeken open te leggen voor onderdelen die betrekking hebben op de K.M.O. waarvoor binnen Waarborgbeheer NV een dossier is geopend. »;

2° in § 4 worden de woorden « artikel 26, § 2 » vervangen door de woorden « artikel 26, § 3 ».

Art. 12. In artikel 29 van hetzelfde besluit worden de volgende wijzigingen aangebracht :

1° in het derde lid wordt punt 2° vervangen door wat volgt :

« 2° de wijze en het tijdstip waarop de waarborghouder het aan de K.M.O. uitgereikt hinderattest moet bezorgen aan Waarborgbeheer NV; »

2° in het derde lid wordt punt 3° vervangen door wat volgt :

« 3° de wijze waarop de waarborghouder kan aantonen dat de K.M.O. voor de aanvang van de openbare werken geen achterstallen had, zoals door de minister nader bepaald, inzake betalingen op grond van financieringsovereenkomsten of andere verrichtingen die door de waarborghouder werden toegestaan; »;

3° in het derde lid wordt punt 7° opgeheven.

Art. 13. Dit besluit treedt in werking op de dag van de bekendmaking ervan in het *Belgisch Staatsblad*.

De bepalingen van dit besluit zijn van toepassing op de financieringsovereenkomsten of andere verrichtingen die door de waarborghouder worden gesloten vanaf de datum van de inwerkingtreding van dit besluit, met uitzondering van artikel 10 van dit besluit die onmiddellijk van toepassing zijn op de bestaande financieringsovereenkomsten of andere verrichtingen.

Art. 14. De Vlaamse minister, bevoegd voor het economisch beleid, is belast met de uitvoering van dit besluit.

Brussel, 27 maart 2009.

De minister-president van de Vlaamse Regering,
K. PEETERS

De Vlaamse minister van Economie, Ondernemen, Wetenschap, Innovatie en Buitenlandse Handel,
Mevr. P. CEYSENS

TRADUCTION

AUTORITE FLAMANDE

F. 2009 — 1627 [C − 2009/35370]

27 MARS 2009. — Arrêté du Gouvernement flamand modifiant l'arrêté du Gouvernement flamand du 27 mai 2005 relatif à certains aspects procéduraux du régime de garanties pour petites et moyennes entreprises incommodées par des travaux publics

Le Gouvernement flamand,

Vu le décret du 6 février 2004 réglant l'octroi d'une garantie aux petites, moyennes et grandes entreprises, notamment les articles 5, §§ 2 à 5 inclus, 8, §§ 1er et 2, les articles 11 et 12, modifiés par le décret du 20 février 2009 et les articles 15 et 16 et l'article 20 de la loi spéciale de réformes institutionnelles;

Vu l'arrêté du Gouvernement flamand du 27 mai 2005 relatif à certains aspects procéduraux du régime de garanties pour petites et moyennes entreprises incommodées par des travaux publics;

Vu l'accord du Ministre flamand chargé du budget, donné le 11 décembre 2008;

Vu l'avis du « Sociaal-Economische Raad van Vlaanderen » (Conseil socio-économique de la Flandre), rendu le 21 janvier 2009;

Vu l'avis 46 057/1 du Conseil d'Etat, donné le 5 mars 2009, par application de l'article 84, § 1er, alinéa premier, 1°, des lois sur le Conseil d'Etat, coordonnées le 12 janvier 1973;

Sur la proposition de la Ministre flamande de l'Economie, de l'Entreprise, des Sciences, de l'Innovation et du Commerce extérieur;

Après délibération,

Arrête :

Article 1er. A l'article 1er de l'arrêté du Gouvernement flamand du 27 mai 2005 relatif à certains aspects procéduraux du régime de garanties pour petites et moyennes entreprises incommodées par des travaux publics sont apportées les modifications suivantes :

1° dans le § 1er, le point 1° est remplacé par la disposition suivante :

« 1° le Règlement de minimis : le Règlement (CE) n° 1998/2006 de la Commission du 15 décembre 2006, publié dans le *Journal officiel de l'Union européenne* le 28 décembre 2006 dans L379/5, concernant l'application des articles 87 et 88 du Traité CE aux aides de minimis, ses modifications ultérieures et tout acte ultérieur remplaçant le règlement; »;

2° dans le § 1er, le point 2° est remplacé par la disposition suivante :

« 2° Décret sur les garanties : le décret du 6 février 2004 réglant l'octroi d'une garantie aux petites, moyennes et grandes entreprises, y compris toutes les modifications ultérieures; »;

3° dans le § 1er, point 6°, le mot « bipartite » est remplacé par le mot « bilatérale »;

4° dans le § 1er, le point 13° est remplacé par la disposition suivante :

« 13° être incommodée par des travaux publics : la P.M.E. est difficilement accessible pour les clients et les fournisseurs pendant au moins un mois sans interruption pour cause de travaux exécutés sur le domaine public ou de travaux d'utilité publique; »;

5° au § 1er est ajouté un 14°, rédigé comme suit :

« 14° attestation d'incommodité : attestation délivrée par l'« Agentschap Economie » (Agence de l'Economie) dans laquelle la ville ou la commune où se situe le siège d'exploitation affecté déclare que la P.M.E. est difficilement accessible pour les clients et les fournisseurs pendant au moins un mois sans interruption pour cause de travaux exécutés sur le domaine public ou de travaux d'utilités publiques. »;

6° le § 2 est remplacé par la disposition suivante :

« § 2. Les définitions visées à l'article 1er, point 2 du Règlement de minimis et à l'article 2 du Décret sur les Garanties s'appliquent également au présent arrêté. »

Art. 2. A l'article 3 du même arrêté sont apportées les modifications suivantes :

1° au § 2, les mots « l'article 29 » sont remplacés par les mots « l'article 3, alinéa deux »;

2° au § 3, le point 1° est remplacé par la disposition suivante :

« 1° le montant de garantie utilisé tel qu'il sera fixé par le Ministre; »;

3° au § 3, le point 2° est remplacé par la disposition suivante :

« 2° le montant de garantie utilisé, tel que visé au 1°, par rapport au montant de garantie octroyé, tel qu'il sera fixé par le Ministre; »;

4° au § 3, le point 3° est remplacé par la disposition suivante :

« 3° un benchmark, dont les paramètres sont à définir par le Ministre; »;

5° au § 3, le point 4° est abrogé.

Art. 3. Dans l'article 7 du même arrêté, il est ajouté au § 1er un point 3°, rédigé comme suit :

« 3° des conventions-cadre qui contiennent une combinaison des conventions, visées aux points 1° et 2°. »

Art. 4. A l'article 8 du même arrêté sont apportées les modifications suivantes :

1° au § 1er, il est inséré un point 1°*bis*, rédigé comme suit :

« 1°*bis* la P.M.E. dispose d'une attestation d'incommodité; »;

2° au § 1er, il est inséré un point 2°*bis*, rédigé comme suit :

« 2°*bis* avant le début des travaux publics, la P.M.E. n'a pas d'arriérés, tels que définis par le Ministre, en matière de paiements en vertu de conventions de financement ou d'autres opérations, accordées par le bénéficiaire de la garantie; »;

3° dans le § 1er, le point 3° est remplacé par la disposition suivante :

« 3° au cas où le cocontractant ou l'autre partie de la convention de financement ou de l'autre opération exerce des activités assujetties à la T.V.A., il doit avoir obtenu une immatriculation T.V.A.; »;

4° dans le § 1er, le point 4° est remplacé par la disposition suivante :

« 4° dans la mesure où cela est légalement obligatoire, la P.M.E. doit être inscrite auprès de la Banque-Carrefour des Entreprises, visée à l'article 5 de la loi du 16 janvier 2003, et disposer en outre de l'autorisation écologique, de la licence professionnelle et du permis d'exploitation requis; »;

5° le § 2 est complété par les points 4° et 5°, rédigés comme suit :

« 4° une clause stipulant explicitement que les aides octroyées sur la base du Décret sur les Garanties ou de ses mesures d'exécution, concernent l'aide de minimis, octroyée sur la base du Règlement de minimis;

5° une clause sur la base de laquelle la Waarborgbeheer NV a le droit, en cas de dépassement des plafonds visés au Règlement de minimis, de demander le paiement par l'emprunteur des aides indûment accordées, à savoir l'équivalent de subvention brut des aides, accordées sur la base du Décret sur les Garanties et de ses mesures d'exécution. »;

6° dans le § 4, l'alinéa premier est remplacé par ce qui suit :

« La Waarborgbeheer NV peut, sur demande motivée d'un bénéficiaire de la garantie, accorder des dérogations générales ou spéciales à l'une ou plusieurs des conditions visées aux §§ 1er ou 2. »;

7° le § 5 est remplacé par ce qui suit :

« § 5. La somme des engagements en cours de la P.M.E., mises sous l'application d'une garantie, ne peut dépasser en principal le montant de 500.000 euros. »;

8° aux §§ 6 et 7 les mots «, pour une P.M.E. déterminée, » sont supprimés.

Art. 5. L'article 10 du même arrêté est remplacé par ce qui suit :

« Art. 10. Aux fins de mettre les engagements de la P.M.E. sous l'application de sa garantie, le bénéficiaire de la garantie notifie la convention de financement ou l'autre opération dans un délai de trois mois de la signature de l'acte authentique et, à défaut de ce dernier, de l'acte sous seing privé ou des autres documents les contenant. Cette notification se fait auprès de la Waarborgbeheer NV moyennant un formulaire dûment rempli tel que visé à l'article 9 et doit être transmise au plus tard six mois après la fin des travaux publics.

Le Ministre arrête le mode d'introduction du formulaire, visé à l'article 9. »

Art. 6. A l'article 11, § 2, du même arrêté, les mots « l'article 7, § 1er, 4° » sont remplacés par les mots « l'article 7, § 1er, 3° ».

Art. 7. Aux articles 12 et 13 du même arrêté, les mots « l'article 10 » sont remplacés par les mots « l'article 9 ».

Art. 8. L'article 16 du même arrêté est remplacé par ce qui suit :

« Art. 16. Les engagements d'une P.M.E. sont considérés comme étant sous l'application de la garantie d'un bénéficiaire de la garantie dès que le bénéficiaire de la garantie a introduit auprès de la Waarborgbeheer NV un formulaire dûment rempli tel que visé à l'article 9 et que la Waarborgbeheer NV a décidé de l'enregistrer. »

Art. 9. A l'article 18 du même arrêté, le point 1° est remplacé par ce qui suit :

« 1° un bénéficiaire de garantie peut appeler, en principal, les engagements de la P.M.E. mis sous l'application de sa garantie, à concurrence d'au maximum le montant visé à l'article 11, § 1er, 4°; ».

Art. 10. A l'article 22 du même arrêté est ajouté un § 3, ainsi rédigé :

« § 3. Lorsqu'il y a des indications que le montant de l'appel ne peut pas être payé provisoirement, la Waarborgbeheer NV peut proroger le délai de trois mois, visé au § 2, une seule fois de trois mois, afin d'examiner le dossier à fond. Le bénéficiaire de la garantie en est informé au préalable par lettre recommandée. »

Art. 11. A l'article 28 du même arrêté sont apportées les modifications suivantes :

1° le § 1er est remplacé par la disposition suivante :

« § 1er. Afin de vérifier si les renseignements visés à l'article 11, tels que remplis dans le formulaire visé à l'article 9, sont corrects et afin de vérifier si une convention de financement ou une autre opération répond aux conditions, visées au § 3 et aux articles 7 et 8, le bénéficiaire de la garantie est tenu d'ouvrir, à la demande de la Waarborgbeheer NV, les livres de comptes en ce qui concerne les éléments portant sur la P.M.E. pour laquelle un dossier a été ouvert au sein de la Waarborgbeheer NV »;

2° au § 4, les mots « article 26, § 2 » sont remplacés par les mots « article 26, § 3 ».

Art. 12. A l'article 29 du même arrêté sont apportées les modifications suivantes :

1° à l'alinéa trois, le point 2° est remplacé par ce qui suit :

« 2° la manière dont et le moment auquel le bénéficiaire de la garantie doit transmettre à la Waarborgbeheer NV l'attestation d'incommodité délivrée à la P.M.E.; »

2° à l'alinéa trois, le point 3° est remplacé par ce qui suit :

« 3° la manière dont le bénéficiaire de la garantie peut démontrer qu'avant le début des travaux publics, la P.M.E. n'avait pas d'arriérés, tels que définis par le Ministre, en matière de paiements en vertu de conventions de financement ou d'autres opérations, accordées par le bénéficiaire de la garantie; »;

3° le point 7° de l'alinéa trois est abrogé.

Art. 13. Le présent arrêté entre en vigueur le jour de sa publication au *Moniteur belge*.

Les dispositions du présent arrêté s'appliquent aux conventions de financement ou autres opérations conclues par le bénéficiaire de la garantie à partir de la date d'entrée en vigueur du présent arrêté, à l'exception de l'article 10 du présent arrêté qui est d'application immédiate aux conventions de financement ou autres opérations existantes.

Art. 14. Le Ministre flamand ayant la politique économique dans ses attributions est chargé de l'exécution du présent arrêté.

Bruxelles, le 27 mars 2009.

Le Ministre-Président du Gouvernement flamand,
K. PEETERS

La Ministre flamande de l'Economie, de l'Entreprise, des Sciences, de l'Innovation et du Commerce extérieur,
Mme P. CEYSENS

VLAAMSE OVERHEID

N. 2009 — 1628 [C − 2009/35399]

27 MAART 2009. — Besluit van de Vlaamse Regering betreffende bepaalde procedurele aspecten van de waarborgregeling voor kleine en middelgrote ondernemingen met betrekking tot de leasingmaatschappijen

De Vlaamse Regering,

Gelet op het decreet van 6 februari 2004 betreffende een waarborgregeling voor kleine, middelgrote en grote ondernemingen, artikelen 5, § 2, tot en met § 5, 6, § 1, 8, § 1 en 2, 11 en 12, 2, gewijzigd bij het decreet van 20 februari 2009 en de artikelen 13, § 2, 15, 16, 17 en 18, § 1, en artikel 20 van de Bijzondere Wet op de Hervorming van de Instellingen;

Gelet op het akkoord van de Vlaamse minister, bevoegd voor de begroting, gegeven op 11 december 2008;

Gelet op het advies van de Sociaal-Economische Raad van Vlaanderen, gegeven op 21 januari 2009;

Gelet op advies 46.058/1 van de Raad van State, gegeven op 12 maart 2009, met toepassing van artikel 84, § 1, eerste lid, 1°, van de wetten op de Raad van State, gecoördineerd op 12 januari 1973;

Op voorstel van de Vlaamse minister van Economie, Ondernemen, Wetenschap, Innovatie en Buitenlandse Handel;

Na beraadslaging,

Besluit :

HOOFDSTUK I. — *Toepassingsgebied en algemene bepalingen*

Artikel 1. § 1. Voor de toepassing van dit besluit wordt verstaan onder :

1° de-minimisverordening : verordening (EG) nr. 1998/2006 van de Commissie van 15 december 2006, gepubliceerd in het Publicatieblad van de Europese Unie op 28 december 2006 in L379/5, betreffende de toepassing van de artikelen 87 en 88 van het Verdrag op de-minimissteun, de latere wijzigingen ervan en elke latere akte die de verordening vervangt;

2° Waarborgdecreet : het decreet van 6 februari 2004 betreffende een waarborgregeling voor kleine, middelgrote en grote ondernemingen, met inbegrip van alle latere wijzigingen;

3° minister : de Vlaamse minister, bevoegd voor het economisch beleid;

4° premie : een premie als vermeld in artikel 6, § 1, van het Waarborgdecreet;

5° raamovereenkomst : bilaterale overeenkomst tussen de waarborghouder en Waarborgbeheer NV waarin, rekening houdend met de bepalingen van het Waarborgdecreet en de uitvoeringsmaatregelen ervan, nadere voorwaarden voor de waarborgen worden geregeld;

6° onder toepassing van een waarborg brengen : de mededeling door een waarborghouder aan Waarborgbeheer NV dat, wat hem betreft, een leasingovereenkomst voldoet aan de voorwaarden, vermeld in het Waarborgdecreet en de uitvoeringsmaatregelen ervan, zodat, op het ogenblik dat de K.M.O. in gebreke blijft om de uit die leasingovereenkomst voortvloeiende verbintenissen aan de waarborghouder te betalen, op grond van de waarborg, de betaling vanwege het Vlaamse Gewest van de verbintenissen van de K.M.O. kan worden gevorderd, gevolgd door de registratie van die mededeling en de premiebetaling in overeenstemming met de bepalingen van dit besluit;

7° een afroep van een waarborg : het, onder toepassing van een waarborg, formeel vorderen van de betaling vanwege het Vlaamse Gewest van verbintenissen die voortvloeien uit een leasingovereenkomst als vermeld in dit besluit;

8° wet van 16 januari 2003 : wet van 16 januari 2003 tot oprichting van een Kruispuntbank van Ondernemingen, tot modernisering van het handelsregister, tot oprichting van erkende ondernemingsloketten en houdende diverse bepalingen;

9° de totale verbintenissen van de K.M.O. : het geheel van de verbintenissen van de K.M.O. die voortvloeien uit een leasingovereenkomst;

10° verbintenissen van de K.M.O. : het gedeelte van de totale verbintenissen van de K.M.O. dat overeenstemt met het percentage dat de waarborghouder met toepassing van dit besluit meedeelt aan Waarborgbeheer NV;

11° K.M.O. : kleine of middelgrote onderneming;

12° leasingovereenkomst : elke leasingovereenkomst, gesloten tussen een leasinggever en een kredietnemer, met uitzondering van overeenkomsten betreffende personenauto's, waarbij de leasinggever het bedrijfsmiddel verwerft om het te verhuren aan de kredietnemer;

13° leasinggever : een leasingmaatschappij, als vermeld in artikel 2, 10°, van het Waarborgdecreet, die ter uitvoering van een leasingovereenkomst een bedrijfsmiddel aankoopt, speciaal met het oog op de huur aan een kredietnemer en voortgaande op de gespecificeerde aanwijzingen van die kredietnemer;

14° huurprijs : de vergoeding, exclusief BTW, die de kredietnemer per huurperiode verschuldigd is aan de leasinggever voor het gebruik van het gehuurde bedrijfsmiddel voor de overeenstemmende periode;

15° personenauto : elke auto waarvan de binnenruimte uitsluitend is ontworpen en gebouwd voor het vervoer van personen en die, bij gebruik voor het bezoldigd vervoer van personen, ten hoogste acht plaatsen mag bevatten zonder die van de bestuurder;

16° sale-en-lease-backverrichting : verrichting waarbij een onderneming een of meer bedrijfsmiddelen waarvan ze eigenaar is, aan een leasinggever verkoopt en die daarna onmiddellijk opnieuw huurt in de vorm van een leasingovereenkomst;

17° kapitaalsgedeelte van de restwaarde : het verschil tussen de nominale waarde waarvoor de leasingovereenkomst wordt gesloten, en de som van de verschillende kapitaalsaflossingen;

18° kapitaalsgedeelte van de aankoopoptie : het verschil tussen de nominale waarde waarvoor de leasingovereenkomst wordt gesloten, en de som van de verschillende kapitaalsaflossingen.

§ 2. De definities, vermeld in artikel 1, punt 2, van de de-minimisverordening en in artikel 2 van het Waarborgdecreet, zijn eveneens van toepassing in dit besluit.

HOOFDSTUK II. — *Voorwaarden en procedure van toekenning van waarborgen*

Art. 2. Minstens een keer en hoogstens vier keer per jaar lanceert de minister, namens de Vlaamse Regering, de oproep, vermeld in artikel 8, § 1, van het Waarborgdecreet.

De oproep, vermeld in het eerste lid, wordt gepubliceerd in ten minste een Nederlandstalig financieel-economisch dagblad en in ten minste een Nederlandstalig vakblad dat zich richt tot de rechtspersonen die in aanmerking komen om, naar aanleiding van de oproep, de hoedanigheid van waarborghouder te verwerven. De minister kan beslissen om naast de voormelde oproepkanalen tevens gebruik te maken van andere kanalen om ruchtbaarheid aan de oproep te geven.

Art. 3. § 1. De minister vult de gegevens, vermeld in artikel 8, § 2, van het Waarborgdecreet, nader in en maakt die gegevens bekend, tegelijkertijd met de bekendmaking van de oproep, vermeld in artikel 2.

§ 2. Het maximumbedrag, vermeld in artikel 8, § 2, 1°, van het Waarborgdecreet, kan niet hoger zijn dan het maximale bedrag, vermeld in artikel 3, tweede lid van het Waarborgdecreet, dat op het moment van de oproep van toepassing is.

§ 3. De sleutel van verdeling, vermeld in artikel 8, § 2, 3°, van het Waarborgdecreet, wordt vastgelegd op basis van :

1° het gebruikt waarborgbedrag zoals nader te bepalen door de minister;

2° het gebruikt waarborgbedrag, zoals vermeld in 1°, ten opzichte van het toegekend waarborgbedrag, zoals nader te bepalen door de minister;

3° een benchmark, waarvan de parameters nader te bepalen zijn door de minister;

4° andere criteria, die de minister nader kan bepalen.

§ 4. De geldingsduur van de toe te kennen waarborgen bedraagt ten hoogste twintig jaar.

§ 5. De termijn, vermeld in artikel 8, § 2, 8°, van het Waarborgdecreet, bedraagt minstens tien werkdagen.

§ 6. De datum, vermeld in artikel 8, § 2, 9°, van het Waarborgdecreet, wordt vastgelegd hoogstens twee maanden na het verstrijken van de termijn, vermeld in § 5.

Art. 4. De minister kan nadere regels uitvaardigen over de voorwaarden van de kenbaarmaking bij Waarborgbeheer NV van de rechtspersonen die waarborghouder willen worden.

Art. 5. Na kennisname van een advies daarover van Waarborgbeheer NV, kent de minister op de datum, vermeld in artikel 3, § 6, namens de Vlaamse Regering, aan elke kandidaat-waarborghouder die aan de voorwaarden voldoet, een waarborg toe voor een deel van het totaalbedrag aan waarborgen dat op dat ogenblik kan worden toegekend.

De minister beslist of en op welke wijze bij de toekenning van een waarborg aan een kandidaat-waarborghouder waaraan al in het kader van een eerdere oproep een waarborg is toegekend, de voorwaarden van de eerder toegekende waarborg herbepaald worden.

Art. 6. De minister deelt aan de waarborghouder mee voor welk bedrag, onder welke voorwaarden en volgens welke procedure, hem in voorkomend geval een waarborg toegekend wordt.

In voorkomend geval deelt de minister aan kandidaat-waarborghouders waaraan geen waarborg verleend wordt, de beslissing van weigering mee met vermelding van de motivering van die weigering.

De minister maakt de wijze van verdeling van het totaalbedrag dat per oproep wordt toegewezen, bekend in het *Belgisch Staatsblad*.

De minister brengt de beslissingen, vermeld in het eerste lid, ter kennis van Waarborgbeheer NV.

HOOFDSTUK III. — *Categorieën van leasingovereenkomsten waarvan verbintenissen van de K.M.O. onder toepassing van een waarborg kunnen worden gebracht en de criteria waaraan ze moeten voldoen*

Art. 7. Met behoud van de toepassing van de bepalingen van het Waarborgdecreet kunnen de verbintenissen van de K.M.O. die voortvloeien uit leasingovereenkomsten met uitzondering van overeenkomsten betreffende sale-en-lease-backverrichtingen, onder toepassing van een waarborg worden gebracht, als die leasingovereenkomsten voldoen aan de voorwaarden vermeld in het Waarborgdecreet en de uitvoeringsmaatregelen ervan.

Art. 8. § 1. De verbintenissen van de K.M.O. kunnen alleen onder toepassing van een waarborg worden gebracht als ze voortvloeien uit leasingovereenkomsten die voldoen aan de volgende, aanvullende voorwaarden :

1° de leasingovereenkomst heeft geen betrekking op een sale-en-lease-backverrichting;

2° tot zekerheid van de totale verbintenissen van de K.M.O., moet de K.M.O., of een derde, persoonlijke zekerheden hebben gesteld in overeenstemming met de bepalingen van het tweede en derde lid, tenzij voor de verbintenissen waarvoor een tegengarantie van het Europees Investeringsfonds toegekend wordt;

3° als de medecontractant of wederpartij van de leasingovereenkomst activiteiten verricht die aan BTW onderworpen zijn, dan moet hij een BTW-inschrijvingsnummer hebben verkregen;

4° met behoud van de toepassing van § 3 moet de K.M.O., als dat wettelijk verplicht is, ingeschreven zijn in de Kruispuntbank van Ondernemingen, vermeld in artikel 5 van de wet van 16 januari 2003, en moet ze daarenboven over de vereiste milieu-, beroeps- en exploitatievergunningen beschikken.

Een of meer natuurlijke personen die samen de controle uitoefenen over ten minste de helft plus één aandeel van het kapitaal van de rechtspersoon, of de zaakvoerder van die rechtspersoon, die een leasingovereenkomst aangaat, moet zich tegenover de waarborghouder persoonlijk, hoofdelijk en ondeelbaar hebben verbonden tot betaling van ten minste 25 % van de verbintenissen van de K.M.O. De controlebevoegdheid wordt vastgesteld overeenkomstig artikel 7 van het Wetboek van Vennootschappen en de term 'gezamenlijke controle' wordt geïnterpreteerd in de zin van artikel 9 van het Wetboek van Vennootschappen. De verplichting tot persoonlijke borgstelling vervalt als de K.M.O. een eigen inbreng doet, als aflossing van het kapitaalsgedeelte van de eerste verhoogde huurprijs, van minstens 25 % in de totale investering, waarvoor de leasingovereenkomst wordt aangegaan en waarvan een deel onder toepassing van de waarborg wordt gebracht. De minister kan voor de toepassing van deze bepaling onder- of bovengrenzen bepalen.

Voor elke leasingovereenkomst :

1° moet, als de K.M.O. wordt geleid door een natuurlijke persoon, die natuurlijke persoon een loonafstand hebben toegestaan;

2° moeten een of meer natuurlijke personen die gezamenlijk de controle uitoefenen over ten minste de helft plus één aandeel van het kapitaal van de rechtspersoon, of de zaakvoerder van die rechtspersoon, die een overeenkomst aangaat, een loonafstand hebben toegestaan als zij zich tegenover de waarborghouder persoonlijk, hoofdelijk en ondeelbaar hebben verbonden tot betaling van ten minste 25 % van de verbintenissen van de K.M.O. De controlebevoegdheid wordt vastgesteld overeenkomstig artikel 7 van het Wetboek van Vennootschappen en de term 'gezamenlijke controle' wordt geïnterpreteerd in de zin van artikel 9 van het Wetboek van Vennootschappen.

De minister kan de bepalingen van het tweede en het derde lid nader preciseren.

§ 2. De leasingovereenkomst moet minstens de volgende clausules bevatten en bovendien moet elk van die clausules haar uitwerking behouden zolang, enerzijds, de aan de waarborghouder verleende waarborg van kracht is en, anderzijds, het individuele dossier dat over de voormelde leasingovereenkomst door Waarborgbeheer NV is geopend, niet definitief is afgesloten :

1° een beding op grond waarvan zowel de minister of zijn bijzondere lasthebber, de waarborghouder, als Waarborgbeheer NV gerechtigd zijn om inzage te nemen in de boekhouding, alsmede in alle stukken en documenten van de K.M.O., die de medecontractant of wederpartij is van de leasingovereenkomst;

2° een beding op grond waarvan de K.M.O. die de medecontractant of wederpartij is van de leasingovereenkomst, zich ertoe verbindt om een regelmatige boekhouding te voeren;

3° een beding op grond waarvan de waarborghouder gerechtigd is om, met behoud van de toepassing van andere bepalingen in de leasingovereenkomst, die op te zeggen en over te gaan tot de onmiddellijke opeisbaarstelling van de uit de betreffende overeenkomst voortvloeiende verbintenissen, als er onjuistheden of onvolledigheden blijken inzake een of meer gegevens die op grond van het Waarborgdecreet en de uitvoeringsmaatregelen ervan aan Waarborgbeheer nv moeten worden meegedeeld, dan wel als aan de door de waarborghouder verstrekte middelen een andere bestemming wordt gegeven dan die welke met toepassing van de bepalingen in het Waarborgdecreet en de uitvoeringsmaatregelen ervan aan Waarborgbeheer NV is meegedeeld;

4° een beding waarin uitdrukkelijk gestipuleerd wordt dat de steun, toegekend op basis van het Waarborgdecreet of de uitvoeringsmaatregelen ervan, de-minimissteun betreft, toegekend op basis van de de-minimisverordening;

5° een beding op grond waarvan Waarborgbeheer NV gerechtigd is, bij overschrijding van de plafonds, vermeld in de de-minimisverordening, de betaling van de kredietnemer te vorderen van de onrechtmatig verleende steun, zijnde het brutosubsidie-equivalent van de steun, toegekend op basis van het Waarborgdecreet en de uitvoeringsmaatregelen ervan.

§ 3. De voorwaarden, vermeld in § 1 en § 2, moeten vervuld zijn op het ogenblik dat de leasingovereenkomst wordt gesloten, tenzij, wat de inschrijving in de Kruispuntbank van Ondernemingen en de milieu-, beroeps- en exploitatievergunningen betreft, een dergelijke overeenkomst precies wordt aangegaan met het oog op de financiering van investeringen die nodig zijn om een dergelijke inschrijving of dergelijke vergunningen te verkrijgen.

§ 4. Waarborgbeheer NV kan op gemotiveerde aanvraag van een waarborghouder algemene of bijzondere afwijkingen toestaan van een of meer van de voorwaarden, vermeld in § 1 of § 2.

Een afwijking als vermeld in het eerste lid, moet nader worden gemotiveerd in het belang van de K.M.O. en kan alleen worden toegestaan voor zover de afwijking geen risico op niet-betaling van de verbintenissen van de K.M.O. tegenover de waarborghouder inhoudt of doet ontstaan en mits als gevolg van de afwijking geen concurrentieverstorend effect optreedt.

De minister kan specifieke doelgroepen definiëren op basis van sector of ontwikkelingsfase, op basis van doel of aard van investering, of op basis van een combinatie van voorgaande elementen en voor elk van die doelgroepen een algemene of bijzondere afwijking toestaan van één of meer voorwaarden vermeld in § 1 of § 2.

§ 5. Met behoud van de toepassing van de bepalingen van artikel 21 mag de som van de lopende verbintenissen van de K.M.O., die onder de toepassing van een waarborg zijn gebracht, in hoofdsom niet meer bedragen dan 500.000 euro.

§ 6. Het feit dat een andere waarborghouder al eerder verbintenissen van de K.M.O. onder toepassing van zijn waarborg heeft gebracht, vormt geen beletsel voor een waarborghouder om eveneens verbintenissen van de K.M.O. onder toepassing van de waarborg te brengen, met dien verstande dat aan het bepaalde in § 5 voldaan moet zijn.

§ 7. Een waarborghouder is gerechtigd om bij Waarborgbeheer NV te informeren of er niet reeds verbintenissen van de K.M.O. onder toepassing van de waarborg van een andere waarborghouder zijn gebracht.

Een verzoek om informatie als vermeld in het eerste lid, wordt geformuleerd op de wijze, vastgelegd in de raamovereenkomsten, en Waarborgbeheer NV is ertoe gebonden om de gevraagde informatie binnen twee werkdagen te verlenen.

HOOFDSTUK IV. — *Regels voor de aanmelding van dossiers bij Waarborgbeheer NV*

Afdeling I. — Wijze van aanmelding van een leasingovereenkomst waarvan verbintenissen van de K.M.O. onder toepassing van een waarborg worden gebracht

Art. 9. De minister stelt een modelformulier vast voor de aanmelding bij Waarborgbeheer NV van de leasingovereenkomsten waarvan verbintenissen van de K.M.O. onder toepassing van een waarborg kunnen worden gebracht.

Het modelformulier, vermeld in het eerste lid, moet ervoor zorgen dat over een aangemelde leasingovereenkomst, alsmede over de K.M.O. die er de medecontractant of wederpartij van is, de gegevens die nodig zijn voor de vlotte afhandeling van het dossier, kunnen worden opgevraagd.

Art. 10. Om verbintenissen van de K.M.O. onder de toepassing van zijn waarborg te brengen, meldt de waarborghouder de leasingovereenkomst aan binnen een termijn van drie maanden na de ondertekening van de authentieke akte en, bij ontstentenis daarvan, van de onderhandse akte of de andere documenten waarin ze zijn vervat. De leasingovereenkomst wordt aangemeld bij Waarborgbeheer NV door middel van een correct ingevuld formulier als vermeld in artikel 9.

De minister bepaalt de praktische wijze van indiening van het formulier, vermeld in artikel 9.

Art. 11. Met behoud van de toepassing van de bepalingen van het Waarborgdecreet en de uitvoeringsmaatregelen ervan vermeldt het ingediende formulier ten minste de volgende gegevens :

1° de identificatie van de waarborg van de waarborghouder, onder toepassing waarvan verbintenissen van de K.M.O. worden gebracht;

2° het bedrag, in hoofdsom, van de totale verbintenissen van de K.M.O.;

3° het door de waarborghouder gekozen percentage op basis waarvan de verbintenissen van de K.M.O., in hoofdsom, die onder toepassing van de waarborg zullen worden gebracht, berekend worden;

4° het bedrag van de verbintenissen van de K.M.O., in hoofdsom, dat, rekening houdend met de voorgaande elementen, volgens de berekening van de waarborghouder, onder toepassing van de waarborg zal worden gebracht;

5° de duurtijd waarvoor verbintenissen van de K.M.O. onder toepassing van de waarborg worden gebracht en die in geen geval langer kan zijn dan de resterende geldingsduur van de waarborg van de waarborghouder;

6° het totale bedrag van de verbintenissen van de K.M.O. dat, rekening houdend met de voorgaande elementen, volgens de berekening van de waarborghouder, onder toepassing van de waarborg zal worden gebracht;

7° de duurtijd van de leasingovereenkomst;

8° het aflossingsprogramma, gehanteerd in het kader van de leasingovereenkomst;

9° het kapitaalsgedeelte van de aankoopoptie, of bij gebrek daaraan, het kapitaalsgedeelte van de restwaarde.

Het percentage, vermeld in het eerste lid, 3°, bedraagt ten hoogste 75 %.

Afdeling II. — Administratieve verwerking van de aangemelde dossiers door Waarborgbeheer NV

Art. 12. Waarborgbeheer NV gaat na of het formulier, vermeld in artikel 9, vanuit formeel oogpunt volledig en correct is ingevuld. Daarnaast onderzoekt Waarborgbeheer NV of de registratie van de leasingovereenkomst of andere verrichting niet tot gevolg heeft dat het maximumbedrag, vermeld in artikel 8, § 5, overschreden wordt. In voorkomend geval wordt de registratie geweigerd en wordt de reden daarvan meegedeeld aan de waarborghouder. Hij kan vervolgens de leasingovereenkomst opnieuw aanmelden, op voorwaarde dat door de registratie van die nieuwe melding het voormelde maximumbedrag niet overschreden wordt.

Art. 13. Waarborgbeheer NV beschikt over een periode van tien werkdagen, te rekenen vanaf de ontvangst van het formulier, vermeld in artikel 9, om een van de beslissingen, vermeld in artikel 12, te nemen en die, op de wijze die de minister bepaalt, aan de waarborghouder mee te delen.

Art. 14. Nadat is beslist dat een met toepassing van artikel 10 aangemelde leasingovereenkomst of andere verrichting wordt geregistreerd, opent Waarborgbeheer NV een dossier over die leasingovereenkomst of andere verrichting.

Aan elk dossier als vermeld in het eerste lid, wordt een apart volgnummer toegekend.

Afdeling III. — Premies voor de geregistreerde dossiers

Onderafdeling I. — Berekening van de premie

Art. 15. Voor elke geregistreerde leasingovereenkomst als vermeld in artikel 14 is de waarborghouder een premie verschuldigd.

Art. 16. § 1. De minister legt de premie, vermeld in artikel 15, vast per soort van leasingovereenkomst en, in voorkomend geval, per specifieke doelgroep.

§ 2. De premie mag minimaal 0,25 % en maximaal 0,75 % van het resultaat van de volgende formule bedragen : X x Y, waarbij :

1° X = het bedrag, vermeld in artikel 11, 4°;

2° Y = de duurtijd in jaren, vermeld in artikel 11, 5°.

Als de duurtijd in jaren, vermeld in artikel 11, 5°, meer bedraagt dan tien, wordt in de voormelde formule slechts tien jaar in rekening gebracht.

Onderafdeling II. — Voorwaarden voor de betaling van de premie

Art. 17. De minister bepaalt de nadere voorwaarden voor de betaling van de premie, vermeld in artikel 15.

Onderafdeling III. — Juridische draagwijdte van de betaalplicht van de premie

Art. 18. § 1. Indien een K.M.O. in gebreke is gebleven om haar verbintenissen, die onder toepassing van een waarborg werden gebracht, na te komen, is de waarborghouder in kwestie pas gerechtigd om de waarborg af te roepen, mits hij binnen een maand na de registratie van de leasingovereenkomst in kwestie de premie voor die leasingovereenkomst heeft betaald.

De waarborghouder kan binnen de termijn van een maand, vermeld in het eerste lid, op gemotiveerde wijze, bij Waarborgbeheer NV om een eenmalige verlenging van die termijn verzoeken.

Waarborgbeheer NV bepaalt zelf de duurtijd van de verlenging, vermeld in het tweede lid, die evenwel niet meer dan zes maanden mag bedragen.

Met behoud van de toepassing van de bepalingen in § 2, tweede lid, wordt, als de verlenging wordt geweigerd, bij het verstrijken van de termijn, vermeld in het eerste lid, de neerlegging van het formulier, vermeld in artikel 9, zonder voorwerp.

§ 2. Als Waarborgbeheer NV de premie niet heeft ontvangen binnen de termijn, vermeld in § 1, eerste lid, rekening houdend met een eventuele verlenging ervan, en de waarborghouder evenmin tijdig om de verlenging van de termijn heeft verzocht, wordt de indiening van het formulier, vermeld in artikel 9, zonder voorwerp.

In het geval, vermeld in het eerste lid, kan de waarborghouder de verbintenissen van de K.M.O. alleen onder toepassing van zijn waarborg brengen door een nieuw ingevuld formulier in te dienen volgens de procedure, bepaald in dit besluit.

Afdeling IV. — Rechtsgevolgen van een geregistreerde leasingovereenkomst na betaling van de premie

Art. 19. De verbintenissen van een K.M.O. worden beschouwd als zijnde onder de toepassing van de waarborg van een waarborghouder zodra de waarborghouder bij Waarborgbeheer NV een volledig ingevuld formulier heeft ingediend als vermeld in artikel 9, Waarborgbeheer NV tot de registratie daarvan heeft beslist en het Vlaamse Gewest de betaling van de toepasselijke premie, vermeld in artikel 15, heeft ontvangen.

Afdeling V. — Schrappen van een registratie

Art. 20. Als voor de afsluiting van het aangemelde dossier blijkt dat, na de datum van de registratie, vermeld in artikel 12, een of meer van de op het ingediende formulier ingevulde gegevens niet overeenstemmen met de werkelijkheid, of als blijkt dat de leasingovereenkomst niet voldoet aan de voorwaarden van het Waarborgdecreet en de uitvoeringsmaatregelen ervan, dan kan Waarborgbeheer NV ertoe beslissen om de registratie van de overeenkomst te schrappen.

Een schrapping van een registratie als vermeld in het eerste lid, heeft tot gevolg dat de waarborghouder, voor de verbintenissen van de K.M.O. die voortvloeien uit de leasingovereenkomst waarvan de registratie is geschrapt, geen afroep van de waarborg kan verrichten.

Afdeling VI. — Bijzondere regeling inzake dossiers voor grote sommen

Art. 21. De minister kan, in een van de gevallen, vermeld in het tweede lid, een waarborghouder de toestemming verlenen om, op verzoek van die waarborghouder, voor een gegeven K.M.O., verbintenissen van de K.M.O. onder toepassing van de waarborg te brengen met als gevolg dat het maximumbedrag, vermeld in artikel 8, § 5, wordt overschreden.

De gevallen, vermeld in het eerste lid zijn :

1° de verbintenissen die onder toepassing van de waarborg worden gebracht en die tot gevolg hebben dat het maximumbedrag, vermeld in artikel 8, § 5, wordt overschreden, zijn het gevolg van aanvullende investeringen die worden verricht om een eerder verrichte investering beter te laten renderen;

2° de verbintenissen die onder toepassing van de waarborg worden gebracht en die tot gevolg hebben dat het maximumbedrag, vermeld in artikel 8, § 5, wordt overschreden, vloeien voort uit een project met een hoge toegevoegde waarde op een of meer van de volgende vlakken : technologische vooruitgang, tewerkstelling, economische ontwikkeling of het bieden van een oplossing voor specifieke sociale problemen;

3° de verbintenissen die onder toepassing van de waarborg worden gebracht en die tot gevolg hebben dat het maximumbedrag, vermeld in artikel 8, § 5, wordt overschreden, vloeien voort uit investeringen binnen sectoren waarbinnen geen of onvoldoende toereikende alternatieve financieringsbronnen voorhanden zijn;

4° de verbintenissen die onder toepassing van de waarborg worden gebracht en die tot gevolg hebben dat het maximumbedrag, vermeld in artikel 8, § 5, wordt overschreden, vloeien voort uit een project dat is opgezet in cofinanciering door, in samenwerking met, of anderszins met de steun van een overheid.

Art. 22. De waarborghouder richt het verzoek, vermeld in artikel 21, eerste lid, tot Waarborgbeheer NV.

Art. 23. Na de ontvangst van een verzoek als vermeld in artikel 21, eerste lid, onderzoekt Waarborgbeheer NV de aanvraag. Binnen een maand na de ontvangst van het verzoek brengt zij advies uit aan de minister.

Art. 24. De minister neemt zijn beslissing over het verzoek, vermeld in artikel 21, eerste lid, binnen een termijn van een maand nadat hij het advies van Waarborgbeheer NV heeft ontvangen.

De beslissing van de minister, vermeld in artikel 21, heeft alleen gevolg als de leasingovereenkomst op regelmatige wijze werd geregistreerd.

HOOFDSTUK V. — *Regels voor de afroep van een waarborg*

Afdeling I. — Bedrag van de onder de toepassing van een waarborg gebrachte verbintenissen van de K.M.O. dat kan worden gevorderd

Art. 25. Het maximumbedrag van de verbintenissen van de K.M.O. waarvoor de waarborghouder de hem toegekende waarborg kan afroepen, wordt als volgt bepaald :

1° een waarborghouder kan, per individuele K.M.O., de verbintenissen van de K.M.O., in hoofdsom, die onder toepassing van zijn waarborg werden gebracht, afroepen voor ten hoogste het bedrag, vermeld in artikel 11, eerste lid, 4°, rekening houdend met een eventuele aanpassing ervan op grond van de bepalingen van artikel 21, eerste lid;

2° de waarborghouder kan daarenboven, voor een individuele leasingovereenkomst of andere verrichting waarvan verbintenissen van de K.M.O. onder de toepassing van zijn waarborg werden gebracht, ten hoogste het door de waarborghouder zelf voorgestelde percentage, vermeld in artikel 11, eerste lid, 3°, van de verbintenissen van de K.M.O. waarvoor hij in gebreke gebleven is, onder die waarborg afroepen.

Art. 26. Voor de toepassing van dit besluit en de uitvoeringsmaatregelen ervan gelden als onder toepassing van de waarborg gebrachte verbintenissen van de K.M.O. waarvoor de waarborghouder de hem toegekende waarborg kan afroepen :

1° de verbintenis tot afbetaling van het nog openstaande kapitaal, inclusief het kapitaalsgedeelte van de aankoopoptie of de restwaarde, in hoofdsom, op de datum van de opzegging;

2° de verbintenis tot de betaling van achterstallige interesten, berekend op de verbintenis, vermeld in punt 1°, over een periode van ten hoogste het laatste jaar dat voorafgaat aan de datum van de opzegging van de aangemelde overeenkomst;

3° de door de minister nader te bepalen kosten van inning van de voormelde verbintenissen.

Afdeling II. — Regels voor de afroep

Art. 27. § 1. Een waarborghouder kan een hem verleende waarborg een of meer keren afroepen ten belope van, elk van die keren, het met toepassing van dit besluit en de uitvoeringsmaatregelen ervan berekende bedrag van de onder de toepassing van de waarborg gebrachte verbintenissen van de K.M.O., of een fractie daarvan, zolang de hem verleende waarborg, als gevolg van eerdere dergelijke afroepen, niet integraal werd uitbetaald.

§ 2. Als een waarborghouder, conform § 1, een hem verleende waarborg wil afroepen, moet hij dat telkens doen binnen een periode van drie maanden na de datum waarop de waarborghouder de onder toepassing van de waarborg gebrachte verbintenissen van de K.M.O. opeisbaar heeft gesteld.

§ 3. Voor de toepassing van § 2 gelden de onder toepassing van de waarborg gebrachte verbintenissen van de K.M.O. als opeisbaar gesteld op het ogenblik dat de waarborghouder, enerzijds, de leasingovereenkomst waaruit ze voortvloeien, formeel heeft opgezegd en, anderzijds, de K.M.O. op formele wijze in gebreke heeft gesteld om de op dat ogenblik niet betaalde verbintenissen die voortvloeien uit die overeenkomst, te betalen.

§ 4. De termijn, vermeld in § 2, is een vervaltermijn.

Art. 28. § 1. Bij elke afroep van een waarborg deelt de waarborghouder het bedrag van de afroep mee en voegt hij daarbij een nota die de berekeningswijze van het bedrag van de afroep uiteenzet.

§ 2. De afroep van een waarborg vindt plaats op de wijze, bepaald door de minister, waarbij de datum van de afroep onbetwistbaar wordt vastgesteld.

§ 3. Uiterlijk op het ogenblik van de afroep moet de waarborghouder de relevante stukken en documenten van de leasingovereenkomst waarop de afroep betrekking heeft, aan Waarborgbeheer NV hebben bezorgd.

De minister bepaalt de lijst van de stukken en documenten, vermeld in het eerste lid, die de waarborghouder op het ogenblik van de afroep in elk geval aan Waarborgbeheer NV moet hebben bezorgd.

§ 4. De minister kan de vormvereisten voor de afroep van een waarborg nader regelen.

Afdeling III. — Onderzoek naar de conformiteit van een afroep van een waarborg met de bepalingen van het Waarborgdecreet en de uitvoeringsmaatregelen ervan

Art. 29. Na de ontvangst van een afroep als vermeld in artikel 27, § 1, onderzoekt Waarborgbeheer NV of die afroep voldoet aan de bepalingen van artikel 28 en de uitvoeringsmaatregelen ervan. Waarborgbeheer NV verifieert tevens of de berekeningwijze, vermeld in artikel 28, § 1, juist is en of het bedrag van de afroep gerechtvaardigd is.

Waarborgbeheer NV beschikt voor de verificaties, vermeld in het eerste lid, over een periode van drie maanden, te rekenen vanaf de datum van de afroep van de waarborg.

Als er aanwijzingen zijn dat het bedrag van de afroep niet voorlopig betaalbaar kan worden gesteld, kan Waarborgbeheer NV de termijn van drie maanden, vermeld in het tweede lid, eenmalig met drie maanden verlengen, om het dossier grondig te onderzoeken. De waarborghouder wordt daarvan met een brief voorafgaandelijk op de hoogte gebracht.

Afdeling IV. — Beslissing over de voorlopige al dan niet betaalbaarstelling van een afroep

Art. 30. Binnen de termijn, vermeld in artikel 29, tweede lid, beslist Waarborgbeheer NV om al dan niet over te gaan tot een voorlopige betaalbaarstelling van het bedrag van de afroep.

Waarborgbeheer NV kan, naar aanleiding van haar onderzoek van het dossier, tevens beslissen om het bedrag van de afroep slechts ten dele voorlopig betaalbaar te stellen.

De waarborghouder wordt, met een aangetekende brief, onverwijld op de hoogte gebracht van een beslissing als vermeld in het eerste lid.

De betaalbaarstelling van een waarborg en elke betaling die daarop volgt, stellen de K.M.O. niet vrij van haar verbintenissen tegenover de waarborghouder, die voortvloeien uit de leasingovereenkomst in kwestie.

Art. 31. Als Waarborgbeheer NV beslist om de afroep van de waarborg in zijn geheel voorlopig betaalbaar te stellen, gaat het Vlaamse Gewest binnen tien werkdagen na de datum waarop die beslissing is genomen, voorlopig over tot de betaling ervan. Als Waarborgbeheer NV beslist om de afroep van de waarborg slechts ten dele voorlopig betaalbaar te stellen, gaat het Vlaamse Gewest binnen tien werkdagen na de datum waarop die beslissing is genomen, voorlopig over tot de betaling van het betaalbaar gestelde deel van de afroep.

De beslissing van Waarborgbeheer NV om niet over te gaan tot de gehele of gedeeltelijke betaalbaarstelling van het bedrag van de afroep kan worden genomen als :

1° niet is voldaan aan de voorwaarden voor het onder de waarborg brengen van de verbintenis, voortvloeiend uit een leasingovereenkomst;

2° de waarborghouder onjuiste verklaringen heeft afgelegd;

3° de waarborghouder zonder toestemming van Waarborgbeheer NV de oorspronkelijke voorwaarden of procedure van de leasingovereenkomst zodanig wijzigt dat de initiële voorwaarden niet meer vervuld zijn of het risico voor het Vlaamse Gewest substantieel is verzwaard;

4° de waarborghouder in gebreke is gebleven om de verschuldigde premie te betalen.

Afdeling V. — Hoger beroep tegen een geheel of ten dele ongunstige beslissing over een afroep

Art. 32. § 1. Een beslissing als vermeld in artikel 30, waarin de voorlopige betaalbaarstelling van de afroep van de waarborg wordt geweigerd, dan wel de beslissing waarin de voorlopige betaalbaarstelling van de afroep van de waarborg slechts gedeeltelijk wordt toegekend, wordt nader gemotiveerd en vermeldt in elk geval de redenen waarom niet tot de gehele voorlopige betaling van de afroep zal worden overgegaan, dan wel waarom slechts tot een gedeeltelijke voorlopige betaling van de afroep zal worden overgegaan.

§ 2. De waarborghouder heeft, te rekenen vanaf de datum waarop hij op de hoogte werd gebracht van de beslissing, vermeld in artikel 30 eerste lid, een maand de tijd om hoger beroep tegen die beslissing aan te tekenen bij de Vlaamse Regering.

Een hoger beroep als vermeld in het eerste lid, wordt ingesteld met een aangetekende brief, gericht aan de minister. De aangetekende brief vermeldt de grieven en nadere argumenten van de waarborghouder.

§ 3. Het hoger beroep tegen een beslissing als vermeld in artikel 30, tweede lid schorst de tenuitvoerlegging van de gedeeltelijke voorlopige betaalbaarstelling waartoe is beslist, niet op.

§ 4. Na de ontvangst van een aangetekende brief, als vermeld in § 2, tweede lid, verzoekt de minister, namens de Vlaamse Regering, onverwijld aan Waarborgbeheer NV haar opmerkingen over de grieven en argumenten van de waarborghouder mee te delen.

Het verzoek, vermeld in het eerste lid, wordt aan Waarborgbeheer NV bezorgd met een aangetekende brief.

Waarborgbeheer NV beschikt over een termijn van zes weken, te rekenen vanaf de datum van ontvangst van de aangetekende brief van de minister, vermeld in het tweede lid, om de gevraagde opmerkingen aan de minister mee te delen.

§ 5. De Vlaamse Regering heeft, te rekenen vanaf de datum, vermeld op de poststempel van de aangetekende brief, vermeld in § 2, tweede lid, vier maanden de tijd om uitspraak te doen over het hoger beroep.

Bij ontstentenis van een uitspraak binnen de termijn, vermeld in het eerste lid, wordt het hoger beroep geacht te zijn ingewilligd en wordt er tot de gehele voorlopige betaling van de afroep overgegaan.

§ 6. De minister deelt de uitspraak van de Vlaamse Regering over het hoger beroep in een aangetekende brief mee aan de waarborghouder en aan Waarborgbeheer NV.

§ 7. Als het hoger beroep wordt ingewilligd, beschikt het Vlaamse Gewest, te rekenen vanaf de datum van de uitspraak of, in het geval, vermeld in § 5, tweede lid, vanaf het verstrijken van de termijn om een uitspraak te doen, over een termijn van tien werkdagen om het bedrag van de afroep, dan wel het nog verschuldigde saldo daarvan, voorlopig aan de waarborghouder uit te betalen.

Afdeling VI. — Betaling van recuperaties en kosten na de datum van de voorlopige betaling

Art. 33. § 1. De voorlopige betalingen, vermeld in artikel 30 en in artikel 32, § 7, worden uitgevoerd onder voorbehoud van een eventuele herroeping die Waarborgbeheer NV kan verrichten met toepassing van § 5, eerste lid.

§ 2. Een betaling als vermeld in § 1, laat de verplichting van de waarborghouder onverlet om, mede in het belang van het Vlaamse Gewest en om aan de verbintenissen tot terugbetaling aan het Vlaamse Gewest te kunnen voldoen, het nodige te doen om de betaling van de vordering op de K.M.O. te verkrijgen.

§ 3. De waarborghouder moet de betalingen van de verbintenissen die voortvloeien uit de leasingovereenkomst in kwestie die hij nog na de datum van de afroep, vermeld in artikel 27, § 1, uit handen van de K.M.O. of van een derde persoon, het Vlaamse Gewest uitgezonderd, ontvangt, meedelen aan Waarborgbeheer NV.

De mededeling, vermeld in het eerste lid, omvat tevens de kosten van inning, vermeld in artikel 26, 3°.

De betalingen, vermeld in het eerste lid, betreffen zowel de betalingen waartoe de K.M.O., of de derde, op vrijwillige basis overgaat, als die welke in rechte worden afgedwongen. De wijze waarop de mededeling gebeurt, en de periodiciteit ervan, worden vastgelegd in de raamovereenkomst.

§ 4. De waarborghouder is er, volgens nadere voorwaarden die vastgelegd worden in de raamovereenkomst, toe gebonden om aan het Vlaamse Gewest een evenredig deel van het bedrag van de betalingen die hij van de K.M.O. of een derde persoon ontvangen heeft, door te storten.

Het Vlaamse Gewest is er, volgens nadere voorwaarden die vastgelegd worden in de raamovereenkomst, toe gebonden om aan de waarborghouder een evenredig deel van het bedrag van de kosten van inning, vermeld in artikel 26, 3°, door te storten.

Het evenredige deel van het bedrag van de door de waarborghouder ontvangen betalingen en gemaakte kosten van inning, als vermeld in het eerste en tweede lid, is gelijk aan het percentage vermeld in artikel 11, eerste lid, 3°, van die bedragen.

§ 5. Waarborgbeheer NV beschikt over een termijn van twee jaar, te rekenen vanaf de datum van de voorlopige betaling, vermeld in § 1, om eventueel de voorlopige betaling geheel of gedeeltelijk te herroepen omdat een voorwaarde van het Waarborgdecreet of de uitvoeringsmaatregelen ervan niet vervuld is. In voorkomend geval is de waarborghouder ertoe gebonden om, volgens de voorwaarden die de minister bepaalt, de ontvangen voorlopige betaling geheel of gedeeltelijk terug te betalen aan het Vlaamse Gewest.

§ 6. Waarborgbeheer NV kan, eventueel op verzoek van de waarborghouder, in de gevallen dat ze er redelijkerwijze van kan uitgaan dat er, hetzij op vrijwillige basis, hetzij op gerechtelijk afgedwongen basis, uit handen van de K.M.O. geen verdere betalingen als vermeld in § 2, te verwachten zijn, beslissen om een dossier voortijdig af te sluiten.

Waarborgbeheer NV deelt haar eventuele beslissing tot voortijdige afsluiting van een dossier binnen tien werkdagen nadat die beslissing is genomen, mee aan de waarborghouder. Vanaf het tijdstip van een voortijdige afsluiting van een dossier zijn de waarborghouder en het Vlaamse Gewest niet langer onderworpen aan de verplichtingen, vermeld in § 4.

§ 7. De minister kan nadere regels voor de bepalingen van dit artikel uitwerken.

Afdeling VII. — Onderzoekstaken van Waarborgbeheer NV

Art. 34. De minister kan nader bepalen op welke wijze Waarborgbeheer NV onderzoekt of een afroep van een waarborg voldoet aan de voorwaarden, vermeld in het Waarborgdecreet en de uitvoeringsmaatregelen ervan.

HOOFDSTUK VI. — *Algemene onderzoeksbevoegdheid van Waarborgbeheer NV*

Art. 35. § 1. Om na te gaan of de informatie, vermeld in artikel 11, zoals die wordt ingevuld op het formulier, vermeld in artikel 9, correct is, alsmede om na te gaan of een leasingovereenkomst voldoet aan de voorwaarden, vermeld in § 3 en in artikel 7 en 8, is de waarborghouder ertoe gehouden om, op verzoek van Waarborgbeheer NV, de boeken open te leggen voor de onderdelen die betrekking hebben op de K.M.O. waarvoor binnen Waarborgbeheer NV een dossier is geopend.

§ 2. Voor de doelstellingen, vermeld in § 1, kan Waarborgbeheer NV op elk moment inzage nemen in de leasingovereenkomsten die de waarborghouder heeft gesloten met de K.M.O. waarvan verbintenissen onder de toepassing van een waarborg van de waarborghouder werden gebracht.

Voor de doelstellingen, vermeld in § 1, kan Waarborgbeheer NV kopieën maken en bijhouden van alle stukken en documenten die zich bevinden in het leasingdossier of in een ander dossier dat de waarborghouder over de leasingovereenkomsten, vermeld in het eerste lid, heeft aangelegd.

§ 3. De waarborghouder waakt erover dat de leasingovereenkomsten ten gunste van de K.M.O. het bepaalde in dit artikel vermelden, wat een voorwaarde is om ze onder toepassing van de waarborg te kunnen brengen.

§ 4. In de raamovereenkomst wordt vastgelegd op welke wijze Waarborgbeheer NV kan nagaan of de mededelingen, vermeld in artikel 33, § 3, op correcte wijze gebeurd zijn.

HOOFDSTUK VII. — *Algemene bepalingen over de raamovereenkomsten*

Art. 36. § 1. Een instelling als vermeld in artikel 4 van het Waarborgdecreet, kan pas waarborghouder worden nadat een raamovereenkomst is gesloten.

In de raamovereenkomst, vermeld in het eerste lid, wordt nader uitgewerkt op welke wijze de waarborghouder en Waarborgbeheer NV uitvoering geven aan de bepalingen van het Waarborgdecreet en de uitvoeringsmaatregelen ervan.

De raamovereenkomst, vermeld in het eerste lid, regelt in elk geval de volgende punten :

1° de wijze waarop en de vorm waarin de waarborghouder rapporteert over het gebruik van de toegekende waarborgen;

2° de inhoudelijke en vormelijke afspraken over de informatievoorziening door Waarborgbeheer NV aan de waarborghouder en de dienstverlening die de waarborghouder van Waarborgbeheer NV mag verwachten, inzonderheid, maar niet beperkt tot, een omschrijving van de helpdeskfunctie en de bereikbaarheid van Waarborgbeheer NV;

3° procedures voor het afsluiten van leasingovereenkomsten en andere verbintenissen waarvan het de bedoeling is die onder de waarborg te brengen;

4° regels en criteria op het vlak van de beoordeling van de kredietwaardigheid en de solvabiliteit van de K.M.O. en op het vlak van de waardering van de gestelde zekerheden, als vermeld in artikel 8, § 1, eerste lid, 2°;

5° de inhoudelijke en vormelijke procedures die gelden voor de neerlegging van een formulier als vermeld in hoofdstuk IV, afdeling I, en voor de berekening en de betaling van de verschuldigde premie;

6° de door de waarborghouder te hanteren procedures voor het beheer van de aangemelde dossiers voor de opzegging;

7° de door de waarborghouder te hanteren procedures voor de opzegging en opeisbaarstelling van een onder de waarborg gebrachte verbintenis;

8° procedures voor de afroep van de waarborg, alsmede voor de berekening en de aanvraag van de provisie;

9° procedures voor de behandeling van de provisieaanvraag en de uitbetaling daarvan;

10° regels voor de uitwinning van waarborgen en voor het toerekenen van recuperaties en kosten na de opzegging;

11° procedures voor de aanvraag tot afsluiting van een dossier en voor de afsluiting van een dossier;

12° regels voor de beschikbaarheid en de toegankelijkheid van dossiers en relevante gegevens om Waarborgbeheer nv toe te laten relevante gegevens te verifiëren en de naleving te toetsen aan de bepalingen van het Waarborgdecreet, de uitvoeringsbesluiten ervan en de raamovereenkomst zelf;

13° regels voor het melden, door de waarborghouder, van afwijkingen van de bepalingen van het Waarborgdecreet, de uitvoeringsmaatregelen ervan en het raamakkoord waarvoor een meldingsplicht geldt;

14° regels voor de voorafgaande aanvraag van de goedkeuring voor voorgenomen afwijkingen aan de bevoegde instantie;

15° regels voor een eventuele herziening of wijziging van de raamovereenkomst.

HOOFDSTUK VIII. — *Diverse bepalingen*

Art. 37. De minister bepaalt de inhoud, de nadere voorwaarden en de periodiciteit van de informatieverstrekking, vermeld artikel 13, § 2, van het Waarborgdecreet.

HOOFDSTUK IX. — *Bijzondere regeling voor de waarborgen van de grote ondernemingen*

Art. 38. De bepalingen van de hoofdstukken I tot en met VIII zijn van overeenkomstige toepassing voor de waarborgen voor de verbintenissen van grote ondernemingen die voortvloeien uit leasingovereenkomsten en dit tot op de dag waarop het besluit van de Vlaamse Regering van 7 november 2008 betreffende erkenning van een financiële crisis en tot afwijking van de waarborgregeling voor kleine en middelgrote ondernemingen, overeenkomstig artikel 7 van voornoemd besluit, buiten werking treedt.

HOOFDSTUK X. — *Slotbepalingen*

Art. 39. Dit besluit wordt aangehaald als het Vierde Waarborgbesluit.

Art. 40. Dit besluit treedt in werking op de dag van de bekendmaking ervan in het *Belgisch Staatsblad*.

Art. 41. De Vlaamse minister, bevoegd voor het economisch beleid, is belast met de uitvoering van dit besluit.

Brussel, 27 maart 2009.

De minister-president van de Vlaamse Regering,
K. PEETERS

De Vlaamse minister van Economie, Ondernemen, Wetenschap, Innovatie en Buitenlandse Handel,
Mevr. P. CEYSENS

TRADUCTION

AUTORITE FLAMANDE

F. 2009 — 1628 [C − 2009/35399]

27 MARS 2009. — Arrêté du Gouvernement flamand relatif à certains aspects procéduraux du régime de garanties pour petites et moyennes entreprises en ce qui concerne les sociétés de leasing

Le Gouvernement flamand,

Vu le décret du 6 février 2004 réglant l'octroi d'une garantie aux petites, moyennes et grandes entreprises, notamment les articles 5, §§ 2 à § 5 inclus, 6, § 1er, 8, § 1er et 2, 11 et 12, 2, modifiés par le décret du 20 février 2009 et les articles 13, § 2, 15, 16, 17 et 18, § 1er et 20 de la loi spéciale de réformes institutionnelles;

Vu l'accord du Ministre flamand chargé du budget, donné le 11 décembre 2008;

Vu l'avis du "Sociaal-Economische Raad van Vlaanderen" (Conseil socio-économique de la Flandre), rendu le 21 janvier 2009;

Vu l'avis 46 058/1 du Conseil d'Etat, donné le 12 mars 2009, en application de l'article 84, § 1er, alinéa premier, 1°, des lois sur le Conseil d'Etat, coordonnées le 12 janvier 1973;

Sur la proposition de la Ministre flamande de l'Economie, de l'Entreprise, des Sciences, de l'Innovation et du Commerce extérieur;

Après délibération,

Arrête :

CHAPITRE Ier. — *Domaine d'application et dispositions générales*

Article 1er. § 1er Pour l'application du présent arrêté, on entend par :

1° Règlement de minimis : le Règlement (CE) n° n° 1998/2006 de la Commission du 15 décembre 2006, publié dans le Journal officiel de l'Union européenne le 28 décembre 2006 dans L379/5, concernant l'application des articles 87 et 88 du Traité CE aux aides de minimis, ses modifications ultérieures et tout acte ultérieur remplaçant le règlement;

2° Décret sur les garanties : le décret du 6 février 2004 réglant l'octroi d'une garantie aux petites, moyennes et grandes entreprises, y compris toutes les modifications ultérieures;

3° Ministre : le Ministre flamand chargé de la politique économique;

4° prime : une prime telle que visée à l'article 6, § 1er du décret sur les garanties;

5° convention cadre : convention bipartite entre le bénéficiaire de la garantie et la Waarborgbeheer NV, réglant les modalités relatives aux garanties, compte tenu des dispositions du Décret sur les garanties et ses mesures d'exécution;

6° mise sous l'application d'une garantie : la communication faite par un bénéficiaire de la garantie à la Waarborgbeheer NV, affirmant que, quant à lui, une convention de leasing remplit les conditions définies par le Décret sur les garanties et ses mesures d'exécution, de sorte que, lorsque la P.M.E. reste en demeure de payer les engagements découlant de cette convention de leasing, le paiement par la Région flamande de ces engagements de la P.M.E. peut être exigée en vertu de la garantie, suivie par l'enregistrement de cette communication et du paiement de la prime, conformément aux dispositions du présent arrêté;

7° appel d'une garantie : la demande formelle, sous l'application d'une garantie, du paiement de la part de la Région flamande, d'engagements découlant d'une convention de leasing, telle que visée au présent arrêté;

8° Loi du 16 janvier 2003 : loi du 16 janvier 2003 portant création d'une Banque-Carrefour des Entreprises, modernisation du registre de commerce, création de guichets-entreprises agréés et portant diverses dispositions;

9° ensemble des engagements de la P.M.E. : l'entièreté des engagements de la P.M.E. découlant d'une convention de leasing;

10° engagements de la P.M.E. : la partie de l'ensemble des engagements de la P.M.E. qui correspond au pourcentage que le bénéficiaire de la garantie, en application du présent arrêté, communique à la Waarborgbeheer NV;

11° P.M.E. : petite ou moyenne entreprise;

12° convention de leasing : toute convention de leasing, conclue entre un donneur en leasing et un emprunteur, à l'exclusion de conventions relatives aux voitures privées, en vertu desquelles le donneur en leasing acquiert le bien professionnel dans le but de le louer à l'emprunteur;

13° donneur en leasing : une société de leasing, telle que visée à l'article 2, 10° du Décret sur les garanties, qui, en exécution d'une convention de leasing, se procure un bien professionnel dans le seul but de le louer à un emprunteur et dans le respect des indications spécifiées par cet emprunteur;

14° loyer : la compensation, T.V.A. exclue, que l'emprunteur doit au donneur en leasing par période de location pour l'utilisation du bien professionnel loué pour la période correspondante;

15° voiture privée : toute voiture dont l'intérieur a été exclusivement conçu et construit pour le transport de personnes et qui, si utilisée pour le transport rémunéré de personnes, comporte, outre le siège du conducteur, huit places au maximum;

16° opération « sale and lease back » : opération par laquelle une entreprise vend un ou plusieurs biens professionnels dont elle est le propriétaire à un donneur en leasing, pour les louer par la suite du donneur en leasing moyennant une convention de leasing;

17° part du capital de la valeur résiduelle : la différence entre la valeur nominale pour laquelle la convention de leasing est conclue et la somme des divers amortissements du capital;

18° part du capital de l'option d'achat : la différence entre la valeur nominale pour laquelle la convention de leasing est conclue et la somme des divers amortissements du capital.

§ 2. Les définitions visées à l'article 1, point 2 du Règlement de minimis et à l'article 2 du Décret sur les garanties s'appliquent également au présent arrêté.

CHAPITRE II. — *Conditions et procédure de l'octroi de garanties*

Art. 2. Au moins une fois et au plus quatre fois par an, le Ministre, au nom du Gouvernement flamand, lance l'appel visé à l'article 8, § 1er du Décret sur les garanties.

L'appel, visé à l'alinéa premier est publié dans au moins un journal financier-économique néerlandophone et dans au moins un journal spécialisé néerlandophone s'adressant aux personnes morales qui sont éligibles pour acquérir la qualité de bénéficiaire de la garantie, suite à l'appel. Le Ministre peut décider de faire usage, outre les canaux d'appel susmentionnés, d'autres canaux dans le but de divulguer l'appel.

Art. 3. § 1er. Le Ministre précise les informations visées à l'article 8, § 2 du Décret sur les garanties et les publie en même temps que la publication de l'appel, visé à l'article 2.

§ 2. Le montant maximum visé à l'article 8, § 2, 1° du Décret sur les garanties ne peut pas dépasser le montant maximum visé à l'article 3, alinéa deux du Décret sur les garanties, applicable au moment de l'appel.

§ 3. La clé de répartition visée à l'article 8, § 2, 3° du Décret sur les garanties, est fixée sur la base :

1° du montant dépensé de la garantie, à fixer par le Ministre;

2° du montant dépensé de la garantie, tel que visé au 1°, par rapport au montant de la garantie octroyé, à fixer par le Ministre;

3° d'un benchmark dont les paramètres sont à définir par le Ministre;

4° d'autres critères, dont le Ministre peut arrêter les modalités.

§ 4. La durée de validité des garanties à octroyer est de 20 ans au maximum.

§ 5. Le délai visé à l'article 8, § 2, 8° du Décret sur les garanties, est de 10 jours ouvrables au minimum.

§ 6. La date visée à l'article 8, § 2, 9° du Décret sur les garanties, est fixée au plus tard à deux mois de l'expiration du délai visé au § 5.

Art. 4. Le Ministre peut arrêter les modalités de la notification à la Waarborgbeheer NV des personnes morales voulant devenir bénéficiaires d'une garantie.

Art. 5. Après avoir pris connaissance d'un avis en la matière de la Waarborgbeheer NV, le Ministre octroie, au nom du Gouvernement flamand, à la date visée à l'article 3, § 6, à chaque candidat bénéficiaire d'une garantie qui remplit les conditions, une garantie à concurrence d'une partie du montant total de garanties qui peut être octroyé à ce moment.

Lors de l'octroi d'une garantie à un candidat bénéficiaire d'une garantie à qui une garantie a déjà été octroyée lors d'un appel antérieur, le Ministre décide si, et de quelle manière, les conditions de la garantie octroyée antérieurement peuvent être redéfinies.

Art. 6. Le Ministre communique au bénéficiaire de la garantie le montant de la garantie qui lui sera éventuellement octroyée de même que les conditions et la procédure selon lesquelles cet octroi s'effectuera.

Le cas échéant, le Ministre communique aux candidats bénéficiaires d'une garantie qui n'obtiennent pas de garantie, la décision motivée de refus.

Le Ministre fait publier le mode de répartition du montant total à octroyer par appel dans le *Moniteur belge*.

Le Gouvernement flamand communique les décisions visées à l'alinéa premier à la Waarborgbeheer NV.

CHAPITRE III. — *Catégories de conventions de leasing dont des engagements de la P.M.E. peuvent être mises sous l'application d'une garantie, et les critères qu'elles doivent remplir.*

Art. 7. Sans préjudice de l'application des dispositions du Décret sur les garanties, les engagements de la P.M.E. qui découlent de conventions de leasing, à l'exception de conventions relatives aux opérations sale and lease back, peuvent être mis sous l'application d'une garantie si ces conventions de leasing remplissent les conditions définies au Décret sur les garanties et ses mesures d'exécution.

Art. 8. § 1er. Les engagements de la P.M.E. ne peuvent être mis sous l'application d'une garantie que s'ils découlent de conventions de leasing qui remplissent les conditions supplémentaires suivantes :

1° la convention de leasing n'a pas trait à une opération sale and lease back;

2° Pour garantir la sûreté de l'ensemble des engagements de la P.M.E., la P.M.E. ou une tierce partie doivent avoir constitué des sûretés personnelles, conformément aux dispositions des alinéas deux et trois, à l'exception des engagements pour lesquels une contre-garantie du Fonds européen d'investissement est accordée;

3° au cas où le cocontractant ou l'autre partie de la convention de leasing exerceraient des activités assujetties à la T.V.A., ils doivent avoir obtenu une immatriculation T.V.A.;

4° sans préjudice de l'application du § 3, la P.M.E. doit être inscrite auprès de la Banque-Carrefour des entreprises visée à l'article 5 de la loi du 16 janvier 2003, si ceci est prescrit par la loi, et en outre disposer des permis d'environnement, de la licence professionnelle et du permis d'exploitation requis.

Une ou plusieurs personnes physiques qui contrôlent conjointement au moins la moitié plus une des actions du capital de la personne morale, ou le gérant de cette personne morale, qui conclut une convention de leasing, doivent s'être engagés personnellement, solidairement et indivisiblement au paiement d'au moins 25 % des engagements de la P.M.E. vis-à-vis du bénéficiaire de la garantie. Le pouvoir de contrôle est déterminé conformément à l'article 7 du Code des sociétés et le terme contrôle conjoint' est interprété au sens de l'article 9 du Code des sociétés. L'obligation de la sûreté personnelle n'est pas applicable lorsque la P.M.E. fait un apport propre, à titre d'amortissement de la partie du capital du premier loyer plus élevé, d'au moins 25 % à l'investissement global pour lequel la convention de leasing est conclue et dont une partie est mise sous l'application de la garantie. Le Ministre peut arrêter des pourcentages planchers ou plafonds pour l'application de cette disposition.

Pour chaque convention de leasing :

1° la personne physique, au cas où la P.M.E. serait dirigée par une personne physique, doit avoir consenti à une cession de salaire;

2° une ou plusieurs personnes physiques qui contrôlent conjointement au moins la moitié plus une des actions du capital de la personne morale, ou le gérant de cette personne morale, qui conclut une convention, doivent avoir consenti à une cession de salaire s'ils se sont engagés personnellement, solidairement et indivisiblement au paiement d'au moins 25 % des engagements de la P.M.E. vis-à-vis du bénéficiaire de la garantie. Le pouvoir de contrôle est déterminé conformément à l'article 7 du Code des sociétés et le terme « contrôle conjoint » est interprété au sens de l'article 9 du Code des sociétés.

Le Ministre peut préciser les dispositions des alinéas deux et trois.

§ 2. La convention de leasing doit comprendre au moins les clauses suivantes, chacune desquelles doit en outre maintenir ses effets tant que, d'une part, la garantie octroyée au bénéficiaire de la garantie est valable et que, d'autre part, le dossier individuel sur la convention de leasing, ouvert par la Waarborgbeheer NV, n'a pas été clôturé à titre définitif :

1° une clause sur la base de laquelle tant le Ministre ou son mandataire spécial, le bénéficiaire de la garantie que la Waarborgbeheer NV ont le droit de consulter la comptabilité, ainsi que toutes les pièces et tous les documents de la P.M.E. qui est le cocontractant ou la contrepartie de la convention de leasing;

2° une clause sur la base de laquelle la P.M.E. qui est le cocontractant ou la contrepartie de la convention de leasing, s'engage à mener une comptabilité régulière;

3° une clause sur la base de laquelle le bénéficiaire de la garantie a le droit, sans préjudice de l'application d'autres dispositions dans la convention de leasing, de la résilier et de procéder à l'exigibilité immédiate des engagements découlant de la convention, si une ou plusieurs informations qui doivent être communiquées à la Waarborgbeheer NV en vertu du Décret sur la garantie ou de ses mesures d'exécution, s'avèrent inexactes ou incomplètes, ou si l'affectation des moyens fournis par le bénéficiaire de la garantie est différente de celle communiquée à la Waarborgbeheer NV en application des dispositions du Décret sur les garanties ou de ses mesures d'exécution;

4° une clause stipulant explicitement que l'aide octroyée sur la base du Décret sur les garanties ou de ses mesures d'exécution, concerne l'aide de minimis, octroyée sur la base du Règlement de minimis;

5° une clause sur la base de laquelle Waarborgbeheer NV a le droit, en cas de dépassement des plafonds visés au Règlement de minimis, de réclamer le paiement par l'emprunteur de l'aide accordée indûment, à savoir l'équivalent de la subvention brute de l'aide, accordée sur la base du Décret sur les garanties et de ses mesures d'exécution.

§ 3. Les conditions visées aux §§ 1er et 2 doivent être remplies au moment de la conclusion de la convention de leasing, à moins que, en ce qui concerne l'inscription auprès de la Banque-Carrefour des Entreprises et le permis d'environnement, la licence professionnelle et le permis d'exploitation, une telle convention soit conclue précisément en vue du financement d'investissements nécessaires à l'obtention d'une telle inscription ou de tels permis.

§ 4. La Waarborgbeheer NV peut, sur demande motivée d'un bénéficiaire de la garantie, autoriser des dérogations générales ou particulières à une ou plusieurs conditions visées au §§ 1er ou 2.

Une dérogation visée à l'alinéa premier doit être motivée dans l'intérêt de la P.M.E. et ne peut être autorisée dans la mesure où elle ne comporte ou ne crée pas de risque de non-paiement des engagements de la P.M.E. à l'égard du bénéficiaire de la garantie et n'entraîne aucun effet de distorsion de concurrence.

Le Ministre peut définir des groupes-cibles spécifiques sur la base du secteur ou de la phase de développement, sur la base de l'objectif ou de la nature de l'investissement, ou sur la base d'une combinaison des élément précédents et accorder pour chacun de ces groupes-cibles une dérogation générale ou spéciale à l'une ou plusieurs conditions visées aux §§ 1 ou 2.

§ 5. Sans préjudice de l'application des dispositions de l'article 21, la somme des engagements courants de la P.M.E., mis sous l'application d'une garantie, ne peut pas dépasser 500.000 euro en principal.

§ 6. Le fait qu'un autre bénéficiaire de la garantie a déjà mis des engagements de la P.M.E. sous l'application de sa garantie, ne fait pas obstacle à ce que des engagements de la P.M.E. soient également mises sous l'application de la garantie par le bénéficiaire de la garantie, étant entendu que la disposition du § 5 soit remplie.

§ 7. Un bénéficiaire de la garantie a le droit de s'informer auprès de la Waarborgbeheer NV si des engagements d'une P.M.E. déterminée n'ont pas déjà été mis sous l'application de la garantie d'un autre bénéficiaire de la garantie.

Une demande d'information telle que visée à l'alinéa premier est formulée selon le mode fixé dans les conventions-cadre, et la Waarborgbeheer NV est tenue de fournir les informations demandées dans les deux jours ouvrables.

CHAPITRE IV. — *Règles de notification des dossiers auprès de la Waarborgbeheer NV*

Section Ire. — Mode de notification d'une convention de leasing comprenant des engagements de la P.M.E. mis sous l'application d'une garantie

Art. 9. Le Ministre fait établir un formulaire modèle pour la notification à la Waarborgbeheer NV des conventions de leasing comprenant des engagements de la P.M.E. mis sous l'application d'une garantie.

Le formulaire modèle visé à l'alinéa premier doit permettre de rechercher, pour une convention de leasing notifiée, ainsi que pour la P.M.E. qui en est le cocontractant ou la contrepartie, les informations nécessaires au bon traitement du dossier.

Art. 10. Aux fins de mettre les engagements de la P.M.E. sous l'application de sa garantie, le bénéficiaire de la garantie notifie la convention de leasing dans un délai de trois mois de la signature de l'acte authentique et, à défaut de ce dernier, de l'acte sous seing privé ou d'autres documents les contenant. La notification de la convention de leasing se fait auprès de la Waarborgbeheer NV moyennant un formulaire dûment rempli tel que visé à l'article 9.

Le Ministre arrête le mode d'introduction du formulaire, visé à l'article 9.

Art. 11. Sans préjudice de l'application des dispositions du Décret sur les garanties et de ses mesures d'exécution, le formulaire introduit comprend au moins les données suivantes :

1° l'identification de la garantie du bénéficiaire de la garantie sous l'application de laquelle sont mis les engagements de la P.M.E.;

2° le montant en principal de l'ensemble des engagements de la P.M.E.;

3° le pourcentage choisi par le bénéficiaire de la garantie sur la base duquel sont calculés les engagements en principal de la P.M.E., qui seront mis sous l'application de la garantie;

4° le montant en principal des engagements de la P.M.E., qui sera mis sous l'application de la garantie, compte tenu des éléments précédents et le calcul du bénéficiaire de la garantie;

5° la durée pour laquelle les engagements de la P.M.E. seront mis sous l'application de la garantie, et qui ne peut en aucun cas dépasser ce qui reste de la durée de validité de la garantie du bénéficiaire de la garantie;

6° le montant total des engagements de la P.M.E. qui sera mis sous l'application de la garantie, compte tenu des éléments précédents et le calcul du bénéficiaire de la garantie;

7° la durée de la convention de leasing;

8° le schéma d'amortissement adopté dans le cadre de la convention de leasing;

9° la part du capital de l'option d'achat, ou en l'absence de celle-ci, la part du capital de la valeur résiduelle.

Le pourcentage visé à l'alinéa premier, 3° est de 75 % au maximum.

Section II. — Traitement administratif par la Waarborgbeheer NV des dossiers notifiés

Art. 12. La Waarborgbeheer NV vérifie si le formulaire visé à l'article 9 a été rempli complètement et correctement du point de vue formel. La Waarborgbeheer NV vérifie en outre si l'enregistrement de la convention de leasing ou d'une autre opération n'entraîne pas le dépassement du montant maximum visé à l'article 8, § 5. Le cas échéant, l'enregistrement est refusé et la raison en est notifiée au bénéficiaire de la garantie. Celui-ci peut alors renotifier la convention de leasing, à condition que l'enregistrement de cette nouvelle notification n'entraîne pas le dépassement du montant maximum susvisé.

Art. 13. La Waarborgbeheer NV dispose d'une période de dix jours ouvrables, à compter de la réception du formulaire visé à l'article 9, pour rendre l'une des décisions visées à l'article 12, et de la communiquer au bénéficiaire de la garantie selon le mode défini par le Ministre.

Art. 14. Après avoir décidé d'enregistrer une convention de leasing ou autre opération notifiée en application de l'article 10, la Waarborgbeheer NV ouvre un dossier sur cette convention de leasing ou autre opération.

Il est assigné à chaque dossier tel que visé à l'alinéa premier un numéro d'ordre unique.

Section III. — Primes relatives aux dossiers enregistrés

Sous-section I^re^. — Calcul de la prime

Art. 15. Le bénéficiaire de la garantie est redevable d'une prime pour chaque convention de leasing enregistrée, telle que visée à l'article 14.

Art. 16. § 1^er^. Le Ministre fixe la prime, visée à l'article 15, par type de convention de leasing et, le cas échéant, par groupe-cible spécifique.

§ 2. Le montant de la prime doit être compris entre au minimum 0,25 % et au maximum 0,75 % du produit obtenu par la formule suivante : X x Y, dont :

1° X = le montant visé à l'article 11, 4°

2° Y = la durée exprimée en années, visée à l'article 11, 5°

Si la durée, exprimée en années, telle que visée à l'article 11, 5° est de plus de dix années, le nombre d'années pris en compte dans la formule se limite à dix.

Sous-section II. — Conditions du paiement de la prime

Art. 17. Le Ministre arrête les modalités du paiement de la prime, visée à l'article 15.

Sous-section III. — Portée juridique de l'obligation de paiement de la prime

Art. 18. § 1^er^. Lorsqu'une P.M.E. est restée en demeure de remplir ses engagements mis sous l'application d'une garantie, le bénéficiaire de la garantie concerné n'est autorisé à appeler la garantie qu'à condition d'avoir payé la prime relative à la convention de leasing dans le délai d'un mois suivant l'enregistrement de la convention de leasing concernée.

Le bénéficiaire de la garantie peut demander une prolongation unique de ce délai auprès de la Waarborgbeheer NV dans le délai d'un mois, visé à l'alinéa premier.

Il incombe à la Waarborgbeheer NV de définir la durée de la prolongation, visée à l'alinéa deux, qui ne peut toutefois pas dépasser six mois.

Sans préjudice de l'application des dispositions du § 2, alinéa deux, l'introduction du formulaire visé à l'article 9 est sans objet lorsque la prolongation est refusée lors de l'échéance du délai visé à l'alinéa premier.

§ 2. Lorsque la Waarborgbeheer NV n'a pas reçu la prime dans le délai visé au § 1^er^, alinéa premier, compte tenu d'une prolongation éventuelle de celui-ci et que de son côté le bénéficiaire de la garantie a omis de demander une prolongation du délai à temps, l'introduction du formulaire visé à l'article 9 est sans objet.

Dans le cas visé à l'alinéa premier le bénéficiaire de la garantie ne peut mettre les engagements de la P.M.E. sous l'application de sa garantie que moyennant l'introduction d'un nouveau formulaire dûment rempli conformément à la procédure arrêtée au présent arrêté.

Section IV. — Effets juridiques d'une convention de leasing enregistrée après paiement de la prime

Art. 19. Les engagements d'une P.M.E. sont considérés comme étant sous l'application de la garantie d'un bénéficiaire de la garantie dès que le bénéficiaire de la garantie a introduit auprès de la Waarborgbeheer NV un formulaire dûment rempli tel que visé à l'article 9, que la Waarborgbeheer NV a décidé de l'enregistrer et que la Région flamande a reçu le paiement de la prime applicable, visée à l'article 15.

Section V. — Radiation d'un enregistrement

Art. 20. Lorsqu'il s'avère, avant la clôture du dossier notifié, qu'après la date de l'enregistrement visé à l'article 12, une ou plusieurs informations indiquées sur le formulaire introduit ne correspondent pas à la réalité, ou s'il s'avère que la convention de leasing ne remplit pas les conditions du Décret sur les garanties et ses mesures d'exécution, la Waarborgbeheer NV peut décider de radier l'enregistrement de la convention.

La radiation d'un enregistrement telle que visée à l'alinéa premier a pour effet que le bénéficiaire de la garantie ne peut pas effectuer l'appel de la garantie relative aux engagements de la P.M.E. découlant de la convention de leasing dont l'enregistrement a été rayé.

Section VI. — Règles particulières en matière de dossiers ayant trait à de larges sommes

Art. 21. Le Ministre peut, dans un des cas visés à l'alinéa deux, autoriser un bénéficiaire de la garantie, à la demande de celui-ci, à mettre sous l'application de la garantie les engagements d'une P.M.E. déterminée même si le montant maximum, visé à l'article 8, § 5 est dépassé ainsi.

Les cas, visés à l'alinéa premier sont :

1° les engagements qui sont mis sous l'application de la garantie et qui entraînent un dépassement du montant maximum visé à l'article 8, § 5 découlent d'investissements complémentaires effectués aux fins d'une meilleure rentabilisation d'un investissement antérieur;

2° les engagements qui sont mis sous l'application de la garantie et qui entraînent un dépassement du montant maximum visé à l'article 8, § 5 découlent d'un projet à haute valeur ajoutée dans un ou plusieurs des domaines suivants : le progrès technologique, l'emploi, le développement économique ou la solution de problèmes sociaux spécifiques;

3° les engagements qui sont mis sous l'application de la garantie et qui entraînent un dépassement du montant maximum visé à l'article 8, § 5 découlent d'investissements dans des secteurs au sein desquels il n'existe ou n'existe pas suffisamment de ressources alternatives de financement;

4° les engagements qui sont mis sous l'application de la garantie et qui entraînent un dépassement du montant maximum visé à l'article 8, § 5 découlent d'un projet conçu en cofinancement, en coopération ou moyennant un autre type de soutien de la part d'une autorité.

Art. 22. Le bénéficiaire de la garantie adresse la demande, visée à l'article 21, alinéa premier, à la Waarborgbeheer nv.

Art. 23. La Waarborgbeheer NV examine la demande visée à l'article 21, alinéa premier, après la réception de celle-ci. Elle émet son avis au Ministre dans un mois suivant la réception de la demande.

Art. 24. Le Ministre prend une décision sur la demande, visée à l'article 21, alinéa premier, dans le délai d'un mois suivant la réception de l'avis emis par la Waarborgbeheer NV.

La décision du Ministre, visée à l'article 21, n'a d'effet que si la convention de leasing a été enregistrée de façon régulière.

CHAPITRE V. — *Règles de l'appel d'une garantie*

Section I^re^. — Montant exigible des engagements de la P.M.E. mis sous l'application d'une garantie

Art. 25. Le montant maximum des engagements de la P.M.E. pour lequel le bénéficiaire de la garantie peut appeler la garantie qui lui est octroyée, est déterminé comme suit :

1° un bénéficiaire de la garantie peut appeler en principal les engagements d'une P.M.E. qui ont été mis sous l'application de sa garantie, à hauteur d'au maximum le montant visé à l'article 11, alinéa premier, 4°, compte tenu d'un ajustement éventuel de ce montant sur la base des dispositions de l'article 21, alinéa premier et ce pour chaque P.M.E. individuelle;

2° le bénéficiaire de la garantie peut en outre, en ce qui concerne une convention de leasing individuelle ou autre opération dont les engagements de la P.M.E. ont été mis sous l'application de sa garantie, appeler sous cette garantie au maximum le pourcentage proposé par le bénéficiaire de la garantie lui-même, tel que visé à l'article 11, alinéa premier, 3°, des engagements de la P.M.E. pour lesquels elle est restée en demeure.

Art. 26. Pour l'application du présent arrêté et ses mesures d'exécution, sont considérés comme engagements de la P.M.E. mis sous l'application de la garantie pour lesquels le bénéficiaire peut appeler la garantie octroyée :

1° l'engagement à l'acquittement du capital impayé, y inclus la part du capital de l'option d'achat ou la valeur résiduelle, en principal, à la date de la résiliation;

2° l'engagement de payer des intérêts arriérés calculés sur l'engagement visé au point 1°, pour une période couvrant au maximum la dernière année précédant la date de la résiliation de la convention notifiée;

3° les frais, à fixer par le Ministre, du recouvrement des engagements susvisés.

Section II. — Règles de l'appel

Art. 27. § 1er. Un bénéficiaire d'une garantie peut appeler une garantie qui lui a été octroyée, une ou plusieurs fois à hauteur du montant, calculé chaque fois en application du présent arrêté et ses mesures d'exécution, des engagements de la P.M.E. mis sous l'application de la garantie ou d'une fraction de ceux-ci, tant que la garantie lui octroyéen'a pas été payée intégralement à la suite d'appels antérieurs.

§ 2. Si, conformément au § 1er, un bénéficiaire d'une garantie souhaite appeler une garantie qui lui a été octroyée, il est tenu de le faire chaque fois dans une période de trois mois de la date où il a rendu exigibles les engagements de la P.M.E. mis sous l'application de la garantie.

§ 3. Pour l'application du § 2, les engagements de la P.M.E. mis sous l'application de la garantie sont réputés exigibles au moment où le bénéficiaire de la garantie a, d'une part, formellement résilié la convention de leasing dont ils découlent et, d'autre part, mis en demeure de manière formelle la P.M.E. de payer les engagements découlant de ladite convention, restant non payés à ce moment.

§ 4. Le délai visé au § 2 est un délai d'échéance.

Art. 28. § 1er. A chaque appel d'une garantie, le bénéficiaire de la garantie communique le montant de l'appel et y joint une note explicitant le mode de calcul du montant de l'appel.

§ 2. L'appel d'une garantie se fait selon le mode arrêté par le Ministre, la date de l'appel étant fixée incontestablement.

§ 3. Au plus tard au moment de l'appel, le bénéficiaire de la garantie doit avoir remis les pièces et documents importants de la convention de leasing à laquelle l'appel a trait, à la Waarborgbeheer NV.

Le Ministre arrête la liste des pièces et documents visés à l'alinéa premier, que le bénéficiaire de la garantie doit en tout cas avoir remis à la Waarborgbeheer NV au moment de l'appel.

§ 4. Le Ministre peut arrêter les exigences de forme relatives à l'appel d'une garantie.

Section III. — Examen de la conformité de l'appel d'une garantie aux dispositions du Décret sur les garanties et ses mesures d'exécution

Art. 29. Après réception d'un appel tel que visé à l'article 27, § 1er, la Waarborgbeheer NV vérifie si l'appel répond aux dispositions de l'article 28 et de ses mesures d'exécution. La Waarborgbeheer NV vérifie en outre si le mode de calcul visé à l'article 28, § 1er est correct et si le montant de l'appel est justifié.

La Waarborgbeheer NV dispose, pour les vérifications visées au § 1er, d'une période de trois mois de la date de l'appel de la garantie.

Lorsqu'il y a des indications que le montant de l'appel ne peut pas être mis en paiement provisoire, la Waarborgbeheer NV peut proroger une seule fois le délai de trois mois, visé à l'alinéa deux, de trois mois supplémentaires, afin d'examiner le dossier à fond. Le bénéficiaire de la garantie en est informé au préalable par lettre.

Section IV. — Décision sur la mise en paiement provisoire ou non d'un appel

Art. 30. Dans le délai visé à l'article 29, alinéa deux, la Waarborgbeheer NV décide de procéder ou non à une mise en paiement provisoire du montant de l'appel.

La Waarborgbeheer NV peut en outre décider, suite à son examen du dossier, de ne procéder qu'à une mise en paiement provisoire partielle.

Le bénéficiaire de la garantie est informé d'une décision telle que visée à l'alinéa premier par lettre recommandée sans délai.

La mise en paiement d'une garantie et tout paiement qui s'ensuit ne libèrent pas la P.M.E. envers le bénéficiaire de la garantie de ses obligations, découlant de la convention de leasing en question.

Art. 31. Lorsque la Waarborgbeheer NV décide de mettre l'appel de la totalité de la garantie en paiement provisoire, la Région flamande procède au paiement à titre provisoire, dans les dix jours ouvrables de la date de la décision. Lorsque la Waarborgbeheer NV décide de ne mettre qu'une partie de l'appel de la garantie en paiement provisoire, la Région flamande procède au paiement à titre provisoire de la partie de l'appel mise en paiement, dans les dix jours ouvrables de la date de la décision.

La décision de la Waarborgbeheer NV de ne pas procéder à la mise en paiement totale ou partielle du montant de l'appel peut être prise lorsque :

1° les conditions de la mise sous l'application de la garantie de l'engagement découlant de la convention de leasing n'ont pas été remplies;

2° le bénéficiaire de la garantie a déposé des déclarations inexactes;

3° le bénéficiaire de la garantie modifie, sans l'autorisation de la Waarborgbeheer NV, les conditions ou la procédure initiales de la convention de leasing de telle sorte que les conditions initiales ne sont plus remplies ou que le risque pour la Région flamande s'est aggravé substantiellement;

4° le bénéficiaire de la garantie est resté en demeure de payer la prime due.

Section V. — Recours contre une décision (en partie) défavorable au sujet d'un appel

Art. 32. § 1er. Une décision telle que visée à l'article 30, refusant la mise en paiement provisoire de l'appel de la garantie, ou la décision n'accordant qu'une partie de la mise en paiement provisoire de l'appel de la garantie, est motivée et mentionne en tout cas les raisons de ne pas procéder au paiement provisoire total de l'appel, ou de ne procéder qu'à un paiement provisoire partiel de l'appel.

§ 2. Le bénéficiaire de la garantie dispose d'un délai d'un mois, à compter de la date où il a été mis au courant de la décision visée à l'article 30, alinéa premier, pour former un recours contre cette décision auprès du Gouvernement flamand.

Un recours tel que visé à l'alinéa premier est formé par lettre recommandée adressée au Ministre. La lettre recommandée reprend les griefs et les arguments détaillés du bénéficiaire de la garantie.

§ 3. Le recours contre une décision telle que visée à l'article 30, alinéa deux ne suspend pas la mise en paiement provisoire partielle qui a été décidée.

§ 4. Après réception de la lettre recommandée visée au § 2, alinéa deux, le Ministre demande sans tarder, au nom du Gouvernement flamand, à la Waarborgbeheer NV de lui communiquer ses remarques relatives aux griefs et arguments du bénéficiaire de la garantie.

La demande visée à l'alinéa premier est transmise à la Waarborgbeheer NV par lettre recommandée.

La Waarborgbeheer NV dispose d'un délai de six semaines, à compter de la date de réception de la lettre recommandée du Ministre, visée à l'alinéa deux, pour communiquer au Ministre les remarques demandées.

§ 5. Le Gouvernement flamand dispose d'un délai de quatre mois, à compter de la date de la poste apposée sur la lettre recommandée visée au § 2, alinéa deux, pour se prononcer sur le recours.

A défaut de prononcé dans le délai visé à l'alinéa premier, le recours est censé accepté et il est procédé au paiement provisoire total de l'appel.

§ 6. Le Ministre informe le bénéficiaire de la garantie et la Waarborgbeheer NV du prononcé du Gouvernement flamand sur le recours par lettre recommandée.

§ 7. Si le recours est accepté, la Région flamande dispose d'un délai de dix jours ouvrables, à compter de la date du prononcé ou, dans le cas visé au § 5, alinéa deux, de l'expiration du délai pour se prononcer, pour payer le montant de l'appel, ou le solde dû, au bénéficiaire de la garantie à titre provisoire.

Section VI. — Paiement de récuperations et de frais ultérieur à la date du paiement provisoire

Art. 33. § 1er. Les paiements à titre provisoire visés à l'article 30 et à l'article 32, § 7, se font sous réserve d'une révocation éventuelle que la Waarborgbeheer NV peut effectuer en application du § 5, alinéa premier.

§ 2. Un paiement tel que visé au § 1er n'exonère pas le bénéficiaire de la garantie de l'obligation de faire le nécessaire pour obtenir le paiement de la créance sur la P.M.E., dans l'intérêt notamment de la Région flamande et afin de pouvoir respecter les engagements de remboursement à la Région flamande.

§ 3. Le bénéficiaire de la garantie est tenu de communiquer à la Waarborgbeheer NV les paiements des engagements découlant de la convention de leasing en question qu'il reçoit, après la date de l'appel visé à l'article 27, § 1er, de la P.M.E. ou d'une tierce personne, à l'exception de la Région flamande.

La communication visée à l'alinéa premier comprend également les frais de recouvrement visés à l'article 26, 3°.

Les paiements visés à l'alinéa premier concernent tant les paiements auxquels procèdent la P.M.E. ou un tiers sur une base volontaire, que les paiements exigés de droit. Le canal par lequel se fait la communication et la périodicité de la communication sont fixés dans la convention-cadre.

§ 4. Le bénéficiaire de la garantie est tenu de verser à la Région flamande une part proportionnelle du montant des paiements reçus de la P.M.E. ou d'une tierce personne, selon les conditions fixées dans la convention-cadre.

La Région flamande est tenue de verser au bénéficiaire de la garantie une part proportionnelle du montant des frais de recouvrement visés à l'article 26, 3°, selon les conditions fixées dans la convention-cadre.

La part proportionnelle du montant des paiements reçus par le bénéficiaire de la garantie et des frais de recouvrement, tels que visés aux alinéas 1er et 2, égale le pourcentage visé à l'article 11, alinéa premier, 3°, de ces montants.

§ 5. La Waarborgbeheer NV dispose d'un délai de deux ans, à compter de la date du paiement à titre provisioire, visé au § 1er, pour révoquer, au besoin, le paiement provisioire en tout ou en partie, parce qu'une condition du Décret sur les garanties ou de ses mesures d'exécution n'a pas été pas remplie. Le cas échéant, le bénéficiaire de la garantie est tenu de rembourser le montant reçu du paiement provisoire en tout ou en partie à la Région flamande, selon les conditions fixées par le Ministre.

§ 6. La Waarborgbeheer NV peut décider, éventuellement à la demande du bénéficiaire de la garantie, de clôturer un dossier prématurément, dans les cas où elle peut conclure raisonnablement qu'il n'y a plus de paiements tels que visés au § 2 à attendre de la part de la P.M.E., ni sur une base volontaire, ni exigés de droit.

La Waarborgbeheer NV communique son éventuelle décision de clôture prématurée d'un dossier au bénéficiaire de la garantie dans les dix jours ouvrables de la prise de cette décision. Dès la date de la clôture prématurée d'un dossier, le bénéficiaire de la garantie et la Région flamande ne sont plus assujettis aux obligations visées au § 4.

§ 7. Le Ministre peut arrêter des règles complémentaires pour les dispositions du présent article.

Section VII. — Tâches d'examen de la Waarborgbeheer NV

Art. 34. Le Ministre peut fixer les modalités de l'examen au moyen desquelles la Waarborgbeheer NV vérifie si l'appel d'une garantie remplit les conditions fixées dans le Décret sur les garanties et ses mesures d'exécution.

CHAPITRE VI. — *Compétence générale d'examen de la Waarborgbeheer NV*

Art. 35. § 1er. Afin de vérifier si les informations visées à l'article 11, telles que remplies sur le formulaire visé à l'article 9, sont correctes et afin de vérifier si une convention de leasing répond aux conditions, visées au § 3 et aux articles 7 et 8, le bénéficiaire de la garantie est tenu d'ouvrir, à la demande de la Waarborgbeheer NV, les livres de comptes en ce qui concerne les éléments portant sur la P.M.E. pour laquelle un dossier a été ouvert au sein de la Waarborgbeheer NV.

§ 2. Pour les objectifs visés au § 1er, la Waarborgbeheer NV peut en tout temps consulter les conventions de leasing que le bénéficiaire de la garantie a conclues avec la P.M.E. et dont des engagements ont été mis sous l'application d'une garantie du bénéficiaire de la garantie.

Pour les objectifs visés au § 1er, la Waarborgbeheer NV peut prendre et conserver des copies de tous les documents et pièces qui se trouvent dans le dossier de leasing ou dans un autre dossier que le bénéficiaire de la garantie a établi sur les conventions de leasing, visées à l'alinéa premier.

§ 3. Le bénéficiaire de la garantie veille à ce que les conventions de leasing en faveur de la P.M.E. mentionnent les dispositions du présent article, ce qui constitue une condition de leur mise sous l'application de la garantie.

§ 4. La convention-cadre fixe la manière dont la Waarborgbeheer NV peut vérifier si les communications visées à l'article 33, § 3, ont été faites de manière correcte.

CHAPITRE VII. — *Dispositions générales relatives aux conventions-cadre*

Art. 36. § 1er. Une société telle que visée à l'article 4 du Décret sur les garanties, ne peut devenir bénéficiaire de la garantie qu'après conclusion d'une convention-cadre.

La convention-cadre visée à l'alinéa premier précise les modalités d'exécution, par le bénéficiaire de la garantie et la Waarborgbeheer NV, des dispositions du Décret sur les garanties et de ses mesures d'exécution.

La convention-cadre visée à l'alinéa premier règle en tout cas :

1° le mode et la forme selon lesquels le bénéficiaire de la garantie donne un compte rendu sur l'affectation des garanties octroyées;

2° les accords de fond et de forme sur la fourniture d'informations par la Waarborgbeheer NV au bénéficiaire de la garantie et les services que le bénéficiaire de la garantie peut attendre de la Waarborgbeheer NV, notamment mais non limités à la fonction helpdesk et l'accessibilité de la Waarborgbeheer NV;

3° les procédures de conclusion de conventions de leasing et d'autres engagements destinés à la mise sous l'application de la garantie;

4° les règles et critères en matière d'évaluation de la solvabilité de la P.M.E. et d'appréciation des sûretés constituées telles que visées à l'article 8, § 1er, alinéa premier, 2;

5° les procédures de fond et de forme à utiliser pour l'introduction du formulaire visé au chapitre IV, section Ière et pour le calcul et le paiement de la prime due;

6° les procédures à appliquer par le bénéficiaire de la garantie pour la gestion des dossiers notifiés dans le cadre de la résiliation;

7° les procédures à appliquer par le bénéficiaire de la garantie pour la résiliation et l'exigibilité d'un engagement mis sous l'application de la garantie;

8° les procédures à respecter lors de l'appel de la garantie, de même que pour le calcul et la demande de la provision;

9° les procédures de traitement de la demande de provision et de paiement de celle-ci;

10° les règles en matière d'exécution par voie parée de garanties et de comptabilisation de récupérations et de frais après résiliation;

11° les procédures pour la demande de clôture d'un dossier et pour la clôture elle-même;

12° les règles en matière de disponibilité et d'accessibilité de dossiers et d'informations importantes, afin de permettre à la Waarborgbeheer NV de vérifier des informations importantes et d'examiner la conformité aux dispositions du Décret sur les garanties, de ses arrêtés d'exécution et de la convention-cadre;

13° les règles relatives à la notification, par le bénéficiaire de la garantie, de dérogations aux dispositions du Décret sur les garanties, à ses mesures d'exécution et à la convention-cadre, soumises à l'obligation de notification;

14° les règles relatives à la demande préalable à l'instance compétente de l'approbation de dérogations envisagées;

15° les règles relatives à une révision ou modification éventuelles de la convention-cadre.

CHAPITRE VIII. — *Dispositions diverses*

Art. 37. Le Ministre détermine le contenu, les modalités et la périodicité de la communication des informations visés à l'article 13, § 2 du Décret sur les garanties.

CHAPITRE IX. — *Règles particulières pour les garanties des grandes entreprises*

Art. 38. Les dispositions des chapitres I à VIII inclus s'appliquent par analogie aux garanties relatives aux engagements de grandes entreprises découlant de conventions de leasing et ce, jusqu'à la date où l'arrêté du Gouvernement flamand du 7 novembre 2008 portant reconnaissance d'une crise financière et portant dérogation au régime de garanties pour petites et moyennes entreprises cesse de produire ses effets en application de l'article 7 dudit arrêté.

CHAPITRE X. — *Dispositions finales*

Art. 39. Le présent arrêté peut être cité comme le Quatrième Arrêté sur la garantie.

Art. 40. Le présent arrêté entre en vigueur le jour de sa publication au *Moniteur belge*.

Art. 41. Le Ministre flamand ayant la politique économique dans ses attributions est chargé de l'exécution du présent arrêté.

Bruxelles, le 27 mars 2009.

Le Ministre-Président du Gouvernement flamand,
K. PEETERS

La Ministre flamande de l'Economie, de l'Entreprise, des Sciences, de l'Innovation et du Commerce extérieur,
Mme P. CEYSENS

REGION WALLONNE — WALLONISCHE REGION — WAALS GEWEST

SERVICE PUBLIC DE WALLONIE

F. 2009 — 1629 [2009/201985]

3 AVRIL 2009. — Décret relatif à la protection contre les éventuels effets nocifs et nuisances provoqués par les rayonnements non ionisants générés par des antennes émettrices stationnaires (1)

Le Parlement wallon a adopté et Nous, Gouvernement, sanctionnons ce qui suit :

CHAPITRE I^er^. — *Champ d'application et définitions*

Article 1^er^. Le présent décret organise la protection contre les éventuels effets nocifs et nuisances provoqués par les rayonnements non-ionisants générés par des antennes émettrices stationnaires (stations-relais de télécommunication).

Le présent décret n'est pas applicable aux rayonnements non-ionisants d'origine naturelle, ni à ceux émis par les appareillages utilisés par des particuliers ou par les appareillages utilisés à des fins médicales.

Art. 2. Au sens du présent décret, on entend par :

1° antenne émettrice stationnaire : élément monté sur un support fixe de manière permanente, qui génère un rayonnement électromagnétique dans la gamme de fréquences comprise entre 100 kHz et 300 GHz et dont la PIRE maximale est supérieure à 4 W, et qui constitue l'interface entre l'alimentation en signaux haute fréquence par câble ou par guide d'onde et l'espace, et qui est utilisée dans le but de transmettre des télécommunications;

2° lieux de séjour :

— les locaux d'un bâtiment dans lesquels des personnes peuvent ou pourront séjourner régulièrement tels que les locaux d'habitation, école, crèche, hôpital, home pour personnes âgées;

— les locaux de travail occupés régulièrement par des travailleurs;

— les espaces dévolus à la pratique régulière du sport ou de jeux;

— à l'exclusion, notamment, des voiries, trottoirs, parkings, garages, parcs, jardins, balcons, terrasses;

3° Puissance Isotrope Rayonnée Equivalente (PIRE) : la PIRE est égale au produit de la puissance fournie à l'entrée de l'antenne par son gain maximum (c'est-à-dire le gain mesuré par rapport à une antenne isotrope dans la direction où l'intensité du rayonnement est maximale);

4° fonctionnaire technique : fonctionnaire technique au sens de l'article 1^er^, 16°, du décret du 11 mars 1999 relatif au permis d'environnement.

CHAPITRE II. — *Déclaration et conditions intégrales*

Art. 3. Les antennes émettrices stationnaires inférieures à 500 kW et dont la PIRE maximale est supérieure à 4 W sont soumises à déclaration au sens du décret du 11 mars 1999 relatif au permis d'environnement.

Elles respectent les conditions intégrales prévues aux articles 4 à 6.

Art. 4. Dans les lieux de séjour, l'intensité du rayonnement électromagnétique généré par toute antenne émettrice stationnaire ne peut pas dépasser la limite d'immission de 3 V/m.

La limite d'immission de 3 V/m est une valeur efficace moyenne calculée et mesurée durant une période quelconque de 6 minutes et sur une surface horizontale de 0,5 × 0,5 m^2, par antenne.

L'intensité du rayonnement électromagnétique dans les lieux de séjour est calculée et mesurée aux niveaux suivants :

— dans les locaux : 1,50 m au-dessus du niveau du plancher;

— dans les autres espaces : 1,50 m au-dessus du niveau du sol.

La limite d'immission s'applique à toute antenne émettrice stationnaire sans que soient pris en compte les rayonnements électromagnétiques générés par d'autres sources de rayonnements électromagnétiques éventuellement présentes.

Les antennes dites multi-bandes conçues pour rayonner simultanément les signaux de N réseaux sont considérées comme équivalentes à N antennes distinctes.

Lorsque plusieurs antennes installées sur un même support sont utilisées pour émettre les signaux d'un même réseau dans une zone géographique, elles sont considérées comme ne formant qu'une seule antenne.

Art. 5. Outre les mentions arrêtées par le Gouvernement pour les installations et activités de classe 3, la déclaration contient un rapport qui comprend :

— les données techniques concernant l'antenne permettant de garantir le respect de l'article 4;

— une description des alentours de l'antenne par un plan en projection verticale reprenant la hauteur des bâtiments dans un rayon suffisant pour contrôler le respect de la limite d'immission;

— une évaluation du rayonnement électromagnétique de l'antenne émettrice stationnaire;

— un avis de l'Institut scientifique de service public attestant le respect de la limite d'immission visée à l'article 4;

— un descriptif non technique de l'évaluation du champ électromagnétique à destination des personnes non initiées;

— la date fixée pour la mise en service de l'antenne.

L'exploitant envoie ce rapport à la commune où il est envisagé d'implanter l'antenne émettrice stationnaire, au fonctionnaire technique et, le cas échéant, à la commune limitrophe se situant dans un périmètre de 200 mètres autour de l'antenne émettrice stationnaire.

Art. 6. Dans les trente jours de la mise en service, l'exploitant de l'antenne émettrice stationnaire fait réaliser, par l'ISSEP ou par le service désigné par le Gouvernement, un rapport attestant du respect de la limite d'immission conformément à l'article 4. Il le communique à la ou aux communes concernées et au fonctionnaire technique au sens du décret du 11 mars 1999 relatif au permis d'environnement dans les soixante jours de la mise en service.

CHAPITRE III. — *Information du public*

Art. 7. Les rapports prévus aux articles 5 et 6 sont mis à disposition du public conformément au Livre Ier du Code de l'Environnement par la ou les communes concernées et par le fonctionnaire technique, chacun pour ce qui le concerne.

Art. 8. Le Gouvernement établit, tient à jour et rend accessible au public le cadastre des antennes émettrices stationnaires.

CHAPITRE IV. — *Recherche scientifique*

Art. 9. Le Gouvernement définit les normes ou conditions générales minimales auxquelles doivent satisfaire les personnes, laboratoires ou organismes publics ou privés qui seront chargés :

1° d'étudier l'influence des radiations non ionisantes sur l'environnement;

2° de rechercher les moyens efficaces de lutter contre les éventuels nuisances ou effets nocifs provoqués par les radiations non-ionisantes;

3° de tester ou de contrôler les appareils ou établissements susceptibles d'engendrer, de transmettre ou de recevoir des radiations non-ionisantes, destinés à mesurer, atténuer ou absorber ces dernières ou destinés à pallier leurs nuisances ou effets nocifs éventuels.

CHAPITRE V. — *Dispositions modificatives, abrogatoires, transitoires et finales*

Art. 10. Dans les deux mois de l'entrée en vigueur du présent décret, tout exploitant d'une antenne émettrice stationnaire mise en service avant l'entrée en vigueur du présent décret en communique l'existence et le lieu d'implantation à la commune où elle est établie et au fonctionnaire technique.

Art. 11. A la demande de la ou des communes concernées, l'exploitant d'une antenne émettrice stationnaire mise en service avant l'entrée en vigueur du présent décret fournit le rapport prévu à l'article 6 dans les soixante jours de cette demande.

En cas de violation de la limite d'immission visée à l'article 4, l'exploitant se met en conformité au plus tard dans les cent quatre-vingts jours de la demande et, en tout cas, avant le 1er septembre 2010.

Art. 12. Commet une infraction de deuxième catégorie au sens de la partie VIII de la partie décrétale du Livre Ier du Code de l'Environnement, celui qui contrevient à l'article 3, 4, 5 ou 6.

Commet une infraction de troisième catégorie au sens de la partie VIII de la partie décrétale du Livre Ier du Code de l'Environnement, celui qui contrevient à l'article 10 ou à l'article 11.

Art. 13. A l'article D.138, alinéa 1er, du Livre Ier du Code de l'Environnement, il est ajouté le tiret suivant :

« — le décret du 3 avril 2009 relatif à la protection de l'environnement contre les éventuels effets nocifs et nuisances provoqués par les rayonnements non-ionisants générés par des antennes émettrices stationnaires. »

Art. 14. La loi du 12 juillet 1985 relative à la protection de l'homme et de l'environnement contre les effets nocifs et les nuisances provoqués par les radiations non-ionisantes, les infrasons et les ultrasons est abrogée pour ce qui concerne les radiations non-ionisantes générées par des antennes émettrices stationnaires.

Art. 15. Les articles 3, 5, 6 et 7 du présent décret sont applicables à partir du 1er janvier 2010 pour les antennes émettrices stationnaires mises en service avant l'entrée en vigueur du présent décret.

Promulguons le présent décret, ordonnons qu'il soit publié au *Moniteur belge*.

Namur, le 3 avril 2009.

Le Ministre-Président,
R. DEMOTTE

Le Ministre du Logement, des Transports et du Développement territorial,
A. ANTOINE

Le Ministre du Budget, des Finances et de l'Equipement,
M. DAERDEN

Le Ministre des Affaires intérieures et de la Fonction publique,
Ph. COURARD

Le Ministre de l'Economie, de l'Emploi, du Commerce extérieur et du Patrimoine,
J.-C. MARCOURT

La Ministre de la Recherche, des Technologies nouvelles et des Relations extérieures,
Mme M.-D. SIMONET

Le Ministre de la Formation,
M. TARABELLA

Le Ministre de la Santé, de l'Action sociale et de l'Egalité des Chances,
D. DONFUT

Le Ministre de l'Agriculture, de la Ruralité, de l'Environnement et du Tourisme,
B. LUTGEN

Note

(1) *Session 2008-2009.*
Documents du Parlement wallon, 941 (2008-2009), nos 1 à 4.
Compte rendu intégral, séance publique du 1er avril 2009.
Discussion - Votes.

ÜBERSETZUNG

ÖFFENTLICHER DIENST DER WALLONIE

D. 2009 — 1629 [2009/201985]

3. APRIL 2009 — Dekret über den Schutz gegen etwaige gesundheitsschädliche Auswirkungen und Belästigungen, die durch die durch ortsfeste Sendeantennen erzeugten nicht ionisierenden Strahlungen verursacht werden (1)

Das Wallonische Parlament hat Folgendes angenommen, und Wir, Regierung, sanktionieren es:

KAPITEL I — *Anwendungsbereich und Definitionen*

Artikel 1 - Das vorliegende Dekret organisiert den Schutz gegen etwaige gesundheitsschädliche Auswirkungen und Belästigungen, die durch die durch ortsfeste Sendeantennen (Relaisstationen für die Telekommunikation) erzeugten nicht ionisierenden Strahlungen verursacht werden.

Das vorliegende Dekret ist weder auf die nicht ionisierenden Strahlungen natürlichen Ursprungs noch auf diejenigen, die durch die von Privatpersonen verwendeten Geräte oder durch die zu medizinischen Zwecken verwendeten Geräte erzeugt werden, anwendbar.

Art. 2 - Im Sinne des vorliegenden Dekrets gelten folgende Definitionen:

1° ortsfeste Sendeantenne: auf dauerhafte Weise an einer ortsfesten Halterung angebrachtes Element, das eine elektromagnetische Strahlung im Frequenzbereich zwischen 100 kHz und 300 GHz erzeugt, dessen maximale äquivalente isotrope Strahlungsleistung 4 W überschreitet, das die Schnittstelle zwischen den über ein Kabel oder einen Wellenleiter zugeführten Hochfrequenzsignalen und dem Raum darstellt und das zum Übertragen der Telekommunikationen verwendet wird;

2° Aufenthaltsräume:

— die Räume eines Gebäudes, in denen sich Personen regelmäßig aufhalten können bzw. können werden, wie Wohnräume, Schulen, Kinderkrippen, Krankenhäuser, Altenheime;

— die regelmäßig von Arbeitnehmern besetzten Arbeitsräume;

— die zum regelmäßigen Treiben von Sport oder Spielen bestimmten Flächen;

— mit Ausnahme u.a. der Verkehrswege, Bürgersteige, Parkplätze, Abstellplätze für Fahrzeuge, Parkanlagen, Gärten, Balkone, Terrassen;

3° äquivalente isotrope Strahlungsleistung (EIRP): die äquivalente isotrope Strahlungsleistung entspricht dem Produkt der Multiplikation der am Eingang der Antenne erbrachten Leistung mal deren maximale Verstärkung (d.h. die im Verhältnis zu einer isotropen Antenne in der Richtung, wo die Intensität der Strahlung am Höchsten ist, gemessene Verstärkung);

4° technischer Beamter: technischer Beamter im Sinne von Artikel 1, 16° des Dekrets vom 11. März 1999 über die Umweltgenehmigung.

KAPITEL II — *Erklärung und integrale Bedingungen*

Art. 3 - Die ortsfesten Sendeantennen unter 500 kW, deren maximale äquivalente isotrope Strahlungsleistung 4 W überschreitet, unterliegen einer Erklärungspflicht im Sinne des Dekrets vom 11. März 1999 über die Umweltgenehmigung.

Sie müssen den in den Artikeln 4 bis 6 vorgesehenen integralen Bedingungen genügen.

Art. 4 - In den Aufenthaltsräumen darf die Intensität der durch jede ortsfeste Sendeantenne erzeugten elektromagnetischen Strahlung die Immissionsgrenze von 3 V/m nicht überschreiten.

Die Immissionsgrenze von 3 V/m ist ein durchschnittlicher Effektivwert, der während eines beliebigen Zeitraums von 6 Minuten und auf einer horizontalen Fläche von 0,5 × 0,5 m^2 pro Antenne berechnet und gemessen wird.

Die Intensität der elektromagnetischen Strahlung in den Aufenthaltsräumen wird bei folgenden Höhen berechnet und gemessen:

— in den Räumen: 1,50 m über dem Fußboden;

— an den anderen Stellen: 1,50 m über dem Boden.

Die Immissionsgrenze findet Anwendung auf jede ortsfeste Sendeantenne, ohne dass die elektromagnetischen Strahlungen, die durch andere, eventuell am selben Ort befindlichen Quellen von elektromagnetischen Strahlungen erzeugt werden, berücksichtigt werden.

Die sogenannten "Multiband-Antennen", die so gebaut sind, dass sie die Signale von N Netzen simultan senden, gelten als N einzelne Antennen.

Wenn mehrere, an ein und derselben Halterung befestigte Antennen verwendet werden, um die Signale ein und desselben Netzwerkes in einer geographischen Zone zu senden, gelten sie als nur eine einzige Antenne.

Art. 5 - Neben den von der Regierung für die Anlagen und Tätigkeiten der Klasse 3 festgesetzten Angaben enthält die Erklärung einen das Folgende enthaltenden Bericht:

— die technischen Angaben bezüglich der Antenne, die die Einhaltung von Artikel 4 gewährleisten;

— eine Beschreibung der Umgebung der Antenne mittels eines Plans in senkrechter Projektion, auf dem die Höhe der Gebäude in einem Umkreis, der zur Kontrolle der Einhaltung der Immissionsnorm genügt, angegeben wird;

— eine Schätzung der elektromagnetischen Strahlung der ortsfesten Sendeantenne;

— ein Gutachten des "Institut scientifique de service public - ISSEP" (wissenschaftliches Institut öffentlichen Dienstes), durch welches die Einhaltung der in Artikel 4 erwähnten Immissionsgrenze bescheinigt wird;

— eine nicht technische Beschreibung der Schätzung des elektromagnetischen Feldes, die für nicht fachkundige Personen bestimmt ist;

— das für die Inbetriebnahme der Antenne festgesetzte Datum.

Der Betreiber schickt diesen Bericht an die Gemeinde, in der das Installieren der ortsfesten Sendeantenne vorgesehen ist, an den technischen Beamten und gegebenenfalls an die angrenzende Gemeinde, wenn diese sich in einem Umkreis von 200 Metern um die ortsfeste Sendeantenne befindet.

Art. 6 - Innerhalb von dreißig Tagen ab der Inbetriebnahme lässt der Betreiber der ortsfesten Sendeantenne vom "ISSEP" oder von der von der Regierung bezeichneten Dienststelle einen Bericht erstellen, durch den die Einhaltung der Immissionsgrenze gemäß Artikel 4 bescheinigt wird. Er übermittelt ihn innerhalb von sechzig Tagen ab der Inbetriebnahme der oder den betroffenen Gemeinden und dem technischen Beamten im Sinne im Sinne des Dekrets vom 11. März 1999 über die Umweltgenehmigung.

KAPITEL III — *Information der Öffentlichkeit*

Art. 7 - Die betroffene(n) Gemeinde(n) und der technische Beamte, in ihrem jeweiligen Zuständigkeitsbereich, stellen die in den Artikeln 5 und 6 vorgesehenen Berichte der Öffentlichkeit zur Verfügung, gemäß dem Buch I des Umweltgesetzbuches.

Art. 8 - Die Regierung erstellt das Kataster der ortsfesten Sendeantennen, aktualisiert es und stellt es der Öffentlichkeit zur Verfügung.

KAPITEL IV — *Wissenschaftliche Forschung*

Art. 9 - Die Regierung bestimmt die Normen oder minimalen allgemeinen Bedingungen, denen die Personen, Labors oder öffentlichen oder privaten Einrichtungen genügen müssen, die damit beauftragt werden,

1° den Einfluss der nicht ionisierenden Strahlungen auf die Umwelt zu untersuchen;

2° die effizienten Mittel zu suchen, um die durch die nicht ionisierenden Strahlungen verursachten etwaigen Belästigungen oder gesundheitsschädlichen Auswirkungen zu bekämpfen;

3° die Geräte oder Einrichtungen zu testen bzw. zu kontrollieren, die nicht ionisierende Strahlungen erzeugen, übertragen oder empfangen können und die dazu bestimmt sind, diese zu messen, zu dämpfen oder zu absorbieren oder deren Belästigungen oder etwaigen gesundheitsschädlichen Auswirkungen entgegenzuwirken.

KAPITEL V — *Abänderungs-, Aufhebungs-, Übergangs- und Schlussbestimmungen*

Art. 10 - Innerhalb von zwei Monaten ab dem Inkrafttreten des vorliegenden Dekrets teilt jeder Betreiber einer ortsfesten Sendeantenne, die vor dem Inkrafttreten des vorliegenden Dekrets in Betrieb genommen wurde, der Gemeinde, wo sie installiert ist, und dem technischen Beamten deren Vorhandensein und den Ort, an dem sie installiert ist, mit.

Art. 11 - Auf Anfrage der betroffenen Gemeinde(n) übermittelt der Betreiber einer ortsfesten Sendeantenne, die vor dem Inkrafttreten des vorliegende Dekrets in Betrieb genommen wurde, den in Artikel 6 vorgesehenen Bericht innerhalb von sechzig Tagen ab dieser Anfrage.

Beim Überschreiten der in Artikel 4 erwähnten Immissionsgrenze bringt der Betreiber seine Anlage in Übereinstimmung mit der Vorschrift spätestens innerhalb einhundertachtzig Tagen ab der Aufforderung und in jedem Fall vor dem 1. September 2010.

Art. 12 - Begeht einen Verstoß der zweiten Kategorie im Sinne des Teils VIII des dekretalen Teils des Buchs I des Umweltgesetzbuches derjenige, der gegen Artikel 3, 4, 5 oder 6 verstößt.

Begeht einen Verstoß der dritten Kategorie im Sinne des Teils VIII des dekretalen Teils des Buchs I des Umweltgesetzbuches derjenige, der gegen Artikel 10 oder Artikel 11 verstößt.

Art. 13 - In Artikel D.138 Absatz 1 des Buches I des Umweltgesetzbuches wird der folgende Strich hinzugefügt:

«— das Dekret vom 3. April 2009 über den Schutz gegen etwaige gesundheitsschädliche Auswirkungen und Belästigungen, die durch die durch ortsfeste Sendeantennen erzeugten nicht ionisierenden Strahlungen verursacht werden.»

Art. 14 - Das Gesetz vom 12. Juli 1985 über den Schutz des Menschen und der Umwelt gegen gesundheitsschädliche Auswirkungen und Belästigungen, die durch nicht ionisierende Strahlungen, durch Infraschall und Ultraschall verursacht werden, wird, was die durch ortsfeste Sendeantennen erzeugten ionisierenden Strahlungen betrifft, aufgehoben.

Art. 15 - Die Artikel 3, 5, 6 und 7 des vorliegenden Dekrets sind ab dem 1. Januar 2010 für die ortsfesten Sendeantennen, die vor dem Inkrafttreten des vorliegenden Dekrets in Betrieb genommen wurden, anwendbar.

Wir fertigen das vorliegende Dekret aus und ordnen an, dass es im *Belgischen Staatsblatt* veröffentlicht wird.

Namur, den 3. April 2009

Der Minister-Präsident
R. DEMOTTE

Der Minister des Wohnungswesens, des Transportwesens und der räumlichen Entwicklung
A. ANTOINE

Der Minister des Haushalts, der Finanzen und der Ausrüstung
M. DAERDEN

Der Minister der Inneren Angelegenheiten und des Öffentlichen Dienstes
Ph. COURARD

Der Minister der Wirtschaft, der Beschäftigung, des Außenhandels und des Erbes
J.-C. MARCOURT

Die Ministerin der Forschung, der neuen Technologien und der auswärtigen Beziehungen
Frau M.-D. SIMONET

Der Minister der Ausbildung
M. TARABELLA

Der Minister der Gesundheit, der sozialen Maßnahmen und der Chancengleichheit
D. DONFUT

Der Minister der Landwirtschaft, der ländlichen Angelegenheiten, der Umwelt und des Tourismus
B. LUTGEN

Fußnote

(1) *Sitzung 2008-2009*
Dokumente des Wallonischen Parlaments, 941 (2008-2009), Nrn. 1 bis 4
Ausführliches Sitzungsprotokoll, öffentliche Sitzung vom 1. April 2009
Diskussion - Abstimmung.

VERTALING

WAALSE OVERHEIDSDIENST

N. 2009 — 1629 [2009/201985]

3 APRIL 2009. — Decreet betreffende de bescherming tegen de eventuele schadelijke effecten en de hinder van de niet-ioniserende stralingen die door stationaire zendantennes gegenereerd worden (1)

Het Waals Parlement heeft aangenomen en Wij, Regering, bekrachtigen hetgeen volgt :

HOOFDSTUK I. — *Toepassingsgebied en begripsomschrijving*

Artikel 1. Dit decreet organiseert de bescherming tegen de eventuele schadelijke effecten en de hinder van de niet-ioniserende stralingen die door stationaire zendantennes gegenereerd worden (relaisstations voor telecommunicatie).

Dit decreet is niet toepasselijk op de niet-ioniserende stralingen van natuurlijke oorsprong, noch op die voortgebracht door toestellen gebruikt door particulieren of door toestellen gebruikt voor medische doeleinden.

Art. 2. In de zin van dit decreet wordt verstaan onder :

1° stationaire zendantenne : element dat op permanente wijze op een vaste drager geplaatst wordt, dat een elektromagnetische straling genereert met een frequentie tussen 100 kHz en 300 GHz waarvan de maximale PIRE hoger is dan 4 W, en die als interface dient tussen de bevoorrading in hoge frequentiesignalen per kabel of per golfgids en de ruimte en gebruikt wordt om telecommunicatie over te dragen;

2° verblijfplaatsen :

— de lokalen van een gebouw waarin personen regelmatig kunnen of zullen kunnen verblijven, zoals de lokalen van woningen, scholen, crèches, ziekenhuizen, bejaardentehuizen;

— de werkplaatsen die regelmatig door werknemers ingenomen worden;

— de ruimten bestemd voor de regelmatige sportbeoefening of voor spellen;

— met uitzondering van, o.a., de wegen, trottoirs, parkeerplaatsen, garages, parken, tuinen, balkons, terrassen;

3° Effectief Isotroop Uitgestraald Vermogen (EIRP) : het EIRP is gelijk aan het vermogen dat aan de ingang van de antenne voortgebracht wordt door de maximumwinst ervan (m.a.w. de winst gemeten t.o.v. een isotrope antenne in de richting waar de intensiteit van de straling maximaal is);

4° technisch ambtenaar : technisch ambtenaar in de zin van artikel 1, 16°, van het decreet van 11 maart 1999 betreffende de milieuvergunning.

HOOFDSTUK II. — *Aangifte en integrale voorwaarden*

Art. 3. De stationaire zendantennes onder 500 kW waarvan het maximale EIRP hoger is dan 4 W worden onderworpen aan een aangifte in de zin van het decreet van 11 maart 1999 betreffende de milieuvergunning.

Ze voldoen aan de integrale voorwaarden bepaald bij de artikelen 4 tot 6.

Art. 4. In de verblijfplaatsen mag de intensiteit van de elektromagnetische straling die door elke stationaire zendantenne gegenereerd wordt de immissienorm van 3 V/m niet overschrijden.

De immissienorm van 3 V/m is een gemiddelde efficiënte waarde berekend en gemeten gedurende een periode van 6 minuten en op een horizontale oppervlakte van 0,5 × 0,5 m^2, per antenne.

De intensiteit van de elektromagnetische straling in de verblijfplaatsen wordt berekend en gemeten op de volgende niveaus :

— in de lokalen : 1,50 m boven het vloerniveau;

— in de overige ruimten : 1,50 m boven het grondniveau.

De immissienorm is van toepassing op elke stationaire zendantenne, zonder rekening te houden met de elektromagnetische stralingen gegenereerd door andere eventuele bronnen van elektromagnetische stralingen.

De multiband-antennes die ontwikkeld zijn om de signalen van N netwerken tegelijkertijd uit te zenden, worden beschouwd als gelijkwaardig aan afzonderlijke N antennes.

Wanneer verschillende antennes die op dezelfde drager geplaatst zijn gebruikt worden om de signalen van hetzelfde net in een geographische zone uit te zenden, worden ze als één antenne beschouwd.

Art. 5. Behalve de gegevens voorgeschreven door de Regering voor de installaties en activiteiten van klasse 3, bevat de aangifte een rapport met :

— de technische gegevens betreffende de antenne waarmee de naleving van artikel 4 gegarandeerd kan worden;

— een beschrijving van de omgeving van de antenne aan de hand van een plan in verticale projectie dat de hoogte van de gebouwen vermeldt in een straal waarin de naleving van de immissienorm gecontroleerd kan worden;

— een evaluatie van de elektromagnetische straling van de stationaire zendantenne;

— een advies van het "Institut scientifique de service public" (Openbaar wetenschappelijk instituut) waaruit blijkt dat de in artikel 4 bedoelde immissienorm in acht genomen wordt;

— een niet-technisch overzicht van de evaluatie van het elektromagnetische veld voor de niet geïnitieerde personen;

— de datum vastgelegd voor de inbedrijfstelling van de antenne.

De exploitant richt dat rapport aan de gemeente waar de installatie van de stationaire zendantenne overwogen wordt, aan de technisch ambtenaar en, desgevallend, aan de aangrenzende gemeente die zich binnen een omtrek van 200 meter rondom de stationaire zendantenne bevindt.

Art. 6. Binnen dertig dagen na de inbedrijfstelling laat de exploitant van de stationaire zendantenne door het "ISSEP" of de door de Regering aangewezen dienst een rapport opmaken waaruit blijkt dat de immissienorm overeenkomstig artikel 4 nageleefd wordt. Zij maakt het binnen zestig dagen na de inbedrijfstelling over aan de betrokken gemeente(n) en aan de technisch ambtenaar in de zin van het decreet van 11 maart 1999 betreffende de milieuvergunning.

HOOFDSTUK III. — *Informatieverstrekking aan het publiek*

Art. 7. De rapporten bedoeld in de artikelen 5 en 6 worden overeenkomstig boek I van het Milieuwetboek door de betrokken gemeente(n) en de technisch ambtenaar ter inzage van het publiek gelegd.

Art. 8. Het kadaster van de stationaire zendantennes wordt door de Regering opgemaakt, bijgehouden en ter inzage van het publiek gelegd.

HOOFDSTUK IV. — *Wetenschappelijk onderzoek*

Art. 9. De Regering bepaalt de normen of de minimale algemene voorwaarden die nageleefd moeten worden door de personen, de laboratoria of de overheidsinstellingen die belast worden met :

1° het onderzoek naar de invloed van de niet-ioniserende stralingen op het leefmilieu;

2° het onderzoek naar doeltreffende middelen ter bestrijding van de eventuele hinder of de nadelige gevolgen van de niet-ioniserende stralingen;

3° het uittesten van of de controle op de toestellen of inrichtingen die niet-ioniserende stralingen kunnen genereren, overdragen of ontvangen, en die dienen om die stralingen te meten, te dempen of op te slorpen of om de hinder of de eventuele nadelige gevolgen ervan te verhelpen.

HOOFDSTUK V. — *Wijzigings-, opheffings-, overgangs- en slotbepalingen*

Art. 10. Elke exploitant van een stationaire zendantenne die voor de inwerkingtreding van dit decreet in bedrijf gesteld wordt, geeft de gemeente waar ze gevestigd is en de technisch ambtenaar binnen twee maanden na de inwerkingtreding van dit besluit kennis van het bestaan en van de vestigingsplaats ervan.

Art. 11. Op verzoek van de betrokken gemeente(n) legt de exploitant van een stationaire zendantenne die voor de inwerkingtreding van dit decreet in bedrijf gesteld wordt, het in artikel 6 bedoelde rapport over binnen zestig na de indiening van het verzoek.

In geval van overschrijding van de immissienorm bedoeld in artikel 4, stelt de exploitant orde op zaken uiterlijk binnen honderdtachtig dagen na de indiening van het verzoek, hoe dan ook voor 1 september 2010.

Art. 12. Er wordt een overtreding van tweede categorie in de zin van deel VIII van het decretale gedeelte van Boek I van het Milieuwetboek begaan door al wie artikel 3, 4, 5 of 6 overtreedt.

Er wordt een overtreding van derde categorie in de zin van deel VIII van het decretale gedeelte van Boek I van het Milieuwetboek begaan door al wie artikel 10 of 11 overtreedt.

Art. 13. Artikel D.138, eerste lid, van Boek I van het Milieuwetboek, wordt aangevuld met het volgende streepje :

« — het decreet betreffende de bescherming tegen de eventuele schadelijke effecten en de hinder van de niet-ioniserende stralingen die door stationaire zendantennes gegenereerd worden. »

Art. 14. De wet van 12 juli 1985 betreffende de bescherming van de mens en van het leefmilieu tegen de schadelijke effecten en de hinder van niet-ioniserende stralingen, infrasonen en ultrasonen wordt opgeheven wat betreft de niet-ioniserende stralingen gegenereerd door stationaire zendantennes.

Art. 15. De artikelen 3, 5, 6 en 7 van dit decreet zijn vanaf 1 januari 2010 toepasselijk op de stationaire zendantennes die voor de inwerkingtreding van dit decreet in bedrijf gesteld worden.

Kondigen dit decreet af, bevelen dat het in het *Belgisch Staatsblad* zal worden bekendgemaakt.

Namen, 3 april 2009.

De Minister-President,
R. DEMOTTE

De Minister van Huisvesting, Vervoer en Ruimtelijke Ontwikkeling,
A. ANTOINE

De Minister van Begroting, Financiën en Uitrusting,
M. DAERDEN

De Minister van Binnenlandse Aangelegenheden en Ambtenarenzaken,
Ph. COURARD

De Minister van Economie, Tewerkstelling, Buitenlandse Handel en Patrimonium,
J.-C. MARCOURT

De Minister van Onderzoek, Nieuwe Technologieën en Buitenlandse Betrekkingen,
Mevr. M.-D. SIMONET

De Minister van Vorming,
M. TARABELLA

De Minister van Gezondheid, Sociale Actie en Gelijke Kansen,
D. DONFUT

De Minister van Landbouw, Landelijke Aangelegenheden, Leefmilieu en Toerisme,
B. LUTGEN

Nota

(1) *Zitting 2008-2009.*

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AUTRES ARRETES — ANDERE BESLUITEN

**SERVICE PUBLIC FEDERAL
CHANCELLERIE DU PREMIER MINISTRE
ET AUTORITE FLAMANDE**

[C − 2009/35363]

Ordres nationaux

Par arrêté royal du 10 décembre 2008, la disposition suivante est stipulée :

Article 1er. § 1er. Sont nommés Officier de l'Ordre de Léopold :

M. BARBE Marc Raymond Irène (Uccle, le 9/01/1956), conseiller économie régionale à l'administration provinciale de Brabant flamand.

Prise de rang : 15/11/2005.

Mme HOORNAERT Betty Daniella Magdalena (Bruxelles, le 16/12/1956), directeur à l'administration provinciale de Brabant flamand.

Prise de rang : 15/11/2006.

Ils porteront la décoration civile.

§ 2. Sont nommés Chevalier de l'Ordre de Léopold :

M. BRAILLARD Roger Joseph (Uccle, le 29/03/1944), chef de division à l'administration communale de Sint-Pieters-Leeuw.

Prise de rang : 15/11/2003.

M. DE MEESTER Joseph Achiel (Grammene, le 15/09/1937), chef de travaux à l'administration communale de Gent.

Prise de rang : 8/04/1997.

M. DEPETTER Jan Frans (Gent, le 4/12/1937), patron en chef à l'administration communale de Gent.

Prise de rang : 15/11/1997.

M. LIPPENS Gilbert Gustaaf (Gent, le 2/12/1935), contrôleur en chef à l'administration communale de Gent.

Prise de rang : 15/11/1996.

M. PICKE Gilbert Jean (Sint-Pieters-Leeuw, le 17/07/1944), bibliothécaire à l'administration communale de Sint-Pieters-Leeuw.

Prise de rang : 8/04/2004.

M. VAN CAPELLEN Jean-Paul (Vlezenbeek, le 6/05/1944), chef de division à l'administration communale de Sint-Pieters-Leeuw.

Prise de rang : 8/04/2004.

Mme VAN DER WEKEN Christiane Marie Amedé (Sint-Gillis-Waas, le 16/10/1955), chef de service à l'administration communale de Sint-Niklaas.

Prise de rang : 8/04/2005.

M. VAN DERBRUGGEN Roger Emiel (Gent, le 18/03/1941), contrôleur en chef à l'administration communale de Gent.

Prise de rang : 15/11/2000.

M. VAN DRIESSCHE Dirk Petrus Eduard Arthur (Sint-Niklaas, le 4/07/1954), chef de service – fonctionnaire culturel à l'administration communale de Sint-Niklaas.

Prise de rang : 8/04/2004.

M. VANDENDRIESSCHE Wim André (Tielt, le 12/01/1967), chef de département à l'administration communale de Gent.

Prise de rang : 15/11/2006.

M. VERHOFSTE Rafaël Clement Lievin (Gent, le 20/02/1943), contrôleur en chef à l'administration communale de Gent.

Prise de rang : 15/11/2002.

M. VRANCKEN Paul Alfons (Leuven, le 11/10/1947), receveur à l'administration communale de Diest.

Prise de rang : 8/04/2007.

M. LINDEN Patrick Maurice Marcel José (Oostende, le 9/03/1957), médecin spécialiste à l'administration du C.P.A.S. de Roeselare.

Prise de rang : 15/11/06.

**FEDERALE OVERHEIDSDIENST
KANSELARIJ VAN DE EERSTE MINISTER
EN VLAAMSE OVERHEID**

[C − 2009/35363]

Nationale orden

Bij koninklijk besluit van 10 december 2008 wordt het volgende bepaald :

Artikel 1. § 1. Worden benoemd tot Officier in de Leopoldsorde :

De heer BARBE Marc Raymond Irène (Ukkel, 9/01/1956), adviseur regionale economie bij het provinciebestuur van Vlaams-Brabant.

Ranginneming : 15/11/2005.

Mevr. HOORNAERT Betty Daniella Magdalena (Brussel, 16/12/1956), directeur bij het provinciebestuur van Vlaams-Brabant.

Ranginneming : 15/11/2006.

Zij zullen het burgerlijk ereteken dragen.

§ 2. Worden benoemd tot Ridder in de Leopoldsorde :

De heer BRAILLARD Roger Joseph (Ukkel, 29/03/1944), afdelingshoofd bij het gemeentebestuur van Sint-Pieters-Leeuw.

Ranginneming : 15/11/2003.

De heer DE MEESTER Joseph Achiel (Grammene, 15/09/1937), werkleider bij het gemeentebestuur van Gent.

Ranginneming : 8/04/1997.

De heer DEPETTER Jan Frans (Gent, 4/12/1937), hoofdschipper bij het gemeentebestuur van Gent.

Ranginneming : 15/11/1997.

De heer LIPPENS Gilbert Gustaaf (Gent, 2/12/1935), hoofdcontroleur bij het gemeentebestuur van Gent.

Ranginneming : 15/11/1996.

De heer PICKE Gilbert Jean (Sint-Pieters-Leeuw, 17/07/1944), bibliothecaris bij het gemeentebestuur van Sint-Pieters-Leeuw.

Ranginneming : 8/04/2004.

De heer VAN CAPELLEN Jean-Paul (Vlezenbeek, 6/05/1944), afdelingshoofd bij het gemeentebestuur van Sint-Pieters-Leeuw.

Ranginneming : 8/04/2004.

Mevr. VAN DER WEKEN Christiane Marie Amedé (Sint-Gillis-Waas, 16/10/1955), diensthoofd bij het gemeentebestuur van Sint-Niklaas.

Ranginneming : 8/04/2005.

De heer VAN DERBRUGGEN Roger Emiel (Gent, 18/03/1941), hoofdcontroleur bij het gemeentebestuur van Gent.

Ranginneming : 15/11/2000.

De heer VAN DRIESSCHE Dirk Petrus Eduard Arthur (Sint-Niklaas, 4/07/1954), diensthoofd - cultuurfunctionaris bij het gemeentebestuur van Sint-Niklaas.

Ranginneming : 8/04/2004.

De heer VANDENDRIESSCHE Wim André (Tielt, 12/01/1967), departementshoofd bij het gemeentebestuur van Gent.

Ranginneming : 15/11/2006.

De heer VERHOFSTE Rafaël Clement Lievin (Gent, 20/02/1943), hoofdcontroleur bij het gemeentebestuur van Gent.

Ranginneming : 15/11/2002.

De heer VRANCKEN Paul Alfons (Leuven, 11/10/1947), ontvanger bij het gemeentebestuur van Diest.

Ranginneming : 8/04/2007.

De heer LINDEN Patrick Maurice Marcel José (Oostende, 9/03/1957), geneesheer-specialist bij het OCMW-bestuur van Roeselare.

Ranginneming : 15/11/06.

M. OLEO Joseph Jean (Leuven, le 18/12/1946), gestionnaire de musée à l'administration provinciale de Brabant flamand.

Prise de rang : 15/11/2006.

M. VAN DEN DRIES Roland Joseph Marie (Berg, le 7/02/1946), chef de district adjoint principal à l'administration provinciale de Brabant flamand.

Prise de rang : 15/11/2005.

M. VERELST Alfons Michel (O.L.-Vrouw-Waver, le 5/03/1946), spécialiste en chef à l'administration provinciale de Brabant flamand.

