

Draft Decree of the Brussels-Capital Region Government of XX/XX/XXX amending the Decree of the Brussels-Capital Region Government of 25 January 2018 on the establishment of a low-emissions zone in order to introduce monthly and annual paid access, as well as certain exemptions
The Government of the Brussels-Capital Region,
Having regard to the special law of 8 August 1980 on institutional reform, Article 20;
Having regard to the special law of 12 January 1989 on Brussels institutions, Article 8, first paragraph:
Having regard to the Brussels Code on Air, Climate and Energy Management, Article 1.5.1, Section 2, third paragraph, added by the Climate Ordinance of 17 June 2021, Article 3.2.16, Sections 1, 2, 5, replaced by the Ordinance of 7 December 2017 amending the Ordinance of 2 May 2013 establishing the Brussels Code on Air, Climate and Energy Management, Article 3.2.17, Section 1, replaced by the Ordinance of 7 March 2024 and replaced by the Ordinance of [XX], Article 3.2.17/1, Sections 1 and 5, added by the Ordinance of 7 March 2024 and replaced by the Ordinance of [xx];
Having regard to the Decree of the Brussels-Capital Region Government of 25 January 2018 on the establishment of a low-emissions zone;
Having regard to the opinion of the Inspectorate of Finance, issued on XX/XX/XXX;
Having regard to the approval of the Minister of Budget, issued on XX/XX/XXXX;
Having regard to Opinion No. A-XXXX-XX of the Council for the Environment of the Brussels-Capital Region, issued on XX/XX/XXX;
Having regard to Opinion No. XXX of Brupartners, issued on XX/XX/XXXX;
Having regard to the opinion of the Data Protection Authority, issued on 8 September 2023 and XX/XX/XXXX;
Having regard to Opinion No. XXXX-XX of the Regional Mobility Committee, issued on XX/XX/XXX;
Having regard to the equal opportunities test referred to in Article 2, Section 1, of the Ordinance of 4 October 2018 establishing the equal opportunities test, implemented on XX/XX/XXX;
Having regard to Opinion No. X of the Council of State, issued on XX/XX/XXX, pursuant to Article 84, Section 1, first paragraph, 2°, of the Council of State Acts, coordinated on 12 January 1973;
Although a low-emissions zone is a highly effective tool for improving air quality in the Brussels-Capital Region, additional accompanying measures are needed that also take social and economic considerations into account. This is addressed by introducing a monthly and annual pass and granting certain exemptions to specific target groups. The aim of these adjustments is to create a stable and acceptable framework for the low-emissions zone, so that this instrument can continue to exist in order to improve air quality and protect the health of residents of and visitors to the Brussels-Capital Region and to reduce greenhouse gas emissions from traffic.
On the proposal of the Minister of the Environment;
After deliberations,
Decree

Article 1.

Article 1 of the Decree of the Government of the Brussels-Capital Region of 25 January 2018 on the establishment of a low-emissions zone, as amended by the Decree of the Government of the Brussel-Capital Region of 30 June 2022 amending the Decree of the Government of the Brussels Capital Region of 25 January 2018 on the establishment of a low-emissions zone aimed at introducing the criteria for 2025-2036 and the Decree of the Government of the Brussels-Capital Region of 14 March 2024 amending the Decree of the Government of the Brussels-Capital Region of 25 January 2018 on the establishment of a low-emissions zone, with a view to establishing greater flexibility for informal carers and persons with reduced mobility, is supplemented by the provisions of 29°, 30° and 31°, which read:

‘29° LEZ monthly pass: paid permit granting a specific motor vehicle access to the low-emissions zone and valid for a period of one month from the day on which the monthly pass was purchased until 6 am on the day following the last day of the period of one month from the start date;

30° LEZ annual pass: paid permit granting a specific motor vehicle access to the low-emissions zone, which is valid for a period of one year only, starting from the day on which the annual pass was purchased until 6 am on the day following the last day of the one-year period from the start date;

31° Crossroads Bank for Vehicles: Crossroads Bank for Vehicles, as established by the Act of 19 May 2010 establishing the Crossroads Bank for Vehicles’.

Article 2.

The following paragraph is added to Article 5, Section 1, 3°, of the same decree:

‘Vehicles with a Euro standard indicated in equivalent Latin or Arabic numerals are also permitted to enter the low-emissions zone, in accordance with the timetable applicable to their equivalent.’

Article 3.

