

# Energy Decree ([link](#) to Dutch version)

*This is an unofficial translation of the relevant parts of the Flemish Energy Decree, officially “Decree containing general provisions on energy policy”, dated May 8<sup>th</sup> 2009.*

*This translation was checked for clarity by VREG. However, no legal validity may be derived from this unofficial translation.*

## Title I: General provisions

*Non-exhaustive overview of relevant definitions*

### Article 1.1.3

[...]

18/1/1° Biogas: gas from anaerobic digestion of bio-organic materials.

18/2° Biomass: the biodegradable fraction of products, waste and residues of biological origin from agriculture (including plant and animal materials), forestry and related industry, including fishery and aquaculture, as well as the biodegradable fraction of industrial and household waste.

53° Guarantee of origin: Unique, tradable and transferable electronic document that has the sole purpose of showing to a final customer from which energy source an amount of energy has been produced.

58° Green electricity: electricity produced from renewable energy sources.

59° Green heat: heat produced from renewable energy sources.

65° Renewable energy sources: renewable, non-fossil energy sources, namely wind, sun, including thermal solar energy and photovoltaic energy, geothermal energy, ambient energy, tides, waves, and other energy from the oceans, hydro power, biomass, landfill gas, gas from sewage treatment plants and biogas.

89° Network/grid: distribution network, local transport network for electricity, transmission network, including networks mentioned in art. 2, 41° and 42° of the Federal Electricity Law, transport network, closed distribution network or private distribution network.

100° Local transport network for electricity: the entirety of electrical conductors with a nominal voltage up to (including) 70 kV and associated installations, located in the Flemish Region, which is predominantly used for the transport of electricity to the distribution networks, and which is established according to article 4.1.2.

102° Producer: every natural or legal person who generates electricity, produces biogas and/or extracts natural gas, excluding prosumers.

104° Prosumer: electricity distribution system user with an access point for consumption of electricity, be it directly connected to a transformer or not, and with a decentralized production device with a maximal AC-power smaller than or equal to 10 kVA that allows him to inject electricity into the distribution system.

128° Transport network: the transport network, mentioned in art. 1, 10° of the Federal Law of April 12<sup>th</sup>, 1965 regarding the transport of gaseous products and other through pipes (*i.e.: the gas transport network*)

## Title III. Institutes

### Chapter I. The Flemish Regulator of the Electricity and Gas Market (VREG)

#### Section II. Mission, tasks and competences

##### **Article 3.1.4 (05/12/2020 - ...)**

§ 1. With a view to fulfilling its tasks, VREG shall be entitled to carry out all activities which contribute directly or indirectly to the achievement of the aforementioned mission and tasks.

§ 2. VREG has the powers listed below, which it exercises in accordance with the provisions of this decree, the implementing provisions, and the business plan which commits it:

1° entering into agreements with third parties;

2° imposing administrative sanctions for breaches of the provisions of Titles IV, IV/1, V and VI, and Chapters I to IV of Title VII of this decree, as well as the corresponding implementing provisions;

3° designating, modifying and terminating the designation of network operators;

4° the granting to a distribution system operator of permission to use an operating company

5° the granting of supply licences, their amendment and termination;

6° the drawing up of technical regulations;

7° the granting of green energy certificates, cogeneration certificates, green heat certificates and guarantees of origin, and the management of those certificates and guarantees of origin in a central database;

8° concluding cooperation agreements and establishing sustainable partnerships, the so-called partnership agreements, with the regulators and authorities operating within the Flemish, Belgian and European electricity and natural gas markets or with regulators within other network sectors;

9° conducting investigations into the operation of the electricity and gas market in the Flemish Region;

10° imposing necessary and proportionate measures to promote effective competition and ensure the proper functioning of the Flemish electricity and gas market

11° cooperation and exchange of data with regulators and authorities working within the Flemish, Belgian and European electricity and gas markets or with regulators within other network sectors, provided that the provisions of Article 3.1.12 are observed

12° approving distribution network tariffs for electricity and natural gas and determining the calculation methods for these, according to transparent criteria or taking transitional measures in this respect, in accordance with the provisions of this Decree

13° drawing up technical regulations - heat or cold networks if necessary;

14° conducting investigations into the operation of heat or cold networks in the Flemish Region;

15° imposing necessary and proportionate measures to ensure the proper functioning of the Flemish heat or cold networks.

## Title VII. Environmentally friendly production of energy and rational energy use

Chapter I/1. Guarantee of origin (Decr. ins. July 13<sup>th</sup>, 2012, art. 14, I: July 30<sup>th</sup>, 2012)

### **Article 7.1/1.1 (30/5/2019 - ...)**

§1 The Government of Flanders shall determine the conditions under which VREG grants a guarantee of origin to the owner of a production device located in the Flemish Region, or to the natural or legal person designated by the owner for that purpose, for:

- 1° each MWh of electricity generated in the installation from renewable energy sources or high-efficiency cogeneration;
- 2° each MWh of gas generated at the installation from renewable energy sources;
- 3° each MWh of heat or cold generated at the installation from renewable energy sources.

The Government of Flanders may decide to also have guarantees of origin issued for electricity, gas, heating or cooling generated from other energy sources, and for liquid or solid fuels.

The VREG shall grant such guarantees of origin on the basis of production values and data provided for such purpose by the body designated for such purpose by the Government of Flanders.

§2 The Government of Flanders shall lay down the detailed application rules and procedures for the form, content, application, and issuance of guarantees of origin, and for the measurement, determination, and verification of the produced quantity of electricity, gas, heat, or cooling for which the guarantees of origin are issued.

§2/1. The Government of Flanders may establish exceptions for the issuance of guarantees of origin, depending on a minimum capacity of the production device, the receipt of financial support, and whether or not energy is consumed on site at the site of generation.

§3 The guarantees of origin issued by VREG shall be registered in a central database. The Government of Flanders shall determine the specifications to be included in the central database for each guarantee of origin.

### **Article 7.1/1.2 (30/5/2019 - ...)**

The supply of electricity in the Flemish Region as a quantity of electricity generated from renewable energy sources or electricity generated from high-efficiency cogeneration shall be allowed if the quantity of electricity thus supplied corresponds to the corresponding number of MWh of guarantees of origin for electricity generated from renewable energy sources or electricity generated from high-efficiency cogeneration respectively, cancelled in the central database.