Prise de rang : 15/11/2005.

Ils porteront la décoration civile.

Art. 2. Ils prennent rang dans l'Ordre à la date indiquée en regard de leur nom.

Art. 3. Le Ministre des Affaires étrangères, ayant la gestion de l'Ordre dans ses attributions, est chargé de l'exécution du présent arrêté.

De heer OLEO Joseph Jean (Leuven, 18/12/1946), museumbeheerder bij het provinciebestuur van Vlaams-Brabant.

Ranginneming : 15/11/2006.

De heer VAN DEN DRIES Roland Joseph Marie (Berg, 7/02/1946), e.a. adjunct districtchef bij het provinciebestuur van Vlaams-Brabant.

Ranginneming : 15/11/2005.

De heer VERELST Alfons Michel (O.L.-Vrouw-Waver, 5/03/1946), hoofddeskundige bij het provinciebestuur van Vlaams-Brabant.

Ranginneming : 15/11/2005.

Zij zullen het burgerlijk ereteken dragen.

Art. 2. Zij nemen hun rang in de Orde in op de datum vermeld tegenover hun naam.

Art. 3. De Minister van Buitenlandse Zaken, tot wiens bevoegdheid het beheer van de Orde behoort, is belast met de uitvoering van dit besluit.

SERVICE PUBLIC FEDERAL CHANCELLERIE DU PREMIER MINISTRE ET AUTORITE FLAMANDE

[C − 2009/35364]

Ordres nationaux

Par arrêté royal du 10 décembre 2008, la disposition suivante est stipulée :

Article 1er. § 1er. Sont nommés Officier de l'Ordre de Léopold II :

Mme BALCER Martine Sofie (Genk, le 8/10/1967), directeur à l'administration provinciale du Limbourg.

Prise de rang : 8/04/2007.

M. BIESBROUCK Maurits Albert Georges (Roeselare, le 15/02/1946), médecin spécialiste à l'administration du C.P.A.S. de Roeselare.

Prise de rang : 15/11/05

M. BLOEMEN Henri Jan Franciscus (Bree, le 31/03/1957), receveur à l'administration communale de Bocholt.

Prise de rang : 15/11/2006.

Mme BORREMANS Martine Maria Victor (Heikruis, le 20/09/1956), chargé d'affaires de recherche non-médecin à l'administration provinciale de Brabant flamand.

Prise de rang : 8/04/2006.

M. CLAEYS Jan Amandus Elisabeth (Elisabethville (Zaïre), le 26/01/1951), ingénieur industriel à l'administration communale de Brugge.

Prise de rang : 15/11/2001.

M. DE BECK Johan Stephaan (Everbeek, le 9/09/1940), conducteur de grue spécialisé-entretien à l'administration communale de Gent.

Prise de rang : 8/04/2000..

M. DE CLERCK Danny (Gent, le 2/02/1957), adjoint technique de la direction à l'administration communale de Gent.

Prise de rang : 15/11/2007.

M. DEWANDEL Jean Marie Gustaaf Leontine (Knokke, le 2/03/1951), chef de division à l'administration communale de Brugge.

Prise de rang : 8/04/2002.

M. DE WITTE Hubert Raymond Marius (Sinaai, le 20/07/1955), archéologue à l'administration communale de Brugge.

Prise de rang : 8/04/2005.

M. GRYPDONCK Arnold Gabriël (Gent, le 29/09/1935), soudeur à l'administration communale de Gent.

Prise de rang : 15/11/1996.

M. LOSTERMANS Ludo Jules Clement (Tollembeek, le 21/07/1956), secrétaire d'administration à l'administration provinciale de Brabant flamand.

Prise de rang : 8/04/2006.

FEDERALE OVERHEIDSDIENST KANSELARIJ VAN DE EERSTE MINISTER EN VLAAMSE OVERHEID

[C − 2009/35364]

Nationale orden

Bij koninklijk besluit van 10 december 2008 wordt het volgende bepaald :

Artikel 1. § 1. Worden benoemd tot Officier in de Orde van Leopold II :

Mevr. BALCER Martine Sofie (Genk, 8/10/1967), directeur bij het provinciebestuur van Limburg.

Ranginneming : 8/04/2007.

De heer BIESBROUCK Maurits Albert Georges (Roeselare, 15/02/1946), geneesheer-specialist bij het OCMW-bestuur van Roeselare.

Ranginneming : 15/11/05.

De heer BLOEMEN Henri Jan Franciscus (Bree, 31/03/1957), ontvanger bij het gemeentebestuur van Bocholt.

Ranginneming : 15/11/2006.

Mevr. BORREMANS Martine Maria Victor (Heikruis, 20/09/1956), onderzoekingsgelastigde niet-geneesheer bij het provinciebestuur van Vlaams-Brabant.

Ranginneming : 8/04/2006.

De heer CLAEYS Jan Amandus Elisabeth (Elisabethstad (Zaire), 26/01/1951), industrieel ingenieur bij het gemeentebestuur van Brugge.

Ranginneming : 15/11/2001.

De heer DE BECK Johan Stephaan (Everbeek, 9/09/1940), gespecialiseerd kraandrijver-onderhoud bij het gemeentebestuur van Gent.

Ranginneming : 8/04/2000.

De heer DE CLERCK Danny (Gent, 2/02/1957), technisch adjunct van de directie bij het gemeentebestuur van Gent.

Ranginneming : 15/11/2007.

De heer DEWANDEL Jean Marie Gustaaf Leontine (Knokke, 2/03/1951), afdelingschef bij het gemeentebestuur van Brugge.

Ranginneming : 8/04/2002.

De heer DE WITTE Hubert Raymond Marius (Sinaai, 20/07/1955), archeoloog bij het gemeentebestuur van Brugge.

Ranginneming : 8/04/2005.

De heer GRYPDONCK Arnold Gabriël (Gent, 29/09/1935), lasser bij het gemeentebestuur van Gent.

Ranginneming : 15/11/1996.

De heer LOSTERMANS Ludo Jules Clement (Tollembeek, 21/07/1956), bestuurssecretaris bij het provinciebestuur van Vlaams-Brabant.

Ranginneming : 8/04/2006.

M. NILENS Danny Florimond Nicolas (Vilvoorde, le 30/01/1956), secrétaire d'administration-ingénieur industriel à l'administration provinciale de Brabant flamand.

Prise de rang : 15/11/2005.

Mme TORFS Hilde Maria (Mol, le 20/05/1966), directeur infrastructure à l'administration provinciale de Brabant flamand.

Prise de rang : 8/04/2006.

M. VAN THIELEN André Etienne (Zichem, le 4/03/1948), secrétaire à l'administration communale de Ranst.

Prise de rang : 15/11/2007.

M. VERCAMPT Dirk Jozef Marguerite (Leopoldsburg, le 22/08/1957), secrétaire technique d'administration à l'administration provinciale du Limbourg.

Prise de rang : 8/04/2007.

Mme VERHOEVEN Nicole Maria (Schoten, le 5/11/1956), secrétaire à l'administration communale de Schoten.

Prise de rang : 8/04/2006

§ 2. Sont nommés Chevalier de l'Ordre de Léopold II :.

M. BELIEN Karel Maria Julia Augustina (Willebroek, le 13/04/1956), rééducateur 1re classe à l'administration provinciale de Brabant flamand.

Prise de rang : 8/04/2006.

M. BRACKE Robert Richard (Moerbeke-Waas, le 9/08/1939), collaborateur en chef de piscine à l'administration communale de Gent.

Prise de rang : 8/04/1999.

M. BROKKEN Filip Virginie Kamiel (Sint-Niklaas, le 18/10/1963), chef de service à l'administration communale de Sint-Niklaas.

Prise de rang : 8/04/2003.

M. BROKKEN Dominik René Leonie (Sint-Niklaas, le 4/08/1965), chef de service à l'administration communale de Sint-Niklaas.

Prise de rang : 8/04/2005.

M. COPPENS Roland Camiel Louis (Gent, le 30/12/1940), dessinateur à l'administration communale de Gent.

Prise de rang : 15/11/2000.

M. CREYF Jacques Jérôme Lucien (Brugge, le 23/10/1945), collaborateur technique à l'administration communale de Brugge.

Prise de rang : 8/04/2005.

M. DAENINCK Raymond (Wondelgem, le 2/07/1938), brigadier – groupe peintres, tapissiers à l'administration communale de Gent.

Prise de rang : 8/04/1998.

M. DE LANDTSHEER Jean Camiel (Gentbrugge, le 23/02/1938), brigadier cimetières à l'administration communale de Gent.

Prise de rang : 15/11/1997.

M. DERAEDT Charles François (Gent, le 11/01/1937), conducteur de grue spécialisé-entretien à l'administration communale de Gent.

Prise de rang : 15/11/1996.

M. DE RAEVE Henri Florent Jean (Gent, le 21/12/1938), chauffeur d'autobus à l'administration communale de Gent.

Prise de rang : 15/11/1998.

M. DESLYPER Luc Henri Louis (Brugge, le 20/12/1955), assistant social à l'administration communale de Brugge.

Prise de rang : 15/11/2005.

De heer NILENS Danny Florimond Nicolas (Vilvoorde, 30/01/1956), bestuurssecretaris-industrieel ingenieur bij het provinciebestuur van Vlaams-Brabant.

Ranginneming : 15/11/2005.

Mevr. TORFS Hilde Maria (Mol, 20/05/1966), directeur infrastructuur bij het provinciebestuur van Vlaams-Brabant.

Ranginneming : 8/04/2006.

De heer VAN THIELEN André Etienne (Zichem, 4/03/1948), secretaris bij het gemeentebestuur van Ranst.

Ranginneming : 15/11/2007.

De heer VERCAMPT Dirk Jozef Marguerite (Leopoldsburg, 22/08/1957), technisch bestuurssecretaris bij het provinciebestuur van Limburg.

Ranginneming : 8/04/2007.

Mevr. VERHOEVEN Nicole Maria (Schoten, 5/11/1956), secretaris bij het gemeentebestuur van Schoten.

Ranginneming : 8/04/2006

§ 2. Worden benoemd tot Ridder in de Orde van Leopold II :

De heer BELIEN Karel Maria Julia Augustina (Willebroek, 13/04/1956), wederopvoeder 1ste klasse bij het provinciebestuur van Vlaams-Brabant.

Ranginneming : 8/04/2006.

De heer BRACKE Robert Richard (Moerbeke-Waas, 9/08/1939), hoofdzwembadmedewerker bij het gemeentebestuur van Gent.

Ranginneming : 8/04/1999.

De heer BROKKEN Filip Virginie Kamiel (Sint-Niklaas, 18/10/1963), diensthoofd bij het gemeentebestuur van Sint-Niklaas.

Ranginneming : 8/04/2003.

De heer BROKKEN Dominik René Leonie (Sint-Niklaas, 4/08/1965), diensthoofd bij het gemeentebestuur van Sint-Niklaas.

Ranginneming : 8/04/2005.

De heer COPPENS Roland Camiel Louis (Gent, 30/12/1940), tekenaar bij het gemeentebestuur van Gent.

Ranginneming : 15/11/2000.

De heer CREYF Jacques Jérôme Lucien (Brugge, 23/10/1945), technisch medewerker bij het gemeentebestuur van Brugge.

Ranginneming : 8/04/2005.

De heer DAENINCK Raymond (Wondelgem, 2/07/1938), brigadier - groep schilders, behangers bij het gemeentebestuur van Gent.

Ranginneming : 8/04/1998.

De heer DE LANDTSHEER Jean Camiel (Gentbrugge, 23/02/1938), brigadier begraafplaatsen bij het gemeentebestuur van Gent.

Ranginneming : 15/11/1997.

De heer DERAEDT Charles François (Gent, 11/01/1937), gespecialiseerd kraandrijver-onderhoud bij het gemeentebestuur van Gent.

Ranginneming : 15/11/1996.

De heer DE RAEVE Henri Florent Jean (Gent, 21/12/1938), autobusbestuurder bij het gemeentebestuur van Gent.

Ranginneming : 15/11/1998.

De heer DESLYPER Luc Henri Louis (Brugge, 20/12/1955), maatschappelijk assistent bij het gemeentebestuur van Brugge.

Ranginneming : 15/11/2005.

Mme DE WOLF Annie Rosette Luciana Maria Louisa (Anderlecht, le 14/11/1945), collaborateur administratif à l'administration communale de Brugge.

Prise de rang : 8/04/2005.

M. DEWYSPELAERE Jef Cecile (Roeselare, le 23/07/1962), médecin-spécialiste à l'administration du C.P.A.S. de Roeselare.

Prise de rang : 15/11/04.

M. D'HAEYERE Marniek Josef Louis (Aalter, le 4/10/1953), ingénieur technique à l'administration communale de Brugge.

Prise de rang : 8/04/2003.

M. DIERICKX Georges Alida Marcel (Sint-Amandsberg, le 12/05/1942), brigadier - groupe paveurs, ouvriers occupés aux travaux de terrassement, installateurs d'égouts à l'administration communale de Gent.

Prise de rang : 8/04/2002.

M. D'OOSTERLINCK Frank Joseph (Gent, le 30/10/1942), collaborateur en chef de piscine à l'administration communale de Gent.

Prise de rang : 8/04/2002.

M. ELSEN Jean Clement Frans (Leuven, le 22/05/1956), gestionnaire de piscine spécialiste à l'administration provinciale de Brabant flamand.

Prise de rang : 8/04/2006.

M. FELS Eric Albert François Maria Ludovica (Sint-Niklaas, le 11/04/1948), chef administratif à l'administration communale de Sint-Niklaas.

Prise de rang : 8/04/2008.

M. FIDLERS Luc Gilbert Henri (Antwerpen, le 7/04/1962), médecin-spécialiste à l'administration du C.P.A.S. de Roeselare.

Prise de rang : 08/04/06.

M. FOUBERT Bart Maria Jan Yvonne (Sint-Niklaas, le 8/10/1963), chef de département à l'administration communale de Sint-Niklaas.

Prise de rang : 8/04/2003.

Mme HOUBRECHTS Marie-Christine Ghislaine (Zepperen, le 17/08/1947), collaborateur à l'administration provinciale du Limbourg.

Prise de rang : 8/04/2007.

Mme HUYS Francine Florence (Brugge, le 8/01/1954), restaurateur à l'administration communale de Brugge.

Prise de rang : 15/11/2003.

Mme HUYSMANS Agnes Ludovica Francina (Mechelen, le 16/03/1956), collaborateur administratif en chef à l'administration provinciale de Brabant flamand.

Prise de rang : 15/11/2005.

Mme JANSSENS Arlette Suzette Alphonsine (Tielt, le 20/02/1941), collaboratrice administrative à l'administration communale de Gent.

Prise de rang : 15/11/2000.

M. LOOTENS Frank Clement (Gent, le 29/01/1943), conducteur de grue spécialisé-entretien à l'administration communale de Gent.

Prise de rang : 15/11/2002.

Mme MOERMAN Annita Elvira (Zulte, le 8/01/1942), collaboratrice administrative à l'administration communale de Gent.

Prise de rang : 15/11/2001.

M. PAEMEN Karel, Emmanuel Virginie Jeroom (Meldert, le 15/11/1945), chef de bureau à l'administration communale de Lummen.

Prise de rang : 8/04/2005.

M. PENNINCK Martin Fernand Rachel Maria (Brugge, le 16/05/1955), collaborateur technique en chef à l'administration communale de Brugge.

Prise de rang : 8/04/2005.

Mme PIETERS Bernadette Regina Cyriel (Sleidinge, le 23/03/1965), chef de service à l'administration communale de Sint-Niklaas.

Prise de rang : 15/11/2004.

M. POPPE André Prudent (Gent, le 5/02/1940), soudeur à l'administration communale de Gent.

Prise de rang : 15/11/1999.

Mevr. DE WOLF Annie Rosette Luciana Maria Louisa (Anderlecht, 14/11/1945), administratief medewerker bij het gemeentebestuur van Brugge.

Ranginneming : 8/04/2005.

De heer DEWYSPELAERE Jef Cecile (Roeselare, 23/07/1962), geneesheer-specialist bij het OCMW-bestuur van Roeselare.

Ranginneming : 15/11/04.

De heer D'HAEYERE Marniek Josef Louis (Aalter, 4/10/1953), technisch ingenieur bij het gemeentebestuur van Brugge.

Ranginneming : 8/04/2003.

De heer DIERICKX Georges Alida Marcel (Sint-Amandsberg, 12/05/1942), brigadier - groep plaveiers, grondwerkers, rioolplaatsers bij het gemeentebestuur van Gent.

Ranginneming : 8/04/2002.

De heer D'OOSTERLINCK Frank Joseph (Gent, 30/10/1942), hoofd-zwembadmedewerker bij het gemeentebestuur van Gent.

Ranginneming : 8/04/2002.

De heer ELSEN Jean Clement Frans (Leuven, 22/05/1956), deskundige zwembadbeheerder bij het provinciebestuur van Vlaams-Brabant.

Ranginneming : 8/04/2006.

De heer FELS Eric Albert François Maria Ludovica (Sint-Niklaas, 11/04/1948), administratief chef bij het gemeentebestuur van Sint-Niklaas.

Ranginneming : 8/04/2008.

De heer FIDLERS Luc Gilbert Henri (Antwerpen, 7/04/1962), geneesheer-specialist bij het OCMW-bestuur van Roeselare.

Ranginneming : 08/04/06.

De heer FOUBERT Bart Maria Jan Yvonne (Sint-Niklaas, 8/10/1963), departementschef bij het gemeentebestuur van Sint-Niklaas.

Ranginneming : 8/04/2003.

Mevr. HOUBRECHTS Marie-Christine Ghislaine (Zepperen, 17/08/1947), medewerker bij het provinciebestuur van Limburg.

Ranginneming : 8/04/2007.

Mevr. HUYS Francine Florence (Brugge, 8/01/1954), restaurator bij het gemeentebestuur van Brugge.

Ranginneming : 15/11/2003.

Mevr. HUYSMANS Agnes Ludovica Francina (Mechelen, 16/03/1956), administratief hoofdmedewerker bij het provinciebestuur van Vlaams-Brabant.

Ranginneming : 15/11/2005.

Mevr. JANSSENS Arlette Suzette Alphonsine (Tielt, 20/02/1941), administratief medewerkster bij het gemeentebestuur van Gent.

Ranginneming : 15/11/2000.

De heer LOOTENS Frank Clement (Gent, 29/01/1943), gespecialiseerd kraandrijver-onderhoud bij het gemeentebestuur van Gent.

Ranginneming : 15/11/2002.

Mevr. MOERMAN Annita Elvira (Zulte, 8/01/1942), administratief medewerkster bij het gemeentebestuur van Gent.

Ranginneming : 15/11/2001.

De heer PAEMEN Karel, Emmanuel Virginie Jeroom (Meldert, 15/11/1945), bureauchef bij het gemeentebestuur van Lummen.

Ranginneming : 8/04/2005.

De heer PENNINCK Martin Fernand Rachel Maria (Brugge, 16/05/1955), technisch hoofdmedewerker bij het gemeentebestuur van Brugge.

Ranginneming : 8/04/2005.

Mevr. PIETERS Bernadette Regina Cyriel (Sleidinge, 23/03/1965), diensthoofd bij het gemeentebestuur van Sint-Niklaas.

Ranginneming : 15/11/2004.

De heer POPPE André Prudent (Gent, 5/02/1940), lasser bij het gemeentebestuur van Gent.

Ranginneming : 15/11/1999.

M. ROTTIERS Gaston Dominique (Gent, le 19/01/1938), ajusteur à l'administration communale de Gent.

Prise de rang : 15/11/1997.

M. SAUVAGE Jean Paul (Geraardsbergen, le 1/04/1954), chef du garage central à l'administration communale de Brugge.

Prise de rang : 15/11/2003.

M. SCHELSTRAETE Georges Maurice (Gent, le 13/10/1938), conducteur de grue spécialisé-entretien à l'administration communale de Gent.

Prise de rang : 8/04/1998.

M. SCHOEFS Clement Jean Antoine (Hoeselt, le 19/01/1947), collaborateur technique à l'administration provinciale du Limbourg.

Prise de rang : 15/11/2006.

Mme SEMEY Gisèle Valerie Albertine (Gent, le 4/03/1947), collaboratrice administrative à l'administration communale de Gent.

Prise de rang : 15/11/2006.

M. SNOECK Piet Jerome Hubert (Kortrijk, le 11/07/1963), médecin-spécialiste à l'administration du C.P.A.S. de Roeselare.

Prise de rang : 15/11/04.

M. SNOECX Michel Paul (Kortrijk, le 20/08/1966), médecin-spécialiste à l'administration du C.P.A.S. de Roeselare.

Prise de rang : 08/04/07.

M. STAESSEN Hubert Remi August Jozef (Sint-Denijs-Westrem, le 2/03/1938), brigadier – groupe travail du bois à l'administration communale de Gent.

Prise de rang : 15/11/1997.

M. VAN ACKER Robert Joseph (Gent, le 24/03/1933), contrôleur adjoint à l'administration communale de Gent.

Prise de rang : 15/11/1996.

M. VAN DE KEERE Armand Maria (Gent, le 3/05/1941), conducteur de grue spécialisé-entretien à l'administration communale de Gent.

Prise de rang : 8/04/2001.

M. VAN DELSEN Edgard Albert Gerard (Zwijnaarde, le 9/06/1942), conducteur de grue spécialisé-entretien à l'administration communale de Gent.

Prise de rang : 8/04/2002.

M. VANDEN BULCKE Gilbert Jacques Maurice (Gent, le 15/08/1936), soudeur à l'administration communale de Gent.

Prise de rang : 8/04/2001.

Mme VANDENBUSSCHE Arlette Marie (Gent, le 20/05/1937), rédacteur à l'administration communale de Gent.

Prise de rang : 8/04/1997.

Mme VANDENDRIESSCHE Josiane Rachel Marie-Thérèse (Ronse, le 27/06/1938), rédacteur à l'administration communale de Gent.

Prise de rang : 8/04/1998.

M. VANDEPLAS Theophile Jean (Tienen, le 29/03/1954), assistant social (conseiller de jeunesse) à l'administration communale de Brugge.

Prise de rang : 15/11/2003.

M. VAN DER HEYDEN Norbert (Gent, le 26/01/1940), ajusteur-forgeron à l'administration communale de Gent.

Prise de rang : 15/11/1999.

M. VAN KEULENBROECK Noël (Assenede, le 19/07/1942), conducteur de grue spécialisé-entretien à l'administration communale de Gent.

Prise de rang : 8/04/2002.

Mme VANDERMEEREN Muriel Maria Roger Cornelia (Veurne, le 29/05/1965), comptable hôpital à l'administation du C.P.A.S. de Roeselare.

Prise de rang : 08/04/05.

M. VAN VLASSELAER Marc Martin Marcel (Leuven, le 7/07/1956), collaborateur technique en chef à l'administration provinciale de Brabant flamand.

Prise de rang : 8/04/2006.

De heer ROTTIERS Gaston Dominique (Gent, 19/01/1938), bankwerker bij het gemeentebestuur van Gent.

Ranginneming : 15/11/1997.

De heer SAUVAGE Jean Paul (Geraardsbergen, 1/04/1954), chef centrale garage bij het gemeentebestuur van Brugge.

Ranginneming : 15/11/2003.

De heer SCHELSTRAETE Georges Maurice (Gent, 13/10/1938), gespecialiseerd kraandrijver-onderhoud bij het gemeentebestuur van Gent.

Ranginneming : 8/04/1998.

De heer SCHOEFS Clement Jean Antoine (Hoeselt, 19/01/1947), technisch medewerker bij het provinciebestuur van Limburg.

Ranginneming : 15/11/2006.

Mevr. SEMEY Gisèle Valerie Albertine (Gent, 4/03/1947), administratief medewerkster bij het gemeentebestuur van Gent.

Ranginneming : 15/11/2006.

De heer SNOECK Piet Jerome Hubert (Kortrijk, 11/07/1963), geneesheer-specialist bij het OCMW-bestuur van Roeselare.

Ranginneming : 15/11/04.

De heer SNOECX Michel Paul (Kortrijk, 20/08/1966), geneesheer-specialist bij het OCMW-bestuur van Roeselare.

Ranginneming : 08/04/07.

De heer STAESSEN Hubert Remi August Jozef (Sint-Denijs-Westrem, 2/03/1938), brigadier - groep houtbewerking bij het gemeentebestuur van Gent.

Ranginneming : 15/11/1997.

De heer VAN ACKER Robert Joseph (Gent, 24/03/1933), adjunct-controleur bij het gemeentebestuur van Gent.

Ranginneming : 15/11/1996.

De heer VAN DE KEERE Armand Maria (Gent, 3/05/1941), gespecialiseerd kraandrijver-onderhoud bij het gemeentebestuur van Gent.

Ranginneming : 8/04/2001.

De heer VAN DELSEN Edgard Albert Gerard (Zwijnaarde, 9/06/1942), gespecialiseerd kraandrijver-onderhoud bij het gemeentebestuur van Gent.

Ranginneming : 8/04/2002.

De heer VANDEN BULCKE Gilbert Jacques Maurice (Gent, 15/08/1936), lasser bij het gemeentebestuur van Gent.

Ranginneming : 8/04/2001.

Mevr. VANDENBUSSCHE Arlette Marie (Gent, 20/05/1937), opsteller bij het gemeentebestuur van Gent.

Ranginneming : 8/04/1997.

Mevr. VANDENDRIESSCHE Josiane Rachel Marie-Thérèse (Ronse, 27/06/1938), opsteller bij het gemeentebestuur van Gent.

Ranginneming : 8/04/1998.

De heer VANDEPLAS Theophile Jean (Tienen, 29/03/1954), maatschappelijk assistent (jeugdconsulent) bij het gemeentebestuur van Brugge.

Ranginneming : 15/11/2003.

De heer VAN DER HEYDEN Norbert (Gent, 26/01/1940), bankwerker-smid bij het gemeentebestuur van Gent.

Ranginneming : 15/11/1999.

De heer VAN KEULENBROECK Noël (Assenede, 19/07/1942), gespecialiseerd kraandrijver-onderhoud bij het gemeentebestuur van Gent.

Ranginneming : 8/04/2002.

Mevr. VANDERMEEREN Muriel Maria Roger Cornelia (Veurne, 29/05/1965), boekhouder ziekenhuis bij het OCMW-bestuur van Roeselare.

Ranginneming : 08/04/05.

De heer VAN VLASSELAER Marc Martin Marcel (Leuven, 7/07/1956), technisch hoofdmedewerker bij het provinciebestuur van Vlaams-Brabant.

Ranginneming : 8/04/2006.

M. VAN WEEHAEGHE Xavier Louis Carlos Nicole (Waregem, le 9/06/1962), médecin-spécialiste à l'administration du C.P.A.S. de Roeselare.

Prise de rang : 15/11/2003.

M. VERBEEK Leopold Hubert Jacobus (Kinrooi, le 30/11/1947), collaborateur technique à l'administration provinciale du Limbourg.

Prise de rang : 15/11/2007.

M. VERCAUTEREN Ronald Petrus Leontine (Antwerpen, le 1/02/1947), chauffeur d'autobus à l'administration communale de Gent.

Prise de rang : 15/11/2006.

M. VEREECKEN Frank Armand Gaston (Léopoldville (Congo belge), le 10/12/1957), infirmier en chef à l'administration du C.P.A.S. d'Oostende.

Prise de rang : 15/11/07.

M. VERHAEGHE Stefan Marc Marie (Waregem, le 17/06/1963), chef de département à l'administration communale de Sint-Niklaas.

Prise de rang : 8/04/2004.

Mme VERSCHUEREN Denise Angèle Thérèse (Gent, le 1/02/1938), rédacteur à l'administration communale de Gent.

Prise de rang : 15/11/1997.

M. VERSCHUEREN Yan Maria Philippe (Coquilhatstad (Congo belge), le 18/07/1955), collaborateur technique éducatif en chef à l'administration communale de Brugge.

Prise de rang : 15/11/2005.

M. VERTONGEN Marc Siegfried (Gent, le 23/09/1942), technicien de l'automobile à l'administration communale de Gent.

Prise de rang : 8/04/2002.

M. VLAEMINCK Gilbert (Gent, le 16/07/1932), conducteur de grue spécialisé-entretien à l'administration communale de Gent.

Prise de rang : 15/11/1996.

M. VOLCKAERT Guy Roland (Gent, le 2/07/1936), brigadier - groupe peintres, tapissiers à l'administration communale de Gent.

Prise de rang : 15/11/1996.

Mme WEYNANTS Ilse Maria Roger (Sint-Niklaas, le 7/01/1968), secrétaire à l'administration communale de Zwijndrecht.

Prise de rang : 15/11/2007

§ 3. La Médaille d'Or de l'Ordre de Léopold II est décernée à :

Mme AERTS Joanna Catharina Ludovica (Londerzeel, le 17/07/1947), employée de bibliothèque à l'administration communale de Vilvoorde.

Prise de rang : 8/04/2007.

Mme BAUWENS Doris Maria (Kortrijk, le 28/11/1937), femme de service à l'administration communale de Gent.

Prise de rang : 15/11/1997.

M. BOYDENS Ronny Camiel (Nieuwpoort, le 14/02/1967), assistant de secteur (plantation) à l'administration communale de Middelkerke.

Prise de rang : 15/11/2006.

Mme BUYSSE Chantal Georgette Gerard (Sint-Amandsberg, le 28/01/1967), assistante sociale à l'administration du C.P.A.S. de Lochristi.

Prise de rang : 15/11/06.

Mme CANSSE Gerarda Magdalena (Gent, le 10/10/1941), ouvrière d'entretien à l'administration communale de Gent.

Prise de rang : 8/04/2001.

M. CASSIMON Aimé Gustaaf Louis (Baasrode, le 22/06/1958), collaborateur administratif à l'administration communale de Londerzeel.

Prise de rang : 8/04/2008.

Mme CLEEMPUT Hedwige Marie (Sint-Kruis-Winkel, le 23/01/1941), ouvrière d'entretien à l'administration communale de Gent.

Prise de rang : 15/11/2000.

Mme COCQUYT Christiana Juliana (Aalter, le 6/10/1942), ouvrière d'entretien à l'administration communale de Gent.

Prise de rang : 8/04/2002.

De heer VAN WEEHAEGHE Xavier Louis Carlos Nicole (Waregem, 9/06/1962), geneesheer-specialist bij het OCMW-bestuur van Roeselare.

Ranginneming : 15/11/2003.

De heer VERBEEK Leopold Hubert Jacobus (Kinrooi, 30/11/1947), technisch medewerker bij het provinciebestuur van Limburg.

Ranginneming : 15/11/2007.

De heer VERCAUTEREN Ronald Petrus Leontine (Antwerpen, 1/02/1947), autobusbestuurder bij het gemeentebestuur van Gent.

Ranginneming : 15/11/2006.

De heer VEREECKEN Frank Armand Gaston (Leopoldstad (Belgisch Kongo), 10/12/1957), hoofdverpleger bij het OCMW-bestuur van Oostende.

Ranginneming : 15/11/07.

De heer VERHAEGHE Stefan Marc Marie (Waregem, 17/06/1963), departementschef bij het gemeentebestuur van Sint-Niklaas.

Ranginneming : 8/04/2004.

Mevr. VERSCHUEREN Denise Angèle Thérèse (Gent, 1/02/1938), opsteller bij het gemeentebestuur van Gent.

Ranginneming : 15/11/1997.

De heer VERSCHUEREN Yan Maria Philippe (Coquilhatstad (Belgisch Kongo), 18/07/1955), technisch educatief hoofdmedewerker bij het gemeentebestuur van Brugge.

Ranginneming : 15/11/2005.

De heer VERTONGEN Marc Siegfried (Gent, 23/09/1942), autotechnicus bij het gemeentebestuur van Gent.

Ranginneming : 8/04/2002.

De heer VLAEMINCK Gilbert (Gent, 16/07/1932), gespecialiseerd kraandrijver-onderhoud bij het gemeentebestuur van Gent.

Ranginneming : 15/11/1996.

De heer VOLCKAERT Guy Roland (Gent, 2/07/1936), brigadier - groep schilders, behangers bij het gemeentebestuur van Gent.

Ranginneming : 15/11/1996.

Mevr. WEYNANTS Ilse Maria Roger (Sint-Niklaas, 7/01/1968), secretaris bij het gemeentebestuur van Zwijndrecht.

Ranginneming : 15/11/2007

§ 3. De Gouden Medaille der Orde van Leopold II wordt toegekend aan :

Mevr. AERTS Joanna Catharina Ludovica (Londerzeel, 17/07/1947), bibliotheekbediende bij het gemeentebestuur van Vilvoorde.

Ranginneming : 8/04/2007.

Mevr. BAUWENS Doris Maria (Kortrijk, 28/11/1937), schoonmaakster bij het gemeentebestuur van Gent.

Ranginneming : 15/11/1997.

De heer BOYDENS Ronny Camiel (Nieuwpoort, 14/02/1967), sectorassistent (beplanting) bij het gemeentebestuur van Middelkerke.

Ranginneming : 15/11/2006.

Mevr. BUYSSE Chantal Georgette Gerard (Sint-Amandsberg, 28/01/1967), maatschappelijk werkster bij het OCMW-bestuur van Lochristi.

Ranginneming : 15/11/06.

Mevr. CANSSE Gerarda Magdalena (Gent, 10/10/1941), onderhoudsvrouw bij het gemeentebestuur van Gent.

Ranginneming : 8/04/2001.

De heer CASSIMON Aimé Gustaaf Louis (Baasrode, 22/06/1958), administratief medewerker bij het gemeentebestuur van Londerzeel.

Ranginneming : 8/04/2008.

Mevr. CLEEMPUT Hedwige Marie (Sint-Kruis-Winkel, 23/01/1941), onderhoudsvrouw bij het gemeentebestuur van Gent.

Ranginneming : 15/11/2000.

Mevr. COCQUYT Christiana Juliana (Aalter, 6/10/1942), onderhoudsvrouw bij het gemeentebestuur van Gent.

Ranginneming : 8/04/2002.

Mme CORDIER Karine Helena Maria (Veurne, le 14/06/1957), collaborateur administratif en chef à l'administration communale de De Panne.

Prise de rang : 8/04/2007.

Mme DAEMS Diane Marie Melanie (Aarschot, le 6/04/1955), assistant administratif à l'administration communale d'Aarschot.

Prise de rang : 8/04/2005.

Mme DAMSCHOTTER Jeanine Marcella (Gent, le 29/11/1940), ouvrière d'entretien à l'administration communale de Gent.

Prise de rang : 15/11/2000.

M. DE BACKER Marcel Jean Eugenie (Humbeek, le 30/11/1947), jardinier à l'administration communale de Vilvoorde.

Prise de rang : 15/11/2007.

M. DEBIEVRE Leopold Marie-José Joannes (Merksem, le 7/01/1947), ouvrier qualifié à l'administration communale de Vilvoorde.

Prise de rang : 15/11/2006.

Mme DEMAN Agnès Suzanna Rachel (Gent, le 10/08/1941), planton à l'administration communale de Gent.

Prise de rang : 8/04/2001.

Mme DE SCHOENMACKER Christelle Maria Andrea (Sint-Amandsberg, le 4/03/1967), chef de service affaires générales à l'administration du C.P.A.S. de Lochristi.

Prise de rang : 15/11/06.

Mme DHAENENS Jeanne (Gent, le 12/09/1937), surveillante de locaux à l'administration communale de Gent.

Prise de rang : 8/04/1997.

M. D'HAUW Marc Ernest Elie (Bonn (Allemagne), le 14/02/1947), ouvrier d'entretien à l'administration communale de Gent.

Prise de rang : 15/11/2006.

Mme DUHAIJON Rosette Robertine (Gent, le 7/09/1938), ouvrière d'entretien à l'administration communale de Gent.

Prise de rang : 8/04/1998.

Mme EERDEKENS Marie-Christine Josephine (Hasselt, le 25/12/1957), assistante administrative à l'administration communale de Sint-Truiden.

Prise de rang : 15/11/2007.

Mme ENGELS Monique Corneille (Vilvoorde, le 10/03/1953), commis à l'administration communale de Vilvoorde.

Prise de rang : 8/04/2007.

M. GEVERS Patrick Rosalie Robert (Hasselt, le 11/05/1956), fonctionnaire de l'environnement et des espaces verts à l'administration communale d'Herk-de-Stad.

Prise de rang : 8/04/2006.

M. HAAK Gustaaf John (Vilvoorde, le 18/01/1947), ouvrier qualifié à l'administration communale de Vilvoorde.

Prise de rang : 15/11/2006.

Mme IMPE Marie-Louise Louise Clementine (Gent, le 1/09/1936), ouvrière d'entretien à l'administration communale de Gent.

Prise de rang : 15/11/1996.

Mme INGELS Adrienne Adolphe (Gent, le 13/09/1940), ouvrière d'entretien à l'administration communale de Gent.

Prise de rang : 8/04/2000.

Mme KOCKX Odette Jozefina (Gent, le 18/11/1942), ouvrière d'entretien à l'administration communale de Gent.

Prise de rang : 15/11/2002.

Mme LYBAERT Rita Emma (Sleidinge, le 20/08/1935), femme de service à l'administration communale de Gent.

Prise de rang : 15/11/1996.

M. MAASEN Willy (Bocholt, le 8/10/1951), gestionnaire de dossier à l'administration communale de Maaseik.

Prise de rang : 15/11/2006.

M. MAES Jan Frans Jozef (Geel, le 30/05/1955), qualifié B à l'administration communale de Geel.

Prise de rang : 8/04/2005.

Mevr. CORDIER Karine Helena Maria (Veurne, 14/06/1957), administratief hoofdmedewerker bij het gemeentebestuur van De Panne.

Ranginneming : 8/04/2007.

Mevr. DAEMS Diane Marie Melanie (Aarschot, 6/04/1955), administratief assistent bij het gemeentebestuur van Aarschot.

Ranginneming : 8/04/2005.

Mevr. DAMSCHOTTER Jeanine Marcella (Gent, 29/11/1940), onderhoudsvrouw bij het gemeentebestuur van Gent.

Ranginneming : 15/11/2000.

De heer DE BACKER Marcel Jean Eugenie (Humbeek, 30/11/1947), hovenier bij het gemeentebestuur van Vilvoorde.

Ranginneming : 15/11/2007.

De heer DEBIEVRE Leopold Marie-José Joannes (Merksem, 7/01/1947), geschoold werkman bij het gemeentebestuur van Vilvoorde.

Ranginneming : 15/11/2006.

Mevr. DEMAN Agnès Suzanna Rachel (Gent, 10/08/1941), planton bij het gemeentebestuur van Gent.

Ranginneming : 8/04/2001.

Mevr. DE SCHOENMACKER Christelle Maria Andrea (Sint-Amandsberg, 4/03/1967), diensthoofd algemene zaken bij het OCMW-bestuur van Lochristi.

Ranginneming : 15/11/06.

Mevr. DHAENENS Jeanne (Gent, 12/09/1937), lokaalbewaarster bij het gemeentebestuur van Gent.

Ranginneming : 8/04/1997.

De heer D'HAUW Marc Ernest Elie (Bonn (Duitsland), 14/02/1947), onderhoudsman bij het gemeentebestuur van Gent.

Ranginneming : 15/11/2006.

Mevr. DUHAIJON Rosette Robertine (Gent, 7/09/1938), onderhoudsvrouw bij het gemeentebestuur van Gent.

Ranginneming : 8/04/1998.

Mevr. EERDEKENS Marie-Christine Josephine (Hasselt, 25/12/1957), administratief assistente bij het gemeentebestuur van Sint-Truiden.

Ranginneming : 15/11/2007.

Mevr. ENGELS Monique Corneille (Vilvoorde, 10/03/1953), klerk bij het gemeentebestuur van Vilvoorde.

Ranginneming : 8/04/2007.

De heer GEVERS Patrick Rosalie Robert (Hasselt, 11/05/1956), milieu- en groenbeheerambtenaar bij het gemeentebestuur van Herk-de-Stad.

Ranginneming : 8/04/2006.

De heer HAAK Gustaaf John (Vilvoorde, 18/01/1947), geschoold werkman bij het gemeentebestuur van Vilvoorde.

Ranginneming : 15/11/2006.

Mevr. IMPE Marie-Louise Louise Clementine (Gent, 1/09/1936), onderhoudsvrouw bij het gemeentebestuur van Gent.

Ranginneming : 15/11/1996.

Mevr. INGELS Adrienne Adolphe (Gent, 13/09/1940), onderhoudsvrouw bij het gemeentebestuur van Gent.

Ranginneming : 8/04/2000.

Mevr. KOCKX Odette Jozefina (Gent, 18/11/1942), onderhoudsvrouw bij het gemeentebestuur van Gent.

Ranginneming : 15/11/2002.

Mevr. LYBAERT Rita Emma (Sleidinge, 20/08/1935), schoonmaakster bij het gemeentebestuur van Gent.

Ranginneming : 15/11/1996.

De heer MAASEN Willy (Bocholt, 8/10/1951), dossierbeheerder bij het gemeentebestuur van Maaseik.

Ranginneming : 15/11/2006.

De heer MAES Jan Frans Jozef (Geel, 30/05/1955), geschoolde B bij het gemeentebestuur van Geel.

Ranginneming : 8/04/2005.

M. MAES Paul Albert Rachel (Beveren, le 10/06/1957), chef d'équipe à l'administration communale de Beveren.

Prise de rang : 8/04/2007.

M. MUYLE Hugo Achille Honoré (Oostende, le 2/12/1947), ouvrier qualifié à l'administration communale de Middelkerke.

Prise de rang : 15/11/2007.

Mme NEIRYNCK Philomene Louise (Wondelgem, le 25/03/1941), ouvrière d'entretien à l'administration communale de Gent.

Prise de rang : 8/04/2001.

Mme NUYTS Martine Leonarda Maria (Tessenderlo, le 5/08/1957), collaboratrice administrative à l'administration communale de Tessenderlo.

Prise de rang : 8/04/2007.

M. PATRY Willy Filip Jean (Vilvoorde, le 5/12/1956), chef d'équipe à l'administration communale de Vilvoorde.

Prise de rang : 15/11/2006.

Mme REKOMS Nicole Louise Alice (Sint-Truiden, le 3/12/1955), assistante administrative à l'administration communale de Sint-Truiden.

Prise de rang : 15/11/2006.

Mme SAEY Lilian Pharaïlde (Sas van Gent, le 17/07/1942), ouvrière d'entretien à l'administration communale de Gent.

Prise de rang : 8/04/2002.

M. SALEN Liebrecht Maria Lodewijk Johannes (Duffel, le 15/01/1958), fonctionnaire chargé de l'information à l'administration communale de Bierbeek.

Prise de rang : 15/11/2007.

M. SCHOOFS André Jozef (Linkhout, le 21/03/1953), collaborateur administratif en chef à l'administration communale de Lummen.

Prise de rang : 8/04/2004.

Mme STRUYF Christiane (Lier, le 13/10/1955), collaborateur administratif à l'administration communale de Ranst.

Prise de rang : 8/04/2005.

Mme VAN DER VELPEN Olivia Adrianna (Evergem, le 13/10/1939), ouvrière d'entretien à l'administration communale de Gent.

Prise de rang : 8/04/1999.

M. VAN DOSSELAER Luc Jozef Monique (Beveren, le 28/04/1957), assistant technique à l'administration communale de Beveren.

Prise de rang : 8/04/2007.

Mme VAN GOETHEM Nicole Annie Rosette (Gent, le 25/01/1947), ouvrière d'entretien à l'administratin communale de Gent.

Prise de rang : 15/11/2006.

Mme VAN HOORDE Monique Marina Clémentine (Gent, le 18/09/1942), ouvrière d'entretien à l'administration communale de Gent.

Prise de rang : 8/04/2002.

Mme VAN RENTERGHEM Klara Elvida (Wilhemshaven (Allemagne), le 19/08/1942), ouvrière d'entretien à l'administration communale de Gent.

Prise de rang : 8/04/2002.

Mme VANAUTGAERDEN Marie-Louise (Bierbeek, le 9/01/1946), agent à l'administration provinciale de Brabant flamand.

Prise de rang : 15/11/2005.

Mme VANDECASTEELE Yvonne Paula (Gent, le 19/04/1938), femme de service à l'administration communale de Gent.

Prise de rang : 8/04/1998.

Mme VANDERDONCKT Hilda (Gent, le 10/05/1937), femme de service à l'administration communale de Gent.

Prise de rang : 8/04/1997.

Mme VANDERVOORT Relinda Josepha Cecilia Maria (Mechelen-aan-de-Maas, le 15/08/1945), assistant administratif à l'administration communale de Tessenderlo.

Prise de rang : 15/11/2006.

Mme VANDEVYVER Marie-Louise (Gent, le 20/02/1943), ouvrière d'entretien à l'administration communale de Gent.

Prise de rang : 15/11/2002.

De heer MAES Paul Albert Rachel (Beveren, 10/06/1957), ploegbaas bij het gemeentebestuur van Beveren.

Ranginneming : 8/04/2007.

De heer MUYLE Hugo Achille Honoré (Oostende, 2/12/1947), gekwalificeerd werkman bij het gemeentebestuur van Middelkerke.

Ranginneming : 15/11/2007.

Mevr. NEIRYNCK Philomene Louise (Wondelgem, 25/03/1941), onderhoudsvrouw bij het gemeentebestuur van Gent.

Ranginneming : 8/04/2001.

Mevr. NUYTS Martine Leonarda Maria (Tessenderlo, 5/08/1957), administratief medewerkster bij het gemeentebestuur van Tessenderlo.

Ranginneming : 8/04/2007.

De heer PATRY Willy Filip Jean (Vilvoorde, 5/12/1956), ploegbaas bij het gemeentebestuur van Vilvoorde.

Ranginneming : 15/11/2006.

Mevr. REKOMS Nicole Louise Alice (Sint-Truiden, 3/12/1955), administratief assistente bij het gemeentebestuur van Sint-Truiden.

Ranginneming : 15/11/2006.

Mevr. SAEY Lilian Pharaïlde (Sas van Gent, 17/07/1942), onderhoudsvrouw bij het gemeentebestuur van Gent.

Ranginneming : 8/04/2002.

De heer SALEN Liebrecht Maria Lodewijk Johannes (Duffel, 15/01/1958), informatieambtenaar bij het gemeentebestuur van Bierbeek.

Ranginneming : 15/11/2007.

De heer SCHOOFS André Jozef (Linkhout, 21/03/1953), administratief hoofdmedewerker bij het gemeentebestuur van Lummen.

Ranginneming : 8/04/2004.

Mevr. STRUYF Christiane (Lier, 13/10/1955), administratief medewerker bij het gemeentebestuur van Ranst.

Ranginneming : 8/04/2005.

Mevr. VAN DER VELPEN Olivia Adrianna (Evergem, 13/10/1939), onderhoudsvrouw bij het gemeentebestuur van Gent.

Ranginneming : 8/04/1999.

De heer VAN DOSSELAER Luc Jozef Monique (Beveren, 28/04/1957), technisch assistent bij het gemeentebestuur van Beveren.

Ranginneming : 8/04/2007.

Mevr. VAN GOETHEM Nicole Annie Rosette (Gent, 25/01/1947), onderhoudsvrouw bij het gemeentebestuur van Gent.

Ranginneming : 15/11/2006.

Mevr. VAN HOORDE Monique Marina Clémentine (Gent, 18/09/1942), onderhoudsvrouw bij het gemeentebestuur van Gent.

Ranginneming : 8/04/2002.

Mevr. VAN RENTERGHEM Klara Elvida (Wilhemshaven (Duitsland), 19/08/1942), onderhoudsvrouw bij het gemeentebestuur van Gent.

Ranginneming : 8/04/2002.

Mevr. VANAUTGAERDEN Marie-Louise (Bierbeek, 9/01/1946), beambte bij het provinciebestuur van Vlaams-Brabant.

Ranginneming : 15/11/2005.

Mevr. VANDECASTEELE Yvonne Paula (Gent, 19/04/1938), schoonmaakster bij het gemeentebestuur van Gent.

Ranginneming : 8/04/1998.

Mevr. VANDERDONCKT Hilda (Gent, 10/05/1937), schoonmaakster bij het gemeentebestuur van Gent.

Ranginneming : 8/04/1997.

Mevr. VANDERVOORT Relinda Josepha Cecilia Maria (Mechelen-aan-de-Maas, 15/08/1945), administratief assistent bij het gemeentebestuur van Tessenderlo.

Ranginneming : 15/11/2006.

Mevr. VANDEVYVER Marie-Louise (Gent, 20/02/1943), onderhoudsvrouw bij het gemeentebestuur van Gent.

Ranginneming : 15/11/2002.

Mme VANGHELUWE Joséphine (Gent, le 24/12/1936), femme de service à l'administration communale de Gent.

Prise de rang : 15/11/1996.

M. VERMOES François Raymond (Vilvoorde, le 15/05/1947), jardinier à l'administration communale de Vilvoorde.

Prise de rang : 8/04/2007.

Mme WYCKHUYSE Jeanine Ivonne (Gent, le 24/10/1938), ouvrière d'entretien à l'administration communale de Gent.

Prise de rang : 8/04/1998

§ 4. La Médaille d'Argent de l'Ordre de Léopold II est décernée à :.

M. ALBERGHS Ludovicus Henricus Henriette (Hasselt, le 4/08/1956), assistant technique à l'administration communale d'Hasselt.

Prise de rang : 8/04/2006.

M. ANTONISSEN Jean Engelbert (Antwerpen, le 6/01/1955), assistant technique à l'administration communale d'Hasselt.

Prise de rang : 15/11/2006.

M. BALLET Bruno Sylvain (Hasselt, le 12/09/1957), assistant technique à l'administration communale d'Hasselt.

Prise de rang : 8/04/2007.

M. BILLEN Marc Jean-Marie Alfons (Hasselt, le 27/03/1957), assistant technique à l'administration communale d'Hasselt.

Prise de rang : 15/11/2006.

M. BLOMMEN Marcel Louis Ghislanus (Lummen, le 16/07/1955), assistant technique à l'administration communale de Lummen.

Prise de rang : 15/11/2006.

M. HOUBEN André Marie Johannes (Hasselt, le 30/08/1957), assistant technique à l'administration communale d'Hasselt.

Prise de rang : 8/04/2007.

M. JACOBS Johny Marie Alfons (Hasselt, le 28/10/1957), assistant technique à l'administration communale d'Hasselt.

Prise de rang : 8/04/2007.

M. LELIEVRE Jean-Paul Gerard Alice (Hasselt, le 9/02/1957), assistant technique à l'administration communale d'Hasselt.

Prise de rang : 15/11/2006.

Mme LOOS Catharina Mathea (Neerpelt, le 18/03/1957), assistant administratif à l'administration communale de Bocholt.

Prise de rang : 15/11/2007.

M. PEETERS Eugène Mathijs Mathilde (Stokrooie, le 17/07/1957), assistant technique à l'administration communale d'Hasselt.

Prise de rang : 8/04/2007.

M. POELMANS Ludovicus Frans (Heusden, le 23/07/1957), assistant technique à l'administration communale d'Hasselt.

Prise de rang : 8/04/2007.

M. STEVENS Georges Jozef (Hasselt, le 2/05/1955), assistant technique à l'administration communale d'Hasselt.

Prise de rang : 15/11/2006.

M. TEMPELAERE Marnix Henri Mariette Cornelius (Adinkerke, le 14/12/1954), assistant technique à l'administration communale de De Panne.

Prise de rang : 15/11/2005.

M. VANANDEROYE Daniel Remi Marie-Thérèse (Hasselt, le 30/05/1956), assistant technique à l'administration communale d'Hasselt.

Prise de rang : 15/11/2006.

M. VANDERHAEGHE Luc Julien Cornelius (Veurne, le 7/06/1950), chef d'équipe à l'administration communale de De Panne.

Prise de rang : 8/04/2002.

M. VANDERSMISSEN Marc Henri Marie (Hasselt, le 3/05/1957), assistant technique à l'administration communale d'Hasselt.

Prise de rang : 8/04/2007.

M. LAPERE Jean Pierre Claude (Roeselare, le 7/11/1956), ouvrier qualifié à l'administration du C.P.A.S. de Roeselare.

Prise de rang : 08/04/06.

Mevr. VANGHELUWE Joséphine (Gent, 24/12/1936), schoonmaakster bij het gemeentebestuur van Gent.

Ranginneming : 15/11/1996.

De heer VERMOES François Raymond (Vilvoorde, 15/05/1947), hovenier bij het gemeentebestuur van Vilvoorde.

Ranginneming : 8/04/2007.

Mevr. WYCKHUYSE Jeanine Ivonne (Gent, 24/10/1938), onderhoudsvrouw bij het gemeentebestuur van Gent.

Ranginneming : 8/04/1998

§ 4. De Zilveren Medaille der Orde van Leopold II wordt toegekend aan :

De heer ALBERGHS Ludovicus Henricus Henriette (Hasselt, 4/08/1956), technisch assistent bij het gemeentebestuur van Hasselt.

Ranginneming : 8/04/2006.

De heer ANTONISSEN Jean Engelbert (Antwerpen, 6/01/1955), technisch assistent bij het gemeentebestuur van Hasselt.

Ranginneming : 15/11/2006.

De heer BALLET Bruno Sylvain (Hasselt, 12/09/1957), technisch assistent bij het gemeentebestuur van Hasselt.

Ranginneming : 8/04/2007.

De heer BILLEN Marc Jean-Marie Alfons (Hasselt, 27/03/1957), technisch assistent bij het gemeentebestuur van Hasselt.

Ranginneming : 15/11/2006.

De heer BLOMMEN Marcel Louis Ghislanus (Lummen, 16/07/1955), technisch assistent bij het gemeentebestuur van Lummen.

Ranginneming : 15/11/2006.

De heer HOUBEN André Marie Johannes (Hasselt, 30/08/1957), technisch assistent bij het gemeentebestuur van Hasselt.

Ranginneming : 8/04/2007.

De heer JACOBS Johny Marie Alfons (Hasselt, 28/10/1957), technisch assistent bij het gemeentebestuur van Hasselt.

Ranginneming : 8/04/2007.

De heer LELIEVRE Jean-Paul Gerard Alice (Hasselt, 9/02/1957), technisch assistent bij het gemeentebestuur van Hasselt.

Ranginneming : 15/11/2006.

Mevr. LOOS Catharina Mathea (Neerpelt, 18/03/1957), administratief assistent bij het gemeentebestuur van Bocholt.

Ranginneming : 15/11/2007.

De heer PEETERS Eugène Mathijs Mathilde (Stokrooie, 17/07/1957), technisch assistent bij het gemeentebestuur van Hasselt.

Ranginneming : 8/04/2007.

De heer POELMANS Ludovicus Frans (Heusden, 23/07/1957), technisch assistent bij het gemeentebestuur van Hasselt.

Ranginneming : 8/04/2007.

De heer STEVENS Georges Jozef (Hasselt, 2/05/1955), technisch assistent bij het gemeentebestuur van Hasselt.

Ranginneming : 15/11/2006.

De heer TEMPELAERE Marnix Henri Mariette Cornelius (Adinkerke, 14/12/1954), technisch assistent bij het gemeentebestuur van De Panne.

Ranginneming : 15/11/2005.

De heer VANANDEROYE Daniel Remi Marie-Thérèse (Hasselt, 30/05/1956), technisch assistent bij het gemeentebestuur van Hasselt.

Ranginneming : 15/11/2006.

De heer VANDERHAEGHE Luc Julien Cornelius (Veurne, 7/06/1950), ploegbaas bij het gemeentebestuur van De Panne.

Ranginneming : 8/04/2002.

De heer VANDERSMISSEN Marc Henri Marie (Hasselt, 3/05/1957), technisch assistent bij het gemeentebestuur van Hasselt.

Ranginneming : 8/04/2007.

De heer LAPERE Jean Pierre Claude (Roeselare, 7/11/1956), geschoolde arbeider bij het OCMW-bestuur van Roeselare.

Ranginneming : 08/04/06.

Mme RIVIERE Christine Marie Thérèse (Roeselare, le 25/10/1955), ouvrière qualifiée à l'administration du C.P.A.S de Roeselare.

Prise de rang : 15/11/06

§ 5. La Médaille de Bronze de l'Ordre de Léopold II est décernée à :.

Mme BIELEN Rita Alphons Mathilda (Sint-Niklaas, le 16/01/1956), femme à journée polyvalente à l'administration communale de Sint-Niklaas.

Prise de rang : 15/11/2005.

M. DE CALUWE Wilfried Jozef Marcella (Sint-Gillis-Waas, le 12/08/1957), agent technique à l'administration communale de Beveren.

Prise de rang : 8/04/2007.

M. GHIJSEN Jean-Pierre Gerard (Eigenbilzen, le 28/03/1957), agent technique à l'administration communale d'Hasselt.

Prise de rang : 8/04/2007.

M. MOULING Paul Hippolyte Marie (Hasselt, le 12/06/1956), agent technique à l'administration communale d'Hasselt.

Prise de rang : 15/11/2006.

M. REESKENS Willy Ghislain (Maaseik, le 24/01/1954), technicien à l'administration communale de Maaseik.

Prise de rang : 15/11/2003.

Mme VANDERCAPELLEN Jacqueline Marie Jean (Sint-Lambrechts-Herk, le 11/08/1955), agent technique à l'administration communale d'Hasselt.

Prise de rang : 8/04/2007.

Mme GYSEN Liliane Amelia Joseph Maria (Brecht, le 16/05/1951), aide de cuisine à l'administration du C.P.A.S. de Brecht.

Prise de rang : 08/04/01.

M. ONBEKENT Francky Roger Louis Marie (Roeselare, le 7/06/1955), ouvrier à l'administration du C.P.A.S. de Roeselare.

Prise de rang : 08/04/07.

Mme POLLEFEYT Marleen Marie Thérèse Helène (Roeselare, le 20/03/1956), ouvrière à l'administration du C.P.A.S. de Roeselare.

Prise de rang : 15/11/05.

Mme VAN LOON Josée Louise (Hoogstraten, le 26/07/1951), femme de service à l'administration du C.P.A.S. de Brecht.

Prise de rang : 08/04/01.

Mme VAN LOOVEREN Maria Catharina Franciscus (Wuustwezel, le 24/11/1951), femme de service à l'administration du C.P.A.S. de Brecht.

Prise de rang : 15/11/01.

Mme VANDERHISPALLIE Ingrid Suzanne (Brugge, le 19/02/1957), agent administratif à l'administration du C.P.A.S. d'Oostende.

Prise de rang : 15/11/06.

Mme VANTOURNHOUT Carine Simonne (Roeselare, le 4/08/1956), ouvrière à l'administration du C.P.A.S. de Roeselare.

Prise de rang : 08/04/06.

Mme VERSCHUEREN Germaine Louisa Maria (Kapellen, le 20/05/1954), aide de cuisine à l'administration du C.P.A.S. de Brecht.

Prise de rang : 08/04/04.

Art. 2. Ils prennent rang dans l'Ordre à la date indiquée en regard de leur nom.

Art. 3. Le Ministre des Affaires étrangères, ayant la gestion de l'Ordre dans ses attributions, est chargé de l'exécution du présent arrêté.

Mevr. RIVIERE Christine Marie Thérèse (Roeselare, 25/10/1955), geschoolde arbeidster bij het OCMW-bestuur van Roeselare.

Ranginneming : 15/11/06

§ 5. De Bronzen Medaille der Orde van Leopold II wordt toegekend aan :

Mevr. BIELEN Rita Alphons Mathilda (Sint-Niklaas, 16/01/1956), polyvalente werkvrouw bij het gemeentebestuur van Sint-Niklaas.

Ranginneming : 15/11/2005.

De heer DE CALUWE Wilfried Jozef Marcella (Sint-Gillis-Waas, 12/08/1957), technisch beambte bij het gemeentebestuur van Beveren.

Ranginneming : 8/04/2007.

De heer GHIJSEN Jean-Pierre Gerard (Eigenbilzen, 28/03/1957), technisch beambte bij het gemeentebestuur van Hasselt.

Ranginneming : 8/04/2007.

De heer MOULING Paul Hippolyte Marie (Hasselt, 12/06/1956), technisch beambte bij het gemeentebestuur van Hasselt.

Ranginneming : 15/11/2006.

De heer REESKENS Willy Ghislain (Maaseik, 24/01/1954), technieker bij het gemeentebestuur van Maaseik.

Ranginneming : 15/11/2003.

Mevr. VANDERCAPELLEN Jacqueline Marie Jean (Sint-Lambrechts-Herk, 11/08/1955), technisch beambte bij het gemeentebestuur van Hasselt.

Ranginneming : 8/04/2007.

Mevr. GYSEN Liliane Amelia Joseph Maria (Brecht, 16/05/1951), keukenhulp bij het OCMW-bestuur van Brecht.

Ranginneming : 08/04/01.

De heer ONBEKENT Francky Roger Louis Marie (Roeselare, 7/06/1955), arbeider bij het OCMW-bestuur van Roeselare.

Ranginneming : 08/04/07.

Mevr. POLLEFEYT Marleen Marie Thérèse Helène (Roeselare, 20/03/1956), arbeidster bij het OCMW-bestuur van Roeselare.

Ranginneming : 15/11/05.

Mevr. VAN LOON Josée Louise (Hoogstraten, 26/07/1951), schoonmaakster bij het OCMW-bestuur van Brecht.

Ranginneming : 08/04/01.

Mevr. VAN LOOVEREN Maria Catharina Franciscus (Wuustwezel, 24/11/1951), schoonmaakster bij het OCMW-bestuur van Brecht.

Ranginneming : 15/11/01.

Mevr. VANDERHISPALLIE Ingrid Suzanne (Brugge, 19/02/1957), administratief beambte bij het OCMW-bestuur van Oostende.

Ranginneming : 15/11/06.

Mevr. VANTOURNHOUT Carine Simonne (Roeselare, 4/08/1956), arbeidster bij het OCMW-bestuur van Roeselare.

Ranginneming : 08/04/06.

Mevr. VERSCHUEREN Germaine Louisa Maria (Kapellen, 20/05/1954), keukenhulp bij het OCMW-bestuur van Brecht.

Ranginneming : 08/04/04.

Art. 2. Zij nemen hun rang in de Orde in op de datum vermeld tegenover hun naam.

Art. 3. De Minister van Buitenlandse Zaken, tot wiens bevoegdheid het beheer van de Orde behoort, is belast met de uitvoering van dit besluit.

SERVICE PUBLIC FEDERAL INTERIEUR

[C − 2009/00317]

Chef de corps de la police locale. — Désignation

Par arrêté royal du 26 avril 2009, M. Jean-François Adam est désigné chef de corps de la police locale de la zone de police de Visé/Blegny/Dalhem/Oupeye/Bassenge/Juprelle, pour une durée de cinq ans, à partir du 14 décembre 2001.

FEDERALE OVERHEIDSDIENST BINNENLANDSE ZAKEN

[C − 2009/00317]

Korpschef van de lokale politie. — Aanstelling

Bij koninklijk besluit van 26 april 2009 wordt de heer Jean-François Adam, met ingang van 14 december 2001, aangesteld tot korpschef van de lokale politie van de politiezone Visé/Blegny/Dalhem/Oupeye/Bassenge/Juprelle, voor een termijn van vijf jaar.

SERVICE PUBLIC FEDERAL MOBILITE ET TRANSPORTS

[C − 2009/14053]

1er AVRIL 2009. — Arrêté royal attribuant et retirant la qualité d'officier de police judiciaire à certains agents de la Direction générale Transport terrestre, chargés de contrôler l'application de divers lois et règlements en matière de transport ferroviaire

ALBERT II, Roi des Belges,
A tous, présents et à venir, Salut.

Vu la loi du 18 février 1969 relative aux mesures d'exécution des traités et actes internationaux en matière de transport par mer, par route, par chemin de fer ou par voie navigable, l'article 3, modifié par la loi du 3 mai 1999;

Vu la loi du 4 décembre 2006 relative à l'utilisation de l'infrastructure ferroviaire, l'article 68, § 1er;

Vu la loi du 19 décembre 2006 relative à la sécurité d'exploitation ferroviaire, l'article 58, § 1er;

Considérant que l'agent nommé à l'article 1er appartient au Service de Sécurité et d'Interopérabilité des Chemins de Fer; qu'il doit être en mesure d'effectuer les contrôles relevant des missions de ce service;

Sur la proposition du Premier Ministre et du Secrétaire d'Etat à la Mobilité,

Nous avons arrêté et arrêtons :

Article 1er. La qualité d'officier de police judiciaire est attribuée Erwin CRABBE, expert spécialisé, agent du Service de Sécurité et d'Interopérabilité des Chemins de fer.

L'agent nommé à l'alinéa 1er est chargé de contrôler l'application et de constater les manquements aux prescriptions de la loi du 4 décembre 2006 relative à l'utilisation de l'infrastructure ferroviaire et de la loi du 19 décembre 2006 relative à la sécurité d'exploitation ferroviaire et de leurs arrêtés d'exécution.

Il est aussi chargé de rechercher les infractions à l'arrêté royal du 28 décembre 2006 relatif à l'interopérabilité du système ferroviaire trans-européen à grande vitesse et du système ferroviaire conventionnel.

Art. 2. La qualité d'officier de police judiciaire, octroyée par l'arrêté royal du 7 septembre 2003 portant attribution de la qualité d'officier de police judiciaire aux fonctionnaires et agents de l'Administration qui est compétente pour le transport ferroviaire, est retirée à :

Viviane Montulet, pensionnée;

Yvan Pierre, pensionné;

Guido Demeulenaere, pensionné;

Guy Frédérix, changement d'affectation;

Stiénon Jean-Marc, changement d'affectation.

FEDERALE OVERHEIDSDIENST MOBILITEIT EN VERVOER

[C − 2009/14053]

1 APRIL 2009. — Koninklijk besluit tot toekenning en intrekking van de hoedanigheid van officier van gerechtelijke politie aan sommige agenten van het Directoraat-generaal Vervoer te Land die belast worden met de controle op de naleving van diverse wetten en reglementen inzake spoorvervoer

ALBERT II, Koning der Belgen,
Aan allen die nu zijn en hierna wezen zullen, Onze Groet.

Gelet op de wet van 18 februari 1969 betreffende de maatregelen ter uitvoering van de internationale verdragen en akten inzake vervoer over zee, over de weg, de spoorweg of de waterweg, artikel 3, gewijzigd bij de wet van 3 mei 1999;

Gelet op de wet van 4 december 2006 betreffende het gebruik van de spoorweginfrastructuur, artikel 68, § 1;

Gelet op de wet van 19 december 2006 betreffende de exploitatieveiligheid van de spoorwegen, artikel 58, § 1;

Overwegende dat de in artikel 1 genoemde agent behoort tot de Dienst Veiligheid en Interoperabiliteit van de Spoorwegen; dat hij in staat moet worden gesteld, de controles te verrichten die aan de opdrachten van die dienst eigen zijn;

Op de voordracht van de Eerste Minister en de Staatssecretaris van Mobiliteit,

Hebben Wij besloten en besluiten Wij :

Artikel 1. De hoedanigheid van officier van gerechtelijke politie wordt toegekend aan Erwin CRABBE, gespecialiseerd deskundige, agent van de Dienst Veiligheid en Interoperabiliteit van de Spoorwegen.

De in het eerste lid genoemde agent is belast met de controle op de naleving van de wet van 4 december 2006 betreffende het gebruik van de spoorweginfrastructuur en van de wet van 19 december 2006 betreffende de exploitatieveiligheid van de spoorwegen en hun uitvoeringsbesluiten en met de vaststelling van de inbreuken hierop.

Hij is ook belast met het opsporen van de overtredingen van het koninklijk besluit van 28 december 2006 betreffende de interoperabiliteit van het trans-Europese hogesnelheidsspoorwegsysteem en van het conventionele spoorwegsysteem.

Art. 2. De hoedanigheid van officier van gerechtelijke politie toegekend bij koninklijk besluit van 7 september 2003 tot toekenning van de hoedanigheid van officier van gerechtelijke politie aan ambtenaren en agenten van het Bestuur dat voor het spoorvervoer bevoegd is, wordt ingetrokken van :

Viviane Montulet, pensioen;

Yvan Pierre, pensioen;

Guido Demeulenaere, pensioen;

Guy Frédérix, andere affectatie;

Stiénon Jean-Marc, andere affectatie.

Art. 3. Le présent arrêté entre en vigueur le jour de sa publication au *Moniteur belge*.

Art. 4. Le Secrétaire d'Etat à la Mobilité est chargé de l'exécution du présent arrêté.

Donné à Bruxelles, le 1er avril 2009.

ALBERT

Par le Roi :

Le Premier Ministre,
H. VAN ROMPUY

Le Secrétaire d'Etat à la Mobilité,

E. SCHOUPPE

Art. 3. Dit besluit treedt in werking de dag waarop het in het *Belgisch Staatsblad* wordt bekendgemaakt.

Art. 4. De Staatssecretaris voor Mobiliteit is belast met de uitvoering van dit besluit.

Gegeven te Brussel, 1 april 2009.

ALBERT

Van Koningswege :

De Eerste Minister,
H. VAN ROMPUY

De Staatssecretaris voor Mobiliteit,

E. SCHOUPPE

SERVICE PUBLIC FEDERAL MOBILITE ET TRANSPORTS

[C − 2009/14109]

Personnel. — Nominations

Par arrêté royal du 14 avril 2009, M. Innocent MUNYALIBANJE est nommé à titre définitif dans la classe A2, avec le titre d'attaché, auprès du Service public fédéral Mobilité et Transports, dans le cadre linguistique français, avec prise de rang au 1er mars 2008 et effet au 1er mars 2009.

Conformément aux lois coordonnées sur le Conseil d'Etat, un recours peut être introduit endéans les soixante jours après cette publication. La requête doit être envoyée sous pli recommandé à la poste, au Conseil d'Etat, rue de la Science 33, à 1040 Bruxelles.

FEDERALE OVERHEIDSDIENST MOBILITEIT EN VERVOER

[C − 2009/14109]

Personeel. — Benoemingen

Bij koninklijk besluit van 14 april 2009, wordt dhr. Innocent MUNYALIBANJE vast benoemd in de klasse A2, met de titel van attaché, bij de Federale Overheidsdienst Mobiliteit en Vervoer, in het Franse taalkader, met ranginneming op 1 maart 2008 en uitwerking op 1 maart 2009.

Overeenkomstig de gecoördineerde wetten op de Raad van State kan beroep worden ingediend binnen de zestig dagen na deze bekendmaking. Het verzoekschrift hiertoe dient bij ter post aangetekende brief aan de Raad van State, Wetenschapsstraat 33, te 1040 Brussel, te worden toegezonden.

SERVICE PUBLIC FEDERAL MOBILITE ET TRANSPORTS

[C − 2009/14105]

Mobilité et Sécurité routière
Agrément des centres de formation

Par application de l'arrêté royal du 4.05.2007, relatif au permis de conduire, à l'aptitude professionnelle et à la formation continue des conducteurs de véhicules des catégories C, C+E, D, D+E et sous-catégories C1, C1+E, D1, D1+E, le Secrétaire d'Etat à la Mobilité a délivré l'agrément du centre de formation organisant la formation continue suivant :

FEDERALE OVERHEIDSDIENST MOBILITEIT EN VERVOER

[C − 2009/14105]

Mobiliteit en Verkeersveiligheid
Erkenning van de opleidingscentra

Bij toepassing van het koninklijk besluit van 4.05.2007, betreffende het rijbewijs, de vakbekwaamheid en de nascholing van bestuurders van voertuigen van de categorieën C, C+E, D, D+E en de subcategorieën C1, C1+E, D1, D1+E; heeft de Staatssecretaris voor Mobiliteit volgend opleidingscentrum dat de nascholing organiseert erkend :

Numéro d'agrément du centre de formation	Erkenningsnummer van het opleidingscentrum	OCF-013
Date de reconnaissance	Erkenningsdatum	25/03/2009
Date de fin de reconnaissance	Einddatum van de erkenning	24/03/2014
Nom et adresse du centre de formation	Naam en adres van het opleidingscentrum	European Road Stars Academy Rue des dessus de Lives, 2 5105 Loyers(Namur)

L'agrément est accordé pour :

➢ Le transport de marchandises et de personnes

De erkenning wordt verleend voor :

➢ Goederen- en personenvervoer

SERVICE PUBLIC FEDERAL SANTE PUBLIQUE, SECURITE DE LA CHAINE ALIMENTAIRE ET ENVIRONNEMENT

[2009/24133]

Personnel. — Démission honorable

Par arrêté royal du 23 mars 2009, il est accordé à M. Van Hoeyweghen, Paul Fideel Lucienne, attaché à l'Etablissement scientifique fédéral « Centre d'Etude et de Recherches vétérinaires et agrochimiques » au Service public fédéral Santé publique, Sécurité de la Chaîne alimentaire et Environnement, démission honorable de ses fonctions le 1er juillet 2009.

M. Van Hoeyweghen, Paul Fideel Lucienne, est autorisé à faire valoir ses droits à une pension de retraite, à partir du 1er juillet 2009, et à porter le titre honorifique de ses fonctions.

FEDERALE OVERHEIDSDIENST VOLKSGEZONDHEID, VEILIGHEID VAN DE VOEDSELKETEN EN LEEFMILIEU

[2009/24133]

Personeel. — Eervol ontslag

Bij koninklijk besluit van 23 maart 2009 wordt de heer Van Hoeyweghen, Paul Fideel Lucienne, attaché bij de Federale Wetenschappelijke Instelling « Centrum voor Onderzoek in Diergeneeskunde en Agrochemie » van de Federale Overheidsdienst Volksgezondheid, Veiligheid van de Voedselketen en Leefmilieun met ingang van 1 juli 2009, eervol ontslag uit zijn ambt verleend.

De heer Van Hoeyweghen, Paul Fideel Lucienne, is ertoe gerechtigd, met ingang van 1 juli 2009, zijn aanspraken op een rustpensioen te doen gelden en de eretitel van zijn ambt te voeren.

SERVICE PUBLIC FEDERAL ECONOMIE, P.M.E., CLASSES MOYENNES ET ENERGIE

[C − 2009/11183]

26 AVRIL 2009. — Arrêté royal portant démission et nomination d'un membre du Comité de Direction du Bureau de Normalisation

ALBERT II, Roi des Belges,

A tous, présents et à venir, Salut.

Vu la loi du 3 avril 2003 relative à la normalisation, article 15;

Vu l'arrêté royal du 31 janvier 2006 déterminant les conditions contractuelles et le statut pécuniaire des membres du Comité de Direction du Bureau de Normalisation;

Vu l'arrêté royal du 14 mars 2006 portant nomination d'un membre du Comité de Direction du Bureau de Normalisation, par lequel M. Pierre Dinant était nommé comme membre du Comité de Direction;

Considérant que M. Pierre Dinant a demandé à M. le Ministre d'être déchargé de sa nomination comme membre du Comité de Direction du Bureau de Normalisation et qu'aucune convention individuelle, dont question à l'article 1er de l'arrêté royal du 31 janvier 2006, n'a été conclue avec le Ministre ayant l'Economie dans ses attributions;

Considérant la décision du Conseil d'administration du Bureau de Normalisation du 26 avril 2007 par laquelle une nouvelle procédure de recrutement et de sélection d'un membre du Comité de Direction a été lancée;

Considérant l'avis du Conseil d'administration du Bureau de Normalisation du 24 septembre 2007, par lequel le Conseil d'administration propose à l'unanimité M. Marc de Poorter pour la fonction de membre du Comité de Direction;

Sur la proposition du Ministre pour l'Entreprise et la Simplification et de l'avis des Ministres qui en ont délibéré en Conseil,

Nous avons arrêté et arrêtons :

Article 1er. A M. Pierre Dinant est accordée démission honorable comme membre du Comité de Direction du Bureau de Normalisation.

Art. 2. M. Marc de Poorter est nommé membre du Comité de Direction du Bureau de Normalisation pour une période de six ans.

Art. 3. Le présent arrêté produit ses effets le 1er janvier 2008.

Art. 4. Le ministre qui'a l'Economie dans ses attributions est chargé de l'exécution du présent arrêté.

Donné à Bruxelles, le 26 avril 2009.

ALBERT

Par le Roi :

Le Ministre pour l'Entreprise et la Simplification,

V. VAN QUICKENBORNE

FEDERALE OVERHEIDSDIENST ECONOMIE, K.M.O., MIDDENSTAND EN ENERGIE

[C − 2009/11183]

26 APRIL 2009. — Koninklijk besluit houdende ontslag en benoeming van een lid van het Directiecomité van het Bureau voor Normalisatie

ALBERT II, Koning der Belgen,

Aan allen die nu zijn en hierna wezen zullen, Onze Groet.

Gelet op de wet van 3 april 2003 betreffende de normalisatie, artikel 15;

Gelet op het koninklijk besluit van 31 januari 2006 tot bepaling van de contractuele voorwaarden en het geldelijk statuut van de leden van het Directiecomité van het Bureau voor Normalisatie;

Gelet op het koninklijk besluit van 14 maart 2006 tot benoeming van een lid van het Directiecomité van het Bureau voor Normalisatie, waarbij de heer Pierre Dinant tot lid van het Directiecomité werd benoemd;

Overwegende dat de heer Pierre Dinant de heer Minister heeft verzocht van zijn benoeming als lid van het Directiecomité van het Bureau voor Normalisatie te worden ontlast en dat geen individuele overeenkomst met de Minister bevoegd voor Economie, waarvan sprake in artikel 1 van het voornoemde koninklijk besluit van 31 januari 2006, werd gesloten;

Overwegende de beslissing van de Raad van Bestuur van het Bureau voor Normalisatie van 26 april 2007, waarbij een nieuwe rekruterings- en selectieprocedure ter aanduiding van een lid van het Directiecomité werd opgestart;

Overwegende het advies van de Raad van Bestuur van het Bureau voor Normalisatie van 24 september 2007, waarbij de Raad van Bestuur van het Bureau voor Normalisatie bij unanimiteit de heer Marc de Poorter voorstelt voor de functie van lid van het Directiecomité;

Op de voordracht van de Minister voor Ondernemen en Vereenvoudigen en op het advies van de in Raad vergaderde Ministers,

Hebben Wij besloten en besluiten Wij :

Artikel 1. Aan de heer Pierre Dinant wordt eervol ontslag verleend als lid van het Directiecomité van het Bureau voor Normalisatie.

Art. 2. De heer Marc de Poorter wordt benoemd tot lid van het Directiecomité van het Bureau voor Normalisatie voor een periode van zes jaar.

Art. 3. Dit besluit heeft uitwerking met ingang van 1 januari 2008.

Art. 4. De minister bevoegd voor Economie is belast met de uitvoering van dit besluit.

Gegeven te Brussel, 26 april 2009.

ALBERT

Van Koningswege :

De Minister voor Ondernemen en Vereenvoudigen,

V. VAN QUICKENBORNE

SERVICE PUBLIC FEDERAL JUSTICE

[C − 2009/09310]

Ordre judiciaire

Par arrêtés royaux du 18 mars 2009, entrant en vigueur le 31 mai 2009 :

— M. Van Herck, R., est autorisé à porter le titre honorifique de ses fonctions de juge consulaire au tribunal de commerce d'Anvers;

— M. Vervoort, J., est autorisé à porter le titre honorifique de ses fonctions de juge consulaire au tribunal de commerce de Turnhout.

Par arrêté royal du 26 avril 2009 Mme Snickers, A., avocat, est nommée juge suppléant à la justice de paix du canton de Jodoigne-Perwez.

Par arrêté royal du 21 janvier 2009, la désignation de Mme Gougnard, C., vice-président au tribunal de première instance de Charleroi, aux fonctions de juge de la jeunesse à ce tribunal, est renouvelée pour un terme de cinq ans prenant cours le 18 mai 2009.

Par arrêtés royaux du 17 février 2009 :

— la désignation de Mme Jockmans, E., aux fonctions d'avocat général près la cour d'appel de Bruxelles, est renouvelée pour un terme de trois ans prenant cours le 16 mai 2009;

— la désignation de M. Willaert, P., substitut du procureur du Roi près le tribunal de première instance de Courtrai, aux fonctions de premier substitut du procureur du Roi près ce tribunal, est renouvelée pour un terme de trois ans prenant cours le 8 mai 2009.

Par arrêtés royaux du 1er mars 2009 :

— la désignation de M. Thoreau, J., premier substitut du procureur du Roi près le tribunal de première instance de Bruxelles, au mandat de magistrat fédéral près le parquet fédéral, est renouvelée pour un terme de cinq ans prenant cours le 26 mai 2009;

— M. Van Heupen, M., substitut du procureur du Roi près le tribunal de première instance de Turnhout, est désigné à titre définitif en qualité de premier substitut du procureur du Roi près ce tribunal à la date du 1er juin 2009.

Par arrêtés royaux du 14 avril 2009, sont désignés à titre définitif en qualité de premier substitut du procureur du Roi près le tribunal de première instance de Bruxelles à la date du 1er juin 2009 :

— Mme Verstraete, S.;

— Mme Schmitz, A.;

— M. Jacques, P.,

substituts du procureur du Roi près le tribunal de première instance de Bruxelles.

Le recours en annulation des actes précités à portée individuelle peut être soumis à la section du contentieux administratif du Conseil d'Etat endéans les soixante jours après cette publication. La requête doit être envoyée au Conseil d'Etat (adresse : rue de la Science 33, 1040 Bruxelles), sous pli recommandé à la poste.

FEDERALE OVERHEIDSDIENST JUSTITIE

[C − 2009/09310]

Rechterlijke Orde

Bij koninklijke besluiten van 18 maart 2009, die in werking treden op 31 mei 2009 :

— is het aan de heer Van Herck, R., vergund de titel van zijn ambt van rechter in handelszaken in de rechtbank van koophandel te Antwerpen eershalve te voeren;

— is het aan de heer Vervoort, J., vergund de titel van zijn ambt van rechter in handelszaken in de rechtbank van koophandel te Turnhout eershalve te voeren.

Bij koninklijk besluit van 26 april 2009 is Mevr. Snickers, A., advocaat, benoemd tot plaatsvervangend rechter in het vredegerecht van het kanton Geldenaken-Perwijs.

Bij koninklijk besluit van 21 januari 2009 is de aanwijzing van Mevr. Gougnard, C., ondervoorzitter in de rechtbank van eerste aanleg te Charleroi, tot de functie van jeugdrechter in deze rechtbank, hernieuwd voor een termijn van vijf jaar, met ingang van 18 mei 2009.

Bij koninklijke besluiten van 17 februari 2009 :

— is de aanwijzing van Mevr. Jockmans, E., tot de functie van advocaat-generaal bij het hof van beroep te Brussel, hernieuwd voor een termijn van drie jaar, met ingang van 16 mei 2009;

— is de aanwijzing van de heer Willaert, P., substituut-procureur des Konings bij de rechtbank van eerste aanleg te Kortrijk, tot de functie van eerste substituut-procureur des Konings bij deze rechtbank, hernieuwd voor een termijn van drie jaar, met ingang van 8 mei 2009.

Bij koninklijke besluiten van 1 maart 2009 :

— is de aanwijzing van de heer Thoreau, J., eerste substituut-procureur des Konings bij de rechtbank van eerste aanleg te Brussel, tot het mandaat van federaal magistraat bij het federaal parket, hernieuwd voor een termijn van vijf jaar, met ingang van 26 mei 2009;

— is de heer Van Heupen, M., substituut-procureur des Konings bij de rechtbank van eerste aanleg te Turnhout, vast aangewezen tot eerste substituut-procureur des Konings bij deze rechtbank op datum van 1 juni 2009.

Bij koninklijke besluiten van 14 april 2009 zijn vast aangewezen tot eerste substituut-procureur des Konings bij de rechtbank van eerste aanleg te Brussel op datum van 1 juni 2009 :

— Mevr. Verstraete, S.;

— Mevr. Schmitz, A.;

— de heer Jacques, P.,

substituten-procureurs des Konings bij de rechtbank van eerste aanleg te Brussel.

Het beroep tot nietigverklaring van de voormelde akten met individuele strekking kan voor de afdeling bestuursrechtspraak van de Raad van State worden gebracht binnen zestig dagen na deze bekendmaking. Het verzoekschrift dient bij ter post aangetekende brief aan de Raad van State (adres : Wetenschapsstraat 33, 1040 Brussel), te worden toegezonden.

GOUVERNEMENTS DE COMMUNAUTE ET DE REGION
GEMEENSCHAPS- EN GEWESTREGERINGEN
GEMEINSCHAFTS- UND REGIONALREGIERUNGEN

VLAAMSE GEMEENSCHAP — COMMUNAUTE FLAMANDE

VLAAMSE OVERHEID

[C − 2009/35372]

3 APRIL 2009. — Besluit van de Vlaamse Regering tot aanstelling van de leden van het Comité voor Preventief Bedrijfsbeleid en tot nadere regeling van het Comité voor Preventief Bedrijfsbeleid

De Vlaamse Regering,

Gelet op de bijzondere wet van 8 augustus 1980 tot hervorming der instellingen, artikel 20;

Gelet op het decreet van 19 december 2008 houdende diverse maatregelen inzake de ontbinding van het Vlaams Agentschap Ondernemen en houdende de inrichting van een Comité voor Preventief Bedrijfsbeleid, artikel 10 en artikel 16;

Gelet op het besluit van de Vlaamse Regering van 7 oktober 2005 tot oprichting van het intern verzelfstandigd agentschap zonder rechtspersoonlijkheid Agentschap Ondernemen;

Overwegende het besluit van de Vlaamse Regering van 9 maart 2007 tot regeling van de presentiegelden en vergoedingen van strategische adviesraden en van raadgevende comités bij intern verzelfstandigde agentschappen;

Gelet op het akkoord van de minister van Financiën en Begroting, gegeven op 3 april 2009;

Op voorstel van de Vlaamse minister van Economie, Ondernemen, Wetenschap, Innovatie en Buitenlandse Handel;

Na beraadslaging,

Besluit :

Artikel 1. In dit besluit wordt verstaan onder :

1° decreet van 19 december 2008 : het decreet van 19 december 2008 houdende diverse maatregelen inzake de ontbinding van het Vlaams Agentschap Ondernemen en houdende de inrichting van een Comité voor Preventief Bedrijfsbeleid;

2° de minister : de Vlaamse minister, bevoegd voor het economisch beleid;

3° het comité : het Comité voor Preventief Bedrijfsbeleid.

Art. 2. Ter uitvoering van artikel 10, § 2, derde lid, van het decreet van 19 december 2008, benoemt de Vlaamse Regering, op voordracht van de representatieve werkgeversorganisaties, de volgende drie vertegenwoordigers als lid van het comité. Voor elk benoemd lid wijst de Vlaamse Regering tevens een plaatsvervanger aan :

— de heer Ludo De Keulenaer

Berkenlaan 8*B*

1831 Diegem

Plaatsvervanger :

de heer Ronny Lannoo

Brusselsestraat 138

1750 Lennik.

— de heer Ronny Lannoo

Brusselsestraat 138

1750 Lennik

Plaatsvervanger :

de heer Renaat Bijnens

Karrestraat 30

3020 Herent

— de heer Renaat Bijnens

Karrestraat 30

3020 Herent

Plaatsvervanger :

de heer Ludo De Keulenaer

Berkenlaan 8*B*

1831 Diegem.

Art. 3. Ter uitvoering van artikel 10, § 2, derde lid, van het decreet van 19 december 2008, benoemt de Vlaamse Regering, op voordracht van de representatieve werknemersorganisaties, de volgende drie vertegenwoordigers als lid van het comité. Voor elk benoemd lid wijst de Vlaamse Regering tevens een plaatsvervanger aan.

— de heer Piet Coppieters

Stokhoekstraat 81

9140 Elversele

Plaatsvervanger :

de heer Ronny De Schutter

Londenstraat 25

2000 Antwerpen.

— de heer René Geybels

Zinkvallaan 21

2620 Hemiksem

Plaatsvervanger :

de heer Van Rode Jean-Claude

Gouverneur Roppesingel 55

3500 Hasselt

— de heer Ronny De Schutter

Londenstraat 25

2000 Antwerpen

Plaatsvervanger :

de heer Piet Coppieters

Stokhoekstraat 81

9140 Elversele.

Art. 4. De vertegenwoordigers, vermeld in artikel 2 en 3 van dit besluit, worden in overeenstemming met artikel 11 van het decreet van 19 december 2008, benoemd.

Art. 5. De vertegenwoordigers, vermeld in artikel 2 en 3 van dit besluit, worden benoemd in overeenstemming met het decreet van 13 juli 2007 houdende de bevordering van een meer evenwichtige participatie van vrouwen en mannen in advies- en bestuursorganen van de Vlaamse overheid. De Vlaamse Regering kan hierop afwijkingen toestaan, op gemotiveerd verzoek van de minister en in overeenstemming met de voorwaarden, vermeld in artikel 5 van het voormelde decreet van 13 juli 2007.

Art. 6. De Vlaamse Regering benoemt de leden van het comité voor een periode van zes jaar.

De voorzitter en de ondervoorzitter worden op de installatievergadering van het comité aangewezen in overeenstemming met artikel 10, § 2, vierde lid van het decreet van 19 december 2008.

Het comité kan zich laten bijstaan door één of meer deskundigen die het comité aanstelt.

Art. 7. Het hoofd van het Agentschap Ondernemen woont ambtshalve de vergaderingen van het comité bij. Hij kan zich daarvoor laten vertegenwoordigen in overeenstemming met artikel 10, § 1, tweede lid van het decreet van 19 december 2008.

Art. 8. De Vlaamse Regering kan de leden van het comité en hun plaatsvervangers voortijdig ontslaan, op hun eigen verzoek, op verzoek van de organisaties die de leden hebben voorgedragen, of om ernstige redenen als vermeld in artikel 10, § 5, van het decreet van 19 december 2008.

Het lid dat vroegtijdig ophoudt zijn mandaat uit te oefenen, wordt vervangen door zijn plaatsvervanger.

Die plaatsvervanger zal het mandaat uitoefenen :

1° ofwel totdat de minister, met naleving van het decreet van 19 december 2008, in de effectieve vervanging van het lid heeft voorzien voor de resterende duurtijd van het mandaat;

2° ofwel totdat de duurtijd van het mandaat van het vervangen lid is verstreken.

Art. 9. In overeenstemming met hoofdstuk III van het besluit van de Vlaamse Regering van 9 maart 2007 tot regeling van de presentiegelden en vergoedingen van strategische adviesraden en van raadgevende comités bij intern verzelfstandigde agentschappen, bedraagt het presentiegeld van de voorzitter, of van de ondervoorzitter bij afwezigheid van de voorzitter, 112,5 euro per vergadering. Het presentiegeld van de leden van het comité of hun plaatsvervangers bedraagt 75 euro per vergadering.

Er wordt voor maximaal twaalf vergaderingen per jaar presentiegeld toegekend.

Art. 10. De vergoeding voor de reiskosten die verbonden zijn aan de uitoefening van de leden van het comité wordt toegekend in overeenstemming met de regeling die geldt voor de vergoeding van reiskosten van personeelsleden van de Vlaamse overheid. De onafhankelijke deskundigen ontvangen geen vergoeding.

Art. 11. Het presentiegeld, vermeld in artikel 8, en de reiskosten, vermeld in artikel 9, worden uitbetaald op basis van de presentielijsten.

Art. 12. De presentiegelden en reiskostenvergoedingen worden ingeschreven op het budget van het Agentschap Ondernemen.

Art. 13. Het comité stelt op haar installatievergadering een reglement van orde op en legt het, op voorstel van de minister, ter goedkeuring voor aan de Vlaamse Regering. Het reglement stelt de praktische werking, de deontologie en informatie- en rapporteringsopdracht van het comité vast.

Art. 14. Het comité kan het reglement van orde wijzigen. De wijziging in het reglement van orde is alleen mogelijk bij goedkeuring door de meerderheid van de uitgebrachte stemmen en onder voorbehoud van goedkeuring door de minister.

Art. 15. Het comité brengt jaarlijks vóór 31 maart een verslag uit over zijn werking en de resultaten van het voorbije jaar. Dat verslag wordt toegezonden aan de leidend ambtenaar van het Agentschap Ondernemen en de minister. De minister deelt het verslag mee aan het Vlaams Parlement.

Art. 16. Het hoofd van het Agentschap Ondernemen roept de installatievergadering van het comité bijeen binnen een maand na de inwerkingtreding van dit besluit.

Art. 17. Dit besluit treedt in werking op de dag van bekendmaking ervan in het *Belgisch Staatsblad*.

Art. 18. De Vlaamse minister, bevoegd voor het economisch beleid, is belast met de uitvoering van dit besluit.

Brussel, 3 april 2009.

De minister-president van de Vlaamse Regering,
K. PEETERS

De Vlaamse minister van Economie, Ondernemen, Wetenschap, Innovatie en Buitenlandse Handel,
P. CEYSENS

TRADUCTION

AUTORITE FLAMANDE

[C − 2009/35372]

3 AVRIL 2009. — Arrêté du Gouvernement flamand portant désignation des membres du Comité de Politique industrielle préventive et réglant les modalités du Comité de Politique industrielle préventive

Le Gouvernement flamand,

Vu la loi spéciale du 8 août 1980 de réformes institutionnelles, notamment l'article 20;

Vu le décret du 19 décembre 2008 contenant diverses mesures relatives à la dissolution de la « Vlaams Agentschap Ondernemen » et portant organisation d'un Comité de Politique industrielle Préventive, notamment les articles 10 et 16;

Vu l'arrêté du Gouvernement flamand du 7 octobre 2005 portant création de l'agence autonomisée interne sans personnalité juridique "Agentschap Ondernemen" (Agence de l'Entrepreneuriat);

Vu l'arrêté du Gouvernement flamand du 9 mars 2007 réglant les jetons de présence et les indemnités des conseils consultatifs stratégiques et des comités consultatifs auprès des agences autonomisées internes;

Vu l'accord du Ministre flamand des Finances et du Budget, donné le 3 avril 2009;

Sur la proposition de la Ministre flamande de l'Economie, de l'Entreprise, des Sciences, de l'Innovation et du Commerce extérieur;

Après délibération,

Arrête :

Article 1er. Dans le présent arrêté, on entend par :

1° décret du 19 décembre 2008 : le décret du 19 décembre 2008 contenant diverses mesures relatives à la dissolution de la « Vlaams Agentschap Ondernemen » et portant organisation d'un Comité de Politique industrielle préventive;

2° le Ministre : le Ministre flamand chargé de la politique économique;

3° le comité : le Comité de Politique industrielle préventive.

Art. 2. En exécution de l'article 10, § 2, alinéa trois, du décret du 19 décembre 2008, sur la proposition des organisations patronales représentatives, le Gouvernement flamand nomme les trois représentants suivants comme membre du comité. Pour chaque membre nommé, le Gouvernement flamand désigne également un suppléant.

— M. Ludo De Keulenaer

Berkenlaan 8*B*

1831 Diegem

Suppléant :

M. Ronny Lannoo

Brusselsestraat 138

1750 Lennik.

— M. Ronny Lannoo

Brusselsestraat 138

1750 Lennik

Suppléant :

M. Renaat Bijnens

Karrestraat 30

3020 Herent

— M. Renaat Bijnens

Karrestraat 30

3020 Herent

Suppléant :

M. Ludo De Keulenaer

Berkenlaan 8*B*

1831 Diegem.

Art. 3. En exécution de l'article 10, § 2, alinéa trois, du décret du 19 décembre 2008, sur la proposition des organisations syndicales représentatives, le Gouvernement flamand nomme les trois représentants suivants comme membre du comité. Pour chaque membre nommé, le Gouvernement flamand désigne également un suppléant.

— M. Piet Coppieters

Stokhoekstraat 81

9140 Elversele

Suppléant :

M. Ronny De Schutter

Londenstraat 25

2000 Antwerpen.

— M. René Geybels

Zinkvallaan 21

2620 Hemiksem

Suppléant :

M. Van Rode Jean-Claude

Gouverneur Roppesingel 55

3500 Hasselt

— M. Ronny De Schutter

Londenstraat 25

2000 Antwerpen

Suppléant :

M. Piet Coppieters

Stokhoekstraat 81

9140 Elversele.

Art. 4. Les représentants, visés aux articles 2 et 3 du présent arrêté, sont nommés conformément à l'article 11 du décret du 19 décembre 2008.

Art. 5. Les représentants, visés aux articles 2 et 3 du présent arrêté, sont nommés conformément au décret du 13 juillet 2007 portant promotion d'une participation plus équilibrée d'hommes et de femmes dans les organes d'avis et d'administration de l'autorité flamande. Le Gouvernement flamand peut y accorder des dérogations, sur demande motivée du Ministre et conformément aux conditions, visées à l'article 5 du décret précité du 13 juillet 2007.

Art. 6. Le Gouvernement flamand nomme les membres du comité pour une période de six ans.

Le président et le vice-président sont désignés à la réunion d'installation du comité, conformément à l'article 10, § 2, alinéa quatre, du décret du 19 décembre 2008.

Le Comité peut se faire assister par un ou plusieurs experts désignés par le comité.

Art. 7. Le chef de la « Agentschap Ondernemen » assiste d'office aux réunions du comité. Il peut se faire représenter à cet effet conformément à l'article 10, § 1er, alinéa deux, du décret du 19 décembre 2008.

Art. 8. Le Gouvernement flamand peut licencier prématurément les membres du comité et leurs suppléants, à leur propre demande, à la demande des organisations qui ont proposé les membres, ou pour des raisons graves telles que visées à l'article 10, § 5, du décret du 19 décembre 2008.

Le membre qui cesse prématurément d'exercer son mandat, est remplacé par son suppléant.

Ce suppléant exercera le mandat :

1° soit jusqu'à ce que le Ministre a pourvu au remplacement effectif du membre pour la durée restante du mandat, dans le respect du décret du 19 décembre 2008;

2° soit jusqu'à l'expiration de la durée du mandat du membre remplacé.

Art. 9. Conformément au chapitre III de l'arrêté du Gouvernement flamand du 9 mars 2007 réglant les jetons de présence et les indemnités des conseils consultatifs stratégiques et des comités consultatifs auprès des agences autonomisées internes, les jetons de présence du président, ou du vice-président en l'absence du président, s'élèvent à 112,5 euros par réunion. Les jetons de présence des membres du comité ou de leurs suppléants s'élèvent à 75 euros par réunion.

Des jetons de présence sont attribués pour au maximum douze réunions par an.

Art. 10. L'indemnité pour les frais de parcours liés à l'exercice des membres du comité, est accordée conformément à la réglementation relative aux frais de parcours des membres du personnel de l'Autorité flamande. Les experts indépendants ne reçoivent pas d'indemnité.

Art. 11. Les jetons de présence, visés à l'article 8, et les frais de parcours, visés à l'article 9, sont payés sur la base des listes de présence.

Art. 12. Les jetons de présence et les indemnités pour frais de parcours sont inscrits au budget de la "Agentschap Ondernemen".

Art. 13. Lors de sa réunion d'installation, le comité établit un règlement d'ordre intérieur et le soumet à l'approbation du Gouvernement flamand, sur la proposition du Ministre. Le règlement détermine le fonctionnement pratique, la déontologie, et la mission d'information et d'établissement de rapports du comité.

Art. 14. Le comité peut modifier le règlement d'ordre intérieur. La modification du règlement d'ordre intérieur n'est possible que moyennant l'approbation par la majorité des voix exprimées et sous réserve d'approbation du Ministre.

Art. 15. Chaque année avant le 31 mars, le comité émet un rapport concernant son fonctionnement et les résultats de l'année écoulée. Ce rapport est envoyé au fonctionnaire dirigeant de la "Agentschap Ondernemen" et au Ministre. Le Ministre communique le rapport au Parlement flamand.

Art. 16. Le chef de la "Agentschap Ondernemen" convoque la réunion d'installation du comité dans un mois suivant l'entrée en vigueur du présent arrêté.

Art. 17. Le présent arrêté entre en vigueur le jour de sa publication au *Moniteur belge*.

Art. 18. Le Ministre flamand ayant la politique économique dans ses attributions est chargé de l'exécution du présent arrêté.

Bruxelles, le 3 avril 2009.

Le Ministre-Président du Gouvernement flamand,
K. PEETERS

La Ministre flamande de l'Economie, de l'Entreprise, des Sciences, de l'Innovation et du Commerce extérieur,
P. CEYSENS

DEUTSCHSPRACHIGE GEMEINSCHAFT
COMMUNAUTE GERMANOPHONE — DUITSTALIGE GEMEENSCHAP

MINISTERIUM DER DEUTSCHSPRACHIGEN GEMEINSCHAFT

[2009/201884]

12. MÄRZ 2009 — Erlass der Regierung zur Abänderung des Erlasses vom 19. Oktober 2006 zur Ernennung der Mitglieder des Krankenhausbeirates und des Beirates für Aufnahmestrukturen für Senioren sowie zur Festlegung der Entschädigung und der Anwesenheitsgelder der Mitglieder beider Räte

Die Regierung der Deutschsprachigen Gemeinschaft,

Auf Grund des Dekretes vom 20. Oktober 1997 zur Schaffung eines Krankenhausbeirates und eines Beirates für Aufnahmestrukturen für Senioren, insbesondere Artikel 10;

Auf Grund des Erlasses der Regierung zur Abänderung des Erlasses vom 19. Oktober 2006 zur Ernennung der Mitglieder des Krankenhausbeirates und des Beirates für Aufnahmestrukturen für Senioren sowie zur Festlegung der Entschädigungen und der Anwesenheitsgelder der Mitglieder beider Räte, abgeändert durch den Erlass der Regierung vom 8. November 2007;

Auf Vorschlag des Vize-Ministerpräsidenten, Minister für Ausbildung und Beschäftigung, Soziales und Tourismus;

Nach Beratung,

Beschließt:

Artikel 1 - Artikel 5 des Erlasses vom 19. Oktober 2006 zur Ernennung der Mitglieder des Krankenhausbeirates und des Beirates für Aufnahmestrukturen für Senioren sowie zur Festlegung der Entschädigung und der Anwesenheitsgelder der Mitglieder beider Räte wird durch folgende Bestimmung ersetzt:

«Frau Andrea Johnen wird mit den Sekretariatsaufgaben des Krankenhausbeirates beauftragt.

Frau Karin Piraprez-Cormann wird mit den Sekretariatsaufgaben des Beirates für Aufnahmestrukturen für Senioren beauftragt.»

Art. 2 - Vorliegender Erlass tritt am 1. März 2009 Kraft.

Art. 3 - Der Vize-Ministerpräsident, Minister für Ausbildung und Beschäftigung, Soziales und Tourismus ist mit der Durchführung des vorliegenden Erlasses beauftragt.

Eupen, den 12. März 2009

Für die Regierung der Deutschsprachigen Gemeinschaft,

Der Ministerpräsident
Minister für lokale Behörden
K.-H. LAMBERTZ

Der Vize-Ministerpräsident
Minister für Ausbildung und Beschäftigung, Soziales und Tourismus
B. GENTGES

TRADUCTION

MINISTERE DE LA COMMUNAUTE GERMANOPHONE

[2009/201884]

12 MARS 2009. — Arrêté du Gouvernement modifiant l'arrêté du 19 octobre 2006 portant nomination des membres de la commission consultative pour les hôpitaux et de la commission consultative pour les structures d'accueil pour seniors et fixant les indemnités et les jetons de présence des membres des deux commissions

Le Gouvernement de la Communauté germanophone,

Vu le décret du 20 octobre 1997 portant création d'une commission consultative pour les hôpitaux et d'une commission consultative pour les structures d'accueil pour seniors, notamment l'article 10;

Vu l'arrêté du Gouvernement modifiant l'arrêté du 19 octobre 2006 portant nomination des membres de la commission consultative pour les hôpitaux et de la commission consultative pour les structures d'accueil pour seniors et fixant les indemnités et les jetons de présence des membres des deux commissions, amendé par l'arrêté du Gouvernement du 8 novembre 2007;

Sur la proposition du Vice-Ministre Président, Ministre de la Formation et de l'Emploi, des Affaires sociales et du Tourisme;

Après délibération,

Arrête :

Article 1er. L'article 5 de l'arrêté du 19 octobre 2006 portant nomination des membres de la commission consultative pour les hôpitaux et de la commission consultative pour les structures d'accueil pour seniors et fixant les indemnités et les jetons de présence des membres des deux commissions est remplacé par la disposition suivante :

« Mme Andrea Johnen est chargée du secrétariat de la commission consultative pour les hôpitaux.

Mme Karin Piraprez-Cormann est chargée du secrétariat de la commission consultative pour les structures d'accueil pour seniors. »

Art. 2. Le présent arrêté entre en vigueur le 1er mars 2009.

Art. 3. Le Vice-Ministre-Président, Ministre de la Formation et de l'Emploi, des Affaires sociales et du Tourisme est chargé de l'exécution du présent arrêté.

Eupen, le 12 mars 2009.

Pour le Gouvernement de la Communauté germanophone,

Le Ministre-Président,
Ministre des Pouvoirs locaux,
K.-H. LAMBERTZ

Le Vice-Ministre-Président,
Ministre de la Formation et de l'Emploi, des Affaires sociales et du Tourisme,
B. GENTGES

VERTALING

MINISTERIE VAN DE DUITSTALIGE GEMEENSCHAP

[2009/201884]

12 MAART 2009. — Besluit van de Regering houdende wijziging van het besluit van 19 oktober 2006 inzake de benoeming van de leden van de adviesraad van ziekenhuizen en van de adviesraad voor structuren voor de opvang van senioren en inzake de bepaling van de vergoeding en de presentiegelden voor de leden van beide raden

De Rgering van de Duitstalige Gemeenschap,

Gelet op het decreet van 20 oktober 1997 houdende oprichting van een adviesraad voor ziekenhuizen en een adviesraad voor structuren voor de opvang van senioren, in het bijzonder artikel 10;

Gelet op het besluit van de regering houdende wijziging van het besluit van 19 oktober 2006 inzake de benoeming van de leden van de adviesraad van ziekenhuizen en van de adviesraad voor structuren voor de opvang van senioren en inzake de bepaling van de vergoedingen en de presentiegelden voor de leden van beide raden, gewijzigd bij besluit van de regering van 8 november 2007;

Op voordracht van de Viceminister-president, Minister van Vorming en Tewerkstelling, Sociale zaken en Toerisme;

Na beraadslaging,

Besluit :

Artikel 1. Artikel 5 van het besluit van 19 oktober 2006 inzake de benoeming van de leden van de adviesraad van ziekenhuizen en van de adviesraad voor structuren voor de opvang van senioren en inzake de bepaling van de vergoedingen en de presentiegelden voor de leden van beide raden wordt door volgende bepaling vervangen :

« Mevr. Andrea Johnen wordt belast met de secretariële taken van de adviesraad voor ziekenhuizen.

Mevr. Karin Piraprez-Cormann wordt belast met de secretariële taken van de adviesraad voor structuren voor de opvang van senioren. »

Art. 2. Voorliggend besluit wordt op 1 maart 2009 van kracht.

Art. 3. De Viceminister-president, Minister van Vorming en Tewerkstelling, Sociale zaken en Toerisme wordt met de uitvoering van voorliggend besluit belast.

Eupen, 12 maart 2009.

Voor de regering van de Duitstalige Gemeenschap,

De Minister-president,
Minister van lokale besturen,
K.-H. LAMBERTZ

De Viceminister-president,
Minister van Vorming en Tewerkstelling, Sociale zaken en Toerisme,
B. GENTGES

MINISTERIUM DER DEUTSCHSPRACHIGEN GEMEINSCHAFT

[2009/201890]

19. MÄRZ 2009 — Erlass der Regierung zur Abänderung des Erlasses der Regierung vom 13. Januar 2005 zur Einsetzung des Beirates für Gesundheitsförderung

Die Regierung der Deutschsprachigen Gemeinschaft,

Auf Grund des Dekretes vom 1. Juni 2004 zur Gesundheitsförderung, insbesondere Artikel 8, abgeändert durch die Dekrete vom 21. März 2005 und vom 25. Juni 2007;

Auf Grund des Dekretes vom 3. Mai 2004 zur Förderung der ausgewogenen Vertretung von Männern und Frauen in beratenden Gremien;

Auf Grund der eingereichten Vorschläge der betroffenen Organisationen und Dienste;

Auf Vorschlag des für Soziales zuständigen Ministers;

Nach Beratung,

Beschließt:

Artikel 1 - Artikel 2 des Erlasses der Regierung vom 13. Januar 2005 zur Einsetzung des Beirates für Gesundheitsförderung wird durch folgende Bestimmung ersetzt:

«§ 1 - Werden als Vertreter/innen der Organisationen, die von der Regierung vorrangig mit Aufgaben im Bereich der Gesundheitsförderung betraut worden sind, bezeichnet:

1. Für die Arbeitsgemeinschaft für Suchtvorbeugung und Lebensbewältigung:

a) Mitglied: Frau Carolin Scheliga;

b) Ersatzmitglied: Frau Ortac Gülseren.

2. Für die Krankenpflegevereinigung in der Deutschsprachigen Gemeinschaft Belgiens:

a) Mitglied: Frau Annemie Ernst-Kessler;

b) Ersatzmitglied: Frau Christiane Rigotti-Geron.

3. Für den Patienten Rat & Treff:

a) Mitglied: Frau Karen Casteleyn;

b) Ersatzmitglied: Herr Werner Zimmermann.

4. Für das Sozial-Psychologische Zentrum:

a) Mitglied: Herr Erich Keifens;

b) Ersatzmitglied: Herr Dr. Roland Lohmann.

§ 2 - Wird als Vertreter/in beziehungsweise als Ersatzmitglied von Organisationen, die von der Regierung vorrangig mit Aufgaben im Bereich des Verbraucherschutzes betraut worden sind, bezeichnet:

Für die Verbraucherschutzzentrale Ostbelgien:

a) Mitglied: Herr René Kalfa;

b) Ersatzmitglied: Frau Viviane Leffin.

§ 3. Werden als Vertreter/innen der Krankenkassen bezeichnet:

a) Mitglieder: Herr Jean-François Crucke und Herr Christian Maréchal;

b) Ersatzmitglieder: Frau Suzanne Leffin und Frau Gabriele Müller.

§ 4. Werden als Vertreter/innen der psycho-medizinisch-sozialen Zentren und der Gesundheitszentren bezeichnet

a) Mitglieder: Frau Melanie Thiess und Frau Jeanine Carpent;

b) Ersatzmitglieder: Frau Christel Meyer und Frau Dominique Genten.

§ 5. Wird als Vertreterin des Dienstes für Kind und Familie bezeichnet:

a) Mitglied: Frau Annette Herbrand;

b) Ersatzmitglied: Frau Doris Falkenberg.»

Art. 2 - Artikel 3 desselben Erlasses wird durch folgende Bestimmung ersetzt:

«§ 1 - Als Vertreter der Regierung wird bezeichnet:

a) Mitglied: Herr Alexander Miesen;

b) Ersatzmitglied: Frau Jenny Möres.

§ 2 - Als Vertreter/innen des Ministeriums der Deutschsprachigen Gemeinschaft werden bezeichnet:

Für die für Gesundheit zuständige Fachabteilung des Ministeriums der Deutschsprachigen Gemeinschaft:

a) Mitglieder: Frau Karin Piraprez-Cormann und Frau Marguerite Heeren;

b) Ersatzmitglieder: Frau Murielle Mendez und Frau Jacqueline Fratz.

Für die für das Unterrichtswesen zuständige Fachabteilung des Ministeriums der Deutschsprachigen Gemeinschaft:

a) Mitglied: Frau Angélique Emonts;

b) Ersatzmitglied: Herr Jörg Vomberg.

Für die für kulturelle Angelegenheiten zuständige Fachabteilung des Ministeriums der Deutschsprachigen Gemeinschaft:

a) Mitglied: Herr Kurth Rathmes;

b) Ersatzmitglied: Herr Jean-Marie Greven.»

Art. 3 - Vorliegender Erlass tritt am 1. April 2009 in Kraft. Das Mandat der Mitglieder endet am 31. März 2013.

Art. 4 - Der für Gesundheit zuständige Minister ist mit der Durchführung des vorliegenden Erlasses beauftragt.

Eupen, den 19. März 2009

Für die Regierung der Deutschsprachigen Gemeinschaft,

Der Minister-Präsident
Minister für lokale Behörden
K.-H. LAMBERTZ

Der Vize-Ministerpräsident
Minister für Ausbildung und Beschäftigung Soziales und Tourismus
B. GENTGES

TRADUCTION

MINISTERE DE LA COMMUNAUTE GERMANOPHONE

[2009/201890]

19 MARS 2009. — Arrêté du Gouvernement portant modification de l'arrêté du Gouvernement du 13 janvier 2005 instituant le Conseil consultatif pour la promotion de la santé

Le Gouvernement de la Communauté germanophone,

Vu le décret du 1er juin 2004 relatif à la promotion de la santé, et notamment son Article 8, amendé par les décrets du 21 mars 2005 et du 25 juin 2007;

Vu le décret du 3 mai 2004 promouvant la présence équilibrée d'hommes et de femmes dans les organes consultatifs;

Vu les propositions introduites par les organisations et services concernés;

Sur proposition du Ministre compétent en matière d'Affaires sociales;

Après délibération,

Arrête :

Article 1er. L'article 2 de l'arrêté du Gouvernement du 13 janvier 2005 instituant un Conseil consultatif pour la promotion de la santé est remplacé par les dispositions suivantes :

« § 1. Sont désignés en tant que représentants des organisations prioritairement chargées par le Gouvernement de missions dans le domaine de la promotion de la santé :

1. Pour l'organisation "Arbeitsgemeinschaft für Suchtvorbeugung und Lebensbewältigung" :

a) Membre : Mme Carolin Scheliga;

b) Suppléant : Mme Ortac Gülseren.

2. Pour l'organisation "Krankenpflegevereinigung in der Deutschsprachigen Gemeinschaft Belgiens" :

a) Membre : Mme Annemie Ernst-Kessler;

b) Suppléant : Mme Christiane Rigotti-Geron.

3. Pour l'organisation "Patienten Rat & Treff" :

a) Membre : Mme Karen Casteleyn;

b) Suppléant : M. Werner Zimmermann.

4. Pour le Centre socio-psychologique :

a) Membre : M. Erich Keifens;

b) Suppléant : M. Dr. Roland Lohmann.

§ 2. Sont désignés en tant que représentant ou suppléant des organisations prioritairement chargées par le Gouvernement de missions dans le domaine de la protection des consommateurs :

Pour l'organisation "Verbraucherschutzzentrale Ostbelgien" :

a) Membre : M. René Kalfa;

b) Suppléant : Mme Viviane Leffin.

§ 3. Sont désignés en tant que représentants des mutualités :

a) Membres : MM. Jean-François Crucke et Christian Maréchal;

b) Suppléants : Mmes Suzanne Leffin et Gabriele Müller.

§ 4. Sont désignés en tant que représentants des centres psycho-médico-sociaux et des centres de santé :

a) Membres : Mmes Melanie Thiess et Jeanine Carpent;

b) Suppléants : Mmes Christel Meyer et Dominique Genten.

§ 5. Est désigné en tant que représentant du Service pour l'enfance et la famille de la Communauté germanophone :

a) Membre : Mme Annette Herbrand;

b) Suppléant : Mme Doris Falkenberg. »

Art. 2. L'article 3 du même arrêté est remplacé par les dispositions suivantes :

« § 1. Est désigné comme représentant du Gouvernement :

a) Membre : M. Alexander Miesen;

b) Suppléant : Mme Jenny Möres.

§ 2. Sont désignés comme représentants du Ministère de la Communauté germanophone :

Pour le Département technique en charge de la Santé au sein du Ministère de la Communauté germanophone :

a) Membres : Mmes Karin Piraprez-Cormann et Marguerite Heeren;

b) Suppléants : Mmes Murielle Mendez et Jacqueline Fratz.

Pour le Département technique en charge de l'Enseignement au sein du Ministère de la Communauté germanophone :

a) Membre : Mme Angélique Emonts;

b) Suppléant : M. Jörg Vomberg.

Pour le Département technique en charge des Affaires culturelles au sein du Ministère de la Communauté germanophone :

a) Membre : M. Kurth Rathmes;

b) Suppléant : M. Jean-Marie Greven.

Art. 3. Le présent arrêté entre en vigueur le 1er avril 2009. Le mandat des membres expire le 31 mars 2013.

Art. 4. Le Ministre compétente en matière d'Affaires sociales est chargé de l'exécution du présent arrêté.

Eupen, le 19 mars 2009.

Pour le Gouvernement de la Communauté germanophone,

Le Ministre-Président,
Ministre des Pouvoirs locaux,
K.-H. LAMBERTZ

Le Vice-Ministre-Président,
Ministre de la Formation et de l'Emploi, des Affaires sociales et du Tourisme,
B. GENTGES

VERTALING

MINISTERIE VAN DE DUITSTALIGE GEMEENSCHAP

[2009/201890]

19 MAART 2009. — Besluit van de Regering tot wijziging van het besluit van de Regering van 13 januari 2005 tot instelling van een Adviesraad voor gezondheidspromotie

De Regering van de Duitstalige Gemeenschap,

Gelet op het decreet van 1 juni 2004 betreffende de gezondheidspromotie, inzonderheid artikel 8, gewijzigd bij decreet van 21.03.2005 en bij decreet van 25.06.2007;

Gelet op het decreet van 3 mei 2004 tot bevordering van de evenwichtige vertegenwoordiging van mannen en vrouwen in adviesorganen;

Gelet op de voordrachten van de betrokken organisaties en diensten;

Op voordracht van de Minister bevoegd inzake Sociale Aangelegenheden;

Na beraadslaging,

Besluit :

Artikel 1. Artikel 2 van het besluit van de Regering van 13 januari 2005 tot instelling van een Adviesraad voor Gezondheidspromotie wordt door de volgende bepaling vervangen :

« § 1. Worden aangewezen als vertegenwoordigers van de organisaties die door de Regering hoofdzakelijk met opdrachten op het vlak van de gezondheidspromotie worden belast :

1. Voor de organisatie ″Arbeitsgemeinschaft für Suchtvorbeugung und Lebensbewältigung″ :

a) lid : Mevr. Carolin Scheliga;

b) vervangend lid : Mevr. Ortac Gülseren.

2. Voor de organisatie ″Krankenpflegevereinigung in der Deutschsprachigen Gemeinschaft Belgiens″ :

a) lid : Mevr. Annemie Ernst-Kessler;

b) vervangend lid : Mevr. Christiane Rigotti-Geron.

3. Voor de organisatie ″Patienten Rat & Treff″ :

a) lid : Mevr. Karen Casteleyn;

b) vervangend lid : de heer Werner Zimmermann.

4. Voor het Sociaalpsychologisch Centrum :

a) lid : de heer Erich Keifens;

b) vervangend lid : de heer dr. Roland Lohmann.

§ 2. Worden aangewezen als lid respectievelijk vervangend lid van de organisaties die door de Regering hoofdzakelijk met opdrachten op het vlak van de bescherming van de consument worden belast :

voor de organisatie ″Verbraucherschutzzentrale Ostbelgien″ :

a) lid : de heer René Kalfa;

b) vervangend lid : Mevr. Viviane Leffin.

§ 3. Worden aangewezen als vertegenwoordigers van de ziekenfondsen :

a) leden : de heer Jean-François Crucke en de heer Christian Maréchal;

b) vervangende leden : Mevr. Suzanne Leffin en Mevr. Gabriele Müller.

§ 4. Worden aangewezen als vertegenwoordigers van de psycho-medisch-sociale centra en van de gezondheidscentra :

a) leden : Mevr. Melanie Thiess en Mevr. Jeanine Carpent;

b) vervangende leden : Mevr. Christel Meyer en Mevr. Dominique Genten.

§ 5. Wordt aangewezen als vertegenwoordiger van de Dienst voor Kind en Gezin van de Duitstalige Gemeenschap :

a) lid : Mevr. Annette Herbrand;

b) vervangend lid : Mevr. Doris Falkenberg. »

Art. 2. Artikel 3 van hetzelfde besluit wordt door de volgende bepaling vervangen :

« § 1. Wordt aangewezen als vertegenwoordiger van de Regering :

a) lid : de heer Alexander Miesen;

b) vervangend lid : Mevr. Jenny Möres.

§ 2. Worden aangewezen als vertegenwoordigers van het Ministerie van de Duitstalige Gemeenschap :

Voor de afdeling van het Ministerie van de Duitstalige Gemeenschap bevoegd inzake gezondheid :

a) leden : Mevr. Karin Piraprez-Cormann en Mevr. Marguerite Heeren;

b) vervangende leden : Mevr. Murielle Mendez en Mevr. Jacqueline Fratz.

Voor de afdeling van het Ministerie van de Duitstalige Gemeenschap bevoegd inzake onderwijs :

a) lid : Mevr. Angélique Emonts;

b) vervangend lid : de heer Jörg Vomberg.

Voor de afdeling van het Ministerie van de Duitstalige Gemeenschap bevoegd inzake culturele aangelegenheden :

a) lid : de heer Kurth Rathmes;

b) vervangend lid : de heer Jean-Marie Greven.

Art. 3. Voorliggend besluit treedt in werking op 1 april 2009. Het mandaat van de leden loopt op 31 maart 2013 af.

Art. 4. De Minister bevoegd inzake Gezondheid is belast met de uitvoering van dit besluit.

Eupen, 19 maart 2009.

Voor de Regering van de Duitstalige Gemeenschap,

De Minister-President,
Minister van Lokale Besturen,
K.-H. LAMBERTZ

De Vice-Minister-President,
Minister van Vorming en Werkgelegenheid, Sociale Zaken en Toerisme,
B. GENTGES

REGION WALLONNE — WALLONISCHE REGION — WAALS GEWEST

SERVICE PUBLIC DE WALLONIE

[2009/201986]

23 AVRIL 2009. — Arrêté du Gouvernement wallon modifiant l'arrêté du Gouvernement wallon du 26 juin 2008 portant nomination du président, des vice-présidents et des membres du Comité de gestion de l'Agence wallonne pour l'intégration des personnes handicapées

Le Gouvernement wallon,

Vu le décret du 6 avril 1995 relatif à l'intégration des personnes handicapées, notamment les articles 31 et 32;

Vu le décret du 12 février 2004 relatif au statut de l'administrateur public pour les matières réglées en vertu de l'article 138 de la Constitution;

Vu l'arrêté du Gouvernement wallon du 26 juin 2008 portant nomination du président, des vice-présidents et des membres du Comité de gestion de l'Agence wallonne pour l'intégration des personnes handicapées;

Considérant que M. Léon Degodenne avait été désigné le 26 juin 2008 comme membre suppléant du Comité de gestion en qualité de membre désigné sur proposition de l'Association socialiste de la personne handicapée (ASPH);

Que par courrier du 4 mars 2009, ce dernier a démissionné de son poste d'administrateur dudit Comité de gestion;

Qu'il convient donc de procéder à son remplacement;

Considérant que Mme Rébéka Mutombo, candidate proposée par l'ASPH, répond aux conditions fixées par le décret du 12 février 2004 relatif au statut de l'administrateur public pour les matières réglées en vertu de l'article 138 de la Constitution;

Sur la proposition du Ministre de la Santé, de l'Action sociale et de l'Egalité des Chances;

Après délibération,

Arrête :

Article 1er. A l'article 4 de l'arrêté du Gouvernement wallon du 26 juin 2008 portant nomination du président, des vice-présidents et des membres du Comité de gestion de l'Agence wallonne pour l'intégration des personnes handicapées, le nom de "M. Léon Degodenne" est remplacé par le nom "Mme Rébéka Mutombo".

Art. 2. Le présent arrêté entre en vigueur le jour de sa signature.

Art. 3. Le Ministre de l'Action sociale est chargé de l'exécution du présent arrêté.

Namur, le 23 avril 2009.

Le Ministre-Président,
R. DEMOTTE

Le Ministre de la Santé, de l'Action sociale et de l'Egalité des Chances,
D. DONFUT

VERTALING

WAALSE OVERHEIDSDIENST

[2009/201986]

23 APRIL 2009. — Besluit van de Waalse Regering tot wijziging van het besluit van de Waalse Regering van 26 juni 2008 tot benoeming van de voorzitter, de ondervoorzitters en de leden van het beheerscomité van het "Agence wallonne pour l'intégration des personnes handicapées" (Waals agentschap voor de integratie van gehandicapte personen)

De Waalse Regering,

Gelet op het decreet van 6 april 1995 betreffende de integratie van gehandicapte personen, inzonderheid op de artikelen 31 en 32;

Gelet op het decreet van 12 februari 2004 betreffende het statuut van de overheidsbestuurder voor de aangelegenheden geregeld krachtens artikel 138 van de Grondwet;

Gelet op het besluit van de Waalse Regering van 26 juni 2008 tot benoeming van de voorzitter, de ondervoorzitters en de leden van het Beheerscomité van het "Agence wallonne pour l'intégration des personnes handicapées";

Overwegende dat de heer Léon Degodenne op 26 juni 2008 op de voordracht van de "Association socialiste de la personne handicapée (ASPH)" als plaatsvervangend lid van het Beheerscomité aangewezen werd;

Dat genoemde persoon bij schrijven van 4 maart 2009 zijn ontslag als bestuurder van genoemd Beheerscomité heeft ingediend;

Dat er bijgevolg in zijn vervanging voorzien moet worden;

Overwegende dat Mevr. Rébéka Mutombo, die door het "ASPH" voorgedragen wordt, voldoet aan de voorwaarden bepaald bij het decreet van 12 februari 2004 betreffende het statuut van de overheidsbestuurder voor de aangelegenheden geregeld krachtens artikel 138 van de Grondwet;

Op de voordracht van de Minister van Gezondheid, Sociale Actie en Gelijke Kansen;

Na beraadslaging,

Besluit :

Artikel 1. In artikel 4 van het besluit van de Waalse Regering van 26 juni 2008 tot benoeming van de voorzitter, de ondervoorzitters en de leden van het Beheerscomité van het "Agence wallonne pour l'intégration des personnes handicapées" wordt "de heer Léon Degodenne" door "Mevr. Rébéka Mutombo" vervangen.

Art. 2. Dit besluit treedt in werking de dag waarop het ondertekend wordt.

Art. 3. De Minister van Sociale Actie is belast met de uitvoering van dit besluit.

Namen, 23 april 2009.

De Minister-President,
R. DEMOTTE

De Minister van Gezondheid, Sociale Actie en Gelijke Kansen,
D. DONFUT

SERVICE PUBLIC DE WALLONIE

[2009/201980]

Agriculture. — Remembrement

Loi du 22 juillet 1970 — article 12

Par arrêté ministériel du 31 mars 2009 qui entre en vigueur le jour de sa publication par extrait au *Moniteur belge*, les comités de remembrement "Forville", "Hingeon", "Bovesse", "Lonzée", "Falmagne" et "Jamagne" sont modifiés comme suit :

— M. Philippe Ballat, premier attaché spécifique au Service technique provincial - Service Cours d'eau, est nommé membre effectif des comités de remembrement Hingeon, Bovesse, Lonzée, Falmagne, Jamagne et membre suppléant du comité de remembrement Forville;

— M. Guy Marc, commissaire voyer aux Cours d'eau, est nommé membre suppléant des comités de remembrement Hingeon, Lonzée, Falmagne et Jamagne.

Par arrêté ministériel du 14 avril 2009 qui entre en vigueur le jour de sa publication par extrait au *Moniteur belge*, les comités de remembrement "TGV 1 Rumes-Brunehaut", "TGV 2 Antoing-Péruwelz", "Tournai-Moustier", "TGV 4 Chièvres-Ath" et "Moustier-Marcq" sont modifiés comme suit :

— M. Gérard Baudru, expert fiscal, est nommé membre effectif des comités de remembrement Rumes-Brunehaut, Antoing-Péruwelz et Tournai-Moustier, en remplacement de MM. F. Ducrotois et G. Prophète;

— M. Mario Decruyenaere, expert fiscal, est nommé membre suppléant des comités de remembrement Rumes-Brunehaut, Antoing-Péruwelz et Tournai-Moustier en remplacement de M. Gérard Baudru;

— M. Jacques Ghislain, expert fiscal, est nommé membre suppléant du comité de remembrement Chièvres-Ath, en remplacement de M. P. Elliard;

— M. Mario Decruyenaere, expert fiscal, est nommé membre suppléant du comité de remembrement Moustier-Marcq, en remplacement de M. G. Delguste.

SERVICE PUBLIC DE WALLONIE

[2009/201922]

Aménagement du territoire

ANTOING. — Un arrêté ministériel du 9 mars 2009 fixe définitivement le périmètre du site à réaménager n° SAR/TLP219 dit "Maison communale" à Antoing (Calonne) et comprend la parcelle cadastrée ou l'ayant été à Antoing (Calonne), 6e division, section B, n° 41t.

Le plan annexé à l'arrêté peut être consulté à la Direction de l'Aménagement opérationnel de la Direction générale opérationnelle de l'Aménagement du Territoire, du Logement, du Patrimoine et de l'Energie.

BRAINE-L'ALLEUD. — Un arrêté ministériel du 9 mars 2009 fixe définitivement le périmètre du site à réaménager n° SAR/NI67 dit "Atelier Blanchart" à Braine-l'Alleud et comprend les parcelles cadastrées ou l'ayant été à Braine-l'Alleud, 4e division, section E, nos 1086 et 1087.

Le plan annexé à l'arrêté peut être consulté à la Direction de l'Aménagement opérationnel de la Direction générale opérationnelle de l'Aménagement du Territoire, du Logement, du Patrimoine et de l'Energie.

BRAINE-L'ALLEUD. — Un arrêté ministériel du 25 mars 2009 approuve le plan d'alignement d'une partie des chaussées d'Alsemberg et de Bara tel que contenu dans la délibération du 26 mars 2007 du conseil communal de Braine-l'Alleud et ses annexes.

DURBUY. — Un arrêté ministériel du 9 mars 2009 fixe définitivement le périmètre du site à réaménager n° SAR/MLR64 dit "Boulangerie Lamette" à Durbuy (Barvaux) et comprend les parcelles cadastrées ou l'ayant été à Durbuy, (Barvaux), 2e division, section C, nos 373f3, 373y3, 374t8, 374z8, 374z9, 374a10 et 374l10.

Le plan annexé à l'arrêté peut être consulté à la Direction de l'Aménagement opérationnel de la Direction générale opérationnelle de l'Aménagement du Territoire, du Logement, du Patrimoine et de l'Energie.

FLORENVILLE. — Un arrêté ministériel du 2 avril 2009 approuve la modification des articles 16 et 17 du règlement d'ordre intérieur de la Commission consultative communale d'Aménagement du Territoire et de Mobilité de Florenville, telle que contenue dans la délibération du conseil communal du 29 janvier 2009.

Ledit règlement peut être consulté auprès de la DG04, Département de l'Aménagement du Territoire et de l'Urbanisme, Direction de l'Aménagement local, rue des Brigades d'Irlande 1, 5100 Jambes, et auprès de l'administration communale de et à Florenville.

HABAY. — Un arrêté ministériel du 2 avril 2009 renouvelle la Commission consultative communale d'Aménagement du Territoire et de Mobilité de Habay dont la composition est contenue dans les délibérations du conseil communal du 20 mars 2008 et du 10 juillet 2008.

La liste des membres peut être consultée auprès de la DG04, Département de l'Aménagement du Territoire et de l'Urbanisme, Direction de l'Aménagement local, rue des Brigades d'Irlande 1, 5100 Jambes, et auprès de l'administration communale de et à Habay.

HABAY. — Un arrêté ministériel du 2 avril 2009 approuve la modification du règlement d'ordre intérieur de la Commission consultative communale d'Aménagement du Territoire et de Mobilité de Habay tel que contenu dans la délibération du conseil communal du 15 décembre 2008.

Ledit règlement peut être consulté auprès de la DG04, Département de l'Aménagement du Territoire et de l'Urbanisme, Direction de l'Aménagement local, rue des Brigades d'Irlande 1, 5100 Jambes, et auprès de l'administration communale de et à Habay.

HONNELLES. — Un arrêté ministériel du 2 avril 2009 approuve la modification de la composition de la Commission consultative communale d'Aménagement du Territoire et de Mobilité d'Honnelles, telle que contenue dans la délibération du conseil communal du 11 décembre 2008.

La liste des membres peut être consultée auprès de la DG04, Département de l'Aménagement du Territoire et de l'Urbanisme, Direction de l'Aménagement local, rue des Brigades d'Irlande 1, 5100 Jambes, et auprès de l'administration communale de et à Honnelles.

LEGLISE. — Un arrêté ministériel du 25 mars 2009 approuve la modification du règlement d'ordre intérieur de la Commission consultative communale d'Aménagement du Territoire et de Mobilité de Léglise, telle que contenue dans la délibération du conseil communal du 27 novembre 2008.

Ledit règlement peut être consulté auprès de la DG04, Département de l'Aménagement du Territoire et de l'Urbanisme, Direction de l'Aménagement local, rue des Brigades d'Irlande 1, 5100 Jambes, et auprès de l'administration communale de et à Léglise.

LEGLISE. — Un arrêté ministériel du 25 mars 2009 approuve la modification de la composition de la Commission consultative communale d'Aménagement du Territoire et de Mobilité de Léglise, telle que contenue dans la délibération du conseil communal du 30 octobre 2008.

La liste des membres peut être consultée auprès de la DG04, Département de l'Aménagement du Territoire et de l'Urbanisme, Direction de l'Aménagement local, rue des Brigades d'Irlande 1, 5100 Jambes, et auprès de l'administration communale de et à Léglise.

LESSINES. — Un arrêté ministériel du 2 avril 2009 approuve les modifications du règlement d'ordre intérieur de la Commission consultative communale d'Aménagement du Territoire et de Mobilité de Lessines, telles que contenues dans la délibération du conseil communal du 11 décembre 2008.

Ledit règlement peut être consulté auprès de la DG04, Département de l'Aménagement du Territoire et de l'Urbanisme, Direction de l'Aménagement local, rue des Brigades d'Irlande 1, 5100 Jambes, et auprès de l'administration communale de et à Lessines.

LOBBES. — Un arrêté ministériel du 30 mars 2009 fixe définitivement le périmètre du site à réaménager n° SAR/TC102 dit "Abbaye de Lobbes" à Lobbes et comprend les parcelles cadastrées ou l'ayant été à Lobbes, 1re division, section B, nos 536r, 536v, 536w, 536x, 537g, 538d, 538f, 539h, 540b3, 540d3 et 540e3.

Le plan annexé à l'arrêté peut être consulté à la Direction de l'Aménagement opérationnel de la Direction générale opérationnelle de l'Aménagement du Territoire, du Logement, du Patrimoine et de l'Energie.

MANAGE. — Un arrêté ministériel du 3 avril 2009 approuve le périmètre de remembrement urbain du plateau de Bellecourt à Manage, tel que proposé par le conseil communal en sa délibération du 24 juin 2008.

OUPEYE. — Un arrêté ministériel du 2 avril 2009 approuve la modification de la composition de la Commission consultative communale d'Aménagement du Territoire et de Mobilité de Oupeye telle que contenue dans la délibération du conseil communal du 29 janvier 2009.

La liste des membres peut être consultée auprès de la DG04, Département de l'Aménagement du Territoire et de l'Urbanisme, Direction de l'Aménagement local, rue des Brigades d'Irlande 1, 5100 Jambes, et auprès de l'administration communale de et à Oupeye.

SAMBREVILLE. — Un arrêté ministériel du 2 avril 2009 approuve la modification du règlement d'ordre intérieur de la Commission consultative communale d'Aménagement du Territoire et de Mobilité de Sambreville, telle que contenue dans la délibération du conseil communal du 29 janvier 2009.

Ledit règlement peut être consulté auprès de la DG04, Département de l'Aménagement du Territoire et de l'Urbanisme, Direction de l'Aménagement local, rue des Brigades d'Irlande 1, 5100 Jambes, et auprès de l'administration communale de et à Sambreville.

STAVELOT. — Un arrêté ministériel du 2 avril 2009 renouvelle la Commission consultative communale d'Aménagement du Territoire et de Mobilité de Stavelot dont la composition est contenue dans les délibérations du conseil communal des 31 mai 2007, 17 avril 2008 et 18 décembre 2008.

La liste des membres peut être consultée auprès de la DG04, Département de l'Aménagement du Territoire et de l'Urbanisme, Direction de l'Aménagement local, rue des Brigades d'Irlande 1, 5100 Jambes, et auprès de l'administration communale de et à Stavelot.

STAVELOT. — Un arrêté ministériel du 2 avril 2009 approuve le règlement d'ordre intérieur de la Commission consultative communale d'Aménagement du Territoire et de Mobilité de Stavelot tel que contenu dans la délibération du conseil communal du 23 octobre 2008.

Ledit règlement peut être consulté auprès de la DG04, Département de l'Aménagement du Territoire et de l'Urbanisme, Direction de l'Aménagement local, rue des Brigades d'Irlande 1, 5100 Jambes, et auprès de l'administration communale de et à Stavelot.

SERVICE PUBLIC DE WALLONIE

[2009/201830]

Direction générale opérationnelle Agriculture, Ressources naturelles et Environnement. — Office wallon des déchets. — Acte procédant à l'enregistrement de la « GmbH Josef Simons », en qualité de transporteur de déchets autres que dangereux

L'Inspecteur général f.f.,

Vu le décret du 27 juin 1996 relatif aux déchets, tel que modifié;

Vu le décret fiscal du 22 mars 2007 favorisant la prévention et la valorisation des déchets en Région wallonne et portant modification du décret du 6 mai 1999 relatif à l'établissement, au recouvrement et au contentieux en matière de taxes régionales directes;

Vu l'arrêté du Gouvernement wallon du 10 juillet 1997 établissant un catalogue des déchets, modifié par l'arrêté du Gouvernement wallon du 24 janvier 2002, partiellement annulé par l'arrêt n° 94.211 du Conseil d'Etat du 22 mars 2001;

Vu l'arrêté du Gouvernement wallon du 13 novembre 2003 relatif à l'enregistrement des collecteurs et transporteurs de déchets autres que dangereux;

Vu l'arrêté du Gouvernement wallon du 19 juillet 2007 concernant les transferts de déchets;

Vu la demande introduite par la « GmbH Josef Simons », le 18 mars 2009;

Considérant que la requérante a fourni toutes les indications requises par l'article 4, § 2, de l'arrêté du Gouvernement wallon du 13 novembre 2003 susvisé,

Acte :

Article 1er. § 1er. La « GmbH Josef Simons », sise Jülicher Strasse 238, à D-52477 Alsdorf, est enregistrée en qualité de transporteur de déchets autres que dangereux.

L'enregistrement est identifié par le numéro 2009-03-25-17.

§ 2. Le présent enregistrement porte sur le transport des déchets suivants :

- déchets industriels ou agricoles non dangereux.

§ 3. Le présent enregistrement exclut le transport des déchets suivants :

- déchets inertes;
- déchets ménagers et assimilés;
- déchets d'activités hospitalières et de soins de santé de classe B1;
- déchets dangereux;
- huiles usagées;
- PCB/PCT;
- déchets animaux;
- déchets d'activités hospitalières et de soins de santé de classe B2.

Art. 2. Le transport des déchets repris à l'article 1er, § 2, est autorisé sur l'ensemble du territoire de la Région wallonne.

Le transport n'est autorisé que lorsque celui-ci est effectué sur ordre d'un producteur de déchets ou sur ordre d'un collecteur enregistré de déchets.

Art. 3. Le transport de déchets est interdit entre 23 heures et 5 heures.

Art. 4. Les dispositions du présent enregistrement ne dispensent pas l'impétrante du respect des prescriptions requises ou imposées par d'autres textes législatifs applicables.

Art. 5. § 1er. Le présent enregistrement ne préjudicie en rien au respect de la réglementation relative au transport de marchandises par route, par voie d'eau ou par chemin de fer.

§ 2. Une lettre de voiture entièrement complétée et signée, ou une note d'envoi, doit accompagner le transport des déchets. Ces documents doivent au moins mentionner les données suivantes :

a) la description du déchet;

b) la quantité exprimée en kilogrammes ou en litres;

c) la date du transport;

d) le nom ou la dénomination, l'adresse ou le siège social de la personne physique ou morale qui a remis des déchets;

e) la destination des déchets;

f) le nom ou la dénomination, l'adresse ou le siège social du collecteur;

g) le nom ou la dénomination, l'adresse ou le siège social du transporteur.

§ 3. La procédure visée au § 2, reste d'application jusqu'à l'entrée en vigueur du bordereau de suivi des déchets visé à l'article 9 du décret du 27 juin 1996 relatif aux déchets.

Art. 6. Une copie du présent enregistrement doit accompagner chaque transport.

Art. 7. § 1er. L'impétrante remet à la personne dont elle a reçu des déchets une attestation mentionnant :

a) son nom ou dénomination, adresse ou siège social;

b) le nom ou la dénomination, l'adresse ou le siège social de la personne physique ou morale qui lui a remis des déchets;

c) la date et le lieu de la remise;

d) la quantité de déchets remis;

e) la nature et le code des déchets remis;

f) le nom ou la dénomination, l'adresse ou le siège social du transporteur des déchets.

§ 2. Un double de l'attestation prévue au § 1er est tenu par l'impétrante pendant cinq ans à disposition de l'administration.

Art. 8. § 1er. L'impétrante transmet annuellement à l'Office wallon des déchets une déclaration de transport de déchets.

La déclaration est transmise au plus tard le soixantième jour suivant l'expiration de l'année de référence. La déclaration est établie selon les formats définis par l'Office wallon des déchets.

§ 2. L'impétrante conserve une copie de la déclaration annuelle pendant une durée minimale de cinq ans.

Art. 9. Afin de garantir et de contrôler la bonne fin des opérations de transport, l'impétrante transmet à l'Office wallon des déchets, en même temps que sa déclaration annuelle les informations suivantes :

1° les numéros d'immatriculation des véhicules détenus en propre ou en exécution de contrats passés avec des tiers et affectés au transport des déchets;

2° la liste des chauffeurs affectés aux activités de transport.

Art. 10. Si l'impétrante souhaite renoncer, en tout ou en partie, au transport des déchets désignés dans le présent enregistrement, elle en opère notification à l'Office wallon des déchets qui en prend acte.

Art. 11. Sur base d'un procès-verbal constatant une infraction au Règlement 1013/2006/CE concernant les transferts de déchets, au décret du 27 juin 1996 relatif aux déchets, à leurs arrêtés d'exécution, l'enregistrement peut, aux termes d'une décision motivée, être radié, après qu'ait été donnée à l'impétrante la possibilité de faire valoir ses moyens de défense et de régulariser la situation dans un délai déterminé.

En cas d'urgence spécialement motivée et pour autant que l'audition de l'impétrante soit de nature à causer un retard préjudiciable à la sécurité publique, l'enregistrement peut être radié sans délai et sans que l'impétrante n'ait été entendue.

Art. 12. § 1er. L'enregistrement vaut pour une période de cinq ans.

§ 2. La demande de renouvellement dudit enregistrement est introduite dans un délai précédant d'un mois la limite de validité susvisée.

Namur, le 25 mars 2009.

Ir A. HOUTAIN

SERVICE PUBLIC DE WALLONIE

[2009/201831]

Direction générale opérationnelle Agriculture, Ressources naturelles et Environnement. — Office wallon des déchets. — Acte procédant à l'enregistrement de la SA De Loncin Ferdy et fils, en qualité de transporteur de déchets autres que dangereux

L'Inspecteur général f.f.,

Vu le décret du 27 juin 1996 relatif aux déchets, tel que modifié;

Vu le décret fiscal du 22 mars 2007 favorisant la prévention et la valorisation des déchets en Région wallonne et portant modification du décret du 6 mai 1999 relatif à l'établissement, au recouvrement et au contentieux en matière de taxes régionales directes;

Vu l'arrêté du Gouvernement wallon du 10 juillet 1997 établissant un catalogue des déchets, modifié par l'arrêté du Gouvernement wallon du 24 janvier 2002, partiellement annulé par l'arrêt n° 94.211 du Conseil d'Etat du 22 mars 2001;

Vu l'arrêté du Gouvernement wallon du 13 novembre 2003 relatif à l'enregistrement des collecteurs et transporteurs de déchets autres que dangereux;

Vu l'arrêté du Gouvernement wallon du 19 juillet 2007 concernant les transferts de déchets;

Vu la demande introduite par la SA De Loncin Ferdy et fils, le 19 mars 2009;

Considérant que la requérante a fourni toutes les indications requises par l'article 4, § 2, de l'arrêté du Gouvernement wallon du 13 novembre 2003 susvisé,

Acte :

Article 1er. § 1er. La SA De Loncin Ferdy et fils, sise rue Spinette 9, à 5580 Wavreille, est enregistrée en qualité de transporteur de déchets autres que dangereux.

