

Traffic offences (from 31 March 2006)



Offences can be punished - an authorised person can invite the payment of an on the spot fine or make an official report. Since 31 March 2006 there has no longer been a category of serious offences.

Offences are classified in 4 groups:

- offences of the first, the second, the third and the fourth level;
- speed offences;
- offences related to intoxicated driving;
- offences related to the driver's licence.

Offences of the first level

All offences not classified in the other levels (except speed offences, intoxicated driving and the driver's licence).

Examples: not wearing a helmet or seat belt, continuing to drive in the left-hand lane, etc.

Possible consequences:

- on the spot fine 50 euros;
- a fine of 55 euros to 1,375 euros determined by the lawcourt.

Offences of the second level

Offences which indirectly endanger the safety of persons.

Offences consisting of the wrongful use of parking facilities for persons with a disability.

General rules for the road users

- Impeding traffic or making it unsafe by throwing objects, litter or materials away, leaving them on or allowing them to fall on the public highway or by spreading smoke or steam or causing any hindrance to traffic.

The driver

- Not being in a condition to drive, not being in possession of the required physical capability or the necessary knowledge and driving ability. Not being able to carry out all the necessary driving manoeuvres, and not being in continuous control of his vehicle or animals.
- Use of a mobile phone by hand except when stationary or parked.

General speed stipulations

- Driving at an unsuitable speed.
- Not being able to stop before an obstruction that could be anticipated.
- Not signaling a considerable speed reduction.
- Not slowing when approaching draught animals, pack animals, riding animals or livestock on the public highway, and not stopping if these animals suddenly show signs of fear.

Distance between the vehicles

- Outside a built-up area not respecting a distance of at least 50 meters by drivers of vehicles, and towing with a maximum permitted weight of over 7.5 tons or longer than 7 meters.

Rules of right of way

- Not giving right of way to rail vehicles.
- Not showing great care when driving onto a junction to prevent any accidents.
- Not giving right of way, except on roundabouts, to a driver approaching in the normal way from the right.
- Not giving right of way to any driver already driving on the public highway or lane onto which one is driving:
 - when one drives onto a public highway or lane with traffic sign B1 or B5;
 - when one drives off a dirt road or path onto a public highway with a lane.
- Not obeying traffic sign B1 or B5.
- Not giving right of way when carrying out a manoeuvre.
- A driver who must give right of way may only continue to drive if he can do this without a danger of accidents with respect to the location of other road users, their speed and the distance at which they are located.
- A driver with right of way no longer has right of way when starting his vehicle again after having stopped.



Overtaking

- Overtaking on the right except when the driver to be overtaken has shown that he intends to turn left or park his vehicle on the left-hand side of the public highway and has started moving to the left to carry out this manoeuvre.
- Not respecting the conditions relating to overtaking rail vehicles following the road.

Changing direction

- When turning to the right not driving as close as possible to the right edge of the road. A driver may proceed to the left when, because of the location and size of the vehicle or the load he cannot continue along the right edge of the road.
- Traffic on motorways and dual carriageways
- Bringing a vehicle to a stop or parking a vehicle on these roads, except on the parking lanes shown by traffic sign E9a.



No waiting or parking

- Waiting or parking on:
 - pavements and in built-up areas on raised verges subject to local regulations;
 - cycle lanes and less than 3 meters from the place where the cyclists and drivers of two-wheeled mopeds must leave the cycle lane to ride onto the road or leave the road to ride onto the cycle lane;
 - on crossings for pedestrians, cyclists and drivers of two-wheeled mopeds and on roads less than 3 meters from these crossings;
 - roads in underpasses, tunnels and under bridges subject to local regulations;
 - the road near the top of a hill or in a bend if the view is insufficient.

No parking

- Places where pedestrians, cyclists or drivers of two-wheeled mopeds must proceed onto the road to pass or drive around an obstacle.
- Places where the passage of rail vehicles would be impeded.
- Parking in places if the width of free passage on the road becomes less than 3 m.
- Wrongfully using a parking space reserved for vehicles used by persons with a disability.

