

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 products standards, which supports the regional policies in this topic.

In the Flemish Region the implementation of the EED is coordinated by the Flemish Energy Agency (Ministry of Energy).

In Wallonia the implementation of the EED is coordinated by the ministry of Energy and Sustainable Buildings.

1. Legal context

Please describe legal context here, which national laws have been introduced for transposition EED?

Walloon Region

Energy efficiency policies are implemented since the early 80s in Wallonia.

The EED implementation induced changes in several already existing decrees and application laws, like the building codes, the PEB decree, the RUE decree, the gas & electricity decrees, the green electricity, the SMEs & nonSME financial incitative decrees, the RES certification decree.

The EED implementation also impacted existing non legislative tools like for example the Voluntary Agreement with the industry, communication or financial instruments.

EED is now fully implemented in the Walloon legislation.

Flemish Region

Energy efficiency policies were already implemented since the previous EU-directives in Flanders.

The EED implementation induced changes in several already existing decrees and application decisions, like the Energiedecreet (the Energy Decree of 8 May 2009), the Energiebesluit (the Energy Decision of 19 November 2010), technical regulations for the distribution of electricity and natural gas, the environmental licensing regulations (VLAREM), Technical Specifications (STS), etc.

The EED implementation also impacted existing non legislative tools like for example the Agreements with the industry, communication or financial instruments.

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 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 close 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 for large enterprises 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.

In addition to that, 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.

Federal Gouvernement

Article 6: Federale Overheidsdienst van de Kanselarij van de Eerste Minister, Wet van 15 mei 2014 tot wijziging van de wet overheidsopdrachten en bepaalde opdrachten voor werken, leveringen en diensten van 15 juni 2006 en van de wet van 13 augustus 2011 inzake overheidsopdrachten en bepaalde opdrachten voor werken, leveringen en diensten op defensie- en veiligheidsgebied, gepubliceerd in het staatsblad op 28 mei 2014.

2. Status of the implementation

2.1. Legislative provisions

This table contains information on how the EED has been implemented by article, including any relevant web links.

EED Article	Implementation status
Art3	The three regions and the federal level contribute to the Belgian target of 18% reduction in the primary energy consumption in 2020. (Belgian objective sent to European Commission in May 2013)
Art 4	<p>Walloon Region: The 1st draft of the long term renovation strategy of the Walloon building stock has been annexed to the NEEAP3 in April 2014 and will be revised in the NEEAP4 of April 2017. This renovation strategy builds upon existing support schemes (subsidies and 0%interest loans for the citizens, subsidies in the public sector, large renovation scheme in the social housing sector, education of skilled people in the construction sector, network of energy managers and auditors, ...).</p> <p>Flemish Region: A first reporting of the renovation strategy was provided to the Commission in April 2014 annexed to NEEAP3. https://ec.europa.eu/energy/sites/ener/files/documents/Flemish%20NEEAP_en_0.pdf. An important objective of Flemish energy policy is to improve the energy performance of the existing building stock systematically by means of an active promotion and public awareness policy, innovations in the building sector and the gradual introduction of obligations. To fulfil the Flemish policy target for the energy consumption of existing buildings, two strategies are being followed: a basic strategy and a leaders' strategy (p. 44-49 of the Third Flemish Energy Efficiency Action Plan).</p> <p>Brussels Capital Region: A first reporting of the renovation strategy was provided to the Commission in April 2014.</p>

