

# **Annex I**

## **Belgian report on the application of Directive 2003/87/EC (Art 21) of the European Parliament and of the Council establishing a scheme for greenhouse gas emission allowance trading within the Community and amending Council Directive 96/61/EC**

### **FINAL Reporting on period 2009**

changes as opposed to reporting on period 2008 are marked in blue

**June 2010**

## PART 1

### Questionnaire on the implementation of Directive 2003/87/EC

#### 1. DETAILS OF INSTITUTION SUBMITTING THE REPORT

**Federal Government: Federal Public Service of Health, Food Chain Safety and Environment, Directorate-General Environment**

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**Federal Government: Federal Public Service Finance, Federal Fiscal Administration**

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**Walloon Region**

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#### Brussels-Capital Region

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#### Flemish Region

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**2. Official title of contact person:** Climate Change Policy Advisor EU ETS  
**3. Name and department of organisation:** Vlaamse Overheid (*Flemish government*)  
Departement Leefmilieu, Natuur en Energie  
(*Environment, Nature and Energy Department*)  
Afdeling Lucht, Hinder, Risicobeheer, Milieu &  
Gezondheid (*Air, Nuisance, Risk Management,*  
*Environment and Health Division*)  
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## 2. COMPETENT AUTHORITIES

*Questions 2.1. and 2.2. are to be answered in the report due by 30 June 2006 and in subsequent reports if changes were made during the reporting period.*

**2.1. Please state the name and the abbreviation of the competent authorities which are involved in the implementation of the emissions trading scheme in your country (In answering this question, use the table below. Add further rows if necessary).**

Name	Abbreviation	Contact details
<b>Federal Government</b>		
The Registry Administrator	FED	<p>THE REGISTRY ADMINISTRATOR Federal Public Service of Public Health, Food Chain Safety and Environment DG Environment, Climate Change Division the registry administrator Eurostation Building, Victor Hortaplein 40 - bus 17, 1060 Brussels climateregistry@health.fgov.be tel: +32 2 524 95 44</p> <p><b>Authorised representatives:</b>  <a href="mailto:Mark.Looman@health.fgov.be">Mark.Looman@health.fgov.be</a>; +32 2 524 95 32  <a href="mailto:Pieter.Baeten@health.fgov.be">Pieter.Baeten@health.fgov.be</a>; +32 2 524 96 99</p>
<b>Walloon Region</b>		
Walloon Government	GW	
Walloon Air And Climate Agency C/O : Stéphane COOLS	AWAC	<p>Région Wallonne Agence Wallonne de l'Air et du Climat Rue des Masuis Jambois, 5 5100 NAMUR, Belgique tel : + 32 81 32 11 73 stephane.cools@spw.wallonie.be</p>
<b>Brussels-Capital Region</b>		
Gouvernement de la Région de Bruxelles-Capitale	GBC	
Institut Bruxellois pour la Gestion de l'Environnement	IBGE	<p>Institut Bruxellois pour la Gestion de l'Environnement Gulledelle 1000, 1200 Bruxelles</p>

		tel: +32 2 775 78 63 svo@ibgebim.be
<b>Flemish Region</b>		
Flemish Government	FL-FG	
Flemish Minister of the Environment	FL-FME	
Flemish Competent Authority	FL-FCA	<p>Flemish Competent Authority p/o Vlaamse Overheid (<i>Flemish government</i>) Departement Leefmilieu, Natuur en Energie (<i>Environment, Nature and Energy Department</i>) Afdeling Lucht, Hinder, Risicobeheer, Milieu &amp; Gezondheid (<i>Air, Nuisance, Risk Management, Environment and Health Division</i>) Dienst Lucht en Klimaat (<i>Air and Climate Services</i>) Graaf De Ferrarisgebouw, 7th floor Koning Albert II laan 20, B-1000 Brussel, BELGIUM tel: +32 2 553 11 20, fax: +32 2 553 11 45 E-mail: <a href="mailto:lucht.hinder.gezondheid@lne.vlaanderen.be">lucht.hinder.gezondheid@lne.vlaanderen.be</a> Internet: <a href="http://www.lne.be/themas/klimaatverandering/co2-emissiehandel">http://www.lne.be/themas/klimaatverandering/co2-emissiehandel</a> <b>Representatives:</b> Bob Nieuwejaers, <i>Head of unit</i>, tel: +32 2 553 11 40, <a href="mailto:bob.nieuwejaers@lne.vlaanderen.be">bob.nieuwejaers@lne.vlaanderen.be</a> Stijn Caekelbergh, <i>Climage Change Policy advisor EU ETS</i>, tel: +32 2 553 27 33, <a href="mailto:stijn.caekelbergh@lne.vlaanderen.be">stijn.caekelbergh@lne.vlaanderen.be</a></p>
Flemish Air, Nuisance, Risk Management, Environment and Health Division	FL-ANREH	<p>Vlaamse Overheid (<i>Flemish government</i>) Departement Leefmilieu, Natuur en Energie (<i>Environment, Nature and Energy Department</i>) Afdeling Lucht, Hinder, Risicobeheer, Milieu &amp; Gezondheid (<i>Air, Nuisance, Risk Management, Environment and Health Division</i>) Dienst Lucht en Klimaat (<i>Air and Climate Services</i>) Graaf De Ferrarisgebouw, 7th floor Koning Albert II laan 20, B-1000 Brussel, BELGIUM tel: +32 2 553 11 20, fax: +32 2 553 11 45 E-mail: <a href="mailto:lucht.hinder.gezondheid@lne.vlaanderen.be">lucht.hinder.gezondheid@lne.vlaanderen.be</a> Internet: <a href="http://www.lne.be/themas/klimaatverandering/co2-emissiehandel">http://www.lne.be/themas/klimaatverandering/co2-emissiehandel</a></p>
Benchmarking Verification Bureau of Flanders	FL-VBBV	<p>Verificatiebureau Benchmarking Vlaanderen (VBBV) Berchemstadionstraat 78, bus 6, B-2600 Berchem, BELGIUM tel: +32 3 286 74 30, fax: +32 3 286 74 39 E-mail: <a href="mailto:info@vbbv.be">info@vbbv.be</a> Internet: <a href="http://www.benchmarking.be">www.benchmarking.be</a> <b>Representatives:</b> Geert Reunes, <i>Head of unit</i>, tel: +32 3 286 74 51, <a href="mailto:Geert.Reunes@vbbv.be">Geert.Reunes@vbbv.be</a></p>

Provincial Executive(s) of the Provincial Council(s)	FL-PE	The 5 provinces of Flanders have a Provincial Executive. Contact addresses can be given.
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**2.2. Please indicate which competent authority is responsible for each of the tasks listed in the table below using their abbreviations.**

Please indicate the abbreviation of the competent authority which is in charge of the following tasks:	
<b>Issuance of permits</b>	<b>W:</b> Municipalities / GW AWAC (exemption rules = initial issuance of Permits in 2004) <b>Bru:</b> IBGE <b>Fl:</b> FL-PE – advised by FL- ANREH and FL-VBBV
<b>Allocation of allowances</b>	<b>W:</b> GW <b>Bru:</b> Government <b>Fl:</b> FG and FL-FME <b>Fed:</b> the registry administrator
<b>Issuance of allowances</b>	<b>W:</b> GW <b>Bru:</b> IBGE <b>Fl:</b> FL-FCA <b>Fed:</b> the registry administrator
<b>Validation of monitoring methodology</b>	<b>W:</b> GW <b>Bru:</b> IBGE <b>Fl:</b> FL-ANREH (as from 1 Jan 08), advised by FL-VBBV
<b>Receiving and supervising verified emission reports</b>	<b>W:</b> AWAC <b>Bru:</b> IBGE <b>Fl:</b> FL-VBBV, validation by FL-FCA
<b>Accreditation of verifiers</b>	<b>W:</b> AWAC <b>Bru:</b> IBGE <b>Fl:</b> Not applicable (NA)
<b>Registry</b>	<b>Fed:</b> FOD VVVL - DG Environment - Climate Change – the registry administrator
<b>Compliance and enforcement</b>	<b>W:</b> AWAC <b>Bru:</b> IBGE <b>Fl:</b> FL-EI, FL-VBBV, FL- ANREH
<b>Issuance of ERU as a host country</b>	<b>W:</b> AWAC /Federal <b>Bru:</b> Regions and Federal <b>Fl:</b> Not applicable (NA)
<b>Approval of the use of CERs &amp; ERUs for compliance</b>	<b>W:</b> AWAC / Federal <b>Bru:</b> Regions and Federal <b>Fl:</b> FL-FG
<b>Administration of new entrants reserve</b>	<b>W:</b> AWAC /GW <b>Bru:</b> Government <b>Fl:</b> FL-FCA <b>Fed:</b> the registry administrator
<b>Information to the public</b>	<b>W:</b> AWAC <b>Bru:</b> IBGE-Federal <b>Fl:</b> FL- ANREH, FL-FCA <b>Fed:</b> the registry administrator
<b>Auctioning</b>	<b>W:</b> GW(decision) / AWAC (implementation) – <b>No auctioning in 2009</b> <b>Bru:</b> No auctioning in 2009 <b>Fl:</b> No auctioning in 2009
<b>Administration of opt-ins</b>	<b>W:</b> GW(decision) / AWAC (implementation) – No opt-in <b>Bru:</b> No opt-in <b>Fl:</b> No opt-in

