

# ESD implementation in BELGIUM

In Belgium the implementation of the EDS 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. The target to reduce energy consumption with 9% towards 2016 has been divided between the 3 regional governments. The federal government has not been imposed a specific target.

Belgium has fully transposed the EDS directive. Each region and the federal level has implemented the requirements in its own field of competences.

## Legal context

### Federal level

At the federal level, a Royal Decree has been put into place designating the Directorate-General for Energy, part of the Federal Public Service (a ministry) for Economy, SMEs, Self-employed and Energy, as the regulatory body for the federal energy saving measures. The responsibility of the implementation of the federal measures is divided between the Federal Public Services: for Economy, for Health, Food Chain Safety and Environment (responsible for environmental issues), for Mobility and Transport (responsible for transportation matters), for Finance (responsible for tax rebates and other fiscal incentives).

### Walloon region

In the Walloon region, implementation of the ESD is the responsibility of the Ministry of sustainable development. All the ESD requirements have been set up in place, even if some adaptations still need to be put in place into the regional legislation. At the time of writing, no date has been defined but it's a priority of the new governmental team set in place after elections of June 2009.

Many adaptations of the Walloon laws have been introduced, with the target to set this legislation in conformity with the implications of the ESD Directive. For example (the purpose is not to be exhaustive):

- The ordinance of the 8<sup>th</sup> of October 2008 gives a new definition of the context in which the subsidies for rational use of energy can be allowed.
- The ordinance of 27 the August 2009 modifying the Walloon code for town and country organization to define the procedures dealing with the energy performances of housing.

- The ordinances of 17<sup>th</sup> July 2008 organizes the electricity and gas market following the recommendations of the ESD directive.

### Brussels Capital Region

For the Brussels Capital Region, all dispositions have been taken to meet the expectations of the Directive. The Regional Ministry of Energy and Environment intends to develop further some field of action in the coming few years.

For Brussels Capital Region, the Directive is legally transposed through several texts. Some existing laws already allowed to fulfil some of the expectations of the Directive and others have been amended (e.g. Ordonnance du 19 Juillet 2001 relative à l'organisation du marché de l'électricité en Région Bruxelles Capitale). Texts that have been created to fulfil the expectations of the Directive were mainly decrees (e.g. Arrêté du Gouvernement de la Région de Bruxelles-Capitale du 28 Mai 2009 relatif à l'introduction de véhicules plus respectueux de l'environnement dans les flottes des autorités régionales).

### Flemish Government

In the Flemish Region, the Flemish Energy Agency. Is responsible for the coordination of the implementation of the ESD. The directive is fully transposed. The legislation already existed (decree on the rational use of energy, Energy performance decree, decree on the electricity and gas market). Part of the transposition is done by non-legislative measures, such as voluntary agreements.

## Status of the implementation

Belgium has reached full implementation of the ESD requirements. In practice this means that each region and the federal state have implemented the articles, for which they are competent.

Table	Status
Article 1	No implementation necessary
Article 2	No implementation necessary
Article 3	If necessary, implementation is done with the transposition of the articles in which the definitions are used
Article 4 , first, second and third paragraph	The NEEAP, which consisted of the federal EEAP and the three regional EEAPS, was submitted in December 2007.
Article 4 , fourth paragraph	The control organism has been determined for each region and for the federal state.
Article 5	Several measures are in place , corresponding to the list of possible measures set out in Annex I. Further there are a dissemination activities of good practices in the three regions (for example CD-ROM energie +).  The Flemish Region has introduced a voluntary agreement for local authorities.
I	The control organisms of the regions defined in the context of article 4 are also responsible for monitoring the obligations of energy efficiency improvement measures in the public sector.
Article 6	Walloon region: Fully transposed in the legislation relative to gas and electricity markets.

