

Decree of 8 May 2009 containing general provisions on energy policy

Article 3.1.4. (1/04/2019 – ...)

§ 1. For the purpose of fulfilling its tasks, VREG shall be entitled to perform any activity that contributes directly or indirectly to the fulfilment of the aforementioned mission and tasks.

§ 2. VREG shall have the following powers, which it shall exercise in accordance with the provisions of this Decree, the implementing provisions and the business plan binding upon it:

1. entering into agreements with third parties;
2. imposition of administrative sanctions due to contravention of the provisions of Titles IV, IV/1, V and VI, and Chapters I through IV of Title VII of this Decree, as well as the corresponding implementing provisions;
3. appointing, modifying and terminating the appointment of grid operators;
4. granting distribution grid operators permission to access and use a utility company's resources;
5. granting, modification and cancellation of supply licences;
6. drawing up technical regulations;
7. awarding green energy certificates, cogeneration certificates, green cogeneration certificates and guarantees of origin, and the management of these 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 bodies operating in the Flemish, Belgian and European electricity and natural gas markets;
9. carrying out studies on the performance of electricity and gas markets in the Flemish Region;
10. imposition of necessary and proportionate measures to promote effective competition and guaranteeing the proper functioning of the Flemish electricity and gas markets;
11. cooperating and exchanging data with the regulators and bodies operating within the Flemish, Belgian and European electricity and gas markets, insofar as the provisions of Article 3.1.12 are complied with;
12. approving distribution network tariffs for electricity and natural gas and stipulating the methods for the calculation thereof based on transparent criteria or adopting transitional measures in regard thereof, in accordance with the provisions of this Decree;
13. drawing up technical regulations - heating and cooling networks, where required;
14. carrying out studies on the performance of heating and cooling networks in the Flemish Region;
15. imposing necessary and proportionate measures to guarantee the proper functioning of the Flemish heating and cooling networks.

[CHAPTER I/1. Guarantee of origin (Decr. ins. July 13, 2012, Art. 14, I: 30 July 2012)]

Article 7.1/1.1. (30/05/2019 – ...)

§ 1. The Flemish Government shall stipulate the conditions under which VREG awards a guarantee of origin to the owner of a power plant located in the Flemish Region, or to the natural or legal person designated by the owner for that purpose, for:

1. every MWh of electricity generated by the plant from renewable energy sources or qualitative cogeneration;
2. every MWh of gas generated by the plant from renewable energy sources;
3. every MWh of heating or cooling generated by the plant from renewable energy sources.

The Flemish Government may decide to additionally grant guarantees of origin for electricity, gas, heating or cooling generated from other energy sources, and for liquid or solid fuels.

VREG awards these guarantees of origin based on the production values and data provided for that purpose by the body designated by the Flemish Government for that purpose.

§ 2. The Flemish Government shall lay down more detailed rules of implementation and procedures with regard to the form, content, application and award of guarantees of origin, and for the measurement, determination and monitoring of the quantity of electricity, gas, heating or cooling generated for which the guarantees of origin are awarded.

§ 2/1. The Flemish Government may establish exceptions for the award of guarantees of origin, depending on a power plant's minimum generation capacity, the financial support received and whether or not energy is consumed at its site of generation.

§ 3. Guarantees of origin issued by VREG shall be recorded in a central database. The Flemish Government shall prescribe the specifications to be included in the central database for each guarantee of origin.

Article 7.1/1.2. (30/05/2019 – ...)

The supply of electricity in the Flemish Region as a quantity of electricity from renewable energy sources or electricity from qualitative cogeneration is permitted where the quantity of electricity so supplied corresponds to the corresponding number of MWh of the respective guarantees of origin pertaining to electricity from renewable energy sources or electricity from qualitative cogeneration, which have been submitted to the central database.

The supply of gas in the Flemish Region as gas generated from renewable energy sources shall be permitted where the quantity of gas supplied in this way corresponds to the number of MWh of the guarantees of origin for gas from renewable energy sources having been submitted to the central database, as referred to in Article 7.1/1.1, § 3.

The supply of heating or cooling in the Flemish Region as heating or cooling generated from renewable energy sources shall be permitted where the quantity of heating or cooling supplied in this way corresponds to the corresponding number of MWh of the guarantees of origin for heating and cooling from renewable energy sources having been submitted to the central database, as referred to in Article 7.1/1.1, § 3.

Should the Flemish Government introduce a system of guarantees of origin for other energy sources or for solid or liquid fuels, those specific energy sources or fuels and their corresponding specific properties of origin could only be sold as such should the number of guarantees of origin submitted equal the amount of MWh sold, in accordance with the procedure specified for that purpose.

Article 7.1/1.3. (30/07/2012 – ...)

The Flemish Government shall prescribe the conditions under which guarantees of origin having been awarded by the competent authority of the federal government, the other regions or other countries may be submitted, as referred to in Article 7.1/1.2. Such conditions must be objective, transparent and non-discriminatory.

Article 7.1/1.4. (30/05/2019 – ...)

A guarantee of origin may only be submitted in the form referred to in Article 7.1/1.2 to substantiate the supply of a quantity of energy from renewable energy sources or qualitative cogeneration should such supply occur within 12 months of the expiry of the generation period of the energy for which the guarantees of origin were awarded.

Article 7.1/1.5. (17/08/2019 – ...)

The use of the central database referred to in Article 7.1/1.1, § 3, for the registration of a purchase, import, export, submission or destruction of a guarantee of origin may require the payment of a fee to VREG.

In this event, the fee shall be payable by the person purchasing, exporting, importing, returning or having the guarantees of origin destroyed by VREG.