<b>Administration of pooling</b>	<b>W:</b> GW(decision) / AWAC (implementation) – No pooling in 2008-2012 <b>Bru:</b> No pooling in 2008-2012 <b>Fl:</b> No pooling in 2008-2012
<b>Other (please specify):</b> _____	

### 3. COVERAGE OF ACTIVITIES AND INSTALLATIONS

**3.1. How many of the combustion installations have a rated thermal input that exceeds 20 MW but is below 50 MW on 31 December of the reporting year? In total, how many CO<sub>2</sub> equivalents were emitted by these installations in the reporting period?**

*In answering this question, use the table below.*

	Number	Share in total number of installations or emissions
Number of installations with a rated thermal input that exceeds 20 MW but is below 50 MW	<b>W:</b> 27 <b>Bru:</b> 1 <b>Fl:</b> 46 (see table below)	<b>W:</b> 40,91% (share of installation E1>20 and <50 MW compared to the total of combustion installations) <b>Bru:</b> 20% <b>Fl:</b> 33 % (share of installation E1 >20 MW and <50 MW compared to the total of combustion installations) (46 divided by 46+94)
CO <sub>2</sub> equivalents emitted by those installations	<b>W:</b> 364.965 t CO <sub>2</sub> <b>Bru:</b> 3.449 t CO <sub>2</sub> <b>Fl:</b> 594.109 t CO <sub>2</sub> (see table below)	<b>W:</b> 7,18 % <b>Bru:</b> 14.4 % <b>Fl:</b> 1.8 %

#### Further comments:

**Fl:** In the Flemish Region in total 179 installations reported emissions in 2009 (and thus fell under EU ETS): 140 installations fell under EU ETS solely because of the 20 MW threshold, 39 installations fell under EU ETS because of mentioned as a separate activity under Annex I of the Directive.

data for 2009				
	under EU ETS because of 20 MW threshold		under EU ETS because of explicit activity mentioning in Annex I of the Directive	total installations under EU ETS
	> 20 but lower then 50 MW	> 50 MW		
# installations	46	94	39	179
emissions	594.109	18.765.588	13.267.198	32.626.685
% in total installations	26%	53%	22%	100%
% in total emissions	2%	58%	40%	100%

The number of installations divided between “> 20 MW but lower than 50 MW” and “more than 50 MW” is a reliable estimate based upon information contained in the approved monitoring plans.

The emissions of blast furnace gas for 2009 are accounted for in the “> 50 MW-installations” category, as these are burned in an electricity plant.

**3.2. What changes occurred during the reporting period in comparison with the national allocation plan table (NAP table) as entered into the Community Independent Transaction Log on 1 January of the reporting year (new entrants, closures, installations falling below the capacity thresholds)?** *(In answering this question, use Table 1 of Part 2 of this Annex)*

**W:** 3 installations falling below the capacity thresholds, 9 new entrants.

**Bru:** No Change in comparison with the initial NAP table 08-12..

**Fl:** In 2009 12 new entrants (5 new installations, 7 significant extensions within an existing installation) were allocated allowances for the 2nd period (including for the year 2008). Besides, the allocation for two closed installations will not be issued the coming years, as these installations are no longer included in the ETS.

**3.3. Did the competent authority receive any application(s) during the reporting period from operators who wish to form a pool pursuant to Article 28 of Directive 2003/87/EC (ET Directive)? If yes, to which activity listed in Annex I to Directive 2003/87/EC (hereinafter - “Annex I activity”) did the application refer to and was the pool formed?** *(In answering this question, use the table below).*

**W:** No applications for pooling were received.

**Bru:** No applications for pooling were received.

**Fl:** No applications for pooling were received.

Main Annex I activity <sup>(a)</sup>		Number of applications received	Number of pools formed
<b>Energy activities</b>			
E1	Combustion installations with a rated thermal input exceeding 20 MW (excepting hazardous or municipal waste installations)		
E2	Mineral oil refineries		
E3	Coke ovens		
<b>Production and processing of ferrous metals</b>			
F1	Metal ore (including sulphide ore) roasting or sintering installations		
F2	Installations for the production of pig iron or steel (primary or secondary fusion) including continuous casting, with a capacity exceeding 2.5 tonnes per hour		
<b>Mineral industry</b>			
M1	Installations for the production of cement clinker in rotary kilns with a production capacity exceeding 500 tonnes per day or lime in rotary kilns with a production capacity exceeding 50 tonnes per day or in other furnaces with a production capacity exceeding 50 tonnes per day		
M2	Installations for the manufacture of glass including glass fibre with a melting capacity exceeding 20 tonnes per day		
M3	Installations for the manufacture of ceramic products by firing, in particular roofing tiles, bricks, refractory bricks, tiles, stoneware or porcelain, with a production capacity exceeding 75 tonnes per day, and/or with a kiln capacity exceeding 4 m <sup>3</sup> and with a setting density per kiln exceeding 300 kg/m <sup>3</sup>		
<b>Other activities</b>			
Industrial plants for the production of			
O1	(a) pulp from timber or other fibrous materials		
O2	(b) paper and board with a production capacity exceeding 20 tonnes per day		
<sup>(a)</sup> If an installation carries out more than one activity, please only count the installation once under its main Annex I activity.			

**3.4. Is there any other relevant information concerning the coverage of installations and activities in your country? If so, please specify.**

#### 4. THE ISSUE OF PERMITS FOR INSTALLATIONS

Questions 4.1. to 4.6 are to be answered in the report due by 30 June 2006 and in subsequent reports if changes were made during the reporting period.

**4.1. What measures have been taken to ensure that operators comply with the requirements of their greenhouse gas emissions permits? (In answering this question, use the table below. Add further rows if necessary).**

*Note: Fines or penalties which might be imposed in case of infringements must not be reported here but under section 11.*

Which of the following measures are applied in your country (add explanatory text if necessary)?	
The account will be blocked in case of irregularities	W: Yes Bru: Yes Fl: Yes
Selling will be prohibited in case of irregularities	W: Yes Bru: Yes Fl: Yes
Withdrawal of permit; suspension of the installation	W: No Bru: No Fl: Yes (but only in extreme circumstances)
Spot or routine checks or inspections by the administration	W: Yes Bru: No Fl: Yes
Conservative emission estimates in case of missing emission reports	W: Yes (in extreme circumstances : bankruptcy,...) Bru: No Fl: No (no instance of missing emission reports has occurred). Conservative estimates may be applied in future.
Verification bodies check compliance with the conditions of the permit	W: Yes Bru: Yes Fl: Yes (verification body and FL-ANREH checks compliance with monitoring plan)
Regular meetings with industry & associations to discuss relevant issues	W: Yes Bru: Yes Fl: Yes (mainly on allocation issues and review EU ETS)
Provision of specific reporting formats and guidance	W: Yes Bru: Yes Fl: Yes (see also point 5.1.)
Naming and shaming of non compliant operators	W: Yes Bru: Yes Fl: Yes (but not yet occurred)
Other (please specify): _____	

**4.2. Where more than one competent authority is involved, how does national legislation ensure that the conditions of and the procedures for the issuance of permits are fully coordinated? How does this co-ordination work in practice? In answering this question, use the table below. Add further rows if necessary.**

**W and Fl:** Concerning this issue, only the Regions in Belgium are fully and independently competent for the implementation of GHG permits.

