



# Renewable energy policy database and support – RES-LEGAL EUROPE

## National profile: Belgium

Client: DG Energy

Contact author: Melissa Wevers, [policy@eclareon.com](mailto:policy@eclareon.com)

Berlin, 18 November 2014





**eclareon GmbH**

Giesebrechtstr. 20  
10629 Berlin  
Germany  
Phone: +49 30 88 66 7400  
Fax: +49 30 88 66 74010  
[www.eclareon.com](http://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](http://www.oeko.de)

**ECN**

P.O. Box 1  
1755 ZG Petten  
The Netherlands  
Phone : +31-224-564450  
Fax: +31-224-568486  
[www.ecn.nl](http://www.ecn.nl)



## TABLE OF CONTENTS

<b>RES-E SUPPORT SCHEMES .....</b>	<b>4</b>
<i>Summary of support schemes .....</i>	<i>5</i>
<i>Basic information on legal sources .....</i>	<i>7</i>
<i>Further information .....</i>	<i>9</i>
<i>Support schemes .....</i>	<i>10</i>
<b>RES-H&amp;C GRID ISSUES .....</b>	<b>15</b>
<i>Overview .....</i>	<i>15</i>
<i>Basic information on legal sources .....</i>	<i>17</i>
<i>Further information .....</i>	<i>22</i>
<i>Grid issues .....</i>	<i>23</i>
<b>RES H&amp;C SUPPORT SCHEMES .....</b>	<b>31</b>
<i>Summary of support schemes .....</i>	<i>31</i>
<i>Basic information on legal sources .....</i>	<i>32</i>
<i>Further information .....</i>	<i>34</i>
<i>Support schemes .....</i>	<i>35</i>
<b>RES-T SUPPORT SCHEMES .....</b>	<b>38</b>
<i>Summary of support schemes .....</i>	<i>38</i>
<i>Basic information on legal sources .....</i>	<i>39</i>
<i>Further information .....</i>	<i>43</i>
<i>Support schemes .....</i>	<i>44</i>
<b>POLICIES .....</b>	<b>53</b>
<i>Summary of policies .....</i>	<i>53</i>
<i>Basic information on legal sources .....</i>	<i>55</i>
<i>Further information .....</i>	<i>57</i>
<i>Policy categories .....</i>	<i>58</i>



## ***Belgium National– Summary text***

In Belgium, electricity from renewable sources is promoted mainly through a quota system based on the trade of certificates. In general, renewable energy is a regional matter; only offshore wind power and hydro-power are governed by national regulations. As far as the national promotion of heat and cooling is concerned companies are eligible for a tax deduction on investment costs. Transport is a matter of federal competence in Belgium as well. The main support scheme for renewable energy sources used in transport is a quota system.

In Belgium electricity from renewable energy sources is given priority in both connection to and use of the grid. The grid users are not entitled to the expansion of the grid.

Several policies aim at promoting the development, installation and usage of RES-installations on the federal level in Belgium including training programmes for RES-installers as well as an indirect fiscal mechanism for research, development and demonstration (RD&D) programmes. Moreover, the exemplary role of public authorities is ensured through a public energy service company in charge of achieving and financing energy saving projects in public federal buildings.



## RES-E support schemes

### Summary of support schemes

<b>Overview</b>	<p>In Belgium, electricity from renewable sources is promoted mainly through a quota system based on the trade of certificates. In general, renewable energy is a regional matter; only offshore wind power and hydro-power are governed by national regulations. The federal grid operator shall meet public obligations, which include the purchase of green certificates at a minimum price set by law for certain renewable electricity generation technologies. As described below, every region (Wallonia, Flanders, Brussels Capital) has its own standards of support for renewable energy, based on a national framework. Electricity suppliers are obliged to present green certificates to prove that a certain proportion (quota) of the electricity supplied to their final consumers in Belgium was generated from renewable sources. This quota may differ according to the region.</p> <p>Please note: As in Belgium the competences are distributed between the national and the regional authorities, the information on Belgium presented on this website will comprise both national support schemes and regional schemes in Flanders, Wallonia and Brussels Capital.</p>
<b>Support Schemes</b>	<ul style="list-style-type: none"> <li>• <b>Quota system.</b> In Belgium, renewable electricity generation is promoted through a quota system based on quota obligations. Electricity suppliers are obliged to prove, by submitting certificates, that a certain statutory and continuously increasing proportion (quota) of the electricity they supply was generated from renewable sources. The minimum price per certificate is guaranteed by statutory law.</li> </ul>
<b>Technologies</b>	<p>In general, all renewable electricity generation technologies are eligible for support.</p>
<b>Statutory provisions</b>	<ul style="list-style-type: none"> <li>• Loi du 29 avril 1999 (Loi relative à l'organisation du marché de l'électricité – Law of 29 April 1999 on the Organisation of the Electricity Market)</li> <li>• Arrêté royal du 16 juillet 2002 (Arrêté royal relatif à l'établissement de mécanismes visant la promotion de l'électricité produite à partir des sources d'énergie renouvelables - Royal Decree of 16 July 2002 on</li> </ul>



	the Introduction of Mechanisms Promoting Renewable Electricity Generation)
--	--



**Basic information on legal sources**

<b>Name of legal source (original language)</b>	Loi du 29 avril 1999 relative à l'organisation du marché de l'électricité / Wet betreffende de organisatie van de elektriciteitsmarkt van 29 April 1999.	Arrêté royal du 16 juillet 2002 relatif à l'établissement de mécanismes visant la promotion de l'électricité produite à partir des sources d'énergie renouvelables / Koninklijk besluit betreffende de instelling van mechanismen voor de bevordering van elektriciteit opgewekt uit hernieuwbare energiebronnen van 16 Juli 2002	
<b>Full name</b>			
<b>Name (English)</b>	Law of 29 April 1999 on the Organisation of the Electricity Market	Royal Decree of 16 July 2002 on the Introduction of Mechanisms Promoting Renewable Energy Generation	
<b>Abbreviated form</b>	Loi du 29 avril 1999	Arrêté royal du 16 juillet 2002	
<b>Entry into force</b>	02.06.1999	01.07.2003	
<b>Last amended on</b>	04.06.2014	04.06.2014	
<b>Future amendments</b>			
<b>Purpose</b>	The law establishes a general framework for the energy market and also applies to	The decree promotes renewable energy only. This decree is based on Art. 7 of Loi	



## RES-LEGAL EUROPE – National Profile Belgium



	renewable energy.	relative à l'organisation du marché de l'électricité.	
<b>Relevance for renewable energy</b>	This law constitutes a part of the legal basis for special regulations for the promotion of renewable energy with regard to the trade of certificates as well as grid connection of and priority access for renewable energy.	This decree promotes renewable energy only.	
<b>Link to full text of legal source (original language)</b>	<a href="http://tinyurl.com/29-avril-1999">http://tinyurl.com/29-avril-1999</a>	<a href="http://tinyurl.com/16-juillet-2002">http://tinyurl.com/16-juillet-2002</a>	
<b>Link to full text of legal source (English)</b>			





Further information

Institution (name)	Website	Name of contact person (optional)	Telephone number (head office)	E-mail (optional)
Service Public Fédéral FINANCES – Federal Public Service FINANCE	<a href="http://minfin.fgov.be/portail2/fr/index.htm">http://minfin.fgov.be/portail2/fr/index.htm</a>		+32 257 257 57	info.tax@minfin.fed.be
Service Public Fédéral Economie, P.M.E., Classes moyennes et Energie - Federal Public Service Economy, S.M.E.s, Self-employed and Energy	<a href="http://economie.fgov.be/fr/">http://economie.fgov.be/fr/</a>		+32 227 751 11	info.eco@economie.fgov.be
Commission de Régulation de l'Electricité et du Gaz (CREG) – Federal Regulatory Authority	<a href="http://www.creg.be/">http://www.creg.be/</a>		+32 228 976 11	