In Article 5, Section 2, of the same decree, last amended by the Decrees of the Government of the Brussels-Capital Region of 30 June 2022 and 14 March 2024, the following amendments are made:

- a) In the provision under 14°, the words ‘, until the vehicle in question reaches a service life of 11 years from the date of first registration’ are deleted;
- b) Article 5, Section 2, is supplemented by the provisions set out in 19°, 20°, 21°, 22°, 23°, 24° and 25°, which read:
 - ‘19° Recovery vehicles as referred to in Article 1, Section 1, point 77, of the Royal Decree of 15 March 1968;
 - 20° Hearses with code SD as referred to in Article 1, Section 1, point 9, of the Royal Decree of 15 March 1968;
 - 21° Vehicles for which:
 - the most recent registration took place more than six months prior to the milestone referred to in Section 1, 3°, of this article to which this vehicle is subject;
 - the holder of the number plate is the beneficiary of the increased allowance;
 - the holder of the number plate lives in the Brussels-Capital Region;
 - the holder of the number plate receives an income from employment;

An exemption may only be applied for in respect of one vehicle per household;

22° Vehicles for which:

- the most recent registration took place more than six months prior to the milestone referred to in Section 1, 3°, of this article to which this vehicle is subject;
- the holder of the number plate is the beneficiary of the increased allowance;
- the holder of the number plate lives in the Brussels-Capital Region;
- The holder of the number plate belongs to a family with at least three persons who are fiscally dependent.

An exemption may only be applied for in respect of one vehicle per household.

23° Vehicles for which the holder of the number plate lives in the Brussels Region and are covered by an exemption card for healthcare providers providing emergency medical assistance, as referred to in Article 18, first paragraph, 2°, of the Ordinance of 6 July 2022 on the organisation the parking policy and redefining the tasks and management methods of the Parking Agency of the Brussels-Capital Region, during the period of validity of the exemption card;

24° Vehicles for which the holder of the number plate lives in the Brussels Region and are covered by an exemption card for home medical care providers, as referred to in Article 66 of the Decree of the Government of the Brussels-Capital Region of 18 July 2013 on regulated parking zones and exemption cards, during the period of validity of the exemption card;

25° Vehicles for which the holder of the number plate lives in the Brussels Region and for which a ‘professional’

exemption card applies, as referred to in Article 84, Section 1, 2°, of the Decree of the Government of the Brussels-Capital Region of 18 July 2013 on regulated parking zones and exemption cards, during the period of validity of the exemption card.

Article 4.

In the same decree, the following Article 6/1, is added:

'Article 6/1. Section 1. All motor vehicles to which access has been prohibited pursuant to Article 5, Section 1, 3°, which were last registered in the Crossroads Bank for Vehicles in the name of the current number plate holder no later than six months before the entry into force of new access restriction provided for in Article 5, Section 1, and up to a maximum of five years after that date of entry into force, are eligible for an LEZ monthly pass.

1.

Section 2. Applications for an LEZ monthly pass must include the following information at a minimum:

1° The number plate of the vehicle for which the LEZ monthly pass is purchased;

2° The type of vehicle for which the LEZ monthly pass is purchased;

3° The Euro standard of the vehicle for which the LEZ monthly pass is purchased;

4° The make of the vehicle for which the LEZ monthly pass is purchased;

5° The country of registration of the vehicle for which the LEZ monthly pass is purchased;

6° The date of first registration of the vehicle for which the LEZ monthly pass is purchased;

2. 7° The date of the last registration of the vehicle for which the LEZ monthly pass is purchased;

8° The fuel on which the vehicle for which the LEZ monthly pass is purchased runs;

9° The identity of the applicant.

Section 3. The LEZ monthly pass is valid once the fee referred to in Section 4 of this article has been paid.

Every LEZ monthly pass must be purchased before the vehicle in question enters the low-emissions zone. If the driver is unable to purchase an LEZ monthly pass in advance, it can still be purchased no later than the fifth day following the day on which the vehicle in question drove into the low-emissions zone.

If the vehicle is stopped by the mobile inspection team, this on-site regularisation will be carried out.

The LEZ monthly pass is deemed to have been paid once the payment provider used confirms that the fee specified in Section 4 of this article will be collected.

Section 4. The fee is set at EUR 50 for motor vehicles falling within categories L1, L2, L3, L4, L5, L6 and L7; at EUR 120 for vehicles falling within categories N2 and N3; and at EUR 80 for all other vehicles.