VREG shall set the rate of fees as well as the method by which the fee is collected. This fee may not exceed EUR 0.05 per guarantee of origin purchased, exported, imported, submitted or destroyed, nor may it exceed 5% of the average market value of guarantees of origin traded during the previous year.

The Flemish Government may also set a fee for processing the application, monitoring the reporting and calculating the number of guarantees of origin to be awarded.

[CHAPTER I/2. Activities in the interest of society (Decr. ins. 16 November 2018, Art. 29, I: 24 December 2018)]

Article 7.1/2.1. (24/12/2018 – ...)

Without prejudice to any other provision to the contrary, the construction and installation of cogeneration and renewable energy power plants, including related infrastructure and in any event wind turbines, shall be deemed as in the interest of society. The Flemish Government may stipulate additional capacity-related conditions that such a power plant must meet to be considered in the interest of society.

CHAPTER II. [... (Decree abolishments) 26 April 2019, Art. 8, I: 30 May 2019)]

Article 7.2.1. (30/05/2019 – ...)

etc.

Article 7.2.2. (30/05/2019 – ...)

etc.

Article 7.2.3. (30/05/2019 – ...)

etc.

CHAPTER III. Reduced connection costs for power plants where electricity is generated from cogeneration plants

Article 7.3.1. (26/08/2011 – ...)

For the first thousand metres, the electrical cable laying-related costs on the public domain between the electricity distribution network or the local electricity transmission network and the power plant are to be borne by the grid operator in question insofar that the connection capacity of such power plant does not exceed 5 MVA. The party requesting the connection shall bear all other costs incurred on the new connection of a power plant generating electricity from qualitative cogeneration to the distribution network or the local electricity transmission network.

For the first thousand metres, the costs of laying the natural gas pipelines on the public domain between the natural gas distribution network and the power plant shall be borne by the natural gas network operator insofar that the connection capacity of such power plant does not exceed

2,500 m³/h. The party requesting the connection shall bear all other costs incurred on the new connection of a power plant generating electricity from qualitative cogeneration to the natural gas distribution network.

The costs to be borne by the system operator, referred to in paragraphs 1 and 2, shall be considered costs incurred as a result of the public service obligations of the grid operator as grid operator.

Chapter IV Provision of information on the origin and environmental impact of the energy supplied [energy (Decree substitutions 26 April 2019, Art. 10, I: 30 May 2019)]

Article 7.4.1. (01/01/2011 – ...)

All invoices and printed and electronic promotional material of the electricity supplier must state the following:

1. the percentage of each energy source in the total fuel mix used by the supplier in the preceding year in the Flemish Region, and the percentage of each energy source in the fuel mix of the product offered by the supplier to the customers concerned in the Flemish Region;
2. a reference to the current official reference sources where publicly available information on environmental impact is available, at minimum with regard to CO₂ emissions and radioactive waste produced by electricity generation, generated by several different energy sources for the supplier's total fuel mix in the previous year;
3. a declaration that guarantees of origin have been submitted to VREG for electricity supplied from renewable energy or qualitative cogeneration.

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

The Flemish Government shall prescribe more detailed rules of implementation with regard to the obligations arising from the paragraph 1.

Article 7.4.2.

This Article is not yet in force. The initial 'future version' may be found below.

(Date to be determined by the Flemish Government - ...)

All invoices and printed and electronic promotional material of a gas supplier must include the following details:

1. the percentage of each energy source in the total gas volume supplied in the preceding calendar year by the supplier via the natural gas distribution network in the Flemish Region;
1. the percentage of each energy source in the gas product of the customer in question supplied in the preceding year by the supplier via the natural gas distribution network in the Flemish Region;

The percentage referred to in paragraph 1 shall be determined on the basis of the guarantees of origin of gas from renewable energy sources having been submitted to VREG by the supplier.

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

The Flemish Government shall prescribe more detailed rules of implementation with regard to the obligations, as referred to in paragraph 1.

Article 7.4.3.

This Article is not yet in force. The initial 'future version' may be found below.

(Date to be determined by the Flemish Government - ...)

All invoices and printed and electronic promotional material of a heating or cooling supplier supplying heating or cooling via a heating or cooling network shall include the following information:

1. the percentage of each energy source in the total fuel mix supplied in the preceding calendar year by the heating or cooling supplier via heating or cooling networks in the Flemish Region;
2. the percentage of each energy source in the heating or cooling product of the customer in question supplied in the previous year by the heating or cooling supplier via heating or cooling networks in the Flemish Region .

The percentage referred to in paragraph 1 shall be determined based on the guarantees of origin of heating or cooling from renewable energy sources having been submitted to VREG by the supplier.

VREG shall verify whether the information provided by the heating or cooling supplier to its customers is reliable.

The Flemish Government shall prescribe more detailed rules of implementation with regard to the obligations, as referred to in paragraph 1.

Flemish Government Decree of 19 November 2010 containing general provisions on energy policy

TITEL I. General provisions

Article 1.1.1.

[...]

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 registrar's activities;

81° /4 production registrar,: the body that processes the application for the award guarantees of origin and records and regulates 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 percentage supported by the submission 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;

[CHAPTER II/3. Guarantees of origin (superseded by FGD 17 May 2019, Art. 3, I: 17 August 2019)]

[Section 1. General provisions on the application and calculation of energy production entitling the award of guarantees of origin (ins. FGD 17 May 2019, Art. 3, I.): 17 August 2019)]

[Subsection 1. Processing of the application for the award of guarantees of origin (ins. FGD 17 May 2019, Art. 3, I.) 17 August 2019)]

Article 6.2/3.1. (17/08/2019 – ...)

§ 1. An application for the award of guarantees of origin must be made by the owner of the power plant or by a party designated by it for this purpose, hereinafter referred to as the applicant, to the production registrar.