Table	Status
	The system of voluntary agreements will end in 2012, but the intention of the government is to extend their validity period and to include other organizations in the system, such as small businesses,
	Brussels Capital Region: transposed in the legislation relative to gas and electricity markets.
	<p>Flemish Region Grid operators, fuel suppliers and producers of renewable energy and CHP are obliged to report data on energy consumption to the Flemish Government (decision of the Flemish Government of 14 the April 2004).</p> <p>Undertakings with a yearly primary energy use between 0,1 and 0,5 PJ can enter into the audit covenant. These undertakings must carry out an energy audit to map the energy savings potential. Furthermore they become engaged to implement all the measures that are economically feasible.</p> <p>An Energy Fund has been founded via the Electricity decree. The penalties for not complying with the legislation (for example non compliance of the grid operators with regards to their energy savings target) are contributed in the fund. The Flemish Government can use the fund for her energy policy.</p>
Article 7	<p>No legal implementation necessary</p> <p>Walloon Region: A communication structure has been set up to fulfill the obligations bound to this article, especially with the launch of energy houses.</p> <p>A website is also set at disposition of the public where it can be possible to get all needed information about subsidies and about type of insulation works. It's also possible to do simulations so that the consumer can estimate the rentability of insulation in his own case.</p> <p>Many media communications have been employed to improve the awareness of the public concerning the necessity of energy savings.</p>
	<p>Brussels Capital Region: Various actions are taken to disseminate the information to and through different actors (building professionals, energy equipment professionals, energy sector, "facilitateurs", wide information campaign...) Much information is available online on the website of IBGE <a href="http://ibgebim.be">http://ibgebim.be</a> Conditions have been set for <b>market operators to provide information and advice</b> to final customers on energy end-use efficiency</p> <p>Flemish Region: The Flemish Energy Agency has a website <a href="http://www.energiesparen.be">www.energiesparen.be</a>. On a regular basis communication campaigns about the rational use of energy are held.</p>
Article 8	<p>The Walloon and Brussels capital Region have already defined the conditions necessary to be an energy auditor.. Already published in an ordinance. No need of a complementary transposition.</p> <p>In the Flemish Region there is an authorisation needed to carry out an energy audit for households and also to make an energy performance certificate.</p>

Table	Status
Article 9	<p>For the public sector, FEDESCO, does the pre-financing and realisation of energy efficient measures for 1800 buildings of the federal government. FEDESCO also develops Energy Performance Contracts. Further Fedesco transfers his knowledge about third party financing and Energy Performance contracting to regional and local authorities.</p> <p>For households the Federal Government has created the Fonds for the global reduction of the energy costs.</p> <p>In 2008, in the Walloon government created SOWALFINA with the target to let her help the societies involved in the third financing system. Those ones are already active for public sector and the intention is to give them the possibility to get into the private market.</p>
Article 10	The Flemish Government has imposed public service obligations on the rational use of energy on the grid operators.
Article 11	<p>A special fund (energy fund) has been set up to help the final consumer to take the necessary measures concerning the improvement of their household energy efficiency.</p> <p>This fund has been modified by the ordinance of 08/10/2008</p>
	<p>Brussels Capital Region: A fund for energy policies is established by the law concerning gas and electricity markets</p> <p>Flemish Region: An energy fund is founded with the Electricity Decree</p>
Article 12	<p>In the Walloon Region a network of auditors has been installed to permit the consumer to call their services in the aim to do an energy audit. Following the subsidy system promoted by the Walloon region, the cost of such an audit is near zero for the final consumer.</p> <p>In the Flemish Region are besides the energy performance certificate for residential buildings the following energy audit schemes in place for households: Energy Advice Procedure (tailored advice for dwellings) and Energy Scans (quick advice)</p> <p>For undertakings an audit covenant exists (zie also article 6). New corporations with a primary energy use of 0,1 PJ of changes on existing installations, for which a permit is necessary, are obliged to carry out an energy audit. The undertaking has to prove that his installation is the most energy efficient within economic boundaries Further the Agency Undertakings has 8 account managers that carry out energy audits for corporations.</p>
	Several audit schemes exist in Brussels capital Region. The Region offers a 50% reimbursement for energy audits realised by certified advisers. Free audits are also possible for collective housing,
Article 13, 1	<p>Is implemented</p> <p>In the Walloon Region and the Flanders Region a feasibility study for smart metering is done by the regulator. Depending of the results, the specifications will be defined, so that a pilot project on smart metering can be launched</p>
	In Brussels Capital Region a pilot project is in process, piloted by the grid operator.
Article 13, 2 & 3	In force in the actual legislation of the electricity and the gas market
Article 14	No implementation necessary
Article 15	No implementation necessary
Articles 16 to 20	No implementation necessary

