

Message 001

Communication from the Commission - TRIS/(2026) 0550

Directive (EU) 2015/1535

Notification: 2026/0089/BE

Notification of a draft text from a Member State

Notification – Notification – Notifizierung – Нотификация – Oznámení – Notifikation – Γνωστοποίηση – Notificación – Teavitamine – Ilmoitus – Obavijest – Bejelentés – Notifica – Pranešimas – Paziņojums – Notifika – Kennisgeving – Zawiadomienie – Notificação – Notificare – Oznámenie – Obvestilo – Anmälan – Fógra a thabhairt

Does not open the delays - N'ouvre pas de délai - Kein Fristbeginn - Не се предвижда период на прекъсване - Nezahajuje prodlení - Fristerne indledes ikke - Καμμία έναρξη προθεσμίας - No abre el plazo - Viivituste perioodi ei avata - Määräaika ei ala tästä - Ne otvara razdoblje kašnjenja - Nem nyitja meg a késésekét - Non fa decorrere la mora - Atidėjimai nepradedami - Atlikšanas laikposms nesākas - Ma jiftaħx il-perijodi ta' dewmien - Geen termijnbegin - Nie otwiera opóźnień - Não inicia o prazo - Nu deschide perioadele de stagnare - Nezačína oneskorenia - Ne uvaja zamud - Inleder ingen frist - Ní osclaíonn sé na moilleanna

MSG: 20260550.EN

1. MSG 001 IND 2026 0089 BE EN 23-02-2026 BE NOTIF

2. Belgium

3A. FOD Economie, KMO, Middenstand en Energie

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3B. Vlaams Energie- en Klimaatagentschap

4. 2026/0089/BE - B00 - CONSTRUCTION

5. Draft decree of the Flemish government amending various provisions on energy and climate

6. BACS (building automation and control systems)

7.

8. This is a combined decree amending various provisions on energy and climate. The provisions relevant to this notification are Article 48 concerning building automation and control systems, Articles 33, 34, 36 and 37 concerning exemption from the EPB obligation for assisted living facilities with a surface area of less than 50 m², Articles 38 and 39 concerning the exemption from the S-level requirement for the partial reconstruction of listed buildings and Article 56 concerning an adjustment to the EPB requirements with regard to minimum ventilation rates in tennis, padel and petanque facilities.

9. Building automation and control system: The Energy Decree of 8 May 2009 stipulates that the BACS obligation applies to heating or cooling installations with a nominal capacity of at least 290 kW (later 70 kW). In non-residential buildings, these installations often consist of several generators, so it must be clear when capacities are to be totalled.

The article also clarifies who is responsible for compliance. In the EPC regulations, this is usually the building owner, but in the case of shell rental or leasing, the tenant often installs the HVAC installation. In such cases, it is logical that the user is responsible for this. Owners have a rebuttable presumption of ownership, unless, for example, a rental or leasing contract proves otherwise.

The Energy Decree only describes the level of functionalities required by a BACS. These requirements are too general to provide investment security. Additional technical details are therefore necessary, so that the responsible individuals know how to set up a BACS in practice. To this end, a delegation of powers to the minister is provided.

Exemption from the EPB obligation for assisted living homes <50 m²: since 2006, detached buildings smaller than 50 m² have been exempt from EPB. Since 2 January 2022, single-person assisted care homes are no longer covered by this exemption in order to guarantee a minimum standard of quality for temporary assisted living housing units. The requirements imposed (insulation, ventilation, E-level, percentage of renewable energy) were intended to encourage fossil-free and energy-efficient assisted living homes. In practice, however, it turns out that the E-level is difficult to achieve for very small housing units, even with renewable technologies. A PV system is often required, which is cumbersome for temporary and movable units. In addition, the EPB methodology is not geared towards very small volumes. Other policy frameworks (fuel oil ban, natural gas ban) are more suitable for encouraging fossil-free construction. Moreover, the measure has little impact considering the very limited number of assisted living homes. The removal of the exception simplifies the rules and reduces the administrative burden.

S-level exemption for partial reconstruction of listed buildings: For partial reconstruction of listed buildings (historic buildings, buildings in protected landscape/urban or village view, portfolio of architectural heritage sites), an exemption from the S-level requirement is foreseen. In the case of very major renovations, new building requirements may apply, but listed buildings have specific limitations: material and shape restrictions, limited insulation possibilities and a fixed building shape that prevents optimisation. As a result, the S-level is often technically or economically unfeasible, as evidenced by the numerous approved exemption requests. A general exemption is therefore appropriate.

Adjustment of ventilation flows for tennis, padel and petanque facilities: In Annex X of the Energy Decree, a

new space type is added with an occupancy rate of 10 m²/person. Currently, these facilities are treated as 'sports grounds' (3.5 m²/person), a category intended for multi-purpose sports facilities with high occupancy rates and high contamination levels.

However, tennis, padel and petanque facilities have a low occupancy rate due to:

- Large fields with few athletes
- Monofunctional use
- Absence of spectators or ancillary activities

Applying the current occupancy rate leads to oversized and economically unviable ventilation systems, as evidenced by the numerous exemption requests. An occupancy rate of 10 m²/person is more realistic, while the flow rates remain sufficiently high for air quality and air exchange.

10. Numbers or titles of the basic texts: There are no basic texts.

11. No

12.

13. No

14. No

15. No

16.

TBT aspects: No

SPS aspects: No

European Commission

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