



ENERGY COMMUNITIES REPOSITORY

Belgium

(Region of Wallonia)



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 Region of Wallonia in Belgium has introduced provisions for Renewable Energy Communities (RECs) and Citizen Energy Communities (CECs) with the Decree of 5 May 2022 amending various energy provisions in the context of the partial transposition of Directives 2019/944/EU of 5 June 2019 concerning common rules for the internal electricity market and 2018/2001/EU of 11 December 2018 on the promotion of the use of energy produced from renewable sources and with a view to adapting the principles relating to the tariff methodology.¹ In Belgium there are also several energy cooperatives established following the legislation on cooperatives pre-dating the Clean Energy Package Directives.

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 Flanders, Wallonia 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.² Therefore, there is different legislation on energy communities in the different Regions, thus 3 different fiches will be created for Belgium, one for the Region of Wallonia, one for Flanders 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.³ More specifically, the law defines a CEC as a legal entity that:

- 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),
- 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
- 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.⁴

¹ Available at: <https://wallex.wallonie.be/eli/loi-decret/2022/05/05/2022033591/2022/10/15>

² Report for Belgium 2022, International Energy Agency (IEA), available at:

<https://www.iea.org/reports/belgium-2022/executive-summary>

³ 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>

⁴ 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

Commented [m1]: Stavroula: I think that there is a need for justifying why we will produce 3 fiches for Belgium, that is why I added this paragraph. I will add the same paragraph also in the fiches for Brussels and Flanders.

Commented [HA(2R1): OK. Would also integrate fiche for Federal level (although competence contested, we should highlight the definitions put in place).

Commented [SP3R1]: Sure, I did that. I added a short analysis for the federal level definitions in all 3 fiches, so there is consistency of the information provided.

Field Code Changed



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.⁵

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.⁶

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.⁷ 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.⁸

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:

⁵ 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**

⁶ 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

⁷ 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

⁸ 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.⁹

1. Definitions

To start with, the Decree of the Region of Wallonia includes definitions for RECs and CECs, but also highlights that an energy community is a renewable energy community or a citizen energy community.¹⁰ It also specifies that the energy community determines in its statutes the rules relating to the representation of its participants. Moreover, it is clarified that the energy community is the single point of contact for the network operator and the Walloon regulator of the electricity and gas markets (CWaPE) and assumes responsibility for the management of its activities.

In addition, according to the Decree, the statutes of the energy community contain at least the following elements:

1. the provisions relating to the effective control of the energy community by its participants including, in particular, rules relating to conflicts of interest and, in the case of a REC, the way in which the criterion of proximity will be evaluated to establish which members and shareholders have effective control of the community;
2. the provisions guaranteeing the autonomy and independence of the energy community vis-à-vis each participant and other market players who participate in the energy community or cooperate with it under other conditions;
3. the objectives pursued in terms of environmental, economic or social benefits;
4. the destination and distribution of any income generated by the activities of the energy community with the main objective of providing environmental, social or economic benefits to members and shareholders or to the local areas where the energy community carries out its activities;
5. the conditions of participation and withdrawal from the energy community, as well as the conditions of transfer and transmission of shares and contributions from shareholders;
6. the provisions relating to the lifespan and the dissolution of the energy community.

⁹ 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

¹⁰ Article 4 of the Decree of 5 May 2022

Commented [DV4]: DS0?

Commented [SP5R4]: We can leave it more general here.



The Decree states that the Government can supplement or specify the minimum provisions of the statutes of the energy communities. Such rules may vary depending in particular on the type of community concerned, the range of the participants or the legal form taken by said community.

Additionally, the Decree mentions that any creation of an energy community having as its objective one or more activities on the electricity market is notified to CWaPE before the start of its activities. Notification is made according to the standard form established by CWaPE, within the timeframe and according to the procedure determined by the Government. The form is published on the website of CWaPE and the network operators. The notification is accompanied in particular by the following documents and information:

1. the statutes of the energy community;
2. the agreement between the energy community and its participants;
3. the characteristics and power of the electricity production installation(s) of which the community owns or has the status of producer, as well as the date of their current or estimated commissioning;
4. the list of participants.

The Government may complete or specify the list of documents to be transmitted and also determine the notification procedure in the event of the end of activities or dissolution of the energy community. After consulting CWaPE, the Government determines the categories of modifications requiring additional notification to CWaPE. The latter is also responsible for the processing of personal data communicated within the framework of the notification, and only the persons in charge of matters relating to the data collected may have access to it.

