



# ENERGY COMMUNITIES REPOSITORY

## Belgium

(Brussels Capital Region)



OVERVIEW OF THE POLICY FRAMEWORK

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## DISCLAIMER

The content of this document aims to establish an overview of the national legal developments in the context of the Clean Energy Package for the Member State mentioned above. **The document includes only final legislation which was published before the end of March 2023. It does not include provisions that are not yet applicable under law (i.e., currently drafted or discussed).**

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## Overview

According to the Energy Communities Repository's research, the Brussels Capital Region introduced provisions on Renewable Energy Communities (RECs), Citizen Energy Communities (CECs) and Local Energy Communities (LECs) with an Ordinance amending the order of 19 July 2001 relating to the organization of the electricity market in the Brussels Capital Region, the order of 1 April 2004 relating to the organization of the gas market in Brussels Capital Region, concerning road charges for gas and electricity and amending the order of 19 July 2001 relating to the organization of the electricity market in the Brussels Capital Region and the order of 12 December 1991 creating budgetary funds for the transposition of the Directive 2018/2001 and Directive 2019/944.<sup>1</sup>

It should be highlighted that the responsibility for Belgium's energy and climate policy is divided between the federal government and the regional governments of the Flemish Region, the Walloon Region and the Brussels Capital Region. The federal government is responsible for electricity transmission and large-scale generation; transport of natural gas and oil; nuclear energy; security of energy supply; price policy; consumer protection; the national rail system; transportation fuels; offshore energy; and energy research, development, and demonstration (RD&D) related to its competences. Regional governments are responsible for renewable energy (except offshore energy), energy efficiency and greenhouse gas (GHG) emissions (except for federal buildings and vehicles), distribution of electricity and natural gas, regulation of retail energy markets, vehicle registration, public transportation, urban and rural planning, and energy RD&D related to their competences.<sup>2</sup> Therefore, there is different legislation on energy communities in the different regions, thus 3 different fiches will be created for Belgium, one for the Walloon region, one for the Flemish Region and one for the Brussels Capital Region.

At the Federal level, the law of 23 October 2022 amending the Act of 29 April 1999 on the organisation of the electricity market and transposing Directive (EU) 2019/944 of the European Parliament and of the Council of 5 June 2019 concerning common rules for the internal market in electricity and amending Directive 2012/27/EU introduced provisions for RECs and CECs.<sup>3</sup> More specifically, the law defines a CEC as a legal entity that:

- a) is based on voluntary and open participation and is effectively controlled by members or shareholders, who are natural persons, local authorities, including municipalities, educational institutions, associations, other energy communities or small and medium-sized enterprises (SMEs),
- b) the main purpose of which is to provide environmental, economic or social community benefits to its members or shareholders or to the local areas in which it operates, rather than to make a profit, and
- c) engages in production, including from renewable sources, offer distribution, supply, consumption, aggregation, energy storage, energy efficiency services, electric vehicle charging services or other energy services to its members or shareholders.<sup>4</sup>

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<sup>1</sup> Published on 20 April 2022, available at:

<https://www.ejustice.just.fgov.be/eli/ordonnance/2022/03/17/2022020646/moniteur>

<sup>2</sup> Report for Belgium 2022, International Energy Agency (IEA), available at: <https://www.iea.org/reports/belgium-2022/executive-summary>

<sup>3</sup> Law of 23 October 2022 amending the Act of 29 April 1999 on the organisation of the electricity market and transposing Directive (EU) 2019/944 of the European Parliament and of the Council of 5 June 2019 concerning common rules for the internal market in electricity and amending Directive 2012/27/EU, Belgian Official Gazette of 26.10.2022, available at: <https://www.ejustice.just.fgov.be/eli/wet/2022/10/23/2022033909/justel>

<sup>4</sup> Chapter 2 of the Law of 23 October 2022 introducing an amendment to article 2(106) of the Act of 29 April 1999 on the organisation of the electricity market



The law also states that CECs shall be subject to transparent and non-discriminatory cost-reflective network tariffs, while ensuring that they contribute in a sufficient and balanced manner to the sharing of the total costs of the transmission system.<sup>5</sup>

In addition, the federal legislation introduces the definition of RECs, stating that the latter is a citizens' energy community:

- a) which is based on open and voluntary participation, is autonomous and carries out its activities within Belgium,
- b) whose shareholders or members are natural persons, local authorities, including municipalities, educational establishments, associations, other CECs or SMEs, provided that their participation does not constitute their main commercial or professional activity,
- c) the principal purpose of which is to provide environmental, economic or social benefits to its shareholders or members, and not to make profit,
- d) whereby the CEC holds shares in a legal entity that owns renewable energy projects developed for that legal entity,
- e) where, in terms of energy production, self-consumption, storage, sale and sharing of energy, they relate only to energy from renewable energy sources,
- f) which carries out its activities exclusively in the territorial sea and the exclusive economic zone.<sup>6</sup>

Moreover, the Federal legislation states that without prejudice to the technical requirements imposed by the competent authorities, and without prejudice to the competence of the Regions, a CEC that owns energy storage facilities directly connected to the transmission network shall have the right to:

- not be charged double tariffs, including transmission network tariffs, for electricity stored on its own premises or if it provides flexibility services to the system operator, in respect to these storage facilities, and
- shall not be subject to disproportionate licensing requirements, as referred to in the law, or disproportionate fees falling within the competence of the federal government.