EED Article	Implementation status
	<p>The cost-effective approach for refurbishment of building was awarded as best practice by the commission (see p.60 http://bpie.eu/uploads/lib/document/attachment/86/Renovation_Strategies_EU_BPIE_2014.pdf)</p> <p>The reflection on the improvement of that strategy is on-going in thematic working groups.</p>
Art5	<p>Walloon Region The Belgian central governments have opted for the alternative approach and report their progress towards the 3% renovation targets each year in the EED annual report. For other public authorities in Wallonia, the UREBA subsidy scheme incentivises EE investments and audits or feasibility studies, and large .</p> <p>Flemish Region: The target is set on the basis of the consumption and surface area information of the buildings falling within the scope of the Directive, as specified by articles 5(1-4). As the Flemish government is opting for the alternative approach, the target is not calculated as 3% of the total useful floor area of these buildings. However the equivalence of the saving that will be achieved must be demonstrated. Equivalence is demonstrated by comparing the standard approach, i.e. renovation of 3% a year of the useful floor area and the associated energy saving, with the energy saving to be achieved under the alternative approach.</p> <p>Brussels Capital Region: Alternative approach chosen: notified to the Commission end December.</p> <p>Federal government: Several federal actors are involved in the implementation: the “Régie des Bâtiments” as the real estate expert of the Federal State and the users of the federal government buildings themselves who gather within the EMAS network. (http://www.regiedesbatiments.be/index2_fr.cfm) Pursuant to the choice of an alternative approach, the federal government has several tools available: a combination of investments, rationalizations and behavioural changes.</p>
Art6	<p>Federal competence Wallonia supports the federal action in the public procurement procedures through the Walloon Sustainable Development Strategy, including technical specifications for buildings, formal notes on sustainable purchase, and inclusions of environmental, social & energetic clauses...</p> <p>There is a guide for public procurement of supplies and services available for the contracting authorities of the Federal Public Services. In this guide voluntary guidelines and technical requirements are included to promote and improve energy efficiency. This guide can be found in Dutch or French on the following website: http://www.gidsvoorduurzameaankopen.be</p>
Art7	<p>Alternative approach chose by the three regions: notified to the Commission the 5th December 2013. The annual reports were done in April 2015 and April 2016 and showed that the Region is on track with its target for 2014 and 2015.</p> <p>Walloon Region Wallonia notified a cumulative target of 25 675GWh for the 2014-2020 period, to be reached with alternative measures covering the residential sector (grants & loans), public sector (subsidies & renovation scheme), and industrial sector (voluntary agreements). EED 2016 annual report showed that by the end of 2014, the results were on tracks with the expectations.</p> <p>Flemish Region On 22 November 2013 the Flemish Government formally acknowledged the communication notifying the European community of the alternative approach, which was notified on 10 December 2013. The full notification can be found at: http://ec.europa.eu/energy/sites/ener/files/documents/article7_nl_belgium.pdf. Flanders inserted detailed information sheets into the notification demonstrating compliance with the</p>

EED Article	Implementation status
	criteria for each policy measure.
Art8	<p>Walloon Region: PAE (residential), AMURE (industry) & UREBA (public sector) audit schemes have been revised to comply with EED requirements. Their accreditation procedures ensure the quality requirements for these audits. More than 85% of the industry consumption is covered by Voluntary agreements based upon extensive energy audits and implementation of measures with a payback time up to 5years. Many communication channels & a wide network of counsellors also support energy audits.</p> <p>Flemish Region: This article has been fully implemented in the environmental licensing regulations (VLAREM).</p> <p>Brussels Capital Region This article has been fully implemented in the CORBACE end 2015.</p>
Art9	Walloon Region:
Art10	Even if Wallonia did not opt for a systematic rollout of smart meters, consumers are provided with competitively priced accurate individual meters. All EED requirements have been duly incorporated in the electricity & gas Walloon legislation. The heat metering requirements are incorporated in the new NZEB and the SOLTHERM Walloon legislation.
Art11	<p>Even if Wallonia did not opt for a systematic rollout of smart meters, the Walloon legislation for gas & electricity provide minimal requirements about customer's consumption information. Moreover, the Walloon energy regulator informs about electricity & gas prices in Wallonia. Information about billing and consumption are free of charge in Wallonia.</p> <p>Flemish Region: Implemented in the Energy Decision of 19 November 2010 and in the technical regulations for the distribution of electricity and natural gas. A decision is also in the process of adoption (implementation article 10).</p> <p>Brussels Capital Region: The ordinances for the organisation of the electricity market and the gas market have been modified in order to take into account those articles provisions. A decree is in the process of adoption, it has been adopted in first reading.</p>
Art12	<p>Walloon Region: Several legislative and non-legislative tools ensure the information of the Walloon consumer to support EE investment: The Rational Use of Energy Decree, the PRIMES order, The ECOPACK order, the electricity and gas regulations (Progressive & Solidarity-Based Tariff for electricity order, the low revenues energy order. Non legislative tools are for example the extensive counsellors network, communication campaigns such as BATEX (exemplary building projects) or CALE (building with energy), as well as TV, web or radio spots, or participation to thematic fairs.</p> <p>Flemish Region Implemented in the Energy Decree, the Energy Decision and in alternative measures.</p> <p>Brussels Capital Region: Already existing in Brussels legislation</p> <p>Federal Government:</p> <ul style="list-style-type: none"> • The energy guzzlers website (Dutch: www.energievreters.be / French: www.energivores.be) is a sophisticated but handsome internet-based CO2 calculator • Make available a database allowing manufacturers to declare environmental impacts over the full life cycle of construction product. As a result, one will also be able to take into account the "embedded-energy", the energy required to produce, install, maintain and remove a construction product. • Eco-checks for energy saving light bulbs • Survey on insulation materials