L'enregistrement est identifié par le numéro 2009-03-25-18.

§ 2. Le présent enregistrement porte sur le transport des déchets suivants :

- déchets inertes.

§ 3. Le présent enregistrement exclut le transport des déchets suivants :

- déchets ménagers et assimilés;

- déchets d'activités hospitalières et de soins de santé de classe B1;

- déchets industriels ou agricoles non dangereux;

- déchets dangereux;

- huiles usagées;

- PCB/PCT;

- déchets animaux;

- déchets d'activités hospitalières et de soins de santé de classe B2.

Art. 2. Le transport des déchets repris à l'article 1er, § 2, est autorisé sur l'ensemble du territoire de la Région wallonne.

Le transport n'est autorisé que lorsque celui-ci est effectué sur ordre d'un producteur de déchets ou sur ordre d'un collecteur enregistré de déchets.

Art. 3. Le transport de déchets est interdit entre 23 heures et 5 heures.

Art. 4. Les dispositions du présent enregistrement ne dispensent pas l'impétrante du respect des prescriptions requises ou imposées par d'autres textes législatifs applicables.

Art. 5. § 1er. Le présent enregistrement ne préjudicie en rien au respect de la réglementation relative au transport de marchandises par route, par voie d'eau ou par chemin de fer.

§ 2. Une lettre de voiture entièrement complétée et signée, ou une note d'envoi, doit accompagner le transport des déchets. Ces documents doivent au moins mentionner les données suivantes :

a) la description du déchet;

b) la quantité exprimée en kilogrammes ou en litres;

c) la date du transport;

d) le nom ou la dénomination, l'adresse ou le siège social de la personne physique ou morale qui a remis des déchets;

e) la destination des déchets;

f) le nom ou la dénomination, l'adresse ou le siège social du collecteur;

g) le nom ou la dénomination, l'adresse ou le siège social du transporteur.

§ 3. La procédure visée au § 2, reste d'application jusqu'à l'entrée en vigueur du bordereau de suivi des déchets visé à l'article 9 du décret du 27 juin 1996 relatif aux déchets.

Art. 6. Une copie du présent enregistrement doit accompagner chaque transport.

Art. 7. § 1er. L'impétrante remet à la personne dont elle a reçu des déchets une attestation mentionnant :

a) son nom ou dénomination, adresse ou siège social;

b) le nom ou la dénomination, l'adresse ou le siège social de la personne physique ou morale qui lui a remis des déchets;

c) la date et le lieu de la remise;

d) la quantité de déchets remis;

e) la nature et le code des déchets remis;

f) le nom ou la dénomination, l'adresse ou le siège social du transporteur des déchets.

§ 2. Un double de l'attestation prévue au § 1er est tenu par l'impétrante pendant cinq ans à disposition de l'administration.

Art. 8. § 1er. L'impétrante transmet annuellement à l'Office wallon des déchets une déclaration de transport de déchets.

La déclaration est transmise au plus tard le soixantième jour suivant l'expiration de l'année de référence. La déclaration est établie selon les formats définis par l'Office wallon des déchets.

§ 2. L'impétrante conserve une copie de la déclaration annuelle pendant une durée minimale de cinq ans.

Art. 9. Afin de garantir et de contrôler la bonne fin des opérations de transport, l'impétrante transmet à l'Office wallon des déchets, en même temps que sa déclaration annuelle les informations suivantes :

1° les numéros d'immatriculation des véhicules détenus en propre ou en exécution de contrats passés avec des tiers et affectés au transport des déchets;

2° la liste des chauffeurs affectés aux activités de transport.

Art. 10. Si l'impétrante souhaite renoncer, en tout ou en partie, au transport des déchets désignés dans le présent enregistrement, elle en opère notification à l'Office wallon des déchets qui en prend acte.

Art. 11. Sur base d'un procès-verbal constatant une infraction au Règlement 1013/2006/CE concernant les transferts de déchets, au décret du 27 juin 1996 relatif aux déchets, à leurs arrêtés d'exécution, l'enregistrement peut, aux termes d'une décision motivée, être radié, après qu'ait été donnée à l'impétrante la possibilité de faire valoir ses moyens de défense et de régulariser la situation dans un délai déterminé.

En cas d'urgence spécialement motivée et pour autant que l'audition de l'impétrante soit de nature à causer un retard préjudiciable à la sécurité publique, l'enregistrement peut être radié sans délai et sans que l'impétrante n'ait été entendue.

Art. 12. § 1er. L'enregistrement vaut pour une période de cinq ans.

§ 2. La demande de renouvellement dudit enregistrement est introduite dans un délai précédant d'un mois la limite de validité susvisée.

Namur, le 25 mars 2009.

Ir A. HOUTAIN

SERVICE PUBLIC DE WALLONIE

[2009/201832]

Direction générale opérationnelle Agriculture, Ressources naturelles et Environnement. — Office wallon des déchets. — Acte procédant à l'enregistrement de la SPRL Transport d'Hooghe Sylvère, en qualité de transporteur de déchets autres que dangereux

L'Inspecteur général f.f.,

Vu le décret du 27 juin 1996 relatif aux déchets, tel que modifié;

Vu le décret fiscal du 22 mars 2007 favorisant la prévention et la valorisation des déchets en Région wallonne et portant modification du décret du 6 mai 1999 relatif à l'établissement, au recouvrement et au contentieux en matière de taxes régionales directes;

Vu l'arrêté du Gouvernement wallon du 10 juillet 1997 établissant un catalogue des déchets, modifié par l'arrêté du Gouvernement wallon du 24 janvier 2002, partiellement annulé par l'arrêt n° 94.211 du Conseil d'Etat du 22 mars 2001;

Vu l'arrêté du Gouvernement wallon du 13 novembre 2003 relatif à l'enregistrement des collecteurs et transporteurs de déchets autres que dangereux;

Vu l'arrêté du Gouvernement wallon du 19 juillet 2007 concernant les transferts de déchets;

Vu la demande introduite par la SPRL Transport d'Hooghe Sylvère, le 17 mars 2009;

Considérant que la requérante a fourni toutes les indications requises par l'article 4, § 2, de l'arrêté du Gouvernement wallon du 13 novembre 2003 susvisé,

Acte :

Article 1er. § 1er. La SPRL Transport d'Hooghe Sylvère, sise rue des Bruyères 86, à 5310 Eghezée, est enregistrée en qualité de transporteur de déchets autres que dangereux.

L'enregistrement est identifié par le numéro 2009-03-25-19.

§ 2. Le présent enregistrement porte sur le transport des déchets suivants :

- déchets industriels ou agricoles non dangereux.

§ 3. Le présent enregistrement exclut le transport des déchets suivants :

- déchets inertes;
- déchets ménagers et assimilés;
- déchets d'activités hospitalières et de soins de santé de classe B1;
- déchets dangereux;
- huiles usagées;
- PCB/PCT;
- déchets animaux;
- déchets d'activités hospitalières et de soins de santé de classe B2.

Art. 2. Le transport des déchets repris à l'article 1er, § 2, est autorisé sur l'ensemble du territoire de la Région wallonne.

Le transport n'est autorisé que lorsque celui-ci est effectué sur ordre d'un producteur de déchets ou sur ordre d'un collecteur enregistré de déchets.

Art. 3. Le transport de déchets est interdit entre 23 heures et 5 heures.

Art. 4. Les dispositions du présent enregistrement ne dispensent pas l'impétrante du respect des prescriptions requises ou imposées par d'autres textes législatifs applicables.

Art. 5. § 1er. Le présent enregistrement ne préjudicie en rien au respect de la réglementation relative au transport de marchandises par route, par voie d'eau ou par chemin de fer.

§ 2. Une lettre de voiture entièrement complétée et signée, ou une note d'envoi, doit accompagner le transport des déchets. Ces documents doivent au moins mentionner les données suivantes :

a) la description du déchet;

b) la quantité exprimée en kilogrammes ou en litres;

c) la date du transport;

d) le nom ou la dénomination, l'adresse ou le siège social de la personne physique ou morale qui a remis des déchets;

e) la destination des déchets;

f) le nom ou la dénomination, l'adresse ou le siège social du collecteur;

g) le nom ou la dénomination, l'adresse ou le siège social du transporteur.

§ 3. La procédure visée au § 2 reste d'application jusqu'à l'entrée en vigueur du bordereau de suivi des déchets visé à l'article 9 du décret du 27 juin 1996 relatif aux déchets.

Art. 6. Une copie du présent enregistrement doit accompagner chaque transport.

Art. 7. § 1er. L'impétrante remet à la personne dont elle a reçu des déchets une attestation mentionnant :

a) son nom ou dénomination, adresse ou siège social;

b) le nom ou la dénomination, l'adresse ou le siège social de la personne physique ou morale qui lui a remis des déchets;

c) la date et le lieu de la remise;

d) la quantité de déchets remis;

e) la nature et le code des déchets remis;

f) le nom ou la dénomination, l'adresse ou le siège social du transporteur des déchets.

§ 2. Un double de l'attestation prévue au § 1er est tenu par l'impétrante pendant cinq ans à disposition de l'administration.

Art. 8. § 1er. L'impétrante transmet annuellement à l'Office wallon des déchets une déclaration de transport de déchets.

La déclaration est transmise au plus tard le soixantième jour suivant l'expiration de l'année de référence. La déclaration est établie selon les formats définis par l'Office wallon des déchets.

§ 2. L'impétrante conserve une copie de la déclaration annuelle pendant une durée minimale de cinq ans.

Art. 9. Afin de garantir et de contrôler la bonne fin des opérations de transport, l'impétrante transmet à l'Office wallon des déchets, en même temps que sa déclaration annuelle les informations suivantes :

1° les numéros d'immatriculation des véhicules détenus en propre ou en exécution de contrats passés avec des tiers et affectés au transport des déchets;

2° la liste des chauffeurs affectés aux activités de transport.

Art. 10. Si l'impétrante souhaite renoncer, en tout ou en partie, au transport des déchets désignés dans le présent enregistrement, elle en opère notification à l'Office wallon des déchets qui en prend acte.

Art. 11. Sur base d'un procès-verbal constatant une infraction au Règlement 1013/2006/CE concernant les transferts de déchets, au décret du 27 juin 1996 relatif aux déchets, à leurs arrêtés d'exécution, l'enregistrement peut, aux termes d'une décision motivée, être radié, après qu'ait été donnée à l'impétrante la possibilité de faire valoir ses moyens de défense et de régulariser la situation dans un délai déterminé.

En cas d'urgence spécialement motivée et pour autant que l'audition de l'impétrante soit de nature à causer un retard préjudiciable à la sécurité publique, l'enregistrement peut être radié sans délai et sans que l'impétrante n'ait été entendue.

Art. 12. § 1er. L'enregistrement vaut pour une période de cinq ans.

§ 2. La demande de renouvellement dudit enregistrement est introduite dans un délai précédant d'un mois la limite de validité susvisée.

Namur, le 25 mars 2009.

Ir A. HOUTAIN

AVIS OFFICIELS — OFFICIELE BERICHTEN

COUR CONSTITUTIONNELLE

[2009/201655]

Extrait de l'arrêt n° 42/2009 du 11 mars 2009

Numéro du rôle : 4400

En cause : la question préjudicielle relative à la loi du 10 avril 1990 réglementant la sécurité privée et particulière, posée par le Tribunal de première instance de Bruxelles.

La Cour constitutionnelle,

composée des présidents M. Melchior et M. Bossuyt, et des juges P. Martens, R. Henneuse, E. De Groot, L. Lavrysen, A. Alen, J.-P. Snappe, J.-P. Moerman, E. Derycke, J. Spreutels et T. Merckx-Van Goey, assistée du greffier P.-Y. Dutilleux, présidée par le président M. Melchior,

après en avoir délibéré, rend l'arrêt suivant :

I. *Objet de la question préjudicielle et procédure*

Par jugement du 7 décembre 2007 en cause de la SPRL « Zanzibar » contre l'Etat belge, dont l'expédition est parvenue au greffe de la Cour le 26 décembre 2007, le Tribunal de première instance de Bruxelles a posé la question préjudicielle suivante :

« La loi du 10 avril 1990 sur la sécurité privée viole-t-elle les articles 10 et 11 de la Constitution, et le principe général d'égalité et de non-discrimination, interprétée en ce sens qu'elle ne permet pas au Tribunal de première instance, saisi d'un recours à l'encontre d'une décision infligeant une amende administrative à l'auteur d'une infraction à cette loi de lui accorder la suspension du prononcé ou un sursis, alors que le juge pénal peut user de cette faculté lorsqu'il statue sur les poursuites pénales des mêmes faits infractionnels ?

N'en est-il pas de même en ce que la loi du 10 avril 1990 ne permet pas de bénéficier d'une réduction de l'amende en dessous des minima légaux, comme c'est le cas pour l'article 85 du Code pénal ? ».

(...)

III. *En droit*

(...)

Quant à la disposition en cause et à la portée de la question préjudicielle

B.1.1. L'article 19 de la loi du 10 avril 1990 dispose :

« § 1er. A toute personne physique ou morale qui ne respecte pas les dispositions de la présente loi ou de ses arrêtés d'exécution, à l'exception des infractions visées à l'article 18, il peut :

1° être adressé un avertissement par lequel le contrevenant est exhorté à mettre fin au fait imputé;

2° ou être proposé un arrangement à l'amiable portant sur la moitié du montant de l'amende administrative visée au 3°, sans toutefois être inférieur à 100 euros. Le paiement du montant de l'arrangement à l'amiable annule la procédure visant à infliger une amende administrative;

3° ou être infligé une amende administrative de 100 euros à 25.000 euros étant entendu que l'amende administrative en cas d'infraction aux dispositions visées à ou en vertu de :

- l'article 2, § 1er, ou l'article 4, est comprise entre 12.500 euros et 25.000 euros;

- l'article 1er, § 1er, alinéas 2, 4 ou 6, l'article 2, § 2, l'article 3, l'article 9, § 4, ou l'article 15, est comprise entre 7.500 euros et 15.000 euros;

- l'article 8, à l'exclusion du § 3, ou un des articles 13.1 jusque et y compris 13.14, est comprise entre 2.500 euros et 10.000 euros;

- l'article 5, alinéa 1er, 1°, 5° ou 8°, l'article 6, alinéa 1er, 1° ou 8°, l'article 4*bis*, l'article 8, § 3, l'article 9, l'article 14 ou l'article 20, est comprise entre 1.000 euros et 2.500 euros;

- l'article 6, alinéa 1er, 5°, est comprise entre 500 euros et 1.000 euros.

Les taux applicables aux amendes administratives sont :

1° majorés de moitié si, dans l'année après qu'un avertissement ait été adressé au contrevenant, tel que visé à l'alinéa 1er, 1°, l'agissement qui y a donné lieu est constaté;

2° doublés si l'infraction est constatée dans les trois ans qui suivent l'acceptation d'un accord à l'amiable ou la décision d'infliger une amende administrative;

3° doublés si l'infraction est constatée alors qu'elle l'a déjà été et que la cessation de l'agissement a été ordonnée dans le cadre de l'article 16, alinéa 3.

En cas de concours d'infractions, les différents taux sont comptabilisés, sans que le montant total de ces taux ne puisse excéder le montant maximal visé à l'alinéa 1er, 3°.

§ 2. Le Roi désigne les fonctionnaires compétents visés aux articles 16, 19 et 20.

Le Procureur du Roi dispose d'un délai d'un mois à compter de la réception du procès-verbal, visé à l'article 16, alinéa 5, pour examiner la qualification des faits et, le cas échéant, pour informer le fonctionnaire compétent visé à l'alinéa premier de ce qu'au vu de cette qualification, il estime devoir faire application de l'article 18.

[...]

§ 5. Le fonctionnaire compétent, visé au § 2, alinéa 1er, décide d'infliger une amende administrative après avoir permis à celui qui viole la loi de présenter ses moyens de défense.

La décision fixe le montant de l'amende et est motivée.

Elle est notifiée, par lettre recommandée à la poste, à celui qui viole la loi ainsi qu'à la personne physique ou morale civilement responsable du paiement de l'amende administrative. Il y est annexé une invitation à payer l'amende dans le délai fixé par le Roi. Après l'écoulement de ce délai, un intérêt de retard, égal au taux d'intérêt légal, est dû.

Les personnes physiques ou morales visées à l'article 1er sont civilement responsables du paiement de l'amende administrative infligée à leurs administrateurs, aux membres de leur personnel dirigeant et d'exécution, à leurs préposés ou mandataires.

Lorsqu'elles n'ont pas de siège d'exploitation en Belgique, les entreprises, les organismes et les entreprises organisant un service fournissent une garantie bancaire réalisable à première demande à concurrence d'une somme de EUR 12.500,00 en garantie de paiement des redevances et des amendes administratives. Cette garantie bancaire doit pouvoir être entamée par les autorités belges. Le Roi définit les modalités et la procédure du dépôt de cette garantie bancaire, la manière dont les autorités font appel à cette garantie bancaire et son approvisionnement.

Celui à qui une amende est infligée ou la personne civilement responsable peut, dans le délai fixé par le Roi pour le paiement de l'amende, contester l'application de l'amende administrative par requête auprès du tribunal de première instance de Bruxelles. Ce recours suspend l'exécution de la décision.

Le recours, par lequel l'application de l'amende administrative est contestée, est uniquement recevable si une copie de la requête est envoyée par lettre recommandée à la poste au fonctionnaire compétent, visé au § 2, alinéa 1er, au plus tard à la date du dépôt de la requête au tribunal.

Aucun appel n'est possible contre la décision du tribunal de première instance. »

B.1.2. Il ressort des termes de la question préjudicielle, éclairés par les motifs du jugement qui la pose, qu'est soumise au contrôle de la Cour la loi du 10 avril 1990 réglementant la sécurité privée et particulière, mais uniquement en ce que celui qui exerce, devant le Tribunal de première instance de Bruxelles, un recours contre une décision lui infligeant une amende administrative ne peut bénéficier de certaines modalités d'individualisation de la peine.

Il s'ensuit que la question préjudicielle porte, en réalité, sur l'article 19, § 5, alinéa 6, précité de la loi.

B.2.1. La Cour est interrogée sur la compatibilité de cet article 19, § 5, alinéa 6, avec les articles 10 et 11 de la Constitution en ce qu'il ne permet pas au Tribunal de première instance de Bruxelles d'accorder la suspension du prononcé ou une mesure de sursis, ni de réduire l'amende en dessous des minima légaux, alors que le juge pénal peut user de cette faculté lorsqu'il statue sur les poursuites pénales intentées, selon le juge *a quo*, en raison des mêmes faits.

B.2.2. Les amendes prévues par l'article 19, § 1er, ont pour objet de prévenir et de sanctionner les infractions commises par les sociétés actives dans le domaine de la sécurité privée et particulière - ou par les membres de leur personnel - qui ne respectent pas les obligations imposées par la loi en cause.

Ces obligations sont, entre autres, d'agir dans les limites légales, de détenir les autorisations, agréments et assurances requis, d'agir dans les limites autorisées, d'informer les autorités judiciaires et administratives des activités de la société et de respecter les conditions générales et particulières d'exercice.

B.2.3. L'article 19, § 1er, alinéa 1er, de la loi exclut expressément de son champ d'application les infractions qui sont sanctionnées pénalement en vertu de l'article 18 de cette loi. Il s'ensuit qu'un même manquement à la loi du 10 avril 1990 précitée ne peut faire l'objet tantôt de sanctions pénales, tantôt de sanctions administratives.

En vertu de l'article 18 de la loi, les infractions aux articles 8, § 2, alinéas 2 à 5, et 11 sont punies d'une amende de 25 à 25.000 euros et les infractions à l'article 10 sont punies d'une amende de 2,50 à 2.500 euros.

L'article 8, § 2, contient des dispositions concernant le stockage, le port, la détention et l'enregistrement d'armes.

L'article 10 oblige les entreprises, services et organismes qui relèvent du champ d'application de la loi, ainsi que les membres du personnel de ces entreprises, services et organismes et les personnes travaillant pour leur compte, à communiquer sans délai aux autorités judiciaires, chaque fois que celles-ci le demandent, toutes les informations relatives aux délits dont ils ont connaissance dans l'exercice ou à l'occasion de l'exercice de leurs activités.

L'article 11 interdit de s'immiscer ou d'intervenir dans un conflit politique ou dans un conflit de travail, d'intervenir lors de ou à l'occasion d'activités syndicales ou à finalité politique, d'exercer une surveillance sur les opinions politiques, philosophiques, religieuses ou syndicales ou sur l'appartenance mutualiste, ainsi que sur l'expression de ces opinions, de créer à cette fin des banques de données et de communiquer à des tiers une information quelconque sur leurs clients et les membres du personnel de ces derniers.

B.2.4. Les services internes de gardiennage disposent de pouvoirs importants en ce qui concerne tant le contrôle et la surveillance des personnes, le cas échéant, dans des lieux accessibles au public que la constatation d'infractions administratives. En outre, les autorisations de stockage, de détention et de port d'armes dans le chef des services internes de gardiennage et de leur personnel sont soumises à des dispositions dérogatoires au droit commun (article 8, § 2).

Les personnes qui travaillent au service ou pour le compte d'un service interne de gardiennage peuvent, sous certaines conditions, procéder au contrôle des vêtements ou des biens personnels ainsi que se faire présenter ou remettre, contrôler, copier ou conserver des documents d'identité (article 8, §§ 6*bis* à 6*quater* et § 11). Elles ne peuvent toutefois exercer leurs compétences que dans la mesure où, conformément à une loi, celles-ci ne sont pas exclusivement réservées aux représentants de l'autorité publique (article 8, § 8, alinéa 2).

B.2.5. Comme le soulignent les travaux préparatoires de la loi du 7 mai 2004 « modifiant la loi du 10 avril 1990 sur les entreprises de gardiennage, les entreprises de sécurité et les services internes de gardiennage, la loi du 29 juillet 1934 interdisant les milices privées et la loi du 19 juillet 1991 organisant la profession de détective privé », l'objectif du législateur a été de créer « une base juridique afin de confier au secteur de la sécurité privée certaines activités qui sont aujourd'hui exercées par les services de police mais qui ne relèvent pas de leurs activités essentielles et certaines situations hybrides de surveillance privée apparues au fil des années » (*Doc. parl.*, Chambre, 2002-2003, DOC 50-2328/001, p. 4).

Quant au contrôle de la Cour

B.3.1. En ce qui concerne les amendes administratives, il fut précisé dans les travaux préparatoires de la loi en cause :

« Outre les sanctions prévues à l'article 17 et les peines prévues à l'article 18, ce sont surtout les amendes administratives qui doivent assurer le respect de la présente loi et de ses arrêtés d'exécution. Les amendes administratives n'ont pas d'influence sur le casier judiciaire, portent atteinte à l'honneur dans une moindre mesure et pourront de ce fait être appliquées d'une manière plus souple que les peines proprement dites.

Si cependant le montant de l'amende est suffisamment élevé, l'effet dissuasif en sera incontournable » (*Doc. parl.*, Sénat, 1988-1989, nº 775/1, p. 20).

Les sanctions visées à l'article 17 de la loi sont le retrait ou la suspension, par le ministre compétent, de l'autorisation ou de l'agrément et le retrait de la carte d'identification visée à l'article 8, § 3.

B.3.2. Les amendes administratives visées par la disposition en cause sont de nature pénale au sens de l'article 6 de la Convention européenne des droits de l'homme.

La Cour doit dès lors prendre en compte, dans le contrôle qu'elle exerce au regard des articles 10 et 11 de la Constitution, les garanties contenues dans cet article 6 et, notamment, la garantie qu'un juge indépendant et impartial puisse exercer un contrôle de pleine juridiction sur l'amende infligée par l'autorité administrative compétente.

B.4. Les garanties contenues à l'article 6 de la Convention européenne des droits de l'homme n'exigent pas qu'en outre, toute personne à laquelle est infligée une sanction administrative, qualifiée de pénale au sens de cette disposition, puisse se voir appliquer les mêmes mesures d'adoucissement de la peine que celles dont bénéficie la personne à laquelle est infligée une sanction qualifiée de pénale au sens du droit interne. Dès lors que la décision d'infliger une amende administrative peut faire l'objet d'un contrôle de pleine juridiction, la Cour doit, en ce qui concerne les autres aspects en cause, limiter son contrôle au respect des articles 10 et 11 de la Constitution.

B.5. Lorsque le législateur estime que certains manquements à des dispositions législatives doivent faire l'objet d'une répression, il relève de son pouvoir d'appréciation de décider s'il est opportun d'opter pour des sanctions pénales *sensu stricto* ou pour des sanctions administratives. Le choix de l'une ou l'autre catégorie de sanctions ne peut être considéré comme établissant en soi une discrimination.

Il n'y aurait discrimination que si la différence de traitement qui découle de ce choix impliquait une restriction disproportionnée des droits des personnes concernées.

B.6. L'appréciation de la gravité d'un manquement et la sévérité avec laquelle ce manquement peut être puni relèvent également du pouvoir d'appréciation du législateur. Il peut imposer des peines particulièrement lourdes dans des matières où les infractions sont de nature à porter gravement atteinte aux droits fondamentaux des individus et aux intérêts de la collectivité.

C'est dès lors au législateur qu'il appartient de fixer les limites et les montants à l'intérieur desquels le pouvoir d'appréciation de l'administration et, par conséquent, celui du tribunal, doit s'exercer. La Cour ne pourrait censurer un tel système que s'il était manifestement déraisonnable (arrêt n° 93/2008 du 26 juin 2008, B.15.3), notamment parce qu'il porterait une atteinte disproportionnée au principe général qui exige qu'en matière de sanctions rien de ce qui appartient au pouvoir d'appréciation de l'administration n'échappe au contrôle du juge (arrêt n° 138/2006 du 14 septembre 2006, B.7.2), ou au droit au respect des biens lorsque la loi prévoit un montant fixe et n'offre donc pas un choix qui se situerait entre cette peine, en tant que peine maximale, et une peine minimale (arrêt n° 81/2007 du 7 juin 2007, B.9.4).

Hormis de telles hypothèses, la Cour empiéterait sur le domaine réservé au législateur si, en s'interrogeant sur la justification des différences qui existent entre les nombreux textes législatifs prévoyant des sanctions pénales ou administratives, elle ne limitait pas son examen, en ce qui concerne l'échelle des peines et les mesures d'adoucissement de celles-ci, aux cas dans lesquels le choix du législateur contient une incohérence telle qu'il aboutit à une différence de traitement manifestement déraisonnable.

Quant à la jurisprudence de la Cour

B.7. Lorsque l'auteur d'un même fait peut être puni de manière alternative, c'est-à-dire lorsque, pour les mêmes faits, il peut, soit être renvoyé devant le tribunal correctionnel, soit se voir infliger une amende administrative contre laquelle un recours lui est offert devant un tribunal non pénal, la Cour a jugé qu'un parallélisme doit en principe exister entre les mesures d'individualisation de la peine : lorsque, pour les mêmes faits, le tribunal correctionnel peut infliger une amende inférieure au minimum légal s'il existe des circonstances atténuantes (article 85 du Code pénal) ou lorsqu'il peut accorder un sursis (loi du 29 juin 1964), le tribunal du travail, saisi du recours dirigé contre la décision d'infliger une sanction administrative, doit en principe disposer des mêmes possibilités d'individualisation de la peine (arrêts n^{os} 40/97, 45/97, 128/99, 86/2007).

B.8. Le législateur a tenu compte de cette jurisprudence en ce qui concerne les circonstances atténuantes : par la loi du 13 février 1998 portant des dispositions en faveur de l'emploi, il a inséré dans la loi du 30 juin 1971 un article 1er*ter* qui, s'il existe des circonstances atténuantes, autorise tant le fonctionnaire que le tribunal du travail à réduire l'amende, sans qu'elle puisse être inférieure, selon les cas, à 40 ou 80 p.c. des minimums fixés dans la loi. Les articles 79 à 117 de la même loi du 13 février 1998 ont également modifié les règles du droit pénal social et, dans le souci d'harmoniser ces règles avec celles relatives aux amendes administratives applicables aux mêmes infractions, ils disposent que, dorénavant, le juge pourra tenir compte de circonstances atténuantes mais sans pouvoir réduire l'amende en dessous des mêmes pourcentages, afin de conserver à ces amendes un caractère suffisamment dissuasif. Il existe donc aujourd'hui, à cet égard, un parallélisme entre les dispositions sur les amendes administratives et celles du droit pénal.

B.9. Par contre, le législateur n'a pas permis au tribunal du travail d'accorder une mesure de sursis ou la suspension du prononcé. La Cour a considéré que cette dernière mesure était difficilement conciliable avec une procédure qui ne se déroule pas devant une juridiction pénale, mais elle a jugé discriminatoire que le sursis ne puisse être accordé par le tribunal du travail (arrêt n° 105/2004 du 16 juin 2004).

B.10. Dans la loi en cause, le législateur avait à l'origine opté pour un système de « sanctions alternatives » comparable à celui des amendes en matière sociale (*Doc. parl.*, Sénat, 1988-1989, n° 775-1, pp. 40 et 41) mais, pour tenir compte d'une remarque de la section de législation du Conseil d'Etat, qui redoutait « qu'une confusion s'instaure entre l'infraction pénale et l'infraction administrative » (*ibid.*, pp. 57 à 60), il a distingué les faits qui sont passibles d'une amende pénale (article 18) et d'autres faits qui peuvent faire l'objet d'une sanction administrative (article 19).

Le raisonnement tenu dans les arrêts cités en B.7 ne peut donc être reproduit en l'espèce puisque les articles 18 et 19 de la loi en cause répriment des faits différents.

B.11. Au sujet du Code de la TVA, qui prévoit, pour les mêmes faits, des sanctions cumulatives, c'est-à-dire des amendes fiscales et des amendes pénales, la Cour a jugé qu'il est discriminatoire de ne pas pouvoir assortir d'un sursis l'amende fiscale, dont le montant est égal à deux fois la somme éludée, alors que l'amende pénale, qui varie entre 250 et 125.000 euros, peut être fixée au-dessous de ce minimum en cas de circonstances atténuantes et peut faire l'objet d'un sursis (arrêt n° 157/2008 du 6 novembre 2008).

Le même raisonnement n'est pas transposable tel quel en l'espèce puisque l'amende administrative et l'amende pénale ne répriment pas les mêmes faits.

B.12. En ce qui concerne les décrets flamands des 19 décembre 1998 et 22 décembre 1999, contenant diverses mesures d'accompagnement du budget, qui prévoient que ceux qui endommagent le revêtement routier sont passibles d'une amende administrative de 100 à 750 francs pour certains faits, d'une amende pénale de 100 à 75 000 francs pour d'autres, la Cour a jugé que, dès lors qu'il décide de fixer le montant de l'amende administrative au taux minimal de l'amende pénale, le législateur décrétal pouvait, en contrepartie, faire en sorte que cette amende conserve un caractère suffisamment dissuasif en ne permettant pas de la réduire en application de circonstances atténuantes (arrêt n° 127/2000 du 6 décembre 2000).

Ce raisonnement n'est pas transposable à la loi en cause, où il existe une différence sensible entre le minimum de l'amende pénale et les montants minimums des amendes administratives.

Quant à la loi en cause dans sa version originaire

B.13. La loi du 10 avril 1990 prévoyait à l'origine que les infractions pénales étaient punies, selon le cas, d'une amende de 25 à 25.000 euros ou de 2,50 à 2.500 euros (article 18, alinéa 1er), tandis que l'amende administrative était de 100 à 25.000 euros.

Pour les amendes pénales, le tribunal correctionnel pouvait descendre en dessous du minimum en application de l'article 85 du Code pénal et il pouvait faire bénéficier le prévenu des dispositions de la loi du 29 juin 1964 concernant la suspension, le sursis et la probation. Il existait donc une différence entre l'amende pénale et l'amende administrative en ce qui concerne les mesures d'individualisation de la peine.

B.14. Toutefois, en ce qui concerne l'amende administrative, dès l'origine, le fonctionnaire pouvait adresser un avertissement ou proposer un accord à l'amiable (article 19, § 1er, 1° et 2°), ce qui permettait à ce fonctionnaire, sous le contrôle du tribunal, d'individualiser la peine. Quant au montant de l'amende administrative, dès lors que son minimum était fixé à 100 euros, il n'était pas déraisonnable de ne pas permettre au fonctionnaire, et par conséquent au Tribunal de première instance de Bruxelles, de descendre en dessous de ce minimum.

B.15. Il peut être déduit de ce qui précède que, si les mesures d'individualisation de la peine décrites en B.14 n'étaient pas identiques à celles dont peut user le juge pénal, la différence de traitement entre personnes, selon qu'elles pouvaient se voir infliger une amende administrative ou une amende pénale, n'était pas telle qu'elle eût porté une atteinte disproportionnée aux droits des premières, le Tribunal de première instance de Bruxelles pouvant exercer un contrôle de pleine juridiction sur la décision du fonctionnaire.

Quant à la loi en cause dans sa version actuelle

B.16. Il convient toutefois d'examiner les modifications apportées à la loi du 10 avril 1990 par la loi du 2 septembre 2005 « simplifiant la loi du 10 avril 1990 réglementant la sécurité privée et particulière ».

B.17. L'article 19, § 1er, alinéa 2, de la loi du 10 avril 1990, qui fixait l'amende administrative entre un minimum de 100 euros et un maximum de 25.000 euros, attribuait en outre au Roi la compétence « dans les limites de l'échelle, telle que visée à l'alinéa 1er, 3°, » de « fixer le taux des amendes administratives et des accords à l'amiable ». Le législateur considéra à raison, en se fondant sur les motifs de l'arrêt de la Cour n° 27/2005 du 2 février 2005, que cette délégation n'était pas compatible avec le principe de légalité en matière pénale (*Doc. parl.*, Chambre, 2004-2005, DOC 51-1775/001, p. 8, et DOC 51-1775/003, p. 4). Par la loi précitée du 2 septembre 2005, il abrogea la délégation que l'article 19, § 1er, alinéa 2, accordait au Roi et détermina lui-même les minimums et les maximums des amendes administratives, tels qu'ils sont détaillés à l'article 19, § 1er, cité en B.1.1.

B.18. Cette amélioration du texte initial au regard du principe de légalité a toutefois pour conséquence que les possibilités d'individualisation de la peine dont dispose le fonctionnaire compétent, sous le contrôle du Tribunal de première instance de Bruxelles, diffèrent dans une large mesure de celles dont dispose le tribunal correctionnel quand il inflige l'amende pénale prévue par l'article 18 de la loi.

B.19. Ainsi, lorsque, comme c'est le cas dans le litige pendant devant le juge *a quo*, le fonctionnaire inflige une amende administrative pour infraction à l'article 2, § 1er, de la loi, il ne peut descendre sous le minimum prévu de 12.500 euros et l'« arrangement à l'amiable » qu'il propose ne peut porter sur un montant inférieur à la moitié de cette somme (article 19, § 1er, 2° et 3°, premier tiret).

B.20. Pour justifier le montant des amendes administratives, il avait été observé, dans les travaux préparatoires de la loi du 10 avril 1990, que « si cependant le montant de l'amende est suffisamment élevé, l'effet dissuasif en sera incontournable » (*Doc. parl.*, Sénat, 1988-1989, n° 775-1, p. 20). Une telle considération peut justifier que le maximum des amendes puisse atteindre 25.000 euros. Mais elle ne peut expliquer que, dans la même loi, les infractions pénales, qui sont censées être plus graves que les infractions punies d'une amende administrative, puissent être réduites à des montants largement inférieurs à ceux des amendes administratives.

Une telle situation, en ce qui concerne le taux et les mesures de modération de la peine, doit être considérée comme étant à ce point incohérente qu'elle conduit à une différence de traitement manifestement déraisonnable.

B.21. La question préjudicielle appelle une réponse affirmative mais uniquement dans la mesure où l'article 19, § 1er, de la loi du 10 avril 1990, telle que celle-ci a été modifiée par la loi du 2 septembre 2005, fixe les minimums des amendes administratives à des montants très supérieurs à ceux des amendes pénales, sans que l'article 19, § 5, alinéa 6, de la même loi permette au juge de réduire les amendes administratives en dessous des minimums fixés par la loi.

Par ces motifs,

la Cour

dit pour droit :

L'article 19, § 5, alinéa 6, de la loi du 10 avril 1990 réglementant la sécurité privée et particulière, modifiée par la loi du 2 septembre 2005 « simplifiant la loi du 10 avril 1990 réglementant la sécurité privée et particulière », viole les articles 10 et 11 de la Constitution en ce qu'il ne permet pas aux personnes qui exercent le recours prévu par cette disposition de bénéficier d'une réduction de l'amende administrative en deçà du minimum légal.

Ainsi prononcé en langue française et en langue néerlandaise, conformément à l'article 65 de la loi spéciale du 6 janvier 1989, à l'audience publique du 11 mars 2009.

Le greffier, Le président,

P.-Y. Dutilleux. M. Melchior.

GRONDWETTELIJK HOF

[2009/201655]

Uittreksel uit arrest nr. 42/2009 van 11 maart 2009

Rolnummer 4400

In zake : de prejudiciële vraag betreffende de wet van 10 april 1990 tot regeling van de private en bijzondere veiligheid, gesteld door de Rechtbank van eerste aanleg te Brussel.

Het Grondwettelijk Hof,

samengesteld uit de voorzitters M. Melchior en M. Bossuyt, en de rechters P. Martens, R. Henneuse, E. De Groot, L. Lavrysen, A. Alen, J.-P. Snappe, J.-P. Moerman, E. Derycke, J. Spreutels en T. Merckx-Van Goey, bijgestaan door de griffier P.-Y. Dutilleux, onder voorzitterschap van voorzitter M. Melchior,

wijst na beraad het volgende arrest :

I. *Onderwerp van de prejudiciële vraag en rechtspleging*

Bij vonnis van 7 december 2007 in zake de bvba « Zanzibar » tegen de Belgische Staat, waarvan de expeditie ter griffie van het Hof is ingekomen op 26 december 2007, heeft de Rechtbank van eerste aanleg te Brussel de volgende prejudiciële vraag gesteld :

« Schendt de wet van 10 april 1990 betreffende de private veiligheid de artikelen 10 en 11 van de Grondwet en het algemeen beginsel van gelijkheid en niet-discriminatie, in die zin geïnterpreteerd dat zij de rechtbank van eerste aanleg waarbij een beroep is ingesteld tegen een beslissing waarmee aan de overtreder van die wet een administratieve geldboete werd opgelegd, niet toestaat de opschorting van de uitspraak of uitstel toe te kennen, terwijl de strafrechter die mogelijkheid kan aanwenden wanneer hij uitspraak doet over de strafvervolging van dezelfde strafbare feiten ?

Is zulks niet eveneens het geval in zoverre de wet van 10 april 1990 het niet mogelijk maakt een vermindering van de geldboete te genieten tot onder de wettelijke minima, zoals dat geldt voor artikel 85 van het Strafwetboek ? ».

(...)

III. *In rechte*

(...)

Ten aanzien van de in het geding zijnde bepaling en de draagwijdte van de prejudiciële vraag

B.1.1. Artikel 19 van de wet van 10 april 1990 bepaalt :

« § 1. Aan elke natuurlijke of rechtspersoon, die de bepalingen van de wet of haar uitvoeringsbesluiten niet naleeft, de misdrijven bedoeld in artikel 18 uitgezonderd, kan :

1° een waarschuwing worden gericht waarbij de overtreder tot de stopzetting van deze handeling wordt aangemaand;

2° of een minnelijke schikking worden voorgesteld die de helft bedraagt van het bedrag van [de] administratieve geldboete, bedoeld onder 3°, zonder evenwel lager te zijn dan 100 euro. De betaling van de minnelijke schikking doet de procedure tot het opleggen van een administratieve geldboete vervallen;

3° of een administratieve geldboete worden opgelegd van 100 euro tot 25.000 euro, met dien verstande [dat] de administratieve geldboete in geval van inbreuken [op de] bepalingen, bedoeld in of krachtens :

- artikel 2, § 1 of artikel 4, [...] tussen 12.500 euro en 25.000 euro [bedraagt];

- artikel 1, § 1, tweede lid, vierde lid of zesde [lid,] artikel 2, § 2, artikel 3, artikel 9, § 4, of artikel 15, [...] tussen 7.500 euro en 15.000 euro [bedraagt];

- artikel 8, uitgezonderd § 3, of een van de artikelen 13.1 tot en met 13.14, [...] tussen 2.500 euro en 10.000 euro [bedraagt];

- artikel 5, eerste lid, 1°, 5° of 8°, artikel 6, eerste [lid, 1° of] 8°, artikel 4*bis*, artikel 8, § 3, artikel 9, artikel 14 [of] artikel 20, [...] tussen 1.000 euro en 2.500 euro [bedraagt];

- artikel 6, eerste lid, 5°, [...] tussen 500 euro en 1.000 euro bedraagt.

De [toepasselijke] tarieven van de administratieve geldboetes worden :

1° met de helft vermeerderd indien binnen het jaar, nadat aan de overtreder een waarschuwing is gericht, zoals bedoeld in het eerste lid, 1°, de handeling die er de aanleiding toe was, wordt vastgesteld;

2° verdubbeld indien de overtreding binnen de drie jaar, nadat een minnelijke schikking werd aanvaard of een administratieve geldboete werd opgelegd, wordt vastgesteld;

3° verdubbeld indien de overtreding wordt vastgesteld, nadat zij eerder werd vastgesteld in de omstandigheid dat de staking van de handeling bevolen was in het kader van artikel 16, derde lid.

Bij samenloop van inbreuken worden de tarieven samengeteld, waarbij het totale bedrag het maximumbedrag, bedoeld in het eerste lid, 3°, niet mag overschrijden.

§ 2. De Koning wijst de bevoegde ambtenaren aan, bedoeld in de artikelen 16, 19 en 20.

De Procureur des Konings beschikt over een termijn van een maand te rekenen van de ontvangst van het proces-verbaal, bedoeld in artikel 16, vijfde lid, om de kwalificatie van de feiten te onderzoeken en, in voorkomend geval, de bevoegde ambtenaar, bedoeld in het eerste lid, in te lichten dat hij, in het licht van die kwalificatie, artikel 18 meent te moeten toepassen.

[...]

§ 5. De bevoegde ambtenaar, bedoeld in § 2, eerste lid, beslist tot het opleggen van een administratieve geldboete na degene die de wet schendt in de gelegenheid te hebben gesteld zijn verweermiddelen voor te dragen.

De beslissing bepaalt het bedrag van de geldboete en wordt met redenen omkleed.

Zij wordt bij een ter post aangetekende brief ter kennis gebracht van degene die de wet schendt, alsmede van de natuurlijke persoon of de rechtspersoon die burgerrechtelijk aansprakelijk is voor het betalen van de administratieve geldboete. Er wordt een verzoek aan toegevoegd de geldboete te betalen binnen de termijn bepaald door de Koning. Na het verstrijken van deze termijn is een nalatigheidsintrest, gelijk aan de wettelijke intrestvoet, verschuldigd.

De in artikel 1 bedoelde natuurlijke personen of rechtspersonen zijn burgerrechtelijk aansprakelijk voor het betalen van de administratieve geldboete die aan hun bestuurders, leden van het leidinggevend en uitvoerend personeel, aangestelden of lasthebbers wordt opgelegd.

Indien zij geen exploitatiezetel hebben in België, stellen de ondernemingen, de instellingen en de ondernemingen die een dienst organiseren een op eerste verzoek uitvoerbare bankwaarborg ten belope van een som van EUR 12.500,00 als waarborg tot betaling van de retributies en de administratieve geldboetes. Deze bankwaarborg moet kunnen aangesproken worden door de Belgische overheid. De Koning bepaalt de modaliteiten en de procedure tot het stellen van deze bankwaarborg, de wijze waarop de overheid beroep doet op deze bankwaarborg en de aanvulling ervan.

Degene aan wie een administratieve geldboete werd opgelegd of de burgerrechtelijk aansprakelijke persoon kan binnen de door de Koning bepaalde termijn voor de betaling van de geldboete bij verzoekschrift voor de rechtbank van eerste aanleg te Brussel de toepassing van de administratieve geldboete betwisten. Dit beroep schorst de uitvoering van de beslissing.

Het beroep waarbij de toepassing van de administratieve geldboete wordt betwist, is slechts ontvankelijk indien een kopie van het verzoekschrift uiterlijk op de datum van neerlegging van het verzoekschrift bij de rechtbank tevens bij ter post aangetekende brief wordt gezonden aan de bevoegde ambtenaar, bedoeld in § 2, eerste lid.

Tegen het vonnis van de rechtbank van eerste aanleg is geen hoger beroep mogelijk ».

B.1.2. Uit de bewoordingen van de prejudiciële vraag, die worden toegelicht door de motieven van het verwijzingsvonnis, blijkt dat de wet van 10 april 1990 tot regeling van de private en bijzondere veiligheid ter toetsing aan het Hof wordt voorgelegd, maar uitsluitend in zoverre diegene die voor de Rechtbank van eerste aanleg te Brussel een beroep instelt tegen een beslissing waarbij een administratieve geldboete wordt opgelegd, bepaalde modaliteiten van de individualisering van de straf niet kan genieten.

Daaruit volgt dat de prejudiciële vraag in werkelijkheid betrekking heeft op het voormelde artikel 19, § 5, zesde lid, van de wet.

B.2.1. Aan het Hof wordt gevraagd of dat artikel 19, § 5, zesde lid, bestaanbaar is met de artikelen 10 en 11 van de Grondwet, in zoverre het de Rechtbank van eerste aanleg te Brussel niet toestaat de opschorting van de uitspraak of een maatregel van uitstel toe te kennen, noch om de geldboete te verminderen tot onder de wettelijke minima, terwijl de strafrechter wel van die mogelijkheden gebruik kan maken wanneer hij uitspraak doet over de strafvervolging die, volgens de verwijzende rechter, wegens dezelfde feiten wordt ingesteld.

B.2.2. De in artikel 19, § 1, bedoelde geldboeten hebben tot doel de inbreuken te voorkomen en te bestraffen die worden begaan door vennootschappen die actief zijn op het vlak van de private en bijzondere veiligheid - of door hun personeelsleden - en waarbij de door de in het geding zijnde wet opgelegde verplichtingen niet in acht worden genomen.

Die verplichtingen bestaan onder meer in het optreden binnen de wettelijke grenzen, het beschikken over de vereiste vergunningen, erkenningen en verzekeringen, het optreden binnen de vergunde grenzen, het verstrekken van inlichtingen over hun activiteiten aan de gerechtelijke en administratieve overheden en het naleven van de algemene en bijzondere uitoefeningsvoorwaarden.

B.2.3. Artikel 19, § 1, eerste lid, van de wet sluit uitdrukkelijk de inbreuken die strafrechtelijk worden bestraft krachtens artikel 18 van diezelfde wet, van zijn toepassingssfeer uit. Daaruit volgt dat eenzelfde niet-nakoming van de voormelde wet van 10 april 1990 niet zowel strafrechtelijk als administratief kan worden bestraft.

Krachtens artikel 18 van de wet wordt elke overtreding van de artikelen 8, § 2, tweede tot vijfde lid, en 11 bestraft met een geldboete van 25 tot 25.000 euro en wordt elke overtreding van artikel 10 bestraft met een geldboete van 2,50 tot 2.500 euro.

Artikel 8, § 2, bevat bepalingen inzake het voorhanden hebben, het dragen, het bewaren en het registreren van wapens.

Artikel 10 verplicht de ondernemingen, diensten en instellingen die onder het toepassingsgebied van de wet vallen, alsmede de personeelsleden van die ondernemingen, diensten en instellingen en de personen die voor hun rekening werken, aan de rechterlijke instanties, telkens als deze erom verzoeken, onverwijld alle inlichtingen mede te delen over misdrijven waarvan zij tijdens of naar aanleiding van de uitoefening van hun activiteiten kennis krijgen.

Artikel 11 legt een verbod op om zich in te laten met of tussen te komen in een politiek conflict of een arbeidsconflict, om op te treden tijdens of naar aanleiding van vakbondsactiviteiten of activiteiten met een politieke finaliteit, om toezicht te houden op politieke, filosofische, godsdienstige of vakbondsovertuigingen of op het mutualistisch lidmaatschap en op de uiting van die overtuigingen, om te dien einde gegevensbestanden aan te leggen en om enig gegeven over hun cliënten of de personeelsleden ervan aan derden mede te delen.

B.2.4. De interne bewakingsdiensten beschikken over belangrijke bevoegdheden zowel wat betreft de controle en de bewaking van personen, in voorkomend geval, op voor het publiek toegankelijke plaatsen, als wat betreft de vaststelling van administratieve inbreuken. Bovendien zijn de vergunningen tot het voorhanden hebben en tot het dragen van wapens voor de interne bewakingsdiensten en hun personeel onderworpen aan bepalingen die afwijken van het gemeen recht (artikel 8, § 2).

De personen die werken in dienst of voor rekening van een interne bewakingsdienst, kunnen onder bepaalde voorwaarden overgaan tot de controle van de kledij en de goederen van personen en kunnen zich identiteitsdocumenten laten voorleggen of laten overhandigen, controleren, kopiëren of inhouden (artikel 8, §§ 6*bis* en 6*quater* en § 11). Zij kunnen hun bevoegdheden slechts uitoefenen voor zover die krachtens een wet niet uitsluitend zijn voorbehouden aan vertegenwoordigers van het openbaar gezag (artikel 8, § 8, tweede lid).

B.2.5. Zoals in de parlementaire voorbereiding van de wet van 7 mei 2004 « tot wijziging van de wet van 10 april 1990 op de bewakingsondernemingen, de beveiligingsondernemingen en de interne bewakingsdiensten, de wet van 29 juli 1934 waarbij private milities verboden worden en de wet van 19 juli 1991 tot regeling van het beroep van privé-detective » wordt onderstreept, bestond de doelstelling van de wetgever erin « een juridische basis [te creëren] om bepaalde activiteiten die vandaag door de politiediensten worden uitgeoefend, doch die niet tot hun kernactiviteiten behoren en bepaalde, doorheen de jaren ontstane, hybride situaties van privaat toezicht toe te vertrouwen aan de private veiligheidssector » (*Parl. St.*, Kamer, 2002-2003, DOC 50-2328/001, p. 4).

Ten aanzien van de toetsing door het Hof

B.3.1. Met betrekking tot de administratieve geldboeten werd in de parlementaire voorbereiding van de in het geding zijnde wet gepreciseerd :

« Naast de sancties bedoeld in artikel 17, en de straffen bedoeld in artikel 18, moet vooral het opleggen van administratieve geldboeten de naleving van deze wet en haar uitvoeringsbesluiten verzekeren. Administratieve geldboetes hebben geen invloed op het strafregister, tasten de eer in veel mindere mate aan, en zullen bijgevolg soepeler opgelegd worden dan eigenlijke straffen.

Indien het bedrag van de boete evenwel hoog genoeg is, zal het afschrikkend effect ervan onmiskenbaar zijn » (*Parl. St.*, Senaat, 1988-1989, nr. 775/1, p. 20).

De in artikel 17 van de wet bedoelde sancties zijn de intrekking of de schorsing, door de bevoegde minister, van de vergunning of erkenning en de intrekking van de identificatiekaart bedoeld in artikel 8, § 3.

B.3.2. De in de in het geding zijnde bepaling bedoelde administratieve geldboeten zijn strafrechtelijk van aard in de zin van artikel 6 van het Europees Verdrag voor de rechten van de mens.

Het Hof dient bijgevolg, bij de toetsing aan de artikelen 10 en 11 van de Grondwet, rekening te houden met de waarborgen vervat in dat artikel 6 en, met name, de waarborg dat een onafhankelijke en onpartijdige rechter een controle met volle rechtsmacht kan uitoefenen op de door de bevoegde administratieve overheid opgelegde geldboete.

B.4. De waarborgen vervat in artikel 6 van het Europees Verdrag voor de rechten van de mens vereisen niet dat daarnaast op iedere persoon ten aanzien van wie een administratieve sanctie wordt opgelegd die als een strafrechtelijke sanctie in de zin van die bepaling wordt gekwalificeerd, dezelfde maatregelen tot verzachting van de straf kunnen worden toegepast als die welke de persoon geniet ten aanzien van wie een sanctie wordt opgelegd die als een strafrechtelijke sanctie in de zin van het interne recht wordt gekwalificeerd. Aangezien de beslissing om een administratieve geldboete op te leggen het voorwerp kan uitmaken van een toetsing met volle rechtsmacht, dient het Hof, wat de andere in het geding zijnde aspecten betreft, zijn toetsing te beperken tot de inachtneming van de artikelen 10 en 11 van de Grondwet.

B.5. Wanneer de wetgever oordeelt dat sommige inbreuken op wettelijke bepalingen moeten worden bestraft, behoort het tot zijn beoordelingsbevoegdheid te beslissen of het opportuun is om voor strafsancties *sensu stricto* of voor administratieve sancties te opteren. De keuze van de ene of de andere categorie van sancties kan op zich niet worden geacht discriminerend te zijn.

Van discriminatie zou slechts sprake zijn indien het verschil in behandeling dat uit die keuze voortvloeit, een onevenredige beperking van de rechten van de daarbij betrokken personen met zich zou meebrengen.

B.6. De vaststelling van de ernst van een tekortkoming en de zwaarwichtigheid waarmee die tekortkoming kan worden bestraft, behoren ook tot de beoordelingsbevoegdheid van de wetgever. Hij mag bijzonder zware straffen opleggen in aangelegenheden waar de aard van de inbreuken de grondrechten van de burgers en de belangen van de gemeenschap ernstig kunnen aantasten.

Het staat derhalve aan de wetgever om de perken en de bedragen vast te stellen waarbinnen de beoordelingsbevoegdheid van de administratie, en bijgevolg die van de rechtbank, moet worden uitgeoefend. Het Hof zou een dergelijk systeem alleen kunnen afkeuren indien het kennelijk onredelijk is (arrest nr. 93/2008 van 26 juni 2008, B.15.3), met name doordat het op onevenredige wijze afbreuk zou doen aan het algemene beginsel volgens hetwelk inzake sancties niets wat onder de beoordelingsbevoegdheid van de administratie valt, ontsnapt aan de toetsing van de rechter (arrest nr. 138/2006 van 14 september 2006, B.7.2), of aan het recht op het ongestoorde genot van de eigendom, wanneer de wet in een vast bedrag voorziet en dus niet de mogelijkheid biedt van een spreiding tussen die straf als maximumstraf en een minimumstraf (arrest nr. 81/2007 van 7 juni 2007, B.9.4).

Buiten die gevallen zou het Hof zich op het aan de wetgever voorbehouden domein begeven, indien het bij de vraag naar de verantwoording voor verschillen in de talrijke wetteksten houdende strafrechtelijke of administratieve sancties, zijn onderzoek, wat de strafmaat en de maatregelen tot verzachting ervan betreft, niet zou beperken tot de gevallen waar de keuze van de wetgever dermate onsamenhangend is dat ze leidt tot een kennelijk onredelijk verschil in behandeling.

Ten aanzien van de rechtspraak van het Hof

B.7. Wanneer de dader van eenzelfde feit op een alternatieve wijze kan worden gestraft, dat wil zeggen wanneer hij, voor dezelfde feiten, ofwel naar de correctionele rechtbank kan worden verwezen ofwel een administratieve geldboete kan worden opgelegd waartegen hem een beroep wordt geboden voor een andere rechtbank dan een strafrechtbank, heeft het Hof geoordeeld dat er in beginsel een parallellisme moet bestaan tussen de maatregelen van individualisering van de straf : wanneer voor dezelfde feiten de correctionele rechtbank een boete kan opleggen die minder bedraagt dan het wettelijk minimum indien verzachtende omstandigheden aanwezig zijn (artikel 85 van het Strafwetboek) of wanneer uitstel kan worden toegekend (wet van 29 juni 1964), moet de arbeidsrechtbank, waarbij het beroep tegen de beslissing om een administratieve sanctie op te leggen aanhangig is gemaakt, in beginsel over dezelfde mogelijkheden van individualisering van de straf beschikken (arresten nrs. 40/97, 45/97, 128/99, 86/2007).

B.8. De wetgever heeft met die rechtspraak rekening gehouden wat betreft de verzachtende omstandigheden : bij de wet van 13 februari 1998 houdende bepalingen tot bevordering van de tewerkstelling, heeft hij in de wet van 30 juni 1971 een artikel 1*ter* ingevoegd dat, wanneer verzachtende omstandigheden aanwezig zijn, zowel de ambtenaar als de arbeidsrechtbank toestaat de geldboete te verminderen zonder dat ze, naar gelang het geval, minder dan 40 of 80 pct. van de in de wet vastgestelde minima mag bedragen. De artikelen 79 tot 117 van dezelfde wet van 13 februari 1998 hebben tevens de regels van het sociaal strafrecht gewijzigd en, met het oog op de harmonisering van die regels met de regels betreffende de administratieve geldboeten die op dezelfde misdrijven van toepassing zijn, bepalen zij dat de rechter voortaan rekening zal kunnen houden met verzachtende omstandigheden zonder de geldboete evenwel te kunnen verminderen onder diezelfde percentages, teneinde die geldboeten een voldoende ontradend karakter te laten behouden. Er bestaat dus thans in dit verband een parallellisme tussen de bepalingen betreffende de administratieve geldboete en die van het strafrecht.

B.9. De wetgever heeft de arbeidsrechtbank daarentegen niet toegestaan om een maatregel van uitstel of opschorting van de uitspraak toe te kennen. Het Hof heeft geoordeeld dat laatstgenoemde maatregel moeilijk te verenigen valt met een procedure die niet voor een strafrechtbank verloopt, maar het heeft het feit dat het uitstel niet kan worden toegekend door de arbeidsrechtbank discriminerend geacht (arrest nr. 105/2004 van 16 juni 2004).

B.10. In de in het geding zijnde wet had de wetgever oorspronkelijk gekozen voor een systeem van alternatieve sancties dat vergelijkbaar is met dat van de geldboeten op sociaal vlak (*Parl. St.*, Senaat, 1988-1989, nr. 775-1, pp. 40 en 41), maar teneinde rekening te houden met een opmerking van de afdeling wetgeving van de Raad van State, die vreesde « dat er onduidelijkheid ontstaat over de strafrechtelijke overtreding en de administratieve overtreding » (*ibid.*, pp. 57 tot 60), heeft hij een onderscheid gemaakt tussen de feiten die met een strafrechtelijke geldboete kunnen worden bestraft (artikel 18) en de andere feiten die het voorwerp kunnen uitmaken van een administratieve sanctie (artikel 19).

De redenering die wordt gehouden in de in B.7 geciteerde arresten kan dus te dezen niet worden overgenomen, vermits de artikelen 18 en 19 van de in het geding zijnde wet verschillende feiten bestraffen.

B.11. Wat betreft het BTW-Wetboek dat, voor dezelfde feiten, voorziet in cumulatieve sancties, dat wil zeggen fiscale geldboeten en strafrechtelijke geldboeten, heeft het Hof geoordeeld dat het discriminerend is dat een fiscale geldboete, waarvan het bedrag gelijk is aan het dubbele van de ontdoken som, niet gepaard kan gaan met een uitstel, terwijl de strafrechtelijke geldboete, die varieert van 250 tot 125.000 euro, in geval van verzachtende omstandigheden onder dat minimum kan worden vastgesteld en het voorwerp kan uitmaken van uitstel (arrest nr. 157/2008 van 6 november 2008).

Diezelfde redenering kan niet als dusdanig worden toegepast op deze zaak, vermits de administratieve geldboete en de strafrechtelijke geldboete niet dezelfde feiten bestraffen.

B.12. Wat betreft de Vlaamse decreten van 19 december 1998 en 22 december 1999 houdende bepalingen tot begeleiding van de begroting, die bepalen dat diegenen die het wegdek beschadigen een administratieve geldboete van 100 tot 750 frank kan worden opgelegd voor sommige feiten, en een strafrechtelijke geldboete van 100 tot 75 000 frank voor andere feiten, heeft het Hof geoordeeld dat, aangezien de decreetgever beslist het bedrag van de administratieve geldboete vast te stellen op het minimale tarief van de strafrechtelijke geldboete, hij vermocht geen verzachtende omstandigheden toe te laten opdat de geldboete haar ontradend karakter zou behouden (arrest nr. 127/2000 van 6 december 2000).

Die redenering kan niet worden toegepast op de in het geding zijnde wet waarbij er een aanzienlijk verschil bestaat tussen het minimum van de strafrechtelijke geldboete en de minimumbedragen van de administratieve geldboeten.

Ten aanzien van de in het geding zijnde wet in haar oorspronkelijke versie

B.13. De wet van 10 april 1990 bepaalde oorspronkelijk dat de strafrechtelijke misdrijven, naar gelang van het geval, bestraft werden met een geldboete van 25 tot 25.000 euro of van 2,50 tot 2.500 euro (artikel 18, eerste lid), terwijl de administratieve geldboete 100 tot 25.000 euro bedroeg.

Voor de strafrechtelijke geldboeten kon de correctionele rechtbank, met toepassing van artikel 85 van het Strafwetboek, onder het minimum dalen en kon zij de beklaagde de bepalingen van de wet van 29 juni 1964 betreffende de opschorting, het uitstel en de probatie laten genieten. Er bestond dus een verschil tussen de strafrechtelijke geldboete en de administratieve geldboete wat de maatregelen van individualisering van de straf betreft.

B.14. Wat betreft de administratieve geldboete kon de ambtenaar echter van bij het begin aan de betrokkene een waarschuwing richten of een minnelijke schikking voorstellen (artikel 19, § 1, 1° en 2°), wat die ambtenaar, onder toezicht van de rechtbank, toeliet de straf te individualiseren. Aangezien het minimumbedrag van de administratieve geldboete op 100 euro was vastgesteld, was het niet onredelijk de ambtenaar, en bijgevolg de Rechtbank van eerste aanleg te Brussel, niet toe te laten onder dat minimumbedrag te dalen.

B.15. Uit wat voorafgaat kan worden afgeleid dat, ofschoon de in B.14 beschreven maatregelen van individualisering van de straf niet identiek waren met die welke de strafrechter kon aanwenden, het verschil in behandeling tussen personen, naargelang hun een administratieve geldboete of een strafrechtelijke geldboete kon worden opgelegd, niet van dien aard was dat het op onevenredige wijze inbreuk zou hebben gemaakt op de rechten van eerstgenoemden, aangezien de Rechtbank van eerste aanleg te Brussel een toetsing met volle rechtsmacht kan uitoefenen ten aanzien van de beslissing van de ambtenaar.

Ten aanzien van de in het geding zijnde wet in haar huidige versie

B.16. De wijzigingen die zijn aangebracht aan de wet van 10 april 1990 bij de wet van 2 september 2005 « houdende vereenvoudiging van de wet van 10 april 1990 tot regeling van de private en bijzondere veiligheid » dienen evenwel te worden onderzocht.

B.17. Artikel 19, § 1, tweede lid, van de wet van 10 april 1990, dat de administratieve geldboete vaststelde tussen een minimum van 100 euro en een maximum van 25.000 euro, kende bovendien aan de Koning de bevoegdheid toe om « binnen de schaal, zoals bedoeld in het eerste lid, 3°, » te voorzien in « tarieven van administratieve geldboetes en van minnelijke schikkingen ». De wetgever oordeelde terecht, door zich te baseren op de motieven van het arrest van het Hof nr. 27/2005 van 2 februari 2005, dat die delegatie niet bestaanbaar was met het wettigheidsbeginsel in strafzaken (*Parl. St.*, Kamer, 2004-2005, DOC 51-1775/001, p. 8, en DOC 51-1775/003, p. 4). Bij de voormelde wet van 2 september 2005 hief hij de bij artikel 19, § 1, tweede lid, aan de Koning toegekende delegatie op en stelde hij zelf de minima en de maxima van de administratieve geldboeten vast, zoals zij werden gepreciseerd in artikel 19, § 1, geciteerd in B.1.1.

B.18. Die verbetering van de oorspronkelijke tekst ten aanzien van het wettigheidsbeginsel heeft echter tot gevolg dat de mogelijkheden van individualisering van de straf waarover de bevoegde ambtenaar, onder het toezicht van de Rechtbank van eerste aanleg te Brussel, beschikt, ruimschoots verschillend zijn van diegene waarover de correctionele rechtbank beschikt wanneer zij de in artikel 18 van de wet bedoelde strafrechtelijke geldboete oplegt.

B.19. Wanneer aldus, zoals zulks het geval is in het voor de verwijzende rechter hangende geschil, de ambtenaar een administratieve geldboete oplegt wegens schending van artikel 2, § 1, van de wet, kan hij niet onder het bepaalde minimum van 12.500 euro dalen en de « minnelijke schikking » die hij voorstelt mag niet minder bedragen dan de helft van die som (artikel 19, § 1, 2° en 3°, eerste streepje).

B.20. Teneinde het bedrag van de administratieve geldboeten te verantwoorden werd tijdens de parlementaire voorbereiding van de wet van 10 april 1990 opgemerkt dat « indien het bedrag van de boete evenwel hoog genoeg is, [...] het afschrikkend effect ervan onmiskenbaar [zal] zijn » (*Parl. St.*, Senaat, 1988-1989, nr. 775-1, p. 20). Een dergelijke overweging kan verantwoorden dat het maximum van de geldboeten tot 25 000 euro kan bedragen. Maar ze kan niet verklaren dat in dezelfde wet de strafrechtelijke inbreuken, die zwaarder worden geacht dan de inbreuken die met een administratieve geldboete worden bestraft, kunnen worden verminderd tot ruimschoots lagere bedragen dan die van de administratieve geldboeten.

Een dergelijke situatie, wat de strafmaat en de maatregelen tot verzachting van de straf betreft, moet als dermate onsamenhangend worden beschouwd dat ze leidt tot een kennelijk onredelijk verschil in behandeling.

B.21. De prejudiciële vraag dient bevestigend te worden beantwoord maar uitsluitend in zoverre artikel 19, § 1, van de wet van 10 april 1990, zoals gewijzigd bij de wet van 2 september 2005, de minima van de administratieve geldboeten vaststelt op veel hogere bedragen dan die van de strafrechtelijke geldboeten, zonder dat artikel 19, § 5, zesde lid, van dezelfde wet de rechter toelaat de administratieve geldboeten te verminderen tot onder de in de wet vastgestelde minima.

Om die redenen,

het Hof

zegt voor recht :

Artikel 19, § 5, zesde lid, van de wet van 10 april 1990 tot regeling van de private en bijzondere veiligheid, gewijzigd bij de wet van 2 september 2005 « houdende vereenvoudiging van de wet van 10 april 1990 tot regeling van de private en bijzondere veiligheid », schendt de artikelen 10 en 11 van de Grondwet in zoverre het de personen die het in die bepaling bedoelde beroep instellen, niet de mogelijkheid biedt een vermindering van de administratieve geldboete tot onder het wettelijk minimum te genieten.

Aldus uitgesproken in het Frans en het Nederlands, overeenkomstig artikel 65 van de bijzondere wet van 6 januari 1989, op de openbare terechtzitting van 11 maart 2009.

De griffier, De voorzitter,

P.-Y. Dutilleux. M. Melchior.

ÜBERSETZUNG

VERFASSUNGSGERICHTSHOF

[2009/201655]

Auszug aus dem Urteil Nr. 42/2009 vom 11. März 2009

Geschäftsverzeichnisnummer 4400

In Sachen: Präjudizielle Frage in Bezug auf das Gesetz vom 10. April 1990 zur Regelung der privaten und besonderen Sicherheit, gestellt vom Gericht erster Instanz Brüssel.

Der Verfassungsgerichtshof,

zusammengesetzt aus den Vorsitzenden M. Melchior und M. Bossuyt, und den Richtern P. Martens, R. Henneuse, E. De Groot, L. Lavrysen, A. Alen, J.-P. Snappe, J.-P. Moerman, E. Derycke, J. Spreutels und T. Merckx-Van Goey, unter Assistenz des Kanzlers P.-Y. Dutilleux, unter dem Vorsitz des Vorsitzenden M. Melchior,

verkündet nach Beratung folgendes Urteil:

I. *Gegenstand der präjudiziellen Frage und Verfahren*

In seinem Urteil vom 7. Dezember 2007 in Sachen der «Zanzibar» PGmbH gegen den Belgischen Staat, dessen Ausfertigung am 26. Dezember 2007 in der Kanzlei des Hofes eingegangen ist, hat das Gericht erster Instanz Brüssel folgende präjudizielle Frage gestellt:

«Verstößt das Gesetz vom 10. April 1990 zur Regelung der privaten Sicherheit gegen die Artikel 10 und 11 der Verfassung und den allgemeinen Grundsatz der Gleichheit und Nichtdiskriminierung, wenn es dahingehend ausgelegt wird, dass es das Gericht erster Instanz, bei dem ein Rechtsmittel gegen einen Beschluss eingelegt wird, mit dem dem Urheber eines Verstoßes gegen dieses Gesetz eine administrative Geldbuße auferlegt wird, nicht in die Lage versetzt, ihm die Aussetzung der Verkündung der Verurteilung oder Aufschub zu gewähren, während der Strafrichter von dieser Möglichkeit Gebrauch machen kann, wenn er über die Strafverfolgung gegen die gleichen Verstöße befindet?

Verhält es sich nicht ebenso, indem das Gesetz vom 10. April 1990 es nicht ermöglicht, eine Herabsetzung der Geldbuße unterhalb der gesetzlichen Mindestsätze zu erhalten, so wie es bei Artikel 85 des Strafgesetzbuches der Fall ist?».

(...)

III. *In rechtlicher Beziehung*

(...)

In Bezug auf die fragliche Bestimmung und die Tragweite der präjudiziellen Frage

B.1.1. Artikel 19 des Gesetzes vom 10. April 1990 bestimmt:

«§ 1. Jeder natürlichen oder juristischen Person, die die Bestimmungen des vorliegenden Gesetzes oder seiner Ausführungserlasse nicht einhält, ausgenommen die in Artikel 18 erwähnten Straftaten, kann:

1. eine Verwarnung zugeschickt werden, durch die der Zuwiderhandelnde aufgefordert wird, der ihm angelasteten Tat ein Ende zu setzen,

2. oder eine gütliche Einigung vorgeschlagen werden, die die Hälfte des Betrags der in Nr. 3 erwähnten administrativen Geldbuße beträgt, ohne jedoch unter 100 EUR zu liegen. Durch die Zahlung des Betrags der gütlichen Einigung wird das Verfahren zur Auferlegung einer administrativen Geldbuße aufgehoben,

3. oder eine administrativen Geldbuße von 100 EUR bis 25.000 EUR auferlegt werden, wobei die administrative Geldbuße bei Verstoß gegen die Bestimmungen, die in oder aufgrund:

- von Artikel 2 § 1 oder Artikel 4 erwähnt sind, zwischen 12.500 EUR und 25.000 EUR liegt,

- von Artikel 1 § 1 Absatz 2, 4 oder 6, Artikel 2 § 2, Artikel 3, Artikel 9 § 4 oder Artikel 15 erwähnt sind, zwischen 7.500 EUR und 15.000 EUR liegt,

- von Artikel 8, mit Ausnahme von § 3, oder eines der Artikel 13.1 bis einschließlich 13.14 erwähnt sind, zwischen 2.500 EUR und 10.000 EUR liegt,

- von Artikel 5 Absatz 1 Nr. 1, 5 oder 8, Artikel 6 Absatz 1 Nr. 1 oder 8, Artikel 4*bis*, Artikel 8 § 3, Artikel 9, Artikel 14 oder Artikel 20 erwähnt sind, zwischen 1.000 EUR und 2.500 EUR liegt,

- von Artikel 6 Absatz 1 Nr. 5 erwähnt sind, zwischen 500 EUR und 1.000 EUR liegt.

Die auf administrative Geldbußen anwendbaren Sätze werden:

1. um die Hälfte erhöht, wenn binnen einem Jahr, nachdem dem Zuwiderhandelnden eine Verwarnung zugeschickt worden ist, wie in Absatz 1 Nr. 1 erwähnt, die Handlung, die dazu Anlass gegeben hat, festgestellt wird,

2. verdoppelt, wenn der Verstoß binnen drei Jahren nach Annahme einer gütlichen Einigung oder nach Auferlegung einer administrativen Geldbuße festgestellt wird,

3. verdoppelt, wenn der Verstoß festgestellt wird, nachdem er bereits festgestellt und im Rahmen von Artikel 16 Absatz 3 die Unterlassung einer Tat angeordnet worden ist.

Bei Zusammentreffen mehrerer Straftaten werden die Sätze zusammengerechnet, wobei der Gesamtbetrag dieser Sätze den in Absatz 1 Nr. 3 erwähnten Höchstbetrag nicht überschreiten darf.

§ 2. Der König bestimmt die in den Artikeln 16, 19 und 20 erwähnten zuständigen Beamten.

Der Prokurator des Königs verfügt über eine einmonatige Frist ab Empfang des in Artikel 16 Absatz 5 erwähnten Protokolls, um die Qualifizierung der Taten zu untersuchen und gegebenenfalls den in Absatz 1 erwähnten zuständigen Beamten zu informieren, dass er es aufgrund dieser Qualifizierung für notwendig hält, Artikel 18 anzuwenden.

[...]

§ 5. Der in § 2 Absatz 1 erwähnte zuständige Beamte entscheidet, ob eine administrative Geldbuße auferlegt wird, nachdem demjenigen, der gegen das Gesetz verstößt, die Möglichkeit gegeben worden ist, seine Verteidigungsmittel vorzubringen.

Im Beschluss, der mit Gründen versehen wird, wird die Höhe der Geldstrafe festgelegt.

Er wird demjenigen, der gegen das Gesetz verstößt, sowie der natürlichen oder juristischen Person, die für die Zahlung der administrativen Geldstrafe zivilrechtlich haftbar ist, per Einschreibebrief notifiziert. In Anlage dazu wird eine Aufforderung, die Geldstrafe binnen der vom König festgelegten Frist zu zahlen, beigefügt. Nach Ablauf dieser Frist sind Verzugszinsen fällig, die dem gesetzlichen Zinssatz entsprechen.

Die in Artikel 1 erwähnten natürlichen oder juristischen Personen haften zivilrechtlich für die Zahlung der administrativen Geldstrafe, die ihren Verwaltern, den Mitgliedern ihres leitenden und ausführenden Personals, ihren Angestellten oder Beauftragten auferlegt werden.

Wenn die Unternehmen, die Einrichtungen oder die Unternehmen, die einen Dienst organisieren, keinen Betriebssitz in Belgien haben, leisten sie eine auf erstes Verlangen realisierbare Bankgarantie in Höhe von EUR 12.500,00 als Sicherheit für die Zahlung der Gebühren und administrativen Geldstrafen. Auf diese Bankgarantie müssen die belgischen Behörden Zugriff haben können. Der König bestimmt die Modalitäten und das Verfahren für die Hinterlegung dieser Bankgarantie und die Art und Weise, wie die Behörden diese Bankgarantie in Anspruch nehmen und wie sie aufgefüllt wird.

Derjenige, dem eine Geldbuße auferlegt wird, oder die zivilrechtlich haftbare Person kann binnen der Frist, die der König für die Zahlung der Geldstrafe festgelegt hat, durch einen Antrag beim Gericht Erster Instanz in Brüssel eine Beschwerde gegen die Anwendung der administrativen Geldstrafe einreichen. Durch diese Beschwerde wird die Ausführung des Beschlusses aufgeschoben.

Die Beschwerde, mit der die Anwendung der administrativen Geldbuße angefochten wird, ist nur zulässig, wenn eine Kopie des Antrags spätestens am Datum der Hinterlegung des Antrags beim Gericht ebenfalls per Einschreiben an den in § 2 Absatz 1 erwähnten zuständigen Beamten geschickt wird.

Gegen das Urteil des Gerichts Erster Instanz kann keine Berufung eingelegt werden».

B.1.2. Aus der Formulierung der präjudizielle Frage, die durch die Begründung des Verweisungsurteils erläutert wird, geht hervor, dass das Gesetz vom 10. April 1990 zur Regelung der privaten und besonderen Sicherheit dem Hof zur Kontrolle vorgelegt wird, jedoch nur insofern derjenige, der beim Gericht erster Instanz Brüssel eine Beschwerde gegen einen Beschluss, mit dem ihm eine administrative Geldbuße auferlegt wird, einreicht, nicht in den Vorteil gewisser Modalitäten der Individualisierung der Strafe gelangen kann.

Folglich bezieht sich die präjudizielle Frage in Wirklichkeit auf den vorerwähnten Artikel 19 § 5 Absatz 6 des Gesetzes.

B.2.1. Der Hof wird gefragt, ob dieser Artikel 19 § 5 Absatz 6 mit den Artikeln 10 und 11 der Verfassung vereinbar sei, insofern er es dem Gericht erster Instanz Brüssel nicht erlaube, die Aussetzung der Verkündung oder eine Aufschubmaßnahme zu gewähren, und ebenfalls nicht die Herabsetzung der Geldbuße unter die gesetzlichen Mindestbeträge, während der Strafrichter von dieser Möglichkeit Gebrauch machen könne, wenn er über die nach Darlegung des vorlegenden Richters aufgrund der gleichen Taten eingeleitete Strafverfolgung entscheide.

B.2.2. Die in Artikel 19 § 1 erwähnten Geldbußen bezwecken, Verstöße zu vermeiden und zu ahnden, die durch Gesellschaften, die im Bereich der privaten und besonderen Sicherheit tätig sind, oder durch ihre Personalmitglieder begangen werden, wobei die durch das fragliche Gesetz auferlegten Verpflichtungen nicht eingehalten werden.

Diese Verpflichtungen bestehen unter anderem darin, innerhalb der gesetzlichen Grenzen zu handeln, die erforderlichen Genehmigungen, Zulassungen und Versicherungen zu besitzen, innerhalb der zulässigen Grenzen zu handeln, die Gerichts- und Verwaltungsbehörden über die Tätigkeiten der Gesellschaft zu informieren sowie die allgemeinen und besonderen Ausübungsbedingungen einzuhalten.

B.2.3. Artikel 19 § 1 Absatz 1 des Gesetzes schließt von seinem Anwendungsbereich ausdrücklich die Straftaten aus, die aufgrund von Artikel 18 desselben Gesetzes strafrechtlich geahndet werden. Folglich kann eine Zuwiderhandlung gegen das vorerwähnte Gesetz vom 10. April 1990 nicht sowohl Gegenstand von strafrechtlichen Sanktionen als auch von Verwaltungssanktionen sein.

Aufgrund von Artikel 18 des Gesetzes werden Verstöße gegen die Artikel 8 § 2 Absätze 2 bis 5 und 11 mit einer Geldbuße von 25 bis 25.000 Euro geahndet, und werden Verstöße gegen Artikel 10 mit einer Geldbuße von 2,50 bis 2.500 Euro geahndet.

Artikel 8 § 2 enthält Bestimmungen über die Aufbewahrung, das Mitführen, den Besitz und die Registrierung von Waffen.

Artikel 10 verpflichtet die Unternehmen, Dienste und Einrichtungen, die in den Anwendungsbereich des Gesetzes fallen, sowie die Personalmitglieder dieser Unternehmen, Dienste und Einrichtungen und die für deren Rechnung tätigen Personen, den Gerichtsbehörden auf jede Anfrage hin unverzüglich alle Informationen über Straftaten mitzuteilen, von denen sie während oder anlässlich der Ausübung ihrer Tätigkeiten Kenntnis erhalten haben.

Artikel 11 verbietet die Einmischung oder das Eingreifen in einen politischen Konflikt oder einen Arbeitskonflikt, das Eingreifen während oder anlässlich von Gewerkschaftsaktivitäten oder Aktivitäten mit politischer Zielsetzung, das Überwachen politischer, philosophischer, religiöser oder gewerkschaftlicher Anschauungen oder der Mitgliedschaft bei einer Krankenkasse sowie der Äußerung dieser Anschauungen, das Anlegen von Datenbanken zu diesem Zweck und die Mitteilung von Informationen über ihre Kunden und deren Personalmitglieder an Dritte.

B.2.4. Die internen Wachdienste verfügen über umfangreiche Befugnisse, sowohl in Bezug auf die Kontrolle und die Überwachung der Personen, gegebenenfalls an öffentlich zugänglichen Orten, als auch bezüglich der Feststellung von administrativen Übertretungen. Außerdem unterliegen die Genehmigungen für die Aufbewahrung, das Mitführen und den Besitz von Waffen auf Seiten der internen Wachdienste und ihres Personals Bestimmungen, die vom allgemeinen Recht abweichen (Artikel 8 § 2).

Personen, die im Dienst oder für Rechnung eines internen Wachdienstes arbeiten, können unter gewissen Bedingungen Kleidung oder persönliche Güter kontrollieren und sich Identitätsdokumente zeigen oder aushändigen lassen, kontrollieren, kopieren oder bewahren (Artikel 8 §§ 6*bis* und 6*quater* und § 11). Sie dürfen ihre Befugnisse jedoch nur insofern ausüben, als diese gemäß einem Gesetz nicht ausschließlich den Vertretern der öffentlichen Gewalt vorbehalten sind (Artikel 8 § 8 Absatz 2).

B.2.5. Wie in den Vorarbeiten zum Gesetz vom 7. Mai 2004 «zur Abänderung des Gesetzes vom 10. April 1990 über Wachunternehmen, Sicherheitsunternehmen und interne Wachdienste, des Gesetzes vom 29. Juli 1934 über das Verbot von Privatmilizen und des Gesetzes vom 19. Juli 1991 zur Regelung des Berufs des Privatdetektivs» hervorgehoben wurde, bezweckte der Gesetzgeber, «eine Rechtsgrundlage zu schaffen, um dem Sektor der privaten Sicherheit gewisse Tätigkeiten anzuvertrauen, die derzeit durch die Polizeidienste ausgeübt werden, aber nicht zu ihren wesentlichen Tätigkeiten gehören, sowie gewisse hybride Situationen der privaten Überwachung, die sich im Laufe der Jahre entwickelt haben» (*Parl. Dok.*, Kammer, 2002-2003, DOC 50-2328/001, S. 4).

In Bezug auf die Prüfung durch den Hof

B.3.1. Bezüglich der administrativen Geldbußen wurde während der Vorarbeiten zum fraglichen Gesetz präzisiert:

«Neben den in Artikel 17 vorgesehenen Sanktionen und den in Artikel 18 vorgesehenen Strafen sollen vor allem die administrativen Geldbußen die Einhaltung dieses Gesetzes und seiner Ausführungserlasse gewährleisten. Die administrativen Geldbußen haben keinen Einfluss auf das Strafregister, beeinträchtigen in geringerem Maße die Ehre und werden daher flexibler angewandt werden können als die eigentlichen Strafen.

Wenn jedoch der Betrag der Geldbuße hoch genug ist, wird sie unweigerlich eine abschreckende Wirkung haben» (*Parl. Dok.*, Senat, 1988-1989, Nr. 775/1, S. 20).

Die in Artikel 17 des Gesetzes vorgesehenen Sanktionen sind der Entzug oder die einstweilige Aufhebung der Genehmigung oder der Zulassung durch den zuständigen Minister sowie der Entzug der Identifikationskarte im Sinne von Artikel 8 § 3.

B.3.2. Die in der fraglichen Bestimmung vorgesehenen administrativen Geldbußen sind strafrechtlicher Art im Sinne von Artikel 6 der Europäischen Menschenrechtskonvention.

Der Hof muss daher bei seiner Prüfung anhand der Artikel 10 und 11 der Verfassung die in diesem Artikel 6 enthaltenen Garantien berücksichtigen, insbesondere die Garantie, dass ein unabhängiger und unparteiischer Richter eine Kontrolle mit voller Rechtsprechungsbefugnis über die durch die zuständige Verwaltungsbehörde auferlegte Geldbuße ausüben kann.

B.4. Die in Artikel 6 der Europäischen Menschenrechtskonvention enthaltenen Garantien erfordern es nicht, dass außerdem auf jede Person, der eine im Sinne dieser Bestimmung als strafrechtlich eingestufte Verwaltungssanktion auferlegt wird, die gleichen Maßnahmen zur Milderung der Strafe angewandt werden können wie diejenigen, in deren Vorteil eine Person gelangt, der eine im Sinne des innerstaatlichen Rechts als strafrechtlich eingestufte Sanktion auferlegt wird. Da der Beschluss zur Auferlegung einer administrativen Geldbuße Gegenstand einer Kontrolle mit voller Rechtsprechungsbefugnis sein kann, muss der Hof bezüglich der anderen fraglichen Aspekte seine Prüfung auf die Einhaltung der Artikel 10 und 11 der Verfassung begrenzen.

B.5. Wenn der Gesetzgeber der Auffassung ist, das gewisse Übertretungen von Gesetzesbestimmungen geahndet werden müssen, gehört es zu seiner Ermessenbefugnis zu entscheiden, ob es opportun ist, sich für strafrechtliche Sanktionen *sensu stricto* oder für Verwaltungssanktionen zu entscheiden. Die Entscheidung für die eine oder die andere Kategorie von Sanktionen kann nicht an sich als diskriminierend angesehen werden.

Eine Diskriminierung würde vorliegen, wenn der sich aus dieser Entscheidung ergebende Behandlungsunterschied eine unverhältnismäßige Einschränkung der Rechte der betroffenen Personen beinhalten würde.

B.6. Die Beurteilung der Schwere einer Verfehlung und der Strenge, mit der diese Verfehlung bestraft werden kann, gehören ebenfalls zur Ermessensbefugnis des Gesetzgebers. Er kann besonders schwere Strafen auferlegen in Angelegenheiten, in denen die Übertretungen die Grundrechte von Einzelpersonen und die Interessen der Gemeinschaft schwer verletzen können.

Folglich obliegt es dem Gesetzgeber, die Grenzen und die Beträge festzulegen, innerhalb deren die Ermessensbefugnis der Verwaltung und folglich auch des Gerichts ausgeübt werden muss. Der Hof könnte ein solches System nur bemängeln, wenn es offensichtlich unverhältnismäßig wäre (Urteil Nr. 93/2008 vom 26. Juni 2008, B.15.3), insbesondere weil es auf unverhältnismäßige Weise jenen allgemeinen Grundsatz verletzen würde, der verlangt, dass bei Sanktionen nichts von dem, was zur Ermessensbefugnis der Verwaltung gehört, der Kontrolle durch den Richter entgeht (Urteil Nr. 138/2006 vom 14. September 2006, B.7.2), oder das Recht auf Achtung des Eigentums, wenn das Gesetz einen festen Betrag vorsieht, und also keine Wahlmöglichkeit zwischen dieser Strafe als Höchststrafe und einer Mindeststrafe bietet (Urteil Nr. 81/2007 vom 7. Juni 2007, B.9.4).

Außer in diesen Fällen würde der Hof auf den dem Gesetzgeber vorbehaltenen Bereich übergreifen, wenn er bei der Frage nach der Rechtfertigung der Unterschiede zwischen den zahlreichen Gesetzestexten, in denen strafrechtliche Sanktionen oder Verwaltungssanktionen vorgesehen sind, seine Prüfung hinsichtlich des Strafmaßes und der Maßnahmen zur Strafmilderung nicht auf die Fälle begrenzen würde, in denen die Wahlmöglichkeit des Gesetzgebers derart inkohärent ist, dass sie zu einem offensichtlich unverhältnismäßigen Behandlungsunterschied führt.

In Bezug auf die Rechtsprechung des Hofes

B.7. Der Hof hat geurteilt, dass dann, wenn der Täter für die gleiche Tat alternativ bestraft werden kann, das heißt, wenn er für die gleichen Taten entweder ans Korrektionalgericht verwiesen werden kann oder ihm eine administrative Geldbuße auferlegt werden kann, gegen die er Einspruch vor einem anderen als einem Strafgericht einreichen kann, grundsätzlich ein Parallelismus zwischen den Maßnahmen zur Individualisierung der Strafe bestehen muss; wenn das Korrektionalgericht für die gleichen Taten eine geringere Geldbuße als das gesetzliche Mindestmaß wegen mildernder Umstände auferlegen kann (Artikel 85 des Strafgesetzbuches) oder wenn es einen Aufschub gewähren kann (Gesetz vom 29. Juni 1964), muss das Arbeitsgericht, das mit dem Einspruch gegen den Beschluss zur Auferlegung einer Verwaltungssanktion befasst ist, grundsätzlich über die gleichen Möglichkeiten zur Individualisierung der Strafe verfügen (Urteile Nrn. 40/97, 45/97, 128/99, 86/2007).

B.8. Der Gesetzgeber hat diese Rechtsprechung in Bezug auf die mildernden Umstände berücksichtigt; durch das Gesetz vom 13. Februar 1998 zur Festlegung beschäftigungsfördernder Bestimmungen hat er in das Gesetz vom 30. Juni 1971 einen Artikel 1*ter* eingefügt, der es bei mildernden Umständen sowohl dem Beamten als auch dem Arbeitsgericht erlaubt, die Geldbuße zu verringern, ohne dass sie je nach Fall weniger als 40 oder 80 Prozent des gesetzlich festgesetzten Mindestmaßes betragen darf. Die Artikel 79 bis 117 desselben Gesetzes vom 13. Februar 1998 haben ebenfalls die Regeln des Sozialstrafrechts abgeändert, und im Sinne der Angleichung dieser Regeln an diejenigen über die auf die gleichen Straftaten anwendbaren administrativen Geldbußen bestimmen sie, dass künftig der Richter mildernde Umstände berücksichtigen kann, ohne jedoch die Geldbuße auf geringere Beträge als diese Prozentsätze herabsetzen zu können, damit diese Geldbußen eine ausreichende abschreckende Wirkung behalten. Diesbezüglich besteht heute also ein Parallelismus zwischen den Bestimmungen über administrative Geldbußen und denjenigen des Strafrechts.

B.9. Der Gesetzgeber hat es dem Arbeitsgericht hingegen nicht erlaubt, eine Maßnahme des Aufschubs oder der Aussetzung der Verkündung zu gewähren. Der Hof hat erkannt, dass diese Maßnahme schwer mit einem Verfahren vereinbar ist, das nicht vor einem Strafgericht abläuft, und er hat es als diskriminierend bezeichnet, dass der Aufschub nicht durch das Arbeitsgericht gewährt werden kann (Urteil Nr. 105/2004 vom 16. Juni 2004).

B.10. In dem fraglichen Gesetz hatte der Gesetzgeber sich ursprünglich für ein System von alternativen Sanktionen entschieden, das mit demjenigen der Geldbußen im Sozialbereich vergleichbar war (*Parl. Dok.*, Senat, 1988-1989, Nr. 775-1, SS. 40 und 41), doch um einer Bemerkung der Gesetzgebungsabteilung des Staatsrates Rechnung zu tragen, die befürchtete, «dass es zu einer Verwechslung des strafrechtlichen Verstoßes und des verwaltungsrechtlichen Verstoßes kommen würde» (ebenda, SS. 57 bis 60), hat er zwischen den Taten unterschieden, die mit einer strafrechtlichen Geldbuße geahndet werden können (Artikel 18) und den anderen Taten, die Gegenstand einer Verwaltungssanktion sein können (Artikel 19).

Die in den in B.7 zitierten Urteilen angeführte Begründung kann im vorliegenden Fall also nicht übernommen werden, da mit den Artikeln 18 und 19 des fraglichen Gesetzes andere Taten bestraft werden.

B.11. Bezüglich des MwSt.-Gesetzbuches, das für die gleichen Taten mehrere zusammenkommende Sanktionen vorsieht, das heißt steuerrechtliche Geldbußen und strafrechtliche Geldbußen, hat der Hof erkannt, dass es diskriminierend ist, die steuerrechtliche Geldbuße, deren Betrag dem Doppelten der hinterzogenen Summe entspricht, nicht mit einem Aufschub verbinden zu können, während die strafrechtliche Geldbuße, die zwischen 250 und 125.000 Euro beträgt, unterhalb dieses Mindestsatzes festgesetzt werden kann, falls mildernde Umstände vorliegen, und Gegenstand eines Aufschubs sein kann (Urteil Nr. 157/2008 vom 6. November 2008).

Die gleiche Begründung ist als solche nicht auf den vorliegenden Fall übertragbar, da mit der administrativen Geldbuße und der strafrechtlichen Geldbuße nicht die gleichen Taten bestraft werden.

B.12. Bezüglich der flämischen Dekrete vom 19. Dezember 1998 und vom 22. Dezember 1999 zur Festlegung verschiedener Maßnahmen zur Begleitung des Haushalts, die bestimmen, dass denjenigen, die den Straßenbelag beschädigen, eine administrative Geldbuße von 100 bis 750 Franken für gewisse Taten auferlegt werden kann, und eine strafrechtliche Geldbuße von 100 bis 75.000 Franken für andere Taten, hat der Hof erkannt, dass der Dekretgeber angesichts dessen, dass er beschlossen hat, den Betrag der administrativen Geldbuße auf den Mindestsatz der strafrechtlichen Geldbuße festzulegen, im Gegenzug keine mildernden Umstände zulassen musste, damit diese Geldbuße ihre abschreckende Wirkung behielt (Urteil Nr. 127/2000 vom 6. Dezember 2000).

Diese Argumentation lässt sich nicht auf das fragliche Gesetz übertragen, bei dem ein erheblicher Unterschied zwischen dem Mindestsatz der strafrechtlichen Geldbuße und den Mindestbeträgen der administrativen Geldbußen besteht.

In Bezug auf das fragliche Gesetz in seiner ursprünglichen Fassung

B.13. Das Gesetz vom 10. April 1990 bestimmte ursprünglich, dass strafrechtliche Verstöße je nach Fall mit einer Geldbuße von 25 bis 25.000 Euro oder von 2,50 bis 2.500 Euro bestraft wurden (Artikel 18 Absatz 1), während die administrative Geldbuße 100 bis 25.000 Euro betrug.

Für strafrechtliche Geldbußen konnte das Korrektionalgericht in Anwendung von Artikel 85 des Strafgesetzbuches den Mindestsatz unterschreiten und den Angeklagten in den Vorteil der Bestimmungen des Gesetzes vom 29. Juni 1964 über die Aussetzung, den Aufschub und die Bewährung gelangen lassen. Es gab also einen Unterschied zwischen der strafrechtlichen Geldbuße und der administrativen Geldbuße bezüglich der Maßnahmen zur Individualisierung der Strafe.

B.14. Bezüglich der administrativen Geldbuße konnte der Beamte jedoch dem Betroffenen unmittelbar eine Verwarnung zukommen lassen oder eine gütliche Einigung vorschlagen (Artikel 19 § 1 Nrn. 1 und 2), so dass der Beamte unter der Aufsicht des Gerichts die Strafe individualisieren konnte. Da der Mindestbetrag der administrativen Geldbuße 100 Euro betrug, war es nicht unvernünftig, es dem Beamten und folglich dem Gericht erster Instanz Brüssel nicht zu erlauben, diesen Mindestbetrag zu unterschreiten.

B.15. Aus dem Vorstehenden ist abzuleiten, dass, obwohl die in B.14 beschriebenen Maßnahmen der Individualisierung der Strafe nicht die gleichen waren, wie sie der Strafrichter anwenden konnte, der Behandlungsunterschied zwischen Personen je nachdem, ob ihnen eine administrative Geldbuße oder eine strafrechtliche Geldbuße auferlegt werden konnte, nicht derart war, dass er auf unverhältnismäßige Weise die Rechte der Erstgenannten verletzt hätte, da das Gericht erster Instanz Brüssel eine Prüfung mit voller Rechtsprechungsbefugnis in Bezug auf den Beschluss des Beamten ausüben konnte.

In Bezug auf das fragliche Gesetz in seiner heutigen Fassung

B.16. Es erweist sich jedoch als angebracht, die durch das Gesetz vom 2. September 2005 «zur Vereinfachung des Gesetzes vom 10. April 1990 zur Regelung der privaten und besonderen Sicherheit» am Gesetz vom 10. April 1990 vorgenommenen Änderungen zu prüfen.

B.17. Artikel 19 § 1 Absatz 2 des Gesetzes vom 10. April 1990, der die administrative Geldbuße auf einen Mindestbetrag von 100 Euro und einen Höchstbetrag von 25.000 Euro festsetzte, gewährte überdies dem König die Befugnis, «innerhalb der in Absatz 1 Nr. 3 vorgesehenen Grenzen» «Tarife für die administrativen Geldbußen und gütlichen Einigungen» vorzusehen. Der Gesetzgeber konnte zu Recht den Standpunkt vertreten, indem er sich auf die Begründung des Urteils des Hofes Nr. 27/2005 vom 2. Februar 2005 berief, dass diese Ermächtigung nicht mit dem Legalitätsprinzip in Strafsachen vereinbar war (*Parl. Dok.*, Kammer, 2004-2005, DOC 51-1775/001, S. 8, und DOC 51-1775/003, S. 4). Mit dem vorerwähnten Gesetz vom 2. September 2005 hob er die dem König durch Artikel 19 § 1 Absatz 2 gewährte Ermächtigung auf und legte selbst die Mindest- und Höchstbeträge der administrativen Geldbußen fest, so wie sie in dem in B.1.1 zitierten Artikel 19 § 1 angegeben sind.

B.18. Diese Verbesserung des ursprünglichen Textes in Bezug auf das Legalitätsprinzip hat jedoch zur Folge, dass die Möglichkeiten zur Individualisierung der Strafe, über die der zuständige Beamte unter der Aufsicht des Gerichts erster Instanz Brüssel verfügt, sich erheblich von denjenigen unterscheiden, über die das Korrektionalgericht bei der Auferlegung der strafrechtlichen Geldbuße im Sinne von Artikel 18 des Gesetzes verfügt.

B.19. Wenn also, so wie es in der vor dem vorlegenden Richter anhängigen Streitsache der Fall ist, der Beamte eine administrative Geldbuße wegen Verstoßes gegen Artikel 2 § 1 des Gesetzes auferlegt, darf er nicht den festgelegten Mindestsatz von 12.500 Euro unterschreiten, und die «gütliche Einigung», die er vorschlägt, darf nicht weniger betragen als die Hälfte dieser Summe (Artikel 19 § 1 Nrn. 2 und 3 erster Gedankenstrich).

B.20. Zur Rechtfertigung des Betrags der administrativen Geldbußen wurde bei den Vorarbeiten zum Gesetz vom 10. April 1990 Folgendes bemerkt: «Wenn jedoch der Betrag der Geldbuße hoch genug ist, wird sie unweigerlich eine abschreckende Wirkung haben» (*Parl. Dok.*, Senat, 1988-1989, Nr. 775-1, S. 20). Eine solche Erwägung kann es rechtfertigen, dass der Höchstsatz der Geldbußen bis zu 25 000 Euro betragen kann. Sie kann jedoch nicht erklären, dass im selben Gesetz die strafrechtlichen Verstöße, die als schwerer erachtet werden als die mit einer administrativen Geldbuße zu bestrafenden Verstöße, auf erheblich niedrigere Beträge als diejenigen der administrativen Geldbußen verringert werden können.

Eine solche Situation bezüglich des Strafmaßes und der Maßnahmen zur Milderung der Strafe ist als solchermaßen inkohärent anzusehen, dass sie zu einem offensichtlich unvernünftigen Behandlungsunterschied führt.

B.21. Die präjudizielle Frage ist bejahend zu beantworten, jedoch nur insofern, als Artikel 19 § 1 des Gesetzes vom 10. April 1990 in der durch das Gesetz vom 2. September 2005 abgeänderten Fassung das Mindestmaß der administrativen Geldbußen auf viel höhere Beträge festlegt als dasjenige der strafrechtlichen Geldbußen, ohne dass Artikel 19 § 5 Absatz 6 desselben Gesetzes dem Richter die Möglichkeit bietet, die administrativen Geldbußen unter die im Gesetz festgelegten Mindestbeträge herabzusetzen.

Aus diesen Gründen:

Der Hof

erkennt für Recht:

Artikel 19 § 5 Absatz 6 des Gesetzes vom 10. April 1990 zur Regelung der privaten und besonderen Sicherheit in der durch das Gesetz vom 2. September 2005 «zur Vereinfachung des Gesetzes vom 10. April 1990 zur Regelung der privaten und besonderen Sicherheit» abgeänderten Fassung verstößt gegen die Artikel 10 und 11 der Verfassung, insofern er es den Personen, die das in dieser Bestimmung erwähnte Rechtsmittel einlegen, nicht ermöglicht, eine Herabsetzung der administrativen Geldbuße unterhalb des gesetzlichen Mindestbetrags zu genießen.

Verkündet in französischer und niederländischer Sprache, gemäß Artikel 65 des Sondergesetzes vom 6. Januar 1989, in der öffentlichen Sitzung vom 11. März 2009.

Der Kanzler, Der Vorsitzende,

P.-Y. Dutilleux. M. Melchior.

POUVOIR JUDICIAIRE

[C − 2009/09311]

Tribunal de première instance de Gand

La désignation de M. Cammaert, J., juge au tribunal de première instance de Gand, comme vice-président à ce tribunal, est renouvelée pour une période de trois ans prenant cours le 22 mai 2009.

RECHTERLIJKE MACHT

[C − 2009/09311]

Rechtbank van eerste aanleg te Gent

De aanwijzing van de heer Cammaert, J., rechter in de rechtbank van eerste aanleg te Gent, tot ondervoorzitter in deze rechtbank is hernieuwd voor een termijn van drie jaar met ingang van 22 mei 2009.

POUVOIR JUDICIAIRE

[C − 2009/09312]

Tribunal de commerce d'Anvers

Par ordonnance du 2 octobre 2008, M. Hendrickx, H., juge consulaire au tribunal de commerce d'Anvers, a été désigné par le président de ce tribunal pour exercer, à partir du 1er juin 2009, les fonctions de juge consulaire suppléant à ce tribunal jusqu'à ce qu'il ait atteint l'âge de 70 ans.

RECHTERLIJKE MACHT

[C − 2009/09312]

Rechtbank van koophandel te Antwerpen

Bij beschikking van 2 oktober 2008 werd de heer Hendrickx, H., rechter in handelszaken in de rechtbank van koophandel te Antwerpen, door de voorzitter van deze rechtbank aangewezen, vanaf 1 juni 2009, om het ambt van plaatsvervangend rechter in handelszaken in deze rechtbank uit te oefenen tot hij de leeftijd van 70 jaar heeft bereikt.

POUVOIR JUDICIAIRE

[C − 2009/09315]

Tribunal de commerce de Charleroi

Par ordonnance du 23 avril 2009, M. Duchateaux, J.-C., a été désigné par le président du tribunal de commerce de Charleroi pour exercer, à partir du 1er juin 2009, les fonctions de juge consulaire suppléant à ce tribunal jusqu'à ce qu'il ait atteint l'âge de 70 ans.

RECHTERLIJKE MACHT

[C − 2009/09315]

Rechtbank van koophandel te Charleroi

Bij beschikking van 23 april 2009 werd de heer Duchateaux, J.-C., door de voorzitter van de rechtbank van koophandel te Charleroi aangewezen, vanaf 1 juni 2009, om het ambt van plaatsvervangend rechter in handelszaken in deze rechtbank uit te oefenen tot hij de leeftijd van 70 jaar heeft bereikt.

POUVOIR JUDICIAIRE

[C − 2009/09316]

Tribunal de commerce de Mons

Par ordonnance du 9 février 2009, M. Brynart, M., a été désigné par le président du tribunal de commerce de Mons pour exercer, à partir du 1er juin 2009, les fonctions de juge consulaire suppléant à ce tribunal jusqu'à ce qu'il ait atteint l'âge de 70 ans.

Par ordonnance du 19 février 2009, M. Nicolas, L., a été désigné par le président du tribunal de commerce de Mons pour exercer, à partir du 1er juin 2009, les fonctions de juge consulaire suppléant à ce tribunal jusqu'à ce qu'il ait atteint l'âge de 70 ans.

RECHTERLIJKE MACHT

[C − 2009/09316]

Rechtbank van koophandel te Bergen

Bij beschikking van 9 februari 2009 werd de heer Brynart, M., door de voorzitter van de rechtbank van koophandel te Bergen aangewezen, vanaf 1 juni 2009, om het ambt van plaatsvervangend rechter in handelszaken in deze rechtbank uit te oefenen tot hij de leeftijd van 70 jaar heeft bereikt.

Bij beschikking van 19 februari 2009 werd de heer Nicolas, L., door de voorzitter van de rechtbank van koophandel te Bergen aangewezen, vanaf 1 juni 2009, om het ambt van plaatsvervangend rechter in handelszaken in deze rechtbank uit te oefenen tot hij de leeftijd van 70 jaar heeft bereikt.

POUVOIR JUDICIAIRE

[C − 2009/09314]

Tribunal de commerce d'Audenarde

Par ordonnance du 12 février 2009, M. Valcke, F., a été désigné par le président du tribunal de commerce d'Audenarde pour exercer, à partir du 1er juin 2009, les fonctions de juge consulaire suppléant à ce tribunal jusqu'à ce qu'il ait atteint l'âge de 70 ans.

RECHTERLIJKE MACHT

[C − 2009/09314]

Rechtbank van koophandel te Oudenaarde

Bij beschikking van 12 februari 2009 werd de heer Valcke, F., door de voorzitter van de rechtbank van koophandel te Oudenaarde aangewezen om vanaf 1 juni 2009, het ambt van plaatsvervangend rechter in handelszaken in deze rechtbank uit te oefenen tot hij de leeftijd van 70 jaar heeft bereikt.

POUVOIR JUDICIAIRE

[C − 2009/09313]

Tribunal de commerce de Turnhout

Par ordonnance du 24 novembre 2008, M. Vervoort, J., juge consulaire au tribunal de commerce de Turnhout, a été désigné par le président de ce tribunal pour exercer, à partir du 1er juin 2009, les fonctions de juge consulaire suppléant à ce tribunal jusqu'à ce qu'il ait atteint l'âge de 70 ans.

RECHTERLIJKE MACHT

[C − 2009/09313]

Rechtbank van koophandel te Turnhout

Bij beschikking van 24 november 2008 werd de heer Vervoort, J., rechter in handelszaken in de rechtbank van koophandel te Turnhout, door de voorzitter van deze rechtbank aangewezen, vanaf 1 juni 2009, om het ambt van plaatsvervangend rechter in handelszaken in deze rechtbank uit te oefenen tot hij de leeftijd van 70 jaar heeft bereikt.

SELOR
BUREAU DE SELECTION DE L'ADMINISTRATION FEDERALE

Recrutement. — Résultats

[2009/202019]

Sélection comparative de chefs d'équipe Service Pensions, d'expression néerlandaise. — Résultat

La sélection comparative de chefs d'équipe service pensions (m/f) (niveau A), d'expression néerlandaise, pour le Service des Pensions du Secteur public (SdPSP) (ANG08893) a été clôturée le 22 avril 2009.

Le nombre de lauréats s'élève à 2.

SELOR
SELECTIEBUREAU VAN DE FEDERALE OVERHEID

Werving. — Uitslagen

[2009/202019]

Vergelijkende selectie van Nederlandstalige teamchef Pensioendienst. — Uitslag

De vergelijkende selectie van Nederlandstalige teamchef pensioendienst (m/v) (niveau A) voor de Pensioendienst voor de Overheidssector (PDOS) (ANG08893) werd afgesloten op 22 april 2009.

Er zijn 2 geslaagden.

SELOR
BUREAU DE SELECTION DE L'ADMINISTRATION FEDERALE

[2009/202023]

Sélection comparative d'inspecteurs sociaux, d'expression néerlandaise. — Résultat

La sélection comparative d'inspecteurs sociaux (m/f) (niveau A), d'expression néerlandaise, pour l'ONSSAPL (ANG09008) a été clôturée le 28 avril 2009.

Le nombre de lauréats s'élève à 5.

SELOR
SELECTIEBUREAU VAN DE FEDERALE OVERHEID

[2009/202023]

Vergelijkende selectie van Nederlandstalige sociaal inspecteurs. — Uitslag

De vergelijkende selectie van Nederlandstalige sociaal inspecteurs (m/v) (niveau A) voor de RSZPPO (ANG09008) werd afgesloten op 28 april 2009.

Er zijn 5 geslaagden.

SERVICE PUBLIC FEDERAL FINANCES

[2009/03170]

Administration de la trésorerie

EMPRUNT A LOTS 1923

émis par la Fédération
des Coopératives pour Dommages de Guerre

Liste officielle du tirage n° 635
du 20 avril 2009

OBLIGATIONS A AMORTIR

90 obligations de 1 050 BEF chacune, à rembourser par lot ou à 1 150 BEF *(28,51 EUR)* à partir du 15 juin 2009

Numéros des obligations sorties par lot :

SIX LOTS DE ZES LOTEN VAN	**25 000 BEF *(619,73 EUR)***	**Numéros Nummers**	**39 851 143 745 213 352 321 237 460 181 703 981**
DEUX LOTS DE TWEE LOTEN VAN	**50 000 BEF *(1 239,47 EUR)***	**Numéros Nummers**	**530 246 539 713**
UN LOT DE EEN LOT VAN	**100 000 BEF *(2 478,94 EUR)***	**Numéro Nummer**	**592 385**

Les obligations faisant partie des groupes sortis, à savoir :

39 851	**à (tot)**	**39 860**	**213 351**	**à (tot)**	**213 360**	**460 181**	**à (tot)**	**460 190**	**539 711**	**à (tot)**	**539 720**	**703 981**	**à (tot)**	**703 990**
143 741	**"**	**143 750**	**321 231**	**"**	**321 240**	**530 241**	**"**	**530 250**	**592 381**	**"**	**592 390**			

et auxquelles il n'est pas attribué de lot, sont remboursables à 1 150 BEF *(28,51 EUR)*.

Liste récapitulative des obligations sorties aux tirages (n^os^ 625 à 635) et remboursables à partir du 15 juin 2009.

39 851	**à (tot)**	**39 860**	**143 601**	**à (tot)**	**143 610**	**284 141**	**à (tot)**	**284 150**	**413 131**	**à (tot)**	**413 140**	**591 591**	**à (tot)**	**591 600**
49 341	**"**	**49 350**	**143 741**	**"**	**143 750**	**303 621**	**"**	**303 630**	**419 631**	**"**	**419 640**	**592 381**	**"**	**592 390**
51 521	**"**	**51 530**	**154 891**	**"**	**154 900**	**308 891**	**"**	**308 900**	**436 191**	**"**	**436 200**	**592 441**	**"**	**592 450**
52 831	**"**	**52 840**	**164 191**	**"**	**164 200**	**321 231**	**"**	**321 240**	**460 181**	**"**	**460 190**	**595 561**	**"**	**595 570**
53 881	**"**	**53 890**	**164 471**	**"**	**164 480**	**328 291**	**"**	**328 300**	**477 291**	**"**	**477 300**	**595 741**	**"**	**595 750**
56 461	**"**	**56 470**	**170 921**	**"**	**170 930**	**329 591**	**"**	**329 600**	**492 771**	**"**	**492 780**	**601 441**	**"**	**601 450**
56 521	**"**	**56 530**	**177 541**	**"**	**177 550**	**344 471**	**"**	**344 480**	**502 481**	**"**	**502 490**	**606 231**	**"**	**606 240**
57 811	**"**	**57 820**	**185 811**	**"**	**185 820**	**374 411**	**"**	**374 420**	**513 071**	**"**	**513 080**	**608 191**	**"**	**608 200**
77 061	**"**	**77 070**	**195 961**	**"**	**195 970**	**375 911**	**"**	**375 920**	**530 241**	**"**	**530 250**	**627 611**	**"**	**627 620**
87 241	**"**	**87 250**	**197 641**	**"**	**197 650**	**385 081**	**"**	**385 090**	**539 711**	**"**	**539 720**	**655 361**	**"**	**655 370**
88 101	**"**	**88 110**	**213 351**	**"**	**213 360**	**388 131**	**"**	**388 140**	**544 081**	**"**	**544 090**	**655 801**	**"**	**655 810**
108 861	**"**	**108 870**	**219 621**	**"**	**219 630**	**390 641**	**"**	**390 650**	**548 311**	**"**	**548 320**	**691 781**	**"**	**691 790**
114 191	**"**	**114 200**	**219 661**	**"**	**219 670**	**392 481**	**"**	**392 490**	**559 291**	**"**	**559 300**	**700 461**	**"**	**700 470**
120 741	**"**	**120 750**	**265 401**	**"**	**265 410**	**393 311**	**"**	**393 320**	**567 671**	**"**	**567 680**	**703 981**	**"**	**703 990**
130 371	**"**	**130 380**	**280 441**	**"**	**280 450**	**403 951**	**"**	**403 960**	**591 451**	**"**	**591 460**	**707 481**	**"**	**707 490**

FEDERALE OVERHEIDSDIENST FINANCIEN

[2009/03170]

Administratie der thesaurie

LOTENLENING 1923

CODE
402

uitgegeven door het Verbond
der Samenwerkende Vennootschappen voor Oorlogsschade

Officiële lijst van de loting n^r^ 635
van 20 april 2009

AF TE LOSSEN OBLIGATIES

90 obligaties van 1 050 BEF elk, terug te betalen met lot of tegen 1 150 BEF *(28,51 EUR)* vanaf 15 juni 2009

Nummers van de met lot uitgekomen obligaties :

ZES LOTEN VAN SIX LOTS DE	**25 000 BEF *(619,73 EUR)***	**Nummers Numéros**	**39 851 143 745 213 352 321 237 460 181 703 981**
TWEE LOTEN VAN DEUX LOTS DE	**50 000 BEF *(1 239,47 EUR)***	**Nummers Numéros**	**530 246 539 713**
EEN LOT VAN UN LOT DE	**100 000 BEF *(2 478,94 EUR)***	**Nummer Numéro**	**592 385**

De obligaties behorende tot de uitgelote groepen, zegge :

39 851	**tot**	**39 860**	**213 351**	**tot**	**213 360**	**460 181**	**tot**	**460 190**	**539 711**	**tot**	**539 720**	**703 981**	**tot**	**703 990**
143 741	**"**	**143 750**	**321 231**	**"**	**321 240**	**530 241**	**"**	**530 250**	**592 381**	**"**	**592 390**			

en waaraan geen lot toegewezen is, zijn terugbetaalbaar tegen 1 150 BEF *(28,51 EUR)*.

Verzamellijst der obligaties uitgekomen bij de lotingen (n^rs^ 625 tot 635) en terugbetaalbaar vanaf 15 juni 2009.

39 851	**tot**	**39 860**	**143 601**	**tot**	**143 610**	**284 141**	**tot**	**284 150**	**413 131**	**tot**	**413 140**	**591 591**	**tot**	**591 600**
49 341	**"**	**49 350**	**143 741**	**"**	**143 750**	**303 621**	**"**	**303 630**	**419 631**	**"**	**419 640**	**592 381**	**"**	**592 390**
51 521	**"**	**51 530**	**154 891**	**"**	**154 900**	**308 891**	**"**	**308 900**	**436 191**	**"**	**436 200**	**592 441**	**"**	**592 450**
52 831	**"**	**52 840**	**164 191**	**"**	**164 200**	**321 231**	**"**	**321 240**	**460 181**	**"**	**460 190**	**595 561**	**"**	**595 570**
53 881	**"**	**53 890**	**164 471**	**"**	**164 480**	**328 291**	**"**	**328 300**	**477 291**	**"**	**477 300**	**595 741**	**"**	**595 750**
56 461	**"**	**56 470**	**170 921**	**"**	**170 930**	**329 591**	**"**	**329 600**	**492 771**	**"**	**492 780**	**601 441**	**"**	**601 450**
56 521	**"**	**56 530**	**177 541**	**"**	**177 550**	**344 471**	**"**	**344 480**	**502 481**	**"**	**502 490**	**606 231**	**"**	**606 240**
57 811	**"**	**57 820**	**185 811**	**"**	**185 820**	**374 411**	**"**	**374 420**	**513 071**	**"**	**513 080**	**608 191**	**"**	**608 200**
77 061	**"**	**77 070**	**195 961**	**"**	**195 970**	**375 911**	**"**	**375 920**	**530 241**	**"**	**530 250**	**627 611**	**"**	**627 620**
87 241	**"**	**87 250**	**197 641**	**"**	**197 650**	**385 081**	**"**	**385 090**	**539 711**	**"**	**539 720**	**655 361**	**"**	**655 370**
88 101	**"**	**88 110**	**213 351**	**"**	**213 360**	**388 131**	**"**	**388 140**	**544 081**	**"**	**544 090**	**655 801**	**"**	**655 810**
108 861	**"**	**108 870**	**219 621**	**"**	**219 630**	**390 641**	**"**	**390 650**	**548 311**	**"**	**548 320**	**691 781**	**"**	**691 790**
114 191	**"**	**114 200**	**219 661**	**"**	**219 670**	**392 481**	**"**	**392 490**	**559 291**	**"**	**559 300**	**700 461**	**"**	**700 470**
120 741	**"**	**120 750**	**265 401**	**"**	**265 410**	**393 311**	**"**	**393 320**	**567 671**	**"**	**567 680**	**703 981**	**"**	**703 990**
130 371	**"**	**130 380**	**280 441**	**"**	**280 450**	**403 951**	**"**	**403 960**	**591 451**	**"**	**591 460**	**707 481**	**"**	**707 490**

SERVICE PUBLIC FEDERAL FINANCES

Administration du cadastre, de l'enregistrement et des domaines

Publications prescrites par l'article 770 du Code civil

[2008/54662]

Succession en déshérence de Belmans, Alberta

—

Alberta Maria Gerarda Belmans, célibataire, née à Balen le 1er mars 1920, domiciliée à Anvers, Duinstraat 21-23, est décédée à Anvers (district Anvers le 13 décembre 2006, sans laisser de successeur connu.

Avant de statuer sur la demande de l'Administration de la T.V.A., de l'enregistrement et des domaines tendant à obtenir, au nom de l'Etat, l'envoi en possession de la succession, le tribunal de première instance à Anvers a, par jugement du 13 octobre 2008, ordonné les publications et affiches prescrites par l'article 770 du Code civil.

Anvers, le 29 octobre 2008.

Le directeur régional a.i. de l'enregistrement,
C. Windey.

(54662)

Succession en déshérence de Mme Bruggeman, Jeannine

—

Mme Bruggeman, Jeannine, née à Schaerbeek le 22 avril 1935, domiciliée à Ostende, E. Feysplein 10/05, est décédée à Ostende le 14 avril 2008, sans laisser de successeur connu.

Avant de statuer sur la demande de l'Administration de la T.V.A., de l'enregistrement et des domaines, tendant à obtenir, au nom de l'Etat, l'envoi en possession de la succession, le tribunal de première instance de Bruges a, par ordonnance du 21 octobre 2008, ordonné les publications et affiches prescrites par l'article 770 du Code civil.

Bruges, le 30 octobre 2008.

Le directeur régional de l'enregistrement a.i.,
Fr. Rouzée.

(54663)

FEDERALE OVERHEIDSDIENST FINANCIEN

Administratie van het kadaster, registratie en domeinen

Bekendmakingen voorgeschreven bij artikel 770 van het Burgerlijk Wetboek

[2008/54662]

Erfloze nalatenschap van Belmans, Alberta

—

Alberta Maria Gerarda Belmans, ongehuwd, geboren te Balen op 1 maart 1920, wonende te Antwerpen, Duinstraat 21-23, is overleden te Antwerpen (district Antwerpen) op 13 december 2006, zonder bekende erfopvolger na te laten.

Alvorens te beslissen over de vraag van de Administratie van de BTW, registratie en domeinen, namens de Staat, tot inbezitstelling van de nalatenschap, heeft de rechtbank van eerste aanleg van Antwerpen, bij vonnis van 13 oktober 2008, de bekendmakingen en aanplakkingen voorgeschreven bij artikel 770 van het Burgerlijk Wetboek bevolen.

Antwerpen, 29 oktober 2008.

De gewestelijke directeur a.i. der registratie,
C. Windey.

(54662)

Erfloze nalatenschap van Mevr. Bruggeman, Jeannine

—

Mevr. Bruggeman, Jeannine, geboren te Schaerbeek op 22 april 1935, woonachtig te Oostende, E. Feysplein 10/05, is overleden te Oostende op 14 april 2008, zonder gekende erfopvolgers na te laten.

Alvorens te beslissen over de vraag van de Administratie van de BTW, registratie en domeinen, namens de Staat, tot inbezitstelling van de nalatenschap, heeft de rechtbank van eerste aanleg te Brugge, bij beschikking van 21 oktober 2008, de bekendmakingen en aanplakkingen voorgeschreven bij artikel 770 van het Burgerlijk Wetboek bevolen.

Brugge, 30 oktober 2008.

De gewestelijke directeur van de registratie a.i.,
Fr. Rouzée.

(54663)

[2009/54706]

Succession en déshérence de Ploum, Anne-Marie

—

Mme Ploum, Anne-Marie Pierre, née à Heusy le 10 novembre 1929, veuve de Joseph Alfred Troquette, domiciliée à 4802 Verviers (Heusy), rue de la Tannerie 11, est décédée à Verviers le 17 juillet 2007, sans laisser de successeur connu.

Avant de statuer sur la demande de l'Administration du Cadastre, de l'enregistrement et des domaines tendant à obtenir, au nom de l'Etat, l'envoi en possession de la succession, le tribunal de première instance de Verviers a, par ordonnance du 20 avril 2009, prescrit les publications et affiches prévues par l'article 770 du Code civil.

Liège, le 27 avril 2009.

Le directeur régional de l'enregistrement et des domaines a.i.,
J. Van Mullen.

(54706)

[2009/54706]

Erfloze nalatenschap van Ploum, Anne-Marie

—

Mevr. Ploum, Anne-Marie Pierre, geboren te Heusy op 10 november 1929, weduwe van Joseph Alfred Troquette, wonende te 4802 Verviers (Heusy), rue de la Tannerie 11, is overleden te Verviers op 17 juli 2007, zonder bekende erfopvolger na te laten.

Alvorens te beslissen over de vraag van de Administratie van het kadaster, registratie en de domeinen, namens de Staat, tot inbezitstelling van de nalatenschap, heeft de rechtbank van eerste aanleg van Verviers, bij beschikking van 20 april 2009, de bekendmakingen en aanplakkingen voorzien bij artikel 770 van het Burgerlijk Wetboek bevolen.

Luik, 27 april 2009.

De gewestelijke directeur a.i. der registratie en domeinen,
J. Van Mullen.

(54706)

GOUVERNEMENTS DE COMMUNAUTE ET DE REGION
GEMEENSCHAPS- EN GEWESTREGERINGEN
GEMEINSCHAFTS- UND REGIONALREGIERUNGEN

VLAAMSE GEMEENSCHAP — COMMUNAUTE FLAMANDE

VLAAMSE OVERHEID

Ruimtelijke Ordening, Woonbeleid en Onroerend Erfgoed

[2009/201976]

Aankondiging openbaar onderzoek : specifiek regionaal watergebonden bedrijventerrein Zwartenhoek

Op 24 april 2009 heeft de Vlaamse Regering een besluit genomen waarin ze het gewestelijk ruimtelijk uitvoeringsplan specifiek regionaal watergebonden bedrijventerrein Zwartenhoek voorlopig heeft vastgesteld.

Voor dat ruimtelijk uitvoeringsplan wordt nu een openbaar onderzoek georganiseerd. Vanaf 25 mei 2009 tot en met 23 juli 2009 ligt het plan ter inzage op het gemeentehuis van Ham. U kunt het plan in die periode ook inkijken bij de Vlaamse overheid, Departement RWO, Ruimtelijke Planning, in het Phoenixgebouw, Koning Albert II-laan 19, 1210 Brussel. Tevens kan U het plan volledig bekijken op onze website www.vlaanderen.be/ruimtelijkeordening.

Als u bij het plan adviezen, opmerkingen of bezwaren wilt formuleren, moet u dat schriftelijk doen, uiterlijk op 23 juli 2009. U geeft uw brief met adviezen, opmerkingen of bezwaren tegen ontvangstbewijs af op het gemeentehuis van Ham, of bij de Vlaamse Commissie voor Ruimtelijke Ordening. U kunt uw adviezen, opmerkingen of bezwaren ook aangetekend versturen naar de Vlaamse Commissie voor Ruimtelijke Ordening, Koning Albert II-laan 19 bus 13, 1210 Brussel. Houd er wel rekening mee dat uw adviezen, opmerkingen of bezwaren alleen betrekking kunnen hebben op de gebieden die in het ruimtelijk uitvoeringsplan werden opgenomen.

VLAAMSE OVERHEID

Ruimtelijke Ordening, Woonbeleid en Onroerend Erfgoed

[2009/201977]

Aankondiging openbaar onderzoek : specifiek regionaal bedrijventerrein met watergebonden karakter Niel

Op 24 april 2009 heeft de Vlaamse Regering een besluit genomen waarin ze het gewestelijk ruimtelijk uitvoeringsplan Specifiek regionaal bedrijventerrein met watergebonden karakter Niel voorlopig heeft vastgesteld.

Voor dat ruimtelijk uitvoeringsplan wordt nu een openbaar onderzoek georganiseerd. Vanaf 25 mei 2009 tot en met 23 juli 2009 ligt het plan ter inzage op het gemeentehuis van Niel. U kunt het plan in die periode ook inkijken bij de Vlaamse overheid, Departement RWO, Ruimtelijke Planning, in het Phoenixgebouw, Koning Albert II-laan 19, 1210 Brussel. Tevens kan U het plan volledig bekijken op onze website www.vlaanderen.be/ruimtelijkeordening.

Als u bij het plan adviezen, opmerkingen of bezwaren wilt formuleren, moet u dat schriftelijk doen, uiterlijk op 23 juli 2009. U geeft uw brief met adviezen, opmerkingen of bezwaren tegen ontvangstbewijs af op het gemeentehuis van Niel, of bij de Vlaamse Commissie voor Ruimtelijke Ordening. U kunt uw adviezen, opmerkingen of bezwaren ook aangetekend versturen naar de Vlaamse Commissie voor Ruimtelijke Ordening, Koning Albert II-laan 19 bus 13, 1210 Brussel. Houd er wel rekening mee dat uw adviezen, opmerkingen of bezwaren alleen betrekking kunnen hebben op de gebieden die in het ruimtelijk uitvoeringsplan werden opgenomen.

PUBLICATIONS LEGALES ET AVIS DIVERS

WETTELIJKE BEKENDMAKINGEN EN VERSCHILLENDE BERICHTEN

Société Nationale des Chemins de fer belges

—

Plusieurs articles du "Recueil officiel des tarifs, Fascicule I, Conditions Générales pour le transport des voyageurs, des bagages accompagnés et pour d'autres prestations en service intérieur" ont été modifiés ainsi que la publication d'un supplément au Recueil Officiel des tarifs – Fascicule II. Ces modifications font l'objet d'un :

12e supplément au Fascicule I au 01.05.2009 : art. 28 Key Card et annexe 1 : modifications de l'aire de validité de certaines gares, art. 36 Billet B-Excursion.

2e supplément au Fascicule II au 01.05.2009.

Ces documents peuvent être consultés gratuitement dans les gares et bureaux de renseignements et téléchargés gratuitement à l'adresse suivante : www.sncb.be.

Pour recevoir par courrier le Fascicule et supplément(s) éventuel(s), le bon de commande peut être demandé :

par fax au numéro 02-528 82 39;

par e-mail à l'adresse :

76.092 :FMB@b-rail.be;

par courrier à l'adresse :

SNCB

Direction Voyageurs National

Bureau B-VN.092 – section 13/8

avenue Porte de Hal 40

1060 Bruxelles

Le bon de commande reprend tous les détails relatifs au paiement.

Le paiement du document ci-dessus donne droit à l'envoi automatique et gratuit des adaptations jusqu'à la parution d'une nouvelle édition.

(17038)

Nationale Maatschappij der Belgische Spoorwegen

—

Meerdere artikels van de "Officiële Verzameling van de tarieven, Bundel I, Algemene Voorwaarden voor het vervoer van reizigers, begeleide bagage en voor andere prestaties in binnenlands verkeer" werden aangepast, alsook de publicatie van een bijvoegsel in de Officiële Verzameling van de tarieven – Bundel II. Deze wijzigingen zijn het voorwerp van een :

12e bijvoegsel aan Bundel I op 01.05.2009 : art. 28 Key Card en bijvoegsel 1 : wijzigingen aan de geldigheidsgebieden van bepaalde stations, art. 36 Biljet B-dagtrips

2e bijvoegsel aan Bundel II op 01.05.2009

Deze documenten kunnen gratis geraadpleegd worden in de stations en in de inlichtingenkantoren en kan gratis gedownload worden op www.nmbs.be

Om per post de Bundel en eventuele bijlage(n) te ontvangen, volstaat het een bestelbon aan te vragen :

per fax op het nummer 02-528 82 39;

per e-mail op het adres : 76.092:FMB@b-rail.be;

per post op het adres :

NMBS

Directie Reizigers Nationaal

Bureau B-RN.092 – sectie 13/8

Hallepoortlaan 40

1060 Brussel

De bestelbon bevat alle inlichtingen betreffende de betaling.

De betaling van voormeld document geeft recht op de automatische ontvangst van eventuele aanpassingen tot de publicatie van een nieuwe uitgave.

(17038)

VRIJE UNIVERSITEIT BRUSSEL

—

Vacature academisch personeel

Vacature nr. : IR/2009/009.

Faculteit : ingenieurswetenschappen.

Betrekking : assisterend academisch personeel.

Intern of extern : extern.

Mandaat : voltijds assistent.

Ingangsdatum : 1 oktober 2009.

Duur : 2 jaar (hernieuwbaar).

Vakgebied : wiskunde IR.

Omschrijving :

Onderwijs : oefeningen bij de opleidingsonderdelen waarvoor de vakgroep WISK-IR verantwoordelijk is : algebra en analyse voor de opleidingen burgerlijk ingenieur en burgerlijk ingenieur architect. Onderzoek : in de algebra of een aanverwant gebied in de wiskunde, bij voorkeur over een onderwerp waarvoor expertise aanwezig is in de vakgroep WISK-IR, zoals ringtheorie, Hopf algebra theorie, groepentheorie of codetheorie. Ook onderzoek in samenwerking met een andere vakgroep van de faculteit IR, waarin een uitgesproken wiskundige component aanwezig is, komt in aanmerking.

Vereisten :

Licentiaat of mater in de wiskunde, natuurkunde of ingenieurswetenschappen.

Contactpersoon : prof. S. Caenepeel.

Contact telefoon : 02-929 29 08.

Contact e-mail : scaenepe@vub.ac.be.

Naam decaan : prof. dr. J De Ruyck.

Inwachtingstermijn : uiterlijk twee weken na publicatie in het *Belgisch Staatsblad*.

De kandidaten worden verzocht gebruik te maken van het daartoe bestemde kandidaatstellingsformulier met cumulatieformulier dat kan gedownload worden op het internetadres http://www.vub.ac.be/DP/AP.html of bekomen worden op de dienst personeel (tel. 02-629 20 02) van de Vrije Universiteit Brussel, Pleinlaan 2, te 1050 Brussel.

Dit ingevuld kandidaatstellingsformulier dient gericht te worden aan de rector van de Vrije Universiteit Brussel.

(80220)

Decreet van 18 mei 1999
houdende organisatie van de ruimtelijke ordening

—

Stad Diksmuide

Gemeentelijk ruimtelijk uitvoeringsplan « Jeugdheim Keiem »
Bericht van openbaar onderzoek

Het college van burgemeester en schepenen,

Brengt ter kennis van de bevolking, dat overeenkomstig de bepaling van artikel 49, § 2, van het decreet van 18 mei 1999 betreffende de ruimtelijke ordening en latere wijzigingen, het ruimtelijk uitvoeringsplan « Jeugdheim Keiem », voor iedereen ter inzage ligt op de dienst ruimtelijk ordening van de stad Diksmuide, gedurende een termijn van zestig dagen, hetzij van 21 mei 2009 tot 19 juli 2009.

Het dossier bestaat uit volgende delen :

Deel 1 : bundel met toelichtingsnota, bijlagen, Mer-screening en stedenbouwkundige voorschriften.

Deel 2 : plan bestaande toestand.

Deel 3 : juridische toestand.

Deel 4 : luchtfoto's.

Deel 5 : bestemmingsplan.

Al wie omtrent het gemeentelijk ruimtelijk uitvoeringsplan Kruiskalsijdemolen bezwaren of opmerkingen heeft, dient deze schriftelijk en aangetekend op te sturen aan de Gecoro, p.a. Grote Markt 6, 8600 Diksmuide, vóór het einde van de termijn van het openbaar onderzoek, hetzij uiterlijk op 19 juli 2009.

Namens het college van burgemeester en schepenen.

Diksmuide, 20 mei 2009.

(17039)

Annonces – Aankondigingen

SOCIETES – VENNOOTSCHAPPEN

Brouwerij Damberg, naamloze vennootschap,
Heirweg 26, 9870 Zulte

RPR Gent 0401.009.480

—

Jaarvergadering op woensdag 27 mei 2009, om 16 uur op de maatschappelijke zetel. — Dagorde : Verslag raad van bestuur en toeziener. Goedkeuring van balans, winst- en verliesrekening. Ontlasting aan bestuurders en toeziener. Statutaire benoemingen. Zich schikken naar de statuten.

(17040)

Beherman Auto, naamloze vennootschap,
Industrieweg 3, 2880 Bornem

Ondernemingsnummer 0403.614.723

—

De aandeelhouders worden verzocht de gewone algemene vergadering bij te wonen, die zal gehouden worden op maandag, 25 mei 2009, om 15 uur, op de zetel van de vennootschap te 2880 Bornem, Industrieweg 3.

Agenda :

1. Verslag en geconsolideerd verslag van de raad van bestuur.

2. Verslagen van de commissaris.

3. Jaarrekeningen — voorstel tot besluit : goedkeuring van de jaarrekeningen.

4. Kwijting aan de bestuurders — voorstel tot besluit : verlenen van de kwijting aan alle bestuurders die een bestuursopdracht hebben waargenomen over het boekjaar dat een einde heeft genomen op 31 december 2008.

5. Kwijting aan de commissaris — voorstel tot besluit : verlenen van kwijting an de commissaris voor het vervullen van zijn opdracht over het boekjaar dat een einde heeft genomen op 31 december 2008.

6. Benoeming bestuurder — voorstel besluit : benoeming tot bestuurder van de heer Christian Stas de Richelle.

7. Consolidatie — voorstel tot besluit om gebruik te maken van de vrijstelling van consolidatieverplichting op basis van art. 113 van het Wetboek van Vennootschappen.

8. Varia.

Om aan de vergadering deel te nemen worden de aandeelhouders verzocht de aandelen te deponeren ten laatste op 19 mei 2009.

De aandelen kunnen gedeponeerd worden op de zetel van de vennootschap, elke werkdag tussen 9 en 12 uur en van 14 uur tot 16 uur.

(17041)

Immobilière V.D.S., société anonyme,
boulevard Lambermont 368*A*, 1030 Bruxelles

R.P.M. Bruxelles 0427.790.487

—

Assemblée générale ordinaire le 25 mai 2009, à 10 heures, au siège social. — Ordre du jour : 1. Rapport du conseil d'administration. 2. Approbation des comptes annuels au 31 décembre 2008. 3. Décharge à donner aux administrateurs. 4. Nomination statutaires.

(17042)

Troisfontaine, société anonyme,
avenue Winston Churchill 160, bte 1, 1180 Bruxelles

R.P.M. Bruxelles 428.501.458

—

L'assemblée générale du 4 mai 2009, n'ayant pas atteint le quorum requis, Mesdames et MM. Les actionnaires sont priés d'assister à la seconde assemblée générale ordinaire qui se tiendra le 25 mai 2009, à 10 heures, au siège social avec à l'ordre du jour : 1. Rapport du conseil d'administration sur l'exercice 2008. 2. Approbation des comptes annuels au 31 décembre 2008 et affectation des résultats. 3. Décharge à donner aux administrateurs. 4. Divers.

(17043)

Gestimo, société anonyme,
avenue des Petits Champs 129, 1410 Waterloo

R.P.M. Nivelles 0462.010.010

—

Assemblée générale ordinaire le 25 mai 2009, à 18 heures, au siège social. — Ordre du jour : 1. Rapport du conseil d'administration. 2. Approbation des comptes annuels au 31 décembre 2008. 3. Décharge à donner aux administrateurs. 4. Nominations, démissions administrateurs.

(17044)

Immolan, société anonyme,
rue des Bégonias 21, 1170 Bruxelles

R.P.M. Bruxelles 0431.536.172

—

Assemblée générale ordinaire le 25 mai 2009, à 10 heures, au siège social de la société. — Ordre du jour : 1. Approbation du report de la date d'assemblée. 2. Rapport du conseil d'administration. 3. Approbation des comptes annuels au 31 décembre 2008. 4. Décharge à donner aux administrateurs.

(17045)

**Beltrimex, société anonyme,
rue des Bégonias 21, à 1170 Bruxelles**

R.P.M. Bruxelles 0423.217.136

—

L'assemblée générale ordinaire se tiendra le 25 mai 2009, à 11 heures, au siège social. — Ordre du jour : 1. Approbation du reporte de la date d'assemblée. 2. Rapport du conseil d'administration. 3. Approbation des comptes annuels au 31 décembre 2008. 4. Décharge à donner aux administrateurs.

(17046)

**CETEL, société anonyme,
rue Verheyden 39, à 1070 Bruxelles**

R.P.M. Bruxelles 0403.098.247

—

Assemblée générale ordinaire le lundi 25 mai 2009, à 9 heures, au siège social. — Ordre du jour : 1. Rapports de gestion et rapport du commissaire. 2. Examen des comptes annuels. 3. Décharge aux administrateurs et au commissaire. 4. Elections statutaires.

(17047)

**Alix, société anonyme,
rue Goffart 60, à 1050 Bruxelles**

R.P.M. Bruxelles 0426.431.004

—

Assemblée générale ordinaire le 25 mai 2009, à 10 heures, au siège social. — Ordre du jour : 1. Approbation du report de la date d'assemblée. 2. Rapport du conseil d'administration. 3. Approbation des comptes annuels au 31 décembre 2008. 4. Décharge à donner aux administrateurs.

(17048)

**Huybauw, société anonyme,
rue de la Croix 27, 1050 Bruxelles**

R.P.M. Bruxelles 0434.625.623

—

Assemblée générale ordinaire le 25 mai 2009, à 17 heures, au siège social. — Ordre du jour : 1. Rapport du conseil d'administration. 2. Approbation des comptes annuels arrêtés au 31 décembre 2008. 3. Décharge à donner aux administrateurs. 4. Démissions - Nominations.

(17049)

**Immobilière Quengreg, société anonyme,
rue de l'Autonomie 22, 1070 Bruxelles**

R.P.M. Bruxelles 0430.524.107

—

Assemblée générale ordinaire le 25 mai 2009, à 11 heures, au siège social. — Ordre du jour : 1. Rapport du conseil d'administration. 2. Approbation du bilan et du compte de résultats au 31 décembre 2008. 3. Décharge aux administrateurs. 4. Divers.

(17050)

**I-Vestplan, société anonyme,
rue de la Violette 35/3, 1000 Bruxelles**

R.P.M. Bruxelles 0420.518.556

—

Assemblée générale ordinaire le 25 mai 2009, à 15 heures, au siège social. — Ordre du jour : 1. Rapport de gestion. 2. Approbation des comptes annuels au 31 décembre 2008. 3. Décharge à donner aux administrateurs.

(17051)

**Eagle Travel, société anonyme,
chaussée de La Hulpe 192, 1170 Bruxelles**

R.P.M. Bruxelles 0445.855.946

—

Assemblée générale ordinaire le 25 mai 2009, à 11 heures, au siège social. — Ordre du jour : 1. Rapport du conseil d'administration. 2. Approbation des comptes annuels au 31 décembre 2008. 3. Décharge à donner aux administrateurs. 4. Divers.

(17052)

**Immo-Trade SA, société anonyme,
allée des Templiers 65, 6280 Loverval**

R.P.M. Charleroi 0450.565.394

—

Assemblée générale ordinaire, le 25 mai 2009, à 18 heures, au siège social. — Ordre du jour : 1. Rapport du conseil d'administration. 2. Approbation des comptes au 31 décembre 2008. 3. Décharge à donner aux administrateurs.

(17053)

**Investissements Communication Marketing Belgium,
en abrégé : « I.C.M. Belgium », société anonyme,
rue de Nivelles 72, 1300 Wavre**

R.P.M. Nivelles 0444.600.092

—

Assemblée générale ordinaire le lundi 25 mai 2009 à 17 heures, au siège social. — Ordre du jour : 1. Rapport de gestion. 2. Approbation des comptes annuels. 3. Affectation du résultat. 4. Décharge aux administrateurs. 5. Divers.Les actionnaires doivent déposer les actions au siège social de la société au plus tard 15 jours avant la date de l'assemblée, entre 9 heures et 12 heures – 14 heures et 17 heures du lundi au vendredi.

(17054)

**Finexim, société anonyme,
rue des Palais 192, 1030 Bruxelles**

R.P.M. Bruxelles 0414.501.388

—

Assemblée générale ordinaire le 25 mai 2009, à 17 heures, au siège social. — Ordre du jour : 1. Rapport du conseil d'administration. 2. Approbation des comptes annuels au 1er janvier 2009. 3. Affectation des résultats. 4. Décharge aux administrateurs. 5. Divers.

(17055)

**Les Fleurs d'Aubépine, société anonyme,
chaussée de Waterloo 1525, 1180 Bruxelles**

R.P.M. Bruxelles 0441.345.149

—

Assemblée générale ordinaire le 25 mai 2009, à 14 heures, au siège social. — Ordre du jour : 1. Rapport du conseil d'administration. 2. Approbation des comptes annuels au 31 décembre 2008. 3. Décharge à donner aux administrateurs.

(17056)

"SA SIPEF NV", naamloze vennootschap, die een openbaar beroep op het spaarwezen doet of heeft gedaan, te 2000 Antwerpen, Entrepotkaai 5

Rechtspersonenregister Antwerpen 0404.491.285

—

Aangezien op de buitengewone algemene vergadering van 23 april 2009 het vereiste aanwezigheidsquorum om geldig te kunnen beraadslagen en besluiten niet werd behaald, heeft de raad van bestuur de eer de aandeelhouders uit te nodigen tot het bijwonen in de administratieve zetel van de vennootschap te 2900 Schoten, Kasteel Calesberg, Calesbergdreef 5, van de tweede buitengewone algemene

vergadering die, zoals reeds aangekondigd in de bijeenroeping van de eerste vergadering, zal worden gehouden op 29 mei 2009, om 17 uur, met volgende agenda houdende voorstellen tot besluit :

Agenda :

1. Machtiging inzake de verkrijging van eigen aandelen.

Voorstel van besluit :

Machtiging aan de raad van bestuur van de vennootschap, alsook aan de raden van bestuur van de vennootschappen waarin de vennootschap, alleen of krachtens een aandeelhoudersovereenkomst, rechtstreeks de meerderheid van de stemrechten bezit, uitoefent of controleert, of waarin de vennootschap over het recht beschikt om rechtstreeks de meerderheid van de bestuurders of zaakvoerders te benoemen, om, zonder dat een besluit van de algemene vergadering van aandeelhouders van de vennootschap vereist is, gedurende een termijn van vijf (5) jaar vanaf de bekendmaking van de onder 3. van deze agenda bedoelde statutenwijziging in de bijlagen bij het *Belgisch Staatsblad*, maximaal één miljoen zevenhonderdnegentigduizend driehonderd achtenveertig (1.790.348) eigen aandelen, zijnde twintig procent (20 %) van het geplaatst kapitaal, te verkrijgen tegen een prijs die minimaal gelijk is aan één euro (€ 1,00) en die maximaal gelijk is aan de gemiddelde slotnotering van het aandeel over de laatste dertig (30) kalenderdagen voorafgaand aan de verrichting, verhoogd met tien procent (10 %).

2. Machtiging inzake de verkrijging van eigen aandelen ter voorkoming van een dreigend ernstig nadeel.

Voorstel van besluit :

Machtiging aan de raad van bestuur van de vennootschap, alsook aan de raden van bestuur van de vennootschappen waarin de vennootschap, alleen of krachtens een aandeelhoudersovereenkomst, rechtstreeks de meerderheid van de stemrechten bezit, uitoefent of controleert, of waarin de vennootschap over het recht beschikt om rechtstreeks de meerderheid van de bestuurders of zaakvoerders te benoemen, om, zonder dat een besluit van de algemene vergadering van aandeelhouders van de vennootschap vereist is, gedurende een periode van drie (3) jaar vanaf de bekendmaking van de onder 3. van deze agenda bedoelde statutenwijziging in de bijlagen bij het *Belgisch Staatsblad*, aandelen van de vennootschap te verkrijgen, dit ter voorkoming van een dreigend ernstig nadeel.