Each CEC is financially responsible for the imbalance it causes on the transmission grid. Responsibility is ensured for the balance of its activities or by delegating this responsibility to a person responsible for the balancing. The law adds that the King may lay down detailed rules with regard to the implementation of this provision.<sup>7</sup> It is also mentioned that any contractual clause in a supply contract or other contract between a CEC and an electricity utility, or any unlawful payment or sanction under such a contract that affects the right of citizens to buy or sell non-supply flexibility services or electricity services and to enter into a contract with a flexibility provider, or which infringe the rights of the CEC as referred to above shall be null and void.<sup>8</sup>

Furthermore, the legislation states that without prejudice to the technical requirements imposed by the competent authorities, each REC shall be granted the right to carry out one or more of the following activities :

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<sup>5</sup> Article 11 of the Law of 23 October 2022 introducing an amendment to article 12(5) of the Act of 29 April 1999 on the organisation of the electricity market

<sup>6</sup> Chapter 2 of the Law of 23 October 2022 introducing an amendment to article 2(107) of the Act of 29 April 1999 on the organisation of the electricity market

<sup>7</sup> Article 22 of the Law of 23 October 2022 introducing a new article 19d(1) in the Act of 29 April 1999 on the organisation of the electricity market

<sup>8</sup> Article 22 of the Law of 23 October 2022 introducing a new article 19d(3) in the Act of 29 April 1999 on the organisation of the electricity market



- (1) production of energy from an installation where the energy community is one of the owners of the production installation or has the rights of use;
- (2) self-consumption of the energy referred to in point 1;
- (3) store energy by means of a storage facility;
- (4) provide or participate in energy services;
- (5) act as a provider of flexibility or aggregation services or participant in flexibility or aggregation;
- (6) sell the energy referred to in point 1, including under a power purchase agreement, on the transmission system.

Finally, the law clarifies that the King may lay down detailed rules on the conditions for recognition and participation in RECs and that the latter shall have the right to carry out the activities referred to above without being subject to disproportionate or discriminatory technical requirements, or to administrative requirements, procedures and charges that do not reflect costs.<sup>9</sup>Definitions

The Ordinance of the Brussels Capital Region defines an energy community as a CEC, a REC or a local energy community (LEC).<sup>10</sup> With regard to membership, it is specified that any member, shareholder, associate, or any other person who is part of the energy community in accordance with its statutes or other equivalent constitutive documents.<sup>11</sup> The Ordinance clarifies that the regional transmission network operator cannot be a member of an energy community nor directly or indirectly exercise effective control over an energy community.<sup>12</sup> Similarly, the distribution network operator may neither be a member of an energy community nor directly or indirectly exercise effective control over an energy community.<sup>13</sup> The Ordinance adds that effective control is the control within the meaning of article 1:14 of the Companies and Associations Code.<sup>14</sup>

Moreover, the Ordinance adds that the statutes or other equivalent constitutive documents of the energy communities contain at least the following elements:

1. the provisions relating to the effective control of the energy community and the modalities of the exercise of the right to vote within it and, in the cases of a REC and a local energy community, the criteria according to which the proximity condition will be established;
2. the provisions guaranteeing the autonomy of the energy community vis-à-vis its individual members and other market players who cooperate with it in other forms;
3. a description of the environmental, social, or economic objectives of the energy community;
4. a description of the activities that the energy community can carry out;
5. the provisions relating to the use of profits, where applicable, generated by the activities of the energy community. These provisions ensure the primacy of the pursuit of environmental, social, or economic objectives over the search for financial profit;
6. the provisions relating to the entry and exit arrangements for members. These arrangements are transparent, objective, fair, non-discriminatory, and proportionate;
7. the provisions relating to the terms of transfer and transmission of members' shares and contributions;
8. the provisions relating to the duration as well as the dissolution of the energy community.

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<sup>9</sup> Article 22 of the Law of 23 October 2022 introducing a new article 19d(2) in the Act of 29 April 1999 on the organisation of the electricity market

<sup>10</sup> Article 5(57) of the Ordinance of 20 April 2022

<sup>11</sup> Article 5(61) of the Ordinance of 20 April 2022

<sup>12</sup> Article 7 of the Ordinance of 20 April 2022

<sup>13</sup> Article 9 of the Ordinance of 20 April 2022

<sup>14</sup> Article 5(66) of the Ordinance of 20 April 2022



The Government may specify and supplement the minimum provisions of the statutes or other equivalent constitutive documents of energy communities.<sup>15</sup>