§ 2. The production registrar is, depending on the type of power generated, one of the following parties:

1. Vlaams Energieagentschap [The Flemish Energy Agency]:
 - (a) the production of electricity from renewable energy sources and cogeneration, with the exception of the production of electricity from solar energy;
 - (b) the generation of heating or cooling from renewable energy sources;
2. the electricity distribution grid operator for the production of electricity from solar energy;
3. the natural gas carrier, as referred to in the Law of 12 April 1965 on the transport of gaseous products and others by means of pipelines, for the production of gas from renewable energy sources.

§ 3. The application file consists of the following documents:

1. a correctly and fully completed application form, for which the production registrar determines the model after having consulted with the production coordinator;
2. the application's supporting documents and those mentioned on the application form.

The following documents are part of the application file:

1. a measurement chart illustrating the relevant energy flows and the location of the metering facilities;
2. an inspection report that meets the requirements of Article 6.2/3.3;
3. a correctly and fully completed information form on the processing of waste, where OVAM shall determine the model, in the event of an application for a power plant in which waste materials are

used;

4. the details of the natural or legal person to whom the guarantees of origin for the installation must be awarded.

§ 4. Where the application file is not complete, the production registrar must inform the applicant in writing within two months from the date of the application's receipt or from the date of receipt of the additional information. The notice shall state the reasons for why the application was considered incomplete and the time limit within which the applicant may complete the application file, failing which the application shall lapse.

§ 5. The production registrar shall render a decision, within two months from the date of the application file's receipt or from the date of receipt of the additional information required to complete the application file, on whether the energy produced by the power plant in question meets the conditions for awarding the guarantees of origin referred to in Article 6.2/3.3 and how the quantity of energy produced entitling the award of guarantees of origin is to be calculated, including the measurements required therefore and in accordance with Article 6.2./3.4. The applicant must be informed thereof in writing within ten working days of the day on which the production registrar took the decision.

[Subsection 2. Monthly calculation of the production entitled to guarantees of origin (ins. FGD 17 May 2019, Art. 3, I: 17 August 2019)]

Article 6.2/3.2. (17/08/2019 – ...)

For each plant having obtained an application approval, the production registrar must calculate the monthly energy production from renewable energy sources or qualitative cogeneration for the production in the month in question on the basis of the calculation method and the reports and measurements provided it for this purpose and which have been established in accordance with Article 6.2/3.1, § 5.

The production registrar must notify the applicant and VREG of the outcome of the calculations and of all elements related to the monthly calculations referred to in paragraph 1.

The production registrar must inform VREG of the outcome of the calculation referred to in paragraph 1, whereby the outcome of said calculation must be rounded down to 1 MWh. The production registrar monitors residue and includes it in the subsequent month's calculations.

The production registrar's website provides clear information on the procedure for applying for the award of guarantees of origin and on the calculation principles based on which the number of guarantees of origin to be awarded are calculated.

[Subsection 3. Conditions for awarding guarantees of origin (ins. FGD 17 May 2019, Art. 3, I.) 17 August 2019)]

Article 6.2/3.3. (17/08/2019 – ...)

§ 1. Guarantees of origin may only be awarded to the extent that a valid inspection report of the power plant meeting the requirements stated in paragraph 2 can be submitted to the production registrar.

§ 2. The inspection report shall be drawn up by an independent inspection body accredited in the field of work in question. The inspection report must corroborate the following elements:

1. the energy produced by the power plant in question is generated from a renewable energy source. The energy source in question must be specified;
2. the measurement of the energy produced complies with national and international standards and regulations, and the measurement configuration makes it possible to determine the net quantity of energy from renewable energy sources;

3. for all other measurements required for the calculation of the number of guarantees of origin to be awarded, a calibration certificate issued by a competent authority may be submitted;
4. all documents accompanying the application for the award of guarantees of origin correspond to reality.

§ 3. Guarantees of origin shall not be awarded to plants with a nominal output in excess of 1 MW from renewable energy sources unless a new inspection report meeting the requirements set out in paragraph 2 is submitted every two years.

In derogation of paragraph 1, a new inspection report shall not be required every two years for plants where all measurements required for the calculation of the number of guarantees of origin to be awarded are carried out by grid operators or transmission system operators operating independently of the owner of the power plant and from the energy produced.

§ 4. Where energy produced from organic matter is concerned, the inspection report must also include an explanation by the inspection body of its audits on the supply and consumption of such energy sources and a statement on the ratio of the supply and consumption of the energy sources to the amount of energy produced from renewable sources for which guarantees of origin have been awarded in the last two years.

§ 5. The production registrar may define a model for the inspection report following consultation with the production coordinator, the form of which may vary depending on the energy source and technology used. The production registrar may, following consultation with the production coordinator, lay down additional rules to be satisfied by the inspection report along with the conditions for eligibility required by independent inspection bodies accredited in the field of work in question, as referred to in paragraph 2.

§ 6. Five years after the start of the award, no guarantees of origin shall be awarded to power plants for which no regular re-inspection report in accordance with paragraph 3, Article 6.2/3.14 or 6.2/3.16 is required, unless the applicant has confirmed that no changes have been made to the power plant.

§ 7. The production registrar may access the site of the power plant and the data required to calculate the number of guarantees of origin to be awarded and already awarded at all times to verify whether the data in the application file correspond to reality.

[Subsection 4. Calculations required on the award of guarantees of origin (ins. FGD 17 May 2019, Art. 3, I.) 17 August 2019)]

Article 6.2/3.4. (17/08/2019 – ...)

§ 1. To determine the energy production from renewable energy sources or qualitative cogeneration entitling the award of guarantees of origin for the plant of a specific energy carrier, the amount of net energy production that meets one of the following conditions must be calculated for the energy carrier in question:

1. it is injected into a network or a set of interconnected pipelines to which several users are connected;
2. it is physically transferred to a third party via a distribution system that supplies several parties in the event that the gas is not injected into a network or into a set of interconnected pipelines.

