

PUBLIC SERVICE OF WALLONIA

Draft Decree of the Walloon Government amending the Walloon Government Decree of 21 March 2024 on the road use of exceptional vehicles and laying down the procedures and conditions for issuing authorisations for exceptional transport and the Walloon Government Decree of 29 November 2012 on the issuing of authorisations for exceptional transport

The Walloon Government,

Having regard to the special institutional reform Act of 8 August 1980, article 20, amended by the special Act of 16 July 1993;

Having regard to the Decree of 4 April 2019 on administrative fines for road safety, Articles 3, 4, 8, 12, 24, 33, section 2 and 44 section 1;

Having regard to the Decree of the Walloon Government of 29 November 2012 on the issuing of permits for exceptional transport;

Having regard to the Decree of the Walloon Government of 21 March 2024 on the road traffic of exceptional vehicles and laying down the terms and conditions for issuing permits for exceptional transport;

Having regard to the opinion of the Finance Inspectorate issued on xxx;

Having regard to the report of 16 December 2024 drawn up in accordance with Article 3(2) of the Decree of 11 April 2014 enforcing the resolutions of the Conference of the United Nations on Women in Beijing in September 1995 and integrating the gender dimension into all regional policies;

Having regard to the agreement of the Minister for the Budget, given on xxx;

Having regard to the consultation between the regional governments in accordance with Article 6(2)(5) of the Special Act on Institutional Reforms of 8 August 1980;

Having regard to opinion xxx of the Council of State, issued on XXX in accordance with Article 84(1)(1)(2) of the Council of State Laws, consolidated on 12 January 1973;

On the proposal of the Minister for Mobility,

After deliberations,

HEREBY DECREES:

Chapter 1 Amending provisions

Article 1. Article 2 (7) of the Walloon Government Decree of 21 March 2024 on the use of exceptional vehicles by road and laying down the procedures and conditions

for issuing authorisations for exceptional transport is supplemented by subparagraph 4, worded as follows:

‘The exceptional vehicles referred to in subparagraph 2 shall be used under the following conditions:

1 they circulate, in the cases referred to:

- a) in paragraph 3, 1, 4 and 5, within a maximum radius of twenty-five kilometres from the place of construction or assembly;
- b) in the cases referred to in subparagraphs 3 (2) and (3), within a maximum radius of fifteen kilometres from the place of construction or assembly;

2 for exceptional vehicles of category 2, the movement shall take place on a maximum of two prescribed alternative routes;

3 they do not simultaneously travel on public roads. ’.

Article 2. In Article 22, § 1, 2, of the same Decree, the words ‘greater than 3.20 metres’ are replaced by the words ‘greater than 3.50 metres’.

Article 3. The following amendments are added to Article 24 of the same Decree:

1 subparagraph 2 is repealed;

2 a subparagraph drafted as follows is inserted between subparagraph 1 and subparagraph 2: ‘The accompanying vehicle shall have a roof length of at least 2.50 metres and a roof height of at least 1.75 metres. ’.

Article 4. In Article 33 (1) of the same decree, the words ‘in Class 3 which consist of a yellow jacket and possibly yellow trousers or a combination of the same colour;’ are replaced by the words ‘in Class 2 which consist of a yellow jacket and yellow trousers or a jacket in Class 3 or a combination of Class 3 in the same colour;’.

Article 5. In article 41, paragraph 1 of the same decree, the words "exceptional agricultural: ‘are replaced by the words ‘exceptional as defined in Article 2, 6 of the Decree of 4 April 2019: ’.

Article 6. In Article 43, section 1, of the same decree, paragraph 1 is repealed.

Article 7. In Annex 2 of the same decree, the following amendments are made:

1 in (A) Authorisation/prescriptions, the following amendments are made:

- a) in a5, "Violations" column, the words "to those of the vehicle's technical exemption" are replaced by the words "to those of the vehicle's technical documents";
- b) in a9, in the ‘amounts to be collected’ column, the words ‘Application of Article 21 of the Decree of 4 April 2019’ are repealed;

2 in B) Loading, b2, ‘Violations’ column, in b2.1, the words ‘radii of gyration’ are replaced by the words ‘turning circles’;

3 in C) Violations relating to the accompaniment, the following amendments are inserted:

- a) in c1, 'Violations' column, in c1.2, first indent, 2, the words 'exceeding 3.20 metres' are replaced by the words 'exceeding 3.50 metres';
- b) in c6, in the 'Violations' column, in 4, the words 'exceeding 70 kilometres' are replaced by the words 'exceeding 90 kilometres';

4 in D) Agricultural vehicles, in d1, the entries in the 'Violations' column are replaced by the following:

'The exceptional agricultural vehicle:

1 is not used exclusively for agricultural purposes;

2 whose width is greater than 3.50 metres and less than or equal to 4.25 metres and whose length is 27.00 metres or less and whose height and masses comply with or after consultation are assimilated with the Highway Code and the Technical Regulation by the Director of Administration;

3 travels within a maximum radius of 50 kilometres of the head office or firm;

4 in the case of a towed agricultural vehicle, when it is loaded with agricultural machinery or equipment;

Is not marked by a warning vehicle. ';

5 in F) Equipment, the following amendments shall be inserted:

- a) in f10, in the 'Violations' column in f10.1, the words 'or, until 31 December 2015, in accordance with Article 47.1 of the Highway Code,' are repealed;
- b) in f16, 'Violations' column, in f16.1, the words 'and two orange lamps placed at the front of the vehicle which operate during exceptional transport' are inserted after the words 'all directions';

Article 8. In Article 7 of the Decree of the Walloon Government of 29 November 2012 on the issuing of authorisations for exceptional transport, as amended by Article 49 of the Decree of the Walloon Government of 21 March 2024 on the road use of exceptional vehicles and laying down the detailed rules and conditions for issuing authorisations for exceptional transport, paragraphs 3 and 4 are inserted, worded as follows:

'§ 3. If the application for authorisation is incomplete and requires further information, a record of the missing elements shall be sent to the applicant within five working days from the date of receipt of the application.

The applicant shall be informed of the date of receipt of the missing elements.

If the elements received still require additional information, the applicant shall be re-addressed with a record of the missing elements within three working days from the date referred to in paragraph 2.

The procedure is repeated in accordance with paragraphs 2 and 3 until the application is complete.

§ 4. The applicant shall be informed of the need for consultation in:

1 within five working days of receipt of the request, or

2 within three working days of receipt of the additional information referred to in § 3. '.

Chapter 2 Final provisions

Article 9. This Decree shall enter into force on the day of its publication in the Belgian Official Gazette, with the exception of Article 3, 2, which shall apply from 1 January 2028.

Article 10. The Minister in charge of Mobility is responsible for the execution of this decree.

Namur, on

For the Government:

The Minister-President,

Adrien DOLIMONT

The Minister for Mobility,

François DESQUESNES