### 1.1. Renewable Energy Community definition

The Ordinance of the Brussels Capital Region defines a REC as an autonomous legal entity which carries out one or more of the activities referred to in the Ordinance and whose main objective is to provide environmental, social or economic benefits both to its members and to the area where it carries out its activities, rather than generating financial profits.<sup>16</sup> Any natural person, local authority, or small or medium-sized enterprise may be a member of a REC, subject to compliance with the conditions set by the Ordinance, provided that, for enterprises, their participation in one or more energy communities does not constitute their main commercial or professional activity. Effective control of the REC is exercised only by its members who are located near the projects developed by the community.<sup>17</sup>

Finally, according to the Ordinance, the Brussels Regulator (Brugel) is the responsible body to monitor compliance by energy communities with the obligations and criteria imposed on them by the Ordinance.<sup>18</sup>

### 1.2. Citizen Energy Community definition

According to the Ordinance of the Brussels Capital Region, a CEC is a legal entity which carries out one or more of the activities referred to in the Ordinance and whose main objective is to provide environmental, social or economic benefits both to its members and to the area where it carries out its activities, rather than generating financial profits.<sup>19</sup> Any natural or legal person may be a member of a CEC subject to compliance with the conditions set by the Ordinance. The effective control of the CEC is exercised only by its members who are natural persons, local authorities, or small companies for which the energy sector is not the main field of economic activity and who do not carry out commercial activities on a large scale.<sup>20</sup>

### 1.3. Local energy community definition

According to the Ordinance of the Brussels Capital Region, a local energy community is defined as an autonomous legal entity which carries out one or more of the activities referred to in the Ordinance and whose main objective is to provide environmental, social or economic benefits both to its members and to the area where it carries out its activities, rather than generating financial profits.<sup>21</sup> Any natural person, public authority, or small or medium-sized enterprise may be a member of a local energy community, subject to compliance with the conditions set by the Ordinance, provided that, for companies, their participation in one or more energy communities does not constitute their main commercial or professional activity. Effective control of the local energy community is exercised only by its members who are located near the projects developed by the local energy community.<sup>22</sup>

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<sup>15</sup> Article 80 of the Ordinance of 20 April 2022

<sup>16</sup> Article 5(59) of the Ordinance of 20 April 2022

<sup>17</sup> Article 69 of the Ordinance of 20 April 2022

<sup>18</sup> Article 83 of the Ordinance of 20 April 2022

<sup>19</sup> Article 5(58) of the Ordinance of 20 April 2022

<sup>20</sup> Article 66 of the Ordinance of 20 April 2022

<sup>21</sup> Article 5(60) of the Ordinance of 20 April 2022

<sup>22</sup> Article 72 of the Ordinance of 20 April 2022



## 2. Rights and obligations

The Ordinance of the Brussels Capital Region specifies that participation in an energy community is free and voluntary and is based on objective, transparent and non-discriminatory criteria.<sup>23</sup> The members of an energy community retain the rights and obligations arising from their status as network users.<sup>24</sup> In addition, it is mentioned that the participants in an activity of an energy community each conclude an agreement with said energy community relating to their rights and obligations. The agreement contains at least the following elements:

1. the rules and responsibilities applicable for the respect of private life and the protection of personal data;
2. the terms and conditions for conducting the activities of the energy community in which the participant takes part;
3. in the event of electricity sharing, the fair, transparent and non-discriminatory rules for sharing and, where applicable, billing for electricity and network costs, taxes, surcharges, fees, and contributions of any kind applicable to this electricity;
4. the procedure applicable in the event of non-payment. This procedure includes at least sending a reminder and a formal notice;
5. the modalities for launching extrajudicial procedures for the settlement of disputes.

The content of the agreement is expressed in clear and understandable language and includes all the information useful for understanding the rights and obligations of the parties. These agreements should not create discrimination between participants. The Ordinance adds that the Government may specify and supplement the minimum content of the agreement referred to above, set standard sharing rules applicable by default and specify the procedure applicable in the event of non-payment.<sup>25</sup>

Moreover, it is highlighted that without being able to discriminate in any way, particularly in terms of cost, investment and time, the energy community, when one of its members wishes to no longer participate in electricity sharing organized by the energy community, in compliance with the contractual conditions, ensures that it stops sharing electricity with this member within a maximum of three weeks from the date of the member's request. No later than 1 January 2026, the energy community ceases to share electricity with this member within twenty-four hours. This right does not give rise to any additional cost for the member.<sup>26</sup>

Furthermore, the Ordinance clarifies that the energy community can access, directly or through an aggregator, the electricity market. Access to the electricity market is conducted in a non-discriminatory manner.<sup>27</sup> The energy community also acts as balance manager or delegates its responsibility for balancing to a balance manager.<sup>28</sup> It is also mentioned that the energy community is the single point of contact for the network operator concerned for the activities conducted by it and assumes responsibility for the management of its activities. The energy community also declares itself to the network operator concerned prior to conducting its activities according to the conditions set out in the technical regulations. Where applicable, the network operator

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<sup>23</sup> Article 75 of the Ordinance of 20 April 2022