§ 2. To determine the net energy production from renewable energy sources or qualitative cogeneration of a specific energy carrier's plant, the monthly amount of net energy production must be calculated for the energy carrier in question.

The amount of net energy production is the energy produced, less the measured energy consumption or equivalent energy consumption of the utility services associated with the power plant.

Should these utility services use types of energy other than those used by the energy carrier in question, their equivalent offtake at the target energy carrier shall be calculated as the energy at the target energy carrier that can be generated in a reference plant with the same amount of energy.

Should the application for the award of guarantees of origin demonstrate that the auxiliary power supply referred to in paragraphs 2 and 3 is small in relation to the energy produced entitling the award of guarantees of origin, it may be decided to calculate the net energy production based on an estimate from the total energy production of the energy carrier in question.

§ 3. In accordance with Article 6.1.10, paragraph 1, energy production from the organic-biological part of residual waste equates to 47.78% of the total energy production from residual waste. Should the energy be generated from other waste, OVAM shall determine the percentage of organic-biological matter determining the percentage of the produced energy qualifying its consideration as energy originating from renewable energy sources.

§ 4. For the production of electricity or gas from renewable energy sources, the production registrar must also record, at the request of the applicant, the amount of net energy production from renewable energy sources or qualitative cogeneration consumed at the power plant site, or allocated by the owner of the power plant to a specific customer, independent of the amount of energy produced, as referred to in paragraph 1, so that guarantees of origin may be awarded for this purpose that are neither tradable nor transferable.

§ 5. In accordance with Article 6.2/3.20 § 4, the owner of the power plant must inform the production registrar of the user's identification should the energy produced be allocated directly to a specific user. The production registrar must then report these data to VREG.

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

§ 7. The production registrar may, with the approval of the production coordinator, lay down more detailed rules for the manner in which the measurements referred to in paragraphs 1 and 2 are carried out and communicated.

Article 6.2/3.5. (17/08/2019 – ...)

The first monthly calculations referred to in Section 6.2/3.4 shall be carried out based on the energy produced from the latter of the following dates:

1. the date of the inspection report referred to in Article 6.2/3.3;
- 2° the date on which the power plant is commissioned.

[Subsection 5. Notification of changes (ins. FGD 17 May 2019, Art. 3, I.) 17 August 2019]]

Article 6.2/3.6. (17/08/2019 – ...)

The applicant must notify the production registrar of the following:

1. any change in the plant, the metering facilities, the energy source or any other element having an impact on the calculation of the amount of energy produced at the plant by a renewable energy source or qualitative cogeneration;
2. any change in the natural or legal person to whom/which the guarantees of origin have been awarded.

The production registrar may amend its decision as referred to in Article 6.2./3.1, § 5 as a result of the changes referred to in paragraph 1.

[Subsection 6. Production registrar audit(ins. FGD 17 May 2019, Art. 3, I.): 17 August 2019]]

Article 6.2/3.7. (17/08/2019 – ...)

§ 1. The production registrar may, at any time, verify that a power plant for which the application for the award of guarantees of origin has been received or approved, is producing energy from a renewable energy source or qualitative cogeneration and that the measurement of the produced energy and other measurements required for the determination of the production from renewable energy sources or qualitative cogeneration are in accordance with reality.

§ 2. The production registrar may, at any time, verify whether the findings contained in an inspection report as referred to in Article 6.2./3.3 are in accordance with reality.

§ 3. Should the production registrar have well-substantiated arguments for regarding the energy produced by the power plant as not or no longer being generated from a renewable energy source or qualitative cogeneration, the production registrar may amend or revoke the decision referred to in Article 6.2/3.1, § 5, with or without retroactive effect as from the time at which entitlement to the award of guarantees of origin must have terminated.

§ 4. Should the production registrar find that more or fewer guarantees of origin have been awarded than the number to which the owner of the power plant was entitled, it may, after having taken cognisance of the power plant owner's account, amend its initial decision retroactively and rectify the awarded guarantees of origin.

[Subsection 7. Role of the production coordinator (ins. FGD 17 May 2019, Art. 3, I.) 17 August 2019]

Article 6.2/3.8. (17/08/2019 – ...)

VREG acts as the production coordinator.

The production coordinator must ensure the accuracy of the principles for calculating the number of guarantees of origin to be awarded and the method by which the production registrars communicate production data, so that VREG is capable of awarding guarantees of origin therefore.

Within twenty days of having received the production registrar's decision, the applicant may lodge a well-reasoned appeal with the production coordinator by registered letter contesting the production registrar's decision with regard to the award of guarantees of origin for its power plant. The applicant may lodge a well-substantiated appeal with the Minister in objection to the production coordinator's decision by registered letter within 20 days of having received the production coordinator's decision.

Should the production registrar be denied access to the plant or should it find that the conditions have not been met, it must immediately report this to the production coordinator.

VREG may, at its own initiative or at the request of the production registrar, suspend or revoke the award of guarantees of origin until it has been confirmed that the conditions referred to in Article 6.2/3.1(3) or Article 6.2/3.3 have been met and in the event that such guarantees of origin have not yet been traded or submitted.

Where it has been established that some of the guarantees of origin unduly awarded have already been traded or submitted, the number of guarantees of origin awarded in accordance with Article 6(1)(3) shall be offset in respect of the power plant concerned by the number of guarantees of origin not meeting the conditions laid down in Articles 6(1)(3) to (6)(1)(5).