Payment of the fee must be made by an electronic payment method.

The fee rate is adjusted on 1 January of each year in line with the smoothed health index of November of the previous year. It may not be reduced.'

Section 5. The LEZ monthly pass may be purchased for a date that is no more than one month in the future.

Article 5.

In the same decree, the following Article 6/2 is added:

'Article 6/2. Section 1. All motor vehicles to which access has been prohibited pursuant to Article 5, Section 1, 3°, and which were last registered in the Crossroads Bank of Vehicles in the name of the current plate holder six months before the entry into force of a new access restriction provided for in Article 5, Section 1, and up to five years after this date of entry into force, are eligible for an LEZ annual pass.

3.

Section 2. The application for an LEZ annual pass must include the following information at a minimum:

1° The number plate of the vehicle for which the LEZ annual pass is purchased;

2° The type of vehicle for which the LEZ annual pass is purchased;

3° The Euro standard of the vehicle for which the LEZ annual pass is purchased;

4° The make of the vehicle for which the LEZ annual pass is purchased;

5° The country of registration of the vehicle for which the LEZ annual pass is purchased;

6° The date of first registration of the vehicle for which the LEZ annual pass is purchased;

7° The date of the last registration of the vehicle for which the LEZ monthly pass is purchased;

8° The fuel on which the vehicle for which the LEZ monthly pass is purchased runs;

9° The identity of the applicant.

Section 3. The LEZ annual pass is valid once the fee referred to in Section 4 of this article has been paid.

Every LEZ annual pass must be purchased before the vehicle in question enters the low-emissions zone. If the driver is unable to purchase an LEZ monthly pass in advance, it can still be purchased no later than the fifth day following the day on which the vehicle in question drove into the low-emissions zone.

If the vehicle is stopped by the mobile inspection team, this on-site regularisation will be carried out.

The LEZ annual pass is deemed to have been paid once the payment institution used confirms that the fee stated in Section 4 of this article will be collected.

Section 4. The fee is set at EUR 200 for motor vehicles falling within categories L1, L2, L3, L4, L5, L6 and L7; at EUR 500 for vehicles falling within categories N2 and N3; and at EUR 350 for all other vehicles.

For persons living in the Brussels-Capital Region who are beneficiaries of the increased allowance and who do not fall within the scope of Article 3, subsection b), 21° and 22°, of this decree, a subsidised fee is established for the purchase of an LEZ annual pass. By way of derogation from the preceding paragraph, the amount of this subsidised fee for the vehicles falling within the categories M1, M2, M3 and N1 is set at EUR 200. The use of the subsidised fee is limited to one vehicle per family.

Payment of the fee must be made by an electronic payment method.

The fee rate is adjusted on 1 January of each year in line with the smoothed health index of November of the previous year. It may not be reduced.

Section 5. The LEZ annual pass can be purchased for a date that is no more than one month in the future.'

Article 6. In Article 7, first paragraph, of the same decree, the words 'which are part of the assessment directorate' are deleted.

Article 7.

Article 8 of the same decree is amended as follows:

- a) In the tenth paragraph, the number '18' is replaced by the number '25';
- b) The following two new paragraphs are added to the article:
'In the event that an exemption is not granted as provided for in the tenth paragraph, an application for such an exemption may be made to Brussels Taxation in accordance with the procedures set out in the second to ninth paragraphs.
Brussels Taxation may also automatically grant the exemptions referred to in the first paragraph on request on the basis of a search in the relevant official sources.'

Article 8.

In the same decree, in the heading of Section 1, Chapter 4, the word 'Aangeduiding' is replaced by the word 'Aanduiding' in the Dutch text.

Article 9.

In Article 10, first paragraph, of the same decree, the words 'which are part of the assessment directorate' are deleted.

Art.10

Article 15 of the same decree is supplemented with the following sentence: 'The personal data collected under Article 3.2.19 of the Code are also managed by Brussels Mobility.'

Article 11.