3. Statutenwijzigingen.

Voorstel van besluit :

- Om de enige zin van Artikel 17. van de statuten te vervangen door de volgende tekst :

"Met naleving van de door het Wetboek van vennootschappen bepaalde voorwaarden kan de vennootschap eigen aandelen verkrijgen en vervreemden.

De raad van bestuur van de vennootschap, alsook de raden van bestuur van de vennootschappen waarin de vennootschap, alleen of krachtens een aandeelhoudersovereenkomst, rechtstreeks de meerderheid van de stemrechten bezit, uitoefent of controleert, of waarin de vennootschap over het recht beschikt om rechtstreeks de meerderheid van de bestuurders of zaakvoerders te benoemen, zijn gemachtigd om :

a. maximaal één miljoen zevenhonderdnegentigduizend driehonderd achtenveertig (1.790.348) eigen aandelen, zijnde twintig procent (20 %) van het geplaatst kapitaal, te verkrijgen tegen een prijs die minimaal gelijk is aan één euro (€ 1,00) en die maximaal gelijk is aan de gemiddelde slotnotering van het aandeel over de laatste dertig (30) kalenderdagen voorafgaand aan de verrichting, verhoogd met tien procent (10 %), dit gedurende een termijn van vijf (5) jaar te rekenen van de bekendmaking in de bijlage tot het *Belgisch Staatsblad* van het besluit van de algemene vergadering die tot deze machtiging zal hebben besloten;

b. ter voorkoming van een dreigend ernstig nadeel voor de vennootschap eigen aandelen van de vennootschap te verkrijgen, dit gedurende een periode van drie (3) jaar te rekenen van de bekendmaking in de bijlage tot het *Belgisch Staatsblad* van het besluit van de algemene vergadering die tot deze machtiging zal hebben besloten.

De raad van bestuur van de vennootschap, alsook de raden van bestuur van de vennootschappen waarin de vennootschap, alleen of krachtens een aandeelhoudersovereenkomst, rechtstreeks de meerderheid van de stemrechten bezit, uitoefent of controleert, of waarin de vennootschap over het recht beschikt om rechtstreeks de meerderheid van de bestuurders of zaakvoerders te benoemen, zijn gemachtigd om zonder voorgaande toestemming van de algemene vergadering van aandeelhouders de eigen aandelen van de vennootschap die in het bezit zijn van de betrokken vennootschap en genoteerd zijn in de zin van het Wetboek van vennootschappen, te vervreemden.

Er is evenmin een voorafgaande toestemming van de algemene vergadering vereist wanneer de verkrijging van de eigen aandelen geschiedt om deze aan te bieden aan het personeel van de vennootschap; de aldus verkregen eigen aandelen moeten dan worden overgedragen binnen een termijn van twaalf (12) maanden vanaf hun verkrijging."

- Om aan Artikel 43. van de statuten een punt 21 toe te voegen, luidend als volgt :

"21. Bij akte verleden voor geassocieerd notaris Johan KIEBOOMS te Antwerpen op één december tweeduizend en acht, werd beslist om met ingang op éénendertig december tweeduizend en acht de bestaande achthonderdvijfennegentigduizend honderd vierenzeventig (895.174) aandelen zonder vermelding van nominale waarde, aan toonder, op naam of gedematerialiseerd, te splitsen in acht miljoen negenhonderd éénenvijftigduizend zevenhonderd veertig (8.951.740) nieuwe aandelen zonder vermelding van nominale waarde, op naam of gedematerialiseerd, in de verhouding van één (1) bestaand aandeel voor tien (10) nieuwe aandelen, zodat het huidige kapitaal van vierendertig miljoen zevenhonderdzevenenzestigduizend zevenhonderd veertig euro tachtig cent (€ 34.767.740,80) met ingang op éénendertig december tweeduizend en acht zal worden vertegenwoordigd door acht miljoen negenhonderdéénenvijftigduizend zevenhonderd veertig (8.951.740) aandelen zonder vermelding van nominale waarde. Deze beslissing geldt in dezelfde verhouding voor alle VVPR-strips."

De eigenaars van aandelen op naam dienen de vennootschap uiterlijk in de loop van de derde (3e) werkdag vóór de algemene vergadering - dus ten laatste op dinsdag 26 mei 2009 - ofwel per brief of per fax (+32 03 646 57 05) gericht aan "SA SIPEF NV", p/a 2900 Schoten, Kasteel Calesberg, Calesbergdreef 5, of per e-mail (financesipef.com) in te lichten omtrent hun voornemen de vergadering bij te wonen en met hoeveel aandelen zij aan de stemming wensen deel te nemen.

De eigenaars van gedematerialiseerde aandelen dienen hun attest van blokkering ten minste drie (3) werkdagen voor de datum van de algemene vergadering - dus ten laatste op dinsdag 26 mei 2009 - neer te leggen op de administratieve zetel van de vennootschap te 2900 Schoten, Kasteel Calesberg, Calesbergdreef 5, en zullen tot de vergadering worden toegelaten op vertoon van het attest van neerlegging.

De aandeelhouders kunnen zich op de algemene vergaderingen slechts laten vertegenwoordigen door een andere aandeelhouder, die zelf stemgerechtigd is en houder van een volmacht, die ten minste drie werkdagen voor de datum van de algemene vergadering bij de raad van bestuur moet toegekomen zijn.

In dit verband wordt erop gewezen dat de volmachten die voor de buitengewone algemene vergadering van donderdag 23 april 2009 werden neergelegd, geldig blijven voor de nieuwe buitengewone algemene vergadering van vrijdag 29 mei 2009, tenzij de volmachtgever beslist deze volmacht te herroepen of te wijzigen.

Voor de aandeelhouders die dit wensen zijn blanco volmachtformulieren schriftelijk aan te vragen op de administratieve zetel van de vennootschap of op de webpagina van de vennootschap www.sipef.com.

De raad van bestuur.
(17185)

Agence Vinicole Internationale, naamloze vennootschap,

Bijvennestraat 40, 3500 HASSELT

Ondernemingsnummer 0446.319.962

—

Algemene vergadering ter zetel op 26/05/2009, om 14 uur. Agenda : Jaarverslag. Goedkeuring jaarrekening. Bestemming resultaat. Kwijting bestuurders. (Her)Benoemingen. Divers.

(AOPC1901868/06.05) (17186)

AGRI SERVICE, société anonyme,
rue du Village 7, 7760 MOLENBAIX

Numéro d'entreprise 0422.678.686

—

Assemblée ordinaire au siège social le 26/05/2009, à 10 heures. Ordre du jour : Rapport du C.A. Approbation comptes annuels. Affectation résultats. Décharge administrateurs. Divers.

(AOPC-1-9-04771/06.05) (17187)

Algemene Bouwonderneming Agrebo, naamloze vennootschap,
Borsbeeksebinnenweg 96, 2640 MORTSEL

Ondernemingsnummer 0445.260.682

—

Algemene vergadering ter zetel op 26/05/2009, om 16 uur. Agenda : Jaarverslag. Goedkeuring jaarrekening. Bestemming resultaat. Kwijting bestuurders. Divers.

(AOPC-1-9-00888/06.05) (17188)

ALKEBA, naamloze vennootschap,
Gentsesteenweg 104, 9240 ZELE

Ondernemingsnummer 0452.091.165

—

Algemene vergadering ter zetel op 22/05/2009, om 14 uur. Agenda : 1. Bespreking en goedkeuring jaarrekening per 31.12.2008. 2. Bestemming resultaat. 3. Kwijting bestuurders. 4. Divers.

(AOPC-1-9-04740/06.05) (17189)

Anicom Gestion Développement,
société en commandite par actions,
boulevard Brand Whitlock 66, 1200 BRUXELLES

Numéro d'entreprise 0466.444.492

—

Assemblée ordinaire au siège social le 26/05/2009, à 11 h 30 m. Ordre du jour : Rapport du C.A. Approbation comptes annuels. Affectation résultats. Décharge au gérant. Emoluments. Divers.

(AOPC-1-9-02374/06.05) (17190)

ANIS, naamloze vennootschap,
Bernheimlaan 63, 9050 Gentbrugge

Ondernemingsnummer 0448.233.337

—

Algemene vergadering ter zetel op 26/05/2009, om 17 uur. Agenda : Jaarverslag. Goedkeuring jaarrekening. Bestemming resultaat. Kwijting bestuurders. Divers.

(AOPC-1-9-01589/06.05) (17191)

ATELIERS SOMVILLE, société anonyme,
rue du Centre 190, 6250 AISEAU-PRESLES

Numéro d'entreprise 0407.937.557

—

Assemblée ordinaire au siège social le 26/05/2009, à 9 heures. Ordre du jour : Rapport du C.A. Approbation comptes annuels. Affectation résultats. Décharge administrateurs. Divers.

(AOPC-1-9-03621/06.05) (17192)

BASSELIER, société anonyme,
rue de Marie de Hongrie 10, 7130 BINCHE

Numéro d'entreprise 0434.750.337

—

Assemblée ordinaire au siège social le 26/05/2009 à. Ordre du jour : Rapport du C.A. Approbation comptes annuels. Affectation résultats. Décharge administrateurs. Nominations. Divers.

(AOPC-1-9-04066/06.05) (17193)

BEAULIEU INTERNATIONAL GROUP, naamloze vennootschap,
Holstraat 59, 8790 WAREGEM

Ondernemingsnummer 0442.824.497

—

Algemene vergadering ter zetel op 26/05/2009, om 14 uur. Agenda : Verslag van de raad van bestuur. Lezing van jaarrekening per 31 december 2008. Verslag van de commissaris. Goedkeuring van de jaarrekening en toewijzing van het resultaat. Kwijting aan de leden van de raad van bestuur en de Commissaris. Verdaging van de lezing, de goedkeuring en de kwijting m.b.t. de geconsolideerde jaarrekening afgesloten per 31/12/2008. Ontslag en benoemingen.

(AOPC-1-9-04590/06.05) (17194)

BELGISCH-DEUTSCHE-EIGENHEIMBAU, Aktiengesellschaft,
Aachener Strasse 22, 4731 EYNATTEN

Numéro d'entreprise 0413.041.539

—

Assemblée ordinaire au siège social le 26/05/2009, à 17 heures. Ordre du jour : Rapport du C.A. Approbation comptes annuels. Affectation résultats. Décharge administrateurs. Divers.

(AOPC-1-9-01575/06.05) (17195)

BENZA, naamloze vennootschap,
Luchtvaartstraat 63, 3500 HASSELT

Ondernemingsnummer 0427.489.391

—

Algemene vergadering ter zetel op 26/05/2009, om 18 uur. Agenda : Jaarverslag. Goedkeuring jaarrekening. Bestemming resultaat. Kwijting bestuurders. (Her)Benoemingen. Divers.

(AOPC-1-9-03918/06.05) (17196)

BIG SUN, société anonyme,
rue du Déversoir 15, 6111 LANDELIES

Numéro d'entreprise 0436.481.390

—

Assemblée ordinaire au siège social le 25/05/2009, à 17 heures. Ordre du jour : Rapport du C.A. Approbation comptes annuels. Affectation résultats. Décharge administrateurs. Divers.

(AOPC-1-9-01998/06.05) (17197)

Bijouterie Langohr-Mileur, société anonyme,
place Verte 12, 4800 VERVIERS

Numéro d'entreprise 0439.093.264

—

Assemblée ordinaire au siège social le 26/05/2009, à 20 heures. Ordre du jour : Rapport du C.A. Approbation comptes annuels. Affectation résultats. Décharge administrateurs. Nominations. Divers.

(AOPC-1-9-04178/06.05) (17198)

BOUWCENTER DILS, naamloze vennootschap,
Industriepark 40, 2235 HULSHOUT

H.R. Turnhout 28995 — Ondernemingsnummer 0411.928.118

—

Algemene vergadering ter zetel op 26/05/2009, om 14 uur. Agenda : 1. 1. Toepassing art. 523 van de Vennootschappenwet. 2. Verslag van de raad van bestuur. 3. Goedkeuring van de jaarrekening met toewijzing van het resultaat. 4. Kwijting aan de bestuurders. 5. Ontslagen en benoemingen van bestuurders. 6. Allerlei.

(AOPC-1-9-00654/06.05) (17199)

B.U.D.S., société anonyme,
rue Frédéric Pelletier 33, 1030 BRUXELLES-3

Numéro d'entreprise 0446.257.903

—

Assemblée ordinaire au siège social le 26/05/2009, à 17 heures. Ordre du jour : Rapport du C.A. Approbation comptes annuels au 31/12/2008. Affectation résultats. Décharge administrateurs. Démissions/Nominations. Divers.

(AOPC-1-9-04412/06.05) (17200)

CLODIMO, société anonyme,
Rond Point Schuman 6, bte 5, 1040 BRUXELLES

Numéro d'entreprise 0452.339.407

—

Assemblée ordinaire au siège social le 26/05/2009, à 18 heures. Ordre du jour : Rapport du C.A. Approbation comptes annuels. Affectation résultats. Décharge administrateurs. Divers.

(AOPC-1-9-01844/06.05) (17201)

COFIMBRA, société anonyme,
avenue Winston Churchill 147, 1180 BRUXELLES

Numéro d'entreprise 0438.067.539

—

Assemblée ordinaire au siège social le 26/05/2009, à 18 heures. Ordre du jour : Rapport du C.A. Approbation comptes annuels. Affectation résultats. Décharge administrateurs. Nominations. Divers.

(AOPC-1-9-00869/06.05) (17202)

COMPTOIR POELIER, société anonyme,
rue de la Terre à Brique 23, 7522 TOURNAI (MARQUAIN)

Numéro d'entreprise 0442.424.918

—

Assemblée ordinaire au siège social le 25/05/2009, à 10 h 30 m. Ordre du jour : Rapport du C.A. Approbation comptes annuels. Affectation résultats. Décharge administrateurs. Divers.

(AOPC-1-9-04737/06.05) (17203)

CONCORDIA, naamloze vennootschap,
Vital Riethuysenlaan 73, 1083 GANSHOREN

Ondernemingsnummer 0427.391.205

—

Algemene vergadering ter zetel op 26/05/2009, om 11 uur. Agenda : 1. Verslag van de raad van bestuur en van de commissaris-revisor. 2. Goedkeuring van de jaarrekening periode 01.01.2008-31.12.2008. 3. Kwijting aan de bestuurders en aan de commissaris-revisor. 4. Bestemming van het resultaat. 5. Benoemingen. 6. Diverse.

(AOPC-1-9-04463/06.05) (17204)

Constructions Marcel Creutz, société anonyme,
rue Meuchemen 7, 4837 BAELEN-SUR-VESDRE

Numéro d'entreprise 0415.790.894

—

Assemblée ordinaire au siège social le 27/06/2009, à 18 heures. Ordre du jour : Approbation comptes annuels. Affectation résultats. Décharge administrateurs. Divers.

(AOPC-1-9-04763/06.05) (17205)

DELWICHE, naamloze vennootschap,
Tramlaan 216, 1933 STERREBEEK

Ondernemingsnummer 0407.251.431

—

Algemene vergadering ter zetel op 26/05/2009, om 18 uur. Agenda : Jaarverslag. Goedkeuring jaarrekening. Bestemming resultaat. Kwijting bestuurders. Divers.

(AOPC-1-9-04260/06.05) (17206)

DHAENE BELGIUM, naamloze vennootschap,
Ter Ferrants 16, 8520 KUURNE

Ondernemingsnummer 0448.762.382

—

Algemene vergadering ter zetel op 26/05/2009, om 11 u. 30 m. Agenda : Jaarverslag. Goedkeuring jaarrekening. Bestemming resultaat. Kwijting bestuurders. (Her)Benoemingen. Divers.

(AOPC-1-9-04164/06.05) (17207)

Ebénisterie d'Art J. Barbier, société anonyme,
rue Albert I^{er} 23, 5640 METTET

Numéro d'entreprise 0406.708.924

—

Assemblée ordinaire au siège social le 26/05/2009, à 14 heures. Ordre du jour : Rapport du C.A. Approbation comptes annuels. Affectation résultats. Décharge administrateurs. Nominations. Divers.

(AOPC-1-9-01573/06.05) (17208)

EMARA, naamloze vennootschap,
Steenlandlaan 54, 2940 STABROEK

Ondernemingsnummer 0453.296.539

—

Algemene vergadering ter zetel op 26/05/2009, om 16 uur. Agenda : Jaarverslag. Goedkeuring jaarrekening. Bestemming resultaat. Kwijting bestuurders. Divers.

(AOPC-1-9-04225/06.05) (17209)

EOLIS, naamloze vennootschap,
L. Schmidtlaan 119/3, 1040 Brussel

Ondernemingsnummer 0437.324.894

—

Algemene vergadering ter zetel op 26/05/2009, om 9 uur. Agenda : Jaarverslag. Goedkeuring jaarrekening. Bestemming resultaat. Kwijting bestuurders. Divers.

(AOPC-1-9-00773/06.05) (17210)

FIRMA AERTSSEN, naamloze vennootschap,
Tunnelweg 5, 2845 NIEL

Ondernemingsnummer 0419.973.574

—

Algemene vergadering ter zetel op 26/05/2009, om 10 uur. Agenda : Jaarverslag. Goedkeuring jaarrekening per 31.12.08. Bestemming resultaat. Kwijting bestuurders en externe accountants. Divers.

(AOPC-1-9-02160/06.05) (17211)

FIVAB, naamloze vennootschap,
Ter Stratenweg 13, 2520 OELEGEM

Ondernemingsnummer 0428.225.108

—

Algemene vergadering ter zetel op 26/05/2009, om 17 uur. Agenda : Verslag raad van bestuur. Verslag commissaris. Goedkeuring jaarrekening. Bestemming resultaat. Kwijting aan bestuurders. Kwijting aan commissaris. Herbenoeming bestuurders. Varia.

(AOPC-1-9-04581/06.05) (17212)

Foncière des Sarts, en abrégé : FDS, société anonyme,
boulevard Tirou 24, bte 15, 6000 CHARLEROI

Numéro d'entreprise 0433.051.748

—

Assemblée ordinaire au siège social le 26/05/2009, à 10 heures. Ordre du jour : Rapport du C.A. Approbation comptes annuels. Affectation résultats. Décharge administrateurs. Divers.

(AOPC-1-9-03563/06.05) (17213)

FONDERIE LIEGEOISE, société anonyme,
rue Bonne Nouvelle 37-41, 4000 LIEGE

Numéro d'entreprise 0404.393.394

—

Assemblée ordinaire au siège social le 26/05/2009, à 17 heures. Ordre du jour : Rapport du C.A. Approbation comptes annuels. Affectation résultats. Décharge administrateurs. Divers.

(AOPC-1-9-03798/06.05) (17214)

FRANCKAERT-DE MUNCK, naamloze vennootschap,
Reepstraat 117, 9170 SINT-GILLIS-WAAS

Ondernemingsnummer 0449.051.503

—

Algemene vergadering ter zetel op 26/05/2009, om 15 uur. Agenda : Goedkeuring jaarrekening. Bestemming resultaat. Kwijting bestuurders. Divers.

(AOPC-1-9-03784/06.05) (17215)

G. LEVASSEUR, société anonyme,
chaussée de Ruisbroek 121, 1190 BRUXELLES

Numéro d'entreprise 0421.524.287

—

Assemblée ordinaire au siège social le 26/05/2009, à 15 heures. Ordre du jour : Rapport du C.A. Approbation comptes annuels. Affectation résultats. Décharge administrateurs. Nominations. Divers.

(AOPC-1-9-04167/06.05) (17216)

G. NYSSEN-DEHAYE, société anonyme,
avenue Elisabeth 111, 4800 VERVIERS

Numéro d'entreprise 0417.717.335

—

Assemblée ordinaire au siège social le 26/05/2009, à 10 heures. Ordre du jour : Rapport du C.A. Approbation comptes annuels. Affectation résultats. Décharge administrateurs. Divers.

(AOPC-1-9-03395/06.05) (17217)

G.F.K., naamloze vennootschap,
Lessiusstraat 20/1, 2960 BRECHT

Ondernemingsnummer 0449.421.685

—

Algemene vergadering ter zetel op 26/05/2009, om 15 uur. Agenda : Jaarverslag. Goedkeuring jaarrekening. Bestemming resultaat. Kwijting bestuurders. Divers.

(AOPC-1-9-04496/06.05) (17218)

HABAD, naamloze vennootschap,
Wolvendreef 12, 8500 Kortrijk

Ondernemingsnummer 0423.134.388

—

Algemene vergadering ter zetel op 26/05/2009, om 17 uur. Agenda : Jaarverslag. Goedkeuring jaarrekening. Bestemming resultaat. Kwijting bestuurders. Benoemingen. Divers.

(AOPC-1-9-04050/06.05) (17219)

HALLEX, naamloze vennootschap,
Pathoekweg 158, 8000 Brugge

Ondernemingsnummer 0405.116.045 - RPR Brugge

—

De aandeelhouders worden uitgenodigd tot de gewone algemene vergadering die zal gehouden worden ten maatschappelijke zetel op 26/05/2009, om 15 uur.

Agenda :

1. Kennisname en bespreking van de vennootschappelijke en geconsolideerde jaarrekening m.b.t. het boekjaar afgesloten op 31.12.2008.

2. Kennisname en bespreking van het vennootschappelijke en het geconsolideerde jaarverslag van de raad van bestuur m.b.t. het boekjaar afgesloten op 31.12.2008.

3. Kennisname en bespreking van het vennootschappelijke en geconsolideerde controleverslag van de commissaris over de vennootschappelijke en geconsolideerde jaarrekening mbt het boekjaar afgesloten op 31.12.2008.

4. Goedkeuring van het voorstel van jaarrekening m.b.t. het boekjaar afgesloten op 31.12.2008.

5. Goedkeuring van het voorstel van bestemming van het resultaat.

6. Kwijting aan de leden van de raad van bestuur en de commissaris.

7. Varia.

De aandeelhouders dienen zich te schikken naar art. 12 van de statuten. Om tot de algemene vergadering te worden toegelaten, moeten de houders van aandelen aan toonder deze ten minste vijf volle dagen vóór de vergadering neerleggen ten zetel van de vennootschap of bij een door de CBFA erkende Belgische financiële instelling.

(AOPC-1-9-03991/06.05) (17220)

IMMO FANTOOM, naamloze vennootschap,
Pulsepad 71, 2280 GROBBENDONK

Ondernemingsnummer 0435.433.196

—

Jaarvergadering op 26.05.2009, om 20 uur, op de maatschappelijke zetel.

Agenda : 1. verslag van de raad van bestuur; 2. goedkeuring van de jaarrekening 2008; 3. bestemming resultaat; 4. decharge aan de bestuurders; 5. diversen.

(AOPC-1-9-02067/06.05) (17221)

IMMO FRANCKAERT, commanditaire vennootschap op aandelen,
Reepstraat 117, 9170 SINT-GILLIS-WAAS

Ondernemingsnummer 0449.051.701

—

Algemene vergadering ter zetel op 26/05/2009, om 20 uur. Agenda : Goedkeuring jaarrekening. Bestemming resultaat. Kwijting aan de zaakvoerder. Divers.

(AOPC-1-9-03788/06.05) (17222)

IMMO 52, société anonyme,
avenue Adolphe Wansart 45, 1180 BRUXELLES

Numéro d'entreprise 0877.456.555

—

Assemblée ordinaire au siège social le 26/05/2009, à 10 heures. Ordre du jour : Rapport du C.A. Approbation comptes annuels. Affectation résultats. Décharge administrateurs. Nominations. Divers.

(AOPC-1-9-03998/06.05) (17223)

IMMOBARAL, société anonyme,
rue de la Presse 4, 1000 BRUXELLES

Numéro d'entreprise 0422.138.357

—

Assemblée ordinaire au siège social le 26/05/2009, à 14 h 30 m. Ordre du jour : Rapport du C.A. Approbation comptes annuels. Affectation résultats. Décharge administrateurs. Divers.

(AOPC-1-9-01178/06.05) (17224)

Immobilière de Basseille, société anonyme,
galerie de la Reine 1, 1000 BRUXELLES

Numéro d'entreprise 0418.686.840

—

Assemblée ordinaire au siège social le 26/05/2009, à 15 heures. Ordre du jour : Rapport du C.A. Approbation comptes annuels. Affectation résultats. Décharge administrateurs. Nominations. Divers.

(AOPC-1-9-00868/06.05) (17225)

IMMOLAM, société anonyme,
rue du Centenaire 1*B*, 5540 HERMETON-SUR-MEUSE

Numéro d'entreprise 0432.355.922

—

Assemblée ordinaire au siège social le 26/05/2009, à 19 heures. Ordre du jour : Rapport du C.A. Approbation comptes annuels. Affectation résultats. Décharge administrateurs. Divers.

(AOPC-1-9-02328/06.05) (17226)

IMSONIC, société anonyme,
place de la Chapelle 8, 1000 BRUXELLES

Numéro d'entreprise 0421.713.240

—

Assemblée ordinaire au siège social le 26/05/2009, à 14 heures. Ordre du jour : Rapport du C.A. Approbation comptes annuels. Affectation résultats. Décharge administrateurs. Divers.

(AOPC-1-9-01030/06.05) (17227)

Industrial and Real Estate Investors Indrei, société anonyme,
chaussée de Philippeville 161, 6001 MARCINELLE

Numéro d'entreprise 0421.421.547

—

Assemblée ordinaire au siège social le 26/05/2009, à 14 heures. Ordre du jour : Rapport du C.A. Approbation comptes annuels. Affectation résultats. Décharge administrateurs. Divers.

(AOPC-1-9-04138/06.05) (17228)

I.S.T.C., société anonyme,
quai aux Pierres de Taille 35, 1000 BRUXELLES

Numéro d'entreprise 0412.675.810

—

Assemblée ordinaire au siège social le 26/05/2009, à 14 heures. Ordre du jour : Rapport du C.A. Approbation comptes annuels. Affectation résultats. Décharge administrateurs. Nominations. Divers.

(AOPC-1-9-04534/06.05) (17229)

JAN ONZEA, naamloze vennootschap,
Fruithoflaan 15, 2530 BOECHOUT

Ondernemingsnummer 0428.789.884

—

Algemene vergadering ter zetel op 26/05/2009, om 18 u. Agenda : Jaarverslag. Goedkeuring jaarrekening. Bestemming resultaat. Kwijting bestuurders. Divers.

(AOPC-1-9-03415/06.05) (17230)

JLC INVESTMENT, société anonyme,
avenue Louise 486, 1050 BRUXELLES

Numéro d'entreprise 0886.765.189

—

Assemblée ordinaire au siège social le 26/05/2009, à 18 heures. Ordre du jour : Rapport du C.A. Approbation comptes annuels. Affectation résultats. Décharge administrateurs. Divers.

(AOPC-1-9-04395/06.05) (17231)

JUNGHEINRICH, naamloze vennootschap,
Esperantolaan 1, 3001 HEVERLEE

Ondernemingsnummer 0415.997.465

—

Algemene vergadering ter zetel op 26/05/2009, om 14 uur. Agenda : Jaarverslag. Goedkeuring jaarrekening. Bestemming resultaat. Kwijting bestuurders. (Her)Benoemingen. Intrekking volmacht. Benoeming volmachtdrager. Voorzitterschap raad van bestuur. Herbenoeming commissaris. Kwijting commissaris, revisor en directiecomité. Divers.

(AOPC-1-9-03602/06.05) (17232)

KASTEL, naamloze vennootschap,
Monnikbosstraat 199, 1770 LIEDEKERKE

Ondernemingsnummer 0430.141.451

—

Algemene vergadering ten zetel op 22/05/2009, om 20 uur. Agenda : Jaarverslag. Goedkeuring jaarrekening. Bestemming resultaat. Kwijting bestuurders. Divers.

(AOPC-1-9-04762/06.05) (17233)

KAVK G. DE WIT, naamloze vennootschap, in vereffening,
Zakstraat 18, 2800 MECHELEN

Ondernemingsnummer 0407.868.469 - RPR Mechelen

—

De gewone algemene vergadering zal gehouden worden te 3070 Kortenberg, Twee Leeuwenstraat 15, op 26 mei 2009, om 14 uur. Dagorde : Jaarverslag van de raad van bestuur; Behandeling van de jaarrekening per 31 december 2008; Kwijting aan de bestuurders voor de uitoefening van hun mandaat. De aandeelhouders dienen zich te schikken naar de statuten.

(AOPC-1-9-03442/06.05) (17234)

Maurice Le Clercq et fils-Kewlox, société anonyme,
rue Sainte-Anne 7, 5310 LEUZE (EGHEZEE)

Numéro d'entreprise 0403.179.807

—

Assemblée ordinaire au siège social le 26/05/2009, à 10 heures. Ordre du jour : Rapport du C.A. Approbation comptes annuels. Affectation résultats. Décharge administrateurs. Approbation de la rémunération 2008 des mandats des administrateurs. Démissions et nominations. Divers.

(AOPC-1-9-03817/06.05) (17235)

Kidephar, société anonyme,
rue du Village, 6 6790 AUBANGE

Numéro d'entreprise 0452.044.843 - RPM Arlon

—

L'assemblée générale ordinaire se réunira au siège social le 25 mai 2009, à 18 heures.

Ordre du jour :

1) Discussion et approbation des comptes annuels arrêtés au 31 décembre 2008; 2) Octroi de la décharge, telle qu'elle est requise par la loi, aux administrateurs pour les fonctions exercées par ceux-ci dans la société durant l'exercice social qui s'est terminé le 31 décembre 2008; 3) Affectation du résultat de l'exercice; 4) Divers.

(AOPC-1-9-03611/06.05) (17236)

KOSIMO, naamloze vennootschap,
Kastanjelaan 19, 8530 HARELBEKE

Ondernemingsnummer 0464.475.491

—

Algemene vergadering ter zetel op 26/05/2009, om 14 uur. Agenda : 1. Jaarverslag. 2. Goedkeuring jaarrekening per 31/12/2008. 3. Bestemming resultaat. 4. Kwijting bestuurders. 5. Diversen.

(AOPC-1-9-04131/06.05) (17237)

KWANTEN & C°, naamloze vennootschap,
Donderslagseweg 33, 3520 ZONHOVEN

Ondernemingsnummer 0424.880.982

—

Algemene vergadering ter zetel op 26/05/2009, om 14 uur. Agenda : Verslag raad van bestuur. Goedkeuring jaarrekening. Bestemming resultaat. Kwijting bestuurders. Divers.

(AOPC-1-9-02653/06.05) (17238)

LA RENAISSANCE, société anonyme,
rue de Fer 38-40, 5000 NAMUR

Numéro d'entreprise 0401.418.761

—

Assemblée ordinaire au siège social le 26/05/2009, à 15 heures. Ordre du jour : Rapport du C.A. Approbation comptes annuels. Affectation résultats. Décharge administrateurs. Nominations. Divers.

(AOPC-1-9-01029/06.05) (17239)

LES HABITATIONS SOCIALES, société anonyme,
rue Grande 1, 5100 WIERDE

Numéro d'entreprise 0401.396.391

—

Assemblée ordinaire au siège social le 25/05/2009, à 17 h 30 m. Ordre du jour : Rapport du C.A. Approbation comptes annuels. Affectation résultats. Décharge administrateurs. Nominations. Divers.

(AOPC-1-9-04654/06.05) (17240)

Location mobilière générale d'Appareils automatiques ″LOMOGEA″, société anonyme, avenue Th. Gonda 2, 4400 FLEMALLE

Numéro d'entreprise 0412.496.359

—

Assemblée ordinaire au siège social le 26/05/2009, à 11 h 30 m. Ordre du jour : 1. Approbation des comptes annuels arrêtés au 31/12/2008. 2. Affectation du résultat de l'exercice. 3. Décharge à donner aux administrateurs. 4. Divers.

(AOPC-1-9-03851/06.05) (17241)

L'Européenne, société anonyme,
rue des Deux Eglises 14, 1000 BRUXELLES

Numéro d'entreprise 0403.269.382

—

Assemblée ordinaire au siège social le 26/05/2009, à 11 h 15 m. Ordre du jour : 1. Rapport du conseil d'administration. 2. Rapport du commissaire agréé. 3. Approbation du bilan et compte de résultats au 31/12/2008. 4. Décharge à donner à MM. les administrateurs et commissaire agréé PriceWaterhouseCoopers, représentée par M. Jacques TISON. 5. Nomination - démission d'un administrateur. 6. Divers.

(AOPC-1-9-04738/06.05) (17242)

L.W. ECLAIRAGE, société anonyme,
chaussée de Nivelles 8, 1420 BRAINE-L'ALLEUD

Numéro d'entreprise 0438548183

—

Assemblée ordinaire au siège social le 26/05/2009, à 11 heures. Ordre du jour : Rapport du C.A. Approbation comptes annuels. Affectation résultats. Décharge administrateurs. Nominations. Divers.

(AOPC-1-9-04187/06.05) (17243)

MAANRO, société anonyme,
chaussée Provinciale 74, 1341 CEROUX-MOUSTY

Numéro d'entreprise 0439.787.112

—

Assemblée ordinaire au siège social le 26/05/2009, à 17 heures. Ordre du jour : Rapport du C.A. Approbation comptes annuels. Affectation résultats. Décharge administrateurs. Divers.

(AOPC-1-9-02445/06.05) (17244)

MAENHOUT CHRISTIAAN, naamloze vennootschap,
Stekelbeekstraat 17, 9881 BELLEM

Ondernemingsnummer 0422.477.758

—

Algemene vergadering ter zetel op 26/05/2009, om 14 uur. Agenda : Jaarverslag. Goedkeuring jaarrekening. Bestemming resultaat. Kwijting bestuurders. Divers.

(AOPC-1-9-00895/06.05) (17245)

Maison Lamontagne Combustibles, société anonyme,
rue du Centenaire 1*B*, 5540 HERMETON-SUR-MEUSE

Numéro d'entreprise 0462.122.945

—

Assemblée ordinaire au siège social le 26/05/2009, à 18 heures. Ordre du jour : Rapport du C.A. Approbation comptes annuels. Affectation résultats. Décharge administrateurs. Nominations. Divers.

(AOPC-1-9-02329/06.05) (17246)

Maison Lamontagne Services et Transports, société anonyme,
rue du Centenaire 1*B*, 5540 HASTIERE

Numéro d'entreprise 0402.557.423

—

Assemblée ordinaire au siège social le 26/05/2009, à 15 heures. Ordre du jour : Rapport du C.A. Approbation comptes annuels. Affectation résultats. Décharge administrateurs. Divers.

(AOPC-1-9-02327/06.05) (17247)

MAJELA, société anonyme,
chemin de la Dîme 18, 1325 CHAUMONT-GISTOUX

Numéro d'entreprise 0432.905.060

—

Assemblée ordinaire au siège social le 26/05/2009, à 9 h 30 m. Ordre du jour : Rapport du C.A. Approbation comptes annuels. Affectation résultats. Décharge administrateurs. Divers.

(AOPC-1-9-04415/06.05) (17248)

MARAMO, société anonyme,
Rond Point Schuman 6, bte 5, 1040 BRUXELLES

Numéro d'entreprise 0452.338.912

—

Assemblée ordinaire au siège social le 26/05/2009, à 20 heures. Ordre du jour : Rapport du C.A. Approbation comptes annuels. Affectation résultats. Décharge administrateurs. Divers.

(AOPC-1-9-01843/06.05) (17249)

MARX & MARX, naamloze vennootschap,
Koning Albertlaan 137, bus 6, 3620 LANAKEN

Ondernemingsnummer 0424.712.619

—

Algemene vergadering ter zetel op 26/05/2009, om 20 uur. Agenda : Jaarverslag. Goedkeuring jaarrekening. Bestemming resultaat. Kwijting bestuurders. (Her)Benoemingen. Divers.

(AOPC-1-9-04097/06.05) (17250)

Matebois Self-Service Lamontagne, société anonyme,
rue du Centenaire 1*B*, 5540 HERMETON-SUR-MEUSE

Numéro d'entreprise 0407.605.975

—

Assemblée ordinaire au siège social le 26/05/2009, à 17 heures. Ordre du jour : Rapport du C.A. Approbation comptes annuels. Affectation résultats. Décharge administrateurs. Nominations. Divers.

(AOPC-1-9-02326/06.05) (17251)

MATIMPEX, société anonyme,
rue de Suisse 12, 1060 BRUXELLES

Numéro d'entreprise 0403.181.587

—

Assemblée ordinaire au siège social le 26/05/2009, à 17 heures. Ordre du jour : Rapport du C.A. Approbation comptes annuels. Affectation résultats. Décharge administrateurs. Divers.

(AOPC-1-9-02425/06.05) (17252)

MEUBLES MOREAU, société anonyme,
rue Albert I^er^ 88, 4280 HANNUT

Numéro d'entreprise 0423.869.610

—

Assemblée ordinaire au siège social le 26/05/2009, à 14 heures. Ordre du jour : Rapport du C.A. Approbation comptes annuels. Affectation résultats. Décharge administrateurs. Divers.

(AOPC-1-9-02607/06.05) (17253)

MEUVACO, naamloze vennootschap,
Elbestraat 5, 8760 MEULEBEKE

Ondernemingsnummer 0866.122.896

—

Algemene vergadering ter zetel op 26/05/2009, om 18 uur. Agenda : Jaarverslag. Goedkeuring jaarrekening. Bestemming resultaat. Kwijting bestuurders. Divers.

(AOPC-1-9-00719/06.05) (17254)

MIBA, naamloze vennootschap,
Koewacht 92, 9190 STEKENE

Ondernemingsnummer 0432.936.041

—

Algemene vergadering ter zetel op 26/05/2009, om 15 uur. Agenda : Bijzonder verslag. Goedkeuring jaarrekening. Bestemming resultaat. Kwijting bestuurders. Divers.

(AOPC-1-9-03782/06.05) (17255)

Modénature, société anonyme,
avenue Richard Neybergh 53, 1020 BRUXELLES

Numéro d'entreprise 0473.054.360

—

Assemblée ordinaire au siège social le 26/05/2009, à 17 heures. Ordre du jour : Rapport du C.A. Approbation comptes annuels. Affectation résultats. Décharge administrateurs. Divers.

(AOPC-1-9-03889/06.05) (17256)

NATIONALE SUISSE ASSURANCES, société anonyme,
rue des Deux Eglises 14, 1000 BRUXELLES

Numéro d'entreprise 0403.274.332

—

Assemblée ordinaire au siège social le 26/05/2009, à 10 h 45 m. Ordre du jour : 1. Rapport du conseil d'administration. 2. Rapport du commissaire agréé. 3. Approbation du Bilan et Compte de Résultats au 31/12/2008. 4. Décharge, à donner, à MM. les Administrateurs et commissaire agréé PriceWaterhouseCoopers, représentée par M. Jacques TISON. 5. Nomination - démission d'un administrateur. 6. Divers

(AOPC-1-9-04739/06.05) (17257)

OCKIER FORKLIFTS, naamloze vennootschap,
Torkonjestraat 75, 8510 MARKE (Kortrijk)

Ondernemingsnummer 0415.492.372

—

Algemene vergadering ter zetel op 26/05/2009, om 16 uur. Agenda : Jaarverslag. Goedkeuring jaarrekening. Bestemming resultaat. Kwijting bestuurders. Divers.

(AOPC-1-9-00519/06.05) (17258)

OPTIMUM MANAGEMENT, société anonyme,
rue de l'Industrie 20, 1400 NIVELLES

Numéro d'entreprise 0420.737.401

—

Assemblée ordinaire au siège social le 26/05/2009, à 9 h 30 m. Ordre du jour : Rapport du C.A. Approbation comptes annuels. Affectation résultats. Décharge administrateurs. Divers.

(AOPC-1-9-00759/06.05) (17259)

PANDRA INVESTMENT, société anonyme,
chaussée Charlemagne 154, 4890 THIMISTER (CLERMONT)

Numéro d'entreprise 0416.199.482

—

Assemblée ordinaire au siège social le 22/06/2009, à 18 heures. Ordre du jour : Rapport du C.A. Approbation comptes annuels. Affectation résultats. Décharge administrateurs.

(AOPC-1-9-02926/06.05) (17260)

PEMACO, naamloze vennootschap,
Ronkel 32, 1780 WEMMEL

Ondernemingsnummer 0429.514.515

—

Algemene vergadering ter zetel op 26/05/2009, om 11 uur. Agenda : Jaarverslag. Goedkeuring jaarrekening. Bestemming resultaat. Kwijting bestuurders. Divers.

(AOPC-1-9-02389/06.05) (17261)

(Cette annonce aurait dû paraître le 30/04/2009.)

PHARCO, société anonyme,
rue Alphonse De Witte 12, 1050 BRUXELLES

Numéro d'entreprise 0862.439.470

—

Ordre du jour de l'assemblée générale ordinaire des actionnaires de la SA Pharco le 19 mai 2009, à 20 heures, à 1050 Bruxelles, rue Alphonse De Witte 12. Ordre du jour : 1. Rapport de gestion du conseil d'administration. 2. Comptes annuels arrêtés au 31.12.2008 et affectation du résultat. 3. Rapport du commissaire. 4. Décharge aux administrateurs et au commissaire. 5. Nomination. 6. Disposition de l'art. 633 du Code des sociétés. 7. Divers.

(AOPC-1-9-04769/06.05) (17262)

PLACEBO, naamloze vennootschap,
Vroonbaan 40, 1880 NIEUWENRODE

Ondernemingsnummer 0457.573.645

—

Algemene vergadering ter zetel op 26/05/2009, om 16 uur. Agenda : Jaarverslag. Goedkeuring jaarrekening. Bestemming resultaat. Kwijting bestuurders. Divers.

(AOPC-1-9-01889/06.05) (17263)

POSSEMIERS BOOM, naamloze vennootschap,
Hoogstraat 27, 2850 BOOM

Ondernemingsnummer 0426.661.527

—

Algemene vergadering ter zetel op 26/05/2009, om 18 uur. Agenda : Jaarverslag. Goedkeuring jaarrekening. Bestemming resultaat. Kwijting bestuurders. Divers.

(AOPC-1-9-01220/06.05) (17264)

P.M.C. CONSULTANTS, naamloze vennootschap,
Pres. Kennedypark 4*A*, 8500 Kortrijk

Ondernemingsnummer 0446.631.352 - RPR Kortrijk

—

Jaarvergadering ten maatschappelijke zetel op 26/05/2009, om 11 uur. Agenda : Melding toepassing artikel 523 Wetboek van vennootschappen. Verslag raad van bestuur. Goedkeuring jaarrekening per 31/12/2008. Bestemming resultaat. Kwijting bestuurders. Benoemingen. Zich richten naar de statuten.

(AOPC-1-9-01076/06.05) (17265)

RECO, naamloze vennootschap,
Churchillsteenweg 51, 9320 EREMBODEGEM

Ondernemingsnummer 0428.288.157

—

Algemene vergadering ter zetel op 31/05/2009, om 16 uur. Agenda : Jaarverslag. Goedkeuring jaarrekening. Bestemming resultaat. Kwijting bestuurders. (Her)Benoemingen. Divers.

(AOPC-1-9-00694/06.05) (17266)

REFLEX TOURNAI, société anonyme,
chaussée de Tournai 19, 7904 PIPAIX

Numéro d'entreprise 0455.242.675

—

Assemblée ordinaire au siège social le 16/05/2009, à 18 heures. Ordre du jour : Rapport du C.A. Approbation comptes annuels. Affectation résultats. Décharge administrateurs. Divers.

(AOPC-1-9-04736/06.05) (17267)

RENWART, société anonyme,
rue du Texas 25, 1190 BRUXELLES

Numéro d'entreprise 0403.087.557

—

Assemblée ordinaire au siège social le 26/05/2009, à 10 heures. Ordre du jour : Rapport du C.A. Approbation comptes annuels. Affectation résultats. Décharge administrateurs. Divers.

(AOPC-1-9-01369/06.05) (17268)

RIMMO, naamloze vennootschap,
Nelemeerstraat 82, 9830 SINT-MARTENS-LATEM

Ondernemingsnummer 0436.263.636

—

Algemene vergadering ter zetel op 26/05/2009, om 15 uur. Agenda : Jaarverslag. Goedkeuring jaarrekening. Bestemming resultaat. Kwijting bestuurders. (Her)Benoemingen. Divers.

(AOPC-1-9-00859/06.05) (17269)

RIVER PARK, naamloze vennootschap,
Ieperstraat 188, 8980 ZONNEBEKE

Ondernemingsnummer 0449.827.404 - RPR Ieper

—

Algemene vergadering ter zetel op 26/05/2009, om 14 uur. Agenda : Bespreking en goedkeuring van de jaarrekening, per 30 december 2008. Kwijting. Ontslag en benoeming.

(AOPC-1-9-03198/06.05) (17270)

SEGERS & BALCAEN, naamloze vennootschap,
Affligemsestraat 500, 1770 LIEDEKERKE

Ondernemingsnummer 0414.421.414

—

Gewone algemene vergadering ter zetel op 26/05/2009, om 15 uur. Dagorde : 1. Verslag van de raad van bestuur 2. Goedkeuring van balans en resultatenrekening per 31.12.2008 3. Bestemming van het resultaat 4. Decharge te verlenen aan bestuurders 5. Ontslag en benoeming bestuurders 6. Allerlei. De aandeelhouders worden verzocht zich te schikken baar de bepalingen van de statuten.

(AOPC-1-9-02434/06.05) (17271)

SINTEX, naamloze vennootschap,
Eugène Demolderlaan 32, 1030 Brussel

Ondernemingsnummer 0423.249.996

—

Algemene vergadering op de zetel op 26/05/2009, om 9 uur. Agenda : 1. verslag raad van bestuur o.g.v. art. 96, 6°.; 2. goedkeuring van de jaarrekening per 31.12.08; 3. bestemming resultaat; 4. kwijting aan de bestuurders; 5. ontslag en (her)benoeming bestuurders, voorzitter raad van bestuur en gedelegeerd bestuurder(s); 7. varia.

(AOPC-1-9-02587/06.05) (17272)

SLOBEL, naamloze vennootschap,
Della Faillelaan 53, 2020 Antwerpen

Ondernemingsnummer 437.533.445

—

Algemene vergadering op dinsdag 26 mei 2009, om 11 u. op de zetel van vennootschap. Agenda : 1. Verslag raad van bestuur. 2. Bespreking en goedkeuring van de jaarrekening afgesloten op 31/12/2008. 3. Bespreking en bestemming van het resultaat. 4. kwijting bestuurders. 5. Diversen.

(AOPC-1-9-03805/06.05) (17273)

SOCIETE FONCIERE DE LASNE, société anonyme,
avenue Pascal 7, 1300 WAVRE

Numéro d'entreprise 0418.675.457

—

Assemblée ordinaire au siège social le 26/05/2009, à 15 heures. Ordre du jour : Rapport du C.A. Approbation comptes annuels. Affectation résultats. Décharge administrateurs. Nominations. Divers.

(AOPC-1-9-02249/06.05) (17274)

SOCOR, société anonyme,
Résidence "Le Lumeçon", chaussée du Rœulx,
parc de la Sablonnière 707, 7000 MONS

Numéro d'entreprise 0433.512.596

—

Assemblée ordinaire au rue de la Licorne 52 - 7022 Hyon, le 28/05/2009, à 14 heures. Ordre du jour : Rapport du C.A. Approbation comptes annuels. Affectation résultats; Décharge administrateurs. Divers.

(AOPC-1-9-04261/06.05) (17275)

SOGEREST, société anonyme,
quai aux Briques 20, 1000 BRUXELLES

Numéro d'entreprise 0434.888.414

—

Assemblée ordinaire au siège social le 26/05/2009, à 18 heures. Ordre du jour : Rapport du C.A. Approbation comptes annuels. Affectation résultats. Décharge administrateurs. Nominations. Divers.

(AOPC-1-9-01452/06.05) (17276)

SPRO, naamloze vennootschap,
Kapelleberg 46, 2430 LAAKDAL

Ondernemingsnummer 0479.762.097

—

Algemene vergadering ter zetel op 26/05/2009, om 20 uur. Agenda : 1. Bespreking jaarverslag van de raad van bestuur. 2. Bespreking en goedkeuring jaarrekening per 31/12/2008. 3. Bestemming van het resultaat. 4. Kwijting aan de bestuurders. 5. Ontslag en benoeming bestuurders. 6. Allerlei. Zich schikken naar de statuten.

(AOPC-1-9-00364/06.05) (17277)

TAX FREE COMPANY, société anonyme,
rue de Birmingham 112, 1070 BRUXELLES

Numéro d'entreprise 0423.845.557

—

Assemblée ordinaire au siège social le 26/05/2009, à 10 heures. Ordre du jour : Rapport du C.A. Approbation comptes annuels. Affectation résultats. Décharge administrateurs. Divers.

(AOPC-1-9-01358/06.05) (17278)

TOP IMMO, société anonyme,
rue de la Station 73*A*, 7864 DEUX-ACREN

Numéro d'entreprise 0440.692.873

—

Assemblée ordinaire au siège social le 26/05/2009, à 17 heures. Ordre du jour : Rapport du C.A. Approbation comptes annuels. Affectation résultats. Décharge administrateurs.

(AOPC-1-9-03999/06.05) (17279)

UNICORN, société anonyme, en liquidation,
boulevard Belgica 37, 1080 BRUXELLES

Numéro d'entreprise 0442.033.948

—

Assemblée ordinaire au siège social le 26/05/2009, à 18 heures. Ordre du jour : Rapport du C.A. Approbation comptes annuels. Affectation résultats. Décharge administrateurs. Nominations. Divers.

(AOPC-1-9-04549/06.05) (17280)

UNIPARC-BELGIQUE, société anonyme,
rue de l'Evêque 1, à 1000 BRUXELLES

Numéro d'entreprise 0427.825.725

—

Convocation d'une assemblée générale ordinaire le 26 mai 2009, à 9 heures, au siège social. Ordre du jour : 1. Rapport de gestion du conseil d'administration. 2. Rapport du commissaire. 3. Approbation des comptes annuels au 31 décembre 2008. 4. Affectation du résultat. 5. Décharge aux administrateurs et au commissaire. 6. Divers. Pour assister, à l'Assemblée, se conformer aux statuts.

Le conseil d'administration

(AOPC-1-9-04492/06.05) (17281)

VAN DEN DRIESSCHE J., naamloze vennootschap,
Astridlaan 177, 9500 GERAARDSBERGEN

Ondernemingsnummer 0422.835.470

—

Algemene vergadering ter zetel op 26/05/2009, om 14 uur. Agenda : Jaarverslag. Goedkeuring jaarrekening. Bestemming resultaat. Kwijting bestuurders. Divers.

(AOPC-1-9-00896/06.05) (17282)

VAN DER MAELEN, naamloze vennootschap,
Wijngaardveld 2, 9300 AALST

Ondernemingsnummer 0420.547.854

—

Algemene vergadering ter zetel op 26/05/2009, om 10 uur. Agenda : Jaarverslag. Goedkeuring jaarrekening. Bestemming resultaat. Kwijting bestuurders. Divers.

(AOPC-1-9-04576/06.05) (17283)

VAN HAMONT, société anonyme,
avenue des Combattants 183, 1470 NOIRHAT (GENAPPE)

—

Assemblée ordinaire au siège social le 26/05/2009, à 11 heures. Ordre du jour : Rapport du C.A. Approbation comptes annuels. Affectation résultats. Décharge administrateurs. Divers.

(AOPC-1-9-04007/06.05) (17284)

VAN TITTELBOOM-D'HOYE, naamloze vennootschap,
Magerstraat 85, 9420 ERPE-MERE

Ondernemingsnummer 0422.748.665

—

Algemene vergadering ter zetel op 26/05/2009, om 14 uur. Agenda : Jaarverslag. Goedkeuring jaarrekening. Bestemming resultaat. Kwijting bestuurders. Divers.

(AOPC-1-9-00903/06.05) (17285)

VAN WONTERGHEM, société anonyme,
rue du Parc Industriel 33, 7822 GHISLENGHIEN

Numéro d'entreprise 0440.693.863

—

Assemblée ordinaire au siège social le 26/05/2009, à 18 heures. Ordre du jour : Rapport de gestion et du commissaire. Approbation comptes annuels. Affection résultats. Décharge administrateurs et commissaire.

(AOPC-1-9-03995/06.05) (17286)

VILLAS, société anonyme,
rue de la Petite Escavée 10, 1490 COURT-SAINT-ETIENNE

Numéro d'entreprise 0473.569.638 - RPM Nivelles

—

Assemblée générale du 26 mai 2009, à 11.00 heures, au siège social. Ordre du jour : Approbation des comptes annuels au 30 décembre 2008. Affectation du résultat. Approbation du rapport spécial (art. 633 du Code des sociétés). Décharge aux administrateurs. Décision de la poursuite des activités. Pour être admis, à l'assemblée, se conformer aux statuts.

(AOPC-1-9-04529/06.05) (17287)

XCOMS INTERNATIONAL, société anonyme,
avenue de l'Aurore 4, 1330 RIXENSART

Numéro d'entreprise 0434.938.397

—

Assemblée ordinaire au siège social le 26/05/2009, à 11 heures. Ordre du jour : Rapport du C.A. Approbation comptes annuels. Affectation résultats. Décharge administrateurs. Divers.

(AOPC-1-9-02225/06.05) (17288)

« NV Et. Verlie SA », naamloze vennootschap,
R. Lariellestraat 4, 1500 Halle

RRP 0415.728.043

—

Gewone algemene vergadering van 25 mei 2009, om 15 uur. — Dagorde : 1. Goedkeuring van de overgebrachte datum. 2. Bestuursverslag. 3. Goedkeuring jaarrekeningen en resultatenrekeningen. 4. Bestemming van het resultaat. 5. Benoeming bestuurders. 6. Diversen.

(17471)

Verlie, naamloze vennootschap,
Robert Lariëllestraat 4, 1500 Halle

RPR Brussel 0476.321.468

—

Algemene vergadering op 25 mei 2009, om 15 uur, op de sociale zetel. Dagorde : 1. Goedkeuring van de overgebrachte datum. 2. Verslag van de raad van bestuur. 3. Goedkeuring van de vergoeding voor de bestuurders. 4. Goedkeuring van de jaarrekening. 5. Goedkeuring van de bestemming van het resultaat. 6. Kwijting aan de bestuurders. 7. Benoeming. 8. Rondvraag.

(17472)

Ad-Vice, naamloze vennootschap,
Renaat de Rudderlaan 20, 2650 Edegem

0418.862.232 RPR Antwerpen

—

Jaarvergadering op 29/05/2009 om 14 u. op de zetel. Agenda : Jaarverslag van de Raad van Bestuur; Goedkeuring jaarrekening per 31/12/2008 en bestemming resultaat; Kwijting bestuurders; Ontslagen en benoemingen; Rondvraag. Zich richten naar de statuten.

(17289)

Agrodelva, naamloze vennootschap,
Vaartstraat 51, 8630 Veurne

0428.949.341 RPR Veurne

—

Jaarvergadering op 29/05/2009 om 10 u. op de zetel. Agenda : Verslag Raad van Bestuur. Goedkeuring jaarrekening. (Her)benoeming. Kwijting bestuurders. Varia.

(17290)

All Top Clean, naamloze vennootschap,
Kiezel Kleine Brogel 49, 3990 Peer

0427.537.297 RPR Hasselt

—

Jaarvergadering op 29/05/2009 om 18 u. op de zetel. Agenda : Verslag Raad van Bestuur. Goedkeuring jaarrekening per 31/12/2008. Bestemming resultaat. Kwijting bestuurders. Varia. Zich richten naar de statuten.

(17291)

Allimmo, naamloze vennootschap,
Ingelmunstersteenweg 23, 8760 Meulebeke

0432.711.258 RPR Kortrijk

—

Jaarvergadering op 29/05/2009 om 15 u. op de zetel. Agenda : Verslag Raad van Bestuur. Goedkeuring jaarrekening per 31/12/2008. Kwijting bestuurders.

(17292)

Amazonia, naamloze vennootschap,
Notenbosdreef 5, 8210 Zedelgem (Loppem)

RPR Brugge 0427.840.967

—

Jaarvergadering op 29/05/2009 om 11 u. op de zetel. Agenda : 1. Goedkeuring jaarrekening per 31/12/2008. 2. Resultaatsaanwending. 3. Kwijting bestuurders. 4. Ontslagen en benoemingen.

De Raad van bestuur.

(17293)

Amco, burgerlijke vennootschap
onder de vorm van een naamloze vennootschap,
Bosstraat 30, 3680 Maaseik

RPR Tongeren 0449.593.911

—

Jaarvergadering op 29/05/2009 om 19 u. op de zetel. Agenda : Jaarverslag. Goedkeuring jaarrekening en bestemming resultaat. Kwijting bestuurders. Eventueel ontslag en benoeming bestuurders. Varia. Zich richten naar de statuten.

De Raad van Bestuur.

(17294)

Amret, naamloze vennootschap,
Antwerpsesteenweg 106, 2800 Mechelen

0438.592.923 RPR Mechelen

—

Jaarvergadering op 29/05/2009 om 16u op de zetel. Agenda : Verslag Raad van Bestuur en goedkeuring balans en resultaatrekening. Kwijting bestuurders. Winstverdeling. Diversen.

(17295)

Apotheek Lormans Josse, naamloze vennootschap,
Schoonbeekstraat 21, 3740 Bilzen

0446.212.965 RPR Tongeren

—

Jaarvergadering op 29/05/2009 om 20 u. op de zetel. Agenda : Verslag Raad van Bestuur. Goedkeuring jaarrekening. Kwijting bestuurders.

(17296)

Ara, naamloze vennootschap,
Bouwelven 4, 2280 Grobbendonk

0423.901.282 RPR Turnhout

—

Jaarvergadering op 29/05/2009 om 20 u. op de zetel. Agenda : Verslag Raad van Bestuur. Goedkeuring jaarrekening. Kwijting bestuurders.

(17297)

Asfaltwerken Boonen, naamloze vennootschap,
Haardstraat 7, 3920 Lommel

0424.090.433 RPR Hasselt

—

Jaarvergadering op 29/05/2009 om 11 u. op de zetel. Agenda : Verslag Raad van Bestuur. Goedkeuring jaarrekening per 31/12/2008. Bestemming resultaat. Kwijting bestuurders. Bespreking art. 523, § 1 tegenstrijdige belangen. Varia.

(17298)

Auto Put, naamloze vennootschap,
Kempische Steenweg 89, bus 2, 3500 Hasselt

0424.962.146 RPR Hasselt

—

Jaarvergadering op 29/05/2009, om 17 u op de zetel. Agenda : Verslag raad van bestuur. Goedkeuring jaarrekening. Bestemming resultaat. Kwijting Bestuurders. Benoemingen. Varia

(17299)

AVJ Invest, société anonyme,
avenue Brugmann 423, 1180 Uccle

RPM Bruxelles 0428.706.841

—

Assemblée ordinaire au siège social le 29/05/2009 à 19 h. Ordre du jour : Approbation comptes annuels. Décharge aux administrateurs. Divers.

(17300)

Bakuni, naamloze vennootschap,
Feynend 46, 2400 Mol

0441.516.383 RPR Turnhout

—

Jaarvergadering op 29/05/2009 om 14 u. op de zetel. Agenda : Verslag Raad van Bestuur. Bespreking en goedkeuring jaarrekening per 31/12/2008. Bestemming resultaat. Kwijting bestuurders. Bespreking art. 523, § 1 tegenstrijdige belangen. Herbenoeming. Varia.

(17301)

Bee Fashion, naamloze vennootschap,
M. Windelsstraat 31, 8790 Waregem

0433.700.361 RPR Kortrijk

—

Jaarvergadering op 18/05/2009 om 14 u. op de zetel. Agenda : Verslag Raad van Bestuur. Goedkeuring jaarrekening per 31/12/2008. Kwijting bestuurders. Zich richten naar de statuten.

(17302)

Belgian Bottlecap Manufacturing, naamloze vennootschap,
steenweg op Waarloos 41, ZONE 5, 2840 Rumst (Reet)

0431.463.126 RPR Antwerpen

—

Jaarvergadering op 29/05/2009 om 10 u. op de zetel. Agenda : Verslag Raad van Bestuur. Goedkeuring jaarrekening per 31/12/2008. Bestemming resultaat. Kwijting bestuurders.

(17303)

Berners, naamloze vennootschap,
Bergerstraat 20, 3680 Maaseik

0452.906.064 RPR Tongeren

—

Jaarvergadering op 29/05/2009 om 19 u. op de zetel. Agenda : Goedkeuring jaarrekening. Bestemming resultaat. Kwijting bestuurders. Varia.

(17304)

Beroepskrediet Willy Michiels, naamloze vennootschap,
Wijngaardstraat 36, 9451 Haaltert (Kerksken)

RPR Dendermonde 0415.283.031

—

Jaarvergadering op 29/05/2009 om 14 u. op de zetel. Agenda : Goedkeuring jaarrekening. Bestemming resultaat. Kwijting bestuurders. Herbenoeming bestuurders. Varia.

(17305)

Bocaro, naamloze vennootschap,
Koewacht (STE) 2, 9190 Stekene

0415.878.392 RPR Antwerpen

—

Jaarvergadering op 29/05/2009 om 11 u. op de zetel. Agenda : Verslag Raad van Bestuur. Goedkeuring jaarrekening per 31/12/2008. Bestemming resultaat. Kwijting bestuurders.

(17306)

Bossuyt Geert, naamloze vennootschap,
Rijksweg 492, 8710 Wielsbeke

0439.259.649 RPR Kortrijk

—

Jaarvergadering op 29/05/2009 om 17 u. op de zetel. Agenda : Verslag Raad van Bestuur. Goedkeuring jaarrekening. Bestemming resultaat. Kwijting bestuurders. Varia.

(17307)

Bouwmaterialen Danckaert, naamloze vennootschap,
Stationsstraat 120, 9420 Erpe-Mere

0418.900.933 RPR Dendermonde

—

Jaarvergadering op 29/05/2009 om 17 u. op de zetel. Agenda : 1. Lezing jaarverslag. 2. Bespreking en goedkeuring jaarrekening afgesloten per 31/12/2008. 3. Bestemming resultaat. 4. Kwijting bestuurders. 5. Bezoldigingen bestuurders. 6. Allerlei.

(17308)

Brijs, naamloze vennootschap,
Kempische Steenweg 89, b2, 3500 Hasselt

0420.194.102 RPR Hasselt

—

Jaarvergadering op 29/05/2009 om 14 u op de zetel. Agenda : Verslag raad van bestuur. Goedkeuring jaarrekening. Bestemming resultaat. Kwijting bestuurders. Benoemingen. Varia.

(17309)

Brood, Banket, Traiteur Briers-Colla, naamloze vennootschap,
Waterstraat 71, 3740 Munsterbilzen

0464.456.784 RPR Tongeren

—

Jaarvergadering op 29/05/2009 om 20 u. op de zetel. Agenda : 1. Verslag Raad van Bestuur. 2. Goedkeuring jaarrekening per 31/12/2008 - Bestemming resultaat. 3. Décharge, ontslag en benoeming bestuurders. 4. Varia. Zich richten naar de statuten.

(17310)

Brulema, naamloze vennootschap,
Puienbroeklaan 11*C*, 8310 Brugge (Sint-Kruis)

RPR Brugge 0415.547.703

—

Jaarvergadering op 29/05/2009 om 16 u. op de zetel. Agenda : 1. Goedkeuring jaarrekening per 31/12/2008. 2. Resultaatsaanwending. 3. Kwijting bestuurders. 4. Ontslagen en benoemingen. Zo de algemene vergadering een dividend toekent, zal dit betaalbaar zijn bij de Fortis Bank vanaf 29/06/2009.

De Raad van bestuur.

(17311)

Castelein-Fagoo, naamloze vennootschap,
Jaak van Buggenhoutlaan 12/L3, 8670 Koksijde

RPR Veurne 0457.965.110

—

Jaarvergadering op 29/05/2009 om 19 u. op de zetel. Agenda : Bespreking jaarrekening. Goedkeuring jaarrekening per 31/12/2008. Bestemming resultaat. Kwijting bestuurders. (Her)benoemingen. Divers.

(17312)

Cevobel, naamloze vennootschap,
Labaerdijk 10, 3680 Maaseik

0431.971.088 RPR Tongeren

—

Jaarvergadering op 29/05/2009 om 15 u. op de zetel. Agenda : Verslag Raad van Bestuur. Goedkeuring jaarrekening per 31/12/2008. Bestemming resultaat. Kwijting bestuurders.

(17313)

Challenger, naamloze vennootschap,
Brusselsesteenweg 326, 1730 Asse

0426.744.570 RPR Brussel

—

Jaarvergadering op 29/05/2009 om 17 u. op de zetel. Agenda : Verslag Raad van Bestuur. Goedkeuring jaarrekening per 31/12/2008. Kwijting bestuurders.

(17314)

Christoffels & Christoffels, naamloze vennootschap,
Maastrichterpoort 1*A*, 3740 Bilzen

0432.448.467 RPR Tongeren

—

Jaarvergadering op 29/05/2009 om 17 u. op de zetel. Agenda : Goedkeuring jaarrekening per 31/12/2008 en bestemming resultaat. Kwijting bestuurders. Varia. Zich richten naar de statuten.

(17315)

Cika, naamloze vennootschap,
Venlosesteenweg 98, 3640 Kinrooi

0454.210.814 RPR Tongeren

—

Jaarvergadering op 29/05/2009 om 17 u. op de zetel. Agenda : Verslag Raad van Bestuur. Goedkeuring jaarrekening. Kwijting bestuurders.

(17316)

Claus-Collie, naamloze vennootschap,
Menenstraat 41, 8980 Geluveld

0443.628.312 RPR Ieper

—

Jaarvergadering op 29/05/2009 om 20 u. op de zetel. Agenda : Verslag Raad van Bestuur. Goedkeuring jaarrekening. Bestemming resultaat. Kwijting bestuurders. Varia.

(17317)

Cogama, naamloze vennootschap,
Stadsestraat 49/51, 2250 Olen

0419.452.150 RPR Turnhout

—

Jaarvergadering op 29/05/2009 om 20 u. op de zetel. Agenda : 1. Verslag van de Raad van Bestuur. 2. Goedkeuring van de vergoedingen aan de bestuurders. 3. Goedkeuring van de jaarrekening afgesloten per 31/12/2008. 4. Bestemming van het resultaat. 5. Dechargeverlening aan de Raad van Bestuur. 6. Ontslag en benoemingen. 7. Allerlei.

(17318)

Cogels Invest, naamloze vennootschap,
Schupstraat 1, 2018 Antwerpen

0447.364.889 RPR Antwerpen

—

Jaarvergadering op 29/05/2009 om 11 u. op de zetel. Agenda : 1. Verslag Raad van Bestuur. 2. Goedkeuring jaarrekening per 31/12/2008. 3. Bestemming resultaat. 4. Kwijting bestuurders. 5. Verslag artikel 523 (indien relevant). 6. Ontslag en benoeming bestuurders. 7. Rondvraag. Zich richten naar de statuten.

(17319)

Comines Investment, naamloze vennootschap,
Leopold Dewalplaats 22, bus 41, 2000 Antwerpen

0454.135.786 RPR Antwerpen

—

Jaarvergadering op 29/05/2009 om 20 u. op de zetel. Agenda : 1. Lezing jaarverslag van de raad van bestuur; 2. Goedkeuring jaarrekening per 31/12/2008 en bestemming resultaat; 3. Kwijting bestuurders; 4. Varia.

(17320)

Cosemans Motors, naamloze vennootschap,
Genkersteenweg 171, 3500 Hasselt

0440.427.510 Hasselt RPR

—

Jaarvergadering op 29/05/2009 om 14 u. op de zetel. Agenda : Verslag Raad van Bestuur. Goedkeuring jaarrekening per 31/12/2008. Bestemming resultaat. Kwijting aan bestuurders en beslissing over hun vergoedingen. Ontslagen en benoemingen. Diversen.

(17321)

De Roecklijn, naamloze vennootschap,
Lange Stuivenbergstraat 7, 2000 Antwerpen

0428.364.272 RPR Antwerpen

—

Jaarvergadering op 29/05/2009 om 17 u. op de zetel. Agenda : 1. Lezing van het verslag van de Raad van Bestuur; 2. Goedkeuring van de jaarrekening afgesloten per 31 december 2008; 3. Herbenoeming bestuurders; 4. Kwijting aan de bestuurders.

(17322)

De Ruyver Guido, naamloze vennootschap,
Dendermondesteenweg 388, 9070 Destelbergen

0424.912.359 RPR Gent

—

Jaarvergadering op 29/05/2009 om 15 u. op de zetel. Agenda : Verslag Raad van Bestuur. Goedkeuring van de jaarrekening per 31/12/2008. Bestemming resultaat. Kwijting aan bestuurders. Varia.

(17323)

DE TORF HEIDE, naamloze vennootschap,
Dwarsdreef 52, 2970 Schilde

0451.220.343 RPR Antwerpen

—

Jaarvergadering op 29/05/2009 om 17 u. op de zetel. Agenda : Verslag Raad van Bestuur. Goedkeuring jaarrekening per 31/12/2008. Bestemming resultaat. Ontslag en benoeming bestuurders. Kwijting bestuurders. Allerlei. Zich richten naar de statuten.

(17324)

Deca Kleding, naamloze vennootschap,
Theo De Beckerstraat 23, 3200 Aarschot

0441.888.349 RPR Leuven

—

Jaarvergadering op 29/05/2009 om 15 u. op de zetel. Agenda : 1. Verslag Raad van Bestuur. 2. Goedkeuring jaarrekening per 31/12/2008 - Bestemming resultaat. 3. Decharge, ontslag en benoeming bestuurders. 4. Varia. Zich richten naar de statuten.

(17325)

Deckers-Tegeldecor, naamloze vennootschap,
Rijksweg 883, 3650 Dilsen-Stokkem

0437.994.194 RPR Tongeren

—

Jaarvergadering op 29/05/2009 om 17 u. op de zetel. Agenda : 1. Verslag Raad van Bestuur. 2. Goedkeuring jaarrekening per 31/12/2008 - Bestemming resultaat. 3. Decharge, ontslag en benoeming bestuurders. 4. Varia. Zich richten naar de statuten.

(17326)

Delta Motors, naamloze vennootschap,
Nijverheidslaan 36, 3650 Maasmechelen

0452.642.580 RPR Tongeren

—

Jaarvergadering op 29/05/2009 om 20 u. op de zetel. Agenda : Verslag Raad van Bestuur. Goedkeuring jaarrekening per 31/12/2008. Bestemming resultaat. Kwijting bestuurders. Varia.

(17327)

Deva, naamloze vennootschap,
Ronsebaan 11, 9690 Kluisbergen

0424.794.672 RPR Oudenaarde

—

Jaarvergadering op 29/05/2009 om 10 u. op de zetel. Agenda : Verslag Raad van Bestuur. Goedkeuring jaarrekening. Bestemming resultaat. Benoemingen. Kwijting bestuurders. Varia.

(17328)

Dewi, naamloze vennootschap,
Hoogstraat 102, 3690 Zutendaal

0446.456.257 RPR Tongeren

—

Jaarvergadering op 29/05/2009 om 17 u. op de zetel. Agenda : 1. Verslag raad van bestuur. 2. Goedkeuring jaarrekening per 31/12/2008. 3. Bestemming resultaat. 4. Kwijting bestuurders.

(17329)

Dimmo, naamloze vennootschap,
Gulkenrodestraat 8*A*, 2160 Wommelgem

0411.582.084 RPR Antwerpen

—

Jaarvergadering op 29/05/2009 om 12 u. op de zetel. Agenda : Verslag Raad van Bestuur. Goedkeuring jaarrekening per 31/12/2008. Bestemming resultaat. Kwijting bestuurders. Allerlei. Zich richten naar de statuten.

(17330)

Driesco, naamloze vennootschap,
Grasdreef 6, 8790 Waregem

0438.808.006 RPR Kortrijk

—

Jaarvergadering op 29/05/2009 om 14 u. op de zetel. Agenda : Verslag Raad van Bestuur. Goedkeuring jaarrekening per 30/12/2008. Kwijting bestuurders.

(17331)

Dulibo, naamloze vennootschap,
Muzeumstraat 28, 1730 Asse

0450.982.692 RPR Brussel

—

Jaarvergadering op 29/05/2009 om 20 u. op de zetel. Agenda : Verslag Raad van Bestuur. Goedkeuring jaarrekening per 30/12/2008. Kwijting bestuurders.

(17332)

Duoprint, naamloze vennootschap,
Senator A. Jeurissenlaan 1150, 3520 Zonhoven

0442.723.836 RPR Hasselt

—

Jaarvergadering op 29/05/2009 om 20 u. op de zetel. Agenda : Verslag Raad van Bestuur. Goedkeuring jaarrekening. Kwijting bestuurders.

(17333)

Edeva, naamloze vennootschap,
Groot-Gelmenlaan 24, 3800 Sint-Truiden

0447.077.651 RPR Hasselt

—

Jaarvergadering op 29/05/2009 om 19 u. op de zetel. Agenda : Verslag Raad van Bestuur. Goedkeuring jaarrekening per 31/12/2008. Bestemming resultaat. Kwijting bestuurders. Goedkeuring bezoldigingen. Ontslagen en benoemingen. Rondvraag.

(17334)

Electro Plessers, naamloze vennootschap,
Spilstraat 12, 3680 Neeroeteren (Maaseik)

0454.569.516 RPR Tongeren

—

Jaarvergadering op 29/05/2009 om 19 u. op de zetel. Agenda : Verslag Raad van Bestuur. Goedkeuring jaarrekening per 31/12/2008. Bestemming resultaat. (Her)benoeming. Kwijting bestuurders.

(17335)

Electro Robe, naamloze vennootschap,
Rijksweg 574, 3630 Maasmechelen

0462.303.087 RPR Tongeren

—

Jaarvergadering op 29/05/2009 om 19 u. op de zetel. Agenda : Verslag Raad van Bestuur. Goedkeuring jaarrekening per 31/12/2008. Bestemming resultaat. Kwijting bestuurders. Varia.

(17336)

Elro Trucks, naamloze vennootschap,
Meeuwerkiezel 155, bus 1, 3960 Bree

0474.296.148 RPR Tongeren

—

Jaarvergadering op 29/05/2009 om 10 u. op de zetel. Agenda : Verslag Raad van Bestuur. Goedkeuring jaarrekening per 31/12/2008. Bestemming resultaat. Kwijting bestuurders.

(17337)

Ercotry, naamloze vennootschap,
Bozestraat 17, 8501 Kortrijk

0431.582.791 RPR Kortrijk

—

Jaarvergadering op 29/05/2009 om 18 u. op de zetel. Agenda : Verslag Raad van Bestuur. Goedkeuring jaarrekening. Kwijting bestuurders.

(17338)

Erdier, naamloze vennootschap,
Berkenlaan 22, 2610 Wilrijk

0434.744.991 RPR Antwerpen

—

Jaarvergadering op 22/05/2009 om 14.30 u. op de zetel. Agenda : Verslag Raad van Bestuur. Goedkeuring jaarrekening. Bestemming resultaat. Kwijting bestuurders. Rondvraag.

(17339)

Etablissements Andre Heuten, naamloze vennootschap,
Temselaan 12, 1853 Strombeek-Bever

0413.079.448 RPR Brussel

—

Algemene vergadering op de zetel op 29/05/2009, om 11 uur. Agenda : 1. Lezing van het jaarverslag. 2. Lezing van de jaarrekening per 31 december 2008. 3. Goedkeuring van de jaarrekening en van de verwerking van de resultaten. 4. Kwijting aan de leden van de raad van bestuur voor hun beleid tijdens het afgelopen boekjaar. 5. Rondvraag.

(17340)

Etablissements Saint-Jean, société anonyme,
place Sainte-Anne 10, 1420 Braine-l'Alleud

Nivelles RPM 0419.991.192

—

L'assemblée générale ordinaire se réunira au siège social, le 29/05/2009 à 17 heures. Ordre du jour : Rapport de gestion du conseil d'administration. Approbation comptes annuels au 31/12/2008. Décharge aux administrateurs. Divers. Se conformer aux statuts.

(17341)

Eumase, naamloze vennootschap,
Oude Ophoverbaan 131, 3680 Maaseik

0459.612.031 RPR Tongeren

—

Jaarvergadering op 29/05/2009 om 18 u. op de zetel. Agenda : Verslag Raad van Bestuur. Goedkeuring jaarrekening per 31/12/2008. Bestemming resultaat. Kwijting bestuurders.

(17342)

Eyletters, naamloze vennootschap,
Sluizenstraat 91, 2900 Schoten

0420.393.347 RPR Antwerpen

—

Jaarvergadering op 29/05/2009 om 18 u. op de zetel. Agenda : Verslag Raad van Bestuur. Goedkeuring jaarrekening per 31/12/2008. Bestemming resultaat. Kwijting bestuurders. Ontslagen en benoemingen. Varia. Zich richten naar de statuten.

(17343)

F.K. Reesma, naamloze vennootschap,
Eksterdreef 9, 2970 Schilde

RPR Antwerpen 0450.904.401

—

Jaarvergadering op 29/05/2009 om 18 u. op de zetel. Agenda : Verslag Raad van Bestuur. Bespreking jaarrekening per 31/12/2008. Goedkeuring jaarrekening per 31/12/2008. Kwijting bestuurders.

(17344)

Fernand Andries, naamloze vennootschap,
Ten Houtedreef 8, 8500 Kortrijk

0429.394.749 RPR Kortrijk

—

Jaarvergadering op 29/05/2009 om 11 u. op de zetel. Agenda : Verslag Raad van Bestuur. Goedkeuring jaarrekening per 31/12/2008. Kwijting bestuurders.

(17345)

Festraets Cosmetics, naamloze vennootschap,
Schurhovenveld 4413, 3800 Sint-Truiden

0455.950.478 RPR Hasselt

—

Jaarvergadering op 29/05/2009 om 18 u. op de zetel. Agenda : Jaarverslag. Goedkeuring jaarrekening en bestemming resultaat. Kwijting bestuurders. Eventueel ontslag en benoeming bestuurders. Varia. Zich richten naar de statuten.

De Raad van Bestuur.

(17346)

FICO, naamloze vennootschap,
Wijngaardstraat 34, 9450 Haaltert

Dendermonde RPR 0428.718.521

—

Jaarvergadering op 29/05/2009 om 11 u. op de zetel. Agenda : Verslag Raad van Bestuur. Bestemming resultaat. (Her)benoeming. Kwijting bestuurders. Varia.

(17347)

Florim, naamloze vennootschap,
Ringlaan Noord 89, 8420 Klemskerke

RPR Brugge 0431.159.951

—

Jaarvergadering op 29/05/2009 om 18 u. op de zetel. Agenda : Onderzoek en goedkeuring jaarrekening. Kwijting bestuurders. Varia. Zich gedragen naar de statuten.

(17348)

Frelek, naamloze vennootschap,
Leuvensestraat 86, 3290 Diest

0430.436.312 RPR Leuven

—

Algemene vergadering op 29/05/2009 om 20 u. op de zetel. Agenda : Jaarverslag. Goedkeuring jaarrekening. Bestemming resultaat. Kwijting aan bestuurders. Diversen.

(17349)

Fresinvest, naamloze vennootschap,
Kloosterstraat 21, 1700 Dilbeek

RPR Brussel 0442.131.542

—

Jaarvergadering op 29/05/2009 om 18.00 uur op de zetel. Agenda : Verslag Raad van Bestuur. Goedkeuring jaarrekening per 31/12/2008. Bestemming resultaat. Kwijting bestuurders. Verlenging mandaten bestuurders. Varia. Zich richten naar de statuten.

(17350)

Garage Berckmans Lommel, naamloze vennootschap,
Dr. Norbert Neeckxlaan 156, 3920 Lommel

0411.954.842 RPR Hasselt

—

Jaarvergadering op 29/05/2009 om 20 u. op de zetel. Agenda : 1. Verslag Raad van Bestuur. 2. Goedkeuring jaarrekening per 31/12/2008 - Bestemming resultaat. 3. Décharge, ontslag en benoeming bestuurders. 4. Varia. Zich richten naar de statuten.

(17351)

Garage Croonen, naamloze vennootschap,
Lodewijk De Raetstraat 7, 3920 Lommel

0465.889.317 RPR Hasselt

—

Jaarvergadering op 29/05/2009 om 14 u. op de zetel. Agenda : 1. Verslag Raad van Bestuur. 2. Goedkeuring jaarrekening per 31/12/2008 - Bestemming resultaat. 3. Décharge, ontslag en benoeming bestuurders. 4. Varia. Zich richten naar de statuten.

(17352)

Garage Geerts, naamloze vennootschap,
Industrieweg 23, 3583 Beringen (Paal)

0465.728.672 RPR Hasselt

—

Jaarvergadering op 29/05/2009 om 17 u. op de zetel. Agenda : 1. Verslag raad van bestuur. 2. Goedkeuring jaarrekening per 31/12/2008. 3. Bestemming resultaat. 4. Kwijting bestuurders.

(17353)

Garage Reynaers, naamloze vennootschap,
Industriepark 5, 3300 Tienen

RPR Leuven 0439.063.867

—

Jaarvergadering op 29/05/2009 om 11 u. op de zetel. Agenda : Verslag Raad van Bestuur. Goedkeuring jaarrekening. Bestemming resultaat. Kwijting bestuurders. Allerlei.

(17354)

Garage Steegmans, naamloze vennootschap,
Linkestraat 43, 3582 Koersel

0446.478.825 RPR Hasselt

—

Jaarvergadering op 29/05/2009 om 17 u. op de zetel. Agenda : 1. Verslag raad van bestuur. 2. Goedkeuring jaarrekening per 31/12/2008. 3. Bestemming resultaat. 4. Kwijting bestuurders.

(17355)

Gebroeders Vanhove & Zonen, naamloze vennootschap,
Smeetsstraat 81, 3640 Kinrooi

0476.405.305 RPR Tongeren

—

Jaarvergadering op 29/05/2009 om 18 u. op de zetel. Agenda : Verslag raad van bestuur. Goedkeuring van de jaarrekening. Bestemming van het resultaat. Kwijting aan bestuurders.Eventuele statutaire benoemingen. Diversen.

(17356)

General Engineering & Consulting, naamloze vennootschap,
A. Choqueelstraat 6, 8400 Oostende

RPR BRUGGE (Afd. Oostende) : 0432.162.417

—

Jaarvergadering op 29/05/2009 om 17 u. op de zetel. Agenda : 1. Goedkeuring jaarrekening per 31/12/2008. 2. Resultaatsaanwending. 3. Kwijting aan de bestuurders. 4. Ontslagen en benoemingen.

De raad van bestuur.

(17357)

Gentini's, naamloze vennootschap,
Nijverheidszone 'Begijnenmeers' 3, 1770 Liedekerke

0467.165.262 RPR Brussel

—

Jaarvergadering op 29/05/2009 om 19 u. op de zetel. Agenda : Verslag Raad van Bestuur. Goedkeuring jaarrekening per 31/12/2008. Bestemming resultaat. Kwijting bestuurders.

(17358)

Gielen-Wolters, naamloze vennootschap,
Bilzersteenweg 54, 3770 Riemst

0464.090.362 RPR Tongeren

—

Jaarvergadering op 29/05/2009 om 19 u. op de zetel. Agenda : Verslag Raad van Bestuur. Goedkeuring jaarrekening per 31/12/2008. Bestemming resultaat. Decharge, ontslag en benoeming bestuurders. Varia. Zich richten naar de statuten.

(17359)

Gifa Gifts, naamloze vennootschap,
Industriepark 1227, 3545 Halen

0458.990.439 RPR Hasselt

—

Jaarvergadering op 29/05/2009 om 18 u. op de zetel. Agenda : Jaarverslag. Goedkeuring jaarrekening en bestemming resultaat. Kwijting bestuurders. Eventueel ontslag en benoeming bestuurders. Varia. Zich richten naar de statuten.

De Raad van Bestuur.

(17360)

Giso, naamloze vennootschap,
Molshof 1, 3640 Kinrooi

0429.291.910 RPR Tongeren

—

Jaarvergadering op 18/05/2009 om 18 u. op de zetel. Agenda : Verslag Raad van Bestuur. Goedkeuring jaarrekening per 31/12/2008. Bestemming resultaat. Kwijting bestuurders. Verslag art. 633-634 Wb van Venn, mbt besluitvorming aangaande de voortzetting van de vennootschap.

(17361)

H. Bouchet-Nouwen, naamloze vennootschap,
Kanaal Noord 1413, 3960 Bree

0445.525.354 RPR Tongeren

—

Jaarvergadering op 29/05/2009 om 19 u. op de zetel. Agenda : Verslag Raad van Bestuur. Goedkeuring jaarrekening per 31/12/2008. Bestemming resultaat. Kwijting bestuurders. Allerlei. Zich richten naar de statuten.

(17362)

Hadima, naamloze vennootschap,
Walputstraat 7, 3500 Hasselt

0434.530.306 RPR Hasselt

—

Jaarvergadering op 29/05/2009 om 14 u. op de zetel. Agenda : Verslag Raad van Bestuur. Goedkeuring jaarrekening per 31/12/2008. Bestemming resultaat. Kwijting bestuurders. Ontslagen en benoemingen bestuurders. Diversen. Zich richten naar de statuten.

(17363)

Hebema, naamloze vennootschap,
Hans Memlingstraat 3, 3680 Maaseik

0451.787.792 RPR Tongeren

—

Jaarvergadering op 29/05/2009 om 17 u. op de zetel. Agenda : Verslag Raad van Bestuur. Goedkeuring jaarrekening per 31/12/2008. Bestemming resultaat. Kwijting bestuurders.

(17364)

Hercorub, naamloze vennootschap,
Industrieweg 72, 3620 Lanaken

0421.767.381 RPR Tongeren

—

Jaarvergadering op 29/05/2009 om 10 u. op de zetel. Agenda : Verslag Raad van Bestuur. Goedkeuring jaarrekening per 31/12/2008. Bestemming resultaat. Kwijting bestuurders. Kwijting commissaris - revisor. Varia. Zich richten naar de statuten.

De Raad van Bestuur.

(17365)

Herola, naamloze vennootschap,
De Hutten 42, 3600 Genk

0445.952.352 RPR Tongeren

—

Jaarvergadering op 29/05/2009 om 10 u. op de zetel. Agenda : Verslag Raad van Bestuur. Goedkeuring jaarrekening per 31/12/2008. Bestemming resultaat. Ontslag en benoeming bestuurders. Kwijting bestuurders. Allerlei. Zich richten naar de statuten.

De Raad van Bestuur.

(17366)

Het Gulden Hoofd, naamloze vennootschap,
Bosstraat 30, 3680 Maaseik

RPR Tongeren 0449.594.109

—

Jaarvergadering op 29/05/2009 om 19.30u op de zetel. Agenda : Jaarverslag. Goedkeuring jaarrekening en bestemming resultaat. Kwijting bestuurders. Eventueel ontslag en benoeming bestuurders. Varia. Zich richten naar de statuten.

De Raad van Bestuur.

(17367)

Hof Somergem, naamloze vennootschap,
Wijngaardstraat 34, 9451 Haaltert

Dendermonde RPR 0418.564.502

—

Jaarvergadering op 29/05/2009 om 15 u. op de zetel. Agenda : Verslag Raad van Bestuur. Goedkeuring jaarrekening. Bestemming resultaat. (Her)benoeming. Kwijting bestuurders. Varia.

(17368)

IM.E.F., naamloze vennootschap,
De Kluis 3, 2970 Schilde ('s Gravenwezel)

0451.193.322 RPR Antwerpen

—

Jaarvergadering op 29/05/2009 om 18 uur, op de zetel. Agenda : 1. Verslag Raad van Bestuur; 2. Goedkeuring jaarrekening per 31/12/2008; 3. Bestemming resultaat; 4. Ontslag en benoeming bestuurders; 5. Kwijting bestuurders; 6. Varia.

(17369)

Imalva Invest, naamloze vennootschap,
Walputstraat 7, 3500 Hasselt

0875.105.789 RPR Hasselt

—

Jaarvergadering op 29/05/2009 om 19 u. op de zetel. Agenda : Verslag Raad van Bestuur. Goedkeuring jaarrekening per 31/12/2008. Bestemming resultaat. Kwijting bestuurders. Ontslag en benoeming bestuurders. Allerlei.

(17370)

Imhotep, naamloze vennootschap,
Professor Scharpélaan 56, 3130 Begijnendijk

0437.337.960 RPR Leuven

—

Jaarvergadering op 29/05/2009 om 19 u. op de zetel. Agenda : 1. Verslag Raad van Bestuur. 2. Goedkeuring jaarrekening per 31/12/2008 - Bestemming resultaat. 3. Decharge, ontslag en benoeming bestuurders. 4. Varia. Zich richten naar de statuten.

(17371)

Imisi, naamloze vennootschap,
Grotesteenweg 527, 2600 Antwerpen

0451.007.933 RPR Antwerpen

—

Jaarvergadering op 29/05/2009 om 10 u. op de zetel. Agenda : Verslag Raad van Bestuur. Goedkeuring jaarrekening. Kwijting bestuurders. Varia.

(17372)

Immo Bristol, naamloze vennootschap,
Edegemsestraat 1, 2640 Mortsel

0458.215.132 RPR Antwerpen

—

Jaarvergadering op 29/05/2009 om 17 u. op de zetel. Agenda : Verslag Raad van Bestuur. Goedkeuring jaarrekening per 31/12/2008. Bestemming resultaat. Kwijting bestuurders. Varia.

(17373)

Immo Cos, naamloze vennootschap,
Genkersteenweg 171, 3500 Hasselt

0437.187.710 Hasselt RPR

—

Jaarvergadering op 29/05/2009 om 20 u. op de zetel. Agenda : Verslag Raad van Bestuur. Goedkeuring jaarrekening per 31/12/2008. Bestemming resultaat. Kwijting aan bestuurders en beslissing over hun vergoedingen. Ontslagen en benoemingen. Diversen.

(17374)

Immo Indoor, naamloze vennootschap,
Achtelsestraat 72, 2320 Hoogstraten

0431.837.367 RPR Turnhout

—

Algemene Vergadering ter zetel op 29/05/2009 om 18 u. Agenda : Jaarverslag. Goedkeuring jaarrekening. Bestemming resultaat. Kwijting bestuurders.

(17375)

Immo Loso, naamloze vennootschap,
Heikantstraat 62, 2910 Essen

0433.791.324 RPR Antwerpen

—

Algemene Vergadering ter zetel op 29/05/2009 om 20 u. Agenda : Jaarverslag. Goedkeuring jaarrekening. Bestemming resultaat. Kwijting bestuurders.

(17376)

Immo Luyckx, naamloze vennootschap,
Kerkstraat 80, 9120 Vrasene

0447.336.482 RPR Dendermonde

—

Jaarvergadering op 29/05/2009 om 10 u. op de zetel. Agenda : Verslag Raad van Bestuur. Goedkeuring jaarrekening per 31/12/2008. Kwijting bestuurders.

(17377)

Immo Pillot Lambrechts, naamloze vennootschap,
Boskantweg 2*A*, 2321 Meer

0449.856.997 RPR Turnhout

—

Algemene vergadering ter zetel op 29/05/2009 om 20 u. Agenda : Jaarverslag. Goedkeuring jaarrekening. Bestemming resultaat. Kwijting bestuurders.

(17378)

Immo Vangeneugden, naamloze vennootschap,
Voetweg 9, 3900 Overpelt

0433.213.579 RPR Hasselt

—

Jaarvergadering op 29/05/2009 om 14 u. op de zetel. Agenda : 1. Verslag raad van bestuur. 2. Goedkeuring jaarrekening per 31/12/2008. 3. Bestemming resultaat. 4. Kwijting bestuurders.

(17379)

Immo Vigor, naamloze vennootschap,
Balsakker 54, 2275 Lille

0451.652.091 RPR Turnhout

—

Algemene vergadering ter zetel op 29/05/2009 om 11 u. Agenda : Jaarverslag. Goedkeuring jaarrekening. Bestemming resultaat. Kwijting bestuurders

(17380)

Immo Wilco, naamloze vennootschap,
Columbuslei 19, 2900 Schoten

RPR Antwerpen 0423.990.166

—

De aandeelhouders worden verzocht de gewone jaarvergadering bij te wonen, die zal gehouden worden op 29/05/2009 te 14 uur, op de zetel van de vennootschap. Agenda : 1. Verslag van de Raad van Bestuur. 2. Goedkeuring toekenningen bestuurders. 3. Goedkeuring jaarrekening. 4. Bestemming resultaat. 5. Kwijting aan de bestuurders. 6. Ontslag en benoemingen. 7. Art. 633 W. Venn. 8. Rondvraag. De aandeelhouders worden verzocht zich te gedragen naar de voorschriften van de statuten.

(17381)

Immobiliere Alhambra, naamloze vennootschap,
Wijngaardstraat 34, 9451 Haaltert (Kerksken)

0460.509.181 RPR Dendermonde

—

Jaarvergadering op 29/05/2009 om 10.00 u. op de zetel. Agenda : Verslag Raad van Bestuur. Goedkeuring jaarrekening per 31/12/2008. Bestemming resultaat. Kwijting bestuurders. Zich richten naar de statuten.

(17382)

Immodeck, naamloze vennootschap,
Rijksweg 881, 3650 Dilsen

0459.849.383 RPR Tongeren

—

Jaarvergadering op 29/05/2009 om 18 u. op de zetel. Agenda : 1. Verslag Raad van Bestuur. 2. Goedkeuring jaarrekening per 31/12/2008 - Bestemming resultaat. 3. Décharge, ontslag en benoeming bestuurders. 4. Varia. Zich richten naar de statuten.

(17383)

Immoma, naamloze vennootschap,
Kerkstraat 66, 9160 Lokeren

0420.991.975 RPR Sint-Niklaas

—

Jaarvergadering op 29/05/2009 om 10 u. op de zetel. Agenda : Verslag Raad van Bestuur. Goedkeuring jaarrekening per 31/12/2008. Bestemming resultaat. Kwijting bestuurders. Ontslagen & benoemingen. Varia. Zich richten naar de statuten.

(17384)

Imoti, société anonyme,
rue des Tilleuls 18, 7740 Pecq (Warcoing)

0459.740.309 RPM Tournai

—

Assemblée ordinaire au siège social le 29/05/2009 à 11 h. Ordre du jour : Approbation des comptes annuels au 31/12/2008 - Affectation du résultat - décharge aux administrateurs.

(17385)

Impres, naamloze vennootschap,
Eeuwfeestlaan 56, 2500 Lier

0412.388.570 RPR Mechelen

—

Jaarvergadering op 29/05/2009 om 15 u. op de zetel. Agenda : Verslag raad van bestuur. Goedkeuring jaarrekening per 31/12/2008. Bestemming resultaat. Kwijting bestuurders.

(17386)

Inbema, naamloze vennootschap,
Mgr. Koningsstraat 27, 3680 Maaseik

0426.556.114 RPR Tongeren

—

Jaarvergadering op 29/05/2009 om 17 u. op de zetel. Agenda : Verslag Raad van Bestuur. Goedkeuring jaarrekening per 31/12/2008. Bestemming resultaat. Kwijting bestuurders.

(17387)

Indejo, naamloze vennootschap,
Bischoppenhoflaan 639, 2100 Deurne

0441.588.540 RPR Antwerpen

—

Jaarvergadering op 29/05/2009 om 15 u. op de zetel. Agenda : Goedkeuring jaarrekening. Bestemming resultaat. (Her)benoeming. Kwijting bestuurders. Varia.

(17388)

Inter-Auto's, naamloze vennootschap,
Genkersteenweg 171, 3500 Hasselt

0412.859.516 Hasselt RPR

—

Jaarvergadering op 29/05/2009 om 18 u. op de zetel. Agenda : Verslag Raad van Bestuur. Goedkeuring jaarrekening per 31/12/2008. Bestemming resultaat. Kwijting aan bestuurders en beslissing over hun vergoedingen. Ontslagen en benoemingen. Diversen.

(17389)

International Freight Agency-IFA, naamloze vennootschap,
Brucargo Building 706, room 7324, postbus 26, 1930 Zaventem

0422.386.302 RPR Brussel

—

Jaarvergadering op 24/05/2009 om 15 u. op de zetel. Agenda : Verslag van de raad van bestuur. Goedkeuring jaarrekening per 31/12/2008. Bespreking van de jaarrekening per 31/12/2008. Bestemming resultaat. Kwijting bestuurders. Varia.

(17390)

International Services Company naamloze vennootschap,
afgekort 'I.S.C.'
Tinnenpotstraat 42, 9000 Gent

0447.938.773 RPR Gent

—

Jaarvergadering op 29/05/2009 om 17 u. op de zetel. Agenda : Verslag Raad van Bestuur. Goedkeuring jaarrekening per 31/12/2008. Bestemming resultaat. Kwijting bestuurders. Zich richten naar de statuten.

(17391)

J & P, naamloze vennootschap,
Kapelstraat 75, 3930 Hamont-Achel

0466.927.811 RPR Hasselt

—

Jaarvergadering op 29/05/2009 om 20 u. op de zetel. Agenda : 1. Verslag Raad van Bestuur. 2. Goedkeuring jaarrekening per 31/12/2008 - Bestemming resultaat. 3. Decharge, ontslag en benoeming bestuurders. 4. Varia. Zich richten naar de statuten.

(17392)

Jamasin, naamloze vennootschap,
Baverikstraat 27, 9250 Waasmunster

0473.106.414 RPR Dendermonde

—

De aandeelhouders worden uitgenodigd tot de jaarvergadering op 22/05/2009 om 9uur, ten maatschappelijke zetel. Dagorde : 1. Goedkeuring der voorgelegde jaarrekening per 31 december 2008. 2. Bestemming van het resultaat. 3. Kwijting aan de bestuurders. 4. Varia.

(17393)

Jebema, naamloze vennootschap,
Trakelweg 5, 8800 Roeselare

0443.236.946 RPR Kortrijk

—

Jaarvergadering op 29/05/2009 om 11 u. op de zetel. Agenda : Verslag Raad van Bestuur. Goedkeuring jaarrekening per 31/12/2008. Bestemming resultaat. Kwijting bestuurders. Varia.

(17394)

JFE Vastgoed, naamloze vennootschap,
Plantin en Moretuslei 132A, bus 3, 2018 Antwerpen

0472.118.103 RPR Anwerpen

—

Jaarvergadering op 11/05/2009 om 20 u. op de zetel. Agenda : Goedkeuring jaarrekening per 31/12/2008 en bestemming resultaat. Kwijting bestuurders.

(17395)

Karel Willems, naamloze vennootschap,
Paalseweg 39-41, 3980 Tessenderlo

0461.134.634 RPR Hasselt

—

Jaarvergadering op 29/05/2009 om 18 u. op de zetel. Agenda : 1. Verslag Raad van Bestuur. 2. Goedkeuring jaarrekening per 31/12/2008 - Bestemming resultaat. 3. Decharge, ontslag en benoeming bestuurders. 4. Varia. Zich richten naar de statuten.

(17396)

Keum, naamloze vennootschap,
Papegaaistraat 25, 9000 Gent

0445.871.782 RPR Gent

—

Jaarvergadering op 29/05/2009 om 18 u. op de zetel. Agenda : Verslag Raad van Bestuur. Goedkeuring jaarrekening. Kwijting bestuurders.

(17397)

Koelen, naamloze vennootschap,
Varkensmarkt 70, 3590 Diepenbeek

0464.151.433 RPR Hasselt

—

Jaarvergadering op 29/05/2009 om 20 u. op de zetel. Agenda : 1. Verslag Raad van Bestuur. 2. Goedkeuring jaarrekening per 31/12/2008 - Bestemming resultaat. 3. Decharge, ontslag en benoeming bestuurders. 4. Varia. Zich richten naar de statuten.

(17398)

Kredietunie, naamloze vennootschap,
Stationsstraat 35, 8900 Ieper

0425.983.517 RPR Ieper

—

Jaarvergadering op 29/05/2009 om 17 uur. op de zetel. Agenda : Verslag Raad van Bestuur. Goedkeuring jaarrekening per 31/12/2008. Bestemming resultaat. Kwijting bestuurders. Varia.

(17399)

Krismar, naamloze vennootschap,
Reinpadstraat 20, 3600 Genk

0462.302.592 RPR Tongeren

—

Jaarvergadering op 29/05/2009 om 10 u. op de zetel. Agenda : Verslag raad van bestuur. Goedkeuring jaarrekening. Bestemming resultaat. Kwijting bestuurders. Benoemingen. Varia.

(17400)

Krismar, naamloze vennootschap,
Reinpadstraat 20, 3600 Genk

0462.302.592 RPR Tongeren

—

Jaarvergadering op 29/05/2009 om 10 u. op de zetel. Agenda : Verslag Raad van Bestuur. Goedkeuring jaarrekening. Bestemming resultaat. Kwijting bestuurders. Varia.

(17401)

Lieben Gevogelte & Wild, naamloze vennootschap,
Tennislaan 8, 3600 Genk

0462.029.509 RPR Tongeren

—

Jaarvergadering op 29/05/2009 om 19 u. op de zetel. Agenda : Verslag Raad van Bestuur. Goedkeuring jaarrekening per 31/12/2008. Bestemming resultaat. Kwijting bestuurders. Varia.

(17402)

Limabel, naamloze vennootschap,
Citadellaan 49, 9000 Gent

RPR Gent 0423.817.744

—

Jaarvergadering op 29/05/2009 om 18 u. op de zetel. Agenda : Onderzoek en goedkeuring jaarrekening. Kwijting bestuurders. Varia. Zich gedragen naar de statuten.

(17403)

Lola & Co, naamloze vennootschap,
Maastrichtersteenweg 277, 3500 Hasselt

0477.850.407 RPR Hasselt

—

Jaarvergadering op 29/05/2009 om 20 u. op de zetel. Agenda : 1. Verslag Raad van Bestuur. 2. Goedkeuring jaarrekening per 31/12/2008 - Bestemming resultaat. 3. Decharge, ontslag en benoeming bestuurders. 4. Varia. Zich richten naar de statuten.

(17404)

Makelaarskantoor Nijskens, naamloze vennootschap,
weg naar Opoeteren 29, 3670 Meeuwen-Gruitrode

0441.619.224 RPR Tongeren

—

Jaarvergadering op 29/05/2009 om 19 u. op de zetel. Agenda : Goedkeuring jaarrekening. Bestemming resultaat. Kwijting bestuurders. Varia.

(17405)

Marolith AZ, naamloze vennootschap,
Taunusweg 4, 3600 Genk

0423.271.079 RPR Tongeren

—

Jaarvergadering op 29/05/2009 om 17 u. op de zetel. Agenda : Goedkeuring jaarrekening per 31/12/2008 en bestemming resultaat. Kwijting bestuurders. Varia. Zich richten naar de statuten.

(17406)

Mepro België, naamloze vennootschap,
Weertersteenweg 491, 3640 Kinrooi

0444.549.218 RPR Tongeren

—

Jaarvergadering op 22/05/2009 om 17 u. op de zetel. Agenda : Verslag Raad van Bestuur. Goedkeuring jaarrekening per 31/12/2008. Bestemming resultaat. Kwijting bestuurders. Benoeming bestuurders.

(17407)

Metalen Galler, naamloze vennootschap,
Italiëlei 22, 2000 Antwerpen

0404.956.192 RPR Antwerpen

—

Jaarvergadering op 29/05/2009 om 15 u. op de zetel der vennootschap. Agenda : 1° Verslagen van de raad van bestuur en van de commissaris; 2° Goedkeuring jaarrekening op 31.12.2008; 3° Kwijting bestuurders en commissaris; 4° Bekrachtiging bestuurdersvergoeding; 5° Herbenoeming bestuurder.

(17408)

Meubelen G. Cocquyt, naamloze vennootschap,
Prins Leopoldstraat 14, 8310 Brugge

0424.408.652 RPR Brugge

—

Jaarvergadering op 29/05/2009 om 17 u. op de zetel. Agenda : Bespreking en goedkeuring jaarrekening per 31/12/2008. Kwijting bestuurders. Bezoldigingen. Rondvraag. Zich richten naar de statuten.

(17409)

Meubelgalerie De Ster, naamloze vennootschap,
Stalenstraat 82, 3600 Genk

0417.574.211 RPR Tongeren

—

Jaarvergadering op 29/05/2009 om 13 u. op de zetel. Agenda : 1. Verslag van de Raad van Bestuur. 2. Goedkeuring van de vergoedingen aan de bestuurders. 3. Goedkeuring van de jaarrekening afgesloten per 31/12/2008. 4. Bestemming van het resultaat. 5. Dechargeverlening aan de Raad van Bestuur. 6. Ontslag en benoemingen. 7. Allerlei.

(17410)

Meuris Marc Interieurdesign, naamloze vennootschap,
Maaseikersteenweg 245, 3620 Lanaken

0430.222.615 RPR Tongeren

—

Jaarvergadering op 29/05/2009 om 19 u. op de zetel. Agenda : Verslag Raad van Bestuur. Goedkeuring jaarrekening per 31/12/2008. Bestemming resultaat. Kwijting bestuurders. Varia.

(17411)

Mobelec Products, naamloze vennootschap,
steenweg op Scherpenheuvel 81, 3271 Scherpenheuvel-Zichem

0448.136.040 RPR Leuven

—

Jaarvergadering op 29/05/2009 om 20 u. op de zetel. Agenda : 1. Verslag Raad van Bestuur. 2. Goedkeuring jaarrekening per 31/12/2008 - Bestemming resultaat. 3. Decharge, ontslag en benoeming bestuurders. 4. Varia. Zich richten naar de statuten.

(17412)

Molco, naamloze vennootschap,
't Hofveld 11, 1702 Dilbeek

RPR Brussel 0400.877.343

—

Jaarvergadering op 29/05/2009 om 16 u. op de zetel. Agenda : Verslag Raad van Bestuur. Goedkeuring jaarrekening per 31/12/2008. Bestemming resultaat. Kwijting bestuurders. Allerlei. Zich richten naar de statuten.

(17413)

Monigus, commanditaire vennootschap op aandelen,
Puntweg 15, 9070 Destelbergen

0471.892.726 RPR Gent

—

Jaarvergadering op 29/05/2009 om 18 u. op de zetel. Agenda : Jaarverslag over het verlopen boekjaar 2008. Verslag van de zaakvoerder. Goedkeuring van de jaarrekening per 31/12/2008. Bestemming van het resultaat. Decharge aan de zaakvoerder over zijn mandaat in het boekjaar 2008. Varia. Zich richten naar de statuten.

(17414)

Morckhovenhof, naamloze vennootschap,
Lievenshoeklaan 27, 2950 Kapellen

0453.863.097 RPR Antwerpen

—

Jaarvergadering op 29/05/2009 om 18 u. op de zetel. Agenda : Verslag Raad van Bestuur. Goedkeuring jaarrekening per 31/12/2008. Bestemming resultaat. Ontslag en benoeming bestuurders. Kwijting bestuurders. Allerlei. Zich richten naar de statuten.

(17415)

Neve Plastics, naamloze vennootschap,
Liersesteenweg 187, 2640 Mortsel

RPR Antwerpen 0434467156

—

Jaarvergadering op 27/05/2009 om 19 u. op de zetel. Agenda : Goedkeuring jaarrekening per 31/12/2008. Kwijtingen. Ontslagen en benoemingen. Rondvraag. Zich richten naar de statuten.

(17416)

New Versailles, naamloze vennootschap,
Vital Decosterstraat 10, 3000 Leuven

0436.593.733 RPR Leuven

—

Jaarvergadering op 29/05/2009 om 18 u. op de zetel. Agenda : 1. Verslag Raad van Bestuur. 2. Goedkeuring jaarrekening per 31/12/2008. 3. Bestemming resultaat. 4. Kwijting bestuurders. 5. Diverse. Zich schikken naar de statuten.

(17417)

Nijst, naamloze vennootschap,
Heiwyckstraat 46, 3620 Lanaken

0444.867.437 RPR Tongeren

—

Jaarvergadering op 29/05/2009 om 19 u. op de zetel. Agenda : Verslag Raad van Bestuur. Goedkeuring jaarrekening per 31/12/2008. Bestemming resultaat. Ontslag - Herbenoemingen. Kwijting bestuurders. Varia.

(17418)

Numagold, naamloze vennootschap,
Grasmarkt 105/19, gal. Agora, bur. 460, 1000 Brussel

RPR Brussel 0414.692.222

—

Jaarvergadering op 29/05/2009 om 17 u op de zetel. Agenda : Jaarverslag en verslag van de commissaris. Goedkeuring jaarrekening per 31/12/2008. Kwijting bestuurders en commissaris. Ontslagen en benoemingen. Rondvraag. Zich richten naar de statuten.

(17419)

P.E.T. Logistics, naamloze vennootschap,
Rijksweg 58, 3650 Dilsen-Stokkem

0441.072.262 RPR Tongeren

—

Jaarvergadering op 29/05/2009 om 14 u. op de zetel. Agenda : Goedkeuring jaarrekening. Bestemming resultaat. Kwijting bestuurders. Varia.

(17420)

Palogne, naamloze vennootschap,
Timmerstraat 5, 3540 Herk-de-Stad

0453.376.713 RPR Hasselt

—

Jaarvergadering op 29/05/2009 om 10.00 u. op de zetel. Agenda : Verslag Raad van Bestuur. Goedkeuring jaarrekening per 31/03/2009. Bestemming resultaat. Kwijting bestuurders. Varia. Zich richten naar de Statuten.

(17421)

Pardon, naamloze vennootschap,
Stationsstraat 32, 1910 Kampenhout

0425.225.828 RPR Brussel

—

Jaarvergadering op 29/05/2009 om 18 u. op de zetel. Agenda : Verslag Raad van Bestuur. Goedkeuring jaarrekening per 31/12/2008. Kwijting bestuurders.

(17422)

Patkar, naamloze vennootschap,
Grotesteenweg 527, 2600 Antwerpen

0440.067.719 RPR Antwerpen

—

Jaarvergadering op 29/05/2009 om 10 u. op de zetel. Agenda : Verslag Raad van Bestuur. Goedkeuring jaarrekening. Kwijting bestuurders. Varia

(17423)

Petissimo, naamloze vennootschap,
Reinpadstraat 20, 3600 Genk

0462.472.739 RPR Tongeren

—

Jaarvergadering 29/05/2009 om 14 u. op de zetel. Agenda : Verslag raad van bestuur. Goedkeuring jaarrekening. Bestemming resultaat. Kwijting bestuurders. Benoemingen. Varia.

(17424)

Plinvest, naamloze vennootschap,
Engelendalelaan 123, 8310 Brugge (Assebroek)

RPR Brugge 0429.026.842

—

Jaarvergadering op 29/05/2009 om 12 u. op de zetel. Agenda : 1. Goedkeuring jaarrekening per 31/12/2008. 2. Resultaatsaanwending. 3. Kwijting bestuurders. 4. Ontslagen en benoemingen.

De Raad van bestuur.

(17425)

Printhagen, naamloze vennootschap,
Hemelakkers 6, 2930 Brasschaat

RPR Antwerpen 0860.717.028

—

Jaarvergadering op 29/05/2009 om 19 u. op de zetel. Agenda : 1. Goedkeuring jaarrekening per 31/12/2008 en bestemming resultaat. 2. Kwijting bestuurders. 3. Ontslag en benoeming bestuurders. Zich richten naar de statuten.

De Raad van Bestuur.

(17426)

Proma, naamloze vennootschap,
Sint-Jobstraat 46, bus 3, 3550 Heusden-Zolder

0432.649.692 RPR Hasselt

—

Jaarvergadering op 29/05/2009 om 17 u. op de zetel. Agenda : Verslag Raad van Bestuur. Goedkeuring jaarrekening per 31/12/2008. Bestemming resultaat. Kwijting bestuurders. Herbenoeming bestuurders. Rondvraag. Zich richten naar de statuten.

(17427)

Prominent Sports, naamloze vennootschap,
Sint-Jansberg 20, 3680 Maaseik

0426.857.012 RPR Tongeren

—

Jaarvergadering op 29/05/2009 om 15 u. op de zetel. Agenda : Verslag Raad van Bestuur. Goedkeuring jaarrekening per 31/12/2008. Bestemming resultaat. Kwijting bestuurders. Beraadslaging art. 633 Venn.Wet. Benoeming bestuurders.

(17428)

Publirama, naamloze vennootschap,
Industrieweg 1, 3720 Kortessem

0429.982.093 RPR Tongeren

—

Jaarvergadering op 29/05/2009 om 17 u. op de zetel. Agenda : Goedkeuring jaarrekening en bestemming resultaat. Kwijting bestuurders. Eventueel ontslag en benoeming bestuurders. Varia. Zich schikken naar de statuten.

Namens de Raad van Bestuur.

(17429)

Reco Motoren, naamloze vennootschap,
Mechelbaan 6, 3200 Aarschot

0451.978.329 RPR Leuven

—

Jaarvergadering op 29/05/2009 om 17 u. op de zetel. Agenda : Verslag Raad van Bestuur. Goedkeuring jaarrekening. Bestemming resultaat. Kwijting bestuurders. Varia.

(17430)

Reinaert, naamloze vennootschap,
Verbindingsdok-Westkaai 26, bus B 1, 2000 Antwerpen

0450.365.654 RPR Antwerpen

—

Algemene Vergadering ter zetel op 29/05/2009 om 17 u. Agenda : Jaarverslag. Goedkeuring jaarrekening. Bestemming resultaat. Kwijting bestuurders.

(17431)

Ridel, naamloze vennootschap,
Koning Albertstraat 36, 3290 Diest

0415.446.644 RPR Leuven

—

Jaarvergadering op 29/05/2009 om 20 u. op de zetel. Agenda : 1. Verslag van bestuurders. 2. Goedkeuring jaarrekening per 31/12/2008. 3. Bestemming resultaat. 4. Kwijting bestuurders. 5. Varia. De aandeelhouders dienen hun aandelen 5 dagen voor de algemene vergadering te deponeren op de maatschappelijke zetel van de vennootschap.

(17432)

Robima, naamloze vennootschap,
Langevelddreef 10, 9840 De Pinte

0418.164.327 RPR Gent

—

Jaarvergadering op 29/05/2009 om 10 u. op de zetel. Agenda : Verslag Raad van Bestuur. Goedkeuring jaarrekening. Kwijting bestuurders.

(17433)

Roby Wevelgem, naamloze vennootschap,
Toekomststraat 111, 8560 Wevelgem

0440.490.064 RPR Kortrijk

—

Jaarvergadering op 29/05/2009 om 20 u. op de zetel. Agenda : Verslag Raad van Bestuur. Goedkeuring jaarrekening per 31/12/2008. Bestemming resultaat. Herbenoeming bestuurders. Kwijting bestuurders. Varia.

(17434)

Rossignol Holding, naamloze vennootschap,
De Nachtegaal 77, 2970 Schilde

RPR Antwerpen 0477.644.826

—

De aandeelhouders worden verzocht de gewone jaarvergadering bij te wonen, die zal gehouden worden op de zetel van de vennootschap op 29/05/2009 te 14 uur. Agenda : 1. Verslag van de Raad van Bestuur. 2. Goedkeuring toekenningen bestuurders. 3. Goedkeuring jaarrekening. 4. Bestemming resultaat. 5. Kwijting aan de bestuurders. 6. Ontslag en benoemingen. 7. Rondvraag. De aandeelhouders worden verzocht zich te gedragen naar de voorschriften van de statuten.

(17435)

Rovan Immo, naamloze vennootschap,
Boeregemstraat 12, 9790 Wortegem-Petegem

0429.206.192 RPR Oudenaarde

—

Jaarvergadering op 29/05/2009 om 11 u. op de zetel. Agenda : Verslag Raad van Bestuur. Goedkeuring jaarrekening per 31/12/2008. Bestemming resultaat. Kwijting bestuurders.

(17436)

Sandus, naamloze vennootschap,
Oude Ophoverbaan 131, 3680 Maaseik

0459.612.328 RPR Tongeren

—

Jaarvergadering op 29/05/2009 om 17 u. op de zetel. Agenda : Verslag Raad van Bestuur. Goedkeuring jaarrekening per 31/12/2008. Bestemming resultaat. Kwijting bestuurders.

(17437)

Sartex, naamloze vennootschap,
Industrielaan 36, 8520 Kuurne

0417.075.749 RPR Kortrijk

—

Jaarvergadering op 29/05/2009 om 9 u. op de zetel. Agenda : Verslag Raad van Bestuur. Goedkeuring jaarrekening. Bestemming resultaat. (Her)benoeming. Kwijting bestuurders. Varia.

(17438)

Schepens Willy & Co, naamloze vennootschap,
Wellekensstraat 49, 9300 Aalst

0463.233.297 RPR Dendermonde

—

Jaarvergadering op 29/05/2009 om 14 u. op de zetel. Agenda : Verslag Raad van Bestuur. Goedkeuring jaarrekening. Bestemming resultaat. Kwijting bestuurders. Diversen.

(17439)

Sevimo, naamloze vennootschap,
Van Dijcklaan 15, 3500 Hasselt

0426.814.747 RPR Hasselt

—

Jaarvergadering op 29/05/2009 om 16 u. op de zetel. Agenda : Verslag Raad van Bestuur. Goedkeuring jaarrekening. Bestemming resultaat. Kwijting bestuurders. Varia.

(17440)

Shiva Estate, naamloze vennootschap,
Brugsevaart 12, 9030 Mariakerke

0445.701.439 RPR Gent

—

Jaarvergadering op 29/05/2009 om 18 u. op de zetel. Agenda : Verslag Raad van Bestuur. Goedkeuring jaarrekening per 31/12/2008. Kwijting bestuurders.

(17441)

Sint-Lucie, naamloze vennootschap,
Kraaibornstraat 37, 3700 Tongeren

0433.057.092 RPR Tongeren

—

Jaarvergadering op 29/05/2009 om 18 u. op de zetel. Agenda : Verslag Raad van Bestuur. Goedkeuring jaarrekening. Kwijting bestuurders.

(17442)

Sociaal Kantoor Krekelbergh, naamloze vennootschap,
Hoogleedsesteenweg 348, 8800 Roeselare

0421.457.179 RPR Kortrijk

—

Jaarvergadering op 29/05/2009 om 14 u. op de zetel. Agenda : Goedkeuring jaarrekening per 31/12/2008. Bestemming resultaat. Kwijting bestuurders. Diversen.

(17443)

Soens Jozef & Zoon, naamloze vennootschap,
Nederhasseltstraat 309, 9404 Ninove

0451.427.805 RPR Dendermonde

—

Jaarvergadering op 29/05/2009 om 20 u. op de zetel. Agenda : Verslag Raad van Bestuur. Goedkeuring jaarrekening per 31/12/2008. Kwijting bestuurders. Varia.

(17444)

Soma, naamloze vennootschap,
Industrieterrein 2/4, 3290 Webbekom

0460.978.642 RPR Leuven

—

Jaarvergadering op 29/05/2009 om 20 u. op de zetel. Agenda : 1. Verslag Raad van Bestuur. 2. Goedkeuring jaarrekening per 31/12/2008 - Bestemming resultaat. 3. Decharge, ontslag en benoeming bestuurders. 4. Varia. Zich richten naar de statuten.

(17445)

Sports & Music Group, naamloze vennootschap,
Sleeckxlaan 28-32, 1030 Brussel

0446.195.347 RPR Brussel

—

Jaarvergadering op 29/05/2009 om 17 u. op de zetel. Agenda : Jaarverslag. Goedkeuring jaarrekening. Bestemming resultaat. Kwijting aan bestuurders. Diversen

(17446)

Stoot Optiek, naamloze vennootschap,
Prins Boudewijnlaan 363, 2650 Edegem

0446.809.912 RPR Antwerpen

—

Jaarvergadering op 29/05/2009 te 17.00 u op de zetel. Agenda : 1. Toelichting bestuurders. 2. Goedkeuring jaarrekening per 31/12/2008. 3. Bestemming resultaat 4. Kwijting bestuurders. 5. Kwijting accountant.

(17447)

Tierimmo, société anonyme,
rue Félicien Mosray 37, 1300 Limal

0429.792.350 RPM Nivelles

—

L'assemblée générale ordinaire se tiendra le 29/05/2009 à 18 h au siège social. Ordre du jour : 1. Approbation des comptes annuels au 31/12/2008. 2. Affectation du résultat. 3. Décharge à donner aux administrateurs. 4. Prononciation sur l'article 633 du Code des sociétés.

(17448)

Treatex, naamloze vennootschap,
Carnotstraat 5, 2000 Antwerpen

0437.745.657 RPR Antwerpen

—

Jaarvergadering op 29/05/2009 om 14 u op de zetel. Agenda : Verslag Raad van Bestuur. Goedkeuring jaarrekening. Bestemming resultaat. Kwijting bestuurders. Varia.

(17449)

Uffizi, naamloze vennootschap,
Leuvensesteenweg 613, 1930 Zaventem

0452.190.640 RPR Brussel

—

Jaarvergadering op 29/05/2009 om 11 u. op de zetel. Agenda : Goedkeuring jaarrekening per 31/12/2008. Bestemming resultaat. Kwijting bestuurders. Herbenoeming bestuurders. Varia. Zich richten naar de statuten.

(17450)

Van Vlierden Drankenhandel, naamloze vennootschap,
Grote Baan 342, 3530 Houthalen-Helchteren

BTW BE 0423.532.385 RPR Hasselt

—

Jaarvergadering op 29/05/2009 om 18 u. op de zetel. Agenda : 1. Jaarverslag. 2. Goedkeuring jaarrekening en bestemming resultaat. 3. Kwijting bestuurders. 4. Eventueel ontslag en benoeming bestuurders. 5. Varia. Zich richten naar de statuten.

De Raad van Bestuur.

(17451)

Vanlef Decor, naamloze vennootschap,
Smokkelpotstraat 71, 8500 Kortrijk

RPR Kortrijk 0433.456.475

—

Gewone algemene vergadering op de zetel op 29/05/2009 om 11 u. Agenda : Bespreking en goedkeuring van de jaarrekening per 31/12/2008. Bestemming resultaat. Kwijting aan bestuurders. Ontslagen en benoemingen.

(17452)

Varec, naamloze vennootschap,
Antwerpsesteenweg 106, 2800 Mechelen

0438.592.824 RPR Mechelen

—

Jaarvergadering op 29/05/2009 om 14 u. op de zetel. Agenda : Verslag Raad van Bestuur en goedkeuring balans en resultaatrekening. Kwijting bestuurders. Bestemming resultaat. Diversen.

(17453)

Varotex, naamloze vennootschap,
Leuvensesteenweg 161, 3290 Diest

0435.420.924 RPR Leuven

—

Jaarvergadering op 29/05/2009 om 16 u. op de zetel. Agenda : 1. Verslag van de Raad van Bestuur. 2. Goedkeuring van de vergoedingen aan de bestuurders. 3. Goedkeuring van de jaarrekening afgesloten per 31/12/2008. 4. Bestemming van het resultaat. 5. Dechargeverlening aan de Raad van Bestuur. 6. Ontslag en benoemingen. 7. Allerlei

(17454)

Vebo, naamloze vennootschap,
Leliestraat 25, 8020 Oostkamp

0446.477.736 RPR Brugge

—

Jaarvergadering op 29/05/2009 om 20 u. op de zetel. Agenda : Verslag Raad van Bestuur. Goedkeuring jaarrekening. Kwijting bestuurders. Allerlei.

(17455)

Verbiest, naamloze vennootschap,
Berkenhoekstraat 10, 2861 Onze-Lieve-Vrouw-Waver

0428.906.878 RPR Mechelen

—

Jaarvergadering op 29/05/2009 om 17 u. op de zetel. Agenda : Verslag Raad van Bestuur. Goedkeuring jaarrekening per 31/12/2008. Bestemming resultaat. Kwijting bestuurders. Bespreking art. 523, § 1 tegenstrijdige belangen. Ontslag en benoeming bestuurder. Verlenging mandaat bestuurders. Varia.

(17456)

Verbiest, naamloze vennootschap,
Berkenhoekstraat 10, 2861 Sint-Katelijne-Waver

0472.208.371 RPR Mechelen

—

Jaarvergadering op 29/05/2009 om 16 u. op de zetel. Agenda : Verslag Raad van Bestuur. Goedkeuring jaarrekening per 31/12/2008. Bestemming resultaat. Kwijting bestuurders. Bespreking art. 523, § 1 tegenstrijdige belangen. Varia.

(17457)

Verhelst Schrijnwerkerij, naamloze vennootschap,
Rijksweg 4, 8520 Kuurne

RPR Kortrijk 0442.918.331

—

Jaarvergadering op 29/05/2009 om 11 u. op de zetel. Agenda : 1. Lezing jaarrekening per 31/12/2008. 2. Goedkeuring jaarrekening en verwerking resultaat. 3. Kwijting bestuurders. 4. Varia.

(17458)

Verimmo, naamloze vennootschap,
Kasteeldreef 10, 2520 Ranst

0451.566.870 RPR Antwerpen

—

Jaarvergadering op 29/05/2009 om 13 u. op de zetel. Agenda : Verslag Raad van Bestuur. Goedkeuring jaarrekening. Goedkeuring bestemming resultaat. Kwijting mandatarissen. Ontslag en benoeming mandatarissen.

(17459)

Veys Tabak, naamloze vennootschap,
Rapetstraat, 8940 Wervik

RPR Ieper 0425.006.389

—

Algemene vergadering op de zetel op 29/05/2009 om 16 u. Agenda : Bespreking en goedkeuring van de jaarrekening per 31/12/2008. Bestemming resultaat. Kwijting aan bestuurders. Ontslagen en benoemingen.

(17460)

Vicky, commanditaire vennootschap op aandelen,
Leeuwerikenlaan 15, 8420 De Haan

0438.726.050 RPR Brugge

—

Jaarvergadering op 29/05/2009 om 15 u. op de zetel. Agenda : Goedkeuring jaarrekening per 31/12/2008. Bestemming resultaat. Kwijting bestuurders. Herbenoeming bestuurders. Zich richten naar de statuten.

(17461)

Villas Fantasia, naamloze vennootschap,
Jozef-Mertensstraat 140, 1702 Groot-Bijgaarden

0439.580.244 RPR Brussel

—

Jaarvergadering op 29/05/2009 om 10 u. op de zetel. Agenda : Verslag Raad van Bestuur. Goedkeuring jaarrekening per 31/12/2008. Kwijting bestuurders. Allerlei. Zich richten naar de statuten.

(17462)

Vlaeynatie, naamloze vennootschap,
Fruithoflaan 95, bus 28, 2600 Antwerpen

0422.995.422 RPR Antwerpen

—

Algemene vergadering ter zetel op 29 mei 2009 om 17.00 uur. Agenda : jaarverslag van de raad van bestuur; goedkeuring jaarrekening; bestemming resultaat; kwijting, vermelding en benoemingen bestuurders; diversen.

(17463)

Vlimmo Invest, naamloze vennootschap,
Schupstraat 1-7, bus 1, 2018 Antwerpen

0460.814.039 RPR Antwerpen

—

Jaarvergadering op 29/05/2009 om 14 u. op de zetel. Agenda : Verslag Raad van Bestuur. Goedkeuring jaarrekening. Bestemming resultaat. (Her)benoeming. Kwijting bestuurders. Varia.

(17464)

Vonk Holding, commanditaire vennootschap op aandelen,
Labaerdijk 10, 3680 Maaseik

0451.693.267 RPR Tongeren

—

Jaarvergadering op 29/05/2009 om 15 u. op de zetel. Agenda : Verslag zaakvoerder. Goedkeuring jaarrekening per 31/12/2008. Bestemming resultaat. Kwijting zaakvoerder.

(17465)

WEMA, naamloze vennootschap,
De Arend 14, 8210 Zedelgem

Brugge RPR 0405.157.419

—

De aandeelhouders worden uitgenodigd op de algemene vergadering op donderdag 28 mei 2009 om 10.30 u op de maatschappelijke zetel, De Arend 14 te 8210 ZEDELGEM. De algemene vergadering heeft de volgende agenda : 1. Lezing van het jaarverslag 2. Lezing van het verslag van de commissaris 3. Bespreking van de jaarrekening d.d. 31 december 2008 4. Goedkeuring van de jaarrekening en de resultatenrekening 5. Kwijting aan de bestuurders en aan de commissaris 6. Ontslag en (her)benoeming van bestuurders 7. Bezoldigingen 8. Rondvraag. Conform artikel 20 van de statuten worden de aandeelhouders verzocht hun aandelen met "groene kleur" neer te leggen vijf (5) volle werkdagen voor de datum van de algemene vergadering op de zetel van de vennootschap, hetzij aan de loketten van de KBC, ING of FORTIS bank.

Namens de raad van bestuur. Filip DE SMEDT.

(17466)

Wilmarc, naamloze vennootschap,
Industriestraat 12, 2500 Lier

0471.787.709 RPR Mechelen

—

Jaarvergadering op 23/05/2009 om 11 u. op de zetel. Agenda : Verslag Raad van Bestuur. Goedkeuring jaarrekening. Ontslag en benoeming bestuurders. Kwijting bestuurders.

(17467)

Wilmer, naamloze vennootschap,
Villerslei 70, 2900 Schoten

0444.365.611 RPR Antwerpen

—

Algemene Vergadering ter zetel op 29/05/2009 om 11 u. Agenda : Jaarverslag. Goedkeuring jaarrekening. Bestemming resultaat. Kwijting bestuurders. Statutaire benoemingen.

(17468)

Wobo, naamloze vennootschap,
Trichterweg 40, 3690 Zutendaal

0445.952.055 RPR Tongeren

—

Jaarvergadering op 29/05/2009 om 10 u. op de zetel. Agenda : Verslag Raad van Bestuur. Goedkeuring jaarrekening per 31/12/2008. Bestemming resultaat. Ontslag en benoeming bestuurders. Kwijting bestuurders. Allerlei. Zich richten naar de statuten.

De Raad van Bestuur.
(17469)

Zakenkantoor Dereymaeker, naamloze vennootschap,
Jan Breydelstraat 65, 2600 Berchem

0439.499.179 RPR Antwerpen

—

Jaarvergadering op 26/05/2009 om 18 u. op de zetel. Agenda : Verslag Raad van Bestuur. Goedkeuring jaarrekening per 31/12/2008. Bestemming resultaat. Kwijting aan bestuurders. Herbenoeming. Allerlei. Zich richten naar de statuten.

(17470)

Administrations publiques et Enseignement technique

Openbare Besturen en Technisch Onderwijs

PLACES VACANTES – OPENSTAANDE BETREKKINGEN

AZ Sint-Jan Brugge-Oostende AV

—

Openverklaring van de functie van geneesheer-specialist in de dienst hartheelkunde

Voorwaarden :

1. Burger zijn van een lidstaat van de Europese Economische ruimte of van de Zwitserse bondstaat.

2. De burgerlijke en politieke rechten bezitten.

3. Voldoen aan de militiewetten.

4. Van onberispelijk gedrag zijn.

5. Lichamelijk geschikt zijn voor de uit te oefenen functie.

6. Houder zijn van het diploma van arts.

7. Tot de uitoefening van de geneeskunde in België gemachtigd zijn.

8. De kandidaat moet op het ogenblik van de kandidaatstelling naast de algemene bekwaming de cardiochirurgie beschikken over de volgende kwalificaties :

Zeer uitgebreide ervaring in de cardiochirurgie. Minstens 10 jaar als staflid cardiochirurgie gewerkt hebben in een zeer groot cardiochirurgisch centrum (minstens 1 500 hartoperaties per jaar).

Internationale repuratie op het gebied van aorta thoracalis chirurgie.

Sterk wetenschappelijk curriculum, bij voorkeur beschikken over een doctoraat en minstens 50 publicaties in peer-reviewed tijdschriften.

9. Bereid zijn samen te werken met de verschillende ziekenhuisdiensten en de genomen doelstellingen van de dienst en het ziekenhuis te helpen realiseren.

10. Verplichte aansluiting bij de groepspolis burgerlijke aansprakelijkheid van het A.Z. Sint-Jan Brugge-Oostende AV.

De aanvragen, samen met de bewijsstukken moeten ingediende worden op 1 juni 2009 bij de voorzitter van het AZ Sint-Jan Brugge-Oostende AV, Ruddershove 4, te 8000 Brugge.

(17057)

Stad Izegem

—

Aanwerving van twee administratief assistenten - D1/3.

Uw opdracht :

Hulp bij administratieve taken zoals typewerk van verslagen, opmaken lijsten,...). Rapporteren aan de onmiddelijke overste (afhankelijk van de dienst).

Uw vaardigheden :

algemene administratieve vaardigheden;

elementaire kennis van kantoortechnieken;

taken zelfstandig, correct en snel kunnen afwerken;

een goed concentratie- en logisch denkvermogen;

precies bij uitvoering van de taken.

Ons aanbod :

Vast werk (na een gunstige proefperiode).

Vergoeding volgens de geldende weddenschalen (bruto beginwedde : € 1.654,30), vermeerderd met maaltijdcheques, hospitalisatieverzekering en fietsvergoeding. Relevante ervaring in de openbare of private sector wordt, overeenkomstig het geldelijk statuut, in aanmerking genomen voor de berekening van de geldelijke anciënniteit.

Inschrijven :

Per brief tegen uiterlijk 18 mei 2009, gericht aan het college van burgemeester en schepenen, stadsbestuur Izegem, Korenmarkt 10, 8870 Izegem. Als bijlage voegt u uw curriculum vitae en een kopie van uw diploma toe.

Voor bijkomende inlichtingen kunt U zich wenden tot de personeelsdienst, de heer Ronny Devos, tel. : 051-33 73 47.

(17058)

Pedagogische Begeleidingsdienst van het Katholiek Onderwijs VZW

—

Aanwerving - Vacant Verklaring

De Pedagogische Begeleidingsdienst van het Katholiek Onderwijs VZW zal overgaan tot de aanwerving van een aantal pedagogisch adviseurs (m/v).

Deze betrekkingen wordt begeven in uitvoering van artikel 89 van het decreet van 17 juli 1991 betreffende inspectie, dienst voor onderwijsontwikkeling en pedagogische begeleidingsdienst.

De werving geschiedt volgens de procedure goedgekeurd door het ministerieel besluit van 31 juli 1991 en gewijzigd bij ministerieel besluit van 21 oktober 1998 betreffende de wervingsprocedures bij de Pedagogische Begeleidingsdiensten van het Gesubsidieerd Onderwijs.

Datum van indiensttreding : 1 september 2009.

Naast de decretale voorwaarden zoals bepaald in art. 94, § 1, van voornoemd decreet wordt van de kandida(a)t(e) verwacht dat hij/zij :

een stevig engagement voor het christelijk opvoedingsproject bewijst;

een dossier voorlegt houdende het *curriculum vitae* met opgave van alle elementen waaruit onderwijskundige inzichten, agogische vaardigheden en vakdidactische deskundigheid blijken en hoe ze uitgebreid en verdiept werden, en aanwijzingen verstrekt over een staat van dienst : referenties omtrent de realisatie van de huidige opdracht;

elementen aanbrengt waaruit de betrokkenheid met het vacante ambt blijkt;

zich verbindt tot permanente vervolmaking;

zich verbindt tot vorming via deelneming aan vormingssessies die het net zal organiseren, met op het einde van de vormingssessie eventueel een proef;

een gedragscode aanvaardt die naast de deontologische regels voor de beroepsgroep ook praktische afspraken regelt voor het concrete werkverband.

Specifieke voorwaarden voor de vacant verklaarde ambten :

voor de pedagogische begeleidingsdienst van het katholiek onderwijs in het bisdom Gent

Functie 09/01 : Pedagogisch adviseur secundair onderwijs (halftijdse opdracht)

Functie 09/02 : Pedagogisch adviseur secundair onderwijs (halftijdse opdracht)

Functie 09/03 : Pedagogisch adviseur basisonderwijs (halftijdse opdracht)

Specifieke voorwaarden voor de functies 09/01 - 02 - 03

vast benoemd zijn in het onderwijs;

bereid zijn loyaal samen te werken in teamverband;

op de hoogte zijn van actuele pedagogische en didactische evoluties in het secundair resp. basisonderwijs;

teams en individuen weten te motiveren;

ervaring hebben met de diverse aspecten van leidinggeven; ruime ervaring hebben met pedagogisch begeleidingswerk;

hierover liefst ook reeds een basisvorming genoten hebben;

bij voorkeur in het bisdom Gent wonen.

Voor de pedagogische begeleidingsdienst van het katholiek onderwijs in het bisdom Antwerpen

Functie 09/04 : Pedagogisch adviseur secundair onderwijs (halftijdse opdracht)

Functie 09/05 : Pedagogisch adviseur secundair onderwijs (halftijdse opdracht)

Specifieke voorwaarden voor de functies 09/04 - 05

kennis hebben van actuele onderwijskundige evoluties in het secundair onderwijs;

agogische vaardigheden bezitten;

bereid en bekwaam zijn om vanuit de visie op pedagogische begeleiding van de dienst samen te werken in teamverband;

bij voorkeur in het bisdom Antwerpen wonen.

Voor de pedagogische begeleidingsdienst van het katholiek onderwijs in het bisdom Brugge

Functie 09/06 : Pedagogisch adviseur basisonderwijs (halftijdse opdracht) voor een opdracht van schoolbegeleiding

Functie 09/07 : Pedagogisch adviseur basisonderwijs (halftijdse opdracht) voor een opdracht van schoolbegeleiding

Functie 09/08 : Pedagogisch adviseur basisonderwijs (halftijdse opdracht) voor een opdracht van schoolbegeleiding

Specifieke voorwaarden voor de functies 09/06 - 07 - 08

in het bezit zijn van het diploma leraar lager onderwijs, ruime ervaring hebben in het buitengewoon basisonderwijs (bij voorkeur als directeur);

op de hoogte zijn van actuele pedagogische en didactische evoluties in het basisonderwijs beschikken over agogische en communicatieve vaardigheden om individuen en groepen te begeleiden;

knowhow over het begeleiden van scholen en/of scholengemeenschappen strekt tot aanbeveling;

zich verbinden tot permanente vorming in het kader van de begeleidingsopdracht; ervaring in het begeleiden van volwassenen in onderwijscontext;

in het bezit zijn van het getuigschrift van basisvorming tot pedagogisch begeleider;

teamspeler zijn;

woonachtig in het bisdom Brugge.

Voer de pedagogische begeleidingsdienst van het katholiek onderwijs in het Aartsbisdom Mechelen-Brussel

Specifieke voorwaarden voor de functies 09/09 - 10 - 11 - 12

beschikken over een universitair diploma of een diploma hoger onderwijs (functies 09109 en 09110) of het vereiste diploma giso of ghso (functie 09/11);

op de hoogte zijn van actuele pedagogisch-didactische ontwikkelingen in het gewoon basisonderwijs, resp. buitengewoon secundair of secundair onderwijs;

kennis hebben van of bereid zijn zich in te werken in pedagogische en administratieve reglementeringen m.b.t. het gewoon basisonderwijs, resp. buitengewoon secundair of secundair onderwijs;

ervaring hebben in het begeleiden van directeurs, leraren, coördinatoren en ondersteuners van basisscholen, resp. secundaire scholen;

beschikken over agogische vaardigheden om met mensen en groepen in dienst van basisscholen resp. secundaire scholen om te gaan;

ict-vaardig zijn;

getuigschrift van basisvorming tot pedagogisch begeleider enlof directeurservaring strekt tot aanbeveling;

Functie 09/09 : Pedagogisch adviseur basisonderwijs (voltijdse opdracht) voor een opdracht van schoolbegeleiding

Functie 09/10 : Pedagogisch adviseur secundair onderwijs (halftijdse opdracht) voor een vakoverschrijdende opdracht (schoolbegeleiding)

Functie 09/11 : Pedagogisch adviseur secundair onderwijs (halftijdse opdracht) voor vakbegeleiding Nederlands

Functie 09/12 : Pedagogisch adviseur secundair onderwijs (halftijdse opdracht) voor een opdracht van schoolbegeleider in het buitengewoon secundair onderwijs, vakoverschrijdend maar met klemtoon op beroepsgerichte vorming. De opdracht kan eventueel uitgebreid worden met een halftijdse opdracht vakoverschrijdende begeleiding in het gewoon secundair onderwijs.

Bijkomende specifieke voorwaarden voor functie 09/12

betrokkenheid op en kennis van het buitengewoon onderwijs, inzonderheid de beroepsgerichte vorming;

willen meewerken aan de samenwerking tussen scholen voor gewoon en buitengewoon secundair onderwijs;

kennis hebben van het inclusief gedachtegoed, de begeleiding van jongeren met een handicap en de ontwikkelingen rond leerzorg;

een getuigschrift voortgezette opleiding of de bereidheid om het te verwerven.

Voor de stafdienst van de pedagogische begeleidingsdienst van het katholiek onderwijs.

Functie 09/13 : Pedagogisch adviseur basisonderwijs (halftijdse opdracht)

Specifieke voorwaarden voor functie 09/13

in het bezit zijn van een diploma hoger onderwijs;

ervaring als directeur in een basisschool;

ervaring hebben in het geven van vorming aan individuen en groepen;

ervaring hebben met administratieve en organisatorische aspecten van personeelsbeleid;

een ruime belangstelling hebben voor onderwijs en -vernieuwing;

schrijfvaardig, organisatievaardig, communicatievaardig zijn en zin voor teamwork hebben;

bereid in zijn Brussel te werken.

De kandidaten voor deze betrekking dienen hun kandidatuur met vermelding van de referentie bij aangetekend schrijven te richten aan de voorzitter van de VZW Pedagogische Begeleidingsdienst van het Katholiek Onderwijs, Guimardstraat 1, 1040 Brussel.

Bij de kandidaatstelling worden officiële bewijsstukken evenals verklaringen toegevoegd waaruit blijkt dat de kandidaat voldoet aan de bovenvermelde voorwaarden.

De selectie gebeurt op grond van een schriftelijke en mondelinge proef. De schriftelijke proef zal plaatsvinden op woensdag 3 juni, van 14 tot 17 uur. De mondelinge proeven zullen later plaatsvinden. Kandidaturen kunnen vanaf 4 mei 2009 worden gesteld (begindatum). Kandidaturen zijn slechts geldig indien ze verzonden worden tot 14 dagen na publicatie in het *Belgisch Staatsblad*. De datum van de poststempel geldt als indieningsdatum.

(17059)

Actes judiciaires et extraits de jugements

Gerechtelijke akten en uittreksels uit vonnissen

Publication faite en exécution de l'article 488bis e, § 1er du Code civil

Bekendmaking gedaan overeenkomstig artikel 488bis e, § 1 van het Burgerlijk Wetboek

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Désignation d'administrateur provisoire
Aanstelling voorlopig bewindvoerder

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Justice de paix du quatrième canton de Charleroi

—

Par ordonnance rendue le 8 avril 2009, par M. Regnier Loriaux, juge de paix du quatrième canton de Charleroi, siègeant en chambre du conseil, Mme Gisèle André, née le 31 juillet 1935 à Roux, domiciliée à 6044 Roux, rue de Courcelles 84, mais résidant actuellement au home « Jules Bosse », sis à 6040 Jumet, rue de Gosselies 56*B*, a été déclarée hors d'état de gérer ses biens et a été pourvue d'un administrateur provisoire en la personne de Me Christian Boudelet, avocat à 6040 Jumet, chaussée de Gilly 61-63.

Pour extrait conforme : le greffier en chef, (signé) Canivet, Christine.
(65216)

Justice de paix du cinquième canton de Charleroi

—

Par ordonnance du juge de paix du cinquième canton de Charleroi, en date du 20 avril 2009, la nommée Fontaine, Julienne Marie Ghislaine, veuve de Hussin, Hector, née à Branchon le 24 janvier 1917, domiciliée à Montigny-le-Tilleul, rue de Bomerée 256, résidant à 6031 Charleroi, ex-Monceau-sur-Sambre, home « Bughin-Durant », rue du Moulin 8, a été déclarée incapable de gérer ses biens et a été pourvue d'un administrateur provisoire, étant : Van Neste, Christian, enseignant, domicilié à Montigny-le-Tilleul, rue du Vert Bois 98.

Requête déposée le 16 février 2009.

Pour extrait certifié conforme : le greffier, (signé) Fabienne Hiernaux.
(65217)

Justice de paix du premier canton de Liège

—

Suite à la requête déposée le 24 février 2009, par décision du juge de paix du premier canton de Liège, rendue le 28 avril 2009, M. Francis Joseph Beaufort, né à Angleur le 2 mai 1953, domicilié à 4020 Liège, avenue de Lille 2/0052, a été déclaré incapable de gérer ses biens et a été pourvu d'un administrateur provisoire en la personne de Me Christian Voisin, avocat, dont les bureaux sont sis à 4020 Liège, quai de la Dérivation 53/052.

