

KINGDOM OF BELGIUM
FEDERAL PUBLIC SERVICE
MOBILITY AND TRANSPORT

**Royal Decree amending the Royal Decree of 21 April 2007
on breath test and analysis apparatus.**

PHILIPPE, King of the Belgians,

To all present, and those to come,
GREETINGS.

Having regard to the Law on the Road Traffic Police, consolidated on 16 March 1968, in particular Article 59(4), as amended by the Law of 18 July 1990;

Having regard to the Law establishing the Code of Economic Law, Article 8;

Having regard to the Royal Decree of 21 April 2007 on breath test and analysis apparatus;

Having regard to the communication to the European Commission of 17 November 2023, pursuant to Article 5(1) of the 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 association of regional governments;

Having regard to the opinions of the Finance Inspectors, given on 9 January 2023, 31 March 2023 and 18 April 2023;

Having regard to the approval of the Secretary of State for the Budget, given on 12 September 2023;

Having regard to Opinion XXX of the Council of State, given on XXX pursuant to Article 84(1) (1), (2) of the Laws on the Council of State, consolidated on 12 January 1973;

On the proposal of the Minister for the Economy, the Minister for Mobility and the Minister for Justice,

WE HAVE DECREED AND HEREBY DECREE:

Article 1. – In Article 5 of the Royal Decree of 21 April 2007 on breath test and analysis apparatus, the words ‘the Law of 16 June 1970 on units, standards and measuring instruments’ are replaced by the words ‘Section 2 of Chapter 2 of Title 3 of Book VIII of the Code of Economic Law’.

Article 2. – Article 23 of the same Decree is repealed.

Article 3. – In Article 24(2) of the same Decree, the words ‘until the apparatus indicates the end of a valid sample taken’ are replaced by the words ‘and for as long as possible’.

Article 4. – In Article 3.14.2 of Annex 2 to the same Decree, as amended by Article 6 of the Royal Decree of 10 June 2014, the following amendments are made:

(1) the words ‘1.9’ are replaced each time by the words ‘1.2’;

(2) in subparagraph 3, the words ‘the subject has exhaled to the maximum of his ability and’ are inserted between the words ‘from the moment’ and the words ‘the minimum volume’.

Article 5. – Transitional provision.

Breath analysis apparatus valid at the time of entry into force of this Decree may continue to be used, provided that they are adapted at the time of their next periodic verification to the amended provisions of Article 3.14.2 of Annex 2 to this Decree.

Article 6. – Articles 1 and 2 of this Decree shall enter into force on the first day of the month following the expiry of a period of ten days beginning on the day after its publication in the Moniteur belge.

Articles 3, 4 and 5 of this Decree shall enter into force on the first day of the third month following the expiry of a period of ten days beginning on the day after its publication in the Moniteur belge.

Article 7. – The Minister for the Economy, the Minister for Justice and the Minister responsible for road traffic are responsible for the execution of this Decree.

Given in _____, on _____

BY THE KING:

The Minister for the Economy,

Pierre-Yves Dermagne

The Minister for Mobility,

Georges Gilkinet

The Minister for Justice,

Paul Van Tigchelt