

EED implementation in The Netherlands

Introduction

The implementation of the Directive on Energy Efficiency (EED) (2012/27/EU) is the responsibility of the Ministry of Economic Affairs. Also the Ministry of the Interior and Kingdom Relations and the Ministry of Infrastructure and the Environment are involved in the implementation of the EED. The Netherlands Enterprise Agency (RVO.nl) implements several instruments and programmes related to energy efficiency in assignment of the Ministries. The Energy Research Centre for the Netherlands is involved for calculations regarding energy efficiency (EE).

1. Legal context

To implement the EED, changes have been made to several national laws. These have been among others effectuated by the law on the implementation of EC directives energy efficiency, the electricity law, the gas law, law on heat. They all came into force in July 2015 together with a temporary regulation for the implementation of articles 8 and 14 of the EED. In the Netherlands the EED obligations have been fully transposed into national laws.

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
Article 4	<p>Article 4 of the EED requires European Member States to establish a long-term strategy for the renovation of buildings. The strategy of the Netherlands is based on the Energy Agreement for Sustainable Growth that was concluded in September 2013. The basic assumption of the Energy Agreement is that citizens and companies will themselves take responsibility for investments in energy-saving measures. The role of the national Government is to facilitate and encourage energy-savings where necessary and to implement certain regulations of a more restrictive nature. The national Government has provided an incentive for the financing of energy-saving measures in particular with the National Revolving Fund for Energy Savings for private home-owners and a subsidy-scheme for energy savings in the social housing sector.</p> <p>Additional measures will also be provided to assist municipal authorities in their role as promoters of energy efficiency at the local level and to provide homeowners with an (indicative) energy label. The government facilitates and encourages third parties to take energy-saving measures and deals with restrictive regulations. The government's renovation strategy can be divided into three activities:</p> <ol style="list-style-type: none"> 1. Own responsibility 2. Facilitating and encouraging 3. Financing and subsidising <p>This approach applies both for the building of residential and non-residential buildings.</p>
Article 5	<p>Article 5 EED obliges Member States to renovate 3% of the floor area of buildings owned and occupied by its central government each year and offers Member States the opportunity to opt for an alternative approach to achieve an equivalent objective. On the basis of Article 5(6) the Netherlands has opted for an alternative approach.</p> <p>The Ministry of the Interior has commissioned ECN in 2013 to calculate if the current approach of 2 % energy savings is as effective as energy reduction by 3% renovation would be annually. It</p>

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	<p>concerns buildings of the National Real Estate Company (7 million m2 premises of the Government Buildings Agency (GBA) (offices , courts, prisons , monuments , etc) and 6.5 million m2 of defense property from the Ministry of Defense). According to ECN the GBA would save 14%, (approximately 700TJ)with the approach of 2% energy savings. The service property Defense would save with the chosen approach 600 TJ savings ; about 300 TJ for defense property covered by the EED obligation. See ECN report 2013 .</p> <p>For the implementation of Article 5(7), the Minister of Infrastructure and the Environment is encouraging municipal and provincial authorities to draw up a local climate agenda setting out energy efficiency objectives. A local climate agenda also contains policies to reduce energy consumption in the built environment. The 'Road map to a climate-neutral municipal and provincial organisation' is one of the measures developed to achieve this.</p> <p>In the Energy agreement for sustainable growth, the International Cooperation Agency of the Association of Netherlands Municipalities and therefore the municipalities is responsible for energy efficiency in social property.</p> <p>Housing corporations are also developing initiatives to reduce energy consumption in the built environment. This is to implement the Energy Saving Agreement for the Social Rental Sector, which the Minister for Housing and the Central Government Sector has entered into with the housing corporations, in which they agree that housing corporations will reduce building-related energy consumption by 33% over the period 2008 - 2020.</p> <p>319 of the 420 municipal authorities in the Netherlands made use of the subsidy scheme to promote local climate policies (subsidieregeling stimuleringsmaatregel lokaal klimaatbeleid) (SLOK), which ran from 2008 to 2012. The payment helps local authorities to implement local climate policy. These municipal authorities have translated their energy objective into policy.</p>
Article 6	<p>The central government and the other authorities have been purchasing sustainably since 2007 to encourage sustainable production. A general purchasing framework is being developed to take account of energy efficiency in the central government's purchases. This framework is placed on the website PIANOo (the Dutch Public Procurement Expertise Centre; https://www.pianoo.nl/). Here expertise is built up through a large network of around 3,500 public procurement professionals and contracting authorities. PIANOo brings experts in specific areas together, pools knowledge and experience and provides advice. It also fosters dialogue between government contracting authorities and private sector companies.</p> <p>Public purchasing is centralized for several years, through DGOBR, part of the Ministry of Interior. This is divided into 34 purchasing categories and 34 category managers. There is an Interdepartmental Committee on National Operations (ICBR). The aim is that more and more services are purchased instead of products, and integral more and more is tendered and EMVI rather than lowest price. For fifty product groups sustainability criteria have been developed for sustainable purchasing. For the management and maintenance of buildings and infrastructure the use of energy performance contracts have been increased.</p>
Article 8	<p>In the built environment, energy audits are promoted by means of the energy label, the energy performance advice (EPA) and the energy management systems. These instruments are implemented independently by qualified experts and are verified by independent bodies. For the energy label this is done on the basis of the Energy Performance of Buildings Decree and the Energy Performance of Buildings Regulation.</p> <p>The use of energy audits in industry is promoted by the LTA3 (Long-Term Agreement 3, MJA3) and the Long-Term Agreement for the energy efficiency of ETS enterprises (MEE).</p> <p>To ensure that Article 8 of the Directive is fully implemented, additional requirements are now included in the temporary regulation for the implementation of Articles 8 and 14 of the EED (Tijdelijke regeling implementatie artikelen 8 en 14 Richtlijn energie-efficiëntie). This regulation stipulates that all large enterprises which do not carry out an energy audit under the LTA3 and MEE must have carried out an energy audit before 5 December 2015. It also guarantees that all</p>

