



## **Decree of the Flemish Government amending the regulations on the conversion of a vehicle with an internal combustion engine into an electric vehicle**

### **Legal bases**

This Decree is based on:

- the Law of 21 June 1985 on the technical requirements to be met by every land-transport vehicle, its parts as well as its safety ancillaries, Article 1, last amended by the Decree of 8 July 2022, and Article 2(1), inserted by the Law of 18 July 1990 and amended by the Decree of 31 March 2023.

### **Procedural requirements**

The following procedural requirements have been met:

- The Inspectorate of Finance gave its opinion on 28 June 2023.
- The Advisory Committee on Administration/Industry gave an opinion on ... (date).
- This draft was communicated to the European Commission on (date), applying Article 5 of Directive (EU) 2015/1535 of the European Parliament and of the Council of 9 September 2015, laying down a procedure for information procedure in the field of technical regulations and of rules on Information Society services.
- The Council of State gave its opinion ... on (date), pursuant to Article 84(1)(1), 2° of the Laws on the Council of State, coordinated on 12 January 1973;

### **Initiator**

This Decree is proposed by the Flemish Minister for Mobility and Public Works.

Following deliberations,

THE FLEMISH GOVERNMENT HEREBY DECREES THE FOLLOWING:

Chapter 1. Amendments to the Royal Decree of 15 March 1968 laying down general regulations on the technical requirements to be met by cars, their trailers, their parts and their safety ancillaries

**Article 1.** In Article 2(2), 7°, of the Royal Decree of 15 March 1968 laying down general rules on the technical requirements to be met by cars, their trailers, their parts and their safety ancillaries, replaced by the Royal Decree of 17 June 2013 and amended by the decrees of the Flemish Government of 27 April 2018 and 15

July 2022, the phrase 'Article 77bis, 77ter' is inserted between the phrase 'Article 70(2)' and the phrase 'and Article 80'.

**Article 2.** In Article 23duodevicies(4), of the same Decree, inserted by the Decree of the Flemish Government of 15 July 2022, is amended as follows:

1° paragraph 2 shall be replaced by the following:

'If the modification, alteration or adaptation referred to in paragraph 1 concerns replacing the internal combustion engine with an electric engine or with hydrogen fuel cell propulsion, the original certificate submitted from the approval authority, referred to in paragraph 1, shall contain all of the following:

- 1° the make, type and chassis number of the vehicle;
- 2° the features of the modified propulsion;
- 3° a statement that the vehicle complies with Article 77ter and Part VIII of Annex 26, and with the requirements under federal regulations for conversion, whereby the combustion engine is replaced with an electric engine or with hydrogen fuel cell propulsion.');

2° a third paragraph shall be added, reading as follows:

'The conditions set out in paragraph 1 shall not apply to vehicles put into service before 15 June 1968, whereby the original internal combustion engine is replaced with an engine with the engine-power increase not exceeding 20 % of the original value, and the engine cylinder capacity not exceeding 20 % of the original value, as recorded in the registration certificate. In this case, a certificate shall be submitted from the natural or legal person who carried out the engine modification, demonstrating that it has been complied with. The above certificate shall contain all of the following elements:

- 1° the chassis number;
- 2° the make and type of the vehicle;
- 3° the cylinder capacity, the type of fuel, the engine number, the manner of fuel supply, the replacement engine's power and that of the original engine;
- 4° the date of the replacement.');

**Article 3.** In Article 23vicies bis, (4), 1°, of the same Decree, inserted by the Decree of the Flemish Government of 15 July 2022, the words 'or with hydrogen fuel cell propulsion' are added.

**Article 4.** In the same Decree, last amended by the Royal Decree of 19 April 2023, an Article 77ter is inserted, reading as follows:

'Article 77ter. The conversion of a vehicle consisting of replacing the internal combustion engine with an electric engine or with hydrogen fuel cell propulsion shall meet all of the following conditions:

- 1° the conversion conforms to the technical requirements under the federal regulations and regulations listed in Part VIII of Annex 26;
- 2° the technically permissible maximum mass of the vehicle, the technically permissible maximum mass of the vehicle combination, and the technically permissible maximum mass on each axle shall not be increased in relation to the baseline vehicle;

3° the mass distribution of the roadworthy and actual mass after conversion shall not exceed 10 % of the mass distribution of the baseline vehicle's roadworthy and actual mass.

By way of derogation from Article 8(5)(3), the baseline vehicle manufacturer's consent or that of an authorised representative shall not be required for the conversion of the engine referred to in paragraph 1.

Fitters shall demonstrate to the approval authority that they have access to all the technical documentation of the baseline vehicle necessary for converting the vehicle.

For the purposes of paragraph 3, fitter shall mean the natural or legal person carrying out or responsible for the conversion of the engine referred to in paragraph 1.'

