

Avosetta Meeting

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“Instruments of Climate Mitigation and Energy Transition”

BELGIUM

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1. Political Situation

Is EU climate (and energy transition) policy generally supported or viewed critically in the respective national political context? How has national climate (and energy transition) policy developed in recent years? What are the prospects for future political developments? What are the key climate (and energy transition) policy controversies in the national political debate? What has been the role of the Courts in your national context?

Political developments

The June 2024 parliamentary elections saw a decline in votes for the green parties and gain for conservative (+ extreme left and right wing) parties. As a result, the green parties, that were in the previous legislature present in the federal government and in 2 of the 3 regional governments (not in the Flemish one) disappeared out of the federal and Walloon Regional government. One of the two green parties is still present in the Brussels Capital Government but in a very difficult coalition (it took more than 1,5 year to agree on the composition of that government). The result is that we have now at nearly all levels rather conservative governments for which climate change is a lesser concern, a tendency we saw already towards the end of the former legislature under influence of the energy crisis that resulted from the war of the Russian Federation against Ukraine and the farmers protests in 2023-2024. That is reflected in the respective government coalition agreements. The emphasis is on strengthening competitiveness and industry, and the call for a "realistic climate policy" and "affordable energy", especially at federal and Flemish regional level.

In the **Federal Government Agreement** one can read: *“At the European level, more attention must be paid to the competitiveness of our enterprises in light of the Green Deal. Following the Antwerp Declaration, we ask the European Commission to prioritize the development of a European industrial policy. We advocate for a supplementary ‘(Industrial) Competitiveness Deal’, a competitiveness pact for all enterprises in the industrial and service sectors that are increasingly facing international competition.”*

“The government's energy policy aims to phase out dependence on fossil fuels and increase the country's open strategic autonomy. The government will ensure that our country does not become additionally dependent on energy vectors, resources, or strategic industrial sectors.”

“In line with the current ambition to reduce greenhouse gas emissions at the European level by 55% by 2030 and achieve climate neutrality by 2050, and the Paris Agreement, new fossil

fuel installations in the context of CRM for electricity production are no longer an option, unless as a transitional technology within the framework of the necessary flexibility and security of supply and, where possible, future-proof (for example, through CCS)."

"An important part of the future energy mix is nuclear energy as a carbon-neutral energy source. Within the conditions already mentioned above (sustainability, safety, cost optimization,...), we aim for a nuclear energy share of 4 gigawatts in our electricity mix. To ensure carbon-free base capacity in our country, the government is therefore launching an ambitious program in the short term to restart the nuclear industry in Belgium and to build new nuclear reactors. The government therefore commits to ensuring the extension of existing capacity in the short term and, in the longer term, we will invest in the construction of new capacity."

"In the law of 31 January 2003, we repeal all provisions regarding nuclear phase-out and the prohibition on the construction of new capacity. The legal framework for periodic safety assessments remains fully in force to guarantee nuclear safety. (...) In the very short term, the government will take all necessary measures to extend the existing units that meet the safety standards, and will start discussions to that end with the nuclear operator and the owners."

In the **Flemish Government Agreement** one can read: *"We endorse the fight against climate change and acknowledge the urgency of taking the necessary action to that end. However, regarding the Flemish climate ambitions, we must take into account the specific Flemish context. Flanders is densely populated. Flanders has the ambition to remain a logistical hub and a prosperous region with thriving businesses across diverse sectors. This brings with it unique challenges, including those related to spatial planning, mobility, and infrastructure."*

"If the annual monitoring of Flemish greenhouse gas emissions shows that Flanders achieves an emission reduction of 40% compared to 2005 for the sectors covered by the Effort Sharing Regulation, Flanders will raise its climate ambition for 2030 towards 47%, provided that this increase in ambition is substantiated by additional measures that are prepared in a timely manner. In this way, we commit to increasing our efforts step by step."

Flanders advocates an approach from the regional governments regarding the intra-Belgian distribution of the 2030 climate and energy targets. The associated resources will be distributed proportionally to the contribution to those revenues."

In this regard, we ask the federal government to commit to measures that support regional policy"

"For every additional climate measure that is proposed, the long-term costs and benefits of that measure will be weighed against the impact on emissions, affordability for citizens, and the competitiveness of our businesses."

In the **Walloon Government Agreement** we can read:

"Wallonia will continue to resolutely pursue the implementation of the European Green Deal. Within this framework, the Government is fully committed to the objective of carbon neutrality by 2050 and an intermediate target of a 55% reduction in greenhouse gas emissions by 2030. In collaboration with the Federal Authority and other Belgian entities, the Government will provide the necessary resources to achieve these goals."

The Government will participate in improving intra-Belgian climate governance and making the National Energy and Climate Plan more efficient. It will ensure that its interests are defended and will actively pursue the negotiation and conclusion of cooperation agreements (burden sharing) in order to fairly distribute objectives and resources (including revenues from the European ETS system) between the various federated entities and the Federal Authority.

In the **Brussels Capital Regional Government Agreement** one can read:

“Brussels will resolutely contribute to the objectives of the Green Deal, the Paris Climate Agreement, and the European Regulation establishing a framework for achieving climate neutrality.

To this end, the government will regularly involve the Brussels population in its climate policy, primarily through the Climate Citizens' Council.

In the Brussels-Capital Region, the majority of CO₂ emissions are attributable to poor building insulation (approximately 60% of total emissions).

The government will need to implement a more intensive insulation policy, with concrete measures and clear funding.

This policy must benefit the insulation of both private and public housing and be systematically analyzed and evaluated.

A collective and massive approach is essential to insulate buildings and produce green energy in Brussels neighborhoods, particularly in urban regeneration zones.

