



Renewable energy policy database and support – RES-LEGAL EUROPE

Regional profile: Flanders

Client: DG Energy

Contact author: Robert Schachtschneider, pt1@eclareon.com

Berlin, 26 April 2012





eclareon GmbH

Luisenstraße 41
10117 Berlin
Germany
Phone : +49 30 246 86 90
Fax: +49 30 246 286 94
www.eclareon.com



Öko-Institut

P.O. Box 1771
79017 Freiburg
Germany
Phone : +49 761 45295-30
Fax: +49 761 45295-88
www.oeko.de



ECN

P.O. Box 1
1755 ZG Petten
The Netherlands
Phone : +31-224-564450
Fax: +31-224-568486
www.ecn.nl





TABLE OF CONTENTS

RES-E SUPPORT SCHEMES	4
<i>Summary of support schemes</i>	<i>4</i>
<i>Basic information on legal sources</i>	<i>6</i>
<i>Further information</i>	<i>10</i>
<i>Support schemes</i>	<i>11</i>
RES-E GRID ISSUES.....	24
<i>Overview</i>	<i>24</i>
<i>Basic information on legal sources</i>	<i>26</i>
<i>Further information</i>	<i>28</i>
<i>Grid issues.....</i>	<i>29</i>
RES-H&C SUPPORT SCHEMES	38
<i>Summary of support schemes</i>	<i>38</i>
<i>Basic information on legal sources</i>	<i>39</i>
<i>Further information</i>	<i>41</i>
<i>Support schemes</i>	<i>42</i>
POLICIES.....	51
<i>Summary of policies</i>	<i>51</i>
<i>Basic information on legal sources</i>	<i>52</i>
<i>Further information</i>	<i>53</i>
<i>Policy categories.....</i>	<i>54</i>



RES-E support schemes

Summary of support schemes

Overview	Flanders supports electricity from renewable energy sources by means of a quota system, an ecological premium and a net-metering scheme.
Support schemes	<p>Subsidy: The ecological premium is designed to stimulate companies to invest in environmental friendly and energy efficient technologies including renewable energies. This subsidy is paid to companies that operate in the Flemish region (Art. 9 Decree on Economic Aid). Eligible technologies are registered within a limited technology list (LTL) compiled and revised by the Ministry on the basis of proposals made by VITO (Independent Research Centre). Projects are selected on a call for project basis 3 times per year. This subsidy cannot be combined with green electricity certificates (Art. 16 1° Decree on Ecological Investment).</p> <p>Quota system: The region of Flanders uses a quota system and a certificate trading scheme to support renewable energy (Article 7.1.10 in conjunction with Article 7.1.1, Article 7.1.5 § 1 2°, Energy Decree). In general, all renewable energy generation technologies are eligible for the quota system (Article 7.1.1 in conjunction with Article 7.1.3, Energy Decree, Article 6.1.16, Energy Regulation).</p> <p>Net-metering: All renewable technologies with a capacity ≤10 kW are eligible for the net-metering scheme.</p>
Technologies	In general, all renewable electricity generation technologies are eligible for support in the framework of the quota system. Regarding the subsidy, eligible technologies are set out in the technology list (LTL).
Statutory provisions	<ul style="list-style-type: none"> • Decreet houdende algemene bepalingen betreffende het energiebeleid – het Energiedecreet van 8 mei 2009 (Law Establishing General Conditions for Energy Policy - Energy Law of 8 May 2009) • Besluit van de Vlaamse Regering houdende algemene bepalingen over het energiebeleid – het Energiebesluit van 19 november 2010 (Regulation of the Flemish Government on General Conditions for Energy Policy - Energy Regulation of 19 November 2010) • Ministerieel besluit houdende de goedkeuring van het technisch reglement distributie elektriciteit Vlaams Gewest (Ministerial Decision on the approval of the technical regulation concerning the distribution of electricity in Flanders of 21. January 2010)



RES-LEGAL EUROPE – Regional Profile Flanders



- | | |
|--|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| | <ul style="list-style-type: none">• Besluit van de Vlaamse Regering tot toekenning van steun aan ondernemingen voor ecologie-investeringen in het Vlaamse Gewest (Decree of the Flemish Government dated 16 May 2007 on the granting of aids to companies for ecological investments undertaken in the Flemish Region)• Decreet betreffende het economisch ondersteuningsbeleid van 31 januari 2003 (Decree of 31 January 2003 on economic aid policy) |
|--|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|



RES-LEGAL EUROPE – Regional Profile Flanders



Basic information on legal sources

Name of legal source (original language)	Energiedecreet van 8 mei 2009	het Energiebesluit van 19 november 2010	Ministerieel Besluit van 21. januari 2010
Full name	Decreet houdende algemene bepalingen betreffende het energiebeleid	Besluit van de Vlaamse Regering houdende algemene bepalingen over het energiebeleid	Ministerieel besluit houdende de goedkeuring van het technisch reglement distributie elektriciteit Vlaams Gewest
Name (English)	Decree Establishing General Conditions for Energy Policy – Energy Law of 8 May 2009	Regulation of the Flemish Government on General Conditions for Energy Policy – Energy Regulation of 19 November 2010	Ministerial Decision on the approval of the technical regulation concerning the distribution of electricity in Flanders.
Abbreviated form	Energy Decree	Energy Regulation	Ministerial Decision
Entry into force	01.01.2011	01.01.2011	21.01.2010
Last amended on	15.12.2011		
Future amendments			
Purpose	The Energy Decree bundles all prior energy related decrees, e.g. electricity and gas decree, and stipulates general	The Energy Regulation replaces all prior energy related regulations and includes further details on the general conditions	The Ministerial Decision sets out the main regulations concerning the distribution of electricity in Flanders from a technical perspective covering inter alia grid



RES-LEGAL EUROPE – Regional Profile Flanders



	conditions for energy policy in Flanders.	for energy policy in Flanders.	access.
Relevance for renewable energy	The Energy Decree includes general principles for support for renewable energy.	The Energy Regulation was adopted to support renewable energy in Flanders and stipulates the terms and conditions for support and the subsidy levels for the different technologies.	The Ministerial Decision stipulates the requirements for grid access for an installation. From a procedural point, the document foresees a prioritisation of installations producing electricity from renewable energy.
Link to full text of legal source (original language)	http://212.123.19.141/ALLESNL/wet/detailframe.vwp?SID=0&WetID=1018092	http://codex.vlaanderen.be/Zoeken/Document.aspx?DID=1019755&param=inhoud	http://staatsbladclip.zita.be/staatsblad/wetten/2010/02/18/wet-2010035104.html
Link to full text of legal source (English)			



RES-LEGAL EUROPE – Regional Profile Flanders



Name of legal source (original language)	Besluit van de Vlaamse Regering tot toekenning van steun aan ondernemingen voor ecologie-investeringen in het Vlaamse Gewest	Decreet betreffende het economisch ondersteuningsbeleid van 31 januari 2003
Full name	Besluit van de Vlaamse Regering tot toekenning van steun aan ondernemingen voor ecologie-investeringen in het Vlaamse Gewest	Decreet betreffende het economisch ondersteuningsbeleid
Name (English)	Decree of the Flemish Government dated 16 May 2007 on the granting of aids to companies for ecological investments undertaken in the Flemish Region.	Decree of 31 January 2003 on economic aid policy
Abbreviated form	Decree on Ecological Investment	Decree on Economic Aid Policy
Entry into force	17.12.2010	31.1.2003
Last amended on		
Future amendments		
Purpose	The Decision on Ecological investment sets out the legal framework for the support of companies to invest in ecological techniques.	The Decree on economic aid policy sets out the rules and procedures for companies to apply for ecological investment subsidy.
Relevance for renewable energy	The Decision on Ecological Investment entails the promotion of renewable energy technologies.	The Decree on economic aid policy entails the promotion of companies to invest in renewable energy technology.



