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FEDERAL PUBLIC SERVICE CHANCELLORY OF THE PRIME MINISTER

22 DECEMBER 2008. - Program law (1)

ALBERT II, King of the Belgians,
To all, present and future, Greetings.
The Chambers have adopted and We sanction the following:

TITLE 1st . - General provision

Article 1st . This law regulates a matter referred to in Article 78 of the Constitution.

TITLE 2. - Budget

CHAPTER 1 . - Amendments to the law of 22 May 2003 on the organization of the federal state's budget and accounts

Art. 2. Article 133 of the law of 22 May 2003 on the organization of the budget and accounting of the Federal State, replaced by the law of 21 December 2007, is replaced by the following:

“Art. 133. - This law comes into force on the 1st January 2012.

Art. 3. In the same law, an article 134 is inserted, worded as follows:

“Art. 134. - Notwithstanding article 133, the provisions of Title II, of Chapter I of Title III, and of Titles IV, V

and VI, with the exception of article 38, enter into force on 1st January 2009 with regard to the FPS Chancellery of the Prime Minister, FPS Budget and Management Control, FPS Personnel and Organisation, FPS Information and Communication Technology and FPS Public Health, Food Chain Safety and Environment. By way of

derogation from the first paragraph , Articles 19, 21 and 26 of Title II and Chapter I of Title III are also applicable during the 2009 budget year to the other federal public services and general administration programming.

Art. 4. In the same law, an article 135 is inserted, worded as follows:

“Art. 135. - By way of derogation from Article 66, advances may be granted to accountants of the FPS Chancellery of the Prime Minister, FPS Budget and Management Control, FPS Personnel and Organisation, FPS Information and Communication Technology and FPS Public Health, Food Chain Safety and Environment, in order to allow the payment of certain expenses. The maximum amounts of these advances and the expenses concerned, as well as the nature of the latter, are fixed in the specific departmental legal provisions. ”.

CHAPTER 2. - Amendment of the law of May 22, 2003 amending the law of October 29, 1846 relating to the organization of the Court of Auditors

Art. 5. Article 11 of the law of May 22, 2003 amending the law of October 29, 1846 on the organization of the Court of Auditors, replaced by the law of December 21, 2007, is replaced by the following:

“Art. 11. - This law comes into force on January 1st 2010.”.

Art. 6. In the same law, an article 12 is inserted, worded as follows:

“Art. 12. - Notwithstanding article 11, the provisions of article 2 enter into force on the 1st January 2009 with regard to the FPS Chancellery of the Prime Minister, the FPS Budget and Management Control, the FPS Personnel and Organisation, the FPS Information and Communication Technologies and the FPS Public Health, Food Chain Safety and Environment. ”.

CHAPTER 3. - Amendment of the law of October 29, 1846 relating to the organization of the Court of Auditors

Art. 7. In the law of 29 October 1846 relating to the organization of the Court of Auditors, an article 22 is inserted, worded as follows:

“Art. 22. - Article 5, paragraph 4, and Articles 14 and 15 are no longer applicable to the FPS Chancellery of the Prime Minister, FPS Budget and Management Control, FPS Personnel and Organisation, FPS Information Technology and of Communication and FPS Public Health, Food Chain Safety and Environment from 1 January 2009.”

Art. 8. Article 7 comes into force on January 1st 2009.

CHAPTER 4. - Monitoring of commitments

Art. 9. Commitment controllers ensure that expenditure is charged correctly, both to the general accounts and to the basic allocations, and that these are not exceeded.

These controllers are appointed by the King, on the proposal of the Minister who has the budget in his attributions. They are made accountants of the commitments contracted with the charge of the commitment credits referred to in Article 19, third paragraph, 2^o, a), of the law of 22 May 2003 on the organization of the budget and the accounts of the Federal State. .

Art. 10. Approval of contracts and procurements for works and supplies of goods or services, as well as orders for the collation of subsidies cannot be notified before these contracts, procurements and orders have been approved by the commitment controller.

The King may, on the proposal of the Minister in charge of the Budget, dispense with the prior visa of the Commitment Controller, contracts and markets as well as orders for the collation of subsidies whose amount does not exceed the sums He determines.

Art. 11. Settlements charged to the budget are approved by the commitment controller, who ensures that they do not exceed the amount of the commitments to which they relate.

Art. 12. Commitment controllers may obtain all documents, information and clarifications relating to commitments and settlements. The commitment controller has permanent and immediate access to budget allocations.

Art. 13. No disciplinary penalty may be imposed on the controllers of commitments without the prior opinion of the Court of Auditors. The same applies to any measure likely to harm them.

This opinion must be issued within eight days of the communication of the file to the Court.

The text of the opinion is reproduced in the decree pronouncing the penalty or applying the measure; a copy of the decree is sent immediately to the Chamber of Representatives and to the Court of Auditors.

Art. 14. Until it is repealed, the Royal Decree of 31 May 1966 regulating the control of the commitment of expenditure in the general administration services of the State remains in force.

Art. 15. The articles of this chapter are only applicable to the FPS Chancellery of the Prime Minister, FPS Budget and Management Control, FPS Personnel and Organisation, FPS Information and Communication Technology and FPS Public Health, Food Chain Safety and Environment.

CHAPTER 5. - Entry into force

Art. 16. This title comes into force on January 1st 2009.

TITLE 3. - Mobility and transport

CHAPTER 1st . - Air transport - Belgocontrol

Art. 17. The State imposes on Belgocontrol a mandatory contribution of 10 million euros due to the capital gain realized on the occasion of the sale of the Center de Communication Nord (CCN) building, to be paid no later than 31 December 2008.

Art. 18. This chapter enters into force on 19 December 2008.

CHAPTER 2. - Creation of a Fund relating to the operation of the Service for the Regulation of Rail Transport and the Operation of Brussels-National Airport

Art. 19. § 1. Pursuant to Article 45 of the Royal Decree of 17 July 1991 coordinating the laws on State accounting, a budgetary fund relating to the operation of the Regulatory Service for Rail Transport and Airport Operations of Brussels-National is created.

§ 2. In the table annexed to the organic law of 27 December 1990 creating the budgetary funds, modified by the law of 24 December 1993, heading 33 - Mobility and Transport, is completed as follows:

"Name of the organic budgetary fund:

33- 8 - Fund relating to the operation of the Regulatory Service for Rail Transport and the Operation of Brussels National Airport

Type of assigned revenue

The fees are made up of the remuneration provided for in article 67 of the law of 4 December 2006 relating to the use of the railway infrastructure to be paid by the SA under public law Infrabel and the fee provided for in article 53 of the law of 20 July 2005 containing various provisions to be paid by the private law SA The Brussels Airport Company.

Nature of authorized expenditure

Personnel and operating costs of any kind concerning the Regulation Service for Rail Transport and the Operation of Brussels National Airport. "

CHAPTER 3. - Promotion of combined rail transport

Art. 20. For the purposes of this chapter, the following terms mean:

- intermodal transport unit: any land or maritime container, any swap body or any semi-trailer having a transport capacity equivalent to at least 1 TEU; hereinafter referred to as UTI;

- TEU: twenty feet equivalent unit;

- intermodal transshipment centre: any facility where ITUs are transhipped from a ship or a road vehicle to a railway wagon and vice versa, hereinafter referred to as a transshipment centre;

- nodal point: shunting yard, transshipment center or siding for the duplication and composition of trains for combined transport or the transshipment of ITUs from or to the railway wagon;

- operator of combined transport of goods using the rail mode: any company having an operating headquarters located on the territory of a Member State of the European Union, which assumes contractual responsibility for transporting ITUs by rail, hereinafter referred to as operator.

Art. 21. A subsidy from the State budget may be granted to operators who use the railways in the case of one of the three types of ITU transport offer described below:

1° domestic transport railway.

This rail transport is carried out between two transshipment centers located on Belgian territory over a minimum distance of 51 km or includes the collection of ITUs with a view to their consolidation and dispatch to other States, or the distribution of UTI coming from other States to various transshipment centers located in Belgium;

2° interport rail transport.

This rail transport is carried out between transshipment centers located in two port areas in Belgium and over a minimum distance of 51 km.

3° the new regular international rail connections.

This rail transport consists of a newly organized regular international rail connection over a distance of at least 120 km, with a weekly frequency (minimum 40 weeks per year) and with a transport capacity equivalent to at least 50 TEU.

The point of departure and the point of arrival of ITUs are either a nodal point or a transshipment center, one being located on Belgian territory and whose point of arrival or departure is a nodal point or a center transshipment located abroad. Said relationship must relate to UTIs, the majority of which exclusively travel by land within Europe.

Only ITUs handed over for transport under cover of a consignment note can be the subject of the subsidy.

Art. 22. The operator is required to pass on to its customer the subsidy granted for transport ordered by the latter. The King regulates the control and sanction of this obligation.

Art. 23. The King determines the methods of calculating the subsidy described in Article 18.

He sets the procedure and the methods of selection as well as granting and regulates the payment.

The subsidy for a transport operation cannot exceed 30% of its cost.

Art. 24. This chapter comes into force on January 1st 2009 and ceases to be in force on January 1st 2013.

CHAPTER 4. - Amendment of the law of 19 December 2006 on railway operating safety with regard to fees for certain services provided by the safety authority

Art. 25. Article 4 of the law of 19 December 2006 relating to railway operating safety is supplemented by a paragraph worded as follows:

“Notwithstanding the first paragraph , ^{articles} 12, 13° and 14/ 4 apply to metros, trams and other urban and

regional rail systems via light rail and other rail-related modes, even when these do not run on the rail network.
".

Art. 26. Article 5 of the same law is supplemented by 31° and 32° worded as follows:

“31° “certification of on-board staff”: verification that a candidate has the psychological, medical and professional aptitudes required for the exercise of the function of train driver or other on-board staff functions;
32° “vehicle keeper”: the natural or legal person who owns a vehicle or holds a right of use, who operates the vehicle and who is registered as such in the national vehicle register. ”.

Art. 27. ÷ article 12 of the same law are amended as follows:

1° 8° is replaced by the following:

“8° the updating and adaptation of the national vehicle register; »;

2° the article is completed as follows:

“11° the certification materialized by the driver's license, of the security personnel exercising the function of driver;

12° the certification materialized by the accompanying person's certificate, of the security personnel exercising other functions of on-board personnel;

13° the verification of the effectiveness of the braking system of railway rolling stock as provided for in Chapter II of the Royal Decree of 15 September 1976 relating to regulations on the police of passenger transport by tram, pre-metro, metro, bus and coach. ”.

Art. 28. There is inserted in Title II, Chapter II of the same law, a section 2/1, worded as follows:

“Section 2/1. - Compensation for services

Art. 14/1. - § 1. The applicant for the authorization referred to in Article 12, 1°, 3° or 4° is liable, by way of participation in the examination costs of the safety authority, for a fee linked at the cost of this examination.

§ 2. The applicant for the authorization referred to in Article 12, 1°, 3° or 4° is liable, by way of participation in the administrative costs of the security authority, for a fee for granting of this authorization.

§ 3. The holder of an authorization referred to in Article 12, 1°, 3° or 4° is liable, as a contribution to the security authority's control costs, to a fee linked to the price of this control.

§ 4. The King fixes by decree deliberated in the Council of Ministers:

- the method of calculating and indexing the fees referred to in paragraphs 1st and 3rd;
- sets the amount and the method of indexation of the fee referred to in § 2;

- sets the payment terms for the fees referred to in paragraphs 1st, 2nd and 3rd.

Art. 2/14. - The manager of the railway infrastructure and the railway undertakings are liable, by way of participation in the administrative costs of the safety authority, for the certification provided for in article 12, 11° and 12° and per member of staff listed in the security authority's file, an indexed annual fee.

The King fixes, by decree deliberated in the Council of Ministers, the amount, the method of

Art. 3/14. - § 1st. The applicant for registration of vehicles in the national register of vehicles or for a modification of such registration is liable, as a contribution to the costs of the safety authority, to an indexed fee. This fee is due upon registration and each modification of this registration.

§ 2. The holder of a vehicle which appears in the register on 1st January of the current year is liable, as a contribution to the costs of the safety authority, to an annual indexed fee for this vehicle.

§ 3. In the event of non-payment of the fees, the vehicle is removed from the register.

Royalties are not refunded upon withdrawal of registration or upon discontinuation of use of the material.

§ 4. The King fixes, by decree deliberated in the Council of Ministers, the amount, the mechanism of indexation and the methods of payment of the royalties.

Art. 14/4. - The applicant for verification of the effectiveness of the rail rolling stock braking system as provided for in Chapter II of the Royal Decree of 15 September 1976 relating to regulations on the police of passenger transport by tram, pre-metro, subway, bus and coach, is liable, as a contribution to the costs of the control of the safety authority, for a fee.

The King sets, by decree deliberated in the Council of Ministers, the amount, the indexation mechanism and the terms of payment of the fee. ”.

Art. 29. In Article 33, §§ 1st, 2nd and 3rd of the same law, the words “security certificate” are each time replaced by

the words “part B security certificate”.

Art. 30. In the same law, an article 63 is inserted, worded as follows:

“Art. 63. - Article 14/3, § 2, enters into force on 1^{January} 2010.”.

Art. 31. This chapter comes into force on January 1st 2009.

TITLE 4. - Energy

CHAPTER 1^{re} . - Electricity

Section 1^{re} . - Amendment of the law of 29 April 1999 relating to the organization of the electricity market

Art. 32. In article 21bis of the law of April 29, 1999 on the organization of the electricity market, inserted by the law of July 20, 2005 and last amended by the law of March 16, 2007, the following modifications:

1° in § 1st first paragraph , the first four sentences are replaced by the following provisions: “§ 1st . A “federal contribution” is levied to finance certain public service obligations and costs related to the regulation and control of the electricity market.

The federal contribution is payable by end customers established on Belgian territory, on each kWh that they take from the network for their own use. The federal contribution is subject to VAT

The network manager is responsible for collecting the federal contribution without application of the exemption

measures referred to in § 1st bis and degressivity referred to in §§ 2 and 5. ÷ for this purpose, it invoices the surcharge to the holders of an access contract and to the distribution network operators. In the event that the holders of an access contract and/or the distribution network operators do not themselves consume the kWh taken from the network, they can invoice the federal contribution to their own customers, until such time as this overload is finally invoiced to the person who has consumed the kWh for his own use. »;

2° in § 1st first paragraph , the fifth sentence forms the fourth paragraph;

3° § 1st paragraph 1st 6°, which will form § 1st paragraph 4, 6°, is replaced as follows:

“6° the financing of flat-rate reductions for heating with natural gas and electricity provided for by the program law of 8 June 2008; »;

4° § 1st the last paragraph, which will form § 1st bis , is supplemented, after the words “exemption”, by the words “carried out by the suppliers and the holders of an access contract”;

5° in § 2 the first sentence of the first paragraph is supplemented by the words “by suppliers and holders of an access contract”;

6° in § 2, paragraph 2, the words “billed by suppliers and holders of an access contract” are inserted between the words “federal contribution” and “for this site”;

7° to § 3, 1st and 2:

"For the year 2009, in order to cover the total amount resulting from the application of the reductions in the

federal contribution referred to in § 2, are also allocated to the funds referred to in Article 21ter, § 1st the amounts, 2,650,000 euros from the working capital of SA Belgoprocess and 3,000,000 euros from the fund for liabilities BP1/BP2. »;

8° § 5 is replaced as follows:

"§ 5. For consumption from January 1st 2009 until December 31, 2009, the federal contribution applicable to end customers benefiting from the degressivity is reduced, on the basis of their consumption annually, by suppliers and holders of an access contract:

1° for the consumption bracket between 20 MWh/year and 50 MWh/year: 20%;

2° for the consumption bracket between 50 MWh/year and 1,000 MWh/year: 25%;

3° for the consumption bracket between 1,000 MWh/year and 25,000 MWh/year: 30%;

4° for the consumption bracket between 25,000 Wh/year and 250,000 MWh/year: 55%.

When per consumption site and on an annual basis, a quantity greater than 250,000 MWh is supplied to an end

customer, the federal contribution, invoiced by the suppliers and the holders of an access contract, for this consumption site amounts to a maximum of 200,000 euros. »

Art. 33. In article 21ter of the same law, inserted by the law of 20 July 2005 and modified by the laws of 23 December 2005 and 16 March 2007, the following modifications are made:

1° to § 1^{er} paragraph 1^{er}, the words “The suppliers pay” are replaced by “The network manager pays”;

2° § 1^{er} first paragraph, 6°, inserted by the law of 16 March 2007, is renumbered as a point 7°;

3° § 1^{er} first paragraph¹ is supplemented by an 8°, worded as follows:

"8° in an organic budgetary fund called "Fund for flat-rate reductions for natural gas and electricity heating", which is instituted by the law of 27 December 1990 creating budgetary funds, as amended by the program law of December 22, 2008, and managed by the Directorate General for Energy. »;

4° § 2, 3°, is replaced by the following provision:

"the lump sum that can be taken into account as well as the possible ceiling limiting this lump sum to cover the additional administrative costs linked to the collection of the federal contribution, the financial costs and risks; »;

5° § 2, 6°, is replaced by the following provision:

"6° the terms of application of the degressivity and the exemption referred to in Article 21bis, § 1^{er} bis, in particular the way in which the suppliers and the holders of an access contract will be able to recover from the commission the amounts advanced and the proof necessary to obtain this reimbursement. ".

Art. 34. Article 21quater, worded as follows, is inserted in Chapter V of the same law:

“Art. 21quater. - Without prejudice to article 26, § 1^{bis}, as inserted by the law of June 8, 2008, and article 30bis, § 3, as inserted by the program law of December 22, 2008, the Commission may exercise the powers conferred by these articles to monitor the correct application of the provisions relating to the surcharges provided for by this law and its implementing decrees. ".

Section 2. - Creation of a budget fund

Art. 35. A fund called the “Fund for flat-rate reductions for heating with natural gas and electricity” has been created at the Federal Public Service for the Economy, SMEs, Middle Classes and Energy, intended to finance the flat-rate reductions provided for by the program law. of June 8, 2008. This Fund constitutes an organic budgetary fund within the meaning of Article 45 of the laws on State accounting, coordinated on July 17, 1991. The revenue allocated to the Fund, as well as the expenditure which may be incurred from responsibility, are mentioned next to the said Fund in the table annexed to the organic law of 27 December 1990 creating budgetary funds.

Section 3. - Amendment of the organic law of 27 December 1990 creating budgetary funds

Art. 36. Heading “32 - Federal Public Service Economy, SMEs, Middle Classes and Energy” of the table appended to the organic law of 27 December 1990 creating budgetary funds is supplemented by the following provisions:

“32 - (...) - Flat-rate reduction fund for heating with natural gas and electricity

Nature of assigned revenue

The share determined by the King of the federal contribution referred to in Article 21bis, § 1^{er} 7°, of the law of

29 April 1999 relating to the organization of the electricity market and by Article 15/11, § 1^{er} paragraph 4, 4°, of the law of 12 April 1965 relating to the transport of gaseous and other products by pipeline.

Nature of authorized expenses.

The expenditure will be used to finance the fixed reductions provided for by the program law of 8 June 2008, for heating with natural gas and electricity. ".

Art. 37. This chapter comes into force on January 1^{er} 2009.

CHAPTER 2. - Natural gas - Amendment of the law of April 12, 1965 relating to the transport of gaseous and other products by pipeline

Art. 38. In article 15/11 of the law of April 12, 1965 relating to the transport of gaseous and other products by pipeline, inserted by the law of April 29, 1999 and last amended by the law of March 16, 2007, are added the following amendments:

1° § 1^{er} paragraph 4, is supplemented by a 4°, worded as follows:

“4° to the financing of flat-rate reductions for heating with natural gas and electricity provided for by the program law of 8 June 2008.”;

2° § 1^{er} paragraph 5, 3°, inserted by the law of 16 March 2007, is renumbered as a point 4°;

3° § 1^{er} paragraph 5, is supplemented by a 5°, worded as follows:

“5° in an organic budgetary fund called "Fund for flat-rate reductions for heating with natural gas and electricity", which is instituted by the organic law of December 27, 1990 creating budgetary funds, as amended by the law containing various provisions of the program law of December 22, 2008, and managed by the General Directorate for Energy. »;

4° the article is supplemented by a paragraph 3, worded as follows:

“§ 3. Without prejudice to article 15/16, § 1^{er} ^{bis}, as inserted by the law of 8 June 2008, and the article 18, § 3, as inserted by the law containing various provisions of ... 2008, the Commission may exercise the powers conferred by these articles to monitor the correct application of the provisions relating to the surcharges provided for by this law and its implementing decrees. ”.

Art. 39. This chapter comes into force on 1^{er} ^{January} 2009.

CHAPTER 3. - The program law of 8 June 2008 Flat-rate reductions for gas and electricity supplies

Art. 40. In Article 9, first paragraph of the program law of 8 June 2008, the second sentence is replaced by the following provision:

"These fixed reductions, which represent a reduction on the consumer's regularization invoice, are granted by the FPS Economy on the basis of a request from a residential customer, made by means of a form, transmitted with ^{July} the regularization invoices, drawn up by the electricity suppliers from 1^{er} 2008.”.

Art. 41. Article 10 of the same law is supplemented by a paragraph 4, worded as follows:

"§ 4. To determine the composition of the household, the FPS Economy consults the National Register of natural persons, instituted by the law of 8 August 1983 organizing a National Register of natural persons as well as the data accessible via the Crossroads Bank for Security social security within the social security network, in accordance with the procedures set or to be set, by the sectoral committee of the National Register, on the one hand, and by the sectoral Social Security Committee, on the other hand.

To determine the annual net taxable income of the household, the FPS Economy consults the data from the FPS Finance necessary to carry out its mission, in accordance with the procedures set or to be set, by the Sectoral Committee for the Federal Authority.

These consultations can be made available to the FPS Economy in an integrated manner by a public institution with the mission of integrating electronic services. ”.

Art. 42. In Article 11 of the same law, the second paragraph is replaced by the following provision:

"By decree deliberated in the Council of Ministers, the King determines the procedures for requests for flat-rate reductions, the procedure, the procedures for proof and the methods of payment of flat-rate reductions. ”.

Art. 43. This chapter takes effect on July 1^{er} 2008.

CHAPTER 4. - Standard reductions for natural gas, electricity and heating oil

Art. 44. For the purposes of this chapter, the following terms mean:

1° fuel oil: heating oil, kerosene (type C) and bulk propane gas, which are used solely for heating purposes;

2° household: the person usually living alone or the people usually occupying the same dwelling and living there together; the composition of the household is determined according to the data contained in the National Register of Natural Persons.

Art. 45. Are considered as consumers within the meaning of this chapter, the persons who at the time of the introduction of the request fall within the category of the persons referred to in article 37undecies of the law relating to the compulsory insurance health care and allowances coordinated on July 14, 1994 benefiting from an intervention of the insurance in the cost of the services and whose annual amount of the net taxable income of the household does not exceed 26,000.00 euros.