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	large enterprises repeat their energy audit every four years. These provisions will become part of the Activities Decree on Environmental Management.
Article 8(5)	Article 8 (5) states that access of market participants offering energy services must be based on transparent and non-discriminatory criteria. The Competitive Trading Act and the supervision thereof by the Authority for Consumers and Markets (ACM) will ensure this.
Article 8(6)	<p>Article 8 (6) of the Directive states that enterprises that are not SMEs and that implement an energy or environmental management system - certified by an independent body according to the relevant European or International Standards - are exempt from the requirement to carry out an energy audit once every four years under the Directive.</p> <p>The temporary Regulation on the implementation of articles 8 and 14 includes an exemption from the requirement to carry out an energy audit for this situation.</p>
Article 8(7)	Article 8 (7) contains an optional provision for district heating and cooling networks. As part of the promotion of efficiency in heating and cooling a cost-benefit calculation must be made for new or substantially refurbished installations with a total input of more than 20 MW of the operation of the installation as a high-efficiency cogeneration installation. To determine whether a comprehensive cost-benefit calculation is necessary, the temporary Regulation on the implementation of articles 8 and 14 stipulates that a quick scan must be carried out as part of the energy audit.
Articles 9-11	The 1998 Electricity Act, the Gas Act, the Heating Act and the EU Energy Efficiency Directive (Implementation) Act contain regulations for the provision of meters. These acts provide that small consumers of gas, electricity, cooling and heat and large consumers of cooling can have an individual meter.
Articles 12 and 17	<p>Examples of instruments and policies implemented in the Netherlands to promote behavioural change by fiscal incentives include the Energy Investment Allowance (EIA, Article 3.42 of the 2001 Income Tax Act) for small entrepreneurs and the excise on mineral oils (Section 6, Chapter II of the Excise Act) for small customers and consumers. The EIA is a budgeted fiscal scheme that allows entrepreneurs to deduce a certain percentage of in the cost of energy-savings measures from their profit tax.</p> <p>The energy tax and excise duties on mineral oils are putting up the cost of using gas, electricity, petrol and diesel, for example, for small customers and consumers.</p> <p>Regarding information provision, the Netherlands Enterprise Agency distributes information via the internet about sustainable leases for buildings, for example, (Green Leases), performance contracts for the management and maintenance of buildings, and forms of mortgage which are combined with energy-saving measures. The website www.energiesubsidiewijzer.nl has been developed by the Netherlands Enterprise Agency and provides a list of subsidies, loans and other schemes for energy efficiency. MilieuCentraal and the National Institute for Family Finance Information provide consumers with information about energy efficiency via the website www.bespaartest.nl</p> <p>There are various enterprises offering energy services in the Netherlands. The independent network organisation Esconetwerk aims to put these parties in a better position to gather information about the provision of energy services and to utilise opportunities in this field. Esconetwerk's focus is on reducing the cost of setting up an energy service provision contract between the energy service provider and the owner, manager and/or user of a building and to increase the quality of the energy saving measures in these buildings. These measures provide banks and other financial institutions with information about the possibilities of participating in the financing of measures to improve energy efficiency, by setting up public-private partnerships, for example.</p>
Article 16	<p>The level of competence, objectivity and reliability of energy advisors in the Netherlands is very high. There are various training programmes for energy advisors and certifying bodies for the certification and accreditation of the training programmes for energy advisors.</p> <p>An example of a certifying body is the Stichting Kwaliteitsborging Installatiesector (Foundation for Quality Assurance in the Installation Sector) (KBI). KBI is an industry organisation which, amongst other things, certifies the design, installation and management of installations and assesses</p>