[Section 2. Specific provisions on the application and calculation of energy production entitling the award of guarantees of origin (ins. FGD 17 May 2019, Art. 3, I.): 17 August 2019)]

[Subsection 1. Generation of electricity from renewable energy sources and cogeneration (ins. FGD 17 May 2019, Art. 3, I: 17 August 2019)]

Article 6.2/3.9. (17/08/2019 – ...)

In derogation of Article 6.2/3.1(1), no separate application need be submitted should an application for the award of green energy certificates as referred to in Article 6.1.2, or an application for the award of cogeneration certificates as referred to in Article 6.2.2, already have been submitted. That application shall then be regarded as part of the application for the award of green energy certificates referred to in Article 6.1.2 or the application for the award of cogeneration certificates referred to in Article 6.2.2.

In the case referred to in paragraph 1, the award of guarantees of origin for electricity generated from renewable energy sources shall commence at the same time as the award of green certificates referred to in paragraph 3 of Article 6.1.7, and the award of guarantees of origin for electricity generated from qualitative cogeneration shall commence at the same time as the award of cogeneration certificates referred to in paragraph 3 of Article 6.2.7.

Article 6.2/3.10 (17/08/2019- ...)

Plants generating electricity from a renewable energy source are eligible for the award of guarantees of origin only where they have a nominal electrical output of 10 kW or more.

Only electricity fed into a distribution grid, a local transmission network, a transmission network or a closed distribution network with unlimited choice of supplier may be taken into account for the award of tradable guarantees of origin.

Article 6.2/3.11. (17/08/2019 – ...)

Reporting of the data referred to in Article 6.2/3.2 must be carried out:

1. in accordance with Article 6.1.9 on plants generating electricity from renewable energy sources;
2. in accordance with Article 6.2.9 on plants generating electricity from qualitative cogeneration.

The reporting referred to in paragraph 1 must be supplemented by reports on the amount of electricity generated from renewable energy sources or qualitative cogeneration by the power plant in question, which is fed into the distribution grid, the local electricity transmission network or the transmission network. The distribution grid operator or the transmission system operator of the network to which the plant is connected must measure this data and transmit it to the Flemish Energy Agency.

Article 6.2/3.12. (17/08/2019 – ...)

In derogation of Article 6.2/3.5, the first monthly calculation referred to in Article 6.2./3.4 must be carried out in the following manner:

1. for plants generating electricity from solar energy: based on the electricity generated by the plant from the time at which the grid operator installed the solar power meter;
2. for plants with a nominal electrical output from renewable energy sources other than solar energy or qualitative cogeneration that is less than or equal to 200 kW: based on the energy produced from the date of the report of the conformity assessment or the inspection of the technical facilities, as stated in the Belgian General Regulations for Electrical Installations, provided that the application has been received within one year from the date of that report.

Article 6.2/3.13. (17/08/2019 – ...)

§ 1. Where electricity is generated at a power plant fuelled by gas from a gas network or other gas distribution system supplying several users, the quantity of electricity generated may be eligible for the award of guarantees of origin for electricity from renewable energy sources, provided that evidence is presented to the electricity production registrar that a set of guarantees of origin for gas from renewable energy sources has been submitted, for the same chemical composition of the gas and in accordance with the quantity of gas fuelling the power plant in question during the period in question.

To determine the number of guarantees of origin that must be submitted for this purpose, measurement data on the chemical composition and energy content of the quantity of gas fuelling the power plant during the production period in question must be provided to the production registrar.

§ 2. When generating electricity at a power plant fuelled by heating or cooling from a network supplying several users with heat or cooling, the amount of electricity generated may be eligible for the award of guarantees of origin for electricity from renewable energy sources, provided that evidence is presented to the electricity production registrar that a set of guarantees of origin for heating or cooling from renewable energy sources has been submitted that corresponds to the amount of heating or cooling powering the power plant in question for the period in question.

To determine the number of guarantees of origin that must be submitted therefore, measurement data on the energy output of the quantity of heating or cooling powering the power plant for the period of generation in question must be provided to the production registrar.

§ 3. As an exception to the requirement to provide measurement data on the gas, heating or cooling supply to the power plant in accordance with paragraphs 1 and 2, the production registrar may, following approval by or on the instruction of the production coordinator, set simplified values for the amount of electricity generated per unit of gas or per unit of heating or cooling at the power plant.

§ 4. The production registrar may, subject to the approval of the production coordinator, lay down more detailed conditions concerning the requirements of the guarantees of origin that can be submitted for the generation of electricity from the power supply to the power plant for which guarantees of origin are awarded.

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

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

[Subsection 2. Generation of gas from renewable energy sources (ins. FGD 17 May 2019, Art. 3, I.) 17 August 2019]

Article 6.2/3.14. (17/08/2019 – ...)

§ 1. For plants generating gas from a renewable energy source injected into a network, the grid operator must 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 network.

The grid operator must report the data referred to in paragraph 1 to the production registrar.

For plants generating gas from a renewable energy source that is not injected into a network, but

that is traded via another distribution system that supplies several users remotely, the producer measures 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 via distribution network.

The producer must report the data referred to in paragraph 3 to the production registrar.

§ 2. Where the production registrar is not the same party as the grid operator or should the producer read and report the monthly measurement data, the producer must, in derogation of Article 6.2/3.3, § 3, annually provide the production registrar with an inspection report that meets the requirements set out in Article 6.2/3.3.

Article 6.2/3.15. (17/08/2019 – ...)

§ 1. When generating gas at a power plant powered by electricity, the amount of gas generated may be eligible for the award of guarantees of origin for gas from renewable energy sources, provided that evidence is presented to the production registrar that a set of guarantees of origin for electricity from renewable energy sources has been submitted that corresponds to the amount of electricity powering the power plant in question for the period in question.

To determine the number of guarantees of origin that must be submitted therefore, measurement data on the amount of electricity powering the power plant for the period of generation in question must be provided to the production registrar.