The private sector, like the government, must play a leading role in this transition.”

NECP

On 22 November 2023, after the deadline (30 June 2023) had expired, the various governments of Belgium reached an agreement at the Concertation Committee to submit a draft updated NECP 2021-2030 to the European Commission¹. This draft was deemed insufficient by the European Commission.² After prolonged political delays due to negotiations within the Flemish Government, the federal government and the three regions reached on 6 October 2025 a final agreement on the updated text of the Belgian National Energy and Climate Plan (NECP) 2021–2030³. It has been submitted to the European Commission far behind the deadline of 30 June 2024. On 26 January 2026 the European Commission published its assessment⁴. Although Belgium addressed some of the recommendations of the EC on the draft update, other have only been addressed partially or not at all.

Due to the complex state structure of Belgium, the NECP consists of two main components:

¹ [be-nekp-ontwerp-geactualiseerd.pdf](#)

² [Commission Recommendation \(EU\) 2024/1042 of 23 February 2024 on the draft updated integrated national energy and climate plan of Belgium covering the period 2021-2030 - Publications Office of the EU](#)

³ [Homepage - National Energy and Climate Plan](#)

⁴ https://commission.europa.eu/document/download/0625cf3f-01b0-4777-9929-93883480618a_en?filename=BE_swd_2026_24_en.pdf

- Joint texts, binding agreements validated jointly by the federal government and the three regions.

- Specific contributions: Measures falling exclusively under the competence of the individual entities: The Federal Energy and Climate Plan (FEKP), The Flemish Energy and Climate Plan (VEKP), The Walloon Air, Climate and Energy Plan, The Brussels Regional Air, Climate and Energy Plan

*The Belgian Climate Case*⁵

The Belgian climate case, initiated by a small ENGO, the non-profit organization “*Klimaatzaak*”, and supported by more than 71.000 co-applicants was in first instance decided by the Court of First Instance of Brussels on the 17 June 2021. Not satisfied with the outcome, the ENGO appealed the judgment. On 30 November 2023 the Court of Appeal gave its judgment.

The Brussels Court of Appeal considered whether it could hear the appeal brought by the appellants, namely the Belgian NGO *Klimaatzaak* and 58,000 natural persons. It held that it had jurisdiction to rule on disputes relating to the subjective rights they were invoking, irrespective of the room for manoeuvre left to the Belgian State (§113) and the lack of direct effect of various rights enshrined in the European Convention on Human Rights (ECHR) (§§ 108 to 115).

Since the *actio popularis* is not available under Belgian judicial law (§119), the respondents – the Belgian authorities – challenged on appeal the admissibility of the appeal brought by the NGO *Klimaatzaak*, which they argued should have limited itself to seeking compensation for non-material damage. The Court of Appeal held that the admissibility of the appeals brought both by the NGO and by natural persons must be assessed in light of Article 9(3) of the Aarhus Convention, which requires States parties to guarantee “broad access to justice” (§ 123).

The Court of Appeal went on to examine in detail both the scientific data as well as the international and EU obligations incumbent on the Belgian authorities. After a comprehensive, systematic presentation of the relevant scientific reports of the Intergovernmental Panel on Climate Change (IPCC) and the array of international standards to which the European Union (EU) and Belgium are subject, it held that, with regard to the climate policy that they have pursued and implemented since the First Instance judgment and until the date of the appeal judgment, by 2020, and then by 2030, the Belgian State, the Flemish Region and the Brussels-Capital Region have violated articles 2 and 8 of the ECHR and committed faults, within the meaning of articles 1382 and 1383 of the Civil Code. As compensation for the harmful consequences of the breaches observed, part of which has already occurred and to prevent the occurrence of the future and certain damage, and to ensure the effectiveness of the protection of Articles 2 and 8 of the ECHR, the Court issues an injunction to the Belgian State, the Flemish Region and the Brussels-Capital Region to take, after consultation with the Walloon Region, the appropriate measures to do their part in the reduction in the overall volume of annual GHG emissions from the Belgian territory of at least -55% in 2030 compared to 1990⁶.

⁵ L. Lavrysen, KlimaSeniorinnen, Urgenda et Klimaatzaak : l’union dans la diversité?, (2024) ÉNERGIE-ENVIRONNEMENT-INFRASTRUCTURES, 33-40; See Nicolas de Sadeleer, ‘Belgian public authorities held liable for flawed climate policy: Klimaatzaak case’, ELNI, 2024, vol. 24.

https://www.elni.org/fileadmin/elni/dokumente/Archiv/2024/elni_2024_desadeler.pdf

⁶ Under the EU effort sharing regulation (Regulation (EU) 2018/842 on binding annual greenhouse gas emission reductions by Member States from 2021 to 2030 contributing to climate action to meet commitments under the Paris Agreement) Belgium should reduce its emissions from non-ETS sectors with at least 47 %.

The constitutional principle of the separation of powers did not prevent the Court of Appeal from imposing on the authorities the remedy of achieving a precise percentage reduction in GHG emissions. However, it could only oblige the authorities to pursue the ‘minimum contribution’ in accordance with the scientific consensus (i.e. the IPCC reports) and the political consensus on the international scene as reflected in the COPs (§ 227). Accordingly, the Court had to limit itself to reviewing compliance with the minimum requirements imposed by directly applicable norms of international law or, in the absence of such norms, on the basis of “data that are the subject of a scientific and political consensus”, which define the contours of the duty of care incumbent on public authorities facing a “serious threat” (§ 228). Moreover, it could not stipulate the specific regulatory measures that should be implemented by the various Belgian governments to achieve this objective.