Article 18 of the same decree, amended by the decrees of the Brussels-Capital Government of 27 September 2018 and 30 June 2022, are amended as follows:

- a) The first paragraph is replaced with the following:
- b) 'Personal data will only be processed by the staff of Brussels Taxation within the limits of the tasks assigned to them by this decree, in compliance with the objectives laid down in Article 3.2.17, Section 1, second paragraph, of the Code.';
- c) The second paragraph is replaced with the following:
'Personal data will only be processed by the staff of Brussels Mobility for purposes of mobile inspections, in compliance with the objectives laid down in the Article 3.2.17, Section 1, second paragraph, of the Code.' ;
- d) The third and fourth paragraphs are deleted:
- e) The last paragraph is replaced with the following:
'The annual assessment report of the LEZ is sent to the Committee of Climate Experts established by Article 1.5.1, Section 2, of the Code. In the year preceding the entry into force of more stringent requirements, the Committee of Climate Experts makes recommendations in its annual report on the basis of this regarding the development and appropriateness of access restrictions to the LEZ.'

Article 12.

In the second paragraph of Article 19 of the same decree, as amended by the decree of 30 June 2022, the word 'verwitting' is replaced by the word 'verwittiging' in the Dutch text.

Article 13.

In Article 20 of the same decree, the word 'admistratieve' is replaced by the word 'administratieve' in the Dutch text;

Article 14.

Annex 2 to the same decision, as amended by the Decree of the Brussels-Capital Region Government of 22 September 2021 amending the Decree of the Brussels-Capital Region Government of 25 January 2018 on the establishment of a low-emissions zone and the Decree of 30 June 2022, is replaced by Annex 1 to this decree.

Article 15.

In Articles 1, 3°, Article 16, first and second paragraphs, and Article 18, fifth paragraph, the word 'CIBG' is replaced by the word 'Paradigm' in every instance.

Article 16.

In the same decree, 'Chapter 6 – Entry into force' is renumbered as 'Chapter 7'. – Entry into force'.

Article 17.

In the same decree, 'Chapter 7 – Final provisions' is renumbered as 'Chapter 8 – Final provisions'.

Article 18.

This decree enters into force on the day of its publication in the Belgian Official Gazette, with the exception of Articles 3, subsection b), 4 and 5, which enter into force on XX XX 2027.

Article 19.

The minister responsible for the environment, the minister responsible for finances and the minister responsible for mobility will be entrusted with the implementation of this decree, each in accordance with its own powers.

[minister signatures]

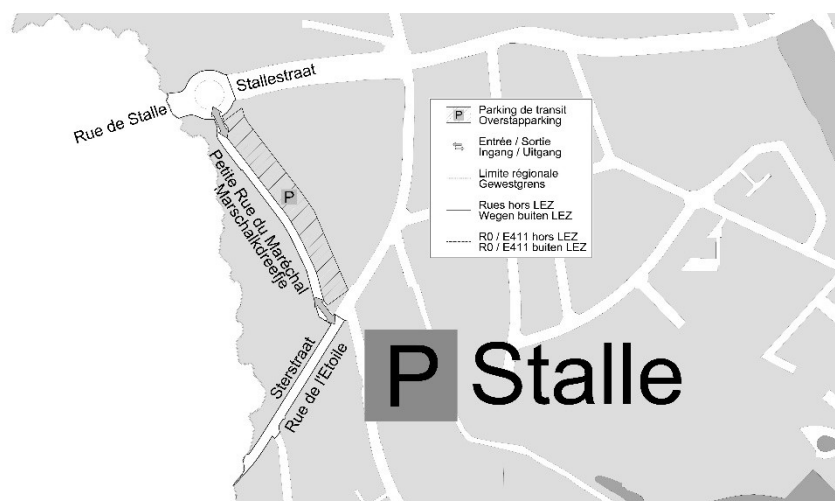
ANNEX I to the draft Decree of the Government of the Brussels-Capital Region of XX/XX/XXX amending the Decree of the Government of the Brussels-Capital Region of 25 January 2018 on the establishment of a low-emissions zone in order to introduce monthly or annual paid access

Annex 2:

Access roads to park-and-ride car parks, hospitals and the ring road, which are not part of the low-emissions zone