CWaPE may use this data to:

1. monitor the development of energy communities and to monitor their compliance with the obligations imposed on them by or under this Decree;
2. fulfil any legal or regulatory mission assigned to it.

The personal data processed in the context of the notification are kept by CWaPE for five years after the dissolution of the energy community. Data relating to participants who have left an energy community are deleted after five years from the date of notification of their exit.

Furthermore, the Decree adds that participants in the energy community are informed by CWaPE prior to processing the data provided of:

1. the precise purposes of the processing;
2. the duration of the processing and storage of the data;
3. the data controller;
4. the applicable procedure concerning the exercise of the right of access, rectification and opposition of data, including the contact details of the competent department for this purpose.¹¹

¹¹ Article 60 of the Decree of 5 May 2022



1.1. Renewable Energy Community definition

According to the Decree published by the Region of Wallonia, a REC is a legal entity:

- a) which is based on open and voluntary participation and is autonomous;
- b) whose shareholders or members are:
 - natural persons;
 - local authorities as defined by the Government, including municipalities;
 - small or medium-sized enterprises whose main commercial or professional activity is not participation in one or more energy communities;
- c) which is effectively controlled by the participants located near the production facilities which it owns or over which it has a right of use;
- d) whose main objective is to provide environmental, economic or social benefits to its participants or to the local territories in which it operates rather than to generate financial profits.

The Government may specify the notions of environmental, economic or social benefits and financial profits.¹²

1.2. Citizen Energy Community definition

According to the Decree published by the Region of Wallonia, a CEC is a legal entity:

- a) which is based on open and voluntary participation, and which is **autonomous**;
- b) which is effectively controlled by members or shareholders who are:
 - natural persons;
 - local authorities as defined by the Government, including municipalities;
 - small businesses whose main commercial or professional activity is not the participation in one or more energy communities and whose main area of economic activity is not the energy sector;
- c) whose main objective is to provide environmental, economic or social benefits to its participants or to the local territories where it operates rather than to generate financial profits.

The Government may specify the notions of environmental, economic or social advantages and financial profits.¹³

Commented [DV6]: Autonomy principle for CEC ???

Commented [DV7R6]: So REC = CEC?

Commented [SP8R6]: The autonomy principle is also mentioned for CECs.

¹² Article 4 of the Decree of 5 May 2022

¹³ Ibid



2. Rights and obligations¹⁴

According to the Decree published by the Region of Wallonia, any end customer has the right to exercise the following activities and therefore becomes an active customer:

1. produce electricity;
2. participate in flexibility services;
3. store all or part of the electricity from the network or from the one self-produced;
4. participate in an energy community;
5. self-consuming the electricity it has produced, where applicable after storage, at the location of the production facility;
6. consume shared electricity within the same building or within an energy community in which it participates;
7. sell the electricity self-produced and injected into the network, and, in the case of electricity from renewable energy sources, if necessary, by a renewable electricity purchase contract, or by an exchange peer-to-peer;
8. sharing the electricity self-produced and injected into the grid as part of a sharing activity within an energy community or a group of active customers acting collectively within the same building;
9. participate in energy efficiency programs.

The active customer has the right to carry out the activities referred to above without being subject to discriminatory requirements or treatment while retaining their rights and obligations as an end customer.¹⁵

Specifically, with regards to energy communities, the Decree states that an energy community has the right to carry out the following activities:

1. produce electricity;
2. supply electricity;
3. self-consume the electricity produced by its installation(s), where applicable after storage, at the location of its production installation(s);
4. share among its participants the electricity produced, either by the installations which it owns, or by the installations over which it has a right of use likely to confer on it the status of producer, or by the self-production installations owned by its members and injected into the network;
5. practice aggregation;
6. participate in flexibility services;
7. store all or part of the electricity that is self-produced or purchased from the network;
8. provide charging services for electric vehicles;
9. provide services related to energy efficiency or other energy services;
10. sell the electricity it produces, which is not self-consumed and not shared according to point 4 and, when it comes to electricity from renewable energy sources, if necessary, by a contract for the purchase of renewable electricity or through a peer-to-peer exchange.

When the services referred to above are only accessible to participants in the energy community, the charging points are not considered as charging points open to the public within the meaning of the Law. In the exercise

¹⁴ The rules described in this section are applicable to both RECs and CECs except if otherwise specified.