Which of the following statements applies to your country (add explanatory text if necessary)?	
More than one competent authority	Yes: W, Bru, Fl
If yes, please answer the following questions:	
Co-operation explicitly regulated by a law or a regulation	W: No Bru: No Fl: No
Commission or working group or co-ordination with regular meetings established	W: Yes Bru: Yes Fl: Yes
Guidance note for implementation of the national emissions trading law	W: No Bru: No Fl: No
Interpretation group to clarify ambiguous issues	W: No Bru: No Fl: No
Co-ordination of administrative acts by one central authority	W: No Bru: No Fl: No
Training courses to ensure consistent implementation	W: No Bru: No Fl: No
Other (please specify): _____	

**4.3. In cases where installations carry out activities listed in Annex I to Directive 96/61/EC (IPPC Directive)<sup>1</sup> what measures have been taken to ensure that conditions and procedure for the issue of a greenhouse gas emissions permit are coordinated with those for the permit provided for in that Directive? Have the requirements laid down in Articles 5, 6 and 7 of Directive 2003/87/EC been integrated into the procedures provided for in Directive 96/61/EC? If so, how was this integration performed? (In answering this question, use the table below. Add further rows if necessary).**

Which of the following statements applies to your country (add explanatory text if necessary)?

<sup>1</sup> OJ L 257, 10.10.1996, p. 26

<b>Requirements laid down in Articles 5-7 of Directive 2003/87/EC have been transposed by national legislation</b>	<b>W:</b> Yes <b>Bru:</b> Yes <b>Fl:</b> Yes
<b>Law which transposes the IPPC Directive does not include emission or concentration limits for CO<sub>2</sub></b>	<b>W:</b> Yes <b>Bru:</b> Only annual report on CO <sub>2</sub> emissions for some installations. <b>Fl:</b> Yes (i.e. it does not include emissions or concentration limits for CO <sub>2</sub> )
<b>Integrated permitting procedure under the IPPC Directive and the ET Directive</b>	<b>W:</b> Yes <b>Bru:</b> No <b>Fl:</b> Yes (IPPC and greenhouse gas permit integrated in environmental permit)
<b>Separate permits for IPPC and ET Directive</b>	<b>W:</b> No (except for the old permits (before 2005)) <b>Bru:</b> Yes <b>Fl:</b> No
<b>Granting of an IPPC permit requires a valid emissions trading scheme (ETS) permit</b>	<b>W:</b> Yes <b>Bru:</b> Yes <b>Fl:</b> Not always (not all IPPC permits relate to installations falling under EU ETS)
<b>Granting of an ETS permit requires a valid IPPC permit</b>	<b>W:</b> No <b>Bru:</b> Yes <b>Fl:</b> Not always (not all EU ETS companies fall under IPPC)
<b>IPPC regulators will check whether ETS permit is necessary and inform ETS regulators</b>	<b>W:</b> Yes <b>Bru:</b> Yes <b>Fl:</b> Yes
<b>Other (please specify): _____</b>	

**4.4. What are the legislative provisions, procedures and practice concerning updating of permit conditions by the competent authority pursuant to Article 7 of Directive 2003/87/EC? (For answering this question, use the table below. Add further rows if necessary).**

<b>Please refer to the legal provision which transposes Article 7 of Directive 2003/87/EC</b>	<p><b>W :</b> The permit conditions and procedure are integrated in the Walloon decree on environmental permit (Walloon Decree of 11 march 1999) especially in the articles 10§2 (modification of GHG authorization), 58§4 (change of company) and 60§1 (closure rules)</p> <p><b>Bru:</b> The permit conditions and procedures are integrated in the environment permit decree.</p> <p><b>Fl:</b> The permit conditions and procedures are fully integrated in the existing environmental permitting system (environment permit decree and VLAREM). <b>Moreover, the Decision of the Government of Flanders concerning tradable greenhouse gas emission allowances, as amended dd. 4 september 2009, specifies in article 23 the procedure to be followed in case of closures.</b></p>
<b>Which of the following provisions, procedures and practices apply to your country (add explanatory text if necessary)?</b>	
<b>Authorisation for changes in the installation type or operating mode required</b>	<p><b>W:</b> Yes</p> <p><b>Bru:</b> Yes</p> <p><b>Fl:</b> Yes</p>
<b>Authorisation for changes in the monitoring methodology required</b>	<p><b>W:</b> Yes</p> <p><b>Bru:</b> Yes</p> <p><b>Fl:</b> Yes</p>
<b>Changes have to be notified in advance</b>	<p><b>W:</b> Yes</p> <p><b>Bru:</b> Yes</p> <p><b>Fl:</b> Yes</p>
<b>Closures have to be notified immediately</b>	<p><b>W:</b> Yes</p> <p><b>Bru:</b> Yes</p> <p><b>Fl:</b> Yes <b>(new detailed provisions specified in article 23 of the Decision of the Government of Flanders concerning tradable greenhouse gas emission allowances)</b></p>
<b>Penalty in case of non compliance with request to update monitoring methodology</b>	<p><b>W:</b> No</p> <p><b>Bru:</b> Yes</p> <p><b>Fl:</b> Yes (non-compliance environment legislation)</p>
<b>Change of the operator requires an update of permit</b>	<p><b>W:</b> Not really (except the change of the operator)</p> <p><b>Bru:</b> Yes</p> <p><b>Fl:</b> Not really (except the change of the operator)</p>
<b>Less significant changes are just recorded</b>	<p><b>W:</b> Yes</p> <p><b>Bru:</b> Yes</p> <p><b>Fl:</b> Yes</p>
<b>Other (please specify): _____</b>	

**4.5. How many permits were updated during the reporting period because of a change in the nature or functioning, or extension, of installations made by operators as specified in Article 7 of Directive 2003/87/EC? Please provide for each category (capacity increase, capacity decrease, change in process type, etc.) how many permits were updated. In answering this question, use the table below. Add further rows if necessary.**

Please state the number of changes in each category:	
<b>Total changes</b>	
<b>Revoked</b>	W: 0 Bru: 0 Fl: 0
<b>Surrendered</b>	W: 0 Bru: 0 Fl: 1
<b>Transferred</b>	W: 0 Bru: 0 Fl: 0
<b>Increase of capacity</b>	W: 9 Bru: 0 Fl: 19
<b>Decrease of capacity</b>	W: 3 Bru: 0 Fl: 2
<b>Changes to monitoring and reporting details</b>	W: 19 Bru: All ETS installations received a new permit and new monitoring plans applicable as from 1 January 2008. Fl: All ETS installations have drafted new monitoring plans applicable as from 1 January 2009.
<b>Change in name of installation or operator</b>	W: 1 Bru: 0 Fl: 2
<b>Non-significant amendment</b>	W: 0 Bru: 0 Fl: 0
<b>Notification of changes without update of permit</b>	W: 0 Bru: 0 Fl: 0
<b>Other (please specify): _____</b>	

**4.6. Is there any other relevant information concerning the issue of permits for installations in your country? If so, please specify.**

## **5. APPLICATION OF THE MONITORING AND REPORTING GUIDELINES**

*Question 5.1. is to be answered in the report due by 30 June 2006, the first report of each trading period and in subsequent reports if changes were made during the reporting period.*

**5.1. What legal acts have been adopted in your country in order to implement monitoring and reporting guidelines? Are general derogations from the monitoring and reporting guidelines allowed by the legislation of your country, e.g. for specific fuels or activities? If so, please specify.**

**W :** A new “Arrêté” has been adopted in 2008 (AGW 28 november 2008) in view to implement the MRV Guidelines 2008.

For some commercial liquid and gaseous fuels, we allowed in all the cases to adopt a tier 2 for the NCV and EF factors. Indeed, the investigations carried out in Belgium on those fuels indicate that their individual variance for the NCV and EF is very low.

**FL:** The European MRG (as of 18 July 2007) is transposed in Flemish legislation:

1) with regard to monitoring: on 14 December 2007;

2) with regard to reporting: on 23 January 2009.