Use of lights

- The wrongful use of full-beam headlights.
- Not using rear fog lights when they must be used.

Loading vehicles

- Not complying with the general regulations concerning the placement, fixing or covering of loads.
- Not complying with the regulations relating to the covering of grain crops, flax, straw, horse or animal feeds in bulk or in bales.
- Not complying with the regulations relating to the transporting of long parts.
- Not complying with the regulations relating to the close fitting of all items needed to steady or enclose loads.
- Open side or rear doors protruding outside the largest width of the vehicle.
- Three-coloured traffic lights
- Driving through an orange traffic light.

Possible consequences:

- on the spot fine: 100 euros;
- immediate withdrawal of the driver's licence or the provisional drivers licence;
- a fine of 110 euros to 1,375 euros determined by the lawcourt;
- disqualification from driving a motor vehicle.

Offences of the third level

Offences which directly endanger the safety of persons.
Offences consisting of ignoring an order by an authorised person.

Compulsory nature of orders by authorised persons

- Not immediately obeying orders from authorised persons.
- Not moving a stationary or parked vehicle when ordered to do so by an authorised person.

Place of drivers on the public highway

When the public highway has two or three lanes which are clearly separated, in particular by level ground, a space not accessible to vehicles or a level difference, the left lane is to be followed subject to local regulations.

Passing

- Passing to the left.
- Keep sufficient distance when passing.
- Not slowing or stopping when necessary when passing is impeded by an obstruction or the presence of other road users.
- Following the flat verge while passing, bringing other road users into danger.
- Not complying with the regulations concerning crossing rail vehicles.

Overtaking

- When following the flat verge during overtaking and bringing other road users into danger.
- Not keeping as far as possible to the right or increasing speed when one is about to be overtaken on the left.
- Overtaking on the left when the driver cannot establish that oncoming road users are not far enough for overtaking to take place without danger of an accident.
- To overtake a team, a vehicle with more than two wheels or a two-wheeled motor vehicle to the left:
 - on a level crossing marked by signs A45 or A47 unless barriers or traffic lights regulate the traffic;
 - when the driver to be overtaken is himself overtaking another vehicle than a two-wheeled vehicle, except on a road with three or more lanes in the driving direction;
 - when the driver to be overtaken stops at a crossing or approaches a crossing where traffic is not controlled by an authorised person or by traffic lights.



Changing direction

- When turning right, moving to the left because of the location and size of the vehicle or load, so one is not certain that a vehicle behind has not already started to overtake, or one endangers other drivers on the road that one is leaving.
- When turning left not giving right of way to oncoming road users leaving the road.
- When changing direction not giving right of way to drivers and to pedestrians following the other parts of the same public highway.

- When changing direction not giving right of way to pedestrians crossing the road one is to drive into.

Traffic in residential areas and other areas subject to speed restrictions

- Endangering pedestrians, impeding them, or not stopping if necessary.
- Not exercising extra care in the presence of children.

Traffic on roads reserved for pedestrians, cyclists and horse riders

- Endangering or impeding other road users.
- Impeding traffic without good reason.
- Not exercising extra care in the presence of children.

Traffic in pedestrian areas

- Not driving at walking pace in pedestrian areas.
- Not keeping passages free for pedestrians.
- Not stopping if necessary.
- Endangering or impeding pedestrians.

Traffic in play streets

- Not driving at walking pace in play streets.
- Not leaving free passage for playing pedestrians.
- Not giving right of way or stopping as required for playing pedestrians.
- Cyclists who do not dismount when necessary.
- Endangering or impeding playing pedestrians.
- Not exercising extra care in the presence of children.