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	<p>means of ventilation in dwellings. Another example of a certifying body is the Platform for Certification of Environmental and Occupational Health & Safety Management Systems (SCCM). The SCCM is working on a clear certificate for example for ISO 14001 (environment), EMAS (environment) and ISO 50001 (energy). The SCCM establishes certification systems for this and publishes them on its website.</p> <p>The Accreditation Council (Raad voor Accreditatie) supervises the certifying bodies. This structure contributes to realising the national energy efficiency objectives. MilieuCentraal's website, aimed at consumers, refers to the importance of a certified customised solutions advisor.</p>
Article 18	<p>The Netherlands Enterprise Agency (RVO.nl) website distributes information to promote the market for energy services and access of small and medium-sized enterprises to this market. This information includes a template for a performance contract for the supply of heat and/or cooling by an ESCo and a number of other performance contract templates. The website of the Netherlands Enterprise Agency also provides information about financing structures and possible subsidies, such as the EIA.</p> <p>RVO.nl is participant of the Platform Duurzame Huisvesting. One of the tools of PDH is Menu on Performance contracting. It stimulates clients and ESCo's to use EPC for energy efficiency measures.</p> <p>RVO.nl developed a Guide on Procurement of Energy Performance contracting to help municipalities and other procuring organisations with defining projects with a performance contract.</p> <p>Energy service providers are listed on the internet (www.esconetwerk.nl). The list includes 41 suppliers and relevant parties, who signed the Transparens Code of Conduct. There are certainly more service providers available in the Netherlands, but these providers didn't sign this code. We do not know the extent to which ESCO services are used in the Netherlands, in the commercial sector and in the public sector, for e.g. energy efficiency and maintenance in buildings, in public lightning, housing, or for installations/products such as WKO (?), LED lightning, solar panels. However it will probably increase significantly in the coming years because the working method fits with a trend towards further cooperation, not simply tendering on the lowest price, but on the cost-profit ratio and finding and using core competencies (not every company is good at all aspects of operation).</p> <p>RVO.nl is involved in a H2020 project GuarantEE on capacity building and promoting EPCs, from April 2016 – March 2019.</p>
Article 19 and 20	<p>The independence of the network operators is guaranteed in the 1998 Electricity Act and the Gas Act (House of Representatives, 30 212). Good market access is assured by existing energy regulations and competitive trading legislation. We are also implementing this by making an open standard compulsory for the consumer port on the smart meter. This obligation is included in the General Order in Council on Remotely-Readable Meters. This gives third parties access to the measurement data obtained by the network operator via the smart meter, provided they obtain consent to this from the small consumer (privacy regulations). The problem of the split incentive in social housing is solved by the Housing Valuation System in which investments in improving energy efficiency are encouraged by means of a points system based on the energy label. An energy-efficient dwelling delivers more points under the points system than a dwelling that is not energy efficient. At the moment of writing there is new legislation proposed for energy performance compensation between tenants and landlords.</p> <p>The Netherlands has set up a national fund to implement the alternative policy measures under Article 7 of this Directive. Under the Housing Agreement (Parliamentary Papers II, 2012/2013, 32 847 No 42) the cabinet contributed a total of € 150 million in 2013 and 2014 to a national fund for energy savings in the built environment. This is a revolving fund, which means that the expenditure of the fund will be returned to the fund over time in the form of interest and repayment. This revolving fund is aimed at energy saving for tenants and homeowners and is supplemented with funds from the market, to achieve a total investment of € 600 million. The revolving fund started in 2013. The state provided a € 400 million subsidy for landlords in the rental social housing sector for investments in energy efficiency for the period 2014 - 2017 with the aim of contributing to the objectives of the Energy Saving Agreement for the Rental Sector.</p>