## Support schemes

### Quota system (Green Certificates)

<b>Abbreviated form of legal source(s)</b>	<ul style="list-style-type: none"> <li>• Arrêté royal du 16 juillet 2002</li> <li>• Loi du 29 avril 1999</li> </ul>		
<b>Contact Authority</b>	Federal Regulatory Authority (CREG)		
<b>Summary</b>	<p>In Belgium, the main means of support is a quota system based on quota obligations and tradable certificates. The trade of certificates is subject to federal legislation, while the quota obligations are defined in regional regulations. Electricity suppliers shall present evidence that they have supplied a certain quota of renewable energy determined by the region (Wallonia, Flanders, and Brussels Capital) to their final consumers. To this aim, electricity suppliers are obliged to acquire green certificates (certificats verts/groenestroomcertificaten). The Federal Electricity Regulatory Authority (CREG) issues one certificate per MWh of offshore electricity (Art. 7 § 3, Arrêté royal du 16 juillet 2002).</p> <p>Moreover, the federal grid operator used to be obliged to purchase green certificates from electricity generators at the minimum price. Since the energy issues are regional competence, this obligation has been limited to certain renewable energy technologies (Art. 14, Arrêté royal du 16 juillet 2002). These technologies are offshore wind energy and hydro-power.</p>		
<b>Eligible technologies</b>	<table border="1"> <tr> <td data-bbox="689 1026 1276 1359"><b>General information</b></td><td data-bbox="1276 1026 2056 1359"> <p>In general, all renewable electricity generation technologies are eligible to participate in the quota scheme in Belgium. However, only renewable electricity generation from offshore wind energy and hydro-power technologies fulfilling certain conditions can benefit from the purchase obligation of the federal grid operator. Green certificates are issued under the following conditions:</p> <ul style="list-style-type: none"> <li>• Plant operators shall be authorised to produce electricity from renewable energy sources. A plant operator is deemed authorised only if he has been issued a certificate of origin</li> </ul> </td></tr> </table>	<b>General information</b>	<p>In general, all renewable electricity generation technologies are eligible to participate in the quota scheme in Belgium. However, only renewable electricity generation from offshore wind energy and hydro-power technologies fulfilling certain conditions can benefit from the purchase obligation of the federal grid operator. Green certificates are issued under the following conditions:</p> <ul style="list-style-type: none"> <li>• Plant operators shall be authorised to produce electricity from renewable energy sources. A plant operator is deemed authorised only if he has been issued a certificate of origin</li> </ul>
<b>General information</b>	<p>In general, all renewable electricity generation technologies are eligible to participate in the quota scheme in Belgium. However, only renewable electricity generation from offshore wind energy and hydro-power technologies fulfilling certain conditions can benefit from the purchase obligation of the federal grid operator. Green certificates are issued under the following conditions:</p> <ul style="list-style-type: none"> <li>• Plant operators shall be authorised to produce electricity from renewable energy sources. A plant operator is deemed authorised only if he has been issued a certificate of origin</li> </ul>		



## RES-LEGAL EUROPE – National Profile Belgium



		<p>(garantie d'origine/oorsprongsgarantie) by the competent regional or federal authority (Art. 4 of Arrêté royal du 16 juillet 2002).</p> <ul style="list-style-type: none"> <li>In addition to this, the operators of plants that generate electricity from waves, tidal flows or wind power in Belgian waters need to be licensed by the responsible ministry (Art. 6 of Loi du 29 avril 1999).</li> </ul>
	<b>Wind energy</b>	<p>Onshore wind energy is only eligible for the regional green certificate scheme.</p> <p>Off-shore wind energy is eligible for federal schemes only (Art. 14, Arrêté royal du 16 juillet 2002).</p>
	<b>Solar energy</b>	Only eligible for the regional green certificate scheme.
	<b>Geothermal energy</b>	Only eligible for the regional green certificate scheme.
	<b>Biogas</b>	Only eligible for the regional green certificate scheme.
	<b>Hydro-power</b>	Eligible for the regional green certificate scheme. Hydro-power installations situated on state-owned concessions can also benefit from the federal purchase obligation of green certificates (Art. 14, Arrêté royal du 16 juillet 2002).
	<b>Biomass</b>	Only eligible for the regional green certificate scheme.
<b>Amount</b>	<b>Amount of quota and period of application</b>	The green certificates allocated to offshore plants by the federal regulatory authority have a validity of five years (Art. 13, §2 Arrêté royal du 16 juillet 2002).
	<b>Adjustment of quotas</b>	



## RES-LEGAL EUROPE – National Profile Belgium



	<b>Number of certificates according to technology</b>	The federal electricity regulatory authority (CREG) issues one certificate per MWh of electricity produced (Art. 7 § 3, Arrêté royal du 16 juillet 2002).
	<b>Minimum price per certificate</b>	<p>The minimum prices green certificates under the federal purchase obligation are as follows (Art. 14 Arrêté du 16 juillet 2002):</p> <ul style="list-style-type: none"> <li>• <b>Off-shore wind power stations:</b> €107 per MWh for electricity generated resulting from first 216 MW of installed capacity, € 90 per MWh for electricity produced from an installed capacity exceeding the first 216 MW</li> <li>• <b>Hydro-electric power stations:</b> €20 per MWh</li> </ul>
	<b>Fees and penalty charges</b>	There are no penalty charges concerning the green certificates of the federal authority. However, there is a system of penalty charges on the regional level for Flanders, Walloon and Brussels.
	<b>Yearly Average Certificate Price</b>	
<b>Eligibility Period</b>	The federal system operator is obliged to buy the green certificates of the renewable energy plants eligible to the federal purchase obligation for a period of 10 years from the commissioning of the plant. This obligation amounts to 20 years for offshore wind plants (Art. 14 §1 3° Arrêté du 16 juillet 2002).	
<b>International applicability</b>	<b>International certificate trade</b>	
	<b>Flexibility Mechanism</b>	
<b>Addressees</b>	<b>Entitled party.</b> The entitled party is not explicitly specified.	
	<b>Obligated party.</b> All electricity suppliers are obliged to satisfy the regional quota obligations.	



## RES-LEGAL EUROPE – National Profile Belgium



Procedure	Process flow	<ul style="list-style-type: none"> <li>The operators of offshore wind plants shall apply to the federal electricity regulatory authority (CREG) to acquire green certificates. Certificates of origin shall be submitted together with their applications (Art. 8 Arrêté du 16 juillet 2002).</li> <li>The regulatory authority shall assess applications and, if required, request missing documents and data from the applicants within 15 days (Art. 9 Arrêté du 16 juillet 2002).</li> <li>The regulatory authority shall communicate to the applicant whether or not green certificates will be issued within one month after receipt of a complete application (Art. 10 Arrêté du 16 juillet 2002).</li> </ul>
	Competent authority	The federal electricity regulatory authority (CREG) is responsible for allocating green certificates. To ensure the authenticity of these certificates, they are registered in a data base managed by CREG (Art. 13 Arrêté du 16 juillet 2002).
Distribution of costs	State	
	Consumers	The costs arising from the quota system are borne by the consumers (Art. 14 bis Arrêté du 16 juillet 2002).
	Plant operator	
	Grid operator	
	European Union	



	<b>Distribution mechanism</b>	<ul style="list-style-type: none"><li>• <b>Plant Operator – Transmission System Operator (TSO):</b> The TSO (federal system operator) is obliged to buy the green certificates from the eligible RE-producer at the fixed minimum price (Art. 14 Arrêté du 16 juillet 2002).</li><li>• <b>TSO – Access holders / Distribution System Operator (DSO):</b> The TSO forwards the surcharge of the green certificates (difference between the purchase cost of the green certificates and their gains on the market) to the access holders as well as to the DSOs (Art. 14 bis Arrêté du 16 juillet 2002).</li><li>• <b>DSO – Final consumers:</b> The surcharge of the green certificates is passed on to the consumers as described in the general legislation on energy (Art. 14 bis Arrêté du 16 juillet 2002).</li></ul>
--	-------------------------------	---



## RES-E Grid issues

### Overview

<b>Overview of grid issues</b>	In Belgium, access of electricity from renewable energy sources is basically regulated by the general legislation on energy. Electricity from renewable energy sources is given priority in both connection to and use of the grid. The grid users are not entitled to the expansion of the grid.
<b>Connection to the grid</b>	Plant operators are contractually entitled against the grid operator to the connection of a plant to the grid. The latter is obliged to enter into these contracts. The grid operator shall preferably choose as his contractual partners the operators of renewable energy plants.
<b>Use of the grid</b>	A given plant operator has the right to access the grid and that his electricity be purchased if his plant is connected to the grid.
<b>Grid expansion</b>	Plant operators are not entitled to the expansion of the grid. The grid operator is obliged to draft a development plan for the grid in cooperation with the "Direction générale de l'Energie" and the "Bureau fédéral du Plan".
<b>Statutory provisions</b>	<ul style="list-style-type: none"> <li>• Loi du 29 avril 1999 (Loi du 29 avril 1999 relative à l'organisation du marché de l'électricité - Law of 29 April 1999 on the Organisation of the Electricity Market)</li> <li>• Arrêté royal du 19 décembre 2002 (Arrêté royal du 19 décembre 2002 établissant un règlement technique pour la gestion du réseau de transport de l'électricité et l'accès à celui-ci – Royal Decree of 19 December 2002 Establishing Technical Regulations for the Management of the Electricity Transmission Grid)</li> <li>• Loi du 15 décembre 2009 (Loi du 15 décembre 2009 portant confirmation de divers arrêtés royaux pris en vertu de la loi du 29 avril 1999 relative à l'organisation du marché de l'électricité et de la loi du 12 avril 1965 relative au transport de produits gazeux et autres par canalisations – Law of 15 December 2009 Confirming Several Royal Decrees Related to the Law of 29 April 2009 on the Organisation of the Electricity Market)</li> </ul>