Table 1 – Implementation table

## Additional efforts

### Walloon Region

A first draft of the general energy policy 2010-2020 has been written with many new recommendations concerning the energy policy of the Walloon region in the coming 10 years, and particularly the development of renewable energy. This plan is much more than a second NEEAP, but it contains all needed guidelines to define this one for 2011. The former Walloon government took knowledge of it, but this document is not still formally approved.

### Brussels Capital Region:

A special effort will be made to produce a unique transversal action plan for Air, Climate and Energy, including energy efficiency and Buildings performances but also development of renewable energy sources. Given the features of the Region, most of the efforts should be focused on the energy performance of buildings. Electricity consumption is another field the government plans to address in the coming few years. Besides, a study is in process to evaluate the possibilities and implications of a development of smart metering.

The law on energy market should very soon be amended to improve a few points, including information appearing on the bills.

### Flemish Government

In Flanders a climate policy plan describes the climate goals for Flanders. Flanders will meet its Kyoto targets with the implementation of the Flemish Climate Policy Plan 2006-2012. 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. To allow efficient follow up by the Flemish Government, the 2006-2012 Flemish Climate Policy Plan (2006-2012 FCPP) provides for two-yearly progress reports that give an account of the state of affairs of the Flemish climate policy.

The energy policy note 2009-2014 of the new minister of energy contains already a package of new energy measures that will be implemented during this legislature:

## Future planning

### Federal Government

The evaluation of the first Federal EEAP will start in 2010. Only the impact of the federal measures with an adding value to the regional policy measures will be evaluated, to avoid double counting.

### Walloon region

The evaluation of the first NEEAP is in progress and soon, the first conclusions will be taken from the analysis. This means also that the preparatory process for the second NEEAP has started, and will be build gradually.

This planning shall be defined very soon with the government. At the time of writing, there is no possibility to estimate it.

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The existing subsidies will be evaluated in relation with the energy savings targets set up in the first NEEAP. The new government (formed after the elections of 2009) shall also decide the future guidelines for the politic of subsidiation with a focus set at insulation measures. They seem in fact have the highest priority as the development of renewable energy.. This is still in discussion but additional efforts will be done with the aim of adapt the buildings park to new constraints which will be described in the next NEEAP.

Actually, the subsidies given to the consumer by the Walloon region are mainly for the replacement of single glasses, insulation measures of the buildingshell (roof, floor and walls), replacement of boilers, solar heating heat pumps, and so on. The partial suppression of the subsidy for photovoltaic panels has to be planned for January 2010. It was given as starting incentive for the launch of this new activity sector, and now this sector reached a sufficient rentability to be selfsupporting.

### **Brussels Capital Region**

The evaluation of the first NEEAP and the preparatory process for the second NEEAP are also in progress.

The Region intends to further develop some aspects of energy efficiency, and especially third party financing and improving energy efficiency in electricity consumption. Work is in process to define future measures, in the framework of a transversal action plan mentioned above.

### **Flemish Region**

The evaluation of the first NEAAP is in progress. The preparatory process for the second NEAAP has started. The Flemish Energy Agency continuously reviews the energy efficiency improvement measures. Since the first NEAAP new measures were already put in place (for example the renovation programme 2020 for housing) or existing measures have been adapted (for example the energy savings target for the grid operators was raised).

As the evaluation of the first NEEAP is on the way, Flemish region will further develop new measueres, if needed. The energy policy note 2009-2014 of the new minister of energy contains already a package of new energy measueres that will be implemented during this legislature:

## **Relevant information**

Walloon Region: [energie.wallonie.be](http://energie.wallonie.be), [environnement.wallonie.be](http://environnement.wallonie.be) [recherche-technologie.wallonie.be/](http://recherche-technologie.wallonie.be/)

Brussels Capital Region: <http://www.ibgebim.be/>

Flemish Region: [www.energiesparen.be](http://www.energiesparen.be)