EED Article	Implementation status
	<ul style="list-style-type: none"> • Drivers of vehicles of the group 2 (vehicle categories C and D) must follow a periodic training which contain at least one module of defensive or economical driving (eco-driving module) • Promotion of modal shift by: <ol style="list-style-type: none"> 1. Promotion of public transport: roadway lane reserved for buses; Free train services are funded by the Federal Government for civil servant commuters; 2. Promotion of car-sharing: "Cambio" with the participation of regional carriers STIB, De Lijn and TEC. <p>Promotion of employee commuter plans: Free train service are funded by the Federal Government for civil servant commuters; Extension of the fiscal deduction of expenses incurred for homework travel, when using alternative transport (foot, bicycle, public transport, etc.).</p>
Art13	<p>Walloon Region: Wallonia opted for the alternative approach in art 7. The Walloon Government will take the necessary corrective measures when needed. Specific articles in the electricity & gas decrees ensure provisions in case of eventually needed sanctions for other articles.</p> <p>Flemish Region: Specific articles in the Energy Decree and in the environmental licensing regulations (VLAREM) ensure provisions in case of eventually needed sanctions for other articles.</p> <p>Brussels Capital Region: Implemented in Brussels Capital Region</p>
Art14	<p>Walloon Region The Walloon potential assessment has been duly communicated to the Commission. The costs & benefits analysis at the individual level has been implemented in the environmental permit regulation, without any exemption. Besides specific requirements in the environmental and PEB building permits procedures, the Walloon legislation supports the district heating and cogeneration through the Green Certificates mechanism, and through specific grants like AMURE, UREBA, PRIMES, ... or through a network of skilled counsellors (facilitators). Implemented in the Energy Decree, the Energy Decision, the environmental licensing regulations (VLAREM), and in alternative measures.</p> <p>Flemish Region Brussels Capital Region: Implemented in Brussel Capital Region</p>
Art15	<p>Walloon Region: The electricity decrees provides provision for the relative roles of the Walloon Regulator (CWAPE) and the OSD regarding the network energy efficiency and DSM aspects and regarding the priority for the green electricity (including quality cogeneration).</p> <p>Flemish Region Implemented in Energy Decree and the environmental licensing regulations (VLAREM).</p> <p>Brussels Capital Region Implemented in Brussels Capital Region</p> <p>The ordinances for the organisation of the electricity market and the gas market have been modified in order to take into account those articles provisions</p>
Art16	<p>Walloon Region The high quality of Walloon energy services is ensured by qualification mechanisms such as described in the orders PEB, Certification, AMURE, UREBA, PAE, and heating.</p> <p>Flemish Region The high quality of Flemish energy services is ensured by qualification mechanisms such as described in the Energy Decree, the Energy Decision and Technical Specifications (STS), e.g. recognition scheme for energy experts for buildings, qualification scheme for cavity wall insulation, qualification scheme for enterprises, recognition scheme for energy</p>