## RES-LEGAL EUROPE – National Profile Belgium



	<ul style="list-style-type: none"><li>• Arrêté royal du 2 septembre 2008 (Arrêté royal du 2 septembre 2008 relatif aux règles en matière de fixation et de contrôle du revenu total et de la marge bénéficiaire équitable, de la structure tarifaire générale, du solde entre les coûts et les recettes et des principes de base et procédures en matière de proposition et d'approbation des tarifs, du rapport et de la maîtrise des coûts par les gestionnaires des réseaux de distribution d'électricité – Decree of 2 September 2008 Establishing Regulations to Determine the Distribution Grid Operators' Total Income and the Principles and Procedures for the Calculation and Authorisation of their Export Charges).</li><li>• Loi du 8 janvier 2012 (Loi du 8 janvier 2012 portant modifications de la loi du 29 avril 1999 relative à l'organisation du marché de l'électricité et de la loi du 12 avril 1965 relative au transport de produits gazeux et autres par canalisations - Law of the 8 January 2012 modifying the Law of the 29 April 1999 on the Organisation of the Electricity Market as well as the Law of 12 April 1965 on the transport of gas products through gas mains)</li></ul>
--	--





**Basic information on legal sources**

<b>Name of legal source (original language)</b>	Loi du 29 avril 1999 relative à l'organisation du marché de l'électricité / Wet betreffende de organisatie van de elektriciteitsmarkt van 29 April 1999.	Arrêté royal du 19 décembre 2002 établissant un règlement technique pour la gestion du réseau de transport de l'électricité et l'accès à celui-ci / Koninklijk besluit houdende een technisch reglement voor het beheer van het transmissienet van elektriciteit en de toegang ertoe van 19 December 2002.	Loi du 15 décembre 2009 portant confirmation de divers arrêtés royaux pris en vertu de la loi du 29 avril 1999 relative à l'organisation du marché de l'électricité et de la loi du 12 avril 1965 relative au transport de produits gazeux et autres par canalisations./ Wet houdende bekrachtiging van diverse koninklijke besluiten genomen krachtens de wet van 29 april 1999 betreffende de organisatie van de elektriciteitsmarkt en de wet van 12 april 1965 betreffende het vervoer van gasachtige producten en andere door middel van leidingen
<b>Full name</b>			
<b>Name (English)</b>	Law of 29 April 1999 on the Organisation of the Electricity Market	Royal Decree of 19 December 2002 Establishing Technical Regulations for the Management of the Electricity Transmission Grid	Law of 15 December 2009 Confirming Several Royal Decrees Related to the Law of 29 April 1999 on the Organisation of the Electricity Market
<b>Abbreviated form</b>	Loi du 29 avril 1999	Arrêté du 19 décembre 2002	Loi du 15 décembre 2009
<b>Entry into force</b>	02.06.1999	28.12.2002	02.01.2010



## RES-LEGAL EUROPE – National Profile Belgium



<b>Last amended on</b>	04.06.2014	27.08.2013	10.08.2011
<b>Future amendments</b>			
<b>Purpose</b>	The law establishes a general framework for the energy market and also applies to renewable energy.	Establishing a framework for the technical and formal requirements and regulating the agreements on grid connection, grid access etc.	This law confirms the introduction of electricity export charges for the operators of renewable energy plants. Due to a decision by the supreme court, this law is not applicable at the moment.
<b>Relevance for renewable energy</b>	This law constitutes a part of the legal basis for special regulations for the promotion of renewable energy with regard to the trade of certificates as well as grid connection of and priority access for renewable energy.	The decree gives priority to renewable energy sources.	This law confirms the introduction of electricity export charges for the operators of renewable energy plants. Due to a decision by the supreme court, this law is not applicable at the moment.
<b>Link to full text of legal source (original language)</b>	<a href="http://tinyurl.com/29-avril-1999">http://tinyurl.com/29-avril-1999</a>	<a href="http://tinyurl.com/19-decembre-2002">http://tinyurl.com/19-decembre-2002</a>	<a href="http://www.ejustice.just.fgov.be/cgi_loi/change_lg.pl?language=fr&amp;la=F&amp;cn=2009121503&amp;table_name=loi">http://www.ejustice.just.fgov.be/cgi_loi/change_lg.pl?language=fr&amp;la=F&amp;cn=2009121503&amp;table_name=loi</a>
<b>Link to full text of legal source (English)</b>			



<b>Name of legal source (original language)</b>	<p>Arrêté royal du 2 septembre 2008 relatif aux règles en matière de fixation et de contrôle du revenu total et de la marge bénéficiaire équitable, de la structure tarifaire générale, du solde entre les coûts et les recettes et des principes de base et procédures en matière de proposition et d'approbation des tarifs, du rapport et de la maîtrise des coûts par les gestionnaires des réseaux de distribution d'électricité/ Koninklijk besluit betreffende de regels met betrekking tot de vaststelling van en de controle op het totaal inkomen en de billijke winstmarge, de algemene tariefstructuur, het saldo tussen kosten en ontvangsten en de basisprincipes en procedures inzake het voorstel en de goedkeuring van de tarieven, van de rapportering en kostenbeheersing door de beheerders van distributienetten voor elektriciteit.</p>	<p>Loi du 8 janvier 2012 portant modifications de la loi du 29 avril 1999 relative à l'organisation du marché de l'électricité et de la loi du 12 avril 1965 relative au transport de produits gazeux et autres par canalisations/ Wet tot wijziging van de wet van 29 april 1999 betreffende de organisatie van de elektriciteitsmarkt en de wet van 12 april 1965 betreffende het vervoer van gasachtige producten en andere door middel van leidingen</p>	
<b>Full name</b>			
<b>Name (English)</b>	<p>Decree of 2 September 2008 Establishing Regulations to Determine the Grid Operators' Total Income and Principles and</p>	<p>Law of 8 January 2012 modifying the Law of the 29 April 1999 on the Organisation of the Electricity Market as well as the Law of 12 April 1965 on the transport of gas</p>	



## RES-LEGAL EUROPE – National Profile Belgium



	Procedures related to the Export Charges	products through gas mains	
<b>Abbreviated form</b>	Arrêté royal du 2 septembre 2008	Loi du 8 janvier 2012	
<b>Entry into force</b>	12.09.2008	21.01.2012	
<b>Last amended on</b>	15.12.2009	27.09.2013	
<b>Future amendments</b>			
<b>Purpose</b>	This decree introduced the export charges for the operators of renewable energy plants. Art. 41 of the decree is currently not applicable due to a decision by the supreme court.	This Law implements the third European energy package. It addresses the ownership of the unbundling process, the reinforcing of competences of the federal regulator and the promotion of renewable energy.	
<b>Relevance for renewable energy</b>		This Law also partially implements the Directive 2009/28/EC on the promotion of the use of energy from renewable sources and thus reinforces the priority of electricity from renewable energy sources.	
<b>Link to full text of legal source (original language)</b>	<a href="http://tinyurl.com/6zql9cn">http://tinyurl.com/6zql9cn</a>	<a href="http://www.ejustice.just.fgov.be/cgi_loi/change_lq.pl?language=fr&amp;la=F&amp;table_name=loi&amp;cn=2012010802">http://www.ejustice.just.fgov.be/cgi_loi/change_lq.pl?language=fr&amp;la=F&amp;table_name=loi&amp;cn=2012010802</a>	



## RES-LEGAL EUROPE – National Profile Belgium



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)
Elia – transmission grid operator	<a href="http://www.elia.be/">http://www.elia.be/</a>		+32 254 670 11	<a href="mailto:info@elia.be">info@elia.be</a>
Commission de Régulation de l'Electricité et du Gaz (CREG) – Federal Regulatory Authority	<a href="http://www.creg.be/">http://www.creg.be/</a>		+32 228 976 11	
Service Public Fédéral FINANCES – Federal Public Service FINANCE	<a href="http://minfin.fgov.be/portail2/fr/index.htm">http://minfin.fgov.be/portail2/fr/index.htm</a>		+32 257 257 57	
Service Public Fédéral Economie, P.M.E., Classes moyennes et Energie – FPS Economy, S.M.E.s, Self-employed and Energy	<a href="http://economie.fgov.be/fr/">http://economie.fgov.be/fr/</a>		+ 32 227 751 11	<a href="mailto:info.eco@economie.fgov.be">info.eco@economie.fgov.be</a>



## Grid issues

### Connection to the grid

<b>Abbreviated form of legal sources</b>	Arrêté du 19 décembre 2002	
<b>Contact Authority</b>	Elia – transmission grid operator	
<b>Overview</b>	<p>Plant operators are contractually entitled to be connected to the grid by the grid operator. The grid operator is obliged to enter into these agreements. The essential contents of such an agreement are defined by law (Art. 112 Arrêté du 19 décembre 2002). Prior to entering into an agreement, the grid user shall submit an application for connection (demande de raccordement) to the grid operator. The claim for grid connection arises at the date of the conclusion of the agreement.</p> <p>Every plant operator or grid user that meets the technical conditions of a so-called "utilisateur du réseau" is entitled to connection (Art. 45-78 Arrêté du 19 décembre 2002).</p> <p>The obligated party is the grid operator (Art. 3-9 Arrêté du 19 décembre 2002).</p>	
<b>Procedure</b>	<b>Process flow</b>	<p>The distribution grid operator operates on the national level on grids with a voltage of 150 kV to 380 kV. The following procedure applies therefore to all regions:</p> <ul style="list-style-type: none"> <li>• First, the generator applies to the grid operator for connection. Art. 95 of Arrêté du 19 décembre 2002 sets out the information to be provided in the application.</li> <li>• After receipt of a complete application, the grid operator conducts a thorough examination to present technical solutions for the connection of the plant to the grid. The applicant is obliged to bear the costs of this examination (Art. 95, 5° Arrêté du 19 décembre 2002).</li> <li>• After an applicant has accepted the technical solution proposed by the grid</li> </ul>