The supply of gas in the Flemish Region as gas generated from renewable energy sources is permitted if the quantity of gas supplied in this way corresponds to the corresponding number of MWh of guarantees of origin for gas from renewable energy sources cancelled in the central database referred to in Article 7.1/1.1, § 3.

The supply of heat or cold in the Flemish Region as heat or cold generated from renewable energy sources shall be permitted if the amount of heat or cold supplied in this manner corresponds to the

corresponding number of MWh of guarantees of origin for heat or cold from renewable energy sources cancelled in the central database as referred to in Article 7.1/1.1, § 3.

If the Government of Flanders introduces a system of guarantees of origin for other energy sources or for solid or liquid fuels, those specific energy sources or fuels with their corresponding specific origin characteristics may only be sold as such if guarantees of origin are cancelled for a corresponding number of MWh, in accordance with the procedure defined for that purpose.

**Article 7.1/1.3 (30/07/2012- ...)**

The Government of Flanders shall determine the conditions under which guarantees of origin issued by the competent authority of the Federal Government, the other Regions or other countries may be cancelled, as referred to in Article 7.1/1.2. Such conditions shall be objective, transparent, and non-discriminatory.

**Article 7.1/1.4 (08/01/2023- ...)**

A guarantee of origin can only be cancelled in the manner specified in Article 7.1/1.2 for the substantiation of the supply of a quantity of energy from renewable energy sources or high-efficiency cogeneration, if that supply takes place within 12 months after the end of the production period of the energy for which the guarantees of origin were issued.

VREG may destroy a guarantee of origin that can still be cancelled at the owner's request. The owner concerned may ask VREG to certify the destruction of the guarantees of origin in question.

**Article 7.1/1.5 (17/08/2019 - ...)**

For the use of the central database mentioned in Article 7.1/1.1, § 3, for the registration of a purchase, import, export, cancellation and destruction of a guarantee of origin, the payment of a fee to VREG may be required.

In this case, the fee is payable by the person who purchases, exports, imports, cancels or has the guarantees of origin destroyed by VREG.

VREG determines the tariff of the retribution as well as the way the retribution is collected. Such retribution cannot exceed 5 eurocent per guarantee of origin purchased, exported, imported, cancelled or destroyed, nor can it exceed 5% of the average market value of the guarantees of origin traded during the previous year.

The Government of Flanders may also fix a fee for processing the application, following up the reporting, and calculating the number of guarantees of origin to be issued.

[Chapter IV. Information on the origin and environmental effects of supplied energy \(superseded Decr. April 26<sup>th</sup>, 2019, art. 10, I: May 30<sup>th</sup>, 2019\)](#)

**Article 7.4.1 (01/01/2011- ...)**

The electricity supplier shall report on its invoices and in all its printed and electronic promotional material :

1° the share of each energy source in the total fuel mix used by the supplier in the previous year in the Flemish Region, and the share of each energy source in the fuel mix of the product offered by the supplier to the relevant customers in the Flemish Region;

2° a reference to the existing official reference sources where publicly accessible information is available on the environmental impact, at least with regard to CO<sub>2</sub> emissions and radioactive waste from electricity produced with different energy sources by the supplier's total fuel mix during the previous year;

3° a statement that guarantees of origin were submitted to VREG for electricity supplied from renewable energy or qualitative cogeneration.

The VREG checks whether the information provided by the supplier to its customers is reliable.

The Government of Flanders shall determine the further application rules for the obligations as referred to in the first paragraph.

#### **Article 7.4.2.**

***This article is not yet in force. Below is the first "future version".***

(Date to be determined by Government of Flanders- ...)

A gas supplier shall state the following information on its invoices and in all its printed and electronic promotional material:

1° the share of each energy source in the total volume of gas supplied by the supplier over the natural gas distribution network in the Flemish Region in the previous calendar year;

2° the share of each energy source in the gas product of the customer concerned that the supplier has delivered over the natural gas distribution network in the Flemish Region in the previous year.

The share referred to in the first paragraph is determined on the basis of the guarantees of origin of gas from renewable energy sources submitted by the supplier to VREG.

The VREG shall verify whether the information provided by the gas supplier to its customers is reliable.

The Government of Flanders shall determine the further application rules for the obligations as referred to in the first paragraph.

#### **Article 7.4.3.**

***This article is not yet in force. Below is the first "future version".***

(Date to be determined by Government of Flanders- ...)

A heat or cold supplier supplying heat or cold over a heat or cold network shall report the following information on its invoices and in all its printed and electronic promotional material:

1° the share of each energy source in the total fuel mix supplied by the heat or cold supplier in the previous calendar year over district heating and cooling networks in the Flemish Region;

2° the share of each energy source in the heat or cold product of the customer concerned that the heat or cold supplier has delivered over district heating and cooling networks in the Flemish Region during the previous year.

The share mentioned in the first paragraph is determined on the basis of the guarantees of origin of heat or cold from renewable energy sources that the supplier submitted to VREG.

The VREG shall verify whether the information provided by the heat or cold supplier to its customers is reliable.

The Government of Flanders shall determine the further application rules for the obligations as referred to in the first paragraph.

# Energy Order ([link](#) to Dutch version)

*This is an unofficial translation of the relevant parts of the Flemish Energy Order, officially "Order of the Government of Flanders containing general provisions on energy policy", dated November 19<sup>th</sup> 2010.*

*This translation was checked for clarity by VREG. However, no legal validity may be derived from this unofficial translation.*

## Title I. General provisions

*Non-exhaustive overview of relevant definitions*

### **Article 1.1.1**

[...]