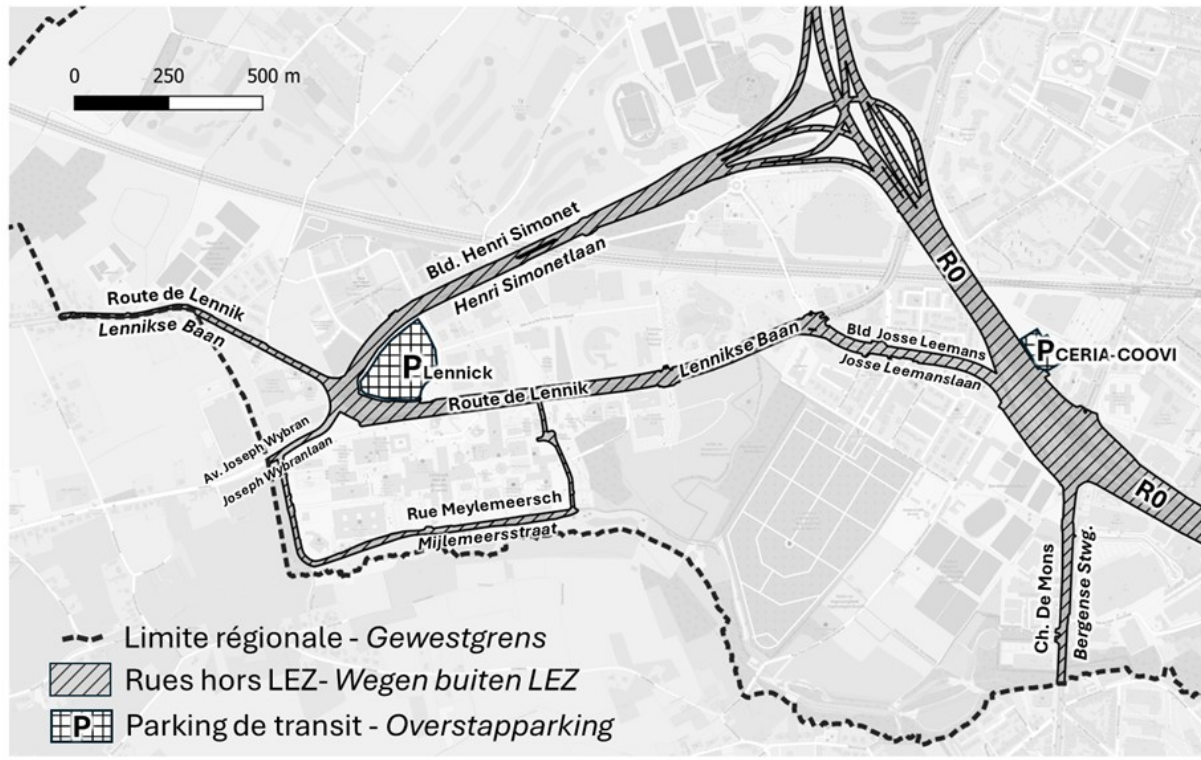
1. Access routes to the Stalle park-and-ride car park

- Stallestraat: between the regional border and entrances and exits to the car park;
- Maarschalkdreefje;
- Sterstraat: between the regional border and entrances and exits to the car park.



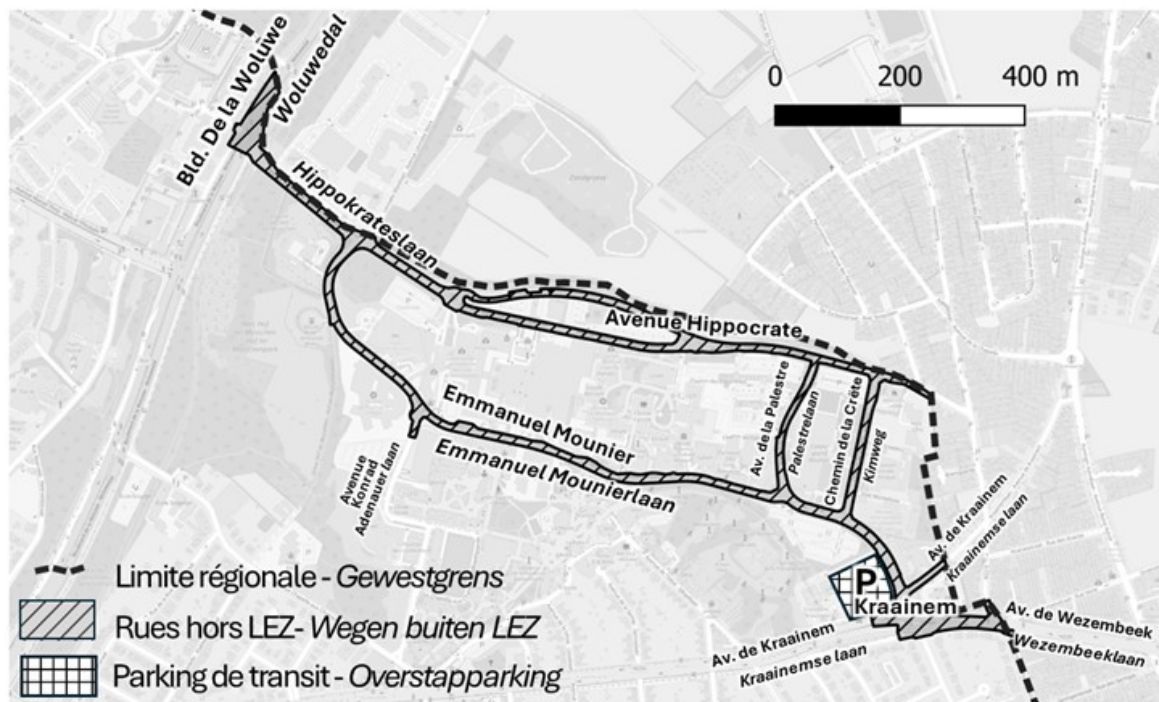
2. Access roads to the Coovi and Lennik park-and-ride car parks, to the Brussels University Hospital and the ring road in Anderlecht