RES-LEGAL EUROPE – Regional Profile Flanders



Link to full text of legal source (original language)	http://www.agentschapondernemen.be/sites/default/files/documenten/ep_20101217_bvr.pdf	http://www.agentschapondernemen.be/sites/default/files/documenten/ep_20030131decreet_economisch_ond_ersteuningsbeleid.pdf
Link to full text of legal source (English)		



RES-LEGAL EUROPE – Regional Profile Flanders



Further information

Institution (name)	Website	Name of contact person (optional)	Telephone number (head office)	E-mail (optional)
Vlaamse Ministerie van Energie, Wonen, Steden en Sociale Economie – Flemish Ministry of Energy, Housing, Cities and Social Economy	http://www.vlaanderen.be/servlet/Satellite?c=Solution_C&cid=1246630941683&context=1141721623065-----1246630935985&p=1186804409610&pageName=Infolijn%2FView		+32 2 552 61 00	kabinet.vandenbossche(at)vlaanderen.be
Vlaamse Regulator van de Elektriciteits- en Gasmarkt (VREG) – Flemish Regulator of the Electricity and Gas market	http://www.vreg.be/en		+32 2 55 313 79	
Vlaamse Energieagentschap (VEA) – Flemish Energy Agency	http://www.energiesparen.be/			
Agentschap ondernemen (Enterprise Flanders)	http://www.agentschapondernemen.be		+32 0800 20 555	info@agentschapondernemen.be



Support schemes

Subsidy

Abbreviated form of legal source(s)	Decree on Ecological Investment, Decree on Economic Aid Policy	
Summary	<p>The ecological premium is designed to stimulate companies to invest in environmental friendly and energy efficient technologies. This subsidy is paid to companies that operate in the Flemish region (Art. 9 Decree on Economic Aid). Eligible technologies are registered within a limited technology list (LTL) compiled and revised by the Ministry on the basis of proposals made by VITO (Independent Research Centre). Projects are selected on a call for project basis 3 times per year. This subsidy cannot be combined with green electricity certificates (Art. 16 1° Decree on Ecological Investment).</p>	
Promoted technologies	General information	<p>In order to be eligible for the subsidy, the ecological premium differentiates between small and medium-size enterprises (SME) and large ones (LE) (Art. 3 2°, 3° and 4° Decree on Ecological Investment). According to Enterprise Flanders (Agentschap Ondernemen), enterprises are required to exert an activity listed in the NACE code and realise the subsidised investment within Flanders (Art. 9 Decree on Economic Aid Policy). Moreover, the public stake in the company shall be less than 50 % (independence criteria (as mentioned in Art. 3 2° c Decree on Economic Aid)). (). Eligible technologies are registered within a limited technology list (LTL).(Art. 15 Decree on Ecological Investment). This list is compiled and revised by the ministry on the basis of proposals made by VITO (Independent Research Centre). Projects are selected on a call for project basis 3 times per year. This subsidy cannot be combined with green electricity certificates (Art. 16 1° Decree on Ecological Investment).</p>



RES-LEGAL EUROPE – Regional Profile Flanders

	Wind energy			
	Solar energy	Eligible		
	Geothermal energy	Eligible		
	Biogas			
	Hydro-power			
	Biomass	Eligible		
Amount	The amount of subsidy is calculated as the percentage of extra investments (additional cost of investment) laid out in the LTL list (Art. 21 Decree on Ecological Investment). The amount of ecology premium is determine by the ecological performance of the technology (eco number), the eco class and the volume of the investment differentiating between small and medium enterprises (SME) and large enterprises (LE) (Art. 22 §1 Decree on Ecological Investment). The premium is the following:			
	Eco class	Eco number	Premium in % SME	Premium in % LE
	A	9	30 %	15 %
	B	6	20 %	10 %
	C	4-3	10 %	5 %
	D	2-1	5 %	-
	The premium can be increased in form of a bonus if the company on the date of submission disposes an energy, environmental or ecological efficiency scan, a valid environment certificate or a certified environment management			



RES-LEGAL EUROPE – Regional Profile Flanders

	system (Art. 22 §2 Decree on Ecological Investment). The bonus is the following:		
		Bonus in % (SME)	Bonus in % (LE)
	energy, environmental or ecological efficiency scan (Eerstelijns milieu-, energie- of eco-efficiëntiescan)	3 %	-
	environment certificate (Milieucertificaat)	5 %	-
	certified environment management system (Milieumanagementsysteem (ISO 14001/EN 16001/EMAS))	10 %	5 %
In 2011, the budget allocated for this premium scheme was € 102 million. Maximum premium is € 1 M per company over a period of 3 years.			
The premium is paid in 3 rates, the first of 30 % after minimum one month after application was approved, the second 30 % after 60 % of the investment has been realised and the final rate is paid after investment is completed and monitored (Art. 24 1°- 3°).			
Addressees	The ecological premium is addressed to small and medium size as well as large enterprises as defined in Art. 3 2°, 3° and 4° Decree on Ecological Investment in order to invest in environmental friendly and energy efficient technologies listed on the LTL list.		
Procedure	Process flow	Every company that fulfils the requirements is eligible for the project calling. Applications have to be submitted online via www.ecologiepremie.be . After the premium has been granted investments need to be realised within 3 years after the approval	



RES-LEGAL EUROPE – Regional Profile Flanders



		(Art. 15 1° § 1 Decree on Economic Aid Policy).
	Competent authority	Enterprise Flanders (Agentschap Ondernemen) is in charge.
Flexibility mechanism		
Distribution of costs	State	The budget is provided by the Flemish state.
	Consumers	
	Plant operator	
	Grid operator	
	European Union	
	Distribution mechanism	



RES-LEGAL EUROPE – Regional Profile Flanders



Quota system (Groenestroomcertificaten)

Abbreviated form of legal source(s)	<ul style="list-style-type: none"> • Energy Decree • Energy Regulation 	
Summary	<p>The region of Flanders uses a quota system and a certificate trading scheme to support renewable energy (Article 7.1.10 in conjunction with Article 7.1.1, Article 7.1.5 § 1 2°, Energy Decree). In general, all renewable energy generation technologies are eligible for the quota system (Article 7.1.1 in conjunction with Article 7.1.3, Energy Decree, Article 6.1.16, Energy Regulation). The "green" energy certificates are issued by the Flemish regulatory authority (VREG). 1 certificate is equal to 1 MWh of electricity from renewable sources (Article 7.1.1, Energy Decree). The grid operators are obliged to meet their quota obligations, i.e. present green certificates for the quota defined by law, every year by 31 March (Article 7.1.10 in conjunction with Article 7.1.5 § 1 2°, Energy Decree).</p>	
Promoted technologies	General information	<p>In general, Flanders supports all renewable energy generation technologies (Article 7.1.1 in conjunction with Article 7.1.3 Energy Decree, Article 6.1.16 Energy Regulation). Plants generating more than 100,000 kWh of electricity from renewable sources shall be certified by an authorised body (Article 6.1.4, Energy Regulation).</p>
	Wind energy	<p>Eligible (Article 6.1.16 §1 2°, Energy Regulation). The certificates for offshore wind energy are issued by the national regulatory authority (CREG).</p>
	Solar energy	<p>PV installations are eligible (Article 6.1.16 § 1 1°, Energy Regulation).</p>



RES-LEGAL EUROPE – Regional Profile Flanders



	Geothermal energy	Eligible (Article 6.1.16 § 1 5°, Energy Regulation).
	Biogas	Both biogas from biogas plants (Article 6.1.16 § 1 6° a) Energy Regulation) and landfill, digester and sewage gas (Article 6.1.16 § 1 6° b), Energy Regulation) are eligible.
	Hydro-power	Plants are eligible if their capacity is less than 10 MW (Article 6.1.16 § 1 3° Energy Regulation).
	Biomass	Eligible (Article 6.1.16 § 1 7°, Energy Regulation).
Amount	Amount of quota and period of application	<p>The quotas are calculated according to a formula set by law (Article 7.1.10 § 2, Energy Decree). According to law, the amount of electricity supplied (in MW) shall be multiplied by the factor "G". According to law, the factor "G" is:</p> <ul style="list-style-type: none"> • 0.06 since 31 March 2011 • 0.07 from 31 March 2012 • 0.08 from 31 March 2013 • 0.09 from 31 March 2014. <p>The result of the above-mentioned multiplication is the quota, i.e. the amount of green certificates to be presented.</p> <p>Green certificates have a validity of 48 months (Article 7.1.6 § 1, Energy Decree). The right to receive green certificates usually ceases after 10 years (from the date on which the plant is put into operation) (Article 7.1.6 § 1, Energy Decree). The operators of PV installations have a different eligibility period:</p>