3°/0/1 waste heat and cold: the heat and cold that is inevitably produced as a by-product in industrial or electricity generating installations or in the tertiary sector, that would otherwise end up unused in air or water, without connection to a district heating or cooling system, if a cogeneration process is used or would be used if cogeneration is not feasible;

40° /3/1° expert's file: a file on the application for the award of green energy certificates, cogeneration certificates and guarantees of origin to a cogeneration plant or power plant generating electricity from renewable energy sources, with the exception of solar energy, including amendments, reports and audits of this file following its approval;

81° /3 production coordinator: the body that maintains an overview of the amount of energy entitling the award of guarantees of origin and ensures the consistency and quality of the production registrars' activities;

81° /4 production registrar: the body that processes the application for the award guarantees of origin and records and checks the quantity of electricity, gas, heating or cooling generated in the plant;

87° /1 residual mix: the total annual energy mix of the electricity supply in the Flemish Region, with the exception of the share of energy substantiated by the cancellation of guarantees of origin;

97/1° standard file: file pertaining to the application for the award of green energy certificates and guarantees of origin to a plant generating electricity from solar energy, including the amendments, reports and audits of this file following its approval;

## Title VI. Environmentally friendly energy production and rational energy use

Chapter II/3. Guarantees of origin (superseded by Order of the Flemish Government (OFG) May 17<sup>th</sup>, 2019, Art. 3, I: August 17<sup>th</sup>, 2019)

*Section 1. General provisions on the application and calculation of the energy production entitling the issuance of guarantees of origin (ins. OFG May 17<sup>th</sup>, 2019, Art. 3, I: August 17<sup>th</sup>, 2019)*

Subsection 1. Processing of the application for issuing guarantees of origin (ins. OFG May 17<sup>th</sup>, 2019, art. 3, I: August 17<sup>th</sup>, 2019)

### **Article 6.2/3.1 (07/06/2021 - ...)**

§ 1 An application for issuance of guarantees of origin shall be submitted by the owner of the production device or a party appointed by him for that purpose, hereinafter referred to as the applicant, to the production registrar.

§ 2. The production registrar, depending on the production, shall be one of the following parties:

1° the VEKA [*Flemish Energy and Climate Agency*] for:

(a) the production of electricity from renewable energy sources and high-efficiency cogeneration, excluding the production of electricity from solar energy;

b) the production of heat and cooling from renewable energy sources;

2° the grid operator mentioned in Article 6.1.2, § 4 for the production of electricity from solar energy;

3° the natural gas transporter, mentioned in the Act of 12 April 1965 on the transport of gaseous products and others through pipelines, for the production of gas from renewable energy sources.

§ 3. The application file shall consist of the following documents:

1° a correctly and fully completed application form, the model of which shall be determined by the production registrar after consultation with the production coordinator;

2° the documents substantiating the application and mentioned in the application form.

The following documents shall form part of the application file:

1° a measurement diagram indicating the relevant energy flows and the location of the measuring devices;

2° an inspection report meeting the requirements as referred to in Article 6.2/3.3;

3° a correctly and fully completed waste processing information form, the model of which shall be determined by OVAM [*Flemish Public Waste Company*], in the event of an application for a production device in which waste is used

4° the details of the natural or legal person to whom the guarantees of origin for the installation are to be issued.

§ 4. If the application file is incomplete, the production registrar shall notify the applicant in writing within two months from the day on which he received the application, or from the day on which he received the additional information. That notice shall state the reasons why the application has been judged incomplete and the time limit within which the applicant may complete the application file, on pain of the application being invalidated.

§ 5. The production registrar shall decide, within two months from the day on which it received the application file, or from the day on which it received the additional information to complete the



application file, whether the energy generated by the production device in question fulfils the conditions for the issuance of guarantees of origin mentioned in Article 6.2/3.3, and how the quantity of energy produced that entitles to guarantees of origin is calculated, including the measurements required for that purpose in accordance with Article 6.2/3.4. The applicant shall be notified in writing within 10 working days from the day on which the production registrar has taken the decision.

Subsection 2. Monthly calculation of the production entitling to guarantees of origin (ins. OFG May 17<sup>th</sup>, 2019, art. 3, l: August 17<sup>th</sup>, 2019)

**Article 6.2/3.2 (28/4/2020 - ...)**

The production registrar shall, for each installation whose application has been approved, calculate the monthly energy production by renewable energy sources or high-efficiency cogeneration on the basis of the calculation method and the reports and measurements provided to it for that purpose for the production in the month in question and determined in accordance with Article 6.2/3.1, § 5.

The production registrar shall inform the applicant and VREG of the result of the calculations and all elements of the monthly calculations mentioned in the first paragraph.

The production registrar shall inform the VREG of the result of the calculation mentioned in the first paragraph, whereby the result of that calculation shall be rounded down to 1 MWh. The production registrar shall keep the residual value and include it in the calculations of the following month.

The production registrar shall provide clear information on its website about the procedure for applying for the issuance of guarantees of origin and about the calculation principles on the basis of which the number of guarantees of origin to be issued is calculated.

Subsection 3. Conditions for issuing guarantees of origin (ins. OFG May 17<sup>th</sup>, 2019, art. 3, l: August 17<sup>th</sup>, 2019)

**Article 6.2/3.3 (17/7/2019 - ...)**

§ 1 Guarantees of origin may only be issued as long as a valid inspection report of the production device can be submitted to the production registrar, which complies with the requirements specified in paragraph 2.

§ 2 The inspection report shall be drawn up by an independent inspection body accredited in the work area in question. The inspection report shall confirm the following elements:

- 1° the energy produced by the production device in question is generated from a renewable energy source. The energy source in question shall be specified;
- 2° the measurement of the energy produced complies with national and international standards and regulations, and the measurement configuration allows the net amount of energy from renewable energy sources to be determined;
- 3° for all other measurements necessary to calculate the number of guarantees of origin to be issued, a calibration certificate issued by a competent body may be presented
- 4° all documents accompanying the application for issuance of guarantees of origin shall correspond to reality.

§ 3. No guarantees of origin shall be issued for installations with a rated capacity from renewable energy sources exceeding 1 MW unless a new inspection report meeting the requirements set out in paragraph 2 is submitted every two years.

Notwithstanding the first subsection, a new inspection report every two years shall not be required for installations where all measurements necessary to calculate the number of guarantees of origin to be issued are carried out by the system operator or the transmission system operator independent of the owner of the production device and of the energy produced.

§ 4. In the case of energy production from organic biological matter, the inspection body shall also explain in the inspection report its control of the supply and consumption of such energy sources, and shall state the ratio of the energy sources supplied and used to the amount of energy produced from renewable sources for which guarantees of origin have been issued in the last two years.

§ 5. The production registrar may, after consultation with the production coordinator, establish a template for the inspection report, the form of which may be different depending on the energy source and technology used. The production registrar may, after consultation with the production coordinator, lay down further rules with which the inspection report must comply, and the conditions for eligibility as an independent inspection body with accreditation in the field of activity in question, mentioned in paragraph 2.

§ 6. Five years after the start of issuance, guarantees of origin shall no longer be issued to production devices for which no periodic re-inspection report has to be submitted in accordance with paragraph 3, Article 6.2/3.14 or 6.2/3.16, unless the applicant has confirmed that no changes have been made to the production device.