<sup>24</sup> Article 76 of the Ordinance of 20 April 2022

<sup>25</sup> Article 81 of the Ordinance of 20 April 2022

<sup>26</sup> Article 82 of the Ordinance of 20 April 2022

<sup>27</sup> Article 77 of the Ordinance of 20 April 2022

<sup>28</sup> Article 78 of the Ordinance of 20 April 2022



informs the supplier holding the access point when it is concerned by an electricity sharing activity within a community.<sup>29</sup>

### 2.1. Renewable Energy Community

According to the Ordinance of the Brussels Capital Region, a REC can produce, consume, store or supply electricity from renewable energy sources. It can also participate in aggregation services, provide flexibility services and energy services. A REC may also organize a sharing of electricity from renewable energy sources produced by production facilities owned by the community, including for the purposes of recharging an electric vehicle. The access points of members of the REC participating in electricity sharing are each covered by a supply contract with a supply license holder. The REC is not subject to the obligations imposed on suppliers for the electricity shared within it. Finally, it is highlighted that the REC conducts its activities in compliance with the conditions set by the Ordinance.<sup>30</sup>

### 2.2. Citizen Energy Community

According to the Ordinance of the Brussels Capital Region, a CEC can produce, consume, store or supply electricity. It may participate in aggregation services and provide flexibility services, energy services or charging services for electric vehicles. The CEC may also organize a sharing of electricity produced by production facilities owned by the community, including for the purpose of recharging an electric vehicle. The access points of members of the CEC participating in electricity sharing are each covered by a supply contract with a supply license holder. The CEC is not subject to the obligations imposed on suppliers for the electricity shared within it. Finally, it is mentioned that the CEC conducts its activities in compliance with the conditions set by the Ordinance.<sup>31</sup>

### 2.3. Local Energy Communities

The local energy community can only produce, consume, store and share, within itself, electricity from renewable energy sources. Only the local energy community can be the owner or one or more of its members can be the owners or holders of a right of use over the production facilities that the community uses to share electricity from renewable energy sources. It is also specified that the local energy community is not subject to the obligations imposed on suppliers for electricity shared within it. The Government may specify and supplement the conditions referred to above and set their terms.<sup>32</sup>

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<sup>29</sup> Article 79 of the Ordinance of 20 April 2022

<sup>30</sup> Article 70 of the Ordinance of 20 April 2022

<sup>31</sup> Article 67 of the Ordinance of 20 April 2022

<sup>32</sup> Article 73 of the Ordinance of 20 April 2022





### 3. Assessment of obstacles and potential and removal of unjustified barriers

According to the Ordinance of the Brussels Capital Region, the Ministry of Environment should publish by 31 December 2023 a study relating to the potential, development and operation of energy communities, including possible obstacles and unjustified restrictions to their development, in consultation with Brugel.<sup>33</sup>

### 4. Enabling framework

The Ordinance of the Brussels Capital Region states that the energy community is subject to the granting of an authorization delivered by the Regulator (Brugel) subject to compliance with the conditions set by the Ordinance. This authorization is valid for a period of ten years, renewable, from its issue. The initial or renewal request for authorization is sent to Brugel using the model form made available by Brugel. This form is written in clear and understandable language.<sup>34</sup> The request is accompanied by at least the statutes or other equivalent constitutive documents of the energy communities referred to in the Ordinance.

Brugel notifies its reasoned decision to the energy community at the latest within sixty days following receipt of the authorization or renewal request or receipt of the required additional information that it has requested. Brugel also informs the Minister of Environment and the network operator concerned of its decision. Brugel publishes on its website the list of energy communities that have been authorized or renewed as well as the general description of their activities.

The Ordinance adds that the authorization of an energy community which no longer meets the obligations provided for by the Ordinance or which no longer meets the criteria set by it is withdrawn by Brugel. After advice from Brugel, the Government may complete the terms of the procedure for granting and renewing the authorization and determines the terms of the procedure for withdrawing the authorization.<sup>35</sup> Brugel has already published an interpretation guide relating to the authorizations issued to energy communities to inform such communities of the procedure they need to follow.<sup>36</sup>

Therefore, according to the Ordinance, Brugel is responsible to grant, renew and withdraw authorizations for energy communities, while also conduct a periodic cost-benefit assessment relating to energy communities and electricity sharing. The first study must be published on the Brugel website no later than 31 December 2023. Brugel is also responsible to evaluate the removal of unjustified obstacles and restrictions to the development of energy communities and the consumption and sharing of self-produced electricity.<sup>37</sup>

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<sup>33</sup> Article 84 of the Ordinance of 20 April 2022

<sup>34</sup> Such form together with information on the already authorized communities can be found at Brugel's website, available at: <https://www.brugel.brussels/blog/energy-sharing-18/post/communautes-d-energie-406>

<sup>35</sup> Article 83 of the Ordinance of 20 April 2022

<sup>36</sup> Interpretation guide relating to authorizations issued to energy communities, Brugel's website, available at:

[https://www.brugel.brussels/publication/document/brochures/2023/fr/Guide\\_Autorisation\\_communautes\\_energie.pdf](https://www.brugel.brussels/publication/document/brochures/2023/fr/Guide_Autorisation_communautes_energie.pdf)

<sup>37</sup> Article 85 of the Ordinance of 20 April 2022



Specifically on electricity sharing, the Ordinance defines it as the consumption shared between active customers acting jointly or members of an energy community connected to the regional transport network or the distribution network, over the same quarter-hourly period, in whole or in part, of electricity produced by one or more production facilities connected to the regional transmission network or the distribution network and injected into the regional transmission network or the distribution network.<sup>38</sup>

The Ordinance also adds that in terms of sharing and purchasing self-produced electricity and the development of energy communities, the regional transmission network operator ensures, exclusively for network users connected to the regional transport network, a facilitating role, in particular by measuring the electricity flow, management of metering data, calculation of the distribution of shared volumes over the same quarter-hourly period according to the terms set by the network users concerned, calculation and invoicing of the network tariff applicable to shared volumes. As part of the exercise of its facilitator missions, the regional transmission network operator cooperates in a non-discriminatory and transparent manner with the energy communities concerned and the active customers concerned.<sup>39</sup>

In line with the above, it is also highlighted that in terms of sharing and purchasing self-produced electricity and the development of energy communities, the distribution network operator ensures a facilitating role in particular by measuring electricity flows, managing metering data, calculating the distribution of shared volumes over the same quarter-hourly period according to the terms set by the network users concerned, calculation and invoicing of the network rate applicable to shared volumes. As part of the exercise of its facilitator missions, the distribution network operator cooperates in a non-discriminatory and transparent manner with energy communities and active customers.<sup>40</sup>

With regards to tariffs, the Ordinance of the Brussels Capital Region mentions that the tariff structure should ensure a balance between the solidarity of covering the overall costs of the networks as well as the contribution to taxes, fees, surcharges, fees and contributions of all kinds and the interest of participating in an energy community and electricity sharing, while taking into account the periodic cost-benefit assessment relating to energy communities and electricity sharing. The tariff structure particularly favours the sharing of electricity from renewable energy sources which takes into account the structure of the existing distribution network.<sup>41</sup>

The Ordinance also mentions that the distribution network operator grants the following parties access to the personal data that it collects from the smart meter:

1. public authorities for data that they are authorized to know by virtue of a law, decree, or order;
2. organizations and natural or legal persons for information necessary for the accomplishment of missions of public interest entrusted to them by a law, decree, or order;
3. the transmission network operator, the regional transmission network operator, balance responsible parties, suppliers, energy service providers, flexibility service providers, aggregators, energy communities, customers assets and Brugel;
4. the network user and, where applicable, the natural person whose personal data is processed;
5. another party, provided that the network user and, where applicable, the natural person whose personal data is processed have given access to their data to that party.<sup>42</sup>

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<sup>38</sup> Article 5(67) of the Ordinance of 20 April 2022

<sup>39</sup> Article 6 of the Ordinance of 20 April 2022

<sup>40</sup> Article 8 of the Ordinance of 20 April 2022

<sup>41</sup> Article 12 of the Ordinance of 20 April 2022

<sup>42</sup> Article 52 of the Ordinance of 20 April 2022



Moreover, the Ordinance adds that energy communities and active customers are responsible for the processing of personal data provided by the distribution network operator in accordance with the Ordinance and process such data with a view to carrying out their tasks and obligations imposed by the Ordinance.<sup>43</sup>

Following the Ordinance provisions, Brugel adopted an electricity sharing technical Regulation implemented by the distribution system operator, Sibelga, which applies to peer-to-peer exchange, active customers acting jointly and energy communities.<sup>44</sup> It is clarified that for the purposes of the regulation:

- sharing means the exchange of electricity as part of a peer-to-peer exchange, the sharing of electricity organised between active customers acting jointly and the sharing of electricity organised within an energy community;<sup>45</sup>
- a participant means any user of the distribution system who participates in a sharing activity;<sup>46</sup>
- the single point of contact of the network operator shall be, for sharing activities:
- the active customer holding the injection point, or a third party designated by the latter in the case of a peer-to-peer exchange or active customers acting jointly;
- the energy community.<sup>47</sup>

The single point of contact shall, prior to carrying out sharing activities, register with the distribution system operator by sending it the relevant form.<sup>48</sup> When making such declaration, the active customer holding the injection point shall provide proof that all active customers acting jointly participating in the sharing of electricity are located in the same building. The distribution system operator may verify this evidence, in particular based on the access log. The active customer may designate a third party to fulfil its obligations vis-à-vis the distribution system operator. The third party shall, at the first request of the distribution system operator, provide proof of its designation.<sup>49</sup>