		<p>operator, a grid connection agreement is concluded.</p> <p>Prior to submitting an application for connection, a plant operator may request the grid operator to conduct a benchmark study (Art. 79 Arrêté du 19 décembre 2002). This benchmark study shall include a cost estimate for connection (Art. 88 and 80 Arrêté du 19 décembre 2002). The costs of the benchmark study shall be borne by the applicant. Where technically feasible, the grid operator is obliged to give priority to renewable energy plants with a capacity of up to 25 MW when conducting benchmark studies or processing applications for connection (Art. 79 §2 and 100 Arrêté du 19 décembre 2002).</p>
	<b>Deadlines</b>	<p>The date of connection to the grid depends on the terms of the agreement.</p> <ul style="list-style-type: none"> <li>• Where an application for a benchmark study has been accepted, the grid operator shall present the results of the study within 40 working days (Art. 87 Arrêté du 19 décembre 2002).</li> <li>• The grid operator is obliged to examine an application and inform the plant operator of missing documents and information within 10 days from the receipt of the application (Art. 97 Arrêté du 19 décembre 2002).</li> <li>• The grid operator and the plant operator are obliged to reach an agreement on the technical solution for connection within 60 days as soon as the application is complete (Art. 105 Arrêté du 19 décembre 2002).</li> <li>• The grid operator and the plant operator shall conclude a connection agreement within 60 days after having reached an agreement on the technical solution (Art. 109 in conjunction with Art. 107 Arrêté du 19 décembre 2002).</li> </ul>
	<b>Obligation to inform</b>	
<b>Priority to renewable energy</b>	( x ) Priority to renewable energy	<p>Renewable energy plants shall be granted priority connection unless grid security is at stake. This principle of priority shall be applied at all stages of the examination of a grid connection project (preliminary examination and application for connection, Arts. 79 § 2,</p>





## RES-LEGAL EUROPE – National Profile Belgium



<b>(qualitative criteria)</b>	( ) Non-discrimination	94 § 2, 100 § 8 of Arrêté du 19 décembre 2002).
<b>Capacity limits</b> <b>(quantitative criteria)</b>		
<b>Distribution of costs</b>		
	<b>State</b>	
	<b>Consumers</b>	
	<b>Grid operator</b>	
	<b>Plant operator</b>	The costs of grid connection are borne by the plant operator who submitted the application for connection. The costs arising from the mandatory examinations, the preliminary examination and the examination of the grid connection project are borne by the plant operator. They are deducted from the costs of grid connection.
	<b>European Union</b>	
	<b>Distribution mechanism</b>	



### Use of the grid

Abbreviated form of legal sources	<ul style="list-style-type: none"> <li>• Arrêté du 19 décembre 2002</li> <li>• Loi du 29 avril 1999</li> </ul>	
Contact Authority	Elia – transmission grid operator	
Overview	<p>The plant operators are contractually entitled against the grid operator to use the grid. The grid operator is obliged to enter into agreements according to non-discriminatory criteria. The claim for use of the grid arises at the date of the conclusion of the agreement. The grid use agreement defines the rights and obligations of the grid operator and the plant operator. It also includes provisions on access and connection charges. Applications for access (examen de la demande d'accès/Onderzoek van de toegangs aanvraag) are also assessed with regard to the available grid capacity (Art. 168 no. 2 Arrêté du 19 décembre 2002). The grid operator may deny the use of the grid if grid capacity is insufficient (Art. 170 § 1 Arrêté du 19 décembre 2002 in conjunction with Art. 15 § 1 Loi du 29 avril 1999). The grid capacity available to an individual plant operator is stipulated in the agreement.</p> <p>The transmission grid operator is allowed to refuse the access to the grid to grid connected installations if he does not dispose of the required grid capacity or if the grid access could hinder the good functioning of the grid (Art. 15 §1 Loi du 29 avril 1999). The transmission grid operator engages itself to notify and to justify its refusal to the federal regulatory authority CREG (Art. 15 §1 Loi du 29 avril 1999).</p> <p><b>Entitled party.</b> The entitled parties are those plant operators that have entered into a connection agreement (Art. 163 Arrêté du 19 décembre 2002).</p> <p><b>Obligated party.</b> The grid operator is the obligated party as regards the access to the grid.</p>	
Procedure	Process flow	<p>In order to be able to use the grid, a given plant operator (who has entered into a connection agreement) must apply for access (Art. 163 Arrêté du 19 décembre 2002). As stated by the grid operator, an agreement is valid only after it has been signed by the plant operator and if he has provided a bank guarantee. When applying for grid access, a given applicant shall appoint a person to be responsible for the security of the access points defined in the agreement ("responsable d'accès" or ARP - Access Responsible Party, Art. 172 Arrêté du 19 décembre 2002). Every plant</p>



		operator may register himself as an ARP in the register of ARPs or appoint a third party to assume this responsibility on his behalf. To become an ARP, a plant operator (or third person) shall enter into an agreement (contrat de responsable d'accès/ contract van toegangsverantwoordelijke) whose contents are described by law (Art. 151 Arrêté du 19 décembre 2002).
	<b>Deadlines</b>	<p>Deadlines concerning access may be specified in the grid use agreement. In contrast to this, deadlines regarding the procedure for concluding agreements are specified by statutory law.</p> <ul style="list-style-type: none"> <li>• The grid operator is obliged to examine an application and inform the plant operator of missing documents and information within 5 days from the receipt of the application (Art. 167 Arrêté du 19 décembre 2002).</li> <li>• The grid operator may reject an application within 12 days after receipt. The grid operator is obliged to give reasons for its decision (Art. 170 Arrêté du 19 décembre 2002).</li> <li>• The grid operator is obliged to submit an offer to the applicant within 15 working days (Art. 171 Arrêté du 19 décembre 2002).</li> </ul>
	<b>Obligation to inform</b>	
<b>Priority to renewable energy</b>  <b>(qualitative criteria)</b>	( x ) Priority to renewable energy  ( ) Non-discrimination	Electricity from renewable sources must be given priority access and transmission unless the security of supply is at risk (Art. 268 § 1 of Arrêté du 19 décembre 2002 in conjunction with Art. 11 no. 3 of Loi du 29 avril 1999, Art 8. §1 no. 5 b of Loi du 29 avril 1999).
<b>Curtailement</b>	In general, the transmission grid operator is responsible for the minimisation of the curtailment of electricity from renewable energy sources (Art. 8 §1 no. 5c of Loi du 29 avril 1999).	



Distribution of costs		
	State	
	Consumers	In the end, the costs are borne by the consumers through their electricity bills (Art. 12 §11 of Loi du 29 avril 1999).
	Grid operator	
	Plant operator	
	European Union	
	Distribution mechanism	Every consumer is obliged to pay a fee, which depends on the amount of electricity consumed and is used to fund government activities related to the operation of the electricity grid and the regulation of the electricity market. This fee is collected by the grid operator. Electricity from renewable sources is exempt from certain elements of this fee (Art. 21 bis § 1 bis Loi du 29 avril 1999).