§ 7. The production registrar can always access the production device's site and data to calculate the number of guarantees of origin to be issued and already issued in order to verify that the data in the application file correspond to reality.

[Subsection 4. Required calculations for issuing guarantees of origin \(ins. OFG May 17<sup>th</sup>, 2019, art. 3, l: August 17<sup>th</sup>, 2019\)](#)

#### **Article 6.2/3.4 (17/8/2019)**

§ 1. In order to determine the energy production from renewable energy sources or high-efficiency cogeneration of the installation of a particular energy carrier, which gives entitlement to the issuance of guarantees of origin, the amount of net energy production meeting one of the following conditions shall be calculated for the energy carrier in question:

1° it is injected into a network or a whole of interconnected conductors or conduits to which different users are connected;

2° it is physically transferred to a third party via a distribution system supplying different parties in the case of gas that is not injected into a network or into a set of interconnected conduits.

§ 2. To determine the net energy production from renewable energy sources or high-efficiency cogeneration of the installation of a particular energy carrier, the monthly amount of net energy production shall be calculated for the energy carrier in question.

The amount of net energy production is the energy produced minus the measured energy offtake or equivalent energy of the utilities belonging to the production device.

If those utilities use forms of energy other than the energy carrier in question, their equivalent offtake in the target energy carrier is calculated as the energy in the target energy carrier that could be generated at a reference plant with the same amount of energy.

If the application for the issuance of guarantees of origin shows that the auxiliary energy mentioned in the second and third subsection is small in relation to the energy produced that entitles to the issuance of guarantees of origin, it may be decided to calculate the net energy production on the basis of an estimate from the total energy production of the energy carrier in question.

§ 3. In accordance with Article 6.1.10, paragraph 1, the energy production from the organic-biological part of residual waste is equated to 47.78% of the total energy production from residual waste. If the energy is generated from other waste, OVAM determines the percentage of organic-biological matter that determines what proportion of the energy produced qualifies to be considered energy from renewable energy sources.

§ 4. For the production of electricity or gas from renewable energy sources, the production registrar shall also register, at the request of the applicant, the amount of net energy production from renewable energy sources or high-efficiency cogeneration consumed at the site of the production device, or issued by the owner of the production device to a specified customer, separately from the amount of energy produced, mentioned in paragraph 1, so that guarantees of origin can be issued for it, which are neither tradable nor redeemable.

§ 5. The owner of the production device shall inform the production registrar of the identification of the user if the energy produced is directly allocated to a specific user, in accordance with Article 6.2/3.20 § 4. The production registrar shall then report these data to the VREG.

§ 6. The production registrar may decide to supplement or replace the measurement of the generated energy with other measurements to determine the net quantity of energy produced.

§ 7. The production registrar may, after approval by the production coordinator, lay down further rules on how the measurements referred to in paragraphs (1) and (2) are carried out and communicated.

#### **Article 6.2/3.5 (17/8/2019)**

The first monthly calculations referred to in Article 6.2/3.4 are carried out on the basis of energy produced from the latest of the following dates:

- 1° the date of the inspection report, mentioned in Article 6.2/3.3;
- 2° the date of commissioning of the production device.

[Subsection 5. Notification of changes \(ins. OFG May 17<sup>th</sup>, 2019, art. 3, l: August 17<sup>th</sup>, 2019\)](#)

#### **Article 6.2/3.6 (17/08/2019 - ...)**

The applicant shall report the following elements to the production registrar:

- 1° any change in the installation, the metering devices, the energy source or any other element that has an impact on the calculation of the amount of energy produced at the installation by a renewable energy source or high-efficiency cogeneration;
- 2° any change in the natural or legal person to whom the guarantees of origin are issued.

The production registrar may adjust its decision mentioned in Article 6.2./3.1, § 5 as a result of the changes mentioned in the first subsection.

Subsection 6. Production registrar's audit (ins. OFG May 17<sup>th</sup>, 2019, art. 3, l: August 17<sup>th</sup>, 2019)

**Article 6.2/3.7 (17/08/2019 - ...)**

§ 1. The production registrar may at any time check a production device, the application for issuance of guarantees of origin of which has been received or approved, to verify whether the energy is generated from a renewable energy source or high-efficiency cogeneration and whether the measurement of the energy produced and other measurements necessary to determine the production from renewable energy sources or high-efficiency cogeneration correspond to reality.

§ 2. The production registrar may check at any time whether the determinations, which are included in an inspection report referred to in Article 6.2./3.3, correspond to reality.

§ 3. If the production registrar has well-founded arguments to judge that the energy generated by the production device is not or is no longer generated from a renewable energy source or high-efficiency cogeneration, the production registrar may amend or revoke the decision referred to in Article 6.2/3.1, § 5, with or without retroactive effect to the time at which the right to the issuance of guarantees of origin had to cease.

§ 4. If the production registrar finds that more or fewer guarantees of origin have been issued than the number to which the owner of the production device was entitled, it may, after hearing the owner of the production device, retroactively amend its original decision and implement a rectification of the guarantees of origin issued.

Subsection 7. Role of the Production coordinator (ins. OFG May 17<sup>th</sup>, 2019, art. 3, l: August 17<sup>th</sup>, 2019)

**Article 6.2/3.8 (17/08/2019 - ...)**

The VREG is the production coordinator.

The production coordinator supervises the correctness of the calculation principles of the number of guarantees of origin to be issued and the way in which the production registrars transmit production data, so that the VREG can issue guarantees of origin for them.

The applicant may lodge a reasoned appeal with the production coordinator by registered letter against a decision of the production registrar that relates to the issuance of guarantees of origin for his production device within twenty days from the day on which he received the production registrar's decision. Against a decision of the production coordinator, the applicant may lodge a reasoned appeal with the minister by registered letter within 20 days from the day he received the decision of the production coordinator.

If the production coordinator is refused access to the installation or finds that the conditions have not been met, he shall immediately report this to the production coordinator.

The VREG may, on its own initiative or at the request of the production registrar, suspend the issuance of guarantees of origin until it is established that the conditions mentioned in Article 6.2/3.1, § 3, or Article 6.2/3.3 are met, or cancel them, if those guarantees of origin have not yet been traded or cancelled.