The Court holds that it is up to those authorities to determine, in consultation with the Walloon Region, what portion must be supported by each of them. The Court stays its ruling on the request for penalty payments intended to guarantee the execution of the injunction pending communication, by the most diligent party, of official figures of GHG emissions from Belgium for the years 2022 to 2024, official figures which will be contained in particular in the annual inventories of GHG emissions in accordance with Article 26 of the EU Regulation EU 2018/1999 of December 11, 2018 and in the latest NECP, updated for the years 2021-2030. The Court invites also the most diligent party to have the case re-established before the court, upon obtaining GHG emissions figures for the years 2022 to 2024 and the latest updated NECP available at that time, with a view to ruling on the request for penalty payments and on the request for production, under penalty of a penalty, of the GHG emissions report of the year 2030. The Case has been appealed on 18 April 2024 in cassation before the Supreme Court by the Flemish Government. One is waiting for the final judgment; that is expected for the fall⁷.

We Are Nature.Brussels, Bruxelles Nature, and others v. Brussels-Capital Region

The Court of First Instance of Brussels gave in October 29 2025 judgment in a case brought by some ENGs against the Brussels Capital Region. The claim is based on Articles 1382 and 1383 of the old Civil Code. The repair of the damage caused by the region’s misconduct is being sought. The Court held that there is scientific and political consensus, both internationally and at European level, on the existence and severity of the threat posed by climate change, as well as its disastrous consequences, particularly for urban areas. There is also consensus on the necessity and urgency of strengthening greenhouse gas absorption capacity to limit global warming and adapt to its inevitable disastrous consequences. Soil conservation and restoration, combating desertification, and limiting deforestation are measures that contribute to reducing net greenhouse gas emissions and adapting to climate change. The region has been fully aware of this for about ten years.. The Brussels-Capital Region is acting erroneously by failing to set sufficient targets and achieve results in terms of reducing greenhouse gas emissions, by not having an updated estimate of the greenhouse gas absorption capacity of natural sinks at the regional level, by continually increasing urbanization and soil impermeability, and by maintaining an inadequate regulatory framework. No applicant – natural person – escapes the negative consequences of climate change (heat waves,

⁷ <https://klimaatzaak.eu/en/>

droughts, floods, etc.) in one way or another, which are occurring throughout the entire territory of the region. These consequences will worsen in the short and long term. The applicants suffer damages due to a loss of an opportunity to experience these consequences to a lesser extent. The regions negligence has increased the risk of adverse consequences of climate change, so that there is a causal link between the fault and the damage.

To limit the damage to the more than 1000 Brussels residents who filed the case together with the environmental organizations, a moratorium is ordered on the urbanization and paving of land larger than 0.5 hectares throughout the entire territory of the Brussels-Capital Region until the government has completed the revision of the regional zoning plan, and no later than December 31, 2026.⁸

The Brussels-Capital Region lodged an appeal against the decision.

2. Overall Climate Policy Targets

Are the EU's overall climate targets (2035/2040/2050) considered adequate / too ambitious / insufficient in national politics? Has the Member State set more ambitious national climate targets ("gold plating")? If so, what additional national targets are being pursued?

Officially Belgium supports the overall Paris and EU climate targets, but is less supportive of the national targets under the Effort Sharing Regulation, the Renewable Energy and Energy Efficiency targets.

The NECP is off course far below the target set by the Court of Appeal in the Belgian Climate Case. The sixth national climate survey (April 2026) by the FPS Public Health shows that climate change remains an urgent and persistent concern for the Belgian population. For instance, 78% of Belgians believe that climate change must be addressed urgently. Moreover, there is no public support for slowing down the climate transition: more than 8 out of 10 Belgians believe that Belgium and the European Union must at least maintain the current pace, or even accelerate. Therefore, there is no question of a so-called 'climate pause'.⁹

The 2026 EC assessment of the Belgian NECP 2021-2030¹⁰ summarizes it as follows:

⁸ [The trial – We are Nature Brussels](#)

⁹ [260420-6de-klimaatenquête.pdf](#)

¹⁰ EC, Assessment of the final updated national energy and climate plan of Belgium, SWD(2026) 24 final.

Belgium

1 Overview of key objectives, targets and contributions in the final NECP

Table 1: Summary of key objectives, targets and contributions of Belgium's updated NECP