¹⁵ Article 54 of the Decree of 5 May 2022

Commented [HA(9): Clarify rules are largely uniform for REC/CEC and highlight where relevant differences.

Commented [SP10R9]: As indeed the rules are largely similar for both RECs and CECs, I added everything under a common section on rights and obligations for both and when there is differentiation for RECs, I added the rules in a separate section. I made slight changes to align with your comment.

Commented [DV11R9]: Only the proximity is different? And limited to renewables?



of its activities, the energy community has access to the various energy markets, either directly or through aggregation and in a non-discriminatory manner.

The Decree clarifies that energy communities do not have the right to own networks or to establish, purchase, lease or manage them.

Furthermore, the Decree states that the energy community may delegate the management of its activities as well as of its production and storage facilities. The delegate assumes management responsibility within the limits of the agreements and in accordance with this Decree and its implementing Decrees and without prejudice to the autonomy of the energy community vis-à-vis the actors to whom it delegates this management. Within the framework of this mission, the delegate is in no way considered as an electricity supplier, nor as a participant of the energy community. Finally, it is mentioned that the management of an energy community or its production facilities is an energy-related commercial activity as referred to in legislation.

With regards to balancing responsibilities, the Decree states that the energy community is financially responsible for the imbalances it causes on the network. It performs the function of balance responsible party or delegates the responsibility to a balance responsible party.

The Decree also highlights that participants in an energy community retain their rights and obligations arising from their status as end customers and are treated in a non-discriminatory manner in relation to other network users.¹⁶ In line with this, the Decree adds that each participant in an energy community concludes an agreement with the energy community relating to their rights and obligations, which contains, in particular, the following elements:

1. the applicable rules and responsibilities with respect to privacy and the protection of personal data;
2. in the event of sharing of electricity within the community:
 - a) the rights and obligations relating to sharing rules, including the distribution key applicable to shared electricity and, where applicable, billing for shared electricity in compliance with the Law;
 - b) information relating to the obligation to waive the application of the annual compensation scheme and the social tariff for the consumption of shared electricity;
 - c) the procedure applicable in the event of non-payment relating to the quantities of shared electricity including at least the sending of a reminder and a formal notice;
 - d) for a REC, the delimitation of the geographical perimeter with regard to the proximity criterion;
3. the terms and conditions for carrying out the different activities concerned by the agreement, including, where applicable, compliance with the rules on balancing;
4. where applicable, the management of the green certificates granted;
5. the procedure for transmitting data between participants and the procedures in the event of a malfunction;
6. the terms and conditions for updating the agreement.

The Government may supplement or specify the minimum content of such an agreement and set specific rules relating to governance, including autonomy, in order to respect the control of the objectives referred to above,

¹⁶ Article 58 of the Decree of 5 May 2022



as well as the decision-making process of energy communities in order, in particular, to promote citizen participation and avoid conflicts of interest. It may, differentiate these rules according to the type of energy community concerned.¹⁷The Decree specifically mentions that RECs can only produce, self-consume, store, share and sell electricity produced from renewable energy sources. The energy sharing activity within a REC takes place near the production facilities used for the sharing activity. The Government will set the technical and geographical criteria determining the notion of proximity.¹⁸

Commented [HA(12): Please integrate in chapter 1/2.

Commented [SP13R12]: ok

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

No such official assessment has been undertaken.

Commented [HA(14): Implies that assessment may have taken place – intentional?

Commented [SP15R14]: Changed.

4. Enabling framework

The Decree published by the Region of Wallonia defines energy sharing as the activity carried out by a group of active customers acting collectively or by participants in an energy community, consisting of distributing between them all or part of the energy produced, and if necessary stored, within the same building or by the energy community, injected into the network and consumed during the same imbalance settlement period.¹⁹

Energy sharing within an energy community is subject to the following conditions:

1. each participant is connected to a local distribution or transport network and is equipped with a smart meter, making it possible to precisely determine the quantities of electricity shared on the basis of the distribution keys defined in the agreement referred to above;
2. each participant waives the application of the social tariff for the share of electricity consumed coming from the energy sharing activity;
3. each participant expressly and definitively waives the application of the annual compensation regime for the specific access point used in accordance with the Decree;
4. an access point may only participate in one energy sharing activity;
5. the electricity shared by the energy community is produced and injected into the network, either by the installations which it owns, or by the installations over which it has a right of use likely to confer on it the status of a producer, or by self-production facilities owned by its members;
6. the energy community is responsible, where applicable, for billing shared electricity with the exception of network fees, taxes, surcharges and other applicable regulated costs;

Commented [HA(16): Smart meter or just meter? If within imbalance settlement period matching needs to occur, I presume a smart meter.