Pour extrait conforme : le greffier, (signé) Becker, Carole.
(65218)

Justice de paix du troisième canton de Liège

—

Suite à la requête déposée le 10 mars 2009, par décision du juge de paix du troisième canton de Liège, rendue le 21 avril 2009, M. Vervondel, Philippe, né le 7 décembre 1962 à Bruxelles, domicilié rue de l'Aîte 3, à 4280 Hannut, rue Saint-Laurent 172, à 4000 Liège, a été déclaré incapable de gérer ses biens et a été pourvu d'un administrateur provisoire en la personne de Me Demoulin, Cassiane, avocat, dont l'étude est sise rue des Augustins 32, à 4000 Liège.

Pour extrait conforme : le greffier en chef faisant fonction, (signé) Marzée, Christiane.
(65219)

Justice de paix du canton de Liège IV

—

Suite à la requête déposée le 23 mars 2009, par décision du juge de paix du canton de Liège IV, rendue le 14 avril 2009, Mme Thielens, Arlette Marie Mathilde Ghislaine, divorcée, née le 7 septembre 1937 à Ampsin, domiciliée rue Falchena 12, bte 31, à 4030 Liège (Grivegnée), résidant « Aux Centres Isosl », site « Péri », Montagne-Sainte-Walburge 4*bis*, à 4000 Liège, a été déclarée incapable de gérer ses biens et a été pourvue d'un administrateur provisoire en la personne de M. Louis, Bernard, né le 6 août 1973 à Rocourt, domicilié boulevard de l'Ourthe 50, à 4032 Chênée.

Pour extrait conforme : le greffier en chef, (signé) Frankinet, Régine.
(65220)

Justice de paix du second canton de Mons

—

Suite à la requête déposée le 27 février 2009, par ordonnance du juge de paix du second canton de Mons, rendue en chambre du conseil, le 22 avril 2009, Mme Moura, Chantal Antoinette, née le 26 octobre 1949 à Vieux Condé (France), domiciliée rue des Glycines 18, à 7000 Mons, a été déclarée incapable de gérer ses biens et a été pourvue d'un administrateur provisoire en la personne de Mme l'avocat Delplancq, Christelle, dont le cabinet est sis rue Paul Pastur 217, à 7390 Quaregnon.

Mons, le 28 avril 2009.

Pour extrait conforme : le greffier en chef, (signé) Collet, Claude.

(65221)

Justice de paix du premier canton de Namur

—

Par ordonnance du juge de paix du premier canton de Namur, prononcée en date du 27 avril 2009 (RG. N° 09A762), Vanacoleyen, Florian, né à Charleroi le 7 février 1990, domicilié chaussée de Bruxelles 224, à 6040 Jumet, et résidant à 5004 Bouge, rue de l'Institut 30, « Institut François d'Assise », a été déclaré hors d'état de gérer ses biens et a été pourvu d'un administrateur provisoire, à savoir : Me Marie-Eve Clossen, avocat, dont le cabinet est établi à 5000 Namur, rue Lucien Namêche 19.

Namur, le 28 avril 2009.

Pour extrait conforme : le greffier, (signé) Angélique Capelle.

(65222)

Par ordonnance du juge de paix du premier canton de Namur, prononcée en date du 27 avril 2009 (RG. N° 09A739), Tonneau, Geneviève, née à Namur le 21 juin 1967, domiciliée à 5002 Saint-Servais, Nouveau Chemin de Saint-Marc 80, a été déclarée hors d'état de gérer ses biens et a été pourvue d'un administrateur provisoire, à savoir : Me Sophie Pierret, avocat, dont le cabinet est établi à Saint-Servais, rue du Beau Vallon 128.

Namur, le 28 avril 2009.

Pour extrait conforme : le greffier, (signé) Angélique Capelle.

(65223)

Justice de paix du canton de Saint-Josse-ten-Noode

—

Par ordonnance du juge de paix du canton de Saint-Josse-ten-Noode, en date du 1er avril 2009, le nommé Mkerref, Hossein, né à Tanger (Maroc) le 18 novembre 1963, domicilié à 1210 Saint-Josse-ten-Noode, rue de l'Union 11, a été déclaré incapable de gérer ses biens et a été pourvu d'un administrateur provisoire en la personne de Me Oliviers, Gilles, avocat, dont le cabinet est établi à 1040 Bruxelles, avenue de la Chasse 132.

Le greffier délégué, (signé) Damien Lardot.

(65224)

Justice de paix du canton de Saint-Nicolas

—

Suite à la requête déposée le 6 avril 2009, par décision du juge de paix du canton de Saint-Nicolas, rendue le 20 avril 2009, Mme Georgette Pannaye, née le 28 avril 1928 à Montegnée, domiciliée rue Chantraine 51, à 4420 Montegnée, a été déclarée incapable de gérer ses biens et a été pourvue d'un administrateur provisoire en la personne de Mme Michelle Vanandroye, née le 11 mars 1964 à Montegnée, domiciliée à rue Hector Denis 89/6, à 4460 Grâce-Hollogne.

Pour extrait certifié conforme : le greffier en chef, (signé) Sarlet, Léa.

(65225)

Justice de paix du canton de Sprimont

—

Par ordonnance du juge de paix du canton de Sprimont, en date du 15 avril 2009, Dressen, Pol Nicolas Marcelin, veuf de Bassetto, Gilberte, né à Alleur le 15 novembre 1926, domicilié avenue des Bouleaux 15, à 4130 Esneux (Tilff), « Les Trois Couronnes », résidant avenue des Trois Couronnes 16, à 4130 Esneux, a été déclaré incapable de gérer ses biens et a été pourvu d'un administrateur provisoire, à savoir : Dressen, Christian, informaticien, domicilié rue Walthère Spring 5, à 4130 Esneux (Tilff).

Sprimont, le 28 avril 2009.

Pour extrait certifié conforme : le greffier, (signé) Frédérique Seleck.

(65226)

Par ordonnance du juge de paix du canton de Sprimont, en date du 21 avril 2009, De Pauw, Gilberte Léontine Marie, veuve de Grommen, Robert, né à Liège le 20 septembre 1925, domiciliée et résidant « L'Heureux Séjour », rue de Beaufays 83, à 4140 Sprimont, a été déclarée incapable de gérer ses biens et a été pourvue d'un administrateur provisoire, à savoir : Grommen, Jean-Luc, mécanicien, domicilié rue du Voué 23, à 4141 Sprimont (Louveigné).

Sprimont, le 28 avril 2009.

Pour extrait certifié conforme : le greffier, (signé) Frédérique Seleck.

(65227)

Par ordonnance du juge de paix du canton de Sprimont, en date du 15 avril 2009, Resimont, Fernand Maurice Roger, époux de Mulle, Denise, né à Tavier le 15 novembre 1927, domicilié chaussée de Liège 58, à 4621 Hody, établissement « Au Bon Air », rue de Lillé 2, à 4140 Sprimont, a été déclaré incapable de gérer ses biens et a été pourvu d'un administrateur provisoire, à savoir : Devillers, Léopold, manager, domicilié Lagrange 58/*A*, à 4160 Anthisnes.

Sprimont, le 28 avril 2009.

Pour extrait certifié conforme : le greffier, (signé) Frédérique Seleck.

(65228)

Par ordonnance du juge de paix du canton de Sprimont, en date du 15 avril 2009, Silvestre, Myriam Hélèna Louise, épouse de Vanoorschot, Gilles, née à Esneux le 26 avril 1958, domiciliée et résidant rue de Sendrogne 56, à 4141 Sprimont (Louveigné), a été déclarée incapable de gérer ses biens et a été pourvue d'un administrateur provisoire, à savoir : Evrard, Jean-Yves, avocat, domicilié quai Van Beneden 4, à 4020 Liège.

Sprimont, le 28 avril 2009.

Pour extrait certifié conforme : le greffier, (signé) Frédérique Seleck.

(65229)

Justice de paix du canton de Thuin

—

Suite à la requête déposée le 31 mars 2009, par ordonnance du juge de paix du canton de Thuin, rendue le 17 avril 2009, Mme Di Carlo, Angela, née à Brindisi le 26 février 1948, domiciliée à 6001 Marcinelle, rue de la Grande Chenevière 70, résidant à Hôpital André Vésale « Léonard de Vinci », route de Gozée 706, à 6110 Montigny-le-Tilleul, a été déclarée incapable de gérer ses biens et a été pourvue d'un administrateur provisoire en la personne de Me Martine Saint-Guillain, avocat, dont le cabinet est sis à 7120 Estinnes, chemin de Maubeuge 64.

Pour extrait conforme : le greffier, (signé) Jean-François Mahieux.

(65230)

Justice de paix du premier canton de Tournai

—

Suite à la requête déposée le 30 mars 2009, par ordonnance du juge de paix du premier canton de Tournai, rendue le 28 avril 2009, M. Lelong, Thierry, né le 18 juin 1988 à Tournai, domicilié rue de Rengies 120, à 7608 Wiers, résidant Maison d'accueil « L'Etape », rue du Sondart 17, à 7500 Tournai, a été déclaré incapable de gérer ses biens et a été pourvu d'un administrateur provisoire en la personne de Me Pochart, Jean-Philippe, avocat, dont le cabinet est établi rue Childéric 47, à 7500 Tournai.

Pour extrait conforme : le greffier en chef, (signé) Dehaen, Christophe.

(65231)

Suite à la requête déposée le 30 mars 2009, par ordonnance du juge de paix du premier canton de Tournai, rendue le 21 avril 2009, Mme Thomas, Mélissa, née le 16 mars 1989 à Tournai, domiciliée rue de Rengies 120, à 7608 Wiers, résidant Maison d'accueil « L'Etape », rue du Sondart 17, à 7500 Tournai, a été déclarée incapable de gérer ses biens et a été pourvue d'un administrateur provisoire en la personne de Me Pochart, Jean-Philippe, avocat, dont le cabinet est établi rue Childéric 47, à 7500 Tournai.

Pour extrait conforme : le greffier en chef, (signé) Dehaen, Christophe.

(65232)

Justice de paix du canton de Visé

—

Par ordonnance du juge de paix du canton de Visé, rendue le 23 avril 2009, sur requête déposée le 10 avril 2009, Mme Joséphine Collard, née à Herstal le 23 mai 1919, domiciliée rue de l'Armistice 22, à 4680 Oupeye, résidant à la maison de repos « Les Saules », Grand Route 19, à 4690 Wonck, a été déclarée incapable de gérer ses biens et a été pourvue d'un administrateur provisoire en la personne de Mme Germaine Collard, domiciliée rue de l'Armistice 22, à 4680 Oupeye.

Pour extrait conforme : le greffier en chef, (signé) Sarlet, Joseph.

(65233)

Par ordonnance du juge de paix du canton de Visé, rendue le 21 avril 2009, sur requête déposée le 2 avril 2009, Mme Elise Halleux, née à Trembleur le 23 mai 1922, domiciliée rue de la Province 10, à 4020 Liège, résidant à la maison de repos « Saint-Joseph », rue de l'Institut 30, à 4670 Blegny, a été déclarée incapable de gérer ses biens et a été pourvue d'un administrateur provisoire en la personne de Me Alain Meunier, notaire, dont l'étude est située rue Henri Francotte 59, à 4607 Dalhem.

Pour extrait conforme : le greffier en chef, (signé) Sarlet, Joseph.

(65234)

Vredegerecht van het tiende kanton Antwerpen

—

Bij vonnis van de vrederechter van het tiende kanton Antwerpen, verleend op 22 april 2009, werd Lodewyckx, Urbanus Franciscus Albertina, geboren te Borgerhout op 27 februari 1922, Residentie Avondzon, 2900 Schoten, Botermelkbaan 2*A*, niet in staat verklaard zijn goederen te beheren en kreeg toegevoegd als voorlopig bewindvoerder : Van den Broeck, Franciscus Bernardus, geboren te Borgerhout op 9 oktober 1940, wonende 2900 Schoten, Cederlaan 20.

Merksem (Antwerpen), 27 april 2009.

De hoofdgriffier, (get.) Vermaelen, Rudy.

(65235)

Vredegerecht van het kanton Boom

—

Bij vonnis van de vrederechter van kanton Boom, verleend op 28 april 2009, werd Borre, Elisabeth Maria, geboren te Antwerpen op 4 december 1945, wonende te 2845 Niel, Boomsestraat 383, verblijvende A.Z. H. Familie VZW, 's Herenbaan 172, te 2840 Reet (Rumst), niet in staat verklaard haar goederen te beheren en kreeg toegevoegd als voorlopig bewindvoerder : De Troetsel, Maria, advocaat en plaatsvervangend vrederechter, kantoonhoudende te 2845 Niel, Kerkstraat 18.

Er werd vastgeseld dat het verzoekschrift neergelegd werd op 20 april 2009.

Boom, 28 april 2009.

De griffier, (get.) Laurent, Anne-Marie.

(65236)

Vredegerecht van het kanton Brugge 1

—

Bij vonnis verleend door de vrederechter van het eerst kanton Brugge, d.d. 10 april 2009, werd de heer Goemaere, Yonni, geboren te Kortrijk op 27 augustus 1984, wonende te 8500 Kortrijk, Veldstraat 95, doch thans verblijvende in de psychiatrische instelling Sint-Amandus, Reigerlostraat 10, 8730 Beernem, niet in staat verklaard zijn goederen te beheren en kreeg toegevoegd als voorlopig bewindvoerder Mr. Kris De Zutter, advocaat, met kantoor te 8700 Tielt, Sint-Jansstraat 97.

Brugge, 27 april 2009.

De hoofdgriffier, (get.) Sabine De Visscher.

(65237)

Bij vonnis verleend door de vrederechter van het eerste kanton Brugge, d.d. 10 april 2009, werd de heer Duforet, David, geboren de Brugge op 25 juni 1982, wonende en verblijvende te 8730 Beernem, Reigerlostraat10 (P.C. Sint-Amandus), niet in staat verklaard zijn goederen te beheren en kreeg toegevoegd als voorlopig bewindvoerder Mr. Boelens, Christiaen, advocaat, met kantoor te 8200 Brugge, Pastoriestraat 137.

Brugge, 27 april 2009.

De hoofdgriffier, (get.) Sabine De Visscher.

(65238)

Vredegerecht van het vierde kanton Brugge

—

Bij beschikking d.d. 22 april 2009, gewezen op verzoekschrift van 27 maart 2009, heeft de vrederechtr over het vierde kanton Brugge voor recht verklaard dat Vanhoutte, Louis, geboren te Gent op 3 juli 1939, wonende in het Sue Ryder Tehuis Rosmarijn, Predikherenstraat 36, 8000 Brugge, niet in staat is zelf zijn goederen te beheren en heeft aangewezen als voorlopige bewindvoerder : Mr. Vandamme, Louis, advocaat te 8200 Brugge, Gistelse Steenweg 511.

Brugge, 28 april 2009.

De griffier, (get.) Impens, Nancy.

(65239)

Vredegerecht van het kanton Eeklo

—

Bij beschikking van de heer vrederechter van het kanton Eeklo, verleend op 28 april 2009, werd de heer Johan Verhulst, geboren te Izegem op 1 september 1969, zonder gekend beroep, wonende te 9000 Gent, Fratersplein 9, verblijvende in het Psychiatrisch Ziekenhuis Sint-Jan, te 9900 Eeklo, Oostveldstraat 1, niet in staat verklaard zijn goederen te beheren en kreeg toegevoegd als voorlopige bewindvoerder : Mr. Veronique Van Asch, advocaat, met kantoor te 9000 Gent, Zuidstationsstraat 34-36.

Er werd vastgesteld dat het verzoekschrift neergelegd werd op 10 april 2009.

Eeklo, 28 april 2009.

De afgevaardigd griffier, (get.) Van Cauwenberghe, Guy.

(65240)

Bij beschikking van de heer vrederechter van het kanton Eeklo, verleend op 28 april 2009, werd Mevr. Inge De Reu, geboren te Gent op 14 februari 1985, wonende en verblijvende in het Psychiatrisch Ziekenhuis Sint-Jan, te 9900 Eeklo, Oostveldstraat 1, niet in staat verklaard haar goederen te beheren en kreeg toegevoegd als voorlopige bewindvoerder : Mr. Veronique Van Asch, advocaat, met kantoor te 9000 Gent, Zuidstationsstraat 34-36.

Er werd vastgesteld dat het verzoekschrift neergelegd werd op 9 april 2009.

Eeklo, 28 april 2009.

De afgevaardigd griffier, (get.) Van Cauwenberghe, Guy.

(65241)

Vredegerecht van het eerste kanton Gent

—

Bij beschikking van de vrederechter van het eerste kanton Gent, verleend op 22 april 2009, werd Tilliere, Georges, geboren te Hauconcourt (Frankrijk) op 11 augstus 1932, wonende te 9000 Gent, Karel de Stoutestraat 5, verblijvende te 9000 Gent, Zorgresidentie Onze-Lieve-Vrouw-Ter-Rive, Sint-Pietersnieuwstraat 115, niet in staat verklaard zelf zijn goederen te beheren en kreeg toegevoegd als voorlopig bewindvoerder : Tilliere, Georges, wonende te 9040 Gent, Theofiel Lybaertstraat 9.

Gent, 28 april 2009.

De hoofdgriffier, (get.) Van Parijs, Nadine.

(65242)

Vredegerecht van het kanton Hoogstraten

—

Bij vonnis van de vrederechter van het kanton Hoogstraten, verleend op 1 april 2009, werd Peeters, Maria Angelina Julia, geboren te Grobbendonk op 12 mei 1923, gepensioneerde, weduwe van Copmans, Dionysius, wonende te 2275 Lille, Heiend 119, en verblijvende te 2275 Lille, Heiend 133, niet in staat verklaard zelf haar goederen te beheren en kreeg toegevoegd als voorlopig bewindvoerder, haar zoon, Copmans, Alphonsus David, geboren te Lille op 5 augustus 1946, diamantbewerker, wonende te 2275 Lile, Heiend 133.

Hoogstraten, 28 april 2009.

De hoofdgriffier, (get.) Van Gils, Herman.

(65243)

Vredegerecht van het kanton Leuven 1

—

Bij vonnis van de vrederechter van het kanton Leuven, d.d. 28 april 2009, verklaren Eskens, Joseph Juliaan, geboren te Kampenhout op 27 mei 1924, gepensioneerde, wonende te 3020 Winksele, Eikestraat 7, niet in staat zelf de goederen te beheren.

Voegen toe als voorlopig bewindvoerder : Verhoeven, Johny Paul, geboren te Leuven op 17 september 1961, wonende te 3150 Tildonk, Kruineikeweg 7.

Leuven, 28 april 2009.

Voor eensluidend uittreksel : de griffier, (get.) Temperville, Karine.

(65244)

Vredegerecht van het kanton Menen

—

Vonnis d.d. 9 april 2009 verklaart Denecker, Illya, geboren te Wevelgem op 13 mei 1967, wonende te 8930 Menen, Wahisstraat 158/101, opgenomen in de instelling P.C. Onze Lieve Vrouw van Vrede, Bruggestraat 57-59, te 8930 Menen, niet in staat zelf zijn goederen te beheren.

Voegt toe als voorlopig bewindvoerder : advocaat Randall Huysentruyt, kantoorhoudende te 8930 Lauwe, Lauwbergstraat 110.

Menen, 28 april 2009.

De hoofdgriffier, (get.) Ollevier, Chris.

(65245)

Vonnis d.d. 9 april 2009 verklaart Dumortier, Angeline, geboren te Rouen op 22 juni 1918, opgenomen in de instelling R.V.T. « Huize ter Walle », Kortrijkstraat 126, te 8930 Menen, niet in staat zelf haar goederen te beheren.

Voegt toe als voorlopig bewindvoerder : Vannoorden, Lonny, wonende te 9308 Gijzegem, Berkenlaan 48.

Menen, 28 april 2009.

De hoofdgriffier, (get.) Ollevier, Chris.

(65246)

Vredegerecht van het kanton Mol

—

Bij beschikking van de vrederechter van het kanton Mol, verleend op 21 april 2009, werd Michiels, Maria Catharina Irma, geboren te Meerhout op 24 augustus 1923, wonende te 2430 Laakdal, Kattestraat 18, verblijvende in het OCMW Rustoord « Ter Vest », Veststraat 60, te 2490 Balen, niet in staat verklaard om zelf haar goederen te beheren en werd haar toegevoegd als voorlopige bewindvoerster : Michiels, Rita Alfons Emma Maria, arbeidster, geboren te Turnhout op 5 september 1967, wonende te 2400 Mol, Achterbos 163, met algehele bevoegdheid.

Mol, 28 april 2009.

Voor eensluidend uittreksel : de hoofdgriffier, (get.) Willy Huysmans.

(65247)

Vredegerecht van het eerste kanton Sint-Niklaas

—

Bij beschikking van de vrederechter van het eerste kanton Sint-Niklaas, verleend op 23 april 2009, werd Pierre Van Spitael, geboren te Moerzeke op 20 november 1932, WZC De Plataan, Hospitaalstraat 12, te 9100 Sint-Niklaas, niet in staat verklaard zijn goederen te beheren en kreeg toegevoegd als voorlopig bewindvoerder : Pauwels, Francine, geboren te Sint-Niklaas op 10 november 1951, advocaat wonende te 9100 Sint-Niklaas, Apostelstraat 29.

Sint-Niklaas, 23 april 2009.

Voor eensluidend uittreksel : de griffier, (get.) Vermeulen, Gisele.

(65248)

Vredegerecht van het kanton Tienen

—

Bij beslissing van de vrederechter van het kanton Tienen, verleend op 27 april 2009, werd Uyttebroeck, Guido, geboren te Wommersom op 8 augustus 1950, ongehuwd, gedomicilieerd te 3300 Tienen, Pastorijstraat 128, thans verblijvende in de Psychiatrische Kliniek der Broeders Alexianen, te 3300 Tienen, Liefdestraat 10, niet in staat verklaard zijn goederen te beheren en kreeg toegevoegd als voorlopig bewindvoerder : Lauwereys, Pascale, advocaat met kantoor te 3300 Tienen, deelgemeente Kumtich, Sint-Gillisplein 6/1.

Tienen, 27 april 2009.

Voor eensluidend uittreksel : de griffier, (get.) Julie-Anne Brees .

(65249)

Mainlevée d'administration provisoire
Opheffing voorlopig bewind

—

Justice de paix du canton de d'Ath-Lessines, siège de Lessines

—

Par ordonnance de M. le juge de paix du canton d'Ath-Lessines, siège de Lessines, en date du 27 avril 2009, il a été mis fin au mandat de Me Michel Pieraert, avocat, dont les bureaux sont sis à Lessines, rue de Grammont 97, en sa qualité d'administrateur provisoire des biens d'Irma Ceuppens, née à Anvers le 4 avril 1931, domiciliée à Lessines, rue des Quatre Fils Aymon 17, cette personne étant décédée le 7 avril 2009.

Pour extrait conforme : le greffier en chef, (signé) J.-M. Derobertmasure.

(65250)

Par ordonnance de M. le juge de paix du canton d'Ath-Lessines, siège de Lessines, en date du 27 avril 2009, il a été mis fin au mandat de Me Aurore Verpoort, avocat, dont les bureaux sont sis à Lessines, rue des Fossés 69*AO*, en sa qualité d'administrateur provisoire des biens de Marcel Decafmeyer, né à Ixelles le 29 avril 1926, domicilié à Lessines, rue des Quatre Fils Aymon 17, cette personne étant décédée le 27 avril 2009.

Pour extrait conforme : le greffier en chef, (signé) J.-M. Derobertmasure.

(65251)

Justice de paix du canton de Beauraing-Dinant-Gedinne, siège de Dinant

—

Par ordonnance du juge de paix du canton de Beauraing-Dinant-Gedinne, siège de Dinant, rendue le 23 avril 2009, constatons que la mesure d'administration provisoire des biens, prise par notre ordonnance du 25 août 2005, à l'égard de M. Crespeigne, Lucien, né le 9 mai 1929, résidant au home « Les Hêtres pourpres SPRL », rue Grande 60, à 5530 Godinne, cesse de produire ses effets de plein droit, suite au décès de la personne protégée précitée, survenu à Godinne, le 14 février 2009, en conséquece, le mandat d'administrateur provisoire de M. Crespeigne, Jacques, informaticien, domicilié rue des Minières 9, à 5020 Namur (Daussoulx), a pris fin.

Pour extrait conforme : le greffier assumé, (signé) Besohé, Eddy.

(65252)

Justice de paix du canton de Dour-Colfontaine, siège de Colfontaine

—

Suite à l'ordonnance du juge de paix suppléant, Olivier Bridoux du canton de Dour-Colfontaine, siège de Colfontaine, rendue le 24 avril 2009, Me Florence van Hout, avocat, dont le cabinet est situé à 7000 Mons, rue de la Grande Triperie 3, a été déchargé de ses fonctions d'administrateur provisoire des biens de feu M. Lebrun, Michel, né le 5 octobre 1946, domicilié de son vivant à 7040 Quévy-le-Grand, Grand-Route 26, à la maison de repos « Le Chateau de Warelles », et décédé le 30 mars 2009.

Pour extrait conforme : le greffier en chef, (signé) Breuse, Brigitte.

(65253)

Suite à l'ordonnance du juge de paix suppléant, Geneviève Gelenne du canton de Dour-Colfontaine, siège de Colfontaine, rendue le 20 avril 2009, M. Vigneron, Jacques, domicilié à 6567 Labuissière, rue Max Busset 41, a été déchargé de ses fonctions d'administrateur provisoire des biens de feu Mme Sinet, Ivette, née le 16 juin 1932, domiciliée à 6567 Labuissière, rue Max Buset 41, mais résidant à 7040 Quévy, Grand-Route 26, au home « Le Chateau de Warelles », de son vivant, et décédée le 11 janvier 2009.

Pour extrait conforme : le greffier en chef, (signé) Breuse, Brigitte.

(65254)

Justice de paix du second canton de Tournai

—

Par ordonnance du juge de paix du second canton de Tournai, en date du 24 avril 2009, il a été constaté que la mesure d'administration provisoire prise par ordonnance du 14 juillet 2008, a pris fin suite à la guérison de M. Boualem, Philippe, né le 3 mars 1957 à Somain, domicilié à 7500 Tournai, quai du Luchet d'Antoing 6/0, par conséquent, il a été mis fin à la mission de son administrateur provisoire, Me Pochart, Jean-Philippe, avocat, dont les bureaux sont établis à 7500 Tournai, rue Childéric 47.

Pour extrait conforme : le greffier en chef f.f. (signé) Denis Smets.

(65255)

Par ordonnance du juge de paix du second canton de Tournai, en date du 24 avril 2009, il a été constaté que la mesure d'administration provisoire prise par ordonnance du 14 juillet 2008, a pris fin suite à la guérison de M. Duhaut, Gérard, né le 27 octobre 1937 à Tournai, domicilié à 7500 Tournai, chaussée de Renaix 166, résidant « CHwapi », site « Union », service polypathologie, ch. 660, boulevard Lalaing 39, à 7500 Tournai, par conséquent, il a été mis fin à la mission de son administrateur provisoire, Me Pochart, Jean-Philippe, avocat, dont les bureaux sont établis à 7500 Tournai, rue Childéric 47.

Pour extrait conforme : le greffier en chef f.f. (signé) Denis Smets.

(65256)

Justice de paix du second canton de Wavre

—

Par ordonnance du juge de paix du second canton de Wavre, rendue le 27 avril 2009, il a été constaté que la mesure d'administration provisoire prise par ordonnance du 1er février 2006, a pris fin suite au décès de Mme Coppens, Paula, née à Stennhuize-Wijnhuize le 11 mai 1920, domiciliée de son vivant à 1490 Court-Saint-Etienne, home « Chantebrise », avenue des Combattants 169, décédée à Court-Saint-Etienne le 20 avril 2009, en conséquence, après dépôt d'un rapport de gestion, il a été mis fin à la mission de son administrateur provisoire, à savoir : Me Namurois, Cédric, avocat à 1495 Villers-la-Ville, chaussée de Namur 35.

Pour extrait conforme : le greffier en chef, (signé) Jonet, Lucette.

(65257)

Vredegerecht van het eerste kanton Anderlecht

—

Bij beschikking van de vrederechter van het eerste kanton Anderlecht, verleend op 28 april 2009, werd een einde gesteld aan de aanstelling van de heer Leopold Deneys, wonende te 1070 Anderlecht, Weeshuisstraat 30*A*/24, in hoedanigheid van voorlopig bewindvoerder over de genaamde Piessens, Emilienne, geboren te Anderlecht op 12 juni 1928, gedomicilieerd te 1070 Anderlecht, rusthuis Vanhellemont, Puccinistraat 22, ingevolge het overlijden van de beschermde persoon te Anderlecht op 10 maart 2009.

Voor eensluidend uittreksel : de afgevaardigd griffier, (get.) Séverine Kaman.

(65258)

Vredegerecht van het tweede kanton Anderlecht

—

Bij beschikking van de vrederechter van het tweede kanton Anderlecht, verleend op 28 april 2009 (2007/A/1725), werd een einde gesteld aan de aanstelling van Mevr. Hereman, Hilda, 1083 Ganshoren, Koningin Paolaplein 1b5, als voorlopig bewindvoerder over Godart, Francisca Josephina, geboren te Jette op 12 april 1914, weduwe van Hereman, Raymond, verblijvende en gedomicilieerd te Sint-Agatha-Berchem, Josse Goffinlaan 189, in home Amadeus.

De hierboven vermelde persoon is overleden te Jette op 18 maart 2009.

Voor eensluidend uittreksel : hoofdgriffier, (get.) Jeanny Bellemans.

(65259)

Vredegerecht van het kanton Asse

—

Beschikking d.d. 7 april 2009 verklaard De Nil, Karina, wonende te 1731 Zellik, Hortensialaan 28, aangewezen bij vonnis verleend door de vrederechter van het kanton Asse, op 25 oktober 2006 (rolnummer 06A747-Rep.R. 1866/2006), tot voorlopig bewindvoerder over de heer Van Laeken, Jozef, geboren op 20 december 1926 (gepubliceerd in het *Belgisch Staatsblad* van 22 november 2006, ontslagen van de opdracht, gezien de beschermde persoon overleden is.

Asse, 28 april 2009.

De afgevaardigd griffier, (get.) Bruylant, Nico.

(65260)

Vredegerecht van het kanton Brasschaat

—

Bij beschikking van de vrederechter van het kanton Brasschaat, verleend op 28 april 2009, werd een einde gesteld aan het voorlopig bewind van Mr. Jan Lodewijk Mertens, advocaat, kantoonhoudende te 2900 Schoten, Alice Nahonlei 74, over de goederen van wijlen Mevr. Van Haute, Maria Valentina, geboren te Antwerpen op 2 februari 1921, voorheen verblijvende in R.V.T. De Mick, Papestraat 30, te 2930 Brasschaat, thans laatst verblijvende in R.V.T. Lozannahof, Van Schoonbekestraat 54, A1, te 2000 Antwerpen, en overleden op 9 april 2009.

Brasschaat, 28 april 2009.

De hoofdgriffier, (get.) Ooms-Schrijvers, Maria.

(65261)

Vredegerecht van het kanton Diest

—

Beschikking van de vrederechter van het kanton Diest, d.d. 7 april 2009, verklaard Mevr. Weckx, Hilde Maria Martha, geboren te Leuven op 9 mei 1966, en wonende te 3545 Zelem, Stationsstraat 79, aangewezen bij beschikking verleend door de vrederechter van het kanton Diest, op 21 april 2008 (A.R. nr. 08A474 - Rep.R. nr. 1244/2008), tot voorlopig bewindvoerder over haar moeder, Mevr. Hendrickx, Maria Julia, geboren te Bekkevoort op 24 september 1925, gepensioneerde, gedomicilieerd en verblijvende in het rusthuis Hof ter Heyde, te 3460 Bekkevoort, Oude Leuvensebaan 97, en overleden te Bekkevoort op 13 maart 2009 (gepubliceerd in het *Belgisch Staatsblad* van 8 mei 2008, blz. 24500, en onder nr. 65162), ontslagen van haar opdracht, gezien de beschermde persoon overleden is.

Diest (Kaggevinne), 27 april 2009.

De griffier, (gt.) Colla, Arnold.

(65262)

Remplacement d'administrateur provisoire
Vervanging voorlopig bewindvoerder

—

Justice de paix du premier canton de Namur

—

Par ordonnance du juge de paix du premier canton de Namur prononcée en date du 24 avril 2009 (Rg. n° 08A175), Me Serge Mottiaux, avocat, dont le cabinet est établi à 5300 Andenne, place du Perron 13, a été déchargé de la fonction d'administrateur provisoire des biens de M. Vandendaele, Jean Marie, né le 7 juillet 1955, domicilié à 5020 Vedrin, rue du Rond Chêne 82, qui lui a été confiée par ordonnance du 9 juillet 2008.

Un nouvel administrateur provisoire a été désigné à cette personne protégée, à savoir : Me Françoise Dorange, avocat, dont le cabinet est établi à Namur, rue Juppin 6.

Namur, le 27 avril 2009.

Pour extrait conforme : le greffier, (signé) Angélique Capelle.

(65263)

Par ordonnance du juge de paix du premier canton de Namur prononcée en date du 27 avril 2009 (Rg. n° 08A174), Me Mottiaux, Serge, avocat, dont le cabinet est établi à 5300 Andenne, place du Perron 13, a été déchargé de la fonction d'administrateur provisoire des biens de Mme Felix, Marguerite, née à Auvelais le 24 janvier 1927, domiciliée à 5020 Vedrin, rue du Rond Chêne 82, qui lui a été confiée par ordonnance du 9 juillet 2008.

Un nouvel administrateur provisoire a été désigné à cette personne protégée, à savoir : Me Dorange, Françoise, avocat, dont le cabinet est établi à Namur, rue Juppin 6.

Namur, le 28 avril 2009.

Pour extrait conforme : le greffier, (signé) Angélique Capelle.

(65264)

Justice de paix du canton de Saint-Josse-ten-Noode

—

Par ordonnance du juge de paix du canton de Saint-Josse-ten-Noode en date du 23 avril 2009, Cernuda Fernandez, Maria Nieves, domiciliée à 1140 Evere, rue Fernand Léger 44/02, initialement désignée par ordonnance du juge de paix du canton de Saint-Josse-ten-Noode, a été remplacée en qualité d'administrateur provisoire des biens de Cernuda Menendez, Florentino, né à Bruxelles le 6 janvier 1967, domicilié à 1140 Evere, rue Fernand Léger 44/02, par Me Oliviers, Gilles, avocat, dont le cabinet est établi à 1040 Bruxelles, avenue de la Chasse 132.

Pour extrait conforme : le greffier déléguée, (signé) Damien Lardot.

(65265)

Justice de paix du canton de Seraing

—

Suite à la requête déposée le 2 avril 2009, par ordonnance du juge de paix du canton de Seraing rendue le 23 avril 2009 :

déchargeons Me Xharde, Annick, avocat, juge suppléant, dont l'étude est située rue Collard Trouillet 45/47, à 4100 Seraing, de sa mission d'administrateur provisoire des biens de Pirotte, Jean-Paul, de nationalité belge, né le 21 août 1948 à Seraing, célibataire, domicilié place du Marché 41, 5e étage, à 4000 Liège, résidant actuellement « Aux Sans Logis », rue Saint-Laurent 175, à 4000 Liège, qui lui avait été conférée par notre ordonnance du 16 novembre 1993 et publiée au *Moniteur belge* du 3 décembre 1993;

constatons que l'intéressée Pirotte, Jean-Paul, de nationalité belge, né le 21 août 1948 à Seraing, célibataire, domicilié place du Marché 41, 5e étage, à 4000 Liège, résidant actuellement « Aux Sans Logis », rue Saint-Laurent 175, à 4000 Liège, reste inapte à assurer la gestion de ses biens;

désignons en qualité de nouvel administrateur provisoire de M. Pirotte, Jean-Paul, Me Jean-Claude Clignet, avocat à 4020 Liège, boulevard de l'Est 4, avec les pouvoirs prévus à l'article 488*bis*, c, du Code civil. L'administrateur exercera la gestion des comptes bancaires, dossiers titres et coffres-forts ouverts au nom de la personne protégée dans les conditions et limites prévues aux dispositions particulières de la présente décision;

ordonnons la publication du dispositif qui précède au *Moniteur belge*.

Pour extrait conforme : le greffier en chef, (signé) Jean-Marie Fouarge.
(65266)

Suite à la requête déposée le 27 mars 2009, par ordonnance du juge de paix du canton de Seraing rendue le 23 avril 2009 :

déchargeons Me Xharde, Annick, avocat, juge suppléant, dont l'étude est située rue Collard Trouillet 45/47, à 4100 Seraing, de sa mission d'administrateur provisoire des biens de Paul, Marie-France Augustine, de nationalité belge, née le 5 juillet 1964 à Seraing, sans profession, mariée, domiciliée rue Sart 13, à 4100 Seraing, qui lui avait été conférée par notre ordonnance du 9 novembre 2006 et publiée au *Moniteur belge* du 22 novembre 2006;

constatons que l'intéressée Paul, Marie-France, de nationalité belge, née le 5 juillet 1964 à Seraing, sans profession, mariée, domiciliée rue Sart 13, à 4100 Seraing, reste inapte à assurer la gestion de ses biens;

désignons en qualité de nouvel administrateur provisoire de Mme Paul, Marie-France, Me Jean-Claude Clignet, avocat à 4020 Liège, boulevard de l'Est 4, avec les pouvoirs prévus à l'article 488*bis*, c, du Code civil. L'administrateur exercera la gestion des comptes bancaires, dossiers titres et coffres-forts ouverts au nom de la personne protégée dans les conditions et limites prévues aux dispositions particulières de la présente décision;

ordonnons la publication du dispositif qui précède au *Moniteur belge*.

Pour extrait conforme : le greffier en chef, (signé) Jean-Marie Fouarge.
(65267)

Vredegerecht van het tiende kanton Antwerpen

—

Bij beschikking van de vrederechter van het tiende kanton Antwerpen, verleend op 21 april 2009, werd Lacroix, Mary, advocaat, wonende te 4500 Ben-Ahin, place Jules Boland 5, aangewezen bij vonnis, verleend door de vrederechter van het kanton Huy II-Hannut, op 18 mei 2007 (rolnummer 07A110 - Rep.R. 439/2007), tot voorlopig bewindvoerder over Vlasselaer, Agnès Joseph Séraphine, geboren te Mechelen op 2 april 1988, wonende te 2170 Merksem (Antwerpen), Bredabaan 136/6 (gepubliceerd in het *Belgisch Staatsblad* van 6 juni 2007), met ingang van 21 april 2009 ontslagen van haar opdracht.

Voegt toe als nieuwe voorlopige bewindvoerder aan de voornoemde beschermde persoon : Van den Brande, Maria Anna Albert, geboren te Antwerpen op 12 februari 1960, wonende te 2170 Merksem, Bredabaan 136/3.

Merksem (Antwerpen), 28 april 2009.

De hoofdgriffier, (get.) Rudy Vermaelen.
(65268)

Vredegerecht van het kanton Ninove

—

Bij beschikking, verleend door de vrederechter van het kanton Ninove, op 27 april 2009, werd Derveaux, Dominique, advocaat, met kantoor te 1050 Brussel, avenue Louise 50, bus 4, aangewezen bij beschikking, verleend door de vrederechter van het eerste kanton Schaarbeek, op 17 november 2003 (rolnr. 03B723 - Rep.R. 3800, tot voorlopig bewindvoerder over Meskens, Marc, geboren te Etterbeek op 10 juli 1974, arbeider, wonende te 9400 Ninove, Preulegem 8, bus 4 (gepubliceerd in het *Belgisch Staatsblad* van 5 december 2003, bl. 58256, nr. 70616), ontslagen van haar opdracht, en werd hem toegevoegd als nieuwe voorlopig bewindvoerder : Dhertoge, Dirk, advocaat, met kantoor te 9400 Ninove, Bevrijdingslaan 18.

Ninove, 28 april 2009.

De hoofdgriffier, (get.) Sabine Poelaert.
(65269)

Vredegerecht van het kanton Sint-Truiden

—

De beschikking van de vrederechter van het kanton Sint-Truiden, verleend op 28 april 2009 :

ontheffen Mr. Smeets, Marie, advocaat te 3800 Sint-Truiden, Naamsevest 47/101, aangewezen bij beschikking, verleend door de vrederechter van het kanton Sint-Truiden, op 5 oktober 1993 (rolnummer 6444.93 - Rep.R. 2352.93), tot voorlopige bewindvoerder over Moens, Odile, geboren te Tongeren op 23 februari 1941, wonende te 3800 Sint-Truiden, Slagmolenstraat 17/101, van haar opdracht met ingang op de dag van de aanvaarding door de nieuwe aangestelde voorlopige bewindvoerder.

Stellen aan als nieuwe bewindvoerder : Mevr. Graind'orge, Annick, wonende Korenbloemstraat 26, 3700 Tongeren.

Sint-Truiden, 28 april 2009.

Voor eensluidend uittreksel : de hoofdgriffier, (get.) Marina Derwael.
(65270)

Publication prescrite par l'article 793 du Code civil

Bekendmaking voorgeschreven bij artikel 793 van het Burgerlijk Wetboek

—

Acceptation sous bénéfice d'inventaire
Aanvaarding onder voorrecht van boedelbeschrijving

—

Suivant acte numéro 09-842, dressé au greffe du tribunal de première instance de Bruxelles, le 15 avril 2009, Me Dauvrin, Anne, avocat à 1040 Bruxelles, rue Jonniaux 14, agissant en qualité d'administrateur provisoire de M. Delhougne, Jean-Pierre Albert Alfred, domicilié à Uccle (1180 Bruxelles), chaussée d'Alsemberg 857/6, a déclaré, en ladite qualité, accepter sous bénéfice d'inventaire la succession de M. Delhougne, Walter Ernst Leo Karl, né à Eupen le 22 août 1922, domicilié en dernier lieu à Saint-Gilles (1060 Bruxelles), avenue Brugmann 29/2, et décédé à Saint-Gilles le 16 mars 2009.

Les créanciers sont invités à faire connaître leurs droits, par avis recommandé, dans un délai de trois mois à compter de la présente, à M. le notaire Jean-Pierre Derue, à 7070 Le Roeulx, rue de la Station 83.

(Signature illisbile).

(17060)

Par acte n° 09-674, dressé au greffe du tribunal de première instance de Bruxelles, le 26 mars 2009 :

Mme Boon, Françoise, agissant en qualité de mandataire en vertu d'une procuration sous seing privé du 18 février 2009, donnée par M. Rammer, Yves Gaston, né à Etterbeek le 15 juin 1956, domiciliée à Watermael-Boitsfort, avenue Léopold Wiener 78*A*, agissant en sa qualité de père et détenteur de l'autorité parentale sur ses enfants mineurs, Rammer, Jonathan Louis Nicolas Paul, né à Uccle le 19 juillet 1992, et Rammer, Benjamin David Jonathan Yves, né à Uccle le 23 avril 1996, a déclaré accepter sous bénéfice d'inventaire la succession de Mme Bisqueret, Claire Marguerite Suzanne, née à Etterbeek le 21 avril 1955, en son vivant domiciliée à Watermael-Boitsfort, avenue Léopold Wiener 78/A, et décédé à Uccle le 14 novembre 2008.

Les créanciers et légataires sont invités à faire connaître leurs droits par avis recommandé au domicile élu dans les trois mois de la présente insertion.

L'élection de domicile est faite en l'étude du notaire Olivier Verstraete, à Auderghem.

Auderghem, le 9 avril 2009.

Pour extrait conforme : Me Olivier Verstraete, notaire.

(17061)

Op 16 april 2009.

Ter griffie van de rechtbank van eerste aanleg te Leuven, is verschenen :

Juveyns, Myriam Godelieve M., geboren te Leuven op 16 april 1975, wonende te 3001 Leuven (Heverlee), Celestijnenlaan 17/0802, handelend als gevolmachtigde van :

Van Dingenen, Peter Alfons Julia, geboren te Hasselt op 23 april 1966, wonende te 3201 Aarschot (Langdorp), Oude Mechelsebaan 403,

handelend in zijn hoedanigheid van ouder en drager van het ouderlijk gezag over zijn minderjarige kinderen :

1. Van Dingenen, Siel, geboren te Leuven op 16 december 1996;

2. Van Dingenen, Cato, geboren te Leuven op 19 maart 1998;

3. Van Dingenen, Babet, geboren te Leuven op 25 juli 2000,

minderjarige kinderen; allen wonende te 3201 Aarschot (Langdorp), Oude Mechelsebaan 403.

Dewelke verklaard heeft, handelend in haar gezegde hoedanigheid, onder voorrecht van boedelbeschrijvig de nalatenschap te aanvaarden van wijlen Stans, Greet Jeanne Raymond, geboren te Lommel op 9 augustus 1967, in leven laatst wonende te 3201 Aarschot (Langdorp), Oude Mechelsebaan 403, en overleden te Leuven op 14 februari 2009.

Hiertoe gemachtigd door beschikking van de vrederechter van het kanton Aarschot, op 17 maart 2009.

De schuldeisers en legatarissen worden verzocht, bij aangetekend schrijven hun rechten te doen gelden binnen de drie maanden te rekenen vanaf de datum van de opneming van deze akte in het *Belgisch Staatsblad* .

(Onleesbare handtekening).

(17062)

Uit een verklaring afgelegd op de griffie van de rechtbank van eerste aanleg te Tongeren, op 2 april 2009, door Mevr. Boutsen, Martine Marie Jeanne, wonende te 3660 Opglabbeek, Wolfsstraat 30, namens haar minderjarige kinderen, zijnde Vliegen, Ruben, geboren te Genk op 8 december 1991, en Vliegen, Sanne, geboren te Genk op 20 november 1993, beiden wonende te 3660 Opglabbeek, Wolfsstraat 30, blijkt dat de nalatenschap van wijlen de heer Vliegen, Luc Lambert Rosa, geboren te Genk op 8 juli 1960, in leven wonende te 3660 Opglabbeek, Wolfsstraat 30, en overleden te Opglabbeek op 4 januari 2009, aanvaard werd onder voorrecht van boedelbeschrijving.

De schuldeisers en legatarissen worden verzocht binnen de drie maanden, te rekenen vanaf de datum van opneming van deze verklaring in het *Belgisch Staatsblad*, hun rechten bij aangetekend schrijven te doen kennen op het kantoor van notaris Guido Van Aenrode, te Genk, Mosselerlaan 135, bus 1.

Genk, 29 april 2009.

Namens de verzoekers : (get.) Guido Van Aenrode, notaris.

(17063)

Tribunal de première instance de Bruxelles

—

Déclaration d'acceptation, sous bénéfice d'inventaire, devant le greffier du tribunal de première instance de Bruxelles, faite le 2 avril 2009, par :

Mme Vanderbeeken, Sabine, domiciliée à 1780 Wemmel, rue J. Bruyndonckx 147;

en qualité de : mandataire en vertu d'une procuration, sous seing privé, ci-annexée, datée du 31 mars 2009, et donnée par M. Karagoz, Cihanbey, né à Asagi Piribeyli (Turquie) le 20 janvier 1961, domicilié à 1020 Bruxelles, rue Mode Vliebergh 35, agissant en sa qualité de père, titulaire de l'autorité parentale sur ses enfants mineurs :

Karagoz, Sinan, né à Bruxelles le 6 décembre 1994;

Karagoz, Handan, né à Bruxelles le 9 mars 1999;

Karagoz, Canan, né à Bruxelles le 10 septembre 2002;

autorisation : ordonnance du juge de paix du cinquième canton de Bruxelles, en date du 13 mars 2009;

objet déclaration : acceptation, sous bénéfice d'inventaire, la succession de Karagoz, Sukran, né à Agasi Piribeyli (Turquie) le 5 avril 1965, de son vivant domicilié à Bruxelles, rue Mode Vliebergh 35, et décédé le 15 mai 2008 à Jette.

Dont acte, signé, après lecture.

(Signé) Vanderbeeken, Sabine.

Le greffier, (signé) Philippe Mignon.

(17064)

Déclaration d'acceptation, sous bénéfice d'inventaire, devant le greffier du tribunal de première instance de Bruxelles, faite le 8 avril 2009, par :

Mme El Bakkal, Rachida, née à Tétouan (Maroc) le 19 août 1957, et demeurant à 1020 Laeken, rue des Horticulteurs 109;

en qualité de : mère et détentrice de l'autorité parentale sur son enfant mineur :

Najim, Myriam, née à Bruxelles (district 2) le 20 janvier 1993;

autorisation : ordonnance du juge de paix du cinquième canton de Bruxelles, en date du 2 avril 2009,

objet déclaration : acceptation, sous bénéfice d'inventaire, la succession de Najim, Abdellah, né à Casablanca (Maroc) le 16 septembre 1954, de son vivant domicilié à Laeken, rue des Horticulteurs 109, et décédé le 18 décembre 2008 à Jette.

Dont acte, signé, après lecture.

(Signé) El Bakkal, Rachida.

Le greffier, (signé) Philippe Mignon.

(17065)

Suivant acte n° 09-946 passé au greffe du tribunal de première instance de Bruxelles, le 29 avril 2009 :

Tesolin, Gilles, domicilié à 58054 Scansano (Poggioferro), Via Provinciale Amiatina 1, Italie;

Tesolin, Lionel, domicilié à 30020 Torre Di Mosto (Venezia), Italie, Localita' Confin 45;

Tesolin, Virginie, domiciliée à 58054 Scansano (Poggioferro), Via Del Cervaiolo 12, Italie,

ont déclaré accepter la succession, sous bénéfice d'inventaire, de l'immeuble situé à Uccle, 4e division, square Van Bever 11, cadastré ou l'ayant été section H, numéro 54 M 7, pour une contenance de 1 a 91 ca, de Gaspar, Huguette Hélène Henriette, née à Ixelles le 26 juin 1947, de son vivant domiciliée à 30020 Torre Di Mosto (Venezia), Localita'Confin 45, et décédée le 13 octobre 2007 à San Dona'Di Piave (Italie).

Les créanciers et légataires sont invités à faire connaître, par avis recommandé, leurs droits, dans un délai de trois mois, à compter de la présente insertion, à Me Hervé Leclercq, notaire à 1495 Marbais (Villers-la-Ville), rue de Dreumont 80.

Bruxelles, le 29 avril 2009.

Le greffier délégué, (signé) Gert Schaillée.

(17066)

Tribunal de première instance de Charleroi

—

Suivant acte dressé au greffe civil du tribunal de première instance de ce siège, en date du 28 avril 2009, aujourd'hui le 28 avril 2009, comparaît au greffe civil du tribunal de première instance séant à Charleroi, province de Hainaut, et par-devant nous, Patricia Patat, greffier délégué :

Cappellari, Marie-Claire, née à Charleroi le 20 septembre 1948, domiciliée rue des Français 26, à 6200 Châtelet, agissant en vertu de l'ordonnance du juge de paix du canton de Châtelet, du 3 juin 2009, en qualité d'administrateur provisoire de :

Santese, Cathy, née à Charleroi le 18 août 1970, domiciliée rue des Français 26, à 6200 Châtelet;

dûment autorisée, en vertu de l'ordonnance du juge de paix du canton de Châtelet, du 22 avril 2009;

Laquelle comparante, agissant comme dit ci-dessus, déclare, en langue française, accepter, mais sous bénéfice d'inventaire seulement, la succession de Santese, Raffaele (né à Aradeo (Italie) le 6 juillet 1924), de son vivant domicilié à Farciennes, rue Jules Mataux 15, et décédé le 11 janvier 2008 à Gilly.

Dont acte, dressé, à la demande formelle de la comparante, qu'après lecture faite, nous avons signé avec elle.

Les créanciers et légataires sont invités à faire connaître leurs droits, par avis recommandé, dans un délai de trois mois, à compter de la date de la présente insertion.

Cet avis doit être adressé à Mme Marie-France Santese, en sa résidence, rue Jules Maltaux 15, à 6240 Farciennes.

Charleroi, le 28 avril 2009.

Le greffier délégué, (signé) Patricia Patat.

(17067)

Tribunal de première instance de Dinant

—

Suivant acte n° 09/700 dressé au greffe du tribunal de première instance de Dinant, le 20 avril 2009 :

Mme Patricia Degallaix, domiciliée à Nismes, rue des Cinq Français 3, agissant avec l'autorisation de M. le juge de paix du canton de Couvin, en date du 3 avril 2009, dont copie conforme restera annexée au présent acte, pour et au nom de son enfant mineure :

Lorine Mairiaux, née le 23 janvier 1997 à Chimay, domiciliée avec sa mère,

a déclaré, au nom de sa fille mineure, accepter, sous bénéfice d'inventaire, la succession qui lui est dévolue par le décès de sa grand-mère, Aline Stavaux, née à Cul-des-Sarts le 3 septembre 1930, en son vivant domiciliée à Rochefort, rue Victor Fabri 1, et décédée à Marche-en-Famenne (Aye) le 5 octobre 2008.

Les créanciers et légataires sont invités à faire connaître leurs droits, par avis recommandé, dans un délai de trois mois, à compter de la présente, à Me de Wasseige, notaire de résidence à Rochefort.

Pour extrait conforme : le greffier, (signé) J. Colin.

(17068)

Tribunal de première instance de Mons

—

L'an 2009, le 28 avril, au greffe du tribunal de première instance séant à Mons, province de Hainaut, a comparu :

Me Pieraert, Michel, avocat, dont le cabinet est établi à 7860 Lessines, rue de Grammont 97*A*, agissant en qualité d'administrateur provisoire des biens de :

Mme Lecocq, Michèle, née à Ladeuze le 15 juin 1950, domiciliée à 7951 Tongre-Notre-Dame, rue de la Tannerie 5;

le comparant, ès dites qualités, désigné à cette fonction, par ordonnance de M. le juge de paix du second canton de Tournai, en date du 24 novembre 2008, et;

dûment habilité aux fins des présentes, par ordonnance de cette même juridiction, en date du 27 mars 2009, et que nous annexons, ce jour, au présent acte, en copie conforme,

le comparant, nous a déclaré accepter, sous bénéfice d'inventaire, la succession de Brunquers, Gabriel Walter, né à Ath le 12 avril 1947, en son vivant domicilié à Tongre-Notre-Dame, rue de la Tannerie 5, et décédé à Chièvres le 5 février 2009.

Desquelles déclarations, nous avons dressé le présent acte, que le comparant a signé avec nous, après lecture.

Il a été fait usage uniquement de la langue française.

Suivent les signatures.

Pour copie conforme : le greffier, (signature illisible).

(17069)

Tribunal de première instance de Namur

—

L'an 2009, le 28 avril, au greffe du tribunal de première instance de Namur, et devant-nous, Jacqueline Tholet, greffier, a comparu :

Mme Van Den Eynde, Isabelle, née à Bruges le 25 décembre 1960, domiciliée à 5022 Cognelée, rue Bois des Moines 20, représentant en vertu d'une procuration, sous seing privé :

Mme Winant, Dominique, née à Nivelles le 8 octobre 1965, veuve de M. Debouche, Jean-Pierre, domiciliée à 5300 Seilles, rue des Carriers 36, agissant en sa qualité de mère de :

Debouche, Kevin (petit fils de la défunte), né à Namur le 29 juin 1991;

Debouche, Jérémy, (petit-fils de la défunte), né à Namur le 1er juin 1993;

tous deux domiciliés à 5300 Seilles, rue des Carriers 36;

et ce, dûment autorisée, en vertu d'une ordonnance rendue par M. Jean-Pierre Van Laethem, juge de paix du canton d'Andenne, en date du 21 avril 2009,

laquelle comparante, a déclaré, en langue française, agissant pour et au nom de sa mandante, accepter, sous bénéfice d'inventaire, la succession de Mme Defays, Thérèsa, domiciliée en son vivant à 5020 Vedrin, rue Polet 20, et décédée à Namur (Vedrin), en date du 19 février 2009.

Dont acte, requis par la comparante, qui après lecture, signe avec nous, Jacqueline Tholet, greffier.

Les créanciers et légataires sont invités à faire connatre, par avis recommandé, leurs droits, dans un délai de trois mois, à compter de la date de la présente insertion.

Cet avis doit être adressé à Me Michel Herbay, notaire à 5310 Eghezée, chaussée de Namur 71.

Namur, le 28 avril 2009.

Le greffier, (signé) Jacqueline Tholet.

(17070)

Tribunal de première instance de Tournai

—

Par acte n° 09-243 dressé au greffe du tribunal de première instance de Tournai, province de Hainaut, le 28 avril 2009 :

Becret, Jean P. E., né à Ath le 10 février 1948, et domicilié à L-8085 Bertrange (Luxembourg), rue Michel Lentz 8,

lequel comparant a déclaré vouloir accepter, sous bénéfice d'inventaire, la succession de Baugnies, Berthe Marcelle Hélène, née le 7 août 1918 à Ligne, en son vivant domiciliée à Ath, rue du Canon 50, décédée à Ath le 22 décembre 2008.

Les créanciers et légataires sont invités à faire connaître leurs droits, par avis recommandé, au domicile élu, dans les trois mois de la présente insertion.

L'élection de domicile est faite chez Me Wacquez, Caroline, notaire de résidence à Tournai, avenue Henri Paris 12.

Tournai, le 28 avril 2009.

Pour extrait conforme : le greffier, (signé) Cl. Verschelden.

(17071)

Par acte n° 09-241 dressé au greffe du tribunal de première instance de Tournai, province de Hainaut, le 27 avril 2009 :

Herchuel, Virginie Katty, née à Tournai le 14 novembre 1983, et domiciliée à 7700 Mouscron, rue de la Prévoyance 9, agissant en sa qualité de mère de sa fille :

Windey, Rachel, mineure, sous autorité parentale, née à Mouscron le 10 décembre 2008, et domiciliée avec sa mère;

autorisée, par ordonnance du 10 mars 2009, prononcée par M. le juge de paix de Mouscron,

laquelle comparante agissant comme dit ci-dessus, a déclaré vouloir accepter, sous bénéfice d'inventaire, la succession de Windey, François Norman, né le 18 novembre 1978 à Mouscron, en son vivant domicilié à Mouscron, rue de la Prévoyance 9, décédé à Estaimpuis le 3 février 2009.

Les créanciers et légataires sont invités à faire connaître leurs droits, par avis recommandé, au domicile élu, dans les trois mois de la présente insertion.

L'élection de domicile est faite chez Me Alain Mahieu, notaire de résidence à Mouscron, rue de la Station 80.

Tournai, le 27 avril 2009.

Pour extrait conforme : le greffier, (signé) Cl. Verschelden.

(17072)

Rechtbank van eerste aanleg te Antwerpen

—

Op 23 april 2009 is voor ons, Ph. Jano, griffier bij de rechtbank van eerste aanleg te Antwerpen, ter griffie van deze rechtbank, verschenen : Van Broekhoven, Marcel, geboren te Antwerpen op 8 mei 1925, wonende te 2640 Mortsel, Mortselveldenlaan 22, handelend in zijn hoedanigheid van bijzonder gevolmachtigde, ingevolge onderhandse volmacht, hem verleend te Borgerhout op 21 april 2009, ten einde dezer van Seamarti, Louiza, geboren te Itoalatan Midar Beni (Marokko) in het jaar 1960, wonende te 2060 Antwerpen, Halenstraat 31, handelend in haar hoedanigheid van moeder, wettige beheerster, over de persoon en de goederen van haar minderjarig kind, Bellah, Brahim, geboren te Deurne op 4 februari 1992, wonende bij de moeder.

Verschijner verklaart ons, handeland in zijn voormelde hoedanigheid, de nalatenschap van wijlen Bellah Abdellah ben Allal, geboren te Nador (Marokko) in het jaar 1942, in leven laatst wonende te 2060 Anterpen 6, Halenstraat 41, en overleden te Antwerpen op 18 januari 2009, te aanvaarden, onder voorrecht van boedelbeschrijving.

Er wordt woonstkeuze gedaan ten kantore van notaris Patrick Vandeputte, kantoorhoudende te 2140 Borgerhout, Lammekensstraat 79.

Verschijner legt ons de beschikking van de vrederechter van het vierde kanton Antwerpen d.d. 1 april 2009 voor waarbij Seamarti Louiza hiertoe gemachtigd werd.

Waarvan akte, datum als boven.

Na voorlezing ondertekend door verschijner en ons, griffier.

(Get.) Van Broekhoven, M.; Jano, Ph.

(17073)

Rechtbank van eerste aanleg te Dendermonde

—

Bij akte, verleden ter griffie van de rechtbank van eerste aanleg te Dendermonde, op 29 april 2009, heeft Saerens, Dorin, geboren te Hamme op 22 juli 1981, wonende te 9220 Hamme, Biezestraat 195, handelend in haar hoedanigheid van drager van het ouderlijk gezag over de bij haar inwonende minderjarig zoon, zijnde : Van Mieghem, Wout, geboren te Bornem op 20 december 3005, verklaard, onder voorrecht van boedelbeschrijving, de nalatenschap te aanvaarden van wijlen van Mieghem, Geert Frans Elisabeth, geboren te Temse op 28 juli 1968, in leven laatst wonende te 9220 Hamme (O.-Vl.), Biezestraat 195, en overleden te Hamme op 28 februari 2009.

De schuldeisers en legatarissen worden verzocht binnen de drie maanden, te rekenen van de datum van opneming in het *Belgisch Staatsblad* , hun rechten bij aangetekend schrijven te doen kennen ter studie van Mr. Verstraete, Johan & Annelies, geassocieerde notarissen, met standplaats te 9112 Sinaai, Zwaanaardestraat 18.

Dendermonde, 29 april 2009.

De griffier, (get.) B. Quintelier.

(17074)

Rechtbank van eerste aanleg te Ieper

—

Voor de afg. griffier S. Hoedt, zijn vandaag, 23 april 2009, ter griffie van de rechtbank van eerste aanleg te Ieper verschenen :

1. Boussier, Joris Jules, geboren te Geluwe op 17 september 1937, wonende te 8940 Wervik, Magerheidstraat 73;

2. Claeys, Germain, Henri, geboren te Geluwe op 4 juni 1942, wonende te 8930 Menen, Sabbestraat 158,

in eigen naam, zij hebben verklaard de nalatenschap van wijlen Waignein, Elisabeth, te aanvaarden, onder voorrecht van boedelbeschrijving. Wijlen Waignein, Elisabeth Marie Georgette, is geboren te La Rondehaye (Frankrijk) op 13 november 1916, wonende laatst te 8940 Wervik, Moeremaaistraat 3, en overleed te Gent op 4 februari 2009.

De comparanten verzoeken de schuldeisers en legatarissen hun rechten te doen kennen binnen drie maanden te rekenen van de datum van de opneming van deze verklaring in het *Belgisch Staatsblad*, bij aangetekend bericht, te sturen aan Mr. Cleeremans, te 8880 Ledegem, Rollegemstraat 56.

De afg. griffier heeft daarvan deze akte opgemaakt en heeft die na voorlezing samen met de comparanten ondertekend.

Ieper, 27 april 2009.

(Get.) De afg. griffier, S. Hoedt.

(17075)

Voor de afg. griffier S. Hoedt, is vandaag, 23 april 2009, ter griffie van de rechtbank van eerste aanleg te Ieper verschenen : Mr. M. Verfaille, advocaat te 8900 Ieper, Bloemenstraat 1, in haar hoedanigheid van voorlopig bewindvoerder van Vandenberghe, Louis, geboren te Roeselare op 9 juli 1964, wonende te 8610 Werken, Hogestraat 1, doch thans verblijvende in het Sint-Remberziekenhuis te Torhout, daartoe aangesteld bij beschikking van de vrederechter van het kanton Roeselare van 24 juli 2007.

Zij heeft verklaard de nalatenschap van wijlen Vandenberghe, Johan, te aanvaarden, onder voorrecht van boedelbeschrijving, en is daartoe gemachtigd bij beschikking van de vrederechter van het kanton Roeselare van 22 januari 2009. Wijlen Vandenberghe, Johan, is geboren te Roeselare op 17 juni 1963, woonde laatst te 8900 Ieper, Poperingseweg 16, en overleed te Ieper op 27 augustus 2008.

De comparant verzoekt de schuldeisers en legatarissen hun rechten te doen kennen binnen drie maanden te rekenen van de datum van de opneming van deze verklaring in het *Belgisch Staatsblad*, bij aangetekend bericht, te sturen aan Mr. Verfaille, advocaat te 8900 Ieper, Bloemenstraat 1.

De afg. griffier heeft daarvan deze akte opgemaakt en heeft die na voorlezing samen met de comparanten ondertekend.

Ieper, 27 april 2009.

(Get.) De afg. griffier, S. Hoedt.

(17076)

Rechtbank van eerste aanleg te Kortrijk

—

Bij akte, verleden ter griffie van de rechtbank van eerste aanleg te Kortrijk, op 29 april 2009, heeft verklaard :

Richir, Christelle Martine Philippinne, geboren te Charleroi op 31 januari 1981 en wonende te 8790 Waregem, Putmanstraat 64;

handelend in haar hoedanigheid van langstlevende ouder over haar minderjarige zoon : Terrie, Elian Mickael Julien, geboren te Kortrijk op 16 maart 2004, bij haar inwonende,

handelend in haar gezegde hoedanigheid, onder voorrecht van boedelbeschrijving de nalatenschap te aanvaarden van wijlen Terrie, Vincent Maurits Dirk Etienne, geboren te Kortrijk op 13 september 1981, in leven laatst wonende te 8550 Zwevegem, Blokellestraat 4, en overleden te Zwevegem op 1 juli 2008.

Tot staving van haar verklaring heeft de comparante ons een afschrift vertoond van de beschikking van 11 december 2008 van de vrederechter van het tweede kanton Kortrijk, waarbij zij gemachtigd werd om in naam van de voornoemd minderjarige zoon, de nalatenschap van wijlen Terrie, Vincent Maurits Dirk Etienne, te aanvaarden onder voorrecht van boedelbeschrijving.

De schuldeisers en legatarissen worden verzocht binnen de drie maanden, te rekenen van de datum van opneming in het *Belgisch Staatsblad* , hun rechten bij aangetekend schrijven te doen kennen op het kantoor van Mr. Dirk Declercq, notaris met standplaats te 8550 Zwevegem, Kortrijkstraat 80.

Kortrijk, 29 april 2009.

De griffier, (get.) Marc Audoor.

(17077)

Rechtbank van eerste aanleg te Mechelen

—

Bij akte, verleden ter griffie van de rechtbank van eerste aanleg te Mechelen, op 27 april 2009, heeft De Bie, Jacqueline Albertine, geboren te Antwerpen op 10 september 1941, wonende te 2520 Ranst, Kastanjelaan 14,

handelend in hoedanigheid van bijzondere gevolmachtigde ingevolge volmacht haar verleend op de Belgische ambassade van Abidjan op 17 februari 2009, voor en in naam van Nakle, Georges, geboren te Bamako (Mali) op 24 mei 1959, wonende te Abidjan (Ivoorkust), rue Paul Langevin, Zone 4,

handelend in hoedanigheid van drager van het ouderlijk gezag over zijn inwonende minderjarige dochter : Nakle Sylvie-Layal, geboren te Abidjan (Ivoorkust) op 19 december 1992;

hiertoe gemachtigd bij beschikking van de vrederechter van het eerste kanton Brussel, d.d. 16 april 2009 (09B33), verklaard, onder voorrecht van boedelbeschrijving, de nalatenschap te aanvaarden van wijlen Van Hool, Jozef René Rogier Gaston, geboren te Schriek op 31 december 1934, in leven laatst wonende te 2500 Lier, Voetbalstraat 12, bus 4, en overleden te Lier op 29 oktober 2008.

De schuldeisers en legatarissen worden verzocht binnen de drie maanden, te rekenen vanaf de datum van opneming in het *Belgisch Staatsblad* , hun rechten bij aangetekend schrijven te doen kennen op het kantoor van notaris R. Van Kerkhoven, te 2520 Broechem (Ranst), Van den Nestlaan 13.

Mechelen, 27 april 2009.

De afgevaardigd griffier, (get.) L. De Belser.

(17078)

Bij akte, verleden ter griffie van de rechtbank van eerste aanleg te Mechelen, op 28 april 2009, heeft Mariën, Marina Alfonsina M., geboren te Heist-op-den-Berg, wonende te Sint-Katelijne-Waver (Onze-Lieve-Vrouw-Waver), Bergstraat 21,

handelend in hoedanigheid van bijzondere gevolmachtigde ingevolge volmacht haar verleend te Bornem op 15 februari 2009, voor en in naam van Nys, Marina Mariette Gustaaf, geboren te Bornem op 19 maart 1965, wonende te 2880 Bornem, Koning Boudewijnhof 31,

handelend in hoedanigheid van drager van het ouderlijk gezag over haar inwonende minderjarige kinderen :

Drossaert, Femke Josetta Clement, geboren te Bornem op 9 juni 1992;

Drossaert, Imke Adeline Marcel, geboren te Bornem op 28 juni 1993;

hiertoe gemachtigd bij beschikking van de vrederechter van het kanton Willebroek, d.d. 17 april 2009 (09B166), verklaard, onder voorrecht van boedelbeschrijving, de nalatenschap te aanvaarden van wijlen Drossaert, Marc Louis Frans, geboren te Hingene op 6 juni 1960, in leven laatst wonende te 2880 Bornem, Koning Boudewijnhof 31 en overleden te Bornem op 26 december 2008.

De schuldeisers en legatarissen worden verzocht binnen de drie maanden, te rekenen vanaf de datum van opneming in het *Belgisch Staatsblad* , hun rechten bij aangetekend schrijven te doen kennen op het kantoor van notaris Marleen De Bondt, te 2870 Puurs, G. Gezellelaan 22-24.

Mechelen, 28 april 2009.

De afgevaardigd griffier, (get.) Vanessa Van lent.

(17079)

Bij akte, verleden ter griffie van de rechtbank van eerste aanleg te Mechelen, op 28 april 2009, heeft Van Hansewyck, Sabine, geboren te Duffel op 7 november 1979, wonende te 2801 Heffen, steenweg op Blaasveld 90,

handelend in hoedanigheid van bijzondere gevolmachtigde ingevolge volmacht haar verleend te Putte op 6 april 2009, voor en in naam van Selleslagh, Ann Francisca Pieter, geboren te Mechelen op 4 juli 1966, wonende te 2580 Putte, Kleinmannekensstraat 42,

handelend in hoedanigheid van drager van het ouderlijk gezag over haar inwonende minderjarige kinderen :

Verbinnen, Yasmine, geboren te Mechelen op 7 oktober 1996;

Verbinnen, Stefanie, geboren te Mechelen op 29 oktober 1993;

hiertoe gemachtigd bij beschikking van de vrederechter van het kanton Heist-op-den-Berg, d.d. 3 maart 2009, verklaard, onder voorrecht van boedelbeschrijving, de nalatenschap te aanvaarden van wijlen Verbinnen, Eddy Jan Roger, geboren te Putte op 18 februari 1946, in leven laatst wonende te 2580 Putte, Astridlaan 3 en overleden te Putte op 23 november 2008.

De schuldeisers en legatarissen worden verzocht binnen de drie maanden, te rekenen vanaf de datum van opneming in het *Belgisch Staatsblad* , hun rechten bij aangetekend schrijven te doen kennen op het kantoor van notaris Sofie Van Biervliet, te 2580 Putte, Mechelbaan 452.

Mechelen, 28 april 2009.

De afgevaardigd griffier, (get.) Vanessa Van lent.

(17080)

Rechtbank van eerste aanleg te Turnhout

—

Op 23 april 2009.

Ter griffie van de rechtbank van eerste aanleg te Turnhout.

Voor ons, S. Nietvelt, afgevaardigd griffier bij dezelfde rechtbank, is verschenen :

De Pooter, Lisette Paula, geboren te Lier op 25 december 1952, wonende te 2560 Kessel, Emblemsesteenweg 33,

handelend in haar hoedanigheid van voorlopig bewindvoerster, hiertoe aangesteld door de vrederechter van het kanton Lier, de dato 28 december 2004, en tevens handelend ingevolge de bijzondere machtiging van dezelfde voornoemde vrederechter de dato 16 april 2009, over Matheussen, Ludovica, geboren te Grobbendonk op 16 oktober 1920, wonende te 2560 Kessel, Emblemsesteenweg 33.

De comparante verklaart ons, handelend in haar hoedanigheid als voorlopig bewindvoerster en ingevolge de voormelde bijzondere machtiging, onder voorrecht van boedelbeschrijving, de nalatenschap te aanvaarden van wijlen Matheussen, Lambertus Carolus, geboren te Grobbendonk op 28 maart 1922, in leven laatst wonende te 2280 Grobbendonk, Schransstraat 55, en overleden te Grobbendonk op 11 december 2008.

Tot staving van haar verklaring heeft de comparante ons een kopie van de voormelde bijzondere machtiging overhandigd.

Waarvan akte, welke de comparante, na gedane lezing, met ons, afgevaardigd griffier, heeft ondertekend.

(Get.) S. Nietvelt; Lisette De Pooter.

(17081)

Publication faite en exécution de articles 118 et 119 du Code civil

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Bekendmaking gedaan overeenkomstig artikelen 118 en 119 van het Burgerlijk Wetboek

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Rechtbank van eerste aanleg te Mechelen

—

Bij verzoekschrift, neergelegd ter griffie van de rechtbank van eerste aanleg te Mechelen, op 22 september 2008, heeft Mr. Hens, Ria, advocaat te 2930 Brasschaat, er kantoorhoudende Bredabaan 161, bus 1, namens Andries, Dominique en Andries, Michel, de verklaring van afwezigheid gevraagd van Andries, Roger Frederik (afwezige), geboren te Hingene op 25 januari 1927, laatst wonende te 2880 Bornem, Désiré van Hoornissenstraat 8.

Mechelen, 28 april 2009.

De griffier, (get.) Kristine Degeest.

(17082)

Réorganisation judiciaire – Gerechtelijke reorganisatie

—

Tribunal de commerce de Nivelles

—

Par jugement du 27 avril 2009, le tribunal de commerce de Nivelles a prorogé le sursis définitif accordé par jugement du 18 décembre 2006, pour une période se terminant au plus tard le 7 décembre 2009, à la SA Berdiff, dont le siège social est sis à 1435 Corbais, Grand Route 20, inscrite à la Banque-Carrefour des Entreprises, sous le n° 451.766.810.

Pour extrait conforme : (signé) P. Fourneau, greffière.

(17083)

Faillite – Faillissement

—

Tribunal de commerce de Liège

—

Par jugement du 9 avril 2009, le tribunal de commerce de Liège a prononcé la faillite, sur aveu, de la SPRL Eco Equipment, établie et ayant son siège social à 4031 Liège, rue Auguste Joiret 8, avec date du début des opérations commerciales le 20 décembre 2007, pour le commerce de gros de pompes à chaleur, inscrite à la Banque-Carrefour des Entreprises sous le n° 0894.450.064.

Les curateurs sont : Me Absil, Adrien, avocat à 4000 Liège 1, avenue Emile Digneffe 6, et Me Yves Bisinella, avocat à 4102 Ougrée, rue Mattéotti 36.

Le juge commissaire est M. Bruno Detienne.

Les créanciers doivent produire leurs créances au greffe du tribunal de commerce de Liège, à 4000 Liège, îlot Saint-Michel, rue Joffre 12, endéans les trente jours du jugement déclaratif de faillite.

Les personnes physiques qui se sont constituées sûreté personnelle de la société faillie ont le moyen d'en faire la déclaration au greffe conformément à l'article 72*ter* de la loi sur les faillites.

Le dépôt au greffe du premier procès-verbal de vérification des créances est fixé au mercredi 27 mai 2009.

(Signé) Ad. Absil; Y. Bisinella, curateurs.

(17084)

Tribunal de commerce de Dinant

—

La faillite de Mme Danielle Dominique, domiciliée à 5300 Andenne, rue du Châlet 30/4, sans n° de B.C.E., déclarée ouverte par jugement du 9 septembre 1980, a été clôturée par liquidation, par jugement du tribunal de commerce de Dinant du 31 mars 2009 (n° RG A/80/00727).

Mme Danielle Dominique a, par le même jugement, été déclarée excusable.

(Signé) R. Chaidron, avocat.

(17085)

Tribunal de commerce de Nivelles

—

Par jugement du 30 mars 2009, le tribunal de commerce de Nivelles a ordonné la clôture, par liquidation, de la faillite de Durbecq, Patrice Laurent Bernard, place d'Autreffe 8, 7802 Ormeignies, déclarée ouverte par jugement du 9 janvier 2006, et a déclaré le failli excusable.

Pour extrait conforme : la greffière, (signé) M.-B. Painblanc.

(17086)

Par jugement du 30 mars 2009, le tribunal de commerce de Nivelles a prononcé la clôture, pour insuffisance d'actif, de la faillite de Carrosserie Vanobbergen SPRL, chemin Hurtebize 2*D*, 1430 Rebecq, déclarée ouverte par jugement du 2 octobre 2006, a constaté la dissolution de la société faillie et la clôture immédiate de celle-ci, a indiqué en qualité de liquidateur, MM. Vanobbergen, Patrick, domicilié à 1430 Rebecq, chemin Hurtebize 2*D*, et Allaer, Frédéric, domicilié à 1160 Bruxelles, place Edouard Pirnay 5.

Pour extrait conforme : la greffière, (signé) P. Fourneau.

(17087)

Par jugement du 30 mars 2009, le tribunal de commerce de Nivelles a prononcé la clôture, pour insuffisance d'actif, de la faillite de Société européenne de Réactifs et d'Instrumentation Clinique SCRL (SERIC), rue de Marbais 25/1, 1495 Villers-la-Ville, déclarée ouverte par jugement du 12 février 2007, a constaté la dissolution de la société faillie et la clôture immédiate de celle-ci, a indiqué en qualité de liquidateur, M. Coens, René, domicilié à 1495 Villers-la-Ville, rue du Châtelet 6.

Pour extrait conforme : la greffière, (signé) M.-B. Painblanc.

(17088)

Par jugement du 30 mars 2009, le tribunal de commerce de Nivelles a prononcé la clôture, pour insuffisance d'actif, de la faillite de Allia SPRL, dén. : Harmony, rue des Wallons 8, 1348 Louvain-la-Neuve, déclarée ouverte par jugement du 5 février 2007, a constaté la dissolution de la société faillie et la clôture immédiate de celle-ci, a indiqué en qualité de liquidateur, M. El Gazili, Abdel Ali, domicilié à 1340 Louvain-la-Neuve, rue de la Malaise 24.

Pour extrait conforme : la greffière, (signé) M.-B. Painblanc.

(17089)

Par jugement du 30 mars 2009, le tribunal de commerce de Nivelles a prononcé la clôture, pour insuffisance d'actif, de la faillite de Technobuild International SA, rue de Nivelles MAG/11 (Shopping Center), 1300 Wavre, déclarée ouverte par jugement du 27 juillet 2006, a constaté la dissolution de la société faillie et la clôture immédiate de celle-ci, a indiqué en qualité de liquidateur, M. Dubrulle, Luc, domicilié à 9850 Hansbeke, Warandestraat 27.

Pour extrait conforme : la greffière, (signé) M.-B. Painblanc.

(17090)

Par jugement du 30 mars 2009, le tribunal de commerce de Nivelles a prononcé la clôture, pour insuffisance d'actif, de la faillite de Verbergt SPRL, place Albert I^{er} 21, 1310 La Hulpe, déclarée ouverte par jugement du 18 février 2008, a constaté la dissolution de la société faillie et la clôture immédiate de celle-ci, a indiqué en qualité de liquidateur, M. Verbergt, Charles, domicilié à 30160 Gagnières, chemin des Crouzets 790.

Pour extrait conforme : la greffière, (signé) M.-B. Painblanc.

(17091)

Par jugement du tribunal de commerce de Nivelles du 27 avril 2009, a été déclarée ouverte, sur aveu, la faillite de Resoudre SPRL, chaussée de Bruxelles 395, 1410 Waterloo, n° B.C.E. 0429.712.374, activité : restauration.

Juge-commissaire : M. Dohmen, Gery.

Curateur : Me Beck, Claude, avocat à 1421 Ophain-Bois-Seigneur, rue du Ry Ternel 14.

Date limite du dépôt des créances : dans les trente jours de la date de la faillite.

Dépôt par la curatelle du premier procès-verbal de vérification des créances au greffe au plus tard le 15 juin 2009.

Dit que les personnes physiques qui se sont constitués sûreté personnelle du failli, ont le moyen d'en faire déclaration au greffe, conformément à l'article 72*ter* de la loi sur les faillites.

Pour extrait conforme : la greffière en chef, (signé) M.P. Leleux.

(17092)

Par jugement du tribunal de commerce de Nivelles du 27 avril 2009, a été déclarée ouverte, sur citation, la faillite de G.M.T. Transport SPRL, rue de Namur 180, 1400 Nivelles, n° B.C.E. 0883.131.847.

Juge-commissaire : M. Dohmen, Gery.

Curateur : Me Cools-Doumont, Annette, avocat à 1490 Court-Saint-Etienne, rue des Fusilles 45*A*.

Date limite du dépôt des créances : dans les trente jours de la date de la faillite.

Dépôt par la curatelle du premier procès-verbal de vérification des créances au greffe au plus tard le 15 juin 2009.

Dit que les personnes physiques qui se sont constitués sûreté personnelle du failli, ont le moyen d'en faire déclaration au greffe, conformément à l'article 72*ter* de la loi sur les faillites.

Pour extrait conforme : la greffière en chef, (signé) M.P. Leleux.

(17093)

Par jugement du 30 mars 2009, le tribunal de commerce de Nivelles a prononcé la clôture, pour insuffisance d'actif, de la faillite de Bearic SPRL, Galerie des Carmes 11, 1300 Wavre, déclarée ouverte par jugement du 22 mars 2004, a constaté la dissolution de la société faillie et la clôture immédiate de celle-ci, a indiqué en qualité de liquidateur, M. Magosse, Eric, domicilié à 1300 Wavre, rue des Drapiers 20.

Pour extrait conforme : la greffière, (signé) M.-B. Painblanc.

(17094)

Par jugement du tribunal de commerce de Nivelles du 27 avril 2009, a été déclarée ouverte, sur citation, la faillite de Membeso SPRL, rue Lambermont 8, 1390 Grez-Doiceau, n° B.C.E. 0431.285.952.

Juge-commissaire : M. Dohmen, Gery.

Curateur : Me Cools-Doumont, Annette, avocat à 1490 Court-Saint-Etienne, rue des Fusilles 45*A*.

Date limite du dépôt des créances : dans les trente jours de la date de la faillite.

Dépôt par la curatelle du premier procès-verbal de vérification des créances au greffe au plus tard le 15 juin 2009.

Dit que les personnes physiques qui se sont constitués sûreté personnelle du failli, ont le moyen d'en faire déclaration au greffe, conformément à l'article 72*ter* de la loi sur les faillites.

Pour extrait conforme : la greffière en chef, (signé) M.P. Leleux.

(17095)

Avis aux créanciers inscrits à la faillite de Horvath, Michael, dénom. : Helice Advertising, chaussée d'Hondzocht 103/A3, 1480 Tubize.

Conformément au prescrit des articles 76 et 80, § 2, de la loi sur les faillites et à l'ordonnance rendue par M. le juge-commissaire Jaucot, les créanciers sont invités à comparaître à l'assemblée des créanciers qui sera tenu en la salle d'audience du tribunal de commerce de Nivelles, rue Clarisse 115, à 1400 Nivelles, le lundi 8 juin 2009, à 9 h 30 m précises, afin de délibérer sur l'excusabilité du failli.

Cet avis tient lieu de convocation des créanciers.

La greffière, (signé) P. Fourneau.

(17096)

Rechtbank van koophandel te Antwerpen

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Bij vonnis van de rechtbank van koophandel te Antwerpen van 28 april 2009 werd het faillissement van Promaxx BVBA, Ijzerenwaag 1, 2000 Antwerpen-1, gesloten bij ontoereikend actief.

Ondernemingsnummer 0478.768.541.

Beschouwd als vereffenaar : Marc Noblesse.

De curator : Mr. Bosmans, Hendrik, advocaat, Amerikalei 27, bus 8, 2000 Antwerpen-1.

De griffier-hoofd van dienst : M. Caers.

(17097)

Bij vonnis van de rechtbank van koophandel te Antwerpen van 28 april 2009 werd het faillissement van Logis BVBA, Sint-Bernardsesteenweg 744, 2660 Hoboken (Antwerpen), gesloten bij ontoereikend actief.

Ondernemingsnummer 0459.153.557.

Beschouwd als vereffenaar : Peter Van Linden.

De curatoren : Mr. De Roy, Xavier, advocaat, Schermersstraat 1, 2000 Antwerpen-1, en Mr. De Leur, Karen, advocaat, Alice Nahonlei 74, 2900 Schoten.

De griffier-hoofd van dienst : M. Caers.

(17098)

Bij vonnis van de rechtbank van koophandel te Antwerpen van 28 april 2009 werd het faillissement van Gevepar NV, Meir 44*A*, 2000 Antwerpen-1, gesloten bij ontoereikend actief.

Ondernemingsnummer 0424.534.950.

Beschouwd als vereffenaar : Alain Leemans.

De curatoren : Mr. Moens, Annemie, advocaat, Prins Boudewijnlaan 177-181, 2610 Wilrijk (Antwerpen), en Mr. Heysse, Barbara, advocaat, Esmoreitlaan 5, 2050 Antwerpen-5.

De griffier-hoofd van dienst : M. Caers.

(17099)

Bij vonnis van de rechtbank van koophandel te Antwerpen van 28 april 2009 werd het faillissement van G.S.K. BVBA, Wuustwezelsteenweg 2, 2920 Kalmthout, gesloten bij ontoereikend actief.

Ondernemingsnummer 0435.023.323.

Beschouwd als vereffenaar : Eddy Nuyts.

De curator : Mr. Van Orshaegen, Dirk, advocaat, Kontichsesteenweg 86, 2630 Aartselaar.

De griffier-hoofd van dienst : M. Caers.

(17100)

Bij vonnis van de rechtbank van koophandel te Antwerpen van 28 april 2009 werd het faillissement van P & S Group International BVBA, Oude Kerkstraat 26, 2018 Antwerpen-1, gesloten bij ontoereikend actief.

Ondernemingsnummer 0439.338.041.

Beschouwd als vereffenaar : Istvan Stipanovich.

De curator : Mr. Mattheessens, Pieter, advocaat, Lange Lozanastraat 24, 2018 Antwerpen-1.

De griffier-hoofd van dienst : M. Caers.

(17101)

Bij vonnis van de rechtbank van koophandel te Antwerpen van 28 april 2009 werd het faillissement van Tally Products BVBA, Hoogboomsteenweg 8 C1, 2950 Kapellen (Antwerpen), gesloten bij ontoereikend actief.

Ondernemingsnummer 0477.070.348.

Beschouwd als vereffenaar : Greta Somers.

De curator : Mr. Van Impen, Bruno, advocaat, Generaal Slingeneyerlaan 107, 2100 Deurne (Antwerpen).

De griffier-hoofd van dienst : M. Caers.

(17102)

Bij vonnis van de rechtbank van koophandel te Antwerpen van 28 april 2009 werd het faillissement van Verhestraeten, Ludo, Koepoortbrug 2, 2000 Antwerpen-1, gesloten bij ontoereikend actief en verschoonbaar verklaard.

Ondernemingsnummer 0501.365.680.

De curator : Mr. Bruneel, Gregory, advocaat, Bredestraat 4, 2000 Antwerpen-1.

De griffier-hoofd van dienst : M. Caers.

(17103)

Bij vonnis van de rechtbank van koophandel te Antwerpen van 28 april 2009 werd het faillissement van Custom Designed Software & Webdesign BVBA, Prins Boudewijnlaan 138, 2610 Wilrijk (Antwerpen), gesloten bij ontoereikend actief.

Ondernemingsnummer 0479.736.165.

Beschouwd als vereffenaar : Ronan De Keyser.

De curator : Mr. Van Steenwinkel, Johan, advocaat, J. Van Rijswijcklaan 164, 2020 Antwerpen-2.

De griffier-hoofd van dienst : M. Caers.

(Pro deo) (17104)

Bij vonnis van de rechtbank van koophandel te Antwerpen van 28 april 2009 werd het faillissement van Scalina BVBA, Dr. Van De Perrelei 126, 2140 Borgerhout (Antwerpen), gesloten bij ontoereikend actief.

Ondernemingsnummer 0418.699.015.

Beschouwd als vereffenaar : Marcel Denert.

De curator : Mr. Van Steenwinkel, Johan, advocaat, J. Van Rijswijcklaan 164, 2020 Antwerpen-2.

De griffier-hoofd van dienst : M. Caers.

(Pro deo) (17105)

Bij vonnis van de rechtbank van koophandel te Antwerpen van 28 april 2009 werd het faillissement van Centrix Europe NV, Lange Lozanastraat 176, 2018 Antwerpen-1, gesloten bij ontoereikend actief.

Ondernemingsnummer 0444.755.886.

Beschouwd als vereffenaar : Cornelis Marks.

De curator : Mr. Rauter, Philip, advocaat, Hovestraat 28, 2650 Edegem.

De griffier-hoofd van dienst : M. Caers.

(Pro deo) (17106)

Bij vonnis van de rechtbank van koophandel te Antwerpen van 28 april 2009 werd het faillissement van Moelan BVBA, Bredabaan 346, 2930 Brasschaat, gesloten bij ontoereikend actief.

Ondernemingsnummer 0860.624.481.

Beschouwd als vereffenaar : Johannes Van Steyn.

De curator : Mr. Schoenaerts, Bruno, advocaat, Amerikalei 31, 2000 Antwerpen-1.

De griffier-hoofd van dienst : M. Caers.

(Pro deo) (17107)

Bij vonnis van de rechtbank van koophandel te Antwerpen van 28 april 2009 werd het faillissement van Antwerp Afslank Center BVBA, Kronenburgstraat 64, 2000 Antwerpen-1, gesloten bij ontoereikend actief.

Ondernemingsnummer 0421.098.675.

Beschouwd als vereffenaar : Nicole Van Den Borne.

De curator : Mr. Peeters, Nick, advocaat, Huidevettersstraat 22-24, 2000 Antwerpen-1.

De griffier-hoofd van dienst : M. Caers.

(Pro deo) (17108)

Bij vonnis van de rechtbank van koophandel te Antwerpen van 28 april 2009 werd het faillissement van Den Eekhoorn BVBA, Eikenlaan 2, 2980 Zoersel, gesloten bij ontoereikend actief.

Ondernemingsnummer 0462.215.688.

Beschouwd als vereffenaar : Sandra Van Sweevelt.

De curator : Mr. Mattheessens, Pieter, advocaat, Lange Lozanastraat 24, 2018 Antwerpen-1.

De griffier-hoofd van dienst : M. Caers.

(Pro deo) (17109)

Bij vonnis van de rechtbank van koophandel te Antwerpen van 28 april 2009 werd het faillissement van Babli Voeding BVBA, Stenenbrug 45, 2140 Borgerhout (Antwerpen), gesloten bij ontoereikend actief.

Ondernemingsnummer 0465.770.640.

Beschouwd als vereffenaar : Davy Deconinck.

De curator : Mr. Van Steenwinkel, Johan, advocaat, J. Van Rijswijcklaan 164, 2020 Antwerpen-2.

De griffier-hoofd van dienst : M. Caers.

(Pro deo) (17110)

Bij vonnis van de rechtbank van koophandel te Antwerpen van 28 april 2009 werd het faillissement van 21Red gewone commanditaire vennootschap, Oudaan 15, 2000 Antwerpen-1, gesloten bij ontoereikend actief.

Ondernemingsnummer 0879.077.643.

Beschouwd als vereffenaar : Davy Deconinck.

De curator : Mr. Loyens, Jan, advocaat, Cogels-Osylei 17, 2600 Berchem (Antwerpen).

De griffier-hoofd van dienst : M. Caers.

(Pro deo) (17111)

Bij vonnis van de rechtbank van koophandel te Antwerpen van 28 april 2009 werd het faillissement van K-Commerce gewone commanditaire vennootschap, Josephine Charlottestraat 5, 2550 Kontich, gesloten bij ontoereikend actief.

Ondernemingsnummer 0471.388.722.

Beschouwd als vereffenaar : Patrick Bracke.

De curator : Mr. Rauter, Philip, advocaat, Hovestraat 28, 2650 Edegem.

De griffier-hoofd van dienst : M. Caers.

(Pro deo) (17112)

Bij vonnis van de rechtbank van koophandel te Antwerpen van 28 april 2009 werd het faillissement van Resto Seats BVBA, Isabellalei 159, 2018 Antwerpen-1, gesloten bij ontoereikend actief.

Ondernemingsnummer 0453.918.824.

Beschouwd als vereffenaar : Lucien Van Immerseel.

De curator : Mr. Van Steenwinkel, Johan, advocaat, J. Van Rijswijcklaan 164, 2020 Antwerpen-2.

De griffier-hoofd van dienst : M. Caers.

(Pro deo) (17113)

Bij vonnis van de rechtbank van koophandel te Antwerpen van 28 april 2009 werd het faillissement van International Protection & Security BVBA, Bikschotelaan 216/4, 2140 Borgerhout (Antwerpen), gesloten bij ontoereikend actief.

Ondernemingsnummer 0479.139.220.

Beschouwd als vereffenaar : Hubert Smeijeers.

De curator : Mr. Van Steenwinkel, Johan, advocaat, J. Van Rijswijcklaan 164, 2020 Antwerpen-2.

De griffier-hoofd van dienst : M. Caers.

(Pro deo) (17114)

Bij vonnis van de rechtbank van koophandel te Antwerpen van 28 april 2009 werd het faillissement van Tommy's Garden BVBA, Graaf Van Egmontstraat 11, 2000 Antwerpen-1, gesloten bij ontoereikend actief.

Ondernemingsnummer 0884.619.907.

Beschouwd als vereffenaar : Hassan Ongun.

De curator : Mr. Houben, Luc, advocaat, Bist 45/8, 2610 Wilrijk (Antwerpen).

De griffier-hoofd van dienst : M. Caers.

(Pro deo) (17115)

Bij vonnis van de rechtbank van koophandel te Antwerpen van 28 april 2009 werd het faillissement van Interuniverse BVBA, Damplein 1, 2060 Antwerpen-6, gesloten bij ontoereikend actief.

Ondernemingsnummer 0872.732.457.

Beschouwd als vereffenaar : Magdalena Jackowska.

De curator : Mr. Caeymaex, André, advocaat, Prins Boudewijnlaan 177-181, 2610 Wilrijk (Antwerpen)

De griffier-hoofd van dienst : M. Caers.

(Pro deo) (17116)

Bij vonnis van de rechtbank van koophandel te Antwerpen van 28 april 2009 werd het faillissement van Paklan BVBA, Ketsstraat 75, 2140 Borgerhout (Antwerpen), gesloten bij ontoereikend actief.

Ondernemingsnummer 0478.178.227.

Beschouwd als vereffenaar : Isabel Fernandez Lopez.

De curator : Mr. De Pretre, Luc, advocaat, Paleisstraat 47, 2018 Antwerpen-1.

De griffier-hoofd van dienst : M. Caers.

(Pro deo) (17117)

Bij vonnis van de rechtbank van koophandel te Antwerpen van 28 april 2009 werd het faillissement van Leather Tuning Belgium BVBA, Potvlietlaan 6, 2600 Berchem (Antwerpen), gesloten bij ontoereikend actief.

Ondernemingsnummer 0453.884.180.

Beschouwd als vereffenaar : Marcoen Smolders.

De curator : Mr. Houben, Luc, advocaat, Bist 45/8, 2610 Wilrijk (Antwerpen).

De griffier-hoofd van dienst : M. Caers.

(Pro deo) (17118)

Bij vonnis van de rechtbank van koophandel te Antwerpen van 28 april 2009 werd het faillissement van Caterrest NV, in vereffening, Autolei 180, 2160 Wommelgem, gesloten bij ontoereikend actief.

Ondernemingsnummer 0460.205.018.

Beschouwd als vereffenaar : Ivo Urbain.

De curator : Mr. Vandendriessche, Geert, advocaat, De Damhouderestraat 13, 2018 Antwerpen-1.

De griffier-hoofd van dienst : M. Caers.

(Pro deo) (17119)

Bij vonnis van de rechtbank van koophandel te Antwerpen van 28 april 2009 werd het faillissement van Barter-Bizz CVBA, Kernenergiestraat 67, 2610 Wilrijk (Antwerpen), gesloten bij ontoereikend actief.

Ondernemingsnummer 0867.373.703.

Beschouwd als vereffenaar : Alfons Van Bladel.

De curator : Mr. Van Steenwinkel, Johan, advocaat, J. Van Rijswijcklaan 164, 2020 Antwerpen-2.

De griffier-hoofd van dienst : M. Caers.

(Pro deo) (17120)

Bij vonnis van de rechtbank van koophandel te Antwerpen van 28 april 2009 werd het faillissement van Sonargaon BVBA, Bosduifstraat 31, 2018 Antwerpen-1, gesloten bij ontoereikend actief.

Ondernemingsnummer 0878.072.605.

Beschouwd als vereffenaar : Feroz Babul.

De curator : Mr. Van Ingelghem, Daniel, advocaat, Amerikalei 160, 2000 Antwerpen-1.

De griffier-hoofd van dienst : M. Caers.

(Pro deo) (17121)

Bij vonnis van de rechtbank van koophandel te Antwerpen van 28 april 2009 werd het faillissement van Scirocco Trading BVBA, Hogeweg 44*B*, 2140 Borgerhout (Antwerpen), gesloten bij ontoereikend actief.

Ondernemingsnummer 0876.882.968.

Beschouwd als vereffenaar : Samir Tarrahi.

De curator : Mr. Verstraeten, Peter, advocaat, Prins Boudewijnlaan 177-179, 2610 Wilrijk (Antwerpen).

De griffier-hoofd van dienst : M. Caers.

(Pro deo) (17122)

Bij vonnis van de rechtbank van koophandel te Antwerpen van 28 april 2009 werd het faillissement van Gusto Factori BVBA, Steenhouwersvest 29, 2000 Antwerpen-1, gesloten bij ontoereikend actief.

Ondernemingsnummer 0416.467.619.

Beschouwd als vereffenaar : Patrick Proot.

De curator : Mr. Van Den Cloot, Alain, advocaat, Frankrijklei 115, 2000 Antwerpen-1.

De griffier-hoofd van dienst : M. Caers.

(Pro deo) (17123)

Bij vonnis van de rechtbank van koophandel te Antwerpen van 28 april 2009 werd het faillissement van Edram BVBA, Walemstraat 76, 2600 Berchem (Antwerpen, gesloten bij ontoereikend actief.

Ondernemingsnummer 0464.979.792.

Beschouwd als vereffenaar : Jaime Ancieto Da Silva.

De curator : Mr. Elants, Anne-Marie, advocaat, Kasteeldreef 29, 2900 Schoten.

De griffier-hoofd van dienst : M. Caers.

(Pro deo) (17124)

Bij vonnis van de rechtbank van koophandel te Antwerpen van 28 april 2009 werd het faillissement van Kevero BVBA, Paardenmarkt 69, 2000 Antwerpen-1, gesloten bij ontoereikend actief.

Ondernemingsnummer 0457.879.986.

Beschouwd als vereffenaar : Freddy Kelgtermans.

De curator : Mr. Rauter, Philip, advocaat, Hovestraat 28, 2650 Edegem.

De griffier-hoofd van dienst : M. Caers.

(Pro deo) (17125)

Bij vonnis van de rechtbank van koophandel te Antwerpen, d.d. 28 april 2009, is Canters, Christophe Jaak Karin, geboren te Borgerhout op 18 januari 1981, wonende voorheen te 2620 Hemiksem, Heuvelstraat 19, thans referentie-adres van O.C.M.W. te 2620 Hemiksem, Brouwerijstraat 50, handeldrijvende onder de benaming « De Lesten Druppel », café's, op bekentenis, failliet verklaard.

Ondernemingsnummer 0859.820.371.

Curator : Mr. Kips, Marc, Lange Gasthuisstraat 27, 2000 Antwerpen-1.

Datum van de staking van betaling : 28 april 2009.

Indienen van de schuldvorderingen ter griffie : vóór 28 mei 2009.

Neerlegging van het eerste proces-verbaal van nazicht der ingediende schuldvorderingen : 26 juni 2009, ter griffie van de rechtbank van koophandel te Antwerpen, Bolivarplaats 20, 2000 Antwerpen.

De personen die zich persoonlijk zeker hebben gesteld voor de gefailleerde (onder meer de borgen van de gefailleerde), kunnen hiervan ter griffie een verklaring neerleggen (artikel 72*bis* en artikel 72*ter* Fail.W.).

De griffier-hoofd van dienst : M. Caers.

(Pro deo) (17126)

Bij vonnis van de rechtbank van koophandel te Antwerpen, d.d. 28 april 2009, is Anders Be BVBA, Bredestraat 87, 2180 Ekeren (Antwerpen), vervaardiging van andere producten van kunststof, op bekentenis, failliet verklaard.

Ondernemingsnummer 0872.080.676.

Curator : Mr. Lange, Gerda, Camille Huysmanslaan 67, 2020 Antwerpen-2.

Datum van de staking van betaling : 28 april 2009.

Indienen van de schuldvorderingen ter griffie : vóór 28 mei 2009.

Neerlegging van het eerste proces-verbaal van nazicht der ingediende schuldvorderingen : 26 juni 2009, ter griffie van de rechtbank van koophandel te Antwerpen, Bolivarplaats 20, 2000 Antwerpen.

De personen die zich persoonlijk zeker hebben gesteld voor de gefailleerde (onder meer de borgen van de gefailleerde), kunnen hiervan ter griffie een verklaring neerleggen (artikel 72*bis* en artikel 72*ter* Fail.W.).

De griffier-hoofd van dienst : M. Caers.

(Pro deo) (17127)

Bij vonnis van de rechtbank van koophandel te Antwerpen, d.d. 28 april 2009, is MJJ Investments NV, Turnhoutsebaan 14*A*, 2970 Schilde, projectontwikkeling voor woningbouw, op bekentenis, failliet verklaard.

Ondernemingsnummer 0466.836.254.

Curatoren : Mr. Bruneel, Jacques, Bredestraat 4, 2000 Antwerpen-1, en Mr. Verstraeten, Peter, Prins Boudewijnlaan 177-179, 2610 Wilrijk (Antwerpen).

Datum van de staking van betaling : 28 april 2009.

Indienen van de schuldvorderingen ter griffie : vóór 28 mei 2009.

Neerlegging van het eerste proces-verbaal van nazicht der ingediende schuldvorderingen : 26 juni 2009, ter griffie van de rechtbank van koophandel te Antwerpen, Bolivarplaats 20, 2000 Antwerpen.

De personen die zich persoonlijk zeker hebben gesteld voor de gefailleerde (onder meer de borgen van de gefailleerde), kunnen hiervan ter griffie een verklaring neerleggen (artikel 72*bis* en artikel 72*ter* Fail.W.).

De griffier-hoofd van dienst : M. Caers.

(Pro deo) (17128)

Bij vonnis van de rechtbank van koophandel te Antwerpen, d.d. 28 april 2009, is Lot Invest BVBA, Eksterlaar 3, 2100 Deurne (Antwerpen), eetgelegenheden met volledige bediening, op bekentenis, failliet verklaard.

Ondernemingsnummer 0458.488.118.

Curator : Mr. Laugs, Guy, Mechelsesteenweg 12/8, 2000 Antwerpen-1.

Datum van de staking van betaling : 28 april 2009.

Indienen van de schuldvorderingen ter griffie : vóór 28 mei 2009.

Neerlegging van het eerste proces-verbaal van nazicht der ingediende schuldvorderingen : 26 juni 2009, ter griffie van de rechtbank van koophandel te Antwerpen, Bolivarplaats 20, 2000 Antwerpen.

De personen die zich persoonlijk zeker hebben gesteld voor de gefailleerde (onder meer de borgen van de gefailleerde), kunnen hiervan ter griffie een verklaring neerleggen (artikel 72*bis* en artikel 72*ter* Fail.W.).

De griffier-hoofd van dienst : M. Caers.

(Pro deo) (17129)

Bij vonnis van de rechtbank van koophandel te Antwerpen, d.d. 28 april 2009, is A & O Projects BVBA, Prins Boudewijnlaan 321, 2610 Wilrijk (Antwerpen), computeradviesbureaus, op bekentenis, failliet verklaard.

Ondernemingsnummer 0478.627.197.

Curator : Mr. Leenders, Sven, Grote Steenweg 154, 2600 Berchem (Antwerpen).

Datum van de staking van betaling : 28 april 2009.

Indienen van de schuldvorderingen ter griffie : vóór 28 mei 2009.

Neerlegging van het eerste proces-verbaal van nazicht der ingediende schuldvorderingen : 26 juni 2009, ter griffie van de rechtbank van koophandel te Antwerpen, Bolivarplaats 20, 2000 Antwerpen.

De personen die zich persoonlijk zeker hebben gesteld voor de gefailleerde (onder meer de borgen van de gefailleerde), kunnen hiervan ter griffie een verklaring neerleggen (artikel 72*bis* en artikel 72*ter* Fail.W.).

De griffier-hoofd van dienst : M. Caers.

(Pro deo) (17130)

Bij vonnis van de rechtbank van koophandel te Antwerpen, d.d. 28 april 2009, is Clavers BVBA, in vereffening, met zetel te 2640 Mortsel, Liersesteenweg 145, thans volgens eigen verklaring is de maatschappelijke zetel daar niet meer gevestigd, wegens verkoop van pand, op bekentenis, failliet verklaard.

Ondernemingsnummer 0434.604.936.

Curator : Mr. Lannoy Catherine, Jupiterstraat 71, 2600 Berchem (Antwerpen).

Datum van de staking van betaling : 28 april 2009.

Indienen van de schuldvorderingen ter griffie : vóór 28 mei 2009.

Neerlegging van het eerste proces-verbaal van nazicht der ingediende schuldvorderingen : 26 juni 2009, ter griffie van de rechtbank van koophandel te Antwerpen, Bolivarplaats 20, 2000 Antwerpen.

De personen die zich persoonlijk zeker hebben gesteld voor de gefailleerde (onder meer de borgen van de gefailleerde), kunnen hiervan ter griffie een verklaring neerleggen (artikel 72*bis* en artikel 72*ter* Fail.W.).

De griffier-hoofd van dienst : M. Caers.

(Pro deo) (17131)

Bij vonnis van de rechtbank van koophandel te Antwerpen, d.d. 28 april 2009, is Fclcarrier Shipping Agency BVBA, Noorderlaan 139, 2030 Antwerpen-3, goederenvervoer over de weg, op bekentenis, failliet verklaard.

Ondernemingsnummer 0886.113.509.

Curator : Mr. Joris, Wilfried, Marktplein 22, 2110 Wijnegem.

Datum van de staking van betaling : 28 april 2009.

Indienen van de schuldvorderingen ter griffie : vóór 28 mei 2009.

Neerlegging van het eerste proces-verbaal van nazicht der ingediende schuldvorderingen : 26 juni 2009, ter griffie van de rechtbank van koophandel te Antwerpen, Bolivarplaats 20, 2000 Antwerpen.

De personen die zich persoonlijk zeker hebben gesteld voor de gefailleerde (onder meer de borgen van de gefailleerde), kunnen hiervan ter griffie een verklaring neerleggen (artikel 72*bis* en artikel 72*ter* Fail.W.).

De griffier-hoofd van dienst : M. Caers.

(Pro deo) (17132)

Bij vonnis van de rechtbank van koophandel te Antwerpen, d.d. 28 april 2009, is Clarissenhoeve NV, Scheldeken 24, 2000 Antwerpen-1, patrimoniumvennootschap, op bekentenis, failliet verklaard.

Ondernemingsnummer 0431.622.383.

Curator : Mr. Janseghers, Katleen, Amerikalei 191, 2000 Antwerpen-1.

Datum van de staking van betaling : 28 april 2009.

Indienen van de schuldvorderingen ter griffie : vóór 28 mei 2009.

Neerlegging van het eerste proces-verbaal van nazicht der ingediende schuldvorderingen : 26 juni 2009, ter griffie van de rechtbank van koophandel te Antwerpen, Bolivarplaats 20, 2000 Antwerpen.

De personen die zich persoonlijk zeker hebben gesteld voor de gefailleerde (onder meer de borgen van de gefailleerde), kunnen hiervan ter griffie een verklaring neerleggen (artikel 72*bis* en artikel 72*ter* Fail.W.).

De griffier-hoofd van dienst : M. Caers.

(Pro deo) (17133)

Bij vonnis van de rechtbank van koophandel te Antwerpen, d.d. 28 april 2009, is Ela-Na-Dis BVBA, Diksmuidelaan 173, 2600 Berchem (Antwerpen), restaurants van het traditionele type, op bekentenis, failliet verklaard.

Ondernemingsnummer 0875.054.816.

Curator : Mr. Houben, Luc, Bist 45/8, 2610 Wilrijk (Antwerpen).

Datum van de staking van betaling : 28 april 2009.

Indienen van de schuldvorderingen ter griffie : vóór 28 mei 2009.

Neerlegging van het eerste proces-verbaal van nazicht der ingediende schuldvorderingen : 26 juni 2009, ter griffie van de rechtbank van koophandel te Antwerpen, Bolivarplaats 20, 2000 Antwerpen.

De personen die zich persoonlijk zeker hebben gesteld voor de gefailleerde (onder meer de borgen van de gefailleerde), kunnen hiervan ter griffie een verklaring neerleggen (artikel 72*bis* en artikel 72*ter* Fail.W.).

De griffier-hoofd van dienst : M. Caers.

(Pro deo) (17134)

Bij vonnis van de rechtbank van koophandel te Antwerpen, d.d. 28 april 2009, is Stroobant, Roger Eugene, geboren te Borgerhout op 28 mei 1950, wonende en handeldrijvende te 2950 Kapellen, Zwanenlei 5, publiciteitsagentschappen, op bekentenis, failliet verklaard.

Ondernemingsnummer 0631.551.657.

Curator : Mr. Hendrickx, Christiaan, Quinten Matsijslei 34, 2018 Antwerpen-1.

Datum van de staking van betaling : 28 april 2009.

Indienen van de schuldvorderingen ter griffie : vóór 28 mei 2009.

Neerlegging van het eerste proces-verbaal van nazicht der ingediende schuldvorderingen : 26 juni 2009, ter griffie van de rechtbank van koophandel te Antwerpen, Bolivarplaats 20, 2000 Antwerpen.

De personen die zich persoonlijk zeker hebben gesteld voor de gefailleerde (onder meer de borgen van de gefailleerde), kunnen hiervan ter griffie een verklaring neerleggen (artikel 72*bis* en artikel 72*ter* Fail.W.).

De griffier-hoofd van dienst : M. Caers.

(Pro deo) (17135)

Bij vonnis van de rechtbank van koophandel te Antwerpen, d.d. 28 april 2009, is Immo Arcelaer NV, in vereffening, Sint-Katelijnevest 67, bus 3, 2000 Antwerpen-1, op bekentenis, failliet verklaard en afgesloten bij ontoereikend actief.

Ondernemingsnummer 0479.371.129.

Vereffenaar : Mr. C. Talboom, Lombardenvest 22, 2000 Antwerpen.

Datum van de staking van betaling : 28 april 2009.

Geen aanstelling van een curator en een rechter-commissaris.

De griffier-hoofd van dienst : M. Caers.

(Pro deo) (17136)

Rechtbank van koophandel te Dendermonde

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Bij vonnis van de rechtbank van koophandel te Dendermonde, van 29 april 2009, werd Nasty BVBA, brasserie, Valk 24, 9111 Belsele, in staat van faillissement verklaard.

Ondernemingsnummer 0879.153.461.

Rechter-commissaris : Evelyne Martens.

Curator : Mr. André Mettepenningen, 9111 Belsele, Belseledorp 68.

Datum staking van betaling : 29 april 2009, onder voorbehoud van artikel 12, lid 2, F.W.

Indienen van de schuldvorderingen met bewijsstukken, uitsluitend ter griffie van de rechtbank van koophandel te Dendermonde, binnen de dertig dagen vanaf datum faillissementsvonnis.

Het eerste proces-verbaal van nazicht van de ingediende schuldvorderingen zal neergelegd worden op vrijdag 19 juni 2009, ter griffie van de rechtbank.

Elke schuldeiser die geniet van een persoonlijke zekerheidstelling vermeldt dit in zijn aangifte van schuldvordering of uiterlijk binnen zes maanden vanaf de datum van het vonnis van faillietverklaring (art. 63 F.W.).

Om te kunnen genieten van de bevrijding moeten de natuurlijke personen die zich kosteloos persoonlijk zeker hebben gesteld voor de gefailleerde ter griffie van de rechtbank van koophandel een verklaring neerleggen, waarin zij bevestigen dat hun verbintenis niet in verhouding met hun inkomsten en hun patrimonium is (artikel 72*bis* F.W. en artikel 10 wet 20 juli 2005).

Voor eensluidend uittreksel : de griffier, (get.) K. Waterschoot.

(17137)

Bij vonnis van de rechtbank van koophandel te Dendermonde, van 29 april 2009, werd Doppio BVBA, kledingszaak, Keizersplein 15, 9300 Aalst, in staat van faillissement verklaard.

Ondernemingsnummer 0886.597.618.

Rechter-commissaris : Christophe Meert.

Curator : Mr. Marga Pieters, 9300 Aalst, Affligemdreef 144.

Datum staking van betaling : 20 april 2009, onder voorbehoud van artikel 12, lid 2, F.W.

Indienen van de schuldvorderingen met bewijsstukken, uitsluitend ter griffie van de rechtbank van koophandel te Dendermonde, binnen de dertig dagen vanaf datum faillissementsvonnis.

Het eerste proces-verbaal van nazicht van de ingediende schuldvorderingen zal neergelegd worden op vrijdag 19 juni 2009, ter griffie van de rechtbank.

Elke schuldeiser die geniet van een persoonlijke zekerheidstelling vermeldt dit in zijn aangifte van schuldvordering of uiterlijk binnen zes maanden vanaf de datum van het vonnis van faillietverklaring (art. 63 F.W.).

Om te kunnen genieten van de bevrijding moeten de natuurlijke personen die zich kosteloos persoonlijk zeker hebben gesteld voor de gefailleerde ter griffie van de rechtbank van koophandel een verklaring neerleggen, waarin zij bevestigen dat hun verbintenis niet in verhouding met hun inkomsten en hun patrimonium is (artikel 72*bis* F.W. en artikel 10 wet 20 juli 2005).

Voor eensluidend uittreksel : de griffier, (get.) K. Waterschoot.

(17138)

Rechtbank van koophandel te Leuven

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Bij vonnis van de rechtbank van koophandel te Leuven, d.d. 29 april 2009, werd G.C.V. Bouwen met Aarde, met zetel te 3012 Wilsele, Weggevoerdenstraat 136, en met als activiteiten bouwonderneming, met ondernemingsnummer 0449.631.325, in staat van faillissement verklaard.

De personen die zich persoonlijk zeker hebben gesteld voor de gefailleerde (onder meer de borgen van de gefailleerde), kunnen hiervan ter griffie een verklaring neerleggen overeenkomstig artikel 72*ter* Faill. W.

Curator : Mr. Jan De Rieck, advocaat te 3000 Leuven, Vaartstraat 70.

Rechter-commissaris : F. Van Eycken.

Staking van de betalingen : 29 april 2009.

Indienen van schuldvorderingen tot en met 29 mei 2009 ter griffie dezer rechtbank.

Uiterste datum voor neerlegging van het eerste proces-verbaal van verificatie van de schuldvorderingen : 9 juni 2009.

De hoofdgriffier : (get.) M. Plevoets.

(17139)

Bij vonnis van de rechtbank van koophandel te Leuven, d.d. 28 april 2009, werd BVBA Struyven Bouw, met zetel te 3200 Aarschot, Nieuwlandlaan 11, en met als activiteiten algemene bouw, groothandel in computers, randapparatuur en software, goederenvervoer over de weg, handelsbemiddeling in textiel, kleding, meubels, enz., met ondernemingsnummer 0415.488.414, in staat van faillissement verklaard.

De personen die zich persoonlijk zeker hebben gesteld voor de gefailleerde (onder meer de borgen van de gefailleerde), kunnen hiervan ter griffie een verklaring neerleggen overeenkomstig artikel 72*ter* Faill. W.

Curator : Mr. Jan De Rieck, advocaat te 3000 Leuven, Vaartstraat 70.

Rechter-commissaris : F. Van Eycken.

Staking van de betalingen : 28 april 2009.

Indienen van schuldvorderingen tot en met 29 mei 2009 ter griffie dezer rechtbank.

Uiterste datum voor neerlegging van het eerste proces-verbaal van verificatie van de schuldvorderingen : 9 juni 2009.

De hoofdgriffier : (get.) M. Plevoets.

(17140)

Bij vonnis van de rechtbank van koophandel te Leuven, d.d. 29 april 2009, werd NV Dynamic Invest, met zetel te 3001 Leuven (Heverlee), Leon Schreursvest 7 (hernummering voorheen nr. 9), en met als activiteiten exploitatie onroerende goederen, bemiddeling aankoop en verkoop onroerende goederen, met ondernemingsnummer 0450.909.349, in staat van faillissement verklaard.

De personen die zich persoonlijk zeker hebben gesteld voor de gefailleerde (onder meer de borgen van de gefailleerde), kunnen hiervan ter griffie een verklaring neerleggen overeenkomstig artikel 72*ter* Faill. W.

Curator : Mr. Jan De Rieck, advocaat te 3000 Leuven, Vaartstraat 70.

Rechter-commissaris : F. Van Eycken.

Staking van de betalingen : 28 april 2009.

Indienen van schuldvorderingen tot en met 29 mei 2009 ter griffie dezer rechtbank.

Uiterste datum voor neerlegging van het eerste proces-verbaal van verificatie van de schuldvorderingen : 9 juni 2009.

De hoofdgriffier : (get.) M. Plevoets.

(17141)

Rechtbank van koophandel te Veurne

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Bij vonnis van de rechtbank van koophandel te Veurne, van 29 april 2009, werd, op bekentenis, in staat van faillissement verklaard de besloten vennootschap met beperkte aansprakelijkheid Mike, met vennootschapszetel te 8670 Koksijde-Oostduinkerke, Generaal Victor Lorentlaan 12, gekend onder het ondernemingsnummer 0879.334.890, en volgens verklaring van de zaakvoerder met als handelsactiviteit « automatisch wassalon ».

Rechter-commissaris : Guy Seru.

Curator : Mr. Dirk Waeyaert, advocaat, Sasstraat 14, 8630 Veurne.

Staking van betalingen : 31 oktober 2008.

Indienen schuldvorderingen vóór 20 mei 2009, ter griffie van de rechtbank van koophandel te Veurne, Peter Benoitlaan 2.

Eerste proces-verbaal van verificatie van de schuldvorderingen neerleggen op 15 juni 2009, om 10 uur, ter griffie van de rechtbank van koophandel te Veurne, Peter Benoitlaan 2.

De personen die zich persoonlijk zeker hebben gesteld voor de gefailleerde (zoals onder meer personen die zich borg hebben gesteld) kunnen hiervan een verklaring ter griffie afleggen (art. 72*bis* en art. 72*ter* Ger. W.).

Voor eensluidend uittreksel : de griffier, (get.) E. Niville.

(Pro deo) (17142)

Régime matrimonial – Huwelijksvermogensstelsel

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Par acte reçu le 29 avril 2009 par Me François Herinckx, notaire à Bruxelles, M. Recep Doyuran, né à Bursa (Turquie) le 15 mars 1961, et son épouse, Mme Xhemile Hida, née à Babje, Librazhd (Albanie) le 12 juin 1959, domiciliés à 1030 Schaerbeek, place de Houffalize 25 bte 8, ont modifié leur régime légal. Cet acte contient apport au patrimoine commun d'un bien immeuble propre à M. Recep Doyuran.

(Signé) François Herinckx, notaire.

(17143)

Suivant jugement du 6 avril 2009, prononcé par le tribunal de première instance de Liège, l'acte modificatif du régime matrimonial existant entre M. Roland, Rodrigue François Marcel (NN 810603-267-28), né à Sambreville le 3 juin 1981, et son épouse, Mme Deil, Marie-Noëlle Jeannine Simone Elise (NN 820624-224-44), née à Liège le 24 juin 1982, domiciliés tous deux à Bassenge (Boirs), rue des Bannes 55, reçu par Me Jean van der Wielen, le 26 mai 2008, a été homologué.

Bassenge (Glons), le 29 avril 2009.

(Signé) J. Van der Wielen, notaire.

(17144)

Aux termes d'un acte reçu par Me Pierre Van Den Eynde, notaire à Saint-Josse-ten-Noode le 1er avril 2009, M. Noppen, Philippe Jean Emile Jacques, né à Etterbeek le 8 août 1957, domicilié à Woluwe-Saint-Lambert, rue Voot 1, et son épouse, Mme Onclin, Martine Fanny Henriette, née à Etterbeek le 22 janvier 1957, domiciliée à Woluwe-Saint-Lambert, rue Voot 1, ont déclaré ajouter à leur contrat de mariage l'article 6*bis*.

Pour extrait conforme : (signé) Pierre Van Den Eynde, notaire.

(17145)

Aux termes d'un acte reçu par le notaire associé Valérie Dhanis, à Braine-l'Alleud, le 15 avril 2009, M. Jacquet, Emile Jules Edouard Ghislain, né à Braine-l'Alleud le 25 octobre 1940, et son épouse, Mme Pierre, Nelly Rogine Gaston, née à Braine-l'Alleud le 21 mai 1942, domiciliés et demeurant ensemble à Waterloo, clos des Renoncules 4, mariés devant M. l'Officier de l'Etat civil de Braine-l'Alleud, le 15 juillet 1964, sous le régime de la communauté d'acquêts aux termes de leur contrat de mariage reçu par le notaire André Gilbert, alors à Braine-l'Alleud, le 20 juin 1964, ont modifié conventionnellement leur régime matrimonial, et plus précisément M. Jacquet, a apporté au patrimoine commun la totalité en pleine propriété des immeubles suivants, lui appartenant en propre :

1. sous Braine-l'Alleud - deuxième division.

Une maison d'habitation sise rue Vallée Bailly 14, cadastrée section H numéro 658 pour 1 are 69 centiares.

2. sous Braine-l'Alleud - deuxième division.

Une maison d'habitation sise avenue de la Croix Rouge 36, cadastrée section A numéro 295, pour 2 ares 43 centiares.

3. sous Braine-l'Alleud - deuxième division.

Un terrain sis à front de la rue Jean Volders, cadastré section H numéro 802 pour une contenance de 5 ares 35 centiares.

4. sous Braine-l'Alleud - deuxième division.

Un terrain sis à front de la rue de la Briqueterie cadastré section A numéro 382 B pour une contenance de trois ares trois centiares.

5. sous Braine-l'Alleud - qautrième division.

Un terrain sis à front de l'avenue Alphonse Allard, cadastré section D numéro 101 D pour une contenance de 6 ares 74 centiares.

6. sous Middelkerke - deuxième division.

Dans un complexe immobilier sis Leopoldlaan 133, érigé sur une parcelle cadastrée section C numéro 283 W 30 :

L'appartenant dénommé S-1.

(Signé) Valérie Dhanis, notaire associé.

(17146)

Par acte reçu par le notaire Etienne Beguin, à Beauraing, en date du 8 avril 2009, M. Lucas, Marcel Charles Elie Gustave, né à Bruxelles le 3 décembre 1927, et son épouse, Mme Desmet, Jeanne Marie Henriette Ghislaine, née à Montignies-sur-Sambre le 4 septembre 1927, domiciliés ensemble à 5570 Beauraing, section de Feschaux, rue du Baty 33, mariés sous le régime légal, à défaut de contrat de mariage, modifié aux termes d'un acte reçu par le notaire Beguin, à Beauraing, en date du 2 février 2009, ont modifié les règles relatives à la composition des patrimoines propres et commun.

Beauraing, le 27 avril 2009.

(Signé) E. Beguin, notaire.

(17147)

Aux termes d'un acte reçu par Me Philippe Vernimmen, notaire associé à Rhode-Saint-Genèse, en date du 28 avril 2009, M. Lauwers, Paul Edouard Georges, né à Louvain le 2 janvier 1923, et son épouse, Mme Van Overstraeten, Maria Thérésia Elvira, née à Waregem le 5 août 1923, domiciliés à Rhode-Saint-Genèse, avenue de la Forêt de Soignes 51/024, ont modifié leur contrat de mariage.

Les époux ont maintenu le régime de la séparation de biens pure et simple et y ont ajouté une clause modalisant leurs droits successoraux, en application de l'article 1388, deuxième alinéa du Code civil.

(Signé) Philippe Vernimmen, notaire.

(17148)

Extrait des conventions matrimoniales modificatives passées entre M. Lafère, Benoit Vincent Marc, numéro de registre national : 740-1212493-91, né à Etterbeek le 31 janvier 1974, et son épouse, Mme Folien, Nathalie Claudine Francis Marie, numéro de registre national : 7404-15212-47, née à Uccle le 15 avril 1974, domiciliés ensemble à 1160 Auderghem, avenue Guillaume Van Nerom 5.

De ce contrat reçu par nous, notaire Jean-Philippe Lagae, à Bruxelles, en date du 6 avril 2009 et portant la mention suivante : « Enregistré trois rôles, deux renvois, au premier bureau de l'Enregistrement de Forest, le 8 avril 2009, volume 65, folio 85, case 01. Reçu vingt-cinq euros (25 EUR). Le receveur, (signé) Wauters Agnes ».

1. Qu'ils ont contracté mariage à Watermael-Boitsfort, le 27 août 1999.

2. Qu'ils sont mariés sous le régime légal des patrimoines, aux termes de leur contrat de mariage reçu par le notaire Bernard van der Beek, à Schaerbeek, en date du 24 août 1999, régime non modifié à ce jour.

3. Deux enfants sont nés de l'union de M. Lafère et Mme Folien :

a) Arthur Lafère, né à Uccle le 15 novembre 2002;

b) Matthias Lafère, né à Uccle le 15 novembre 2002.

Ils n'ont pas eu ensemble ou séparément d'autres descendants nés de mariage ou autrement, adoptés ou ayant fait l'objet d'une adoption plénière, vivants ou décédés.

4. Inventaire de leurs biens communs, ont été dressés par le notaire soussigné, en date de ce jour, dont la minute précède.

1. Il résulte que M. Lafère et Mme Folien se sont mariés à Watermael-Boitsfort, le 27 août 1999.

2. Leur union avait été précédée d'un contrat de mariage dressé par Me Bernard van der Beek, notaire de résidence à Schaerbeek, en date du 24 août 1999 et contenant adoption du régime légal des patrimoines.

3. Les époux ont déclaré remplacer leur régime matrimonial par le régime de la séparation de biens.

4. Inventaire de leurs biens communs, ont été dressés par le notaire soussigné, en date du 6 avril 2009 et portant la mention suivante : « Enregistré quatre rôles, 1 renvoi, au premier bureau de l'Enregistrement de Forest, le 8 avril 2009, volume 65, folio 84, case 19. Reçu vingt-cinq euros (25 EUR), le receveur, (signé) Wauters, Agnes ».

Pour extrait analystique conforme : (signé) J.-Ph. Lagae.

(17149)

Le notaire Olivier Dubuisson, de résidence à Ixelles, atteste et certifie qu'en date du 13 mars 2009, par acte de son ministère :

M. Raemdonck, Eric Albert, né à Etterbeek le 6 novembre 1960, inscrit au registre national sous le numéro 601106-241-43, et son épouse, Mme Rocle, Gisèle Marie Bénédicte, née à Neulise (France) le 1er avril 1958, de nationalité française, inscrite au registre national sous le numéro 580401-492-45, domiciliés ensemble à Auderghem, clos des Mésanges 25, époux mariés sous le régime légal belge de la communauté d'acquêts, à défaut d'avoir fait précéder leur union de conventions matrimoniales, ont apporté la modification suivante à leur régime matrimonial :

Apport à la communauté existant entre eux, de l'immeuble suivant, appartenant en propre à M. Eric Raemdonck, sans que le régime matrimonial préexistant des époux Raemdonck-Rocle soit par ailleurs modifié, ou liquidé :

Description du bien.

Commune d'Auderghem - deuxième division cadastrale :

La maison d'habitation du type bel étage, sise clos des Mésanges 25, érigée sur une parcelle de terrain cadastrée selon extrait récent de la matrice cadastrale section B numéro 493/T/29 pour une superficie selon titre et extrait cadastral de trois ares soixante-sept centiares (3 a 67 ca).

Revenu cadastral non indexé : deux mille deux cent vingt-six euros (2.226 EUR).

Ixelles, le 27 avril 2009.

(Signé) O. Dubuisson, notaire.

(17150)

Bij akte wijziging huwelijkse voorwaarden, verleden voor geassocieerd notaris Frédéric Bauwens, te Haaltert, op 15 april 2009, hebben de heer Van de Velde, Frans Marien, geboren te Erembodegem op 16 juni 1939, en zijn echtgenote, Mevr. Van den Steen, Hilda Octavie Edmonde, geboren te Vlekkem op 24 maart 1939, beiden wonend te 9400 Ninove (Nederhasselt), Vogelzangstraat 118, hun huwelijksvermogensstelsel gewijzigd, met behoud van het stelsel van de wettige gemeenschap, door inbreng in de huwgemeenschap door de heer Frans Van de Velde van :

een woning gelegen te Aalst-Erembodegem, Geraardsbergsesteenweg 94 en 2;

een deel van een appartementsgebouw gelegen te Aalst, Erembodegem, Dreefstraat 2A.

(Get.) : Fr. Bauwens, notaris.

(17151)

Bij akte verleden op 28 april 2009, voor Mr. Isis Vermander, geassocieerd notaris, te Wuustwezel, hebben de heer Rombouts, Franciscus Joannes Ludovica, geboren te Vlimmeren op 8 mei 1942, van Belgische nationaliteit, en zijn echtgenote, Mevr. Baeken, Viviana Louisa Louis, geboren te Turnhout op 13 april 1948, van Belgische nationaliteit, wonend te 2370 Arendonk, Hovestraat 38, hun huidig huwelijksvermogensstelsel gewijzigd, inhoudende de inbreng van eigen onroerende goederen in het gemeenschappelijk vermogen.

Namens de verzoekers : (get.) Isis Vermander, geassocieerd notaris.

(17152)

Bij akte verleden voor notaris Henry Declerck, te Lichtervelde op 28 april 2009, werd het huwelijksvermogensstelsel gewijzigd tussen de heer Verplancke, Daniël Walter Willy, geboren te Gits op 18 november 1943, en zijn echtgenote, Mevr. De Brabandere, Antoinette Maria Martha, geboren te Kachtem op 9 maart 1944, samenwonende te Lichtervelde, Hoogwielkestraat 25.

De echtgenoten Verplancke, Daniël, en De Brabandere, Antoinette, waren gehuwd te Kachtem op 17 juli 1969, onder het stelsel der gemeenschap van aanwinsten ingevolge huwelijkscontract verleden voor notaris Jozef Van Den Berghe, destijds te Ninove op 15 juli 1969, waaraan enkel een kleine wijziging werd aangebracht bij akte verleden voor ondergetekende notaris op 5 maart 2007.

Bij akte verleden voor notaris Henry Declerck, te Lichtervelde op 28 april 2009, hebben de echtgenoten het stelsel der zuivere scheiding van goederen aangenomen en werden de goederen aan de respectievelijke echtgenoten toebedeeld.

Lichtervelde, 28 april 2009.

Voor gelijkluidend uittreksel : (get.) Henry Declerck.

(17153)

Bij vonnis uitgesproken op 19 juni 2008, door de derde burgerlijke kamer van de rechtbank van eerste aanleg te Gent, werd gehomologeerd, de akte verleden voor Mr. Annick Dehaene, geassocieerd notaris te Gent-Sint-Amandsberg, op 12 februari 2008, houdende wijziging van het huwelijksvermogensstelsel tussen Lambrecht, Freddy Engelbertus Egidius, en zijn echtgenote, Mevr. De Bruycker, Rita Angèle Hilda, samenwonende te Gent-Zwijnaarde, Hofakkerstraat 35, waarbij een wijziging werd aangebracht in het gemeenschappelijk vermogen, zonder dat voor het overige het huwelijksvermogensstelsel werd gewijzigd.

Bij voormelde akte van 12 februari 2008, werd de volle eigendom van het woonhuis te Gent-Zwijnaarde, Hofakkerstraat 35, en de naakte eigendom van het woonhuis te Gent-Zwijnaarde, Hofakkerstraat 33, door Rita De Bruycker, ingebracht in het gemeenschappelijk vermogen, en werd er een keuzebeding bedongen.

Gent-Sint-Amandsberg, op 28 april 2009.

Namens de verzoekers : (get.), Annick Dehaene, geassocieerd notaris.

(17154)

Bij akte verleden voor notaris Stefaan Buylaert, te Torhout op 30 maart 2009, hebben de heer Stroef, Martin Eric André, geboren te Brugge op 10 december 1951, en zijn echtgenote, Mevr. Vanhee, Anita Maria, geboren te Jabbeke op 16 augustus 1949, samenwonende te 8490 Jabbeke, Krakeelstraat 8, gehuwd onder het wettelijk stelsel blijkens huwelijkscontract verleden voor notaris Antoine Van Hoestenberghe, destijds te Jabbeke, op 21 juni 1971, een wijziging aan hun huwelijksvermogensstelsel aangebracht.

Deze wijzigende akte voorziet in de inbreng door Mevr. Vanhee, Anita, van twee onroerende goederen in de gemeenschap en de toevoeging van een keuzebeding.

Namens de echtgenoten Martin Stroef-Vanhee, Anita : (get.) Stefaan Buylaert, notaris te Torhout.

(17155)

Uittreksel uit de akte wijziging van huwelijksvoorwaarden van de heer Debusschere, Geert Rogier, geboren te Roeselare op 19 mei 1965, (rijksregisternummer 65.05.19-233.15), en zijn echtgenote, Mevr. Cappon, Marie Danielle Ginette, geboren te Brugge op 24 oktober 1965, (rijksregisternummer 65.10.24-144.86), samenwonende te 8850 Ardooie, Stationsstraat 185.

Gehuwd voor de ambtenaar van de burgerlijke stand te Ardooie op 27 juni 2008, onder het wettelijk huwelijksvermogensstelsel bij ontstentenis aan huwelijkscontract.

Opgemaakt met het oog op de publicatie in het *Belgisch Staatsblad*.

Blijkens wijzigend huwelijkscontract verleden voor ondergetekende Mr. François Blontrock, notaris met standplaats te Brugge op 3 april 2009, en waarop is gemeld : geboekt te Brugge registratie 4, bevoegd voor registratie op 6 april 2009, twee bladen, vier verzendingen, boek 209, blad 40, vak 4, ontvangen 25,00 EUR, de eerstaanwezend inspecteur a.i. (get.) Billiau, D., hebben de echtgenoten hun huwelijksvoorwaarden gewijzigd inhoudende wijziging van de samenstelling van hun onderscheiden vermogens.

Voor beredeneerd uittreksel : (get.) Fr. Blontrock, notaris.

(17156)

Er blijkt uit een akte verleden voor notaris Bernard Van Steenberge, te Laarne, op 16 april 2009, dat de heer De Bouw, Herman Victor Mathilde, geboren te Mortsel op 14 november 1939, en zijn echtgenote, Mevr. De Vos, Rita Magdalena Renée, geboren te Gent op 30 april 1950, samenwonende te 8000 Brugge, Zonnekemeers 3/0002, gehuwd te Destelbergen op 1 juli 1992, onder het wettelijk stelsel blijkens huwelijkscontract verleden voor notaris Jozef Verschueren, te Nazareth op 17 juni 1992, hun huwelijksvermogensstelsel gewijzigd hebben onder meer door inbreng in het gemeenschappelijk vermogen door Mevr. Rita De Vos, van een onroerend goed gelegen in het woonpark « Haeghenshof », te Laarne.

Voor ontledend uittreksel : (get.) Bernard Van Steenberge, notaris.

(17157)

Bij akte verleden voor notaris Jean-Charles De Witte, te Kortrijk, op 21 april 2009, hebben de heer Naessens, Paul Gerard Achiel, geboren te Kortrijk op 20 december 1957, en zijn echtgenote, Mevr. Mailliard, Martine Antoinette, geboren te Kortrijk op 2 januari 1955, samenwonende te Harelbeke (Stasegem), Venetielaan 58, gehuwd onder het stelsel der scheiding van goederen ingevolge huwcontract verleden voor notaris Jean De Witte, destijds te Kortrijk, op 11 juli 1986, een wijziging aan hun huwelijksvermogensstelsel aangebracht.

Deze wijziging houdt in :

inbreng in een toegevoegd intern gemeenschappelijk vermogen van een onroerend goed door de heer Paul Naessens.

Toevoeging van een keuzebeding.

Kortrijk, op 29 april 2009.

(Get.) : Jean-Charles De Witte, notaris te Kortrijk.

(17158)

Ingevolge akte verleden voor het ambt van de notaris Peter De Schepper, te Roosdaal, op 22 april 2009, hebben de heer Van Derstappen, Jan, boekhouder, geboren te Ninove op 31 maart 1967, (NN 67.03.31-441.57), en zijn echtgenote, Mevr. Blancquaert, Kathleen, bediende, geboren te Lokeren op 14 april 1978, (NN 78.04.14-192.84), wonende te 9160 Lokeren, Doorslaarstraat 60.

Het stelsel dat thans op hen van toepassing is gewijzigd en hebben zij het stelsel van de algemene gemeenschap van goederen aangenomen.

Voor ontledend uittreksel : (get.) P. De Schepper, notaris.

(17159)

Het blijkt uit een akte verleden voor ondergetekende Mr. Tom Coppens, geassocieerd notaris te Vosselaar, op 16 april 2009, geregistreerd op het eerste registratiekantoor te Turnhout, op 27 april daarna, boek 659, folio 18, vak 13, dat de heer Schneider, Mario Frans Elisabeth, geboren te Turnhout op 15 april 1969, en zijn echtgenote, Mevr. Houet, Eva Margareta Edgard Gabriëlla Louis, geboren te Turnhout op 16 oktober 1966, samenwonende te 2300 Turnhout, Oude Dijk 16, zijn overgegaan tot wijziging van hun huwelijksvermogensstelsel.

De echtgenoten Schneider-Houet zijn gehuwd voor de ambtenaar van de burgerlijke stand van de stad Turnhout op 9 mei 2008, onder het wettelijk stelsel.

Ontledend uittreksel opgemaakt door ondergetekende notaris Tom Coppens, te Vosselaar, op 29 april 2009.

(Get.) T. Coppens, geassocieerd notaris.

(17160)

Bij akte, verleden voor notaris Louis Dierckx, met standplaats te 2300 Turnhout, op 28 april 2009, werd het huwelijksvermogensstelsel gewijzigd tussen de heer Lauwers, William Franciscus Joannes, geboren te Turnhout op 30 september 1946, en zijn echtgenote, Mevr. Reynders, Frieda Maria, geboren te Turnhout op 5 augustus 1947, samenwonend te 2360 Oud-Turnhout, Herfstdreef 8.

Deze wijziging behelsde de inbreng van een eigen onroerend goed van Mevr. Reynders, in het gemeenschappelijk vermogen van de echtgenoten.

(Get.) L. Dierckx, notaris

(17161)

Uit een akte, verleden voor notaris Luc Mortelmans, te Antwerpen (Deurne), op 2 april 2009, blijkt dat de heer De Meyer, François Petrus, gepensioneerde, geboren te Kapellen op 24 december 1941, en zijn echtgenote, Mevr. Verbaenen, Maria Mathilda Louisa Joannes, gepensioneerde, geboren te Kapellen op 16 oktober 1942, samenwonende te 2940 Stabroek, Plantinlaan 76, een wijziging aan hun huwelijksvermogensstelsel hebben aangebracht evenwel zonder hun hoofdstelsel te wijzigen.

(Get.) Luc Mortelmans, notaris.

(17162)

De heer Dierickx, Bart, geboren te Bonheiden op 29 maart 1979, en zijn echtgenote, Mevr. Dewandeleer, June, geboren te Vilvoorde op 30 juni 1979, beiden wonende te 3120 Tremelo, Schrieksebaan 246, hebben bij akte verleden voor notaris Marc Cuypers, te Heist-op-den-Berg, op 29 april 2009, inbreng gedaan in het gemeenschappelijk vermogen tussen hen bestaande van een eigen onroerend goed van de heer Dierickx, Bart.

Heist-op-den-Berg, 29 april 2009.

(Get.) Marc Cuypers, notaris.

(17163)

De heer Van Boxel, Augustinus Maria Theresia Leon Emmanuel, geboren te Mechelen op 1 oktober 1929, en zijn echtgenote, Mevr. Knap, Christiane Odile Clémentine, geboren te Mechelen op 16 juni 1939, samenwonende te 2800 Mechelen, Dageraadstraat 5, gehuwd te Boortmeerbeek op 7 mei 1963, onder het stelsel der scheiding van goederen met gemeenschap van aanwinsten blijkens huwelijkscontract verleden voor notaris Etienne Delvaulx, destijds te Mechelen, op 3 april 1963, welk stelsel behouden werd bij de wijzigingsakte verleden voor notaris Filip Huyghens, te Mechelen, op 22 maart 2004, hebben bij akte verleden voor notaris Jean-Luc Peêrs, te Vilvoorde, op 27 april 2009, volgende wijzigingen aangebracht aan hun huwelijksstelsel :

1. de inbreng door de heer Van Boxel, in het gemeenschappelijk vermogen van een onroerend goed;

2. de inlassing van een beding van vooruitmaking.

Vilvoorde : 29 april 2009.

Voor ontledend uittreksel : (get.) Jean-Luc Peêrs, notaris te Vilvoorde.

(17164)

Uit een akte, verleden voor notaris Philippe Verlinden, te Sint-Niklaas, op 18 maart 2009, blijkt dat de heer De Bruyne, Tony Hector Sophia, geboren te Sint-Niklaas op 1 oktober 1960, en zijn echtgenote, Mevr. Soetens, Sabine Louis Josée, geboren te Sint-Niklaas op 8 september 1966, en samenwonende te 9140 Temse, Merenwegel 6, een minnelijke wijziging van hun huwelijksvermogensstelsel hebben laten opmaken inhoudende de inbreng door de beide echtgenoten van eigen roerende goederen.

Dit uittreksel is opgemaakt en getekend door notaris Philippe Verlinden, te Sint-Niklaas, op 16 april 2009.

(Get.) Ph. Verlinden, notaris.

(17165)

De heer Heremans, Carl René, geboren te Heist-op-den-Berg op 1 juli 1958, en zijn echtgenote, Mevr. Vermeylen, Rita Maria, geboren te Heist-op-den-Berg op 16 mei 1964, samenwonende te 3128 Tremelo (Baal), Pandhoevestraat 108/A, hebben bij akte verleden voor Lieve Stroeykens, geassocieerd notaris te Aarschot, op 28 april 2009, een wijziging gedaan van hun huwelijksvermogensstelsel, waarbij het wettelijk stelsel bij gebrek aan huwelijkscontract behouden bleef, een inbreng werd gedaan van één onroerend goed door de heer Heremans, Carl, in het gemeenschappelijk vermogen, alsmede de inbreng van alle toekomstige goederen, een gift tussen echtgenoten en de verdeling van het gemeenschappelijk vermogen door echtscheiding.

Voor de echtgenoten : (get.) Lieve Stroeykens, geassocieerd notaris.

(17166)

Bij akte verleden voor notaris Frederic Opsomer, te Kortrijk, d.d. 28 april 2009, hebben de echtgenoten Dean Coppens-Legein, Johanna, wonende te Wevelgem, Molenstraat 10, hun huwelijksstelsel aangepast door inbreng van een onroerend goed.

(Get.) : Fr. Opsomer, notaris.

(17167)

Blijkens akte, verleden voor notaris Frank Buyssens, te Zwijnaarde, op 3 april 2009, hebben Yves Frans Elisa De Groot, brandweerman, en zijn echtgenote, Mevr. Sabine Rachel Maurice Halans, huisvrouw, samenwonende te 2960 Brecht, Vinkenboslaan 9, hun huwelijksvoorwaarden gewijzigd, met behoud van stelsel, doch met toebedeling van een gemeenschappelijk onroerend goed aan het eigen vermogen van één der echtgenoten.

(Get.) : Frank Buyssens, geassocieerd notaris, te Zwijndrecht.