Also, changes have been made to the Flemish legislation concerning the penalties for infringements of provisions pursuant to Article 16(1) of the ETS Directive (see section 12.1 of this report).

**5.2. Which tiers were used in the monitoring methodologies for the major emitting installations (cf. Commission Decision 2004/156/EC)?** (In answering this question, use Table 2 of Part 2 of this Annex. The information required in Table 2 need only be given for the largest installations covered by the ET Directive which contribute cumulatively to 50% of the total emissions included in the trading scheme. No information needs to be reported for sources within these installations with annual emissions below 25 kt CO<sub>2</sub> eq.)

see Table 2

**5.3. If tiers below the minimum tiers specified in Table 1 in section 4.2.2.1.4 of Annex I to Decision 2004/156/EC have been accepted in the monitoring methodology, please indicate for each installation for which this situation occurred the coverage of emissions, the activity, the tier category (activity data, net calorific value, emission factor, oxidation factor or conversion factor) and the monitoring approach/tier agreed in the permit** (In answering this question, use Table 3 of Part 2 of this Annex. The information required in Table 3 needs only be given for installations not reported under question 5.2. General derogations provided for in the national legislation must be reported under question 0.)

see Table 3

**5.4. Which installations temporarily applied different tier methods than those agreed with the competent authority?** (In answering this question, use Table 4 of Part 2 of this Annex.)

**W :** No installations applied temporarily for different tier methods than those agreed in the permits

**Bru:** None

**Fl:** No installations temporarily applied different tier methods than those agreed with the FL-FCA and VBBV.

**5.5. In how many installations was continuous emissions measurement applied? Please indicate the number of installations per Annex I activity and within each activity per subcategory based on reported annual emissions (less than 50 kt, 50-500 kt and over 500 kt).** In answering this question, use Table 5 of Part 2 of this Annex.

**W :** None

**Bru:** None

**Fl :** None

**5.6. How much CO<sub>2</sub> was transferred from installations? Please indicate the number of tonnes of CO<sub>2</sub> transferred pursuant to section 4.2.2.1.2 of Annex I to Decision 2004/156/EC and the number of installations that transferred CO<sub>2</sub> for each activity listed in Annex I to Directive 2003/87/EC. In answering this question, use the table below.**

**Bru:** N.A.

Main Annex I activity	Number of installations	CO <sub>2</sub> transferred [kt CO <sub>2</sub> ]	Use of transferred CO <sub>2</sub>
<b>E1</b>			
<b>E2</b>			
<b>E3</b>			
<b>F1</b>	<b>Fl:</b> 1 <b>W:</b> 0	<b>Fl:</b> 2.406 (blast furnace gas) <b>W:</b> 0	<b>Fl:</b> Power plant included in ETS (E1)
<b>F2</b>			
<b>M1</b>			
<b>M2</b>			
<b>M3</b>			
<b>O1</b>			
<b>O2</b>			

**5.7. How much biomass was combusted or employed in processes? Please indicate the quantity of biomass as defined in paragraph 2(d) of Annex I to Decision 2004/156/EC combusted (TJ) or employed (t or m<sup>3</sup>) for each activity listed in Annex I to Directive 2003/87/EC. In answering this question, use the table below.**

**W:** See table below

**Bru:** N.A.

**Fl:** For the combustion of biomass, there is no information readily available.

Main Annex I activity	Biomass combusted [TJ]	Biomass employed [t]	Biomass employed [m <sup>3</sup> ]
<b>E1</b>	WA:11.938	WA:763.118	WA:3.251.781
<b>E2</b>			
<b>E3</b>			

<b>F1</b>			
<b>F2</b>			
<b>M1</b>	<b>WA: 2.390</b>	<b>WA: 140.376</b>	
<b>M2</b>			
<b>M3</b>			
<b>O1</b>	<b>WA: 9.434</b>	<b>WA: 828.110</b>	
<b>O2</b>			

**5.8. What was the total quantity of waste used as fuel or input material per waste type? What was the total quantity of resulting CO<sub>2</sub> emissions per waste type?** In answering this question, use the table below. Add further rows if necessary.

**W:** Our database can not do this request **in waste type**.

**Bru:** N.A.

**FI:** It is for now impossible to give a correct estimate of the quantity of waste combusted or employed in the year 2009.

Waste type <sup>2</sup>	Quantity used/ deployed [t]	Quantity used/ deployed [m <sup>3</sup> ]	CO <sub>2</sub> Emissions [t CO <sub>2</sub> ]

**5.9. Please submit sample monitoring and reporting documents from some temporarily excluded installations, if applicable.**

**5.10. What measures have been taken to coordinate reporting requirements with any existing reporting requirements in order to minimise the reporting burden on businesses?**

*In answering this question, use the table below. Add further rows if necessary.*

<sup>2</sup> The waste types should be reported using the classification of the "European List of Wastes" (Commission Decision 2000/532/EC of 3 May 2000 replacing Decision 94/3/EC establishing a list of wastes pursuant to Article 1(a) of Council Directive 75/442/EEC on waste and Council Decision 94/904/EC establishing a list of hazardous waste pursuant to Article 1(4) of Council Directive 91/689/EEC on hazardous waste.

Which of the following statements applies to your country (add explanatory text if necessary)?	
ETS reporting requirements are coordinated with other reporting requirements	W: Yes Bru: No Fl: No
Coordination with greenhouse gas inventory compilation under UNFCCC <sup>3</sup> and Decision 280/2004/EC	W: Partly Bru: No Fl: Partly
Coordination with EPER <sup>4</sup>	W: Yes Bru: Yes Fl: No
Coordination with IPPC	W: Yes Bru: Yes Fl: No
Coordination with NEC <sup>5</sup>	W: Partly Bru: Yes Fl: No
Coordination with LCP <sup>6</sup>	W: Yes Bru: Yes Fl: No
Coordination with EMEP <sup>7</sup>	W: Partly Bru: Yes Fl: No
Coordination with voluntary covenants	W: Yes Fl: Yes
Coordination with other trading schemes (please specify)	W: No Bru: No Fl: No
ET data can be used by statistical office	W: No Fl: Yes
Other (please specify): _____	

#### 5.11. What procedures or measures have been implemented to improve monitoring and reporting by operators?

**W:** ETS reporting requirements are coordinated with other reporting requirements. The operators can use an electronic format.  
**Bru:** N.A  
**Fl:** Legislation for format 08-12 monitoring plan, reporting format and infringement procedures (see point 5.1).

<sup>3</sup> United Nations Framework Convention on Climate Change

<sup>4</sup> European Pollutant Emission Register (Commission Decision 2000/479/EC of 17 July 2000), OJ L 192, 28.7.2000, p. 36

<sup>5</sup> National Emissions Ceilings (Directive 2001/81/EC), OJ L 309, 27.11.2001, p. 22

<sup>6</sup> Large Combustion Plants (Directive 2001/80/EC), OJ L 309, 27.11.2001, p. 1

<sup>7</sup> Co-operative Programme for Monitoring and Evaluation of the Long-range Transmission of Air pollutants in Europe

**5.12. Is there any other relevant information concerning the application of the monitoring and reporting guidelines in your country? If so, please specify.**

## **6. ARRANGEMENTS FOR VERIFICATION**

*Question 6 is to be answered in the report due by 30 June 2006 and in subsequent reports if changes were made during the reporting period.*

**6.1. Please describe the framework for verification of emissions, in particular the role of the competent authorities and other verifiers and any special requirements for verifiers already accredited in another country. Please submit documents setting out the accreditation criteria for verifiers as well as any verification guidance provided for accredited verifiers and documents setting out the mechanisms for supervision and quality assurance for verifiers, if available. In answering this question, use the table below. Add further rows if necessary**

**W:** All the information was transmitted in the art. 21 report over reporting period 2005 (accreditation rules and verification protocol).