RES-LEGAL EUROPE – Regional Profile Flanders



		<ul style="list-style-type: none"> PV installations put into operation on or prior to 31 December 2012 receive certificates for a period of 20 years (Article 7.1.6 § 1, Energy Law). PV installations put into operation from 1 January 2013 will receive certificates only for 15 years (Article 7.1.6 § 1, Energy Decree). 					
	Adjustment of quotas	According to current legislation, the quota obligation will be in force until 2021 (Article 7.1.10 § 2, Energy Decree).					
	Number of certificates according to technology	In Flanders, the number of certificates issued does not depend on the renewable technology employed. As set out in the Energy Decree, one green certificate is issued for every MWh of electricity from renewable sources (Article 7.1.1, Energy Decree).					
	Minimum price per certificate	<p>However, the minimum price per certificate depends on the technology used. Furthermore, the minimum price varies according to the date on which a plant is put into operation:</p> <p>Wind</p> <p>Onshore:</p> <table border="1"> <thead> <tr> <th>Plants put into operation prior to 01.01.2010</th> <th>Plants put into operation after 01.01.2010</th> <th>Plants put into operation from 01.01.2012</th> </tr> </thead> <tbody> <tr> <td>€ 80 per certificate</td> <td>€ 90 per certificate</td> <td>€ 90 per certificate</td> </tr> </tbody> </table> <p>Offshore: € 107 per certificate</p> <p>Photovoltaic energy:</p>	Plants put into operation prior to 01.01.2010	Plants put into operation after 01.01.2010	Plants put into operation from 01.01.2012	€ 80 per certificate	€ 90 per certificate
Plants put into operation prior to 01.01.2010	Plants put into operation after 01.01.2010	Plants put into operation from 01.01.2012					
€ 80 per certificate	€ 90 per certificate	€ 90 per certificate					



RES-LEGAL EUROPE – Regional Profile Flanders



		New installations, operation from	Capacity less than or equal to 250 kWp	Capacity > 250 kWp
		01.01.2011	€ 330 per certificate	€ 330 per certificate
		01.07.2011	€ 300 per certificate	€ 240 per certificate
		01.10.2011	€ 270 per certificate	€ 150 per certificate
		01.01.2012	€ 250 per certificate	€ 90 per certificate
		01.04.2012	€ 230 per certificate	€ 90 per certificate
		01.07.2012	€ 210 per certificate	€ 90 per certificate
		01.10.2012	€ 210 per certificate	€ 90 per certificate
		01.01.2013	€ 190 per certificate	€ 90 per certificate
		01.01.2014	€ 150 per certificate	€ 90 per certificate
		01.01.2015	€ 110 per certificate	€ 90 per certificate
		01.01.2016	€ 90 per certificate	€ 90 per certificate
		Geothermal power:		
Plants put into operation prior to 01.01.2010	Plants put into operation after 01.01.2010	Plants put into operation from 01.01.2012		
€ 95 per certificate	€ 90 per certificate	€ 90 per certificate		
Biogas:				
Biogas plants:				
Plants put into operation prior to 01.01.2010	Plants put into operation after 01.01.2010	Plants put into operation from 01.01.2012		
€ 80 per certificate	€ 90 per certificate	€ 90 per certificate		
Landfill gas/sewage gas:				



RES-LEGAL EUROPE – Regional Profile Flanders



		<table><tr><td>Plants put into operation prior to 01.01.2010</td><td>Plants put into operation after 01.01.2010</td><td>Plants put into operation from 01.01.2012</td></tr><tr><td>€ 80 per certificate</td><td>€ 60 per certificate</td><td>€ 60 per certificate</td></tr></table>	Plants put into operation prior to 01.01.2010	Plants put into operation after 01.01.2010	Plants put into operation from 01.01.2012	€ 80 per certificate	€ 60 per certificate	€ 60 per certificate
		Plants put into operation prior to 01.01.2010	Plants put into operation after 01.01.2010	Plants put into operation from 01.01.2012				
		€ 80 per certificate	€ 60 per certificate	€ 60 per certificate				
		Digester gas:						
		<table><tr><td>Plants put into operation prior to 01.01.2010</td><td>Plants put into operation after 01.01.2010</td><td>Plants put into operation from 01.01.2012</td></tr><tr><td>€ 100 per certificate</td><td>€ 100 per certificate</td><td>€ 110 per certificate</td></tr></table>	Plants put into operation prior to 01.01.2010	Plants put into operation after 01.01.2010	Plants put into operation from 01.01.2012	€ 100 per certificate	€ 100 per certificate	€ 110 per certificate
		Plants put into operation prior to 01.01.2010	Plants put into operation after 01.01.2010	Plants put into operation from 01.01.2012				
		€ 100 per certificate	€ 100 per certificate	€ 110 per certificate				
		Hydro-electricity:						
		<table><tr><td>Plants put into operation prior to 01.01.2010</td><td>Plants put into operation after 01.01.2010</td><td>Plants put into operation from 01.01.2012</td></tr><tr><td>€ 95 per certificate</td><td>€ 90 per certificate</td><td>€ 90 per certificate</td></tr></table>	Plants put into operation prior to 01.01.2010	Plants put into operation after 01.01.2010	Plants put into operation from 01.01.2012	€ 95 per certificate	€ 90 per certificate	€ 90 per certificate
		Plants put into operation prior to 01.01.2010	Plants put into operation after 01.01.2010	Plants put into operation from 01.01.2012				
		€ 95 per certificate	€ 90 per certificate	€ 90 per certificate				
		Biomass:						
		<table><tr><td>Plants put into operation prior to 01.01.2010</td><td>Plants put into operation after 01.01.2010</td><td>Plants put into operation from 01.01.2012</td></tr><tr><td>€ 80 per certificate</td><td>€ 90 per certificate</td><td>€ 90 per certificate</td></tr></table>	Plants put into operation prior to 01.01.2010	Plants put into operation after 01.01.2010	Plants put into operation from 01.01.2012	€ 80 per certificate	€ 90 per certificate	€ 90 per certificate
		Plants put into operation prior to 01.01.2010	Plants put into operation after 01.01.2010	Plants put into operation from 01.01.2012				
		€ 80 per certificate	€ 90 per certificate	€ 90 per certificate				
Fees and penalty charges								
Electricity suppliers that fail to meet their quota shall pay a fine for every missing certificate (Article 13.3.5 §1 1° Energy Decree). The following fines are set by law:								
<table><tr><td>Start of obligation period</td><td>Fine</td></tr><tr><td>31.03.2012</td><td>€ 125 per missing certificate</td></tr><tr><td>31.03.2013</td><td>€ 118 per missing certificate</td></tr></table>		Start of obligation period	Fine	31.03.2012	€ 125 per missing certificate	31.03.2013	€ 118 per missing certificate	
Start of obligation period	Fine							
31.03.2012	€ 125 per missing certificate							
31.03.2013	€ 118 per missing certificate							



RES-LEGAL EUROPE – Regional Profile Flanders



		After 31.03.2013	€ 100 per missing certificate
	Yearly Average Certificate Price	In 2011 the overall average certificate market prices ranged between € 93.31 and € 105.52. Average prices slightly differ between certificates having a guarantee of origin or not.	
International applicability	International certificate trade	No	
	Flexibility Mechanism		
Addressees	The entities obliged to purchase green certificates are the distribution grid operators or ELIA, the transmission grid operator, depending on whose grid a given plant is connected to. The grid operators shall meet their quota obligation as defined by law by presenting green certificates to the Flemish regulatory authority (VREG) by 31 March (Article 7.1.10 in conjunction with Article 7.1.5 § 1 2, Energy Decree). ELIA has been obliged to satisfy a quota since 1 July 2003; however, its obligation only applies to plants installed less than 10 years ago. In the case of offshore wind power plants, only ELIA, the transmission grid operator, is obliged to purchase certificates. The persons benefiting from the quota system are the operators of renewable energy plants, as they may sell their green certificates to the grid operators at a guaranteed price (Article 7.1.10 in conjunction with Article 7.1.5 § 1 2°, Energy Decree).		
Procedure	Process flow	<ul style="list-style-type: none">• An operator of a renewable energy plant who would like to receive green certificates for the electricity he produced shall file an application with the Flemish regulatory authority (VREG) (Article 6.1.2 §1, Energy Regulation). Plants generating more than 100,000 kWh of electricity from renewable sources shall be certified by an authorised body (Article 6.1.4, Energy Regulation).• The Flemish regulatory authority (VREG) shall assess every application for completeness and inform the applicant about missing documents and data within 2 months after receipt of an application (Article 6.1.2 §1, Energy Regulation).• VREG shall, within one month after receipt of a complete	



RES-LEGAL EUROPE – Regional Profile Flanders



		<p>application, communicate to the applicant whether or not he/she has the right to participate in the certificate scheme (Article 6.1.2 §2, Energy Regulation).</p> <ul style="list-style-type: none"> Green certificates are allocated per month and per MWh of electricity (Article 6.1.7, Energy Regulation). All kWhs not accounted for in one month will be considered in the following month (Article 6.1.7, Energy Regulation).
	Competent authority	The Flemish Ministry of Housing, Cities and Social Economy define the quota obligations and the allocation process of green certificates. The Flemish regulatory authority (VREG) is responsible for the award of certificates to the plant operators (Article 7.1.1 Energy Decree). Green certificates awarded for offshore wind power generation are issued by the federal regulatory authority CREG.
Distribution of costs	State	
	Consumers	According to information from the Flemish regulatory authority (VREG), the consumers bear the costs of the quota system in Flanders, too.
	Plant operator	
	Grid operator	
	European Union	
	Distribution mechanism	Distribution grid operators buy the certificates and pass the costs to consumers via higher prices.