This amount is adjusted annually to a corrected index provided for in article 37quaterdecies of the law on

compulsory health care and compensation insurance, coordinated on 14 July 1994.

This amount is also adjusted for well-being in accordance with article 19 of the Royal Decree of ¹ April 2007 and setting the conditions for granting the increased intervention of the insurance referred to in article 37, §§ 1 ^{and} 19 of the law relating to compulsory health care and compensation insurance, coordinated on July 14, 1994, and establishing OMNIO status.

Art. 46. For 2009, a fixed reduction, which represents a reduction on the consumer's regularization bill, of 105 euros per household for the supply of electricity, natural gas or heating oil, is granted by the FPS Economy, SMEs, Classes averages and Energy to the consumer on the basis of a request from this consumer, on a standard form sent by the electricity supplier with the electricity adjustment bill.

¹
Art. 47. § . The fixed reduction referred to in Article 43 cannot be granted to protected residential customers with low incomes or in a precarious situation within the meaning of Article 15/10, § 2, of the law of 12 April 1965 relating to the transport of gaseous products and others by pipeline, and of article 20, § 2, of the law of April 29, 1999 relating to the organization of the electricity market.

§ 2. These lump-sum reductions can only be granted once per calendar year per household and cannot be combined with each other, or with the heating allowance from the Fuel Oil Social Fund.

Art. 48. These reductions are also applicable to households living in an apartment building whose natural gas or fuel oil heating is provided by a collective installation, provided that they meet the income conditions referred to in Article 42.

Art. . . 49. To determine the composition of the household, the FPS Economy consults the National register of natural persons, instituted by the law of 8 August 1983 organizing a National register of natural persons, as well as the data accessible via the Crossroads Bank for Social Security at within the social security network, in accordance with the procedures set or to be set, by the sectoral committee of the National Register, on the one hand, and by the sectoral Social Security Committee, on the other hand.

To determine the annual net taxable income of the household, the FPS Economy consults the data from the FPS Finance necessary to carry out its mission, in accordance with the procedures set or to be set, by the Sectoral Committee for the Federal Authority.

These consultations can be made available to the FPS Economy in an integrated manner by a public institution with the mission of integrating electronic services.

Art. 50. By decree deliberated in the Council of Ministers, the King determines the terms for requests for flat-rate reductions, the amount, the procedure, the terms of proof and the terms of payment of flat-rate reductions.

Art. 51. Articles 9, 10 and 11 of the program law of 8 June 2008 are repealed.

Art. 52. This chapter comes into force 1 ^{January 1}, 2009.

CHAPTER 5. - Creation of an organic budgetary fund

Art. 53. A fund has been created with the Federal Public Service Economy, SMEs, Middle Classes and Energy called "Fund for flat-rate reductions for heating with heating oil, kerosene (type C) and bulk propane gas" intended for the financing of the lump-sum reductions provided for in Article 43 of this law. This Fund constitutes an organic budgetary fund within the meaning of article 45 of the laws on State accounting, coordinated on July 17, 1991

. opposite the said Fund in the table appended to the organic law of 27 December 1990 creating budgetary funds.

CHAPTER 6. - Amendments to the organic law of 27 December 1990 creating budgetary funds

Art. 54. Heading "32 - Federal Public Service Economy, SMEs, Middle Classes and Energy" of the table appended to the organic law of 27 December 1990 creating budgetary funds is supplemented by the following provisions:

"32 - (...) - Flat-rate reduction funds for heating with heating oil, kerosene (type C) and bulk propane gas.

Nature of assigned revenue

The fund will be fed by 2,650,000 euros from the working capital of SA Belgoprocess and 3,000,000 euros from the passive fund BP1/BP2.

Nature of authorized expenses.

The expenditure will be used to finance the fixed reductions provided for by the program law of 8 June 2008, for heating with heating oil, kerosene (type C) and bulk propane gas. "

Art. 55. Chapters 5 and 6 enter into force on January 1st 2009.

CHAPTER 7. - National Institute for Radioelements

Art. 56. In 2009, the Belgian State made a contribution to the National Institute of Radioelements in Fleurus, either in the form of capital or in another appropriate form, for an amount equal to 9.621 million euros. By decree, deliberated in the Council of Ministers, the King sets the terms according to which this contribution can be made.

CHAPTER 8. - APETRA VAT adjustment

Art. 57. § 1. In order to obtain the amount of VAT on the amount of the contribution referred to in article 18 of the law of 26 January 2006 relating to the holding of compulsory stocks of petroleum and petroleum products and the creation of an agency for management of part of these stocks and amending the law of 10 June 1997 relating to the general regime, the holding, circulation and control of products subject to excise duty, by way of derogation from article 38 of the coordinated laws of 17 July 1991 on State Accounting, an allocation fund is created which pays advances to the public limited company for social purposes called APETRA on a quarterly basis from VAT receipts.

All VAT receipts arising from APETRA payments, including payments already made in the past, are allocated to the allocation fund.

Payments from the allocation fund in debit are authorized.

These advances on a quarterly basis are fixed on the basis of APETRA's monthly VAT declarations and on the basis of APETRA's monthly invoices to the Federal Public Economy Service for VAT on the contributions relating to this quarter, a copy of which will be sent to the Administration of Business Taxation and Income of the Federal Public Service Finance with the request to compensate the amount of VAT by an allocation from VAT receipts.

The Minister of Finance pays the advances to APETRA at the latest within the month of receipt by the Administration of Business and Revenue Taxation of the Federal Public Service Finance of the last monthly VAT return from APETRA for the quarter in question.

During the month of February of the year following that of the advances, the final statement in terms of VAT due on the aforementioned APETRA contributions will be drawn up by the Administration of Business Taxation and Revenue of the Federal Public Service Finance on the basis of the control of the contributions paid and the corresponding quantities put up for consumption by the Directorate General Energy of the Federal Public Service Economy, SMEs, Self-Employed and Energy.

Overpaid advances will be accounted for subsequent advances by the Minister of Finance.

Advances paid below will be liquidated by the Minister of Finance at the latest within the month following receipt of the final statement for VAT due on the aforementioned APETRA contributions drawn up by the Administration de la Fiscalité des Entreprises et des Revenus du Service federal public Finances on the basis of control of the contributions paid and the corresponding quantities put up for consumption by the Directorate General for Energy of the Federal Public Service Economy, SMEs, Self-Employed and Energy.

§ 2. APETRA is not liable for any fine, interest, penalty and/or increase for the period from 1st April 2007 until the entry into force of this law for possible late payment or non-payment of VAT on contributions.

Art. 58. § 1. For the period of VAT declarations for the months of April 2007 up to and including February 2008, a single statement will be made after presentation of a copy of the VAT declarations for the said period by APETRA to the Administration de la Fiscalité des Entreprises and Revenues of the Federal Public Service Finance as well as invoices concerning this period sent by APETRA to the FPS Economy for the VAT on contributions and on the basis of the check on the amounts paid and the corresponding quantities put up for consumption by the General Directorate of Federal Public Service Economy, SMEs, Middle Classes and Energy. The Minister of Finance pays the single statement to APETRA at the latest within the month of receipt by the Administration of Business Taxation and Revenue of the Federal Public Service Finance of the monthly VAT declarations of APETRA relating to the aforementioned months and the aforementioned invoices and on the basis of the control of the amounts paid and the corresponding quantities put up for consumption by the Directorate General of the Federal Public Service Economy, SMEs, Self-Employed and Energy.

§ 2. A protocol between the FPS Economy, APETRA and the FPS Finances determines the more precise rules relating to the operation of the allocation fund.

Art. 59. This chapter comes into force on the day of publication of this law in the Belgian Official Gazette.
 CHAPTER 9. - Amendment of the law of April 11, 2003 on the provisions made for the dismantling of nuclear power plants and for the management of irradiated fissile materials in these power plants, of the law of April 29, 1999 on the organization of the electricity and the law of 12 April 1965 relating to the transport of gaseous and other products by pipeline

Section 1st . - Amendment of the law of 11 April 2003 on the provisions made for the dismantling of nuclear power plants and for the management of irradiated fissile materials in these power plants

Art. 60. The wording of the title of Chapter II of the law of 11 April 2003 on the provisions constituted for the dismantling of nuclear power stations and for the management of irradiated fissile materials in these power stations, is supplemented by the following:

“and contributions. ”.

Art. 61. The wording of the title of Section 2 of Chapter II of the same law is supplemented by the following: “and contributions. ”.

Art. 62. Article 11 of the same law is supplemented by a paragraph 5 worded as follows:

“§ 5. The nuclear provisioning company is also competent and responsible for intervening in favor of the State in the collection of a distribution contribution referred to in Article 14, § 8, payable by the nuclear operators

referred to in article 2, 5°, and the companies referred to in article 24, § 1st and this within the framework of a public service obligation and under the conditions set out in articles 13 and 14.”.

Art. 63. The wording of the title of Sub-section 2 of Section 2 of Chapter II of the same law is supplemented by the following:

“and contributions. ”.

Art. 64. Article 13 of the same law is supplemented by two paragraphs, worded as follows:

“The nuclear provisioning company is also responsible, within the framework of a public service obligation, for advancing to the State the distribution contribution referred to in Article 14, § 8, according to the methods referred to in this provision. .

As soon as it has paid the advance of this distribution contribution, the nuclear provisioning company will send a notification by registered mail, as soon as possible and at the latest within 8 calendar days following the payment of the advance, to the nuclear operators referred to in Article 2, 5°, and to the companies referred to in Article

24, § 1st, the amount of their shares in the distribution contribution and will collect the said amount from them according to the terms set out in Article 14, §§ 8, 9 and 10, and in accordance with their public service obligations. In the event of non-payment of their shares in the apportionment contribution, the nuclear provisioning company will notify the Nuclear Provisions Commission. ”.

Art. 65. Article 14 of the same law is supplemented by paragraphs 8, 9 and 10, worded as follows:

“§ 8. A distribution contribution payable by the nuclear operators referred to in Article 2, 5°, and the companies referred to in Article 24, § 1st.

The purpose of this contribution is to finance the country's energy policy and the measures adopted by the Government and intended to cover the expenses made necessary to intervene in favor of investments in the electricity production market, to cover expenses and investments in nuclear energy, to strengthen security of supply, to combat rising energy prices and, finally, to improve competition on the energy market in the interests of consumers and industry. The modalities of interventions in each of these areas may be set by the King by decree deliberated in the Council of Ministers.

The overall amount of the distribution contribution, for the year 2008, is set at 250 million euros

The amount of the individual contribution of the nuclear operators referred to in Article 2, 5°, and of the

companies referred to in Article 24, § 1st is established in proportion to their shares in the industrial production

of electricity by fission of nuclear fuels, as calculated for the application of Article 9, paragraph 1st second sentence, and this for the last past calendar year.

The amount of the individual contribution must be paid by the nuclear operators referred to in Article 2, 5°, and

any other company referred to in Article 24, § 1st to the nuclear provisioning company no later than 30 days after the date of dispatch of the notification referred to in Article 13.

Notwithstanding the provisions of Articles 11, §§ 3 and 4, and 14, §§ 1^o 5 and 7, and in execution of Article 13, the nuclear provisioning company transfers, within 14 days after the entry into force of this paragraph and no later than December 31, 2008, to the State budget the amount of 250 million euros referred to in Article 14, § 8, paragraph 3, from the provisions constituted for the dismantling of nuclear power plants and the management of

irradiated fissile materials in these power plants pursuant to Article 11, § 1^o to bank account 679-2005871-08, for the attention of the FPS Economy, SMEs, Middle Classes and Energy, Revenue Various.

The amounts of the contributions referred to in this paragraph paid by the nuclear operators referred to in Article 2, 5^o, and the companies referred to in Article 24, § 1^o will be offset against the amount transferred by the nuclear provisioning company .

§ 9. The nuclear operators referred to in Article 2, 5^o, and any other company referred to in Article 24, § 1^o may not invoice or pass on in any way the obligation of their individual contribution, directly or indirectly, on other companies or on the end customer.

§ 10. If the payments referred to in § 8 of this article are not made within the time limits referred to in the same § 8, late payment interest equal to the legal interest rate is automatically due for the entire duration of the delay and the sums due are recovered by coercion, in accordance with the provisions of article 94 of the coordinated laws of July 17, 1991 on State accounting. "

Art. 66. In the same law, a new article 22bis is inserted as follows:

“Art. 22bis. - § 1st . In the event of non-compliance with the provisions of Article 14, § 8, paragraphs 1 to 5, the Nuclear Provisions Commission may impose an administrative fine on any nuclear operator referred to in Article

2, 5^o, or on any other company referred to in Article 24, § 1^o , after hearing them or having duly summoned them. The Nuclear Provisions Commission calculates the amount of the fine and gives reasons for its decision.

The fine amounts to a maximum of 2% of the share of the turnover relating to the production of electricity that the nuclear operator referred to in Article 2, 5^o, and liable for the fine, or the company referred to in Article 24, §

1^o and liable for the fine realized on the Belgian electricity market during the last closed financial year.

The fine is recovered for the benefit of the treasury by the Federal Public Finance Service, the Recovery Administration.

§ 2. The Electricity and Gas Regulatory Commission, referred to in Article 23 of the Law of 29 April 1999 on the organization of the electricity market, is responsible for verifying compliance with the provisions of Article 14, § 9.”

Section 2. - Amendment of the law of 29 April 1999 relating to the organization of the electricity market

Art. 67. Article 30bis of the law of April 29, 1999 on the organization of the electricity market, inserted by the

law of July 16, 2001 and amended by the law of June 1^o 2005, is replaced by the following :

“Art. 30bis. - § 1^o . Without prejudice to the powers of judicial police officers, the King appoints the officials of the Federal Public Service Economy, SMEs, Middle Classes and Energy who are competent to investigate and record breaches of this law and of the decrees issued in execution thereof. . Their minutes are authentic until proven otherwise.

The civil servants referred to in the first paragraph may:

° access the buildings, workshops and their outbuildings during opening or working hours, when this is necessary for the exercise of their mission;

2° make all useful findings, have documents, items, books and objects necessary for the investigation and the finding of offenses produced and seized.

When these acts are in the nature of a search, they may only be carried out by the officials referred to in the first paragraph with the authorization of the investigating judge or the president of the court of first instance seized upon request.

§ 2. The King appoints the agents of the Federal Public Service Economy, SMEs, Self-Employed and Energy who are competent for the administrative control of compliance with the provisions of this law and the decrees

issued in execution thereof.

§ 3. Without prejudice to Article 8 of the Code of Criminal Investigation, the King appoints the members of the Board of Directors and of the staff of the Commission who have the status of judicial police officer.

The members referred to in the preceding paragraph are competent to seek and record, by means of the minutes which are authentic until proven otherwise, infringements of Article 23, § 2, 3°, 3°bis, 19° and 20°, in Article

23bis, in Article 23ter and in Article 26, § 1^o as regards the performance of the tasks of the Commission referred to in Articles 23, § 2, 3°, 3°bis, 19° and 20°, 23bis and 23ter, and in Article 26, § 1bis of this law and its implementing decrees. To this end, they may:

1° access the buildings, workshops and their outbuildings during opening or working hours, when this is necessary for the exercise of their mission;

2° make all useful findings, have produced and seized all documents, items, books and objects necessary for the investigation and the finding of offences;

(3) collect all information, receive all depositions or all written or oral testimony;

4° lend their assistance in the execution of the decisions of the Commission.

When these acts are in the nature of a search, they can only be carried out pursuant to articles 87 to 90 of the Code of Criminal Procedure.

The members referred to in the first paragraph may, for the purposes of the accomplishment of their missions, call upon the police and benefit from all the means recognized for the agents of the public force. Without prejudice to specific laws guaranteeing the secrecy of declarations, public administrations are required to lend their assistance to these members in the performance of their duties. Members may also request the assistance of the offender or his servants.

The members referred to in the first paragraph exercise their mission as judicial police officers according to the rules set by a royal decree deliberated in the Council of Ministers, on a proposal from the Commission. They take an oath before the Minister of Justice, in the terms provided for in application of the decree of July 31, 1831. As judicial police officers, they are subject to the supervision of the public prosecutor. "

Section 3. - Modification of the law of April 12, 1965 relating to the transport of gaseous and other products by pipelines

Art. 68. Article 18 of the law of April 12, 1965 relating to the transport of gaseous and other products by pipeline, as last amended by the law of July 16, 2001, is replaced by the following:

“Art. 18. - § 1^o. Without prejudice to the powers of judicial police officers, the King appoints the agents of the Federal Public Service Economy, SMEs, Middle Classes and Energy who are competent to investigate and record the offenses provided for in Articles 19 and 20/1; their minutes shall prevail until proven otherwise.

The civil servants referred to in the first paragraph may:

1° access the buildings, workshops and their outbuildings during opening or working hours, when this is necessary for the exercise of their mission;

2° make all useful findings, have documents, exhibits, books and objects necessary for the investigation and the finding produced and seized.

When these acts are in the nature of a search, they may only be carried out by the agents referred to in paragraph with

1 the authorization of the investigating judge or the president of the court of first instance seized upon request.

§ 2. The King appoints the agents of the Federal Public Service Economy, SMEs, Self-Employed and Energy who are competent for the administrative control of compliance with the provisions of this law and the decrees issued in execution thereof.

§ 3. Without prejudice to Article 8 of the Code of Criminal Investigation, the King appoints the members of the Board of Directors and of the staff of the Commission who have the status of judicial police officer.

The members referred to in the preceding paragraph are competent to seek and record, by means of the minutes which are authentic until proven otherwise, infringements of Article 15/14, § 2, 3°, 3°bis, 12° and 13°, in

Article 15/14bis, in Article 15/14ter and in Article 15/16, § 1^o as regards the performance of the tasks of the Commission referred to in Articles 15/14, § 2, 3°, 3°bis, 12° and 13°, 15/14bis and 15/14ter, and in article 15/16,

§ 1st bis, of this law and in decrees d execution thereof. To this end, they may:

- 1° access the buildings, workshops and their outbuildings during opening or working hours, when this is necessary for the exercise of their mission;
- 2° make all useful findings, have produced and seized all documents, items, books and objects necessary for the investigation and the finding of offences;
- (3) collect all information, receive all depositions or all written or oral testimony;
- 4° lend their assistance in the execution of the decisions of the Commission.

When these acts are in the nature of a search, they can only be carried out pursuant to articles 87 to 90 of the Code of Criminal Procedure. ^{The members referred to in the first}

paragraph, bearing the status of judicial police officers, may, for the purposes of accomplishing their missions, call upon the police and benefit from all the means granted to law enforcement officers. Without prejudice to specific laws guaranteeing the secrecy of declarations, public administrations are required to lend their assistance to these members in the performance of their duties. Members may also request the assistance of the offender or his servants. ^{The members referred to in the first}

paragraph exercise their mission as judicial police officers according to the rules set by a royal decree deliberated in the Council of Ministers, on a proposal from the Commission. They take an oath before the Minister of Justice, in the terms provided for in application of the decree of July 31, 1831. As judicial police officers, they are subject to the supervision of the public prosecutor. "

Art. 69. This chapter comes into force on the day of publication of this law in the Belgian Official Gazette.

TITLE 5. - Social affairs

CHAPTER 1st . - Social fraud

Section 1st . - Automatic regularization

Art. 70. In Article 22, paragraph 1, of the law of June 27, 1969 revising the decree-law of December 28, 1944 concerning the social security of workers, the word "quarterly" is inserted between the words "absence of declaration" and the words "or in case".

Art. 71. In the same law, an article 22quater is inserted, worded as follows:

"Art. 22quater. - When a controller or a social inspector finds that an employer has omitted to make the immediate declaration of employment referred to in the Royal Decree of 5 November 2002 establishing an immediate declaration of employment, pursuant to article 38 of the law of 26 July 1996 on the modernization of social security and ensuring the viability of legal pension schemes, for a specific worker, he informs the National Social Security Office, according to the methods determined by the Office.

On this basis, the National Social Security Office automatically establishes, in the form of a correction, the amount of a solidarity contribution calculated on a flat-rate basis equal to three times the basic contributions, ^{er} collective labor agreement no. 43 of May 2, 1988 amending and coordinating collective labor agreements no. 21 of May 15, 1975 and no. 23 of July 25, 1975 relating to the guarantee of a minimum average monthly income. The amount thus calculated may not be less than 2,500 euros. The amount in question is linked to the health index for the month of September 2008 (111.15).

By way of derogation from paragraph 2, the employer who invokes the material impossibility of carrying out full-time work services must provide the elements enabling the reality of the worker's services to be established. The amount of the solidarity contribution is then reduced in due proportion.

The amount of the solidarity contribution is reduced by the contributions due for the services actually declared for the worker concerned.

This amount is to be charged to the quarter during which the worker's services were recorded.

The amount of the debt thus established is notified to the employer by registered letter. "

Art. 72. In article 35 of the same law, replaced by the law of 27 December 2005, paragraph 3 is repealed.

Art. 73. This section comes into force on January 1st 2009.

Section 2. - Prescription

Sub-section 1st . - National Social Security Office

Art. 74. ÷ article 42 of the same law, modified by the laws of August 4, 1978, April 29, 1996, January 25, 1999,

December 24, 2002, July 3, 2005, December 27, 2005 and June 8, 2008, the following modifications are made :

1° the first and second paragraphs are replaced by the following:

“Claims of the National Social Security Office against employers subject to this law and persons referred to in Article 30bis, are time-barred after three years from the due date of the debts concerned. By way of derogation from the above, the limitation period is extended to seven years, if the claims of the aforementioned Office follow automatic regularizations following the finding, on the part of the employer, of maneuvers fraudulent or false or knowingly incomplete declarations.

Actions brought against the National Social Security Office for the recovery of undue contributions are time-barred after three years from the date of payment. »;

2° a paragraph drafted as follows is inserted between paragraphs 3 and 4:

"In the event of fraudulent liability to social security for salaried workers, the aforementioned Office has a period of seven years from the first day of the quarter following that during which the offense took place to proceed with the cancellation of these fraudulent coverages or automatic coverage with the real employer. In accordance with paragraph 2, any refund of contributions covers a maximum period of three years. "

Art. 75. For claims referred to in Article 42, paragraphs 1 and 3, of the law of June 27, 1969 revising the decree-law of December 28, 1944 concerning the social security of workers which are not yet prescribed on the date of entry into force of article 71, according to the period of five-year prescription, but which are already prescribed

according to the new three-year limitation period, the limitation date is set at 1 January 2009.

Art. 76. Article 33 of the law of July 3, 2005 containing various provisions relating to social consultation, is repealed.

Art. 77. This section comes into force on January 1, 2009, with the exception of section 76 which comes into force on December 31, 2008.