**FI:** The verification guidance was attached to the art. 21 report over reporting period 2005.

Which of the following statements apply to your country (add explanatory text if necessary)?	
<p><b>Independent verifiers can be accredited according to national criteria (if so, please provide relevant documents or internet link)</b></p>	<p><b>W:</b> Since 2006, the Walloon Region has an new “arrêté” on a legal verification framework. The Walloon Region has a legal accepted/registered framework. Verifiers need to be accepted/registered by the Competent Authority. [Réf : Arrêté du Gouvernement wallon relatif à la vérification des déclarations des émissions de gaz à effet de serre spécifiés (M.B. du 01/02/2006, p. 5342)]</p> <p><b>Bru:</b> <b>Verifiers need to be registered by the Competent Authority (registration)</b></p> <p><b>Fl:</b> No</p>
<p><b>National guidance for verification developed (if so, please provide relevant documents or internet link)</b></p>	<p><b>W:</b> Yes. Verifiers will have to apply a given verification protocol, which is essentially based on the IETA Verification Protocol, with the same degree of detail. The verification protocol includes a standard format for opinion statements, and gives guidance on a number of issues (site visit, materiality, roles of the different stakeholders), inspired by a UK Guidance.</p> <p><b>Bru:</b> Yes</p> <p><b>Fl:</b> Yes (attached to the art. 21 report over reporting period 2005)</p>
<p><b>Are national rules and procedures for verification based upon EN45011 and EA-6/01<sup>8</sup></b></p>	<p><b>W:</b> No. The requirements do not make explicit links with the EA 6/03 guidance or other international norms. They are linked to competency, independence, and experience. Decision on acceptance is performed on the basis of document review only. This procedure is not really restrictive but it is compatible with the requirements « Minimum competency requirements for the verifier » from the Annex V of the Directive. We decide this in a first stage, because :</p> <ul style="list-style-type: none"> <li>- We had little time for the first reporting ;</li> <li>- We have a centralized administration for this issue, so we have a close control of the verification process in all the installations ;</li> <li>- We have just 128 installations and we know them very well, as explain just before ;</li> <li>- We will control again all the verified report on the basis of document review, verification report and visits on site if we have not all our assurances on the figures ;</li> <li>- We were not in favour to have accreditation body and a full accreditation framework with complex rules and procedures just for 128 installations and before doing the review of the first verification results.</li> </ul> <p><b>Bru:</b> No</p>

<sup>8</sup>

European Co-operation for Accreditation's (EA) Guidance on the application of EN 45011.

	<b>Fl:</b> Yes. The VBBV is accredited according to the EA-6/03 standard.
<b>Verifiers are required to recommend improvements to installation's monitoring</b>	<b>W:</b> Yes <b>Bru:</b> Yes <b>Fl:</b> Yes
<b>Competent authority or other agency has a right to check verified emission reports</b>	<b>W:</b> Yes <b>Bru:</b> Yes <b>Fl:</b> Yes
<b>Competent authority or other agency has a right to adjust the verified emission report if deemed unsatisfactory</b>	<b>W:</b> Yes (in accordance with the operator) <b>Bru:</b> Yes <b>Fl:</b> Yes
<b>Competent authority or other agency supervises verifiers (including spot checks, training, quality assurance and quality control procedures)</b>	<b>W:</b> Yes We will be very careful for the review of the first verification results. Indeed, there is always a risk of allowing less informed/experienced verifiers to perform on the market. This will depend on the degree of scrutiny and the competence level of the acceptance committee personnel. In order to limit this risk, we project to control the work performed by verifiers. Of course, if it will be not satisfactory, the license could be withdrawn. <b>Bru:</b> Yes <b>Fl:</b> Yes
<b>Competent authority has a right to appoint a verifier to an installation</b>	<b>W:</b> Yes <b>Bru:</b> No <b>Fl:</b> No
<b>Verifiers accredited in another Member State are subject to another accreditation process</b>	<b>W:</b> Yes, simplified requirements Foreign accredited verifier have to comply with the set requirements before being accepted. <b>Bru:</b> No <b>Fl:</b> Not applicable
<b>Knowledge of language and/or national laws/regulations required for verifiers accredited in another Member State</b>	<b>W:</b> No <b>Bru:</b> Yes <b>Fl:</b> Not applicable
<b>Special QA/QC procedures in place at CA for verifiers accredited in another Member State</b>	<b>W:</b> No <b>Bru:</b> No <b>Fl:</b> Not applicable
<b>Other (please specify):</b> _____	

**6.2. Did any operator provide an emission report for the reporting period not considered satisfactory by 31 March? If so, please provide a list of the installations concerned and the reasons why no positive verification statement was given.** In answering this question, use Table 6 of Part 2 of this Annex. Cases where operators did not provide any emission report must be reported under question 6.3.

**W:** All reports for the year 2009 were satisfactory.  
**Bru:** All reports for the year 2009 were satisfactory.  
**Fl:** All reports for the year 2009 were satisfactory.

**6.3. For how many installations were no emission reports for the reporting period provided by 31 March? Please indicate the number of installations, allocated allowances and allowances blocked in the operators' holding accounts per Annex I activity and within each activity per**

subcategory based on reported annual emissions (less than 50 kt, 50-500 kt and over 500 kt). In answering this question, use Table 7 of Part 2 of this Annex.

**Bru:** All emission reports were received in time.

**W :** There were no missing emission reports for the year 2009.

**Fl:** There were no missing emission reports for the year 2009.

**6.4. Which measures were undertaken in cases where operators did not provide an emission report by 31 March of the reporting period?**

**Bru:** N.A.

**W:** N.A.

**Fl:** N.A.

**6.5. Did the competent authority carry out any independent checks on verified reports? If yes, please describe how additional checks were undertaken and/or how many reports were checked.**

**W:** We think that in all cases, the Competent Authority should do periodic controls of the verifiers work (spot checks in the field). Otherwise, it is an open door to the overspending. The amounts engaged are too huge to trust in just any accreditation. So in **Wallonie** we checked all the verified reports before to approve them.

**Bru:** Les rapports de vérification ont été analysés. Les principaux calculs ont été recalculés. Des contacts téléphoniques ont été pris avec les vérificateurs pour avoir des précisions complémentaires

**Fl :** **No additional checks were undertaken.**

**6.6. Did the competent authority instruct the registry administrator to correct the annual verified emissions for the previous year for any installation(s) to ensure compliance with the detailed requirements established by the Member State pursuant to Annex V to Directive 2003/87/EC? Indicate any corrections in Table 6 of Part 2.**

**W:** No instructions to correct the annual verified emissions were given.

**Bru:** No instructions to correct the annual verified emissions were given.

**Fl:** No instructions to correct the annual verified emissions were given.

**6.7. Is there any other relevant information concerning the arrangements for verification in your country? If so, please specify.**

## **7. OPERATION OF REGISTRIES**

*Question 7.1. is to be answered in the report due by 30 June 2006 and in subsequent reports if changes were made during the reporting period:*

**7.1. Please provide any terms and conditions required to be signed by account holders and provide a description of the identity check of persons undertaken before creating holding accounts (cf. Commission Regulation (EC) No 2216/2004). In answering this question, use the table below.**

<b>Please provide the link to your registry</b>	<b>Fed:</b> <a href="http://www.climateregistry.be">http://www.climateregistry.be</a> for the general public website; <a href="https://www.climateregistry.be">https://www.climateregistry.be</a> for the secured registry and to apply online for the opening of a Person Holding Account.
<b>Which of the following statements apply to your country (add explanatory text if necessary)?</b>	
<b>Specific terms and conditions elaborated which account holders have to sign (if yes, please provide relevant documents or links)</b>	<b>Fed:</b> Yes. <u>Arrêté royal du 14 octobre 2005</u> relatif à la gestion du registre de gaz à effet de serre de la Belgique et aux conditions applicables à ses utilisateurs.
<b>Different identity checks applied for operators and individuals</b>	<b>Fed:</b> Yes, inter alia copy of identity card, verification of signature
<b>Personal presence required for ID checks for residents in Member State<sup>9</sup></b>	<b>Fed:</b> No
<b>ID check through written procedure only for residents<sup>10</sup></b>	<b>Fed:</b> the signature on the copy of the ID-card is compared with the signature on the contract
<b>Personal presence required for ID checks for residents of other countries<sup>11</sup></b>	<b>Fed:</b> No
<b>ID check through written procedure only for residents in other countries<sup>12</sup></b>	<b>Fed:</b> the signature on the copy of the ID-card is compared with the signature on the contract
<b>Copy of company register or similar documentation required for opening of operator holding account?</b>	<b>Fed:</b> Yes
<b>Documentation showing right to represent company required for opening of operator holding account?</b>	<b>Fed:</b> Yes
<b>Other (please specify):</b>	

**7.2. Please provide a summary of all security alerts relevant to the national registry which have occurred during the reporting period, how they were addressed and the time taken for resolution. In answering this question, use the table below. Add further rows if necessary.**

<b>Which of the following statements apply to your country (add explanatory text if necessary)?</b>	
<b>General procedures in place to prevent occurrence of security</b>	<b>Fed:</b> Yes

<sup>9</sup> This includes ID checks by third parties like post offices or notary where the applicant has to present himself in person.