Net-Metering

Abbreviated form of legal source(s)	<ul style="list-style-type: none"> Ministerial Decision 	
Summary	All renewable technologies with a maximum capacity of ≤10 kW are eligible to the net-metering scheme.	
Promoted technologies	General information	Installations with a maximum capacity of ≤10 kW are eligible to the net-metering scheme (Art. IV.1.1.4 Ministerial Decision). Installations with a capacity >10 kW need to apply for a separate access point or meter to the grid operator. Moreover, the latter are required to sign a contract with the balance responsible entity (for more information see grid access). Excess electricity produced by installations with a maximum capacity of ≤10 kW is injected into the grid and automatically deducted from the electricity consumed from the grid for example via a so called “terugdraaiende kWh-meter” (backward running kWh-meter) (Art. IV.1.1.4 & V.2.4.2 Ministerial Decision). However, if an installation injects more electricity than it has taken from the grid during a billing period, this amount is not financially reimbursed. According to information from the Flemish Regulator (VREG), all renewable technologies are eligible.
	Wind energy	Eligible.
	Solar energy	Eligible.
	Geothermal energy	Eligible.
	Biogas	Eligible.
	Hydro-power	Eligible.



RES-LEGAL EUROPE – Regional Profile Flanders

	Biomass	Eligible.
Amount	Net-metering only applies to installations with a capacity ≤ 10 kW. There is no direct financial compensation for the injected electricity, but the financial equivalent of the injected kW is deducted from the overall electricity bill.	
Addressees	Installations of renewable energy with a capacity ≤ 10 kW.	
Procedure	Process flow	The distribution grid operator is required to adapt meters on his own costs (Art. V.2.4.2 §1 Ministerial Decision).
	Competent authority	Distribution grid operator
Flexibility Mechanism		
Distribution of costs	State	
	Consumers	
	Plant operator	
	Grid operator	The distribution grid operator is obliged to adapt meters (Art. V.2.4.2 §1 Ministerial Decision).
	European Union	
	Distribution mechanism	



RES-E grid issues

Overview

Overview of grid issues	In Flanders, access of electricity from renewable energy sources to the grid is basically regulated by the basic legislation on energy market and technical regulations by the Flemish Electricity and Gas Regulator (VREG). Electricity from renewable energy sources is given priority in both connection to and use of the grid. Distribution grid operators are obliged to finance grid expansion.
Connection to the grid	Plant operators have to apply for grid connection to the distribution grid operator. Two different procedures apply depending on the access capacity: simple access procedure for an access capacity less than 25 kVA (Art. III.3.2.3. §1 Ministerial Decision) and access procedure of installations with higher capacities requiring a feasibility study (Art. III.3.2.4. Ministerial Decision). During application status preferential status is granted to renewable energy. The plant operator has to cover a fixed amount of costs determined by law, any excess costs are covered by the distribution grid operator.
Use of the grid	Plants have to apply for a delivery permit in order to make use of the grid. Having a permit, an application has to be filed to the distribution grid operator. Minor procedural differences apply according to voltage capacity (<30 kV, ≥ 30 kV) (Ministerial Decision Art. IV 2.2. & 2.3.). Five days after a complete application has been received, grid usage is disapproved or approved. Use of grid can be curtailed on grounds of safety, reliability and efficiency (emergency curtailment) but need to be communicated by the distribution grid operator, who also is obliged to compensate losses. According to information from the Flemish grid operator, there is no regulation in place that gives preferential status to renewable energy in case of emergency curtailment. In case of congestion the distribution grid operator is obliged to undertake all measures at his disposal to enforce the save, reliable and efficient functioning of the grid by giving access priority to electricity generated from renewable energy in case of congestion (Art. IV.5.2.5 Ministerial Decision).
Grid expansion	The distribution grid operator is obliged to expand the grid as long as it is economically viable (Art. III.3.1.1 §1 Ministerial Decision & Art. 4.1.6. 1° Energy Decree). Doing so, an investment plan is drafted covering a period of 3 years with yearly revisions and presented to the Flemish Regulator VREG (Art. II.1.1.1 §1 Ministerial Decision & Art. 4.1.19 Energy Decree). The latter determines



RES-LEGAL EUROPE – Regional Profile Flanders



	<p>the sufficiency of grid expansion investment. The distribution grid operator bears the costs. In how far the plant operator can intervene and enforce grid expansion is currently under deliberation. According to the Flemish Regulator (VREG), the plant operator can communicate complaints to the VREG.</p>
Statutory provisions	<ul style="list-style-type: none"> • Energy Decree • Ministerial Decision • Energy Regulation



RES-LEGAL EUROPE – Regional Profile Flanders



Basic information on legal sources

Name of legal source (original language)	Energiedecreet van 8 mei 2009	Ministerieel Besluit van 21. januari 2010	het Energiebesluit van 19 november 2010
Full name	Decreet houdende algemene bepalingen betreffende het energiebeleid	Ministerieel besluit houdende de goedkeuring van het technisch reglement distributie elektriciteit Vlaams Gewest	Besluit van de Vlaamse Regering houdende algemene bepalingen over het energiebeleid
Name (English)	Law Establishing General Conditions for Energy Policy – Energy Law of 8 May 2009	Ministerial Decision on the approval of the technical regulation concerning the distribution of electricity in Flanders.	Regulation of the Flemish Government on General Conditions for Energy Policy – Energy Regulation of 19 November 2010
Abbreviated form	Energy Decree	Ministerial Decision	Energy Regulation
Entry into force	01.01.2011	21.01.2010	01.01.2011
Last amended on	15.12.2011		
Future amendments			
Purpose	The Energy Law bundles all prior energy related decrees, e.g. electricity and gas decree, and stipulates general conditions for energy policy in Flanders.	The Ministerial Decision sets out the main regulations concerning the distribution of electricity in Flanders from a technical perspective covering inter alia grid access.	The Energy Regulation replaces all prior energy related regulations and includes further details on the general conditions for energy policy in Flanders.



RES-LEGAL EUROPE – Regional Profile Flanders



Relevance for renewable energy	The Energy Law includes general principles for support for renewable energy.	The Ministerial Decision stipulates the requirements for grid access for an installation. From a procedural point, the document foresees a prioritisation of installations producing electricity from renewable energy.	The Energy Regulation was adopted to support renewable energy in Flanders and stipulates the terms and conditions for support and the subsidy levels for the different technologies.
Link to full text of legal source (original language)	http://212.123.19.141/ALLESNL/wet/detailframe.vwp?SID=0&WetID=1018092	http://staatsbladclip.zita.be/staatsblad/wetten/2010/02/18/wet-2010035104.html	http://codex.vlaanderen.be/Zoeken/Document.aspx?DID=1019755&param=inhoud
Link to full text of legal source (English)			



RES-LEGAL EUROPE – Regional Profile Flanders



Further information

Institution (name)	Website	Name of contact person (optional)	Telephone number (head office)	E-mail (optional)
Vlaamse Regulator van de Elektriciteits- en Gasmarkt (VREG) – Flemish Regulator of the Electricity and Gas market	www.vreg.be		+32 2 55 313 79	



