

# National EED Implementation Report (NIR) 2021

## 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 support the regional policies in this topic.

### 1. Legal context

#### Brussels Capital Region

To meet all the challenges related to energy efficiency, renewable energy, climate, and 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 2 May 2013 and has been evolving ever since. It aims to:

- bring together regional air, climate and energy policies;
- minimise energy needs;
- reduce our dependence on non-renewable energy sources;
- use energy from renewable sources;
- promote the rational use of energy;
- improve the energy performance and indoor climate of buildings;
- reduce the environmental impact of mobility needs;
- set an example for public authorities in the field of energy performance of buildings, transport and energy efficiency.

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. The Climate Ordinance of 17th June 2021 significantly strengthens regional climate governance by incorporating new provisions into COBRACE. These changes include:

- the setting of targets for the reduction of direct and indirect regional greenhouse gas emissions. The Region must achieve carbon neutrality by 2050, by reducing direct regional emissions by a minimum of 40% in 2030, 67% in 2040 and 90% in 2050 compared to 2005. The Government will be responsible for establishing the regional policy for reducing indirect emissions in order to achieve a trajectory comparable to that of direct emissions by 2050. The methodological framework will be proposed by Brussels Environment by 1st January 2023 at the latest. This ambitious work is currently being developed;
- the formulation of principles to guide climate policy (cf. Article 1.2.5 of COBRACE);
- the creation of an independent Climate Experts Committee. Its mission is to assess the adequacy of regional policies and measures with regard to climate objectives, by producing an annual report and issuing opinions, at the request of the Government;
- a ban on the installation of coal and oil heating installations from September 2021 and June 2025 respectively.

Some other legislation related to the EED are:

- Ordonnance relative à l'organisation du marché de l'électricité en Région de Bruxelles-Capitale.
- Ordonnance relative à l'organisation du marché du gaz en Région de Bruxelles-Capitale.

## Wallonia

2012/27 EED was transposed in June 2014 and implemented in various existing or new legislations in Wallonia. The most relevant are the Environment Code, the spatial planning code, the housing code, the energy performance of building decree, the decree on the rational use of energy, the Climate Decree, the Heat Decree and the energy market legislation, along with their application orders, but there are plenty of other regulations that cover specific areas or measures from the EED scope.

The revised EED 2018/2002 complete transposition was notified in October 2020. The Walloon contributions to the new 2030 EU targets were defined in the Walloon contribution to the 2019 final Belgian NECP. This contribution is embedded in the Walloon Air-Climate-Energy Plan according to the climate decree.

## Flemish Government

Energy efficiency policies were implemented after 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.

The transposition of the revised EED 2018/2020 was completed and notified in January 2021. The Energy Decree and the Energy Decision were amended on several points. The contribution of the Flemish Government to the Belgium 2021-2030 target was defined in the Flemish Energy and Climate Plan, which was incorporated in the Belgian NCEP.

## 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
<b>Article 3</b>	The Belgian contribution to the 2020 and 2030 EU target has been notified through the final Belgian NECP end of 2019.
<b>Article 5</b>	<p><b>Federal government:</b></p> <p>Several federal actors are involved in the implementation: the “Régie des Bâtiments” as the real estate expert of the Federal State (<a href="https://www.regiedergebouwen.be/nl/energie-efficientie-gebouwen">https://www.regiedergebouwen.be/nl/energie-efficientie-gebouwen</a>), together with FPS which own their own buildings, such as Defense and Health Ministries.</p> <p>The users of the federal government buildings themselves gather within the EMAS network.</p> <p>Pursuant to the choice of an alternative approach, the federal government has several tools available: a combination of investments, rationalisations and behavioural changes.</p> <p><b>Brussels Capital Region:</b></p> <p>Alternative approach chosen: notified to the Commission at the end of December.</p> <p>The measures taken are the PLAGE<sup>1</sup> and NRClick<sup>2</sup>.</p> <p><b>Wallonia:</b></p> <p>Alternative approach was notified in 2013 and consists of collecting the actual energy consumption data of the obliged public building park and thus measuring the energy savings actually achieved each year.</p> <p><b>Flemish Region:</b></p> <p>The Flemish Region chose the alternative approach for the period 2014-2020.</p> <p>The Flemish Region aims to also make use of this option for the 2021-2030 period.</p>

<sup>1</sup> Local Action Plans for Energy Management (PLAGE). Organisations and enterprises with real estate bigger than 100,000m<sup>2</sup> are obliged to put in place a PLAGE project for their buildings. Federal and regional administrations with a real estate in Brussels bigger than 250m<sup>2</sup>, and other public administrations with a real estate bigger than 50,000m<sup>2</sup>, have to implement a PLAGE.