If it is established that a number of the unduly issued guarantees of origin have been traded or cancelled anyway, for the production device in question, the number of guarantees of origin issued in accordance with Article 6.1.3 shall be offset by the number of guarantees of origin that do not comply with the conditions listed in Articles 6.1.3 to 6.1.5.

*Section 2. Specific provisions on the application and calculation of energy production entitling the issuance of guarantees of origin (ins. OFG May 17<sup>th</sup>, 2019, art. 3, l: August 17<sup>th</sup>, 2019)*

*Subsection 1. Generation of electricity from renewable energy sources and cogeneration*

**Article 6.2/3.9 (17/08/2019 - ...)**

By way of derogation from Article 6.2/3.1, § 1, no separate application needs to be submitted if an application for the issuance of green energy certificates mentioned in Article 6.1.2, or an application for the issuance of cogeneration certificates mentioned in Article 6.2.2, has already been submitted. Such application shall then be deemed to be part of the application for issuance of green energy certificates mentioned in Article 6.1.2 or the application for issuance of cogeneration certificates mentioned in Article 6.2.2.

In the case referred to in the first paragraph, the issuance of guarantees of origin for electricity generated from renewable energy sources starts at the same time as the issuance of green certificates referred to in Article 6.1.7, third paragraph, and the issuance of guarantees of origin for electricity generated from high-efficiency cogeneration starts at the same time as the issuance of cogeneration certificates referred to in Article 6.2.7, third paragraph.

**Article 6.2/3.10 (07/06/2021 - ...)**

Installations generating electricity from a renewable energy source are eligible for issuance of guarantees of origin only if they have a rated electrical capacity of more than 10 kW.

Only electricity injected into a distribution network, a local transport network, a transmission network or a closed distribution network with free choice of supplier can be eligible for the issuance of tradable guarantees of origin.

**Article 6.2/3.11 (01/01/2021 - ...)**

The reporting of the data mentioned in Article 6.2/3.2 is:

- 1° in accordance with Article 6.1.9 for installations generating electricity from renewable energy sources;
- 2° in accordance with Article 6.2.9 for installations generating electricity from high-efficiency cogeneration.

The reporting mentioned in the first paragraph shall be supplemented by the reporting of the amount of electricity generated by the production device in question from renewable energy sources or high-efficiency cogeneration, which is injected into the distribution grid, the local electricity transport grid or the transmission grid. The distribution system operator or the transmission system operator of the grid to which the installation is connected shall measure this data and provide it to VEKA.

**Article 6.2/3.12** (17/08/2019 - ...)

By way of derogation from Article 6.2/3.5, the first monthly calculation mentioned in Article 6.2/3.4 shall be carried out as follows:

1° for installations producing electricity from solar energy: on the basis of the electricity produced starting from the placement of the production meter by the grid operator;

2° for installations with an electrical nominal capacity from renewable energy sources other than solar energy or high-efficiency cogeneration that is less than or equal to 200 kW: on the basis of the energy produced from the date of the report of the conformity assessment or inspection of the technical installations, mentioned in the General Regulations on Electrical Installations, provided that the application is received within one year from the date of that report.

**Article 6.2/3.13** (17/08/2019 - ...)

§ 1. When electricity is produced in a production device fed with gas from a gas network or other gas distribution system supplying several users, the amount of electricity produced may qualify for the issuance of guarantees of origin for electricity from renewable energy sources, provided that proof is submitted to the production registrar for electricity that a number of guarantees of origin for gas from renewable energy sources have been submitted for this purpose, for the same chemical composition of the gas and in accordance with the amount of gas fed to the production device in the period in question.

To determine the number of guarantees of origin to be submitted for this purpose, measurement data on the chemical composition and energy content of the quantity of gas fed to the production device in the production period in question shall be provided to the production registrar.

§ 2. Where electricity is produced in a production device fed with heat or cold from a network supplying several users with heat or cold, the amount of electricity produced may be eligible for the issuance of guarantees of origin for electricity from renewable energy sources, provided that proof is submitted to the production registrar for electricity that a quantity of guarantees of origin for heat or cold from renewable energy sources has been submitted for this purpose, corresponding to the amount of heat or cold fed to the production device in the period in question.

To determine the number of guarantees of origin to be submitted for this purpose, the production registrar shall be provided with the measurement data on the energy content of the quantity of heat or cold fed into the production device during the production period in question.

§ 3. Notwithstanding the requirement to provide measurement data on the gas, heat or cold feed to the production device in accordance with paragraphs 1 and 2, the production registrar may, after approval or on the instructions of the production coordinator, record simplified values for the amount of electricity generated per unit of gas or per unit of heat or cold in the production device.

§ 4. The production registrar may, after approval by the production coordinator, lay down further conditions on the requirements of the guarantees of origin that may be submitted in order to produce electricity for which guarantees of origin are issued on the basis of the supply to the production device.

§ 5. In the cases mentioned in paragraphs 1 and 2, the production registrar shall record the production period indicated on the submitted guarantees of origin as the production period for the new guarantees of origin to be created.

The production registrar shall inform the applicant and the production coordinator of the result of the calculation. The result of the calculation is also transmitted to VREG.

[Subsection 2. Generation of gas from renewable energy sources \(ins. OFG May 17<sup>th</sup>, 2019, art. 3, l: August 17<sup>th</sup>, 2019\)](#)

**Article 6.2/3.14 (17/08/2019 - ...)**

§ 1. For plants generating gas from a renewable energy source that is injected into a grid, the grid operator shall measure the following data for each site on a monthly basis:

- 1° the net energy content of the quantity of gas generated from renewable energy sources;
- 2° the net energy content of the quantity injected into the grid.

The grid operator shall report the data mentioned in the first paragraph to the production registrar.

For plants generating gas from a renewable energy source, which is not injected into a grid, but which is traded through another distribution system supplying various remote users, the producer shall measure the following data per site on a monthly basis:

- 1° the net energy content of the quantity of gas generated from renewable energy sources;
- 2° the net energy content of the quantity distributed through the distribution system.

The producer shall report the data mentioned in the third paragraph to the production registrar.

§ 2. If the production registrar is not the same party as the system operator or if the producer reads and reports the monthly metering data, the producer shall, notwithstanding Article 6.2/3.3, § 3, annually provide the production registrar with an inspection report complying with the requirements mentioned in Article 6.2/3.3.