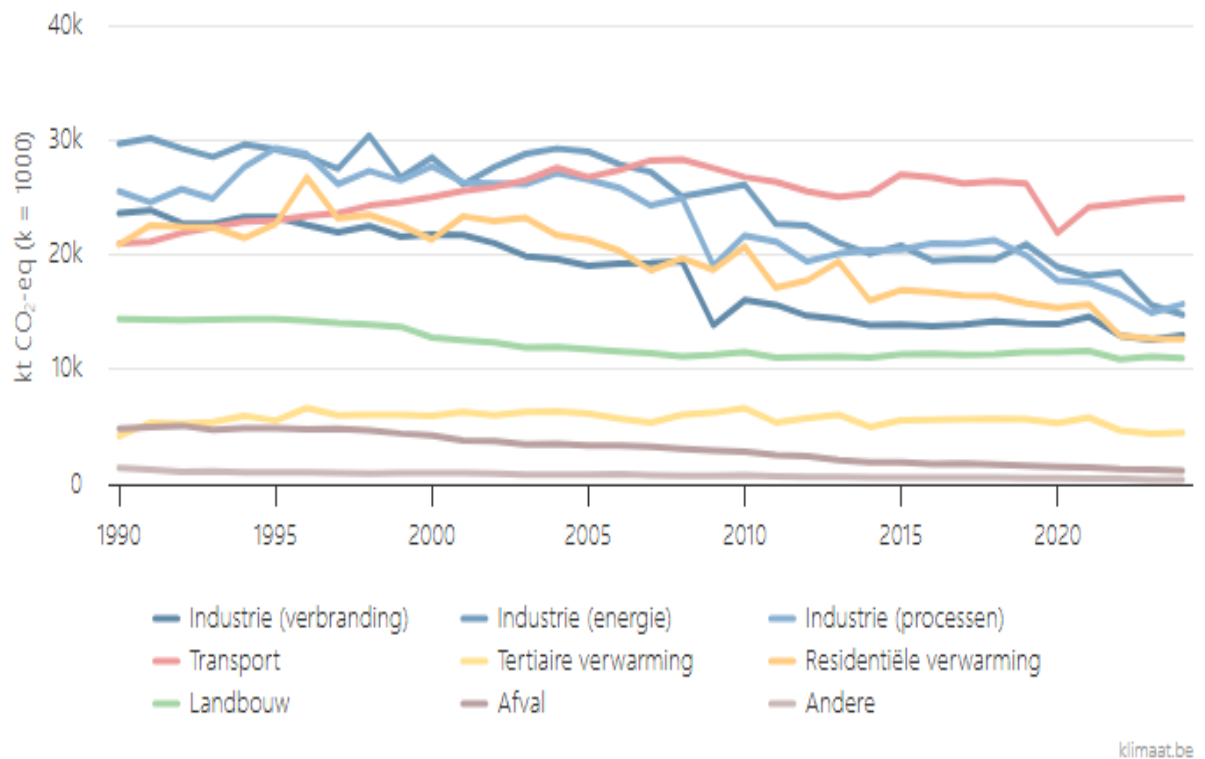
		2020	Progress based on latest available data	2030 national targets and contributions	Assessment of 2030 ambition level
	Binding target for greenhouse gas (GHG) emissions compared with 2005 under the Effort Sharing Regulation (ESR) (%)		2023: -23.0% ³	-47%	NECP: -42.7%. However, BE is expected to meet the 2030 target with ESR flexibilities.
	Binding target for additional net GHG removals under the Regulation on Land Use, Land Use Change and Forestry (LULUCF)		2023: Reported net removals of -0.3 Mt CO ₂ eq.	-0.3 Mt CO ₂ eq. (additional removal target)	BE is expected to meet its target based on the latest projections: overachievement by -0.1 Mt CO ₂ eq
	National target/contribution for renewable energy: Share of energy from renewable sources in gross final consumption of energy (%)	13% (SHARES) 13% (target)	2023: 14.7%	20.4%	BE contribution of 20.4% is significantly below the 33% required according to the formula set out in Annex II to the Governance Regulation ⁴ .
	National contribution for energy efficiency:				
	Primary energy consumption	43.7 Mtoe	2023: 42.1 Mtoe	41.3 Mtoe	BE primary energy consumption contribution of 41.3 Mtoe is not in line with the EED recast Annex I formula result: 33.8 Mtoe (2020 EU Reference Scenario) or 34.7

					Mtoe (updated reference scenario 2030)
	Final energy consumption	32.5 Mtoe	2023: 31.3 Mtoe	29 Mtoe	BE final energy consumption contribution of 29 Mtoe corresponds to the corrected contribution for BE
	Level of electricity interconnectivity (%)	14.2%	13.5%	15%	BE is below the EU-wide interconnectivity target

Source: Eurostat, Belgium's final updated national energy and climate plan.

3. Emission Trading System I (Industry)

Is ETS I considered appropriate? If not, what reforms are viewed as priorities from the national perspective?



From the data above one sees that the reduction of emissions from the ETS sectors (in blue) are the most noticeable and this is mainly attributed to the ETS system. Recently - in the run up to the “Alden Biesen Retreat” (12 February 2026) - federal and regional leaders (including Flemish representatives) have frequently stressed the need for "feasible" ETS rules, urging that environmental targets must not come at the cost of crippling European competitiveness amidst fierce global rivalry. The reform of the EU emissions trading system (ETS), the functioning of which was criticized by Member States such as Austria, Belgium, Czechia, Italy and Poland, was a topic of discussion in Alden Biesen. While some Member States agree that the revenue from the ETS could be better redirected towards companies committed to decarbonization¹¹, other countries advocate abolishing the second phase of the ETS and returning to free quotas.

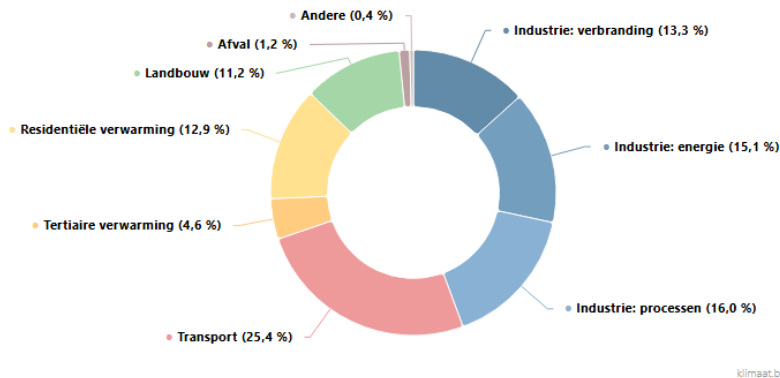
4. Emission Trading System II (Buildings and Road Transport)

What share of national total energy consumption is attributable to buildings and road transport? Is the postponement of ETS II to 2028 viewed positively? Are buildings and road transport already part of a national regulatory regime that anticipates elements of ETS II? How are the prospects for decarbonizing the national building and transport sectors assessed?