- Bergensesteenweg: between the regional border and entrances and exists to the ring road (R0);
- Josse Leemanslaan;
- Henri Simonetlaan;
- Henri Simonet roundabout;
- Joseph Wybranlaan: between the regional border and the Henri Simonet roundabout;
- Mijlenmeersstraat;
- Lennikse Baan: between the regional border and the intersection with Josse Leemanslaan.



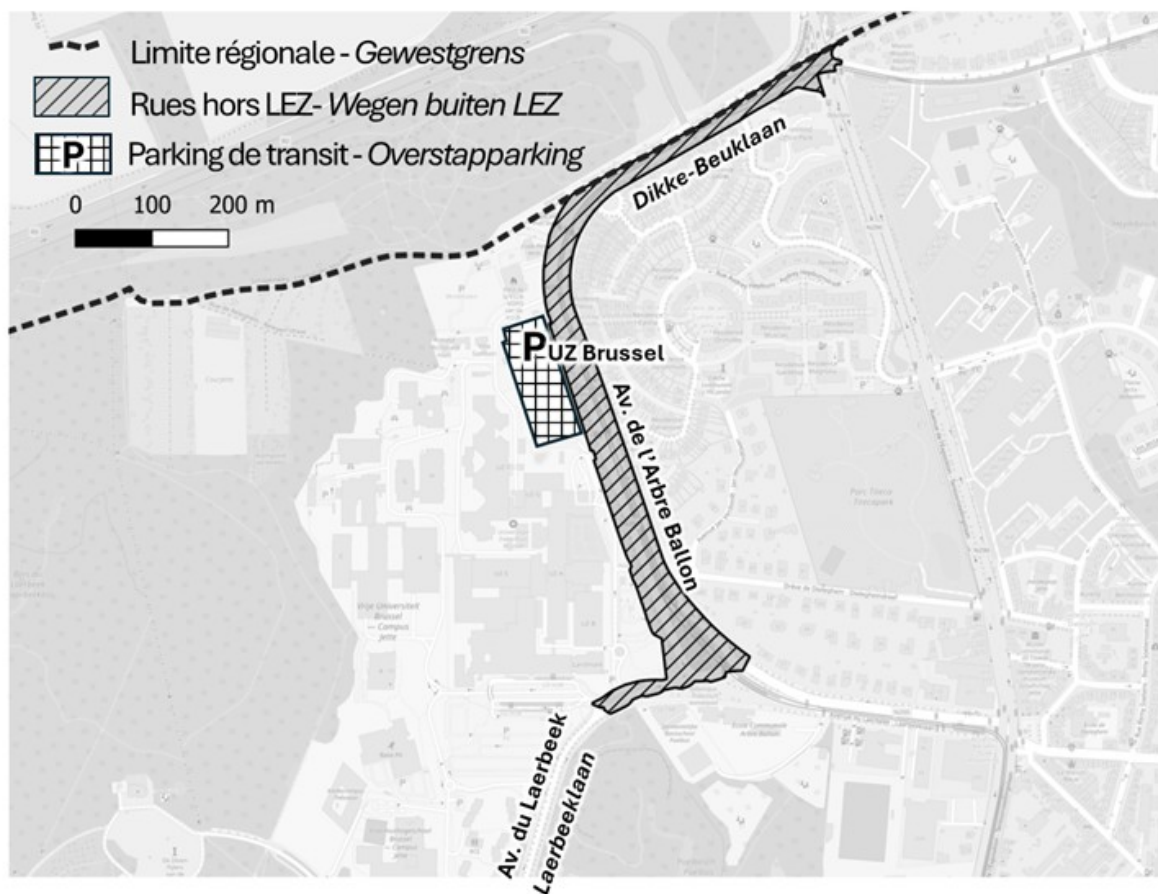
3. Access roads to the Kraainem park-and-ride car park and Cliniques Universitaires Saint-Luc