<sup>10</sup> This includes electronic procedures.

<sup>11</sup> This includes ID checks by third parties like embassies where the applicant has to present himself in person.

<sup>12</sup> This includes electronic procedures.

alerts	
Security alerts relevant to national registries occurred during the reporting period	Fed: No
If yes, please fill out the following table	
Type of security alert	
Number of occurrences	
Action taken	
Time needed for resolution	

**7.3. Please state how many minutes for each month of the reporting period the national registry was unavailable to its users (a) due to scheduled downtime, and (b) due to unforeseen problems. In answering this question, use the table below.**

All answers are given by the registry administrator (Fed).

Month	Scheduled downtime [minutes]	Unscheduled downtime [minutes]
January	600 for correct SEF reporting, until 10:00 1/1/2009	0
February	0	41 due to ITL downtime
March	804 due to ITL maintenance	0
April	0	384 due to CITL and/or ITL downtime
May	6.660 due to CITL and ITL upgrades	0
June	1.365 (BE went off-line for 34 hours for a successful disaster recovery exercise)	0
July	0	2910 due to CITL problem
August	0	685 due to BE hosting problem
September	1576 due to BE, CITL and ITL maintenance	734 BE software problem
October	0	0
November	0	35 due to ITL problem
December	36 due to ITL maintenance and for correct 31/12 SEF reporting	0

**7.4. Please list and provide details on each upgrade to the national registry scheduled for the next reporting period. In answering this question, use the table below. Add further rows if necessary.**

All answers are given by the registry administrator (Fed), see the table below:

Which of the following statements apply to your country (add explanatory text if necessary)?	
Regular time slots allocated for maintenance and upgrading of registry (if so, please provide dates)	Yes, for planned maintenance and upgrading: Tuesdays and Thursdays, preferably before 8:00 or after 20:00, if for ex. Microsoft updates or registry patches are available and tested
Registry will be upgraded together with upgrade of software system used	Yes, but only after full testing
Please provide details for all upgrades scheduled for the next reporting period	
Date	Purpose
- June 2010	Upgrade to CRS version 1.8.5, implementing the updated Registry Regulation provisions, and strengthening access authentication security by means of the Belgian electronic identity card for the users.

**7.5. Is there any other relevant information concerning the operation of registries in your country? If so, please specify.**

Fed: No.

## **8. ARRANGEMENTS FOR THE ALLOCATION OF ALLOWANCES – NEW ENTRANTS – CLOSURES**

*Questions 8.1. and 8.2. are to be answered in the first report after each notification and allocation procedure laid down in Articles 9 and 11 of Directive 2003/87/EC.*

**8.1. Looking back at the completed allocation process, please describe the main lessons learnt by your authorities, and how you think they will influence your approach to the next allocation process.**

**8.2. Do you have any suggestions for the improvement of future notification and allocation processes for the Community as a whole?**

**8.3. How many allowances were allocated to the new entrants listed in Table 1, if any? Please give the installation identification code for the new entrant and the transaction identification code associated with the allocation of allowances. In answering this question, use Table 1 of Part 2 of this Annex.**

The initial NAP-table 08-12 was decided upon by the European Commission on the 10<sup>th</sup> October 2008. The question 8.3. (as also question 3.2.) is interpreted as whether changes have been made in 2008 to this initial NAP-table.

**W:** In 2009, 1 NAP-change has already been approved by the EC (27-March-09).

**BR:** No new entrant in 2009.

**FI:** In 2009 multiple NAP-changes have been approved by the EC. In total these decisions include 12 new entrants which were allocated allowances for the 2nd trading period (including allocation for the year 2008).

**8.4. How many allowances were left in any new entrants reserve at the end of the reporting period, and what share do they represent of the original reserve? In answering this question, use the table below.**

Number of allowances left in the new entrants reserve at the end of the reporting period (31 December each year)	NER Belgium = 19.379.170 t CO <sub>2</sub> W: 5.230.191 t CO <sub>2</sub> FI: 14.098.466 t CO <sub>2</sub> Bru : 50.513 t CO <sub>2</sub>
Share of allowances remaining in the new entrants reserve, in percent	NER Belgium = 70 % W : 80 % FI: 66 % BR: 100%

**8.5. If your Member State allocates allowances other than for free, please explain how such allocation is made (e.g. way in which auctioning is undertaken)?**

**W:** No use of auctioning during the period 2008-2012.

**FI:** No use of auctioning during the period 2008-2012.

**B:** No use of auctioning during the period 2008-2012.

**8.6. If auctioning was used as an allocation method, who was allowed to participate in the auction? In answering this question, use the table below.**

National operators only	W: N.A. FI: NA BR: NA
National registry account holders only	W: N.A. FI: NA BR: NA
All Community operators	W: N.A. FI: NA BR: NA
All bidders with an account in a Community registry	W: N.A. FI: N.A. BR: NA
Other (please specify): _____	

**8.7. If auctioning was used as an allocation method, how many auctions were held during the reporting period, how many allowances were auctioned during each auction, what share do they represent of the total quantity of allowances for the trading period and what was the price per allowance at each auction? In answering this question, use the table below.**

Was auctioning used as an allocation method?	W: N.A. FI: no BR: N.A.
If yes, please answer the following questions.	

Number of auctions held during the reporting period (1 January to 31 December)	
Number of allowances auctioned (each auction separately)	
Clearing price of auction (each auction separately)	

**8.8. If auctioning was used as an allocation method, what use was made of allowances not purchased at the auction(s)?**

**W:** N.A.

**FL:** N.A.

**8.9. If auctioning was used as an allocation method, what were the revenues used for?**

**W:** N.A.

**FL:** N.A.

**8.10. How were allowances treated that had been allocated but were not issued to installations that closed during the reporting period?**

**W:** The registry administrator was instructed not to issue the allowances and was instructed to close the operating holding account.

**FL:** The registry administrator was instructed not to issue the allowances and was instructed to close the operating holding account. These allowances were added to the new entrants reserve.

*Question 8.11. is to be answered in the first report following the end of the trading periods set out in Article 11(1) and (2) of Directive 2003/87/EC.*

**8.11. Were allowances remaining in the new entrants' reserve at the end of the trading period cancelled or auctioned?**

**W:** The Walloon Government has sold the allowances that were left in the first period NER.

**FL:** The remaining allowances in the new entrants reserve for the first period were cancelled.

**8.12. Is there any other relevant information concerning the arrangements for allocation, new entrants and closures in your country? If so, please specify.**

## **9. SURRENDER OF ALLOWANCES BY OPERATORS**

**9.1. In all cases where an account in the registry was closed because there was no reasonable prospect of further allowances being surrendered by the installation's operator, please describe why there was no reasonable further prospect and state the amount of outstanding allowances.<sup>13</sup> In answering this question, use the table below. Add further rows if necessary.**

This question 9.1. is interpreted as whether accounts were closed between the first and the second trading period.

**W:**

<sup>13</sup> If the amount of outstanding allowances is not known please provide an estimate of outstanding allowances based on the last verified emission report, remaining allowances in the account and other information available to the Competent Authority.

**Fl:** 14 accounts in the registry were closed because these installations are no longer under the scope of EU ETS in the 2nd trading period. The total rated thermal input of these installations is less than 20 MW because units with a rated thermal input under 3 MW don't have to be taken into account for the purposes of this calculation any more.