¹¹ [Outcome of the 12 February 2026 EU leaders' competitiveness retreat](#)

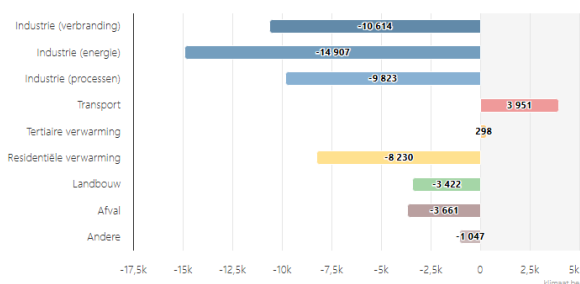
Het aandeel van de verschillende sectoren in de totale uitstoot ≡

in België in 2024



De evolutie van de verschillende sectoren ≡

In België (1990-2024) in kt CO₂-eq (k = 1000)



Transport counts for 25,4 % of total GHG emissions, while residential building counts for 12,9 % and tertiary buildings for 4,6 %. Since 1990 there was a decrease in all sectors, with the exception of transport and tertiary buildings.

Buildings

Reducing CO₂ emissions from buildings in Belgium means essentially drastically lowering heat demand through insulation and switching to renewable energy. By 2050, all buildings in Belgium must be climate neutral, which requires targeted renovation measures and smart energy management, replacing fossil fuel boilers (fuel oil/gas) with heat pumps and installing solar panels to generate electricity for heat pumps and other appliances locally and CO₂-free, and use solar energy specifically for the production of domestic hot water. Furthermore ensure a healthy indoor climate without unnecessary heat loss. The policies are varying between the regions.

In Flanders, the Flemish Energy and Climate Agency (VEKA) offers various grants for renovation and energy saving. A strict renovation obligations and EPC requirements apply to the purchase of homes and non-residential real estate. The installation of fossil fuel heating systems in new homes (and during major energy renovations) is now legally prohibited. Since January 1, 2025, a natural gas connection is no longer possible, and oil boilers are also completely out of the question. In Brussels the focus is on the Renovation Strategy for buildings, and owners are encouraged to take action through, among other things, *PLAGE (Plan for Local Action for Energy Use)*. In Wallonia, the government supports energy-saving renovations through the “*Primes Habitation*”.

The deadline to make all buildings carbon neutral is theoretically achievable, but in practice extremely ambitious. To realize these European and national climate targets by 2050, enormous efforts are required in terms of budget, materials, and manpower.

Transport

Belgian transport policy aims to reduce CO₂ emissions from road transport in order to achieve European climate targets. The strategy rests on three pillars: greening the vehicle fleet through taxation, expanding charging infrastructure, and promoting public transport and active mobility.

These measures include:

1. Fiscal Greening and Company Cars

The federal government is committed to the transition to zero-emission vehicles. *End of fossil fuel company cars*: Since 2026, only 100% electric company cars will be tax-deductible. Fossil fuel company cars connected after that date will lose their tax benefit. *Road Tax and Registration Tax*: In Flanders and Wallonia, the Registration Tax (BIV) and the annual road tax for electric vehicles have been reduced to zero to encourage purchase.

2. Charging Infrastructure

To accommodate the expected increase in the number of electric cars on Belgian roads, the network of charging stations is being expanded at an accelerated pace. *Public Charging Stations*: Flanders, Brussels, and Wallonia all have programs to allow the public charging network to grow exponentially locally. *Home and Office Charging*: Tax deductibility and obligations apply to companies to provide charging infrastructure for employees and visitors.

3. Public transport and shared mobility

The government is investing in capacity expansion of the rail network and urban networks to achieve the modal shift (fewer cars, more train/tram/bus). The integration of shared mobility (electric shared bicycles and shared cars) in urban zones such as Brussels and Antwerp is actively supported as an alternative to the traditional second family car.

4. Freight transport (Logistics). For freight traffic, the focus is on modal shifts and efficiency gains. *Inland waterways and rail*: Policy plans encourage freight transport via water (inland waterways) and rail to relieve heavy freight traffic on motorways. *Truck toll*: The kilometer charge for trucks (the so-called Viapass in Belgium) incentivizes transporters to opt for cleaner Euro standards and more efficient journeys.

The Belgian targets for the reduction of carbon emissions in the transport sector are considered to be very difficult achievable under current policy, and the sector is seen as the major problem child of climate policy. Although total emissions in Belgium are falling (mainly thanks to industry), transport emissions remain stubbornly high and their percentage share of total national emissions is rising.

An Act of 17 July 2025 gave assent to the cooperation agreement of 4 April 2024 between the Federal Government and the three regions, amending a cooperation agreement of 2 September 2013 concerning the integration of aviation activities into the ETS 1 scheme.

5. Double regulation?

Is there a discussion about the topic of 'double' regulation: e.g. energy efficiency in ETS installations / build environment, National taxes on/pricing of CO₂ emissions, Emission Limit Values in environmental permits?

Not really as far we can see.

6. Effort Sharing

Is the Member State “on track” to meet its national reduction targets under the Effort Sharing Regulation 2018/842? Is failure / compliance / over-achievement of the EU requirements expected? What are the main challenges or success factors influencing compliance or non-compliance with the EU requirements? Does the state intend to sell its own emission credits or to purchase such credits from other Member States?

The ESR 2030 reduction target for Belgium is –47 %. The Belgian NECP provides for a reduction of 42,7% (provided that all measures are taken and that they produce the planned results). So there is a deficit. Belgium will thus rely on available flexibilities to achieve it. One will use banking, but is excluding the use of ETS-allowances and borrowing.