The regulation adds that when making the declaration mentioned above, the energy community shall provide proof that the authorisation issued by Brugel has been granted.<sup>50</sup> By sending the form, the single interlocutor undertakes on its honour that the sharing activity is governed by one or more of the agreements referred to in the Ordinance. The distribution system operator may ask the single interlocutor to communicate to it, within a reasonable time, such agreements. The single point of contact shall communicate to the distribution system operator the agreement(s), subject to the omission of certain technical or commercially sensitive data. In the absence of a response within the set deadline, the distribution system operator shall suspend the sharing of the access point(s) concerned and inform Brugel accordingly.<sup>51</sup>

In addition, the regulation mentions that the distribution system operator shall keep a register of the sharing. The register shall contain at least the following:

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<sup>43</sup> Article 60 of the Ordinance of 20 April 2022

<sup>44</sup> The regulation is available at: <https://www.sibelga.be/asset/file/d2c54a7e-56c2-11ed-8475-005056970ffd>

<sup>45</sup> Article 1 of the energy sharing Regulation

<sup>46</sup> Ibid

<sup>47</sup> Ibid

<sup>48</sup> Article 2(1) of the energy sharing Regulation

<sup>49</sup> Article 2(2) of the energy sharing Regulation

<sup>50</sup> Article 2(3) of the energy sharing Regulation

<sup>51</sup> Article 2(4) of the energy sharing Regulation



- (1) the identification of the access points concerned by the sharing, and the modifications made thereto;
- (2) the registration of the third party mandated in the context of the sharing, at the access points and the amendments made thereto;
- (3) the notification of the registration or modifications referred to in point 1 to the holders of access to the access points concerned, as well as, where applicable, to the balance managers or the providers of flexibility services impacted;
- (4) the determination and application of the allocation methods by which the injection, available for sharing, is distributed among one or more clients, and the modifications made thereto.

The regulation adds that Brugel communicates, on its own initiative, to the distribution system operator the permits issued to the energy communities. The distribution system operator shall suspend sharing activities as soon as Brugel notifies it of the suspension or withdrawal of an authorisation issued to an energy community. Moreover, the distribution system operator shall notify Brugel of the number of new sharing initiatives by 30 June and 31 December each year.<sup>52</sup>

The regulation further clarifies that the distribution system operator may not require a prior financial guarantee from active customers, energy communities or participants in sharing activities.<sup>53</sup> Where, in the presence of active customers acting jointly or customers carrying out a peer-to-peer activity, several active customers hold an injection point, they shall designate the single point of contact between them. In the absence of agreement, the holder of the injection point of the production facility with the largest capacity shall be the single point of contact.<sup>54</sup> The distribution system operator shall, by the starting day of sharing, inform the incumbent supplier of the access point where the access point is involved in a community-based electricity sharing activity, in an electricity sharing activity between active customers acting jointly or in the purchase of electricity through peer-to-peer trading.<sup>55</sup>

Furthermore, it is highlighted that the distribution system operator shall draw up a sharing form and publish on its website the form and, in clear and comprehensible language, explanations of the sharing operations and in particular the allocation methods and billing arrangements. The sharing form shall contain at least two methods of allocating shared electricity. The single point of contact may make a specific request concerning an allocation method other than those proposed by the distribution system operator. The distribution system operator may refuse to comply with the request if it is financially and/or technically unreasonable. This refusal is valid for 18 months. The distribution system operator shall inform Brugel, by 30 June and 31 December of each year, of all applications submitted and refused. The reporting procedures are defined by Brugel.<sup>56</sup>

By signing the sharing form, the signatory undertakes on its honour that:

- the sharing activity is governed by agreements referred to in the Ordinance;
- the participants agreed on the sharing;
- sharing meets the legal requirements, including the energy sources used and the location of sharing activities.<sup>57</sup>

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<sup>52</sup> Article 2(5) of the energy sharing Regulation

<sup>53</sup> Article 2(6) of the energy sharing Regulation

<sup>54</sup> Article 2(7) of the energy sharing Regulation

<sup>55</sup> Article 3 of the energy sharing Regulation

<sup>56</sup> Article 5(1) of the energy sharing Regulation

<sup>57</sup> Article 5(2) of the energy sharing Regulation



The sharing form shall be sent by the single point of contact to the distribution system operator. The single point of contact shall attach to the form, for each user of the distribution network participating in the sharing activities, the following data:

- Role ('consumer' or 'producer' or 'consumer and producer');
- Name;
- Last name;
- Company number (if applicable);
- Address;
- Zip code;
- Commune;
- Code EAN;
- Counter No.;
- Telephone;
- Email;
- Share entry date;
- Share release date;
- Nature of electricity production (grey, green or from renewable energy sources).<sup>58</sup>

The regulation adds that the distribution system operator shall send each system user participating in sharing activities an e-mail or, if that fails, an ordinary mail informing them that they are included in a sharing activity, together with the contact details of the single contact person, and the modalities in which they may contest this information. The user of the distribution network may contest the information referred to above and request not to be included in a sharing activity.<sup>59</sup> The single point of contact may add or remove a new user from the distribution network participating in a sharing activity.<sup>60</sup>