**Article 6.2/3.15 (17/08/2019 - ...)**

§ 1. When gas is produced in a production device fed with electricity, the amount of gas produced may qualify for the issuance of guarantees of origin for gas from renewable energy sources, provided that proof is submitted to the production registrar that a quantity of guarantees of origin for electricity from renewable energy sources has been submitted for this purpose, corresponding to the amount of electricity fed to the production device during the period in question.

For the purposes of determining the number of guarantees of origin to be submitted for this purpose, measurement data on the amount of electricity fed into the production device during the production period in question shall be provided to the production registrar.

§ 2. Where gas is produced in a production device fed with another gas from a gas network or other gas distribution system supplying different users, the amount of gas produced may be eligible for the issuance of guarantees of origin for gas from renewable energy sources, provided that proof is submitted to the production registrar that a number of guarantees of origin for gas from renewable energy sources have been submitted for this purpose, for the same chemical composition of the gas and in accordance with the amount of gas fed to the production device during the period in question.

To determine the number of guarantees of origin to be submitted for this purpose, the production registrar shall be provided with the measurement data on the chemical composition and energy content of the quantity of gas fed to the production device during the production period in question.

§ 3. When gas is produced in a production device fed with heat or cold from a network supplying several users with heat or cold, the quantity of gas produced may be eligible for the issuance of guarantees of origin for gas from renewable energy sources, provided that proof is submitted to the production registrar that a quantity of guarantees of origin for heat or cold from renewable energy sources has been submitted for this purpose, corresponding to the quantity of heat or cold fed to the production device during the period in question.

In order to determine the number of guarantees of origin to be submitted for this purpose, the production registrar shall be provided with the measurement data on the energy content of the quantity of heat or cold fed into the production device during the period in question.

§ 4. Notwithstanding the requirement to provide metering data on the electricity, gas, heat or cold feed to the production device in accordance with paragraphs 1 to 3, the production registrar may, after approval or on the instructions of the production coordinator, record simplified values for the amount of electricity generated per unit of electricity, gas, heat or cold at the production device.

§ 5. The production registrar may, after approval of the production coordinator, lay down further conditions on the requirements of the guarantees of origin that may be submitted in order to produce gas for which guarantees of origin are issued on the basis of the supply to the production device.

§ 6. In the cases mentioned in paragraphs 1 to 3, the production registrar shall record the production period indicated on the submitted guarantees of origin as the production period for the new guarantees of origin to be created.

The production registrar shall inform the applicant and the production coordinator of the result of the calculation. The result of the calculation is also transmitted to VREG.

[Subsection 3. Generation of heating or cooling from renewable energy sources \(ins. OFG May 17<sup>th</sup>, 2019, art. 3, l: August 17<sup>th</sup>, 2019\)](#)

#### **Article 6.2/3.16 (07/06/2021 - ...)**

§1. Installations generating heat or cold from a renewable energy source shall only qualify for the issuance of guarantees of origin if they have a nominal thermal capacity of 300 kW or more.



§2. For installations with a thermal capacity of 300 kW or more generating heat or cold from a renewable energy source, the district heating or cooling system operator shall measure monthly, per site, the net energy content of the quantity of heat or cold from renewable energy sources injected into its district heating or cooling system. It shall report this data to the production registrar.

§3. If the district heating or cooling system operator is not independent of the heat or cooling producer, the heat or cooling producer shall, notwithstanding Article 6.2./3.3, §3, provide the production registrar biennially with an inspection report complying with the requirements specified in Article 6.2/3.3.

**Article 6.2/3.17 (17/08/2019 - ...)**

§1. Where heat or cold is produced in a production device fed with electricity, the amount of heat or cold produced may be eligible for the issuance of guarantees of origin for heat or cold from renewable energy sources, provided that proof is submitted to the production registrar that a number of guarantees of origin for electricity from renewable energy sources have been submitted for this purpose, corresponding to the amount of electricity fed to the production device during the period in question.

For the purposes of determining the number of guarantees of origin to be submitted for this purpose, measurement data on the amount of electricity fed into the production device during the production period in question shall be provided to the production registrar.

§ 2. When heat or cold is produced in a production device fed with gas from a gas network or other gas distribution system supplying several users, the amount of heat or cold produced may be eligible for the issuance of guarantees of origin for heat or cold from renewable energy sources provided that proof is submitted to the production registrar for heat or cold that a number of guarantees of origin for gas from renewable energy sources has been submitted for this purpose, for the same chemical composition of the gas and corresponding to the amount of gas fed to the production device in the period of heat or cold production in question.

To determine the number of guarantees of origin to be submitted for this purpose, measurement data on the chemical composition and energy content of the amount of gas fed to the production device during the production period in question shall be provided to the production registrar.

§ 3. By way of derogation from the requirement to provide measurement data on the electricity or gas fed to the production device mentioned in paragraphs 1 and 2, the production registrar may, with the approval or on the instructions of the production coordinator, record simplified values for the amount of heat or cold generated per unit of electricity, gas, heat or cold at the production device.

§ 4. The production registrar may, after approval by the production coordinator, lay down further conditions on the requirements of the guarantees of origin that may be submitted in order to produce heat for which guarantees of origin are issued on the basis of the supply to the production device.

§ 5. In the cases mentioned in paragraphs 1 and 2, the production registrar shall record as the production period for the new guarantees of origin to be created the production period indicated on the guarantees of origin submitted.

The production registrar shall inform the applicant and the production coordinator of the result of the calculation. The result of the calculation shall also be transmitted to VREG.

*Section 3. Management, issuance, trade, use, expiration and destruction of guarantees of origin (ins. OFG May 17<sup>th</sup>, 2019, art. 3, l: August 17<sup>th</sup>, 2019)*

**Article 6.2/3.18** (17/08/2019 - ...)

§1. The VREG shall put in place appropriate mechanisms that guarantee that the guarantees of origin in the central database mentioned in Article 7.1/1.1, §3, of the Energy Decree of 8 May 2009 can be traded, exported and cancelled electronically and that the guarantees of origin registered therein are accurate, reliable and fraud-resistant.

As of 30 June 2021, the VREG shall ensure that the requirements it imposes in this regard are in line with standard CEN-EN 16325.

§2. The VREG supervises the issuance, trade, import and export, cancellation, expiry and destruction of guarantees of origin in the Flemish Region.