7. Renewable Energy

What progress has been made in the transition towards a national energy supply based on renewable energy? What is the current energy mix, and what are the projections up to 2050? What differences exist in the transformation of the electricity market versus the broader energy market (including non electric heating, transport and other energy use)? What are the major national regulatory instruments to support the transition to renewables? What major obstacles hinder a faster transition to renewable energy at the national level? Are adjustments to the EU’s regulatory framework considered necessary? If so, which ones?

Energy supply

Total energy supply (TES) includes all the energy produced in or imported to a country, minus that which is exported or stored. It represents all the energy required to supply end users in the country. Some of these energy sources are used directly while most are transformed into fuels or electricity for final consumption.

Largest sources of energy in Belgium, 2024

Oil and oil products

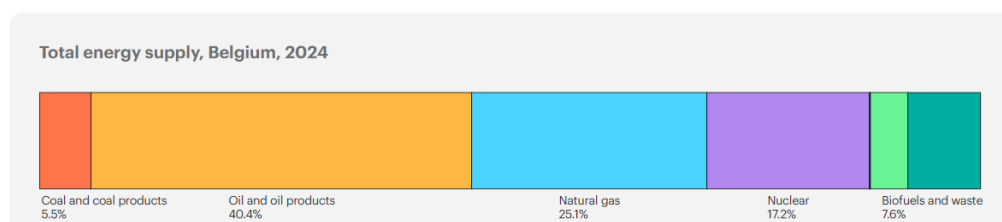
40%

of total energy supply

Natural gas

25%

of total energy supply



Belgian renewable energy policy is a shared responsibility between the federal government (primarily offshore wind energy and nuclear energy) and the three regions (Flanders, Wallonia, and Brussels, which are responsible for solar, onshore wind, and heating). Below you will find

1. Federal Government

Offshore wind energy: The federal government focuses heavily on the expansion of wind farms in the North Sea, with the aim of substantially scaling up capacity towards 2030.

Energy mix: The policy combines these renewable sources with the extension of nuclear power plants to guarantee security of supply and affordability.

2. Flanders

Solar and Wind: Flanders aims for 10 GW of solar energy and 2.8 GW of onshore wind energy by 2030.

EPB standards: For major energy renovations (requiring a permit application), you are required to obtain energy from renewable sources (such as a heat pump or solar panels).

Heating: The policy aims to expand heat pumps and district heating networks to the norm, at the expense of traditional gas boilers.

3. Wallonia and Brussels

The Walloon and Brussels regions also apply strict targets for the rollout of solar panels, insulation measures, and the gradual phasing out of fossil fuel heating systems, framed within their own regional energy and climate plans.

Subsidies and premiums

To accelerate the transition, the regions apply various support measures:

Flanders: Via the *Mijn VerbouwPremie* and specific premiums for solar panels or heat pumps.

Brussels: With the *Renolution* premiums for energy-saving investments and renewable energy in the Brussels-Capital Region.

Wallonia: With the Energy Premiums (*primes énergie*) for, among other things, solar panels and heat pumps.

The RED III Directive was transposed in the Walloon Region by a decree of 29 April 2024. With regard to planning, certain legislative provisions are of particular interest.

Firstly, regarding the mapping of the general plans identifying areas suitable for the development of renewable energy and infrastructure, they are subject neither to an impact assessment nor to public participation. The European Commission had officially confirmed this to the Walloon Region. However, plans concerning renewable energy acceleration zones and

plans concerning infrastructure zones are subject to an impact assessment and public participation.

With regard to plans for renewable energy acceleration zones, wind and solar installations must be located on artificial or built-up areas, or on degraded land unsuitable for agriculture. Natura 2000 sites, protected areas and listed sites may not be included in these plans. Plans for infrastructure zones must ‘avoid’ (*éviter*) Natura 2000 sites and protected areas. However, listed sites may not be included in these plans.

The European Commission in its assessment of the NECP 2021-2030¹² observes that Belgium has not addressed recommendation 5. Belgium does not raise its national contribution to achieve a share of renewable energy sources of at least 33% as a contribution to the Union’s binding renewable energy target for 2030. The national contribution for 2030 has even been lowered to 20.4%, compared the share of renewable energy sources of 21.7% included in the draft NECP of 2023. The updated trajectory for achieving this contribution is outlined in Belgium’s final plan, but it falls short of the trajectory calculated in line with the EU’s 2030 renewable energy target. Belgium has not addressed recommendation 6 either. Belgium does not provide an estimated trajectory or long-term plan for the deployment of renewable energy technologies over the next 10 years, with an outlook to 2040. The plan does not include an indicative target for innovative renewable energy technologies by 2030 to contribute to the indicative 5% target for these technologies in line with the revised RED II, nor does it determine a specific target to contribute to the indicative sub-target in buildings for 2030. The average annual increase in the share of renewable heating and cooling indicated by Belgium does not meet the binding targets in heating and cooling for 2021-2025. The plan also does not contain the indicative target to achieve the top-ups of Annex IA to the revised RED II. Belgium does not include the specific targets to contribute to the indicative sub-target in industry for 2030 and to the binding target for renewable fuels of non-biological origin (RFNBOs) in industry by 2030. In most of these cases, the plan indicates that work is still ongoing to develop the targets.

8. Land Use

How exactly are emissions from the land-use sector recorded nationally? What trends can be derived from this data? What strategies are being pursued at the national level to strengthen the land-use sector’s contribution to emission reductions and to comply with the LULUCF-Regulation 2018/841?