Where the distribution system operator is informed that a distribution system user involved in a sharing activity is no longer the holder of the access point concerned, the distribution system operator shall suspend sharing for that access point until, where applicable, a new system user is added. Furthermore, where the distribution system operator is informed that a sharing activity concerns only one distribution system user, it shall suspend sharing until a new system user is added.<sup>61</sup>

The regulation further clarifies that the system operator shall attach to the sharing form a template allowing the single point of contact to notify the distribution system operator of any changes to the list of participants in the sharing activity. The single point of contact shall notify the distribution system operator of any changes to the list of participants in the sharing activity within 20 days. Without prejudice to the relevant provisions of the regulation and provided that the participant concerned has a smart meter, the network operator shall adapt the register referred to above within 10 working days.<sup>62</sup>

Moreover, the regulation states that an access point can only participate in one energy sharing activity.<sup>63</sup> The distribution system operator shall charge the single point of contact for the network charges of all participants

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<sup>58</sup> Article 5(3) of the energy sharing Regulation

<sup>59</sup> Article 5(4) of the energy sharing Regulation

<sup>60</sup> Article 5(5) of the energy sharing Regulation

<sup>61</sup> Article 5(6) of the energy sharing Regulation

<sup>62</sup> Article 5(7) of the energy sharing Regulation

<sup>63</sup> Article 6 of the energy sharing Regulation



involved in the sharing activity, to the extent that those network charges relate to shared electricity. The amount of the distribution system operator's bill must be paid in accordance with the distribution system operator's general terms and conditions, published on its website.<sup>64</sup>

With regards to the network tariffs, the regulation highlights that the network operator shall apply the tariffs approved by Brugel. For a sharing activity, the distribution system operator shall apply a single tariff category to all participants.<sup>65</sup> The distribution system operator shall invoice the network charges to the single point of contact:

1. once a year if all participants have a connection capacity less than or equal to 56 kVA;
2. maximum four times a year if one of the participants has a connection capacity greater than 56 kVA.

The invoice is sent to the single contact person 25 working days after the month of the annual succession for the participants of point 1. The invoice is sent to the single interlocutor 25 working days after the validation of the data for the participants of point 2.<sup>66</sup>

In the event of non-payment within the deadlines set out in the general terms and conditions, the distribution system operator shall suspend sharing activities and deactivate the relevant energy sharing service points in its access log. The distribution system operator shall immediately inform Brugel.<sup>67</sup> A new sharing activity on an access point referred to above may only start if the network user concerned can demonstrate that they have regularly paid the charges for the networks concerned to the single point of contact.<sup>68</sup>

Besides that, the regulation states that the distribution system operator shall determine several allocation methods. In more detail, it shall apply the allocation method chosen by the single interlocutor among the different methods and notified, by the single interlocutor, to the distribution system operator. The single point of contact may request the distribution system operator to adapt the allocation method.<sup>69</sup> It is also mentioned that the distribution system operator shall sum the injections from the different generating installations before applying the allocation method defined. For each elementary period:

- the total quantity of electricity consumed collectively may not exceed the sum of the injections from the generating installations participating in the operation or the sum of the withdrawals of the users of the distribution system participating in the operation;
- the quantity allocated to each of those users of the distribution system may not exceed its measured consumption.

The amount of electricity injected that could not be distributed among the consuming participants shall be reallocated to the injection point(s) concerned.<sup>70</sup>

Furthermore, the regulation includes provisions on the starting date of the sharing activity. Specifically, a sharing activity can only start on the first day of a month, at 00:00. Any adjustment of the allocation method shall enter into force on the first day of a month, at 00:00. These provisions apply both collectively, for the entire

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<sup>64</sup> Article 7(1) of the energy sharing Regulation

<sup>65</sup> Article 7(2) of the energy sharing Regulation

<sup>66</sup> Article 7(3) of the energy sharing Regulation

<sup>67</sup> Article 7(4) of the energy sharing Regulation

<sup>68</sup> Article 7(5) of the energy sharing Regulation

<sup>69</sup> Article 8(1) of the energy sharing Regulation

<sup>70</sup> Article 8(2) of the energy sharing Regulation



sharing activity, and individually, for each participant in a sharing activity.<sup>71</sup> The single point of contact shall have the sole right to activate and deactivate energy sharing service points at one or more of the access points at the distribution system operator vis-à-vis the distribution system operator. The latter shall transmit the following data to the single point of contact on a monthly basis:

- the sampling of each participant;
- the injection of each participant;
- the share of electricity consumed by each participant (shared volume);
- the supplier's share of supplementary electricity for each participant (additional volume);
- the injection surplus of each producer.

The data referred to above shall, in accordance with the framework defined in the technical regulation, be data calculated on the basis of the measured data or, where appropriate, on the basis of the estimated data. All such data are sent, at the choice of the single interlocutor, either on a 1/4 hourly basis and in kWh, or on the basis of aggregated monthly data.