§ 2. Where gas is generated at a power plant fuelled by a different gas supplied by a gas network or other gas distribution system supplying several users, the quantity of gas generated may be eligible for the award of guarantees of origin for gas from renewable energy sources, provided that evidence is presented to the production registrar that a set of guarantees of origin for gas from renewable energy sources has been submitted, for the same chemical composition of the gas and in accordance with the quantity of gas fuelling the power plant in question for the period in question.

To determine the number of guarantees of origin that must be submitted for this purpose, measurement data on the chemical composition and energy content of the quantity of gas fuelling the power plant during the production period in question must be provided to the production registrar.

§ 3. When generating gas at a power plant powered by heating or cooling from a network supplying several users with heat or cooling, the amount of gas generated may be eligible for the award of guarantees of origin for gas from renewable energy sources, provided that evidence is presented to the production registrar that a set of guarantees of origin for heating or cooling from renewable energy sources has been submitted that corresponds to the amount of heating or cooling powering the power plant in question for the period in question.

To determine the number of guarantees of origin that must be submitted therefore, measurement data on the energy content of the quantity of heating or cooling powering the power plant for the period of generation in question must be provided to the production registrar.

§ 4. As an exception to the requirement to provide measurement data on the gas, heating or cooling supply to the power plant in accordance with paragraphs 1 and 3, the production registrar may, following approval by or on the instruction of the production coordinator, set simplified values for the amount of electricity generated per unit of gas or per unit of heating or cooling at the power plant.

§ 5. The production registrar may, subject to the approval of the production coordinator, lay down more detailed conditions concerning the requirements of the guarantees of origin that can be submitted for the generation of gas from the power supply to the power plant for which

guarantees of origin are awarded.

§ 6. In the cases referred to in paragraphs 1 through 3, the production registrar must record the production period specified on the submitted guarantees of origin as the production period for the new guarantees of origin to be created.

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

[Subsection 3. Generation of heating or cooling from renewable energy sources (ins. FGD 17 May 2019, Art. 3, l.) 17 August 2019)]

Article 6.2/3.16. (17/08/2019 – ...)

§ 1. Plants generating heat from a renewable energy source are eligible for the award of guarantees of origin only where they have a nominal thermal input of 300 kW or more.

§ 2. For plants generating heating or cooling from a renewable energy source with a thermal input of 300 kW or more, the grid operator of the heating or cooling system must measure the net energy content of the quantity of heating or cooling from renewable energy sources injected into its network on a monthly basis and per site. The grid operator shall report these data to the production registrar.

§ 3. Where the heating or cooling grid operator is not independent of the producer, the producer must, in derogation of Article 6.2./3.3, § 3, provide the production registrar with an inspection report that meets the requirements set out in Article 6.2/3.3 every two years.

Article 6.2/3.17. (17/08/2019 – ...)

§ 1. When generating heating or cooling at a power plant powered by electricity, the amount of heating or cooling generated may be eligible for the award of guarantees of origin for heating or cooling from renewable energy sources, provided that evidence is presented to the production registrar that a set of guarantees of origin for electricity from renewable energy sources has been submitted that corresponds to the amount of electricity powering the power plant in question for the period in question.

To determine the number of guarantees of origin that must be submitted therefore, measurement data on the amount of electricity powering the power plant for the period of generation in question must be provided to the production registrar.

§ 2. Where heating or cooling is generated at a power plant fuelled by gas from a gas network or other gas distribution system supplying several users, the quantity of heating or cooling generated may be eligible for the award of guarantees of origin for heating or cooling from renewable energy sources, provided that evidence is presented to the production registrar that a set of guarantees of origin for gas from renewable energy sources has been submitted, for the same chemical composition of the gas and in accordance with the quantity of gas fuelling the power plant in question for the period of heating and cooling generation in question.

To determine the number of guarantees of origin that must be submitted for this purpose, measurement data on the chemical composition and energy content of the quantity of gas fuelling the power plant during the production period in question must be provided to the production registrar.

§ 3. In derogation of the requirement to provide measurement data on the electricity or gas supply to the power plant referred to in paragraphs 1 and 2, the production registrar may, following approval by or on the instruction of the production coordinator, define simplified values for the amount of heating or cooling generated per unit of electricity, gas, heating or cooling in the power

plant.

§ 4. The production registrar may, subject to the approval of the production coordinator, lay down more detailed conditions concerning the requirements of the guarantees of origin that can be submitted for the generation of heat from the power supply to the power plant for which guarantees of origin are awarded.

§ 5. In the cases referred to in paragraphs 1 and 2, the production registrar shall register the production periods stated on the submitted guarantees of origin as the production period for the new guarantees of origin to be created.

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

[Section 3. Management, award, trade, use, expiration and destruction of guarantees of origin (ins. FGD 17 May 2019, Art. 3, I.) 17 August 2019)]

Article 6.2/3.18. (17/08/2019 – ...)

§ 1. VREG shall establish appropriate mechanisms to ensure that the guarantees of origin in the central database referred to in Article 7.1/1.1 §3 of the Energy Decree of 8 May 2009, can be traded, exported and submitted electronically and that the guarantees of origin recorded therein are accurate, reliable and fraud-proof.

As of 30 June 2021, VREG shall ensure that the requirements it imposes therefore are in accordance with European Standard CEN-EN 16325.

§ 2. VREG supervises the award, trade, import and export, submission, expiry and destruction of guarantees of origin in the Flemish Region.

On a monthly basis, VREG publishes:

1. the number of guarantees of origin awarded per energy source and per technology;
2. the number of guarantees of origin traded and the average price of sales recorded in the central database;
3. the number of imported and exported guarantees of origin, categorised by countries of destination or origin and technology;
4. the number of submitted and expired guarantees of origin.