Behaviour of drivers to pedestrians

- Endangering pedestrians who:
 - are in a residential or other area subject to speed restrictions or a pedestrian area.
 - are proceeding onto the road under the appropriate conditions.
 - are located on a road:
 - reserved for pedestrian traffic, cyclists and horse riders.
 - reserved for pedestrian traffic, cyclists and horse riders with the marking of the part of the road intended for the different categories of road users.
 - laid out as a play street.
 - be on a pavement, a part of the public road reserved for pedestrian traffic by traffic sign D9 or D10, a verge or a traffic island.
- Not moderating speed when driving along a coach, a bus, a trolley bus, a minibus or a rail vehicle that is stationary to allow passengers to get on or off.
- In places where traffic is controlled by an authorised person or traffic lights, even when traffic is flowing in the driving direction, not giving pedestrians who have rightfully proceeded onto the road the opportunity to cross at normal walking speed, or if there is a crossing for pedestrians not stopping at a crossing for pedestrians when traffic is closed in the driver's driving direction.
- Not complying with the conditions relating to passengers getting on or off near a stop for a vehicle for shared transport.



- In places where traffic is not controlled by an authorised person or by traffic lights, not approaching a crossing for pedestrians at moderate speed, or not giving right of way to pedestrians who are on the crossing or about to proceed onto it.

Use of lights

- Between dusk and dawn and in all conditions where it is no longer possible to clearly see over a distance of approximately 200 meters:
 - not using dipped or full-beam lights at the front and red lights at the rear on motor vehicles;
 - not using the two white lights at the front and the red lights at the rear on trailers which must be fitted with these lights;
 - not using sidelights on vehicles which must be fitted with these lights.

Behaviour regarding emergency vehicles using special sound appliances

- Not immediately clearing the road, not giving right of way, not stopping if necessary when a siren announces the approach of an emergency vehicle.

Behaviour with regard to vehicles for school transport

- Not exercising great care when approaching a vehicle for school transport.
- Not considerably moderating speed or not stopping if necessary when a driver of a vehicle for school transport has the indicators flashing to indicate that children are getting on or off.

Behaviour with regard to groups of children, school pupils, persons with a disability and the elderly

- Driving through a group of children, school pupils, persons with a disability or the elderly:
 - in rows or accompanied by a leader;
 - passing the road under the control of a youth traffic guide, a leader or an authorised supervisor.
 - not following instructions for the safety of crossing children, school pupils, persons with a disability or the elderly given by persons authorised to do so.

Behaviour with regard to cyclists and drivers of two-wheeled mopeds

- Endangering a cyclist or driver of a two-wheeled moped on the public highway under the conditions in these regulations.
- Not exercising great care with regard to cycling children and the elderly.
- Not keeping a sideways distance of at least one meter between the driven vehicle and the cyclist or the driver of a two-wheeled moped.
- Not approaching a crossing for cyclists and drivers of two-wheeled mopeds at moderate speed to not endanger road users on the crossing or cause a hindrance when they cross the road at normal speed, or not stopping if necessary to allow them to ride on.

Behaviour with respect to military columns, processions, groups of pedestrians, cultural, sporting and tourism events, cycling races, non-motorised sports competitions or races, groups of cyclists, groups of motorcyclists, groups of horse riders and supervisors on the public highway

- Driving through:
 - a part of a military column consisting of a on march of troops or a vehicle convoy of which the progression is controlled by authorised persons or by military personnel authorised to this end;
 - a procession, a group of pedestrians, a meeting on the occasion of a cultural, sporting or tourism event or a procession;
 - a group of participants in a cycling race or a non-motorised sporting race or competition.
- When approaching a group of participants in a cycling race, not immediately manoeuvring and stopping.
- Not following instructions given:
 - to facilitate the movement of military columns by authorised military personnel;
 - to ensure safety:
 - by authorised persons for cultural, sporting and tourism events, cycling races and non-motorised sports competitions or races;
 - by road captains of groups of cyclists and groups of motorcycle riders;
 - by group leaders of groups of pedestrians and groups of horse riders;
 - for personnel working on the public highway by site supervisors.

Transport of hazardous goods

- Vehicles with ADR products who except in the case of necessity do not drive on motorways.
- Not complying with traffic signs C24a, b, or c.



Three-coloured traffic lights

- Ignoring a red traffic light.
- Not giving right of way to drivers from the other direction with the combination of a red traffic light with one or a number of green arrows.

Two-coloured traffic lights

- Driving in a lane above which there is a red traffic light with the shape of a red cross.