- Wezembeeklaan: between the regional border and entrances and exits to the car park;
- Emmanuel Mounierlaan;
- Kraainemlaan: between Emmanuel Mounierlaan and the regional border;
- Woluwedal: between the regional border and Hippokrateslaan;
- Hippokrateslaan;
- Palestrelaan.



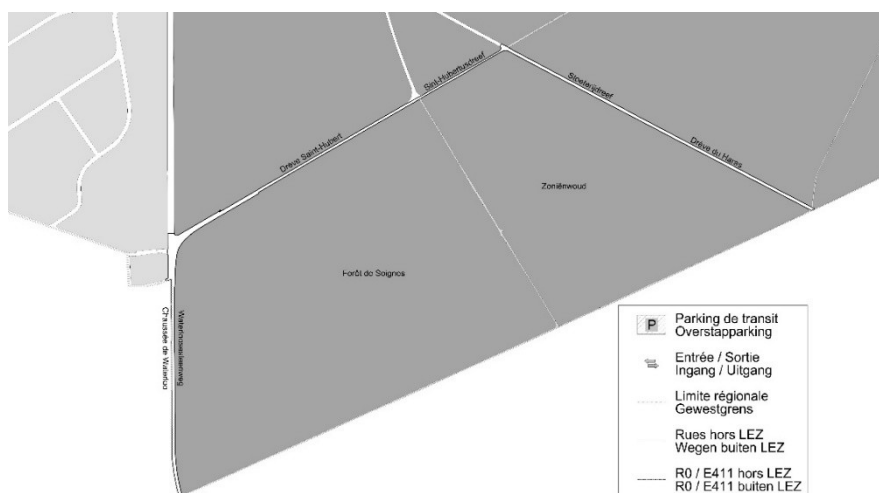
4. Access routes to the Brussels University Hospital park-and-ride car park and the hospital premises

- Dikke-Beuklaan: from the intersection of Avenue de Tentoonstellingslaan to Avenue de Laarbeeklaan, including the roundabout; and with
- Laarbeeklaan: from the roundabout to the entrance of the P2 and P3 car parks for Brussels University Hospital



5. Access routes to the ring road in Uccle

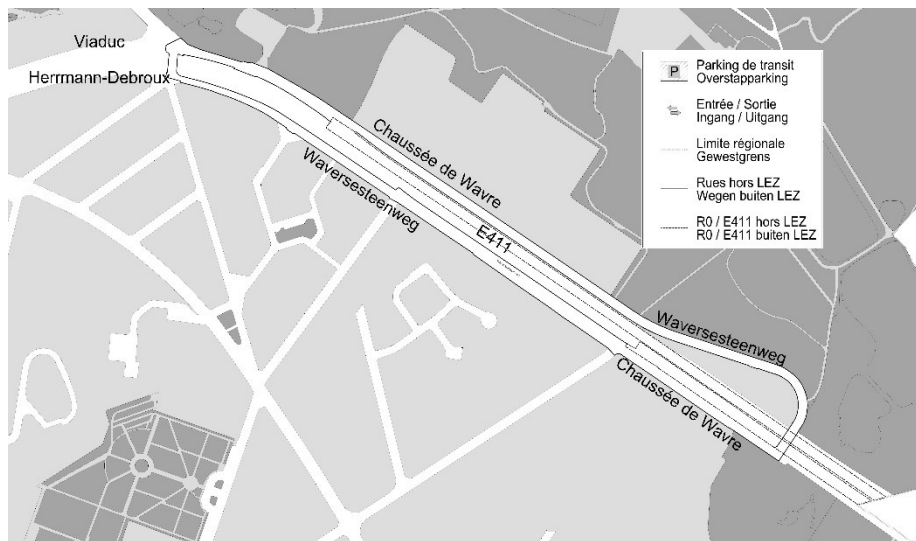
- Waterlooesteenvweg: between the regional border and Sint-Hubertusdreef;
- Sint-Hubertusdreef;
- Harasdreef: between Sint-Hubertusdreef and the regional border.