Sub-section 2. - Other bodies

Art. 78. Article 12, § 4, of the decree-law of February 7, 1945 concerning the social security of seafarers in the merchant navy, amended by the law of April 29, 1996, the royal decree of May 19, 1995 and by the law of July 3, 2005, is replaced by the following:

“The claims of the Relief and Provident Fund in favor of seamen are time-barred by three years from the due date of the claims. By way of derogation from the foregoing, the limitation period is extended to seven years, if the debts of the aforementioned fund follow automatic adjustments following the observation, on the part of the shipowner, of fraudulent maneuvers or false or knowingly incomplete statements.

Actions brought against the Relief and Welfare Fund in favor of sailors for the recovery of undue contributions are time-barred after three years from the date of payment.

In the event of fraudulent liability to social security for seamen in the merchant navy, the above-mentioned Relief and Provident Fund has a period of seven years from the first day of the quarter following that during which the offense occurred. taken place in order to proceed with the cancellation of these fraudulent liability or automatic liability with the actual shipowner. In accordance with paragraph 2, any refund of contributions covers a maximum period of three years. "

Art. 79. For claims referred to in Article 12, § 4, first paragraph, of the decree-law of February 7, 1945 concerning

the social security of seafarers in the merchant navy which are not yet prescribed on January 1, 2009, according to the five-year limitation period, but which are already prescribed according to the new three-year limitation period, the limitation date is January 1, 2009.

Art. 80. Article 34 of the law of July 3, 2005 containing various provisions relating to social consultation, is repealed.

Art. 81. Article 6 of the law of August 1, 1985 on social provisions, amended by the laws of December 22, 1989, July 20, 1991, April 29, 1996, July 3, 2005 and December 27, 2005 is replaced by the following:

“Art. 6. - The claims of the National Office which relate to the contributions referred to in Article 1, § 2, 1° to

4°, and in Article 1[°] §§ 3 and 4, are prescribed by three years starting on the day they become due. By way of derogation from the foregoing, the limitation period is extended to seven years, if the National Office's claims are the result of automatic adjustments following the finding, on the part of the employer, of maneuvers fraudulent or false or knowingly incomplete declarations.

Actions against the Office with a view to recovering the aforementioned undue contributions are time-barred after three years starting on the day of payment.

In the event of fraudulent subjection to social security of the personnel of the provincial and local administrations, the National Office has a period of seven years from the first day of the quarter following that during which the offense took place, to proceed with the cancellation of these fraudulent coverages or automatic coverage with the real employer. In accordance with paragraph 2, any refund of contributions covers a maximum period of three years.

The claims of the Office relating to the deduction referred to in Article 1[°], § 2, 5°, are prescribed by three years from the date of payment of the pension or the additional benefit. Actions against the Office for the recovery of the aforementioned undue deductions are time-barred after three years following the date on which the deduction was transferred.

The claims of the Office concerning the premiums, interventions and allowances referred to in Article 1[°] § 2bis, § 2ter and § 2quater, paid unduly, are time-barred after five years from the date of payment. Actions against the Office with a view to payment of the premiums, interventions and allowances due mentioned above are time-barred after five years from the date of their due date. "

Art. 82. For claims referred to in article 6 of the law of 1st August 1985 relating to social provisions which are not yet prescribed on January 1st 2009, according to the five-year limitation period, but which are already prescribed according to the new three-year limitation period, the prescription date is set at 1st January 1, 2009.

Art. 83. Article 36 of the law of July 3, 2005 containing various provisions relating to social consultation, is repealed.

Art. 84. Article 121 of the coordinated laws relating to family allowances for salaried workers of 19 December 1939, amended by the laws of 10 October 1967, 29 April 1996 and 3 July 2005 is supplemented as follows: "For actions which are not yet prescribed on the date of entry into force of article 37 of the law of July 3, 2005 containing various provisions relating to social consultation, according to the limitation period of five years, but which are already prescribed according to the new limitation period of three years, the date of limitation is fixed at 1st January 2009."

Art. 85. Article 59, paragraph 4, of the laws relating to the prevention of occupational diseases and compensation for damage resulting from them, coordinated on June 3, 1970, amended by the laws of April 29, 1996 and July 3, 2005, is completed as follows:

"For actions which have not yet been prescribed according to the limitation period of five years on the date of entry into force of article 39 of the law of July 3, 2005 containing various provisions relating to social consultation, but which are already prescribed according to the new three-year limitation period, the limitation date is set at January 1st 2009."

Art. 86. Article 69, paragraph 3, of the law of April 10, 1971 on accidents at work, amended by the laws of August 1st 1985, April 29, 1996 and July 3, 2005 is supplemented as follows:

"For debts which have not yet been prescribed according to the five-year limitation period on the date of entry into force of article 40 of the law of July 3, 2005 containing various provisions relating to social consultation, but which are already prescribed according to the new limitation period of three years, the date of limitation is fixed at 1st January 2009."

Art. 87. Article 3, paragraph 1[°] of Royal Decree no. 33 of 30 March 1982 relating to deduction from invalidity allowances, amended by Royal Decree no. 52 of 2 July 1982 and by the laws of April 29, 1996 and July 3, 2005

is supplemented as follows:

“For debts which have not yet been prescribed according to the five-year limitation period on the date of entry into force of article 41 of the law of July 3, 2005 containing various provisions relating to social consultation, but which are already prescribed according to the new three-year limitation period, the limitation date is set at January 1st 2009.”.

Art. 88. In article 46bis of the laws relating to the annual holidays of salaried workers, coordinated by royal decree of 28 June 1971, modified by the laws of 30 December 2001, 24 December 2002 and 27 December 2005, the following modifications are made:

and

1° In paragraphs 1st and 2, the words “five years” are replaced by the words “three years”;

2° A paragraph drafted as follows is inserted between paragraphs 2 and 3:

"Notwithstanding paragraph 2, the limitation period is extended to 5 years from the end of the year of the vacation period at to which this holiday pay relates, if the unduly paid benefits were obtained following fraudulent maneuvers or false or knowingly incomplete declarations. In the event of fraudulent liability to social security for salaried workers, any refund of holiday pay shall cover a maximum period of three years from the end of the year of the holiday exercise to which this holiday pay. "

Art. 89. A chapter VIter is inserted in the same coordinated laws, as subsequently amended, worded as follows: “Chapter VIter. - Of the prescription concerning holiday pay for employees and apprentice employees.

Art. 46ter. - The action for payment of vacation pay to an employee or an apprentice-employee is prescribed by three years from the end of the year of the vacation exercise to which this vacation pay relates. "

Art. 90. In article 60 of the same coordinated laws, amended by the law of 30 December 2001, the words “five years” are replaced by the words “three years”.

1st

Art. 91. Sections 78 to 90 come into force on the January 2009 with the exception of articles 80 and 83 which enter into force on December 31, 2008 and articles 88 and 90 which enter into force on January 1st 2010.

Section 3. - Trustees

Art. 92. ÷ Article 22 of the aforementioned law of June 27, 1969, amended by the law of December 27, 2004, the following changes are made:

1st

1° in the paragraph , the words “or of the curator” are inserted between the words “with the employer,” and the words “which is required”;

2° in paragraph 2, the words “or to the trustee” are inserted between the words “to the employer” and the words “by registered letter”;

3° paragraph 3 is completed as follows: “or at the expense of the curator in default”;

4° in paragraph 4, the words “or at the expense of the curator in default” are inserted between the words “mandatory in default” and the words “, rectifications”;

5° a paragraph 6 is inserted, worded as follows:

“The costs of drawing up the declaration payable by the curator constitute a debt of the estate. ”.

Art. 93. ÷ Article 29 of the aforementioned law of 27 June 1969, replaced by the law of 27 December 2005, the following modifications are made:

1st

1° in the paragraph , the words "or the curator" are inserted between the words “The Employer,” and the words “who does not forward”;

2° in paragraph 2, the words "or curator" are inserted between the words "to the employer," and the words "exemption or reduction" and the words "or curator" are inserted between the words "as much as the employer," and the words "not found".

January

Art. 94. This section comes into force on 1 January 2009.

Section 4. - National Institute for Sickness and Invalidity Insurance

st

Sub-section 1st . - Powers of social controllers

Art. 95. Article 146, § 1st second paragraph, of the law on compulsory health care and compensation insurance, inserted by the law of 24 December 1999, consolidated on 14 July 1994, is supplemented by the following

sentence :

“During the execution of this mission, they are responsible for monitoring the application of Royal Decree No. 5 of 23 October 1978 relating to the keeping of social documents. ”.

Art. 96. Article 162, first paragraph, of the same law, is supplemented by the following sentence:

“Social inspectors and social controllers are also responsible for monitoring the application of Royal Decree No. 5 of 23 October 1978 relating to the keeping of social documents. ”.

Art. 97. In article 175 of the law relating to compulsory health care and compensation insurance, coordinated on 14 July 1994, amended by the laws of 24 December 1999 and 24 December 2002, paragraph 2 is replaced by what follows:

“The medical inspectors, the pharmacist-inspectors, the nurse-controllers and the social controllers referred to in article 146 take the oath before the chairman of the committee of the medical evaluation and control service; the social inspectors and social controllers referred to in article 162 take the oath before the general administrator of the Institute. ”.

Sub-section 2. - Archiving of documents by insurers

Art. 98. In Section I of Chapter III of Title VII of the law on compulsory health care and compensation insurance, an article 163/1 is inserted, worded as follows:

“Art. 163/1. - The King determines which procedure must be followed in order to determine which documents and data must be drawn up, kept, produced or collected by the insurers and according to which forms, deadlines or conditions provided for by this law. The King may also provide that the documents or data may, where appropriate, be drawn up, stored, produced or compiled by the insurers on a medium other than paper, without prejudice to the application of Article 9bis, concerning the probative value of the data thus stored.

The King can thus define how these documents or data must be made available to the administrative control service or the medical evaluation and control service. ”.

CHAPTER 2. - Family allowances

Section 1st . - Social supplement for single-parent families

Art. 99. In article 48, paragraph 5, of the coordinated laws of 19 December 1939 relating to family allowances for salaried workers, replaced by the law of 11 July 2005 and amended by the laws of 20 July 2006 and 27 April, the sentence " By way of derogation from paragraph 4, the granting of family allowances takes effect from the first day of the month during which indexation or the institution of a new advantage by law occurs. is replaced by the sentence "By way of derogation from paragraph 4, the granting of family allowances takes effect from the first day of the month during which indexation or the institution of a new benefit occurs by or under the law . ”.

Art. 100. The Royal Decree of 28 September 2008 modifying the amount of the supplement referred to in Article 41 of the coordinated laws of 19 December 1939 relating to family allowances for salaried workers is confirmed.

Art. 101. The provisions of this section take effect on 1^{October} 2008.

Section 2. - Increased family allowances for disabled children

Art. 102. ÷ Article 56septies of the coordinated laws relating to family allowances for salaried workers, replaced by the program law (I) of 24 December 2002 and modified by the Royal Decree of 29 January 2007, the following modifications are made:

1° paragraph 1¹ paragraph 1¹, is supplemented by the words “and this as a transitional measure”;

2° in paragraph 2, first paragraph¹ the words “who was born after 31 December 1992 and” are repealed.

3° in paragraph 3, the words “Notwithstanding § 2, the King” are replaced by the words “The King”;

4° paragraph 4 is replaced by the following:

“§ 4. The King may, by decree deliberated in the Council of Ministers, determine under what conditions and for what period the child, who was born after 31 December 1992 and on later on 1^{January} 1996, receives family allowances by application of § 1¹. ”.

Art. 103. ÷ Article 63 of the same laws, replaced by the program law (I) of 24 December 2002 and modified by the Royal Decree of 29 January 2007, the following modifications are made:

1° paragraph 1¹ subparagraph 1¹ is supplemented by the words “and this as a transitional measure”;

2° in paragraph 2, first paragraph the words “who was born after 31 December 1992 and” are repealed.

3° in paragraph 3, the words “Notwithstanding § 2, the King” are replaced by the words “The King”;

(4) paragraph 4 is replaced by the following:

"§ 4. The King may, by decree deliberated in the Council of Ministers, determine under what conditions and for what period the child, who was born after 31 December 1992 and no later than 1 January 1996, benefits from family allowances by application of § 1 .".

Art. 104. This section comes into force on May 1 2009, with the exception of articles 102, 4°, and 103, 4°, which take effect on May 1 2003.

Section 3. - Cadastre of family allowances

Art. 105. Article 33 of the program law of 20 July 2006 is supplemented by a paragraph worded as follows:

"The Central Fixed Expenditure Service instituted by the Royal Decree of 13 March 1952 organizing the Central Fixed Expenditure Service and amending the Royal Decree of 10 December 1868 relating to general regulations on State accounting, is authorized to carry out the integration and updating of social data in the possession of the

persons governed by public law referred to in the first paragraph provided that they are part of the institutions on whose behalf this service pays family benefits on 30 September 2008 .".

Art. 106. In article 101 of the coordinated laws relating to family allowances for salaried workers, the following amendments are made:

1° paragraph 3, 9°, inserted by the program law of 27 April 2007, is supplemented by the following sentences:

"As long as the National Office is unable to resume payments, these are prosecuted temporarily by the said persons governed by public law. This provision also applies to persons governed by public law who, after 1 October

2008, are subject for the first time to the obligation referred to in the aforementioned Article 33 due to the fact that they employ one or more persons who have acquired the status of beneficiary after this date, with the exception of those belonging to the federal authority who expressly declare that they do not want to work via the central fixed expenditure service, referred to in the aforementioned article 33. »;

2° in paragraph 7, amended by the laws of 21 December 1994, 29 April 1996 and 22 February 1998, the words “and 8°” are replaced by the words “, 8° and 9°”;

3° the article is supplemented by a paragraph drafted as follows:

"When the National Office is responsible, after 31 March 2008, for paying family benefits to the staff of persons governed by public law referred to in Article 3, 1° and 2°, pursuant to paragraphs 3, 9°, and 4 of this article, it is authorized to recover, on behalf of these persons, insofar as they are federal, the family benefits which they have paid unduly before the resumption of payments by this Office. The persons governed by public law referred to in Article 3, 1° and 2°, who are not federal as well as the persons governed by public law referred to in Article 3, 1°

and 2°, who have instructed the National Office, before 1 April 2008, to pay family benefits to their staff may, under the same conditions, entrust the National Office with the same mission.

Art. 107. In chapter XV of the same laws, an article 139bis worded as follows is inserted before section 1:

Art. 139bis. - For the application of the provisions of this chapter, the persons governed by public law referred to in Article 3, 1° and 2° who have complied with the provisions of Article 33 of the program law of 20 July 2006 are assimilated at the primary funds. »

Art. 108. Article 105 takes effect on April 1 2007.

Article 106 takes effect on October 1 2008 with the exception of 3° which takes effect on April 1 2008.

Article 107 takes effect on October 1, 2008.

Section 4. - Delegation to the King

Art. 109. Article 75, 1°, of the coordinated laws relating to family allowances for salaried workers is replaced with the following sum:

"1° modify and supplement the amounts and conditions set out in Articles 40, 41, 42bis, 47, 50bis, 50ter, 73bis

and 73^{quarter}. "

CHAPTER 3. - Maternity rest

Art. 110. Article 104, paragraph 1¹ of the law on compulsory health care and compensation insurance, consolidated on 14 July 1994, is supplemented by the following point:

"4° when the worker resumes part of her professional activities under the conditions referred to in Article 114, paragraph 6, in order to avoid any loss of compensation due to the staggering or extension of the maternity leave . "

Art. 111. In article 114 of the same law, as last amended by the law of 20 July 2006, the following paragraph is inserted between paragraphs 5 and 6:

"The worker referred to in article 86, § 1¹, a), with the exception of the worker who benefits from an indemnity following the termination of the employment contract, has the option of extending the period of maternity leave by resuming part of her professional activities in the conditions referred to in Article 39, paragraph 3, of the law of March 16, 1971 on work. "

Art. 112. Article 115 of the same law is replaced by the following provision:

"With the exception of the period during which the holder makes use of the option referred to in Article 114, paragraph 6, the rest periods, referred to in article 114, can only be retained on the condition that the holder has ceased all activity or interrupted controlled unemployment. "

Art. 113. The provisions of this chapter enter into force on 1^{April} 2009 and apply to deliveries occurring from that date.

CHAPTER 4. - Fund for the future for health care

Art. 114. ÷ Article 111 of the program law (I) of 27 December 2006 the following modifications are made:

1° the first^{paragraph} is replaced by the following:

"There is hereby established a fund to be known as the 'future health care fund'. This fund belongs for 90% to

the overall management ONSS, referred to in article 5, paragraph 1², of the law of June 27, 1969 revising the decree-law of December 28, 1944 concerning the social security of workers and for 10% to the overall financial management of the social status of self-employed workers referred to in Article 2 of the Royal Decree of 18 November 1996 on the introduction of overall financial management in the social status of self-employed

workers, pursuant to chapter I^I Title VI of the law of 26 July 1996 modernizing social security and ensuring the viability of legal pension schemes. The National Social Security Office manages this fund, on the basis of an agreement, in the name and on behalf of the overall management NSSO on the one hand, and the overall financial management of the social status of the self-employed on the other. go. The National Institute for Sickness and Invalidity Insurance participates in the drafting of the aforementioned agreement. »;

2° a paragraph drafted as follows is inserted between paragraphs 3 and 4:

"Payments made in 2007 into the fund for the future of health care, created within the National Institute for^{paragraph}

Health and Disability Insurance, become ownership of the fund referred to in the first^{paragraph}, as well as the financial income generated by these payments. »;

3° the article is supplemented by two paragraphs worded as follows:

"The King may, by decree deliberated in the Council of Ministers, within the framework of setting the overall annual budgetary objective for healthcare insurance, determine the other amounts that are allocated to this fund. From 2009, the amounts reimbursed by hospitals to the National Institute for Sickness and Invalidity Insurance within the framework of article 56ter of the law relating to compulsory health care and compensation insurance, coordinated on July 14, 1994, are assigned to the fund. »;

4° in the article, the words "the Fund for the financial balance of the social status of self-employed workers referred to in article 21bis of Royal Decree no. 38 of 27 July 1967 organizing the social status of self-employed workers" are replaced by the words "the overall financial management of the social status of self-employed workers referred to in Article 2 of the Royal Decree of 18 November 1996 relating to the introduction of overall

financial management in the social status of self-employed workers, pursuant to Chapter I of^{Title} VI of the law of 26 July 1996 on the modernization of social security and ensuring the viability of legal pension schemes".

Art. 115. Article 114, 1^o in 2^o, takes effect on the 1st January 2008 and article 114, 3^o, enters into force on January 1st 2009.

CHAPTER 5. - Alternative financing

Art. 116. In article 66 of the program law of January 2, 2001, the following modifications are made:

1^o § 3bis, paragraph 4, inserted by the law of December 27, 2006, is supplemented by the following sentence: "A From 2009, the annual advance on the alternative financing of the cost of service vouchers is increased to 400,000 thousand euros. »;

2^o § 13, first paragraphst inserted by the law of January 31, 2007 and amended by the law of December 21, 2007, is replaced as follows:

3^o "From the year 2008, two amounts are deducted from the proceeds of value added tax. In the event of insufficient VAT receipts in 2009, noted during the assessment of tax receipts or during the year, a portion may be deducted from the receipts from the withholding tax. These two amounts are allocated respectively to the

ONSS-global management, referred to in article 5, paragraph 1^o 2^o, of the law of 27 June 1969 revising the decree-law of 28 December 1944 concerning the social security of workers and the overall financial management of the social status of self-employed workers referred to in Article 2 of the Royal Decree of 18

November 1996 introducingst of title VI of the law of 26 July 1996 on the modernization of social security and ensuring the viability of statutory pension schemes. The King determines the amounts referred to in this paragraph annually. "

Art. 117. This chapter comes into force on 1st January 2009.

CHAPTER 6. - Non-market agreement 2005-2010

Section 1st. - Function classification and second pillar pension

Art. 118. Article 55, paragraph 2, of the program law of 20 July 2006, amended by the law of 27 December 2006, is supplemented by the following sentence:

"For the year 2008, is transferred to the Federal Sector Sectoral Savings Fund, whose registered office is at 1000 Brussels, Quai du Commerce 48, for the financing of the actuarial study relating to the establishment of a second pension pillar for all staff in the federal health sectors by the Global Management of Social Security for salaried workers an amount of 300,000 euros, coming from the unused resources of the envelope intended for the employment of young people in the framework of the global federal projects of the private social non-market sector, referred to in article 80 of the law of 23 December 2005 relating to the pact of solidarity between generations. "

Art. 119. For the year 2008, is transferred to the non-profit organization Institute Classification of Functions, whose registered office is at 1000 Brussels, quai du Commerce 48, for the financing of the study relating to the new classification of functions, referred to in the agreement relating to the federal health sectors - private sector for the period 2005-2010, by the Global Management of Social Security for salaried workers, an amount of 722,137 euros, coming from the unused means of the envelope intended for the employment of young people within the framework of the global federal projects of the private social non-profit sector, referred to in article 80 of the law of 23 December 2005 relating to the pact of solidarity between generations.

Art. 120. This section comes into force on December 1st 2008.

Section 2. - Project 600

Art. 121. With a view to financing the extension of the training project for nurses, the Global Management of Social Security for salaried workers pays the following amounts:

1^o 2,459,463 euros to the public sector Maribel Social Fund, from intended for the employment of young people within the framework of the global federal projects of the public social non-market sector, referred to in article 80 of the law of 23 December 2005 relating to the pact of solidarity between generations;

2^o 23,881,063 euros to the Intersectoral Fund for Health Services, from the envelope intended for the employment of young people within the framework of the federal global projects of the private social non-market sector, referred to in Article 80 of the law cited above of December 23, 2005.

Art. 122. This division comes into force on December 1st 2008.

TITLE 6. - Employment

CHAPTER 1st. - ePV

Art. 123. In the law of June 30, 1971 relating to administrative fines applicable in the event of infringement of certain social laws, inserted by the law of December 27, 2005 and modified by the law of December 27, 2006,

article 13ter whose current text will form paragraph 1st is supplemented by a paragraph 2, worded as follows:

“§ 2. By way of derogation from § 1st, the proceeds of the administrative fines referred to therein are in 2009, up to the amount of one million euros, paid to the Treasury with a view to financing the production of the electronic report recording breaches of social legislation (e-PV).”.