(17168)

Bij akte verleden voor notaris C. Colla, te Borgloon, op 27 april 2009, hebben de heer Jorssen, Paul Oscar August, geboren te Vechmaal op 10 februari 1937, en zijn echtgenote, Mevr. Vanormelingen, Marie José Catherine, geboren te Luik op 27 juni 1939, samenwonend te 3870 Heers, Tongersestraat 2, hun huwelijksvermogensstelsel gewijzigd inhoudende dat hun bestaand stelsel van de wettelijke gemeenschap van goederen wordt behouden en er enkel persoonlijke onroerende goederen door de heer Jorssen, Paul en Mevr. Vanormelingen, Marie José worden ingebracht in gemeenschap en keuze beding wordt voorzien voor de langstlevende.

Borgloon, 27 april 2009.

Voor de verzoekers : (get.) C. Colla, notaris.

(17169)

Uit een akte, verleden door Mr. Bram Vuylsteke, notaris te Riemst (Zichen-Zussen-Bolder), op 20 april 2009, geregistreerd te Bilzen op 22 april 2009.

Blijkt dat de heer Jongen, Paul Jan Pieter, gepensioneerde, geboren te Zichen-Zussen-Bolder op 4 februari 1944, en zijn echtgenote, Mevr. Jans, Ilda, gepensioneerd, geboren te Vlijtingen op 10 juli 1946, samenwonende te 3770 Riemst, St.-Albanusstraat 44, gehuwd zijn voor de ambtenaar van de burgerlijke stand van de gemeente Riemst, op 13 januari 1978, zonder huwelijkscontract opgemaakt te hebben en zonder wijziging te hebben aangebracht;

een notariële akte houdende minnelijke schikking wijziging van hun huwelijksvermogensstelsel hebben laten opmaken.

In deze akte houdende wijziging van het huwelijksvermogensstelsel heeft Mevr. Jans Ilda, voormeld, besloten volgend onroerend goed in het gemeenschappelijk vermogen, bestaande tussen haar en haar echtgenoot, de heer Jongen, voormeld, in te brengen.

Gemeente Riemst, derde afdeling (Vlijtingen).

Een woonhuis met aanhorigheden, op en met grond gelegen, St.-Albanusstraat 44, gekend volgens titel en huidig kadaster, sectie B, nummer 844/a/2, met een oppervlakte van 6 a 4 ca.

Riemst, 29 april 2009.

Voor eensluidend uittreksel : (get.) Bram Vuylsteke, notaris.

(17170)

De heer Greeve, Ernst Marcel Elza, belg, geboren te Antwerpen op 29 december 1959, en zijn echtgenote, Mevr. Beeckman, Christiane Paula René, geboren te Antwerpen op 11 juli 1960, samenwonende te 2100 Antwerpen (Deurne), Herentalsebaan 235.

Gehuwd te Deurne (Antwerpen) op 23 augustus 1982, onder het stelsel van scheiding van goederen volgens huwelijkscontract verleden voor notaris Ludo Verhoeven, te Deurne (Antwerpen), op 9 augustus 1982.

Hebben een akte houdende wijziging van hun huwelijksvermogensstelsel als bedoeld in artikel 1394, § 1, Burgerlijk Wetboek, laten opmaken voor notaris Heidi Debeuckelaere, te Antwerpen, op 6 april 2009, geregistreerd zes bladen, geen verzending, te Antwerpen, registratie 5, 17 april 2009, boek 177, blad 55, vak 1, ontvangen 25,00 EUR, de ontvanger, (get.) V. Vertongen.

De wijziging heeft betrekking op :

a) het behoud van het bestaand stelsel, met de toevoeging van een beperkt gemeenschappelijk vermogen;

b) de inbreng in het gemeenschappelijk vermogen van de onroerende goederen toebehorend aan de echtgenoten in onverdeeldheid alsmede van de eigen onroerende goederen toebehorende aan de echtgenote, alsmede van de erop rustende schulden;

c) de toevoeging van een verdelingsbeding.

Voor ontledend uittreksel : (get.) Heidi Debeuckelaere, notaris.

(17171)

Bij akte verleden voor notaris Philip Van den Abbeele, te Antwerpen, op 4 maart 2009, hebben de heer Beens, Jules Cornelis Franciscus, geboren te Antwerpen op 10 maart 1944, en zijn echtgenote, Mevr. Van Hove, Simone Louisa Carolina, geboren te Wilrijk op 10 februari 1950, samenwonende te 2100 Antwerpen (Deurne), Seraphin de Grootestraat 65, gehuwd te Deurne op 1 juli 1972, onder het stelsel van scheiding van goederen met gemeenschap van aanwinsten, ingevolge huwelijkscontract verleden voor notaris Albert Janssens, te Antwerpen (Berchem), op 16 mei 1972, hun huwelijkscontract gewijzigd.

Deze wijziging beperkt zich tot de erfrechtelijke aanspraken van de langstlevende echtgenote.

Voor ontledend uittreksel : (get.) Philip Van den Abbeele, notaris te Antwerpen.

(17172)

Bij akte verleden voor notaris Stefan Smets, te Glabbeek, op 29 april 2009, hebben de echtgenoten de heer Pittomvils, Frans Willy, geboren te Bunsbeek op 29 mei 1935, en zijn echtgenote, Mevr. Andries, Suzanna Luciana Celestina, geboren te Bunsbeek op 20 maart 1930, samenwonende te 3380 Glabbeek (Bunsbeek), Tiensesteenweg 107, een wijziging aangebracht aan hun huwelijksvermogensstelsel inhoudende ondermeer wijziging in de samenstelling van de vermogens.

(Get.) : Stefan Smets, notaris.

(17173)

Bij akte houdende wijziging van het huwelijksvermogensstelsel verleden voor notaris Frederic Maelfait, te Harelbeke, op 30 maart 2009, tussen de heer Branswijk, Hans Marc Magda, geboren te Blankenberge op 28 september 1971, en zijn echtgenote, Mevr. De Taeye, Caroline Jovita, geboren te Kortrijk op 27 april 1974, samenwonende te 8510 Kortrijk, Bellegemsestraat 13, werd het woonhuis te 8530 Harelbeke, Elfde-Julistraat 61, ingebracht in de huwelijksgemeenschap.

Harelbeke, 29 april 2009.

Voor de echtgenoten Branswijk-De Taeye : (get.) Frederic Maelfait, notaris te Harelbeke.

(17174)

Bij akte houdende wijziging van het huwelijksvermogensstelsel verleden voor notaris Frederic Maelfait, te Harelbeke op 28 april 2009, tussen de heer Seynaeve, Philip Jerome Jozef Nelly Ghislenus, geboren te Roeselare op 20 oktober 1953, en zijn echtgenote, Mevr. Vanden Bogaerde, Dorine Martine, geboren te Kortrijk op 12 juli 1958, samenwonende te 8500 Kortrijk, Wolvenstraat 20, werd de gezinswoning, gelegen te 8500 Kortrijk, Wolvenstraat 20, ingebracht in een aan het bestaande stelsel van scheiding van goederen toegevoegde beperkte gemeenschap.

Harelbeke, 29 april 2009.

Voor de echtgenoten Seynaeve-Vanden Bogaerde : (get.) Frederic Maelfait, notaris te Harelbeke.

(17175)

Bij akte houdende wijziging van het huwelijksvermogensstelsel verleden voor notaris Frederic Maelfait, te Harelbeke op 29 april 2009, tussen de heer Roobroeck, Palmer Remi, geboren te Beveren-Leie op 25 mei 1939, en zijn echtgenote, Mevr. Mestdagh, Liana Emma, geboren te Harelbeke, op 3 april 1932, samenwonende te 8530 Harelbeke,Heerbaan 187, werden de woonhuizen te Harelbeke, Gaversstraat 114 en 116,ingebracht in huwelijksgemeenschap.

Harelbeke, 29 april 2009.

Voor de echtgenoten Roobroeck-Mestdagh : (get.) Frederic Maelfait, notaris te Harelbeke.

(17176)

Bij akte verleden voor notaris Pieter De Meirsman, geassocieerd notaris, lid van de burgerlijke vennootschap onder de vorm van een besloten vennootschap met beperkte aansprakelijkheid genaamd « Paul De Meirsman & Pieter De Meirsman, geassocieerde notarissen », te Lokeren op 28 april 2009, hebben de echtgenoten Van Britsom, Frank Paul Anna, geboren te Sinaai op 14 oktober 1953, en zijn echtgenote, Mevr. Raes, Bernice Palmyre, geboren te Lokeren op 4 mei 1959, samenwonende te Lokeren, Pontweg 87, een wijziging aan hun huwelijksvermogensstelsel aangebracht waarbij hun bestaand wettelijk ongewijzigd blijft. Deze wijziging voorziet eveneens de inbreng in het gemeenschappelijk vermogen van onroerende goederen, eigen van Mevr. Bernice Raes, voornoemd, en met toevoeging van een keuzebeding.

Namens de echtgenoten Van Britsom-Raes : (get.) Pieter De Meirsman, notaris te Lokeren.

(17177)

Bij akte verleden voor notaris Pieter De Meirsman, geassocieerd notaris, lid van de burgerlijke vennootschap onder de vorm van een besloten vennootschap met beperkte aansprakelijkheid genaamd « Paul De Meirsman & Pieter De Meirsman, geassocieerde notarissen », te Lokeren op 27 april 2009, hebben de echtgenoten Van Ranst, Andreas Alfred Maria Eduardus, geboren te Sint-Niklaas op 29 november 1927, en zijn echtgenote, Mevr. Van Kerckhove, Liliane, geboren te Lokeren op 4 april 1946, samenwonende te Sint-Niklaas, Plezantstraat 122, een wijziging aan hun huwelijksvermogensstelsel aangebracht met behoud van het bestaand wettelijk stelsel. Deze wijziging voorziet de inbreng in het gemeenschappelijk vermogen van onroerende goederen, eigen van M. Van Ranst, Andreas, voornoemd, en met herroeping van schenking tussen echtgenoten.

Namens de echtgenoten Van Ranst-Van Kerckhove : (get.) Pieter De Meirsman, notaris te Lokeren.

(17178)

Bij akte verleden voor notaris Jo Debyser, te Ardooie, op 26 maart 2009, hebben de heer Depuydt, Ruben Christof, putboorder, en zijn echtgenote, Mevr. Vanhecke, Charlote Rachel, ambtenaar, samenwonende te Wingene (Zwevezele), Raveschootsveldstraat 3/B, hun huwelijksvermogensstelsel gewijzigd.

Voor ontledend uittreksel : (get.) Jo Debyser, notaris te Ardooie.

(17179)

Bij akte verleden voor notaris Jo Debyser, te Ardooie, op 30 maart 2009, hebben de heer Huys, Robert Jacques, varkenshandelaar, en zijn echtgenote, Mevr. Mouton, Rita Hilda, huisvrouw, samenwonende te Oostkamp (Hertsberge), Kraaiveldstraat 40, hun huwelijksvermogensstelsel gewijzigd.

Voor ontledend uittreksel : (get.) Jo Debyser, notaris te Ardooie.

(17180)

Bij akte verleden voor notaris Jo Debyser, te Ardooie, op 2 april 2009, hebben de heer Cappelle, Marnik Gerard, slager, en zijn echtgenote, Mevr. Cappelle, Conny Godelieve, meewerkende echtgenote, samenwonende te Ardooie, Doelstokstraat 8, hun huwelijksvermogensstelsel gewijzigd.

Voor ontledend uittreksel : (get.) Jo Debyser, notaris te Ardooie.

(17181)

Bij akte verleden voor notaris Jo Debyser, te Ardooie, op 3 april 2009, hebben de heer Vanluchene, Davy Kurt Roger, zelfstandig schrijnwerker, en zijn echtgenote, Mevr. Desloovere, Elke Greet, verpleegster, samenwonende te Meulebeke, Oostrozebekestraat 137, hun huwelijksvermogensstelsel gewijzigd.

Voor ontledend uittreksel : (get.) Jo Debyser, notaris te Ardooie.

(17182)

Succession vacante – Onbeheerde nalatenschap

—

Par décision prononcée le 3 avril 2009, par la troisième chambre du tribunal de première instance de Liège, R.Q. 09/683/B, Me Adrien Absil, avocat, juge suppléant, dont le cabinet est établi à 4000 Liège, avenue Emile Digneffe 6-8, a été désigné curateur à la succession réputée vacante de M. Affili, Michele, né à Carbonara (Italie) le 17 février 1971, en son vivant domicilié à 4100 Seraing, rue Colson 85, et décédé à Seraing le 8 octobre 2008.

Les créanciers de la succession sont priés d'adresser leur déclaration de créance au curateur, dans les trois mois à compter de la publication de cet avis.

(Signé) Ad. Absil, avocat.

(17183)

Rechtbank van eerste aanleg te Antwerpen

—

Op 5 maart 2009 verleende de tweede kamer van de rechtbank van eerste aanleg te Antwerpen een vonnis waarbij Mr. Koen Maenhout, advocaat en plaatsvervangend rechter Antwerpen, kantoorhoudende te 2100 Antwerpen (Deurne), Ergo de Waellaan 3, bus 12, werd aangesteld als curator over de onbeheerde nalatenschap van wijlen Henri Louise Félicien De Villa, geboren te Antwerpen eerste district op 3 april 1929, ongehuwd, laatst wonende te Antwerpen district Antwerpen, Camille Huysmanslaan 41, en overleden te Antwerpen district Deurne op 22 september 2000.

Antwerpen, 24 april 2009.

De griffier, (get.) N. Verhard.

(17184)

SERIE GENERALE

Spediz. abb. post. 45% - art. 2, comma 20/b
Legge 23-12-1996, n. 662 - Filiale di Roma

Anno 139° — Numero 257

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SOMMARIO

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Folio N° 3089

LEGGI, DECRETI E ORDINANZE PRESIDENZIALI

DECRETO-LEGGE 2 novembre 1998, n. **378.**

Restituzione del contributo straordinario per l'Europa ed altre disposizioni tributarie urgenti.

IL PRESIDENTE DELLA REPUBBLICA

Visti gli articoli 77 e 87 della Costituzione;

Visto l'articolo 3, comma 194, della legge 23 dicembre 1996, n. 662, che ha istituito il contributo straordinario per l'Europa, al fine di adeguare i conti pubblici dello Stato ai parametri previsti dal Trattato di Maastricht;

Considerato l'impegno assunto dal Governo alla restituzione del sessanta per cento del predetto contributo entro la fine del corrente anno;

Ritenuta la straordinaria necessità ed urgenza dell'intervento, al fine di consentire alle imprese ed agli enti pubblici, che operano quali sostituti d'imposta, di adottare gli adempimenti necessari per procedere in tempo utile alla restituzione del predetto contributo entro il mese di dicembre;

Ritenuta, altresì, la straordinaria necessità ed urgenza di disciplinare la cessione dei crediti contributivi dell'INPS e di ovviare a talune difficoltà per i contribuenti in sede di primo acconto dell'IRAP;

Vista la deliberazione del Consiglio dei Ministri, adottata nella riunione del 30 ottobre 1998;

Sulla proposta del Presidente del Consiglio dei Ministri e del Ministro delle finanze, di concerto con i Ministri del tesoro, del bilancio e della programmazione economica e del lavoro e della previdenza sociale;

EMANA

il seguente decreto-legge:

Art. 1.

Restituzione del contributo straordinario per l'Europa

1. A ciascun contribuente è restituito un importo pari al 60 per cento del contributo straordinario per l'Europa effettivamente trattenuto o versato.

2. Per i contribuenti titolari di partita IVA, la restituzione è effettuata mediante compensazione di cui all'articolo 17 del decreto legislativo 9 luglio 1997, n. 241, con i versamenti da eseguire a decorrere dal mese di gennaio 1999.

3. Per i lavoratori dipendenti e pensionati che intrattengono il rapporto con il sostituto d'imposta che ha trattenuto il contributo straordinario per l'Europa, l'importo spettante, tenendo conto anche dell'eventuale risultato dell'assistenza fiscale, è riconosciuto dallo stesso sostituto d'imposta a partire dalle operazioni di conguaglio di fine anno 1998 deducendolo, fino ad integrale compensazione, dalle ritenute dovute. L'importo rimborsato e l'eventuale eccedenza ancora da rimborsare devono essere indicati nelle certificazioni dei redditi di lavoro dipendente e assimilati da consegnare ai percipienti. Eventuali differenze sono regolate dagli interessati con la dichiarazione dei redditi del 1998, ovvero per il tramite del medesimo sostituto d'imposta che provvede entro il secondo periodo di paga utile successivo a quello in cui ha ricevuto un'apposita richiesta contenente l'indicazione della predetta differenza.

4. Per i lavoratori dipendenti e pensionati diversi da quelli del comma 3 l'importo è ammesso in diminuzione delle imposte risultanti dalle dichiarazioni dei redditi relative al 1998, ovvero per il tramite del sostituto d'imposta che provvede entro il secondo periodo di paga utile successivo a quello in cui ha ricevuto una apposita richiesta contenente l'indicazione della predetta differenza.

5. Per tutti gli altri contribuenti l'importo di cui al comma 1 è ammesso in diminuzione delle imposte risultanti dalle dichiarazioni dei redditi relative al 1998.

6. I contribuenti che non possono utilizzare in diminuzione l'ammontare di cui al comma 1 secondo le modalità previste nei commi da 1 a 5, possono, entro diciotto mesi dalla data di entrata in vigore del presente decreto, presentare al centro di servizio delle imposte dirette e indirette competente sulla base del proprio domicilio fiscale, apposita istanza di rimborso.

Art. 2.

Cessione e cartolarizzazione dei crediti INPS

1. In deroga a quanto previsto dall'articolo 8 del decreto-legge 28 marzo 1997, n. 79, convertito, con modificazioni, dalla legge 28 maggio 1997, n. 140, i crediti contributivi, ivi compresi gli accessori per interessi e le sanzioni, vantati dall'Istituto nazionale della previdenza sociale (INPS), già maturati e quelli che matureranno sino alla data della cessione di cui al comma 15, sono ceduti a titolo oneroso, in massa, anche al fine di rendere più celere la riscossione, al valore netto risultante dai bilanci e dai rendiconti dell'Istituto.

2. Le tipologie e i valori dei crediti ceduti, comunque non inferiore all'importo di lire 8.000 miliardi, le modalità tecniche, i tempi e il prezzo della cessione sono determinati con decreto del Ministro del tesoro, del bilancio e della programmazione economica, di concerto con i Ministri delle finanze e del lavoro e della previdenza sociale. Per tipologie diverse da quelle individuate dal predetto decreto si applicano i commi 17 e 18.

3. Alla cessione non si applica l'articolo 1264 del codice civile e si applicano gli articoli 3, 5 e 6 della legge 21 febbraio 1991, n. 52. I privilegi e le garanzie di qualunque tipo che assistono i crediti oggetto della cessione conservano la loro validità e il loro grado in favore del

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cessionario, senza bisogno di alcuna formalità o annotazione. L'INPS è tenuta a garantire l'esistenza dei crediti al tempo della cessione, ma non risponde dell'insolvenza dei debitori.

4. Il cessionario è individuato ai sensi del decreto legislativo 17 marzo 1995, n. 157, fra le banche e gli intermediari finanziari abilitati o fra associazioni temporanee di imprese tra detti soggetti.

5. Il cessionario è autorizzato a costituire una società per azioni avente per oggetto esclusivo l'acquisto dei crediti di cui al presente articolo. Alla società si applicano le disposizioni contenute nel titolo V del decreto legislativo 1° settembre 1993, n. 385, ad esclusione dell'articolo 106, commi 2, 3, lettere *b)* e *c),* e 4, nonché le corrispondenti norme sanzionatorie previste dal titolo VIII del medesimo decreto legislativo. Tale società può finanziare le operazioni di acquisto dei crediti anche mediante emissione di titoli. Ai titoli emessi si applicano gli articoli 129 e 143 del decreto legislativo 1° settembre 1993, n. 385; all'emissione dei predetti titoli non si applica l'articolo 11 del medesimo decreto legislativo. Ai fini delle imposte sui redditi, i titoli di cui al presente comma sono soggetti alla disciplina prevista per i titoli obbligazionari e similari emessi da società quotate nei mercati regolamentati.

6. A decorrere dalla data di entrata in vigore della riforma della riscossione a mezzo ruolo, l'INPS è obbligato ad iscrivere a ruolo, ad eccezione dei crediti già oggetto dei procedimenti civili di cognizione ordinaria e di esecuzione, per i quali forma un elenco da trasmettere al cessionario, i crediti ceduti, rende esecutivi i ruoli e li affida in carico ai concessionari del servizio di riscossione dei tributi di cui al decreto del Presidente della Repubblica 28 gennaio 1988, n. 43, trasmettendo copia degli stessi al cessionario. L'INPS forma un separato elenco dei crediti ceduti, oggetto di contestazione nei procedimenti civili di cognizione ordinaria e di esecuzione, e lo trasmette al cessionario. Nei rapporti tra cedente e cessionario, l'elenco dei crediti in contestazione e la copia dei ruoli costituiscono documenti probatori dei crediti ai sensi dell'art. 1262 del codice civile.

7. I concessionari provvedono alla riscossione coattiva dei ruoli ai sensi del decreto del Presidente della Repubblica 29 settembre 1973, n. 602, e del decreto del Presidente della Repubblica 28 gennaio 1988, n. 43, e riversano le somme riscosse al cessionario.

8. La cessione dei crediti di cui al presente articolo costituisce successione a titolo particolare nel diritto ceduto. Nei procedimenti civili di cognizione e di esecuzione, pendenti alla data della cessione, si applica l'articolo 111, commi primo e quarto, del codice di procedura civile. Il cessionario può intervenire in tali procedimenti ma non può essere chiamato in causa, fermo restando che l'INPS non può in ogni caso essere estromesso. Qualora, successivamente alla trasmissione dei ruoli di cui al comma 6, i debitori promuovano, avverso il ruolo, giudizi di merito e di opposizione all'esecuzione ai sensi dell'articolo 2, commi 4 e 6, del decreto-legge 9 ottobre 1989, n. 338, convertito, con modificazioni, dalla legge 7 dicembre 1989, n. 389, sussiste litisconsorzio necessario nel lato passivo tra l'INPS ed il cessionario.

9. I rapporti tra il cessionario ed i concessionari della riscossione sono regolati contrattualmente, con convenzione tipo approvata dall'INPS. Con tale convenzione sono determinati i compensi da corrispondere al concessionario e stabilite idonee forme di controllo sull'efficienza dei concessionari. Il cessionario si obbliga nei confronti dell'INPS a stipulare con i concessionari convenzioni conformi alla convenzione tipo. Ai concessionari spettano i compensi ed i rimborsi spese di cui all'articolo 61 del decreto del Presidente della Repubblica 28 gennaio 1988, n. 43, che sono a carico dal cessionario.

10. Il concessionario e il cessionario comunicano all'INPS, in via telematica, secondo le modalità stabilite con decreto del Ministro del tesoro, del bilancio e della programmazione economica, di concerto con i Ministri delle finanze e del lavoro e della previdenza sociale, i dati relativi all'andamento delle riscossioni. L'INPS comunica periodicamente al cessionario gli esiti dei giudizi di cui al comma 8.

11. Il cessionario trattiene le somme riscosse fino alla concorrenza di lire 8.000 miliardi e dell'eventuale maggiore somma corrisposta a titolo di prezzo definitivo, nonché degli oneri per il servizio e per la riscossione. Le somme riscosse in eccedenza a quelle indicate nel periodo precedente vengono riversate all'INPS secondo le norme stabilite nel contratto di cessione dei crediti di cui al comma 1.

12. I concessionari rendono all'INPS il conto della gestione ai sensi dell'articolo 39, comma 2, del decreto del Presidente della Repubblica 28 gennaio 1988, n. 43.

13. L'amministrazione finanziaria effettua nei confronti del concessionario controlli a campione sull'efficienza della riscossione.

14. Resta fermo il diritto al risarcimento dei danni derivanti all'INPS dall'inadempimento degli obblighi contrattuali assunti dal cessionario.

15. Il rapporto di gestione dei crediti ceduti dura fino alla data di cessione di tali crediti alla costituenda società in mano pubblica avente per oggetto esclusivo i rimborsi dei crediti di imposta e contributivi.

16. Le cessioni di cui ai commi precedenti sono esenti dall'imposta di registro, dall'imposta di bollo e da ogni altra imposta indiretta.

17. L'INPS, al fine di realizzare celermente i propri incassi, può procedere in ciascun anno, nell'ambito di piani concordati con i Ministeri vigilanti e attraverso delibere del proprio consiglio di amministrazione, alla cessione dei crediti di cui al comma 2, secondo periodo.

18. La cessione, al momento del trasferimento del credito, produce la liberazione del cedente nei confronti del cessionario e non può essere effettuata per una entità complessiva inferiore all'ammontare dei contributi.

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Art. 3.

Versamento del primo acconto dell'imposta regionale sulle attività produttive

1. Nell'articolo 31, comma 1, riguardante il primo acconto dell'imposta, del decreto legislativo 15 dicembre 1997, n. 446, come modificato, da ultimo, dal decreto legislativo 10 aprile 1998, n. 137, è aggiunto, in fine, il seguente periodo: «Gli omessi o insufficienti versamenti dell'imposta relativi al primo periodo di applicazione della stessa, i cui termini sono scaduti alla data del 30 ottobre 1998, possono essere regolarizzati entro il termine di scadenza del primo versamento dell'imposta da effettuare successivamente alla predetta data applicando gli interessi calcolati al tasso legale con maturazione giorno per giorno.».

Art. 4.

Copertura finanziaria

1. Alle minori entrate derivanti dall'attuazione dell'articolo 1, valutate in lire 3.000 miliardi per l'anno 1999, si provvede con quota parte delle economie di spesa recate dall'articolo 2. Il Ministro del tesoro, del bilancio e della programmazione economica è autorizzato ad apportare, con propri decreti, le occorrenti variazioni di bilancio.

Art. 5.

Entrata in vigore

1. Il presente decreto entra in vigore il giorno successivo a quello della sua pubblicazione nella *Gazzetta Ufficiale* della Repubblica italiana e sarà presentato alle Camere per la conversione in legge.

Il presente decreto, munito del sigillo dello Stato, sarà inserito nella Raccolta ufficiale degli atti normativi della Repubblica italiana. È fatto obbligo a chiunque spetti di osservarlo e di farlo osservare.

Dato a Roma, addì 2 novembre 1998

SCÀLFARO

D'ALEMA, *Presidente del Consiglio dei Ministri*

VISCO, *Ministro delle finanze*

CIAMPI, *Ministro del tesoro, del bilancio e della programmazione economica*

BASSOLINO, *Ministro del lavoro e della previdenza sociale*

Visto, *il Guardasigilli:* DILIBERTO

98G0435

DECRETO LEGISLATIVO 6 ottobre 1998, n. **379.**

Intervento sostitutivo del Governo per la ripartizione di funzioni amministrative tra regioni ed enti locali in materia di mercato del lavoro, a norma dell'articolo 4, comma 5, della legge 15 marzo 1997, n. 59.

IL PRESIDENTE DELLA REPUBBLICA

Visti gli articoli 76 e 87 della Costituzione;

Vista la legge 15 marzo 1997, n. 59, e successive modifiche ed integrazioni, ed in particolare l'articolo 4, comma 5, che prevede l'emanazione da parte del Governo di uno o più decreti legislativi con i quali vengono ripartite fra la regione e gli enti locali le funzioni conferite alle regioni qualora le regioni non abbiano adottato, entro sei mesi dall'emanazione dei decreti legislativi previsti nella stessa legge, la legge di puntuale individuazione delle funzioni trasferite o delegate agli enti locali e di quelle mantenute in capo alla regione stessa;

Visto il decreto legislativo 23 dicembre 1997, n. 469, recante conferimento alle regioni e agli enti locali di funzioni e compiti, in materia di mercato del lavoro, a norma dell'articolo 1 della legge 15 marzo 1997, n. 59;

Considerato che le regioni Piemonte, Lombardia, Veneto, Umbria, Marche, Molise, Puglia e Calabria non hanno provveduto entro il termine di cui al citato comma 5 dell'articolo 4 della legge n. 59 del 1997;

Sentite le regioni inadempienti;

Vista la deliberazione del Consiglio dei Ministri, adottata nella riunione del 1° ottobre 1998;

Sulla proposta del Presidente del Consiglio dei Ministri e del Ministro per la funzione pubblica e gli affari regionali, di concerto con il Ministro del lavoro e della previdenza sociale;

EMANA

il seguente decreto legislativo:

Art. 1.

1. Fino alla data di entrata in vigore di ciascuna legge regionale di cui all'articolo 3 della legge 8 giugno 1990, n. 142, ed all'articolo 4, comma 5, della legge 15 marzo 1997, n. 59, che individua quali delle funzioni amministrative conferite alle regioni dal decreto legislativo 23 dicembre 1997, n. 469, sono mantenute in capo alla regione e quali sono trasferite o delegate agli enti locali, le disposizioni del presente decreto si applicano alle regioni Piemonte, Lombardia, Veneto, Umbria, Marche, Molise, Puglia e Calabria.

2. La regione esercita le funzioni di promozione, programmazione, indirizzo e coordinamento in materia di servizi per l'impiego, di politiche formative e del lavoro, garantisce il raccordo con il sistema scolastico ed universitario e realizza in particolare:

a) la promozione occupazionale con particolare riguardo al lavoro per le fasce deboli;

b) il sistema di informazione e orientamento professionale;

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c) l'osservatorio sul mercato del lavoro;

d) il sistema informativo regionale integrato per l'occupazione;

e) interventi di innovazione e sperimentazione;

f) l'assistenza tecnica e il monitoraggio.

3. Alla regione competono, inoltre, le funzioni ed i compiti in materia di politiche attive del lavoro, di cui all'articolo 2, comma 2, del decreto legislativo 23 dicembre 1997, n. 469.

Art. 2.

1. Alle province sono conferiti:

a) le funzioni e i compiti di cui all'articolo 2, comma 1, del decreto legislativo n. 469 del 1997 in materia di collocamento;

b) la gestione e l'erogazione dei servizi connessi alle funzioni e ai compiti di cui alla lettera *a)*;

c) la gestione e l'erogazione dei servizi connessi alle funzioni e ai compiti in materia di politica attiva del lavoro di cui all'articolo 2, comma 2, del decreto legislativo n. 469 del 1997;

d) le funzioni già di competenza della commissione regionale per l'impiego;

e) le funzioni di cui all'articolo 35-*bis,* comma 3, del decreto legislativo 3 febbraio 1993, n. 29, introdotto dall'articolo 21 del decreto legislativo 31 marzo 1998, n. 80.

2. Le province erogano servizi e attuano interventi integrati con le attività formative, orientative, di informazione e di promozione occupazionale.

3. I comuni esercitano le funzioni amministrative relative all'orientamento al lavoro.

Art. 3.

1. Le disposizioni del presente decreto si applicano a decorrere dal 1° gennaio 1999.

Il presente decreto, munito del sigillo dello Stato, sarà inserito nella Raccolta ufficiale degli atti normativi della Repubblica italiana. È fatto obbligo a chiunque spetti di osservarlo e di farlo osservare.

Dato a Roma, addì 6 ottobre 1998

SCÀLFARO

PRODI, *Presidente del Consiglio dei Ministri*

BASSANINI, *Ministro per la funzione pubblica e gli affari regionali*

TREU, *Ministro del lavoro e della previdenza sociale*

Visto, *il Guardasigilli:* FLICK

NOTE

AVVERTENZA:

Il testo delle note qui pubblicato è stato redatto ai sensi dell'art. 10, comma 3, del testo unico delle disposizioni sulla promulgazione delle leggi, sull'emanazione dei decreti del Presidente della Repubblica e sulle pubblicazioni ufficiali della Repubblica italiana, approvato con D.P.R. 28 dicembre 1985, n. 1092, al solo fine di facilitare la lettura delle disposizioni di legge alle quali è operato il rinvio. Restano invariati il valore e l'efficacia degli atti legislativi qui trascritti.

Note alle premesse:

— L'art. 76 della Costituzione regola la delega al Governo dell'esercizio della funzione legislativa e stabilisce che essa non può avvenire se non con determinazione di princìpi e criteri direttivi e soltanto per tempo limitato e per soggetti definiti.

— L'art. 87, comma quinto, della Costituzione, conferisce al Presidente della Repubblica il potere di promulgare le leggi e di emanare i decreti aventi valore di legge e i regolamenti.

— La legge 15 marzo 1997, n. 59 (Delega al Governo per il conferimento di funzioni e compiti alle regioni ed enti locali, per la riforma della pubblica amministrazione e per la semplificazione amministrativa) è pubblicata nel supplemento ordinario n. 56/L alla *Gazzetta Ufficiale* n. 63 del 17 marzo 1997.

— Il testo del comma 5 dell'art. 4 della legge n. 59/1997, come modificato ed integrato dall'art. 1, comma 8, della legge 16 giugno 1998, n. 191 (Modifiche ed integrazioni alle leggi 15 marzo 1997, n. 59 e 15 maggio 1997, n. 127, nonché norme in materia di formazione del personale dipendente e di lavoro a distanza nelle pubbliche amministrazioni. Disposizioni in materia di edilizia scolastica), pubblicata nel supplemento ordinario alla *Gazzetta Ufficiale* - serie generale - n. 142 del 20 giugno 1998, è il seguente:

«5. Ai fini dell'applicazione dell'art. 3 della legge 8 giugno 1990, n. 142, e del principio di sussidiarietà di cui al comma 3, lettera *a)*, e del principio di efficienza e di economicità di cui alla lettera *c)* del medesimo comma del presente articolo, ciascuna regione adotta, entro sei mesi dall'emanazione di ciascun decreto legislativo, la legge di puntuale individuazione delle funzioni trasferite o delegate agli enti locali e di quelle mantenute in capo alla regione stessa. Qualora la regione non provveda entro il termine indicato, il Governo è delegato ad emanare, entro i successivi novanta giorni, sentite le regioni inadempienti, uno o più decreti legislativi di ripartizione di funzioni tra regione ed enti locali le cui disposizioni si applicano fino alla data di entrata in vigore della legge regionale».

— Il decreto legislativo 23 dicembre 1997, n. 469 (Conferimento alle regioni e agli enti locali di funzioni e compiti in materia di mercato del lavoro, a norma dell'art. 1 della legge 15 marzo 1997, n. 59), è pubblicato nella *Gazzetta Ufficiale* - serie generale - n. 5 dell'8 gennaio 1998.

Note all'art. 1:

— Il testo dell'art. 3 della legge 8 giugno 1990, n. 142 (Ordinamento delle autonomie locali), così recita:

«Art. 3 *(Rapporti tra regioni ed enti locali).* — 1. Ai sensi dell'art. 117, primo e secondo comma, e dell'art. 118, primo comma, della Costituzione, ferme restando le funzioni che attengano ad esigenze di carattere unitario nei rispettivi territori, le regioni organizzano l'esercizio delle funzioni amministrative a livello locale attraverso i comuni e le province.

2. Ai fini di cui al comma 1, le leggi regionali si conformano ai princìpi stabiliti dalla presente legge in ordine alle funzioni del comune e della provincia, identificando nelle materie e nei casi previsti dall'art. 117 della Costituzione gli interessi comunali e provinciali in rapporto alle caratteristiche della popolazione e del territorio.

3. La legge regionale disciplina la cooperazione dei comuni e delle province tra loro e con la regione, al fine di realizzare un efficiente sistema delle autonomie locali al servizio dello sviluppo economico, sociale e civile.

4. La regione determina gli obiettivi generali della programmazione economico-sociale e territoriale e su questa base ripartisce le risorse destinate al finanziamento del programma di investimenti degli enti locali.

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5. Comuni e province concorrono alla determinazione degli obiettivi contenuti nei piani e programmi dello Stato e delle regioni e provvedono, per quanto di propria competenza, alla loro specificazione ed attuazione.

6. La legge regionale stabilisce forme e modi della partecipazione degli enti locali alla formazione dei piani e programmi regionali e degli altri provvedimenti della regione.

7. La legge regionale fissa i criteri e le procedure per la formazione e attuazione degli atti e degli strumenti della programmazione socio-economica e della pianificazione territoriale dei comuni e delle province rilevanti ai fini dell'attuazione dei programmi regionali.

8. La legge regionale disciplina altresì con norme di carattere generale modi e procedimenti per la verifica della compatibilità fra gli strumenti di cui al comma 7 ed i programmi regionali ove esistenti».

— Per il testo del comma 5 dell'art. 4 della legge n. 59/1997 si veda nelle note alle premesse.

— Il decreto legislativo 23 dicembre 1997, n. 469, è citato nelle note alle premesse.

— Il testo dell'art. 2, comma 2, del decreto legislativo 23 dicembre 1997, n. 469, è il seguente:

«2. Sono conferiti alle regioni le funzioni ed i compiti in materia di politica attiva del lavoro e in particolare:

a) programmazione e coordinamento di iniziative volte ad incrementare l'occupazione e ad incentivare l'incontro tra domanda e offerta di lavoro anche con riferimento all'occupazione femminile;

b) collaborazione alla elaborazione di progetti relativi all'occupazione di soggetti tossicodipendenti ed ex detenuti;

c) programmazione e coordinamento di iniziative volte a favorire l'occupazione degli iscritti alle liste di collocamento con particolare riferimento ai soggetti destinatari di riserva di cui all'art. 25 della legge 23 luglio 1991, n. 223;

d) programmazione e coordinamento delle iniziative finalizzate al reimpiego dei lavoratori posti in mobilità e all'inserimento lavorativo di categorie svantaggiate;

e) indirizzo, programmazione e verifica dei tirocini formativi e di orientamento e borse di lavoro;

f) indirizzo, programmazione e verifica dei lavori socialmente utili ai sensi delle normative in materia;

g) compilazione e tenuta della lista di mobilità dei lavoratori previa analisi tecnica».

Note all'art. 2:

— Il testo dell'art. 2, comma 1, del decreto legislativo 23 dicembre 1997, n. 469, è il seguente:

«1. Sono conferiti alle regioni le funzioni ed i compiti relativi al collocamento e in particolare:

a) collocamento ordinario;

b) collocamento agricolo;

c) collocamento dello spettacolo sulla base di un'unica lista nazionale;

d) collocamento obbligatorio;

f) collocamento dei lavoratori non appartenenti all'Unione europea;

g) collocamento dei lavoratori a domicilio;

h) collocamento dei lavoratori domestici;

i) avviamento a selezione negli enti pubblici e nella pubblica amministrazione, ad eccezione di quello riguardante le amministrazioni centrali dello Stato e gli uffici centrali degli enti pubblici;

l) preselezione ed incontro tra domanda ed offerta di lavoro;

m) inizative volte ad incrementare l'occupazione e ad incentivare l'incontro tra domanda e offerta di lavoro anche con riferimento all'occupazione femminile».

— Per il testo del comma 2 dell'art. 2 del decreto legislativo 23 dicembre 1997, n. 469, si veda nelle note all'art. 1.

— Il testo dell'art. 35-*bis*, comma 3, del decreto legislativo 3 febbraio 1993, n. 29, come modificato ed integrato dal decreto legislativo 31 marzo 1998, n. 801 (Razionalizzazione dell'organizzazione delle amministrazioni pubbliche e revisione della disciplina in materia di ›pubblico impiego a norma dell'art. 2 della legge 23 ottobre 1992, n. 421), il cui testo aggiornato è pubblicato nel supplemento ordinario alla *Gazzetta Ufficiale* - serie generale - n. 119 del 25 maggio 1998, è il seguente:

«3. Per le altre amministrazioni, l'elenco è tenuto dalle strutture regionali e provinciali di cui al decreto legislativo 23 dicembre 1997, n. 469, alle quali sono affidati i compiti di riqualificazione professionale e ricollocazione presso altre amministrazioni del personale. Le leggi regionali previste dal decreto legislativo 23 dicembre 1997, n. 469, nel provvedere all'organizzazione del sistema regionale per l'impiego, si adeguano ai princìpi di cui al comma 2».

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DECRETO LEGISLATIVO 19 ottobre 1998, n. **380.**

Disposizioni correttive al testo unico delle disposizioni concernenti la disciplina dell'immigrazione e norme sulla condizione dello straniero, a norma dell'articolo 47, comma 2, della legge 6 marzo 1998, n 40.

IL PRESIDENTE DELLA REPUBBLICA

Visti gli articoli 76 e 87 della Costituzione;

Visto l'articolo 47, comma 2, della legge 6 marzo 1998, n. 40, recante delega al Governo per l'emanazione di uno o più decreti legislativi recanti le disposizioni correttive che si dimostrino necessarie per realizzare pienamente i principi della medesima legge o per assicurarne la migliore attuazione;

Vista la legge 23 agosto 1988, n. 400;

Visto il testo unico delle disposizioni concernenti la disciplina dell'immigrazione e norme sulla condizione dello straniero, adottato con decreto legislativo 25 luglio 1998, n. 286;

Vista la preliminare deliberazione del Consiglio dei Ministri, adottata nella riunione del 24 luglio 1998;

Acquisito il parere delle competenti commissioni del Senato della Repubblica e della Camera dei deputati;

Vista la deliberazione del Consiglio dei Ministri, adottata nella riunione dell'8 ottobre 1998;

Sulla proposta del Presidente del Consiglio dei Ministri, del Ministro per la solidarietà sociale, del Ministro degli affari esteri e del Ministro dell'interno, di concerto con il Ministro del tesoro, del bilancio e della programmazione economica;

EMANA

il seguente decreto legislativo:

Art. 1.

1. All'articolo 11 del testo unico delle disposizioni concernenti la disciplina dell'immigrazione e norme sulla condizione dello straniero, approvato con decreto legislativo 25 luglio 1998, n. 286, i commi 4 e 5 sono sostituiti dai seguenti:

«*4.* Il Ministero degli affari esteri e il Ministero dell'interno promuovono le iniziative occorrenti, d'intesa

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con i Paesi interessati, al fine di accelerare l'espletamento degli accertamenti ed il rilascio dei documenti eventualmente necessari per migliorare l'efficacia dei provvedimenti previsti dal presente testo unico, e per la reciproca collaborazione a fini di contrasto dell'immigrazione clandestina. A tale scopo, le intese di collaborazione possono prevedere la cessione a titolo gratuito alle autorità dei Paesi interessati di beni mobili ed apparecchiature specificamente individuate, nei limiti delle compatibilità funzionali e finanziarie definite dal Ministro dell'interno, di concerto con il Ministro del tesoro, del bilancio e della programmazione economica e, se si tratta di beni, apparecchiature o servizi accessori forniti da altre amministrazioni, con il Ministro competente.

5. Per le finalità di cui al comma 4, il Ministro dell'interno predispone uno o più programmi pluriennali di interventi straordinari per l'acquisizione degli impianti e mezzi tecnici e logistici necessari, per acquistare o ripristinare i beni mobili e le apparecchiature in sostituzione di quelli ceduti ai Paesi interessati, ovvero per fornire l'assistenza e altri servizi accessori. Se si tratta di beni, apparecchiature o servizi forniti da altre amministrazioni, i programmi sono adottati di concerto con il Ministro competente.

6. Presso i valichi di frontiera sono previsti servizi di accoglienza al fine di fornire informazioni e assistenza agli stranieri che intendano presentare domanda di asilo o fare ingresso in Italia per un soggiorno di durata superiore a tre mesi. Tali servizi sono messi a disposizione, ove possibile, all'interno della zona di transito.».

Il presente decreto, munito del sigillo dello Stato, sarà inserito nella Raccolta ufficiale degli atti normativi della Repubblica italiana. È fatto obbligo a chiunque spetti di osservarlo e di farlo osservare.

Dato a Roma, addì 19 ottobre 1998

SCÀLFARO

PRODI, *Presidente del Consiglio dei Ministri*

TURCO, *Ministro per la solidarietà sociale*

DINI, *Ministro degli affari esteri*

NAPOLITANO, *Ministro dell'interno*

CIAMPI, *Ministro del tesoro, del bilancio e della programmazione economica*

Visto, *il Guardasigilli:* DILIBERTO

N O T E

AVVERTENZA:

Il testo delle note qui pubblicato è stato redatto ai sensi dell'art. 10, commi 2 e 3, del testo unico delle disposizioni sulla promulgazione delle leggi, sull'emanazione dei decreti del Presidente della Repubblica e sulle pubblicazioni ufficiali della Repubblica italiana, approvato con D.P.R. 28 dicembre 1985, n. 1092, al solo fine di facilitare la lettura delle disposizioni di legge modificate o alle quali è operato il rinvio. Restano invariati il valore e l'efficacia degli atti legislativi qui trascritti.

Note alle premesse:

— Si riporta il testo degli articoli 76 e 87 della Costituzione della Repubblica italiana:

«Art. 76. — L'esercizio della funzione legislativa non può essere delegato al Governo se non con determinazione di principi e criteri direttivi e soltanto per tempo limitato e per oggetti definiti».

«Art. 87. — Il Presidente della Repubblica è il capo dello Stato e rappresenta l'unità nazionale.

Può inviare messaggi alle Camere.

Indice le elezioni delle nuove Camere e ne fissa la prima riunione.

Autorizza la presentazione alle Camere dei disegni di legge di iniziativa del Governo.

Promulga le leggi ed emana i decreti aventi valore di legge e i regolamenti.

Indice il «referendum» popolare nei casi previsti dalla Costituzione.

Nomina, nei casi indicati dalla legge, i funzionari dello Stato.

Accredita e riceve i rappresentanti diplomatici, ratifica i trattati internazionali, previa, quando occorra, l'autorizzazione delle Camere.

Ha il comando delle Forze armate, presiede il Consiglio supremo di difesa costituito secondo la legge, dichiara lo stato di guerra deliberato dalle Camere.

Presiede il Consiglio superiore della magistratura.

Può concedere grazia e commutare le pene.

Conferisce le onorificenze della Repubblica».

— Si riporta il testo del comma 2, dell'art. 47, della legge 6 marzo 1998, n. 40 (Disciplina dell'immigrazione e norme sulla condizione dello straniero):

«2. Il Governo è altresì delegato ad emanare, entro il termine di due anni dalla data di entrata in vigore della presente legge, uno o più decreti legislativi recanti le disposizioni correttive che si dimostrino necessarie per realizzare pienamente i princìpi della presente legge o per assicurarne la migliore attuazione. Con le medesime modalità saranno inoltre armonizzate con le disposizioni della presente legge le altre disposizioni di legge riguardanti la condizione giuridica dello straniero».

— La legge 23 agosto 1988, n. 400, reca: «Disciplina dell'attività di Governo e ordinamento della Presidenza del Consiglio dei Ministri.

— Il decreto legislativo 25 luglio 1998, n. 286 (testo unico delle disposizioni concernenti la disciplina della immigrazione e norme sulla condizione dello straniero), è pubblicato nel supplemento ordinario n. 139/L alla *Gazzetta Ufficiale* - serie generale - del 18 agosto 1998.

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Nota all'art. 1:

— Si riporta il testo dell'art. 11 del decreto legislativo 25 luglio 1998, n. 286 (per l'argomento vedasi le note alle premesse), come modificato dal presente decreto legislativo:

«Art. 11 *(Potenziamento e coordinamento dei controlli di frontiera).* — 1. Il Ministro dell'interno e il Ministro degli affari esteri adottano il piano generale degli interventi per il potenziamento ed il perfezionamento, anche attraverso l'automazione delle procedure, delle misure di controllo di rispettiva competenza, nell'ambito delle compatibilità con i sistemi informativi di livello extranazionale previsti dagli accordi o convenzioni internazionali in vigore e delle disposizioni vigenti in materia di protezione dei dati personali.

2. Delle parti di piano che riguardano sistemi informativi automatizzati e dei relativi contratti è data comunicazione all'Autorità per l'informatica nella pubblica amministrazione.

3. Nell'ambito e in attuazione delle direttive adottate dal Ministro dell'interno, i prefetti delle province di confine terrestre ed i prefetti dei capoluoghi delle regioni interessate alla frontiera marittima promuovono le misure occorrenti per il coordinamento dei controlli di frontiera e della vigilanza marittima e terrestre, d'intesa con i prefetti delle altre province interessate, sentiti i questori e i dirigenti delle zone di polizia di frontiera, nonché le autorità marittime e militari ed i responsabili degli organi di polizia, di livello non inferiore a quello provinciale, eventualmente interessati, e sovrintendono all'attuazione delle direttive emanate in materia.

4. *Il Ministero degli affari esteri e il Ministero dell'interno promuovono le iniziative occorrenti, d'intesa con i Paesi interessati, al fine di accelerare l'espletamento degli accertamenti ed il rilascio dei documenti eventualmente necessari per migliorare l'efficacia dei provvedimenti previsti dal presente testo unico, e per la reciproca collaborazione a fini di contrasto dell'immigrazione clandestina. A tale scopo, le intese di collaborazione possono prevedere la cessione a titolo gratuito alle autorità dei Paesi interessati di beni mobili ed apparecchiature specificamente individuate, nei limiti delle compatibilità funzionali e finanziarie definite dal Ministro dell'interno, di concerto con il Ministro del tesoro, del bilancio e della programmazione economica, e, se si tratta di beni, apparecchiature o servizi accessori forniti da altre amministrazioni, con il Ministro competente.*

5. *Per le finalità di cui al comma 4, il Ministro dell'interno predispone uno o più programmi pluriennali di interventi straordinari per l'acquisizione degli impianti e mezzi tecnici e logistici necessari, per acquistare o ripristinare i beni mobili e le apparecchiature in sostituzione di quelli ceduti ai Paesi interessati, ovvero per fornire l'assistenza e altri servizi accessori. Se si tratta di beni, apparecchiature o servizi forniti da altre amministrazioni, i programmi sono adottati di concerto con il Ministro competente.*

6. *Presso i valichi di frontiera sono previsti servizi di accoglienza al fine di fornire informazioni e assistenza agli stranieri che intendano presentare domanda di asilo o fare ingresso in Italia per un soggiorno di durata superiore a tre mesi. Tali servizi sono messi a disposizione, ove possibile, all'interno della zona di transito*».

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DECRETI, DELIBERE E ORDINANZE MINISTERIALI

MINISTERO DELL'AMBIENTE

DECRETO 10 settembre 1998, n. **381.**

Regolamento recante norme per la determinazione dei tetti di radiofrequenza compatibili con la salute umana.

IL MINISTRO DELL'AMBIENTE
D'INTESA CON

IL MINISTRO DELLA SANITÀ

E

IL MINISTRO DELLE COMUNICAZIONI

Vista la legge 31 luglio 1997, n. 249, articolo 1, comma 6, lettera *a)*, n. 15), il quale dispone, tra l'altro, che il Ministero dell'ambiente d'intesa con il Ministero della sanità e con il Ministero delle comunicazioni, sentiti l'Istituto superiore di sanità e l'Agenzia nazionale per la protezione dell'ambiente (ANPA), fissa i tetti di radiofrequenze compatibili con la salute umana, tenendo anche conto delle norme comunitarie;

Visto il parere favorevole dell'Agenzia nazionale per la protezione dell'ambiente;

Visto il parere dell'Istituto superiore di sanità nel quale, pur condividendosi l'esigenza di una politica cautelativa che individui obiettivi di qualità anche al di là dell'adozione di limiti di esposizione mirati alla tutela degli effetti acuti, sono state manifestate perplessità, in considerazione dell'attuale stato di conoscenza scientifica, nei riguardi dell'adozione di misure più restrittive specifiche per l'esposizione a campi modulati in ampiezza;

Ritenuta la necessità di riservare misure più cautelative perlomeno nei casi in cui si possono verificare esposizioni a campi elettromagnetici per tempi prolungati, da parte di recettori sensibili non esposti per ragioni professionali;

Visto il parere espresso dalla conferenza permanente per i rapporti tra lo Stato, le regioni e le province autonome nella seduta del 7 maggio 1998, con il quale si esprime parere favorevole allo schema di decreto, subordinandolo all'accoglimento di due proposte di modifica, rispettivamente all'articolo 4, comma 2, ed all'articolo 5, comma 1;

Ritenuto di non accogliere la proposta di emendamento all'articolo 4, comma 2, in quanto renderebbe meno certa e sicura la tutela della popolazione per effetti a lungo termine conseguenti ad esposizione prolungata;

Udito il parere del Consiglio di Stato, espresso dalla sezione consultiva per gli atti normativi nell'adunanza del 31 agosto 1998;

Vista la comunicazione al Presidente del Consiglio dei Ministri, a norma dell'articolo 17, comma 3, della legge 23 agosto 1998, n. 400, del 10 settembre 1998, n. prot. UL/98/16640;

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ADOTTA

il seguente regolamento:

Art. 1.

Campo di applicazione

1. Le disposizioni del presente decreto fissano i valori limite di esposizione della popolazione ai campi elettromagnetici connessi al funzionamento ed all'esercizio dei sistemi fissi delle telecomunicazioni e radiotelevisivi operanti nell'intervallo di frequenza compresa fra 100 kHz e 300 GHz.

2. I limiti di esposizione di cui al predetto decreto, non si applicano ai lavoratori esposti per ragioni professionali.

Art. 2.

Definizioni ed unità di misura

1. Le definizioni delle grandezze fisiche citate nel decreto e le corrispondenti unità di misura sono riportate in allegato *A* che, unitamente agli allegati *B* e *C,* è parte integrante del presente decreto.

Art. 3.

Limiti di esposizione

1. Nel caso di esposizione al campo elettromagnetico i livelli dei campi elettrici, magnetici e della densità di potenza, mediati su un'area equivalente alla sezione verticale del corpo umano e su qualsiasi intervallo di sei minuti, non devono superare i valori di tabella 1.

TABELLA 1

LIMITI DI ESPOSIZIONE PER LA POPOLAZIONE AI CAMPI ELETTROMAGNETICI

Frequenza *f* (MHz)	Valore efficace di intensità di campo elettrico *E* (V/m)	Valore efficace di intensità di campo magnetico *H* (A/m)	Densità di potenza dell'onda piana equivalente (W/m^2)
0,1 – 3	60	0,2	–
> 3 – 3000	20	0,05	1
> 3000 – 300000	40	0,1	4

2. Nel caso di campi elettromagnetici generati da più sorgenti, la somma dei relativi contributi normalizzati, difiniti in allegato *B*, deve essere minore dell'unità.

Art. 4.

Misure di cautela ed obiettivi di qualità

1. Fermi restando i limiti di cui all'articolo 3, la progettazione e la realizzazione dei sistemi fissi delle telecomunicazioni e radiotelevisivi operanti nell'intervallo di frequenza compresa fra 100 kHz e 300 GHz e l'adeguamento di quelle preesistenti, deve avvenire in modo da produrre i valori di campo elettromagnetico più bassi possibile, compatibilmente con la qualità del servizio svolto dal sistema stesso al fine di minimizzare l'esposizione della popolazione.

2. Per i fini di cui al precedente comma 1, in corrispondenza di edifici adibiti a permanenze non inferiori a quattro ore non devono essere superati i seguenti valori, indipendentemente dalla frequenza, mediati su un'area equivalente alla sezione verticale del corpo umano e su qualsiasi intervallo di sei minuti: 6 V/m per il campo elettrico, 0,016 A/m per il campo magnetico intesi come valori efficati e, per frequenze comprese tra 3 Mhz e 300 GHz, 0,10 W/m^2 per la densità di potenza dell'onda piana equivalente.

3. Nell'ambito delle proprie competenze, fatte salve le attribuzioni dell'Autorità per le garanzie nelle comunicazioni, le regioni e le province autonome disciplinano l'installazione e la modifica degli impianti di radiocomunicazione al fine di garantire il rispetto dei limiti di cui al precedente articolo 3 e dei valori di cui al precedente comma, il raggiungimento di eventuali obiettivi di qualità, nonché le attività di controllo e vigilanza in accordo con la normativa vigente, anche in collaborazione con l'Autorità per le garanzie nelle comunicazioni, per quanto attiene all'identificazione degli impianti e delle frequenze loro assegnate.

Art. 5.

Risanamenti

1. Nelle zone abitative o sedi di attività lavorativa per lavoratori non professionalmente esposti o nelle zone comunque accessibili alla popolazione ove sono superati i limiti fissati al precedente articolo 3 e all'articolo 4, comma 2, devono essere attuate azioni di risanamento a carico dei titolari degli impianti. Le modalità ed i tempi di esecuzione per le azioni di risanamento sono prescritte dalle regioni e province autonome, secondo la regolamentazione di cui al precedente articolo 4, comma 3.

2. La riduzione a conformità da svolgere nell'ambito dell'attività di risanamento deve essere effettuata in accordo a quanto riportato nell'allegato *C.*

Art. 6.

Entrata in vigore

1. Il presente decreto entra in vigore dopo sessanta giorni dalla sua pubblicazione nella *Gazzetta Ufficiale* della Repubblica italiana.

Il presente decreto, munito del sigillo dello Stato, sarà inserito nella Raccolta ufficiale degli atti normativi della Repubblica italiana. È fatto obbligo a chiunque spetti di osservarlo e di farlo osservare.

Roma, 10 settembre 1998

p. *Il Ministro dell'ambiente*
CALZOLAIO

p. *Il Ministro della sanità*
BETTONI BRANDANI

p. *Il Ministro delle comunicazioni*
VITA

Visto, *il Guardasigilli:* FLICK
Registrato alla Corte dei conti il 28 ottobre 1998
Registro n. 1 Ambiente, foglio n. 250

Folio N° 3097

ALLEGATO A

DEFINIZIONI ED UNITÀ DI MISURA

Campo elettrico $\vec{E}$: si definisce campo elettrico una quantità vettoriale che, in ogni punto di una data regione di spazio, rappresenta il rapporto fra la forza esercitata su una carica elettrica di prova q ed il valore della carica medesima.
L'unità di misura del campo elettrico nel sistema S.I. è il volt/metro (V/m)

Campo magnetico $\vec{H}$: si definisce campo magnetico una quantità vettoriale-assiale definita in ogni punto di una data regione di spazio in modo tale che il suo rotore sia eguale alla densità di corrente elettrica totale, compresa la corrente di spostamento.
L'unità di misura del campo magnetico nel sistema S.I. è l'ampere/metro (A/m)

Densità di potenza elettromagnetica S: è la potenza elettromagnetica che fluisce attraverso l'unità di superficie, normale alla direzione di propagazione. Nella regione di campo lontano S è legata al valore efficace del campo elettrico E_{eff} ed al valore efficace del campo magnetico H_{eff} dalle relazioni

$$S = \frac{E_{eff}^2}{\eta} = \eta \cdot H^2 \qquad \text{essendo } \eta = 377\ \Omega \text{ l'impedenza dello spazio libero}$$

L'unità di misura della densità di potenza elettromagnetica nel sistema S.I. è il watt/metro-quadro (W/m^2).

Frequenza f: numero di cicli o periodi nell'unità di tempo.
L'unità di misura della frequenza nel sistema S.I. è l'hertz (Hz): sono di uso frequente i multipli kilohertz (1 kHz=10^3 Hz); megahertz(1 MHz=10^6 Hz); gigahertz(1GHz=10^9 Hz)

Media sull'intervallo temporale (t_1, t_2) : per una grandezza $p(t)$ variabile nel tempo è data dalla espressione:

$$P = \frac{1}{t_2 - t_1} \int_{t_1}^{t_2} p(t)dt$$

Valore efficace: di una grandezza periodica $a(t)$ si definisce valore efficace l'espressione

$$A_{eff} = \sqrt{\frac{1}{T} \int_{t}^{t+T} a^2(t)dt}$$

Onda piana: è una distribuzione di campo elettromagnetico propagativo, in cui in ogni punto i vettori campo elettrico e campo magnetico sono perpendicolari fra loro e giacciono su piani perpendicolari alla direzione di propagazione.

Regione di campo lontano: regione di spazio, sufficientemente lontano dalla sorgente, nella quale il campo elettromagnetico ha una distribuzione con le caratteristiche dell'onda piana. L'estensione di questa regione dipende dalle dimensioni massime lineari D dell'elemento radiante e dalla lunghezza d'onda λ del campo emesso. Si assume che la regione di campo lontano inizia ad una distanza dalla sorgente maggiore della quantità r eguale alla maggiore fra le quantità λ e D^2/λ.

Obiettivi di qualità: sono valori di campo elettromagnetico da conseguire nel breve, medio e lungo periodo, usando tecnologie e metodiche di risanamento disponibili, al fine di realizzare obiettivi di tutela.

Folio N° 3098

ALLEGATO *B*

MODALITÀ ED ESECUZIONE DELLE MISURE E DELLE VALUTAZIONI

Ai fini della verifica del rispetto dei limiti di cui all'articolo 3 e dei valori di cui all'aticolo 4, comma 2, le intensità dei campi elettromagnetici possono essere determinate mediante calcoli o mediante misure.

Le misure sono comunque necessarie ogni volta che i calcoli facciano prevedere valori di campo elettrico o magnetico che superano 1/2 dei limiti suddetti.

In caso di discordanza fra valore calcolato e valore misurato, è acquisito il valore misurato.

Le misure dei valori dei campi elettromagnetici devono essere eseguite secondo le norme C.E.I. ed in mancanza di queste devono essere eseguite secondo le norme di buona tecnica, emesse in materia dagli organismi internazionali, oppure indicate da Enti ed Associazioni, anche stranieri, di riconosciuta competenza.

Valori normalizzati delle misure

In presenza di più sorgenti, il limite complessivo di esposizione è 1, da ottenere come somma dei contributi normalizzati delle singole sorgenti: tali contributi sono determinati dividendo il quadrato del valore misurato del campo elettrico oppure del campo magnetico per il quadrato del valore limite corrispondente oppure, per le frequenze comprese fra 3 MHz e 300 GHz, dividendo la densità di potenza per il corrispondente valore limite. La procedura da seguire per la riduzione a conformità è descritta nell'Allegato C.

Folio N° 3099

ALLEGATO C

RIDUZIONE A CONFORMITÀ

La riduzione dei contributi dei campi elettromagnetici generati da diverse sorgenti, che concorrono in un dato punto al superamento dei limiti di esposizione di cui allo art. 3 e dei valori di cui all'art. 4, comma 2, deve essere eseguito nel modo seguente: indicando con E_i il campo elettrico della sorgente i-esima, con L_i il corrispondente limite desunto dalla tab. 1, con D_i la densità di potenza della sorgente e D_{Li} il corrispondente limite desunto dalla tab. 1, si calcolano i contributi normalizzati che le varie sorgenti producono nel punto in considerazione nel modo seguente:

(1) $C_i = E_i^2 / L_i^2$ oppure, per frequenze $f > 3$ MHz, $C_i = D_i / D_{Li}$

Se la somma

(2) $$C = \sum_i C_i$$

supera il valore 1 i limiti di esposizione non sono soddisfatti ed i vari segnali E_i vanno pertanto ridotti in modo che risulti $C <= 0,8$ ai fini di maggior tutela della popolazione.

In via preliminare si individuano con R_i quei contributi C_i che singolarmente superano il valore 0,8 : a ciascuno dei corrispondenti segnali E_i deve essere applicato un coefficiente di riduzione β_i che soddisfa la relazione $\beta_i R_i = 0,8$

Se la somma

$$C = \Sigma_j C_j + \Sigma_i \beta_i R_i$$

supera il valore 0,8 i vari segnali E_i devono essere ridotti in modo che risulti $C <= 0,8$.

Dall'insieme dei contributi da normalizzare devono essere esclusi i segnali che danno un contributo inferiore a 1/100 indicati convenzionalmente con l'espressione:

$$\sum_k A_k$$

Quindi la (2) può essere scritta :

(3) $$C = \sum_n E_n^2 / L_n^2 + \sum_k A_k + \Sigma_i \beta_i R_i = \sum_n E_n^2 / L_n^2 + \sum_k A_k + \Sigma_i \beta_i E_i^2 / L_i^2$$

Ponendo nella (3) $C=0,8$; $E_j' = \sqrt{\alpha}\, E_j$ $E_n' = \sqrt{\alpha}\, E_n$ si ottiene:

(4) $$0,8 - \sum_k A_k = \alpha \left(\sum_n E_n^2 / L_n^2 + \Sigma_i \beta_i E_i^2 / L_i^2 \right)$$

essendo α il coefficiente di riduzione ed E_j', E_n' i nuovi valori, ridotti a conformità, dei campi elettrici.

Folio N° 3100

N O T E

AVVERTENZA:

Il testo delle note qui pubblicato è stato redatto ai sensi dell'art. 10, comma 3, del testo unico delle disposizioni sulla promulgazione delle leggi, sull'emanazione dei decreti del Presidente della Repubblica e sulle pubblicazioni ufficiali della Repubblica italiana, approvato con D.P.R. 28 dicembre 1985, n. 1092, al solo fine di facilitare la lettura delle disposizioni di legge alle quali è operato il rinvio. Restano invariati il valore e l'efficacia degli atti legislativi qui trascritti.

Note alle premesse:

— Il testo del comma 6, lettera *a)*, n. 15), dell'art. 1, della legge 31 luglio 1997, n. 249, recante: «Istituzione dell'Autorità per le garanzie nelle telecomunicazioni e norme sui sistemi delle telecomunicazioni e radiotelevisivo», è il seguente:

«6. Le competenze dell'Autorità sono così individuate:

a) la commissione per le infrastrutture e le reti esercita le seguenti funzioni:

1)-14) *(omissis)*;

15) vigila sui tetti di radiofrequenze compatibili con la salute umana e verifica che tali tetti, anche per effetto congiunto di più emissioni elettromagnetiche, non vengano superati. Il rispetto di tali indici rappresenta condizione obbligatoria per le licenze o le concessioni all'installazione di apparati con emissioni elettromagnetiche. Il Ministero dell'ambiente, d'intesa con il Ministero della sanità e con il Ministero delle comunicazioni, sentiti l'Istituto superiore di sanità e l'Agenzia nazionale per la protezione dell'ambiente (ANPA), fissa entro sessanta giorni i tetti di cui al presente numero, tenendo conto anche delle norme comunitarie».

— Il testo del comma 3, dell'art. 17, della legge 23 agosto 1988, n. 400, recante: «Disciplina dell'attività di Governo e ordinamento della Presidenza del Consiglio dei Ministri», è il seguente:

«3. Con decreto ministeriale possono essere adottati regolamenti nelle materie di competenza del Ministro o di autorità sottordinate al Ministro, quando la legge espressamente conferisca tale potere. Tali regolamenti, per materie di competenza di più Ministri, possono essere adottati con decreti interministeriali, ferma restando la necessità di apposita autorizzazione da parte della legge. I regolamenti ministeriali ed interministeriali non possono dettare norme contrarie a quelle dei regolamenti emanati dal Governo. Essi debbono essere comunicati al Presidente del Consiglio dei Ministri prima della loro emanazione».

98G0430

MINISTERO DELLE FINANZE

DECRETO 15 ottobre 1998.

Accertamento del periodo di irregolare funzionamento dell'ufficio distrettuale delle imposte dirette di Marsala e dell'ufficio del registro di Marsala.

IL DIRETTORE REGIONALE
DELLE ENTRATE PER LA SICILIA

Visto il decreto-legge 21 giugno 1961, n. 498, convertito, con modificazioni, dalla legge 28 luglio 1961, n. 770, e sostituito dalla legge 25 ottobre 1985, n. 592, recante norme per la sistemazione di talune situazioni dipendenti da mancato o irregolare funzionamento degli uffici finanziari;

Vista la nota con la quale l'ufficio distrettuale delle imposte dirette di Marsala e l'ufficio del registro di Marsala hanno comunicato l'irregolare funzionamento degli uffici stessi nel giorno 13 ottobre 1998 per disattivazione dei terminali, e richiesto l'emanazione del relativo decreto di accertamento;

Visto l'art. 1 del decreto in data 10 ottobre 1997 - prot. n. 1/7998/UDG - del direttore generale del Dipartimeto delle entrate che delega i direttori regionali delle entrate, territorialmente competenti, ad adottare i decreti di accertamento del mancato o irregolare funzionamento degli uffici periferici del predetto Dipartimento, ai sensi dell'art. 2 della legge 25 ottobre 1985, n. 592, provvedendo alla pubblicazione dei medesimi nella *Gazzetta Ufficiale* entro i termini previsti;

Decreta

l'irregolare funzionamento dell'ufficio distrettuale delle imposte dirette di Marsala e dell'ufficio del registro di Marsala, nel giorno 13 ottobre 1998, per disattivazione dei terminali.

Il presente decreto sarà pubblicato nella *Gazzetta Ufficiale* della Repubblica italiana.

Palermo, 15 ottobre 1998

Il direttore regionale: IGNIZIO

98A9508

DECRETO 16 ottobre 1998.

Accertamento del periodo di irregolare funzionamento dell'ufficio I.V.A. di Agrigento e dell'ufficio del registro di Agrigento.

IL DIRETTORE REGIONALE
DELLE ENTRATE PER LA SICILIA

Visto il decreto-legge 21 giugno 1961, n. 498, convertito, con modificazioni, dalla legge 28 luglio 1961, n. 770, e sostituito dalla legge 25 ottobre 1985, n. 592, recante norme per la sistemazione di talune situazioni dipendenti da mancato o irregolare funzionamento degli uffici finanziari;

Viste la note con le quali l'ufficio I.V.A. di Agrigento e l'ufficio del registro di Agrigento hanno comunicato l'irregolare funzionamento degli uffici stessi nei giorni 10, 12 e 13 ottobre 1998 per lavori di manutenzione straordinaria presso i locali dei predetti uffici, e richiesto l'emanazione del relativo decreto di accertamento;

Visto l'art. 1 del decreto in data 10 ottobre 1997 - prot. n. 1/7998/UDG, del direttore generale del Dipartimento delle entrate che delega i direttori regionali delle entrate, territorialmente competenti, ad adottare i decreti di accertamento del mancato o irregolare funzionamento degli uffici preferirci del predetto Dipartimento, ai sensi dell'art. 2 della legge 25 ottobre 1985, n. 592, provvedendo alla pubblicazione dei medesimi nella *Gazzetta Ufficiale* entro i termini previsti;

Folio N° 3101

Decreta

l'irregolare funzionamento dell'ufficio I.V.A. di Agrigento e dell'ufficio del registro di Agrigento nei giorni 10, 12 e 13 ottobre 1998 per lavori di manutenzione straordinaria presso i locali dei predetti uffici.

Il presente decreto sarà pubblicato nella *Gazzetta Ufficiale* della Repubblica italiana.

Palermo, 16 ottobre 1998

Il direttore regionale: IGNIZIO

98A9509

MINISTERO DELL'INTERNO

DECRETO 18 settembre 1998.

Conferimento di efficacia civile nelle modificazioni concernenti le circoscrizioni territoriali delle diocesi di Benevento e Ariano Irpino-Lacedonia.

IL MINISTRO DELL'INTERNO

Vista l'istanza della Nunziatura apostolica diretta ad ottenere il conferimento di efficacia civile al provvedimento in data 6 marzo 1997 con il quale la Congregazione per i vescovi ha disposto la modifica delle circoscrizioni territoriali dell'arcidiocesi di Benevento, con sede in Benevento e della diocesi di Ariano Irpino-Lacedonia, con sede in Ariano Irpino (Avellino), mediante l'annessione di una parrocchia alla arcidiocesi di Benevento distaccandola alla diocesi di Ariano Irpino-Lacedonia e l'annessione di tre parrocchie alla diocesi di Ariano Irpino-Lacedonia distaccandole dall'arcidiocesi di Benevento;

Visto il decreto ministeriale 31 gennaio 1987, modificato con i decreti ministeriali 15 settembre 1988 e 24 gennaio 1990, con il quale venne conferita la qualifica di ente ecclesiastico civilmente riconosciuto all'arcidiocesi di Benevento, con sede in Benevento, nella cui circoscrizione territoriale vennero comprese centoventi parrocchie;

Visto il decreto ministeriale 20 ottobre 1986 con il quale venne conferita la qualifica di ente ecclesiastico civilmente riconosciuto alla diocesi di Ariano Irpino-Lacedonia, con sede in Ariano Irpino (Avellino), nella cui circoscrizione territoriale vennero comprese quaranta parrocchie;

Accertato che le suddette diocesi sono iscritte, a termini dell'art. 5 della legge 20 maggio 1985, n. 222, nel registro delle persone giuridiche;

Visto l'art. 3 dell'accordo 18 febbraio 1984 tra la Santa Sede e la Repubblica italiana, ratificato e reso esecutivo con legge 25 marzo 1985, n. 121;

Visti gli articoli 19 della legge 20 maggio 1985, n. 222, e 14 e 18 del regolamento approvato con decreto del Presidente della Repubblica 13 febbraio 1987, n. 33;

Visto l'art. 2 della legge 12 gennaio 1991, n. 13;

Visto il parere del Consiglio di Stato;

Decreta:

Art. 1.

È conferita efficacia civile al provvedimento in data 6 marzo 1997 con il quale la Congregazione per i vescovi ha disposto la modifica delle circoscrizioni territoriali delle due diocesi citate in narrativa, mediante l'annessione alla arcidiocesi di Benevento, distaccandola dalla diocesi di Ariano Irpino-Lacedonia della parrocchia di Santa Maria Maggiore, con sede in Sant'Arcangelo Trinitate (Benevento), viale delle Vittorie, nonché l'annessione alla diocesi di Ariano Irpino-Lacedonia, distaccandole dalla arcidiocesi di Benevento, delle parrocchie di S. Bartolomeo Apostolo, con sede in Greci (Avellino), largo Chiesa, di San Nicola Vescovo, con sede in Savignano Irpino (Avellino), via Calvario, e di Santa Maria del Monte Carmelo, con sede in Savignano Irpino (Avellino), frazione Savignano Scalo.

Art. 2.

A modifica dell'art. 2 del decreto ministeriale 31 gennaio 1987, richiamato in premessa e già modificato con decreti ministeriali 15 settembre 1988, e 24 gennaio 1990, relativo all'arcidiocesi di Benevento, nella circoscrizione territoriale dell'arcidiocesi stessa sono comprese centodiciotto parrocchie, di cui ottantaquattro con sede in comuni della provincia di Benevento e trentaquattro con sede in comuni della provincia di Avellino.

Art. 3.

A modifica dell'art. 2 del decreto ministeriale 20 ottobre 1986, richiamato in premessa, relativo alla diocesi di Ariano Irpino-Lacedonia, nella circoscrizione territoriale della diocesi stessa sono comprese quarantadue parrocchie, di cui trentasette con sede in comuni della provincia di Avellino, e quattro con sede in comuni della provincia di Benevento ed una con sede in comune della provincia di Foggia.

Art. 4.

Il presente decreto sarà trasmesso ai presidenti dei tribunali di Benevento e Avellino perché ne dispongano l'annotazione del registro delle persone giuridiche.

Roma, 18 settembre 1998

Il Ministro: NAPOLITANO

98A9510

Folio N° 3102

MINISTERO DELLA DIFESA

DECRETO 8 ottobre 1998.

Determinazione del contributo per l'anno 1999 per l'iscrizione al registro nazionale delle imprese e dei consorzi di imprese.

IL MINISTRO DELLA DIFESA

DI CONCERTO CON

IL MINISTRO DEL TESORO, DEL BILANCIO E DELLA PROGRAMMAZIONE ECONOMICA

Visti gli articoli 3 e 17 della legge 9 luglio 1990, n. 185, concernente nuove norme sul controllo dell'esportazione e transito dei materiali di armamento;

Decreta:

La misura del contributo annuo che le imprese e consorzi di imprese operanti nel settore della progettazione, produzione, importazione, esportazione, manutenzione e lavorazioni comunque connesse di materiali di armamento sono tenuti a versare per l'iscrizione al registro nazionale, istituito con l'art. 3 della legge 9 luglio 1990, n. 185, è stabilita, per l'anno 1999, in L. 500.000.

Il contributo è versato in tesoreria con imputazione allo stato di previsione dell'entrata, capo XVI, cap. 3577 «Contributo annuo dovuto per l'iscrizione nel registro nazionale delle imprese e consorzi di imprese» di cui all'art. 3, comma 1, della legge 9 luglio 1990, n. 185.

Il presente decreto sarà sottoposto a controllo ai sensi della vigente normativa e pubblicato nella *Gazzetta Ufficiale* della Repubblica italiana.

Roma, 8 ottobre 1998

Il Ministro della difesa
ANDREATTA

p. *Il Ministro del tesoro, del bilancio e della programmazione economica*
PINZA

98A9511

MINISTERO DEI TRASPORTI E DELLA NAVIGAZIONE

DECRETO 13 ottobre 1998.

Nuove prescrizioni riguardanti l'altezza minima dal suolo dei serbatoi degli autoveicoli alimentati a gas naturale compresso e a gas di petrolio liquefatto (GPL).

IL DIRIGENTE GENERALE

DIRETTORE DELLA IV DIREZIONE CENTRALE DELLA DIREZIONE GENERALE DELLA MOTORIZZAZIONE CIVILE E DEI TRASPORTI IN CONCESSIONE

Visto l'art. 227, commi 1 e 2, del regolamento di esecuzione di attuazione del nuovo codice della strada approvato con decreto del Presidente della Repubblica 16 dicembre 1992, n. 495, come modificato dal decreto del Presidente della Repubblica 16 settembre 1996, n. 495, in base al quale il Ministero dei trasporti e della navigazione - Direzione generale della M.C.T.C., ha facoltà di stabilire prescrizioni tecniche nell'ambito delle caratteristiche costruttive e funzionali dei veicoli indicate nell'appendice V del Titolo III dello stesso decreto;

Vista la sopracitata appendice V, che alla lettera *F,* alinea I), indica «gli equipaggiamenti speciali dei veicoli alimentati con combustibili in pressione o gassosi»;

Visto l'art. 47, comma 2, del nuovo codice della strada, approvato con decreto legislativo 30 aprile 1992, n. 285, nella versione modificata con decreto legislativo 10 settembre 1993, n. 360, che introduce nell'ordinamento la classificazione dei veicoli basata sulle categorie internazionali;

Considerato che gli equipaggiamenti speciali dei veicoli alimentati con combustibili in pressione o gassosi, in virtù dell'art. 232, comma 3, del nuovo codice della strada sono disciplinati dagli articoli dal 341 al 351 del regolamento di esecuzione del codice della strada del 1959 approvato con decreto del Presidente della Repubblica 30 giugno 1959, n. 420;

Considerato che le prescrizioni dall'art. 344 del regolamento di esecuzione del codice della strada del 1959 in materia di altezza minima dal suolo dei serbatoi appaiono oggi anacronistiche, incompatibili con le caratteristiche strutturali delle moderne autovetture e dei veicoli di piccole dimensioni e, considerando lo stato della attuale rete viaria, notevolmente migliorata rispetto alle condizioni in cui versava ai tempi della emanazione del codice della strada del 1959, non giustificate tecnicamente;

Considerato altresì che la sopracitata incompatibilità, rendendo oggi impossibile la omologazione nazionale di veicoli equipaggiati all'origine con impianti di alimentazione a metano e GPL, contrasta con la volontà più volte affermata dal Governo di incrementare l'uso di carburanti alternativi quali metano e GPL per le loro caratteristiche ecologiche;

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Decreta:

Art. 1.

1. La prescrizione riguardante l'altezza minima dal suolo dei serbatoi per metano e dei serbatoi per GPL disposti sotto la carrozzeria, stabilita all'art. 344 al comma 2 del regolamento di esecuzione del codice della strada del 1959 è sostituita dalla seguente:

«sotto il pavimento della carrozzeria, collegati direttamente alla struttura del veicolo purché essi risultino ad una altezza minima dal suolo non inferiore a:

a) mm 200 per i veicoli delle categorie internazionali M2, M3, N2 ed N3;

b) mm 155 per i veicoli delle categorie internazionali M1, N1, L4 ed L5,

e protetti da apposite lamiere».

Il presente decreto sarà pubblicato nella *Gazzetta Ufficiale* della Repubblica italiana.

Roma, 3 ottobre 1998

Il dirigente generale: D'ULISSE

98A9512

MINISTERO DELLA SANITÀ

DECRETO 6 ottobre 1998.

Assegnazione delle coppie di frequenza, canalizzate 12,5 KHz, ricadenti nella banda 450 MHz, al Ministero della sanità per le esigenze del sistema di emergenza sanitaria del Servizio sanitario nazionale.

IL MINISTRO DELLA SANITÀ

DI CONCERTO CON

IL MINISTRO DELLE COMUNICAZIONI

Visto il decreto del Presidente della Repubblica 27 marzo 1992, recante «Atto di indirizzo e coordinamento alle regioni per la determinazione dei livelli di assistenza sanitaria di emergenza», pubblicato nella *Gazzetta Ufficiale* n. 76 del 31 marzo 1992;

Visto l'atto di intesa adottato in data 11 aprile 1996 fra lo Stato e le regioni di approvazione delle linee-guida sul sistema di emergenza sanitaria in applicazione del decreto del Presidente della Repubblica 27 marzo 1992, pubblicato nella *Gazzetta Ufficiale* n. 114 del 17 maggio 1996;

Visto l'art. 3, commi 2 e 5, del citato decreto del Presidente della Repubblica 27 marzo 1992, che demanda ad un decreto del Ministro della sanità di concerto con il Ministro delle comunicazioni l'individuazione delle radiofrequenze dedicate e riservate al Servizio sanitario nazionale;

Ritenuto di assegnare al Servizio sanitario nazionale 30 coppie di radiofrequenze, canalizzate 12,5 KHz, ricadenti sulla banda 450 MHz (UHF);

Ritenuto di riservare quattro coppie di frequenze alle esigenze di carattere nazionale ed interregionale;

Ritenuto di assegnare le trenta coppie di frequenza al Ministero della sanità per la successiva messa a disposizione delle regioni e delle province autonome;

Ritenuto di procedere alla ripartizione delle frequenze fra le regioni e le province autonome in conformità alla suddivisione disposta con il decreto ministeriale 21 febbraio 1986, pubblicato nel supplemento alla *Gazzetta Ufficiale* n. 173 del 28 luglio 1986;

Ritenuto che le frequenze assegnate al Servizio sanitario nazionale debbono essere utilizzate esclusivamente per assicurare i collegamenti fra le centrali operative e le autoambulanze e gli altri mezzi di soccorso coordinati dalle centrali stesse e con i servizi sanitari territoriali dell'emergenza sanitaria;

Ritenuta opportuna la costituzione di una commissione tecnica paritetica fra i Ministeri della sanità e delle comunicazioni e le regioni per l'esame dei progetti tecnici delle reti di collegamento radio proposti dalle regioni e dalle province autonome, per la messa a disposizione delle frequenze e per i controlli sull'esercizio del servizio;

Decreta:

Art. 1.

1. Al Ministero della sanità, per le esigenze del sistema di emergenza sanitaria del Servizio sanitario nazionale, sono assegnate le seguenti coppie di frequenza, canalizzate 12,5 KHz, ricadenti nella banda 450 MHz:

Elenco canali per il Servizio sanitario nazionale

1	415 D	450,0125	460,0125
2	416 D	450,0250	460,0250
3	417 D	450,0375	460,0375
4	418 D	450,0500	460,0500
5	419 D	450,0625	460,0625
6	420 D	450,0750	460,0750
7	421 D	450,0875	460,0875
8	422 D	450,1000	460,1000
9	423 D	450,1125	460,1125
10	424 D	450,1250	460,1250
11	425 D	450,1375	460,1375
12	426 D	450,1500	460,1500
13	427 D	450,1625	460,1625
14	428 D	450,1750	460,1750
15	429 D	450,1875	460,1875
16	430 D	450,2000	460,2000
17	431 D	450,2125	460,2125
18	432 D	450,2250	460,2250
19	433 D	450,2375	460,2375
20	434 D	450,2500	460,2500
21	435 D	450,2625	460,2625

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22	436 D	450,2750	460,2750
23	437 D	450,2875	460,2875
24	438 D	450,3000	460,3000
25	439 D	450,3125	460,3125
26	440 D	450,3250	460,3250
27	441 D	450,3375	460,3375
28	442 D	450,3500	460,3500
29	443 D	450,3625	460,3625
30	444 D	450,3750	460,3750

Art. 2.

1. Il Ministero della sanità mette a disposizione delle singole regioni e delle province autonome di Trento e Bolzano le frequenze di cui all'art. 1 per il sistema di emergenza sanitaria ed, in particolare, per assicurare i collegamenti fra le centrali operative dell'emergenza sanitaria e le autoambulanze e gli altri mezzi di soccorso, coordinati dalle centrali operative stesse, nonché i servizi sanitari territoriali dell'emergenza sanitaria.

2. La messa a disposizione delle frequenze è disposta dal Ministero della sanità di concerto con il Ministero delle comunicazioni in relazione alle effettive esigenze dei servizi e previa approvazione da parte della commissione di cui all'art. 6 del progetto tecnico della rete dei radiocollegamenti.

3. Alla ripartizione dei canali fra le regioni e le province autonome di Trento e Bolzano si provvede in base alla seguente suddivisione per area geografica in ambito comunale e regionale:

a) canali suddivisi per area geografica in ambito comunale:

A	415	424
B	416	425
C	417	426
D	418	427
E	419	428
F	420	429
G	421	430
H	422	431
I	423	432

b) canali suddivisi per area geografica in ambito regionale:

X	433	437	441
Y	434	438	442
Z	435	439	443
T	436	440	444

4. I canali n. 433, n. 434, n. 435 e n. 436 sono riservati ai collegamenti d'interesse nazionale ed interregionali.

5. La ripartizione dei canali in ambito locale è disposta dal Ministero delle comunicazioni sulla base dei progetti tecnici di realizzazione dei sistemi di radiocollegamenti presentati dalle singole regioni e province autonome nel rispetto di quanto previsto dal comma 2.

Art. 3.

1. Le radiofrequenze riservate al Servizio sanitario nazionale sono utilizzate esclusivamente per assicurare i collegamenti di cui all'art. 2, comma 1.

2. Gli enti e le associazioni pubbliche e private, che svolgono, in base a convenzione con il Servizio sanitario nazionale, attività di soccorso sanitario coordinata dalla centrale operativa del 118, utilizzano, per l'espletamento dei servizi di pronto soccorso, coordinati dalla centrale operativa stessa, esclusivamente le frequenze riservate al Servizio sanitario nazionale in base ai criteri ed alle direttive della centrale operativa.

3. L'attivazione dei collegamenti radio attraverso le frequenze di cui all'art. 1 non consente l'ulteriore utilizzazione di frequenze radio diverse per i collegamenti per l'emergenza sanitaria da parte delle centrali operative 118 e degli altri soggetti pubblici e privati convenzionati che fanno parte del sistema di emergenza sanitaria.

4. Le unità sanitarie locali, le aziende ospedaliere, gli istituti di ricovero e cura a carattere scientifico ed i policlinici universitari, nonché la Croce rossa italiana sono tenuti, entro il termine indicato in sede di approvazione del progetto tecnico di realizzazione del sistema di collegamenti radio con le frequenze di cui all'art. 1 e comunque non oltre tre mesi dalla data di completa attivazione del sistema stesso, a restituire al Ministero delle comunicazioni le frequenze attualmente utilizzate per l'emergenza sanitaria. Il Ministero della sanità di concerto con il Ministero delle comunicazioni può, per particolari esigenze organizzative e per periodi di tempo determinati, autorizzare le predette istituzioni a continuare ad utilizzare, in tutto o in parte, le frequenze attualmente impiegate anche in relazione al necessario ammortamento degli investimenti già effettuati nel settore.

5. Gli enti e le associazioni, pubbliche e private, che abbiano stipulato la convenzione di cui all'art. 5, comma 3, del decreto del Presidente della Repubblica 27 marzo 1992 citato nelle premesse, sono tenute, entro tre mesi dalla stipula della convenzione, a restituire le frequenze già utilizzate per l'emergenza sanitaria.

Art. 4.

1. Presso il Ministero delle comunicazioni è costituita una commissione tecnica paritetica con il compito di esprimere parere sui progetti tecnici di realizzazione delle reti presentati dalle regioni e dalle province autonome e di sovraintendere al regolare funzionamento dei servizi di telecomunicazioni.

2. La commissione è composta da tre esperti, di cui uno con funzioni di presidente, nominati dal Ministro delle comunicazioni, tre esperti nominati dal Ministro della sanità e tre esperti nominati dalla conferenza dei

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presidenti delle regioni e delle province autonome di Trento e Bolzano. La commissione può invitare, di volta in volta, a partecipare ai lavori funzionari o esperti delle regioni e delle province autonome interessate agli argomenti posti all'ordine del giorno.

Il presente decreto sarà pubblicato nella *Gazzetta Ufficiale* della Repubblica italiana.

Roma, 6 ottobre 1998

Il Ministro della sanità
BINDI

Il Ministro delle comunicazioni
MACCANICO

98A9531

DECRETO 9 ottobre 1998.

Autorizzazione all'azienda ospedaliera policlinico S. Orsola Malpighi di Bologna ad includere sanitari nell'équipe autorizzata ad espletare attività di trapianto di aorta da cadavere a scopo terapeutico.

IL DIRIGENTE GENERALE

DEL DIPARTIMENTO DELLE PROFESSIONI SANITARIE, RISORSE UMANE E TECNOLOGICHE IN SANITÀ E ASSISTENZA SANITARIA DI COMPETENZA STATALE

Visto il decreto ministeriale 7 giugno 1995, con il quale l'azienda ospedaliera policlinico S. Orsola Malpighi di Bologna, è stata autorizzata ad espletare attività di trapianto di aorta da cadavere a scopo terapeutico;

Vista l'istanza presentata dal direttore generale dell'azienda ospedaliera policlinico S. Orsola Malpighi di Bologna in data 21 settembre 1998, intesa ad ottenere l'autorizzazione all'inclusione di sanitari nell'équipe autorizzata all'espletamento delle predette attività con il sopracitato decreto ministeriale;

Considerato che, in base agli atti istruttori, nulla osta alla concessione della richiesta autorizzazione;

Vista la legge 2 dicembre 1975, n. 644, che disciplina i prelievi di parti di cadavere a scopo di trapianto terapeutico;

Visto il decreto del Presidente della Repubblica 16 giugno 1977, n. 409, che approva il regolamento di esecuzione della sopracitata legge;

Vista la legge 13 luglio 1990, n. 198, recante modifiche delle disposizioni sul prelievo di parti di cadavere a scopo di trapianto terapeutico;

Visto il decreto del Presidente della Repubblica 9 novembre 1994, n. 694, che approva il regolamento recante norme sulla semplificazione del procedimento di autorizzazione dei trapianti;

Decreta:

Art. 1.

L'azienda ospedaliera policlinico S. Orsola Malpighi di Bologna è autorizzata ad includere nell'équipe responsabile delle attività di trapianto di aorta da cadavere a scopo terapeutico, di cui al decreto ministeriale 7 giugno 1995, i seguenti sanitari:

Freyrie dott. Antonio, dirigente medico di primo livello fascia B presso la divisione di chirurgia vascolare dell'azienda ospedaliera policlinico S. Orsola Malpighi di Bologna;

Saccà dott. Antonino, dirigente medico di primo livello fascia B presso la divisione di chirurgia vascolare dell'azienda ospedaliera policlinico S. Orsola Malpighi di Bologna.

Art. 2.

Il direttore generale dell'azienda ospedaliera policlinico S. Orsola Malpighi di Bologna è incaricato dell'esecuzione del presente decreto.

Il presente decreto sarà pubblicato nella *Gazzetta Ufficiale* della Repubblica italiana.

Roma, 9 ottobre 1998

Il dirigente generale: D'ARI

98A9513

MINISTERO DEL LAVORO E DELLA PREVIDENZA SOCIALE

DECRETO 7 ottobre 1998.

Scioglimento della società cooperativa «Editoriale Occidente», in Roma.

IL DIRIGENTE

DEL SERVIZIO POLITICHE DEL LAVORO DI ROMA

Visto l'art. 2544 del codice civile, in applicazione del decreto del direttore generale della cooperazione del 6 marzo 1996 di decentramento alle direzioni provinciali del lavoro, servizio politiche del lavoro, degli scioglimenti senza liquidatore di società cooperative;

Visto il verbale di ispezione ordinaria effettuata nei confronti della società cooperativa appresso indicata, da cui risulta che la medesima trovasi nella condizione prevista dal precitato art. 2544 del codice civile;

Visto il parere del comitato centrale per le cooperative;

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Decreta:

La società cooperativa sottoelencata è sciolta ai sensi dell'art. 2544 del codice civile:

società cooperativa «Editoriale Occidente», con sede in Roma, costituita con rogito notaio dott. Paolo Castellini in data 24 gennaio 1980, rep. 3463, reg. soc. 1211/80, tribunale di Roma, B.U.S.C. 25679/174758.

Il presente verrà trasmesso al Ministero di grazia e giustizia - Ufficio pubblicazione leggi e decreti, per la pubblicazione nella *Gazzetta Ufficiale*.

Roma, 7 ottobre 1998

Il dirigente: PIRONOMONTE

98A9514

DECRETO 14 ottobre 1998.

Scioglimento della società cooperativa «Cooperativa agricola S. Paolo a r.l.», in Frosinone.

IL DIRETTORE
DELLA DIREZIONE PROVINCIALE DEL LAVORO
DI FROSINONE

Visto il decreto legislativo del Capo provvisorio dello Stato n. 1577 del 14 dicembre 1947 e successive modificazioni e integrazioni;

Visto l'art. 2544 del codice civile;

Vista la legge n. 400 del 17 luglio 1975;

Visto il decreto in data 6 marzo 1996 della Direzione generale della cooperazione del Ministero del lavoro e della previdenza sociale, con il quale è stata demandata agli uffici provinciali del lavoro e della massima occupazione, ora direzioni provinciali del lavoro, l'adozione dei provvedimenti di scioglimento d'ufficio, senza nomina di commissario liquidatore, delle società cooperative di cui siano stati accertati i presupposti indicati nell'art. 2544 del codice civile, comma 1;

Visto il verbale di ispezione ordinaria del 31 dicembre 1996, eseguita nei confronti della società cooperativa «Cooperativa agricola S. Paolo a r.l.», dal quale risulta che la medesima trovasi nelle condizioni previste dal comma 1 del predetto articolo del codice civile;

Accertata l'assenza di patrimonio da liquidare riferita al menzionato ente cooperativo;

Sentito il parere della commissione centrale per le cooperative di cui all'art. 18 della legge 17 febbraio 1971, n. 127;

Tenuto conto del parere espresso dal Ministero per il coordinamento delle politiche agricole, alimentari e forestali con nota n. 85018 del 6 ottobre 1998;

Decreta:

La società cooperativa «Cooperativa agricola S. Paolo a r.l.», con sede in Frosinone, costituita per rogito notaio dott. Piacitelli Giovanni in data 21 aprile 1989, repertorio n. 6864, registro imprese n. 6422 del tribunale di Frosinone, B.U.S.C. 1366/241126, è sciolta ai sensi dell'art. 2544 del codice civile, senza far luogo alla nomina di commissario liquidatore, in virtù dell'art. 2 della legge 17 luglio 1975, n. 400.

Frosinone, 14 ottobre 1998

Il direttore: NECCI

98A9515

DECRETO 14 ottobre 1998.

Scioglimento della società cooperativa «Gallinape - Società cooperativa agricola a r.l.», in Gallinaro.

IL DIRETTORE
DELLA DIREZIONE PROVINCIALE DEL LAVORO
DI FROSINONE

Visto il decreto legislativo del Capo provvisorio dello Stato n. 1577 del 14 dicembre 1947 e successive modificazioni e integrazioni;

Visto l'art. 2544 del codice civile;

Vista la legge n. 400 del 17 luglio 1975;

Visto il decreto in data 6 marzo 1996 della Direzione generale della cooperazione del Ministero del lavoro e previdenza sociale, con il quale è stata demandata agli uffici provinciali del lavoro e della massima occupazione, ora direzioni provinciali del lavoro, l'adozione dei provvedimenti di scioglimento d'ufficio, senza nomina di commissario liquidatore, delle società cooperative di cui siano stati accertati i presupposti indicati nell'art. 2544 del codice civile, comma 1;

Visto il verbale di ispezione ordinaria del 18 marzo 1997, eseguita nei confronti della società cooperativa «Gallinape - Società cooperativa agricola a r.l.», dal quale risulta che la medesima trovasi nelle condizioni previste dal comma 1 del predetto articolo del codice civile;

Accertata l'assenza di patrimonio da liquidare riferita al menzionato ente cooperativo;

Sentito il parere della commissione centrale per le cooperative di cui all'art. 18 della legge 17 febbraio 1971, n. 127;

Tenuto conto del parere espresso dal Ministero per il coordinamento delle politiche agricole, alimentari e forestali con nota n. 85018 del 6 ottobre 1998;

Decreta:

La società cooperativa «Gallinape - Società cooperativa agricola a r.l.», con sede in Gallinaro, costituita per rogito notaio dott. Verde Michele in data 11 aprile 1979, repertorio n. 1536, registro imprese n. 932 del tribunale di Cassino, B.U.S.C. 818/168870, è sciolta ai sensi dell'art. 2544 del codice civile, senza far luogo alla nomina di commissario liquidatore, in virtù dell'art. 2 della legge 17 luglio 1975, n. 400.

Frosinone, 14 ottobre 1998

Il direttore: NECCI

98A9516

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DECRETO 14 ottobre 1998.

Scioglimento della società cooperativa «Cooperativa agricola S. Elia a r.l.», in S. Elia Fiume Rapido.

IL DIRETTORE
DELLA DIREZIONE PROVINCIALE DEL LAVORO
DI FROSINONE

Visto il decreto legislativo del Capo provvisorio dello Stato n. 1577 del 14 dicembre 1947 e successive modificazioni e integrazioni;

Visto l'art. 2544 del codice civile;

Vista la legge n. 400 del 17 luglio 1975;

Visto il decreto in data 6 marzo 1996 della Direzione generale della cooperazione del Ministero del lavoro e della previdenza sociale, con il quale è stata demandata agli uffici provinciali del lavoro e della massima occupazione, ora direzioni provinciali del lavoro, l'adozione dei provvedimenti di scioglimento d'ufficio, senza nomina di commissario liquidatore, delle società cooperative di cui siano stati accertati i presupposti indicati nell'art. 2544 del codice civile, comma 1;

Visto il verbale di ispezione ordinaria del 5 aprile 1997, eseguita nei confronti della società cooperativa «Cooperativa agricola S. Elia a r.l.», dal quale risulta che la medesima trovasi nelle condizioni previste dal comma 1 del predetto articolo del codice civile;

Accertata l'assenza di patrimonio da liquidare riferita al menzionato ente cooperativo;

Sentito il parere della commissione centrale per le cooperative di cui all'art. 18 della legge 17 febbraio 1971, n. 127;

Tenuto conto del parere espresso dal Ministero per il coordinamento delle politiche agricole, alimentari e forestali con nota n. 85018 del 6 ottobre 1998;

Decreta:

La società cooperativa «Cooperativa agricola S. Elia a r.l.», con sede in S. Elia Fiume Rapido, costituita per rogito notaio dott. Marini Claudio in data 27 gennaio 1986, repertorio n. 3905, registro imprese n. 2402 del tribunale di Cassino, B.U.S.C. 1172/218383, è sciolta ai sensi dell'art. 2544 del codice civile, senza far luogo alla nomina di commissario liquidatore, in virtù dell'art. 2 della legge 17 luglio 1975, n. 400.

Frosinone, 14 ottobre 1998

Il direttore: NECCI

98A9517

DECRETO 14 ottobre 1998.

Scioglimento della società cooperativa «Cooperativa produzione agricola cepranese a r.l.», in Ceprano.

IL DIRETTORE
DELLA DIREZIONE PROVINCIALE DEL LAVORO
DI FROSINONE

Visto il decreto legislativo del Capo provvisorio dello Stato n. 1577 del 14 dicembre 1947 e successive modificazioni e integrazioni;

Visto l'art. 2544 del codice civile;

Vista la legge n. 400 del 17 luglio 1975;

Visto il decreto in data 6 marzo 1996 della Direzione generale della cooperazione del Ministero del lavoro e della previdenza sociale, con il quale è stata demandata agli uffici provinciali del lavoro e della massima occupazione, ora direzioni provinciali del lavoro, l'adozione dei provvedimenti di scioglimento d'ufficio, senza nomina di commissario liquidatore, delle società cooperative di cui siano stati accertati i presupposti indicati nell'art. 2544 del codice civile, comma 1;

Visto il verbale di ispezione ordinaria del 20 febbraio 1997, eseguita nei confronti della società cooperativa «Cooperativa produzione agricola cepranese a r.l.», dal quale risulta che la medesima trovasi nelle condizioni previste dal comma 1 del predetto articolo del codice civile;

Accertata l'assenza di patrimonio da liquidare riferita al menzionato ente cooperativo;

Sentito il parere della commissione centrale per le cooperative di cui all'art. 18 della legge 17 febbraio 1971, n. 127;

Tenuto conto del parere espresso dal Ministero per il coordinamento delle politiche agricole, alimentari e forestali con nota n. 85018 del 6 ottobre 1998;

Decreta:

La società cooperativa «Cooperativa produzione agricola cepranese a r.l.», con sede in Ceprano, costituita per rogito notaio dott. Zinzi Angelo in data 24 gennaio 1986, repertorio n. 1662, registro imprese n. 4762 del tribunale di Frosinone, B.U.S.C. 1154/217720, è sciolta ai sensi dell'art. 2544 del codice civile, senza far luogo alla nomina di commissario liquidatore, in virtù dell'art. 2 della legge 17 luglio 1975, n. 400.

Frosinone, 14 ottobre 1998

Il direttore: NECCI

98A9518

Folio N° 3108

DECRETI E DELIBERE DI ALTRE AUTORITÀ

UNIVERSITÀ DI PISA

DECRETO RETTORALE 12 ottobre 1998.

Modificazioni allo statuto dell'Università.

IL RETTORE

Visto lo statuto di questa Università, approvato con regio decreto 14 ottobre 1926, n. 2278, e successive modificazioni;

Visto il testo unico delle leggi sull'istruzione superiore, approvato con regio decreto 31 agosto 1933, n. 1592;

Visto il regio decreto-legge 20 gennaio 1935, n. 1071, convertito nella legge 2 gennaio 1936, n. 73;

Visto il regio decreto 30 settembre 1938, n. 1652, e successive modificazioni;

Visto il decreto del Presidente della Repubblica 11 luglio 1980, n. 382;

Vista la legge 9 maggio 1989, n. 168;

Vista la legge 19 gennaio 1990, n. 341:

Vista la legge 15 maggio 1997, n. 127, ed in particolare l'art. 17, commi 95 e 101;

Visti il decreto ministeriale 11 maggio 1995, pubblicato nel supplemento ordinario alla *Gazzetta Ufficiale* n. 167 del 19 luglio 1995, ed il decreto ministeriale 5 maggio 1997, pubblicato nella *Gazzetta Ufficiale* - serie generale - n. 139 del 17 giugno 1998, con i quali sono state apportate modificazioni all'ordinamento didattico relativamente alle scuole di specializzazione del settore medico;

Visto il decreto rettorale n. 01-951 del 4 giugno 1998 con il quale è stato emanato il regolamento didattico di Ateneo, affisso all'Albo dell'Università 4 giugno 1998;

Vista la proposta di modifica di statuto relativa all'istituzione della scuola di specializzazione in chirurgia vascolare, approvata dal senato accademico con deliberazione n. 138 del 3 febbraio 1998;

Visto il parere favorevole espresso dal Consiglio universitario nazionale nell'adunanza del 9 settembre 1998;

Decreta:

Art. 1.

1.1. Lo statuto dell'Università degli studi di Pisa, approvato con regio decreto 14 ottobre 1926, n. 2278, e successive modificazioni, è ulteriormente modificato come di seguito indicato.

Art. 2.

2.1. È istituita la scuola di specializzazione in «Chirurgia vascolare» afferente alla facoltà di medicina e chirurgia.

2.2. È contestualmente emanato lo statuto della suddetta scuola allegato al presente decreto del quale costituisce parte integrante.

2.3. La scuola di specializzazione in «Chirurgia vascolare» sarà attivata dall'anno accademico 1998/1999.

Art. 3.

3.1. Il presente decreto verrà pubblicato nella *Gazzetta Ufficiale* della Repubblica italiana.

Pisa,12 ottobre 1998

Il rettore: MODICA

STATUTO DELLA SCUOLA DI SPECIALIZZAZIONE IN CHIRURGIA VASCOLARE

Art. 1. — La scuola di specializzazione in chirurgia vascolare risponde alle norme generali delle scuole di specializzazione dell'area medica.

Art. 2. — La scuola ha lo scopo di formare medici specialistici nel settore professionale della diagnostica, della clinica e della terapia chirurgica, delle malattie vascolari intese come malattie delle arterie, delle vene e dei linfatici.

Art. 3. — La scuola rilascia il titolo di specialista in chirurgia vascolare.

Art. 4. — Il corso ha la durata di 5 anni.

Art. 5. — Concorrono al funzionamento della scuola le strutture della facoltà di medicina e chirurgia (*) e quelle del Servizio sanitario nazionale individuate nei protocolli di intesa di cui all'art. 6 comma 2 del decreto legislativo n. 502/1992 ed il relativo personale universitario appartenente ai settori scientifico-disciplinari di cui alla tabella *A* e quello dirigente del Servizio sanitario nazionale delle corrispondenti aree funzionali e discipline.

Art. 6. — Il numero massimo degli specializzandi che possono essere ammessi è di 4 candidati per anno.

Art. 7. — Sede amministrativa della scuola è il dipartimento di chirurgia.

TABELLA *A*

AREE DI ADDESTRAMENTO PROFESSIONALIZZATE E RELATIVI SETTORI SCIENTIFICO-DISCIPLINARI

A) *Area propedeutica.*

Obiettivo: lo specializzando deve apprendere conoscenze di anatomo-fisopatologia ed anatomia chirurgica; deve inoltre apprendere le conoscenze necessarie alla valutazione epidemiologica ed alla sistematizzazione dei dati clinici, anche mediante sistemi informatici.

Settori: E06A fisiologia umana, E09A anatomia umana, E09B istologia, E10X biofisica medica (E06A fisiologia umana), F01X statistica medica, F06A anatomia patologica, F07G malattie del sangue, K05B informatica, K06X bioingegneria, L18C linguistica inglese.

Folio N° 3109

B) *Area di semiologia clinica e diagnostica strumentale invasiva e non invasiva.*

Obiettivo: lo specializzando deve acquisire le conoscenze semeiologiche cliniche e di diagnostica strumentale invasiva e non invasiva idonee al trattamento delle vasculopatie cerebrali, viscerali e periferiche, nonché delle malattie cardiache più frequenti.

Settori: F07C malattie dell'apparato cardiovascolare, F08E chirurgia vascolare, F18X diagnostica per immagini e radioterapia.

C) *Area di specialità chirurgiche correlate.*

Obiettivo: lo specializzando deve apprendere le fondamentali metodologiche e cliniche relative ai settori specialistici correlati, nonché le loro fondamentali tecniche chirurgiche. In particolare deve acquisire la pratica clinica per la diagnosi ed il trattamento chirurgico e postoperatorio delle più frequenti malattie chirurgiche.

Settori: F06A chirurgia generale, F08D chirurgia toracica, F09X chirurgia cardiaca, F10X chirurgia urologica, F16A malattie dell'apparato locomotore.

D) *Area di chirurgia vascolare.*

Obiettivo: lo specializzando deve sapere integrare le conoscenze semeiologiche dell'analisi clinica dei pazienti, saper decidere la più opportuna condotta terapeutica, saper intervenire chirurgicamente sotto il profilo terapeutico, in modo integrato con altri settori specialistici chirurgici;

Settori: F06A anatomia patologica, F07C malattie dell'apparato cardiovascolare, F08E chirurgia vascolare, F09X cardiochirurgia.

E) *Area di chirurgia endovascolare.*

Obiettivo: lo specializzando deve acquisire le normali nozioni teorico pratiche del cateterismo arterioso e le terapie endovascolari; ivi comprese le terapie locoregionali, farmacologiche, la dilatazione percutanea transluminale, l'applicazione di stent vascolari e di endoprotesi, nonché le metodiche da esse derivanti. Deve inoltre acquisire conoscenza e capaci pratica nelle metodiche di controllo strumentale invasive e non.

Settori: F08E chirurgia vascolare, F18X diagnostica per immagini.

F) *Area angiologica.*

Obiettivo: lo specializzando deve apprendere le conoscenze teorico-pratiche per la diagnosi e la terapia delle malattie vascolari di interesse medico.

Settori: F07C malattie dell'apparato cardiovascolare.

G) *Area di anestesiologia e valutazione critica.*

Obiettivo: lo specializzando deve apprendere le metodologie di anestesia e terapia del dolore in modo da poter collaborare attivamente con gli specialisti del settore per l'adozione della più opportuna condotta clinica; deve inoltre, acquisire gli elementi per procedere alla valutazione critica degli atti clinici ed alle considerazioni etiche sulle problematiche chirurgiche.

Settori: F08A chirurgia generale, F08E chirurgia vascolare, F21X anestesiologia, F22B medicina legale.

TABELLA *B*

STANDARD COMPLESSIVO DI ADDESTRAMENTO PROFESSIONALIZZANTE

Per essere ammesso all'esame finale di diploma, lo specializzando deve aver frequentato reparti di chirurgia generale e/o chirurgia d'urgenza per almeno una annualità; dimostrare di aver raggiunto una completa preparazione professionale specifica, basata sulla dimostrazione d'aver personalmente eseguito atti medici specialistici, come di seguito specificato:

Procedure diagnostiche di malattie vascolari:

a) diagnostica vascolare incruenta: 200 casi di cui almeno il 50% eseguito in prima persona;

b) diagnostica vascolare cruenta: 100 casi a cui lo specializzando partecipa in collaborazione; interventi di chirurgia vascolare di alta e media chirurgia: 200 casi di cui almeno il 15% eseguito in prima persona;

interventi di chirurgia vascolare di piccola chirurgia: 240 casi di cui almeno il 15% eseguiti in prima persona;

interventi di chirurgia endovascolare: 100 casi di cui almeno 10% effettuato in prima persona; interventi di chirurgia generale: 100 casi di cui almeno il 10% effettuato in prima persona. Infine, lo specializzando deve avere partecipato alla conduzione, secondo le norme di buona pratica clinica di almeno 3 sperimentazioni cliniche controllate.

Nel regolamento didattico d'Ateneo verranno eventualmente specificate le tipologie dei diversi interventi ed il relativo peso specifico.

98A9519

UNIVERSITÀ DI ROMA «TOR VERGATA»

DECRETO RETTORALE 23 ottobre 1998.

Modificazioni allo statuto dell'Università.

IL RETTORE

Visto lo statuto dell'Universita degli studi di Roma «Tor Vergata»;

Visto il testo unico delle leggi sull'istruzione superiore, approvato con regio decreto 31 agosto 1933, n. 1592 e successive modificazioni ed integrazioni;

Vista la legge 2 gennaio 1936, n. 73;

Visto il decreto del Presidente della Repubblica 10 marzo 1982, n. 162, concernente il riordino delle scuole dirette a fini speciali e delle scuole di specializzazione;

Visto il decreto del Presidente della Repubblica 11 luglio 1980, n. 382;

Visto l'art. 16 della legge 9 maggio 1989, n. 168;

Vista la legge 19 novembre 1990, n. 341, sulla riforma degli ordinamenti didattici universitari;

Visto il decreto ministeriale 3 luglio 1996, pubblicato nella *Gazzetta Ufficiale* n. 148 dell'11 settembre 1996, relativo all'istituzione della scuola di specializzazione in medicina dello sport;

Visto che il consiglio di facoltà di medicina e chirurgia nella seduta del 24 novembre 1997 ha espresso parere favorevole alla proposta di istituzione della scuola di specializzazione in medicina dello sport;

Visto il parere favorevole espresso dal senato accademico nella seduta del 24 febbraio 1998;

Vista la delibera del consiglio di amministrazione del 27 febbraio 1998;

Visto il parere favorevole espresso dal comitato regionale di coordinamento;

Folio N° 3110

Visto il parere favorevole all'istituzione della scuola di specializzazione in medicina dello sport, espresso dal Consiglio universitario nazionale nella seduta del 7 ottobre 1998,

Decreta:

Lo statuto dell'Università degli studi di Roma «Tor Vergata» è così ulteriormente modificato.

Articolo unico

È istituita ed attivata, a partire dall'anno accademico 1998/1999, la scuola di specializzazione, del settore medico, in «medicina dello sport» che va ad aggiungersi all'elenco delle scuole di specializzazione di cui al titolo X dello statuto.

SCUOLA DI SPECIALIZZAZIONE
IN MEDICINA DELLO SPORT

Ordinamento didattico secondo le norme generali delle scuole di specializzazione dell'area medica

Art. 1.

La scuola di specializzazione in medicina dello sport risponde alle norme generali delle scuole di specializzazione dell'area medica.

Art. 2.

La scuola ha lo scopo di formare medici specialisti nel settore professionale della medicina dello sport, sia riguardo alla attività scolastica, che a quella amatoriale, che a quella agonistica, che a quella correttiva.

Art. 3.

La scuola rilascia il titolo di specialista in medicina dello sport.

Art. 4.

La scuola ha la durata di quattro anni.

In base alle strutture ed attrezzature disponibili, la scuola è in grado di accettare il numero di iscritti determinato in dieci per ciascun anno di corso, per un totale di quaranta specializzandi.

Art. 5.

Per l'attuazione delle attività didattiche programmate dal consiglio della scuola provvedono le stutture della facoltà di medicina e chirurgia, Università degli studi di Roma «Tor Vergata», dipartimento di medicina interna, e quelle del Servizio sanitario nazionale individuate nei protocolli d'intesa di cui all'art. 6, comma 2 del decreto legislativo n. 502/1002 ed il relativo personale universitario appartenente ai settori scientifico-disciplinari di cui alla tabella *A* e quello dirigente del Servizio sanitario nazionale delle corrispondenti aree funzionali e discipline.

Art. 6.

Sono ammessi alle prove per ottenere l'iscrizione i laureati in medicina e chirurgia.

Per l'iscrizione alla scuola è richiesto il possesso del diploma di abilitazione all'esercizio alla professione.

Art. 7.

La scuola comprende le seguenti aree di addestramento professionalizzante, per le quali sono previsti i relativi settori scientifico-disciplinari.

A) *Area propedeutica, morfologica e fisiologica.*

Obiettivo: lo specializzando deve acquisire conoscenze di base su struttura e funzioni degli apparati direttamente e indirettamente implicati nelle attività sportive, sulle principali correlazioni biochimiche e nutrizionali dall'età evolutiva a quella adulta con la capacità di elaborare statisticamente i dati raccolti.

Settori: E05A biochimica; E06A fisiologia umana; E06B alimentazione e nutrizione umana; E01X statistica medica; E03X genetica medica; F19A pediatria generale e specialistica.

B) *Area fisiopatologica e farmacologica.*

Obiettivo: lo specializzando deve apprendere le principali conoscenze dei meccanismi fisiopatologici, compresi quelli connessi con la traumatologia sportiva nonché le principali cognizioni di farmacologia, terapia del dolore e tossicologia sportiva.

Settori: F04A patologia generale; E07X farmacologia; F07E endocrinologia.

C) *Area patologica e traumatologica.*

Obiettivo: lo specializzando deve conoscere le patologie di interesse internistico cardiologico e ortopedico-traumatologico che limitano o controindicano l'attività fisica e sportiva. Deve inoltre conoscere gli effetti dei farmaci sulle capacità prestative con particolare riguardo agli aspetti tossicologici.

Settori: F07A medicina interna; F07B malattie dell'apparato respiratorio; F07C malattie dell'apparato cardiaco; F16A malattie dellapparato locomotore.

D) *Area valutativa e medico-preventiva.*

Obiettivo: lo specializzando deve essere in grado di effettuare una completa valutazione clinica e strumentale dello sportivo sia a riposo che sotto sforzo: Egli deve inoltre conoscere le principali malattie e patologie ortopediche in rapporto all'attività motoria in generale ed ai diversi sport. Deve anche apprendere le patologie correlate allattività sportiva con finalità di prevenzione.

Settori: E06A fisiologia umana; F04B patologia clinica; F07A medicina interna; F16A malattie dell'apparato locomotore; F22A igiene generale e applicata.

Folio N° 3111

E) *Area terapeutica e riabilitativa.*

Obiettivo: lo specializzando deve conoscere i principali concetti di pronto soccorso, terapia e riabilitazione nelle diverse lesioni traumatologiche di interesse sportivo. Deve inoltre conoscere l'influenza dell'attività sportiva su patologie preesistenti e l'utilizzazione della medesima a fini terapeutici.

Settori: F07A medicina interna; F08A chirurgia generale; F16A malattie dell'apparato locomotore; Fl6B medicina fisica e riabilitativa; F2lX anestesiologia.

F) *Area psicologica.*

Obiettivo: lo specializzando deve conoscere i fondamenti della psicologia applicata allo sport ed acquisire gli strumenti per una corretta valutazione dei comportamenti psicomotori e delle motivazioni alla pratica sportiva, specie in età evolutiva.

Settori: E06A fisiologia umana; M10B psicobiologia e psicologia fisiologica.

G) *Area organizzativa e tecnico-metodologica.*

Obiettivo: lo specializzando deve acquisire la conoscenza dei concetti fondamentali relativamente ai seguenti ambiti: teoria del movimento e dello sport; etica sportiva; organizzazione sportiva nazionale ed internazionale; regolamentazione delle diverse specialità sportive; teoria; metodologia e pratica dell'allenamento sportivo.

Settore: F22A igiene generale ed applicata.

H) *Area medico-legale e assicurativa.*

Obiettivo: lo specializzando deve conoscere i principi della responsabilità professionale medico-sportiva nei confronti della colpa generica, della colpa specifica e della tutela dei diritti dell'atleta. Deve essere informato sulle normative della tutela assicurativa per il rischio privato sportivo nonché dei regolamenti, nazionali ed internazionali delle assicurazioni a particolare tutela dell'atleta.

Settore: F22B medicina legale.

Art. 8.

L'attività didattica comprende ogni anno ottocento ore di didattica formale e di tirocinio professionale guidato. Essa è organizzata in una attività didattica teorico-pratica comune per tutti gli studenti (quattrocento ore come di seguito ripartite) ed in una attività didattica-elettiva prevalentemente di carattere tecnico-applicativo di ulteriori quattrocento ore, rivolta all'approfondimento del *curriculum* corrispondente ad uno dei settori formativo-professionali (monte ore elettivo).

La frequenza nelle diverse aree avviene pertanto come di seguito specificato:

1° Anno:

Morfofisiologia e propedeutica (ore 350):
anatomia morfo-funzionale dell'apparato locomotore . . . . . ore 60
fisiologia dell'apparato motorio . . . . . » 60
biochimica dell'esercizio fisico . . . . . » 60
fisiologia dell'esercizio fisico I . . . . . » 60
uxologia, somatometria e biotipologia . . . » 60
informatica medica e biometria . . . . . » 50

Tecnico-sportiva (ore 50):
sistematica, regolamentazione e organizzazione delle attività sportive . . . . . » 50

Monte ore elettivo: ore 400.

2° Anno:

Morfofisiologica e propedeutica (ore 150):
fisiologia dell'esercizio fisico . . . . . ore 50
dietetica applicata alle attività sportive . . » 50
biomeccanica dello sport . . . . . » 50

Fisiopatologica e farmacologica (ore 150):
patologia generale delle attività sportive » 50
farmacologia applicata alle attività sportive e doping . . . . . » 50
endocrinologia generale e neuroendocrinologia dello stress . . . . . » 50

Psicologia (ore 50):
psicologia dello sport . . . . . » 50

Tecnico-sportiva (ore 50):
metodologia dell'allenamento sportivo . . » 50

Monte ore elettivo: ore 400.

3° Anno:

Morfologica e propedeutica (ore 50):
fisiologia dello sport . . . . . ore 50

Fisiopatologica (ore 50):
semeiotica applicata alle attivà sportive . . » 50

Valutativa e medico preventiva (ore 170):
valutazione medico-internistica della capacità fisica dell'atleta . . . . . » 50
igiene generale ed applicata alle attività sportive . . . . . » 50
medicina dello sport in età evolutiva . . . . » 50

Terapeutica e riabilitativa (ore 60):
terapie medico-chirurgiche e di pronto soccorso . . . . . » 50
traumatologia degli sport . . . . . » 50

Medico legale e assicurativa (ore 50):
medicina legale e assicurativa applicata alle attività sportive . . . . . » 50

Monte ore elettivo: ore 400.

Folio N° 3112

4° Anno:

Fisiopatologica (ore 110):
fisiologia e fisiopatologia dell'attività sportiva in ambienti straordinari . . . . . ore 50
cardiologia dello sport . . . . . » 60
Valutativa e medico preventiva (ore 60):
valutazione della capacità fisica dell'atleta » 60
Terapeutica e riabilitativa (ore 230):
emergenza medico chirurgica nella pratica sportiva . . . . . » 60
fisiochinesiterapia in medicina dello sport » 60
riabilitazione funzionale in medicina dello sport » 60
sport-terapia . . . . . » 50
Monte ore elettivo: ore 400.

Art. 9.

Lo specializzando, per essere ammesso all'esame finale, deve aver superato gli esami annuali ed i tirocini ed aver condotto, con progressiva assunzione di autonomia professionale, i seguenti atti specialistici in strutture proprie della scuola o in strutture convenzionate, in particolare con quelle gestite dal CONI:

1) aver partecipato alla valutazione di almeno 300 giudizi di idoneità, di cui 50 derivanti dalla valutazione integrativa di esami strumentali e/o di laboratorio per problematiche in ambito cardiologico, internistico, ortopedico;

2) aver partecipato alla definizione di 50 protocolli di riabilitazione post-traumatica ed aver eseguito differenti tipi di bendaggi funzionali per traumi da sport;

3) aver stilato almeno 5 protocolli di osservzione diretta, effettuata presso centri sportivi amatoriali ed agonistici, centri riabilitativi e correttivi ed istituzioni scolastiche, per una corretta valutazione dei comportamenti;

4) aver seguito almeno 20 gare, affiancando il medico addetto nella raccolta del liquido organico per l'antidoping;

5) aver personalmente eseguito almento 30 valutazioni funzionali ergonometriche in atleti e 5 cardiopatici e/o asmatici;

6) Aver partecipato alla formulazione di almeno 30 programmi di allenamento in 4 discipline sportive (2 a prevalente attività anaerobica e 2 a prevalente attività aerobica).

Infine lo specializzando deve aver partecipato alla conduzione, secondo le norme di buona pratica clinica, di almeno 3 sperimentazioni cliniche controllate.

Art. 10.

Durante i quattro anni di corso è richiesta la frequenza nei seguenti reparti/divisioni/ambulatori/laboratori:

ambulatori e laboratorio del servizio di fisiopatologia cardiorespiratoria, dipartimento di medicina interna, università degli studi di Roma «Tor Vergata» (osp. S. Eugenio);

ambulatorio di medicina del lavoro, dipartimento di sanità pubblica, università degli studi di Roma «Tor Vergata» (sede centrale);

ambulatori e laboratori della cattedra di ortopedia dell'università degli studi di Roma «Tor Vergata» (osp. S. Eugenio);

ambulatori della cattedra di medicina fisica e riabilitazione dell'Università degli studi di Roma «Tor Vergata» (osp. Celio);

ambulatori del Comando generale della guardia di finanza, servizio sanitario del centro sportivo atleti nei comprensori di Legione allievi (1° reparto atleti), villa Spada (2° reparto atleti), Sabaudia (3° reparto atleti).

ambulatori e laboratori dell'Istituto di medicina dello sport di Roma (C.O.N.I. - F.M.S.I.).

La frequenza nelle varie aree per complessive ottocento ore annue, compreso il monte ore elettivo di quattrocento ore annue, avviene secondo delibera del consiglio della scuola, tale da assicurare ad ogni specializzando un adeguato periodo di esperienza e di formazione professionale. Il consiglio della scuola ripartisce annualmente il monte ore elettivo.

Il consiglio della scuola predispone apposito libretto di formazione, che consenta allo specializzando ed al consiglio stesso il controllo dell'attività svolta e dell'acquisizione dei progressi compiuti, per sostenere gli esami annuali e finali.

Il presente decreto sarà pubblicato nella *Gazzetta Ufficiale* della Repubblica italiana.

Roma, 23 ottobre 1998

Il rettore: FINAZZI AGRÒ

98A9520

UNIVERSITÀ DI UDINE

DECRETO RETTORALE 30 settembre 1998.

Modificazioni allo statuto dell'Università.

IL RETTORE

Visto lo statuto di autonomia dell'Università degli studi di Udine, pubblicato nella *Gazzetta Ufficiale* della Repubblica italiana n. 33 del 10 febbraio 1994;

Visto il regolamento didattico di Ateneo emanato con decreto rettorale n. 411 del 29 maggio 1998, entrato in vigore il 15 giugno 1998;

Visto il decreto del Presidente della Repubblica 11 luglio 1980, n. 382, e successive modificazioni ed integrazioni;

Visto il decreto del Presidente della Repubblica 10 marzo 1982, n. 162;

Vista la legge 9 maggio 1989, n. 168;

Vista la legge 19 novembre 1990, n. 341;

Vista la legge 15 maggio 1997, n. 127;

Folio N° 3113

Visto il decreto del Ministro dell'università e della ricerca scientifica e tecnologica dell'11 maggio 1995, pubblicato sul supplemento ordinario della *Gazzetta Ufficiale* del 19 luglio 1995, n. 88, con cui è stato approvato il nuovo ordinamento didattico universitario della scuola di specializzazione «Psichiatria»;

Viste le proposte di modifica del regolamento didattico di Ateneo formulate dalle autorità accademiche dell'Università degli studi di Udine, relative all'istituzione della scuola di specializzazione in «Psichiatria» rispettivamente in data:

consiglio della facoltà di medicina e chirurgia del 21 gennaio 1998;

consiglio di amministrazione del 2 marzo 1998;

senato accademico del 1° aprile 1998;

Visto il parere favorevole del Consiglio universitario nazionale del 9 settembre 1998 relativo alla scuola di specializzazione in argomento;

Decreta:

1. È istituita ed attivata, presso la facoltà di medicina e chirurgia, dell'Università degli studi di Udine la scuola di specializzazione in «Psichiatria» a partire dall'anno accademico 1998-99.

2. È riportato il capo I del titolo IV dell'allegato C) del regolamento didattico di Ateneo (decreto rettorale n. 411 del 29 maggio 1998) relativo alle «Norme comuni delle scuole di specializzazione del settore sanitario al fine di consentire una corretta lettura delle disposizioni specifiche della scuola in argomento:

TITOLO IV

FACOLTÀ DI MEDICINA E CHIRURGIA
Scuole di specializzazione del settore sanitario
(allegato «C»)

Capo I

SCUOLE DI SPECIALIZZAZIONE DEL SETTORE SANITARIO NORME COMUNI

Art. 1.

Istituzione, finalità, titolo conseguito

1. Presso l'Università degli studi di Udine sono istituite le scuole di specializzazione dell'area medica, eventualmente articolate in indirizzi, di cui ai successivi Capi.

2. Le scuole hanno lo scopo di formare medici specialisti nel settore dell'area medica.

3. Le scuole rilasciano il titolo di specialista nello specifico settore.

4. L'Università degli studi di Udine può istituire altresì corsi di aggiornamento, ai sensi e con le modalità previste dall'art. 6 della legge 341/1990. A tali corsi si applicano le norme attuative della Direttiva CEE 92/98, recepite con il decreto legislativo n. 541/1992.

Art. 2.

Organizzazione delle scuole

1. La durata del corso degli studi per ogni singola specializzazione è definito nell'ordinamento didattico specifico della scuola.

2. Ciascun anno di corso prevede di norma 200 ore di didattica formale e seminariale ed attività di tirocinio guidate da effettuare frequentando le strutture sanitarie delle scuole universitarie e/o ospedaliere convenzionate, sino a raggiungere l'orario annuo complessivo previsto per il personale medico a tempo pieno operante nel Servizio sanitario nazionale. Tali ordinamenti delle singole scuole disciplinano gli specifici standards formativi.

3. Concorrono al funzionamento delle scuole le facoltà di medicina e chirurgia, i dipartimenti e gli istituti nonché le strutture ospedaliere eventualmente convenzionate.

4. Le strutture ospedaliere convenzionabili debbono rispondere nel loro insieme a tutti i requisiti di idoneità di cui all'art. 7 del decreto legislativo n. 257/1991.

5. Rispondono automaticamente a tali requisiti gli istituti di ricovero e cura a carattere scientifico, operanti in settori coerenti con quello proprio della scuola di specializzazione. Le predette strutture non universitarie sono individuate con i protocolli d'intesa di cui allo stesso art. 6, comma 2 del decreto legislativo n. 502/1992.

6. La formazione deve avvenire nelle strutture universitarie ed in quelle ospedaliere convenzionate, intese come strutture assistenziali tali da garantire, oltre ad una adeguata preparazione teorica, un congruo addestramento professionale pratico, compreso il tirocinio nella misura stabilita dalla normativa comunitaria (legge n. 428/1990 e decreto legislativo n. 257/1991).

7. Fatti salvi i criteri generali per la regolamentazione degli accessi, previsti dalle norme vigenti, ed in base alle risorse umane e finanziarie ed alle strutture ed attrezzature disponibili, ogni scuola è in grado di accettare un numero massimo di iscritti, determinato per ciascun anno di corso ed in totale. Il numero effettivo degli iscritti è determinato dalla programmazione nazionale, stabilita di concerto tra il Ministero della sanità ed il Ministero dell'università e della ricerca scientifica e tecnologica, e dalla successiva ripartizione dei posti tra le singole scuole. Il numero degli iscritti a ciascuna scuola non può superare quello totale previsto dallo statuto; in caso di previsione statutaria di indirizzi riservati a laureati non medici, lo statuto della scuola indica il numero massimo degli iscrivibili.

8. Sono ammessi al concorso di ammissione alla scuola i laureati del corso di laurea in medicina e chirurgia, nonché, per gli specifici indirizzi, laureati non medici. Le lauree sono specificate nelle singole tipologie. Sono altresì ammessi al concorso coloro che siano in possesso di titolo di studio, conseguito presso università straniere e ritenuto equipollente dalle competenti autorità accademiche italiane.

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9. I laureati in medicina e chirurgia utilmente collocati in graduatoria di merito per l'accesso alle scuole di specializzazione possono essere iscritti alle scuole stesse purché conseguano il titolo di abilitazione all'esercizio professionale entro la prima sessione utile successiva all'effettivo inizio dei singoli corsi. Durante tale periodo i predetti specializzandi acquisiscono conoscenze teoriche e le prime nozioni pratiche nell'ambito di una progressiva assunzione di responsabilità professionale.

Art. 3.

Piano di studi di addestramento professionale

1. Il consiglio della scuola è tenuto a determinare l'articolazione del corso di specializzazione ed il relativo piano degli studi nei diversi anni e nelle strutture di cui al precedente articolo 2, comma 3. Il consiglio della scuola, al fine di conseguire lo scopo di cui all'art. 1, comma 2 e gli obiettivi specificati nelle tabelle «A» e «B», relative agli standards formativi specifici per ogni specializzazione, determina pertanto, nel rispetto dei diritti dei malati:

a) la tipologia delle opportune attività didattiche, ivi comprese le attività di laboratorio pratiche e di tirocinio;

b) la suddivisione nei periodi temporali delle attività didattica teorica e seminariale, di quella di tirocinio e le forme di tutorato.

2. Il piano di studi è determinato dal consiglio di ogni scuola nel rispetto degli obiettivi generali e di quelli da raggiungere nelle diverse aree, degli obiettivi specifici e dei relativi settori scientifico disciplinari riportati per ogni singola specializzazione nella specifica tabella «A». L'organizzazione del processo di addestramento ivi compresa l'attività svolta in prima persona, minima indispensabile per il conseguimento del diploma, è attuata nel rispetto di quanto previsto per ogni singola specializzazione nella specifica tabella «B».

3. Il piano dettagliato delle attività formative di cui ai precedenti commi 1 e 2 è deliberato dal consiglio della scuola e reso pubblico nel manifesto annuale degli studi.

Art. 4.

Programmazione annuale delle attività e verifica del tirocinio.

1. All'inizio di ciascun anno di corso il consiglio della scuola programma le attività comuni per gli specializzandi e quelle specifiche relative al tirocinio.

2. Per tutta la durata della scuola gli specializzandi sono guidati nel loro percorso formativo da tutori designati annualmente dal consiglio della scuola.

3. Il tirocinio è svolto nelle strutture universitarie ed in quelle ospedaliere convenzionate. Lo svolgimento della attività di tirocinio e l'esito positivo del medesimo sono attestati dai docenti ai quali sia affidata la responsabilità didattica, in servizio nelle strutture presso cui il medesimo tirocinio sia stato svolto.

4. Il consiglio della scuola può autorizzare un periodo di frequenza all'estero in strutture universitarie ed extrauniversitarie coerenti con le finalità della scuola per periodi complessivamente non superiori ad un anno. A conclusione del periodo di frequenza all'estero, il consiglio della scuola può riconoscere utile, sulla base d'idonea documentazione, l'attività svolta nelle suddette strutture estere.

Art. 5.

Esame di diploma

1. L'esame finale consta nella presentazione di un elaborato scritto su una tematica, coerente con i fini della specializzazione, assegnata allo specializzando almeno un anno prima dell'esame stesso e realizzata sotto la guida di un docente della scuola.

2. La commissione d'esame per il conseguimento del diploma di specializzazione è nominata dal direttore della scuola.

3. Lo specializzando, per essere ammesso all'esame finale, deve aver frequentato in misura corrispondente al monte ore previsto, aver superato gli esami annuali ed il tirocinio ed aver condotto in prima persona, con progressiva assunzione di autonomia professionale, atti medici specialistici certificati secondo lo standards nazionale specifico riportato nelle tabelle «B».

Art. 6.

Protocolli di intesa e convenzioni

1. L'Università, su proposta del consiglio della singola scuola e del consiglio della facoltà di medicina e chirurgia quanto trattasi di più scuole per la stessa convenzione, può stabilire protocolli di intesa ai sensi del 2° comma, dell'articolo 6 del decreto legislativo n. 502/1992, per i fini di cui all'articolo 16 del medesimo decreto legislativo.

2. L'Università, su proposta del consiglio della scuola, può altresì stabilire convenzioni con enti pubblici o privati con finalità di sovvenzionamento per lo svolgimento di attività coerenti con gli scopi della scuola.

Art. 7.

Norme finali

1. Le tabelle «A» e «B», che definiscono gli standards nazionali per ogni singola tipologia di scuola (sugli obiettivi formativi e relativi settori scientifico disciplinari di pertinenza e sull'attività minima dello specializzando per l'ammissione all'esame finale), sono decretate ed aggiornate dal Ministro dell'università e della ricerca scientifica e tecnologica, con le procedure di cui all'art. 9 della legge n. 341/1990. Gli standards sono applicati a tutti gli indirizzi previsti.

2. La tabella relativa ai requisiti minimi necessari per le strutture convenzionabili è decretata ed aggiornata con le procedure di cui all'art. 7 del decreto legislativo n. 257/1991.

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3. Le scuole di specializzazione che non si adeguino al nuovo ordinamento entro l'anno accademico immediatamente successivo alla pubblicazione dell'ordinamento didattico nazionale cessano la loro attività.

4. Il presente ordinamento generale si applica alle scuole di specializzazione abilitate alla formazione di medici specialisti.

Dopo l'articolo 164 del Capo XXIII del Titolo IV (Facoltà di medicina e chirurgia) dell'allegato C) «Scuole di specializzazione» del regolamento didattico di Ateneo vengono inseriti i seguenti articoli:

Capo XXIV

REGOLAMENTO E PROGRAMMAZIONE DIDATTICA DELLA SCUOLA DI SPECIALIZZAZIONE IN PSICHIATRIA

Art. 165.

Istituzione, finalità, titolo conseguito

1. La scuola di specializzazione in psichiatria risponde alle norme generali delle scuole di specializzazione dell'area medica.

2. La scuola ha lo scopo di formare medici specialisti nel settore professionale della psichiatria e della psicoterapia.

3. La scuola rilascia il titolo di specialista in psichiatria.

Art. 166.

Durata

1. Il corso ha la durata di 4 anni.

Art. 167.

Organizzazione del corso

1. Concorrono al funzionamento della scuola le strutture della facoltà di medicina e chirurgia e quelle del Servizio sanitario nazionale individuate i protocolli d'intesa di cui all'art. 6, comma 2, del decreto legislativo n. 502/1992 ed il relativo personale universitario appartenente ai settori scientifico-disciplinari di cui alla tabella «A» e quello dirigente del Servizio sanitario nazionale delle corrispondenti aree funzionali e disciplinari.

2. La sede amministrativa della scuola è la clinica psichiatrica dell'Università degli studi di Udine. Tenuto conto delle capacità formative delle strutture di cui al precedente comma e fatti salvi i criteri generali per la regolamentazione degli accessi previsti dalle norme vigenti, la scuola è in grado di accettare un numero massimo di iscrittti determinato in dodici (tre per ogni anno di corso). Il numero effettivo degli iscritti è determinato dalla programmazione nazionale, stabilita di concerto tra il Ministero della università e della ricerca scientifica e tecnologica e il Ministero della sanità, e dalla successiva ripartizione dei posti tra le singole scuole.

TABELLA *A - Aree di addestramento professionalizzante e relativi settori scientifico-disciplinari.*

A) *Area di psichiatria biologica e neuropsicofarmacologia.*

Obiettivo: conoscenza della anatomofisiologia delle strutture nervose correlate con i processi psichici. Conoscenza dei correlati biochimici, fisiologici, endocrinologici e strutturali delle sindromi psichiatriche.

Conoscenza dei concetti di gene e di trasmissione genetica in rapporto alle malattie mentali; acquisizione dei principali metodi di ricerca genetica in psichiatria.

Conoscenza delle malattie neurologiche con espressività clinica di tipo psichiatrico.

Conoscenza della classe di appartenenza, dello spettro d'azione, dei meccanismi d'azione, della cinetica, delle indicazioni, delle controindicazioni, degli effetti indesiderati, della tossicità, delle sindromi da sospensione e dall'impiego clinico degli psicofarmaci.

Conoscenza delle altre terapie biologiche.

Uso di personal computer e di strumenti di comunicazione con banche dati remote e applicazione della statistica alla ricerca in psichiatria.

Settori: E06A fisiologia umana, E07X farmacologia, F11A psichiatria, F11B neurologia, E05B biochimica clinica, F03X genetica medica, F07E endocrinologia, F01X statistica medica, F18X diagnostica per immagini e radioterapia.

B) *Area di psicopatologia e metodologia psichiatrica.*

Obiettivo: possedere un corretto corredo psicopatologico sulle varie forme di patologia mentale, interpretare adeguatamente profili diagnostici differenziali, nonché orientare razionalmente all'indicazione e alla verifica delle terapie; essere in grado di effettuare psicodiagnosi strumentali attraverso la corretta applicazione di test psicologici, neuropsicologici e scale di valutazione di comune impiego in psichiatria.

Settori: F11A psichiatria.

C) *Area di psichiatria clinica.*

Obiettivo: conoscere le caratteristiche eziopatogenetiche, cliniche e prognostiche delle malattie psichiatriche, comprese quelle in età infanto-adolescenziale, geriatrica, le malattie psicosomatiche e gli indirizzi di gestione clinica e di presa in carico.

Dimostrare di possedere le competenze tecniche e metodologiche per trattare i vari quadri clinici, incluse le situazioni di crisi e di psichiatria di consultazione e di collegamento.

Conoscenza dell'uso integrato delle diverse terapie psichiatriche.

Settori: F11A psichiatria, E07X farmacologia.

D) *Area di psicoterapia.*

Obiettivo: conoscenza della psicologia generale ed evolutiva, delle basi teoriche e delle tecniche delle varie forme di psicoterapia individuale, familiare e di gruppo e acquisizione degli strumenti per l'esercizio di una specifica forma strutturale di psicoterapia.

Settori: F11A psichiatria.

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E) *Area di psichiatria sociale.*

Obiettivo: conoscenza dei correlati sociali della patologia mentale, dei principi di igiene mentale, degli aspetti etici e giuridici riguardanti il rapporto col paziente, la responsabilità professionale, l'attività peritale, gli accertamenti e trattamenti sanitari volontari e obbligatori, le basi della ricerca epidemiologica e le diverse metodiche riabilitative e risocializzanti in psichiatria.

Settori: F11A psichiatria, F22B medicina legale, F16B medicina fisica e riabilitativa.

TABELLA *B* - *Standards complessivi di addestramento professionalizzante.*

Lo specializzando per essere ammesso all'esame finale di diploma deve:

aver preso in carico almeno 80 pazienti per i quali ha definito diagnosi, eziopatogenesi e prognosi, curando il versante terapeutico sotto il profilo delle indicazioni, controindicazioni ed effetti indesiderati di ogni trattamento;

aver seguito almeno 20 casi in psicoterapia con supervisione;

aver seguito almeno 10 casi con programmi di riabilitazione psichiatrica;

aver seguito almeno 5 disegni sperimentali di trattamento con psicofarmaci;

aver effettuato almeno 20 interventi di psichiatria di consultazione e collegamento;

aver effettuato almeno 50 turni di guardia psichiatrica attiva;

aver somministrato ad almeno 40 pazienti test psicometrici e scale di valutazione;

aver affrontato problemi di psichiatria forense con particolare riguardo ai temi della responsabilità professionale e al rapporto tra imputabilità e malattia mentale.

Costituiscono attività di perfezionamento opzionali (obbligatorie almeno tre di quelle di seguito indicate):

a) psicofarmacoterapia: aver acquisito approfondite conoscenze teoriche ed esperienza pratica relativamente alle indicazioni, controindicazioni, meccanismi d'azione, interazione degli psicofarmaci e alle correlazioni tra psicofarmacoterapia e altre procedure terapeutiche psichiatriche (varie modalità di intervento psicoterapeutico individuale o di gruppo, tecniche di psicoeducazione, risocializzazione, riabilitazione);

b) psicoterapia: aver acquisito approfondite conoscenze teoriche ed esperienze pratiche relative alle principali tecniche di riabilitazione in psichiatria e alla correlazione di queste con altre modalità di intervento terapeutico;

c) riabilitazione psichiatrica: aver acquisito approfondite conoscenze teoriche ed esperienze pratiche relative alle principali tecniche di riabilitazione in psichiatria e alla correlazione di queste con altre modalità di intervento terapeutico;

d) psichiatria forense: aver acquisito approfondite conoscenze teoriche ed esperienze pratiche relative alla legislazione psichiatrica, ai problemi etici e giuridici dell'operare psichiatrico, all'espletamento delle perizie psichiatriche concernenti sia problemi del rapporto tra imputabilità e malattie mentali che di responsabilità professionale dello psichiatra;

e) medicina delle farmacotossicodipendenze: aver acquisito approfondite conoscenze teoriche relativamente ai meccanismi di dipendenza, tolleranza, astinenza, craving degli psicofarmaci e delle sostanze di abuso; aver acquisito esperienza pratica nella diagnosi e nel trattamento delle farmacodipendenze; aver acquisito esperienza nelle problematiche relative alla comorbilità psichiatrica delle tossicodipendenze;

f) psichiatria geriatrica: aver acquisito approfondite conoscenze sulle peculiarità della patologia psichiatrica in età senile, con particolare riferimento ai meccanismi dell'invecchiamento cerebrale e del deterioramento mentale e delle problematiche psicosociali dell'anziano; aver acquisito esperienza pratica nella diagnosi e nel trattamento dei quadri psichiatrici in età senile nonché nei problemi inerenti l'istituzionalizzazione e l'assistenza domiciliare;

g) psichiatria adolescenziale: aver acquisito approfondite conoscenze sulle peculiarità della patologia psichiatrica in età adolescenziale e sulle problematiche psicobiologiche e psicosociali dell'adolescente; aver acquisito esperienza pratica nella diagnosi e nel trattamento dei quadri psichiatrici in età adolescenziale;

h) psicologia medica: aver acquisito approfondite conoscenze sui rapporti fra patologia internistiche o chirurgiche e disturbi mentali, sulle problematiche relative alla psichiatria di consultazione e collegamento e alla medicina psicosomatica, sugli aspetti psicologici del paziente non psichiatrico, degli operatori medici e non, e più in generale, delle strutture assistenziali; aver acquisito esperienza pratica relativamente ai settori suddetti nella diagnosi e nel trattamento e aver conseguito una opportuna formazione relativa al rapporto medico-paziente.

Infine, lo specializzando deve aver partecipato alla conduzione, secondo le norme di buona pratica clinica, di almeno 3 sperimentazioni cliniche controllate.

Art. 168.

Disposizioni finali

1. Per tutto quanto non previsto dal presente regolamento, si fa riferimento alle norme generali delle scuole di specializzazione.

Il presente decreto sarà pubblicato nella *Gazzetta Ufficiale* della Repubblica italiana.