Grid expansion

Abbreviated form of legal source	<ul style="list-style-type: none"> <li>Loi du 29 avril 1999</li> </ul>	
Contact Authority	Elia – transmission grid operator	
Overview	<p>Plant operators are not entitled to the expansion of the grid.</p> <p><b>Obligated party.</b> In cooperation with the "Direction générale de l'Energie" and the "Bureau fédéral du Plan", the grid operator is obliged to draft and present to the federal regulatory authority CREG a development plan for the expansion of the grid and all investments, taking into account the expected capacity requirements. This plan shall be approved by the Minister for Energy (Art. 13 § 1 and 2 Loi du 29 avril 1999).</p>	
Procedure	Process flow	Plant operators are not entitled to the expansion of the grid.
	Enforcement of claims	According to the federal transmission grid operator, there is no Belgian regulation enabling RES plant operators to ask grid operators for developing their grid in case of insufficient grid capacities of the latter.
	Deadlines	The plan has a duration of at least ten years and must be revised every four years (Art. 13 § 1 Loi du 29 avril 1999).
	Obligation to inform	
Regulatory incentives for grid expansion and innovation		
Distribution of costs		



## RES-LEGAL EUROPE – National Profile Belgium



	<b>State</b>	
	<b>Consumers</b>	
	<b>Grid operator</b>	The costs of the expansion of the grid are borne by the grid operator.
	<b>Plant operator</b>	
	<b>European Union</b>	
	<b>Distribution mechanism</b>	
<b>Grid studies</b>		



## RES H&C support schemes

### Summary of support schemes

Overview	In Belgium, energy is a matter of regional competence. However, one fiscal measure promotes the use of heat production from renewable energy sources on the federal level: namely the tax deduction on investment costs for companies.
Summary of support schemes	<ul style="list-style-type: none"><li>• <b>Tax deduction on investment costs for companies:</b> Entitled companies may reduce their taxable profit by a fixed percentage of their investment in renewable energy installations.</li></ul>
Technologies	Geothermal plants and solar thermal energy installations as well as biogas and biomass plants can be promoted through both fiscal measures.
Statutory provisions	<ul style="list-style-type: none"><li>• CIR 92 (Code des impôts sur les revenus 1992 Exercice d'imposition 2015 (revenus 2014) - Income Tax Code of 1992, tax year 2014)</li><li>• AR/CIR 92 (Arrêté royal d'exécution du Code des impôts sur les revenus 92 du 27 Août 1993, lequel est dénommé, en abrégé, "AR/CIR 92" - Royal Decree on the execution of the Income Tax Code of 1992)</li><li>• Avis relatif à la déduction pour investissement (Avis relatif à la déduction pour investissement (Administration générale de la Fiscalité. Impôts sur les revenus - Notice of the federal tax administration regarding the tax deduction on investments)</li></ul>



### Basic information on legal sources

<b>Name of legal source (original language)</b>	Code des impôts sur les revenus 1992 Exercice d'imposition 2015 (revenus 2014)/ Wetboek van de inkomstenbelastingen 92- Aanslagjaar 2015 (inkomsten 2014)	Arrêté royal d'exécution du Code des impôts sur les revenus 92 du 27 Août 1993, lequel est dénommé, en abrégé, "AR/CIR 92"/ Koninklijk Besluit Tot Uitvoering Van Het Wetboek Van De Inkomstenbelastingen 1992, Afgekort Als "Kb/Wib 92"	Avis relatif à la déduction pour investissement (Administration générale de la Fiscalité. - Impôts sur les revenus)/ Bericht in verband met de investeringsaftrek (Algemene administratie van de Fiscaliteit. - Inkomstenbelastingen)
<b>Full name</b>			
<b>Name (English)</b>	Income Tax Code of 1992, tax year 2014	Royal Decree on the execution of the Income Tax Code of 1992	Notice of the federal tax administration regarding the tax deduction on investments
<b>Abbreviated form</b>	CIR 92	AR/CIR 92	Avis relatif à la déduction pour investissement
<b>Entry into force</b>	01.01.1992	01.01.1992	07.03.2013
<b>Last amended on</b>	01.07.2014	09.10.2014	
<b>Future amendments</b>			





## RES-LEGAL EUROPE – National Profile Belgium



<b>Purpose</b>	This code regulates income tax; the current version applies to the tax year 2014.		This notice gives the percentages of tax deduction on investments in application for the tax year 2014
<b>Relevance for renewable energy</b>	Article 145/24 stipulates that investments in photovoltaic installations and geothermal plants may be offset against income tax.	Article 63/11 and Annex II and II Bis provide the conditions under which investments in some renewable energy plants may be offset against income tax as well as benefit from a tax deduction on investments costs (for companies).	Several renewable energy plants can benefit from the tax deduction on investments
<b>Link to full text of legal source (original language)</b>	<a href="http://finances.belgium.be/fr/binaries/in dexering-aj2015_fr_tcm307-240819.pdf">http://finances.belgium.be/fr/binaries/in dexering-aj2015_fr_tcm307-240819.pdf</a>	<a href="http://tinyurl.com/AR-CIR92">http://tinyurl.com/AR-CIR92</a>	<a href="http://www.ejustice.just.fgov.be/cgi_loi/c hange_lg.pl?language=fr&amp;la=F&amp;cn=1992 0410G7&amp;table_name=loi">http://www.ejustice.just.fgov.be/cgi_loi/c hange_lg.pl?language=fr&amp;la=F&amp;cn=1992 0410G7&amp;table_name=loi</a>
<b>Link to full text of legal source (English)</b>			



## RES-LEGAL EUROPE – National Profile Belgium



### Further information

Institution (name)	Website	Name of contact person (optional)	Telephone number (head office)	E-mail (optional)
Service Public Fédéral Finances (SPF Finances) - Federal Public Service Finance	<a href="http://www.minfin.fgov.be/">http://www.minfin.fgov.be/</a>		+ 32 257 257 57	info.tax@minfin.fed.be



### Support schemes

Tax regulation mechanism (tax deduction on investments costs for companies)

<b>Abbreviated form of legal source(s)</b>	<ul style="list-style-type: none"> <li>• Avis relatif à la déduction pour investissement</li> <li>• CIR 92</li> <li>• AR/CIR 92</li> </ul>	
<b>Contact Authority</b>	Service Public Fédéral des Finances	
<b>Summary</b>	Entitled companies may reduce their taxable profit by a fixed percentage of their investment in renewable energy installations.	
<b>Eligible technologies</b>	<b>General information</b>	The regions are responsible for determining whether renewable energy installations are eligible or not (Art. 49 AR/CIR 92 referring to Annex II). The categories of eligible investments are listed within the appendix 1 of the form CEB 2 available in each region and referring to Annex II of AR/CIR 92.
	<b>Aerothermal</b>	
	<b>Hydrothermal</b>	Eligible
	<b>Biogas</b>	Eligible
	<b>Biomass</b>	Eligible
	<b>Geothermal energy</b>	
	<b>Solar Thermal</b>	Eligible
<b>Amount</b>	The tax deduction amounts to 14.5% of the investment value for the fiscal year 2014 (Avis relatif à la déduction pour	



## RES-LEGAL EUROPE – National Profile Belgium



	investissement)	
<b>Addressees</b>	Commercial, industrial or agricultural companies, as well as holders of liberal professions.	
<b>Procedure</b>	<b>Process flow</b>	<ul style="list-style-type: none"> <li>• Tax deductions on investments costs can be claimed through the tax return.</li> <li>• A certificate regarding investments for energy saving devices is necessary. The certificate is delivered by the regions, according to the investment location. The competent administration departments of the regions are to be found in the notice of the federal tax administration regarding the tax deduction on investments.</li> </ul>
	<b>Competent authority</b>	The federal ministry of Finance (Service Public Fédéral des Finances) is the competent authority.
<b>Flexibility Mechanism</b>		
<b>Distribution of costs</b>	<b>State</b>	The tax deduction is financed from the national budget.
	<b>Consumers</b>	
	<b>Plant operator</b>	
	<b>Grid operator</b>	
	<b>European Union</b>	



## RES-LEGAL EUROPE – National Profile Belgium



	Distribution mechanism	
--	------------------------	--



## RES-T support schemes

### Summary of support schemes

Overview	Transport is a matter of federal competence in Belgium. Therefore, there are no regional support schemes for the production of biofuels. The main support scheme for renewable energy sources used in transport is a blending obligation. This scheme obliges companies to satisfy a defined volume of sustainable biofuels within one calendar year. Furthermore, biofuels are supported through tax regulations.
Summary of support schemes	<ul style="list-style-type: none"> <li>• <b>Tax regulation mechanism (Défiscalisation des biocarburants):</b> The Act of 10 June 2006 introduces a reduction of the excise rate for the rate of biofuels contained in petrol and diesel products and produced by production units authorised by the Belgian Government.</li> <li>• <b>Tax regulation mechanism (Exemption d'accise pour l'huile de colza):</b> Biofuel from rapeseed oil produced by a natural or legal person who directly sells its production to the end consumer without intermediary can be exempted from excise duty.</li> <li>• <b>Biofuel quota (Law on blending obligation):</b> The law obliges companies that sell gasoline E5 or E10 or diesel oil to satisfy a defined volume of sustainable biofuels within one calendar year.</li> </ul>
Technologies	The tax regulation mechanism and the biofuels quota apply to biofuels only.
Statutory provisions	<ul style="list-style-type: none"> <li>• Wet houdende de minimale nominale volumes duurzame biobrandstoffen (Law of 17 July 2013 on minimum nominal volumes of sustainable biofuels)</li> <li>• Loi du 10 juin 2006 (Loi du 10 juin 2006 concernant les biocarburants - Act of 10 June 2006 regarding biofuels).</li> <li>• Loi-Programme du 27 décembre 2004 (Loi-Programme du 27 décembre 2004 - Framework legislation of 27 December 2004)</li> <li>• Arrêté royal du 10 Mars 2006 (Arrêté royal du 10 Mars 2006 en matière d'huile de colza utilisée comme carburant - Royal decree regarding the use of rapeseed oil as biofuel)</li> </ul>