The VREG publishes monthly:

- 1° the number of guarantees of origin granted, by energy source and technology;
- 2° the number of traded guarantees of origin and the average price of the sales registered in the central database;
- 3° the number of imported and exported guarantees of origin, classified by country of destination or origin and technology;
- 4° the number of surrendered and expired guarantees of origin.

**Article 6.2/3.19** (07/06/2021 - ...)

Any natural or legal person can open an account in the central database after identification and authentication. That account shall contain the guarantees of origin of which the natural or legal person is the owner.

A natural or legal person, after identification and authentication, may access its account in the central database and any other account for which it has been mandated by the owner of that account.

Access to an account is only possible after agreeing to the conditions of use of the central database, including authentication, role management, the manner of transfer, sale, cancellation, import or export and expiry of a guarantee of origin, and the amount and method of payment of the fee, mentioned in Article 7.1/1.5 of the Energy Decree of 8 May 2009.

The VREG publishes the conditions mentioned in the third paragraph on its website.

The identification and authentication, referred to in the first and second paragraphs, are done with the authentication module of the electronic identity card or an authentication procedure with at least an equivalent level of identification, including role management.

**Article 6.2/3.20** (07/06/2021 - ...)

§ 1. The VREG shall, on the basis of the data it receives from the production registrar, issue guarantees of origin for the net energy produced from renewable energy sources or for electricity from high-efficiency cogeneration meeting one of the following conditions:

- 1° it is injected into a network or district heating or cooling system to which several users are connected;
- 2° it is physically transferred to a third party via a distribution system supplying several parties in the case of gas that is not injected into a network.

The VREG shall ensure that no more than one guarantee of origin is issued for each MWh of energy produced.

§ 2. With the exception of the guarantees of origin referred to in paragraph 3, the guarantees of origin granted by VREG may be traded and cancelled.

§ 3. At the request of the applicant, guarantees of origin for the electricity or gas referred to in Article 6.2/3.4, § 4, may be issued for the electricity or gas from renewable energy sources for the part consumed locally. Such guarantees of origin cannot be traded, exported or cancelled.

§ 4. At the applicant's request, guarantees of origin for electricity or gas from renewable energy sources allocated to a specified user immediately upon production by the owner of the production device, as referred to in Article 6.2/3.4, § 4 and § 5, may be issued for the part allocated to a specified user immediately upon production. These guarantees of origin cannot be traded, exported or cancelled.

**Article 6.2/3.21** (17/08/2019 - ...)

§ 1. The guarantees of origin issued by VREG are placed in the electronic account of the owner of the production device or the account of the person he designates. The production coordinator shall have access to that database.

§ 2. The guarantees of origin issued shall contain at least the following data:

- 1° the energy source from which the energy was produced;
- 2° the start and end date of production;
- 3° the energy carrier to which the guarantee of origin relates, namely:
  - a) electricity,
  - b) gas and the indication of its chemical composition,
  - c) heat or cold and the chemical composition and aggregation state of the energy carrier;
- 4° the identity, location, type and capacity of the installation where the energy was produced;
- 5° whether the installation has received investment support and whether the energy unit has otherwise received support from a national support scheme, and the type of support scheme;
- 6° the date on which the installation was commissioned;
- 7° the date and country of issue and, if applicable, the region or county of issue;
- 8° a unique identification number;
- 9° a statement that the guarantee of origin can still be cancelled, cannot be cancelled, has already been cancelled or has already expired.

§ 3. If the guarantee of origin is issued for electricity produced from high-efficiency cogeneration, the guarantee of origin shall state at least the following data in addition to the data referred to in paragraph 2:

- 1° the lower heating or energy value of the fuel or energy source;
- 2° the thermal capacity of the installation where the energy was produced;
- 3° the nominal thermal and electrical efficiency of the production device;
- 4° the quantity of electricity from high-efficiency cogeneration covered by the guarantee of origin, calculated in accordance with Annex II, which is attached to this Decree;
- 5° the primary energy savings calculated in accordance with Annex II, which is attached to this Decree;
- 6° the quantity and application of the heat generated together with the electricity.

§ 4. The VREG may decide to add additional entries on the guarantee of origin and to lay down further rules for the entries. The production registrars shall ensure that the necessary data for this purpose are recorded per installation and transmitted to the VREG.

For guarantees of origin for installations of less than 50 kW, the VREG may decide to include simplified information.

§ 5. Entries shall be made on the guarantee of origin granted on the basis of the information provided by the production registrar to the VREG for this purpose.

**Article 6.2/3.22 (07/06/2021 - ...)**

A guarantee of origin originating from another region or another country of the European Economic Area, or from a country with which the European Union has concluded an agreement on the mutual recognition of guarantees of origin issued in the European Union and on compatible systems for guarantees of origin established in that third country, may be imported into the Flemish Region and used to substantiate the origin of energy supplied, if its owner demonstrates to VREG that all of the following conditions are satisfied:

- 1° the guarantee of origin for energy states at least the data mentioned in Article 6.2/3.21, § 2 and § 3, of this Decree;
- 2° the guarantee of origin is the only proof issued for the quantity of energy in question and demonstrates that a producer or heat or cooling producer has generated a specified quantity of energy, expressed in MWh, from renewable energy sources and has delivered it as energy from renewable energy sources in a year indicated therein or has generated a specified quantity of electricity, expressed in MWh, in a high-efficiency cogeneration plant and has delivered it as electricity from high-efficiency cogeneration as referred to in Article 7.1/1.2 of the Energy Decree of 8 May 2009;
- 3° the quantity of energy covered by the guarantee of origin has not yet been sold or used under the designation energy from renewable energy sources, electricity from high-efficiency cogeneration or an equivalent designation;
- 4° the guarantee of origin is transferred electronically from the other region or country to the account of the owner of the imported guarantee of origin in the central database of VREG, through a system that guarantees the reliability and uniqueness of the guarantee of origin;
- 5° the guarantee of origin has not expired, has not been cancelled before and has not been issued for energy used at the place of production.

Imported guarantees of origin can be traded, exported or cancelled in the central database.

VREG determines the format, procedure and medium through which guarantees of origin can be imported from another region or country.

**Article 6.2/3.24** (17/08/2019 - ...)

§ 1. Guarantees of origin shall be freely tradable, except for those cancelled, expired or issued for energy consumed locally.

§ 2. The seller shall register the sale of a guarantee of origin in the central database. In doing so, he shall identify the traded guarantees of origin, the buyer and the selling price.