EED Article	Implementation status
	<p>experts within the framework of energy policy agreements with energy-intensive companies, etc. Brussels Capital Region Implemented in Brussels Capital Region</p>
Art17	<p>Walloon Region No specific legislative instrument needed for communication, but plenty of communication channels are used by Wallonia to raise end-users awareness about energy efficiency Flemish Region Cfr. Article 12 EED. The Flemish Energy Agency has developed a number of instruments which can provide citizens with customised advice on a number of energy saving investments, such as roof insulation, wall insulation, replacement of single glazing, replacement of old central heating boilers, installation of a solar boiler or photovoltaic solar panels (called 'energy profit calculators', see www.energiesparen.be/energiewinst). There are also energy consultancy projects, demonstration projects and supporting surveys. Brussels Capital Region: Implemented in Brussels Capital Region</p>
Art18	<p>Walloon Region No specific legislative instrument, but in order to support the federal action to promote energy performance certificates and labels, Wallonia dedicated a specific page to energy services on its website "energie.wallonie.be" Flemish Region The expansion of the grant schemes for energy-saving investments has given a strong boost to the energy-saving investments market as can be seen from the evolution of grants paid by the system operators for the period 2008-2012. Cfr. the list of energy services at p. 34-37 of the Third Flemish Energy Efficiency Action Plan. There are energy services for companies, for local councils, for public buildings and for vulnerable families. Brussels Capital Region: Implemented in Brussels Capital Region Federal Government <i>Belesco is the "Belgian ESCO Association" (www.belesco.be)</i></p>
Art19	<p>Walloon Region PEB decree and housing legislation ensure minimal energy requirements for buildings, and the performance of the building is communicated to the buyer or tenant. 0%-loans ECOPACK or Energy grants also incentivise the energy efficient renovation of buildings. Flemish Region The energy efficiency measures undertaken or planned to implement Article 19 are e.g. energy performance requirements in the Flemish Housing Code from 2015, measures in the social housing sector and public awareness measures. Brussels Capital Region: Implemented in the Brussels Capital Region</p>
Art20	<p>Walloon Region: Wallonia has set up several funds for financing energy efficiency investments: the Energy Fund in the electricity decree, the Kyoto Fund. These funds are complemented by specific financing instruments like EPURE or SOWAFINAL for public lighting, Ecopack for the renovation of residential houses or PIVERT for the renovation of social housings Flemish Region: The Flemish government has set up the <i>Energy Fund</i>, which is a budgetary fund as defined in Article 12 of the Accounting Decree of 8 July 2011. The Flemish government has set up the <i>Climate Fund</i>, which is a budgetary fund as defined in Article 12 of the Accounting Decree of 8 July 2011. The Climate Fund was established by the Decree of 13 July 2012 containing provisions to accompany the second amendment of the 2012 budget. Brussels Capital Region: Implemented in the Brussels Capital Region</p>

EED Article	Implementation status
Art24	The Belgian NEEAP has been duly communicated to the Commission. It consisted of a chapter of the three regions and the federal government. NEEAP4 is already in preparation.

2.2. Non-legislative provisions

In addition to legal implementation, what other measures are taken, are there any additional instruments?

Are there any national co-operation mechanisms: working together with others in order to enhance EED implementation? Voluntary agreements?

There is national cooperation between the Federal Government and the Regions in working groups to enhance EED implementation.

Walloon Region

The Industrial federations have committed themselves to a 2nd phase of voluntary agreements in 2013.

The 2014 Walloon NEEAP3 listed all existing EE measures, and evaluated their contributions to the Walloon & Belgian EE targets. Next year NEEAP4 will update them.

The recently adopted (April 2016) Walloon Air Climate & Energy Plan is also supporting EED implementation.

Flemish Region

Energy Policy Agreement with the industry.

The Third Flemish Energy Efficiency Action Plan (2014) listed all existing EE measures, and evaluated their contributions to the Flemish & Belgian EE targets. Next year NEEAP4 will update them.

Brussels Capital Region

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 144 actions into 64 measures which are declined into 10 axes : building, transportation, renewable energy, economy, global city planning, consumption, social dimension, climate change adaptation, air surveillance and international mechanisms.

The Brussels air-climate-energy plan should be definitely adopted by the Government for the last reading by the end of June 2016.

3. Future activities

Please provide any information on planned changes in relation to EED implementation.

In Wallonia, the NEEAP4 preparation.

4. Relevant information

Flemish Region: www.energiesparen.be

Brussels Capital Region

- New call for project of exemplary buildings <http://www.beexemplary.brussels/>
- Alternative measures article 7 :
 - o The Energy houses have a new structure but are still functioning <http://www.maisonenergiehuis.be/>
 - o Grants are adapted each year <http://www.environnement.brussels/thematiques/energie/primes-et-incitants/les-primes-energie-en-2016>

A low carbon development strategy is under development as requested by the decision 529/2013/EU