Reason for closure of account	Quantity of outstanding allowances [kt CO <sub>2</sub> eq]
<b>FL:</b> no longer under scope of EU ETS (aggregation rule): 14 accounts were closed	0
<b>WALL:</b> no longer under scope of EU ETS (aggregation rule, closure or fusion): 8 accounts were closed	0

**9.2. Is there any other relevant information concerning the surrender of allowances by operators in your country? If so, please specify.**

## 10. USE OF EMISSION REDUCTION UNITS (ERUs) AND CERTIFIED EMISSION REDUCTIONS (CERs) IN THE COMMUNITY SCHEME

*Question 10.1. is to be answered annually starting with the report submitted in 2006 as regards CERs and starting with the report submitted in 2009 as regards ERUs:*

**10.1. Have ERUs and CERs been issued for which an equal number of allowances had to be cancelled pursuant to Article 11(b)(3) or (4) of Directive 2003/87/EC because the Joint Implementation (JI) or Clean Development Mechanism (CDM) project activities reduce or limit directly or indirectly the emission level of installations falling under the scope of that Directive? If so, please provide the sum of allowances cancelled and the total number of operators concerned separately for cancellation pursuant to Article 11(b)(3) and (4) of that Directive. In answering this question, use the table below.**

**W:** No issuance of CERs and ERUs in 2009

**Bru :** No issuance of CERs and ERUs in 2009

**VL :** No issuance of CERs and ERUs in 2009

	Quantity of allowances cancelled	Number of operators affected
<b>cancellation pursuant to Article 11(b)(3)</b>	<b>Fl:</b> 0 <b>Bru :</b> 0 <b>W :</b> 0	<b>Fl:</b> 0 <b>Bru :</b> 0 <b>W :</b> 0
<b>cancellation pursuant to Article 11(b)(4)</b>	<b>Fl:</b> 0 <b>Bru :</b> 0 <b>W :</b> 0	<b>Fl:</b> 0 <b>Bru :</b> 0 <b>W :</b> 0

Questions 10.2. and 10.3. are to be answered in the report due by 30 June 2006 and in subsequent reports if changes were made during the reporting period:

**10.2. Which CERs and ERUs may be used for compliance in your Member State? Please state any project category excluded except those which are already excluded pursuant to Article 11(a)(3) of Directive 2003/87/EC (CERs and ERUs from nuclear or from land use, land use change and forestry project activities). In answering this question, use the table below.**

<b>CERs and ERUs from all project categories can be used</b>	<b>W:</b> Yes <b>Fl:</b> Yes <b>Bru :</b> Yes
<b>CERs and ERUs from certain project categories are excluded (if yes, please specify)</b>	not applicable

**10.3. What measures have been taken to ensure that relevant international criteria and guidelines, including those contained in the year 2000 Final Report of the World Commission on Dams (WCD), will be respected during the development of hydro-electric power production projects with a generating capacity exceeding 20MW? In answering this question, use the table below. Add further rows if necessary.**

<b>Which of the following statements apply to your country (add explanatory text as necessary):</b>	
<b>Project participants are legally obliged to adhere to the WCD guidelines</b>	<b>W:</b> Yes <b>Bru :</b> Yes <b>Fl:</b> Yes
<b>Adherence to WCD guidelines is verified (if so, please provide relevant authority, e.g. competent authority or Designated National Authority)</b>	<b>W:</b> All project approved by the Walloon authorities will be analyzed by the AWAC <b>Bru:</b> All project approved by the Brussels authorities will be analyzed by the IBGE <b>Fl:</b> Yes. The Flemish environment Minister, advised by an expert committee and based on a statement by the project developers
<b>Other international criteria and guidelines have to be respected during the development of large hydro-electric power projects (if so, please provide relevant documents or links)</b>	<b>W:</b> The World Bank guidelines on large hydro-electric power projects will be applied for projects in the portfolio of the CDCF <b>Fl:</b> No <b>Bru:</b> The World Bank guidelines on large hydro-electric power projects will be applied for projects in the portfolio of the CDCF
<b>Other (please specify):</b> _____	

**10.4. Is there any other relevant information concerning the use of ERUs and CERs in the Community scheme in your country? If so, please specify.**

No.

## 11. FEES AND CHARGES

Questions 11.1 to 11.4 are only to be answered in the report due by 30 June 2006 and in subsequent reports if changes were made during the reporting period:

**11.1. Are fees charged to operators for the issuance and update of permits? If so, please provide details on the fees charged, total proceeds and the use of the proceeds.**

**Fed:** No.  
**W:** No fees.  
**Fl:** No fees are charged.  
**BR:** No fees.

**11.2. What fees are charged to operators for the issuance of allowances? If so, please provide details on the fees charged, total proceeds and the use of the proceeds.**

**Fed:** No fees  
**W:** No fees.  
**Fl:** No fees are charged.  
**BR:** No fees

**11.3. What fees are charged for the use of the registry if any? Please give details.** In answering this question, use the table below?

Which of the following statements apply to your country (add explanatory text as necessary)?	
<b>Fees are charged for the use of the registry</b>	Operators: <b>Fed:</b> Yes Individuals: <b>Fed:</b> Yes
<b>Different fees in place for operators and individuals</b>	<b>Fed:</b> No
<b>Fee for opening an account<sup>14</sup></b>	Operators and individuals: €485,75 (in 2008) once/per trading period (every year the amount is indexed)
<b>Annual fee for maintaining account<sup>15</sup></b>	Operators and individuals: €485,75 (indexed every year) per subsequent year
<b>Other (please specify):</b>	-

**11.4. Is there any other relevant information concerning fees and charges in the Community scheme in your country? If so, please specify.**

<sup>14</sup> Indicate the relevant period as well (once/per trading period).

<sup>15</sup> If fees depend on allocation please provide minimum and maximum fees if applicable and the relevant formula.

## 12. ISSUES RELATED TO COMPLIANCE WITH THE ET DIRECTIVE

Question 12.1 is to be answered in the report due by 30 June 2006 and in subsequent reports if changes were made during the reporting period:

**12.1. Please state the relevant national provisions and the penalties for infringements of national provisions pursuant to Article 16(1) of the ET Directive.** In answering this question, use the table below. Add further rows if necessary.

Kind of infringement	Relevant national provision	Fines [€]		Imprisonment [months]	
		min	max	min	max
Operation without permit	<b>W:</b> Walloon Decree of 11 march 1999 relating to the environmental permit – article 77	2,5	25 000	8 days	3 years
	<b>Bru :</b> Si poursuite au parquet:				
	installation de classe 1B	2,50	12 500	8	12
	Installation de classe 1A	25	25 000	8	12
	Si amende administrative	625	62 500		
	<b>Fl :</b> Flemish Decree of 5 April 1995 concerning general measures on environmental policy ( <b>Title on “Inspection, enforcement and security measures inserted on 29 February 2008):</b> art. 16.4.27, second paragraph (Official Gazette: 29-Feb-08)	-	250.000 (to be multiplied with index of 5,5)	to be decided by public prosecutor	
Infringements of monitoring and reporting obligations	<b>W:</b> Walloon Decree of 11 march 1999 relating to the environmental permit – article 77	2,5	25 000	8 days	3 years
	<b>Bru :</b> Si poursuite au parquet				
	- installation de classe 1B :	2,50	12 500	8	12
	- Installation de classe 1A :	25	25 000	8	12
	Si amende administrative	625	62 500		
	<b>Fl :</b> Flemish Decree of 5 April 1995 concerning general measures on environmental policy ( <b>Title on “Inspection, enforcement and security measures inserted on 29 February 2008):</b> art. 16. 1.2. 1° f) and art. 16.4.27, third paragraph, complemented by Annex VII of the resolution of 12 December 2008 implementing the decree of 5 April 1995 concerning general measures on environmental policy (Official Gazette: 25-Jun-09)	-	50.000 (to be multiplied with index of 5,5)	n.a.	
Omission to notify	<b>W:</b> Walloon Decree of 11 march 1999		12 500	To be decided by	

changes to the installation	relating to the environmental permit – article 76			the court	
	<b>Bru:</b> Si poursuite au parquet				
	- installation de classe 1B	2,50	12 500	8	12
	- installation de classe 1A	25	25 000	8	12
	Si amende administrative	625	62 500		
	<b>Fl :</b> Flemish Decree of 5 April 1995 concerning general measures on environmental policy ( <b>New title on “Inspection, enforcement and security measures inserted on 29 February 2008):</b> art. 16. 1.2. 1° f) and art. 16.4.27, third paragraph, complemented by Annex VII of the resolution of 12 December 2008 implementing the decree of 5 April 1995 concerning general measures on environmental policy (Official Gazette: 25-Jun-09)	-	50.000 (to be multiplied with index of 5,5)	n.a.	
Other (please specify)					

