

PUBLIC SERVICE OF WALLONIA

Decree of the Walloon Government amending the Royal Decree of 15 March 1968 laying down general regulations on the technical conditions to be met by motor vehicles and their trailers, their components and safety accessories, and amending the Royal Decree of 10 October 1974 laying down general regulations on the technical conditions to be met by mopeds and motorcycles and their trailers

The Walloon Government,

Having regard to the Law of 21 June 1985 on the technical conditions to be met by any ground transport vehicle, its components and safety accessories, Article 1(1), as amended by the Laws of 18 July 1990, 5 April 1995, 4 August 1996, 27 November 1996, 20 July 2000 and 31 July 2020, and Article 2(1), as amended by the Law of 18 July 1990;

Having regard to the Royal Decree of 15 March 1968 laying down general regulations on the technical conditions to be met by motor vehicles and their trailers, their components and safety accessories;

Having regard to the Royal Decree of 10 October 1974 laying down general regulations on the technical conditions to be met by mopeds and motorcycles and their trailers;

Having regard to the opinion of the Walloon Administration-Industry Consultative Commission, given on 18 April 2023;

Having regard to the communication to the European Commission of 10 July 2023, pursuant to Article 5(1) of Directive (EU) 2015/1535 of the European Parliament and of the Council of 9 September 2015 laying down a procedure for the provision of information in the field of technical regulations and of rules on Information Society services;

Having regard to the report of 11 April 2023 drawn up in accordance with Article 3(2) of the Decree of 11 April 2014 aimed at implementing the resolutions of the United Nations Conference on Women in Beijing of September 1995 and integrating the gender dimension into all regional policies;

Having regard to request for an opinion of the Council of State to be given within 30 days, pursuant to Article 84(1), subparagraphs 1 and 2, of the Laws on the Council of State, consolidated on 12 January 1973;

Whereas the request for an opinion was placed on 9 June 2023 in the registry of the Legislation Section of the Council of State under number 73.830/4;

Having regard to the decision of the Legislation Section of 11 July 2023 not to give an opinion within the period requested, pursuant to Article 84(5), of the Laws on the Council of State, consolidated on 12 January 1973;

On the proposal of the Minister for Road Safety,

Following deliberation,

Hereby decrees:

CHAPTER 1. Amendments of the Royal Decree of 15 March 1968 laying down general regulations on the technical conditions to be met by motor vehicles and their trailers, their components and safety accessories

Article 1. In Article 2(2), subparagraph 2, point 7 of the Royal Decree of 15 March 1968 laying down general regulations on the technical conditions to be met by motor vehicles and their trailers, their components and safety accessories, as last amended by the Decree of the Walloon Government of 17 May 2018, subparagraph 1 is replaced by the following:

‘Vehicles in service for more than thirty years and registered under one of the registration plates referred to in Article 4(2) of the Ministerial Decree of 23 July 2001 on the registration of vehicles are subject only to the provisions of Articles 10(4)(1), subparagraph 1, 23(1), (2), A and D, (3), (4), (5), (6) and (7), 23a,(1), (2), (4), (5), 23b, 23c 23D, 23e(1), points 1, 2, 4 and 6, (2), (3) and (4), point 1, 23f, 23g, 23h(1) and (3), 23i, 23j 24, 25, 26, 42, 45(1), points 1 and 3, 47(1), point 1, subparagraph 1, 54(1), points 1 and 3, 70(2), 77a, 77b and 80.’

Article 2. In the same Decree, an Article 77b is inserted, worded as follows:

‘Article 77b. § 1. The conversion of a vehicle pursuant to Article 77a shall comply with the following conditions:

- (1) the maximum authorised mass of the vehicle, the maximum authorised mass of the train and the maximum authorised masses of the axles are not modified;
- (2) after conversion, the distribution of the mass in running order of the vehicle between the axles may not exceed by more than 10 % the distribution of that mass between the axles of the base vehicle.

§ 2. Contrary to the provisions of Article 8(5), the consent of the manufacturer of the base vehicle or their authorised representative is not required in the context of this conversion.

The installer, i.e. the natural or legal person who carries out or is responsible for the conversion, shall demonstrate their collaboration with the manufacturer of the base vehicle. In the absence of such cooperation, the installer shall show the approval authority that they have access to the necessary technical documentation of the base vehicle.’

Article 3. In Annex 26 to the same Decree, as last amended by the Royal Decree of 19 April 2023, Part VII, in row 44A, 48A of the table, the words ‘Masses and’ are inserted before the word ‘Dimensions’.

CHAPTER 2. Amendments to the Royal Decree of 10 October 1974 laying down general regulations on the technical conditions to be met by mopeds and motorcycles and their trailers

Article 4. In Article 1(2), point 5 of the Royal Decree of 10 October 1974 laying down general regulations on the technical conditions to be met by mopeds and motorcycles and their trailers, as last amended by the Decree of the Walloon Government of 18 November 2022, the following amendments are made:

In points 1 to 5, the words ‘the Federal Public Service for Mobility and Transport – Directorate-General for Mobility and Road Safety – Certification and Inspection Directorate, whose offices are found at City Atrium – rue du Progrès 56, 1210 Brussels’ are replaced by the words ‘Public Service of Wallonia for Mobility and Infrastructure’;

In point 2, the paragraph is supplemented by points 24 and 25 as follows:

‘24. ‘the technically permissible maximum laden mass (M)’: the maximum mass of the vehicle according to its construction and performance, declared by the manufacturer and determined by the strength of the chassis and other components of the vehicle, also known as the ‘Maximum authorised mass’;

25. ‘base vehicle’: any vehicle used during the initial stage of a multi-stage approval process.’.

Article 5. In Article 2(2), point 1, subparagraph 3, of the Decree, the words ‘Articles 10, 11(3) and 13’ are replaced by the words ‘Articles 8a, 8b, 10, 11(3) and 13 of this Decree.’.

Article 6. In the same Decree, an Article 8b is inserted, worded as follows:

‘Article 8b. § 1. The conversion of a vehicle pursuant to Article 8a shall comply with the following conditions:

(1) the maximum authorised mass of the vehicle, the maximum authorised mass of the train and the maximum authorised masses of the axles may not be modified;

(2) after conversion, the distribution of the mass in running order of the vehicle between the axles may not exceed by more than 10 % the distribution of that mass between the axles of the base vehicle.

§ 2. Contrary to the provisions of Article 4(6), the consent of the manufacturer of the base vehicle or their authorised representative is not required in the context of this conversion.

The installer, i.e. the natural or legal person who carries out or is responsible for the conversion, shall demonstrate their collaboration with the manufacturer of the base vehicle. In the absence of such cooperation, the installer shall show the approval authority that they have access to the necessary technical documentation of the base vehicle.’.

Article 7. In Annex 9 to the same order, as last amended by the Royal Decree of 19 April 2023, Part III, in line C10 of the table, the words ‘Masses and’ are inserted before the word ‘Dimensions’.’.

CHAPTER 3. Final provision

Article 8. The Minister for Road Safety shall be responsible for the implementation of this Decree.

Namur, on 16 November 2023.

For the government:

The Minister-President,

E. DI RUPO

The Minister for the Civil Service, Information Technology and Eliminating Bureaucracy,
responsible for Family Allowances, Tourism, Heritage and Road Safety,

V. DE BUE