CHAPTER 2. - Temporary monthly bonus for older workers in the event of a change from a heavy job to a lighter job resulting in a loss of income, within the framework of the Professional Experience Fund

Art. 124. In article 7 of the decree-law of 28 December 1944 concerning the social security of workers, as last amended by the law of 24 July 2008, the following modifications are made:

1st paragraph 1st, paragraph 3, is supplemented by a letter zc), worded as follows:

"zc) with the aid of the bodies created under point i), under the terms and conditions set by the King, ensure the granting and payment of a temporary bonus to certain categories of older workers who voluntarily switch with loss of income to lighter work for the same employer. These premiums are deducted from the amount which, in accordance with article 25, 1st, of the law of 5 September 2001 aimed at improving the employment rate of workers, is annually allocated by the National Social Security Office to the professional experience referred to in article 24 of the same law. »;

2nd a paragraph 1 quinquies is inserted¹ worded as follows:

quinquies. The premium referred to in § 1st paragraph 3, zc), is for the application of this article and its implementing decrees, considered as an unemployment allowance, unless the King derogates therefrom. The period covered by this premium is not considered as a period during which unemployment benefit has been paid for the health care and indemnity insurance and for the calculation of the retirement pension. For the application of § 4, the control of compliance with the conditions for granting the bonus is assimilated to the control of the reality of unemployment. ”.

CHAPTER 3. - Accidents at work

Art. 125. Article 58quater of the law of April 10, 1971 on accidents at work, repealed by the law of July 13, 2006, is reinstated in the following wording:

“Art. 58quater. - The operating costs of the Accidents at Work Fund for the missions provided for in Article 58,

§ 1st 9th, insofar as the control relates to the law of 10 April 1971 on accidents at work of 10 April 1971, and 13th, are borne by the insurance companies within the limits and according to the methods set by the King.

The Fund may charge the Administration of Cadastre, Registration and Estates with the recovery of these unpaid sums. The sums due are recovered by coercion in accordance with the provisions of article 94 of the coordinated laws of July 17, 1991 on State accounting. ”.

CHAPTER 4. - Local employment agencies

Modification of the decree-law of December 28, 1944 concerning the social security of workers

Art. 126. Article 8, § 4, first paragraph¹ last sentence, of the decree-law of 28 December 1944 concerning the social security of workers, amended by the law of 7 April 1999, is supplemented as follows:

"and reserve certain activities for certain categories of workers. »

CHAPTER 5. - Commission for the settlement of the employment relationship

Art. 127. In article 343 of the program law (I) of 27 December 2006, the words “and no later than 1

January

January

2008” are replaced by the words “and no later than 1 January 2009”.

Art. 128. Section 127 takes effect on January 1st 2008.

CHAPTER 6. - Maternity protection

Art. 129. Article 39, paragraph 3, of the Labor Act of 16 March 1971 is supplemented by the following sentences:

“When the worker can extend the interruption of work after the ninth week by at least two weeks, the last two weeks of the postnatal rest period can be converted at her request into days of postnatal rest leave. The employer is then required to convert, according to the number of days provided for in the worker's work schedule, this period into days of postnatal rest leave. The worker must take these days of postnatal rest leave, according to a schedule set by herself, within eight weeks from the end of the uninterrupted period of postnatal rest leave. The King can determine the modalities according to which the worker notifies the employer of the conversion and of this planning and can elaborate other conversion modalities. ”.

Art. 130. In Article 40 of the Labor Act of 16 March 1971, the first paragraph is replaced by the following: “Except for reasons unrelated to the physical condition resulting from pregnancy or childbirth, an employer who employs a pregnant worker may not take any action aimed at unilaterally terminating the employment relationship from the time he was informed of the state of pregnancy until the expiry of a period of one month starting at the end of the postnatal leave, including the period of eight weeks during which the worker must take, where applicable, her days of postnatal rest leave. ”.

Art. 131. Article 38, § 2, of the law of 3 July 1978 relating to employment contracts, is supplemented by a paragraph,

“In the event of leave given by the employer before or during the period of eight weeks, referred to in Article 39, paragraph 3, of the law of 16 March 1971 on work, during which the worker takes her days off from postnatal rest, the notice period ceases to have effect for the entirety of this eight-week period. ”.

Art. 132. Sections 129 to 131 come into force on 1 April 2009 and apply to deliveries occurring from that date.

CHAPTER 7. - Paternity leave

Art. 133. In Article 30, § 2, first paragraph, of the law of 3 July 1978 relating to employment contracts, the words “within thirty days” are replaced by the words “within four months”.

Art. 134. In Article 25quinquies, § 2, first paragraph of the law of 1 April 1936 on employment contracts for the service of inland navigation vessels, the words “thirty days” are replaced by the words “four months ”. Art. 135.

Sections 133 and 134 come into force on April 1st 2009 and apply to deliveries occurring from that date. TITLE 7. - Public health CHAPTER 1st. - Amendments to the law relating to compulsory health care and compensation insurance, coordinated on 14 July 1994 Section 1st. - Observatory of chronic diseases

Art. 136. ÷ article 19 of the law relating to compulsory health care and compensation insurance, coordinated on 14 July 1994, amended by the royal decree of 25 April 1997 and the laws of 24 December 1999 and 23 December 2005, the following changes are made:

1° a paragraph is inserted between the current paragraphs 1 and 2:

“A chronic disease observatory is created within the aforementioned Scientific Council, which is made up of a scientific section and an advisory section. The mission of the scientific section is to define the management of health care granted to patients suffering from a chronic condition. The mission of the advisory section is to assess the needs encountered by these patients. The King defines the methods of organizing the activities of the aforementioned observatory as well as the situations in which the two sections must deliberate jointly. »;

2° a paragraph is added, worded as follows:

“The Observatory of Chronic Diseases submits a report to the Federal Legislative Chambers every two years on the way in which it fulfills the missions referred to in paragraph 2. To establish this report, the scientific and

advisory sections deliberate jointly. "

Art. 137. Article 20 of the same law, amended by the Royal Decree of 25 April 1997, is supplemented by the sentences:

"According to the same procedure, the King appoints the presidents and members of the Observatory of Chronic Diseases and ensures equal representation of insurers and organizations representing associations for assistance to the chronically ill. It also sets the operating rules of this observatory in the same way. "

Art. 138. Articles 136 and 137 enter into force on January 1st 2009.

Section 2. - Smoking cessation

Art. 139. In article 34, paragraph 1st 24°, of the same law, inserted by the law of December 27, 2004 and replaced by the law of December 27, 2005, the words "in pregnant women and their partners" are repealed.

Art. 140. Article 37, § 20, paragraph 2, of the same law, amended by the law of 27 December 2005, is replaced by the following paragraphs:

"The King sets the conditions for the recognition of tobacco specialists, who, in addition to doctors in medicine, can provide assistance with smoking cessation.

These tobaccologists must be either graduates in psychology or health professionals within the meaning of Royal Decree No. 78 of 10 November 1967 relating to the exercise of health care professions and must also have passed the final specific training in smoking cessation approved by the King. "

Art. 141. The King sets the date of entry into force of Articles 139 and 140.

Section 3. - Integrated home care services and home nursing care

Art. 142. In the same law, an article 36terdecies is inserted, worded as follows:

"Art. 36terdecies. - The King determines on the joint proposal of the ministers having respectively Social Affairs and Public Health in their attributions, by decree deliberated in the Council of Ministers, the conditions under which the compulsory health care and allowances insurance grants financing to the integrated services home

care in accordance with the standards set on the basis of Article 5, § 1st of the law of 27 June 1978 amending the legislation on hospitals and relating to certain other forms of care provision. "

Art. 143. Section 142 comes into force on January 1st 2009.

Art. 144. ÷ Article 37 of the same law, last amended by the law of 21 December 2007, the following modifications are made:

1° in paragraph 1st a), last paragraph, the words "and C" are replaced by the words " , and 90% for lump sum fees, known as lump sums C";

2° paragraph 1st is supplemented by a paragraph, worded as follows:

"The King may set the interventions of the insurance for the fixed fees mentioned in the previous paragraph. "

Art. 145. Article 144 comes into force on February 1st 2009.

Section 4. - Maximum to be billed

Art. 146. In article 37 of the same law, as last amended by the law of 21 December 2007, a paragraph 3/1 is inserted, worded as follows:

"§ 3/1. For the medicines referred to in Article 34, paragraph 1st 5°, a), b) and c), which are dispensed to

beneficiaries who are cared for in the psychiatric care homes referred to in Article 34, 1st 11°, the King may lay down specific rules for the intervention of health care insurance and the personal intervention of the beneficiaries.

This personal contribution may consist of a fixed amount per day of stay, payable by all the beneficiaries cared for in a psychiatric care home, for all the medicines referred to in the preceding paragraph which are dispensed there. The personal contribution of the beneficiaries may also concern the medicines referred to in the preceding paragraph which are not included in the list of reimbursable pharmaceutical specialties referred to in Article 35bis.

The medicines referred to in the first paragraph are reimbursed on the basis of a fixed amount to be fixed by the

King.

Psychiatric care homes may not, for the costs of the aforementioned medications, charge other amounts to be borne by the beneficiaries than the personal contribution as fixed by the King. "

Art. 147. ÷ Article 37sexies of the same law, inserted by the law of 5 June 2002 and modified by the laws of 22 August 2002 and 24 December 2002, the royal decrees of 2 February 2004 and 3 March 2004, the laws of 27 December 2005 and December 27, 2006, the Royal Decree of June 3, 2007 and the Law of July 24, 2008, are amended as follows:

1° in the first paragraph the second sentence is replaced by the following sentence:

“Any difference between the public sale price and the basis for reimbursement of a pharmaceutical specialty classified in categories A or B in the list of reimbursable pharmaceutical specialties referred to in Article 35bis, which is borne by the beneficiaries in the event of the application of article 35bis, § 2bis, is considered as a personal intervention. »;^{2° in the first}

paragraph , the third sentence is repealed; 3° in paragraph 8, 1°, a) is replaced by the following:

“a) personal payments set pursuant to Article 37, § 2 (b), for pharmaceutical specialties which are classified in categories A, B and C in the list of reimbursable pharmaceutical specialties referred to in Article 35bis as well as for pharmaceutical specialties composed of an active ingredient to which the code J07BB, targeting anti-

influenza vaccines, has been assigned according to the ATC classification referred to in Article 34, paragraph 1, 5°, b) and c), and which are the subject of reimbursement under Article 35bis and of any difference between the sale price to the public and the basis for reimbursement of a pharmaceutical specialty which is classified in category A or B of the list of reimbursable pharmaceutical specialties referred to in Article 35bis, which is borne by the beneficiaries in the event of application of Article 35bis, § 2bis; »;

4° in paragraph 8, 1°, b) is replaced by the following:

"b) the fixed personal contribution which is borne pursuant to Article 37, § 3 (c), by the beneficiaries hospitalized in a general hospital; »;

5° in paragraph 8, 1°, d), is replaced by the following:

“d) personal interventions fixed pursuant to Article 37, § 2 (b), for magistral preparations; »;

6° paragraph 8, 1°, is supplemented by an e) worded as follows:

“e) the personal interventions which are fixed for radioisotopes and medical oxygen pursuant to Article 37, § 2 (b). »;

7° paragraph 8, 1°, is supplemented by a f) worded as follows:

"f) the flat-rate personal contribution which is borne pursuant to Article 37, § 3/1, by the beneficiaries accommodated in psychiatric care home. "

Art. 148. In article 37septies, paragraph 1, of the same law, inserted by the law of June 5, 2002 and amended by the laws of December 24, 2002 and December 27, 2005 and by the royal decree of March 3, 2004, the following modifications are made:

1° the words " , pharmaceutical specialties composed of an active ingredient to which the code J07BB, targeting anti-influenza vaccines, has been assigned according to the ATC classification referred to in Article 34,

paragraph 1 5°, b) and c), and which are subject to reimbursement under Article 35bis” are inserted between the words “of categories A, B and C” and the words “and registered pharmaceutical specialties”;

2° the first indent is supplemented by the words: " , as well as to beneficiaries staying in a psychiatric care home, and of any difference between the sale price to the public and the basis for reimbursement of a pharmaceutical specialty which is classified in category A or B of the list of reimbursable pharmaceutical specialties referred to in article 35bis, which is borne by the beneficiaries in the event of application of article 35bis, § 2bis; " .

Art. 149. In article 37octies of the same law, inserted by the law of June 5, 2002 and modified by the law of December 27, 2005, the following modifications are made:

1° the three paragraphs of article 37octies are replaced by the two following paragraphs, which form the first paragraph of the article:

. The contribution of the insurance to the cost of the services referred to in Article 34 is set at 100% of the reimbursement basis from the moment when all the personal interventions actually paid for by the household

made up of the beneficiaries of the he increased contribution, relating to services provided during the current year, reaches 450 euros. Compulsory insurance also covers the delivery margin referred to in the national agreement between implant suppliers and insurers.

In this case, the household is made up of these beneficiaries of the increased allowance. »;

2° a paragraph 2, worded as follows, is added:

“§ 2. For the application of paragraph 1¹ subparagraph¹, the amount of 450 euros is however reduced by an amount to be fixed by the King by decree deliberated in the Council of Ministers when the total of the personal interventions actually paid for by the same beneficiary of the household reaches at least 450 euros per year in relation to the services performed during the second calendar year and the calendar year preceding the current year.

The personal interventions referred to in the first paragraph are^{those} which the beneficiary referred to above has actually paid for as well as those which the beneficiary would have actually paid for if the services had not been reimbursed at 100% within the framework of the maximum to invoice.

The King fixes, by decree deliberated in the Council of Ministers, the methods of application of this paragraph.

Art. 150. In article 37novies of the same law, inserted by the law of 5 June 2002 and modified by the royal decree of 3 June 2007, the words "belonging to categories 3, 4 or 5, referred to in article 6, § 2, 3°, 4° and 5°" are replaced by the words "referred to in Article 6, § 2".

Art. 151. In article 37decies of the same law, inserted by the law of 5 June 2002 and modified by the law of 27 December 2005, the following modifications are made:

1° in paragraph 1¹ the words "article 37octies, 2" are replaced by the words "article 37octies, § 1¹ paragraph 2"; (2) in paragraph 3, the words "under the age of 16" are added between the words "a person" and the words "is registered".

Art. 152. Article 37undecies of the same law, inserted by the law of June 5, 2002 and modified by the royal decree of February 2, 2004 and the laws of December 27, 2005 and December 27, 2006, the current text of

which will form paragraph 1^{er}, is supplemented by a paragraph 2, worded as follows:

“§ 2. For the application of paragraph 1¹ subparagraph¹, the reference amounts are, after application of the procedure referred to in Article 37k, reduced by an amount to be fixed by the King by decree deliberated in the Council of Ministers, when the total of the personal interventions actually paid for by the same beneficiary of the household reaches at least 450 euros per year in relation to the services provided during the second calendar year and the calendar year preceding the current year.

For the application of paragraph 1¹ paragraph 3, the amount of 650 euros is however reduced by the amount set in accordance with article 37octies, § 2, paragraph 1¹, when the total of the personal interventions actually paid for by the child reaches at least 450 euros per year in relation to the services provided during the second calendar year and the calendar year preceding the current year.

The personal interventions referred to in paragraphs 1^{and} 2 are those which the beneficiary referred to above has actually paid for as well as those which the beneficiary would have actually paid for if the services had not been reimbursed at 100% within the framework of the maximum to invoice.

The King fixes, by decree deliberated in the Council of Ministers, the methods of application of this paragraph.

Art. 153. Sections 146 to 152 come into force on the^{1st} January 2009, with the exception of articles 149, 1°, and 151, which take effect on January 1¹ 2008.

Section 5. - Pharmanet

Art. 154. In article 165 of the same law, as last amended by the law of 25 April 2007, a paragraph, worded as follows, is inserted between paragraphs 10 and 11:

“The King defines the conditions under which data relating to non-reimbursable authorized medicines which are

prescribed and dispensed in a pharmacy open to the public are collected and transmitted to the tariff offices. It lays down the conditions under which the aforementioned data is transmitted through the tariff offices to the insurers and to the Institute. The King determines the terms of these data transmissions. The communication of the aforementioned data is intended to provide access to the costs borne by beneficiaries for non-reimbursable authorized medicines which are prescribed and dispensed and in particular for beneficiaries suffering from a chronic disease, with a view to taking into consideration the costs of some of these drugs in the maximum to be billed. "

Section 6. - Medicines

Sub-section 1st - Reference reimbursement

Art. 155. ÷ Article 35bis, § 5, paragraph 2, of the same law, inserted by the law of August 10, 2001 and amended by the laws of December 22, 2003 and December 27, 2006, the words "of the second month following its publication in the Belgian Official Gazette" are replaced by the words "of the month following the expiry of a period of ten days which begins the day after publication in the Belgian Official Gazette".

Art. 156. ÷ Article 35ter, § 1^{er} of the same law, inserted by the law of January 2, 2001 and modified by the laws of December 27, 2005 and April 25, 2007, the following modifications are made:

1° to paragraph 1st, paragraph 1^{er}, the words "as of right respectively on January 1st, April 1st, July 1st and October 1st of each year" are inserted between the words "is fixed" and the word "for";

2° in paragraph 1^{er} first paragraph, the words "when" are replaced by the words "when on the preceding 1st November, February 1st, May 1st or August 1st, a"; 3° paragraphs 3 and 4 are replaced by the following: "The basis for reimbursement of specialties for which a new basis for reimbursement has been set on the basis of paragraph 1

er is automatically reduced, two years after the entry into force of this reimbursement basis, by an additional 2.5%. "

Art. 157. On 1st May 2009, the basis for reimbursement of specialties for which a new basis for reimbursement has been set for more than two years on the basis of Article 35ter, § 1^{er} of the law relating to insurance compulsory health care and allowances, coordinated on July 14, 1994, if necessary by application of article 35quater of the same law, is automatically reduced by an additional 2.5%.

Art. 158. Notwithstanding article 35ter, § 1^{er}, of the same law, as amended by article 156 of this law, the adaptation of the basis for reimbursement of the specialties referred to in article 34, paragraph 1^{er} 5°, c), 1), of this same law, which should take place on April 1st 2009, takes place on May 1st 2009.

Sub-section 2. - Price reductions

Art. 159. Article 191, paragraph 1^{er} 15°septies, of the same law, inserted by the Royal Decree of 10 August 2005 and amended by the laws of 27 December 2005 and 13 December 2006, is supplemented by a paragraph 3rd, worded as follows:

"§ 3. The 1st May 2009, the prices and reimbursement bases of the reimbursable pharmaceutical specialties referred to below will be reduced according to the terms set out below.

The reduction must generate per claimant a saving for the compulsory health care and indemnity insurance, the amount of which is at least equal to 1.95 pc of the turnover achieved during the year 2007 on the Belgian medicine market of this claimant. which are entered on the list of reimbursable pharmaceutical specialties on 1 January

2009, as declared in accordance with the provisions of Article 191, paragraph 1^{er} 15°, or fixed automatically on the basis of this article. In this respect, we distinguish, on the one hand, the turnover achieved with specialties referred to in 5°, b) and c), 1), which is valid for the calculation of the savings referred to in

paragraph 3, and on the other hand, the turnover achieved with the specialties referred to in Article 34, paragraph 1^o, c), 2), which applies to the calculation of the savings referred to in paragraph 6.

Applicants for specialties referred to in Article 34, paragraph 1^o, b) and c), 1), may submit, no later than 21 January 2009, a proposal to the secretariat of the Medicines Reimbursement Commission providing for price reductions, calculated on the basis of the ex-factory price, for all pharmaceutical specialties or some of them, referred to in Article 34, paragraph 1^o, b) and c), 1), for which they are responsible on the 1st January 2009, together with an estimate of the budgetary impact showing that the total amount of the planned savings is at least equal to 1.95 pc of the turnover achieved during 2007 for the pharmaceutical specialties for which they are responsible on the 1st January 2009. For specialties for which a new basis for reimbursement has been set in accordance with Article 35ter, the reduction proposed may be a maximum of 9.25 pc per specialty, it being understood that account is not taken of price reductions having no influence on the new reimbursement basis. Proposals for specialties for which the basis of reimbursement has been reduced, on the occasion of a review by groups, carried out solely, or in part, due to budgetary considerations in accordance with the Article 35bis, § 4, paragraph 5. If a reduction in the price and the reimbursement basis is proposed for a specialty for which a new reimbursement basis has been set in accordance with Article 35ter, 5^o, c), 2), and who have this specialty as their reference specialty, are informed of this voluntary reduction in the reimbursement base and are notified that the price of their corresponding specialty cannot be higher and will therefore be automatically adapted.

If an applicant for specialties referred to in Article 34, paragraph 1^o, b) and c), 1), introduces a reduction in the price and the basis for reimbursement for very specific packaging of a specialty for which he is responsible on 1st January 2009, the same percentage reduction must be proposed for all the packaging of the specialties referred to in Article 34, paragraph 1^o, b) and c), 1), for which he is responsible on 1st January 2009, having the same active principle(s), with the exception of the injectable forms.

If an applicant for specialties referred to in Article 34, paragraph 1^o, b) and c), 1), does not submit a proposal or if the proposal does not correspond to the expected savings, the prices and bases for reimbursement of all specialties, referred to in Article 34, paragraph 1^o, b) and c), 1) for which the applicant concerned is responsible on 1st January 2009, are reduced by 1.95 pc applicants who are responsible for specialties referred to in Article 34, paragraph 1^o, c), 2), who have the specialties concerned as their reference specialty, are informed of this imposed reduction in prices, and they are informed that, since the price of their corresponding specialty cannot be higher, this price is therefore automatically adjusted.

If, for applicants for specialties referred to in Article 34, paragraph 1^o, c), 2), the saving amounts to more than 1.95 pc, following the reduction in the reimbursement base of their reference specialty, the balance will be reimbursed by February 28, 2010 at the latest. As of May 1st, 2009, the Minister adapts the list of reimbursable pharmaceutical specialties according to either the proposals introduced or automatic reductions. "

Sub-section 3. - Inexpensive prescriptions

Art. 160. ÷ Article 73, § 2, of the law relating to compulsory health care and compensation insurance, consolidated on 14 July 1994, replaced by the law of 24 December 2002, modified by the royal decree of 17 September 2005 and by the laws of December 27, 2005, December 13, 2006, June 8, 2008 and the health law of December 19, 2008, the following modifications are made:

1^o in paragraph 8, the words "referred to in paragraph 5" are replaced by the words "referred to in paragraphs 4 and 5";

2^o the paragraph is supplemented by six paragraphs, worded as follows:

"Furthermore, the unnecessarily onerous nature of the prescription of certain pharmaceutical specialties referred

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to in Article 34, paragraph 1^o, 5^o, b) and c), may also be determined according to the procedure provided for in Article 146bis, on the basis of a percentage of prescriptions in the outpatient sector, defined by therapeutic class(es) for the all doctors holding one of the specific professional titles reserved for practitioners of the medical art, or for certain categories of them, which must be carried out by each provider concerned, in relation to the overall volume in defined daily doses (DDD) his prescriptions for reimbursable pharmaceutical

specialties referred to in Article 34, paragraph 1^o 5^o, b) and c), by prescribing:

1^o reimbursable pharmaceutical specialties referred to in Articles 34, paragraph 1^o 5^o, b) and c), 1, to which Article 35ter, §§ 1st and 3, paragraph 1^o 3^o, is applicable, possibly via article 35quater, no later than the last month of the assessment period;

2^o the reimbursable pharmaceutical specialties referred to in Article 34, paragraph 1^o 5^o, c), 2.