### Basic information on legal sources

<b>Name of legal source (original language)</b>	Loi relative aux volumes nominaux minimaux de biocarburants durables / Wet houdende de minimale nominale volumes duurzame biobrandstoffen	Loi du 10 juin 2006 concernant les biocarburants/ Wet betreffende de biobrandstoffen	Loi-Programme du 27 décembre 2004/ Programmawet van 27 December 2004.
<b>Full name</b>	Loi du 17 juillet 2013 relative aux volumes nominaux minimaux de biocarburants durables qui doivent être incorporés dans les volumes de carburants fossiles mis annuellement à la consommation / Wet houdende de minimale nominale volumes duurzame biobrandstoffen die de volumes fossiele motorbrandstoffen, die jaarlijks tot verbruik worden uitgeslagen, moeten bevatten		
<b>Name (English)</b>	Law of 17 July 2013 on minimum nominal volumes of sustainable biofuels	Act of 10 June 2006 regarding biofuels.	Framework legislation of 27 December 2004
<b>Abbreviated form</b>	Law on blending obligation	Loi du 10 juin 2006	Loi-Programme du 27 décembre 2004
<b>Entry into force</b>	26.07.2013		10.01.2005



## RES-LEGAL EUROPE – National Profile Belgium



<b>Last amended on</b>		29.11.2013	20.06.2014
<b>Future amendments</b>			
<b>Purpose</b>			
<b>Relevance for renewable energy</b>	This law regulates the volume of biofuels on the market.	This Act regulates the tax exemption of biofuels and introduces a reduced rate of excise duty for petrol containing a certain amount of biofuels.	This framework legislation details the excise rates of the petrol and diesel products containing biofuels.
<b>Link to full text of legal source (original language)</b>	<a href="http://www.ejustice.just.fgov.be/cgi_loi/change_lg.pl?language=nl&amp;la=N&amp;cn=2013071706&amp;table_name=wet">http://www.ejustice.just.fgov.be/cgi_loi/change_lg.pl?language=nl&amp;la=N&amp;cn=2013071706&amp;table_name=wet</a>	<a href="http://www.ejustice.just.fgov.be/cgi_loi/change_lg.pl?language=fr&amp;la=F&amp;cn=2006061032&amp;table_name=loi">http://www.ejustice.just.fgov.be/cgi_loi/change_lg.pl?language=fr&amp;la=F&amp;cn=2006061032&amp;table_name=loi</a>	<a href="http://www.ejustice.just.fgov.be/cgi_loi/change_lg.pl?language=fr&amp;la=F&amp;table_name=loi&amp;cn=2004122730">http://www.ejustice.just.fgov.be/cgi_loi/change_lg.pl?language=fr&amp;la=F&amp;table_name=loi&amp;cn=2004122730</a>
<b>Link to full text of legal source (English)</b>			





## RES-LEGAL EUROPE – National Profile Belgium



<b>Name of legal source (original language)</b>	Arrêté royal du 10 Mars 2006 en matière d'huile de colza utilisée comme carburant/ Koninklijk besluit betreffende koolzaadolie gebruikt als motorbrandstof.		
<b>Full name</b>			
<b>Name (English)</b>	Royal decree regarding the use of rapeseed oil as biofuel		
<b>Abbreviated form</b>	Arrêté royal du 10 Mars 2006		
<b>Entry into force</b>	30.03.2006		
<b>Last amended on</b>			
<b>Future amendments</b>			
<b>Purpose</b>			
<b>Relevance for renewable energy</b>	This decree regulates the exemption of excise duty for rapeseed oil used as biofuel.		
<b>Link to full text of legal source (original language)</b>	<a href="http://www.ejustice.just.fgov.be/cqi_loi/oi_a.pl?language=fr&amp;caller=list&amp;cn=2006031031&amp;la=f&amp;fromtab=loi&amp;sql=dt='arret">http://www.ejustice.just.fgov.be/cqi_loi/oi_a.pl?language=fr&amp;caller=list&amp;cn=2006031031&amp;la=f&amp;fromtab=loi&amp;sql=dt='arret</a>		



## RES-LEGAL EUROPE – National Profile Belgium



	<a href="#"><u>e%20royal'&amp;tri=dd+as+rank&amp;rech=1&amp;numero=1</u></a>		
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)
SPF Economie, PME et Energie, Direction Générale de l'Energie - Federal Public Service Economy, SMEs, Self-Employed and Energy - Directorate-General for Energy	<a href="http://economie.fgov.be/">http://economie.fgov.be/</a>		+ 32 2 277 81 80	<a href="mailto:info.eco@economie.fgov.be">info.eco@economie.fgov.be</a> (Contact Centre)
Administration des Douanes et Accises – Customs and Excise Administration	<a href="http://fiscus.fgov.be/interfda/nl/fr/index.htm">http://fiscus.fgov.be/interfda/nl/fr/index.htm</a>		+ 32 25 76 30 11	<a href="mailto:proceduresaccisiennes.douane@minfin.fed.be">proceduresaccisiennes.douane@minfin.fed.be</a>
SPF Santé publique, Sécurité de la Chaîne Alimentaire et Environnement – Federal Public service Health, Food Chain Safety and Environnement	<a href="http://www.health.belgium.be/eportal/Environment/">http://www.health.belgium.be/eportal/Environment/</a>		+32 25 24 90 90	<a href="mailto:fonctionnaire-information@health.fgov.be">fonctionnaire-information@health.fgov.be</a>



### Support schemes

#### Tax regulation mechanism (défiscalisation des biocarburants)

<b>Abbreviated form of legal source(s)</b>	<ul style="list-style-type: none"> <li>• Loi du 10 juin 2006</li> <li>• Loi-Programme du 27 décembre 2004</li> </ul>	
<b>Contact Authority</b>	Customs and Excise Administration	
<b>Summary</b>	<p>Transport is a matter of federal competence in Belgium. Therefore, there are no regional support schemes for the production of biofuels.</p> <p>The Act of 10 June 2006 introduces a reduction of the excise rate for the rate of biofuels contained in petrol and diesel products and produced by production units authorised by the Belgian Government. To that purpose, the Accreditation Commission publishes calls for applications in the official register of the European Union (Art. 3 Loi des Finances du 10 juin 2006). According to the Ministry of Energy, the Accreditation Commission has accredited seven companies for the production of biofuels hitherto. The excise rate mentioned in the Act of 10 June 2006 only applies for energy products released for consumption until 31 May 2014 (Art. 3 Loi du 10 juin 2006).</p>	
<b>Eligible technologies</b>	<b>General information</b>	Subject to the exemption of excise duty are only biofuels.
	<b>Biofuels</b>	<p>Eligible under following conditions:</p> <ul style="list-style-type: none"> <li>• petrol products must contain at least 7% v/v bioethanol (pure or bio ETBE) (Art. 419 c) ii) Loi-Programme du 27 décembre 2004)</li> <li>• diesel products must contain at least 5% v/v of FAME (fatty</li> </ul>



## RES-LEGAL EUROPE – National Profile Belgium



		acid methyl ester) and meet the requirements of the Belgian standard NBN-EN 14214 (Art. 419 f) i) Loi- programme du 27 décembre 2004)
	<b>Electricity</b>	
	<b>Hydrogen</b>	
<b>Amount</b>	<p>For petrol products containing at least 7% v/v bioethanol (Art. 419 c) ii) Loi-Programme du 27 décembre 2004):</p> <ul style="list-style-type: none"> <li>• excise : € 245.4146 per 1 000 litres at 15 °C;</li> <li>• special excise : € 296.5739 per 1 000 litres at 15 °C;</li> <li>• contribution for energy: € 28.6317 per 1 000 litres at 15 °C;</li> </ul> <p>For diesel products containing at least 7% v/v of FAME (Art. 419 f) i) Loi- Programme du 27 décembre 2004):</p> <ul style="list-style-type: none"> <li>• excise: € 198.3148 per 1 000 litres at 15 °C;</li> <li>• special excise: € 214.4996 per 1 000 litres at 15 °C;</li> <li>• contribution for energy: € 14.8736 per 1 000 litres at 15 °C</li> </ul> <p>Moreover, the maximum eligible amount of biofuels of the authorised production units shall not exceed (Art. 4 §5 Loi du 10 juin 2006):</p> <ul style="list-style-type: none"> <li>• For bioéthanol: 21,701,244litres from 1 December 2013.</li> <li>• For FAME: 184,176,034litres from 1 December 2013.</li> </ul>	
<b>Addressees</b>	<p>The addressees are natural or legal persons operating production units authorised by the Belgian Government (Art. 4 Loi du 10 juin 2006). All production units able to produce biofuels meeting the technical requirements of Belgium can apply. A detailed list of the selection criteria for the accreditation of production units is to be found in Art. 6 of the Act of 10 June 2006.</p>	
<b>Procedure</b>	<b>Process flow</b>	<ul style="list-style-type: none"> <li>• Before applying to the Accreditation Commission, the legal or natural person shall be registered in the Customs and</li> </ul>