¹⁷ Article 59 of the Decree of 5 May 2022

¹⁸ Article 62 of the Decree of 5 May 2022

¹⁹ Article 4 of the Decree of 5 May 2022



7. the energy community is responsible for the obligation referred in the Decree concerning the submission of green certificates to the Administration.

Specifically on point 5, the production installations of which the community is the owner or over which it has a right of use are connected to the local distribution or transport network and cannot be located upstream of an access point belonging to a third party. In addition, the Government is authorized to remove the limitation referred to in point 4 on the basis of the recommendations of CWaPE referred to in the Decree.²⁰

Moreover, the Decree specifically mentions that energy sharing within an energy community does not require obtaining an electricity supply license. However, any energy sharing activity within an energy community is subject to the prior granting of an authorization delivered by CWaPE, subject to compliance with the conditions set by or under the Decree and after notice of the network operator concerned and is subject to the prior conclusion of an agreement between the energy community and the network operator concerned. The energy community submits its authorization request to the network operator to which the production installation(s) and participants are connected. The request is made using the standard form drawn up by CWaPE in consultation with the network operators. The form is published on the website of CWaPE and the network operators.

The authorization request includes, in particular, the following documents and information:

1. proof of notification to CWaPE relating to the creation of the energy community as referred to above;
2. the applicable distribution key as well as the terms relating to the sharing activity;
3. proof of waiver of application of the annual compensation scheme for the access points concerned;
4. the characteristics and power of the electricity production installation(s) intended for the sharing activity as well as the date of their current or estimated commissioning;
5. access points for participants and production facilities.

The Government may supplement or specify the list of documents to be transmitted. The network operator verifies, according to the terms determined by the Government, that the technical conditions linked to the sharing activity are respected. If non-compliance with these conditions is noted, the network operator mentions this in its opinion and informs CWaPE. The network operator sends their opinion accompanied by the authorization request file to CWaPE. This may deviate from the opinion of the network operator concerned on a duly justified basis. CWaPE then notifies its decision to the energy community as well as to the network operators concerned.

In the event of authorization, an agreement is concluded between the energy community and the network operator with which it is connected, covering in particular the rights and responsibilities of each party, the transmission of metering information and the key to distribution to be applied. The authorization relating to the sharing activity of an energy community which no longer complies with the obligations provided for by or under the Decree is withdrawn by CWaPE.

After consulting CWaPE, the Government determines the terms of the procedure for granting, waiving, revising and withdrawing the authorization, including the deadlines and methods of communication, and, where applicable, the fee to be paid for the examination of the authorization application. After consulting CWaPE, the Government also determines the categories of modifications requiring notification or additional authorization

²⁰ Article 43, § 3, paragraph 2 of the Decree of 5 May 2022



or the drafting of an amendment to the agreement with the network operator(s). The Government also determines the deadlines inherent in the start of the sharing activity.²¹

With regards to data access, the Decree states that CWaPE and the network operator are responsible for the processing of the personal data communicated in the context of the notification, and only the persons in charge of the matters relating to the data collected can have access to it. CWaPE may use this data for the purposes of:

1. analysing, processing and ruling on an application for authorization, review, waiver or withdrawal;
2. monitoring the development of the sharing activity within the energy communities and monitoring their compliance with the obligations imposed on them by or under the Decree;
3. fulfilling any legal or regulatory mission assigned to it. The network operator has access to the data referred to in the Decree for the purposes of:
 - i. analysing applications for authorization and, where applicable, revision of the energy communities and proposing a technical opinion to CWaPE;
 - ii. carrying out its missions relating to the metering of shared electricity volumes.

Personal data processed by CWaPE and by the network operator are kept for five years after the energy sharing activity has ceased. Data relating to active customers no longer participating in the sharing activity is deleted after five years from the notification of their exit. Participants in the energy sharing activity are informed by CWaPE and by the network operator prior to processing the data of:

1. the precise purposes of the processing;
2. the duration of the processing and storage of the data;
3. the data controller;
4. the applicable procedure concerning the exercise of the right of access, rectification and opposition of data, including the contact details of the competent department for this purpose.

On the basis of an evaluation of the CWaPE concerted with the network operators, the Government is authorized to replace the authorization referred to above by a notification. The Government is authorized to specify the criteria and terms of the notification procedure.

