

AIR QUALITY LAW IN BELGIUM

Report for the EUFJE 2020 Conference

I. Directive 2008/50/EC and Directive 2004/107/EC (ambient air quality)

Exceedances of AQS

Most concentrations of air pollutants in Belgium are below EU limits. The automatic air quality monitoring network for NO₂, PM₁₀, PM_{2,5} and O₃ is run by the Belgian Interregional Environment Agency (IRCEL - CELINE)¹ and is complemented by regional networks run by the regional administrations for measuring other pollutants². On the website of the Belgian Interregional Environment Agency the results of the measurements of the main pollutants covered by Directive 2008/50/EC through the automatic measurements stations can be found in nearly real-time. The website also informs on exceedances of the EU limit values. They show that, in recent years, there were no exceedances of the limit values of particular matter. For nitrogen dioxide in recent years there are exceedances in 3 to 4 measurements stations in the Brussels and Antwerp region. The other pollutants are monitored and reported separately by the regions. In Flanders, there were no exceedances of sulphur dioxide, carbon monoxide, lead or benzene limit values measured, but the long term O₃ objectives of Directive 2002/3/EC for the protection of health and for the protection of vegetation were not met in (nearly) every measurement station. Where arsenic, cadmium and nickel are concerned, the target values of Directive 2004/107/EC were not respected in respective 3, 1 and 1 out of 12 measurement stations, while in all 8 stations the values for polycyclic aromatic hydrocarbons were met.

It appears however that the results of the official measurements stations do not tell the whole story. The main question is whether the sites where the measurement stations are located are fully representative and respecting the criteria laid down in Annex III of the Air Quality Directive, in particular where it prescribes that sampling points directed at the protection of human health shall be sited in such a way as to provide data on the areas within zones and agglomerations where *the highest concentrations occur to which the population is likely to be directly or indirectly exposed for a period which is significant in relation to the averaging period of the limit value(s) and levels in other areas within the zones and agglomerations which are representative of the exposure of the general population*³. In May 2018 a citizen science project called “*Curieuze Neuzen Vlaanderen*” (Curious Noses Flanders) was conducted in which 20.000 citizens measured the NO₂ air quality near their own house during one month. In 2,3 % of the cases – mainly in street canyons – an exceedance of the limit value was indeed measured. That would mean that around 150.000 people in the Flemish Region are

¹ <https://www.irceline.be/en>

² <https://www.vmm.be/data/zware-metalen/resultaten-zware-metalen#section-2> ; <http://airquality.issep.be/WebAirQuality/accueil.aspx> ; <https://www.luchtkwaliteit.brussels/station/41f013> ;

³ Ircel-Celine indicates for 10 (nitrogen) and 5 (particular matter) measurements stations that the siting criteria are not in accordance with the prescriptions in Directive 2008/50/EC (Annex III).

concerned by those exceedances⁴. In the 2030 Flemish Air Policy Plan some limited exceedances of air quality standards are recognised.⁵

Implementation and complementary standards

The obligations deriving from Directives 2008/50/EC and 2004/107/EC have been transposed in the respective regional legislations in Belgium, because air quality management is a competence of the regions. In the *Flemish Region* those rules can be found in the Executive Order of the Flemish Government of 1 June 1995 laying down general and sectoral provisions to combat environmental pollution (known as VLAREM II), as amended by the Executive Orders of 22 December 2006 and of 14 January 2011.⁶ More particularly in Chapter 2.5 and the technical annexes 2.5.3 and 2.5.8. In the *Walloon Region* the directives have been transposed by the Executive Order of the Walloon Government of 15 July 2010 concerning the evaluation and management of the air quality. In the *Brussels Capital Region* the Directives have been transposed by the Brussels Code on Air, Climate and Energy-management (Book III – Title II) and by the Executive Orders of the Brussels Capital Government of 28 June 2001 and 25 October 2007 (as amended).