Prohibition signs

- Not complying with traffic signs C1, C35 or C39.
- Crossing a white unbroken line indicating a lane (or similar provisional road markings) or driving to the left of it.



Possible consequences:

- on the spot fine: 150 euros;
- immediate withdrawal of the driver's licence or the provisional licence;
- a fine of 165 euros to 2,750 euros determined by the lawcourt;

- disqualification from driving a motor vehicle.

Offences of the fourth level

Offences which directly endanger the safety of persons and are of a nature that with an accident they will almost inevitably result in physical damage. Offences consisting of ignoring an order to stop by an authorised person

Compulsory nature of orders by authorised persons

- Ignoring the following orders by an authorised person:
 - the arm or arms horizontally extended meaning stop for road users approaching from directions shown by the arm or arms;
 - a flashing red light ordering drivers to whom the light is directed to stop.

General speed regulations

- Encouraging or challenging a driver to drive at excessive speed.

Where and when overtaking is prohibited

- Overtaking a team on the left or a vehicle with more than two wheels when approaching the top of a gradient and in bends when visibility is insufficient, unless overtaking can take place without crossing the continuous white lines marking off the part of the road for oncoming road users.

Traffic on railways and level crossings

- Proceeding onto level crossings when:
 - the barriers are moving or down;
 - the red lights are flashing;
 - the noise alarm is operating.

Traffic on dual carriageways and motorways

- On motorways and dual carriageways:
 - using the cross connections;
 - turning around;
 - reversing;
 - driving in the opposite driving direction.

No waiting or parking

- Waiting or parking on level crossings.

Races and sports competitions

- Without special permission from the legally authorised representative proceeding onto a public highway holding races and sports competitions, in particular speed, endurance or skills competitions.

Possible consequences:

- immediate withdrawal of the driver's licence or the provisional licence;
- a fine of 220 euros to 2,750 euros determined by the lawcourt;
- disqualification from driving a motor vehicle.

Offences relating to the driver's licence

- Driving a motor vehicle without possession of a [driving licence](#), a provisional driver's licence or instructor's licence, or being without the document or refusing to present it on the request of an authorized person.
- Driving a motor vehicle while the driver's licence, provisional driver's licence or instructor's licence has been withdrawn.
- Making a false statement to obtain a driver's licence, provisional driver's licence or instructor's licence.
- Driving a motor vehicle while suffering from certain physical disabilities or ailments, or if a compulsory medical examination has not been passed.
- Not respecting regulations concerning the use of the driver's licence, provisional driver's licence or instructor's licence.
- Giving control of a motor vehicle to a person knowing that the person is not in possession of a driver's licence, provisional driver's licence or instructor's licence required for that vehicle.

On the spot fines

With a traffic offence police officers can require the payment of a set fine. The fine is paid by transfer, in cash (only for persons with no fixed abode in Belgium) or by bank card or credit card.

On the spot fines are not, however, applicable if for example the offender is younger than 18 years of age, if the person contests the offence, if damage is caused to third parties, or if a serious offence of the third level is involved (unless the person has no fixed abode in Belgium).

If the offender refuses or neglects to pay an on the spot fine within 5 workdays, an official report is drawn up and an amicable settlement or sentencing follows. The vehicle can be seized.

Immediate withdrawal of the driver's licence

- The driving licence, provisional driving licence or instructor's licence can be immediately withdrawn:
- If the person driving, preparing to drive or the person supervising the driver:
 - has an alcohol level of at least
 - 0.35 mg/l according to a breath test;
 - refuses to take a breath test;
 - is in state of drunkenness or a similar condition, including as a result of drugs or medicines.
- If the driver attempts to leave the scene to avoid being interviewed by an officer.
- If a road traffic [accident](#) is clearly due to a serious offence by the driver and serious injuries or death was caused to third parties.
- If the driver or the person supervising him is banned from driving the vehicle concerned.
- If the driver has committed a serious road traffic offence.
- If the driver is in possession of an appliance that impedes, precludes or detects the recording of road traffic offences.
- The driver or the supervising person must hand in his driver's licence, provisional driver's licence or instructor's licence on the request of the police after an order by the public prosecutor's department (procureur de Konings).