6. Access routes to the ring road in Oudergem (E411)

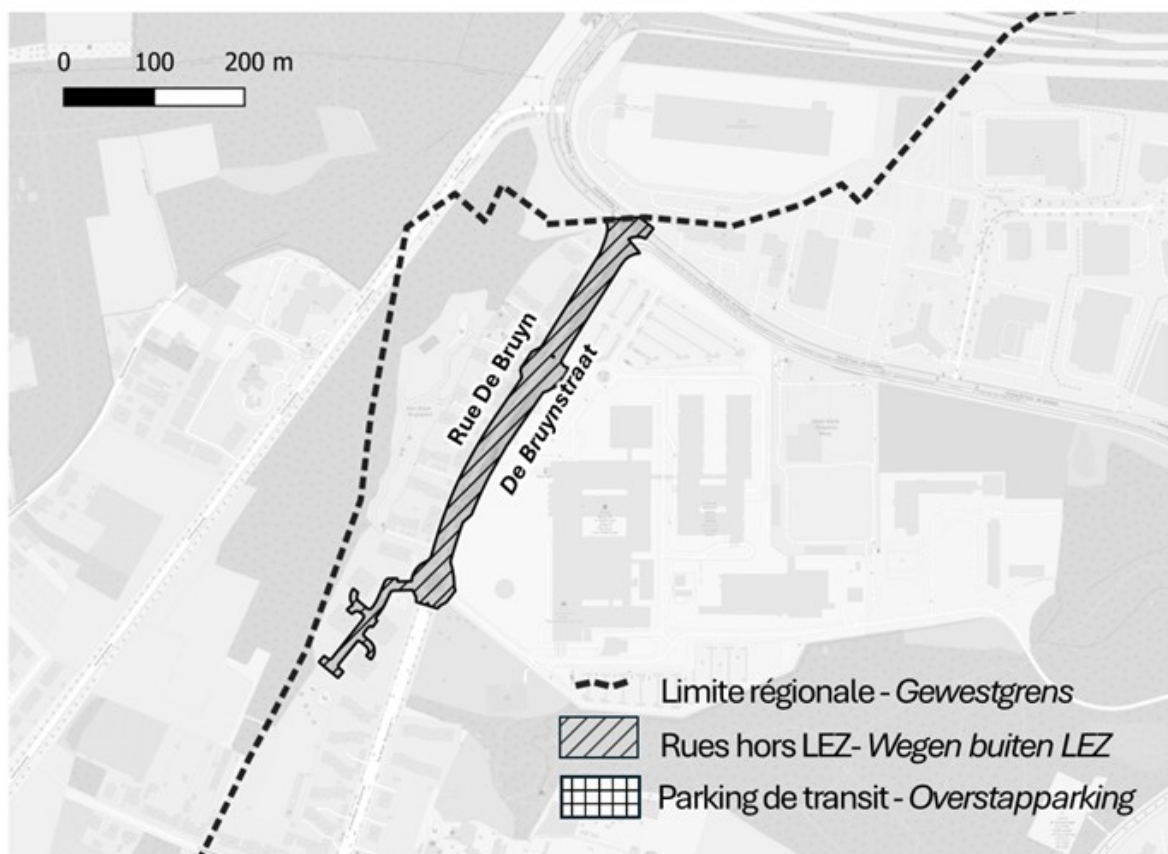
- The E411 towards the centre as far as the Herrmann-Debroux viaduct;
- The E411 towards Namur: between the ADEPS intersection and regional border

- Waversesteenweg: between the regional border and Herrmann-Debrouxlaan



7. Access routes to the Queen Astrid Military Hospital

- From the regional border on Tyraslaan to the first roundabout on Bruynstraat.



8. Access roads to Heizel P+R

- Houba de Strooperlaan: from the regional border to the intersection with Keizerin Charlottelaan;
- Keizerin Charlottelaan: from Houba de Strooperlaan to the entrance to Heizel P+R;

- Romeinse Helling;
- Gallische Helling.

To be annexed to the Decree of **xx/xx/2026** amending the Decree of the Government of the Brussels-Capital Region of 25 January 2018 on the establishment of a low-emissions zone:

[minister signatures]