There are some complementary air quality standards in the Flemish region for chlorine, hydrogen chloride, monovinyl chloride, hydrogen fluoride, asbestos (Annex 2.5.1 VLAREM II) and dust deposit (not dangerous dust, lead, cadmium, thallium) (Annex 2.5.2 VLAREM II). Those standards are more stricter in some protected areas (art. 2.5.1.2 VLAREM II) such as nature reserves.

Infringement procedures

On 23 November 2009, the European Commission sent a letter of formal notice to Belgium for failing to fully transpose Directive 2008/50/EC, followed by reasoned opinions on the same subject on 28 October 2010 and 16 February 2011. An additional letter of formal notice for exceeding PM₁₀ limits has been sent in 2013, followed by a reasoned opinion on 20 February 2014. As the 3 regions had meanwhile correctly transposed the directive and no exceedances had been reported, the case did not go further and was eventually closed.

In June 2015 the European Commission decided to refer Belgium to the CJEU. Belgium's track record on air quality had seen some improvements in the years before, as only 3 zones and agglomerations (Brussels, Ghent port zone and Roeselare port zone) showed continued failures to meet the targets. The proposed summons of the case to the CJEU followed a reasoned opinion sent in February 2014, in a case first opened in 2008. Although measures had been adopted for all the air quality zones addressed in the Commission's action, the measures had not been so far sufficient to solve the problem. However this case has been closed without a Court judgment on 8 November 2018.

On that day the European Commission has sent a new formal notice of failure to implement the Air Quality Directive. According to that letter, Belgium has persistently failed to meet binding limit values for NO₂ in the Brussels region since they came into force in 2010. The Antwerp agglomeration also exceeds permitted values, despite already having been accorded the later deadline of 2015 for entry into force. Although some measures, such as low emission zones, were put in place to combat air

⁴ <https://curieuzeneuzen.be/in-english/>.

⁵ <https://omgeving.vlaanderen.be/sites/default/files/atoms/files/1%20VR%202019%202510%20MED.0359-2%20Luchtbeleidsplan.pdf>

⁶ <https://navigator.emis.vito.be/mijn-navigator?wold=38570&woLang=nl>

pollution, the Commission is concerned that the current measures do not suffice to achieve compliance as soon as possible. Additionally, the Commission questions the way air quality is monitored in Belgium, including the location of measuring points for NO₂ in Brussels.

National case law

Air Quality Plan

On 10 October 2018, the President of the Dutch-speaking Court of First Instance of Brussels issued an order in the case of *Greenpeace Belgium v Flemish Region*⁷. According to the applicant, the Flemish Region violated its obligations under the Air Quality Directive due to its failure to *communicate the information obtained through modelling techniques and detailed studies to the European Commission*. While the directive holds that measurements shall be used to assess the ambient air quality as a minimum requirement, those techniques may be supplemented by modelling techniques and/or indicative measurements to provide adequate information on the spatial distribution of the ambient air quality. Although not an absolute requirement, it is self-evident for the Court President that when data are collected through other (trustworthy and in accordance with the conditions laid down in the Directive) techniques, that information must be taken into consideration when drawing up policy, implementing the Air Quality Directive and during the actual assessment of the air quality. A finding to the contrary would run counter to the Directive's objective as well as undermine the basic assumption that a fixed measurement is the optimal, most stringent technique for assessing the ambient air quality. Therefore, if the facultative methods indicate that the limit values were not respected, this amounts to a violation of the Air Quality Directive. Similarly, a violation is established when a Member State has applied indicative measurements and modelling techniques but has not passed this information onto the European Commission. Given the lack of reporting to the European Commission of any data obtained outside of the fixed monitoring stations, the Flemish Region was ordered to provide all information to the European Commission within a time frame of 3 months.⁸

The President of the Dutch-speaking Court of First Instance of Brussels ordered the Flemish Region to reassess the existing air quality plan for the Antwerp agglomeration, to expand its scope to the entire territory of the Flemish Region and to formulate measures taking into account all the data obtained, not solely those of the fixed measurements. The government had to do so within a period of one year, subject to a penalty payment of 1.000 EUR per day of delay, with a maximum of 5.000.000 EUR.