Udine, 30 settembre 1998

Il rettore: STRASSOLDO

98A9521

Folio N° 3117

UNIVERSITÀ DI PALERMO

DECRETO RETTORALE 28 settembre 1998.

Modificazioni allo statuto dell'Università.

IL RETTORE

Visto il testo unico delle leggi sull'istruzione superiore, approvato con regio decreto 31 agosto 1933, n. 1592;

Visto il regio decreto 20 giugno 1935, n. 1071, modifiche ed aggiornamenti al testo unico delle leggi sull'istruzione superiore, convertito nella legge 2 gennaio 1936, n. 73;

Visto il regio decreto 30 settembre 1938, n. 1652, disposizioni sull'ordinamento didattico universitario e successive modificazioni ed integrazioni;

Visto lo statuto dell'Università degli studi di Palermo, approvato con regio decreto 14 ottobre 1926, n. 2412, e modificato con regio decreto 13 ottobre 1987, n. 2240, e successive modificazioni;

Vista la legge 21 febbraio 1980, n. 28, delega al Governo per il riordinamento della docenza universitaria e relativa fascia di formazione nonché sperimentazione didattica e organizzativa;

Visto il decreto del Presidente della Repubblica 11 luglio 1980, n. 382, riordinamento della docenza universitaria e relativa fascia di formazione nonché sperimentazione organizzativa e didattica;

Vista la legge 9 maggio 1989, n. 168, concernente l'istituzione del Ministeo dell'università e della ricerca scientifica e tecnologica;

Vista la legge 7 agosto 1990, n. 245, recante norme sul piano triennale di sviluppo;

Vista la legge 19 novembre 1990, n. 341, recante la riforma degli ordinamenti didattici universitari;

Vista la legge 12 gennaio 1991, n. 13, determinazione degli atti amministrativi da adottarsi nella forma del decreto del Presidente della Repubblica;

Considerata l'oportunità di procedere alla revisione degli ordinamenti didattici;

Vista la legge n. 127 del 15 maggio 1997;

Viste le proposte di modifica dello statuto formulate dalle autorità accademiche dell'Università degli studi di Palermo (consiglio di facoltà, seduta del 16 aprile 1998); senato accademico seduta del 18 maggio 1998; consiglio di amministrazione seduta del 9 settembre 1998;

Decreta

di modificare l'ordinamento didattico del corso di laurea in chimica e tecnologie farmaceutiche della facoltà di farmacia.

ADEGUAMENTO DELL'ORDINAMENTO DIDATTICO DEL CORSO DI LAUREA IN CHIMICA E TECNOLOGIA FARMACEUTICHE.

Visto il decreto 30 giugno 1995 «Modificazioni all'ordinamento didattico universitario relativamente al corso di laurea in chimica e tecnologia farmaceutiche», pubblicato nella *Gazzetta Ufficiale* n. 41 del 19 febbraio 1996 si propone la seguente modifica di statuto relativa al corso di laurea in chimica e tecnologia farmaceutiche (tabella XXVII-*bis)*:

Art. 1.

Il corso di laurea in chimica e tecnologia farmaceutiche ha lo scopo di assicurare la preparazione scientifico-professionale e fornire competenze multidisciplinari necessarie ai laureati per operare nella progettazione, produzione e controllo dei farmaci e delle specialità medicinali, dei prodotti dietetici, dei prodotti cosmetici. Il corso di laurea ha inoltre il fine di fornire le competenze per le altre funzioni professionali dei laureati del settore farmaceutico, come definito e regolamentato dalla normativa nazionale e comunitaria. Per accedere ad esse i laureati dovranno aver svolto sei mesi di tirocinio professionale che non potrà essere svolto durante il corso di studi.

Art. 2.

Durata ed articolazione del corso di laurea

La durata del corso di laurea in chimica e tecnologia farmaceutiche (CTF) fissata in cinque anni articolati in un quadriennio ed un ultimo anno di indirizzo di specializzazione professionale.

Il consiglio della struttura didattica competente può articolare ciascuno dei cinque anni di corso in due periodi didattici (semestri) della durata di almeno tredici settimane ciascuno. L'impegno complessivo è di almeno duemiladuecento ore di attività didattica assistita corrispondenti a ventotto annualità.

I contenuti didattici formativi del corso di laurea sono articolati in aree; gli obiettivi sono indicati nel successivo art. 5.

L'attività didattico-formativa è organizzata sulla base di annualità costituite di corsi ufficiali di insegnamento monodisciplinari o integrati.

Di norma il corso di insegnamento monodisciplinare o integrato ha la durata di settanta ore, comprensive di tutte le attività didattiche.

Il corso di insegnamento con esercitazioni individuali di laboratorio ha di norma la durata di centoventi ore complessive.

Il corso di insegnamento integrato è costituito da non più di due moduli didattici coordinati impartiti da più insegnanti e comunque con un unico esame finale. Della commissione d'esame fanno parte tutti gli insegnanti del corso integrato.

La frequenza ai corsi è obbligatoria.

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Parte dell'attività pratica potrà essere svolta presso laboratori e centri esterni sotto la responsabilità del titolare del corso, previa stipula di apposite convenzioni.

Per l'accertamento del profitto il consiglio della struttura didattica può accorpare due discipline della stessa area in un unico esame, in modo da limitare il numero degli esami convenzionali tra ventisei e ventotto.

Lo studente dovrà superare inoltre un esame di laurea che consisterà nella discussione della tesi sperimentale. Superato l'esme di laurea lo studente consegue il titolo di dottore in chimica e tecnologia farmaceutiche, indipendentemente dall'indirizzo seguito del quale verrà fatta menzione soltanto nella carriera scolastica.

Entro i primi tre anni del corso di laurea lo studente dovrà dimostrare la conoscenza pratica e la comprensione di almeno una lingua straniera di rilevanza scientifica. Le modalità dell'accertamento saranno definite dal consiglio di corso di laurea.

Art. 3.

Regolamento di Ateneo

La facoltà nel recepire, nello statuto di Ateneo e nel regolamento didattico, l'ordinamento didattico nazionale, indica per ciascuna area gli insegnamenti attigendoli dai settori scientifico-disciplinari indicati nell'art. 5, nel pieno rispetto del vincolo imposto dalle norme della Comunità europea di cui al successivo art. 4.

Art. 4.

Manifesto degli studi

All'atto della predisposizione del manifesto annuale degli studi, il consiglio della struttura didattica determinerà, con apposito regolamento, in conformità al regolamento didattico di Ateneo, quanto espressamente previsto dal secondo comma dell'art. 11 della legge n. 341/1990. In particolare il consiglio di facoltà (o il consiglio della struttura didattica competente):

a) stabilisce i corsi ufficiali di insegnamento (monodisciplinari od integrati) che costituiscono le singole annualità. Stabilisce le denominazioni delle discipline che costituiscono i corsi monodisciplinari od integrati desumendole dai settori scientifico-disciplinari indicati nell'art. 5 e nel vincolo della normativa nazionale e della Comunità europea (*). Stabilisce inoltre le specificazioni più opportune (I, II, generale, avanzato, etc.), che giovino a differenziare più esattamente il livello ed i contenuti didattici;

b) attiva gli indirizzi;

c) fissa la frazione temporale delle discipline afferenti ad una medesima annualità integrata;

d) indica le discipline di cui lo studente dovrà avere ottenuto l'attestazione di frequenza e superato il relativo esame al fine di ottenere l'iscrizione all'anno di corso successivo e precisa, altresì, le eventuali propedeuticità degli esami di profitto.

(*) I contenuti delle materie previste dalla direttiva 861432/CEE, recepita nel decreto legislativo n. 258191, trovano riscontro nei settori scientifico disciplinari indicati tra parentesi:

Biologia animale e vegetale	(E02A; E08X; E13X)
Fisica	(B01B)
Chimica generale ed inorganica	(C03X)
Chimica organica	(C05X)
Chimica analitica	(C01A)
Chimica farmaceutica, compresa l'analisi dei medicinali	(C07X)
Biochimica generale ed applicata (medica)	(E05A; E05B)
Anatomia e fisiologia; terminologia medica	(E09A; E04A; F04A)
Microbiologia	(E12X; F05X)
Farmacologia e farmacoterapia	(E07X)
Tecnologia farmaceutica	(C08X)
Tossicologia	(E07X)
Farmacognosia	(E07X; E08X)
Legislazione, se del caso, deontologia	(C08X

Art. 5.

Articolazione del corso di laurea. Aree didattiche, settori scientifico-disciplinari, annualità, obiettivi didatici formativi.

QUADRIENNIO DI BASE

Area 1 - Fisico-matematica (2 annualità).

Obiettivi della didattica sono:

fornire le conoscenze di matematica indispensabili per affrontare le discipline del corso di laurea;

fornire le nozioni principali della fisica classica compresi la termodinamica e l'elettromagnetismo.

Settori scientifico-disciplinari	
A01B	Algebra
A01C	Geometria
A02A	Analisi matematica
A02B	Probabilità e statistica matematica
A03X	Fisica matematica
B01B	Fisica

Per i vincoli imposti dalla Direttiva CEE 851432 viene attivato l'insegnamento:	
Fisica	B01B

Area 2 - Chimica (6 annualità).

Obiettivi della didattica sono:

fornire un'approfondita conoscenza di tutti i concetti fondamentali della chimica analitica, della chimica fisica, della chimica generale ed inorganica, necessari per affrontare le varie discipline professionali;

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fornire i principi basilari della chimica organica, nonché i meccanismi di reazione dei composti organici, il chimismo dei gruppi funzionali organici, i composti ciclici, la stereochimica e le famiglie dei composti naturali di interesse biologico;

fornire i principi della spettroscopia nei suoi vari aspetti applicativi.

Settori scientifico-disciplinari	
C01A	Chimica analitica
C02X	Chimica fisica
C03X	Chimica generale ed inorganica
C05X	Chimica organica

Sono obbligatorie n. 3 annualità nel settore C05X.

Per i vincoli imposti dalla Direttiva CEE 851432 vengono attivati gli insegnamenti::	
Chimica analitica	C01A
Chimica generale ed inorganica	C03X
Chimica organica	C05X

Area 3 - Farmaceutica (5 annualità).

Obiettivi della didattica sono:

fornire una approfondita conoscenza della chimica farmaceutica inerente la sintesi, le proprietà, i meccanismi d'azione, l'utilizzazione delle principali classi di farmaci e i rapporti struttura attività;

fornire le conoscenze teoriche e pratiche di base del laboratorio di analisi farmaceutica e le metodologie analitiche per riconoscere e dosare i farmaci secondo i metodi ufficiali previsti dalle farmacopee.

Settori scientifico-disciplinari	
C07X	Chimica farmaceutica

Sono obbligatorie n. 3 annualità con esercitazioni individuali di laboratorio.

Per i vincoli imposti dalla Direttiva CEE 851432 vengono attivati gli insegnamenti:	
Chimica farmaceutica e tossicologica	C07X
Analisi dei medicinali	C07X

Area 4 - Tecnologico-applicativa (3 annualità).

Obiettivi della didattica sono:

fornire le basi per la formulazione e preparazione dei medicamenti nonché la conoscenza delle metodologie della tecnica farmaceutica anche in campo industriale ed una adeguata conoscenza degli aspetti legislativi e deontologici;

fornire le basi fondamentali della chimica farmaceutica applicata.

Settori scientifico-disciplinari	
C08X	Farmaceutico tecnologico applicativo

Sono obbligatorie n. 1 annualità con esercitazioni individuali di laboratorio.

Per i vincoli imposti dalla Direttiva CEE 851432 viene attivato l'insegnamento:	
Tecnologia, socioeconomia e legislazione farmaceutiche	C08X

Area 5 - Biologica (6 annualità).

Obiettivi della didattica sono:

fornire i concetti fondamentali della biologia attraverso lo studio morfologico e funzionale dei costituenti degli organismi viventi animali e vegetali oltre alle principali nozioni di farmacognosia;

fornire le basi di fisiologia generale e di anatomia umana e della terminologia medica; fornire adeguate cognizioni di microbiologia;

fornire le cognizioni di base della biochimica generale ed applicata per lo studio delle principali molecole di interesse biologico e dei meccanismi molecolari dei fenomeni biologici.

Settori scientifico-disciplinari	
E02A	Zoologia
E04A	Fisiologia generale
E05A	Biochimica
E07X	Farmacologia
E08X	Biologia farmaceutica
E09A	Anatomia umana
E12X	Microbiologia generale
E13X	Biologia applicata
F04A	Patologia generale
F05X	Microbiologia e microbiologia clinica

Sono obbligatorie n. 2 annualità nel settore E05A.

Per i vincoli imposti dalla Direttiva CEE 851432 vengono attivati gli insegnamenti:	
Biologia vegetale	E08X
Biologia animale	E02A o E13X
Biochimica	E05A
Biochimica applicata	E05A
Farmacognosia	E07X o E08X
Anatomia umana	E09A
Fisiologia generale	E04A
Patologia generale	E04A
Microbiologia	F05A

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Area 6 - Farmacologia (2 annualità).

Obiettivi della didattica sono:

fornire i concetti fondamentali della farmacologia e della farmacoterapia e della tossicologia relativi alle metodologie per lo studio dei farmaci negli aspetti riguardanti la somministrazione, l'azione, il metabolismo, la tossicità, le interazioni e gli effetti collaterali.

Settori scientifico-disciplinari	
E07X	Farmacologia

Per i vincoli imposti dalla Direttiva CEE 851432 vengono attivati gli insegnamenti:

Farmacologia e farmacoterapia	E07X
Tossicologia	E07X

QUINTO ANNO

Indirizzi di specializzazione professionale (4 annualità).

Ogni indirizzo, di seguito indicato, prevede di norma:

n. 1 annualità con esercitazioni individuali di laboratorio.

INDIRIZZO ALIMENTARE

Finalità: fornire approfondite conoscenze teoriche e tecnico-pratiche di tipo analitico, che consentano di operare nel campo analitico industriale libero professionale o di ricerca, su prodotti alimentri e dietetici.

Settori scientifico-disciplinari		Annualità
C09X	Chimica bromatologica	2
C07X	Chimica farmaceutica	1
E06B	Alimentazione e nutrizione umana	1

INDIRIZZO COSMETOLOGICO

Finalità: fornire una approfondita conoscenza degli aspetti chimici, tossicologici, formulativi, analitici e legislativi connessi ai prodotti cosmetici.

Settori scientifico-disciplinari		Annualità
C07X	Chimica farmaceutica	2
C08X	Farmaceutico tecnologico applicativo	2

INDIRIZZO SCIENZA E SVILUPPO DEI FARMACI

Finalità: fornire, sia sul piano metodologico che applicativo, una più approfondita conoscenza in merito alla progettazione, sintesi e struttura dei farmaci, allo studio delle relazioni struttura-attività finalizzato alla progettazione di nuove molecole bioattive, oltre alla modulazione strutturale dei farmaci noti anche attraverso applicazioni di modellistica molecolare.

Settori scientifico-disciplinari		Annualità
C07X	Chimica farmaceutica	2
C05X	Chimica organica	1
C08X	Farmaceutico tecnologico applicativo	0,5
C07X	Farmacologia	0,5

INDIRIZZO FARMACOLOGICO

Finalità: fornire le conoscenze teorico-pratiche di farmacologia e tossicologia richieste per operare nell'ambito della ricerca e dello sviluppo di nuovi farmaci nonché della caratterizzazione tossicologica di sostanze di diversa origine.

Settori scientifico-disciplinari		Annualità
E07X	Farmacologia	2
E05B	Biochimica clinica	1
C07X	Chimica farmaceutica	1

INDIRIZZO BIOTECNOLOGICO

Finalità: fornire una approfondita conoscenza degli aspetti metodologici e delle strumentazioni utili nel settore biotecnologico e finalizzati alla progettazione, sviluppo e produzione di farmaci di origine sintetica ed estrattiva.

Settori scientifico-disciplinari		Annualità
C07X	Chimica farmaceutica	1
E05A	Biochimica	1
E04B	Biologia molecolare	1
F05X	Microbiologia e microbiologia clinica	1

Norme transitorie

Quando la facoltà si sarà adeguata al suddetto ordinamento didattico, gli studenti già iscritti potranno completare gli studi previsti dal precedente ordinamento. La facoltà inoltre provvederà a stabilire le modalità per la convalida di tutti gli esami sostenuti qualora gli studenti già iscritti optino per il nuovo ordinamento. L'opzione per il nuovo ordinamento potrà essere esercitata entro cinque anni dalla data di immatricolazione.

Il presente decreto sarà pubblicato nella *Gazzetta Ufficiale* della Repubblica italiana.

Palermo, 28 settembre 1998

Il rettore: GULLOTTI

98A9522

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ESTRATTI, SUNTI E COMUNICATI

MINISTERO DEGLI AFFARI ESTERI

Comunicato concernente: «Rilascio di exequatur»

Con riferimento all'estratto nella *Gazzetta ufficiale* - serie generale - n. 247 del 22 ottobre 1998 a pag. 57, prima colonna, con cui il 3 ottobre 1998, il Ministro degli affari esteri ha concesso l'exequatur al sig. Alessio Semerari, console onorario della Repubblica del Perù a Trieste, si comunica che l'esatto nome è Alessio Semerani.

98A9525

MINISTERO DEL TESORO, DEL BILANCIO E DELLA PROGRAMMAZIONE ECONOMICA

Cambi di riferimento rilevati a titolo indicativo

Cambi giornalieri di riferimento rilevati a titolo indicativo dalla Banca d'Italia ai sensi della legge 12 agosto 1993, n. 312, pubblicata nella *Gazzetta Ufficiale* n. 195 del 20 agosto 1993, adottabili, fra l'altro, dalle amministrazioni statali per le anticipazioni al Portafoglio dello Stato, ai sensi dell'art. 1 della legge 3 marzo 1951, n. 193.

Cambi del giorno 2 novembre 1998

Dollaro USA	1633,53
ECU	1943,90
Marco tedesco	989,30
Franco francese	295,05
Lira sterlina	2726,85
Fiorino olandese	877,30
Franco belga	47,956
Peseta spagnola	11,639
Corona danese	260,21
Lira irlandese	2461,73
Dracma greca	5,840
Escudo portoghese	9,647
Dollaro canadese	1058,60
Yen giapponese	14,158
Franco svizzero	1210,92
Scellino austriaco	140,62
Corona norvegese	222,81
Corona svedese	210,87
Marco finlandese	325,32
Dollaro australiano	1019,65

98A9606

MINISTERO DELL'INTERNO

Assunzione di nuova denominazione della Congregazione terziarie domenicane di S. Sisto Vecchio, in Roma

Con decreto ministeriale 18 settembre 1998, la Congregazione delle terziarie domenicane di S. Sisto Vecchio ha assunto la nuova denominazione di Congregazione delle suore domenicane missionarie di S. Sisto, con sede in Roma.

98A9523

Riconoscimento della personalità giuridica del monastero di S. Maria del Monte Carmelo delle Carmelitane scalze, in Barzio.

Con decreto ministeriale 18 settembre 1998, viene riconosciuta la personalità giuridica del monastero di S. Maria del Monte Carmelo delle Carmelitane scalze, con sede in Barzio (Lecco), frazione Concenedo.

98A9524

MINISTERO DEL LAVORO E DELLA PREVIDENZA SOCIALE

Provvedimenti concernenti il trattamento straordinario di integrazione salariale

Con decreto ministeriale n. 25083 del 29 settembre 1998:

1) ai sensi dell'art. 4, comma 21 e dell'art. 9, comma 25, punto *b)*, del decreto-legge 1° ottobre 1996, n. 510, convertito, con modificazioni, nella legge 28 novembre 1996, n. 608, dell'art. 2, comma 198, della legge 23 dicembre 1996, n. 662, dell'art. 3, comma 3, del decreto-legge 25 marzo 1997, n. 67, convertito, con modificazioni, nella legge 23 maggio 1997, n. 135, e dell'art. 1, comma 1, lettera *A)* del decreto-legge 8 aprile 1998, n. 78, convertito, con modificazioni, nella legge 5 giugno 1998, n. 176, è prorogata la concessione del trattamento straordinario di integrazione salariale, già disposta con decreto ministeriale del 10 maggio 1996, con effetto dal 1° dicembre 1995, in favore dei lavaoratori interessati, dipendenti dalla S.p.a. Raccorderia Meridionale, con sede in Castellammare di Stabia (Napoli) e unità di Castellammare di Stabia (Napoli), per un massimo di 36 dipendenti, per il periodo dal 1° agosto 1998 al 30 novembre 1998.

L'erogazione del trattamento di cui sopra, per i periodi successivi alla sua concessione, è subordinata all'effettivo impegno dei lavoratori al progetto dei lavori socialmente utili.

L'istanza della società è stata inoltrata alla direzione del lavoro competente, in data 17 giugno 1998, come da protocollo dello stesso.

La misura del trattamento di integrazione salariale straordinaria, come sopra prorogata, è ridotta del dieci per cento.

La proroga del trattamento di cui sopra, comporta una pari riduzione del periodo di trattamento di mobilità, ove spettante.

L'Istituto nazionale della previdenza sociale è autorizzato ad erogare direttamente il trattamento straordinario di integrazione salariale.

Con decreto ministeriale n. 25084 del 29 settembre 1998, in favore di un lavoratore dipendente dalla S.p.a. Travanut Strade, con sede in Codroipo (Udine) e unità di Codroipo (Udine), per un massimo di un dipendente, è autorizzata la corresponsione del trattamento straordinario di integrazione salariale dal 16 febbraio 1998 al 15 agosto 1998.

La corresponsione del trattamento disposta di cui sopra, è prorogata dal 16 agosto 1998 al 31 agosto 1998.

L'Istituto nazionale della previdenza sociale è autorizzato a provvedere al pagamento diretto del trattamento straordinario di integrazione salariale ai lavoratori interessati, nonché all'esonero dal contributo addizionale di cui all'art. 8, comma 8-*bis*, della legge n. 160/88.

L'Istituto nazionale della previdenza sociale verifica il rispetto del limite massimo di trentasei mesi nell'arco del quinquennio previsto dalla vigente normativa, con particolare riferimento ai periodi di

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fruizione del trattamento ordinario di integrazione salariale, concessi per contrazione o sospensione dell'attività produttiva determinata da situazioni temporanee di mercato.

Con decreto ministeriale n. 25085 del 29 settembre 1998, in favore dei lavoratori dipendenti dalla S.p.a. Keller, con sede in Palermo e unità di Palermo, per un massimo di 275 dipendenti, è prorogata la corresponsione del trattamento straordinario di integrazione salariale dal 16 giugno 1998 al 15 dicembre 1998.

La corresponsione del trattamento disposta di cui sopra, è ulteriormente prorogata dal 16 dicembre 1998 al 15 giugno 1999.

L'Istituto nazionale della previdenza sociale è autorizzato a provvedere al pagamento diretto del trattamento straordinario di integrazione salariale ai lavoratori interessati, nonché all'esonero dal contributo addizionale di cui all'art. 8, comma 8-*bis*, della legge n. 160/88.

L'Istituto nazionale della previdenza sociale verifica il rispetto del limite massimo di trentasei mesi nell'arco del quinquennio previsto dalla vigente normativa, con particolare riferimento ai periodi di fruizione del trattamento ordinario di integrazione salariale, concessi per contrazione o sospensione dell'attività produttiva determinata da situazioni temporanee di mercato.

Con decreto ministeriale n. 25086 del 29 settembre 1998, è approvato il programma per crisi aziendale, relativamente al periodo dal 4 maggio 1998 al 3 maggio 1999, della ditta S.p.a. Arioli, con sede in Gerenzano (Varese) e unità di Gerenzano (Varese).

A seguito dell'approvazione di cui sopra, è autorizzata la corresponsione del trattamento straordinario di integrazione salariale per crisi aziendale, in favore dei lavoratori interessati, dipendenti dalla ditta S.p.a. Arioli, con sede in Gerenzano (Varese) e unità sede di Gerenzano (Varese), per il periodo dal 4 maggio 1998 al 3 novembre 1998.

Istanza aziendale presentata il 15 giugno 1998 con decorrenza 4 maggio 1998.

L'Istituto nazionale della previdenza sociale, ad eccezione delle esplicite concessioni in deroga, eventualmente recate dal presente provvedimento, verifica il rispetto del limite massimo di trentasei mesi nell'arco del quinquennio previsto dalla vigente normativa, con particolare riferimento ai periodi di fruizione del trattamento ordinario di integrazione salariale, concessi per contrazione o sospensione dell'attività produttiva determinata da situazioni temporanee di mercato.

Con decreto ministeriale n. 25087 del 29 settembre 1998, è approvato il programma per crisi aziendale, relativamente al periodo dal 3 maggio 1998 al 2 maggio 1999, della ditta S.r.l. Palazzina Camiceria, con sede in Pontevico (Brescia) e unità di Pontevico (Brescia).

A seguito dell'approvazione di cui sopra, è autorizzata la corresponsione del trattamento straordinario di integrazione salariale per crisi aziendale, in favore dei lavoratori interessati, dipendenti dalla ditta S.r.l. Palazzina Camiceria, con sede in Pontevico (Brescia) e unità di Pontevico (Brescia), per il periodo dal 3 maggio 1998 al 2 novembre 1998.

Istanza aziendale presentata il 29 aprile 1998 con decorrenza 3 maggio 1998.

L'Istituto nazionale della previdenza sociale è autorizzato a provvedere al pagamento diretto del predetto trattamento.

L'Istituto nazionale della previdenza sociale, ad eccezione delle esplicite concessioni in deroga, eventualmente recate dal presente provvedimento, verifica il rispetto del limite massimo di trentasei mesi nell'arco del quinquennio previsto dalla vigente normativa, con particolare riferimento ai periodi di fruizione del trattamento ordinario di integrazione salariale, concessi per contrazione o sospensione dell'attività produttiva determinata da situazioni temporanee di mercato.

Con decreto ministeriale n. 25088 del 29 settembre 1998, è approvato il programma per crisi aziendale, relativamente al periodo dal 2 giugno 1997 al 1° giugno 1998, della ditta S.a.s. Sole Italia di Prezioso Gennaro & C., con sede in Lamezia Terme (Catanzaro) e unità di Lamezia Terme (Catanzaro).

A seguito dell'approvazione di cui sopra, è autorizzata la corresponsione del trattamento straordinario di integrazione salariale per crisi aziendale, in favore dei lavoratori interessati, dipendenti dalla ditta S.a.s. Sole Italia di Prezioso Gennaro & C., con sede in Lamezia Terme (Catanzaro) e unità di Lamezia Terme (Catanzaro), per il periodo dal 2 giugno 1997 al 1° dicembre 1997.

Istanza aziendale presentata il 25 luglio 1997 con decorrenza 2 giugno 1997.

L'Istituto nazionale della previdenza sociale, ad eccezione delle esplicite concessioni in deroga, eventualmente recate dal presente provvedimento, verifica il rispetto del limite massimo di trentasei mesi nell'arco del quinquennio previsto dalla vigente normativa, con particolare riferimento ai periodi di fruizione del trattamento ordinario di integrazione salariale, concessi per contrazione o sospensione dell'attività produttiva determinata da situazioni temporanee di mercato.

Con decreto ministeriale n. 25089 del 29 settembre 1998, a seguito dell'approvazione del programma di riorganizzazione aziendale, intervenuto con il decreto ministeriale del 16 settembre 1998, è prorogata la corresponsione del trattamento straordinario di integrazione salariale in favore dei lavoratori dipendenti della S.p.a. Cyanamid Italia (dal 1° dicembre 1997 Wyeth Lederle S.p.a.), con sede in Aprila (Roma) e unità di Catania, per il periodo dal 2 dicembre 1997 al 1° giugno 1998.

Istanza aziendale presentata il 22 gennaio 1998 con decorrenza 2 dicembre 1997.

L'Istituto nazionale della previdenza sociale, ad eccezione delle esplicite concessioni in deroga, eventualmente recate dal presente provvedimento, verifica il rispetto del limite massimo di trentasei mesi nell'arco del quinquennio previsto dalla vigente normativa, con particolare riferimento ai periodi di fruizione del trattamento ordinario di integrazione salariale, concessi per contrazione o sospensione dell'attività produttiva determinata da situazioni temporanee di mercato.

Con decreto ministeriale n. 25090 del 29 settembre 1998, a seguito dell'approvazione del programma di riorganizzazione aziendale, intervenuto con il decreto ministeriale del 16 aprile 1998, è prorogata la corresponsione del trattamento straordinario di integrazione salariale in favore dei lavoratori dipendenti dalla S.p.a. Barilla alimentare - Gruppo Barilla, con sede in Parma e unità di San Martino Buon Albergo (Verona), per il periodo dal 28 gennaio 1998 al 27 luglio 1998.

Istanza aziendale presentata il 19 marzo 1998 con decorrenza 28 gennaio 1998.

L'Istituto nazionale della previdenza sociale, ad eccezione delle esplicite concessioni in deroga, eventualmente recate dal presente provvedimento, verifica il rispetto del limite massimo di trentasei mesi nell'arco del quinquennio previsto dalla vigente normativa, con particolare riferimento ai periodi di fruizione del trattamento ordinario di integrazione salariale, concessi per contrazione o sospensione dell'attività produttiva determinata da situazioni temporanee di mercato.

Con decreto ministeriale n. 25091 del 29 settembre 1998, a seguito dell'approvazione del programma di ristrutturazione aziendale, intervenuto con il decreto ministeriale dell'8 settembre 1998, è prorogata la corresponsione del trattamento straordinario di integrazione salariale in favore dei lavoratori dipendenti dalla S.p.a. Abb Sae Sadelmi S.p.a. (dal 1° maggio 1998 Abb Sae S.p.a.), con sede in Milano e unità di San Giorgio Jonico (Taranto), per il periodo dal 22 giugno 1998 al 21 dicembre 1998.

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Istanza aziendale presentata il 23 luglio 1998 con decorrenza 22 giugno 1998.

L'Istituto nazionale della previdenza sociale, ad eccezione delle esplicite concessioni in deroga, eventualmente recate dal presente provvedimento, verifica il rispetto del limite massimo di trentasei mesi nell'arco del quinquennio previsto dalla vigente normativa, con particolare riferimento ai periodi di fruizione del trattamento ordinario di integrazione salariale, concessi per contrazione o sospensione dell'attività produttiva determinata da situazioni temporanee di mercato.

Con decreto ministeriale n. 25092 del 29 settembre 1998, è approvato il programma per crisi aziendale, relativamente al periodo dal 25 maggio 1998 al 24 maggio 1999, della ditta S.p.a. E.M.I.T. - Ercole Marelli Impianti Tecnologici, con sede in Milano e unità di Milano.

A seguito dell'approvazione di cui sopra, è autorizzata la corresponsione del trattamento straordinario di integrazione salariale per crisi aziendale, in favore dei lavoratori interessati, dipendenti dalla ditta S.p.a. E.M.I.T. - Ercole Marelli Impianti Tecnologici, con sede in Milano e unità di Milano, per il periodo dal 25 maggio 1998 al 24 novembre 1998.

Istanza aziendale presentata il 22 giugno 1998 con decorrenza 25 maggio 1998.

L'Istituto nazionale della previdenza sociale, ad eccezione delle esplicite concessioni in deroga, eventualmente recate dal presente provvedimento, verifica il rispetto del limite massimo di trentasei mesi nell'arco del quinquennio previsto dalla vigente normativa, con particolare riferimento ai periodi di fruizione del trattamento ordinario di integrazione salariale, concessi per contrazione o sospensione dell'attività produttiva determinata da situazioni temporanee di mercato.

Con decreto ministeriale n. 25093 del 29 settembre 1998, è approvato il programma per crisi aziendale, relativamente al periodo dal 4 maggio 1998 al 3 maggio 1999, della ditta S.p.a. Belotti, con sede in Genova e unità di Manasseno (Genova).

A seguito dell'approvazione di cui sopra, è autorizzata la corresponsione del trattamento straordinario di integrazione salariale per crisi aziendale, in favore dei lavoratori interessati, dipendenti dalla ditta S.p.a. Belotti, con sede in Genova e unità di Manasseno (Genova), per il periodo dal 4 maggio 1998 al 3 novembre 1998.

Istanza aziendale presentata il 3 giugno 1998 con decorrenza 4 maggio 1998.

L'Istituto nazionale della previdenza sociale, ad eccezione delle esplicite concessioni in deroga, eventualmente recate dal presente provvedimento, verifica il rispetto del limite massimo di trentasei mesi nell'arco del quinquennio previsto dalla vigente normativa, con particolare riferimento ai periodi di fruizione del trattamento ordinario di integrazione salariale, concessi per contrazione o sospensione dell'attività produttiva determinata da situazioni temporanee di mercato.

Con decreto ministeriale n. 25094 del 29 settembre 1998, a seguito dell'approvazione del programma di crisi aziendale, intervenuto con il decreto ministeriale del 21 settembre 1998, è prorogata la corresponsione del trattamento straordinario di integrazione salariale in favore dei lavoratori dipendenti dalla S.p.a. Annunziata, con sede in Ceccano (Frosinone) e unità di Ceccano (Frosinone), per il periodo dall'8 giugno 1998 al 7 dicembre 1998.

Istanza aziendale presentata il 20 luglio 1998 con decorrenza 8 giugno 1998.

L'Istituto nazionale della previdenza sociale è autorizzato a provvedere al pagamento diretto del predetto trattamento.

L'Istituto nazionale della previdenza sociale, ad eccezione delle esplicite concessioni in deroga, eventualmente recate dal presente provvedimento, verifica il rispetto del limite massimo di trentasei mesi nell'arco del quinquennio previsto dalla vigente normativa, con particolare riferimento ai periodi di fruizione del trattamento ordinario di integrazione salariale, concessi per contrazione o sospensione dell'attività produttiva determinata da situazioni temporanee di mercato.

Con decreto ministeriale n. 25095 del 29 settembre 1998, è approvato il programma per riorganizzazione aziendale, relativamente al periodo dall'11 agosto 1997 al 1° giugno 1998, della ditta S.r.l. E.L.I., con sede in Eraclea (Venezia) e unità di Cologno Monzese (Milano).

Parere comitato tecnico del 28 maggio 1998 e 28 luglio 1998: favorevole.

A seguito dell'approvazione di cui sopra, è autorizzata la corresponsione del trattamento straordinario di integrazione salariale per riorganizzazione aziendale, con effetto dall'11 agosto 1997, in favore dei lavoratori interessati, dipendenti dalla ditta S.r.l. E.L.I., con sede in Eraclea (Venezia) e unità di Cologno Monzese (Milano), per il periodo dall'11 agosto 1997 al 10 febbraio 1998.

Istanza aziendale presentata il 23 giugno 1998 con decorrenza 11 agosto 1997.

La corresponsione del trattamento disposta di cui sopra, è prorogata dall'11 febbraio 1998 al 1° giugno 1998.

Istanza aziendale presentata il 23 gennaio 1998 con decorrenza 11 febbraio 1998.

L'Istituto nazionale della previdenza sociale, ad eccezione delle esplicite concessioni in deroga, eventualmente recate dal presente provvedimento, verifica il rispetto del limite massimo di trentasei mesi nell'arco del quinquennio previsto dalla vigente normativa, con particolare riferimento ai periodi di fruizione del trattamento ordinario di integrazione salariale, concessi per contrazione o sospensione dell'attività produttiva determinata da situazioni temporanee di mercato.

Con decreto ministeriale n. 25108 del 7 ottobre 1998, ai sensi dell'art. 4, comma 21 e dell'art. 9, comma 25, punto *b)*, del decreto-legge 1° ottobre 1996, n. 510, convertito, con modificazioni, nella legge 28 novembre 1996, n. 608, dell'art. 2, comma 198, della legge 23 dicembre 1996, n. 662, dell'art. 3, comma 3, del decreto-legge 25 marzo 1997, n. 67, convertito, con modificazioni, nella legge 23 maggio 1997, n. 135 e dell'art. 1, comma 1, lettera *A)* del decreto-legge 8 aprile 1998, n. 78, convertito, con modificazioni, nella legge 5 giugno 1998, n. 176, è prorogata la concessione del trattamento straordinario di integrazione salariale, già disposta con decreto ministeriale del 9 aprile 1997, con effetto dal 1° giugno 1996, in favore dei lavaoratori interessati, dipendenti dalla S.p.a. Temesa, con sede in S. Gregorio (Reggio Calabria) e unità di S. Gregorio (Reggio Calabria), per un massimo di 14 dipendenti, per il periodo dal 1° giugno 1998 al 30 maggio 1999.

L'erogazione del trattamento di cui sopra, per i periodi successivi alla sua concessione, è subordinata all'effettivo impegno dei lavoratori al progetto dei lavori socialmente utili.

L'istanza della società è stata inoltrata alla direzione del lavoro competente, in data 25 giugno 1998, come da protocollo dello stesso.

La misura del trattamento di integrazione salariale straordinaria, come sopra prorogata, è ridotta del dieci per cento.

La proroga del trattamento di cui sopra, comporta una pari riduzione del periodo di trattamento di mobilità, ove spettante.

Con decreto ministeriale n. 25109 del 7 ottobre 1998:

1) ai sensi dell'art. 4, comma 21 e dell'art. 9, comma 25, punto *b)*, del decreto-legge 1° ottobre 1996, n. 510, convertito, con modificazioni, nella legge 28 novembre 1996, n. 608, dell'art. 2, comma 198, della legge 23 dicembre 1996, n. 662, dell'art. 3, comma 3, del decreto-legge 25 marzo 1997, n. 67, convertito, con modificazioni, nella legge 23 maggio 1997, n. 135 e dell'art. 1, comma 1, lettera *A)* del decreto-legge 8 aprile 1998, n. 78, convertito, con modificazioni, nella legge 5 giugno 1998, n. 176, è prorogata la concessione del trattamento straordinario di integrazione salariale, già disposta con decreto ministeriale del 20 novembre 1996, con effetto dal 3 maggio 1996, in favore dei lavoratori interessati, dipendenti dalla S.r.l. Deri-

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ver, con sede in Milano e unità di Torre Annunziata (Napoli), per un massimo di 40 dipendenti, per il periodo dal 3 maggio 1998 al 14 gennaio 1999.

L'erogazione del trattamento di cui sopra, per i periodi successivi alla sua concessione, è subordinata all'effettivo impegno dei lavoratori al progetto dei lavori socialmente utili.

L'istanza della società è stata inoltrata alla direzione del lavoro competente, in data 25 maggio 1998, come da protocollo dello stesso.

La misura del trattamento di integrazione salariale straordinaria, come sopra prorogata, è ridotta del dieci per cento.

La proroga del trattamento di cui sopra, comporta una pari riduzione del periodo di trattamento di mobilità, ove spettante;

2) ai sensi dell'art. 4, comma 21 e dell'art. 9, comma 25, punto *b)*, del decreto-legge 1° ottobre 1996, n. 510, convertito, con modificazioni, nella legge 28 novembre 1996, n. 608, dell'art. 2, comma 198, della legge 23 dicembre 1996, n. 662, dell'art. 3, comma 3, del decreto-legge 25 marzo 1997, n. 67, convertito, con modificazioni, nella legge 23 maggio 1997, n. 135 e dell'art. 1, comma 1, lettera *A)* del decreto-legge 8 aprile 1998, n. 78, convertito, con modificazioni, nella legge 5 giugno 1998, n. 176, è prorogata la concessione del trattamento straordinario di integrazione salariale, già disposta con effetto dal 3 maggio 1998, in favore dei lavoratori interessati, dipendenti dalla S.r.l. Deriver, con sede in Milano e unità di Torre Annunziata (Napoli), per un massimo di 2 dipendenti, per il periodo dal 3 maggio 1998 al 12 marzo 1999.

L'erogazione del trattamento di cui sopra, per i periodi successivi alla sua concessione, è subordinata all'effettivo impegno dei lavoratori al progetto dei lavori socialmente utili.

L'istanza della società è stata inoltrata alla direzione del lavoro competente, in data 25 maggio 1998, come da protocollo dello stesso.

La misura del trattamento di integrazione salariale straordinaria, come sopra prorogata, è ridotta del dieci per cento.

La proroga del trattamento di cui sopra, comporta una pari riduzione del periodo di trattamento di mobilità, ove spettante;

3) ai sensi dell'art. 4, comma 21 e dell'art. 9, comma 25, punto *b)*, del decreto-legge 1° ottobre 1996, n. 510, convertito, con modificazioni, nella legge 28 novembre 1996, n. 608, dell'art. 2, comma 198, della legge 23 dicembre 1996, n. 662, dell'art. 3, comma 3, del decreto-legge 25 marzo 1997, n. 67, convertito, con modificazioni, nella legge 23 maggio 1997, n. 135 e dell'art. 1, comma 1, lettera *A)* del decreto-legge 8 aprile 1998, n. 78, convertito, con modificazioni, nella legge 5 giugno 1998, n. 176, è prorogata la concessione del trattamento straordinario di integrazione salariale, già disposta con effetto dal 3 maggio 1998, in favore dei lavoratori interessati, dipendenti dalla S.r.l. Deriver, con sede in Milano e unità di Torre Annunziata (Napoli), per un massimo di 14 dipendenti, per il periodo dal 3 maggio 1998 al 25 febbraio 1999.

L'erogazione del trattamento di cui sopra, per i periodi successivi alla sua concessione, è subordinata all'effettivo impegno dei lavoratori al progetto dei lavori socialmente utili.

L'istanza della società è stata inoltrata alla direzione del lavoro competente, in data 25 maggio 1998, come da protocollo dello stesso.

La misura del trattamento di integrazione salariale straordinaria, come sopra prorogata, è ridotta del dieci per cento.

La proroga del trattamento di cui sopra, comporta una pari riduzione del periodo di trattamento di mobilità, ove spettante;

4) ai sensi dell'art. 4, comma 21 e dell'art. 9, comma 25, punto *b)*, del decreto-legge 1° ottobre 1996, n. 510, convertito, con modificazioni, nella legge 28 novembre 1996, n. 608, dell'art. 2, comma 198, della legge 23 dicembre 1996, n. 662, dell'art. 3, comma 3, del decreto-legge 25 marzo 1997, n. 67, convertito, con modificazioni, nella legge 23 maggio 1997, n. 135 e dell'art. 1, comma 1, lettera *A)* del decreto-legge 8 aprile 1998, n. 78, convertito, con modificazioni, nella legge 5 giugno 1998, n. 176, è prorogata la concessione del trattamento straordinario di integrazione salariale, già disposta con effetto dal 3 maggio 1998, in favore dei lavoratori interessati, dipendenti dalla S.r.l. Deriver, con sede in Milano e unità di Torre Annunziata (Napoli), per un massimo di 15 dipendenti, per il periodo dal 3 maggio 1998 al 2 maggio 1999.

L'erogazione del trattamento di cui sopra, per i periodi successivi alla sua concessione, è subordinata all'effettivo impegno dei lavoratori al progetto dei lavori socialmente utili.

L'istanza della società è stata inoltrata alla direzione del lavoro competente, in data 25 maggio 1998, come da protocollo dello stesso.

La misura del trattamento di integrazione salariale straordinaria, come sopra prorogata, è ridotta del dieci per cento.

La proroga del trattamento di cui sopra, comporta una pari riduzione del periodo di trattamento di mobilità, ove spettante;

5) ai sensi dell'art. 4, comma 21 e dell'art. 9, comma 25, punto *b)*, del decreto-legge 1° ottobre 1996, n. 510, convertito, con modificazioni, nella legge 28 novembre 1996, n. 608, dell'art. 2, comma 198, della legge 23 dicembre 1996, n. 662, dell'art. 3, comma 3, del decreto-legge 25 marzo 1997, n. 67, convertito, con modificazioni, nella legge 23 maggio 1997, n. 135 e dell'art. 1, comma 1, lettera *A)* del decreto-legge 8 aprile 1998, n. 78, convertito, con modificazioni, nella legge 5 giugno 1998, n. 176, è prorogata la concessione del trattamento straordinario di integrazione salariale, già disposta con effetto dal 3 maggio 1998, in favore dei lavoratori interessati, dipendenti dalla S.r.l. Deriver, con sede in Milano e unità di Torre Annunziata (Napoli), per un massimo di 23 dipendenti, per il periodo dal 3 maggio 1998 al 30 aprile 1999.

L'erogazione del trattamento di cui sopra, per i periodi successivi alla sua concessione, è subordinata all'effettivo impegno dei lavoratori al progetto dei lavori socialmente utili.

L'istanza della società è stata inoltrata alla direzione del lavoro competente, in data 25 maggio 1998, come da protocollo dello stesso.

La misura del trattamento di integrazione salariale straordinaria, come sopra prorogata, è ridotta del dieci per cento.

La proroga del trattamento di cui sopra, comporta una pari riduzione del periodo di trattamento di mobilità, ove spettante.

Con decreto ministeriale n. 25110 del 7 ottobre 1998, a seguito dell'approvazione relativa al programma per riorganizzazione aziendale, intervenuta con il decreto ministeriale del 5 dicembre 1997, è autorizzata la ulteriore corresponsione del trattamento straordinario di integrazione salariale, già disposta con decreto ministeriale del 5 dicembre 1997 con effetto dal 19 maggio 1997, in favore dei lavoratori interessati, dipendenti dalla ditta S.p.a. Abb Adda, con sede in Lodi e unità di Pomezia (Roma), per il periodo dal 19 maggio 1998 al 18 novembre 1998.

Istanza aziendale presentata il 19 maggio 1998 con decorrenza 19 maggio 1998.

L'Istituto nazionale della previdenza sociale, ad eccezione delle esplicite concessioni in deroga, eventualmente recate dal presente provvedimento, verifica il rispetto del limite massimo di trentasei mesi nell'arco del quinquennio previsto dalla vigente normativa, con particolare riferimento ai periodi di fruizione del trattamento ordinario di integrazione salariale, concessi per contrazione o sospensione dell'attività produttiva determinata da situazioni temporanee di mercato.

Con decreto ministeriale n. 25111 del 7 ottobre 1998:

1) a seguito dell'aprovazione della proroga complessa del programma per riorganizzazione aziendale, intervenuta con il presente decreto, è autorizzata la ulteriore corresponsione del trattamento straordinario di integrazione salariale, già disposta con decreto ministeriale del 17 dicembre 1993 con effetto dal 19 aprile 1993, in favore dei lavoratori interessati, dipendenti dalla ditta S.p.a. O.A.N. Officine aeronavali Venezia - Gruppo Alenia, con sede in Tessera (Venezia) e unità di Capodichino (Napoli), per il periodo dal 19 ottobre 1997 al 31 dicembre 1997.

Istanza aziendale presentata il 24 novembre 1997 con decorrenza 19 ottobre 1997.

Delibera CIPE del 18 ottobre 1994, pubblicato nella *Gazzetta Ufficiale* del 18 gennaio 1995, n. 14.

Il periodo è concesso anche in deroga al limite massimo di cui all'art. 1, comma 9, della legge n. 223/1991 relativamente alle unità produttive per le quali l'INPS verificherà il superamento del suddetto limite, con particolare riferimento alla fruizione della C.I.G.O.;

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2) a seguito dell'aprovazione del programma per riorganizzazione aziendale, intervenuta con il decreto ministeriale 16 marzo 1998, è autorizzata la ulteriore corresponsione del trattamento straordinario di integrazione salariale, già disposta con decreto ministeriale del 16 marzo 1998 con effetto dal 23 giugno 1997, in favore dei lavoratori interessati, dipendenti dalla ditta S.p.a. Compuprint, con sede in Caluso (Torino) e unità di Caluso (Torino), per il periodo dal 10 aprile 1998 al 22 giugno 1998.

Istanza aziendale presentata il 17 aprile 1998 con decorrenza 23 dicembre 1997.

Art. 7, comma 1, legge n. 236/1993;

3) a seguito dell'aprovazione del programma per riorganizzazione aziendale, intervenuta con il decreto ministeriale 10 giugno 1998, è autorizzata la ulteriore corresponsione del trattamento straordinario di integrazione salariale, già disposta con decreto ministeriale del 10 giugno 1998 con effetto dal 18 agosto 1997, in favore dei lavoratori interessati, dipendenti dalla ditta S.p.a. Pumex, con sede in Porticello (Messina) e stabilimento e uffici di Ponticello (Messina), per il periodo dal 18 febbraio 1998 al 17 agosto 1998.

Istanza aziendale presentata il 24 marzo 1998 con decorrenza 18 febbraio 1998;

4) a seguito dell'aprovazione relativa al programma per conversione aziendale, intervenuta con il decreto ministeriale 16 aprile 1998, è autorizzata la ulteriore corresponsione del trattamento straordinario di integrazione salariale, già disposta con decreto ministeriale del 16 aprile 1998 con effetto dal 2 giugno 1997, in favore dei lavoratori interessati dipendenti dalla ditta S.r.l. Newcompel, con sede in Torino e unità di S. Damiano d'Asti (Asti), per il periodo dal 2 giugno 1998 al 1° dicembre 1998.

Istanza aziendale presentata il 24 luglio 1998 con decorrenza 2 giugno 1998.

L'Istituto nazionale della previdenza sociale, ad eccezione delle esplicite concessioni in deroga, eventualmente recate dal presente provvedimento, verifica il rispetto del limite massimo di trentasei mesi nell'arco del quinquennio previsto dalla vigente normativa, con particolare riferimento ai periodi di fruizione del trattamento ordinario di integrazione salariale, concessi per contrazione o sospensione dell'attività produttiva determinata da situazioni temporanee di mercato.

Con decreto ministeriale n. 25112 del 7 ottobre 1998, è approvato il programma per ristrutturazione aziendale, relativamente al periodo dal 5 gennaio 1998 al 4 gennaio 2000, della ditta S.p.a. Manifattura Perosa, con sede in Milano e unità di Perosa Argentina (Torino).

A seguito dell'approvazione di cui sopra, è autorizzata la corresponsione del trattamento straordinario di integrazione salariale per ristrutturazione aziendale, in favore dei lavoratori interessati, dipendenti dalla ditta S.p.a. Manifattura Perosa, con sede in Milano e unità di Perosa Argentina (Torino), per il periodo dal 5 gennaio 1998 al 4 luglio 1998.

Istanza aziendale presentata il 23 febbraio 1998 con decorrenza 5 gennaio 1998.

L'Istituto nazionale della previdenza sociale, ad eccezione delle esplicite concessioni in deroga, eventualmente recate dal presente provvedimento, verifica il rispetto del limite massimo di trentasei mesi nell'arco del quinquennio previsto dalla vigente normativa, con particolare riferimento ai periodi di fruizione del trattamento ordinario di integrazione salariale, concessi per contrazione o sospensione dell'attività produttiva determinata da situazioni temporanee di mercato.

Con decreto ministeriale n. 25113 del 7 ottobre 1998, è approvato il programma per crisi aziendale, relativamente al periodo dal 15 dicembre 1997 al 19 dicembre 1998, della ditta S.p.a. Fininc, con sede in Torino e unità di Torino.

A seguito dell'approvazione di cui sopra, è autorizzata la corresponsione del trattamento straordinario di integrazione salariale per crisi aziendale, in favore dei lavoratori interessati, dipendenti dalla ditta S.p.a. Fininc, con sede in Torino e unità di Torino, per il periodo dal 15 dicembre 1997 al 14 giugno 1998.

Istanza aziendale presentata il 15 gennaio 1998 con decorrenza 12 dicembre 1997.

L'Istituto nazionale della previdenza sociale, ad eccezione delle esplicite concessioni in deroga, eventualmente recate dal presente provvedimento, verifica il rispetto del limite massimo di trentasei mesi nell'arco del quinquennio previsto dalla vigente normativa, con particolare riferimento ai periodi di fruizione del trattamento ordinario di integrazione salariale, concessi per contrazione o sospensione dell'attività produttiva determinata da situazioni temporanee di mercato.

Con decreto ministeriale n. 25114 del 7 ottobre 1998, è approvato il programma per crisi aziendale, relativamente al periodo dal 15 dicembre 1997 al 14 dicembre 1998, della ditta S.p.a. Inc General Contractor, con sede in Torino e unità di Borgomanero (Novara), Bra e Monta d'Alba (Cuneo) e Torino.

A seguito dell'approvazione di cui sopra, è autorizzata la corresponsione del trattamento straordinario di integrazione salariale per crisi aziendale, in favore dei lavoratori interessati, dipendenti dalla ditta S.p.a. Inc General Contractor, con sede in Torino e unità di Borgomanero (Novara), Bra e Monta d'Alba (Cuneo) e Torino, per il periodo dal 15 dicembre 1997 al 14 giugno 1998.

Istanza aziendale presentata il 15 gennaio 1998 con decorrenza 15 dicembre 1997.

L'Istituto nazionale della previdenza sociale, ad eccezione delle esplicite concessioni in deroga, eventualmente recate dal presente provvedimento, verifica il rispetto del limite massimo di trentasei mesi nell'arco del quinquennio previsto dalla vigente normativa, con particolare riferimento ai periodi di fruizione del trattamento ordinario di integrazione salariale, concessi per contrazione o sospensione dell'attività produttiva determinata da situazioni temporanee di mercato.

Con decreto ministeriale n. 25115 del 7 ottobre 1998, è approvato il programma per riorganizzazione aziendale, relativamente al periodo dal 1° aprile 1998 al 31 marzo 1999, della ditta S.p.a. Bongioanni Sarb Pensotti, con sede in Vignolo (Cuneo) e unità di Lonate Pozzolo (Varese) e Vignolo (Cuneo).

A seguito dell'approvazione di cui sopra, è autorizzata la corresponsione del trattamento straordinario di integrazione salariale per riorganizzazione aziendale, in favore dei lavoratori interessati, dipendenti dalla ditta S.p.a. Bongianni Sarb Pensotti, con sede in Vignolo (Cuneo) e unità di Lonate Pozzolo (Varese) e Vignolo (Cuneo), per il periodo dal 1° aprile 1998 al 30 settembre 1998.

Istanza aziendale presentata l'11 maggio 1998 con decorrenza 1° aprile 1998.

L'Istituto nazionale della previdenza sociale, ad eccezione delle esplicite concessioni in deroga, eventualmente recate dal presente provvedimento, verifica il rispetto del limite massimo di trentasei mesi nell'arco del quinquennio previsto dalla vigente normativa, con particolare riferimento ai periodi di fruizione del trattamento ordinario di integrazione salariale, concessi per contrazione o sospensione dell'attività produttiva determinata da situazioni temporanee di mercato.

Con decreto ministeriale n. 25116 del 7 ottobre 1998, è approvato il programma per crisi aziendale, relativamente al periodo dal 17 luglio 1998 al 16 luglio 1999, della ditta S.p.a. Gabbiani G.D.G., con sede in Podenzano (Piacenza) e unità di Podenzano (Piacenza).

A seguito dell'approvazione di cui sopra, è autorizzata la corresponsione del trattamento straordinario di integrazione salariale per crisi aziendale, in favore dei lavoratori interessati, dipendenti dalla

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ditta S.p.a. Gabbiani G.D.G., con sede in Podenzano (Piacenza) e unità di Podenzano (Piacenza), per il periodo dal 17 luglio 1998 al 16 gennaio 1999.

Istanza aziendale presentata il 5 agosto 1998 con decorrenza 17 luglio 1998.

L'Istituto nazionale della previdenza sociale, ad eccezione delle esplicite concessioni in deroga, eventualmente recate dal presente provvedimento, verifica il rispetto del limite massimo di trentasei mesi nell'arco del quinquennio previsto dalla vigente normativa, con particolare riferimento ai periodi di fruizione del trattamento ordinario di integrazione salariale, concessi per contrazione o sospensione dell'attività produttiva determinata da situazioni temporanee di mercato.

Con decreto ministeriale n. 25117 del 7 ottobre 1998, a seguito dell'approvazione del programma di crisi aziendale, intervenuto con il decreto ministeriale del 10 giugno 1998, è prorogata la corresponsione del trattamento straordinario di integrazione salariale in favore dei lavoratori dipendenti della S.p.a. Acciaierie Megara, con sede in Catania e unità di Catania, per il periodo dal 22 giugno 1998 al 21 dicembre 1998.

Istanza aziendale presentata il 17 luglio 1998 con decorrenza 22 giugno 1998.

L'Istituto nazionale della previdenza sociale, ad eccezione delle esplicite concessioni in deroga, eventualmente recate dal presente provvedimento, verifica il rispetto del limite massimo di trentasei mesi nell'arco del quinquennio previsto dalla vigente normativa, con particolare riferimento ai periodi di fruizione del trattamento ordinario di integrazione salariale, concessi per contrazione o sospensione dell'attività produttiva determinata da situazioni temporanee di mercato.

Con decreto ministeriale n. 25118 del 7 ottobre 1998, è approvato il programma per riorganizzazione aziendale, relativamente al periodo dal 2 febbraio 1998 al 31 luglio 1999, della ditta S.p.a. Componenti presse, con sede in Grugliasco (Torino) e unità di Grugliasco e Pont Canavese (Torino).

A seguito dell'approvazione di cui sopra, è autorizzata la corresponsione del trattamento straordinario di integrazione salariale per riorganizzazione aziendale, in favore dei lavoratori interessati, dipendenti dalla ditta S.p.a. Componenti presse, con sede in Grugliasco (Torino) e unità di Grugliasco e Pont Canavese (Torino), per il periodo dal 2 febbraio 1998 al 1° agosto 1998.

Istanza aziendale presentata il 4 marzo 1998 con decorrenza 2 febbraio 1998.

L'Istituto nazionale della previdenza sociale, ad eccezione delle esplicite concessioni in deroga, eventualmente recate dal presente provvedimento, verifica il rispetto del limite massimo di trentasei mesi nell'arco del quinquennio previsto dalla vigente normativa, con particolare riferimento ai periodi di fruizione del trattamento ordinario di integrazione salariale, concessi per contrazione o sospensione dell'attività produttiva determinata da situazioni temporanee di mercato.

Con decreto ministeriale n. 25119 del 7 ottobre 1998, è approvato il programma per riorganizzazione aziendale, relativamente al periodo dal 2 febbraio 1998 al 31 luglio 1999, della ditta S.p.a. Sandretto industrie, con sede in Grugliasco (Torino) e unità di Collegno (Torino).

A seguito dell'approvazione di cui sopra, è autorizzata la corresponsione del trattamento straordinario di integrazione salariale per riorganizzazione aziendale, in favore dei lavoratori interessati, dipendenti dalla ditta S.p.a. Sandretto industrie, con sede in Grugliasco (Torino) e unità di Collegno (Torino), per il periodo dal 2 febbraio 1998 al 1° giugno 1998.

Istanza aziendale presentata il 4 marzo 1998 con decorrenza 2 febbraio 1998.

L'Istituto nazionale della previdenza sociale, ad eccezione delle esplicite concessioni in deroga, eventualmente recate dal presente provvedimento, verifica il rispetto del limite massimo di trentasei mesi nell'arco del quinquennio previsto dalla vigente normativa, con particolare riferimento ai periodi di fruizione del trattamento ordinario di integrazione salariale, concessi per contrazione o sospensione dell'attività produttiva determinata da situazioni temporanee di mercato.

Con decreto ministeriale n. 25120 del 7 ottobre 1998, a seguito dell'approvazione del programma di crisi aziendale, intervenuto con il decreto ministeriale del 26 maggio 1998, è prorogata la corresponsione del trattamento straordinario di integrazione salariale in favore dei lavoratori dipendenti della S.p.a. Industria precompressi vibrati - Inprevib, con sede in Torino e unità di Chivasso (Torino), per il periodo dal 20 aprile 1998 al 19 ottobre 1998.

Istanza aziendale presentata il 21 maggio 1998 con decorrenza 20 aprile 1998.

L'Istituto nazionale della previdenza sociale, è autorizzato a provvedere al pagamento diretto del predetto trattamento.

L'Istituto nazionale della previdenza sociale, ad eccezione delle esplicite concessioni in deroga, eventualmente recate dal presente provvedimento, verifica il rispetto del limite massimo di trentasei mesi nell'arco del quinquennio previsto dalla vigente normativa, con particolare riferimento ai periodi di fruizione del trattamento ordinario di integrazione salariale, concessi per contrazione o sospensione dell'attività produttiva determinata da situazioni temporanee di mercato.

Con decreto ministeriale n. 25121 del 7 ottobre 1998, a seguito dell'approvazione del programma di ristrutturazione aziendale, intervenuto con il decreto ministeriale del 26 maggio 1998, è prorogata la corresponsione del trattamento straordinario di integrazione salariale in favore dei lavoratori dipendenti della S.p.a. Abb Sace, con sede in Bergamo e unità di Bergamo, Dalmine (Bergamo) e filiali periferiche, per il periodo dal 3 maggio 1998 al 2 novembre 1998.

Istanza aziendale presentata il 25 maggio 1998 con decorrenza 2 maggio 1998.

L'Istituto nazionale della previdenza sociale, ad eccezione delle esplicite concessioni in deroga, eventualmente recate dal presente provvedimento, verifica il rispetto del limite massimo di trentasei mesi nell'arco del quinquennio previsto dalla vigente normativa, con particolare riferimento ai periodi di fruizione del trattamento ordinario di integrazione salariale, concessi per contrazione o sospensione dell'attività produttiva determinata da situazioni temporanee di mercato.

Con decreto ministeriale n. 25122 del 7 ottobre 1998, a seguito dell'approvazione del programma di ristrutturazione aziendale, intervenuto con il decreto ministeriale del 24 luglio 1998, è prorogata la corresponsione del trattamento straordinario di integrazione salariale in favore dei lavoratori dipendenti della S.p.a. Ricagni condizionatori, con sede in Peschiera Borromeo (Milano) e unità di Peschiera Borromeo (Milano), per il periodo dal 3 giugno 1998 al 2 dicembre 1998.

Istanza aziendale presentata il 12 giugno 1998 con decorrenza 3 giugno 1998.

L'Istituto nazionale della previdenza sociale, ad eccezione delle esplicite concessioni in deroga, eventualmente recate dal presente provvedimento, verifica il rispetto del limite massimo di trentasei mesi nell'arco del quinquennio previsto dalla vigente normativa, con particolare riferimento ai periodi di fruizione del trattamento ordinario di integrazione salariale, concessi per contrazione o sospensione dell'attività produttiva determinata da situazioni temporanee di mercato.

Con decreto ministeriale n. 25123 del 7 ottobre 1998, a seguito dell'approvazione del programma di ristrutturazione aziendale, intervenuto con il decreto ministeriale dell'8 aprile 1998, è prorogata la corresponsione del trattamento straordinario di integrazione salariale

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in favore dei lavoratori dipendenti della S.r.l. Eurfashion, con sede in Macomer (Nuoro) e unità di Macomer (Nuoro), per il periodo dal 1° marzo 1998 al 31 agosto 1998.

Istanza aziendale presentata il 1° aprile 1998 con decorrenza 1° marzo 1998.

L'Istituto nazionale della previdenza sociale è autorizzato a provvedere al pagamento diretto del predetto trattamento.

L'Istituto nazionale della previdenza sociale, ad eccezione delle esplicite concessioni in deroga, eventualmente recate dal presente provvedimento, verifica il rispetto del limite massimo di trentasei mesi nell'arco del quinquennio previsto dalla vigente normativa, con particolare riferimento ai periodi di fruizione del trattamento ordinario di integrazione salariale, concessi per contrazione o sospensione dell'attività produttiva determinata da situazioni temporanee di mercato.

Con decreto ministeriale n. 25124 del 7 ottobre 1998, a seguito dell'approvazione del programma di crisi aziendale, intervenuto con il decreto ministeriale del 19 maggio 1998, è prorogata la corresponsione del trattamento straordinario di integrazione salariale in favore dei lavoratori dipendenti della S.p.a. Neolt, con sede in Ponte S. Pietro (Bergamo) e unità di Ponte S. Pietro (Bergamo) e Valbrembo (Bergamo), per il periodo dal 9 agosto 1998 all'8 febbraio 1999.

Istanza aziendale presentata il 28 agosto 1998 con decorrenza 9 agosto 1998.

L'Istituto nazionale della previdenza sociale, ad eccezione delle esplicite concessioni in deroga, eventualmente recate dal presente provvedimento, verifica il rispetto del limite massimo di trentasei mesi nell'arco del quinquennio previsto dalla vigente normativa, con particolare riferimento ai periodi di fruizione del trattamento ordinario di integrazione salariale, concessi per contrazione o sospensione dell'attività produttiva determinata da situazioni temporanee di mercato.

Con decreto ministeriale n. 25125 del 7 ottobre 1998, a seguito dell'approvazione del programma di conversione aziendale, intervenuto con il decreto ministeriale del 29 maggio 1998, è prorogata la corresponsione del trattamento straordinario di integrazione salariale in favore dei lavoratori dipendenti della S.p.a. Smurfit Sisa - Gruppo J. Smurfit, con sede in Asti e unità di Monza (Milano), per il periodo dal 20 novembre 1997 al 19 maggio 1998.

Istanza aziendale presentata il 10 dicembre 1997 con decorrenza 20 novembre 1997.

L'Istituto nazionale della previdenza sociale, ad eccezione delle esplicite concessioni in deroga, eventualmente recate dal presente provvedimento, verifica il rispetto del limite massimo di trentasei mesi nell'arco del quinquennio previsto dalla vigente normativa, con particolare riferimento ai periodi di fruizione del trattamento ordinario di integrazione salariale, concessi per contrazione o sospensione dell'attività produttiva determinata da situazioni temporanee di mercato.

Con decreto ministeriale n. 25126 del 7 ottobre 1998, a seguito dell'approvazione del programma di riorganizzazione aziendale, intervenuto con il decreto ministeriale del 24 luglio 1997, è prorogata la corresponsione del trattamento straordinario di integrazione salariale in favore dei lavoratori dipendenti della S.p.a. Cementir, con sede in Roma e unità di Maddaloni (Caserta), per il periodo dal 2 marzo 1998 al 1° settembre 1998.

Istanza aziendale presentata il 27 febbraio 1998 con decorrenza 2 marzo 1998.

L'Istituto nazionale della previdenza sociale, ad eccezione delle esplicite concessioni in deroga, eventualmente recate dal presente provvedimento, verifica il rispetto del limite massimo di trentasei mesi nell'arco del quinquennio previsto dalla vigente normativa, con particolare riferimento ai periodi di fruizione del trattamento ordinario di integrazione salariale, concessi per contrazione o sospensione dell'attività produttiva determinata da situazioni temporanee di mercato.

Con decreto ministeriale n. 25127 del 7 ottobre 1998, a seguito dell'approvazione del programma di crisi aziendale, intervenuto con il decreto ministeriale del 18 settembre 1996, è prorogata la corresponsione del trattamento straordinario di integrazione salariale in favore dei lavoratori dipendenti della S.r.l. Boghetti, con sede in Massa (Massa Carrara) e unità di Massa (Massa Carrara), per il periodo dal 15 luglio 1994 al 21 novembre 1994.

Istanza aziendale presentata il 22 luglio 1994 con decorrenza 22 maggio 1994.

Art. 7, comma 1, legge n. 236/93.

L'Istituto nazionale della previdenza sociale è autorizzato a provvedere al pagamento diretto del predetto trattamento.

Il presente decreto annulla e sostituisce il decreto ministeriale 25 febbraio 1995, n. 16902/9.

L'Istituto nazionale della previdenza sociale, ad eccezione delle esplicite concessioni in deroga, eventualmente recate dal presente provvedimento, verifica il rispetto del limite massimo di trentasei mesi nell'arco del quinquennio previsto dalla vigente normativa, con particolare riferimento ai periodi di fruizione del trattamento ordinario di integrazione salariale, concessi per contrazione o sospensione dell'attività produttiva determinata da situazioni temporanee di mercato.

Con decreto ministeriale n. 25128 del 7 ottobre 1998, a seguito dell'approvazione del programma di riorganizzazione aziendale, intervenuto con il decreto ministeriale del 17 giugno 1998, è prorogata la corresponsione del trattamento straordinario di integrazione salariale in favore dei lavoratori dipendenti della S.p.a. Carmine Russo, con sede in Cicciano (Napoli) e unità di Cicciano (Napoli), per il periodo dal 1° marzo 1997 al 28 agosto 1997.

Istanza aziendale presentata il 24 aprile 1997 con decorrenza 1° marzo 1997.

Delibera CIPE 18 ottobre 1994, pubblicata nella *Gazzetta Ufficiale* del 18 gennaio 1995, n. 14.

L'Istituto nazionale della previdenza sociale, ad eccezione delle esplicite concessioni in deroga, eventualmente recate dal presente provvedimento, verifica il rispetto del limite massimo di trentasei mesi nell'arco del quinquennio previsto dalla vigente normativa, con particolare riferimento ai periodi di fruizione del trattamento ordinario di integrazione salariale, concessi per contrazione o sospensione dell'attività produttiva determinata da situazioni temporanee di mercato.

Con decreto ministeriale n. 25129 del 7 ottobre 1998, è approvato il programma per riorganizzazione aziendale, relativamente al periodo dal 27 gennaio 1998 al 23 gennaio 1999, della ditta S.p.a. Gilardoni, con sede in Milano e unità di filiale di Roma, Mandello del Lario (Como), Milano, Motta S. Anastasia (Catania).

A seguito dell'approvazione di cui sopra, è autorizzata la corresponsione del trattamento straordinario di integrazione salariale per riorganizzazione aziendale, in favore dei lavoratori interessati, dipendenti dalla ditta S.p.a. Gilardoni, con sede in Milano e unità di filiale di Roma, Mandello del Lario (Como), Milano, Motta S. Anastasia (Catania), per il periodo dal 27 gennaio 1998 al 26 luglio 1998.

Istanza aziendale presentata il 23 febbraio 1998 con decorrenza 27 gennaio 1998.

L'Istituto nazionale della previdenza sociale, ad eccezione delle esplicite concessioni in deroga, eventualmente recate dal presente provvedimento, verifica il rispetto del limite massimo di trentasei mesi nell'arco del quinquennio previsto dalla vigente normativa, con particolare riferimento ai periodi di fruizione del trattamento ordinario di integrazione salariale, concessi per contrazione o sospensione dell'attività produttiva determinata da situazioni temporanee di mercato.

Con decreto ministeriale n. 25130 del 7 ottobre 1998, a seguito dell'approvazione del programma di crisi aziendale, intervenuto con il decreto ministeriale del 19 maggio 1998, è prorogata la corresponsione del trattamento straordinario di integrazione salariale in favore dei lavoratori dipendenti della S.p.a. Magnaghi Milano, con sede in Milano e unità di Brugherio (Milano) e Milano, per il periodo dal 5 luglio 1998 al 4 gennaio 1999.

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Istanza aziendale presentata il 7 luglio 1998 con decorrenza 5 luglio 1998.

L'Istituto nazionale della previdenza sociale, ad eccezione delle esplicite concessioni in deroga, eventualmente recate dal presente provvedimento, verifica il rispetto del limite massimo di trentasei mesi nell'arco del quinquennio previsto dalla vigente normativa, con particolare riferimento ai periodi di fruizione del trattamento ordinario di integrazione salariale, concessi per contrazione o sospensione dell'attività produttiva determinata da situazioni temporanee di mercato.

Con decreto ministeriale n. 25131 del 7 ottobre 1998, a seguito dell'approvazione del programma di riorganizzazione aziendale, intervenuto con il decreto ministeriale del 17 giugno 1998, è prorogata la corresponsione del trattamento straordinario di integrazione salariale in favore dei lavoratori dipendenti della S.p.a. G.F.T., con sede in Torino e unità di Torino, per il periodo dal 16 maggio 1998 al 15 dicembre 1998.

Istanza aziendale presentata il 16 luglio 1998 con decorrenza 16 giugno 1998.

L'Istituto nazionale della previdenza sociale, ad eccezione delle esplicite concessioni in deroga, eventualmente recate dal presente provvedimento, verifica il rispetto del limite massimo di trentasei mesi nell'arco del quinquennio previsto dalla vigente normativa, con particolare riferimento ai periodi di fruizione del trattamento ordinario di integrazione salariale, concessi per contrazione o sospensione dell'attività produttiva determinata da situazioni temporanee di mercato.

Con decreto ministeriale n. 25132 del 7 ottobre 1998, è approvato il programma per ristrutturazione aziendale, relativamente al periodo dal 28 giugno 1996 al 27 giugno 1998, della ditta S.p.a. Dali dall'8 novembre 1996 Manifattura Miraglia, con sede in Carini (Palermo) e unità di Carini (Palermo).

A seguito dell'approvazione di cui sopra, è autorizzata la corresponsione del trattamento straordinario di integrazione salariale per ristrutturazione aziendale, in favore dei lavoratori interessati, dipendenti dalla ditta S.p.a. Dali dall'8 novembre 1996 Manifattura Miraglia, con sede in Carini (Palermo) e unità di Carini (Palermo), per il periodo dal 28 giugno 1996 al 27 dicembre 1996.

Istanza aziendale presentata il 17 luglio 1996 con decorrenza 28 giugno 1996.

L'Istituto nazionale della previdenza sociale, è autorizzato a provvedere al pagamento diretto del predetto trattamento.

L'Istituto nazionale della previdenza sociale, ad eccezione delle esplicite concessioni in deroga, eventualmente recate dal presente provvedimento, verifica il rispetto del limite massimo di trentasei mesi nell'arco del quinquennio previsto dalla vigente normativa, con particolare riferimento ai periodi di fruizione del trattamento ordinario di integrazione salariale, concessi per contrazione o sospensione dell'attività produttiva determinata da situazioni temporanee di mercato.

Con decreto ministeriale n. 25133 del 7 ottobre 1998, è approvato il programma per riorganizzazione aziendale, limitatamente al periodo dal 9 febbraio 1998 all'8 febbraio 1999, della ditta S.p.a. Ansaldo Acque, con sede in Genova e unità di sede di Genova.

A seguito dell'approvazione di cui sopra, è autorizzata la corresponsione del trattamento straordinario di integrazione salariale per riorganizzazione aziendale, in favore dei lavoratori interessati, dipendenti dalla ditta S.p.a. Ansaldo Acque, con sede in Genova e unità sede di Genova, per il periodo dal 9 febbriao 1998 all'8 agosto 1998.

Istanza aziendale presentata il 25 marzo 1998 con decorrenza 9 febbraio 1998.

L'Istituto nazionale della previdenza sociale, ad eccezione delle esplicite concessioni in deroga, eventualmente recate dal presente provvedimento, verifica il rispetto del limite massimo di trentasei mesi nell'arco del quinquennio previsto dalla vigente normativa, con particolare riferimento ai periodi di fruizione del trattamento ordinario di integrazione salariale, concessi per contrazione o sospensione dell'attività produttiva determinata da situazioni temporanee di mercato.

Con decreto ministeriale n. 25134 del 7 ottobre 1998, a seguito dell'accertamento delle condizioni di cui all'art. 35, terzo comma, legge n. 416/81, intervenuto con il decreto ministeriale del 16 aprile 1998, è prorogata la corresponsione del trattamento straordinario di integrazione salariale in favore dei lavoratori dipendenti della S.r.l. G.E.B., con sede in Milano e unità di Milano, per un massimo di 6 dipendenti, per il periodo dal 9 giugno 1998 all'8 dicembre 1998.

L'Istituto nazionale della previdenza sociale e l'I.N.P.G.I., sono autorizzati a provvedere al pagamento diretto del trattamento straordinario di integrazione salariale ai lavoratori interessati.

Con decreto ministeriale n. 25137 del 7 ottobre 1998, a seguito dell'accertamento delle condizioni di cui all'art. 35, terzo comma, legge n. 416/81, intervenuto con il decreto ministeriale del 19 maggio 1998, è prorogata la corresponsione del trattamento straordinario di integrazione salariale in favore dei lavoratori dipendenti della S.r.l. Telestampa centro Italia, con sede in Oricola (L'Aquila) e unità di stabilimento di Oricola (L'Aquila), per un massimo di 24 dipendenti, per il periodo dal 31 luglio 1998 al 30 gennaio 1999.

L'Istituto nazionale della previdenza sociale e l'I.N.P.G.I., sono autorizzati a provvedere al pagamento diretto del trattamento straordinario di integrazione salariale ai lavoratori interessati.

Con decreto ministeriale n. 25138 del 7 ottobre 1998, a seguito dell'accertamento delle condizioni di crisi aziendale, intervenuto con il decreto ministeriale del 19 maggio 1998, è prorogata la corresponsione del trattamento straordinario di integrazione salariale in favore dei lavoratori che versino nell'ipotesi di cui all'art. 24, della legge 25 febbraio 1987, n. 67, dipendenti della S.p.a. Guida Monaci, con sede in Roma e unità di Roma, per un massimo di 20 dipendenti, per il periodo dal 10 maggio 1998 al 9 novembre 1998.

Con decreto ministeriale n. 25139 del 7 ottobre 1998, in favore dei lavoratori dipendenti dalla S.r.l. Perego & Pozzi, con sede in Briosco (Milano) e unità di Molteno (Milano), per un massimo di 34 dipendenti, è autorizzata la corresponsione del trattamento straordinario di integrazione salariale dal 27 luglio 1998 al 26 gennaio 1999.

La corresponsione del trattamento disposta di cui sopra, è prorogata dal 27 gennaio 1999 al 26 gennaio 1999.

L'Istituto nazionale della previdenza sociale, è autorizzato a provvedere al pagamento diretto del predetto trattamento straordinario di integrazione salariale ai lavoratori interessati, nonché all'esonero dal contributo addizionale di cui all'art. 8, comma 8-*bis*, della legge n. 160/88.

L'Istituto nazionale della previdenza sociale, verifica il rispetto del limite massimo di 36 mesi nell'arco del quinquennio previsto dalla vigente normativa, in ordine ai periodi di fruizione del trattamento ordinario di integrazione salariale, concessi per contrazione o sospensione dell'attività produttiva determinata da situazioni temporanee di mercato.

Con decreto ministeriale n. 25140 del 7 ottobre 1998, in favore dei lavoratori dipendenti dalla S.r.l. Gema & Tecnomatic, con sede in Rivoli (Torino) e unità di Rivoli e Casine Vica (Torino), per un massimo di 9 dipendenti, è autorizzata la corresponsione del trattamento straordinario di integrazione salariale dal 14 maggio 1998 al 13 novembre 1998.

La corresponsione del trattamento disposta di cui sopra, è prorogata dal 14 novembre 1998 al 13 maggio 1999.

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L'Istituto nazionale della previdenza sociale, è autorizzato a provvedere al pagamento diretto del predetto trattamento straordinario di integrazione salariale ai lavoratori interessati, nonché all'esonero dal contributo addizionale di cui all'art. 8, comma 8-*bis*, della legge n. 160/88.

L'Istituto nazionale della previdenza sociale, verifica il rispetto del limite massimo di 36 mesi nell'arco del quinquennio previsto dalla vigente normativa, in ordine ai periodi di fruizione del trattamento ordinario di integrazione salariale, concessi per contrazione o sospensione dell'attività produttiva determinata da situazioni temporanee di mercato.

Con decreto ministeriale n. 25141 del 7 ottobre 1998, in favore dei lavoratori dipendenti dalla S.p.a. Della Schiava, con sede in Milano e unità di Milano, per un massimo di 33 dipendenti, è autorizzata la corresponsione del trattamento straordinario di integrazione salariale dal 14 maggio 1998 al 13 novembre 1998.

La corresponsione del trattamento disposta di cui sopra, è prorogata dal 14 novembre 1998 al 23 dicembre 1998.

L'Istituto nazionale della previdenza sociale, è autorizzato a provvedere al pagamento diretto del predetto trattamento straordinario di integrazione salariale ai lavoratori interessati, nonché all'esonero dal contributo addizionale di cui all'art. 8, comma 8-*bis*, della legge n. 160/88.

L'Istituto nazionale della previdenza sociale, verifica il rispetto del limite massimo di 36 mesi nell'arco del quinquennio previsto dalla vigente normativa, in ordine ai periodi di fruizione del trattamento ordinario di integrazione salariale, concessi per contrazione o sospensione dell'attività produttiva determinata da situazioni temporanee di mercato.

Con decreto ministeriale n. 25142 del 7 ottobre 1998, in favore dei lavoratori dipendenti dalla S.p.a. Della Schiava, con sede in Milano e unità di Milano, per un massimo di 33 dipendenti, è autorizzata la corresponsione del trattamento straordinario di integrazione salariale dal 24 dicembre 1997 al 13 maggio 1998.

Il presente decreto annulla e sostituisce il decreto ministeriale 29 maggio 1998, n. 24615/1-2.

L'Istituto nazionale della previdenza sociale, è autorizzato a provvedere al pagamento diretto del predetto trattamento straordinario di integrazione salariale ai lavoratori interessati, nonché all'esonero dal contributo addizionale di cui all'art. 8, comma 8-*bis*, della legge n. 160/88.

L'Istituto nazionale della previdenza sociale, verifica il rispetto del limite massimo di 36 mesi nell'arco del quinquennio previsto dalla vigente normativa, in ordine ai periodi di fruizione del trattamento ordinario di integrazione salariale, concessi per contrazione o sospensione dell'attività produttiva determinata da situazioni temporanee di mercato.

Con decreto ministeriale n. 25143 del 7 ottobre 1998, in favore dei lavoratori dipendenti dalla S.p.a. Enterprise, con sede in Milano e unità di Viareggio (Lucca), per un massimo di 42 dipendenti, è autorizzata la corresponsione del trattamento straordinario di integrazione salariale dal 7 agosto 1998 al 6 febbraio 1999.

L'Istituto nazionale della previdenza sociale, è autorizzato a provvedere al pagamento diretto del predetto trattamento straordinario di integrazione salariale ai lavoratori interessati, nonché all'esonero dal contributo addizionale di cui all'art. 8, comma 8-*bis*, della legge n. 160/88.

L'Istituto nazionale della previdenza sociale, verifica il rispetto del limite massimo di 36 mesi nell'arco del quinquennio previsto dalla vigente normativa, in ordine ai periodi di fruizione del trattamento ordinario di integrazione salariale, concessi per contrazione o sospensione dell'attività produttiva determinata da situazioni temporanee di mercato.

Con decreto ministeriale n. 25144 del 7 ottobre 1998, in favore dei lavoratori dipendenti dalla S.r.l. Pat 2, con sede in Aci S. Antonio contrada Lavinaio (Catania) e unità di Aci S. Antonio contrada Lavinaio (Catania), per un massimo di 45 dipendenti, è prorogata la corresponsione del trattamento straordinario di integrazione salariale dal 5 maggio 1998 al 4 novembre 1998.

La corresponsione del trattamento disposta di cui sopra, è prorogata dal 5 novembre 1998 al 4 maggio 1999.

L'Istituto nazionale della previdenza sociale, è autorizzato a provvedere al pagamento diretto del predetto trattamento straordinario di integrazione salariale ai lavoratori interessati, nonché all'esonero dal contributo addizionale di cui all'art. 8, comma 8-*bis*, della legge n. 160/88.

L'Istituto nazionale della previdenza sociale, verifica il rispetto del limite massimo di 36 mesi nell'arco del quinquennio previsto dalla vigente normativa, in ordine ai periodi di fruizione del trattamento ordinario di integrazione salariale, concessi per contrazione o sospensione dell'attività produttiva determinata da situazioni temporanee di mercato.

Con decreto ministeriale n. 25145 del 7 ottobre 1998, in favore dei lavoratori dipendenti dalla S.p.a. F.lli Costanzo, con sede in Misterbianco (Catania) e unità di Catanzaro, per un massimo di 31 dipendenti, è autorizzata la corresponsione del trattamento straordinario di integrazione salariale dal 26 marzo 1998 al 25 marzo 1999.

L'Istituto nazionale della previdenza sociale, è autorizzato all'esonero dal contributo addizionale di cui all'art. 8, comma 8-*bis*, della legge n. 160/88.

L'Istituto nazionale della previdenza sociale, verifica il rispetto del limite massimo di 36 mesi nell'arco del quinquennio previsto dalla vigente normativa, in ordine ai periodi di fruizione del trattamento ordinario di integrazione salariale, concessi per contrazione o sospensione dell'attività produttiva determinata da situazioni temporanee di mercato.

Con decreto ministeriale n. 25146 del 7 ottobre 1998, in favore dei lavoratori dipendenti dalla S.p.a. F.lli Costanzo, con sede in Misterbianco (Catania) e unità in provincia di Campobasso, per un massimo di 31 dipendenti, unità in provincia di Catania, per un massimo di 406 dipendenti, unità in provincia di Macerata, per un massimo di 12 dipendenti, unità in provincia di Ravenna, per un massimo di 14 dipendenti, unità in provincia di Roma, per un massimo di 6 dipendenti, unità in provincia di Caltanissetta, per un massimo di 2 dipendenti, unità in provincia di Enna, per un massimo di 44 dipendenti, unità in provincia di Messina, per un massimo di 386 dipendenti, è prorogata la corresponsione del trattamento straordinario di integrazione salariale dal 26 marzo 1998 al 25 marzo 1999.

L'Istituto nazionale della previdenza sociale, è autorizzato all'esonero dal contributo addizionale di cui all'art. 8, comma 8-*bis*, della legge n. 160/88.

L'Istituto nazionale della previdenza sociale verifica il rispetto del limite massimo di 36 mesi nell'arco del quinquennio previsto dalla vigente normativa, con particolare riferimento ai periodi di fruizione del trattamento ordinario di integrazione salariale, concessi per contrazione o sospensione dell'attività produttiva determinata da situazioni temporanee di mercato.

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Provvedimenti concernenti il trattamento di integrazione salariale

Con decreto ministeriale n. 25096 del 29 settembre 1998 è autorizzata, per il periodo dal 28 aprile 1997 al 27 aprile 1998, la corresponsione del trattamento di integrazione salariale di cui all'art. 1 del decreto-legge 30 ottobre 1984, n. 726, convertito, con modificazioni, nella legge 19 dicembre 1984, n. 863, nella misura prevista dall'art. 6, comma 3, del decreto-legge 1° ottobre 1996, n. 510, convertito, con modificazioni, nella legge 28 novembre 1996, n. 608, in favore dei

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lavoratori dipendenti dalla S.p.a. Cascami seta - Filature seriche riunite, dal 1° gennaio 1998 Botto Giuseppe e figli - Divisione cascami seta, con sede in Vallemosso (Vercelli) e unità di Pomaretto (Torino), per i quali è stato stipulato un contratto di solidarietà che stabilisce, per 12 mesi, la riduzione massima dell'orario di lavoro da 40 ore settimanali a 20 ore medie settimanali nei confronti di un numero massimo di lavoratori pari a 8 unità, su un organico complessivo di 21 unità.

Il presente decreto annulla e sostituisce il D.M. 14 novembre 1997 n. 23695.

L'Istituto nazionale della previdenza sociale è altresì autorizzato, nell'ambito di quanto sopra disposto, in favore dei lavoratori dipendenti dalla S.p.a. Cascami seta - Filature seriche riunite, dal 1° gennaio 1998 Botto Giuseppe e figli - Divisione cascami seta, a corrispondere il particolare beneficio previsto dal comma 4, art. 6, del decreto-legge 1° ottobre 1996, n. 510, convertito, con modificazioni, nella legge 28 novembre 1996, n. 608, nei limiti finanziari posti dal comma stesso, tenuto conto dei criteri di priorità individuati nel decreto ministeriale dell'8 febbraio 1996, registrato dalla Corte dei conti in data 6 marzo 1996, registro n. 1, foglio n. 24.

Con decreto ministeriale n. 25097 del 29 settembre 1998 è autorizzata, per il periodo dal 2 febbraio 1998 al 1° febbraio 1999, la corresponsione del trattamento di integrazione salariale di cui all'art. 1 del decreto-legge 30 ottobre 1984, n. 726, convertito, con modificazioni, nella legge 19 dicembre 1984, n. 863, nella misura prevista dall'art. 6, comma 3, del decreto-legge 1° ottobre 1996, n. 510, convertito, con modificazioni, nella legge 28 novembre 1996, n. 608, in favore dei lavoratori dipendenti dalla S.r.l. Principal, con sede in Melito di Napoli (Napoli) e unità di Melito di Napoli (Napoli), per i quali è stato stipulato un contratto di solidarietà che stabilisce, per 12 mesi, la riduzione massima dell'orario di lavoro da 39 ore settimanali a 14 ore medie settimanali nei confronti di un numero massimo di lavoratori pari a 24 unità, su un organico complessivo di 32 unità.

L'Istituto nazionale della previdenza sociale è altresì autorizzato, nell'ambito di quanto sopra disposto, in favore dei lavoratori dipendenti dalla S.r.l. Principal, a corrispondere il particolare beneficio previsto dal comma 4, art. 6, del decreto-legge 1° ottobre 1996, n. 510, convertito, con modificazioni, nella legge 28 novembre 1996, n. 608, nei limiti finanziari posti dal comma stesso, tenuto conto dei criteri di priorità individuati nel decreto ministeriale dell'8 febbraio 1996, registrato dalla Corte dei conti in data 6 marzo 1996, registro n. 1, foglio n. 24.

Con decreto ministeriale n. 25098 del 29 settembre 1998 è autorizzata, per il periodo dal 1° gennaio 1998 al 31 dicembre 1998, la corresponsione del trattamento di integrazione salariale di cui all'art. 1 del decreto-legge 30 ottobre 1984, n. 726, convertito, con modificazioni, nella legge 19 dicembre 1984, n. 863, nella misura prevista dall'art. 6, comma 3, del decreto-legge 1° ottobre 1996, n. 510, convertito, con modificazioni, nella legge 28 novembre 1996, n. 608, in favore dei lavoratori dipendenti dalla S.p.a. Sils laterizi, con sede in Montalcino fraz. Torrenieri (Siena) e unità di Montalcino fraz. Torrenieri, (Siena), per i quali è stato stipulato un contratto di solidarietà che stabilisce, per 12 mesi, la riduzione massima dell'orario di lavoro da 40 ore settimanali a 28 ore medie settimanali nei confronti di un numero massimo di lavoratori pari a 35 unità, di cui 28 operai da 36 a 25,20 ore medie settimanali, su un organico complessivo di 35 unità.

L'Istituto nazionale della previdenza sociale è altresì autorizzato, nell'ambito di quanto sopra disposto, in favore dei lavoratori dipendenti dalla S.p.a. Sils laterizi, a corrispondere il particolare beneficio previsto dal comma 4, art. 6, del decreto-legge 1° ottobre 1996, n. 510, convertito, con modificazioni, nella legge 28 novembre 1996, n. 608, nei limiti finanziari posti dal comma stesso, tenuto conto dei criteri di priorità individuati nel decreto ministeriale dell'8 febbraio 1996, registrato dalla Corte dei conti in data 6 marzo 1996, registro n. 1, foglio n. 24.

Con decreto ministeriale n. 25099 del 29 settembre 1998 è autorizzata, per il periodo dal 21 maggio 1997 al 31 dicembre 1997, la corresponsione del trattamento di integrazione salariale di cui all'art. 1 del decreto-legge 30 ottobre 1984, n. 726, convertito, con modificazioni, nella legge 19 dicembre 1984, n. 863, nella misura prevista dall'art. 6, comma 3, del decreto-legge 1° ottobre 1996, n. 510, convertito, con modificazioni, nella legge 28 novembre 1996, n. 608, in favore dei lavoratori dipendenti dalla S.p.a. Big blu, con sede in Benevento e unità di Castellina in Chianti (Siena), per i quali è stato stipulato un contratto di solidarietà che stabilisce, per 7 mesi, la riduzione massima dell'orario di lavoro da 40 ore settimanali a 25 ore medie settimanali nei confronti di un numero massimo di lavoratori pari a 6 unità, su un organico complessivo di 22 unità.

L'Istituto nazionale della previdenza sociale è altresì autorizzato, nell'ambito di quanto sopra disposto, in favore dei lavoratori dipendenti dalla S.p.a. Big blu, a corrispondere il particolare beneficio previsto dal comma 4, art. 6, del decreto-legge 1° ottobre 1996, n. 510, convertito, con modificazioni, nella legge 28 novembre 1996, n. 608, nei limiti finanziari posti dal comma stesso, tenuto conto dei criteri di priorità individuati nel decreto ministeriale dell'8 febbraio 1996, registrato dalla Corte dei conti in data 6 marzo 1996, registro n. 1, foglio n. 24.

Con decreto ministeriale n. 25100 del 29 settembre 1998 è autorizzata, per il periodo dal 10 febbraio 1998 al 9 febbraio 1999, la corresponsione del trattamento di integrazione salariale di cui all'art. 1 del decreto-legge 30 ottobre 1984, n. 726, convertito, con modificazioni, nella legge 19 dicembre 1984, n. 863, nella misura prevista dall'art. 6, comma 3, del decreto-legge 1° ottobre 1996, n. 510, convertito, con modificazioni, nella legge 28 novembre 1996, n. 608, in favore dei lavoratori dipendenti dalla S.p.a. Geosonda, con sede in Roma, magazzino di Monterotondo (Roma) e uffici di Roma, per i quali è stato stipulato un contratto di solidarietà che stabilisce, per 24 mesi, la riduzione massima dell'orario di lavoro da 40 ore settimanali a 20 ore medie settimanali nei confronti di un numero massimo di lavoratori pari a 30 unità, su un organico complessivo di 104 unità.

L'Istituto nazionale della previdenza sociale è altresì autorizzato, nell'ambito di quanto sopra disposto, in favore dei lavoratori dipendenti dalla S.p.a. Geosonda, a corrispondere il particolare beneficio previsto dal comma 4, art. 6, del decreto-legge 1° ottobre 1996, n. 510, convertito, con modificazioni, nella legge 28 novembre 1996, n. 608, nei limiti finanziari posti dal comma stesso, tenuto conto dei criteri di priorità individuati nel decreto ministeriale dell'8 febbraio 1996, registrato dalla Corte dei conti in data 6 marzo 1996, registro n. 1, foglio n. 24.

Con decreto ministeriale n. 25101 del 29 settembre 1998 è autorizzata, per il periodo dal 1° luglio 1998 al 16 maggio 1999, la corresponsione del trattamento di integrazione salariale di cui all'art. 1 del decreto-legge 30 ottobre 1984, n. 726, convertito, con modificazioni, nella legge 19 dicembre 1984, n. 863, nella misura prevista dall'art. 6, comma 3, del decreto-legge 1° ottobre 1996, n. 510, convertito, con modificazioni, nella legge 28 novembre 1996, n. 608, in favore dei lavoratori dipendenti dalla S.r.l. Maxim, con sede in Sansepolcro (Arezzo) e unità di Città di Castello (Arezzo), per i quali è stato stipulato un contratto di solidarietà che stabilisce, per 10 mesi, la riduzione massima dell'orario di lavoro da 40 ore settimanali a 20 ore medie settimanali nei confronti di un numero massimo di lavoratori pari a 163 unità, di cui 19 lavoratori part-time da 20 a 18 ore medie settimanali, su un organico complessivo di 166 unità.

L'Istituto nazionale della previdenza sociale è altresì autorizzato, nell'ambito di quanto sopra disposto, in favore dei lavoratori dipendenti dalla S.r.l. Maxim, a corrispondere il particolare beneficio previsto dal comma 4, art. 6, del decreto-legge 1° ottobre 1996, n. 510, convertito, con modificazioni, nella legge 28 novembre 1996, n. 608, nei limiti finanziari posti dal comma stesso, tenuto conto dei criteri di priorità individuati nel decreto ministeriale dell'8 febbraio 1996, registrato dalla Corte dei conti in data 6 marzo 1996, registro n. 1, foglio n. 24.

Con decreto ministeriale n. 25102 del 29 settembre 1998 è autorizzata, per il periodo dal 1° luglio 1998 al 16 maggio 1999, la corresponsione del trattamento di integrazione salariale di cui all'art. 1 del decreto-legge 30 ottobre 1984, n. 726, convertito, con modificazioni, nella legge 19 dicembre 1984, n. 863, nella misura prevista dall'art. 6,

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comma 3, del decreto-legge 1° ottobre 1996, n. 510, convertito, con modificazioni, nella legge 28 novembre 1996, n. 608, in favore dei lavoratori dipendenti dalla S.r.l. Manifattura di S. Giustino (Perugia) e unità di Perugia, per i quali è stato stipulato un contratto di solidarietà che stabilisce, per 10 mesi, la riduzione massima dell'orario di lavoro da 40 ore settimanali a 20 ore medie settimanali nei confronti di un numero massimo di lavoratori pari a 82 unità, su un organico complessivo di 83 unità.

L'Istituto nazionale della previdenza sociale è altresì autorizzato, nell'ambito di quanto sopra disposto, in favore dei lavoratori dipendenti dalla S.r.l. Manifattura di S. Giustino, a corrispondere il particolare beneficio previsto dal comma 4, art. 6, del decreto-legge 1° ottobre 1996, n. 510, convertito, con modificazioni, nella legge 28 novembre 1996, n. 608, nei limiti finanziari posti dal comma stesso, tenuto conto dei criteri di priorità individuati nel decreto ministeriale dell'8 febbraio 1996, registrato dalla Corte dei conti in data 6 marzo 1996, registro n. 1, foglio n. 24.

Con decreto ministeriale n. 25103 del 29 settembre 1998 è autorizzata, per il periodo dal 28 aprile 1998 al 27 aprile 1999, la corresponsione del trattamento di integrazione salariale di cui all'art. 1 del decreto-legge 30 ottobre 1984, n. 726, convertito, con modificazioni, nella legge 19 dicembre 1984, n. 863, nella misura prevista dall'art. 6, comma 3, del decreto-legge 1° ottobre 1996, n. 510, convertito, con modificazioni, nella legge 28 novembre 1996, n. 608, in favore dei lavoratori dipendenti dalla S.p.a. Botto Giuseppe e figli - Divisione cascami seta, con sede in Vallemosso (Vercelli) e unità di Pomaretto (Torino), per i quali è stato stipulato un contratto di solidarietà che stabilisce, per 12 mesi, la riduzione massima dell'orario di lavoro da 40 ore settimanali a 20 ore medie settimanali nei confronti di un numero massimo di lavoratori pari a 8 unità, su un organico complessivo di 20 unità.

L'Istituto nazionale della previdenza sociale è altresì autorizzato, nell'ambito di quanto sopra disposto, in favore dei lavoratori dipendenti dalla S.p.a. Botto Giuseppe e figli - Divisione cascami seta, a corrispondere il particolare beneficio previsto dal comma 4, art. 6, del decreto-legge 1° ottobre 1996, n. 510, convertito, con modificazioni, nella legge 28 novembre 1996, n. 608, nei limiti finanziari posti dal comma stesso, tenuto conto dei criteri di priorità individuati nel decreto ministeriale dell'8 febbraio 1996, registrato dalla Corte dei conti in data 6 marzo 1996, registro n. 1, foglio n. 24.

Con decreto ministeriale n. 25104 del 29 settembre 1998 è autorizzata, per il periodo dal 14 aprile 1998 al 13 aprile 1999, la corresponsione del trattamento di integrazione salariale di cui all'art. 1 del decreto-legge 30 ottobre 1984, n. 726, convertito, con modificazioni, nella legge 19 dicembre 1984, n. 863, nella misura prevista dall'art. 6, comma 3, del decreto-legge 1° ottobre 1996, n. 510, convertito, con modificazioni, nella legge 28 novembre 1996, n. 608, in favore dei lavoratori dipendenti dalla S.r.l. Tanino Crisci, con sede in Milano e unità di Casteggio (Pavia), per i quali è stato stipulato un contratto di solidarietà che stabilisce, per 12 mesi, la riduzione massima dell'orario di lavoro da 40 ore settimanali a 27 ore medie settimanali nei confronti di un numero massimo di lavoratori pari a 58 unità, di cui 3 a part-time da 20 a 15 ore medie settimanali, di cui 1 a part-time da 35 a 30 ore medie settimanali, su un organico complessivo di 75 unità.

L'Istituto nazionale della previdenza sociale è altresì autorizzato, nell'ambito di quanto sopra disposto, in favore dei lavoratori dipendenti dalla S.r.l. Tanino Crisci, a corrispondere il particolare beneficio previsto dal comma 4, art. 6, del decreto-legge 1° ottobre 1996, n. 510, convertito, con modificazioni, nella legge 28 novembre 1996, n. 608, nei limiti finanziari posti dal comma stesso, tenuto conto dei criteri di priorità individuati nel decreto ministeriale dell'8 febbraio 1996, registrato dalla Corte dei conti in data 6 marzo 1996, registro n. 1, foglio n. 24.

Con decreto ministeriale n. 25147 del 7 ottobre 1998 è autorizzata, per il periodo dal 20 luglio 1998 al 19 luglio 1999, la corresponsione del trattamento di integrazione salariale di cui all'art. 1 del decreto-legge 30 ottobre 1984, n. 726, convertito, con modificazioni, nella legge 19 dicembre 1984, n. 863, nella misura prevista dall'art. 6, comma 3, del decreto-legge 1° ottobre 1996, n. 510, convertito, con modificazioni, nella legge 28 novembre 1996, n. 608, in favore dei lavoratori dipendenti dalla S.r.l. Gianangeli con sede in fraz. Ponte Valleceppi (Perugia) e unità di Ponte Valleceppi (Perugia) s.s. E/45 n. 62, per i quali è stato stipulato un contratto di solidarietà che stabilisce, per 12 mesi, la riduzione massima dell'orario di lavoro da 40 ore settimanali a 20 ore medie settimanali nei confronti di un numero massimo di lavoratori pari a 9 unità, su un organico complessivo di 22 unità.

L'Istituto nazionale della previdenza sociale è altresì autorizzato, nell'ambito di quanto sopra disposto, in favore dei lavoratori dipendenti dalla S.r.l. Gianangeli, a corrispondere il particolare beneficio previsto dal comma 4, art. 6, del decreto-legge 1° ottobre 1996, n. 510, convertito, con modificazioni, nella legge 28 novembre 1996, n. 608, nei limiti finanziari posti dal comma stesso, tenuto conto dei criteri di priorità individuati nel decreto ministeriale dell'8 febbraio 1996, registrato dalla Corte dei conti in data 6 marzo 1996, registro n. 1, foglio n. 24.

Con decreto ministeriale n. 25148 del 7 ottobre 1998 è autorizzata, per il periodo dal 24 giugno 1998 al 19 novembre 1998, la corresponsione del trattamento di integrazione salariale di cui all'art. 1 del decreto-legge 30 ottobre 1984, n. 726, convertito, con modificazioni, nella legge 19 dicembre 1984, n. 863, nella misura prevista dall'art. 6, comma 3, del decreto-legge 1° ottobre 1996, n. 510, convertito, con modificazioni, nella legge 28 novembre 1996, n. 608, in favore dei lavoratori dipendenti dalla S.r.l. Istituto di vigilanza e trasporto valori «La Ronda», con sede in Potenza e unità di Potenza, per i quali è stato stipulato un contratto di solidarietà che stabilisce, per 6 mesi, la riduzione massima dell'orario di lavoro da 40 ore settimanali a 22,80 ore medie settimanali nei confronti di un numero massimo di lavoratori pari a 63 unità, su un organico complessivo di 76 unità.

L'Istituto nazionale della previdenza sociale è altresì autorizzato, nell'ambito di quanto sopra disposto, in favore dei lavoratori dipendenti dalla S.r.l. Istituto di vigilanza e trasporto valori «La Ronda», a corrispondere il particolare beneficio previsto dal comma 4, art. 6, del decreto-legge 1° ottobre 1996, n. 510, convertito, con modificazioni, nella legge 28 novembre 1996, n. 608, nei limiti finanziari posti dal comma stesso, tenuto conto dei criteri di priorità individuati nel decreto ministeriale dell'8 febbraio 1996, registrato dalla corte dei Conti in data 6 marzo 1996, registro n. 1, foglio n. 24.

Con decreto ministeriale n. 25149 del 7 ottobre 1998 è autorizzata, per il periodo dal 1° settembre 1996 al 31 agosto 1997, la corresponsione del trattamento di integrazione salariale di cui all'art. 1 del decreto-legge 30 ottobre 1984, n. 726, convertito, con modificazioni, nella legge 19 dicembre 1984, n. 863, nella misura prevista dall'art. 6, comma 3, del decreto-legge 1° ottobre 1996, n. 510, convertito, con modificazioni, nella legge 28 novembre 1996, n. 608, in favore dei lavoratori dipendenti dalla S.p.a. Nuova Stic, dal 16 giugno 1997 T.D. Carta S.r.l., con sede in Capannori Lunata (Lucca) e unità di Borgo a Mozzano (Lucca), per i quali è stato stipulato un contratto di solidarietà che stabilisce, per 24 mesi, la riduzione massima dell'orario di lavoro da 40 ore settimanali a 22 ore medie settimanali nei confronti di un numero massimo di lavoratori pari a 3 unità, su un organico complessivo di 28 unità.

L'Istituto nazionale della previdenza sociale è altresì autorizzato, nell'ambito di quanto sopra disposto, in favore dei lavoratori dipendenti dalla Sp.a. Nuova Stic, dal 16 giugno 1997 T.D. Carta S.r.l., a corrispondere il particolare beneficio previsto dal comma 4, art. 6, del decreto-legge 1° ottobre 1996, n. 510, convertito, con modificazioni, nella legge 28 novembre 1996, n. 608, nei limiti finanziari posti dal comma stesso, tenuto conto dei criteri di priorità individuati nel decreto ministeriale dell'8 febbraio 1996, registrato dalla Corte dei conti in data 6 marzo 1996, registro n. 1, foglio n. 24.

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Folio N° 3132

MINISTERO PER LE POLITICHE AGRICOLE

Approvazione del nuovo statuto dell'Unione nazionale tra le associazioni di produttori olivicoli denominata «Consorzio nazionale degli olivicoltori» (C.N.O.), in Roma.

Con decreto ministeriale n. 9891571 del 13 ottobre 1998 è stato approvato il nuovo statuto sociale dell'Unione nazionale tra le associazioni di produttori olivicoli denominata «Consorzio nazionale degli olivicoltori» (C.N.O.), con sede in Roma, via Piave n. 8, statuto adottato con assemblea straordinaria del 15 maggio 1998.

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BANCA D'ITALIA

Nomina dei commissari straordinari e dei componenti il comitato di sorveglianza della Murchio Sim & Co. S.p.a., in Milano.

Il Governatore della Banca d'Italia, con provvedimento del 15 ottobre 1998, ha nominato il sig. dott. Fausto Casarano ed il sig. dott. Giorgio Colombini commissari straordinari, e i sigg. dott. Gianni Fini, avv. Gino Nardozzi Tonielli e dott. Fabio Salina componenti il comitato di sorveglianza della Murchio Sim & Co. S.p.a., con sede in Milano, posta in amministrazione straordinaria, su proposta della Consob, con decreto del Ministro del tesoro, del bilancio e della programmazione economica in data 8 ottobre 1998.

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FERROVIE DELLO STATO - S.P.A.

Avviso agli obbligazionisti

1) Prestito obbligazionario 1985/2000 ind. di nominali lire 1.000 mld III em. (UIC 13853);

dal 1° novembre 1998 è pagabile la cedola n. 27 relativa al semestre maggio 1998-ottobre 1998 nella misura del 2,15%.

2) Prestito obbligazionario 1994/2004 ind. di nominali lire 1.000 mld. (UIC 50816);

dal 21 ottobre 1998 è pagabile la cedola n. 19 relativa al trimestre 21 luglio-20 ottobre 1998 nella misura dell'1,30% al lordo dell'imposta sostitutiva del 12,50%.

Le cedole sono pagabili presso le sottoindicate banche: Istituto bancario San Paolo di Torino S.p.a. - Banca nazionale del lavoro S.p.a. - Banco di Napoli S.p.a. - Banco di Sicilia S.p.a. - Banco di Sardegna S.p.a. - Monte dei Paschi di Siena S.p.a. - Credito italiano S.p.a. - Banca di Roma S.p.a. (Gruppo Cassa di risparmio di Roma) - Banca commerciale italiana S.p.a. - Cassa di risparmio di Calabria e Lucania S.p.a. - Banca popolare di Novara S.c.r.l. - Istituto di Credito delle Casse di risparmio italiane - Banca nazionale dell'agricoltura S.p.a. - Cassa di risparmio delle province lombarde S.p.a. - Rolo Banca S.p.a. - Banca Fideuram S.p.a. - Banca Popolare di Sondrio S.c.r.l. - Credito artigiano S.p.a.

Prestito obbligazionario 1985/2000 indicizzato III emissione.

Si comunica inoltre che:

a) per i titoli quotati esenti da imposte, di cui all'art. 4, punto *A*, del regolamento del prestito, il tasso annuo di rendimento, pari alla media aritmetica semplice dei rendimenti medi effettivi dei mesi di agosto e settembre 1998, è risultato pari al 3,86356%;

b) per i BOT semestrali, di cui all'art. 4, punto *B*, del regolamento del prestito, il tasso annuo di rendimento, pari alla media aritmetica semplice dei rendimenti corrispondenti ai prezzi di assegnazione delle aste tenutesi nei mesi di agosto e settembre 1998, è risultato pari al 3,77899%;

c) la media aritmetica ponderata calcolata in base ai pesi 1/3 e 2/3 rispettivamente per i tassi di cui ai precedenti punti *a)* e *b)* risulta, pertanto, pari a 3,80718%, pari al tasso semestrale equivalente, arrotondato allo 0,05 più vicino, dell'1,8858%.

In conseguenza, a norma dell'art. 4 del regolamento del prestito, le obbligazioni frutteranno per il semestre ottobre 1998-maggio 1999, scadenza 1° maggio 1999, cedola n. 28, un interesse dell'1,90%.

Inoltre, a norma dell'art. 5 del regolamento per la determinazione delle maggiorazioni da corrispondere sul capitale all'atto del rimborso, verrà considerata per il ventottesimo semestre di vita delle obbligazioni una maggiorazione pari al 10% del rendimento semestrale della cedola n. 28 (0,190%).

Pertanto, tenuto conto delle maggiorazioni dei semestri precedenti, l'attuale maggiorazione sul capitale è del 13,345%.

Si ricorda che a norma del citato art. 5, secondo comma, del regolamento, i premi di rimborso risulteranno dalla somma di tutte le maggiorazioni accertate sino al momento del rimborso.

Prestito obbligazionario 1994/2004 indicizzato.

Il tasso di interesse trimestrale posticipato per la cedola n. 20, pagabile dal 21 gennaio 1999, resta fissato nella misura dell'1,25% al lordo dell'imposta sostitutiva del 12,50%. Gli interessi saranno indicizzati al Rome Interbank Offered Rate a tre mesi (RIBOR). La quotazione del RIBOR sarà rilevata dalle pubblicazioni effettuate a cura ATIC-MID sulle pagine del circuito Reuters (attualmente RIBO), nonché sui principali quotidiani economici a diffusione nazionale. Tali interessi verranno determinati utilizzando il tasso trimestrale equivalente calcolato secondo la seguente formula, maggiorato dello 0,10% e arrotondato allo 0,05% più vicino:

$$T = (RIBOR + 1)^{(0,25)} - 1$$

dove T è il tasso trimestrale equivalente e RIBOR è quello rilevato il quarto giorno lavorativo antecedente il primo giorno di godimento della cedola (21 gennaio, 21 aprile, 21 luglio e 21 ottobre).

N.B. — Ai sensi dell'art. 2, comma 12, della legge 23 dicembre 1996, n. 662, tutte le emissioni obbligazionarie delle Ferrovie dello Stato sono da intendersi a tutti gli effetti debito dello Stato; la Ferrovie dello Stato S.p.a. ne effettua la gestione in nome, nell'interesse e per conto del Ministero del tesoro, ai sensi del decreto del Ministero del tesoro n. 146206 del 21 marzo 1997.

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DOMENICO CORTESANI, *direttore*

FRANCESCO NOCITA, *redattore*
ALFONSO ANDRIANI, *vice redattore*

Roma - Istituto Poligrafico e Zecca dello Stato - S.

MODALITÀ PER LA VENDITA

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מדינת ישראל

המשרד להגנת הסביבה
אגף מניעת רעש וקרינה

טווחי בטיחות ורמות חשיפה מרביות מותרות לעניין קרינה בתדרי רדיו

בבחינת בקשות להיתרי הקמה ולהיתרי הפעלה על פי חוק הקרינה הבלתי מייננת, התשס"ו - 2006 (להלן – חוק הקרינה), פועל ממונה מכח חוק הקרינה על פי הכללים הבאים:

הגדרות 1. במסמך זה –

"**חומרים מסוכנים דליקים**" – חומרים שסווגו כחומרים מסוכנים השייכים לדרגת סיכון Class 1, Class 1.1, Class 1.2, Class 1.3, Class 2, Class 2.1, Class 3, Class 4, Class 4.1, Class 4.2, במהדורה המעודכנת של המלצות האו"ם להובלת חומרים מסוכנים (United Nations Recommendations on the Transport of Dangerous Goods), ושהעתק מהן מופקד לעיון הציבור אצל ממונה במשרד להגנת הסביבה (להלן – משרדי ממונה), ובאתר האינטרנט של המשרד להגנת הסביבה;

"**חשיפה רצופה וממושכת**" – חשיפה של אדם לקרינה למשך 4 שעות לפחות ביממה, במהלך 5 ימים בשבוע, בכל מקום שהוא נמצא בו, ובכלל זה בדירת מגורים, מוסד חינוך, מוסד לקשישים, בית חולים, משרד או שטח ציבורי פתוח המשמש כגן משחקים;

"**טווח בטיחות**" – טווח בטיחות אופקי וטווח בטיחות אנכי;

"**טווח בטיחות אופקי**" – מרחק אופקי הנמדד ממקור הקרינה, שמעבר לו נמוכות רמות החשיפה לקרינה מרמות החשיפה המרביות המותרות על פי **התוספת הראשונה**;

"**טווח בטיחות אנכי**" – מרחק אנכי הנמדד ממרכז מקור הקרינה ולאורך טווח הבטיחות האופקי, שמעבר לו נמוכות רמות החשיפה לקרינה מרמות החשיפה המרביות המותרות על פי **התוספת הראשונה**;

"**סף חשיפה בריאותי**" – רמות חשיפה מרביות מותרות לחשיפה קצרת מועד של בני אדם לשדות חשמליים, מגנטיים או אלקטרומגנטיים משתנים, כאמור בטבלה 7 בהנחיות של הועדה הבין-לאומית להגנה מקרינה בלתי מייננת לעניין רמות הייחוס לחשיפת הציבור הרחב; לעניין זה, "הנחיות הועדה הבינלאומית להגנה מקרינה בלתי מייננת" (The International Commission on Non Ionizing Radiation Protection - ICNIRP), כפי שאימץ ארגון הבריאות העולמי (WHO - World Health Organization) במהדורה המעודכנת ביותר, ושהעתק מהן ומעדכוניהן יופקד לעיון הציבור במשרדי ממונה ובאתר האינטרנט של המשרד להגנת הסביבה;

"**קרינה**" - קרינה אלקטרומגנטית בתדרי רדיו (RF- Radio Frequency), מ-100 קילוהרץ עד 300 ג'יגה הרץ;

רמות חשיפה מרביות מותרות

2. לא יקים אדם ולא יפעיל מקור קרינה שעקב הפעלתו נוצרת או עלולה להיווצר קרינה בתחום התדרים כמפורט בטור א' בטבלה **שבתוספת הראשונה**, באופן שיגרום, לרבות בעת תקלה, לחשיפה של בני אדם לקרינה, כמפורט להלן:

(א) לרמות קרינה העולות על שלושים אחוזים (30%) מסף החשיפה הבריאותי, המפורטות בטורים ב' ו- ג' בטבלה האמורה לגבי תחום התדרים שבין 100 kHz ל- 10 MHz, ובטור ד' בטבלה האמורה לגבי תחום התדרים שמעל 10 MHz.

(ב) לרמות קרינה העולות על עשרה אחוזים (10%) מסף החשיפה הבריאותי, המפורטות בטורים ה' ו- ו' בטבלה האמורה לגבי תחום התדרים שבין 100 kHz ל- 10 MHz, ובטור ז' בטבלה האמורה לגבי תחום התדרים שמעל 10 MHz, במקרה של חשיפה רצופה וממושכת.

(ג) במקום שמאוחסנים, מעובדים או מונפקים בו חומרים מסוכנים דליקים - לרמות קרינה העולות על הרמות הקבועות במהדורה האחרונה של התקן הבריטי בדבר הערכת התנאים להצתה בלתי רצויה של אוויר נפיץ על ידי קרינת רדיו – Assessment of inadvertent ignition of flammable atmospheres by radio-frequency radiation – BS 6656, שהעתק ממנו ומעדכוניו יופקד לעיון הציבור במשרדי ממונה ובאתר האינטרנט של המשרד להגנת הסביבה.

טווחי בטיחות

3. לא יקים אדם ולא יפעיל מקור קרינה, אלא אם כן הובטח קיומם של טווחי בטיחות סביב מקור הקרינה, המחושבים על פי הנוסחאות **שבתוספת השניה** -

(א) טווח בטיחות בו תוגבל גישת בני אדם, למעט מי שעיסוקו בהתקנה, בהפעלה או בתחזוקה של מקור הקרינה ;

(ב) טווח בטיחות בו לא תתאפשר חשיפה רצופה וממושכת.

תוספת ראשונה

(סעיף 2)

רמות חשיפה מרביות מותרות לקרינה

	רמות חשיפה מרביות מותרות (30% מסף החשיפה הבריאותי)			**רמות חשיפה מרביות מותרות לחשיפה רצופה וממושכת** (10% מסף החשיפה הבריאותי)		
א׳ הקרינה הנוצרת ממקור הקרינה תחום התדרים	**ב׳ שדה חשמלי (V/m)**	**ג׳ שדה מגנטי (A/m)**	**ד׳ צפיפות הספק (W/m^2)**	**ה׳ שדה חשמלי (V/m)**	**ו׳ שדה מגנטי (A/m)**	**ז׳ צפיפות הספק (W/m^2)**
100kHz – 150kHz	26.1	1.5	-	8.7	0.5	-
0.15MHz – 1MHz	26.1	0.219/f	-	8.7	0.073/f	-
1MHz – 10MHz	26.1/√f	0.219/f	-	8.7/√f	0.073/f	-
10MHz – 400MHz	15.33	0.04	0.6	8.85	0.023	0.2
400MHz–2000MHz	0.753√f	0.002√f	3f/2000	0.435√f	0.00115√f	f/2000
2GHz– 300GHz	33.37	0.0885	3	19.29	0.051	1

בתוספת זו –

"צפיפות הספק" – שטף (flux) אנרגיה הנמדד ביחידת שטח מוגדרת, במשך יחידת זמן;

"f" – תדר השידור ביחידות המצוינות בטור א׳.

הערכים של שדה חשמלי, שדה מגנטי וצפיפות הספק, יהיו הערכים המרביים (RMS);

כאשר מתקן השידור הוא מכ"מ או מתקן רדיו חובבים, הערכים יהיו הערכים הממוצעים בימה, כאשר לגבי שדה מגנטי ושדה חשמלי, החשיפה הממוצעת על פני 6 דקות, מכלל מקורות הקרינה באזור, לא תעלה על סף החשיפה הבריאותי.

תוספת שניה

(סעיף 3)

נוסחאות לחישוב טווח בטיחות

1. (א) טווח בטיחות אופקי, סביב מקור קרינה בתדרים שמעל 10 MHz יחושב לפי הנוסחה שלהלן:

$$R = \sqrt{\frac{P * 10^{G/10}}{4 * \pi * S}}$$

כאשר –

R – הוא טווח בטיחות אופקי (מטר), מול מרכז אלומת האנטנה

P – הוא הספק השידור המרבי בכניסת האנטנה, ביחידות וואט (W); כאשר מתקן השידור הוא מכ"מ או מתקן רדיו חובבים, P - הוא הספק השידור הממוצע ביממה ביחידות וואט (W)

G – הוא שבח (gain) אנטנה, ביחידות dBi לכיוון נקודת החישוב

S – הוא רמה מרבית לחשיפה מותרת, ביחידות W/m^2

(ב) טווח בטיחות אופקי, סביב מקור קרינה בתדרים שבין 100 kHz ל- 10 MHz יחושב על פי השדה החשמלי או המגנטי, בהתאם להנחיות ממונה בכתב, ואשר יפורסמו באתר האינטרנט של המשרד להגנת הסביבה.

(ג) טווח בטיחות אופקי, סביב מקור קרינה בתדרים שמעל 10MHz, כאשר הטיית האנטנה גבוהה מ-6 מעלות או רוחב האלומה האנכית גדול מ- 30 מעלות, או כאשר קיים מכשול פיזי קבוע במסלול אלומת האנטנה, יחושב בהתאם להנחיות ממונה בכתב, ואשר יפורסמו באתר האינטרנט של המשרד להגנת הסביבה.

(ד) אם כתוצאה מהפעלת מקור קרינה נוצרת או עלולה להיווצר קרינה בכמה תחומי תדרים שונים, יחושב טווח הבטיחות האופקי לכל אחד מהתדרים לפי הנוסחה שבפרט משנה (א), וטווח הבטיחות האופקי המצרפי יחושב על פי הנוסחה שלהלן:

$$R = \sqrt{\sum R_i^2}$$

כאשר –

R – הוא טווח בטיחות אופקי (מטר) מול מרכז אלומת האנטנה

R_i – הוא טווח בטיחות אופקי לכל אחד מתחומי התדרים (מטר)

2. (א) טווח בטיחות אנכי יחושב לפי הנוסחה שלהלן :

$$H = R * tg(\alpha + T) + 2$$

כאשר –

H – הוא טווח בטיחות אנכי

α – הוא מחצית זווית הפתיחה האנכית של מקור הקרינה

R – הוא טווח בטיחות אופקי (מטר) מול מרכז אלומת האנטנה

T – הוא זווית ההטיה האנכית של אלומת השידור של מקור הקרינה, ביחס לכיוון האופקי

(ב) אם כתוצאה מהפעלת מקור קרינה נוצרת או עלולה להיווצר קרינה בכמה תדרים שונים, יחושב טווח הבטיחות האנכי לכל אחד מהתדרים לפי הנוסחה שבפרט משנה (א), ולצורך קביעת טווח הבטיחות האנכי, יבוא במניין המרחק המחמיר ביותר.

ד"ר סטילאן גלברג
ממונה לעניין חוק הקרינה הבלתי מייננת, התשס"ו – 2006

_____, התשס"ט
_____ 2009)

Folio N° 3141

LIMITS OF HUMAN EXPOSURE TO RADIOFREQUENCY ELECTROMAGNETIC ENERGY IN THE FREQUENCY RANGE FROM 3 KHZ TO 300 GHZ

Consumer and Clinical Radiation Protection Bureau
Environmental and Radiation Health Sciences Directorate
Healthy Environments and Consumer Safety Branch
Health Canada

SAFETY CODE 6 (2015)

Canada

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PREFACE

This document is one of a series of safety codes prepared by the Consumer and Clinical Radiation Protection Bureau, Health Canada. These safety codes specify the requirements for the safe use of, or exposure to, radiation emitting devices. This revision replaces the previous version of Safety Code 6 (2009).

The purpose of this code is to establish safety limits for human exposure to radiofrequency (RF) fields in the frequency range from 3 kHz to 300 GHz. The safety limits in this code apply to all individuals working at, or visiting, federally regulated sites. These guidelines may also be adopted by the provinces, industry or other interested parties. The Department of National Defence shall conform to the requirements of this safety code, except in such cases where it considers such compliance to have a detrimental effect on its activities in support of training and operations of the Canadian Forces. This code has been adopted as the scientific basis for equipment certification and RF field exposure compliance specifications outlined in Industry Canada's regulatory documents (1–3), that govern the use of wireless devices in Canada, such as cell phones, cell towers (base stations) and broadcast antennas. Safety Code 6 does not apply to the deliberate exposure for treatment of patients by, or under the direction of, medical practitioners. Safety Code 6 is not intended for use as a product performance specification document, as the limits in this safety code are for controlling human exposure and are independent of the source of RF energy.

In a field where technology is advancing rapidly and where unexpected and unique exposure scenarios may occur, this code cannot cover all possible situations. Consequently, the specifications in this code may require interpretation under special circumstances. This interpretation should be done in consultation with scientific staff at the Consumer and Clinical Radiation Protection Bureau, Health Canada.

The safety limits in this code are based on an ongoing review of published scientific studies on the health impacts of RF energy and how it interacts with the human body. This code is periodically revised to reflect new knowledge in the scientific literature and the exposure limits may be modified, if deemed necessary.

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1. INTRODUCTION

Electromagnetic radiation is emitted by many natural and man-made sources and is a fundamental aspect of our lives. We are warmed by electromagnetic radiation emitted from the sun and our eyes can detect the visible light portion of the electromagnetic spectrum. Radiofrequency (RF) fields fall within a portion of the electromagnetic spectrum with frequencies ranging from 3 kHz to 300 GHz, below that of visible light and above that of extremely low frequency electromagnetic fields. RF fields are produced by many man-made sources including cellular (mobile) phones and base stations, television and radio broadcasting facilities, radar, medical equipment, microwave ovens, RF induction heaters as well as a diverse assortment of other electronic devices within our living and working environments.

A number of biological effects and established adverse health effects from acute exposure to RF fields have been documented (4–9). These effects relate to localized heating or stimulation of excitable tissue. The specific biological responses to RF fields are generally related to the rate of energy absorbed or the strength of internal electric fields (voltage gradients) and currents. The rate and distribution of RF energy absorption depend strongly on the frequency, strength and orientation of the incident fields as well as the body size and its constitutive electrical properties (dielectric constant and conductivity). Absorption of RF energy is commonly described in terms of the specific absorption rate (SAR), which is a measure of the rate of energy deposition per unit mass of body tissue and is usually expressed in units of watts per kilogram (W/kg). Based on a large amount of scientific knowledge, national and international exposure limits have been established to protect the general public against all adverse effects associated with RF field exposures (10–14).

The exposure limits specified in Safety Code 6 have been established based upon a thorough evaluation of the scientific literature related to the thermal and non-thermal health effects of RF fields. Health Canada scientists consider all peer-reviewed scientific studies, on an ongoing basis, and employ a weight-of-evidence approach when evaluating the possible health risks of exposure to RF fields. This approach takes into account the quantity of studies on a particular endpoint (whether adverse or no effect), but more importantly, the quality of those studies. Poorly conducted studies (e.g. those with incomplete dosimetry or inadequate control samples) receive relatively little weight, while properly conducted studies (e.g. all controls included, appropriate statistics, complete dosimetry) receive more weight. The exposure limits in Safety Code 6 are based upon the lowest exposure level at which any scientifically established adverse health effect occurs. Safety margins have been incorporated into the exposure limits to ensure that even worst-case exposures remain far below the threshold for harm. The scientific approach used to establish the exposure limits in Safety Code 6 is comparable to that employed by other science-based international standards bodies (15–16). As such, the basic restrictions in Safety Code 6 are similar to those adopted by most other nations, since all science-based, standard-setting bodies use the same scientific data. It must be stressed that Safety Code 6 is based upon established adverse health effects and should be distinguished from some municipal and/or national guidelines that are based on socio-political considerations.

In the following sections, the maximum exposure levels for persons in both controlled and uncontrolled environments are specified. These levels shall not be exceeded.

1.1 PURPOSE OF THE CODE

The purpose of this code is to specify maximum levels of human exposure to RF fields at frequencies between 3 kHz and 300 GHz, to prevent adverse human health effects in both controlled and uncontrolled environments.

In this code, controlled environments are defined as those where all of the following conditions are satisfied:

(a) the RF field intensities in the controlled area have been adequately characterized by means of measurements or calculation,

(b) the exposure is incurred by persons who are aware of the potential for RF exposure and are cognizant of the intensity of the RF fields in their environment and,

(c) the exposure is incurred by persons who are aware of the potential health risks associated with RF field exposures and can control their risk using mitigation strategies.

Situations that do not meet all the specifications above are considered to be uncontrolled environments. Uncontrolled environments are defined as areas where either insufficient assessment of RF fields has been conducted or where persons who are allowed access to these areas have not received proper RF field awareness/safety training and have no means to assess or, if required, to mitigate their exposure to RF fields.

2. MAXIMUM EXPOSURE LIMITS

The scientific literature with respect to possible biological effects of RF fields has been monitored by Health Canada scientists on an ongoing basis. Since the last version of Safety Code 6 was published (2009), a significant number of new studies have evaluated the potential for acute and chronic RF field exposures to elicit possible effects on a wide range of biological endpoints including: human cancers; rodent lifetime mortality; tumor initiation, promotion and co-promotion; mutagenicity and DNA damage; EEG activity; memory, behaviour and cognitive functions; gene and protein expression; cardiovascular function; immune response; reproductive outcomes; and perceived electromagnetic hypersensitivity among others. Numerous authoritative reviews have summarized the current literature (4–8, 17–40).

Despite the advent of numerous additional research studies on RF fields and health, the only established adverse health effects associated with RF field exposures in the frequency range from 3 kHz to 300 GHz relate to the occurrence of tissue heating and nerve stimulation (NS) from short-term (acute) exposures. At present, there is no scientific basis for the occurrence of acute, chronic and/or cumulative adverse health risks from RF field exposure at levels below the limits outlined in Safety Code 6. The hypotheses of other proposed adverse health effects occurring at levels below the exposure limits outlined in Safety Code 6 suffer from a lack of evidence of causality, biological plausibility and reproducibility and do not provide a credible foundation for making science-based recommendations for limiting human exposures to low-intensity RF fields.

This safety code provides guidance for the avoidance of adverse human health effects resulting from exposure to RF fields, in terms of basic restrictions and/or reference levels. Basic restrictions are exposure indices within the body that should not be exceeded. These exposure indices are

directly linked to established adverse health effects. The basic restrictions in this safety code are specified in terms of: a) internal electric field strength; and b) the rate of RF energy absorption (SAR). Since measurements of the SAR or internal electric field strength are often difficult to perform, reference levels for maximum human exposure to RF fields have also been specified in this safety code. The reference levels are specified in terms of unperturbed, externally applied electric- and magnetic-field strength, power density and in terms of electric currents in the body occurring from either induction or contact with energized metallic objects. They were established using dosimetric analyses that determined the levels of externally applied field strengths that would produce the basic restrictions within the body. While compliance with the basic restrictions is required, non-compliance with the reference levels does not necessarily mean that the basic restrictions are not respected. In such cases, additional measurements or calculations may be required to assess compliance.

For frequencies from 3 kHz to 10 MHz, NS from induced electric fields within the body must be avoided. Experimental studies have demonstrated that electric and magnetic field exposures can induce internal electric fields (voltage gradients) within biological tissue which, if sufficiently intense, can alter the "resting" membrane potential of excitable tissues resulting in spontaneous depolarization of the membrane and the generation of spurious action potentials (5, 10, 11, 13, 14, 35, 41). Basic restrictions for the avoidance of NS are specified in this safety code in terms of maximum internal electric field strength within the body.

For frequencies from 100 kHz to 300 GHz, tissue heating can occur and must be limited. Basic restrictions have been specified in this safety code for RF field exposures in the 100 kHz to 6 GHz frequency range, in terms of maximum whole-body SAR (averaged over the whole-body) and peak spatially-averaged SAR, (averaged over a small cubical volume). For frequencies above 6 GHz, RF energy absorption occurs predominantly in surface tissues (e.g. upper layers of skin) and the use of maximum SAR limits, either whole-body or averaged over a cubical volume, is not appropriate. In lieu of basic restrictions, reference levels are specified for maximum unperturbed, externally applied electric- and magnetic-field strengths and in terms of power density, for the avoidance of thermal effects.

Studies in animals, including non-human primates, have consistently demonstrated a threshold effect for the occurrence of behavioural changes and alterations in core body temperature of ~1.0°C, at a whole-body average SAR of ~4 W/kg (5–8, 11, 12, 14, 36). Thermoregulatory studies in human volunteers exposed to RF fields under a variety of exposure scenarios have provided supporting information on RF field induced thermal responses in humans (42). This information forms the scientific basis for the basic restrictions on whole-body average SAR in Safety Code 6. To ensure that thermal effects are avoided, safety factors have been incorporated into the exposure limits, resulting in whole-body-averaged SAR limits of 0.08 and 0.4 W/kg in uncontrolled- and controlled-environments, respectively.

Basic restrictions on peak spatially-averaged SAR have also been established in Safety Code 6 to avoid adverse thermal effects in localized human tissues (hot-spots). The peak spatially-averaged SAR limits reflect the highly heterogeneous nature of typical RF field exposures and the differing thermoregulatory properties of various body tissues. The peak spatially-averaged SAR limits pertain to discrete tissue volumes (1 or 10 g, in the shape of a cube), where thermoregulation can efficiently dissipate heat and avoid changes in body temperature that are greater than 1°C.

As such, the peak spatially-averaged SAR limits for exposures in controlled environments are 20 W/kg for the limbs and 8 W/kg for the head, neck and trunk. For exposures in uncontrolled environments, the peak spatially-averaged SAR limits are 4.0 W/kg for the limbs and 1.6 W/kg for the head, neck and trunk.

For frequencies from 100 kHz to 10 MHz, since either NS or thermal effects could occur, depending upon the exposure conditions (frequency, duty cycle, orientation), basic restrictions for both internal electric field strength and SAR (whole-body and peak spatially-averaged) must be simultaneously respected. Safety Code 6 also specifies reference levels in the 3 kHz to 110 MHz frequency range, in terms of induced- or contact-currents (mA), for the avoidance of perception (nerve stimulation), shocks or burns (4, 6).

While the biological basis for the basic restrictions specified in this safety code has not changed since the previous version (2009), the reference levels have been updated to either account for dosimetric refinements in recent years (43–64) or where feasible, to harmonize with those of ICNIRP (10–11).

To determine whether the maximum exposure levels are exceeded, full consideration shall be given to such factors as:

(a) nature of the exposure environment (controlled or uncontrolled environment);

(b) temporal characteristics of the RF source (including ON/OFF times, duty factors, direction and sweep time of the beam, etc.);

(c) spatial characteristics between the exposure source and target (i.e. near-field exposures, whole body or parts thereof);

(d) uniformity of the exposure field (i.e. spatial averaging).

Where comparison is to be made to the SAR-based basic restrictions and/or reference levels at frequencies in the 100 kHz–300 GHz range, higher exposure levels may be permitted for short durations of time under certain circumstances. For these situations, the field strengths, power densities and body currents averaged over any one tenth-hour reference period (6 minutes) shall not exceed the limits outlined in Sections 2.1 and 2.2.

SI units are used throughout this document unless specified otherwise.

2.1 BASIC RESTRICTIONS

2.1.1 Internal Electric Field Strength Limits (3 kHz–10 MHz)

Limits for internal electric field strength are intended to prevent the occurrence of NS. At frequencies between 3 kHz and 10 MHz, basic restrictions for internal electric field strength in excitable tissues (Table 1) shall not be exceeded. For conditions where the determination of internal electric field strength is not possible or practical (e.g. by measurement or modelling), external unperturbed field strength assessment shall be carried out and the reference levels outlined in Section 2.2 shall be respected.

TABLE 1: Internal Electric Field Strength Basic Restrictions (3 kHz–10 MHz)

CONDITION	Internal Electric Field Strength (V/m) (in any excitable tissue)
Controlled Environment	$2.7 \times 10^{-4} f$
Uncontrolled Environment	$1.35 \times 10^{-4} f$

Frequency, f, is in Hz. Instantaneous, root mean square (RMS) values apply. In the case of RF fields with amplitude modulation, then RMS values during the maximum of the modulation envelope shall apply.

2.1.2 Specific Absorption Rate Limits (100 kHz–6 GHz)

The SAR is a measure of the rate at which electromagnetic energy is absorbed in the body. Basic restrictions for SAR are intended to prevent the occurrence of thermal effects from RF energy exposure on the body. At frequencies between 100 kHz and 6 GHz, the SAR limits (Table 2) take precedence over field strength and power density reference levels (Section 2.2) and shall not be exceeded.

The SAR should be determined for situations where exposures occur at a distance of 0.2 m or less from the source. In all cases, the values in Table 2 shall not be exceeded. For conditions where SAR determination is impractical, external unperturbed field strength or power density measurements shall be carried out and the limits outlined in Section 2.2 shall be respected.

TABLE 2: Specific Absorption Rate Basic Restrictions (100 kHz–6 GHz)

	SAR Basic Restriction (W/kg)**	
CONDITION	Uncontrolled Environment	Controlled Environment
The SAR averaged over the whole body mass.	0.08	0.4
The peak spatially-averaged SAR for the head, neck and trunk, averaged over any 1 g of tissue*	1.6	8
The peak spatially-averaged SAR in the limbs, averaged over any 10 g of tissue*	4	20

* Defined as a tissue volume in the shape of a cube.

** Averaged over any 6 minute reference period.

2.1.3 Frequencies from 6 GHz–300 GHz

For frequencies above 6 GHz, energy deposition occurs predominantly in the uppermost layers of superficial tissues (e.g. skin, cornea). In this case, power density is a more appropriate exposure limit metric. Therefore, for the frequency range from 6 GHz to 300 GHz, the incident unperturbed power density and its derived electric- and magnetic-field strengths (assuming a free-space impedance of 377 ohms) form the basic restriction in this safety code (Section 2.2.2) and shall not be exceeded.

2.2 REFERENCE LEVELS

In practice, direct measurements of internal electric fields or SAR are often only feasible under laboratory conditions. Therefore, reference levels are specified in this safety code in terms of external unperturbed electric and magnetic field strength, power density, as well as induced and contact currents. In the far-field zone of an electromagnetic source, electric field strength, magnetic field strength and power density are interrelated by simple mathematical expressions, where any one of these parameters defines the remaining two. In the near-field zone, both the unperturbed electric- and magnetic-field strengths shall be measured, since there is no simple relationship between these two quantities. Instrumentation for the measurement of magnetic fields at certain frequencies may not be commercially available. In this case, the electric field strength shall be measured and used for assessing compliance with the reference levels in this code.

2.2.1 Electric and Magnetic Field Strength (3 kHz–10 MHz)

To ensure compliance with the basic restrictions outlined in Section 2.1, at frequencies between 0.003 MHz and 10 MHz, both the NS- and SAR-based reference levels for electric- and magnetic-field strength must be complied with simultaneously at frequencies where reference levels for both apply.

TABLE 3: Electric Field Strength Reference Levels

Frequency (MHz)	Reference Level Basis	Reference Level (E_{RL}), (V/m, RMS)		Reference Period
		Uncontrolled Environment	Controlled Environment	
0.003–10	NS	83	170	Instantaneous*
1.0–10	SAR	$87 / f^{0.5}$	$193 / f^{0.5}$	6 minutes**

Frequency, f, is in MHz. The precise frequencies at which SAR-based electric field strength reference levels for Uncontrolled and Controlled Environments begin are 1.10 MHz and 1.29 MHz, respectively.

TABLE 4: Magnetic Field Strength Reference Levels

Frequency (MHz)	Reference Level Basis	Reference Level (H_{RL}), (A/m, RMS)		Reference Period
		Uncontrolled Environment	Controlled Environment	
0.003–10	NS	90	180	Instantaneous*
0.1–10	SAR	$0.73 / f$	$1.6 / f$	6 minutes**

Frequency, f, is in MHz.

NOTES FOR TABLES 3 AND 4:

1. * At no point in time shall the RMS values for electric- and magnetic-fields exceed the reference levels with an instantaneous reference period in Tables 3 and 4. In the case of RF fields with amplitude modulation, the RMS value during the maximum of the modulation envelope shall be compared to the reference level.

2. ** For exposures shorter than the reference period, field strengths may exceed the reference levels, provided that the time average of the squared value of the electric or magnetic field strength over any time period equal to the reference period shall not exceed E_{RL}^2 or H_{RL}^2, respectively. For exposures longer than the reference period, including indefinite exposures, the time average of the squared value of the electric or magnetic field strength over any time period equal to the reference period shall not exceed E_{RL}^2 or H_{RL}^2, respectively.
3. Where external electric (at all applicable frequencies) or magnetic (at frequencies at or above 100 kHz) field strengths are spatially non-uniform, comparison to the reference levels shall be made after spatially averaging the field strengths over the vertical extent of the human body. Where comparison is to be made to the reference levels based on NS in Tables 3 and 4, spatial averaging is with respect to the sample values of the field strengths. Where comparison is to be made to the reference levels based on SAR in Tables 3 and 4, spatial averaging is with respect to the square of the sample values of the field strengths.
4. Where external magnetic field strengths are spatially non-uniform and are below 100 kHz, the spatial peak magnetic field strength over the vertical extent of the human body shall be compared to the reference levels in Table 4 (i.e. magnetic field strengths shall not be spatially-averaged at frequencies below 100 kHz).
5. For simultaneous exposure to multiple frequencies and where comparison is to be made to the reference level based on NS, each of the field strength frequency component amplitudes shall be divided by the corresponding field strength reference level for that frequency, and the sum of all these ratios shall not exceed unity. This may be expressed as $\sum (E_i/E_{RL}) \leq 1$ for electric field strength or $\sum (H_i/H_{RL}) \leq 1$ for magnetic field strength.
6. For simultaneous exposure to multiple frequencies and where comparison is to be made to the reference level based on SAR, each of the squares of the field strength frequency component amplitudes shall be divided by the square of the corresponding field strength reference level for that frequency, and the sum of all these ratios shall not exceed unity. This may be expressed as $\sum (E_i/E_{RL})^2 \leq 1$ for electric field strength or $\sum (H_i/H_{RL})^2 \leq 1$ for magnetic field strength.
7. For localized exposure of the limbs, the reference levels for magnetic field strength may be exceeded provided that the basic restrictions in Table 1 are respected within the limbs.

2.2.2 Electric Field Strength, Magnetic Field Strength and Power Density (10 MHz–300 GHz)

To ensure compliance with the basic restrictions outlined in Section 2.1, at frequencies between 10 MHz and 300 GHz, the reference levels for electric- and magnetic-field strength and power density must be complied with.

TABLE 5: Reference Levels for Electric Field Strength, Magnetic Field Strength and Power Density in Uncontrolled Environments

Frequency (MHz)	Electric Field Strength (E_{RL}), (V/m, RMS)	Magnetic Field Strength (H_{RL}), (A/m, RMS)	Power Density (S_{RL}), (W/m^2)	Reference Period (minutes)
10–20	27.46	0.0728	2	6
20–48	$58.07 / f^{0.25}$	$0.1540 / f^{0.25}$	$8.944 / f^{0.5}$	6
48–300	22.06	0.05852	1.291	6
300–6000	$3.142\ f^{0.3417}$	$0.008335\ f^{0.3417}$	$0.02619\ f^{0.6834}$	6
6000–15000	61.4	0.163	10	6
15000–150000	61.4	0.163	10	$616000 / f^{1.2}$
150000–300000	$0.158\ f^{0.5}$	$4.21\text{x}10^{-4}\ f^{0.5}$	$6.67\text{x}10^{-5}\ f$	$616000 / f^{1.2}$

Frequency, f, is in MHz.

TABLE 6: Reference Levels for Electric Field Strength, Magnetic Field Strength and Power Density in Controlled Environments

Frequency (MHz)	Electric Field Strength (E_{RL}), (V/m, RMS)	Magnetic Field Strength (H_{RL}), (A/m, RMS)	Power Density, (S_{RL}), (W/m^2)	Reference Period (minutes)
10–20	61.4	0.163	10	6
20–48	$129.8 / f^{0.25}$	$0.3444 / f^{0.25}$	$44.72 / f^{0.5}$	6
48–100	49.33	0.1309	6.455	6
100–6000	$15.60\ f^{0.25}$	$0.04138\ f^{0.25}$	$0.6455\ f^{0.5}$	6
6000–15000	137	0.364	50	6
15000–150000	137	0.364	50	$616000 / f^{1.2}$
150000–300000	$0.354\ f^{0.5}$	$9.40\text{x}10^{-4}\ f^{0.5}$	$3.33\text{x}10^{-4}\ f$	$616000 / f^{1.2}$

Frequency, f, is in MHz.

NOTES FOR TABLES 5 AND 6:

1. For exposures shorter than the reference period, field strengths may exceed the reference levels, provided that the time average of the squared value of the electric or magnetic field strength over any time period equal to the reference period shall not exceed E_{RL}^2 or H_{RL}^2, respectively. For exposures longer than the reference period, including indefinite exposures, the time average of the squared value of the electric or magnetic field strength over any time period equal to the reference period shall not exceed E_{RL}^2 or H_{RL}^2, respectively.