Grid issues

Connection to the grid

Abbreviated form of legal sources	<ul style="list-style-type: none"> • Energy Decree • Ministerial Decision 	
Overview	<p>Plant operators have to apply for grid connection to the distribution grid operator. Two different procedures apply depending on the access capacity: simple access procedure for an access capacity less than 25 kVA (Art. III.3.2.3. §1 Ministerial Decision) and access procedure of installations with higher capacities requiring a feasibility study (Art. III.3.2.4. Ministerial Decision). During application status preferential status is granted to renewable energy. The plant operator has to cover a fixed amount of costs determined by law, any excess costs are covered by the distribution grid operator.</p>	
Procedure	Process flow	<p>Every grid operator is obliged to publish tariffs and conditions for grid access and usage (Art. 4.1.18 §2 Energy Decree). Access can be denied on the basis of insufficient capacity, safety and technical reasons as well as non-eligibility (Art. 4.1.18 §1. & 2. Energy Decree). A written reasoning thereof has to be sent to the applicant (Art. 4.1.18 §3 Energy Decree). Conditions on cutting or interrupting access are laid out in Art. 4.1.18 §3 containing emergency situations etc. The application of access contains the applicant's identity and contact details, ownership relationship to the installation and plant including a floor plan, the actual access capacity and voltage level, technical characteristics of the installation and further information relevant for determining consumption profile (Art. III.3.3.1 §2 Ministerial Decision). Generally, one has to differentiate between simple access with an access capacity less than 25 kVA (Art. III.3.2.3. §1 Ministerial Decision) and access of installations with higher capacities requiring a feasibility study (Art. III.3.2.4 Ministerial Decision).</p>



RES-LEGAL EUROPE – Regional Profile Flanders



		<p>Regarding simple access, the application is handed over to the distribution grid operators via letter, e-mail or the website. Within 5 days, the distribution grid operator has to communicate to the applicant if the application is inadmissible. If not, the grip operator will send the applicant a binding offer (stating conditions and further steps) or a written stated denial within 10 days. (Art. III. 3.3.3 - 6 Ministerial Decision)</p> <p>Applying for access to capacities < 25 MVA, the application has to be sent to the distribution grid operator of lowest voltage level stating whether an orientation study or detailed study is requested. The costs thereof are published by the distribution grid operator. The orientation study is facultative for high voltage access and not binding to either party (Art. III.3.3.14 Ministerial Decision). Costs are covered by the applicant. The distribution operator can request further information but has to communicate its decision within 15 days (maximum 30 days if access to voltage > 30kV or access of installation with a capacity higher than 1 MVA) (Art. III.3.3.20 Ministerial Decision).</p> <p>The access with study is designed as part of a price offer in line with the regulator's policy (Art. III.3.3.15 Ministerial Decision). Two procedures are laid out by regulation; an orientation study with preliminary access and a detailed study with design of access. Regarding orientation study with preliminary access, the distribution grid operator has to communicate the admissibility or denial of the application within 15 days (max. 30 days) after a complete application has been received (Art. III.3.3.20 §1 Ministerial Decision). The preliminary connection study entails a scheme of the planned connection, technical requirements and an estimation of costs (Art. III.3.3.20 §3 Ministerial Decision). Concerning a detailed study with design of access, the distribution grid operator has to communicate the admissibility of the application within 10 days after a complete application has been received in a written form. Within 30 days (max. 50 days), the decision on access or denial is communicated including further steps of implementation.</p>
--	--	---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------



RES-LEGAL EUROPE – Regional Profile Flanders



		<p>Both procedures give preferential status to renewable energy.</p> <p>If access capacity is between 250 kVA and 15 MVA, access is established from high voltage grid via the distribution grid operators to the lowest voltage level (Art. III.3.1.3. §3 Ministerial Decision). If access capacity is between 15 MVA and 25 MVA, the distribution grid operator can decide on the basis of technical and economic considerations to transfer application to the operator of a higher voltage level ((Art. III.3.1.3. §4 Ministerial Decision)).</p>
	Deadlines	<p>Regarding simple access, the application is handed over to distribution grid operators via letter, e-mail or the website. Within 5 days, the distribution grid operator has to communicate to the applicant if the application is inadmissible. If not, the grip operator will send the applicant a binding offer (stating conditions and further steps) or a written stated denial within 10 days (Art. III. 3.3.3 - 6). The connection is carried out within 15 days after payment by applicant.</p> <p>Regarding orientation study with preliminary access, the distribution grid operator has to communicate the admissibility or denial of the application within 15 days (max. 30 days) after a complete application has been received (Art. III.3.3.20 §1 Ministerial Decision). Concerning a detailed study with design of access, the distribution grid operator has to communicate the admissibility of the application within 10 days after a complete application has been received in a written form. Within 30 days (max. 50 days), the decision on access or denial is communicated including further steps of implementation. The connection is carried out within 18 days after payment by applicant.</p> <p>In case the access to the grid was denied, an appeal can be filed to the VREG, which within 2 months after receiving the appeal has to settle the dispute (Art. III.3.4.1 Ministerial Decision).</p>



RES-LEGAL EUROPE – Regional Profile Flanders



	Obligation to inform	
Priority to renewable energy (qualitative criteria)	() Priority to renewable energy (x) Non-discrimination	According to the Flemish Regulator (VREG), no preferential status is explicitly granted to renewable energy in connecting an installation to the grid.
Capacity limits (quantitative criteria)	The distribution net operator is obliged to expand the distribution grid as long as it is economically reasonable (Art. III.3.1.1 §1 Ministerial Decision) (Art. 4.1.6. 1° Energy Decree).	
Distribution of costs		
	State	
	Consumers	
	Grid operator	The difference between the actual costs and the costs calculated on the basis of a virtual connection (the costs of the shortest distance that is available between the installation and the grid) are covered by the grid operator to whose net access is granted as part of his public service obligation (Energy Regulation Art. 6.4.13 §1).
	Plant operator	Plant operator as applicant has to pay the amount calculated on the basis of a virtual connection (the costs of the shortest distance that is available between the installation and the grid) (Energy Regulation Art. 6.4.13 §1).
	European Union	
	Distribution mechanism	



Use of the grid

Abbreviated form of legal sources	<ul style="list-style-type: none"> • Energy Decree • Energy Regulation • Ministerial Decision 	
Overview	<p>Plants have to apply for a delivery permit in order to make use of the grid. Having a permit, an application has to be filed to the distribution grid operator. Minor procedural differences apply according to voltage capacity (<30 kV, ≥ 30 kV) (Ministerial Decision Art. IV 2.2. & 2.3.). Five days after a complete application has been received, grid usage is disapproved or approved. Use of grid can be curtailed on grounds of safety, reliability and efficiency (emergency curtailment) but need to be communicated by the distribution grid operator, who also is obliged to compensate losses. According to information from the Flemish grid operator, there is no regulation in place that gives preferential status to renewable energy in case of emergency curtailment. In case of congestion the distribution grid operator is obliged to undertake all measures at his disposal to enforce the save, reliable and efficient functioning of the grid by giving access priority to electricity generated from renewable energy in case of congestion (Art. IV.5.2.5 Ministerial Decision).</p>	
Procedure	Process flow	<p>In order to make use of the distribution grid for electricity it is required to have a delivery permit. The requirements thereof are determined by the Flemish Government in coordination with VREG (Art. 4.3.1. §1 Energy Decree) defining technical/organisational/ financial capacity, professional record, the capacity of the applicant to fulfil the needs of customers, public service obligations etc. (Art. 4.3.1. §2 Energy Decree). After the application form (determined by VREG) has been turned in, the decision of granting a permit must be made within 2 months.</p> <p><u>Voltage < 30 kV</u></p> <p>Access is granted by the distribution grid operator. An application form contains the following documents: identity and contact details of applicant; identity and contact details of balance responsible manager; cooperation agreement between applicant and balance responsible entity; financial security; day of access (Art. IV.2.2.3 Ministerial</p>



RES-LEGAL EUROPE – Regional Profile Flanders



		<p>decision). Within 5 working days after application has been received, the distribution grid operator has to communicate to the applicant of application is complete or if documents are missing (Art. IV.2.2.4 Ministerial decision). Certain preconditions have to be fulfilled by the applicant, which are the following: applicants has a valid supply license; if applicants is balance responsible entity himself or has a cooperation agreement; if balance responsible person is registered as access managers; date of access is at least 5 days ahead; financial securities are sufficient (Art. IV.2.2.5 Ministerial decision). Within 5 days a complete application has been received, the distribution grid operator has to communicate approval or disapproval.</p> <p><u>Voltage \geq 30 kV</u></p> <p>Each supplier, producer, balance responsible entity and distribution grid user can apply to the distribution grid operator. The procedure outlined for Voltage < 30 kV applies. However, preconditions are slightly different. Preconditions are fulfilled if the applicant is a balance responsible entity himself or has a cooperation agreement; if a balance responsible person is registered as access managers; date of access is at least 5 days ahead; financial securities are sufficient (Art. IV.2.3.5 Ministerial decision).</p>
	Deadlines	Five days after a complete application, meeting the preconditions described, has been received the distribution grid operator has to approve or disapprove grid usage.
	Obligation to inform	
<p>Priority to renewable energy</p> <p>(qualitative criteria)</p>	<p>(x) Priority to renewable energy</p> <p>() Non-discrimination</p>	<p>As enshrined in the Ministerial Decision, the distribution grid operator is obliged to undertake all measures at his disposal to enforce the save, reliable and efficient functioning of the grid by giving access priority to electricity generated from renewable energy in case of congestion (Art. IV.5.2.5 Ministerial Decision).</p>



