



EUROPEAN COMMISSION
DIRECTORATE-GENERAL FOR ENERGY

The Director-General

Brussels, 11/03/2021

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Dear Petitioner,

Thank you for contacting the Commission and sharing your concerns regarding the end of the net-metering scheme for self-consumers in Flanders. The Commission is actively supporting a shift to more active consumers, and the new EU energy legislation, notably Directive (EU) 2019/944 on common rules for the internal market for electricity (Electricity Directive), contains several measures in this direction.

As you know, on 14 January 2021, the Belgian Constitutional Court annulled the possibility for self-consumers to opt for a net-metering scheme in Flanders. It ruled that the decision by the Flemish regional government impinged on federal fiscal competences related to the establishment of tariffs and taxes on the use of the electricity transmission network.

Many citizens have contacted the Commission stating that the end of the Flemish net-metering scheme is problematic on three accounts. First, they consider it discriminatory since a net-metering scheme is still in place in Wallonia. Second, they state that self-consumers are no longer reimbursed for surplus energy injected into the electricity network. Third, they regard it as contrary to the EU energy and climate objectives.

The Commission has systematically been supporting and encouraging measures that empower consumers and allow them to become central to Europe's transition to climate neutrality. As soon as it was seized with the matter, the Commission therefore launched a legal assessment of the regime that is applicable to self-consumers in Flanders as a result of the annulation of the net-metering scheme. This assessment concludes that the regime is compliant with EU legislation, in particular with Directive (EU) 2019/944 on common rules for the internal market for electricity (Electricity Directive) as well as Directive 2009/28/EC and its recast (EU) 2018/2001 on the promotion of the use of energy from renewable sources (Renewable Energy Directive).

Regarding the claim that the nature of the regime is discriminatory, you will understand that the EU has no competence on Member States' territorial organisation and distribution of competences between their different levels of administration. Therefore, the Commission cannot make any statement regarding such distribution or the existence of different regimes resulting from such distribution as long as no European legislation is

breached. As to the remuneration for the electricity that self-consumers inject into the grid, the regime now applicable in Flanders allows self-consumers to sell their electricity to a supplier of their choice through feed-in contracts and get a remuneration in return. This is in line with the Electricity Directive and the Renewable Energy Directive, which give renewables self-consumers, the right to sell their excess production of renewable electricity and receive a remuneration for it.

Finally, regarding Belgium's ability to meet its climate and energy targets, let me assure you that the Commission will monitor Belgium's compliance with all EU legislation in the field of energy and climate, including its energy and climate targets. Should Belgium not reach the targets it has committed to, the Commission will take all the measures at its disposal to address this situation.

I wish to inform you that as with all responses to public petitions, this response is published on the Commission's transparency portal: https://ec.europa.eu/info/about-european-commission/service-standards-and-principles/transparency/freedom-information/responses-petitions-sent-commissioners_en.

Yours sincerely,

Ditte Juul Jørgensen

Director-General