In the land use, land use change and forestry (LULUCF) sector, Belgium generates net removals, absorbing roughly 0.4% of its total greenhouse gas emissions in 2022, and is expected to overachieve its LULUCF target if the plan is properly implemented. According to the LULUCF Regulation, Belgium must improve its net removals by -0.3 Mt CO₂eq in 2030 compared with its yearly average in the 2016-2018 reference period. Belgium projects (WAM) to overachieve this target by -0.1 Mt CO₂eq in 2030. Belgium’s final plan provides only partial information on how public funding (CAP and State aid) and private financing, through carbon farming schemes, are used to reach the LULUCF target. The plan also lacks information on the status of and progress made in ensuring higher tier levels and geographically explicit datasets.¹³

¹² EC, Assessment of the final updated national energy and climate plan of Belgium, SWD(2026) 24 final.

¹³ EC, Assessment of the final updated national energy and climate plan of Belgium, SWD(2026) 24 final.

9. Special National Strategies, Programmes, and Ideas

What special strategies, regulatory programmes, and ideas—beyond those already mentioned—are being pursued nationally for climate mitigation? How do these national concepts and legal instruments relate to EU climate policy? Does a programme for carbon capture and storage exist?

In the Brussels Region, Directive 2023/959, amending ETS 1 and introducing ETS II, was transposed by the “Ordonnance” of 13 February 2025, which amends the Brussels Energy and Climate Law.

With a view to promoting energy efficiency in the wake of the 2022–2023 energy crisis, the Brussels Region had at the time adopted several restrictive measures relating to energy-consuming practices:

- switching off illuminated signs between 11 pm and 6 am,
- switching off interior lighting in shops and offices, except when work is being carried out during these hours (which is of importance for academics who tend to overwork),
- closing doors and shops that are heated or air-conditioned.

The legislative act of 13 February 2025 confirms these various prohibitions, which have not been challenged in court.

The NECP provides a strategy on carbon capture, utilization and storage (CCUS) and contains an assessment of the expected availability of transport capacity. Belgium and Norway have forged a landmark bilateral agreement to establish a cross-border Carbon Capture and Storage (CCS) value chain. The project involves building a CO₂ pipeline connecting the Belgian port of Zeebrugge to the Norwegian Continental Shelf, forming part of the broader CO₂ Highway Europe. The cross-border pipeline is scheduled to be fully operational by 2031. Belgium is targeting an annual capture capacity of 5 million tons per annum by 2030. In particular, the plan identifies the sources of CO₂ emissions that are planned to be captured, namely chemicals, cement, lime, glass, iron, steel, aluminum, pulp, paper, refineries, and waste incineration. Fossil fuel power plants and biomethane plants are identified as another source of CO₂ emissions that could potentially be captured. No CO₂ injection potential is identified, but Wallonia plans to analyze a potential CO₂ storage project.¹⁴

10. Social and Regional Compensation Mechanisms

Are there national mechanisms to provide social or regional compensation for the burdens arising from climate protection measures? Is any form of “climate dividend” or “climate payment” being issue

Burden sharing between regions is a complex political issue on which it is very difficult to agree. Within the framework of the European climate and energy targets for 2030 the NECP is setting the goals (see above). To achieve these objectives, Belgium has access to additional financial resources from various European mechanisms, such as revenue from the auctioning of CO₂ emission allowances and the Carbon Border Adjustment Mechanism (CBAM). These

¹⁴ EC, Assessment of the final updated national energy and climate plan of Belgium, SWD(2026) 24 final.

various targets and sources of revenue must be distributed among the Belgian political entities. This is done via a political agreement, anchored in a cooperation agreement.. At this moment, no final agreement has yet been reached for the 2021-2030 period. However, on 14 September 2022, the federal and regional ministers of climate and energy reached a partial agreement regarding the distribution of energy and climate targets for the start of the 2021-2030 period, specifically: n1. the distribution of proceeds from the auction of emission allowances for the years 2021 and 2022; 2. the contribution to climate financing for developing countries for the years 2021 through 2024; 3. the determination of the share of renewable energy in total energy consumption in Belgium.¹⁵

Under the former federal government a *Just Transition Initiative* has been launched¹⁶, but under the current government not much seems to have been realized.

To be eligible for funds from the EU *Social Climate Fund*, our country must submit a *Belgian Social Climate Plan* to the European Commission. Subsequently, the Commission only releases funds from the Social Climate Fund once the goals and milestones set by Member States in their plans have been achieved. This plan must contain a detailed overview of the measures and investments that mitigate the impact of the expansion of the carbon market on vulnerable households, transport users, and micro-enterprises. According to the distribution key approved at the European level, Belgium is entitled to support of 1.656 billion euros for the period 2026-2032. In addition, the Belgian governments themselves must pay 25% of the total costs of the Social Climate Plan, or 552 million euros. Consequently, the total budget of the Belgian Social Climate Plan amounts to 2.208 billion euros.