## RES-LEGAL EUROPE – National Profile Belgium



		<p>Excise Administration (Art. 7 §1 Loi du 10 juin 2006).</p> <ul style="list-style-type: none"> <li>• In order to be accredited, the applicant company shall submit to the Accreditation Commission several documents listed in Art. 5 of the Act of 10 June 2006.</li> <li>• The accredited companies must inform on a yearly basis that they observed the mandatory blending of biofuels (Art. 7 §3 Loi du 10 juin 2006).</li> </ul>
	<b>Competent authority</b>	The competent authority for the accreditation of production units is the Accreditation Commission, whereas the Customs and Excise Administration is responsible for matters regarding excise duty.
<b>Flexibility Mechanism</b>		
<b>Distribution of costs</b>	<b>State</b>	
	<b>Consumers</b>	In the end, the costs of this tax regulation are borne by the consumers.
	<b>Plant operator</b>	
	<b>Grid operator</b>	
	<b>Other</b>	
	<b>European Union</b>	



## RES-LEGAL EUROPE – National Profile Belgium



	Distribution mechanism	
--	------------------------	--



**Tax regulation mechanism (exoneration d'accise pour l'huile de colza)**

<b>Abbreviated form of legal source(s)</b>	<ul style="list-style-type: none"> <li>• Arrêté du 10 mars 2006</li> </ul>	
<b>Contact Authority</b>	<u>Customs and Excise Administration</u>	
<b>Summary</b>	Biofuel from rapeseed oil produced by a natural or legal person who directly sells its production to the end consumer without intermediary can be exempted from excise duty (Arrêté royal du 10 mars 2006).	
<b>Eligible technologies</b>	<b>General information</b>	Subject to the exemption of excise duty are only biofuels from rapeseed oil.
	<b>Biofuels</b>	<p>Eligible under the following conditions (Arrêté royal du 10 mars 2006):</p> <ul style="list-style-type: none"> <li>• The rapeseed oil shall be used as a biofuel under the code NC 1514</li> <li>• The natural or legal person producing the rapeseed oil shall sell it to the end consumer without intermediary</li> </ul>
	<b>Electricity</b>	
	<b>Hydrogen</b>	
<b>Amount</b>	Biofuel from rapeseed oil can benefit from a total exemption of excise duty (Arrêté royal du 10 mars 2006). According to the ministry, the exemption of rapeseed oil equals the excise rate of the fuel it replaces.	
<b>Addressees</b>	Natural or legal persons producing rapeseed oil (Arrêté royal du 10 mars 2006).	
<b>Procedure</b>	<b>Process flow</b>	The eligible persons shall first be registered by the Customs and Excise Administration and apply for a special dispensation (procédure





		de dérogation) of the Directorate General for Energy for the marketing of pure rapeseed oil (Arrêté royal du 10 mars 2006).
	<b>Competent authority</b>	The competent authority for the registration of the company and for matters regarding excise duty is the Customs and Excise Administration whereas the Directorate General for Energy is responsible for the special dispensation procedure.
<b>Flexibility Mechanism</b>		
<b>Distribution of costs</b>	<b>State</b>	The costs of the exemption of excise duty are borne by the state, which receives lower tax revenues.
	<b>Consumers</b>	
	<b>Plant operator</b>	
	<b>Grid operator</b>	
	<b>Other</b>	
	<b>European Union</b>	
	<b>Distribution mechanism</b>	


Biofuel quota (Law on blending obligation)

<b>Abbreviated form of legal source(s)</b>	<ul style="list-style-type: none"> <li>Law on blending obligation</li> </ul>	
<b>Contact Authority</b>	Federal Public Service Economy, SMEs, Self-Employed and Energy - Directorate-General for Energy	
<b>Summary</b>	Companies that sell petrol E5 or E10 or diesel oil need to satisfy a defined volume of sustainable biofuels within one calendar year (Art. 7 §1 in conjunction with Art. 4 and 5 Law on blending obligation).	
<b>Eligible technologies</b>	<b>General information</b>	Subject to the obligation are first and second generation biofuels. The blending of biofuels has to meet the requirements of the Belgian standards NBN EN 590 for diesel products and NBN EN 228 for petrol products (Art. 2 Law on blending obligation).
	<b>Biofuels</b>	Considered as biofuels are fuels registered in Annex III 2009/28/EC and produced in line with the sustainability criteria enshrined in the Royal Decree of 16 November 2011 (Art. 2 10° in conjunction with Art. 4 Law on blending obligation). The law differentiates between three categories of biofuels depending on the status of recognition. Biofuels under category A are regulated both by European and Belgian norms, biofuels under category B and C are recognised only by national regulation (Art. 5 1°-3° Law on blending obligation).
	<b>Electricity</b>	
	<b>Hydrogen</b>	



## RES-LEGAL EUROPE – National Profile Belgium



<b>Amount</b>	<b>Amount of quota and period of application</b>	<p>The providers of petrol E5 or E10 or diesel fuels have to ensure that biofuels make up a certain volume of the company's total annual sale of fuel. The obligation must be fulfilled by the end of each calendar year.</p> <p>The following volumes apply (Art. 7 in conjunction with Art. 2 7°-9° Law on blending obligation):</p> <ul style="list-style-type: none"> <li>• E5: 4% v/v</li> <li>• E10: 9% v/v</li> <li>• Diesel: 6% v/v</li> </ul>
	<b>Adjustment of quotas</b>	
	<b>Fees and penalty charges</b>	<p>If a provider fails to fulfil the quota he shall pay a fine amounting to € 900 per 1,000 litres at 15°C of biofuels that was not blended with the annual amount of petrol or diesel products sold (Art. 14 §2 Law on blending obligation).</p>
<b>Addressees</b>	<p>The quota obligation applies to all registered oil companies offering petrol or diesel products for consumption. A registered company can be each natural or moral person who produces, buys, imports, refines, transforms, uses, distributes, sells, delivers or transports petrol or diesel products and offers them for consumption (Art. 2 and 4 Loi du 22 juillet 2009).</p>	
<b>Procedure</b>	<b>Process flow</b>	<p>The registered companies are obliged to communicate to the Department for Energy at Federal Ministry of the Economy the volumes of sold E5, E10 and diesel fuel. The figures shall be</p>



## RES-LEGAL EUROPE – National Profile Belgium



		communicated at the latest until the last workday of the following month (Art. 10 Law on blending obligation).
	<b>Competent authority</b>	The Department for Energy at Federal Ministry of the Economy in coordination with the Tax and Customs office of the Ministry of Finance (Art. 11 §1 Law on blending obligation)
<b>Flexibility Mechanism</b>		
<b>Distribution of costs</b>	<b>State</b>	
	<b>Consumers</b>	The costs are borne by the consumers.
	<b>European Union</b>	
	<b>Others</b>	
	<b>Distribution mechanism</b>	The obliged companies pass on the costs arising from the quota obligation to the consumers by adding a surcharge to their fuel.



## Policies

### Summary of policies

<b>Overview</b>	The following policies aim at promoting the development, installation and usage of RES-installations on the federal level in Belgium: There are training programmes for RES-installers, a certification scheme for heat pumps installations as well as an indirect fiscal mechanism for research, development and demonstration (RD&D) programmes. Moreover, the exemplary role of public authorities is ensured through a public energy service company in charge of achieving and financing energy saving projects in public federal buildings.
<b>Summary of policies</b>	<ul style="list-style-type: none"> <li>Concerning <b>training programmes for installers</b>, the three regions have created an association serving as a single certifying body in Belgium called “RESCert”.</li> <li>As far as the <b>certification programmes for RES installations</b> are concerned, no national certification programme for RES installations is in place so far.</li> <li>The Belgian Federal Government ensures the <b>exemplary role of public authorities</b> with the creation of Fedesco, a public energy service company in charge of achieving and financing energy saving projects in public federal buildings as third-party investor.</li> <li>Indirect fiscal subsidies exist for the <b>research and development</b> sector in the form of a partial exemption of 75% of the business tax for organisations active in the field of research and development.</li> </ul>
<b>Technologies</b>	
<b>Statutory provisions</b>	<ul style="list-style-type: none"> <li>Arrêté royal du 27 décembre 2004 confiant à la Société fédérale d'Investissement une mission relative à la Société fédérale d'Investissement et aux sociétés régionales d'investissement - Royal Decree of 27 December 2004 entrusting the Federal Investment Company with a mission relating to the Federal Investment Company and the Regional Investment Companies</li> <li>17 JUNI 2013 - Wet houdende fiscale en financiële bepalingen en bepalingen betreffende de duurzame ontwikkeling - Law on fiscal and financial regulations and regulations concerning sustainable development - Income Tax Code of 1992, tax year 2011</li> </ul>