<sup>2</sup> NRClick is a programme accompanying public entities in their energy management. This programme relies on three complementary services: an energy accounting tool, a central purchasing service and support in the organisation and the monitoring of projects to improve the energy efficiency of public buildings.

EED Article	Implementation status
<b>Article 6</b>	<p><b>Federal and regional competence</b></p> <p>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 and 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: <a href="http://www.gidsvoorduurzameaankopen.be/nl/federale-regelgeving">http://www.gidsvoorduurzameaankopen.be/nl/federale-regelgeving</a></p> <p>Federal buyers can use this guide as a tool for implementing (voluntary and mandatory) sustainable procurement under the framework described in the circular of 16th May 2014: "Integration of sustainable development, including social clauses and measures in favour of SMEs, in the framework of public procurement by federal buyers."</p> <p>Energy efficiency is seen as one of the themes of sustainability.</p>
<b>Article 7</b>	<p>An alternative approach was chosen by all four Belgian entities.</p> <p>The <b>Federal government</b> contributes within its own competences through supporting measures (cfr. NECP).</p> <p>Three federal measures were notified on 8th September 2021: reducing traction losses (Railway); eco-driving course; and energy efficiency savings following from a reduced VAT (6%) for demolition and reconstruction.</p> <p><b>Brussels Capital Region:</b></p> <p>The effort required in the Region has been estimated at a cumulative energy saving from 2021 to 2030 of 8747 GWh.</p> <p><b>Wallonia:</b></p> <p>2014-2020 Article 7 scheme was notified in 2013 and its follow-up was made in the EED annual reporting.</p> <p>2014-2020 target for Wallonia was 25.675 GWhcum – of which 90% was already achieved acc. monitoring till end 2018 (cfr EED annual report 2020).</p> <p>2021-2030 target: 53.342 GWhcum, as notified in Belgium 2019 NECP.</p> <p><b>Flemish Region</b></p> <p>The Flemish Region notified a contribution of 87,89 TWh to the Belgian target.</p>

EED Article	Implementation status
<b>Article 8</b>	<p><b>Wallonia:</b></p> <p>A specific AGW “large Entreprise audit” under the rational use of Energy Decree covers the mandatory audit scheme for large enterprises since 2016.</p> <p>The 2nd generation of voluntary audits scheme with industry 2013-2020 (covenant under the Environmental Code) has been extended till 2023 with upwards revised targets.</p> <p>The AGW Amure (under the rational use of the Energy Decree, too) sets the audit methodology and accreditation criteria for auditors for all audit schemes (mandatory, voluntary agreements and incitatives for SMEs).</p> <p><b>Flemish Government</b></p> <p>Large companies have to submit an energy audit every four years. In 2020 an update of the four-yearly audit had to be submitted.</p>
<b>Articles 9-11</b>	<p><b>Wallonia:</b></p> <p>Articles 9-11 have been transposed in the energy market legislation, and in the Heat Decree.</p> <p><b>Flemish Region</b></p> <p>The changes in the revised EED directive were transposed in October 2020 through an amendment of the Energy Decree and the Energy Order.</p>