**12.2. Where penalties were imposed pursuant to Article 16(1) of the ET Directive for infringements of national provisions, please state the relevant national provisions, briefly describe the infringement and give the penalties imposed.**

**Fl:** No penalties were imposed in the reporting period.

**W:** No penalties were imposed in the reporting period.

**Bru:** No penalties were imposed in the reporting period.

*In answering this question, use the table below. Add further rows if necessary.*

Infringement	National provision	Penalty imposed	
		Fines [€]	Imprisonment [months]

**12.3. Please provide the names of operators for which excess emission penalties were imposed pursuant to Article 16(3) of the ET Directive.**

**W:** All the Walloon installations were in compliance with article 16.

**Fl:** All the Flemish installations were in compliance with article 16.

**Bru:** All the Brussels installations were in compliance with article 16.

**12.4. Is there any other relevant information related to compliance with the ET Directive in your country? If so, please specify.**

### 13. THE LEGAL NATURE OF ALLOWANCES AND FISCAL TREATMENT

*Questions 13.1. to 13.8. are only to be answered in the report due by 30 June 2006 and in subsequent reports if changes were made during the reporting period:*

**13.1. What is the legal nature of an allowance (commodity/financial instrument) for the purpose of financial regulation?**

**Fed:** No specific information to be added as to the art. 21 report for reporting year 2005.

**13.2. What is the legal status given to allowances and emissions for the purposes of accounting?**

**Fed:** No specific information to be added as to the art. 21 report for reporting year 2005.

**13.3. Were any specific accounting rules established or adopted for allowances? If yes, please describe them briefly.**

**Fed:** No specific information to be added as to the art. 21 report for reporting year 2005.

**13.4. Are transactions of allowances subject to VAT?**

**Fed:** No specific information to be added as to the art. 21 report for reporting year 2005.

**13.5. Is the issuance of allowances subject to VAT?**

**Fed:** No specific information to be added as to the art. 21 report for reporting year 2005.

**13.6. If your Member State allocates allowances for payment, is VAT due on the transaction?**

**Fed:** No specific information to be added as to the art. 21 report for reporting year 2005.

**13.7. Are profits or losses from transactions of allowances subject to a specific income tax (e.g. specific tariffs)?**

**Fed:** No specific information to be added as to the art. 21 report for reporting year 2005.

**13.8. Is there any other relevant information concerning the legal nature of allowances and their fiscal treatment in your country? If so, please specify.**

**Fed:** On 26<sup>th</sup> November 2008, the CBN (the Belgian Commission for Accounting Standards) made an update of its guidelines concerning the accounting treatment of emission allowances.

### 14. ACCESS TO INFORMATION PURSUANT TO ARTICLE 17 OF THE ET DIRECTIVE

**14.1. Where are decisions relating to the allocation of allowances, information on project activities in which a Member State participates or authorises private or public entities to participate, and reports of emissions required under the greenhouse gas emissions permit and held by the competent authority made available to the public? In answering this question, use the table below.**

Type of information	Information available to public	If information is available, at which location?		
		Internet <sup>16</sup>	Official Publication <sup>17</sup>	Other (please specify)
Allocation rules	Yes	<b>Bru: Yes</b> <a href="http://www.ibgebim.be">http://www.ibgebim.be</a>		
		<b>W: Yes</b> <a href="http://environnement.wallonie.be">http://environnement.wallonie.be</a>		
		<b>FL: Yes</b> <a href="http://www.lne.be/themas/klimaatverandering/co2-emissiehandel/vaste-installaties/vlaamse-toewijzingsplannen/toewijzingsplan-2008-2012">http://www.lne.be/themas/klimaatverandering/co2-emissiehandel/vaste-installaties/vlaamse-toewijzingsplannen/toewijzingsplan-2008-2012</a>	<b>FL: Yes</b>	
NAP table	Yes	<b>Bru: Yes</b> <a href="http://www.ibgebim.be">http://www.ibgebim.be</a>		
		<b>W: Yes</b> <a href="http://environnement.wallonie.be">http://environnement.wallonie.be</a>	<b>W: Yes</b>	
		<b>FL: Yes</b> <a href="http://www.lne.be/themas/klimaatverandering/co2-emissiehandel/vaste-installaties/vlaamse-toewijzingsplannen/toewijzingsplan-2008-2012">http://www.lne.be/themas/klimaatverandering/co2-emissiehandel/vaste-installaties/vlaamse-toewijzingsplannen/toewijzingsplan-2008-2012</a>	<b>FL: No</b>	
		<b>Fed:</b> <a href="http://ec.europa.eu/environment/ets/nap.do?languageCode=en&amp;registryCode=BE&amp;periodCode=1&amp;search=Search&amp;currentSortSettings=">http://ec.europa.eu/environment/ets/nap.do?languageCode=en&amp;registryCode=BE&amp;periodCode=1&amp;search=Search&amp;currentSortSettings=</a>		
Changes to list of installations	<b>Bru:</b> Upon request only			
	<b>W:</b> Yes	<b>W: Yes</b>	<b>W: Yes</b>	
	<b>FL:</b> Upon request only	<b>FL: No</b>	<b>FL: No</b>	
	<b>Fed:</b> Yes	<b>Fed:</b> <a href="http://ec.europa.eu/environment/climat/emission/pdf/nap2008/be.pdf">http://ec.europa.eu/environment/climat/emission/pdf/nap2008/be.pdf</a>		
Verified emission reports	<b>Bru:</b> Upon request only			
	<b>W:</b> Upon request			

<sup>16</sup>

Please provide web address.

<sup>17</sup>

Please provide the title.

	only			
	<b>Fl:</b> Yes (figures), Upon request only (Full reports)	<b>FL:</b> Figures on <a href="http://www.lne.be/themas/klimaatverandering/co2-emissiehandel/vaste-installaties/cijfers">http://www.lne.be/themas/klimaatverandering/co2-emissiehandel/vaste-installaties/cijfers</a>		
	<b>Fed:</b> figures only	<b>Fed:</b> <a href="http://ec.europa.eu/environment/ets/napYearInformation.do?registryCode=BE&amp;action=periodYear&amp;languageCode=en&amp;installationId=&amp;periodYear=2009&amp;periodCode=1&amp;napId=13312">http://ec.europa.eu/environment/ets/napYearInformation.do?registryCode=BE&amp;action=periodYear&amp;languageCode=en&amp;installationId=&amp;periodYear=2009&amp;periodCode=1&amp;napId=13312</a>		
<b>Project activities</b>	<b>Bru</b> Upon request only <b>W:</b> Not yet decided <b>Fl:</b> Not yet decided			
<b>Greenhouse gas emissions permit</b>	<b>Bru:</b> Upon request only <b>W:</b> Upon request only <b>Fl:</b> Upon request only			
<b>Information required by Annex XVI to Regulation (EC) No 2216/2004</b>	<b>Fed:</b> Yes	<b>Fed:</b> <a href="https://www.climateregistry.be/crweb/report/public/publicReportList.do">https://www.climateregistry.be/crweb/report/public/publicReportList.do</a> and <a href="http://ec.europa.eu/environment/ets/napYearInformation.do?registryCode=BE&amp;action=periodYear&amp;languageCode=en&amp;installationId=&amp;periodYear=2009&amp;periodCode=1&amp;napId=13312">http://ec.europa.eu/environment/ets/napYearInformation.do?registryCode=BE&amp;action=periodYear&amp;languageCode=en&amp;installationId=&amp;periodYear=2009&amp;periodCode=1&amp;napId=13312</a>		
<b>Other (please specify):</b> _____				

**14.2. Is there any other relevant information concerning the access to information pursuant to Article 17 of the ET Directive in your country? If so, please specify.**

No.

#### 15. OTHER OBSERVATIONS

**15.1. Were public studies on the implementation and the further development of the European emissions trading scheme undertaken in your country? If so, please provide the document, reference or internet link together with a very brief outline of the study.**

**W:** Not actually

**FL:** No

**15.2. Are there any particular implementation issues that give rise to concerns in your country? If so, please specify.**