## RES-LEGAL EUROPE – National Profile Belgium





**Basic information on legal sources**

<b>Name of legal source (original language)</b>	Arrêté royal du 27 décembre 2004 confiant à la Société fédérale d'Investissement une mission au sens de l'article 2, § 3, de la loi du 2 avril 1962 relative à la Société fédérale d'Investissement et aux sociétés régionales d'investissement/Koninklijk besluit tot wijziging van het koninklijk besluit van 27 december 2004 dat aan de Federale Investeringsmaatschappij een missie toevertrouwt overeenkomstig artikel 2, § 3, van de wet van 2 april 1962 betreffende de Federale Investeringsmaatschappij en de gewestelijke investeringsmaatschappijen	17 JUIN 2013. - Loi portant des dispositions fiscales et financières et des dispositions relatives au développement durable / 17 JUNI 2013. - Wet houdende fiscale en financiële bepalingen en bepalingen betreffende de duurzame ontwikkeling	
<b>Full name</b>			
<b>Name (English)</b>	Royal Decree of 27 December 2004 entrusting the Federal Investment Company with a mission relating to the Federal Investment Company and the Regional Investment Companies	Law on fiscal and financial regulations and regulations concerning sustainable development	



## RES-LEGAL EUROPE – National Profile Belgium



<b>Abbreviated form</b>	Arrêté royal du 27 décembre 2004	Law on fiscal and financial regulations	
<b>Entry into force</b>	29.12.2004	28.06.2013	
<b>Last amended on</b>	19.03.2009		
<b>Future amendments</b>			
<b>Purpose</b>	This Royal Decree charges the Federal Investment Company to set up a subsidiary company called Fedesco, specialised in eco-efficiency.	Entails fiscal and financial regulations and regulations concerning sustainable development	
<b>Relevance for renewable energy</b>	Among others, the Fedesco is in charge of installing PV installations and other renewable energy plants on the federal buildings.	Stipulates tax exemptions for research and development in the field of renewable energy	
<b>Link to full text of legal source (original language)</b>	<a href="http://www.ejustice.just.fgov.be/cgi_loi/c_hange_lq.pl?language=fr&amp;la=F&amp;cn=2004122735&amp;table_name=loi">http://www.ejustice.just.fgov.be/cgi_loi/c_hange_lq.pl?language=fr&amp;la=F&amp;cn=2004122735&amp;table_name=loi</a>	<a href="http://www.ejustice.just.fgov.be/cgi_loi/c_hange_lq.pl?language=nl&amp;la=N&amp;cn=2013061706&amp;table_name=wet">http://www.ejustice.just.fgov.be/cgi_loi/c_hange_lq.pl?language=nl&amp;la=N&amp;cn=2013061706&amp;table_name=wet</a>	
<b>Link to full text of legal source (English)</b>			





## RES-LEGAL EUROPE – National Profile Belgium



Further information

Institution (name)	Website	Name of contact person (optional)	Telephone number (head office)	E-mail (optional)
Service Public Fédéral Economie, P.M.E., Classes moyennes et Energie - Federal Public Service Economy, SMEs, Self-Employed and Energy - Directorate-General for Energy	<a href="http://economie.fgov.be/">http://economie.fgov.be/</a>		+ 32 2 277 81 80	<a href="mailto:info.eco@economie.fgov.be">info.eco@economie.fgov.be</a> (Contact Centre)
Service Public Fédéral des Finances Administration de la fiscalité des entreprises et des revenus – Federal Public Service Finance, Administration of company taxes and income	<a href="http://minfin.fgov.be/">http://minfin.fgov.be/</a>		+ 32 2 572 57 57	<a href="mailto:info.tax@minfin.fed.be">info.tax@minfin.fed.be</a>
SPF Politique scientifique – Federal Public Service Scientific Policy	<a href="http://www.belspo.be">http://www.belspo.be</a>		+32 2 238 34 11	<a href="mailto:info@belspo.be">info@belspo.be</a>
CREG	<a href="http://www.creg.be">http://www.creg.be</a>		+ 32 2 289 76 11	
Fedesco	<a href="http://www.fedesco.be">http://www.fedesco.be</a>		+ 32 2 762 02 80	<a href="mailto:info@fedesco.be">info@fedesco.be</a>
Quest for Quality	<a href="http://www.questforquality.be/">http://www.questforquality.be/</a>		+ 32 22 23 28 38	



### Policy categories

#### Training programmes for Installers

Abbreviated form of legal source(s)		
Sector	Electricity Heating and Cooling	
Contact Authority	RESCert	
Description	Since January 2014 the three regions have created an association serving as a single certifying body in Belgium called “RESCert”. The association is responsible during 4 years for the development and coordination of the certification requests from applicants of the Flemish, Walloon and Brussels-Capital region. The association RESCert provides certification for six technologies in the biomass, solar, geothermal and heat pump sectors. Installers who successfully participated to a training programme in one of the acknowledged training centres can then apply for a certificate of competence from RESCert.	
Addressees	Installers of photovoltaic installations, geothermal installations, biomass installations and of heat pumps who are active in Belgium	
Competent authority	The association RESCert is in charge of delivering the certificates for installers.	
Further information	The contact details of the training centres recognised by all three regions are published on the website of RESCert under the following address: <a href="http://www.rescert.be/fr/wie-doet-wat/erkende-opleidingsinstellingen">http://www.rescert.be/fr/wie-doet-wat/erkende-opleidingsinstellingen</a>	
Distribution of costs	State	
	Private Financing	The introduction of an application for certification costs €250. The costs are borne by the installer.



## RES-LEGAL EUROPE – National Profile Belgium



	European Union	
	Others	



### Certification Programmes for RES installations

<b>Abbreviated form of legal source(s)</b>		
<b>Sector</b>	Heating and Cooling	
<b>Contact Authority</b>	Quest for Quality	
<b>Description</b>	In general, energy and thus certification of RES installations is a matter of regional competence. However, an Energy Consultation Group called CONCERE-ENOVER was established in 1991, which gathers both the federal and the regional authorities and aims at harmonising regulations at national level. So far, no national certification programme for RES installations is in place.	
<b>Addressees</b>		
<b>Competent authority</b>		
<b>Further information</b>		
<b>Distribution of costs</b>	<b>State</b>	
	<b>Industry</b>	
	<b>Plant Producers</b>	
	<b>European Union</b>	
	<b>Others</b>	



## RES-LEGAL EUROPE – National Profile Belgium



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

<b>Abbreviated form of legal source(s)</b>	<ul style="list-style-type: none"> <li>• Arrêté royal du 27 décembre 2004</li> </ul>
<b>Sector</b>	<p>Electricity</p> <p>Heating and Cooling</p>
<b>Contact Authority</b>	Fedesco
<b>Description</b>	<p>The Belgian Federal Government created in 2005 a public energy service company called Fedesco, which is in charge of achieving and financing energy saving projects in public federal buildings as third-party investor (Art. 2 Arrêté royal du 27 décembre 2004). The Belgian State is a 100% shareholder of Fedesco. Among others, the company was given the mission of developing the use of photovoltaic panels on public buildings (Art. 2 bis Arrêté royal du 27 décembre 2004).</p> <p>The majority of the projects are sourced out to the private sector through calls for tenders. Fedesco directs and monitors the projects.</p>
<b>Addressees</b>	Any goods, services or construction company according to the Belgian legislation on Government procurements
<b>Competent authority</b>	The competent authority is Fedesco itself, which is a subsidiary company of the Belgian Federal Holding and Investment Company
<b>Further information</b>	<p>Website of the Fedesco: <a href="http://www.fedesco.be">http://www.fedesco.be</a></p> <p>Belgian legislation on Government procurements: <a href="http://16procurement.be">http://16procurement.be</a></p>



## RES-LEGAL EUROPE – National Profile Belgium



### RD&D Policies

<b>Abbreviated form of legal source(s)</b>	<ul style="list-style-type: none"> <li>• Law on fiscal and financial regulations</li> </ul>
<b>Sector</b>	<p>Electricity</p> <p>Heating and Cooling</p> <p>Transport</p>
<b>Contact Authority</b>	<p>SPF Finance</p> <p>Federal Science Policy Department</p>
<b>Description</b>	<p>Indirect fiscal subsidies exist for the research and development sector in the form of a partial exemption of 80% of the business tax for organisations active in the field of research and development (art. 3 1° Law on fiscal and financial regulations). Universities, research funds and accredited scientific institutions shall invest the fiscal takings made through this mechanism in research and development. No obligation is formulated for the fiscal takings made by companies.</p> <p>According to the federal science policy department, this indirect fiscal mechanism allowed to create a budget of € 550 million for investments in the field of research and development.</p>
<b>Addressees</b>	<p>Universities, research funds (the “Fonds National de la Recherche scientifique” and the “Fonds voor Wetenschappelijk Onderzoek”, accredited scientific institutions, and companies</p>
<b>Competent authority</b>	<p>The competent authorities are the Administration of Company taxes and Income of the SPF Finance and the Federal Science Policy Department</p>
<b>Further information</b>	<p>Information on this fiscal mechanism can be retrieved from the website of the Federal Science Policy Department at: <a href="http://www.belspo.be/belspo/fisc/intro_nl.stm">http://www.belspo.be/belspo/fisc/intro_nl.stm</a></p>