On 25 October 2019, the Flemish Government approved the *2030 Flemish Air Policy Plan*. This Plan contains measures to tackle air pollution in Flanders and thus further reduce the impact of air pollution on public health and the environment. Short term, middle term (2030) and long term (2050) objectives have been formulated. Some ENGOS (vzw *Straatego*, vzw *Ademloos* and Others) that had earlier already started a court case concerning air quality in Antwerp, were of the opinion that the plan was not sufficient. However the Dutch Speaking Court of First Instance of Brussels rejected on 30 January

⁷ Nederlandstalige Rechtbank van eerste aanleg Brussel, 10 oktober 2018, note A. Carette, *TMR* 2018, 706-729; http://www.unece.org/fileadmin/DAM/env/pp/a.to.i/Jurisprudence_prij/BELGIUM/Belgium_2018_Greenpeace_AirQuality.pdf.

⁸ S. Vereycken, "A partial win for Greenpeace Belgium in air pollution case against the Flemish Region", World Commission on Environmental Law (WCEL) - International Union for Conservation of Nature (IUCN), 2018, <https://www.iucn.org/news/world-commission-environmental-law/201811/a-partial-win-greenpeace-belgium-air-pollution-case-against-flemish-region>.

2020 the demand to draw up a new air quality plan. The Court held that the claimants did not make it plausible that the measures included in the 2030 Flemish Air Policy Plan would apparently be insufficient to achieve the intended result, which is to keep the period of exceeding the annual limit values for nitrogen dioxide as short as possible. The measures proposed in the plan appear to be based on a serious scientific analysis. “The claimants do not submit any substantive element that could be of a nature to contest or refute this scientific analysis.”⁹

Siting of measurement stations

The European Commission is questioning the *location of measuring points for NO₂ in Brussels*.¹⁰ That issue was also at the core of a reference for a preliminary ruling from the Court of First Instance of Brussels of 29 December 2017 in the case *Craeynest and Others and ClientEarth v Brussels Capital Region* (Case C-723/17). The CJEU held in its judgment of 26 June 2019: “Article 4(3) TEU and the second subparagraph of Article 19(1) TEU, read in conjunction with the third paragraph of Article 288 TFEU, and Articles 6 and 7 of Directive 2008/50/EC of the European Parliament and of the Council of 21 May 2008 on ambient air quality and cleaner air for Europe must be interpreted as meaning that it is for a national court, hearing an application submitted for that purpose by individuals directly affected by the exceedance of the limit values referred to in Article 13(1) of that directive, to verify whether the sampling points located in a particular zone have been established in accordance with the criteria laid down in paragraph 1(a) of Section B of Annex III to the directive and, if they were not, to take all necessary measures in respect of the competent national authority, such as, if provided for by national law, an order, with a view to ensuring that those sampling points are sited in accordance with those criteria.” One might expect that on the basis of that judgment more court cases will follow, now that an important discrepancy between the results of the official measurement stations and the results obtained by the various citizen science projects has been noticed.