The King determines by decree deliberated in the Council of Ministers, after consulting the National Medico-Mutualist Commission, delivered within a time determined by the Minister, the therapeutic class(es) referred to in the preceding paragraph. This notice is deemed to have been given if it is not formulated within the time limit fixed by the Minister.

The King fixes, by decree deliberated in the Council of Ministers, after the opinion of the National Medico-Mutualist Commission rendered within a period determined by the Minister, the amount or amounts of the percentages of prescriptions referred to in paragraph 9 which must be respected. This opinion is deemed to have been given if it is not formulated within the time limit fixed by the Minister.

The King fixes, by decree deliberated in the Council of Ministers after consulting the National Medico-Mutualist Commission, delivered within a period determined by the Minister, the number of packages which are reimbursable under compulsory insurance and delivered in a pharmacy. open to the public that must have been prescribed for a provider to qualify. This notice is deemed to have been given if it is not formulated within the time limit fixed by the Minister.

The period of observation of the profile of the prescribing doctor serving as a reference for the application of the provisions referred to in paragraph 9 is six months and is carried out on the basis of the data referred to in article 165, paragraph 8. This period of April to September 30 each year.

The percentages referred to in paragraph 11 are used to determine the threshold below which the prescription profile of the pharmaceutical specialties concerned is considered to be unnecessarily expensive. "

Sub-section 4. - Exemption of products based on stable blood derivatives

Art. 161. ÷ Article 191, paragraph 1^o 15^o, of the same law inserted by the law of 27 December 2005 and modified by the laws of 27 December 2006 and 21 December 2007, the following modifications are made: 1^o to instead of paragraph 4, 3^o, added by the law of July 24, 2008, a paragraph 4, 3^o is inserted, worded as follows:

"3^o pharmaceutical specialties based on stable blood derivatives which have been collected, prepared, imported, stored, distributed, dispensed, delivered and used in accordance with the provisions of the law of 5 July 1994 relating to blood and blood derivatives of human origin. »;

2^o paragraph 6, inserted by the law of 10 June 2006 and amended by the laws of 27 December 2006 and 24 July 2008, is supplemented as follows:

"The exclusion referred to in paragraph 4, 3^o, concerns the subscriptions and contributions which are due from the year 2005."

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Art. 162. ÷ Article 6, paragraph 1^o, of the law of June 10, 2006 reforming the contributions on the turnover of reimbursable pharmaceutical specialties, replaced by the law of July 24, 2008, the following modifications are made:

1^o the words "191, 15^o, paragraph 4, of this same law" are replaced by the words "191, 15^o, paragraph 4, 1^o and 2^o, of this same law";

2^o the paragraph is completed as follows:

"For the contributions and premiums due pursuant to Article 191, 15^o, 15^oquater to 15^onovies and 16^obis, of the law relating to compulsory health care and compensation insurance, coordinated on 14 July 1994 , for the years 2005, 2006, 2007 and 2008, the reimbursement resulting from the application of the exclusion provided for in

Article 191, 15°, paragraph 4, 3°, of this same law will be made by the Institute to applicants concerned no later than December 31, 2009.

Art. 163. Articles 161 and 162 enter into force on a date to be determined by the King.

Sub-section 5. - Contribution on turnover

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Art. 164. ÷ article 191, paragraph 1, 15°, paragraph 6, of the same law, inserted by the law of June 10, 2006 and amended by the laws of December 27, 2006 and July 24, 2008, the words “, 15°undecies” are inserted between the words “15° decies” and “and 16°bis”.

Art. 165. ÷ Article 191, paragraph 1, 15°octies, of the same law, inserted by the law of December 27, 2005 and modified by the laws of December 27, 2006 and December 21, 2007, the following modifications are made:

1° in paragraph 2, the last sentence is deleted;

2° a new paragraph is added, worded as follows:

“For the years 2006 and 2007, no budget overruns were observed. The amounts paid by the applicants in 2006 and 2007 within the framework of this contribution shall be reimbursed no later than February 28, 2009. The interest generated by these amounts shall be charged to the accounts of the Institute for the accounting year 2008.”.

Art. 166. ÷ article 191, paragraph 1, 15°novies, of the same law, inserted by the law of December 27, 2005 and modified by the laws of December 27, 2006 and December 21, 2007, the following modifications are made:

1° paragraph 3 is supplemented by the following provision:

“For 2009, the amount of this contribution is set at a maximum of 7.73% of the turnover that was achieved in 2009.”;

2° in paragraph 5, last sentence, the word “and” is deleted and the sentence is completed as follows:

May

“and before 1 May 2010 for the turnover that was achieved in 2009.”;

3° in paragraph 7, in the first sentence, the word “and the” is replaced by the words “,” and the words “and the 2009 turnover contribution” are inserted between the words “turnover 'business 2008' and the words 'are paid';

4° paragraph 8 is supplemented by the following provision:

“For 2009, the advance and the balance referred to in the preceding paragraph must be paid respectively before 1 June

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2009 and 1 June 2010 on the account of the National Institute for Sickness and Invalidity Insurance, indicating the words “2009 turnover contribution advance” and “2009 turnover contribution balance” respectively. »;

5° paragraph 10 is supplemented by the following provision:

“For 2009 the aforementioned advance is set at 7.73% of the turnover that was achieved in the year 2008.”;

6° the last paragraph is supplemented by the following sentence:

“Receipts resulting from the contribution on turnover for 2009 will be entered in the accounts of the compulsory health care insurance for the financial year 2009.”.

Art. 167. Article 191, paragraph 1, 15°undecies,

“15°undecies. For the year t, it is introduced, as from the year 2008, according to the conditions and the modalities fixed in 15°, a subsidiary contribution on the turnover achieved in t, insofar as an overrun of the budget global fixed in execution of article 69, § 5, is established for the year t, according to the methods fixed below.

If in September of this year t it is established, on the basis of expenses recorded by the insurers, that there will be an overrun, and that the overrun is estimated to be equal to or greater than 100 million euros, the contribution

is

referred to in l paragraph 1 due up to 100 million euros.

If in September of this year t it is established, on the basis of the expenses accounted for by the insurers, that there will be an overrun, and that the overrun is estimated to be less than 100 million euros, the contribution is due up to the amount of budget overrun noted.

If in September of this year t it is established, on the basis of the expenses accounted for by the insurers, that there will be no overrun, the contribution is not due.

This contribution is paid by means of a deposit, established on the basis of the turnover achieved during the year t-1, and a breakdown, established on the basis of the turnover achieved during the year t. The balance referred to

in the preceding sentence being the difference between the contribution as defined in and the deposit mentioned in the previous sentence

In the event of subdivision of the overall budget, for the year concerned in execution of Article 69, § 5, paragraph 2, a contribution to the overrun is established at the expense of the applicants concerned who, at the during the year in which the overrun occurred, achieved a turnover on the Belgian market of medicinal products which are entered on the list of reimbursable pharmaceutical specialties, as distributed by the subdivision of the overall budget. This participation is based on the share of the specialties concerned in the estimated overrun of

The amount of the excess referred to in the first paragraph may be adapted by the General Council, on the advice of the Budgetary Control Committee, in order to take into account the impact of elements of the annual budget which have not or have not fully produced their effects.

The King determines annually, depending on the estimated budget overrun, the percentage of turnover for year t-1 which is declared pursuant to the provisions of 15°novies, paragraph 4, which must be paid as a deposit by the claimants. and the percentage of the turnover of the year t which is declared pursuant to the provisions of 15°novies, paragraph 4, which must be paid as balance by the applicants. The King may also, by decree deliberated in the Council of Ministers, set the terms according to which the reimbursable pharmaceutical specialties, which are reimbursed in accordance with Article 37, § 3, are taken into account in the turnover when determining the percentages aforementioned. In case of subdivision of the budget,

The installment of the contribution must be paid before 31 December of year t into the account of the National Institute for Sickness and Invalidity Insurance, indicating the words "Advance of subsidiary contribution year t". The balance of the contribution must be paid before June 30 of year t+1 into the account of the National Institute for Sickness and Invalidity Insurance, indicating the words "Balance of subsidiary contribution year t". The receipts resulting from this subsidiary contribution are entered in the accounts of the compulsory health care insurance for the accounting year t. "

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Art. 168. Notwithstanding article 191, paragraph , 15°undecies, paragraph 5, of the law relating to compulsory health care and compensation insurance, coordinated on 14 July 1994, for the year 2008, exceptionally, the King only sets the statement.

By way of derogation from Article 191, first paragraph , 15°undecies , last paragraph, of the same law, the receipts resulting from this subsidiary contribution for the year 2008 are charged to the accounting year 2009.

Sub-section 6 - Price blocking

Art. 169. From January 1st 2009 until December 31, 2009 inclusive, the prices of medicines referred to in Article 313, § 1st of the program law of December 22, 1989, cannot be increased.

Section 7. - Administrative costs of insurers

Art. 170. In Article 195, § 1st 2°, of the same law, amended by the Royal Decree of 25 April 1997 and by the laws of 22 February 1998, 26 March 2007 and 8 June 2008, the first and second sentences of paragraph 3 are replaced by the following provisions:

"The amount of administrative costs for the five national unions is set at 766,483,000 euros for 2003, 802,661,000 euros for 2004, 832,359,000 euros for 2005, 863,156,000 euros for 2006, 895,524,000 euros for 2007, 929,160,000 euros for 2008 and 972,546,000 euros for 2009. For the health care fund of the Belgian National Railway Company, this amount is fixed at 13,195,000 euros for 2003, 13,818,000 euros for 2004, 14,329,000 euros for 2005, 14,859,000 euros for 2006, 15,416,000 euros for 2007, 15,995,000 euros for 2008 and 16,690,000 euros for 2009.

CHAPTER 2. - Federal Agency for Medicines and Health Products

Section 1st . - Modification of the law of March 25, 1964 on medicines

Art. 171. In article 13, paragraph 3, of the law of March 25, 1964 on medicinal products, the following modifications are made:

1° the words "and the veterinarians holding a deposit" are inserted between the words "all community pharmacists" and "who get their supplies from them";

2° the words "to other contributions and remunerations and" are inserted between the words "The King may

extend the application of this provision” and the words “to the charge of other authorized persons”.

Section 2. - Amendment of Royal Decree No. 78

of 10 November 1967 relating to the exercise of health care professions

Art. 172. Article 4, § 3^{quiquies}, of Royal Decree no. 78 of 10 November 1967, inserted by the law of 13 May 1999, is supplemented by the following paragraphs:

"The contributions or fees referred to in this paragraph are adapted annually, according to the index for the month of September, to the evolution of the consumer price index of the Kingdom.

The starting index is that of the month of September preceding the publication in the Belgian Official Gazette of the royal decree fixing the amount of the remuneration or the contribution.

For fees or contributions fixed before the date of entry into force of the program law of 22 December 2008, the indexed amounts are published in the Belgian Official Gazette and are applicable to contributions and fees

January

payable from 1 of the year following that in which the adjustment was made. "

Section 3. - Amendment of the law of February 22, 1998 on social provisions

Art. 173. In article 224 of the law of 22 February 1998 relating to social provisions, the following modifications are made:

1° in paragraph 1^o subparagraph 2, the terms "on a special account of the budget of the Ministry of Social of Public Health and the Environment" are replaced by the words "on an account of the Federal Agency for Medicines and Health Products";

2° the article is supplemented by a paragraph 3, worded as follows:

“§ 3. The remunerations referred to in this article are adapted each year to the evolution of the index of consumer prices of the State, in based on the index for the month of September.

The starting index is that of the month of September preceding the publication in the Belgian Official Gazette of the royal decree fixing the amount of the contribution or the remuneration.

For remunerations fixed before the date of entry into force of the program law of 22 December 2008, the starting index is that of the month of September preceding the publication in the Belgian Official Gazette of their last fixing before this date.

The indexed amounts are published in the Belgian Official Gazette and are applicable to contributions and fees

January

payable from 1 of the year following that in which the adjustment was made. "

Art. 174. Point 1° of article 173 takes effect on January 1^o 2007.

Section 4. - Amendment of the law of August 12, 2000 relating to social, budgetary and miscellaneous provisions

Art. 175. In article 224 of the law of August 12, 2000 on social, budgetary and miscellaneous provisions, replaced by the law of January 21, 2001, the following modifications are made: ¹

° to the first paragraph of paragraph ¹, the words “April 30” are replaced by “June 30”;

2° paragraph 2 of paragraph 1^o is replaced by the following:

“This fee is paid into the account of the Federal Agency for Medicines and Health Products. »;

3° the last paragraph of paragraph 1^o becomes paragraph 3;

4° paragraph 1 is supplemented by the following paragraphs:

"The fee referred to in this paragraph is not due on the part of the turnover relating to the medical devices

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referred to in the paragraph which are exported, sent to another Member State of the European Union or sent to another distributor.

Each year, distributors keep a register mentioning the medical devices referred to in the first paragraph that they possess, the natural or legal person to whom these medical devices are transmitted and the consequences of this transmission with regard to the application of the preceding paragraph.

Before June 30 of the year following the year in which the turnover was achieved, each distributor sends the Federal Agency for Medicines and Health Products a certificate in which the company auditor or the chartered

accountant confirms and certifies the following elements:

1° the name of the distributor as a natural or legal person, with an indication of the legal form and its business number;

2° the total turnover;

3° the turnover referred to in the first paragraph ;

(4) the turnover on the basis of which the contribution referred to in this paragraph must be paid; »;

5° paragraph 3 is supplemented by the following paragraphs:

“The officials referred to in Article 14, § 1st first paragraph of the law of 25 March 1964 on medicinal products, have, with regard to this article, the same competence as that referred to in Articles 14 and 14bis.

Articles 17, §§ 1st and 3, 18 and 19 of the same law apply to this article by analogy insofar as the sum referred to in Article 17, § 1st first paragraph of the same law be set as follows:

1° in the case where the offense consists solely in the non-payment or in the partial non-payment of the contribution under the certificate referred to in paragraph 1st of an auditor company or an accountant, between double and five times the contribution due;

2° in cases other than 1°, between 2,500.00 euros and 1% of the total figure of the class 7 income account in the accounts of the company which is the distributor concerned, as shown in the accounts of this enterprise of the year during which the turnover is achieved and to which the infringement relates. ”.

Art. 176. ÷ Article 225 of the law of 12 August 2000 on social, budgetary and other provisions, amended by the laws of 27 December 2006 and 21 December 2007, the following modifications are made:

1° in paragraph 1st, 1°, the words “a contribution of 65 centimes (0.0161 euro)” are replaced by the words “a contribution of 0.0052 euro”;

2° in the first paragraph, 2° the words “a contribution of 30 centimes (0.0074 euro)” are replaced by the words “a contribution of 0.0103 euro”;

3° paragraph 2 is repealed;

4° in paragraph 3, the words “up to an amount of 15 cents (0.0037 euro) per packaging as regards point 1° and an amount of 30 cents (0.0074 euro) as regards which concerns point 2°” are repealed;

5° the article is supplemented by the following paragraph:

“The King may define the methods of payment of the contributions referred to in this article as well as the information which must accompany the payments in order to enable their control. ”.

Art. 177. In the same law, an article 225/1 is inserted, worded as follows:

“Art. 225/1. - All costs relating to the quality control and conformity of medicinal products by laboratories approved under Article 13, paragraph 2, of the law of March 25, 1964 on medicinal products or the implementing decrees thereof. these, are covered by the payment of a contribution.

The contribution referred to in the preceding paragraph is payable by each community pharmacist and each veterinarian holding a deposit of medicinal products and amounts to 0.0150 euros for each packaging of a pharmaceutical specialty or a prefabricated medicine which they obtain both against payment and free of charge. The targeted contributions are paid to the Federal Agency for Medicines and Health Products.

The annual adjustment of the amount referred to in this article to the consumer price index, is made in accordance with the mechanism referred to in article 225, paragraph 4.

Violations of this provision or of the decrees issued in execution thereof are subject to the penalties provided for in article 16, § 2, of the law of March 25, 1964 on medicinal products.

The King may define the methods of payment of the contributions referred to in this article as well as the information which must accompany the payments in order to enable their control. ”.

Section 5. - Amendment of the law of 20 July 2006 relating to the creation and operation of the Federal Agency for Medicines and Health Products

Art. 178. In article 4 of the law of 20 July 2006 relating to the creation and operation of the Federal Agency for Medicines and Health Products, the following modifications are made:

1° the current text of the article becomes paragraph 1st of the article;

2° 1°, b., of paragraph 4 is replaced by “b. processing clinical trial applications; »;

3° 2°, c., of paragraph 4 is replaced by “c. processing applications for marketing authorizations; »;

4° 4°, e., of paragraph 4 is replaced by “e. by processing authorization applications for the establishment and transfer of pharmacies open to the public; »;

5° 4°, h., of paragraph 4 is replaced by “h. by processing requests for authorizations, approvals and certificates for the sampling, storage, manufacture, distribution, control and delivery of the products referred to in the first paragraph

; »;

6° The article is supplemented by a paragraph 2, worded as follows:

“§ 2. The powers referred to in paragraph 1 are exercised exclusively in the name and on behalf of the State. ”
Art. 179. Article 12 of the same law is supplemented by the following paragraph:

“The representative of the Minister and the Inspector of Finance referred to in the first paragraph ^{sit} on the Transparency Committee in an advisory capacity. ”

Art. 180. In article 13 of the same law, a paragraph 5 is inserted, worded as follows:

“§ 5. If the accounts of the Agency, on 31 December each year, show a surplus, this sum is left into account, valid for the following year. ”

Section 6. - Amendment of the law containing various provisions (I) of December 21, 2007

Art. 181. Article 44 of the Law of 21 December 2007 containing miscellaneous provisions (I), is supplemented by the following paragraphs:

"The contribution referred to in this article is adjusted each year to the evolution of the price index at State consumption, according to the index for the month of September.

The starting index is that of September 2008.

For contributions fixed before the date of entry into force of the program law of 22 December 2008, the starting index is that of September 2007.

The indexed amounts are published in the Belgian Official Gazette and are applicable to contributions due from ^{January}

from 1 ^{January} of the year following that during which the adaptation was made. ”

Section 7. - Attendance fees and allowances

Art. 182. The King may set the amounts of attendance fees and compensation for transport costs for the benefit of the members of the commissions and committees established, which He designates, within the Federal Agency for Medicines and Health Products. health, within the framework of its missions referred to in article 4 of the law of July 20, 2006 relating to the creation and operation of the Federal Agency for Medicines and Health Products.

The King can also set the amounts of allowances allocated to experts who carry out work within the framework of these commissions and committees.

With regard to the attendance fees referred to in the first paragraph [,] the King sets the conditions for the application of this article, as well as the terms of payment.

CHAPTER 3. - Modification of the organic law of December 27, 1990 creating budgetary funds

Art. 183. In the table annexed to the organic law of 27 December 1990 creating budgetary funds, the text under the title “Nature of authorized expenditure” of sub-heading 31-2 Fund for raw materials and products, replaced by 1 article 73 of the law of December 23, 2005 containing various provisions and amended by the law of June 8, 2008, is replaced by the following:

"The financing of personnel, administration and operating costs, the costs of the awareness, study and scientific research costs, investments and control of all costs of any kind whatsoever resulting from the application and control of the provisions of:

- the law of 11 July 1969 relating to raw materials for agriculture, horticulture, forestry and animal husbandry;
- the law of 28 March 1975 relating to trade in agricultural, horticultural and maritime fishing products;
- the law of 24 January 1977 on the protection of consumer health with regard to foodstuffs and other products;
- the law of July 28, 1981 approving the Convention on International Trade in Endangered Species of Wild Fauna and Flora, and the Appendices, made in Washington on March 3, 1973, as well as the Amendment to the Convention , adopted in Bonn on 22 June 1979;
- the law of 24 March 1987 on animal health;
- article 132 of the law of 20 July 1991 on social and miscellaneous provisions;

- the law of 14 July 1994 creating the Committee for awarding the European ecological label;
- the law of 21 December 1998 on product standards aimed at promoting sustainable production and consumption methods and protecting the environment and health;
- and the decrees taken in execution of these laws, the regulations listed in the appendix thereto and other international acts relating to product standards. "

TITLE 8. - Finances

CHAPTER 1st . - Travel from home to workplace

Art. 184. In article 38, § 1st first paragraph, 9^o, c, of the 1992 Income Tax Code, replaced by the law of 10 August 2001, the words "for a maximum amount of 125 euros per year" are replaced by the words "for a maximum amount of 250 euros per year".

Art. 185. Article 184 is applicable from tax year 2010.

CHAPTER 2. - Fight against tax evasion

Art. 186. In article 315, last paragraph, of the Income Tax Code 1992, the word "fifth" is each time replaced by the word "seventh".

Art. 187. In article 315bis, last paragraph, of the same Code, inserted by the law of July 6, 1994, the word "fifth" is each time replaced by the word "seventh".

Art. 188. In article 333, paragraph 3, of the same Code, the word "two" is replaced by the word "four".

Art. 189. In article 354, paragraph 2, of the same Code, the word "two" is replaced by the word "four".

Art. 190. In article 376, § 1^o, of the same Code, replaced by the law of 15 March 1999, the words "three years" are replaced by the words "five years".

Art. 191. Article 81bis of the Value Added Tax Code, inserted by the law of March 15, 1999, is replaced by the following:

"Art. 81bis. - § 1^o. The prescription of the action for recovery of tax, interest and tax fines is acquired at the end of the third calendar year following that during which the cause of payment of these taxes, interest and tax fines occurred.

By way of derogation from the first paragraph, this prescription is however acquired at the end of the seventh calendar year following that during which the cause of payment arose, when:

1^o information, an investigation or a control, communicated, carried out or required either by another Member State of the European Union according to the rules established in the matter by this Code or by the legislation of this Union, or by an authority jurisdiction of any country with which Belgium has concluded a double taxation agreement and relating to the tax covered by this agreement, show that taxable transactions have not been declared in Belgium, that transactions have been wrongly exempted or that tax deductions have been wrongly made there;

2^o a legal action shows that taxable transactions have not been declared, that transactions have been wrongly exempted or that tax deductions have been made, in Belgium, in violation of the legal and regulatory provisions applicable to them applicable;

3^o evidence, coming to the knowledge of the administration, shows that taxable transactions have not been declared in Belgium, that transactions have been wrongly exempted there or that tax deductions have been made there in violation of the legal and regulatory provisions governing the matter;

(4) the offense referred to in sections 70 or 71 was committed with fraudulent intent or with intent to harm.