RES-LEGAL EUROPE – Regional Profile Flanders



Curtailment	<p>Flemish legislation differentiates between planned and unplanned curtailment. Access can be curtailed by the distribution grid operator on grounds of safety, reliability and efficiency which have to be communicated to the plant operator in case of planned curtailment on high voltage grid within 5 days and low voltage within 10 days (Art. IV.3.2. Ministerial decision). As far as unplanned curtailments (emergency curtailments) are concerned, distribution grid operators inform plant operator via telephone indicating the respective duration of curtailment (Art. IV.3.3. Ministerial decision). Moreover, distribution grid operator can deny partly or wholly access in case of emergency, risk for grid operation and excess capacity (Art. IV.3.4. Ministerial decision). The distribution grid operator has to compensate losses (Art. IV.3.5. Ministerial decision). According to information from the Flemish Regulator (VREG), there is no regulation in place that gives preferential status to renewable energy in case of emergency curtailment. In case of mere congestion, the distribution grid operator is obliged to undertake all measures at his disposal to enforce the safe, reliable and efficient functioning of the grid by giving access priority to electricity generated from renewable energy in case of congestion (Art. IV.5.2.5 Ministerial Decision).</p>	
Distribution of costs		
	State	
	Consumers	
	Grid operator	
	Plant operator	<p>According to Art. 6.4.13. §2 (Energy Regulation), the plant operator bears the costs.</p>
	European Union	
	Distribution mechanism	



Grid expansion

Abbreviated form of legal source	<ul style="list-style-type: none"> • Ministerial Decision • Energy Decree 	
Overview	<p>The distribution grid operator is obliged to expand the grid as long as it is economically viable (Art. III.3.1.1 §1 Ministerial Decision & Art. 4.1.6. 1° Energy Decree). Doing so, an investment plan is drafted covering a period of 3 years with yearly revisions and presented to the Flemish Regulator VREG (Art. II.1.1.1 §1 Ministerial Decision & Art. 4.1.19 Energy Decree). The latter determines the sufficiency of grid expansion investment. The distribution grid operator bears the costs. In how far the plant operator can intervene and enforce grid expansion is currently under deliberation. According to the Flemish Regulator (VREG), the plant operator can communicate complaints to the VREG (see procedure connection to grid).</p>	
Procedure	Process flow	<p>The distribution grid operator is obliged to expand the distribution grid as long as it is economically reasonable (Art. III.3.1.1 §1 Ministerial Decision & Art. 4.1.6. 1° Energy Decree). The distribution grid operator drafts an investment plan covering a period of 3 years, adapted every year, and submitted to the VREG before 1 July (Art. II.1.1.1 §1 Ministerial Decision & Art. 4.1.19 Energy Decree). This plan entails capacity needs, investments and an overview on denied access requests. VREG determines whether the investment plan is sufficient or not.</p>
	Enforcement of claims	<p>According to information from Flemish regulator (VREG), it is currently being discussed in how far plant operators can enforce their claims. The plant operator can communicate complaints to the VREG in case of denied access to the grid (see procedure connection to grid). Right now, the overview of denied access requests included in the investment plan alludes to the degree access is denied due to a lack of grid expansion. Furthermore, in certain regions the VREG already witnessed a rising demand for grid access from plants producing electricity from renewable energy. It is now being discussed whether to grant timely limited grid access as a solution. Only VREG is controlling the sufficiency of grid</p>



RES-LEGAL EUROPE – Regional Profile Flanders



		expansion.
	Deadlines	Investment plans need to be submitted before 1 July (Art. II.1.1.1 §1 Ministerial Decision)
	Obligation to inform	Once per year, the distribution net operator consults with the operators connected to his grid on the investment plan.
Regulatory incentives for grid expansion and innovation	According to Flemish Regulator (VREG), no regulatory incentives for grid expansion and innovation exist.	
Distribution of costs		
	State	
	Consumers	Costs are redistributed to consumers via higher energy tariffs.
	Grid operator	Grid operators bear the costs (Art. 6.4.13 §2 Energy Regulation)
	Plant operator	
	European Union	
	Distribution mechanism	
Grid studies	http://www.vreg.be/sites/default/files/rapporten/rapp-2011-19.pdf http://www.elia.be/en/grid-data/grid-development/~/_media/files/Elia/Grid-data/Investment-plans/Flemish/InvesteringsplanVlaamsGewest_2011-2014.pdf http://economie.fgov.be/fr/modules/publications/general/etude_perspectives_electricite_2008-2017.jsp	



RES-H&C support schemes

Summary of support schemes

Overview	Regarding heating and cooling from renewable energy resources, the Flemish support scheme so far only provides for a quota system. A more profound support scheme has been agreed upon in form of an action plan; however, the final version of this plan is still in the legislative process. Grid operators and municipalities are responsible for setting up premium schemes.
Summary of support schemes	<ul style="list-style-type: none"> • Premium: Grid operators and municipalities are responsible for setting up premium schemes to support heating and cooling from renewable energy. Therefore, the amount of premium attributed and eligible technologies differ among municipalities. • Quota system: In Flanders, CHP producers are eligible for CHP certificates. One certificate reflects that 1000 kWh primary energy were saved in a qualitative CHP-facility compared to a situation in which the same quantity of electricity or heat were produced separately (Art. 7.1.2. Energy Decree). The certificates are issued by the Flemish Regulator (VREG) and are registered in a central database. CHP certificates can be sold to electricity producers that need to fulfil their certificate obligations.
Technologies	The eligibility of the kind of renewable energy sources for support differs depending on Support schemes.
Statutory provisions	<ul style="list-style-type: none"> • Decreet houdende algemene bepalingen betreffende het energiebeleid – het Energiedecreet van 8 mei 2009 (Law Establishing General Conditions for Energy Policy - Energy Law of 8 May 2009) • Besluit van de Vlaamse Regering houdende algemene bepalingen over het energiebeleid – het Energiebesluit van 19 november 2010 (Regulation of the Flemish Government on General Conditions for Energy Policy - Energy Regulation of 19 November 2010)



RES-LEGAL EUROPE – Regional Profile Flanders



Basic information on legal sources

Name of legal source (original language)	Energiedecreet van 8 mei 2009	het Energiebesluit van 19 november 2010
Full name	Decreet houdende algemene bepalingen betreffende het energiebeleid	Besluit van de Vlaamse Regering houdende algemene bepalingen over het energiebeleid
Name (English)	Law Establishing General Conditions for Energy Policy – Energy Law of 8 May 2009	Regulation of the Flemish Government on General Conditions for Energy Policy – Energy Regulation of 19 November 2010
Abbreviated form	Energy Decree	Energy Regulation
Entry into force	01.01.2011	01.01.2011
Last amended on	15.12.2011	
Future amendments		
Purpose	The Energy Law bundles all prior energy related decrees, e.g. electricity and gas decree, and stipulates general conditions for energy policy in Flanders.	The Energy Regulation replaces all prior energy related regulations and includes further details on the general conditions for energy policy in Flanders.