The evaluation referred to above analyses the development of energy sharing activities by energy communities while respecting the functioning of the market and the impact of the administrative procedures in force. This evaluation includes recommendations, in particular, in terms of administrative simplifications. The network operator informs the providers of the access points concerned of the start date of the sharing activity.

Besides that, the Decree highlights that electricity produced by a production facility as part of an energy sharing activity can only be shared within the community. Electricity produced and not consumed as part of the sharing activity can be sold, where appropriate through a renewable electricity purchase contract. The use of the distribution network as part of electricity sharing within an energy community is taken into account in the calculation of network costs, taxes, surcharges and other regulated costs applicable in accordance with the Decree tariff and which are billed by the access holder. The calculation of the costs referred to above is based on the volume of electricity measured at the access point of each participant, also taking into account in this case the volume of shared electricity from which they benefit.²²

²¹ Article 61 of the Decree of 5 May 2022

²² Article 61 of the Decree of 5 May 2022



With regards to the collaboration of the network operator with energy communities, the Decree mentions that network operators cooperate with energy communities and active customers acting collectively within the same building to promote their development under transparent and non-discriminatory conditions. Network managers implement, according to regulated tariffs, the necessary technical, administrative and contractual measures, particularly with regard to electricity metering. To this end, they determine the volumes of electricity consumed as part of the energy sharing operation and those taken individually on the basis of production and consumption statements and the applicable distribution key set in the agreement.

The CWaPE can establish, in consultation with the network operators, a list of standard distribution keys which can be applied as well as the conditions for possible changes to these keys. They transmit to the energy community or to the representative of active customers acting collectively within the same building the measurement data relating to the electricity produced and injected by the production unit(s) and taken individually respectively by each participant, as well as the information necessary for their invoicing. They transmit to the respective suppliers of participants or active customers the data necessary for invoicing.

The Government, after advice from CWaPE and consultation with the network operators, may specify the missions of the network operators, including the operational modalities for counting and distributing the volumes produced, including the details of the verification of the flows exchanged, as well as the technical, administrative and contractual arrangements to be put in place. These missions may vary depending in particular on whether it is an energy community or a group of active customers acting collectively.

Network operators transmit to CWaPE according to the terms defined by it, metering data, on an annual basis, relating to the different energy communities and sharing activities established within the same building listed on their networks. They also develop and transmit to CWaPE according to the terms defined by it, every three years, a technical analysis of the impacts of the sharing activities established on their networks.²³

Insofar as the Decree does not contain specific provisions, the professional closed network operator is assimilated to the distribution network within the framework of this Decree. By way of derogation from this, the professional closed network operator is exempt from the following obligations, among others:

- the obligation provided for in the Decree not to hold shares in the capital of producers, suppliers, intermediaries and energy communities and not to be a member of the latter,
- the obligation provided for in the Decree not to directly or indirectly hold interests in the capital of producers, suppliers, intermediaries and energy communities.²⁴

5. Access to financing and support

According to the Decree published by the Region of Wallonia, the Government is authorized to implement measures facilitating the creation of energy communities. After advice from the CWaPE, the Government is authorized to set up a support mechanism, if necessary differentiated according to the date of commissioning of the production unit, for energy sharing activities exercised by energy communities in accordance with the relevant provisions of the Decree and active customers acting collectively within the same building in

²³ Article 64 of the Decree of 5 May 2022

²⁴ Article 15(2) of the Decree of 5 May 2022



accordance with the relevant provisions of the Decree. This support applies subject to compliance with the following cumulative conditions:

1. shared electricity is produced from renewable energy sources;
2. the access points of active customers or participants in the energy community are located near the production facilities.

The Government determines the terms of application of this provision and sets the technical and geographical criteria for the concept of proximity.²⁵

References

- Decree of 5 May 2022 amending various energy provisions in the context of the partial transposition of Directives 2019/944/EU of 5 June 2019 concerning common rules for the internal electricity market and 2018/2001/EU of 11 December 2018 on the promotion of the use of energy produced from renewable sources and with a view to adapting the principles relating to the tariff methodology, available at: <https://wallex.wallonie.be/eli/loi-decret/2022/05/05/2022033591/2022/10/15>
- Federal 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>
- Report for Belgium 2022, International Energy Agency (IEA), available at: <https://www.iea.org/reports/belgium-2022/executive-summary>

²⁵ Article 66 of the Decree of 5 May 2022