2. Where exposure is estimated in terms of power density and for exposures shorter than the reference period, power density levels may exceed the reference levels provided that the time average of the power density over any time period equal to the reference period shall not exceed S_{RL}. For exposures longer than the reference period, including indefinite exposures, the time average of the power density over any time period equal to the reference period shall not exceed S_{RL}.
3. Spatially non-uniform external field strengths or power density can be spatially averaged, provided the sampling scheme applied ensures that none of the basic restrictions are exceeded at spatially-averaged exposures equal to the reference level. If spatial averaging is not applied, the spatial peak field strength shall be compared to the reference levels. In the case of field strengths, spatial averaging is with respect to the squared values of the field strength samples while for power density, spatial averaging is with respect to the power density samples.
4. For simultaneous exposure to multiple frequencies and where exposure is estimated in terms of power density, each of the power density frequency component amplitudes shall be divided by the corresponding reference level for that frequency, and the sum of all these ratios shall not exceed unity. This may be expressed as: $\sum (S_i/S_{RL}) \leq 1$.
5. For simultaneous exposure to multiple frequencies and where exposure is estimated in terms of field strength, each of the squares of the field strength frequency component amplitudes shall be divided by the square of the corresponding field strength reference level for that frequency, and the sum of all these ratios shall not exceed unity. This may be expressed as $\sum (E_i/E_{RL})^2 \leq 1$ for electric field strength or $\sum (H_i/H_{RL})^2 \leq 1$ for magnetic field strength.
6. For pulsed RF field exposures estimated in terms of power density, the time-averaged power density, averaged over any time period equal to the reference period, shall not exceed S_{RL} and the power density, as averaged over the pulse width, shall not exceed 1000 times the reference level, S_{RL}.
7. For pulsed RF field exposures estimated in terms of field strength, the time average of the squared value of the electric or magnetic field strength over any time period equal to the reference period shall not exceed E_{RL}^2 or H_{RL}^2. In addition, the time average of the squared value of the electric or magnetic field strength, as averaged over the pulse width, shall not exceed 1000 times E_{RL}^2 or H_{RL}^2, respectively. Therefore, the RMS electric or magnetic field strength, determined over the pulse, shall not exceed 32 times E_{RL} or H_{RL}, respectively.

2.2.3 Induced and Contact Current (3 kHz–110 MHz)

Induced current is defined as the current flowing through a single foot to ground in a free-standing body (no contact with conductive objects) exposed to an electric field. Where assessment is made of the current flowing through both feet, the result shall be compared to twice the reference level for a single foot.

Contact current is defined as the total current flowing through the body to ground resulting from finger-touch contact with a conductive object insulated from the ground that has been energized in an electric field. Conversely, it can be defined as the total current flowing in an insulated body that has been energized in an electric field and is in finger-touch contact with a grounded conductive object. The current path in the body is from point of touch to ground through the feet. The total current can be assessed anywhere along the path of flow.

TABLE 7: Induced Current Reference Levels

Frequency (MHz)	Reference Level Basis	Reference Level (I_{RL}) through a single foot, (mA, RMS)		Reference Period
		Uncontrolled Environment	Controlled Environment	
0.003–0.4	NS	100 f	225 f	Instantaneous*
0.4–110	SAR	40	90	6 minutes**

Frequency, f, is in MHz.

TABLE 8: Contact Current Reference Levels

Frequency (MHz)	Reference Level Basis	Reference Level (I_{RL}), (MA, RMS)		Reference Period
		Uncontrolled Environment	Controlled Environment	
0.003–0.10	NS	200 f	400 f	Instantaneous*
0.1–10	SAR	20	40	Instantaneous*
10–110	SAR	20	40	6 minutes**

Frequency, f, is in MHz.

NOTES FOR TABLES 7 AND 8:

1. * At no point in time shall the RMS values for induced and contact currents exceed the reference levels with an instantaneous reference period in Tables 7 and 8. In the case of currents with amplitude modulation, the RMS value during the maximum of the modulation envelope shall be compared to the reference level.
2. ** For exposures shorter than the reference period, currents may exceed the reference levels, provided that the time average of the squared value of the current over any time period equal to the reference period shall not exceed I_{RL}^2. For exposures longer than the reference period, including indefinite exposures, the time average of the squared value of the current over any time period equal to the reference period shall not exceed I_{RL}^2.

3. For simultaneous exposure to multiple frequencies and where comparison is to be made to the reference level based on NS, each of the induced- or contact-current frequency component amplitudes shall be divided by the corresponding reference level for that frequency, and the sum of all these ratios shall not exceed unity. This may be expressed as $\sum (I_i/I_{RL}) \leq 1$.
4. For simultaneous exposure to multiple frequencies and where comparison is to be made to the reference level based on SAR, each of the squares of the induced- or contact-current frequency component amplitudes shall be divided by the square of the corresponding reference level for that frequency, and the sum of all these ratios shall not exceed unity. This may be expressed as $\sum (I_i/I_{RL})^2 \leq 1$.
5. For pulsed induced- or contact-currents where a 6 minute reference period applies, the time average of the squared value of the induced- or contact-currents over any time period equal to the reference period shall not exceed I_{RL}^2. In addition, the time average of the squared value of the induced- or contact-current, as averaged over the pulse width, shall not exceed 1000 times the reference level I_{RL}^2. Therefore the RMS value of the induced- or contact-current, determined over the pulse, shall not exceed 32 times the reference level I_{RL}.

ABBREVIATIONS

A	ampere
EEG	electroencephalogram
E_i	electric field strength frequency component amplitude (RMS)
E_{RL}	electric field strength reference level
g	gram
GHz	gigahertz
H_i	magnetic field strength frequency component amplitude (RMS)
H_{RL}	magnetic field strength reference level
ICNIRP	International Commission on Non-Ionizing Radiation Protection
I_i	current frequency component amplitude (RMS)
I_{RL}	current reference level
kg	kilogram
kHz	kilohertz
m	meter
mA	milliampere
MHz	megahertz
mm	millimeter
NS	nerve stimulation
RMS	root mean square
RF	radiofrequency
SAR	specific absorption rate
SI	International System of Units
S_i	power density frequency component amplitude
S_{RL}	power density reference level
V	volt
W	watt

DEFINITIONS

basic restrictions—Maximum allowable internal electrical quantities in the body, arising from exposure to incident external fields, that prevent the occurrence of all established adverse health effects.

contact current—The total current flowing through the body to ground resulting from finger-touch contact with an insulated conductive object that has been energized in an electric field, or from an insulated body that has been energized in an electric field and is in finger-touch contact with a grounded conductive object.

controlled environment—An area where the RF field intensities have been adequately characterized by means of measurement or calculation and exposure is incurred by persons who are: aware of the potential for RF field exposure, cognizant of the intensity of the RF fields in their environment, aware of the potential health risks associated with RF field exposure and able to control their risk using mitigation strategies.

electric field—A vector quantity assigned to any point in space where the magnitude and direction of the force that would be experienced by a hypothetical test charge, is defined.

electromagnetic radiation—A form of energy emitted by accelerating electric charges, that exhibits wave-like behavior as it travels through space.

far-field zone—The space beyond an imaginary boundary around an antenna, where the angular field distribution begins to be essentially independent of the distance from the antenna. In this zone, the field has a predominantly plane-wave character.

field strength—The magnitude of the electric or magnetic field, normally a root-mean-square (RMS) value.

frequency—The number of cycles in the variation of the amplitude of an electromagnetic wave within one second, expressed in units of hertz (Hz).

general public—Individuals of all ages, body sizes and varying health status, some of whom may qualify for the conditions defined for the controlled environment in certain situations.

induced current—The current flowing through one foot to ground in a free-standing human body (no contact with a conductive object) exposed to an electric field.

limbs—Extremities distal from the shoulder and hip joints, which do not include the gonads.

magnetic field—A vector quantity assigned to any point in space where the magnitude and direction of the force that would be experienced by a hypothetical test charge-in-motion, is defined. A magnetic field exerts a force on charges only if they are in motion, and charges produce magnetic fields only when they are in motion.

near-field zone—A volume of space close to an antenna or other radiating structure, in which the electric and magnetic fields do not have a substantially plane-wave character, but vary considerably from point to point at the same distance from the source.

non-thermal effects—Biological effects resulting from exposure to RF fields, that are not due to tissue heating.

power density—The rate of flow of electromagnetic energy per unit area usually expressed in W/m^2 or mW/cm^2 or $\mu W/cm^2$.

radiofrequency (RF)—A rate of oscillation in the range of about 3 kHz to 300 GHz, which corresponds to the frequency of radio waves typically used in radio communications.

reference level—An easily measured or calculated quantity (i.e. externally applied electric field strength, magnetic field strength and power density or resulting body current), that when respected, ensures compliance with the underlying basic restrictions in Safety Code 6.

reference period—A time period used for averaging temporally non-uniform RF field exposures, for comparison with the exposure limits in Safety Code 6. The reference periods specified in Safety Code 6 are based upon the established adverse health effects to be avoided and the time required for those responses to occur. The reference period is not a maximum exposure time.

RMS (root mean square)—As applied to a set of data, it is the square root of the average of the square of the data values.

safety—The absence of established adverse health effects caused by RF field exposure.

specific absorption rate (SAR)—A measure of the rate at which energy is absorbed by the body (or a discrete tissue volume) when exposed to a radiofrequency (RF) field. SAR is expressed in units of watts per kilogram (W/kg), and can be calculated from the product of the tissue conductivity (S/m) and the square of the RMS electric field strength induced in the tissue (V/m), divided by the mass density (kg/m^3) of the tissue.

thermal effects—Biological effects resulting from heating of the whole body or of a localized region due to exposure to RF fields, where a sufficient temperature increase has occurred that results in a physiologically significant effect.

uncontrolled environment—An area where any of the criteria defining the controlled environment are not met.

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INSPECTION
DU TRAVAIL
ET DES MINES

Strassen, le 11 août 2014

ITM-SST 1105.1
(ancien ITM-CL 179)

Conditions d'exploitation pour les émetteurs d'ondes électromagnétiques à haute fréquence

Prescriptions de sécurité types

Les présentes prescriptions comportent 12 pages

Sommaire

Art. 1. Objectif et domaine d'application

1.1 Les présentes prescriptions ont pour objet de spécifier les mesures à prendre pour prévenir une exposition dommageable des personnes, des appareils et des installations sensibles ainsi que de protéger les personnes contre les risques inhérents aux installations d'émetteurs d'ondes électromagnétiques.

Elles s'appliquent à tout émetteur produisant des ondes électromagnétiques non-ionisantes comprises dans la bande de fréquence de 10 kHz à 3000 GHz dont la puissance rayonnée par antenne est égale ou supérieure à 100 W (20 dBW).

1.2 Des allégements ou dispenses aux présentes prescriptions peuvent être accordées, mais uniquement si des mesures de rechange garantissant une protection au moins équivalente sont prises.

Ces mesures de rechange doivent être reconnues par un organisme de contrôle et acceptées comme telles par l'Inspection du travail et des mines.

Art. 2 Définitions

2.1 Organisme de contrôle

Sous la dénomination "organisme de contrôle" sont à comprendre les organismes agrées suivant l'arrêté le plus récent du Ministre du Travail et de l'Emploi, concernant l'intervention d'organismes de contrôle dans des domaines précis afférents aux présentes prescriptions.

2.2 Emetteur d'ondes électromagnétiques

Sous "émetteur d'ondes électromagnétiques" est à comprendre l'ensemble des composants nécessaires à produire des radiofréquences capables de se propager dans l'espace à savoir l'émetteur comportant l'étage de puissance HF (HF = haute fréquence), le câble d'alimentation en signaux HF de l'antenne respectivement le guide d'ondes de l'alimentation de l'antenne et l'antenne d'émission proprement dite montée sur un support.

2.3 Antenne d'émission, support d'antenne

On entend par antenne d'émission l'élément rayonnant représentant l'interface entre l'alimentation en signaux HF par câble ou par guide d'onde et l'espace, capable d'émettre des ondes électromagnétiques dans l'espace avec un certain gain. L'antenne est montée sur un support d'antenne qui peut être p.ex. un pylône, un château d'eau, un tri-pied sur toiture, etc.

2.4 Station émettrice

On entend par station émettrice, l'émetteur d'ondes électromagnétiques et tous les équipements annexes et connexes nécessaires au fonctionnement de cet émetteur, comme p. ex. un redresseur, un groupe électrogène, une installation de climatisation, etc.

2.5 Puissance exprimée en watts respectivement décibels

Dans les formules, le symbole "p" indique la puissance en watts [W] et le symbole "P" la puissance en décibels [dBW] .

p [watts] ; P [dBW]

La conversion p [Watts] en P [dBW] se fait selon la formule

p [W] = colog (P [dBW] /10) (1 W correspond à 0 dBW)

2.6 Puissance exprimée en dB_m

0 dB_m correspond à une puissance de 1 mW appliquée à une résistance de 600 Ω.

2.7 Puissance rayonnée d'une antenne

D'une façon générale, la puissance rayonnée d'une antenne quelconque par rapport à une antenne de référence se calcule en multipliant la puissance à l'entrée de l'antenne (= puissance à la sortie de l'étage de puissance HF de l'émetteur diminuée des pertes sur le câble/guide d'ondes de l'antenne) par le gain de l'antenne (=gain par rapport à une antenne de référence):

p_r [W] = p_e [W] x colog (G [dB] /10)

p_r = puissance rayonnée
p_e = puissance à l'entrée de l'antenne
G = gain par rapport à une antenne de référence (voir sub 2.8)

2.8 Gain d'une antenne

Par gain d'une antenne on entend le rapport généralement exprimé en décibels, entre la puissance nécessaire à l'entrée de l'antenne de référence sans pertes et la puissance fournie à l'entrée de l'antenne donnée, pour que les deux antennes produisent dans une direction donnée le même champ ou la même puissance surfacique, à la même distance. En l'absence d'indication contraire, il s'agit du gain de l'antenne dans la direction du maximum du rayonnement. On peut éventuellement considérer le gain pour une polarisation spécifiée.

Suivant l'antenne de référence choisie on distingue:

- le gain isotrope ou absolu (G_i) - référence antenne isotrope
- le gain par rapport à un doublet demi-onde (G_d) - référence doublet λ/2
- le gain par rapport à une antenne verticale courte (G_v) – de longueur $l << \lambda/4$

2.8.1 Puissance apparente rayonnée par rapport à une antenne isotrope: $P_{i.r}$

$$p_{i.r}\,[W] = p_e[W] \times \text{colog}\,(G_i\,[dB_i]/10)$$

2.8.2 Puissance apparente rayonnée par rapport à une antenne doublet demi-onde: $P_{a.r}$

$$p_{a.r}[W] = p_e[W] \times \text{colog}\,(G_d\,[dB_r]/10)$$

2.8.3 Puissance apparente rayonnée par rapport à une antenne verticale courte: $P_{a.r.v}$

$$p_{a.r.v}\,[W] = p_e[W] \times \text{colog}\,(G_v\,[dB_v]/10)$$

2.9 Puissance d'un émetteur radioélectrique

Chaque fois que la puissance d'un émetteur radioélectrique est mentionnée, elle doit être exprimée sous l'une des formes ci-dessous, selon la classe d'émission, en utilisant les symboles arbitraires indiqués:

- puissance en crête (P_x ou p_x);
- puissance moyenne (P_y ou p_y);
- puissance de la porteuse (P_z ou p_z).

Pour différentes classes d'émission, les rapports entre la puissance en crête, la puissance moyenne et la puissance de la porteuse, dans les conditions de fonctionnement normal et en absence de modulation, sont indiqués dans les "Recommandations pertinentes de l'UIT", qui sont à utiliser comme guide.

2.9.1 Puissance en crête: Moyenne de la puissance fournie à la ligne d'alimentation de l'antenne par un émetteur en fonctionnement normal, au cours d'un cycle de radiofréquence correspondant à l'amplitude maximale de l'enveloppe de modulation.

2.9.2 Puissance moyenne: Moyenne de la puissance fournie à la ligne d'alimentation de l'antenne par un émetteur en fonctionnement normal, évaluée pendant un intervalle de temps relativement long par rapport à la période de la composante de plus basse fréquence de la modulation.

2.9.3 Puissance de la porteuse: Moyenne de la puissance fournie à la ligne d'alimentation de l'antenne par un émetteur au cours d'un cycle de radiofréquence en l'absence de modulation.

Remarque: Dans le cadre des présentes prescriptions, on ne considère que la puissance en crête pour le calcul de la puissance rayonnée d'une antenne.

2.10 Champ de proximité (Nahfeld), champ éloigné (Fernfeld) : La limite entre le champ de proximité et le champ éloigné où l'onde électromagnétique est plane, est définie par la relation :

$$d_{\min} \cong \frac{2D^2}{\lambda}$$

où D est la plus grande dimension de l'antenne [m] et où λ est la longueur d'onde [m]. Le champ de proximité de l'antenne est donc défini par :

$$d \leq d_{min}$$

et le champ éloigné par :

$$d > d_{min} .$$

Art. 3 Normes et règles techniques

Les normes et les prescriptions concernant la sécurité, les limites d'exposition et les règles de l'art à appliquer lors de la conception, de la construction et de l'exploitation d'installations émettant des rayons électromagnétiques sont en particulier les présentes prescriptions et en général les normes et prescriptions suivantes:

- RECOMMANDATION DU CONSEIL du 12 juillet 1999 relative à la limitation de l'exposition du public aux champs électromagnétiques (de 0 Hz à 300 GHz)
- EN 60601-1-2 (VDE 0750-1-2) « Appareil électromédical, sécurité, compatibilité électromagnétique »
- EN 50061/A1 « Sécurité des stimulateurs cardiaques implantables »
- ITM-CL 17 « Installations électriques »
- ITM-CL 124 « Sécurité relative aux travaux en hauteur - Travaux sur cordes »
- ITM-CL 148 « Installation d'extinction automatique fonctionnant avec un gaz »
- VDE V 0185-Teil 100 (ENV 61024-1) « Blitzschutzanlagen »
- DIN-VDE 57100 «Bestimmungen für das Errichten von Starkstromanlagen mit Nennspannungen bis 1000 V»
- DIN-VDE 57848-1 « Sicherheit in elektrischen, magnetischen und elektromagnetischen Feldern – Teil 1 : Definitionen, Mess- u. Berechnungsverfahren »
- DIN-VDE 0855-300 « Funksende-/-empfangssysteme für Senderausgangsleistungen bis 1 kW – Teil 300 : Sicherheitsanforderungen »

Art. 4 Protection du public et des travailleurs non visés à l'article 5

4.1 Stations émettrices de mobilophonie (GSM, DCS et UMTS et stations de la 4e génération))

L'exploitant doit obligatoirement installer ses antennes de façon à garantir en tout lieu où peuvent séjourner des personnes une intensité maximale du champ électrique de 3 V/m par élément rayonnant.

Exceptionnellement, au cas ou plusieurs éléments rayonnent dans la même direction, la valeur maximale autorisée du champ électrique de l'ensemble des éléments orientés dans le même sens se calcule par la formule :

E_{max} [V/m]= $3 \cdot \sqrt{n}$

n = nombre des éléments rayonnants dans la même direction

3 = valeur numérique de l'intensité maximale du champ électrique d'un seul élément exprimé en V/m

En ce qui concerne les effets athermiques, le rayonnement notamment pulsé ne doit pas entraver la santé des personnes. Cette obligation sera précisée au moment de la parution de recommandations de l'Organisation Mondiale de la Santé (OMS) relatives aux effets athermiques.

4.2 Autres stations émettrices à haute fréquence

L'exploitant d'une ou de plusieurs antennes est tenu d'installer les éléments rayonnants de façon que les conditions et les valeurs limites de la « Recommandation du Conseil du 12 juillet 1999 relative à la limitation de l'exposition du public aux champs électromagnétiques (de 0 Hz à 300 GHz) » sont respectées.

4.3 Condition supplémentaire concernant les antennes paraboliques asservies

L'émission d'ondes électromagnétiques de toute antenne parabolique asservie (antenne parabolique en liaison avec un satellite terrestre) doit être interrompue de façon automatique dès que l'angle d'élévation de l'antenne par rapport à l'horizontale devient inférieur à 10°.

Art. 5 Protection des travailleurs occupés près des émetteurs d'ondes électromagnétiques

5.1 Il est strictement interdit que des travaux de n'importe quelle nature soient exécutés dans le champ de proximité (Nahfeld) de l'antenne lorsque l'émetteur est en service. Le champ de proximité dans la direction du rayonnement de l'antenne est délimité par $d \leq d_{min}$ (voir sub 2.10). En ce qui concerne les travaux à exécuter en dehors du champ de proximité, chaque travailleur doit être muni d'un instrument de surveillance portable lequel mesure la puissance surfacique reçue et génère une

alarme lorsque le seuil critique prévu par la norme est dépassé. Le travailleur doit porter cet instrument en permanence sur lui.

Afin de détecter des fuites électromagnétiques au niveau des câbles d'antennes et des guides d'ondes dans les locaux techniques des grandes stations émettrices, l'exploitant de la station émettrice est tenu d'installer des instruments fixes de surveillance dans les locaux où sont logés ces émetteurs et le long des chemins de câbles respectivement guides d'ondes. Ces instruments doivent surveiller la puissance surfacique de fuite reçue et doivent générer des alarmes lorsque le seuil critique prévu par la norme est dépassé.

Les valeurs limites à respecter pour les travailleurs pour tout genre d'émetteur d'ondes électromagnétiques sont celles de la « RECOMMANDATION DU CONSEIL du 12 juillet 1999 relative à la limitation de l'exposition du public aux champs électromagnétiques (de 0 Hz à 300 GHz) ».

5.2 L'exploitant doit établir un balisage autour des zones des champs de proximité. Des pictogrammes normalisés doivent être apposés conformément aux dispositions du règlement grand-ducal du 28 mars 1995 concernant la signalisation de sécurité et/ou de santé au travail.

5.3 Les travailleurs doivent limiter le stationnement en dehors des champs de proximité au temps strictement nécessaire à l'accomplissement des tâches prévues et s'abstenir de s'exposer inutilement hors des périodes de travail effectives.

5.4 Dans le cadre d'une politique de prudence, les femmes enceintes ne doivent pas occuper des postes de travail soumis à des champs électromagnétiques, même si les valeurs limites prévues par la « RECOMMANDATION DU CONSEIL du 12 juillet 1999 relative à la limitation de l'exposition du public aux champs électromagnétiques (de 0 Hz à 300 GHz) » sont respectées.

5.5 Les travailleurs qui portent des implants actifs ou passifs doivent informer leur médecin de travail de cet état de fait. Celui-ci doit juger de l'aptitude du travailleur aux postes de travail en question et des mesures préventives à prendre.

Art. 6 Compatibilité électromagnétique des appareils et des installations sensibles

6.1 Afin d'assurer le bon fonctionnement des appareils médicaux, des appareils d'analyse ou d'autres installations sensibles pouvant engendrer des risques pour les personnes, la valeur limite *d'immission prévue par* la norme EN 60601-1-2 *(VDE 0750-1-2) [Appareil électromédical, sécurité, compatibilité électromagnétique] est* à respecter *par l'exploitant de la station émettrice.*

6.2 Afin de garantir la sécurité des stimulateurs cardiaques implantables, la valeur limite de la norme EN 50061/A1 est à respecter par l'exploitant de la station émettrice en tout lieux où des porteurs de stimulateurs cardiaques peuvent séjourner.

Art. 7 Compartimentage, protection contre les incendies

Lorsque le local des émetteurs héberge des équipements à charge calorifique importante ou représente un danger particulier quelconque en relation avec un risque d'incendie, ce local est à considérer comme un local dit « à risque ». Si d'autant plus ce local se situe à l'intérieur d'un immeuble administratif ou à caractère résidentiel ou dans un établissement d'hébergement ou dans une clinique, hôpital, école, etc., il doit être compartimenté d'office RF60 par rapport aux locaux voisins et être équipé d'une installation de détection d'incendie. Les alarmes y relatives doivent être transmises au responsable de l'immeuble et à la Protection Civile (112). La porte d'entrée du local technique doit également être coupe-fumée et coupe-feu d'un degré d'au moins 60 minutes.

Tout local des émetteurs doit être pourvu d'extincteurs d'incendie appropriés portables en nombre suffisant.

Si le local dispose d'une installation d'extinction automatique au gaz, elle doit être conforme à la prescription ITM-CL 148 - "Installation d'extinction automatique fonctionnant avec un gaz".

Art. 8 Stabilité des supports des antennes, installations électriques, protection des installations contre la foudre et les surtensions

8.1 Les supports des antennes équipés des éléments rayonnants, leurs fondations respectivement leurs points d'ancrage, les fixations des câbles d'alimentation H .F. et de balisage ainsi que les fixations des éléments rayonnants et tous les autres dispositifs des supports doivent être exécutés de façon à garantir une stabilité suffisante au vent. On distingue trois catégories de vitesses de vent [v] pour lesquelles la stabilité doit être garantie, à savoir :

8.1.1 Support d'antennes du type pylône ou mât haubané ($h > 50$ m): $v \leq 200$ km/h
8.1.2 Support d'antennes à construire ($6 \text{ m} \leq h \leq 50$ m): $v \leq 160$ km/h
8.1.3 Support d'antennes existant ($6 \text{ m} \leq h \leq 50$ m) : $v \leq 140$ km/h.

Remarque : Les supports d'antennes d'une hauteur libre $<$ 6 m installés en toiture sont à concevoir conformément à la norme DIN-VDE 0855-300 – chapitre 13 en respectant le critère de la stabilité au vent soufflant à une vitesse v $\leq$ 140 km/h.

8.2 En ce qui concerne le balisage et le marquage des supports d'antennes en relation avec la sécurité du trafic aérien, une autorisation de l'Administration de l'Aéroport de Luxembourg est à produire pour toute antenne montée sur un support surélevé.

8.3 Les installations électriques sont à exécuter conformément à la prescription ITM-CL 17 - "Installations électriques".

Au cas où le local des émetteurs se trouve dans un immeuble administratif ou à caractère résidentiel ou dans une clinique, hôpital, école, etc., il est impératif que le local des émetteurs ou le boîtier hébergeant l'émetteur dispose d'une alimentation électrique indépendante, sécurisée par des fusibles séparés et par un interrupteur différentiel. Ces dispositifs de sécurité sont à installer directement en aval du compteur d'énergie du distributeur d'énergie.

8.4 Une analyse des risques relative à la foudre est à effectuer conformément à la norme DIN VDE 0185-Teil 100 (EN 61024-1). L'installation de protection extérieure contre la foudre est à concevoir en fonction des résultats découlant de cette analyse et est à construire, le cas échéant, conformément à la norme précitée.

Toutefois, la protection des personnes contre les surtensions de contact et contre les courants corporels nuisibles doit être garantie en tout lieu conformément aux prescriptions des normes DIN VDE 0100, DIN VDE V 0185 et DIN VDE 0855-300 notamment par un réseau équipotentiel de terre adéquat et par une protection adaptée des câbles électriques contre les surtensions.

Les installations de protection extérieures et intérieures contre la foudre et les surtensions sont à réceptionner par un organisme de contrôle. La réception se base sur l'analyse des risques précitée et sur les spécificités de l'objet à protéger. Le rapport de contrôle est à présenter à l'Inspection du travail et des mines pour visa.

Art. 9 Travaux en hauteur, chutes de glace

En ce qui concerne l'exécution des travaux en hauteur sur les pylônes ou supports d'antennes, la prescription ITM-CL 124 - "Sécurité relative aux travaux en hauteur - Travaux sur cordes" est à respecter.

Les alentours des pylônes ou mats haubanés sont à sécuriser moyennant une clôture installée à une distance appropriée du pied du pylône ou du mat qui elle est fonction de la hauteur du pylône ou du mat. Cette clôture sert à protéger le public contre d'éventuelles chutes de glace et évite que des personnes non autorisées puissent grimper sur le pylône ou sur le mat.

Des pictogrammes normalisés concernant l'obligation du port de casque sur le site et les dangers éventuels de chute de glace sont à apposer soit sur la clôture ou sur la

porte d'entrée du site soit en un endroit approprié. Les pictogrammes apposés sur des clôtures doivent être visibles à partir de l'extérieur des clôtures.

Art. 10 Réception

Les installations techniques ainsi que les dispositifs et mesures de sécurité de chaque site sont à réceptionner par un organisme de contrôle. Les frais y relatifs sont à charge de l'exploitant.

En cas de doute concernant la comptabilité électromagnétique, l'exploitant de l'antenne doit charger, sur demande de l'Inspection du travail et des mines et à ses propres frais, un organisme de contrôle qui mesure les champs électriques, magnétiques ou électromagnétiques.

Les mesures doivent obligatoirement se faire conformément à la prescription : DIN 57848-1/VDE 0848-1 « Sicherheit in elektrischen, magnetischen und elektromagnetischen Feldern – Teil 1 : Definitionen, Mess- u. Berechnungsverfahren ».

Tout rapport de contrôle est à présenter à l'Inspection du travail et des mines pour visa.

Art. 11 Registre de sécurité

Un registre de sécurité doit être créé pour les stations émettrices. Il est à gérer par le travailleur désigné et être déposé en un lieu défini par l'exploitant. L'exploitant est tenu de communiquer les coordonnées de ce lieu à l'Inspection du travail et des mines.

Le registre de sécurité doit être présenté sur demande aux agents de l'Inspection du travail et des mines. Il doit contenir toutes les caractéristiques et données techniques de la station, l'autorisation d'exploitation, les modes d'emploi et d'entretien, les plans et schémas, les diagrammes de l'antenne, les rapports et certificats de réception et, le cas échéant, les rapports de mesure du rayonnement électromagnétique effectués ainsi que les rapports de contrôle périodiques de même que les fiches et notes relatives aux interventions d'entretien courant et de dépannage.

Mise en vigueur, le 11 août 2014

s.

Robert Huberty
Directeur
de l'Inspection du travail
et des mines

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Schweizerische Eidgenossenschaft
Confédération suisse
Confederazione Svizzera
Confederaziun svizra

814.710

Ordonnance sur la protection contre le rayonnement non ionisant

(ORNI)

du 23 décembre 1999 (Etat le 1er janvier 2022)

Le Conseil fédéral suisse,

vu les art. 12, al. 2, 13, al. 1, 16, al. 2, 38, al. 3, et 39, al. 1, de la loi du 7 octobre 1983 sur la protection de l'environnement (loi)[1];
vu l'art. 3 de la loi du 22 juin 1979 sur l'aménagement du territoire[2],

arrête:

[1] RS **814.01**

[2] RS **700**

Chapitre 1 Dispositions générales

Art. 1 But

La présente ordonnance a pour but de protéger l'homme contre le rayonnement non ionisant nuisible ou incommodant.

Art. 2 Champ d'application

[1] La présente ordonnance régit:

a. la limitation des émissions des champs électriques et magnétiques générées par des installations stationnaires dans une gamme de fréquence allant de 0 Hz à 300 GHz (rayonnement);
b. la détermination et l'évaluation des immissions de rayonnement;
c. les exigences posées à la définition des zones à bâtir.

[2] Elle ne régit pas la limitation des émissions de rayonnement provenant:

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a. de sources se trouvant dans les entreprises, dans la mesure où le personnel y est exposé;
b. de l'utilisation à des fins médicales de dispositifs médicaux au sens de l'ordonnance du 24 janvier 1996 sur les dispositifs médicaux[3];
c. d'installations militaires, pour autant qu'elles n'agissent que sur les personnes incorporées dans l'armée;
d. d'appareils électriques comme les fours micro-ondes, les cuisinières, les outils électriques ou les téléphones portables.

[3] Elle ne règle pas non plus la limitation des effets du rayonnement sur des appareils médicaux auxiliaires électriques ou électroniques comme les stimulateurs cardiaques.

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[3] [RO **1996** 987 1868, **1998** 1496 ch. I et II. RO **2001** 3487 art. 28, let. a]. Voir actuellement l'O du 17 oct. 2001 (RS **812.213**).

Art. 3 Définitions

[1] Une installation est réputée ancienne installation lorsque la décision permettant d'entamer les travaux de construction ou la mise en service avait force de chose jugée au moment de l'entrée en vigueur de la présente ordonnance. Une installation au sens de l'annexe 1, ch. 1, qui comporte plusieurs lignes électriques est réputée ancienne installation lorsque l'autorisation d'au moins une ligne avait force de chose jugée au moment de l'entrée en vigueur de la présente ordonnance.[4]

[2] Une installation est réputée nouvelle installation:

a. lorsqu'elle ne remplit pas les conditions de l'al. 1,
b. lorsqu'elle est réinstallée sur un autre site, ou
c. lorsqu'elle est remplacée sur son site actuel; les chemins de fer font exception (annexe 1, ch. 5).[5]

[3] Par lieu à utilisation sensible, on entend:

a. les locaux situés à l'intérieur d'un bâtiment dans lesquels des personnes séjournent régulièrement durant une période prolongée;
b. les places de jeux publiques ou privées, définies dans un plan d'aménagement;
c. les parties de terrains non bâtis sur lesquelles des activités au sens des let. a et b sont permises.[6]

[4] Sont réalisables sur le plan de la technique et de l'exploitation les mesures permettant de limiter les émissions:

a. qui ont fait leur preuves sur des installations comparables en Suisse ou à l'étranger, ou qui
b. ont été appliquées avec succès lors d'essais et que la technique permet de transposer à d'autres installations.

[5] Sont économiquement supportables les mesures de limitation des émissions qui sont acceptables pour une entreprise moyenne, économiquement saine, de la branche concernée. Lorsqu'il y a dans une branche donnée des catégories très différentes d'entreprises, l'évaluation se fait à partir d'une entreprise moyenne de la catégorie correspondante.

[6] La valeur limite de l'installation est une limitation des émissions concernant le rayonnement émis par une installation donnée.

[7] Le courant de contact est le courant électrique qui circule lorsqu'une personne touche un objet conducteur qui n'est pas relié à une source de tension et qui se charge dans un champ électrique ou magnétique.

[8] Le courant de fuite[7] est le courant électrique qui circule d'une personne se trouvant dans un champ électrique vers la terre sans qu'un objet conducteur soit touché.[8]

[9] La puissance apparente rayonnée (ERP) est la puissance transmise à une antenne, multipliée par le gain de l'antenne dans la direction principale de propagation, rapportée au dipôle de demi-onde.

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[4] Nouvelle teneur selon le ch. I de l'O du 23 mars 2016, en vigueur depuis le 1er juil. 2016 (RO **2016** 1135).

[5] Nouvelle teneur selon le ch. I de l'O du 23 mars 2016, en vigueur depuis le 1er juil. 2016 (RO **2016** 1135).

[6] Nouvelle teneur selon le ch. I de l'O du 1er juillet 2009, en vigueur depuis le 1er sept. 2009 (RO **2009** 3565).

[7] Nouvelle expression selon le ch. I de l'O du 23 mars 2016, en vigueur depuis le 1er juil. 2016 (RO **2016** 1135). Il a été tenu compte de cette mod. dans tout le texte.

[8] Nouvelle teneur selon le ch. I de l'O du 1er juillet 2009, en vigueur depuis le 1er sept. 2009 (RO **2009** 3565).

Chapitre 2 Émissions

Section 1 Prescriptions communes aux nouvelles et aux anciennes installations

Art. 4 Limitation préventive des émissions

[1] Les installations doivent être construites et exploitées de telle façon que les limitations préventives des émissions définies à l'annexe 1 ne soient pas dépassées.

[2] Concernant les installations pour lesquelles l'annexe 1 ne contient pas de prescriptions, l'autorité fixe les limitations d'émissions dans la mesure que permettent l'état de la technique et les conditions d'exploitation, et pour autant que cela soit économiquement supportable.

Art. 5 Limitation complémentaire et limitation plus sévère des émissions

[1] S'il est établi ou à prévoir qu'une installation entraînera, à elle seule ou associée à d'autres installations, des immissions dépassant une ou plusieurs valeurs limites d'immissions de l'annexe 2, l'autorité impose une limitation d'émissions complémentaire ou plus sévère.

[2] L'autorité complète ou rend plus sévères les limitations d'émissions jusqu'à ce que les valeurs limites d'immissions ne soient plus dépassées.[9]

[3] S'il est établi ou à prévoir que la valeur limite d'immissions du ch. 13 ou du ch. 225 de l'annexe 2 pour le courant de contact est dépassée lors d'un contact avec des objets conducteurs, l'autorité ordonne des mesures qui concernent en premier lieu ces objets.

[9] Nouvelle teneur selon le ch. I de l'O du 1er juillet 2009, en vigueur depuis le 1er sept. 2009 (RO **2009** 3565).

Section 2 Prescriptions particulières aux nouvelles installations

Art. 6

Si, après sa mise en service, une nouvelle installation est modifiée au sens de l'annexe 1, les prescriptions relatives aux limitations d'émissions concernant les nouvelles installations sont applicables.

Section 3 Prescriptions particulières aux anciennes installations

Art. 7 Obligation d'assainir

[1] L'autorité veille à ce que les anciennes installations qui ne répondent pas aux exigences des art. 4 et 5 soient assainies.

[2] Elle édicte les décisions nécessaires et fixe le délai d'assainissement au sens de l'art. 8.[10] Au besoin, elle impose une réduction de l'activité pour la durée de l'assainissement ou l'arrêt de l'installation.

[3] Le détenteur peut être autorisé à renoncer à l'assainissement s'il s'engage à arrêter l'exploitation de l'installation avant l'échéance du délai d'assainissement.

[10] Nouvelle teneur selon le ch. I de l'O du 23 mars 2016, en vigueur depuis le 1er juil. 2016 (RO **2016** 1135).

Art. 8 Délai d'assainissement

[1] Le délai de réalisation des mesures de limitation préventive des émissions est déterminé par les prescriptions figurant à l'annexe 1. Si l'annexe 1 ne contient pas de prescriptions, le délai est de cinq ans au plus. Si la mise en œuvre de la limitation des émissions durant le délai d'assainissement n'est pas supportable sur le plan économique, l'autorité peut, sur demande, prolonger le délai de moitié au maximum.

[2] Le délai d'assainissement est au maximum de trois ans pour la limitation complémentaire ou plus sévère des émissions. L'autorité fixe des délais plus courts, mais d'au moins trois mois, lorsque les mesures peuvent être exécutées sans investissements importants.

Art. 9[11] Modification des anciennes installations

Lorsqu'une ancienne installation est modifiée conformément à l'annexe 1, les dispositions relatives à la limitation des émissions pour les nouvelles installations lui sont applicables, à moins que l'annexe 1 n'en dispose autrement.

[11] Nouvelle teneur selon le ch. I de l'O du 23 mars 2016, en vigueur depuis le 1er juil. 2016 (RO **2016** 1135).

Section 4 Collaboration et contrôle

Art. 10 Obligation de collaborer

Le détenteur d'une installation est tenu de fournir à l'autorité, à la demande de cette dernière, les renseignements nécessaires à l'exécution, notamment les indications au sens de l'art. 11, al. 2. S'il le faut, il est tenu de procéder à des mesures ou à d'autres enquêtes, ou de les tolérer.

Art. 11 Obligation de notifier

[1] Avant qu'une installation pour laquelle des limitations d'émissions figurent à l'annexe 1 soit construite, réinstallée sur un autre site, remplacée sur son site ou modifiée au sens de l'annexe 1, le détenteur doit remettre à l'autorité compétente en matière d'autorisations une fiche de données spécifiques au site. Les installations électriques domestiques font exception (annexe 1, ch. 4).[12]

[2] La fiche de données spécifique au site doit contenir:

a. les données actuelles et planifiées relatives à la technique et à l'exploitation de l'installation dans la mesure où elles sont déterminantes pour l'émission de rayonnement;
b. le mode d'exploitation déterminant au sens de l'annexe 1;
c. des informations concernant le rayonnement émis par l'installation:
    1. sur le lieu accessible où ce rayonnement est le plus fort,
    2. sur les trois lieux à utilisation sensible où ce rayonnement est le plus fort, et
    3. sur tous les lieux à utilisation sensible où la valeur limite de l'installation au sens de l'annexe 1 est dépassée;
d. un plan présentant les informations de la let. c.

[12] Nouvelle teneur selon le ch. I de l'O du 1er juillet 2009, en vigueur depuis le 1er sept. 2009 (RO **2009** 3565).

Art. 12 Contrôle

[1] L'autorité veille au respect des limitations des émissions.

[2] Pour vérifier si la valeur limite de l'installation, au sens de l'annexe 1, n'est pas dépassée, elle procède ou fait procéder à des mesures ou à des calculs, ou elle se base sur des données provenant de tiers. L'Office fédéral de l'environnement (OFEV)[13] recommande des méthodes de mesure et de calcul appropriées.

[3] Si la valeur limite de l'installation, au sens de l'annexe 1, d'installations nouvelles ou modifiées est dépassée en raison de dérogations qui ont été accordées, l'autorité mesure ou fait mesurer périodiquement le rayonnement émis par ces installations. Elle contrôle au plus tard six mois après leur mise en service si:

a. les indications concernant leur exploitation, et sur lesquelles la décision est fondée, sont exactes, et
b. les prescriptions arrêtées sont appliquées.

[13] La désignation de l'unité administrative a été adaptée en application de l'art. 16, al. 3, de l'O du 17 nov. 2004 sur les publications officielles (RO **2004** 4937). Il a été tenu compte de cette mod. dans tout le texte.

Chapitre 3 Immissions

Art. 13 Champ d'application des valeurs limites d'immissions

[1] Les valeurs limites d'immissions au sens de l'annexe 2 doivent être respectées partout où des personnes peuvent séjourner.[14]

[2] Elles ne sont valables que pour le rayonnement qui agit de manière uniforme sur l'ensemble du corps humain.

[14] Nouvelle teneur selon le ch. I de l'O du 1er juillet 2009, en vigueur depuis le 1er sept. 2009 (RO **2009** 3565).

Art. 14 Détermination des immissions

[1] L'autorité détermine les immissions lorsqu'il y a des raisons d'admettre que les immissions dépassent des valeurs limites au sens de l'annexe 2.

[2] Pour ce faire, elle procède ou fait procéder à des mesures ou à des calculs, ou elle se base sur des données provenant de tiers. L'OFEV recommande des méthodes de mesure et de calcul appropriées.

[3] Lors de la détermination des immissions dans des locaux d'entreprise, les immissions provenant de sources internes ne sont pas prises en compte.

[4] Les immissions sont déterminées en tant qu'intensité de champ électrique, intensité de champ magnétique, densité de flux magnétique, courant de fuite ou courant de contact pour le mode d'exploitation de l'installation qui en produit le plus.

[5] Si une durée d'appréciation est fixée dans l'annexe 2, les immissions s'expriment par la moyenne quadratique des valeurs des immissions durant la durée d'appréciation; sinon, c'est la valeur efficace maximale qui est déterminante.

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Art. 15 Appréciation des immissions

L'autorité apprécie si les immissions dépassent une ou plusieurs valeurs limites d'immissions de l'annexe 2.

Chapitre 4 Exigences posées à la définition des zones à bâtir

Art. 16

Les zones à bâtir ne doivent être définies que là où les valeurs limites de l'installation au sens de l'annexe 1 sont respectées, ou peuvent l'être grâce à des mesures de planification ou de construction. Sont à considérer les installations existantes ainsi que les projets établis conformément au droit de l'aménagement du territoire.

Chapitre 5 Dispositions finales

Section 1 Exécution

Art. 17 Exécution par les cantons

Les cantons exécutent la présente ordonnance sous réserve de l'art. 18.

Art. 18 Exécution par la Confédération

Lorsque les autorités fédérales appliquent d'autres lois fédérales, des accords internationaux ou des décisions internationales qui touchent des objets de la présente ordonnance, elles exécutent également la présente ordonnance. La collaboration de l'OFEV et des cantons est régie par l'art. 41, al. 2 et 4, de la loi; les dispositions légales sur l'obligation de garder le secret sont réservées.

Art. 19 Autorité de coordination

[1] Lorsque les dépassements des valeurs limites d'immissions au sens de l'annexe 2 sont dus à plusieurs installations et que l'exécution de la présente ordonnance relève, pour ces installations, de plusieurs autorités, celles-ci désignent une autorité de coordination.

[2] L'autorité de coordination se fonde sur les principes de la coordination de la loi du 22 juin 1979 sur l'aménagement du territoire.

Art. 19*a*[15] Géoinformation

L'OFEV prescrit les modèles de géodonnées et les modèles de représentation minimaux pour les géodonnées de base visées par la présente ordonnance, lorsqu'il est désigné comme service spécialisé de la Confédération dans l'annexe 1 de l'ordonnance du 21 mai 2008 sur la géoinformation[16].

[15] Introduit par l'annexe 2 ch. 12 de l'O du 21 mai 2008 sur la géoinformation, en vigueur depuis le 1er juillet 2008 (RO **2008** 2809).

[16] RS **510.620**

Art. 19*b*[17] Enquêtes et informations

[1] L'OFEV publie périodiquement une vue d'ensemble nationale de l'exposition de la population au rayonnement. À ce titre, il peut procéder à des enquêtes. Les détenteurs d'installations ainsi que les autorités fédérales et cantonales sont tenues de fournir à l'OFEV, à sa demande, les renseignements nécessaires.

[2] L'OFEV fournit périodiquement des informations concernant l'état de la science et de l'expérience en matière d'effets sur l'homme et l'environnement du rayonnement émis par les installations stationnaires.

[17] Introduit par le ch. I de l'O du 17 avr. 2019, en vigueur depuis le 1er juin 2019 (RO **2019** 1491).

Section 2 Disposition transitoire et entrée en vigueur

Art. 20[18] Disposition transitoire de la modification du 1er juillet 2009

Les installations dont l'approbation avait acquis force de chose jugée avant l'entrée en vigueur de la modification du 1er juillet 2009 et qui satisfaisaient aux exigences des art. 4 et 5 doivent respecter les dispositions de l'annexe 1 dès qu'elles sont remplacées, réinstallées sur un autre site ou modifiées au sens de l'annexe 1.

[18] Nouvelle teneur selon le ch. I de l'O du 1er juillet 2009, en vigueur depuis le 1er sept. 2009 (RO **2009** 3565).

Art. 21 Entrée en vigueur

La présente ordonnance entre en vigueur le 1er février 2000.

Annexe 1[19]

[19] Mise à jour par le ch. IV 34 de l'O du 22 août 2007 relative à la mise à jour formelle du droit fédéral (RO **2007** 4477), le ch. II de l'O du 1er juil. 2009 (RO **2009** 3565), l'annexe 2 ch. II 6 de l'O du 16 nov. 2011 (RO **2011** 6233), le ch. II des O du 23 mars 2016 (RO **2016** 1135) et du 17 avr. 2019 (RO **2019** 1491) et le ch. I de l'O du 17 déc. 2021, en vigueur depuis le 1er janv. 2022 (RO **2021** 901).

(art. 4, 6, 8, al. 1, 9, 11, 12 et 16)

Limitation préventive des émissions

1 Lignes aériennes et lignes en câbles de transport d'énergie électrique

11 Champ d'application

[1] Les dispositions du présent chiffre s'appliquent aux installations suivantes ayant une tension nominale supérieure à 1000 V:

a. aux lignes aériennes de courant alternatif;
b. aux lignes de courant alternatif en câbles monoconducteurs dans des tubes différents.

[2] Les installations de ligne de contact des chemins de fer sont traitées au ch. 5.

12 Définitions

[1] Un conducteur de phase est un conducteur unique sous tension.

[2] Un terne comprend tous les conducteurs de phase qui appartiennent au même circuit électrique. Dans le cas des systèmes à trois phases, ce sont les trois conducteurs de phase L1, L2 et L3, et, dans le cas des systèmes à une phase, ce sont les deux conducteurs de phase U et V.

[3] Une ligne électrique se compose de l'ensemble des conducteurs de phase et des conducteurs de terre, y compris des supports pour les lignes électriques aériennes ou de l'enveloppe construite pour les lignes en câbles. Elle peut comporter un ou plusieurs ternes.

[4] Une installation comprend soit toutes les lignes aériennes soit toutes les lignes en câbles du tronçon à apprécier qui se trouvent à proximité les unes des autres, indépendamment de l'ordre dans lequel elles sont construites ou modifiées.

[5] Deux lignes aériennes ou deux lignes en câbles sont à proximité l'une de l'autre lorsque leurs zones de voisinage se touchent ou se recouvrent.

[6] La zone de voisinage d'une ligne électrique est l'espace dans lequel la densité de flux magnétique générée par la seule ligne électrique dépasse la valeur limite de l'installation. Sont déterminants les courants au sens du ch. 13, al. 2 et 3, et l'ordre des phases optimisé lorsque les flux de puissance sont parallèles.

[7] Par modification d'une installation, on entend:

a. les adaptations constructives qui consistent à réduire la distance au sol des conducteurs de phase d'une ligne aérienne ou la profondeur d'enfouissement des conducteurs de phase d'une ligne en câbles souterraine;
b. les adaptations constructives qui consistent à augmenter l'écart entre les conducteurs de phase de même fréquence d'une ligne électrique;
c. la construction d'une nouvelle ligne électrique à proximité d'une ligne électrique existante;
d. le démontage d'une ligne électrique à proximité d'une autre ligne électrique;
e. la modification du nombre de ternes exploités en permanence;
f. l'utilisation de ternes existants pour des systèmes de courant d'une autre fréquence, ou

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g. la modification durable du courant déterminant au sens du ch. 13, al. 2 et 3.

[8] Lorsqu'une ancienne installation comprend plusieurs lignes électriques, on entend par modification de l'installation le remplacement d'une ligne électrique par une ligne électrique de même technologie ou le démontage d'une ligne électrique à condition de maintenir au moins une ligne dont l'autorisation avait force de chose jugée au moment de l'entrée en vigueur de la présente ordonnance.

13 Mode d'exploitation déterminant et courant déterminant

[1] Par mode d'exploitation déterminant, on entend celui dans lequel tous les ternes sont en service en même temps, chacun des ternes étant exploité à son courant déterminant, et dans la combinaison la plus fréquente des directions de flux de puissance.

[2] Par courant déterminant, on entend:

a. pour les lignes électriques aériennes: le courant permanent maximal admissible, calculé selon l'état de la technique à une température ambiante de 40 °C avec un vent de 0,5 m/s;
b. pour les lignes électriques en câbles: le courant permanent maximal admissible, calculé selon l'état de la technique, notamment selon la norme IEC 60287[20].

[3] Dans l'arrêté d'approbation des plans, l'autorité peut fixer une valeur de courant déterminant inférieure à celle de l'al. 2. Cette valeur doit être respectée pendant au moins 98 pour cent du temps sur une année.

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[20] International Standard IEC 60287, Electric cables – Calculation of the current rating. Il est possible de consulter gratuitement à l'Office fédéral de l'environnement, 3003 Berne, les normes techniques mentionnées dans la présente ordonnance ou de se les procurer contre émolument auprès d'Electrosuisse (www.electrosuisse.ch).

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14 Valeur limite de l'installation

La valeur limite de l'installation est de 1 µT pour la valeur efficace de la densité de flux magnétique.

15 Nouvelles installations

[1] Les nouvelles installations ne doivent pas dépasser la valeur limite de l'installation dans les lieux à utilisation sensible dans le mode d'exploitation déterminant.

[2] L'autorité accorde des dérogations lorsque le détenteur de l'installation prouve:

a. que l'ordre des phases est optimisé, dans la mesure que permettent l'état de la technique et les conditions d'exploitation, et
b. que sont prises toutes les autres mesures de limitation de la densité de flux magnétique telles que la construction sur un autre site, la modification de la disposition des conducteurs, le câblage ou l'introduction de blindages, qui sont

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possibles du point de vue de la technique et de l'exploitation et économiquement supportables.

3 Les mesures au sens de l'al. 2 doivent être réalisées de manière à réduire autant que possible le dépassement de la valeur limite de l'installation dans le mode d'exploitation déterminant.

16 Anciennes installations

1 Lorsque la densité de flux magnétique d'une ancienne installation dans son mode d'exploitation déterminant dépasse la valeur limite de l'installation dans les lieux à utilisation sensible, l'ordre des phases doit être optimisé dans la mesure que permettent l'état de la technique et les conditions d'exploitation, de manière à réduire autant que possible ce dépassement.

2 Le délai d'assainissement au sens de l'art. 8, al. 1, est de trois ans au plus.

17 Modification d'anciennes installations

1 Les anciennes installations modifiées ne doivent pas dépasser la valeur limite de l'installation dans les lieux à utilisation sensible dans le mode d'exploitation déterminant.

2 La valeur limite de l'installation peut être dépassée lorsque le détenteur de l'installation prouve:

a. que l'ordre des phases est optimisé, dans la mesure que permettent l'état de la technique et les conditions d'exploitation, et
b. que sont prises toutes les mesures au sens du ch. 15, al. 2, let. b, sous réserve de l'al. 3.

3 Les mesures suivantes ne doivent pas être prises:

a. le câblage de ternes d'une tension nominale égale ou supérieure à 220 kV;
b. le câblage de ternes d'une fréquence de 16,7 Hz;
c. le déplacement sur un autre site de lignes électriques dont les ternes ont une tension nominale égale ou supérieure à 220 kV, ou
d. le déplacement sur un autre site de lignes en câbles.

4 Les mesures au sens de l'al. 2 doivent être réalisées de manière à réduire autant que possible le dépassement de la valeur limite de l'installation dans le mode d'exploitation déterminant.

2 Stations de transformation

21 Champ d'application

Les dispositions du présent chiffre s'appliquent aux installations transformant les hautes tensions en basses tensions.

22 Définitions

Folio N° 3188

[1] Une installation comprend toutes les parties conductrices d'une station de transformation, liaisons à basse tension et distributeur à basse tension compris.

[2] Par modification d'une installation, on entend une augmentation de la puissance nominale.

23 Mode d'exploitation déterminant

Par mode d'exploitation déterminant, on entend l'exploitation à la puissance nominale.

24 Valeur limite de l'installation

La valeur limite d'installation est de 1 µT pour la valeur efficace de la densité de flux magnétique.

25 Installations nouvelles et anciennes

[1] Les nouvelles et les anciennes installations ne doivent pas dépasser la valeur limite de l'installation dans les lieux à utilisation sensible dans le mode d'exploitation déterminant.

[2] L'autorité accorde des dérogations lorsque le détenteur de l'installation prouve que sont prises toutes les mesures de limitation de la densité de flux magnétique telles que la construction sur un autre site ou l'introduction de blindages, qui sont possibles du point de vue de la technique et de l'exploitation et économiquement supportables.

3 Sous-stations et postes de couplage

31 Champ d'application

Les dispositions du présent chiffre s'appliquent aux installations de transformation entre deux niveaux différents de haute tension ainsi qu'aux postes de couplage à haute tension.

32 Définitions

[1] Une installation comprend:

a. toutes les parties d'une sous-station ou d'un poste de couplage sous haute tension, et
b. en ce qui concerne une sous-station ou une station de couplage pour l'alimentation des installations de la ligne de contact au sens de l'annexe 4, let. c, de l'ordonnance du 23 novembre 1983 sur les chemins de fer (OCF)[21], les parties conduisant le courant de retour.

[2] Par modification d'une installation, on entend l'augmentation de la puissance nominale, le déplacement ou l'extension de parties sous haute tension.

[21] RS **742.141.1**

33 Mode d'exploitation déterminant

Folio N° 3189

[1] Par mode d'exploitation déterminant, on entend l'exploitation à la puissance nominale.

[2] Dans le cas des installations d'alimentation des installations de la ligne de contact au sens de l'annexe 4, let. c, OCF, le mode d'exploitation au sens de l'al. 1 s'applique pour le côté tension supérieure, et le mode d'exploitation au sens du ch. 53 s'applique pour le côté tension inférieure.

34 Valeur limite de l'installation

La valeur limite de l'installation est de 1 µT pour la valeur efficace de la densité de flux magnétique.

35 Installations nouvelles et anciennes

[1] Les nouvelles et les anciennes installations ne doivent pas dépasser la valeur limite de l'installation dans les lieux à utilisation sensible dans le mode d'exploitation déterminant.

[2] L'autorité accorde des dérogations lorsque le détenteur de l'installation prouve que sont prises toutes les mesures de limitation de la densité de flux magnétique telles que la construction sur un autre site ou l'introduction de blindages, qui sont possibles du point de vue de la technique et de l'exploitation et économiquement supportables.

4 Installations électriques domestiques

[1] Les dispositions du présent chiffre s'appliquent aux installations domestiques au sens de l'art. 14 de la loi du 24 juin 1902 sur les installations électriques[22], à l'exclusion du matériel électrique à connexion fixe, ainsi que du matériel électrique stationnaire connecté par l'intermédiaire d'une prise.

[2] Les installations domestiques doivent être réalisées selon l'état reconnu de la technique de manière à réduire autant que possible la densité de flux magnétique dans les lieux à utilisation sensible.

[3] Sont en particulier considérées comme état reconnu de la technique les prescriptions de la norme sur les installations à basse tension (NIBT)[23].

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[22] RS **734.0**

[23] SN 411000:2015

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5 Chemins de fer

51 Champ d'application

Les dispositions du présent chiffre s'appliquent aux chemins de fer à courant alternatif.

52 Définitions

Folio N° 3190

[1] Une installation comprend l'installation de la ligne de contact ainsi que les installations de retour du courant de traction et de mise à la terre au sens de l'annexe 4, let. c et d, OCF, du tronçon à apprécier.

[2] Par modification d'une installation, on entend une extension du nombre des voies électrifiées.

53 Mode d'exploitation déterminant

Par mode d'exploitation déterminant, on entend la circulation prévue des trains assurant le trafic voyageurs et le trafic marchandises avec le courant injecté dans l'installation de la ligne de contact moyenné sur 24 h nécessaire à cette fin.

54 Valeur limite de l'installation

La valeur limite de l'installation est de 1 µT pour la valeur efficace de la densité de flux magnétique moyennée sur 24 h.

55 Nouvelles installations

[1] Les nouvelles installations ne doivent pas dépasser la valeur limite de l'installation dans les lieux à utilisation sensible dans le mode d'exploitation déterminant.

[2] L'autorité accorde des dérogations lorsque le détenteur de l'installation prouve:

a. que l'installation est munie d'un conducteur de retour installé aussi près que possible des conducteurs d'alimentation qui conduisent les courants les plus importants, et
b. que sont prises toutes les autres mesures de limitation de la densité de flux magnétique telles que la construction sur un autre site ou l'introduction de blindages, qui sont possibles du point de vue de la technique et de l'exploitation et économiquement supportables.

56 Anciennes installations

Lorsque la densité de flux magnétique d'une ancienne installation dans son mode d'exploitation déterminant dépasse la valeur limite de l'installation dans les lieux à utilisation sensible, l'installation doit être munie d'un conducteur de retour.

57 Modification d'anciennes installations

[1] Les anciennes installations modifiées doivent respecter les conditions suivantes dans le mode d'exploitation déterminant:

a. la densité de flux magnétique ne doit pas augmenter dans les lieux à utilisation sensible dans lesquels la valeur limite de l'installation était dépassée avant la modification, et
b.

Folio N° 3191

la valeur limite de l'installation ne doit pas être dépassée dans les autres lieux à utilisation sensible.

[2] L'autorité accorde des dérogations lorsque les conditions au sens du ch. 55, al. 2, sont remplies.

6 Stations émettrices pour téléphonie mobile et raccordements téléphoniques sans fil

61 Champ d'application

Les dispositions du présent chiffre s'appliquent aux installations émettrices des réseaux de téléphonie mobile cellulaires et aux installations émettrices pour raccordements téléphoniques sans fil; en sont exclues:

a. les antennes de radiocommunication à faisceaux hertziens;
b. les antennes émettrices qui présentent, en mode d'exploitation déterminant au sens du ch. 63, une ERP de 6 W ou moins, sont installées à l'intérieur du bâtiment et servent à sa seule alimentation;
c. les antennes émettrices qui présentent, en mode d'exploitation déterminant au sens du ch. 63, une ERP de 6 W ou moins et qui:
    1. sont éloignées d'au moins 5 m des autres antennes émettrices, ou
    2. sont éloignées de moins de 5 m des autres antennes émettrices, dans la mesure où l'ERP de toutes ces antennes ne dépasse pas au total 6 W;
d. les antennes émettrices qui émettent pendant moins de 800 heures par an.

62 Définitions

[1] Un groupe d'antennes comprend toutes les antennes émettrices fixées sur un mât ou sur le toit ou la façade d'un bâtiment.

[2] Les groupes d'antennes émettant dans des conditions de proximité spatiale comptent comme une seule installation, indépendamment de l'ordre dans lequel ils sont construits ou modifiés.

[3] Deux groupes d'antennes émettent dans des conditions de proximité spatiale lorsqu'au moins une antenne de chaque groupe se trouve dans le périmètre de l'autre groupe.

[4] Le périmètre d'un groupe d'antennes est une surface horizontale formée par les cercles de rayon *r* autour de chaque antenne du groupe d'antennes. La valeur du rayon *r*, exprimée en mètres, se calcule selon la formule: $r = F \cdot \sqrt{ERP_{90}}$; explication des symboles:

a. F: facteur de fréquence. Il vaut:
    1. 2,63 pour les groupes d'antennes qui émettent exclusivement dans la gamme de fréquence autour de 900 MHz ou dans des gammes de fréquence plus basses,

2. 1,76 pour les groupes d'antennes qui émettent exclusivement dans la gamme de fréquence autour de 1800 MHz ou dans des gammes de fréquence plus élevées,
3. 2,10 pour tous les autres groupes d'antennes;

b. ERP_{90}: ERP cumulée, exprimée en W, émise par les antennes d'un groupe d'antennes dans un secteur azimutal de 90° dans le mode d'exploitation déterminant; le secteur azimutal déterminant est celui dans lequel est émise l'ERP cumulée la plus élevée.

[5] Par modification d'une installation, on entend:

a. la modification de l'emplacement d'antennes émettrices;
b. le remplacement d'antennes émettrices par d'autres ayant un diagramme d'antenne différent;
c. l'extension par ajout d'antennes émettrices;
d. l'augmentation de l'ERP au-delà de la valeur maximale autorisée, ou
e. la modification des directions d'émission au-delà du domaine angulaire autorisé.

[5bis] L'application d'un facteur de correction aux antennes émettrices adaptatives existantes en vertu du ch. 63, al. 2, n'est pas considérée comme une modification d'une installation.

[6] Par antennes émettrices adaptatives, on entend les antennes émettrices exploitées de sorte que leur direction d'émission ou leur diagramme d'antenne est adapté automatiquement selon une périodicité rapprochée.

63 Mode d'exploitation déterminant

[1] Par mode d'exploitation déterminant, on entend le mode d'exploitation dans lequel un maximum de conversations et de données est transféré, l'émetteur étant au maximum de sa puissance.

[2] S'agissant des antennes émettrices adaptatives qui possèdent au moins huit sous-ensembles d'antennes commandés séparément (*sub arrays*), un facteur de correction K_{AA} peut être appliqué à l'ERP maximale lorsque les antennes émettrices sont équipées d'une limitation de puissance automatique. Cette limitation vise à garantir que, durant l'exploitation, l'ERP moyenne sur une durée de six minutes ne dépasse pas l'ERP corrigée.

[3] Les facteurs de correction K_{AA} suivants s'appliquent:

Nombre de *sub arrays*	**Facteur de correction K_{AA}**
64 et plus	≥ 0,10
32 à 63	≥ 0,13
16 à 31	≥ 0,20
8 à 15	≥ 0,40

[4] Si un facteur de correction K_{AA} est appliqué aux antennes émettrices adaptatives existantes, le détenteur de l'installation remet à l'autorité compétente une fiche de données spécifique au site adaptée.

64 Valeur limite de l'installation

La valeur limite de l'installation pour la valeur efficace de l'intensité de champ électrique est de:

a. 4,0 V/m pour les installations qui émettent exclusivement dans la gamme de fréquence autour de 900 MHz ou dans des gammes de fréquence plus basses;
b. 6,0 V/m pour les installations qui émettent exclusivement dans la gamme de fréquence autour de 1800 MHz ou dans des gammes de fréquence plus élevées;
c. 5,0 V/m pour toutes les autres installations.

65 Nouvelles et anciennes installations

Les nouvelles et les anciennes installations ne doivent pas dépasser la valeur limite de l'installation dans les lieux à utilisation sensible dans le mode d'exploitation déterminant.

7 Stations émettrices pour la radiodiffusion et d'autres applications de radiocommunication

71 Champ d'application

[1] Les dispositions du présent chiffre s'appliquent aux émetteurs pour la radiodiffusion et les autres applications de radiocommunication qui présentent, dans le mode d'exploitation déterminant au sens du ch. 73, une ERP totale de plus de 6 W et qui émettent au moins pendant 800 heures par an du même endroit.

[2] Elles ne s'appliquent pas aux services de radiocommunication relevant du ch. 6 ni aux installations de radiocommunication à faisceaux hertziens.

72 Définitions

[1] Une installation comprend toutes les antennes émettrices fixées sur un mât ou émettant dans des conditions de proximité spatiale.

[2] Par modification d'une installation, on entend:

a. la modification de l'emplacement d'antennes émettrices;
b. le remplacement d'antennes émettrices par d'autres ayant un diagramme d'antenne différent;
c. l'extension par ajout d'antennes émettrices;
d. l'augmentation de l'ERP au-delà de la valeur maximale autorisée, ou
e. la modification des directions d'émission au-delà du domaine angulaire autorisé.

73 Mode d'exploitation déterminant

Folio N° 3194

Par mode d'exploitation déterminant, on entend le mode d'exploitation dans lequel la puissance émise est maximale.

74 Valeur limite de l'installation

La valeur limite de l'installation pour la valeur efficace de l'intensité de champ électrique est de:

a. 8,5 V/m pour les émetteurs à ondes longues et à ondes moyennes;
b. 3,0 V/m pour tous les autres émetteurs.

75 Nouvelles et anciennes installations

[1] Les nouvelles et les anciennes installations ne doivent pas dépasser la valeur limite de l'installation dans les lieux à utilisation sensible dans le mode d'exploitation déterminant.

[2] L'autorité accorde des dérogations lorsque le détenteur de l'installation prouve:

a. que l'installation fonctionne à la limite inférieure de la puissance émettrice qui lui est nécessaire pour remplir sa fonction, et
b. que sont prises toutes les autres mesures de limitation de l'intensité de champ électrique telles que la construction sur un autre site ou l'introduction de blindages, qui sont possibles du point de vue de la technique et de l'exploitation et économiquement supportables.

8 Stations radars

81 Champ d'application

Les dispositions du présent chiffre s'appliquent aux émetteurs radars qui présentent, dans le mode d'exploitation déterminant au sens du ch. 83, une ERP totale, moyennée sur un cycle de balayage, de plus de 6 W et qui émettent au moins pendant 800 heures par an du même endroit.

82 Définitions

[1] Une installation comprend toutes les antennes émettrices radars émettant dans des conditions de proximité spatiale.

[2] Par modification d'une installation, on entend:

a. la modification de l'emplacement d'antennes émettrices;
b. le remplacement d'antennes émettrices par d'autres ayant un diagramme d'antenne différent;
c. l'extension par ajout d'antennes émettrices;
d. l'augmentation de l'ERP au-delà de la valeur maximale autorisée;
e. la modification des directions d'émission au-delà du domaine angulaire autorisé, ou
f. la modification du cycle de balayage.

Folio N° 3195

83 Mode d'exploitation déterminant

Par mode d'exploitation déterminant on entend le mode d'exploitation de surveillance de l'espace prévu utilisant le maximum de puissance émise.

84 Valeur limite de l'installation

La valeur limite de l'installation est de 5,5 V/m pour la valeur efficace de l'intensité de champ électrique, mesuré en tant que moyenne pendant un cycle de balayage complet.

85 Nouvelles et anciennes installations

[1] Les nouvelles et les anciennes installations ne doivent pas dépasser la valeur limite de l'installation dans les lieux à utilisation sensible dans le mode d'exploitation déterminant.

[2] L'autorité accorde des dérogations lorsque le détenteur de l'installation prouve:

a. que l'installation fonctionne à la limite inférieure de la puissance émettrice qui lui est nécessaire pour remplir sa fonction, et
b. que sont prises toutes les autres mesures de limitation de l'intensité de champ électrique telles que la construction sur un autre site ou l'introduction de blindages, qui sont possibles du point de vue de la technique et de l'exploitation et économiquement supportables.

Annexe 2

(art. 5, 13, 14, 15 et 19)

Valeurs limites d'immissions

1 Immissions d'une seule fréquence

11 Valeurs limites d'immissions pour la valeur efficace de grandeurs de champs

[1] Les valeurs limites d'immissions relatives aux valeurs efficaces de l'intensité de champ électrique, de l'intensité de champ magnétique et de la densité de flux magnétique sont les suivantes:

Fréquence	Valeur limite d'immissions pour la valeur efficace			Durée d'appréciation (minutes)

Folio N° 3196

	de l'intensité de champ électrique $E_{G,f}$ (V/m)	de l'intensité de champ magnétique $H_{G,f}$ (A/m)	de la densité de flux magnétique $B_{G,f}$ (µT)	
< 1 Hz	–	32 000	40 000	– a
1–8 Hz	10 000	32 000 / f^2	40 000 / f^2	– a
8–25 Hz	10 000	4000 / f	5000 / f	– a
0,025–0,8 kHz	250 / f	4 / f	5 / f	– a
0,8–3 kHz	250 / f	5	6,25	– a
3–100 kHz	87	5	6,25	– a
100–150 kHz	87	5	6,25	6
0,15–1 MHz	87	0,73 / f	0,92 / f	6
1–10 MHz	$87 / \sqrt{f}$	0,73 / f	0,92 / f	6
10–400 MHz	28	0,073	0,092	6
400–2000 MHz	$1{,}375 \cdot \sqrt{f}$	$0{,}0037 \cdot \sqrt{f}$	$0{,}0046 \cdot \sqrt{f}$	6
2–10 GHz	61	0,16	0,20	6
10–300 GHz	61	0,16	0,20	68 / $f^{1.05}$
f est la fréquence exprimée dans l'unité qui figure dans la première colonne du tableau.				
a La valeur efficace la plus élevée est déterminante (art. 14, al. 5)				

[2] Les valeurs limites d'immissions suivantes, en plus de celles de l'al. 1, s'appliquent aux immissions pulsées relatives à la valeur efficace de l'intensité de champ électrique, de l'intensité de champ magnétique et de la densité de flux magnétique, la valeur efficace étant une moyenne portant sur la durée de l'impulsion:

Folio N° 3197

Fréquence	Valeur limite d'immissions pour la valeur efficace				Durée d'appréciation
	de l'intensité de champ électrique $E_{P,f}$ (V/m)	de l'intensité de champ magnétique $H_{P,f}$ (A/m)	de la densité de flux magnétique $B_{P,f}$ (µT)		
10–400 MHz	900	2,3	2,9		Durée d'impulsion
400–2000 MHz	$44 \cdot \sqrt{f}$	$0{,}12 \cdot \sqrt{f}$	$0{,}15 \cdot \sqrt{f}$		Durée d'impulsion
2–300 GHz	1950	5,1	6,4		Durée d'impulsion
f est la fréquence exprimée en MHz.					

12 Valeur limite d'immissions pour le courant de fuite

La valeur limite d'immissions pour la valeur efficace du courant électrique traversant un membre est de 45 mA pour des fréquences allant de 10 à 110 MHz. La durée d'appréciation est de 6 minutes.

13 Valeur limite d'immissions pour le courant de contact

La valeur limite d'immissions pour la valeur efficace du courant de contact est de:

Fréquence	Valeur limite d'immissions pour la valeur efficace du courant de contact $I_{B,G,f}$ (mA)
< 2,5 kHz	0,5
2,5–100 kHz	0,2 *f*
0,1–110 MHz	20
f est la fréquence exprimée en MHz.	

2 Immissions de plusieurs fréquences

21 Principe

[1] S'il y a plusieurs fréquences, les immissions sont déterminées séparément pour chaque fréquence.

[2] Les immissions ainsi déterminées sont pondérées par un facteur dépendant de la fréquence et sommées selon le ch. 22.

[3] La valeur limite d'immissions vaut 1 pour chaque somme calculée selon le ch. 22.

22
Prescriptions de sommation

Chiffre	Domaine de fréquence	Grandeur physique	Prescription de sommation	Durée d'appr
221	1 Hz–10 MHz	intensité de champ électrique	$\sum_{1Hz}^{1MHz} \frac{E_f}{E_{G,f}} + \sum_{>1MHz}^{10MHz} \frac{E_f}{87}$	– a
		Intensité de champ magnétique	$\sum_{1Hz}^{65kHz} \frac{H_f}{H_{G,f}} + \sum_{>65kHz}^{10MHz} \frac{H_f}{5}$	– a
		densité de flux magnétique	$\sum_{1Hz}^{65kHz} \frac{B_f}{B_{G,f}} + \sum_{>65kHz}^{10MHz} \frac{B_f}{6,25}$	– a
222	100 kHz–300 GHz	intensité de champ électrique	$\sqrt{\sum_{100kHz}^{1MHz} \left(\frac{E_f}{87}\right)^2 \cdot f + \sum_{>1MHz}^{300GHz} \left(\frac{E_f}{E_{G,f}}\right)^2}$	6 minutes
		intensité de champ magnétique	$\sqrt{\sum_{100kHz}^{1MHz} \left(\frac{H_f}{0,73}\right)^2 \cdot f^2 + \sum_{>1MHz}^{300GHz} \left(\frac{H_f}{H_{G,f}}\right)^2}$	6 minutes
		densité de flux magnétique	$\sqrt{\sum_{100kHz}^{1MHz} \left(\frac{B_f}{0,92}\right)^2 \cdot f^2 + \sum_{>1MHz}^{300GHz} \left(\frac{B_f}{B_{G,f}}\right)^2}$	6 minutes
223	En plus lors d'immissions pulsées	intensité de champ électrique	$\sqrt{\sum_{10MHz}^{300GHz} \left(\frac{E_f}{E_{P,f}}\right)^2}$	Durée d'imp

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	10 MHz–300 GHz	intensité de champ magnétique	$\sqrt{\sum_{10\,MHz}^{300\,GHz}\left(\frac{H_f}{H_{P,f}}\right)^2}$	Durée d'imp
		densité de flux magnétique	$\sqrt{\sum_{10\,MHz}^{300\,GHz}\left(\frac{B_f}{B_{P,f}}\right)^2}$	Durée d'imp
224	10 MHz–110 MHz	courant de fuite	$\sqrt{\sum_{10\,MHz}^{110\,MHz}\left(\frac{I_{K,f}}{45}\right)^2}$	6 minutes
225	1 Hz–110 MHz	courant de contact	$\sum_{1\,Hz}^{110\,MHz}\frac{I_{B,f}}{I_{B,G,f}}$	– a

a La valeur efficace la plus élevée est déterminante (art. 14, al. 5)

La sommation est toujours effectuée dans le domaine de fréquence indiqué près du symbole de sommation pour toutes les fréquences *f* qui sont présentes simultanément dans les immissions.

Explication des symboles:

f fréquence en MHz

E_f valeur efficace de l'intensité de champ électrique en V/m à la fréquence *f*

$E_{G,f}$ valeur limite d'immissions pour la valeur efficace de l'intensité de champ électrique en V/m à la fréquence *f* selon le ch. 11, al. 1

$E_{P,f}$ valeur limite d'immissions pour la valeur efficace de l'intensité de champ électrique en V/m à la fréquence *f* selon le ch. 11, al. 2

H_f valeur efficace de l'intensité de champ magnétique en A/m à la fréquence *f*

$H_{G,f}$ valeur limite d'immissions pour la valeur efficace de l'intensité de champ magnétique en A/m à la fréquence *f* selon le ch. 11, al. 1

$H_{P,f}$ valeur limite d'immissions pour la valeur efficace de l'intensité de champ magnétique en A/m à la fréquence *f* selon le ch. 11, al. 2

B_f valeur efficace de la densité de flux magnétique en µT à la fréquence *f*

$B_{G,f}$ valeur limite d'immissions pour la valeur efficace de la densité de flux magnétique en µT à la fréquence *f* selon le ch. 11, al. 1

$B_{P,f}$ valeur limite d'immissions pour la valeur efficace de la densité de flux magnétique en µT à la fréquence *f* selon le ch. 11, al. 2

$I_{K,f}$ valeur efficace en mA à la fréquence *f* du courant électrique traversant un membre

$I_{B,f}$ valeur efficace du courant de contact en mA à la fréquence *f*

$I_{B,G,f}$ valeur limite d'immissions pour la valeur efficace du courant de contact en mA à la fréquence *f* selon le ch. 13

Informations générales

Ce texte est en vigueur

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ΕΦΗΜΕΡΙΣ ΤΗΣ ΚΥΒΕΡΝΗΣΕΩΣ

ΤΗΣ ΕΛΛΗΝΙΚΗΣ ΔΗΜΟΚΡΑΤΙΑΣ

ΤΕΥΧΟΣ ΔΕΥΤΕΡΟ **Αρ. Φύλλου 1105**

6 Σεπτεμβρίου 2000

ΠΕΡΙΕΧΟΜΕΝΑ

ΑΠΟΦΑΣΕΙΣ

ΑΠΟΦΑΣΕΙΣ

Αριθ. Υ 397 (1)

Ανάθεση αρμοδιότητας στον Υπουργό Τύπου.

Ο ΠΡΩΘΥΠΟΥΡΓΟΣ

Έχοντας υπόψη:

1. Τις διατάξεις των άρθρων 10 παρ. 1 και 11 του Ν.Δ. 744/1970 «Περί υπαγωγής της Γενικής Διευθύνσεως Τύπου και Πληροφοριών του Υπουργείου Προεδρίας της Κυβερνήσεως υπό τον Πρωθυπουργόν, μετονομασίας και οργανώσεως αυτής» (ΦΕΚ Α΄ 264).

2. Το Ν. 1558/1985 «Κυβέρνηση και Κυβερνητικά Όργανα» (ΦΕΚ Α΄ 137).

3. Το Π.Δ. 181/1994 «Συγκρότηση της Γενικής Γραμματείας Τύπου και Πληροφοριών σε Υπουργείο Τύπου και Μέσων Μαζικής Ενημέρωσης και καθορισμός των αρμοδιοτήτων του» (ΦΕΚ Α΄ 116).

4. Το άρθρο 29Α΄ του Ν. 1558/1985 όπως προστέθηκε με το άρθρο 27 του Ν. 2081/1992 (ΦΕΚ Α΄ 154) και τροποποιήθηκε με το άρθρο 1 του Ν. 2469/1997 (ΦΕΚ Α΄ 38) και το γεγονός ότι από την παρούσα πράξη δεν προκαλείται δαπάνη σε βάρος του κρατικού προϋπολογισμού, αποφασίζουμε:

Μεταβιβάζουμε στον Υπουργό Τύπου και Μέσων Μαζικής Ενημέρωσης την ενάσκηση της αρμοδιότητας του άρθρου 10 παρ. 1 εδ. β΄ του Ν.Δ. 744/1970 (ΦΕΚ Α΄ 264).

Η παρούσα απόφαση να δημοσιευθεί στην Εφημερίδα της Κυβερνήσεως.

Αθήνα, 4 Σεπτεμβρίου 2000

Ο ΠΡΩΘΥΠΟΥΡΓΟΣ

ΚΩΝΣΤΑΝΤΙΝΟΣ Γ. ΣΗΜΙΤΗΣ

Αριθ. 53571/3839 (2)

Μέτρα προφύλαξης του κοινού από τη λειτουργία κεραιών εγκατεστημένων στην ξηρά.

ΟΙ ΥΠΟΥΡΓΟΙ ΑΝΑΠΤΥΞΗΣ - ΠΕΡΙΒΑΛΛΟΝΤΟΣ, ΧΩΡΟΤΑΞΙΑΣ ΚΑΙ ΔΗΜΟΣΙΩΝ ΕΡΓΩΝ - ΥΓΕΙΑΣ ΚΑΙ ΠΡΟΝΟΙΑΣ - ΜΕΤΑΦΟΡΩΝ ΚΑΙ ΕΠΙΚΟΙΝΩΝΙΩΝ

Έχοντας υπόψη:

1. Το εδάφιο ζ της παραγράφου 5 του άρθρου 24α του Ν. 2075/92 (το οποίο προστέθηκε με το άρθρο 41 του Ν. 2145/93 και τροποποιήθηκε με τα άρθρα 34 του Ν. 2166/93 και 5 παράγραφο 1 του Ν. 2181/94 και διατηρείται σε ισχύ με τα άρθρα πέμπτο και έκτο του Ν. 2246/94), όπου προβλέπεται η λήψη μέτρων προφύλαξης του κοινού, καθώς και την παράγραφο 7 του ίδιου άρθρου, όπου προβλέπεται η δυνατότητα τροποποίησης των διατάξεων της παραγράφου 5 του ίδιου άρθρου με κοινή απόφαση του Υπουργού Περιβάλλοντος, Χωροταξίας και Δημόσιων Έργων και του Υπουργού Μεταφορών και Επικοινωνιών.

2. Την παράγραφο 4 του άρθρου 38 του Ν. 2496/97, το οποίο τροποποιεί τις παραγράφους 1 και 2 του άρθρου 28 του Ν. 1733/87, όπου προβλέπεται ότι στους τομείς ενδιαφέροντος της Ελληνικής Επιτροπής Ατομικής Ενέργειας που υπάγεται στο Υπουργείο Ανάπτυξης, ανήκει και η προστασία του πληθυσμού και του περιβάλλοντος και από τις μη ιοντίζουσες ακτινοβολίες.

3. Τη Σύσταση του Συμβουλίου της Ευρωπαϊκής Ένωσης, «Σχετικά με τον περιορισμό της έκθεσης του κοινού σε ηλεκτρομαγνητικά πεδία (0 Hz - 300 GHz)» L199 (1999/519/EC).

4. Τις εξουσιοδοτικές διατάξεις:

Α. Της 15851/7601/24-4-00 απόφασης του Πρωθυπουργού και Υπουργού Μεταφορών και Επικοινωνιών «ανάθεση αρμοδιοτήτων του Υπουργού Μεταφορών και Επικοινωνιών στον Υφυπουργό Μεταφορών και Επικοινωνιών».(ΦΕΚ 592/Β/4-5-2000)

Β. Της 2850/18-4-00 απόφασης του Πρωθυπουργού και του Υπουργού Υγείας και Πρόνοιας «ανάθεση αρμοδιοτήτων στους Υφυπουργούς Υγείας και Πρόνοιας Χριστίνα Σπυράκη και Δημήτριο Θάνο».(ΦΕΚ 565/Β/20-4-2000)

5. Το γεγονός ότι από την απόφαση αυτή δεν προκαλείται δαπάνη σε βάρος του Κρατικού Προϋπολογισμού, αποφασίζουμε:

Folio N° 3206

Άρθρο 1

Ορισμοί

Στα πλαίσια της παρούσας απόφασης ο όρος ηλεκτρομαγνητικά πεδία (ΗΜΠ) περιλαμβάνει τα στατικά πεδία, τα πεδία ιδιαίτερα χαμηλής συχνότητας (ELF) και τα πεδία ραδιοσυχνοτήτων (RF), συμπεριλαμβανομένων των μικροκυμάτων, και καλύπτει τη ζώνη συχνοτήτων από 0 Hz έως 300 GHz.

Α. Φυσικά μεγέθη

Στα πλαίσια της έκθεσης σε ΗΜΠ χρησιμοποιούνται συχνά οκτώ φυσικά μεγέθη:

1. Ρεύμα επαφής (I_C): μεταξύ ενός ατόμου και ενός αντικειμένου εκφράζεται σε αμπέρ (Α). Ένα αγώγιμο σώμα που βρίσκεται σε ένα ηλεκτρικό πεδίο μπορεί να φορτιστεί από το πεδίο αυτό.

2. Πυκνότητα ρεύματος (J): ορίζεται ως το ρεύμα που διέρχεται από μοναδιαία διατομή τρισδιάστατου αγωγού, όπως το ανθρώπινο σώμα κάθετα από τη διεύθυνσή του και εκφράζεται σε αμπέρ ανά τετραγωνικό μέτρο (A/m2).

3. Ένταση ηλεκτρικού πεδίου: είναι το διανυσματικό μέγεθος (Ε) που αντιστοιχεί στη δύναμη που ασκείται σε ένα φορτισμένο σωματίδιο, ανεξάρτητα από την κίνησή του στο χώρο. Εκφράζεται σε βολτ ανά μέτρο (V/m).

4. Ένταση μαγνητικού πεδίου: είναι ένα διανυσματικό μέγεθος (Η), το οποίο, σε συνδυασμό με την μαγνητική επαγωγή, ορίζει ένα μαγνητικό πεδίο σε κάθε σημείο του χώρου. Εκφράζεται σε αμπέρ ανά μέτρο (A/m).

5. Μαγνητική επαγωγή: είναι ένα διανυσματικό μέγεθος (Β), από το οποίο εξαρτάται η δύναμη που ασκείται σε κινούμενα φορτία και εκφράζεται σε τέσλα (Τ). Στον κενό χώρο και στα βιολογικά υλικά, μπορεί να γίνει μετατροπή της μαγνητικής επαγωγής σε ένταση του μαγνητικού πεδίου και αντίστροφα, βάσει του τύπου $1\ A\ m^{-1} = 4\pi\ 10^{-7}\ T$.

6. Πυκνότητα ισχύος (S): είναι το μέγεθος που χρησιμοποιείται για πολύ υψηλές συχνότητες, όταν το βάθος της διείσδυσης στο σώμα είναι μικρό. Πρόκειται για την ισχύ ακτινοβολίας που προσπίπτει κάθετα σε μια επιφάνεια, διαιρούμενη με το εμβαδόν της επιφάνειας, εκφράζεται δε σε βατ ανά τετραγωνικό μέτρο (W/m^2).

7. Ειδική απορρόφηση ενέργειας (SA): ορίζεται ως η ενέργεια που απορροφάται ανά μονάδα βάρους βιολογικού ιστού και εκφράζεται σε joule ανά χιλιόγραμμο (J/kg).

Στην παρούσα απόφαση χρησιμοποιείται για τον περιορισμό μη θερμικών επιπτώσεων από την ακτινοβολία παλμικών μικροκυμάτων.

8. Ρυθμός ειδικής απορρόφησης ενέργειας (SAR): Υπολογίζεται ως μέσος όρος για όλο το σώμα ή για μέρη αυτού, ορίζεται ως η ταχύτητα με την οποία η ενέργεια που απορροφάται ανά μονάδα βάρους από ιστούς του σώματος, εκφράζεται δε σε βάτ ανά χιλιόγραμμο (W/kg). Ο SAR για όλο το σώμα είναι ένα ευρέως αποδεκτό μέτρο των δυσμενών επιδράσεων από την έκθεση σε RF πεδία. Εκτός από τον μέσο SAR για όλο το σώμα, για την αξιολόγηση και τον περιορισμό της υπερβολικής απόθεσης ενέργειας σε μικρά μέρη του σώματος που οφείλεται σε ειδικές συνθήκες έκθεσης, απαιτούνται και τοπικές τιμές του SAR. Παραδείγματα παρόμοιων συνθηκών είναι: ένα γειωμένο άτομο που εκτίθεται σε ραδιοσυχνότητες του χαμηλού φάσματος MHz και άτομα που εκτίθενται σε πεδία πλησίον κεραιών.

Από τα μεγέθη αυτά, η μαγνητική επαγωγή, το ρεύμα επαφής, οι εντάσεις ηλεκτρικών και μαγνητικών πεδίων και η πυκνότητα ισχύος μπορούν να μετρηθούν άμεσα.

Β. Βασικοί περιορισμοί και επίπεδα αναφοράς

Για την εφαρμογή περιορισμών που βασίζονται στην εκτίμηση πιθανών επιπτώσεων στην υγεία από ηλεκτρομαγνητικά πεδία, πρέπει να γίνεται διαφοροποίηση μεταξύ βασικών περιορισμών και επιπέδων αναφοράς.

Σημείωση

Οι βασικοί αυτοί περιορισμοί και τα επίπεδα αυτά αναφοράς για τον περιορισμό της έκθεσης καταρτίστηκαν ύστερα από διεξοδική ανασκόπηση όλης της δημοσιευμένης επιστημονικής βιβλιογραφίας. Τα κριτήρια που εφαρμόστηκαν κατά την ανασκόπηση έχουν σκοπό να αξιολογηθεί η αξιοπιστία των αποτελεσμάτων. Ως βάσεις για τους προτεινόμενους περιορισμούς έκθεσης χρησιμοποιήθηκαν μόνον οι αποδεδειγμένες επιδράσεις. Δεν θεωρήθηκε ότι έχει αποδειχθεί η πρόκληση καρκίνου από μακροχρόνια έκθεση σε ELF. Ωστόσο, επειδή μεταξύ των οριακών τιμών για τις οξείες επιπτώσεις και των βασικών περιορισμών υπάρχουν συντελεστές ασφαλείας μεγέθους περίπου 50, με την παρούσα απόφαση καλύπτονται σιωπηρά οι ενδεχόμενες μακροπρόθεσμες επιπτώσεις ολοκλήρου του φάσματος συχνοτήτων.

- Βασικοί περιορισμοί: Οι περιορισμοί έκθεσης σε χρονικά μεταβαλλόμενα ηλεκτρικά, μαγνητικά και ηλεκτρομαγνητικά πεδία που βασίζονται άμεσα σε αποδεδειγμένες επιπτώσεις στην υγεία και σε βιολογικές μελέτες ορίζονται ως «βασικοί περιορισμοί». Ανάλογα με τη συχνότητα του πεδίου, τα φυσικά μεγέθη που χρησιμοποιούνται για να προσδιορίσουν αυτούς τους περιορισμούς είναι η μαγνητική επαγωγή (Β), η πυκνότητα ρεύματος (J), ο ρυθμός ειδικής απορρόφησης ενέργειας (SAR) και η πυκνότητα ισχύος (S). Η μαγνητική επαγωγή και η πυκνότητα ισχύος μπορούν να μετρηθούν εύκολα σε ένα εκτιθέμενο άτομο.

- Επίπεδα αναφοράς: Τα επίπεδα αυτά χρησιμοποιούνται για την πρακτική εκτίμηση της έκθεσης, προκειμένου να διαπιστωθεί το ενδεχόμενο υπέρβασης των βασικών περιορισμών. Ορισμένα επίπεδα αναφοράς προέρχονται από σχετικούς βασικούς περιορισμούς, με τη χρήση μετρήσεων ή/και διαδικασιών υπολογισμού, ενώ άλλα περιλαμβάνουν την αντίληψη και τις δυσμενείς έμμεσες επιπτώσεις της έκθεσης σε ΗΜΠ. Τα παράγωγα φυσικά μεγέθη είναι η ένταση ηλεκτρικού πεδίου (Ε), η ένταση μαγνητικού πεδίου (Η), η μαγνητική επαγωγή (Β), η πυκνότητα ισχύος (S) και το ρεύμα των άκρων (IL). Τα μεγέθη που ορίζουν την αντίληψη και άλλες έμμεσες επιδράσεις είναι το ρεύμα επαφής (Ic) και, για παλμικά πεδία, η ειδική απορρόφηση ενέργειας (SA). Σε κάθε κατάσταση έκθεσης, οι μετρούμενες ή υπολογιζόμενες τιμές πολλών από αυτά τα μεγέθη μπορούν να συγκριθούν με το αντίστοιχο επίπεδο αναφοράς. Η συμμόρφωση με το επίπεδο αναφοράς εξασφαλίζει τη συμμόρφωση με τον αντίστοιχο βασικό περιορισμό. Εάν η μετρούμενη τιμή υπερβαίνει το επίπεδο αναφοράς, δεν έπεται κατ' ανάγκη ότι στο σημείο που μετρήθηκε η τιμή θα σημειώνεται και υπέρβαση του βασικού περιορισμού. Πάντως, σε μια τέτοια περίπτωση, γίνεται άμεσος έλεγχος του βασικού περιορισμού.

- Αν και στην παρούσα απόφαση δεν προβλέπονται ποσοτικοί περιορισμοί για στατικά πεδία, συνίσταται η αποφυγή ενοχλητικών επιφανειακών ηλεκτρικών φορτίων και εκνευριστικών ή ενοχλητικών εκκενώσεων σπινθήρων.

- Ορισμένα μεγέθη, όπως η μαγνητική επαγωγή (Β) και η πυκνότητα ισχύος (S) χρησιμοποιούνται τόσο για τους βασικούς περιορισμούς όσο και για τα επίπεδα αναφοράς, σε ορισμένες συχνότητες (βλ. άρθρα 2 και 3).

Γ. Γενικοί Όροι

1. Ως γενικός πληθυσμός (ή *γενικώς «κοινό»*), νοούνται όλοι οι άνθρωποι πλην των ασχολούμενων επαγγελματικά στις εγκαταστάσεις του αντίστοιχου σταθμού.

2. Ως σταθμός ορίζεται ένας ή περισσότεροι πομποί ή δέκτες ή συνδυασμός πομπών και δεκτών μετά των πρόσθετων συσκευών, που είναι αναγκαίοι σε ορισμένη θέση για τη διεξαγωγή (*διενέργεια*) συγκεκριμένης υπηρεσίας ραδιοεπικοινωνίας ή για την υπηρεσία ραδιοαστρονομίας. Κάθε σταθμός χαρακτηρίζεται από το είδος της υπηρεσίας στην οποία συμμετέχει και από το αν είναι μόνιμος ή προσωρινός.

3. Ειδικότερα, ένας σταθμός βάσης εγκατεστημένος στην ξηρά μπορεί να περιλαμβάνει:
   (α) Μία ή περισσότερες κεραίες σε σταθερή θέση οι οποίες προορίζονται για επικοινωνία με άλλους σταθμούς .
   (β) Τους πομπούς και δέκτες που συνδέονται με τις παραπάνω κεραίες.
   (γ) Τους σταθμούς της σταθερής υπηρεσίας στην ίδια θέση, οι οποίοι είναι αναγκαίοι για τη διασύνδεση του κυρίως σταθμού βάσης προς το υπόλοιπο τηλεπικοινωνιακό δίκτυο και αποτελούνται από μικροκυματικές κεραίες και από τους αντίστοιχους πομπούς και δέκτες.
   (δ) Τους ιστούς, πυλώνες ή άλλα σταθερά στηρίγματα των κεραιών.
   (ε) Τον λοιπό εξοπλισμό και τους χώρους στέγασης των μηχανημάτων.

Άρθρο 2

Βασικοι Περιορισμοί

1. Ανάλογα με τη συχνότητα, χρησιμοποιούνται τα ακόλουθα φυσικά μεγέθη (δοσιμετρικά/εκθεσιμετρικά μεγέθη), για τον προσδιορισμό των βασικών περιορισμών όσον αφορά τα ηλεκτρομαγνητικά πεδία.

(α) Για συχνότητες από 0 έως 1 Hz, προβλέπονται βασικοί περιορισμοί για την μαγνητική επαγωγή στατικών μαγνητικών πεδίων (0 Hz) και για την πυκνότητα ρεύματος χρονικώς μεταβαλλόμενων πεδίων έως 1 Hz, για την πρόληψη επιπτώσεων στο καρδιαγγειακό και στο κεντρικό νευρικό σύστημα.

(β) Για συχνότητες από 1 Hz έως 10 MHz, προβλέπονται βασικοί περιορισμοί για την πυκνότητα ρεύματος, για την πρόληψη επιπτώσεων σε λειτουργίες του νευρικού συστήματος.

(γ) Για συχνότητες από 100 KHz έως 10 GHz, προβλέπονται βασικοί περιορισμοί για τον SAR, για την πρόληψη θερμοπληξίας ολόκληρου του σώματος και την υπερβολικής τοπικής θέρμανσης των ιστών.

(δ) Για συχνότητες από 10 GHz έως 300 GHz, προβλέπονται βασικοί περιορισμοί για την πυκνότητα ισχύος, για την πρόληψη της θέρμανσης των ιστών στην επιφάνεια του σώματος ή κοντά της.

Σημειώνεται ότι στην κοινή περιοχή των περιπτώσεων (β) και (γ) για συχνότητες από 100 KHz έως 10 MHz, προβλέπονται περιορισμοί και για την πυκνότητα ρεύματος και για τον SAR.

2. Οι προαναφερόμενοι βασικοί περιορισμοί περιέχονται στον ακόλουθο Πίνακα 1. Εχουν ληφθεί έτσι ώστε να λαμβάνονται υπόψη οι αβεβαιότητες που υπάρχουν όσον αφορά την ατομική ευαισθησία, τις περιβαλλοντικές συνθήκες καθώς και τις διαφορές όσον αφορά την ηλικία και την κατάσταση της υγείας του κοινού.

Πίνακας 1

Βασικοί περιορισμοί για ηλεκτρικά, μαγνητικά και ηλεκτρομαγνητικά πεδία (0 Hz – 300 GHz)

Ζώνη συχνοτήτων	Μαγνητική επαγωγή (mT)	Πυκνότητα ρεύματος (mA/m^2) (rms)	Μέσος ρυθμός ειδικής απορρόφησης για όλο το σώμα (W/kg)	Τοπικός ρυθμός ειδικής απορρόφησης (κεφάλι και κορμός) (W/kg)	Τοπικός ρυθμός ειδικής απορρόφησης (άκρα) (W/kg)	Πυκνότητα ισχύος S (W/m^2)
0 Hz	40	-	-	-	-	-
>0-1 Hz	-	8	-	-	-	-
1-4 Hz	-	8/f	-	-	-	-
4-1000 Hz	-	2	-	-	-	-
1 kHz – 100 kHz	-	f/500	-	-	-	-
100 kHz – 10 MHz	-	f/500	0,08	2	4	-
10 MHz – 10 GHz	-	-	0,08	2	4	-
10 – 300 GHz	-	-	-	-	-	10

Σημειώσεις

1. *f* είναι η συχνότητα σε Hz.
2. Ο βασικός περιορισμός της πυκνότητας ρεύματος αποσκοπεί στην προστασία από τις επιπτώσεις της άμεσης έκθεσης στους ιστούς του κεντρικού νευρικού συστήματος (ΚΝΣ) της κεφαλής και του κορμού του σώματος και εμπεριέχει έναν παράγοντα ασφάλειας. Οι βασικοί περιορισμοί για τα πεδία ELF βασίζονται στις διαπιστωμένες δυσμενείς επιπτώσεις που έχουν στο ΚΝΣ. Οι οξείες αυτές επιπτώσεις είναι σχεδόν ακαριαίες και δεν υπάρχουν επιστημονικές ενδείξεις που να συνηγορούν υπέρ αλλαγής των βασικών περιορισμών για τη βραχυχρόνια έκθεση. Επειδή όμως αυτοί αναφέρονται σε δυσμενείς επιπτώσεις στο κεντρικό νευρικό σύστημα, ο συγκεκριμένος βασικός περιορισμός μπορεί να επιτρέπει και μεγαλύτερες πυκνότητες ρεύματος σε άλλους ιστούς του σώματος υπό τις ίδιες συνθήκες έκθεσης.
3. Λόγω της ηλεκτρικής ανομοιογένειας του σώματος, οι πυκνότητες ρεύματος πρέπει να εκφράζονται ως μέσος όρος επί διατομής εμβαδού 1 cm^2 κάθετης προς τη διεύθυνση του ρεύματος.
4. Για συχνότητες έως 100 KHz οι τιμές αιχμής της πυκνότητας του ρεύματος κορυφής μπορούν να υπολογιστούν με πολλαπλασιασμό της τιμής rms με $\sqrt{2}(\approx 1.414)$. Για παλμούς διάρκειας t_p, η αντίστοιχη συχνότητα η εφαρμοστέα στους βασικούς περιορισμούς υπολογίζεται με τον τύπο $f = 1/(2t_p)$.
5. Για συχνότητες έως 100 KHz και για παλμικά μαγνητικά πεδία, η μέγιστη πυκνότητα ρεύματος που προκύπτει από τους παλμούς μπορεί να υπολογιστεί από το χρόνο ανόδου/καθόδου και τον μέγιστο ρυθμό αλλαγής της πυκνότητας της μαγνητικής ροής. Η πυκνότητα του επαγωγικού ρεύματος μπορεί στη συνέχεια να συγκριθεί με τον αντίστοιχο βασικό περιορισμό.
6. Θα πρέπει να εξάγεται ο μέσος όρος όλων των τιμών SAR για εξαλεπτες χρονικές περιόδους.
7. Ο τοπικός SAR υπολογίζεται ως μέσος όρος επί μάζας 10g παρακειμένων ιστών. Ο μεγαλύτερος SAR που προκύπτει κατ' αυτόν τον τρόπο πρέπει να αποτελεί την τιμή που χρησιμοποιείται για την εκτίμηση της έκθεσης. Τα εν λόγω 10g ιστού υπονοούν συνεχόμενη μάζα ιστού με σχεδόν ομοιογενείς ηλεκτρικές ιδιότητες. Αναγνωρίζεται ότι η έννοια της συνεχόμενης μάζας ιστού είναι χρήσιμη για τους δοσιμετρικούς υπολογισμούς αλλά παρουσιάζει δυσκολίες όσον αφορά τις άμεσες φυσικές μετρήσεις. Επιτρέπεται να χρησιμοποιούνται απλά γεωμετρικά σχήματα (π.χ. κυβικά μέρη ιστών) αρκεί οι υπολογιζόμενες δοσιμετρικές ποσότητες να έχουν συντηρητικές τιμές σε σχέση με τις κατευθυντήριες γραμμές για τα επίπεδα έκθεσης.
8. Για παλμούς διάρκειας t_p, η αντίστοιχη συχνότητα που πρέπει να εφαρμοστεί στους βασικούς περιορισμούς πρέπει να υπολογίζεται ως $f = 1/(2t_p)$. Εκτός αυτού, για παλμικές εκθέσεις, στη ζώνη συχνοτήτων 0.3 έως 10 GHz και για τοπικές εκθέσεις της κεφαλής, προκειμένου να περιοριστούν και να αποφευχθούν επιδράσεις στην ακοή που προκαλούνται από τη θερμοελαστική διαστολή, πρέπει να εφαρμόζεται ένας συμπληρωματικός βασικός περιορισμός: ότι η ειδική απορρόφηση (SA) δεν πρέπει να υπερβαίνει τα 2 mJ kg^{-1}, στον μέσο όρο των 10 g ιστού.

Άρθρο 3

Επίπεδα Αναφοράς

1. Επίπεδα αναφοράς

Για λόγους σύγκρισης με τις τιμές των μετρούμενων μεγεθών, προβλέπονται επίπεδα αναφοράς όσον αφορά την έκθεση. Η τήρηση όλων των προτεινόμενων επιπέδων αναφοράς εξασφαλίζει την τήρηση των βασικών περιορισμών.

Εάν οι μετρούμενες τιμές είναι μεγαλύτερες από τα επίπεδα αναφοράς, αυτό δεν σημαίνει αυτομάτως και υπέρβαση των βασικών περιορισμών. Στην περίπτωση αυτή, θα εκτιμάται κατά πόσον τα επίπεδα έκθεσης είναι χαμηλότερα από τους βασικούς περιορισμούς.

Τα επίπεδα αναφοράς για τον περιορισμό της έκθεσης προέρχονται από τους βασικούς περιορισμούς, υπό συνθήκες μέγιστης σύζευξης του πεδίου με το εκτιθέμενο σε αυτό άτομο, παρέχοντας έτσι το μέγιστο βαθμό προστασίας. Στους πίνακες 2 και 3 παρέχεται μια σύνοψη των επιπέδων αναφοράς. Τα επίπεδα αναφοράς αποτελούν γενικά μέσες τιμές για όλο το σώμα του εκτιθέμενου ατόμου, με τη σημαντική όμως προϋπόθεση ότι δεν θα γίνεται υπέρβαση των βασικών περιορισμών τοπικής έκθεσης.

Σε ορισμένες περιπτώσεις, όταν η έκθεση επικεντρώνεται σε ένα σημείο, όπως π.χ. με τα κινητά τηλέφωνα και το ανθρώπινο κεφάλι, η χρήση των επιπέδων αναφοράς δεν ενδείκνυται. Στις περιπτώσεις αυτές, θα αξιολογείται άμεσα η συμμόρφωση με τους βασικούς περιορισμούς τοπικής έκθεσης.

2. Επίπεδα πεδίων

Καθορίζονται στον παρακάτω Πίνακα.

Πίνακας 2

Επίπεδα αναφοράς για ηλεκτρικά, μαγνητικά και ηλεκτρομαγνητικά πεδία
(0 Hz – 300 GHz, σταθερές τιμές rms).

Ζώνη συχνοτήτων	Ένταση ηλεκτρικού πεδίου-E (V/m)	Ένταση μαγνητικού πεδίου-H (A/m)	Μαγνητική επαγωγή πεδίου-B (μT)	Ισοδύναμη πυκνότητα ισχύος επιπέδου κύματος S_{eq} (W/m^2)
0-1 Hz	-	3.2×10^4	4×10^4	-
1-8 Hz	10.000	$3.2 \times 10^4 / f^2$	$4 \times 10^4 / f^2$	-
8-25 Hz	10.000	4.000/f	5.000/f	-
0.025-0.8 kHz	250/f	4/f	5/f	-
0.8-3 kHz	250/f	5	6.25	-
3-150 kHz	87	5	6.25	-
0.15-1 MHz	87	0.73/f	0.92/f	-
1-10 MHz	$87/f^{1/2}$	0.73/f	0.92/f	-
10-400 MHz	28	0.073	0.092	2
400-2000 MHz	$1.375 f^{1/2}$	$0.0037 f^{1/2}$	$0.0046 f^{1/2}$	f/200
2-300 GHz	61	0.16	0.20	10

Σημειώσεις

1. f είναι η συχνότητα σε Hz ή kHz ή MHz, ανάλογα με το πώς ορίζεται στο κελί του πίνακα που βρίσκεται στην ίδια γραμμή και στη στήλη της ζώνης συχνοτήτων.
2. Για συχνότητες από 100 kHz έως 10GHz τα S_{eq}, E^2, H^2 και B^2 πρέπει να εκφράζονται ως μέσος όρος για κάθε χρονική περίοδο διαρκείας 6 λεπτών.
3. Για συχνότητες που υπερβαίνουν τα 10 GHz τα S_{eq}, E^2, H^2 και B^2 πρέπει να εκφράζονται ως μέσος όρος για κάθε χρονική περίοδο διάρκειας $68/f^{1.05}$ λεπτών (f σε GHz).

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4. Δεν ορίζεται τιμή πεδίου Ε για συχνότητες <1 Hz, που είναι στην πραγματικότητα στατικά ηλεκτρικά πεδία. Για τους περισσότερους ανθρώπους, η ενοχλητική αίσθηση επιφανειακών ηλεκτρικών φορτίσεων δεν γίνεται αντιληπτή σε πεδία με ένταση μικρότερη από 25 kV/m. Πρέπει να αποφεύγονται οι εκνευριστικές ή ενοχλητικές εκκενώσεις σπινθήρων.
5. Δεν ορίζονται μεγαλύτερα επίπεδα αναφοράς για τη βραχυχρόνια έκθεση σε πεδία ELF (βλέπε πίνακα 1, σημείωση 2). Σε πολλές περιπτώσεις, και αν ακόμη οι μετρούμενες τιμές υπερβαίνουν τα επίπεδα αναφοράς, δεν έπεται κατ' ανάγκη και υπέρβαση του βασικού περιορισμού. Εφόσον αποφεύγονται οι δυσμενείς επιπτώσεις στην υγεία από τις έμμεσες επιδράσεις της έκθεσης, είναι παραδεκτή η υπέρβαση των γενικών επιπέδων αναφοράς για το κοινό, αρκεί να μην παραβιάζεται και ο βασικός περιορισμός της πυκνότητας ρεύματος. Σε πολλές περιστάσεις που απαντούν στην πράξη, η έκθεση σε εξωτερικά πεδία ELF στα επίπεδα αναφοράς επάγει πυκνότητες ρεύματος στο ΚΝΣ χαμηλότερες από τους βασικούς περιορισμούς. Αναγνωρίζεται επίσης ότι πλείστες όσες κοινόχρηστες συσκευές εκπέμπουν εντοπισμένα πεδία καθ' υπέρβαση των επιπέδων αναφοράς. Συνήθως όμως αυτό συμβαίνει υπό συνθήκες έκθεσης τέτοιες ώστε, λόγω ασθενούς σύζευξης μεταξύ πεδίου και σώματος, να μην σημειώνεται υπέρβαση των βασικών περιορισμών.
6. Για τις τιμές αιχμής ισχύουν τα ακόλουθα επίπεδα αναφοράς για την ένταση του ηλεκτρικού πεδίου Ε (V/m), την ένταση του μαγνητικού πεδίου Η (A/m) και την μαγνητική επαγωγή Β (μT) :
   - Για συχνότητες έως 100 kHz, οι τιμές αιχμής αναφοράς προκύπτουν από τον πολλαπλασιασμό των αντίστοιχων τιμών rms με √2 (~1.414). Για παλμούς διάρκειας t_p η αντίστοιχη εφαρμοστέα συχνότητα υπολογίζεται ως $f=1/(2t_p)$.
   - Για συχνότητες από 100 kHz έως 10MHz οι τιμές αιχμής αναφοράς προκύπτουν από τον πολλαπλασιασμό των αντίστοιχων τιμών rms με 10^{α},
     όπου $\alpha=0.665\log(f/10^5)+0.176$, με τη συχνότητα f εκφρασμένη σε KHz.
   - Για συχνότητες από 10 MHz έως 300 GHz, οι τιμές αιχμής αναφοράς προκύπτουν από τον πολλαπλασιασμό των αντίστοιχων τιμών rms με το 32.
7. Γενικά, προκειμένου για παλμικά ή/και παροδικά πεδία χαμηλών συχνοτήτων, υπάρχουν βασικοί περιορισμοί και επίπεδα αναφοράς εξαρτώμενα από τη συχνότητα, βάσει των οποίων μπορούν να αποτιμηθούν οι κίνδυνοι και να καταρτιστούν κατευθυντήριες γραμμές για την έκθεση σε παλμικές ή/και παροδικές πηγές. Η συντηρητική προσέγγιση παριστά το παλμικό ή παροδικό σήμα ηλεκτρομαγνητικού πεδίου ως φάσμα Φουριέ των συνιστωσών του σε κάθε ζώνη συχνοτήτων, οι οποίες ακολούθως συγκρίνονται με τα επίπεδα αναφοράς για τις οικίες συχνότητες. Οι αθροιστικοί τύποι για την ταυτόχρονη έκθεση σε πεδία πολλαπλών συχνοτήτων μπορούν να εφαρμοστούν και για την εξακρίβωση της συμμόρφωσης με τους βασικούς περιορισμούς.
8. Μολονότι υπάρχουν λίγες μόνο πληροφορίες όσον αφορά τη σχέση ανάμεσα στις βιολογικές επιπτώσεις με τις τιμές αιχμής παλμικών πεδίων, για τις συχνότητες που υπερβαίνουν τα 10 MHz, προτείνεται ο μέσος της S_{eq} εφ' όλου του εύρους του παλμού να μην υπερβαίνει το 1000πλάσιο των επιπέδων αναφοράς, ή οι εντάσεις των πεδίων να μην υπερβαίνουν το 32πλάσιο των επιπέδων αναφοράς για την ένταση του πεδίου. Για συχνότητες από 0.3 GHz έως πολλά GHz, καθώς και για τοπική έκθεση της κεφαλής, με στόχο τον περιορισμό ή την αποφυγή επιπτώσεων στην ακοή λόγω της θερμοελαστικής διαστολής, πρέπει να περιοριστεί η ειδική απορρόφηση ενέργειας λόγω των παλμών. Σε αυτή τη ζώνη συχνοτήτων, η οριακή τιμή SA 4-16 mJ kg^{-1} για την πρόκληση αυτής της επίπτωσης αντιστοιχεί για παλμούς 30 μs, σε τιμές αιχμής SAR 130-520 W kg^{-1} στον εγκέφαλο. Από 100 kHz έως 10MHz, οι πολλαπλασιαστικοί συντελεστές που δίνουν τις τιμές κορυφής για την ένταση πεδίων υπολογίζονται με παρεμβολή μεταξύ 1.5 για 100 kHz και 32 σε 10 MHz.

3. Ρεύμα επαφής και ρεύμα άκρων

Για συχνότητες έως 110 MHz και προκειμένου να αποφευχθούν οι κίνδυνοι που οφείλονται σε ρεύματα επαφής, συνιστώνται πρόσθετα επίπεδα αναφοράς. Τα επίπεδα αναφοράς για το ρεύμα επαφής περιέχονται στον πίνακα 3.

Πίνακας 3

Επίπεδα αναφοράς για ρεύματα επαφής από αγώγιμα σώματα
(f σε kHz)

Ζώνη συχνοτήτων	Μέγιστο ρεύμα επαφής (mA)
0 Hz – 2.5 kHz	0.5
2.5 kHz – 100 kHz	0.2f
100 kHz – 110 MHz	20

Για τη ζώνη συχνοτήτων 10MHz έως 110 MHz, καθορίζεται επίπεδο αναφοράς 45 mA ρεύματος διαμέσου οποιουδήποτε μέλους του σώματος και τούτο για να περιορίζεται η εντοπισμένη SAR ανά οποιαδήποτε εξάλεπτη χρονική περίοδο.

Άρθρο 4

Έκθεση σε πηγές με πολλαπλές συχνότητες

Σε περιπτώσεις ταυτόχρονης έκθεσης σε πεδία διαφορετικών συχνοτήτων, θα εξετάζεται η πιθανότητα σώρευσης των επιπτώσεων τους. Οι υπολογισμοί για τη σώρευση αυτή θα γίνονται χωριστά για κάθε επίπτωση. Έτσι θα γίνονται χωριστές αξιολογήσεις για τις θερμικές και ηλεκτρικές επιπτώσεις στο σώμα.

Α) Βασικοί περιορισμοί

Σε περίπτωση ταυτόχρονης έκθεσης σε πεδία διαφορετικών συχνοτήτων, πληρούνται τα ακόλουθα κριτήρια όσον αφορά τους βασικούς περιορισμούς.

1) Για την ηλεκτρική διέγερση, που έχει σημασία σε συχνότητες από 1 Hz έως 10 MHz, οι πυκνότητες του ρεύματος εξ επαγωγής αθροίζονται σύμφωνα με τον τύπο:

$$e_0 = \sum_{i=1\ Hz}^{10\ MHz} \frac{J_i}{J_{L,i}}$$

Όσον αφορά τους βασικούς περιορισμούς, πρέπει να εφαρμόζεται η ακόλουθη απαίτηση:

$$e_0 \leq 1$$

όπου
J_i είναι η πυκνότητα ρεύματος σε συχνότητα i και
$J_{L,i}$ είναι ο βασικός περιορισμός για την πυκνότητα ρεύματος σε συχνότητα i, όπως αναφέρεται στον πίνακα 1.

2) Για τις θερμικές επιδράσεις, που έχουν σημασία σε συχνότητες 100 KHz και άνω, οι ρυθμοί ειδικής απορρόφησης ενέργειας και οι πυκνότητες ισχύος αθροίζονται σύμφωνα με τον τύπο:

$$t_0 = \sum_{i=100\ kHz}^{10\ GHz} \frac{SAR_i}{SAR_L} + \sum_{i>10\ GHz}^{300\ GHz} \frac{S_i}{S_L}$$

Όσον αφορά τους βασικούς περιορισμούς, πρέπει να εφαρμόζεται η ακόλουθη απαίτηση:

$$t_0 \leq 1$$

όπου
SAR_i είναι ο SAR που προκύπτει από την έκθεση σε συχνότητα i,
SAR_L είναι ο βασικός περιορισμός για τον SAR που αναφέρεται στον πίνακα 1,
S_i είναι η πυκνότητα ισχύος σε συχνότητα i και
S_L είναι ο βασικός περιορισμός για την πυκνότητα ισχύος που δίνεται στον πίνακα 1.

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Β) Επίπεδα αναφοράς

Για την εφαρμογή των βασικών περιορισμών, θα εφαρμόζονται τα ακόλουθα κριτήρια, όσον αφορά τα επίπεδα αναφοράς για τις εντάσεις των πεδίων.

1) Για τις πυκνότητες ρεύματος εξ επαγωγής και τις ηλεκτροδιεγερτικές επιδράσεις, που έχουν σημασία σε συχνότητες έως 10 MHz, στα επίπεδα των πεδίων θα εφαρμόζονται οι ακόλουθες δύο απαιτήσεις:

$$\sum_{i=1\,Hz}^{1\,MHz} \frac{E_i}{E_{L,i}} + \sum_{i>1MHz}^{10\,MHz} \frac{E_i}{a} \leq 1$$

και

$$\sum_{i=1\,Hz}^{150\,kHz} \frac{H_i}{H_{L,i}} + \sum_{i>150kHz}^{10\,MHz} \frac{H_i}{b} \leq 1$$

όπου

E_i είναι η ένταση του ηλεκτρικού πεδίου σε συχνότητα i,

$E_{L,i}$ είναι το επίπεδο αναφοράς για την ένταση του ηλεκτρικού πεδίου που αναφέρεται στον πίνακα 2,

H_i είναι η ένταση του μαγνητικού πεδίου σε συχνότητα i,

$H_{L,i}$ είναι το επίπεδο αναφοράς για την ένταση του μαγνητικού πεδίου που αναφέρεται στον πίνακα 2,

a είναι 87 V/m και

b είναι 5 A/m (6.25 μT).

Σε σύγκριση με τις κατευθυντήριες γραμμές της ICNIRP* που αφορούν τόσο την επαγγελματική έκθεση όσο και την έκθεση του κοινού, τα όρια των αθροίσεων αντιστοιχούν σε συνθήκες έκθεσης του ευρέως κοινού.

Η χρήση σταθερών τιμών (a και b) πάνω από 1 MHz για ηλεκτρικά πεδία και πάνω από 150 KHz για μαγνητικά πεδία οφείλεται στο γεγονός ότι το άθροισμα βασίζεται σε πυκνότητες επαγωγικού ρεύματος και δεν θα πρέπει να συγχέεται με τις συνθήκες θερμικής επίδρασης. Οι συνθήκες αυτές αποτελούν τη βάση για τα $E_{L,i}$ και $H_{L,i}$ πάνω από 1 MHz και 150 KHz αντίστοιχα, όπως αναφέρεται στον πίνακα 2.

2) Για τις θερμικές επιδράσεις, που έχουν σημασία σε συχνότητες 100 KHz και άνω, για τα επίπεδα πεδίων θα ισχύουν οι ακόλουθες δύο προδιαγραφές:

$$\sum_{i=100kHz}^{1\,MHz} \left(\frac{E_i}{c}\right)^2 + \sum_{i>1MHz}^{300\,GHz} \left(\frac{E_i}{E_{L,i}}\right)^2 \leq 1$$

και

$$\sum_{i=100kHz}^{150kHz} \left(\frac{H_i}{d}\right)^2 + \sum_{i>150kHz}^{300\,GHz} \left(\frac{H_i}{H_{L,i}}\right)^2 \leq 1$$

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* Διεθνής Επιτροπή για την προστασία από τις μη ιοντίζουσες ακτινοβολίες. (ICNIRP). Guidelines for limiting Exposure to Time-Varying Electric, Magnetic and Electromagnetic Fields (up to 300 GHz). Health Physics 74(4): 494-522 (1998).
Response to Questions and Comments on ICNIRP, Health Physics 75(4): 438-439 (1998).

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όπου

E_i είναι η ένταση του ηλεκτρικού πεδίου σε συχνότητα i,

$E_{L,i}$ είναι το επίπεδο αναφοράς για την ένταση του ηλεκτρικού πεδίου που αναφέρεται στον πίνακα 2,

H_i είναι η ένταση του μαγνητικού πεδίου σε συχνότητα i,

$H_{L,i}$ είναι το επίπεδο αναφοράς για την ένταση του μαγνητικού πεδίου που αναφέρεται στον πίνακα 2,

c είναι $87/f^{1/2}$ V/m και

d είναι 0,73/f A/m.

Και εδώ, σε σύγκριση με τις κατευθυντήριες γραμμές της ICNIRP έχουν γίνει ορισμένες προσαρμογές λαμβάνοντας υπόψη μόνο την έκθεση του κοινού.

3) Για το ρεύμα των άκρων και για το ρεύμα επαφής αντίστοιχα, θα πρέπει να ισχύουν οι ακόλουθες απαιτήσεις:

$$\sum_{k=10\,kHz}^{110\,MHz} \left(\frac{I_k}{I_{L,k}}\right)^2 \le 1 \qquad \sum_{n>1Hz}^{110\,MHz} \left(\frac{I_n}{I_{C,n}}\right)^2 \le 1$$

όπου

I_k είναι η συνιστώσα του ρεύματος άκρων σε συχνότητα k,

$I_{L,k}$ είναι το επίπεδο αναφοράς για το ρεύμα άκρων, 45 mA,

I_n είναι η συνιστώσα του ρεύματος επαφής σε συχνότητα n και

$I_{C,n}$ είναι το επίπεδο αναφοράς για το ρεύμα επαφής σε συχνότητα n (βλέπε πίνακα 3).

Ο παραπάνω τύπος άθροισης προϋποθέτει τις χειρότερες συνθήκες φάσης μεταξύ των πεδίων από πολλαπλές πηγές. Επομένως σε συνήθεις καταστάσεις έκθεσης, μπορεί στην πραγματικότητα τα επίπεδα να είναι πιο περιορισμένα από αυτά που έχουν χρησιμοποιηθεί στον παραπάνω τύπο για τα επίπεδα αναφοράς.

Άρθρο 5

Αρμόδιες Υπηρεσίες

1. Η Ελληνική Επιτροπή Ατομικής Ενέργειας (Ε.Ε.Α.Ε.) είναι υπεύθυνη για την προστασία του πληθυσμού και του περιβάλλοντος από μη ιοντίζουσες ακτινοβολίες και φροντίζει για την παροχή σχετικής πληροφόρησης σε κάθε ενδιαφερόμενο. Η Ε.Ε.Α.Ε. δημοσιεύει υποδείγματα μελετών για διάφορες κατηγορίες κεραιών καθώς και υποδείγματα άλλων σχετικών εντύπων (π.χ. βεβαιώσεις συμμόρφωσης του άρθρου 8 κλπ). Επίσης, με εγκυκλίους της ρυθμίζει λεπτομέρειες που αφορούν τα της εξουσιοδότησης των συνεργείων που πραγματοποιούν μετρήσεις και προσδιορίζει το σύστημα πραγματοποίησης μετρήσεων των κεραιών.

2. Η Ε.Ε.Α.Ε. μεριμνά για την πραγματοποίηση εκπαιδευτικών προγραμμάτων για την κατάρτιση του προσωπικού των Νομαρχιακών Αυτοδιοικήσεων και άλλων ενδιαφερομένων φορέων σε θέματα προστασίας του κοινού από ηλεκτρομαγνητικές ακτινοβολίες.

3. Οι συναρμόδιες Υπηρεσίες των Υπουργείων ΠΕΧΩΔΕ, Υγείας και Πρόνοιας, Μεταφορών και Επικοινωνιών καθώς και η Ε.Ε.Α.Ε. αναλαμβάνουν συντονισμένες πρωτοβουλίες για την αποτελεσματική παρακολούθηση των διεθνών εξελίξεων, την εκπόνηση ερευνητικών μελετών και την σχετική ενημέρωση του γενικού πληθυσμού για θέματα προστασίας της υγείας από την εκπομπή ηλεκτρομαγνητικών ακτινοβολιών.

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Άρθρο 6

Μελέτη ραδιοεκπομπών κεραίας

1. Η τήρηση των ορίων ασφαλούς έκθεσης του γενικού πληθυσμού σε ηλεκτρομαγνητική ακτινοβολία προερχόμενη από συγκεκριμένη κεραία εγκατεστημένη στην ξηρά, διαπιστώνεται με την εκπόνηση μελέτης ηλεκτρομαγνητικών ακτινοβολιών της κεραίας. Η μελέτη αυτή εκπονείται και υπογράφεται από ηλεκτρολόγο ή ηλεκτρονικό μηχανικό διπλωματούχο ανωτάτου εκπαιδευτικού ιδρύματος ή ραδιοηλεκτρολόγο κατηγορίας Α΄ ή Φυσικό Ραδιοηλεκτρολόγο ή Ακτινοφυσικό - Φυσικό Ιατρικής μη ιοντιζουσών ακτινοβολιών, ο οποίος και θα φέρει την ευθύνη σύμφωνα με τις κείμενες διατάξεις, για λογαριασμό του κατόχου της κεραίας. Ο κάτοχος της κεραίας υποβάλλει την μελέτη στην Ελληνική Επιτροπή Ατομικής Ενέργειας (Ε.Ε.Α.Ε.) και παραλαμβάνει βεβαίωση υποβολής της μελέτης. Η βεβαίωση αυτή υποβάλλεται στην αρμόδια υπηρεσία για την έκδοση της άδειας εγκατάστασης κεραίας. Στη συνέχεια η Ε.Ε.Α.Ε. ύστερα από εξέταση της μελέτης, το συντομότερο δυνατόν, αποστέλλει τη σύμφωνη γνώμη της στην αρμόδια υπηρεσία προκειμένου να χορηγηθεί η άδεια εγκατάστασης της κεραίας. Πάντως εάν παρέλθει χρονικό διάστημα ενός (1) μήνα από την ημερομηνία παραλαβής της σχετικής μελέτης από την Ε.Ε.Α.Ε. και δεν έχει ειδοποιηθεί η αρμόδια υπηρεσία από την Ε.Ε.Α.Ε. για την ύπαρξη τυχόν σφάλματος στη μελέτη, χορηγείται η άδεια με την επιφύλαξη των διατάξεων της παραγράφου 3 του άρθρου 7.

2. Ο κάτοχος της κεραίας υποχρεούται να τηρεί φάκελο κεραίας ο οποίος ανά πάσα στιγμή θα είναι στη διάθεση των αρμοδίων αρχών. Ο φάκελος θα περιλαμβάνει την μελέτη ηλεκτρομαγνητικών ακτινοβολιών της κεραίας, όλες τις άδειες που έχουν εκδοθεί από αρμόδιες αρχές και αφορούν την συγκεκριμένη κεραία καθώς και κάθε σχετική λεπτομέρεια που αφορά την υλοποίηση της μελέτης και αποτελέσματα επιθεωρήσεων ή μετρήσεων που έχουν πραγματοποιηθεί από τον κάτοχο της κεραίας ή από τις αρμόδιες αρχές.

3. Η Ε.Ε.Α.Ε. κατά περίπτωση εφόσον διαπιστώνει ότι μελέτες είναι ελλιπείς ή δεν προκύπτει από αυτές η τήρηση των ορίων έκθεσης μπορεί να ζητά διευκρινήσεις και να κάνει υποδείξεις στον κάτοχο της κεραίας για την σωστή εφαρμογή των προτύπων.

4. Η μελέτη, πρέπει να συνοδεύεται από τα απαραίτητα σχεδιαγράμματα, όπου πέραν των άλλων απεικονίζονται και τα όρια του μη ελεύθερα επισκέψιμου χώρου. Η μελέτη θα αναφέρεται στις εκπομπές ηλεκτρομαγνητικών ακτινοβολιών από το σταθμό και θα λαμβάνει υπόψη της την επιβάρυνση από τυχόν άλλους γειτονικούς (ευρισκόμενους σε απόσταση μικρότερη των 50 μέτρων) σταθμούς. Τα απαραίτητα στοιχεία για τον υπολογισμό της επιβάρυνσης θα συλλέγονται με ευθύνη του κατόχου της κεραίας. Σε περίπτωση που ο κάτοχος της κεραίας αδυνατεί να συλλέξει κάποια από τα στοιχεία αυτά (π.χ. σε περιπτώσεις ύπαρξης κεραιών άγνωστης ταυτότητας) μπορεί να ζητήσει με αίτησή του την συνδρομή των αρμοδίων υπηρεσιών.

5. Με την μελέτη θα αποδεικνύεται ότι δεν υπάρχουν χώροι γύρω από την κεραία ελεύθερα προσπελάσιμοι από τον γενικό πληθυσμό στους οποίους τα όρια έκθεσης υπερβαίνουν το 80% των τιμών που καθορίστηκαν παραπάνω.

6. Υποχρέωση σύνταξης και υποβολής τεχνικής μελέτης, σύμφωνα με τις παραγράφους 1 και 2 του άρθρου αυτού, έχουν όλοι οι σταθμοί των οποίων η συνολική ενεργός ακτινοβολούμενη ισχύς όλων των καναλιών ξεπερνά τα 100 W (164Weirp) για τις ζώνες συχνοτήτων πάνω από 30 MHz και το 1 KW για τις ζώνες συχνοτήτων κάτω από 30 MHz. Ειδικότερα στη ζώνη συχνοτήτων κάτω από 30 MHz, το όριο του 1KW μειώνεται στα 100W εάν μέσα στη περιοχή που ορίζεται με ακτίνα 50 μέτρων από τη βάση της κεραίας υπάρχει οικία ή πραγματοποιούνται ανθρώπινες δραστηριότητες.

Άρθρο 7

Έλεγχοι και διοικητικές κυρώσεις.

1. Κατά τη λειτουργία των σταθμών η τήρηση των ορίων ασφαλούς έκθεσης ελέγχεται περιοδικά ή οποτεδήποτε κριθεί αυτό απαραίτητο από αρμόδιες Υπηρεσίες του ΥΠΕΧΩΔΕ, του Υπουργείου Υγείας και Προνοίας, του Υπουργείου Μεταφορών και Επικοινωνιών, Νομαρχιακών Αυτοδιοικήσεων ή της Ε.Ε.Α.Ε. με μετρήσεις που διενεργούνται από συνεργεία των Υπηρεσιών αυτών ή από άλλα εξουσιοδοτημένα από την Ε.Ε.Α.Ε. συνεργεία (π.χ. Εργαστήρια Πολυτεχνείων ή άλλων φορέων). Τα αποτελέσματα καθεμιάς από τις μετρήσεις αυτές ανακοινώνονται χωρίς καθυστέρηση στον κάτοχο της κεραίας και την Ε.Ε.Α.Ε. Τον συντονισμό των μετρήσεων αναλαμβάνει η Ε.Ε.Α.Ε.

2. Σε περίπτωση που η Ε.Ε.Α.Ε. διαπιστώσει, από τις μετρήσεις, υπέρβαση των ορίων ασφαλούς έκθεσης, ενημερώνει την Υπηρεσία που χορήγησε την άδεια εγκατάστασης, η οποία στη συνέχεια ειδοποιεί εγγράφως (περιλαμβανομένης της τηλεομοιοτυπίας) τον κάτοχο της κεραίας να προβεί στις εξής ενέργειες:

α) άμεση διακοπή λειτουργίας του υπαίτιου εξοπλισμού και γνωστοποίησή της στην Υπηρεσία που χορήγησε την άδεια εγκατάστασης.

β) μη επανάληψη της λειτουργίας του πριν αρθεί η αιτία της δυσλειτουργίας.

γ) γνωστοποίηση της επανάληψης λειτουργίας στην Υπηρεσία που χορήγησε την άδεια εγκατάστασης, με παροχή εξηγήσεων για την αιτία δυσλειτουργίας. Εάν οποτεδήποτε μετά την αρχική ειδοποίηση διαπιστωθεί ξανά αντικανονική λειτουργία του ίδιου σταθμού, τότε ανακαλείται οριστικά η άδεια εγκατάστασης στη θέση αυτή.

3. Σε περίπτωση που η Ε.Ε.Α.Ε. διαπιστώσει οποτεδήποτε ότι η υποβληθείσα μελέτη (που προβλέπεται στο άρθρο 6) είναι πλημμελής ή ανεπαρκής ή λανθασμένη, ενημερώνει την Υπηρεσία που χορήγησε την άδεια εγκατάστασης, η οποία στη συνέχεια ειδοποιεί εγγράφως (περιλαμβανομένης της τηλεομοιοτυπίας) τον κάτοχο της κεραίας να προβεί στις εξής ενέργειες:

α) άμεση διακοπή λειτουργίας του υπαίτιου σταθμού και γνωστοποίησή της στην Υπηρεσία που χορήγησε την άδεια εγκατάστασης.

β) μη επανάληψη της λειτουργίας του πριν διορθωθεί ή ολοκληρωθεί η μελέτη και εφαρμοσθούν τα αναγκαία μέτρα.

Άρθρο 8

Μεταβατικές διατάξεις - Ισχύς

1. Μέσα σε (6) μήνες από την έναρξη ισχύος της παρούσας απόφασης, θα πρέπει να έχουν ληφθεί τα κατάλληλα μέτρα προστασίας του γενικού πληθυσμού και να

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έχουν υποβληθεί στην Ε.Ε.Α.Ε. σχετικές δηλώσεις συμμόρφωσης για όλες τις εγκατεστημένες κεραίες στην ξηρά σταθμών ραδιοεπικοινωνιών των οποίων οι κάτοχοι είναι ραδιοφωνικοί ή τηλεοπτικοί σταθμοί ή εταιρείες που προσφέρουν τηλεπικοινωνιακές υπηρεσίες στο κοινό.

2. Η ισχύς της παρούσας αρχίζει από τη δημοσίευση της στην Εφημερίδα της Κυβερνήσεως.

Η παρούσα απόφαση να δημοσιευθεί στην Εφημερίδα της Κυβερνήσεως.

Αθήνα, 1 Σεπτεμβρίου 2000

ΟΙ ΥΠΟΥΡΓΟΙ

ΑΝΑΠΤΥΞΗΣ	ΠΕΡΙΒΑΛΛΟΝΤΟΣ, ΧΩΡΟΤΑΞΙΑΣ ΚΑΙ ΔΗΜΟΣΙΩΝ ΕΡΓΩΝ
ΝΙΚΟΛΑΟΣ ΧΡΙΣΤΟΔΟΥΛΑΚΗΣ	**ΚΩΣΤΑΣ ΛΑΛΙΩΤΗΣ**
ΥΦΥΠΟΥΡΓΟΣ ΥΓΕΙΑΣ ΚΑΙ ΠΡΟΝΟΙΑΣ	ΥΦΥΠΟΥΡΓΟΣ ΜΕΤΑΦΟΡΩΝ ΚΑΙ ΕΠΙΚΟΙΝΩΝΙΩΝ
ΔΗΜΗΤΡΗΣ ΘΑΝΟΣ	**ΑΛΕΞΑΝΔΡΟΣ ΒΟΥΛΓΑΡΗΣ**

Αριθ. 51860/3589 (3)

Περιορισμός του αριθμού των ειδικών αδειών Σταθερής Ασύρματης Πρόσβασης (Fixed Wireless Access).

Ο ΥΦΥΠΟΥΡΓΟΣ ΜΕΤΑΦΟΡΩΝ ΚΑΙ ΕΠΙΚΟΙΝΩΝΙΩΝ

Έχοντας υπόψη:

1. Την Απόφαση 78574/24-11-1999 (Β΄ 2117) του Υπουργού Μεταφορών και Επικοινωνιών «Κανονισμός κριτηρίων και διαδικασίας χορήγησης, ανανέωσης, τροποποίησης, αναστολής και ανάκλησης των ειδικών αδειών», όπως τροποποιήθηκε με την 29392/15-5-2000 (Β΄ 654) όμοια.

2. Την Απόφαση του Υπουργού Μεταφορών και Επικοινωνιών 47018/3149/28-7-2000 (Β΄ 971) «Ζώνες ραδιοσυχνοτήτων για την Σταθερή Ασύρματη Πρόσβαση (Fixed Wireless Access)».

3. Το ΠΔ 437/1995 (Α΄ 250) «περί έκδοσης ειδικής άδειας για την εγκατάσταση, ανάπτυξη, λειτουργία και εκμετάλλευση τηλεπικοινωνιακών δικτύων και την άσκηση άλλων τηλεπικοινωνιακών δραστηριοτήτων από τον Οργανισμό Τηλεπικοινωνιών της Ελλάδος Α. Ε. (ΟΤΕ ΑΕ).

4. Την 92093/29.12.1995 (Β΄ 1101) Απόφαση του Υπουργού Μεταφορών και Επικοινωνιών «Απονομή - εκχώρηση Ραδιοσυχνοτήτων και καθορισμός τελών Ειδικής Άδειας ΟΤΕ ΑΕ».

5. Τα αποτελέσματα της Δημόσιας Διαβούλευσης για τη χορήγηση ειδικών αδειών σταθερής ασύρματης πρόσβασης που πραγματοποιήθηκε από 12 Ιουνίου έως 11 Ιουλίου 2000.

6. Την ευρωπαϊκή και διεθνή εμπειρία αδειοδότησης στη Σταθερή Ασύρματη Πρόσβαση.

7. Ότι οι ζώνες ραδιοσυχνοτήτων 3410 - 3600 MHz και 24,5 - 26,5 GHz έχουν αναγνωριστεί από την Ευρωπαϊκή Διάσκεψη Ταχυδρομείων και Τηλεπικοινωνιών (CEPT) και την Ευρωπαϊκή Επιτροπή Ραδιοεπικοινωνιών (ERC) ως ζώνες ανάπτυξης δικτύων Σταθερής Ασύρματης Ζώνης όπως προβλέπεται στη Σύσταση της ERC CEPT/ERC/REC 13-04 και ότι οι διευθετήσεις των καναλιών των ζωνών αυτών καθορίζονται στις Συστάσεις της ERC CEPT/ERC/REC 13-02 για τη ζώνη 24,5 - 26,5 GHz και CEPT/ERC/REC 14-03 για τη ζώνη 3410 - 3600 MHz.

8. Το έγγραφο του ΟΤΕ προς ΕΕΤΤ με αρ. πρωτ. 522/301415/11.7.2000.

9. Την Απόφαση 15851/7601/24-4-2000 (Β΄ 592) του Πρωθυπουργού και του Υπουργού Μεταφορών και Επικοινωνιών «Περί μεταβιβάσεως αρμοδιοτήτων του Υπουργού Μεταφορών και Επικοινωνιών στον Υφυπουργό Μεταφορών και Επικοινωνιών».

10. Τη γνωμοδότηση της ΕΕΤΤ που διατυπώθηκε κατά την 181 Συνεδρίαση της 24-08-2000.

11. Το γεγονός ότι από τις διατάξεις της παρούσας δεν προκαλείται δαπάνη σε βάρος του κρατικού προϋπολογισμού

Θεωρώντας:

1. Ότι στόχος του Κράτους είναι η ανάπτυξη των δικτύων Σταθερής Ασύρματης Πρόσβασης με σκοπό να προαχθεί η ενίσχυση της ισότιμης συμμετοχής όλων των πολιτών στην «Κοινωνία της Πληροφορίας».

2. Ότι τα δίκτυα Σταθερής Ασύρματης Πρόσβασης απαιτούν την απονομή ενός σχετικά μεγάλου εύρους φάσματος ραδιοσυχνοτήτων ανά δίκτυο για την πλήρη ανάπτυξη του δικτύου και την υποστήριξη τηλεπικοινωνιακών υπηρεσιών στενής και ευρείας ζώνης,

3. Ότι η αποτελεσματική ανάπτυξη των δικτύων Σταθερής Ασύρματης Πρόσβασης και η αποτελεσματική χρήση και διαχείριση του φάσματος ραδιοσυχνοτήτων επιτυγχάνεται με την απονομή ενός ενιαίου και συνεχούς τμήματος φάσματος ραδιοσυχνοτήτων ανά άδεια,

4. Ότι είναι απαραίτητη η ύπαρξη ζωνών φύλαξης (guard bands) προκειμένου να μειωθούν πιθανά προβλήματα παρεμβολών μεταξύ διαφορετικών ασύρματων δικτύων και ότι το εύρος των ζωνών φύλαξης πρέπει να είναι επαρκές ώστε να ελαχιστοποιείται η πιθανότητα παρεμβολής μεταξύ δικτύων που λειτουργούν σε γειτονικές ζώνες ραδιοσυχνοτήτων.

5. Ότι θα πρέπει να ληφθούν υπόψη οι άμεσες νομικές συνέπειες της πλήρους απελευθέρωσης της τηλεπικοινωνιακής αγοράς, αποφασίζουμε:

1. Τον περιορισμό του αριθμού των ειδικών αδειών Σταθερής Ασύρματης Πρόσβασης σε τέσσερις (4) εθνικές στη ζώνη συχνοτήτων 3410 - 3600 MHz και σε πέντε (5) εθνικές στη ζώνη συχνοτήτων 24,5 - 26,5 GHz, ως εξής:

- Ζώνη συχνοτήτων 3410 -3600 MHz:

I. Μία άδεια με συνολικό εύρος φάσματος 2x28 MHz εκτεινόμενη από 3410 MHz έως 3438 MHz και από 3510 MHz έως 3538 MHz,

II. Μία άδεια με συνολικό εύρος φάσματος 2x21 MHz εκτεινόμενη από 3476,5 MHz έως 3497,5 MHz και από 3576.5 MHz έως 3597.5 MHz,

III. Μία άδεια με συνολικό εύρος φάσματος 2x14 MHz εκτεινόμενη από 3441.5 MHz έως 3455.5 MHz και από 3541.5 MHz έως 3555.5 MHz,

IV. Μία άδεια με συνολικό εύρος φάσματος 2x14 MHz εκτεινόμενη από 3459 MHz έως 3473 MHz και από 3559 MHz έως 3573 MHz.

- Ζώνη συχνοτήτων 24.5 - 26.5 GHz

I. Μία άδεια με συνολικό εύρος φάσματος 2x112 MHz εκτεινόμενη από 24549 MHz έως 24661 MHz και από 25557 MHz έως 25669 MHz,

II. Μία άδεια με συνολικό εύρος φάσματος 2x112 MHz εκτεινόμενη από 24717 MHz έως 24829 MHz και από 25725 MHz έως 25837 MHz,

III. Μία άδεια με συνολικό εύρος φάσματος 2x56 MHz εκτεινόμενη από 24885 MHz έως 24941 MHz και από 25893 MHz έως 25949 MHz.

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IV. Μία άδεια με συνολικό εύρος φάσματος 2x56 MHz εκτεινόμενη από 24969 MHz έως 25025 MHz και από 25977 MHz έως 26033 MHz.

V. Μία άδεια με συνολικό εύρος φάσματος 2x56 MHz εκτεινόμενη από 25053 MHz έως 25109 MHz και από 26061 MHz έως 26117 MHz.

2. Σε κάθε ενδιαφερόμενο μπορεί να χορηγηθεί μέχρι μια (1) άδεια σε κάθε μια από τις ανωτέρω ζώνες ραδιοσυχνοτήτων.

3. Η χρονική διάρκεια των ανωτέρω ειδικών αδειών ορίζεται σε δεκαπέντε (15) έτη.

4. Οι ανωτέρω ειδικές άδειες, με την εξαίρεση της άδειας ΙΙΙ στη ζώνη 3410-3600 MHz και της άδειας IV στη ζώνη 24,5 - 26,5 GHz, θα χορηγηθούν με τη διαδικασία του πλειστηριασμού όπως προβλέπεται στο άρθρο 2, παρ. 5. εδ. Γ, στοιχ. ΙΙΙ της Απόφασης 78574/24-11-1999 όπως τροποποιήθηκε και ισχύει.

5. Οι άδειες ΙΙΙ στη ζώνη 3410-3600 MHz και IV στη ζώνη 24,5 - 26,5 GHz θα χορηγηθούν στον Οργανισμό Τηλεπικοινωνιών Ελλάδος (ΟΤΕ ΑΕ), υπό τον όρο της καταβολής από τον ΟΤΕ ΑΕ, για κάθε μια από αυτές ποσού ίσου με το γινόμενο του εύρους ραδιοσυχνοτήτων που θα λάβει επί το μέγιστο κόστος ανά MHz που θα προκύψει για κάθε ζώνη από τη διαδικασία του πλειστηριασμού.

6. Το είδος των παρεχόμενων υπηρεσιών δικτύου Σταθερής Ασύρματης Πρόσβασης θα είναι σύμφωνο με τα σχετικά διεθνή και ευρωπαϊκά πρότυπα.

7. Οι ειδικές άδειες θα συνοδεύονται από όρους και υποχρεώσεις σύμφωνα με την κείμενη νομοθεσία, οι οποίες θα αναφέρονται τουλάχιστον στα ακόλουθα:

- Ρυθμός ανάπτυξης δικτύου και γεωγραφική ή/και πληθυσμιακή κάλυψη
- Ποιότητα παρεχόμενων υπηρεσιών και όροι πρόσβασης στο δίκτυο
- Προστασία του ανταγωνισμού
- Διασφάλιση καλής εκτέλεσης των όρων των ειδικών αδειών.

Οι παραπάνω όροι θα προσδιοριστούν στη σχετική προκήρυξη της διαδικασίας χορήγησης των ειδικών αδειών.

Η απόφαση αυτή να δημοσιευτεί στην Εφημερίδα της Κυβερνήσεως.

Παπάγου, 31 Αυγούστου 2000

Ο ΥΦΥΠΟΥΡΓΟΣ

ΑΛΕΞΑΝΔΡΟΣ ΒΟΥΛΓΑΡΗΣ

ΑΠΟ ΤΟ ΕΘΝΙΚΟ ΤΥΠΟΓΡΑΦΕΙΟ