In that case, the Dutch-speaking Court of First Instance of Brussels held with reference to the jurisprudence of the CJEU that when limit values are exceeded, the Member State has a clear and unconditional *obligation to draw up a plan as referred to in art. 23 (1) of Directive 2008/50/EC*. The fact that the competent authorities have a certain freedom of policy in determining the content of that plan does not prevent the judge from issuing an order to the competent authority to draw up that plan. After all, if the limit values are exceeded, the government does not have the policy freedom to refrain from drawing up the plan. Apart from the question already mentioned, a second question has been put forward: “*Is a limit value within the meaning of Article 13(1) and Article 23(1) of [Directive 2008/50/EC] exceeded in the case where an exceedance of a limit value with an averaging period of one calendar year, as laid down in Annex XI to that directive, has been established on the basis of the measurement results from one single sampling point within the meaning of Article 7 of that directive, or does such an exceedance occur only when this becomes apparent from the average of the measurement results from all sampling points in a particular zone within the meaning of Directive 2008/50?*”. In its judgement of 26 June 2019 the CJEU held: “*Article 13(1) and Article 23(1) of Directive 2008/50 must be interpreted as meaning that, in order to establish whether a limit value with an averaging period of one calendar year, as laid down in Annex XI to that directive, has been exceeded, it is sufficient that a pollution level higher than that value be measured at a single sampling point.*”

⁹ <https://www.rechtbanken-tribunaux.be/sites/default/files/nieuwsartikels/geanonimiseerd-310120.pdf>

¹⁰ See above.

Contesting measures to improve air quality

The Constitutional Court found the Brussels Capital Region legislation on the *low emission zone* not breaching the rules that distribute the competencies between federal and regional government, nor property rights, the equality principle and the free movement of persons, goods and services¹¹. The Court neither found a constitutional problem in the kilometer charge for trucks, partially depending on the emission standard of the truck¹²

Enforcement of Air Quality Law

Every region has its basic enforcement legislation for environmental law that is also applicable in the field of air quality. So the sanctions are of a general kind, not specifically set for the transposition of the air quality directives, nor directed explicitly or implicitly against competent authorities, but in general against perpetrators, co-authors and accessories, both natural and legal persons. Some public legal persons (the federal state, the regions, the communes..) can under criminal law only be declared guilty, but not punished (art. 7bis Criminal Code). The sanctions provided for are a combination of administrative and criminal sanctions¹³. Under administrative law, public legal persons can be punished (administrative fines). Supervision is mainly done by environmental inspectorates. Environmental crimes can also be established by the regular federal and local police. The choice of the sanctioning track is generally a prerogative of the public prosecutor¹⁴. We are not aware of cases in which sanctions have been applied in relation to breaches of regional regulations that implement directives 2008/50/EC and 2004/107/EC. Guidance or other practical tools to help assessing relevant environmental harm is lacking

Administrative Court cases

There are some administrative court cases that might be of relevance. In the case of *Angenon v. Flemish Region*, a case concerning a demand for suspension and annulment of a land use plan and planning permission for the redevelopment of Ghent Railway Station and related projects (including an underground car park for 2.800 cars and a new road-connection through a nature protection area), it was argued that such a plan cannot be approved and such a permit cannot be delivered because that would lead to lasting violation of PM₁₀, NO_x and NO₂ limit values in the vicinity. The Council of State did not accept the argument. The Council held that an urban development permit only grants permission to perform certain construction works and operations and that this, in itself, is not the cause of the emissions. Furthermore, according to the regulations, it is the Flemish Minister for the Environment who must take the necessary measures to ensure that the limit values are not exceeded, to be done via planning and remediation measures at international, Flemish or local level. There is in the Council's view no direct link between the environmental quality standards and permits for concrete

¹¹ Constitutional Court, N° 37/2019, 28 February 2019, *Goukens v. Brussels Capital Government*, <https://www.const-court.be/public/n/2019/2019-037n.pdf>; J. De Coninck & T. Huyghe, *o.c.*, 138-144.

¹² Constitutional Court, N° 30/2017, 23 February 2017, *vzw Sigma v. Flemish Government*; <https://www.const-court.be/public/n/2017/2017-030n.pdf>

¹³ In e.g. the Flemish region the administrative sanction can go up to a max. of 2.000.000 €, while criminal sanctions can go up to imprisonment of 1 month to 5 years and a penalty of 800 to 4.000.000 €.