Article 6.2/3.19. (17/08/2019 – ...)

Any natural or legal person may open a portfolio in the central database after having been identified and authenticated. That portfolio must contain the guarantees of origin held by the natural or legal person.

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

Access to a portfolio is only possible on consent to the conditions for use of the central database, including authentication, role management, the manner in which a transfer, sale, submission, import or export or expiry of a guarantee of origin is carried out, and the fee amount and method of payment referred to in Article 7.1/1.5 of the Energy Decree of 8 May 2009.

VREG shall publish the conditions referred to in paragraph 3 on its website.

The identification and authentication referred to in paragraphs 1 and 2 must be carried out using

the electronic identity card authentication module or an authentication procedure with at least an equivalent level of identification that includes role management.

Article 6.2/3.20. (17/08/2019 – ...)

§ 1. VREG awards guarantees of origin based on the data it receives from the production registrar for net energy produced from renewable energy sources or for electricity from qualitative cogeneration having met one of the following conditions:

1. it is injected into a network to which several users are connected;
2. it is physically transferred to a third party via a distribution system that supplies several parties in the event that the gas is not injected into a network.

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

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

§ 3. At the applicant's request, guarantees of origin for the electricity or gas referred to in Article 6.2/3.4 § 4 may be awarded for the respective electricity or gas from renewable energy sources for the part consumed locally. These guarantees of origin may not be traded, exported or submitted.

§ 4. At the applicant's request, guarantees of origin for electricity or gas from renewable energy sources may be awarded for the part immediately allocated to a specific user on production for electricity immediately allocated by the power plant's owner on production to a specific user, referred to in Article 6.2/3.4, § 4 and § 5. These guarantees of origin may not be traded, exported or submitted.

Article 6.2/3.21. (17/08/2019 – ...)

§ 1. The guarantees of origin awarded by VREG shall be uploaded to the power plant owner's electronic portfolio or the portfolio of the person designated by it. The production coordinator has access to this database.

§ 2. The guarantees of origin awarded must contain at least the following information:

1. the energy source from which the energy is produced;
2. the start and end dates of production;
3. the energy carrier to which the guarantee of origin relates, namely:
 - (a) electricity
 - (b) gas with an indication of its chemical composition
 - (c) heating or cooling and the chemical composition and aggregate state of the energy carrier;
4. the identity, location, type and output of the plant where the energy was produced;
5. whether the plant has received investment aid and whether the unit of energy has otherwise received aid from a national support scheme, along with the type of support scheme;
6. the date on which the plant was commissioned;
7. the date and country of award and, where applicable, the district or region of award;
8. a unique identification number;
9. a statement on whether the guarantee of origin may still be submitted, may not be submitted, has already been submitted or has already expired.

§ 3. Should the guarantee of origin have been awarded for electricity generated from qualitative cogeneration, the guarantee of origin must include a minimum of the following information in addition to the data listed in paragraph 2:

1. the lower heating or energy value of the fuel or energy source;
2. the thermal input of the plant where the energy was produced;
3. the nominal thermal and electrical efficiency of the power plant;

4. the quantity of electricity from qualitative cogeneration covered by the guarantee of origin, calculated in accordance with Annex II of this Decree;
5. the primary energy savings calculated in accordance with Annex II of this Decree;
6. the quantity and application of the heat generated together with the electricity.

§ 4. VREG may decide to add additional information to the guarantee of origin and to stipulate detailed rules for such information. The production records ensure that the data required therefore are recorded for each plant and passed on to VREG.

For guarantees of origin for plants of less than 50 kW, VREG may decide to provide simplified information.

§ 5. Notifications must be listed on the awarded guarantee of origin based on the data provided by the production registrar to VREG for this purpose.

Article 6.2/3.22. (17/08/2019 – ...)

A guarantee of origin originating in another region or country of the European Economic Area, or in 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 of guarantees of origin established in that third country, may be imported into and used in the Flemish Region to certify the origin of energy supplied, should the owner thereof demonstrate to VREG that all of the following conditions have been met:

1. the guarantee of origin for energy must contain at minimum the data referred to 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 generated a quantity of energy, expressed in MWh, from renewable energy sources and supplied as energy from renewable energy sources or a quantity of electricity, expressed in MWh, generated in a qualitative cogeneration plant and supplied as electricity from qualitative cogeneration in a given year, 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 consumed under the designation of energy from renewable energy sources, electricity from qualitative cogeneration or an equivalent designation;
4. the guarantee of origin has been transferred electronically from the other region or country to the portfolio of the owner of the guarantee of origin entered in VREG's central database via a system that guarantees the reliability and uniqueness of the guarantee of origin;
5. the guarantee of origin has not expired, has not previously been submitted and has not been awarded for energy consumed at the site of production.

Returned guarantees of origin may be traded in, exported or submitted to the central database.

VREG shall determine in which format and by which procedure and medium guarantees of origin may be imported from another region or country.

Article 6.2/3.23. (17/08/2019 – ...)

Guarantees of origin that may no longer be submitted due to the expiry of the period referred to in Article 7.1./1.4 of the Energy Decree of 8 May 2009 shall be declared null and void in the database.

Expired guarantees of origin may no longer be traded, exported or returned.

Article 6.2/3.24. (17/08/2019 – ...)

§ 1. Guarantees of origin shall be freely negotiable, except for guarantees of origin having been submitted, expired or awarded in respect of energy consumed locally.

§ 2. The seller must record the sale of a guarantee of origin in the central database. The seller must indicate the guarantees of origin traded, the buyer and the selling price.

§ 3. After the sale has been recorded, the guarantees of origin in question must be transferred from the seller's portfolio to the buyer's portfolio.