RES-LEGAL EUROPE – Regional Profile Flanders



Relevance for renewable energy	The Energy Law includes general principles for support for renewable energy.	The Energy Regulation was adopted to support renewable energy in Flanders and stipulates the terms and conditions for support and the subsidy levels for the different technologies.
Link to full text of legal source (original language)	http://212.123.19.141/ALLESNL/wet/detailframe.vwp?SID=0&WetID=1018092	http://codex.vlaanderen.be/Zoeken/Document.aspx?DID=1019755&param=inhoud
Link to full text of legal source (English)		



Further information

Institution (name)	Website	Name of contact person (optional)	Telephone number (head office)	E-mail (optional)
Vlaamse Ministerie van Energie, Wonen, Steden en Sociale Economie – Flemish Ministry of Energy, Housing, Cities and Social Economy	http://www.vlaanderen.be		+32 2 552 61 00	kabinet.vandenbossche@vlaanderen.be
Vlaamse Regulator van de Elektriciteits- en Gasmarkt (VREG) – Flemish Regulator of the Electricity and Gas market	http://www.vreg.be/		+32 2 55 313 79	info@vreg.be
Vlaamse Energieagentschap (VEA) – Flemish Energy Agency	http://www.energiesparen.be		+32 2 553 1700	www.energiesparen.be/info (contact template)



Support schemes

Subsidy (Premium)

Abbreviated form of legal source(s)	<ul style="list-style-type: none"> • Energy Regulation 	
Summary	<p>Premium: Grid operators and municipalities are responsible for setting up premium schemes to support heating and cooling from renewable energy. Therefore, the amount of premium attributed and eligible technologies differ among municipalities.</p>	
Promoted technologies	General information	<p>According to the Flemish Ministry of Energy, Housing, Cities and Social Economy and the Energy Agency (VEA), specific subsidies for renewable heat and cooling installations are in the competency of grid operators or municipalities. Since 2012, new premiums are in force concerning investments undertaken from 1 January 2012 onwards. An overview of the premium opportunities for 2012 is published on the site of the Flemish ministry (http://www2.vlaanderen.be/economie/energiesparen/premies/premies2012.pdf) or can be individually searched via zip code via www.energiesparen.be.</p> <p>For 2012, premium schemes exist for solar thermal boilers and heat pumps.</p> <p>Concerning eligibility and the amount of premium, the Flemish regulation differentiates between protected and non protected recipients. Protected recipients are citizens obtaining government benefits or special support (e.g. income replacement, integration allowance etc.) and thus, are eligible to obtain a social maximum price for electricity and gas (Art. 1.1.1 Energy Regulation).</p>
	Aerothermal	



RES-LEGAL EUROPE – Regional Profile Flanders



	Hydrothermal	
	Biogas	
	Biomass	
	Geothermal energy	Heat pumps: A maximum premium of € 1,700 is granted if the installation is carried out by a registered contractor. (Companies can file an application for registration to the competent provincial registration commission. Registration is granted on the basis of special examination and monitoring of the company's technical competence and financial capacity. The address of the competent provincial registration commission can be retrieved from the site of the Federal Ministry of Finance.) This premium is valid for installations constructed from 1 January 2012 onwards. Apartments connected to the distribution grid of the grid operator before 1 January 2006 are eligible too. The installation needs to be installed and billed only by registered contractors. Heat pumps are not allowed to be used for active cooling or as swimming pool heating.
	Solar Thermal	Solar thermal boiler: If a solar thermal boiler is installed in an existing building and by a registered contractor (see geothermal energy), the grid operator offers a premium. This premium is valid for installations constructed from 1 January 2012 onwards.. Buildings connected to the distribution grid of the grid operator before 1 January 2006 are eligible too. The installation needs to be installed and billed only by registered contractors (see geothermal energy). The premium is paid only if the solar thermal boiler is used for the production of sanitary hot water and or in combination with heating.
Amount	<u>Heat pump:</u>	



RES-LEGAL EUROPE – Regional Profile Flanders

	<p>A maximum premium of € 1,700€ is granted for heat pumps. The individual premium is calculated on the basis of the following formula:</p> <ul style="list-style-type: none"> • Electric heat pump: € 270 x ((0,87 x COP) - 2,5) x nominal electric compressor capacity in kWatt • Gas heat pump: € 270 x ((0,87 x COP) - 1) x installed gas capacity in kWatt <p>COP being the gain factor determining how much energy the heat pump produces compared to the energy consumption.</p> <p>The premium rate is doubled if the heat pump replaces completely an existing electrical resistance heating system.</p> <p>Furthermore, the premium rate can be increased by 20% if the installation owner is a protected recipient. Protected recipients are citizens obtaining government benefits or special support (e.g. income replacement, integration allowance etc.) and thus, are eligible to obtain a social maximum price for electricity and gas (Art. 1.1.1 Energy Regulation).</p> <p>In case the premium is requested for several apartments within the same building (condominium), the maximum premium rate applies per apartment.</p> <p><u>Solar thermal boilers:</u></p> <p>The premium is € 550 per m² with a maximum of € 4,125 per installation. The premium rate can be increased by 20% if the installation owner is a protected recipient.</p> <p>In case the premium is requested for several apartments within the same building (condominium), the maximum premium rate applies per apartment.</p>	
Addressees	Installations within the Flemish Region	
Procedure	Process flow	<p>The application form can be downloaded from the homepage of each grid operator. The application form needs to be sent within 12 months after the bills have been issued. The premium is to be paid at latest 6 months after the application form has been received by the grid operator. The application form can be submitted online. For the same type of investment a premium is paid only once</p>



RES-LEGAL EUROPE – Regional Profile Flanders



		during a period of 12 months.
	Competent authority	Grid operators and municipalities.
Flexibility mechanism		
Distribution of costs	State	Costs for municipal schemes are covered by the competent municipalities.
	Consumers	
	Plant operator	
	Grid operator	Costs for schemes of grid operators are covered by the competent grid operator.
	European Union	
	Distribution mechanism	



RES-LEGAL EUROPE – Regional Profile Flanders



Quota system (CHP certificates)

Abbreviated form of legal source(s)	<ul style="list-style-type: none"> • Energy Decree • Energy Regulation 	
Summary	<p>In Flanders, CHP producers are eligible for CHP certificates. One certificate reflects that 1000 kWh primary energy were saved in a qualitative CHP-facility compared to a situation in which the same quantity of electricity or heat were produced separately (Art. 7.1.2. Energy Decree). The certificates are issued by the Flemish Regulator (VREG) and are registered in a central database. CHP certificates can be sold to electricity producers that need to fulfil their certificate obligations.</p>	
Promoted technologies	General information	<p>Regarding the regulation for combined heat and power plants (CHP), plants generating both electricity and heat from renewable energy are eligible for CHP certificates (warmtekrachtkoppeling). One certificate reflects that 1000 kWh primary energy were saved in a qualitative CHP-facility compared to a situation in which the same quantity of electricity or heat were produced separately (Art. 7.1.2. Energy Decree). . These 1000 kWh have to be produced within the Flemish territory (Art. 6.2.3. Energy Regulation). The left amount of kWh is transferred to the next month (Art. 6.2.7. Energy Regulation). The calculation of primary energy saving of CHP only takes the heat into consideration that is used as heat source only and is not used for the further production of electricity (nuttige warmte). (Art. 6.2.10. §3 Energy Regulation). For CHP plants using renewable energy, the electrical efficiency is equated to 42 % (biogas), 47.7 % (liquid biofuel), 34% (biomass) and 25% (other solid biomass) (Art. 6.2.10. §8 Energy Regulation).</p> <p>A CHP certificate can be transferred only once to the grid operator</p>



RES-LEGAL EUROPE – Regional Profile Flanders



		(Art. 7.1.7. §1 Energy Decree) either as guarantee of origin (Art. 7.1.5. §1 1° Energy Decree) or in the framework of certificate obligation (Art. 7.1.5. §1 2° Energy Decree).
	Aerothermal	
	Hydrothermal	
	Biogas	Eligible If used in CHP plant.
	Biomass	Eligible If used in CHP plant.
	Geothermal energy	
	Solar Thermal	
Amount	Amount of quota and period of application	<p>The quotas are calculated according to a formula set by law (Article 7.1.11 § 2, Energy Decree). According to law, the amount of CHP certificates is calculated on the basis of the following formula:</p> $C_w = W \times E_v$ <p>The amount of CHP certificates (C_w) in MWh is multiplied by the factor “W”, being:</p> <ul style="list-style-type: none"> • 2012 = 0.076 • 2013 = 0.070 • 2014 = 0.079 • 2015 = 0.085 • 2016 = 0.092



RES-LEGAL EUROPE – Regional Profile Flanders



		<p>The result of the above-mentioned multiplication is the quota, i.e. the amount of CHP certificates to be presented.</p> <p>According to Flemish Regulator (VREG), € 162 m have been spent on quota and roughly 4.7 m certificates have been issued in 2011. According to NREAP, the quota augments to 5.23 % in 2012 remaining at this level the following years.</p>
	Adjustment of quotas	According to NREAP, the quota augments to 5.23 % in 2012 remaining at this level the following years.
	Number of certificates according to technology	1 certificate per 1000 kWh CHP savings.
	Minimum price per certificate	For installations starting operation from 1. January 2012 the minimum price is € 31. Installations starting operation before this date receive € 27 per certificate (Art. 7.1.7. §1 Energy Decree).
	Fees and penalty charges	From 31 March 2012 a penalty charge of € 41 applies per missing CHP certificate (Art. 13.3.5. §1 2° Energy Decree).
International applicability	International certificate trade	
	Flexibility Mechanism	
Addressees	CHP plant operators. Plant operators can sell their certificates as a pay-off for their energy saving commitments.	
Procedure	Process flow	The application for granting CHP certificates has to be sent to the Flemish Regulator (VREG). The application entails the complete filled in application document determined by VREG depending on energy