**Article 5.** In Annex 26 to the same Decree, last amended by the Royal Decree of 19 April 2023, a Part VIII is added, reading as follows:

'Part VIII. List of the mass requirements to be met by vehicles undergoing the conversion referred to in Article 77ter

Number	Subject matter	Reference to regulation	Normal	Classic car
44A, 48A	Masses	Article 32bis of the Royal Decree of 15 March 1968 laying down general rules on the technical requirements to be met by cars, their trailers, their parts and their safety ancillaries  EU 2021/535 Annex XIII	B	B

B

Irrespective of any transitional provisions, only the technical requirements of the regulation shall be observed;  
the tests and checks shall be carried out by the manufacturer itself or, in the absence thereof, by an approved technical service;  
a test report shall be drawn up;  
production conformity shall be ensured.'

**Article 6.** In Annex 44 to the same Decree, added to the Decree of the Flemish Government of 15 July 2022, in the table, the row:

6. Engine and ancillaries	6.1 Modification of engine features with potential impact on engine performance 6.2 Modification of the fuel type
---------------------------	--

	6.3 Replacement of the original internal combustion engine with an electric engine 6.4 Alteration of fuel tank, both the tank and the location
--	---

is replaced by the row ‘

6. Engine and ancillaries	6.1 Modification of engine features with potential impact on engine performance 6.2 Modification of the fuel type 6.3 Modification of the fuel tank, both the tank and the location
---------------------------	---

Chapter 2. Amendments to the Royal Decree of 10 October 1974 laying down general rules on the technical requirements to be met by mopeds, motorcycles and their trailers

**Article 7.** In Article 2(2)(1) of the Royal Decree of 10 October 1974 laying down general rules on the technical requirements to be met by mopeds, motorcycles and their trailers, replaced by the Royal Decree of 26 March 2014, the words ‘the Articles’ are replaced by the words ‘Article 8bis, 8ter’.

**Article 8.** In the same Decree, last amended by the Royal Decree of 19 April 2023, an Article 8ter is inserted, reading as follows:

‘Article 8ter. For the purposes of this Article, fitter shall mean the natural or legal person who carries out or is responsible for converting the engine referred to in paragraph 2.

The conversion of a vehicle consisting of replacing the internal combustion engine with an electric engine or with hydrogen fuel cell propulsion shall meet all of the following conditions:

- 1° the conversion conforms to the technical requirements under the federal regulations and regulations listed in Part IV of Annex 9;
- 2° the technically permissible maximum mass of the vehicle, the technically permissible maximum towed mass and the technically permissible maximum mass on each axle shall not be increased in relation to the baseline vehicle;
- 3° the mass distribution of the roadworthy mass after conversion shall not exceed 10 % of the mass distribution of the roadworthy baseline vehicle.

By way of derogation from Article 4(6)(2), the baseline vehicle manufacturer’s consent or that of an authorised representative shall not be required for the conversion of the engine referred to in paragraph 1.

Fitters shall demonstrate to the approval authority that they have access to all the technical documentation of the baseline vehicle necessary for converting the vehicle.

For the vehicles referred to in Article 2(2)(1), the fitter or an approved technical service shall request a certificate from the approval authority containing all of the following:

- 1° the make, type and chassis number of the vehicle;
- 2° the features of the modified propulsion;
- 3° a statement that the vehicle complies with this Article, with Part IV of Annex 9 and with the requirements under federal regulations for conversion, whereby the combustion engine is replaced with an electric engine or with hydrogen fuel cell propulsion.’.

**Article 9.** In Annex 9 to the same Decree, inserted by the Royal Decree of 31 October 2017 and amended by the Decree of the Flemish Government of 27 April 2018 and the Royal Decree of 19 April 2023, a Part IV is added, reading as follows:

‘Part IV. List of the mass requirements to be met by vehicles undergoing the conversion as described in Article 8ter

Number	Subject matter	Reference to regulation	Normal	Classic car
C10	Masses	EU 44/2014 Annex XI	B	B

B

irrespective of any transitional provisions, the technical requirements of the regulations shall be observed;  
the tests and checks shall be carried out by the manufacturer itself or, in the absence thereof, by an approved technical service;  
a test report shall be drawn up;  
production conformity shall be ensured.’.

Chapter 3. Amendment to the Flemish Government’s Decree of 18 November 2022 to determine the amount and method of fee payment for motor vehicle approval.

**Article 10.** In the Annex to the Decree of the Flemish Government of 18 November 2022 to determine the amount and method of fee payment for motor vehicle approval, in the table, the following row:

‘

3° individual approval and modification (extension, revision or correction) of that application	
---	--

”

is replaced by the row ‘

‘

3° individual approval or a certificate in accordance with Article 23duodevicies(4)(2), of the Royal Decree of 15 March 1968 laying down general regulations on the technical requirements to be met by cars, their trailers, their parts and their safety	
--	--

ancillaries or Article 8ter(5) of the Royal Decree of 10 October 1974 laying down general regulations on the technical requirements to be met by mopeds, motorcycles and their trailers and amending (extension, revision or correction) of those requests	
--	--

Chapter 4. Final provision

**Article 11.** The Flemish Minister, competent for road infrastructure and road policy, is responsible for implementing this Decree.

Brussels, ... (date).

The Minister-President of the Flemish Government,

Jan JAMBON

The Flemish Minister for Mobility and Public Works,

Lydia PEETERS