¹⁴ L. Lavrysen, C. Billiet & J. Van den Berghe, EUFJE Conference 2015. *Protection of the Environment through Criminal Law: the Implementation and Application of the Eco-crime Directive in the EU Member States. BELGIAN REPORT*, <https://biblio.ugent.be/publication/6957798/file/6957799.pdf>.

projects.¹⁵ In a similar case *Melen v. Walloon Region*, the Council of State held that Directive 2008/50/EC and the transposing Order of the Walloon Government of 15 July 2010 aim to organize air quality assessment and management by developing integrated action plans by area or by agglomeration. Compliance with the limit values and the target values prescribed by these regulations is assessed in relation to a given area or agglomeration, but not in relation to a specific urban development project. They do not imply a general prohibition on granting any permit that could cause additional air pollution, nor that they would impose a compensation obligation between the additional pollution resulting from a licensed project and the additional pollution that results from an existing project.¹⁶ The absence of a clear link between the limit values of the Air Quality Directive and project development as illustrated in the case law of the Council of State, as well as the experience that air quality plans seem to be unable to bring conformity within the timeframe set forward, are weakening the enforcement of the Directive. That is probably also because those plans have no precise legal status in Belgian law, so that it is unclear how they could be enforced against the relevant authorities.

II. Directive (EU) 2016/2284 (reduction of national emissions)

Implementation

As air pollution control is a regional matter the implementation of Directive (EU)2016/2284 is a responsibility of the regions in Belgium.

In the Flemish region the directive has been transposed in Chapter 2.10 and Annex 2.10 of VLAREM II¹⁷, as Amended by the Executive Order of the Flemish Government of 27 October 2017. In het Walloon Region transposition occurred with the Executive Order of the Walloon government of 11 April 2019 on reducing emissions of some air pollutants¹⁸ in the Brussels Capital Region the implementation is done through the Executive Order of the Brussels Capital Government 17 January 2019 laying down emission ceilings for certain air pollutants¹⁹ and the Ordinance of 19 March 2020 amending the Ordinance of 2 May 2013 regarding the Brussels Code of Air, Climate and Energy Management with a view to transposing Directive (EU) 2018/410.²⁰ The emission reduction commitments allocated to Belgium, on the one hand, by the Gothenburg Protocol relating to the reduction of acidification, eutrophication and tropospheric ozone, as amended in 2012, and, on the other hand, by Directive (EU) 2016/2284, have indeed been divided between the competent entities by political agreements and translated in the 3 regional regulations.

As air quality policy is a regional competence in Belgium, there is no “**National air pollution control programme**” as such. In the Flemish Region the *2030 Flemish Air Policy Plan*, adopted by the Flemish

¹⁵ RvS N°. 183.359, 26 May 2008, *Angenon c.s., TROS* 2008, 316, note J.Bouckaert & J. Roggen, “Fijn stof geen beletsel voor infrastructuurprojecten”.

¹⁶ CdE n° 236.809, 15 December 2016, *Melen c.s., Amén.* 2017, 218; *APT* 2017, 260; *CDPK* 2017, 531, 532, 553 en 554.

¹⁷ <https://navigator.emis.vito.be/mijn-navigator?wold=19742&woLang=nl>

¹⁸ <http://www.ejustice.just.fgov.be/eli/arrete/2019/04/11/2019203983/justel>

¹⁹ <http://www.ejustice.just.fgov.be/eli/besluit/2019/01/17/2019010486/justel>

²⁰ <http://www.ejustice.just.fgov.be/eli/ordonnantie/2020/03/19/2020040736/justel>

Government, is a plan in the sense of art. 6 of the Directive²¹. In the Walloon Region an *Air Climate Energy Plan 2016 -2020* has been adopted by the Walloon Government on 21 April 2016.²² A draft *Air Climate Energy Plan 2030* has been approved²³ as contribution to the Belgian National Energy and Climate Plan. In the Brussels Capital Region there is a regional *Air-Climate & Energy Plan* of June 2016²⁴

Infringement procedures

In the Infringement Decisions Database of the European Commission two formal notices Art. 258 TFEU for non-communication are mentioned, but both have been closed meanwhile.