§ 3. Once the sale has been registered, the guarantees of origin in question shall be transferred from the seller's account to the buyer's account.

If the buyer's account is in the database of an authority managing guarantees of origin in another region or country, VREG shall transfer the necessary data to the competent authority in the region or country to which the guarantees of origin have been exported.

§ 4. VREG shall provide in a generally accessible manner the opportunity to advertise the supply of and demand for guarantees of origin.

**Article 6.2/3.25** (17/08/2019 - ...)

The owner may cancel guarantees of origin that have not yet been returned and have not yet expired in the central database to prove the origin of a corresponding amount of energy from renewable energy sources or high-efficiency cogeneration.

**Article 6.2/3.26** (17/08/2019 - ...)

§ 1. An electricity supplier shall cancel a number of guarantees of origin per electricity product each month for electricity generated from renewable energy sources and a number of guarantees of origin for electricity generated from high-efficiency cogeneration. That number shall correspond respectively to the amount of electricity sold in the previous month to customers in the Flemish Region as electricity generated from renewable energy sources, and the amount of electricity sold in the previous month to customers in the Flemish Region and electricity generated from high-efficiency cogeneration.

§ 2. Each month, the electricity supplier shall provide VREG with a list of customers connected to the distribution or transmission system, whom the supplier supplies with electricity from renewable energy sources and high-efficiency cogeneration. For each customer, he lists the product offered, and for each product, he indicates the share of electricity from renewable energy sources and high-efficiency cogeneration in the total electricity supply mix to that customer.

The VREG shall determine the model on which and the period within which the supplier must provide it with the data referred to in the first paragraph.

§ 3. On a monthly basis, the distribution system operators and the transmission system operator shall report to the VREG and to the electricity supplier concerned the off-take data of the customers

referred to in paragraph 2, broken down according to the share of electricity from renewable energy sources and high-efficiency cogeneration in the total electricity supply mix to these customers.

The VREG may lay down further rules on the way in which the measurements referred to in the first paragraph are carried out and the way in which the measurement data are submitted to the VREG.

§ 4. On the basis of the data mentioned in paragraph 3, the VREG checks monthly whether the electricity supplier has cancelled the correct number of guarantees of origin in accordance with paragraph 1.

If the supplier has cancelled too many guarantees of origin, the excess shall be carried over to the following month if the guarantees of origin have not yet expired in that month.

If the supplier has cancelled insufficient guarantees of origin, VREG shall inform the supplier concerned. The supplier can then cancel additional guarantees of origin within 10 working days.

§ 5. On its website, the VREG allows electricity customers to check whether, and to what extent, their supplier has supplied them with electricity generated from renewable energy sources and high-efficiency cogeneration. This also includes the technology and country of origin of the surrendered guarantees of origin and is based on the data from the verification mentioned in article 6.2/3.14.

#### **Article 6.2/3.27** (17/08/2019 - ...)

By no later than 1 January 2022, and after advice from the production coordinator, the arrangements contained in this chapter shall be evaluated, in particular of the provisions laid down in Article 6.2/3.1, § 2, and Article 6.2/3.8. In that evaluation, the Government of Flanders shall also assess whether the market is ripe for the entry into force of Articles 7.4.2 and 7.4.3 of the Energy Decree of 8 May 2009.

### Chapter III. Provision of information on the origin and environmental impact of the energy supplied (ins. OFG May 17<sup>th</sup>, 2019, art. 3, I: August 17<sup>th</sup>, 2019)

#### **Article 6.3.1** (17/08/2019 - ...)

§1. In the notification, mentioned in art. 7.4.1, first paragraph, of the Energy Decree of May 8<sup>th</sup> 2009, the origin of the supplied electricity shall be declared according to the following categories:

- 1° electricity, produced from renewable energy sources;
- 2° electricity, produced from fossil fuels;
- 3° electricity, produced in nuclear power plants;
- 4° electricity, produced from waste heat and cold;
- 5° electricity, produced from other energy sources than those, mentioned in item 1° to 4°.

The VREG can determine additional rules about the form of the declaration, mentioned in the first paragraph.

§2. The share of electricity per energy source, mentioned under §1, is determined starting from July 1<sup>st</sup> of every year based on the proportion of the number of guarantees of origin, expressed in MWh, that the supplier has cancelled for supply during the previous calendar year, as mentioned in art. 7.1/1.2 of the Energy Decree of May 8<sup>th</sup> 2009, compared to the quantity of electricity that the

supplier concerned has supplied to customers in the Flemish Region, via the distribution system, the local transport network or the transmission system for electricity. That proportion is determined both for the entirety of the supply of that supplier, as for the supply for the offered product to the customers concerned. The guarantees of origin to substantiate supply during the previous calendar year shall be cancelled by the latest on March 31<sup>st</sup> of the current calendar year.

The origin of electricity supply in the previous calendar year, that on March 31<sup>st</sup> has not been substantiated by cancelling guarantees of origin, is determined using the residual mix, which is determined by the VREG.

The VREG notifies the suppliers of the value of the residual mix.

**Article 6.3.2** (17/08/2019 - ...)

The VREG may determine additional rules for the determination of the fuel mix of the entirety of the supply of a supplier.

**Article 6.3.3** (17/08/2019 - ...)

The VREG shall verify if the information that the supplier provided during the previous calendar year is correct and in agreement with the provisions of this chapter. The supplier shall provide the VREG with the necessary documentation for the verification, mentioned in the first paragraph, annually before March 31<sup>st</sup>. The VREG shall assess the documentation and shall announce the result of his verification in a report on the website of the VREG, together with the percentages for the origin of electricity, supplied and used by the suppliers.

**Article 6.3.4** (17/08/2019 - ...)

The VREG shall determine the sources of reference to which shall be referred in agreement with art. 7.4.1, first paragraph, of the Energy Decree of May 8<sup>th</sup>, 2009.

## Title XI. Supervision and sanctions

### Chapter I/1. Supervision by VREG (ins. OFG May 9<sup>th</sup>, 2014, art. 47, I: April 1<sup>st</sup>, 2014)

**Article 11.1/1.1** (01/04/2014 - ...)

The staff members of the VREG shall be appointed to carry out the requisite inspections on the award and use of green certificates, cogeneration certificates and guarantees of origin, with regard to contravention of the provisions of Chapters I and I/1 of Title VII of the Energy Decree of May 8<sup>th</sup> 2009 and of Title VI of this Decree.