

D9: EED implementation in Belgium

Introduction

In Belgium the implementation of the EED is mainly the responsibility of the three regions, which are competent for the rational use of energy. But the federal level has also certain competences, such as fiscal policy and electricity tariffs.

Legal context

Brussels Capital Region

To meet all the challenges related to energy, renewable energy, climate change, air quality, the Brussels-Capital Region has developed an integrated approach which has already been declined into a regulation document (Brussels Air, Climate and Energy Code - COBRACE). The COBRACE came into force 2nd of May 2013 and aims to:

- Minimise energy needs and energy dependence;
- Use energy from renewable sources and promote rational use of energy (RUE);
- Improve the energy performance of buildings;
- Reduce the environmental impacts of mobility needs;
- Evaluate and improve air quality;
- Reduce the emission of atmospheric pollutants;
- Highlight the exemplary role of the public authorities with regard to both buildings and transport.

The “COBRACE” deals with these different subjects while taking into consideration both the social implications and the various aspects of sustainable construction.

In the building sector, this new legislation thus aims to exploit the enormous existing potential in terms of energy savings. Among other things, the “COBRACE” includes provisions aimed at the current regulation of energy performance of buildings while simplifying it and guaranteeing transposition of Directive 2010/31/EC. On the basis of the excellent results obtained in the framework of the “Exemplary Buildings” call for projects and the energy subsidies, the Brussels-Capital Region established an energy standard comparable to the passive concept as a regulatory framework in 2011 for any new construction as of 2015.

The Code also provides for establishment of effective, high-quality energy audit systems and contains the obligation to draw up a local action plan for energy management “PLAGE” to ensure monitoring and efficient management of buildings stock with high energy performance.

On the other hand, the decree of 15 December 2011 stipulating that it is mandatory to perform an energy audit for establishments of more than 3500m² not allocated to housing on the occasion of any request for renewal or extension of the environmental permit.

Flemish Region

In the Flemish Region, the Flemish Energy Agency is responsible for the coordination of the implementation of the EED. The directive shall be fully transposed by the 5th of June. Part of the legislation already exists (Energydecree of 8th May 2009 and its implementing decrees. Part of the transposition is done by non legislative measures, such as voluntary agreements.

At the time of publication no information of the federal government and the Walloon Region was not available.

Status of the implementation

Table	
Article 3	Belgian objective sent to European Commission in May 2013
Article 4	Renovation strategy in Brussels Capital Region and in the Flemish Region is in development
Article 5	Alternative approach chosen: notified to the Commission end December. The three regions and the federal government have chosen the alternative approach. In Brussels Capital Region an alternative tool used in order to reach the target: local plan for energy management. Legislation to be completed (bylaw in progress).
Article 6	Federal competence. The legislation will be adapted, where necessary.
Article 7	Alternative approach chose by the three regions: notified to the Commission the 5 th December.
Article 8	Brussels and Flemish legislation in progress. In the Flemish Region a new negotiation of voluntary agreements for the large industry is ongoing.
Article 9	Brussels legislation in progress: ordinances for the organisation of the electricity market and the gas market are modified in order to take into account those articles provisions. Ordinances are between 1 st and 2 nd readings.
Article 10	
Article 11	Partially implemented in the Flemish Region. For the missing elements a decree will be adopted by the Flemish Parliament in spring 2014.
Article 12	Already existing in Brussels legislation. Different programs exists in the Flemish Region.
Article 13	Partially implemented in Brussels legislation, to be completed Partially implemented in the Flemish Region. For the missing elements a decree will be adopted by the Flemish Parliament in spring 2014.
Article 14	Partially implemented in the Brussels Capital Region. Article 14.5 implemented in a governmental bylaw, ministerial bylaw with methodology to be implemented. In progress in the Flemish Region. End December, Belgian communication to the Commission that Belgium won't adopt any exemptions (article 14.6).
Article 15	Brussels legislation in progress: ordinances for the organisation of the electricity market and the gas market are modified in order to take into account those articles provisions. Ordinances are between 1 st and 2 nd readings. Partially implemented in the Flemish Region. For the missing elements a decree will be adopted by the Flemish Parliament in spring 2014.
Article 16	Already implemented in the Brussels Code for Air, Climate and Energy control: article 2.5.1. Implemented in the Flemish Region
Article 17	Implemented in Brussels Capital Region and in the Flemish Region
Article 18	Implemented in Brussels Capital Region and in the Flemish Region
Article 19	Partially implemented in the Brussels Capital Region Implemented in the Flemish Region

Article20	Implemented in Brussels Capital Region and in the Flemish Region
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Additional efforts

Brussels Capital Region

The air-climate-energy plan is the planning document linked to the Brussels integrated approach of air, climate and energy topics, which has already been declined into a regulation document (Brussels Air, Climate and Energy Code – COBRACE – see above). The plan is dedicated to help Brussels to achieve its 30% reduction (40%/capita) of CO₂ emissions between 1990 and 2025. It declines Brussels Region objectives to 10 years and measures for 5 years regarding energy, including renewable energy, climate change mitigation and adaptation and air quality.

The plan defines 130 actions into 59 measures which are declined into 9 axes : building, transportation, economy, global city planning, consumption, social dimension, climate change adaptation, air surveillance and flexible mechanisms.

The Brussels air-climate-energy plan has been adopted by the Government for the first reading in September 2013.

Flemish Region

In Flanders a new climate policy plan was adopted on the 28th of June 2013. This plan describes the climate goals for Flanders. In order to meet ambitious targets, the contribution from every sector in society is needed in combating climate change. The plan therefore provides measures for each of these sectors. Therefore a lot of attention is devoted to reducing the use of energy by the different sectors and to the use of renewable energy.

Future planning

Brussels Capital Region

Mainly:

- Bylaws of the COBRACE to be adopted before and around 2015.
- The air-climate-energy plan to be fully adopted in future.