Case Law

There is no national case law in which Directive (EU) 2016/2284 was relied upon.

III. Directive 2007/46/EC and Regulation (EC) N° 715/2007 (type approval of motor vehicles – Euro 5 and Euro 6 Emission Standards)

Implementation of Vehicle Type Approval Rules

Based on the Federal Act of 21 June 1985 concerning the technical requirements that every land transport vehicle, its components, and the safety accessories must comply with²⁵, two Royal Decrees of 26 February 1981²⁶, both regularly updated, are implementing the EU vehicle type approval rules. The Appendix of the second Royal Decree simply lists the Directives that are applicable, without transposing the content in domestic law. The Act of 21 June 1985, as amended, deals with supervision, administrative and criminal sanctions.

The specific infringements mentioned in Article 13 (2) of Regulation (EC) No 715/2007, including the use of defeat devices, are not mentioned *as such*, but covered by the general sanction provision. Art. 4 of the Act states that who violates a standard for land transport vehicles, their parts and accessories, including those for safety, adopted in implementation of the legislation listed in the Annex to Directive 2008/99/EC of the European Parliament and of the Council of 19 November 2008 on the protection of the environment through criminal law²⁷, is punishable by a term of imprisonment of ten days to ten years and a fine of one thousand (x 8) euros to seven million (x 8) euros, or one of those penalties only, if that unlawful act or omission is committed with the intent of causing environmental or health damage. The same sanctions are applicable on who deliberately incites to commit such infringement. The offender is punishable by a term of imprisonment of eight days to one year and a fine of two

²¹ <https://omgeving.vlaanderen.be/sites/default/files/atoms/files/1%20VR%202019%202510%20MED.0359-2%20Luchtbeleidsplan.pdf>

²² <https://www.leswallonsnemanquentpasdair.be/le-pace>

²³ <http://www.awac.be/index.php/thematiques/politiques-actions/plan-pace>

²⁴ https://document.environnement.brussels/opac_css/elecfile/PLAN_AIR_CLIMAT_ENERGIE_NL_DEF.pdf

²⁵ <http://www.ejustice.just.fgov.be/eli/wet/1985/06/21/1985014311/justel>

²⁶ Initially the Royal Decrees were based on the Federal Act of 18 February 1969 on measures to implement international conventions and acts for road, rail or waterway transport.

²⁷ This includes Regulation (EC) No 715/2007.

hundred fifty (x 8) euros to five million(x 8) euros, or one of those penalties only if that unlawful act or omission is committed with gross negligence. In the event of a repeat within two years of a final conviction for the same offense, the penalty shall not be less than double the sentence previously awarded for the same offense. Furthermore, the general principles of the Penal Code apply, including the possibility of forfeiture of illegal benefits.

The homologation is done by the respective regional authorities.²⁸

Treatment of diesel vehicles when using illegal shutdown devices

There is no specific national legislation or jurisprudence on this issue. The general provisions of the Federal Act of 21 June 1985 can however be applied, in particular art. 2 that makes it possible in cases of breaches of the regulations to withdraw the approval. The Minister under whose jurisdiction the land transport belongs, may bring before the court of first instance a claim by means of an application submitted in the manner of summary proceedings, in order to withdraw vehicles from trade and, if applicable, from traffic. A judgment is delivered notwithstanding any prosecution brought on account of the same facts before any other court of law. However, those possibilities seem not to have been used in Belgium, although the Flemish Environmental Minister has declared to have reported a criminal offence with the competent public prosecutor.²⁹ A criminal investigation is ongoing, centralized in Brussels.³⁰