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Article 14 (7) (9) (10)	<p>Provisions are made in the temporary regulation for the implementation of Articles 8 and 14 to comply with Article 14. Article 14 (10) sets rules for guarantees of origin for high-efficiency cogeneration. These rules will be implemented in the Regulation on Guarantees of Origin for Electricity Generated in an Installation for High-Efficiency Cogeneration.</p> <p>Other measures: The development of efficient heat and cooling networks will be promoted by means of fiscal incentives such as the EIA and energy tax, but also by the LTA3, MEE, Green Deals, the Nationaal Expertise Centrum Warmte (National Heat Expertise Centre) and the setting of EPC standards.</p>
Article 15	<p>The 1998 Electricity Act, in common with the Gas Act, promotes network tariffs that are related to the most effective operation and quality of the electricity chain. As the network tariffs do not distinguish between providers of balancing and ancillary services by means of demand response measures or other measures, no additional requirements are needed for this.</p> <p>Annex XI.2 to the Directive specifies that tariffs or conditions for the transmission of electricity may not prevent network operators or energy retailers from offering services for demand response measures, demand management and distributed generation. The ACM has been appointed to supervise the tariffs and conditions of network operators to ensure that they do not constitute an impediment to the provision of the specified services and the energy efficiency of the electricity and gas market.</p> <p><u>Facilitating the promotion of demand response</u></p> <p>Providers of demand response services must be treated in a non-discriminatory way on the market for balancing and associated services. This was already the case in the Netherlands. All producers or customers with balance responsibility, including providers of demand response services, can compete in the market for the provision of system services if, by switching installations on or off, they can contribute to balancing the system.</p> <p><u>Energy efficiency for the design and regulation of energy networks</u></p> <p>The regulation of quality aspects of the operation of electricity and gas networks provides incentives for optimising energy efficiency in the energy system. This Bill also specifies that the ACM must take account of energy efficiency when performing its duties on the electricity and gas market. This will allow maximum use of the potential for energy efficiency in the electricity and gas networks. It also further implements Article 15 (2) of the Directive, which asks Member States to assess the remaining potential for energy efficiency in the networks.</p>

2.2. Non-legislative provisions

Schemes for alternative policy measures in accordance with Article 7 (9) and (10).

[The Energy Agreement for Sustainable Growth](#) (Social and Economic Council of the Netherlands, 2013) brings together the activities of over 40 organisations, including central, regional and local authorities, employers' and employees' organisations, nature conservation and environmental organisations, other social organisations and financial institutions, in fields such as energy efficiency. These parties aim to achieve an average annual saving of 1.5 % of the final energy consumption with the Energy Agreement and are thus expected to meet the EED objectives comfortably. Under this Agreement the parties have agreed a package of measures which is expected to produce a final energy consumption saving of about 100 PJ in 2020. The energy saving agreements are aimed at the built environment, at increasing the energy efficiency of industry, the agricultural sector and the rest of the commercial sector and at energy saving in mobility and transport.

Under Article 7, the Netherlands has opted for alternative measures. The Netherlands expects to achieve cumulative savings of between 387 and 562 PJ in final terms, of which 87 to 186 PJ will be through new policies. This new policy consists of policy measures agreed in the *Energieakkoord* [Energy Agreement for Sustainable Growth] concluded by the Dutch Government with more than 40 parties, among which industry, employers' associations, NGOs, trade unions, regional governments, etc. For an overview of the measures that have been taken, please see the Dutch report on Article 7: <https://ec.europa.eu/energy/en/topics/energy-efficiency-directive/obligation-schemes-and-alternative-measures> e.g. fiscal policy (energy tax policy and [Energy Investment Allowance](#)) voluntary agreements ([MEE and MJA](#)), De Stimuleringsregeling energieprestatie huursektor ([STEP](#)), etc.

Future activities

Future activities will be depending on the outcome of the revision of the EED by de EC. At the moment of writing there is new legislation proposed for [energy performance compensation between tenants and landlords](#).

Relevant information

Netherlands Ministry of Economic Affairs: www.ez.nl

Netherlands Enterprise Agency: <http://english.roo.nl/>

See also the [3rd NEEAP](#) for more information about the EE specific measures taken for built environment, industry, transport/mobility and agriculture. Also generic measures affecting more sectors are summarized here.

The strategy of the Netherlands is based on the [Energy Agreement for Sustainable Growth](#) that was concluded in September 2013.