RES-LEGAL EUROPE – Regional Profile Flanders



		<p>source used and installation capacity (Art. 6.2.2. §1 1° – 5° Energy Regulation). Within 2 months after a correctly and completely filed application document has been handed in, VREG has to communicate back to the receipt. If the application is incomplete, a letter is written to the applicant stating the missing documents. If the application concerns an installation that has not yet started operation, a more detailed letter is written stating an explanation of the required measurements (Art. 6.2.2. §1 5° Energy Regulation). Within one month after a complete application has been received, VREG decides on the matter (Art. 6.2.2. §2 Energy Regulation). Within 5 working days, the applicant is informed about the decision (Art. 6.2.2. §3 Energy Regulation).</p> <p>In order to be eligible for CHP certificates, the following requirements need to be fulfilled: the installation needs to operate within the Flemish territory, fulfils the requirements for qualitative CHP installations (see Annex I Energy Regulation), has a capacity > 1 MW and has a valid inspection report (renewal every 2 years) (Art.6.2.3. Energy Regulation). The first CHP certificates are granted on the first day of the month after the application was approved depending on the amount of CHP savings (Art. 6.2.7. Energy Regulation).</p>
	Competent authority	Flemish Regulator (VREG)
Distribution of costs	State	
	Consumers	According to information from the Flemish regulatory authority (VREG), the consumers bear the costs of the quota system in



RES-LEGAL EUROPE – Regional Profile Flanders



		Flanders.
	European Union	
	Others	
	Distribution mechanism	



Policies

Summary of policies

Overview	Diverse policies are currently under discussion. The level of implementation differs.
Summary of policies	<ul style="list-style-type: none">• Certification of installers: a training and certification program is set-up for installers. It is being discussed to develop a certification regime for companies having a certain share of certified installers.• Certification of installation: Certifications of installations are not required by law and no certification system is in place.• Exemplary role of public authorities: An action plan is in place to promote the exemplary role.• Research and Development: An Energy Technology Innovation Platform (MIP) has been founded with funding programs for research on renewable energy technologies.
Technologies	Policies aim to stimulate all renewable energy technologies.
Statutory provisions	<ul style="list-style-type: none">• Energy Decree



Basic information on legal sources

Name of legal source (original language)	Energiedecreet van 8 mei 2009	
Full name	Decreet houdende algemene bepalingen betreffende het energiebeleid	
Name (English)	Decree Establishing General Conditions for Energy Policy – Energy Law of 8 May 2009	
Abbreviated form	Energy Decree	
Entry into force	01.01.2011	
Last amended on	15.12.2011	
Future amendments		
Purpose	The Energy Decree bundles all prior energy related decrees, e.g. electricity and gas decree, and stipulates general conditions for energy policy in Flanders.	
Relevance for renewable energy	The Energy Decree includes general principles for support for renewable energy.	
Link to full text of legal source (original language)	http://212.123.19.141/ALLESNL/wet/detailframe.vwp?SID=0&WetID=1018092	
Link to full text of legal source (English)		



RES-LEGAL EUROPE – Regional Profile Flanders



Further information

Institution (name)	Website	Name of contact person (optional)	Telephone number (head office)	E-mail (optional)
Quest vzw/asbl - Quality Centre for Sustainable Energy technologies	www.QuestForQuality.be	Hugues Latteur	+32 2 223 28 38	info@QuestForQuality.be
Vlaams Energieagentschap	www.energiesparen.be	Maarten De Grootte		maarten.degrootte@vea.be



Policy categories

Training programmes for Installers

Abbreviated form of legal source(s)	<ul style="list-style-type: none"> Energy Decree
<p>Description</p>	<p>According to Art. 10.1.1. & 2. (Energy Decree), the Flemish government determines the legal framework for education and certification of installers. The recognition of training centres, energy experts and quality requirement and standards are determined by the Flemish government (Art. 10.1.5. Energy Decree). Via a working group, the three regions aim to coordinate and harmonise the education and certification. However, it remains in the competence of each region.</p> <p>According to the Flemish Energy Agency, certificates are recognised on an individual basis after having passed a specific training (32 hours plus exam). There are no admission requirements (simplified procedure). Installers having been trained in the framework of existing certification systems, such as Soltherm or as similar regarded trainings, are required to take the exam only. Installers without practical experience are allowed to take the training and exam but need to fulfil an interim period of experience in order to obtain the certificate. Installers are trained for the following technologies: solar installations, thermal installations, decentralised and centralised biomass installations as well as geothermal installations.</p> <p>Training is organised in existing training centres, which need to fulfil certain criteria still to be determined. An organisation is currently being set up and accredited to organise the training and certification scheme in Flanders.</p> <p>It is currently under debate to introduce a certification scheme for companies having a certain share of certified workers.</p>
<p>Addressees</p>	<p>Private individuals without obligation for prior qualification.</p>
<p>Competent authority</p>	<p>The Flemish region is in charge and its subsequent training institutions.</p>



RES-LEGAL EUROPE – Regional Profile Flanders

Further information	According to the Flemish Energy Agency (VEA), the content and certification procedures are still under discussion.	
Distribution of costs	State	The Flemish state finances the development and content of the certification program. The distribution of costs is still being discussed.
	Private Financing	
	European Union	
	Others	



RES-LEGAL EUROPE – Regional Profile Flanders



Certification Programmes for RES installations

Abbreviated form of legal source(s)		
Description	Currently no certificates are required by law. Accordingly, no certification program is in place.	
Addressees		
Competent authority		
Further information		
Distribution of costs	State	
	Industry	
	System Producers	
	European Union	
	Others	



RES-LEGAL EUROPE – Regional Profile Flanders

Exemplary role of public authorities in accordance with Art. 13 Abs, 5 RES Directive



Abbreviated form of legal source(s)	
Description	In 2006, the Flemish Government has already agreed upon an action plan. This action plan 2006-2010 stresses the exemplary role of public authorities. The action plan includes the commitment to introduce energy book-keeping and energy audits in public buildings. However, according to the Ministry of Energy, Housing, Urban and Social Economy a legislation outlining the exemplary role in the light of the directive is currently elaborated and under political debate.
Addressees	Currently, no regulation is in place that stipulates specific criteria. Which buildings are eligible will be defined in the upcoming regulation.
Competent authority	The upcoming regulation will determine the competent authority.
Further information	



RD&D Policies

Abbreviated form of legal source(s)	
Description	The Environment and Energy Technology Innovation Platform (Milieu-en energietechnologie Innovatie Platform (MIP)) was created by a decision of the Flemish government in 2005. The platform is a cooperation of the policy domains Economy, Science and Innovation (Economie, Wetenschap en Innovatie (EWI)) and Environment, Nature and Energy (Leefmilieu, Natuur en Energie (LNE)). It brings together business, research and policy makers. MIP offers two kinds of funding programs: interdisciplinary cooperative research and feasibility studies. In the framework of the Program Environment-Innovation 2 (Programma Milieu-Innovatie 2) the Flemish government commissioned MIP to conduct specific research to develop sustainable technologies, products and services. From 23 eligible project proposals, 13 will be realised.
Addressees	Research institutions, business, industrial partners
Competent authority	Energy Technology Innovation Platform (MIP)
Further information	http://www.mipvlaanderen.be/nl/webpage/8/situering.aspx



RES-H building obligations

Abbreviated form of legal source(s)	
Description	According to the Flemish Energy Agency (VEA), the implementation of Directive 2009/28/EC is still in progress. Up to now, no final information have been made available in this regard.
Obligated entities	
Competent authority	
Further information	
Obligation on regional level	



RES-LEGAL EUROPE – Regional Profile Flanders



Support of RES-H infrastructure

Abbreviated form of legal source(s)	
Description	District heating infrastructure is only marginally present in Belgium. Currently, studies have been commissioned to analyse the potential of heat networks from CHP (Biomass), geothermal etc. Moreover, priority zones regarding volume of heat demand and consumption patterns will be identified in a different study. Pilot projects are under consideration.
Addressees	
Competent authority	
Further information	