Pending consumer and investor cases

The Consumer Organization *Test Aankoop-Test Achats* introduced together with Italian, Portuguese and Spanish consumer organizations, a class action for damages before the Court of First Instance in Brussels against VW and D'leteren on 30 June 2016. The action was declared admissible on 18 December 2017 and will be treated as an opt-out case. The Consumer Organization is thus entitled to represent all Belgian VW car owners in which the defeat devices have been fitted. In the period July 2018-June 2019, negotiations have been held to come to an agreement on compensation between the parties. Because no settlement was reached within that time-frame, the Court will go now into the substance of the case.³¹ Some lawyers have started their own liability cases.³² There is also a criminal investigation ongoing, centralized in Brussels.³³

On 16 September 2016, a group of Belgian investors, advised and assisted by *Deminor Recovery Services*, issued proceedings against Volkswagen AG³⁴ and Porsche³⁵ with the Court of Braunschweig. The investors are seeking compensation (1,4 billion euro) for losses suffered on their purchases of Porsche and Volkswagen securities due to the company's failure to timely and correctly inform them

²⁸ https://mobiliteit.belgium.be/nl/wegverkeer/voertuigen_en_onderdelen/regionale_homologatie_diensten

²⁹ <https://www.vlaamsparlament.be/commissies/commissievergaderingen/1083252/verslag/1084722>

³⁰ <https://mijnadvocaten.be/aansprakelijkheid/centralisatie-strafdossier-volkswagen/>.

³¹ <https://www.test-aankoop.be/mobiliteit/auto-s/dossier/dieselgate-wij-zijn-allemaal-bedrogen/onze-acties-en-eisen>.

³² <https://mijnadvocaten.be/aansprakelijkheid/volkswagenfraude-schadevergoeding/>.

³³ <https://mijnadvocaten.be/aansprakelijkheid/centralisatie-strafdossier-volkswagen/>.

³⁴ <https://drs.deminor.com/nl/case/investment-recovery/volkswagen>

³⁵ <https://drs.deminor.com/nl/case/investment-recovery/porsche>

about the use of defeat devices in various car models and the final consequences thereof on the company's earnings, outlook and financial situation.

Retrofitting

Retrofitting of vehicles has not been made mandatory. It has been done on a voluntary basis. There are no public data available of the share of cars that has been retrofitted.

IV. Domestic Law

LEZ Brussels

There is a low emission zone covering the whole Brussels Capital Region³⁶. The regulation concerns the following vehicles, whether they are registered in Belgium or abroad: cars (vehicle category M1 on the registration document), vans weighing less than 3.5 tons (vehicle category N1 on the registration document) and minibuses and coaches (vehicle category M2 and M3 on the vehicle registration document). Euro II/2 (and lower) *diesel vehicles* have been banned from the start in 2019. From 2020 onwards also Euro III/3 diesel vehicles are banned. Euro IV/4 diesel vehicles will be banned starting from 2022, Euro V/5 diesel vehicles will be banned from 2025 onwards. Euro I/1 *Petrol/LPG/CNG vehicles* are banned from 2019 onwards and Euro II / 2 vehicles from 2025 onwards. If the vehicle does not meet the access criteria of the Low Emission Zone (LEZ), one can buy a day pass (€ 35) and have access to the Brussels-Capital Region, with maximum of 8 day passes per year and per vehicle.

LEZ Antwerp and Ghent

The Low Emission Zone of Antwerp dates back from 2017, and has been strengthened from 2020 onwards. The conditions are similar to those of Brussels, be it that Euro II/4 diesel vehicles are only admitted on payment of a tariff per day, week, month or year.³⁷ The Ghent LEZ started in 2020³⁸.

³⁶ <https://lez.brussels/mytax/en/>

³⁷ <https://www.slimnaarantwerpen.be/en/what-will-change-as-of-1-january-2020>

³⁸ <https://stad.gent/en/mobility-ghent/low-emission-zone-ghent-2020/how-do-you-know-whether-you-can-enter-lez>