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## **WORKING DOCUMENT**

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From:	General Secretariat of the Council
To:	Working Party on Land Transport
N° prev. doc.:	ST 12271/6/25 REV 6
N° Cion doc.:	ST 8255/25 + ADD 1
Subject:	Proposal for a DIRECTIVE OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL amending Directive 2014/45/EU on periodic roadworthiness tests for motor vehicles and their trailers and Directive 2014/47/EU on the technical roadside inspection of the roadworthiness of commercial vehicles circulating in the Union - Further revised presidency compromise = Comments from Belgium

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Delegations will find attached comments from Belgium on the above-mentioned document, followed by a courtesy translation in English.

**Position de la Belgique sur les Directives 45 & 47 – GT TT du 6/11**

*In English below*

**Directive 45****Article 4, paragraphe 4**

Nous réitérons notre position déjà exprimée : La Belgique n'est pas favorable à l'inclusion de la catégorie N1 dans le champ d'application du certificat temporaire. Dans la proposition de COM, la mesure a été conçue pour les particuliers (catégorie M1) résidant à l'étranger pour une longue durée. L'extension à la catégorie N1 risquerait d'ouvrir la voie à une utilisation à des fins commerciales, ce qui n'était pas l'objectif initial.

**Article 4, paragraphe 6**

La Belgique s'interroge sur les possibilités concrètes du contrôle de l'intégrité des logiciels.

**Annexes**

Nous remercions la Présidence pour les modifications apportées conformément à nos remarques précédentes.

Il y a toutefois 3 points qui, pour nous, méritent une attention particulière :

- **Point 0.3 – Contrôle technique des véhicules faisant l'objet d'une campagne de rappel**

Si l'inspecteur constate qu'un défaut ayant motivé un rappel n'a pas été corrigé, la procédure à suivre dépend du niveau de dangerosité du défaut.

Nous nous interrogeons :

- Qui détermine le niveau de dangerosité du défaut ?
- Sur quelle base et selon quelle méthodologie ?

Ces clarifications sont essentielles pour assurer une application uniforme.

- **Point 5.2.3.1 – Système de surveillance de la pression des pneus (TPMS – Tyre Pressure Monitoring System)**

Actuellement, en cas de malfonctionnement du système ou d'un composant manquant (point a), ou de système ou composants non fonctionnels, ou fonctionnement non plausible (point g), une sanction majeure est prévue.

Nous estimons qu'il faudrait remplacer cette sanction majeure par une sanction mineure, afin d'éviter un effet dissuasif sur l'utilisation des pneus hiver, qui reste un élément important pour la sécurité routière.

- **Points 8.2.3.1 (Particle number measurement) & 8.2.3.2 (Opacity)**

Le projet de directive pourrait préciser clairement que l'on réalise l'une ou l'autre mesure mais pas les 2.

## Directive 47

### Article 9a

La Belgique accueille favorablement la réintroduction d'un article sur la télédétection (remote sensing). À notre sens, l'utilisation d'une base volontaire assortie d'une clause de révision pourrait constituer un compromis équilibré.

Nous soutenons également que la Commission puisse fixer un ensemble harmonisé de seuils pour les émissions (gaz d'échappement et bruit).

En lien avec cela, nous tenons à souligner l'importance pour la Belgique de la disposition de l'article 18, paragraphe 3, relative à la notification à l'autorité d'un autre État membre lorsqu'un véhicule polluant est détecté par télédétection.