§ 2. When it results from the procedure referred to in Article 59, § 2, that the tax has been paid on an insufficient basis, the action for recovery of the additional tax, interest, fiscal fines and costs of procedure is prescribed by two years from the last act of this procedure. "

Art. 192. In article 84ter of the same Code, inserted by the law of 15 March 1999, the words "article 81bis, § 1^o paragraph 2," are replaced by the words "article 81bis, § 1^o, paragraph 2, 4^o,".

Art. 193. Articles 186 to 192 enter into force on the day of publication of this law in the Belgian Official Gazette.

CHAPTER 3. - Better perception

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Art. 194. Article 334, paragraph , of the program law of 27 December 2004, is replaced by the following:
 “Any sum to be returned or paid to a person, either within the framework of the application of the tax laws which fall within the competence of the Federal Public Service Finance or for which the collection and recovery are ensured by this Federal Public Service , or by virtue of the provisions of civil law relating to the recovery of undue payment, may be allocated without formalities and at the choice of the competent official, to the payment of the sums due by this person in application of the tax laws concerned or to the settlement of tax or non-tax debts the collection and recovery of which are ensured by the Federal Public Service Finance by or by virtue of a provision having the force of law. This allocation is limited to the undisputed part of the claims against this person. ”.

Art. 195. In the law of 6 July 1978 concerning customs and excise, an article 312bis is inserted, worded as follows:

“Art. 312bis. - Any amount of duties, excise duties or taxes assimilated thereto to be returned or paid to a person liable under customs and excise legislation or the provisions of civil law relating to the recovery of undue payment may be charged without formalities by the customs and excise tax collector on the duties, excise and assimilated taxes due definitively or on any other sum due definitively by this person liable under customs and excise legislation. ”.

CHAPTER 4. - Subsidiary of a SICAFI

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Art. 196. In article 185bis, § , of the Income Tax Code 1992, inserted by the law of December 27, 2006, the words “102,” are inserted between the words “99,” and the word “106”.

Art. 197. Article 196 comes into force on the day of publication of this law in the Belgian Official Gazette.

CHAPTER 5. - Modification of the program law of December 27, 2004

Art. 198. Article 420, § 3, a, of the program law of 27 December 2004, is replaced by the following:

“a) - the rate of the special excise duty fixed in article 419, b) and (c) for unleaded petrol falling within CN

codes 2710 11 41, 2710 11 45 and 2710 11 49, will increase, from 1 January 2009, by a maximum amount of EUR 28 per 1000 liters at 15°C , according to the procedure provided for under b);

- the rate of the special excise duty fixed in Article 419, e) i) and f) i) for diesel falling within CN codes

27101941, 27101945 and 27101949, will increase, from 1 January 2009, by one maximum amount of 35 euros per 1,000 liters at 15°C, according to the procedure provided for under b). ”.

CHAPTER 6. - Confirmation of a royal decree issued pursuant to article 2 of the law of 15 October 2008 on measures aimed at promoting financial stability and establishing in particular a State guarantee relating to loans granted and other operations carried out within the framework of financial stability

Art. 199. The Royal Decree of 14 November 2008 implementing the law of 15 October 2008 on measures aimed at promoting financial stability and in particular establishing a State guarantee relating to loans granted and other operations carried out within the framework of the financial stability, with regard to the protection of deposits and life insurance, and amending the law of 2 August 2002 on the supervision of the financial sector and financial services, is confirmed with effect from the date of its entry into force .

TITLE 9. - Self-employed, SMEs and food security

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CHAPTER . - Social insurance in the event of forced termination

Art. 200. Article 18, § 3bis, of Royal Decree No. 38 of 27 July 1967 organizing the social status of self-employed workers, inserted by the Royal Decree of 18 November 1996, is supplemented by a second paragraph, drafted as follows:

"The King may, by decree deliberated in the Council of Ministers and according to the conditions determined by Him, take all useful measures with a view to extending the insurance referred to in the preceding paragraph to the self-employed who are forced to cease their activity. for reasons beyond their control and who find themselves without any income or replacement income. ”.

CHAPTER 2. - INASTI inspection services

Art. 201. Article 23bis of the Royal Decree of 27 July 1967 organizing the social status of self-employed workers, inserted by the Royal Decree of 18 November 1996, is replaced by the following provision:

“Art. 23bis. - § 1st . Public and private institutions, as well as natural persons and legal persons are obliged to

communicate to the duly authorized officials of the National Institute and of the Administration referred to in Article 20, § 2ter, all useful information and must allow them to consult books, registers, documents, tapes or any other information medium, with a view to applying the social status of self-employed workers.

The documents drawn up by the said officials are authentic until proven otherwise. Proof to the contrary may be provided by any legal means.

§ 2. The duly authorized officials of the National Institute monitor the performance of the obligations resulting from the application of this decree and the schemes referred to in Article 18. They ensure in particular that all self-employed workers who are required to joining a social insurance fund for the self-employed fulfills this obligation.

They have the right to draw up reports. These minutes are authentic until proven otherwise provided that a copy is communicated to the offender, within fourteen days starting the day after the day of the finding of the absence of affiliation. When the due date, which is included in this period, is a Saturday, a Sunday or a legal holiday, it is postponed to the next working day.

When drawing up the reports, the material findings made by the duly authorized officials of the National Institute may be used, with their probative force, by the social inspectors of the other inspection services or by the officials responsible for monitoring compliance with other legislation.

When they deem it necessary, the duly mandated officials of the National Institute communicate the information gathered during their investigation to public institutions and cooperating social security institutions, to social inspectors from other inspection services, as well as to all other officials responsible for the control of other legislation or in application of other legislation, insofar as this information may be of interest to them in the exercise of the supervision for which they are responsible or in application of other legislation. There is an obligation to communicate this information when the public social security institutions, the social inspectors of the other services of inspection or other officials responsible for monitoring or in application of other legislation request them. "

CHAPTER 3. - Malus self-employed workers

Art. 202. ÷ Article 3, § 3ter, of the Royal Decree of 30 January 1997 relating to the pension scheme for self-employed workers pursuant to Articles 15 and 27 of the law of 26 July 1996 modernizing social security and

ensuring the viability of the legal pension schemes and of article 3, § 1^{4°}, of the law of 26 July 1996 aimed at achieving the budgetary conditions for Belgium's participation in the European Economic and Monetary Union, as amended lastly, by the program law of 8 June 2008, the following modifications are made:

1° paragraph 3 is replaced by the following:

"The career condition referred to in paragraph 1¹ is set at 43 calendar years for pensions actually taking effect and for the first time no earlier than 1^{January} 2008 and no later than 1^{December} 2008";

2° a paragraph drafted as follows is inserted between paragraphs 3 and 4: "The career condition referred to in the 1st

paragraph is set at 42 calendar years for pensions effectively taking effect and for the first time at the earliest on 1^{January} 1, 2009. CHAPTER 4. - Increase in the minimum pension for self-employed workers Art. 203. Article 131bis, § 1¹

septies, of the law of May 15, 1984 on harmonization measures in pension schemes, last amended by the law of November 28, 2008, is replaced by the following provision:

"§ 1^{septies}. The amounts of 10,713.90 euros and 8,037.37 euros referred to in § 1^{sexies} are increased respectively:

1° on 1^{December} 2007, to 11,080.38 euros and 8,336.70 euros;

2° on 1^{July} 2008, at 11,301.99 euros and 8,503.43 euros;

3° on 1^{October} 2008, at 11,400.43 euros and 8,601.87 euros;

May
4° on 1st 2009, at 11,597.31 euros and 8,798.75 euros;

The King may, by decree deliberated in the Council of Ministers, modify and supplement the first paragraph with a view to increasing, on the dates He determines, the amounts mentioned therein.

÷ from a date determined by the King, by decree deliberated in the Council of Ministers, where account will be taken of budgetary availability, the amounts of 10,713.90 euros and 8,037.37 euros referred to in § 1^{sexies}, such as adapted in accordance with the preceding paragraphs, will be at least equal to the amount referred to in

Article 6, § 1st of the law of March 22, 2001 instituting the income guarantee for the elderly, multiplied respectively by the coefficient 2 for a household and by the coefficient 1.5 for an isolated. "

CHAPTER 5. - Overall management of the social status of self-employed workers

Section 1st. - Amendment of the Royal Decree of 18 November 1996 aimed at introducing global financial management into the social status of self-employed workers, pursuant to Chapter Ist Title VI of the law of 26 July 1996 on the modernization of security and ensuring the viability of statutory pension schemes

Art. 204. Article 3, 3°, of the Royal Decree of 18 November 1996 aimed at introducing global financial

management into the social status of self-employed workers, pursuant to Chapter I^I of Title VI of the law of 26 July 1996 modernizing social security and ensuring the viability of statutory pension schemes, is replaced by the following provision:

"3° income from alternative financing, referred to in Article 66 of the program law of 2 January 2001, intended for the Fund for the financial balance of the social status of self-employed workers, referred to in article 21bis of royal decree no. 38; "

Art. 205. In article 6, § 2, of the same decree, as last amended by the law of 26 March 2007, the following modifications are made:

1° in c) the words "royal decree of 20 July 1971 instituting an insurance scheme against incapacity for work in favor of the self-employed" are replaced by the words "royal decree of 20 July 1971 instituting indemnity insurance and maternity insurance for the self-employed and assisting spouses";

2° a point e) and a point f) are added, worded as follows:

"e) the provisions favoring the reconciliation between the professional life and the private life of the self-employed;

(f) the provisions providing for an extension of insurance in the event of bankruptcy to cases of forced termination. "

Art. 206. Article 204 takes effect on January 3, 2001.

Article 205, 1°, January 2003.

Article 205, 2°, first paragraph, takes effect on January 1st, 2006. Section 2. - Alternative financing Art. 207. In article 66, § 3bis, of the program law of January 2, 2001, inserted by the law of December 22, 2003 and modified by the laws of July 9, 2004, December 27, 2004, July 20, 2006, December 27, 2006, December 21, 2007 and June 8, 2008, the last sentence of paragraph 3 is replaced by the following sentence: "The amount of 100,000 thousand euros is increased to 164,500 thousand euros in 2008 and to 187,580 thousand euros from January 1st 2009. Section 3. - Self-Employment Welfare Fund

Art. 208. In article 253, paragraph 3, of the program law (I) of 27 December 2006, the words "of the amounts allocated to the Fund for the future of health care referred to in article 111 of the law-program (I) of 27 December 2006 and" are inserted between the words "subject to" and the words "necessary funds".

Art. 209. Article 208 comes into force on January 1st 2008.

CHAPTER 6. - Financing of the Asbestos Fund

Art. 210. In Article 116, 3°, paragraph 2, of the program law of 27 December 2006 (I), amended by the law of 21 December 2007 containing various provisions (I), the words "for the year 2008" are replaced by the words "for each of the years 2008 and 2009".

Art. 211. Article 210 takes effect on the 1st January 2009.

CHAPTER 7. - Modification of the law of December 3, 2005 establishing a compensatory allowance for loss of income in favor of self-employed workers who are victims of nuisance due to the carrying out of work on the public domain

Art. 212. In article 2 of the law of 3 December 2005 establishing a compensatory allowance for loss of income in favor of self-employed workers who are victims of nuisance due to the carrying out of work on the public domain, the following modifications are made:

1° the 3°, 6°) and 9°) are repealed.

2° to 7°, the words "of July 27, 1967" are inserted between the words "Royal Decree No. 38" and "organizing the statute".

3° to 8°, the word "seriously" is replaced by the words "in practice" and the words "of the company" are repealed.

Art. 213. In the same law, an article 2bis is inserted, worded as follows:

"Art. 2bis. - The King determines the self-employed persons to whom this law applies.

Pending such a royal decree, this law applies exclusively to self-employed persons who meet all of the following criteria:

1° the establishment which suffers from nuisances and in which the self-employed person works must employ fewer than 10 workers within the meaning of the Royal Decree of 10 June 2001 on the uniform definition of concepts relating to working time for the purposes of safety social, pursuant to article 39 of the law of 26 July 1996 on the modernization of social security and ensuring the viability of legal pension schemes;

2° their annual turnover and the total of their annual balance sheet must not exceed 2 million euros;

3° their main activity must be the direct sale of products or the provision of services to consumers or small users, requiring direct and personal contact with customers which takes place, under normal circumstances, within a built establishment. "

Art. 214. In the same law, article 3 is replaced by the following:

"Art. 3. - In order to finance the compensatory allowances scheme referred to in Article 5 and the operating costs of the said scheme, an annual allocation is entered in the general expenditure budget for the sum of 1,000,000

euros from the 1st January 2009. This endowment is paid into the Participation Fund.

The aforementioned amount is indexed each year and for the first time on the 1st January 2010 on the basis of article 4 of the law of August 2, 1971 organizing a system linking to the consumer price index salaries, wages, pensions, allowances and subsidies charged to the public treasury, certain benefits social security, the limits of remuneration to be taken into account for the calculation of certain social security contributions of workers as well as the obligations imposed in social matters on self-employed workers.

The starting index is the index of January 1st 2009."

Art. 215. In the same Act, section 4 is replaced by the following:

"Art. 4. - The municipality in whose territory the work will take place informs in writing or electronically any self-employed person concerned whose establishment is located or not on its territory, of the works, located within a radius of one kilometer of the said establishment, likely to cause nuisance as well as the possibility of obtaining compensatory compensation for loss of income, on the basis of this law.

Work may only begin between fourteen and thirty calendar days after the self-employed person, whose establishment risks having to suffer nuisance, has been notified as indicated in the previous paragraph, except in cases of force majeure or justified reasons. "

Art. 216. In the same Act, section 5 is replaced by the following:

"Art. 5. - The self-employed person is entitled to a compensatory allowance for loss of income during the period during which the establishment in which he works suffers nuisances, provided that:

1° he does not benefit from professional income other than the income from its activities in the establishment which suffers the nuisances resulting from the work;

(2) that the nuisances have the effect of rendering the opening of the establishment in which he works useless

from an operational point of view for at least seven calendar days;

3° that the Participation Fund has recognized the claim for compensation as justified, on the basis of Article 7bis;

4° that the establishment in which he works is closed. "

Art. 217. In the same law, article 6 is replaced by the following:

“Art. 6. - § 1st. In order to obtain the compensation referred to in Article 5, the self-employed person shall request a certificate from the municipality referred to in Article 4, confirming, where applicable, the existence of nuisances.

The Participation Fund determines the content and model of the form by which the certificate must be requested. The Participation Fund also sets the content and model of the form by which the certificate in the event of a

request for an extension of compensation referred to in Article 7, § 1st first paragraphst must be requested. Said duly completed form is sent to the municipality by e-mail or by registered letter, with acknowledgment of receipt.

§ 2. The municipality issues the certificate within seven calendar days of receipt of the certificate application form referred to in the previous paragraph.

The Participation Fund sets the content and model of the nuisance certificate issued by the municipality.

§ 3. Without prejudice to the substantive assessment by the Participation Fund, the municipality is required to issue a certificate when the work has the consequence that, for at least seven consecutive calendar days:

1° either none of the sites of regulated public parking can only be used in the street where the establishment is located;

2° either no regulated public parking space may be used within a radius of 100 meters around any access to the establishment;

(3) either an access road to the establishment is closed to through traffic, in one direction or in both;

4° either pedestrian access to the establishment is impossible.

The municipality must mention in the certificate the date of the start of the works as well as the presumed duration of these and the nuisances they will cause.

§ 4. If the municipality does not issue a certificate or does not confirm in the certificate the execution of work causing nuisance, the self-employed person may require, when submitting his application to the Participation Fund, that 'an agent as referred to in, examines the situation and, with a view to completing the request referred to in Article 7, § 1, ^{confirms} whether or not in a certificate that the work is causing nuisance.

§ 5. The certificate referred to in § 1st ^{does} not confer any rights on the part of the applicant. "

Art. 218. In the same law, article 7 is replaced by the following:

“Art. 7. - § 1st. Upon receipt of the certificate referred to in Article 6, § 2, and without prejudice to Article 6, § 4, the self-employed person submits, by registered or electronic mail, with acknowledgment of receipt, to the Participation Fund a form for requesting compensation or, where applicable, requesting an extension of compensation, according to the same terms and conditions.

The certificate referred to in the preceding paragraph must be attached to the said form.

§ 2. The self-employed person declares in the compensation claim form or, where applicable, the compensation extension request form referred to in § 1st ^{that}:

1° the nuisances have the effect of making the opening of the establishment in which he works operationally unnecessary for at least seven calendar days;

2° the impeded establishment will be closed from a date that it determines.

§ 3. Between the date of dispatch of the compensation claim form referred to in § 1st ^{and} the closing date, a period of at least seven calendar days must elapse.

The extension request form ^{er} must be submitted no later than 5 working days before the end of the first compensation period within the meaning of Article 7, § 2, first ^{paragraph}. Failing this, a new claim for

compensation within the meaning of Article 7, § 1¹ first paragraph must be submitted by the self-employed person.

§ 4. The Participation Fund confirms, within 30 working days of receipt of the compensation claim form referred to in Article 7, § 1¹ first paragraph by post or electronic mail, the admissibility or not of said request to the self-employed person.

The Participation Fund confirms, within 15 working days of receipt of the compensation extension request form referred to in Article 7, § 1¹ first paragraph by post or electronic mail, the admissibility or not of said request to the independent.

Said admissibility is assessed on the basis of the following criteria:

1. the definition of the work within the meaning of Article 2, 4°;
2. the definition of self-employed within the meaning of article 2, 7°;
3. compliance with the conditions set out in article 2bis;
4. the form for requesting compensation or, where applicable, requesting an extension of compensation

submitted by the self-employed person in accordance with Article 7., paragraph 1¹ must be duly completed and signed;

5. without prejudice to article 6, § 2, paragraph 2, and article 6, § 4, the certificate of the municipality as referred to in article 6, must be attached to the form referred to in Article 7 § 1¹ first paragraph ;

6. compliance with the deadline referred to in Article 7, § 3, first paragraph .".

Art. 219. In the same law, an article 7bis is inserted, worded as follows:

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 “Art. 7bis. - § . Within thirty working days from the date of dispatch of the confirmation of the admissibility of the claim for compensation or within 15 working days from the date of dispatch of the confirmation of the admissibility of the request for extension of compensation within the meaning of Article 7 § 4, the Participation Fund confirms, by post or e-mail, whether the nuisances suffered give rise, where applicable, to the right to compensation.

Such an examination is based on the following criteria:

- 1° examination of the nuisances suffered by the establishment in which the self-employed person works;
- 2° compliance with the conditions referred to in Article 5, 1°, 2°, and 4°;
- 3° where applicable, the concordance between, on the one hand, the certificate of the municipality and, on the other hand, the claim for compensation referred to in Article 7, § 1¹ first paragraph .

§ 2. The request for compensation within the meaning of Article 7, § 1¹ first paragraph may only be accepted by the Participation Fund for a maximum period of 30 calendar days.

If applicable, if the self-employed person wishes to obtain compensation for one or more additional period(s) to the initial period referred to in the previous paragraph granted by the Participation Fund, he must submit, each time, a request extension of compensation referred to in Article 7, § 1¹ , for a maximum period of 60 days.

§ 3. In the absence of notification of the decision of the Participation Fund referred to in § 1¹ the application is deemed to have been approved. "

Art. 220. ÷ Article 8 of the same law, the following amendments are made:

1st the paragraph of paragraph 1st is replaced by the following:

“§ 1st . After approval of the application referred to in Article 7, § 1¹ the Participation Fund pays the self-employed person a monthly compensatory indemnity for loss of income. This compensation amounts to 70 euros per calendar day. "

2° paragraph 3 of the same paragraph is replaced by the following:

“The compensatory indemnity for loss of income is only due from the eighth day following the date of closure of the impeded establishment. Subject to this reservation, for the calculation of the compensatory allowance for

loss of income, all calendar days during which the establishment is closed as a result of the nuisance are taken into account. "

3° paragraph 2 is replaced by the following:

“§ 2. The amounts referred to in § 1st first paragraph , are indexed each year and for the first time on ^{the} 1st

January 2010 on the basis of article 4 of the law of August 2, 1971 organizing a system linking to the consumer price index salaries, wages, pensions, allowances and subsidies charged to the public treasury, certain benefits social security, the limits of remuneration to be taken into account for the calculation of certain social security contributions of workers as well as the obligations imposed in social matters on self-employed workers.

The starting index is the index of January 1st 2009.”.

Art. 221. In the same law, article 9 is replaced by the following:

“Art. 9. - § 1st . The municipality referred to in Article 4 and Article 6, § 1st , must inform the Participation Fund of the nuisances and the progress of the work at each request from the latter.

§ 2. For any self-employed person obtaining the compensation referred to in Article 5, the Participation Fund may at any time examine the situation of nuisances for the establishment where the self-employed person works and decide, if necessary, that the nuisances do not further justify the continued closure of this establishment. In the case referred to in the preceding paragraph, the Participation Fund automatically determines a date from which the indemnity is no longer due.

The Participation Fund notifies the decision referred to in paragraph 1st and the date referred to in paragraph 2, by registered letter with acknowledgment of receipt,

§ 3. In the event of non-compliance with article 10, the payment of the indemnity referred to in article 5 is considered undue.

§ 4. The declaratory judgment of bankruptcy, the liquidation of the establishment in which the self-employed person works, the removal of the self-employed person from the Crossroads Bank for Enterprises and the death of the self-employed person put an end for the future to the right to indemnity referred to in Article 5.

§ 5. If the self-employed person decides to reopen the establishment on a date other than that accepted by the Participation Fund in accordance with Article 7bis, he shall inform the Participation Fund, by registered or electronic mail and at least seven calendar days in advance, and informs him of the date on which he wishes to reopen the establishment.

The reopening of the establishment referred to in the preceding paragraph terminates the right to compensation. "

Art. 222. In Article 10 of the same law, the following modifications are made:

1° the words "in Article 6, § 3, first paragraph" are replaced by the words "in Article 7, § 2, 2°".

2° the words "in Article 9, § 4" are replaced by the words "in Article 9, § 5".

Art. 223. The following amendments are made to Article 11 of the same law:

1° in paragraph 2, 1°, the words "the company" are replaced by the words "the establishment where the self-employed person works".

2° in paragraph 5, the words "decide to immediately withdraw recognition as a hindered establishment" are replaced by the words "decide that the self-employed person is no longer entitled to compensation for loss of income under Article 5".

Art. 224. § 1st . Without prejudice to the following paragraphs, this chapter enters into force on January 1st 2009.

§ 2. This chapter applies for the first time to self-employed persons who, from January 1st 2009, submit a claim for compensation to the meaning of article 7 of the law of December 3, 2005, as amended by this chapter.

§ 3. It applies for the first time to contracts which on this date have not yet been concluded or established within the meaning of Articles 117, 118, 119 and 122 of the Royal Decree of 8 January 1996 relating to public contracts works, supplies and services and public works concessions.

In any event, work invoiced after December 31, 2009 no longer gives rise to a contribution.

§ 4. The King fixes by royal decree deliberated in the Council of Ministers the methods of execution of this article.