Should the purchaser's portfolio be located in the database of an authority that manages guarantees of origin in another region or country, VREG shall transfer the data required to the competent authority in the region or country in which the guarantee of origin was awarded.

§ 4. VREG offers the possibility to publish the supply of and demand for guarantees of origin in a generally accessible manner.

Article 6.2/3.25. (17/08/2019 – ...)

The owner may submit guarantees of origin that have not been submitted yet and that are not expired yet to the central database to prove the origin of a corresponding amount of energy from renewable energy sources or qualitative cogeneration.

Article 6.2/3.26. (17/08/2019 – ...)

§ 1. An electricity supplier must provide a number of guarantees of origin per product for electricity generated from renewable energy sources and a number of guarantees of origin for electricity generated from qualitative cogeneration on a monthly basis. This number corresponds respectively to the quantity of electricity sold in the previous month to customers in the Flemish Region and the electricity from renewable energy sources, and the quantity of electricity sold in the previous month to customers in the Flemish Region and the electricity from qualitative cogeneration.

§ 2. The electricity supplier must, on a monthly basis, provide VREG with a list of customers connected to the network of a grid operator or transmission system operator which provide the supplier with electricity generated from renewable energy sources and qualitative cogeneration. For each customer, the electricity supplier must indicate the product made available, and for each product it must indicate the percentage of electricity from renewable energy sources and qualitative cogeneration in the total electricity supply to that customer.

VREG shall stipulate the model based upon which and the period within which the supplier must provide the data referred to in paragraph 1.

§ 3. The grid operators and the transmission system operator report the offtake data for the customers referred to in section 2 monthly to VREG and to the electricity supplier concerned, broken down according to the percentage of electricity from renewable energy sources and qualitative cogeneration in the total electricity supply to those customers.

VREG may stipulate more detailed rules on how the measurements referred to in paragraph 1 are to be carried out and how the measurement data must be supplied to the latter.

§ 4. Based on the data referred to in section 3 and on a monthly basis, VREG verifies whether the electricity supplier has submitted the correct number of guarantees of origin in accordance with Section 1.

Should the supplier have submitted too many guarantees of origin, the surplus shall be carried over to the following month should the guarantees of origin not yet have expired in that month.

Should the supplier have failed to provide sufficient guarantees of origin, VREG shall inform the supplier in question accordingly. The supplier may still be afforded the opportunity to submit

additional guarantees of origin within ten working days.

§ 5. On its website, VREG offers electricity customers the opportunity to check whether, and to what extent, their supplier has supplied their electricity as generated from renewable energy sources or qualitative cogeneration. This must include a statement on the technology and the country of origin of the guarantees of origin submitted and must be based on the details of the audit referred to in Article 6.2/3.14.

Article 6.2/3.27. (17/08/2019 – ...)

By no later than 1 January 2022 and following the production coordinator's recommendations, the rules laid down in this Chapter shall be reviewed, in particular with regard to the provisions laid down in Article 6.2/3.1(2) and Article 6.2/3.8. With regard to aforementioned assessment, the Flemish Government shall also assess whether the market is ready for Articles 7.4.2 and 7.4.3 of the Energy Decree of 8 May 2009 to enter into force.

[CHAPTER III. Provision of information on the origin and environmental impact of the energy supplied (subst. FGD 17 May 2019, Art. 4, I: 17 August 2019)]

Article 6.3.1. (17/08/2019 – ...)

§ 1. In the notification referred to in Article 7.4.1, paragraph 1 of the Energy Decree of 8 May 2009, the origin of the electricity supplied must be listed under the following categories:

1. electricity generated from renewable energy sources;
2. electricity generated from fossil fuels;
3. electricity generated in nuclear power stations;
4. electricity generated from waste heat and cold;
5. electricity generated from energy sources other than those mentioned in points 1 through 4.

VREG may stipulate more detailed rules on the form of the listing referred to in paragraph 1.

§ 2. As from 1 July of the current year, the percentage of electricity per energy source referred to in paragraph 1 must be determined according to the ratio of the number of guarantees of origin, expressed in MWh, that the supplier has submitted for energy supplied in the previous calendar year as referred to in Article 7.1/1.2 of the Energy Decree of 8 May 2009, in relation to the quantity of electricity that the supplier in question has supplied to customers in the Flemish Region via the distribution network, the local electricity transmission network or the transmission network. This ratio must be determined both for its supply total and for its supply of the product offered to the customers in question. Such guarantees of origin evidencing the energy sources of the supplies in the previous calendar year must be submitted by no later than 31 March of the current year.

The origin of the electricity supply of the previous calendar year not having been evidenced by the submission of guarantees of origin on 31 March, must be determined by the residual mix set by VREG.

VREG shall inform the suppliers of the value of the residual mix.

Article 6.3.2. (17/08/2019 – ...)

VREG may lay down more detailed rules for determining the fuel mix of all supplies from an electricity supplier.

Article 6.3.3. (17/08/2019 – ...)

VREG shall verify whether the information provided by the supplier in the previous calendar year is correct and in accordance with the provisions of this chapter. For the purposes of the audit referred to in subsection 1, the supplier must submit the requisite accounting documents to VREG by 31 March of each year. VREG shall assess this and publish the results of its audit in the form of a report on the VREG website, together with the percentages for the origin of the electricity supplied and consumed by suppliers.

Article 6.3.4. (17/08/2019 – ...)

VREG shall determine the reference sources to be referred to in accordance with Article 7.4.1, paragraph 1, 2°, of the Energy Decree of 8 May 2009.

[...]

CHAPTER I/1. VREG audit (ins. FGD 9 May 2014, Art. 47, I.): 01 April 2014]

Article 11.1/1.1. (01/04/2014 – ...)

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