### Considérant 28

Toujours pour la télédétection, nous avons des commentaires techniques spécifiques sur ce considérant, que nous transmettrons par écrit (dont voici le texte **en jaune** :)

- (28) For roadside inspections, the screening of the exhaust emissions of large numbers of vehicles by using remote sensing equipment is an effective measure for identifying high-emitting vehicles. Experience made in some Member States have demonstrated that the detection rates increase significantly compared to mandatory test methods. Remote sensing equipment can be used systematically to screen large shares of the vehicle fleet in real on-road conditions. One single remote sensing measurement indicating high emissions above the legal limits could be related to various factors, such as temporary acceleration or a cold engine. However, multiple measurements systematically indicating significantly higher than average emissions could indicate a faulty emission control system or unauthorised modifications, such as tampering. Vehicle emissions are dynamic, with emission peaks occurring more frequently in specific conditions, such as cold start. Therefore, to check compliance of an individual vehicle with the applicable emission standards, multiple stationary remote sensing measurements are advised. A single stationary remote sensing measurement can successfully indicate a high-emitting vehicle which is defunct or tampered. Depending on the magnitude of the measured exceedance, multiple stationary remote sensing measurements can be required to confirm a vehicle to be a high emitter. Since such defects and modifications generate excessive emissions that pose risks to human health and the environment, they should be repaired, and any tampering should be sanctioned.

**Directive 45****Article 4, paragraph 4**

We reiterate our previously stated position: Belgium is not in favor of including category N1 within the scope of the temporary certificate. In the Commission's proposal, the measure was designed for individuals (category M1) residing abroad for an extended period. Extending it to category N1 could open the door to commercial use, which was not the original objective.

**Article 4, paragraph 6**

Belgium wonders about the concrete possibilities of monitoring the integrity of software.

**Annexes**

We thank the Presidency for the changes made in line with our previous comments. However, there are two points that, in our view, deserve particular attention:

- **Point 0.3 – Technical inspection of vehicles subject to a recall campaign**  
If the inspector finds that a defect that prompted a recall has not been corrected, the procedure to follow depends on the level of severity of the defect.  
We wonder:
  - Who determines the severity level of the defect?
  - On what basis and according to which methodology?
 These clarifications are essential to ensure uniform application.
- **Point 5.2.3.1 – Tyre Pressure Monitoring System (TPMS)**  
Currently, in the event of a malfunction of the system or a missing component (point a), or a system or components that are non-functional, or implausible operation (point g), a major sanction is foreseen.  
We believe this major sanction should be replaced by a minor sanction, in order to avoid a disincentive effect on the use of winter tires, which remains an important element for road safety.
- **Points 8.2.3.1 (Particle number measurement) & 8.2.3.2 (Opacity)**  
The proposal of directive could clearly specify that one or the other measure is carried out, but not both.

**Directive 47****Article 9a**

Belgium welcomes the reintroduction of an article on remote sensing. In our view, the use of a voluntary basis combined with a review clause could constitute a balanced compromise.

We also support the Commission being able to set a harmonized set of thresholds for emissions (exhaust gases and noise).

In this context, we wish to underline the importance for Belgium of the provision in Article

18, paragraph 3, concerning notification to the authority of another Member State when a polluting vehicle is detected through remote sensing.

**Recital 28**

Still regarding remote sensing, we have specific technical comments on this recital, which we will submit in writing (the text highlighted in yellow is as follows):

- (28) For roadside inspections, the screening of the exhaust emissions of large numbers of vehicles by using remote sensing equipment is an effective measure for identifying high-emitting vehicles. Experience made in some Member States have demonstrated that the detection rates increase significantly compared to mandatory test methods. Remote sensing equipment can be used systematically to screen large shares of the vehicle fleet in real on-road conditions. ~~One single remote sensing measurement indicating high emissions above the legal limits could be related to various factors, such as temporary acceleration or a cold engine. However, multiple measurements systematically indicating significantly higher than average emissions could indicate a faulty emission control system or unauthorised modifications, such as tampering. Vehicle emissions are dynamic, with emission peaks occurring more frequently in specific conditions, such as cold start. Therefore, to check compliance of an individual vehicle with the applicable emission standards, multiple stationary remote sensing measurements are advised. A single stationary remote sensing measurement can successfully indicate a high-emitting vehicle which is defunct or tampered. Depending on the magnitude of the measured exceedance, multiple stationary remote sensing measurements can be required to confirm a vehicle to be a high emitter.~~ Since such defects and modifications generate excessive emissions that pose risks to human health and the environment, they should be repaired, and any tampering should be sanctioned.