Art. 225. The Royal Decree of 10 June 2006 determining the annual percentage referred to in Article 3, paragraph 2, of the Law of 3 December 2005 establishing a compensatory allowance for loss of income in favor of self-employed workers who are victims of nuisance due to completion of work on the public domain is

confirmed, with effect from July 1st 2006, the date of its entry into force.

The Royal Decree of 21 December 2006 determining the annual percentage referred to in Article 3, paragraph 2, of the Law of 3 December 2005 establishing a compensatory allowance for loss of income in favor of self-employed workers who are victims of nuisance due to the carrying out of work on the public domain for the year

2007 is confirmed, with effect from the 1st January 2007, date of its entry into force.

The Royal Decree of 3 December 2007 determining the annual percentage referred to in Article 3, paragraph 2, of the Law of 3 December 2005 establishing a compensatory allowance for loss of income in favor of self-employed workers who are victims of nuisance due to the carrying out of work on the public domain for the year

2008 is confirmed, with effect from January 1st 2008, the date of its entry into force.

CHAPTER 8. - Federal Agency
for the Safety of the Food Chain

Section 1^{re} . - Amendment of the Royal Decree of 10 November 2005 setting the contributions referred to in article 4 of the law of 9 December 2004 relating to the financing of the Federal Agency for the Safety of the Food Chain

Art. 226. In article 1^{of} the Royal Decree of 10 November 2005 setting the contributions referred to in article 4 of the law of 9 December 2004 on the financing of the Federal Agency for the Safety of the Food Chain, the following changes are made:

- a) in 2°, the words “public health” are replaced by the words “food chain safety”;
- b) in 8°, the words “activity” are repealed;
- c) the 9° is replaced by the following:

"9° number of people employed: the number of employees of the operator as well as employees made available to it by a temporary work agency or by a service provider, calculated in full-time equivalent, employed during the 'previous calendar year, in an establishment unit, to activities related to the stages of production, processing and distribution subject to contribution';

- d) is inserted in 12°/1 worded as follows:

"12°/1 Royal Decree of 16 January 2006: Royal Decree of 16 January 2006 laying down the procedures for approvals, authorizations and prior registrations issued by the Federal Agency for Food Chain Safety; »;

- e) 3° and 7° are repealed.

Art. 227. ÷ the^{er} bis of the same decree, the following modifications are made:

- a) in 1°, the words "royal decree of 16 January 2006 laying down the procedures for approvals, authorizations and prior registrations issued by the Federal Agency for the Safety of the Food Chain" are replaced by the words "Royal Decree of 16 January 2006";

- b) 2° and 3° c, are repealed.

Art. 228. Article 2 of the same decree is repealed.

Art. 229. Article 3 of the same decree is replaced by the following:

“Art. 3. - Operators are liable to the Agency for an annual contribution, per establishment unit, fixed by sector of activity in accordance with Articles 3 to 11.

To determine the sector to which the establishment unit belongs, the main economic activity is taken into account.

Pharmacies and wholesaler-distributors of pharmaceutical products are not liable for any contribution. ”.

Art. 230. In articles 4, 5, 6, 7 and 10 of the same decree, the word “variable” is repealed.

Art. 231. In articles 6 and 7 of the same decree, the word “employees” is replaced by the word “occupied”.

Art. 232. Section 8 of the same order is replaced by the following:

“Art. 8. - For operators in the retail trade sector, the amount of the contribution is fixed in accordance with appendix 5. Operators not carrying out in or from the establishment unit any activity subject to an authorization or approval in accordance with the Royal Decree of 16 January 2006 are liable for the amount set out in

appendix 5.a. Operators carrying out in or from the establishment unit one or more activities subject to authorization or approval are liable for a contribution fixed according to the number of persons employed in accordance with appendix 5.b. "

Art. 233. Section 9 of the same order is replaced by the following:

"Art. 9. - For operators in the horeca sector, the amount of the contribution is set in accordance with appendix 6. Operators not carrying out in or from the establishment unit any activity subject to an authorization or approval in accordance with the Royal Decree of 16 January 2006, are liable for the amount set out in appendix 6.a. Operators carrying out in or from the establishment unit one or more activities subject to authorization or approval are liable for a contribution fixed according to the number of persons employed in accordance with appendix 6.b. "

Art. 234. In the same decree, an article 10/1 is inserted, worded as follows:

"Art. 10/1. - Notwithstanding articles 3 to 10, the amount of the contribution for the year during which the activity started corresponds to the minimum amount fixed per establishment unit for the sector of the main economic activity exercised. "

Art. 235. Article 11 of the same order is replaced by the following:

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"Art. 11. - § . The operators' annual contribution is increased or reduced according to the coefficient provided for in Appendix 8 depending on whether or not the self-checking system is validated in the establishment unit in accordance with the Royal Decree of 14 November 2003 relating to the self-checking, mandatory notification and traceability in the food chain.

To benefit from the reduction, the operators must have had during the whole of the previous year, a validated self-checking system for all of their activities in the establishment unit.

However, for 2009, the condition referred to in the preceding paragraph must not be fulfilled until December 31, 2008 at the latest.

Increases and decreases in annual contributions do not apply for the year during which operators begin their activity in the establishment unit.

§ 2. By way of derogation from paragraph 1¹ the reduction is also granted:

1° to operators, for the year following that during which they obtain for the first time the validation of a self-checking system for all of their activities in the establishment unit, provided that they keep it until the end of the year during which they obtained the validation;

2° to operators benefiting from the reduction, for the year following that in which they begin a new activity, provided that they obtain, for this last activity, within six months of the start of this activity, the validation a self-monitoring system;

3° to operators who start their activities in the establishment unit, for the year following that during which they started their activities in the establishment unit, provided that they have obtained the validation of a self-monitoring system for all of their activities in the establishment unit before the end of the year in which they started their activities in the establishment unit, or at the latest within six month of their start.

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§ 3. The reductions referred to in paragraph¹, are also applicable to operators who have, for the whole of the previous year, for the main economic activity of the establishment unit, a validated self-checking system, provided that all other activities in the establishment unit are covered, during this same period, by certification in accordance with the audit reference systems set by the Minister.

do
§ 4. The increases and decreases referred to in paragraph 1¹ do not apply to operators in the retail trade and catering sectors who do not carry out any activity in the establishment unit subject to an authorization or approval in accordance with the Royal Decree of 16 January 2006.

§ 5. is also applicable, for the year 2009, to operators in the primary production sector who, for all activities subject to the control of the Agency, have on December 31, 2008, a certification in accordance with the audit reference systems set by the minister.

does
The increase referred to in paragraph 1¹ does not apply for the year 2009 to operators in the primary production sector provided that they have, for part of their activities subject to the control of the Agency, certification in accordance with the audit standards set by the Minister. "

Art. 236. ÷ article 12 of the same decree, the following modifications are made:

a) in the first paragraph, the words “within 30 days following the sending of the declaration form and, in the absence of a form, before September 15” are inserted between the words “declare annually” and the words “the data”;

b) in paragraph 2, the word “they” is replaced by the words “operators”;

c) paragraph 3 is repealed.

Art. 237. Article 14 of the same order is replaced as follows:

“Art. 14. - If the invoice is not paid by the due date provided for in article 13, a reminder is sent by registered letter to the operator.

In the event of non-payment within two months of the reminder, a formal notice is sent by registered letter to the post office. ”.

Art. 238. In article 20 of the same decree, the words “public health” are replaced by the words “safety of the food chain”.

Art. 239. In the same decree, annexes 1 to 8 are respectively replaced by annexes 1 to 8 of this law.

Art. 240. This section comes into force on January 1st 2009.

Section 2. - Accounting cancellation of the debt relating to the costs of BSE laboratory tests carried out on meat intended for human consumption and pre-financed by the BIRB

Art. 241. The remaining costs due by the Federal Agency for the Safety of the Food Chain to the Belgian Intervention and Restitution Office with regard to the reimbursement of the pre-financing, for the period prior tost

1st July 2004, BSE laboratory tests carried out on meat intended for human consumption are canceled in the respective accounts of these two organisations.

CHAPTER 9. - Amendment of the law of 2 April 1971 relating to the fight against organisms harmful to plants and plant products

Art. 242. Article 9, paragraph 1st of the law of April 2, 1971 on the fight against organisms harmful to plants and plant products, amended by the law of December 27, 2004, is replaced by the following:

"Except in cases of violation of the provisions of this law or its implementing decrees, compensation may be granted to any owner whose plants, plant products or movable property are destroyed, treated or transformed on the order of the competent authority or whose plants or plant products have become unusable and worthless following a temporary official ban on their transport or use, in order to prevent the spread of harmful organisms. In the event of the processing imposed by the competent authority of plants or plant products contaminated by harmful organisms, compensation may be granted to the processor. ”.

CHAPTER 10. - Amendment of the Royal Decree of 24 June 1997 relating to the compulsory contributions to be paid to the Animal Health and Production Fund, fixed for the poultry sector

of

Art. 243. In Article 1st the Royal Decree of 24 June 1997 relating to the compulsory contributions to be paid to the Animal Health and Production Fund, fixed for the poultry sector, 13° is replaced by the following :

“13° official veterinarian: veterinarian of the Federal Agency for the Safety of the Food Chain; ”.

Art. 244. Article 2 of the same order is replaced by the following:

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“Art. 2. - § 1st. The compulsory contributions of the poultry sector to the Fund are determined as follows:

1° the managers of poultry slaughterhouses approved by the FASFC pay an annual contribution of:

- 186.00 euros if they slaughter less than 100,000 pieces per year,
- 596.00 euros if they slaughter 100,000 to 2,000 000 pieces per year, and
- 1,116.00 euros if they slaughter more than 2,000,000 pieces per year;

2° the managers of egg packing centers authorized by the FASFC pay an annual fee of:

- 156.00 euros if they have a technical capacity for sorting a maximum of 5,000 eggs per hour,
- 234 .00 euros if they have a technical sorting capacity of more than 5,000 up to 15,000 eggs per hour, and
- 365.00 euros if they have a technical sorting capacity of more than 15,000 eggs at time;

3° all wholesalers in the egg trade pay an annual fee of 156.00 euros; however, those whose average weekly transaction is less than 1,800 eggs are exempt from the contribution;

4° the beneficiaries of a health authorization for the sale of poultry on the markets, issued by the FASFC, pay an annual contribution of 131.00 euros per authorization;

5° the persons in charge of establishments manufacturing and marketing egg products, approved by the FASFC,

- whose installation has an actual pasteurization capacity of less than 3 tonnes per hour, pay an annual contribution of 261, 00 euros,
 - whose installation has a real pasteurization capacity of 3 tonnes per hour or more, pay an annual fee of 782.00 euros;
- 6° the persons in charge of hatcheries authorized by the FASFC pay, if the activity concerns the hatching of eggs of running birds, an annual contribution of:
- 93.00 euros for hatcheries with a capacity of less than 1,000 eggs,
 - EUR 279.00 for hatcheries with a capacity of 1,000 eggs or more;
- and, if the activity concerns the hatching of hatching eggs of species other than racers, an annual fee of:
- 372.00 euros for hatcheries with seasonal activity or with a capacity of less than 1,000 eggs or a seasonal activity,
 - 1,116.00 euros for hatcheries with a capacity of 1,000 up to 199,999 eggs,
 - 1,488.00 euros for hatcheries with a capacity of 200,000 up to 499,999 eggs,
 - 2,045.00 euros for hatcheries with a capacity of 500,000 up to 999,999 eggs,
 - EUR 2,603.00 for hatcheries with a capacity of 1,000,000 eggs or more;
- 7° the managers of selection farms, multiplication farms and breeding farms authorized by the FASFC pay an annual contribution of:
- 300.00 euros for a farm containing less than 2,500 animals,
 - 411.00 euros for a holding containing from 2,500 up to 4,999 animals,
 - 489.00 euros for a holding containing from 5,000 up to
 - 600.00 euros for a holding containing from 7,500 to 9,999 animals,
 - 750.00 euros for a holding containing from 10,000 to 12,499 animals,
 - 900.00 euros for a holding containing from 12,500 up to 14,999 animals,
 - 1,050.00 euros for a holding containing from 15,000 to 17,499 animals,
 - 1,161.00 euros for a holding containing from 17,500 to 19,999 animals,
 - 1,350.00 euros for a holding containing from 20,000 to 24,999 animals,
 - 1,650.00 euros for a holding containing from 25,000 to 29,999 animals,
 - 1,950.00 euros for a holding containing from 30,000 to 39,999 animals,
 - 2,700.00 euros for a holding containing 40,000 animals or more;
- 8° holders of an authorization for the manufacture of compound feed for poultry, issued by the FASFC pay an annual contribution of 156 euros; however, holders of an import authorization whose only professional activity is the importation of products from other Member States, are exempt from the contribution;
- 9° those responsible for production poultry intended for the production of eggs for consumption, whether or not they have already reached the age of laying or whether they are culled, pay an annual contribution of:
- 134.00 euros for a holding containing from 200 to 4,999 animals,
 - 211.00 euros for a holding containing from 5,000 to 9,999 animals,
 - 289.00 euros for a holding containing from 10,000 to 14,999 animals,
 - 367.00 euros for a holding containing from 15,000 to 19,999 animals,
 - 446.00 euros for a holding containing from 20,000 up to 24,999 animals,
 - 524.00 euros for a holding containing from 25,000 to 29,999 animals,
 - 641.00 euros for a holding containing from 30,000 to 39,999 animals,
 - 797.00 euros for a holding containing from 40,000 up to 49,999 animals,
 - 953.00 euros for a holding containing from 50,000 up to 59,999 animals,
 - 1,109.00 euros for a holding containing from 60,000 up to 69,999 animals,
 - 1,265.00 euros for a farm containing 70,000 up to 79,999 animals,
 - 1,421.00 euros for a holding containing from 80,000 to 89,999 animals,
 - 1,577.00 euros for a holding containing from 90,000 to 99,999 animals,
 - 1,734.00 euros for a holding containing 100,000 animals or more;
- 10° those responsible for broiler chickens, except day-old chicks, pay an annual fee of:
- 131.00 euros for a farm containing from 200 to 4,999 animals,
 - 201.00 euros for a farm containing from 5,000 to 9,999 animals,
 - 272.00 euros for a holding containing from 10,000 to 14,999 animals,
 - 344.00 euros for a holding containing from 15,000 to 19,999 animals,
 - 415.00 euros for a holding containing from 20,000 to 24,999 animals, - 486.00 euros for a holding containing

- from
25,000 to 29,999 animals,
- 593.00 euros for a holding containing from 30,000 up to 39,999 animals,
 - 735.00 euros for a holding containing from 40,000 to 49,999 animals,
 - 878.00 euros for a holding containing from 50,000 to 59,999 animals,
 - 1,020.00 euros for a holding containing 60,000 up to 69,999 animals,
 - 1,163.00 euros for a holding containing 70,000 up to 79,999 animals, - 1,305.00 euros for a holding containing 80,000 up to 89,999 animals ,
 - 1448.00 euros for an operation containing 90,000 up to 99,999 animals,
 - 1,591.00 euros for a holding containing 100,000 animals or more;
- 11° those responsible for poultry, other than race birds or those referred to in the preceding paragraphs, pay an annual contribution of:
- 93.00 euros for a holding containing from 200 to 1,999 animals,
 - 131.00 euros for a farm containing 2,000 to 4,999 animals,
 - 339.00 euros for a farm containing 5,000 to 9,999 animals,
 - 521.00 euros for a farm containing 10,000 or more animals;
- 12° the persons in charge of running birds of the distinct categories pay an annual contribution according to the capacity of the exploitation, expressed in number of units of running birds kept, the males and the females of more than 15 months being equivalent to 10 units per animal in the case of ostriches and 5 units per animal in the case of emus, rheas or cassowaries and animals under 15 months being equivalent to one unit, namely:
- 56.00 euros for a farm containing 21 to 199 units,
 - 112.00 euros for a farm containing 200 to 499 units,
 - 167.00 euros for a farm containing 500 to 999 units,
 - 223, 00 euros for a holding containing 1,000 units or more;
- 13° those responsible for broiler chickens of the Coucou de Malines breed, except day-old chicks, pay an annual fee of:
- 322.00 euros for a farm containing from 200 to 4,999 animals,
 - 494, 00 euros for a holding containing from 5,000 up to 9,999 animals,
 - 670.00 euros for a holding containing from 10,000 up to 14,999 animals,
 - 846.00 euros for a holding containing from 15,000 up to 19,999 animals,
 - 1,021.00 euros for a holding containing from 20,000 to 24,999 animals,
 - 1,197.00 euros for a holding containing from 25,000 to 29,999 animals,
 - 1,461.00 euros for a holding containing 30,000 up to 39,999 animals,
 - 1,812.00 euros for a holding containing from 40,000 to 49,999 animals,
 - 2,163.00 euros for a holding containing from 50,000 to 59,999 animals,
 - 2,514.00 euros for a holding containing from 60,000 up to 69,999 animals,
 - 2,866.00 euros for a holding containing from 70,000 to 79,999 animals,
 - 3,217.00 euros for a holding containing from 80,000 to 89,999 animals,
 - 3,568.00 euros for a holding containing from 90,000 up to 99,999 animals,
 - 3919.00 euros for a holding containing 100,000 or more animals;
- 14° those responsible for organic broiler chickens, except day-old chicks, pay an annual fee of:
- 345.00 euros for a holding containing from 200 to 4,999 animals,
 - 529.00 euros for a holding containing from 5,000 to 9,999 animals,
 - 717.00 euros for a holding containing from 10,000 to to 14,999 animals,
 - 905.00 euros for a holding containing from 15,000 to 19,999 animals,
 - 1,092.00 euros for a holding containing from 20,000 to 24,999 animals, - 1,280.00 euros for a holding containing 25,000 to 29,999 animals,
 - 1,562.00 euros for a holding containing 30,000 to 39,999 animals,
 - 1,938.00 euros for a holding containing 40,000 to 49,999 animals ,
 - 2,313.00 euros for an operation containing 50,000 up to 59,999 animals,
 - 2,689.00 euros for a holding containing from 60,000 to 69,999 animals,
 - 3,065.00 euros for a holding containing from 70,000 to 79,999 animals,
 - 3,441.00 euros for a holding containing from 80,000 up to 89,999 animals,

- 3,816.00 euros for a holding containing from 90,000 up to 99,999 animals,
 - 4,192.00 euros for a holding containing 100,000 animals or more;
 15° those responsible for broiler chickens, held until they are between 63 and 70 days old, except day-old chicks, pay an annual fee of:

- 257.00 euros for a farm containing from 200 to 4,999 animals,
- 394.00 euros for a holding containing from 5,000 up to 9,999 animals,
- 534.00 euros for a farm containing from 10,000 to 14,999 animals,
- 674.00 euros for a farm containing from 15,000 to 19,999 animals,
- 814.00 euros for a farm containing from 20,000 up to 24,999 animals,
- 954.00 euros for a holding containing from 25,000 to 29,999 animals,
- 1,164.00 euros for a holding containing from 30,000 to 39,999 animals,
- 1,445.00 euros for a holding containing from 40,000 to 49,999 animals,
- 1,725.00 euros for a holding containing from 50,000 to 59,999 animals,
- 2,005.00 euros for a holding containing from 60,000 to 69,999 animals ,
- 2,285.00 euros for an operation containing 70,000 up to 79,999 animals,
- 2,565.00 euros for a holding containing from 80,000 to 89,999 animals,
- 2,845.00 euros for a holding containing from 90,000 to 99,999 animals,
- 3,125.00 euros for a holding containing 100,000 animals or more;

16° those responsible for broiler chickens, kept until they are at least 81 days old, except day-old chicks, pay an annual fee of:

- 275.00 euros for a farm containing 200 up to 4,999 animals,
- 422.00 euros for a holding containing from 5,000 to 9,999 animals,
- 572.00 euros for a holding containing from 10,000 to 14,999 animals,
- 722.00 euros for a farm containing from 15,000 up to 19,999 animals,
- 872.00 euros for a farm containing from 20,000 to 24,999 animals,
- 1,022.00 euros for a farm containing from 25,000 to 29,999 animals,
- 1,247.00 euros for a farm containing 30,000 up to 39,999 animals,
- 1,548.00 euros for a holding containing from 40,000 to 49,999 animals,
- 1,848.00 euros for a holding containing from 50,000 to 59,999 animals,
- 2,148.00 euros for a holding containing from 60,000 up to 69,999 animals,
- 2,448.00 euros for a holding containing from 70,000 up to 79,999 animals,
- 2,748.00 euros for a holding containing from 80,000 up to 89,999 animals,
- 3,048.00 euros for a holding containing from 90,000 up to 99,999 animals,
- 3,348.00 euros for a holding containing 100,000 animals or more;

17° those responsible for productive poultry in the free-range system or in the free-range system intended for the production of eggs for consumption, whether or not they have already reached the age of laying or whether they are of reform, pay an annual contribution of:

- 149.00 euros for a holding containing from 200 to 4,999 animals,
- 233.00 euros for a holding containing from 5,000 to 9,999 animals,
- 319.00 euros for a holding containing from 10,000 up to 14,999 animals,
- 406.00 euros for a holding containing from 15,000 up to
- 492.00 euros for a farm containing from 20,000 to 24,999 animals, - 578.00 euros for a farm containing from 25,000 to 29,999 animals,
- 708.00 euros for a farm containing from 30,000 up to 39,999 animals,
- 881.00 euros for a holding containing from 40,000 to 49,999 animals,
- 1,053.00 euros for a holding containing from 50,000 to 59,999 animals,
- 1,226.00 euros for a holding containing from 60,000 to 69,999 animals,
- 1,399.00 euros for a holding containing from 70,000 to 79,999 animals,
- 1,571.00 euros for a holding containing from 80,000 to 89,999 animals,
- 1,744.00 euros for a farm containing 90,000 up to 99,999 animals,
- 1,917.00 euros for a holding containing 100,000 animals or more;

18° the persons in charge of productive poultry in organic production intended for the production of eggs for consumption, whether or not they have already reached the age of laying or whether they are culled, pay an annual contribution of:

- 224.00 euros for a holding containing from 200 up to 4,999 animals,
- 351.00 euros for a holding containing from 5,000 up to 9,999 animals,
- 481.00 euros for a holding containing from 10,000 up to to 14,999 animals,
- 611.00 euros for a holding containing from 15,000 to 19,999 animals,
- 742.00 euros for a holding containing from 20,000 to 24,999 animals,
- 872.00 euros for a holding containing from 25,000 to 29,999 animals,
- 1,067.00 euros for a holding containing from 30,000 to 39,999 animals,
- 1,327.00 euros for a holding containing from 40,000 up to 49,999 animals,
- 1,587.00 euros for a holding containing 50,000 up to 59,999 animals,
- 1,847.00 euros for a holding containing 60,000 up to 69,999 animals,
- 2,107.00 euros for a holding containing from 70,000 up to 79,999 animals,
- 2,368.00 euros for a holding containing from 80,000 up to 89,999 animals,
- 2,628.00 euros for a holding containing from 90,000 up to 99,999 animals,
- 2.888,00 euros for a holding containing 100,000 animals or more.