The distribution system operator shall also transmit to the single point of contact on a monthly basis the amount of the network charges relating to the quantities of electricity shared for the participants.<sup>72</sup> In compliance with the framework and deadlines defined by the Technical Regulations, the distribution network operator may transmit to the single interlocutor rectified data after sending the data referred above.<sup>73</sup> The distribution system operator shall terminate sharing at the first request of the single contact person or the customer holding the injection point. The distribution system operator shall inform the participants thereof within 15 days of notification.<sup>74</sup>

On its own initiative or at Brugel's request, the distribution system operator may invite the single point of contact of active customers acting jointly to communicate to it:

- evidence that the shared electricity comes from renewable energy sources;
- proof that the installation to produce electricity from renewable energy sources is located in or on the building, in which the active customers acting jointly are located;
- proof that all active customers acting jointly participating in the sharing of electricity are located in the same building.

On its own initiative or at the request of Brugel, the distribution system operator may also invite active customers participating in a peer-to-peer sharing activity to provide it with proof that the shared electricity comes from renewable energy sources. The single point of contact shall communicate to the distribution system operator, within one month of its request, the evidence requested and any comments they consider necessary.<sup>75</sup>

Finally, the regulation states that in the event of a dispute with the distribution system operator, any interested person may refer the matter to Brugel's Disputes Department, after having tried in vain to obtain satisfaction from the complaints handling department of the distribution system operator.<sup>76</sup>

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<sup>71</sup> Article 9 of the energy sharing Regulation

<sup>72</sup> Article 10(1) of the energy sharing Regulation

<sup>73</sup> Article 10(2) of the energy sharing Regulation

<sup>74</sup> Article 11 of the energy sharing Regulation

<sup>75</sup> Article 12 of the energy sharing Regulation

<sup>76</sup> Article 13 of the energy sharing Regulation



In order to implement the abovementioned provisions of the technical regulation, on its website, Sibelga has made available a request form for electrical network plans.<sup>77</sup> In more detail, it is specified that in order to determine the electrical perimeter of the electricity sharing, the participants must know the portion of the network on which all the participants in the project are located. This has an impact on the network prices applied for the volumes exchanged within the sharing. The applicable network rates have been divided into 4 categories, depending on the electrical perimeter of the sharing:

- In the same building (most advantageous rate);
- Under the same network cabin, medium voltage to low voltage;
- Beyond the same network cabin and under the same transmission supply station;
- Beyond the transmission supply station (no tariff reduction).

Sibelga applies a single rate for all participants in electricity sharing. If one of the participants crosses a technical boundary (e.g. the network booth), this same network rate will be applied to all participants in the project. The principle is to adapt the network usage rate according to the portion of the network used within the sharing. The closer the different participants are to the production source(s), the lower the cost of using the network. Therefore, the goal is to encourage sharing as locally as possible.<sup>78</sup>

It should be noted that Brugel has also published a map indicating the existing energy sharing initiatives in Brussels.<sup>79</sup>

Finally, the Brussels Capital Region is offering a free service of an expert facilitator in order to support initiatives with the process of creating an energy community or launch an energy sharing project.<sup>80</sup> This “Energy Sharing and Communities” Facilitator aims to support project leaders who wish to create a sharing operation or an energy community, in all stages of carrying out their project. The support covers the legal, technical, administrative, communication and participant mobilization aspects, while pursuing the objective of making the initiatives autonomous in the management of their project, at the end of the support.<sup>81</sup> This support service is part of the Renovation Strategy,<sup>82</sup> to boost renovation in the Brussels-Capital Region.

## 5. Access to financing and support

Energy Communities, along with other market actors, have access to the Green Certificates Scheme for production that is fed into the grid. There are also financial solutions of up to 250.000 euros offered to cooperatives active in Brussels participating in the establishment of low-carbon, resilient, circular economy,

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<sup>77</sup> Available at: <https://www.sibelga.be/fr/raccordements-compteurs/energie-renouvelable/partage-energie/demande-des-plans-du-reseau-electrique>

<sup>78</sup> Ibid

<sup>79</sup> Available at: <https://energysharing.brugel.brussels/energysharing/cartographie-411>

<sup>80</sup> More information available at: <https://environnement.brussels/citoyen/services-et-demandes/conseils-et-accompagnement/facilitateur-partage-et-communautés-denergie>

<sup>81</sup> More information on the service is offered on these guidelines: [https://environnement.brussels/sites/default/files/user\\_files/lignes\\_directrices\\_fac\\_pce.pdf](https://environnement.brussels/sites/default/files/user_files/lignes_directrices_fac_pce.pdf)

<sup>82</sup> The Renovation strategy is available at: <https://renolution.brussels/fr>





social, democratic, and digital activities.<sup>83</sup> Finally, the Energy Sharing and Communities Facilitator offers information on financing solutions for energy sharing.

## References

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- Financial solutions offered to cooperatives in the Brussels Capital Region, Finance and invest in Brussels, available at: <https://www.finance.brussels/produits/coop-us-financement-pour-cooperatives/#home>

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<sup>83</sup> More information available at: <https://www.finance.brussels/produits/coop-us-financement-pour-cooperatives/#home>