On 6 October 2025, the Concertation Committee confirmed the Belgian distribution key for the Social Climate Fund. The federal government receives 13.13% of the funds, which corresponds to approximately 217 million, with co-financing of approximately 72 million euros for the period 2026-2032. The Flemish and Walloon Regions receive 43.42% and 32.95% respectively, and finally the Brussels Region 10.50%. They must each mobilize their share of the contribution in proportion to their share of the funds. At the Belgian level, this plan is being prepared within the National Climate Commission (NCC). A Social Climate Fund working group within the NCC, with representatives from the federal government and the regions, has since conducted impact analyses and identified vulnerable groups, in accordance with the regulations of the Social Climate Fund, conducted various consultations, including interactive sessions, a workshop on 4 November 2024 with more than 100 stakeholders, an online survey, and a second workshop on 28 April 2025, with the aim of presenting the results of the ETS2 impact analysis and the identification of target groups; identified and developed proposals for measures and investments for the plan, taking into account the competencies of each entity and the federal government. At the federal level, the Climate Change Service (FPS Public Health) coordinates the work within the Energy and Climate Taskforce with the relevant federal services (including FPS Finance, FPS Mobility and Transport, FPS Economy, and PPS Social Integration). The working group examines which federal measures are most suitable to support vulnerable households, transport users, and micro-enterprises and prepares the federal contribution to the Social Climate Plan. This should be adopted shortly.¹⁷

The Flemish Social Climate Plan is the policy framework of the Flemish Government to provide financial support to vulnerable households, transport users, and micro-enterprises during the climate transition. The Flemish Government approved the final budgets, governance, and 11

¹⁵ <https://klimaat.be/klimaatbeleid/belgisch/nationaal/lastenverdeling>

¹⁶ [Home | Just Transition](#)

¹⁷ [Sociaal Klimaatplan](#)

specific measures for this plan in the autumn of 2025.¹⁸ The Social Climate Plan for Wallonia is an integral part of the Belgian NECP and is specifically intended to support vulnerable households, small business owners, and travelers during the transition to green energy. The Brussels Capital Social Climate Plan is part of the Air-Climate-Energy Plan (LKEP), which the Brussels Region approved in 2023¹⁹.

11. Adaptation

Are there national programmes for climate adaptation? How can these be briefly described? Should the EU, from a national perspective, develop climate adaptation programmes, or should this remain the responsibility of the Member States?

Belgium's climate adaptation strategy operates on both a federal and regional level, guided by the Belgian Climate Risk Assessment and implemented through regional roadmaps (like the Flemish Climate Adaptation Plan 2030) and the Federal Adaptation Measures which target a climate-resilient society by 2050.²⁰

Because Belgium has a complex, multi-layered government, the adaptation framework is divided by jurisdiction while working under shared EU 2050 climate-neutrality objectives.

Federal Measures (2023-2026): A coordinated set of 28 specific actions focused on securing critical infrastructure (like the power grid operated by Elia), protecting vulnerable populations, ensuring health readiness during heatwaves, and managing risks related to coastal flooding and droughts.

Regional Focus Areas:

- Flanders: Focuses heavily on the "climate reflex," buffering further climate change, and restoring blue-green infrastructure.
- Brussels & Wallonia: Emphasize urban cooling, soil permeability, and water management in the framework of their respective territorial Air, Climate, and Energy plans.

Interim Evaluation: An assessment of the 2023-2026 federal measures showed significant progress across the targeted actions, adjusting timelines to ensure optimal implementation.

Climate Risk Scoping: The scientific and policy landscape is now relying heavily on the comprehensive BCRA (Belgian Climate Risk Assessment), which identifies 28 critical risks to ecosystems, human health, infrastructure, and the economy. This scientific foundation sets the stage for the next generation of localized National Adaptation Plans.

12. New liability/compensation regime in the Air Quality Directive (2024/2881) and the amended IE Directive (2024/1784)

The new Air Quality Directive 2024/2881, art. 28. and the amended IE Directive (2024/1785) requires Member States to establish a liability/compensation regime regarding persons

¹⁸ <https://www.vlaanderen.be/vlaamse-regering/beslissingen-van-de-vlaamse-regering/verdeling-vlaams-budget-sociaal-klimaatfonds-en-governance-sociaal-klimaatplan>

¹⁹ [Sociaal Klimaatplan voor een eerlijkere klimaattransitie | Professionals - Leefmilieu Brussel](#)

²⁰ [Belgium | Country Profiles | Discover the key services, thematic features and tools of Climate-ADAPT Climate-ADAPT](#)

suffering damage to human health caused by violation of the EU-obligations under the two directives. The new EU-obligation should be seen in light of the CJEU-ruling in C-61/21 in which the CJEU rejected Member State liability for human health damage based on the (old) Air Quality Directive. The new obligations place Member States as the one who should pay compensation for the damage, but the legal implications of the new regimes are not entirely clear. How is the new obligation on liability/compensation in the new Air Quality Directive and the amended IE Directive intended to be implemented in your Member State?

One might argue that civil liability law (New Civil Code – Book 6) is already in line with those provisions.

Climate change litigation - Update

We have discussed the Belgian Climate Case (*Klimaatzaak*) and the *We Are Nature.Brussels, Bruxelles Nature, and others v. Brussels-Capital Region* Case above (under point 1).

*The Farmer Case*²¹

Another case that has been brought to court is the Farmer Case, with a first decision by the Enterprise Court Tournai, March 18, 2026²². The Enterprise Court in Hainaut (div. Tournai) has taken an important step. In the case of farmer Hugues Falys and three NGOs (*Ligue des Droits Humains*, Greenpeace Belgium, and FIAN) against TotalEnergies SE, the court has ruled that the legal action brought by the Farmer Case is admissible. This is a major step forward, as this decision recognises that victims of climate change can take a big polluting company to court in their own country, even if the company in question is not based there.

On the merits of the case, the court has decided to postpone its ruling, therefore pausing its proceedings. It is awaiting the first-instance decision in the ongoing TotalEnergies climate trial in Paris, scheduled for 25 June 2026. The French multinational company was taken to the Paris Judicial Court by Sherpa, Notre Affaire à Tous, France Nature Environnement and the City of Paris for failing to fulfil its duty of vigilance on climate matters.

²¹ [Homepage - Thefarmercase.be](https://thefarmercase.be)

²² [Actualité | Tribunal de l'entreprise du Hainaut - division de Tournai](#)