EED Article	Implementation status
<b>Article 12</b>	<p><b>Federal Government</b> has a series of new actions</p> <ul style="list-style-type: none"> <li>National information campaign on new energy labels, in close cooperation with stakeholders (cfr. <a href="https://economie.fgov.be/nl/themas/energie/energiebeleid/europese-context/energiebeleid-van-de-eu/energie-efficientie/energielabels">https://economie.fgov.be/nl/themas/energie/energiebeleid/europese-context/energiebeleid-van-de-eu/energie-efficientie/energielabels</a>)</li> </ul> <p>For the promotion of the modal shift, two new actions were added:</p> <ul style="list-style-type: none"> <li>Action plan for Cycling Promotion from the Belgian Federal Government (implementation 2021-2024)</li> <li>Mobility budget:</li> </ul> <p>All workers who, within the framework of the wage system applicable at their employer's premises, have a company car or who are eligible to do so, are taken into consideration for the mobility budget.</p> <p>The principle of this mobility budget rests on three pillars:</p> <p>Pillar 1: Environmentally friendly company car;</p> <p>Pillar 2: More sustainable modes of travel or intervention in the costs of housing (rent and interest on a mortgage loan) close (5 km) of the residential workplace;</p> <p>Pillar 3: Cash allowance.</p> <p>In <b>Wallonia</b>, there are many incitative schemes (households renovation grants – SMEs subsidies, voluntary agreements...)</p> <p><b>Flemish Government</b></p> <p>Regarding information provision, the Flemish Government distributes information on measures and subsidy schemes for energy efficiency via the website <a href="http://energiesparen.be">energiesparen.be</a> and through various communication campaigns.</p>
<b>Article 13</b>	<p><b>Federal Government:</b></p> <p>Belgium opted for the alternative measures under in Article 7, and each policy measure notified foresees the necessary corrective measures if applicable and necessary.</p> <p><b>Wallonia:</b></p> <p>Every alternative measure for Article 7 implementation includes a verification and sanction mechanism. Moreover, the annual monitoring allows the Walloon Government to take corrective measures in case the trajectory towards the target were lower than expected.</p> <p><b>Flemish Region</b></p> <p>Every alternative measure includes a verification and sanction mechanism.</p>
<b>Article 14</b>	<p>Belgium communicated its 2015 and 2020 comprehensive assessment of potential for efficient heating and cooling.</p>
<b>Annex IV footnote 3</b>	<p>A Belgian PEF value of 2.5 has been notified to the Commission on 6th July 2021.</p>

## 2.2. Non-legislative provisions

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

### Brussels Capital Region

On 2nd June 2016, the Brussels Government adopted the Regional Air-Climate-Energy Plan (PACE) during a special government session dedicated to the climate. The PACE has its legal basis in the COBRACE.

This plan proposes 64 measures and 144 actions that aim to enable the Region to reduce its emissions by 30% by 2025 (compared to 1990), as well as to achieve its air and energy objectives.

PACE targets the sectors that emit the most greenhouse gases and air pollutants (buildings, transport, etc.) encourages the production of renewable energy, and integrates air, climate and energy issues into Brussels' policies.

This plan is currently under revision in order to increase our target.

### Wallonia:

The Walloon contribution to the 2019 Belgian NECP is embedded in the Walloon Air-Climate-Energy Plan according to the Climate Decree.

More information on the Walloon energy efficiency measures can be found either in the last 2017 Energy Efficiency action Plan, or in the 2019 NECP.

### Flemish Region

The Flemish Energy and Climate plan contains the main priorities of the climate and energy policy for the next 10 years. In November 2021 additional climate measures were decided (<https://www.energiesparen.be/sites/default/files/atoms/files/VR%202021%200511%20DOC.1237-1%20Visienota%20VEKP%20Bijkomende%20maatregelen.pdf>)

## 2.3. Implementing bodies

For the **Federal Government** the following services are involved:

- FPS Economy, DG Energy
- FPS Finance
- Régie des Bâtiments
- FPS Health
- FPS Mobility
- Federal Institute for Sustainable Development

In **Brussels Capital Region** the implementation of the EED is coordinated by Bruxelles Environnement.

In **Wallonia**, the implementation of the EED is coordinated by the Walloon Public Service (SPW-TLPE), a department of Energy & Sustainable Building.

In the **Flemish Region** the implementation of the EED is coordinated by the Flemish Energy and Climate Agency.

### 3. Implementation of revised EED articles

Belgium notified a PEF value under Annex IV footnote 3.

The Federal Government has notified three measures under the revised Article 7 (EED 2018/2002).

Brussels Capital Region has completed the implementation.

By 20/10/2020, Wallonia notified the complete implementation of the revised articles.

The major new legislative act is the Heat Decree.

The major non-legislative act is the Walloon contribution to the final 2019 Belgian NECP as adopted by the Walloon Government in autumn 2019. It streamlined all energy and climate measures aiming at reducing the GHG emission, for which EE measures are a major delivering pillar.

The Flemish Region has completed the transposition of the revised EED. The legislative provisions have been transposed through amendments of the Energy Decree and the Energy Order.

### 4. Relevant information

**More info on transposition details can be found in the transposition notification to the Commission**

**More info for the Federal Government**

FPS Economy: <https://economie.fgov.be/nl/themas/energie/energiebeleid/europese-context/energiebeleid-van-de-eu/energie-efficiencie>

Régie des bâtiments: <https://www.regiedesbatiments.be/fr/efficacite-energetique-des-batiments>

**More info for Wallonia:** <https://energie.wallonie.be/fr/index.html?IDC=6018>

**More info for the Flemish Region:** [www.energiesparen.be](http://www.energiesparen.be)