§ 2. The compulsory contributions, referred to in paragraph 1^o points 1^o, 2^o, 5^o, 7^o, 10^o, 11^o and 12^o, are calculated on the basis of the latest data available to the FASFC in the framework of the identification and registration of poultry and flightless birds and on the additional declarations of the person in charge.

§ 3. The taxpayer is exempted from compulsory contributions if he presents, before the date of the contribution declaration, a written declaration of definitive cessation of activity or, where applicable, if he can prove that the authorization has been granted. issued before the date of the declaration of contribution by the authority which issued this authorisation. The official veterinarian or his delegate confirms the definitive cessation of activity.

§ 4 The compulsory contributions, referred to in paragraph 1^o points 13^o, 14^o, 15^o, 16^o, 17^o and 18^o are due only if the person responsible for these poultry declares in writing that he wishes to pay one of the contributions mentioned in these points. In the absence of such a request, the contribution will be calculated in accordance with the corresponding class listed under points 1^o to 12^o. "

Art. 245. Article 4 of the same decree is replaced by the following:

“Art. 4. - § 1st. Compulsory contributions are paid to the Fund within 30 days of the date of the declaration of contribution. ÷ failure to pay on time, late payment interest at the legal interest rate, increased by 25 euros for administrative costs, is due automatically and without warning.

§ 2. If a person referred to in Article 2, § 1^o liable for a contribution, contests the amount of the compulsory contribution, a complaint must be sent by registered letter to the Fund within 30 days following the date of the contribution statement. The specific terms and conditions are communicated with the sending of the declaration of contribution.

The introduction of a complaint does not give rise to a deferment of payment. If the claim is declared admissible and justified, the amount paid will be refunded.

§ 3. The following public administrations deliver, on simple request to the Federal Agency for the Safety of the Food Chain, all the information and data necessary for the application of this decree:

1^o the Federal Public Service Public Health, Food Chain Safety and Environment;

2^o the Federal Public Service Economy, SMEs, Self-Employed and Energy.

§ 4. The official veterinarian or his delegate may check the data on the farm. On the basis of the findings made, the official veterinarian may adapt the data communicated pursuant to paragraph 2.^o.

Art. 246. Article 2, § 1^o 1^o to 12^o, of the Royal Decree of 24 June 1997 relating to the compulsory contributions to be paid to the Animal Health and Production Fund, fixed for the poultry sector, as inserted by article 244,

takes effect on January 1^o 2008.

Article 2, § 1^o, 13^o to 18^o, § 3 and § 4, of the same decree, as inserted by article 244, enters into force on January 1^o 2009.

TITLE 10. - Miscellaneous provisions

CHAPTER 1st - Prime Minister - International Press Center

Art. 247. The cash account created by article 509 of the program law of 22 December 2003 is registered under the separately managed State service "International Press Centre".

CHAPTER 2. - Foreign Affairs - Creation of a separately managed State service responsible for the management of security clearances, security certificates and security opinions

Art. 248. For the management of security clearances, security certificates and security opinions, the National Security Authority, which depends administratively on the Federal Public Service Foreign Affairs, Foreign Trade and Development Cooperation, is set up as a service of the State with separate management, as defined in article 140 of the laws on State accounting, coordinated on July 17, 1991.

CHAPTER 3. - Social integration - Heating allowance granted by the public center for social action within the framework of the Fuel Oil Social Fund

Art. 249. For the purposes of this chapter, the following terms mean:

1° consumer: any natural person who uses an eligible fuel to heat the family dwelling where he has his main residence;

2° dependent: the person who has net annual income of less than 1,800 euros, excluding family benefits and child support, and living under the same roof as the consumer;

3° household: persons who have their main residence in the same family dwelling;

4° eligible fuel: heating oil, kerosene and bulk propane gas, which are only used for heating purposes;

5° heating period: the period corresponding to a calendar year.

Art. 250. Any low-income consumer who uses an eligible fuel may receive a heating allowance under the conditions set out in this chapter.

The public centers for social action are responsible for granting the heating allowance within the framework of the Mazout social fund.

This allowance can only be granted for deliveries of an eligible fuel.

Only one heating allowance can be granted for the same household and per heating period.

Art. 251. § 1^o. Are considered as low-income consumers within the meaning of this chapter, persons who at the time of submission of the application belong to one of the following categories:

1° persons who benefit from an increased intervention of the insurance referred to in Article 37, §§ 1^o and 19, of the law relating to compulsory health care and indemnity insurance, coordinated on July 14, 1994. The annual amount of the gross taxable income of the household of these persons may not, however, exceed 11,763.02 euros, increased by 2,177.65 euros per dependent;

2° persons who do not fall within the category referred to in 1° and whose annual gross taxable income of their household does not exceed 11,763.02 euros, increased by 2,177.65 euros per dependent;

3° persons who benefit from debt mediation in accordance with the law of 12 June 1991 relating to consumer credit or from a collective debt settlement under articles 1675/2 and following of the Judicial Code and who cannot also face the payments of their heating bill.

§ 2. The calculation of the gross taxable income referred to in paragraph 1^o, 2°, takes into account the real estate assets of the consumer and his household.

If the consumer or a member of his household has full ownership or usufruct of real estate or several real estate, with the exception of real estate which serves as family housing, the global cadastral income multiplied by 3.

This amount is added to the amount of gross taxable income referred to in paragraph 1^o, 2°.

Art. 252. The amounts mentioned in Article 251, § 1^o are linked to the 103.14 index applicable on 1st June 1999 (base 1996 = 100) for consumer prices.

They vary in accordance with the provisions of the law of August 2, 1971 organizing a system linking to the consumer price index salaries, wages, pensions, allowances and subsidies charged to the public treasury, certain social benefits, limits of remuneration to be taken into consideration for the calculation of certain social security contributions for workers, as well as the obligations imposed in social matters on self-employed workers.

They are also suitable for well-being in accordance with Article 19 of the Royal Decree of 1st April 2007 setting

the conditions for granting the increased intervention of the insurance referred to in Article 37, §§ and 19, of the law relating to compulsory health care and compensation insurance, consolidated on July 14, 1994, and establishing the OMNIO status.

The amount mentioned in article 249 is adjusted in accordance with the provisions of article 178 of the 1992 income tax code, coordinated by the royal decree of 10 April 1992.

Art. 253. As soon as the price per liter of fuel invoiced exceeds the intervention threshold set by the King, any person referred to in Article 251 may benefit from a heating allowance.

The King sets the amount of this heating allowance by decree deliberated on by the Council of Ministers.

Art. 254. The King determines the methods for calculating the amount of the heating allowance, when the bill concerns several dwellings.

Art. 255. In order to obtain a heating allowance, the applicant must submit an application to the public center for social action competent under the provisions of the law of 2 April 1965 relating to the payment of relief granted by public centers of social action.

The request may be submitted by the low-income consumer or, on his behalf, by a member of his household.

The request must be submitted no later than 60 days from the date of delivery.

Art. 256. The public center for social action checks on the basis of a social survey whether all the conditions are met.

It verifies in particular:

- whether the consumer falls within one of the categories referred to in Article 251;
- if the consumer uses an eligible fuel to heat his family home;
- if the invoiced price of the eligible fuel meets the conditions referred to in Article 253;
- if the delivery address corresponds to the main place of residence of the consumer.

The King determines the proof that the applicant must provide in order to receive the heating allowance.

Art. 257. § 1. The public center for social action decides within 30 days of receiving the request.

§ 2. The decision relating to the heating allowance, taken by the social assistance council or one of the bodies to which the council has delegated powers, is communicated to the applicant by post or against acknowledgment of receipt within eight days from the date of the decision.

The decision shall be substantiated and indicate the possibility of lodging an appeal, the time limit for lodging the appeal, the form of the request, the address of the competent appeal body and the name of the department or person who, within of the public center for social action, can be contacted for clarification.

The methods of appeal against the decision are regulated by article 71 of the law of July 8, 1976 on the organization of public centers for social action.

§ 3. The heating allowance is paid at the latest within 15 days of the decision.

§ 4. The public social action center has 45 days from the date of the request to send its statements of expenses to the Federal Public Service for Social Integration and Economy Programming, Fight against Poverty.

Art. 258. § 1. The resources required to finance this chapter are provided by a Social Fund, hereinafter called the Fuel Oil Social Fund.

§ 2. This Fund will be fed by a contribution on all petroleum heating products payable by consumers of these products.

This contribution will be collected by the companies subject to excise duty which put these products into consumption and taken into account for the calculation of the maximum prices according to the program contract concerning the settlement of the sale prices of petroleum products.

§ 3. The King, on the proposal of the Minister having Energy in his attributions and by decree deliberated in the Council of Ministers, is empowered to:

- set the missions as well as the methods of organization and operation of the Fund;
- set the amount of the contribution referred to in paragraph 2 and the terms of its collection.

§ 4. Any decree issued under paragraph 3 is deemed never to have produced any effects if it has not been confirmed by law within twelve months of its date of entry into force.

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Art. . The accounts must be closed on 31 December for all granting decisions relating to the current year.

Exceptionally, the accounts must be closed on December 31, 2008 for all grant decisions relating to the period

from September 1st 2008 to December 31, 2008.

§ 2. Before March 1st the closed accounts are sent to the Federal Public Service for Programming Integration and Social Economy, Fight against Poverty. The King determines the data which must appear there.

§ 3. If on 30 April of the same year, the public social action center has still not forwarded the closed accounts, it is deprived of the right to recover the expenses relating to the allowances granted during the heating period to which refer to non-transmitted accounts.

§ 4. As soon as the Federal Public Programming Service has the accounting statements of the public social action centres, it sends them to the Mazout Social Fund.

Art. 260. § 1. An additional lump sum is granted to public social action centers to cover operating costs.

§ 2. Contribution to operating costs is

The amount relating to the previous heating period is paid to the public social action centers on 30 June.

Art. 261. The categories and amounts referred to in Article 251 may be modified according to the procedures provided for by a royal decree deliberated in the Council of Ministers.

Art. 262. § 1. Are punished by a prison sentence of one week to two months and a fine of ten times the evaded contribution, with a minimum of 250 euros, or one of these penalties only, those who do not respect the provisions of Article 258, § 2, second paragraph.

§ 2. When it is established that a business subject to excise duty is in serious breach of the obligations referred to in Article 258, § 2, the authorization which any business subject to excise duty must have under the law of 10 June 1997 relating to the general regime, the possession, movement and control of products subject to excise duty, in order to exercise its activities can be withdrawn.

§ 3. The King may set criminal penalties and administrative fines for breaches of the provisions of the implementing decrees as set out in article 258 of this law. These administrative penalties and fines may not be

higher or lower than the amounts set out in paragraph 1st and paragraph 2.

Art. 263. Articles 203 to 219 of the program law of 27 December 2004 are repealed.

Art. 264. This chapter enters into force on January 1st 2009.

CHAPTER 4. - Large cities policy - Financial aid from the State within the framework of urban policy

Art. 265. Article 4, paragraph 1st of the law of 17 July 2000 determining the conditions under which local authorities may benefit from financial aid from the State within the framework of urban policy, amended by the program law (I) of December 27, 2004, is supplemented by the following sentence:

“By way of derogation for the year 2009, an annual agreement has been concluded. ”.

Art. 266. Section 265 comes into force on the 1st January 2009.

CHAPTER 5. - Justice - Amendments to the law of 2 August 1974 relating to the salaries of holders of certain public functions, ministers of recognized religions and delegates of the Central Lay Council

Art. 267. Article 26 of the law of 2 August 1974 relating to the salaries of holders of certain public functions, ministers of recognized religions and delegates of the secular central council, replaced by the law of 17 February 1997 and amended by decree July 13, 2001, is supplemented by j), worded as follows:

“j) parish assistant: 13,409.11 euros. ”.

Art. 268. Article 26bis of the same law, inserted by the law of December 27, 2004 and amended by the law of July 24, 2008, is replaced by the following provision:

“Art. 26bis. - 341 parish assistant places are established. ”.

Art. 269. In article 35 of the same law, inserted by the law of December 27, 2004 and amended by the laws of July 11, 2005 and July 24, 2008, the first paragraph is replaced by the following:

“Articles 26 , j), and 26bis take effect on January 1st 1991.

CHAPTER 6. - Interior - Amendments to the law of 15 April 1994 relating to the protection of the population and the environment against the dangers resulting from ionizing radiation and relating to the Federal Agency for Nuclear Control and the law of 15 May 2007 amending the law of 15 April 1994 relating to the protection of the

population and the environment against the dangers resulting from ionizing radiation and relating to the Federal Agency for Nuclear Control

Art. 270. Article 12 of the law of 15 April 1994 relating to the protection of the population and the environment against the dangers resulting from ionizing radiation and relating to the Federal Agency for Nuclear Control, is repealed.

Art. 271. In the same law,

“Art. 30bis /1. - § 1st. The amounts of annual taxes collected for the benefit of the Agency and payable by holders of authorizations and approvals and registered persons are set as follows:

§ 2. The taxes referred to in § 1st are due by each authorized establishment on January 1 of the budget year, for each practice subject to authorization on January 1 of the budget year and whose validity period is one year or more, as well as for each person or establishment approved or recorded on January 1 of this year for one year or more.

§ 3. The amounts of the annual fees collected for the benefit of the Agency and payable by the National Organization for Radioactive Waste and Enriched Fissile Materials (ONDRAF) are set as follows:

These amounts are allocated to the provision of services that the Agency must carry out prior to the introduction of an application for authorization by ONDRAF/NIRAS.

As soon as ONDRAF/NIRAS or its representative receives an authorisation, the tax referred to in this paragraph for the project in question ceases to be due. They are subject to partial relief and automatic restitution pro rata temporis for the part of the budget year that has not yet elapsed when the authorization is granted.

As soon as the authorization is issued, the King may decide, by decree deliberated in the Council of Ministers

and confirmed by law within a year, to add to article 30bis /1, § 1st a new type of authorized establishment, namely a facility for the final disposal of radioactive waste, and to impose on it an annual tax which must be determined in this same order.

§ 4. To cover all or part of the administrative, operating, study and investment costs resulting from the emergency plan for nuclear risks, it is set for the benefit of the Agency and the State an annual tax of 500 euros per electrical megawatt of net installed power, payable by the operators of nuclear reactors intended for the production of

This tax for the benefit of the Agency and the State is paid into the nuclear accident risk fund, SPF Interior, rue Royale 64-66, 1000 Brussels.

§ 5. During the first quarter of each budget year, the Agency sends each taxpayer referred to in §§ 1st and 3 a request for payment. The payment request indicates the amount of tax to be paid. The amount of the annual fee to be paid must be paid to the Agency's account number indicated on the request for payment.

For fees that have not been paid before the end of the month following the month in which the request for payment was sent, a formal notice is sent by the Agency by registered mail. If the taxpayer does not respond to this formal notice within 14 calendar days of receipt, the tax is automatically increased by 25%.

For the tax referred to in § 4, the Federal Public Service Home Affairs sends a request for payment to the person liable. The request for payment mentions the amount of tax to be paid. The amount of tax to be paid annually must be paid into the account number provided on the payment request.

Art. 272. In the same law, an article 30quater is inserted, worded as follows:

“Art. 30quater. - The King can define, by decree deliberated in the Council of Ministers, that royalties are collected:

1° for the benefit of the Agency at the time of the introduction of a notification, a request for authorization, permission, approval or registration and at the expense of the applicant or declarant;

2° for the benefit of companies, associations, partnerships or other legal entities with or without legal personality created by the Agency or acting under its control and responsibility, to cover the costs resulting from the performance of the control missions referred to in section 15.”

Art. 273. In the same law, an article 30quinquies is inserted, worded as follows:

“Art. 30d. - The taxes and royalties due under this law may be recovered by the Director General of the Agency by way of constraint. The constraints are signified by writ of bailiff.

The constraint includes an order to pay within thirty calendar days, under penalty of execution by seizure, as

well as a justification of the amounts due and a copy of the enforceable title.

The person liable and the taxpayer can oppose the constraint before the Court of First Instance of Brussels.

The opposition is motivated on pain of nullity; it is formed by means of a summons to the Federal Agency for Nuclear Control by bailiff's writ within thirty calendar days of notification of the constraint.

The opposition does not suspend the execution of the constraint.

The cost of notification of the constraint as well as the cost of execution or protective measures are borne by the debtor, unless the opposition is declared admissible and founded, in which case these costs are borne by the Agency. Service costs are determined according to the rules established for acts performed by bailiffs in civil and commercial matters. "

Art. 274. Article 31 of the same law is replaced by the following:

“Art. 31. - §¹. The Agency is financed by:

1° the annual fees referred to in Articles 30bis, 30bis /1 and 30ter;

2° the fees referred to in Article 30quater, § 1¹°;

(3) the administrative fines referred to in Articles 53 to 64;

4° the allowances, added to the allowances paid by natural or legal persons referred to in Article 30quater, for the additional special services imposed by the exercise of its mission referred to in § 3;

5° donations and legacies;

6° endowments.

The product of the royalties collected pursuant to article 3bis of the law of March 29, 1958 relating to the protection of the population against the dangers resulting from ionizing radiation, allocated to the services competent in the nuclear field which are attached to the Ministry of Employment and Labor and to the Ministry of Social Affairs, Public Health and the Environment, is transferred to the Agency's account according to a timetable which is established in agreement with the Minister for the Budget and the Minister in charge of the 'Agency.

The means which are entered in the budget of these services during the course of the budget year are entered in the budget of the Agency.

Without prejudice to the provisions of article 45, §¹, the Agency shall take over all property, rights and obligations acquired or contracted by the State in return for financial means acquired pursuant to Article 3bis, §

1¹°, of the aforementioned law of 29 March 1958. The King determines, by decree deliberated in the Council of Ministers, the methods of transfer of the property of the possessions of these services. The archives of the federal and provincial services whose competences are transferred to the Agency in accordance with either Articles 14 and 51, or Article 16, revert to the Agency.

§ 2. All of the costs and investments related to the Agency's activities are borne by the companies, institutions or persons for whose benefit it provides services, within the limits set out in Articles 30bis, 30bis /1, 30ter, 30quater and 31 §§ 3 and 4.

§ 3. Where applicable, the Agency adds to the fees paid by natural or legal persons referred to in Article 30quater the costs of certain additional special services imposed by the exercise of its mission .

After consulting the Board of Directors of the Agency, the King sets, by decree deliberated in the Council of Ministers, the hourly rate for additional specific services provided by or on behalf of the Agency.

§ 4. If the Agency carries out or has carried out interventions in the context of the preservation of land, soil or buildings against radiological pollution or in the context of long-term exposure of persons to ionizing radiation as a result of situations of radiological emergency, the exercise of professional or other activities and/or practices, the Agency passes on the costs of these interventions to the companies which caused the radiological

pollution or the long-term exposure. After consulting the Board of Directors of the Agency, the King sets, by decree deliberated

in the Council of Ministers, the hourly rate for the interventions referred to in the 1st

paragraph . § 5. The Agency must respect its financial equilibrium. ". Art. 275.

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of the law of May 15, 2007 amending the law of April 15, 1994 on the protection of the population and the environment against the dangers resulting from ionizing radiation and on the Federal Agency for Nuclear

Control, the sentence " Sections 3 and 4 will cease to have effect on January 1st 2009." is deleted.

Art. 276. This chapter comes into force on January 1st 2009.

CHAPTER 7. - Environment - Modification of heading 25-1 of the table annexed to the organic law of December 27, 1990 creating budgetary funds (funds intended for the financing of the Federal Greenhouse Gas Emissions Reduction Program)

Art. 277. ÷ heading 25-1 of the table appended to the organic law of 27 December 1990 creating budgetary funds, as inserted by article 436 of the program law (I) of 24 December 2002, amended by Article 238 of the program law of December 27, 2004 and by the laws of December 27, 2006 and September 9, 2008, under the "Nature of authorized expenditure", in the first paragraph, a point 6° is added, worded as follows :
"6° the granting of subsidies of a maximum amount of 500 euros for training and information events on climate change".

Art. 278. With a view to granting the subsidies referred to in point 6°, first paragraph, of the title of the "Nature of authorized expenditure", of heading 25-1 of the table annexed to the organic law of 27 December 1990 creating funds budgets, the King determines:

- the characteristics of the events and the information provided,
- any ceilings on the subsidies,
- the budget items that may be taken into account for the subsidy,
- the procedure for requesting and granting the subsidy,
- the discretion of the Federal Public Health, Food Chain Safety and Environment Service with regard to the compliance of the subsidy applications with the conditions laid down.

Let us promulgate the present law, order that it be coated with the Seal of the State and published by the Belgian Monitor.

Given in Brussels, 22 December 2008.

ALBERT

By the King:

The Prime Minister,

Y. LETERME

The Minister of Finance,

D. REYNDERS

The Minister of Social Affairs and Public Health,

Ms. L. ONKELINX

The Minister of Interior,

P. DEWAEL

The Minister of Justice,

J. VANDEURZEN

The Minister of Employment,

Ms J. MILQUET

For the Minister of Foreign Affairs, absent:

The Deputy Prime Minister and Minister of the Interior,

P. DEWAEL

The Minister of SMEs, the Self-Employed and Agriculture,

Ms. S. LARUELLE

The Minister of Social Integration and Large Cities,

Ms. M. ARENA

For the Minister of Climate and Energy, absent:

The Vice- Prime Minister

and Minister of Social Affairs and Public Health,

Mrs L. ONKELINX

For the Minister for Simplification, absent:

The Deputy Prime Minister and Minister of the Interior,

P. DEWAEL

The Secretary of State for Mobility,

E. SCHOUPPE

For the Secretary of State for the Budget, absent:

The Prime Minister,

Y. LETERME

Sealed with the seal of the State:

The Minister of Justice,

J. VANDEURZEN

Notes

(1) Session 2008-2009:

House of Representatives.

Documents. - 52-1607 (2008/2009) - 001: Bill. - 002 to 010: Amendments. - 011 to 018: Reports. - 019: Text adopted by the committees. - 020 and 021: Amendments. - 022: Erratum. - 023: Text adopted in plenary session and transmitted to the Senate.

Full report: December 10 and 11, 2008.

Senate.

Documents - 4-1050 - 2008/2009 - No. 1: Project mentioned by the Senate. - No. 2: Amendments. - Nos 3 to 7: Reports. - No. 8: Decision not to amend.

Annals of the Senate: December 18, 2008.

For consultation of the table, see image

Seen to be appended to the program law of December 22, 2008.

ALBERT

By the King:

The Minister of Agriculture,

Mrs S. LARUELLE

To consult the table, see image

Seen to be appended to the program law of 22 December 2008.

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