Linklaters

Solar panel obligations for buildings with high electricity consumption in Flanders

The Flemish Government has introduced mandatory solar panel requirements for buildings with significant electricity consumption, with the first compliance deadline set for 1 April 2026. This obligation applies to owners, long-term lessees, and right to build holders, of buildings connected to an EAN consumption point exceeding 1 gigawatt-hour per year, with stricter thresholds for public sector buildings. This article examines the scope of this new obligation, compliance deadlines and available alternatives, as well as the sanctions for non-compliance.

Who is subject to the obligation?

The solar panel obligation applies to buildings located in Flanders that are connected to an EAN consumption point where more than 1 gigawatt-hour (1,000 megawatt-hours) of electricity is drawn from the grid annually. The annual consumption per calendar year as registered by the grid operator determines whether an EAN consumption point/building falls under the obligation. The obligation is thus not limited to newly constructed buildings or major renovations.

The owners, long-term lessees (*erfpachters/emphytéotes*), and right to build holders (*opstalhouders/superficiaires*) of buildings connected to the EAN consumption point must comply with this obligation. Where multiple parties hold these rights, they are jointly and severally liable for compliance.

Recognising the exemplary role of public organisations in the energy transition, the obligation is more stringent for this target group: where public organisations are the sole owners, long-term lessees, or right to build holders, of buildings connected to the EAN consumption point, the solar panel obligation applies at a consumption threshold of more than 250 megawatt-hours per year (MWh/year).

And in the other Regions?

A similar obligation does not currently appear to exist in the other Regions. However, as from 1 January 2026, in the Walloon Region, every new building and every heavily renovated building must cover 35 per cent of its total energy consumption with renewable energy. Moreover, in the Brussels Region, from 1 January 2027, all new non residential and residential buildings used or owned by a public authority will need to be "zero energy" buildings equipped with on site solar energy production, with new private sector buildings following three years later.

Phased compliance deadlines

The obligation is structured in three phases, with progressively increasing installation requirements:

- 1 April 2026: Installation of at least 12.5 Wp/m^2 of horizontal roof surface;
- 1 January 2030: Expansion to at least 18.75 Wp/m^2; and
- 1 January 2035: Full installation of at least 25 Wp/m^2.

The installation of solar panels, the installation of alternative technologies, and participation may be combined with each other within these different obligation steps. This flexibility allows for a blended compliance approach, which may prove more cost-effective or technically feasible for certain buildings.

The larger the total roof surface, the more solar panels are required. It is the 'horizontal' roof surface that is taken into account.

Solar panel obligations for buildings with high electricity consumption in Flanders

Exemptions, deferral grounds and alternative compliance options

It is important to note that the solar panel obligation applies if electricity consumption during the three years preceding the first deadline stays at or above 90% of the consumption threshold. If consumption falls below this 90% threshold, the obligation is lifted. However, it may be reinstated if consumption subsequently exceeds the threshold again. This approach provides relief for buildings with significantly reduced consumption whilst ensuring the obligation can be reactivated should consumption levels rise in the future.

On top of that, certain deferral grounds may be requested due to the transfer of a building, bankruptcy or judicial reorganisation, or in the case of an appeal to the Council for Permit Disputes (*Raad voor Vergunningsbetwistingen*) against a final decision on an environmental permit for an installation intended to comply with the solar panel obligation. These deferral grounds recognise certain practical circumstances that may temporarily prevent compliance.

As an alternative compliance option, building owners may also choose to invest in other renewable energy technologies, including:

- wind turbines or repowering of wind turbines;
- combined heat and power installations (CHP) on biomass or biogas (excluding biomethane);
- heat pumps;
- photovoltaic-thermal installations (solar panels that generate both electricity and heat); and
- concentrated solar thermal installations (which generates solar heat at high temperature).

A combination of these alternative green technologies and solar panels is also allowed. This range of alternatives provides flexibility for building owners to select the most appropriate renewable energy solution for their specific circumstances.

Sanctions for non-compliance

Anyone who fails to comply with the solar panel obligation by 1 April 2026, will be subject to a non-discharging fine of 400 EUR per kilowatt peak of capacity that is missing at the time compliance was required. A fine is also provided for anyone who fails to respond in time to a request for information from VEKA (the Flemish Energy and Climate Agency).

The “non-discharging” nature of the fine is particularly significant: payment of the fine does not relieve the obligated party from the underlying duty to install solar panels. If the obligation remains unfulfilled two years after the original deadline, VEKA will impose a new fine of 400 EUR per kilowatt peak of missing capacity. A new two-year period then begins to achieve compliance. This procedure continues to repeat until the obligation is satisfied.

Conclusion

The Flemish solar panel obligation represents a significant regulatory intervention in the real estate and energy sectors, with substantial compliance obligations for owners of high-consumption buildings. The obligation is enforceable through non-discharging fines, meaning that financial penalties do not substitute for actual compliance. Building owners should therefore prioritise timely implementation of compliant renewable energy solutions.

Should you have any questions, please do not hesitate to contact the Real Estate team.

Authors



Corneel Debusscher
Associate, Brussels
Tel: +32 2 501 91 53
corneel.debusscher@linklaters.com



Noor Spapen
Junior Associate, Brussels
Tel: +32 2 501 91 75
noor.spapen@linklaters.com

linklaters.com

This content is intended merely to highlight issues and not to be comprehensive, nor to provide legal advice. Should you have any questions on issues reported here, please get in touch. © 2026 Linklaters.

Linklaters LLP is a limited liability partnership registered in England and Wales with registered number OC326345. It is a law firm authorised and regulated by the Solicitors Regulation Authority. The term partner in relation to Linklaters LLP is used to refer to a member of the LLP or an employee or consultant of Linklaters LLP or any of its affiliated firms or entities with equivalent standing and qualifications. A list of the names of the members of Linklaters LLP and of the non-members who are designated as partners and their professional qualifications is open to inspection at its registered office, One Silk Street, London EC2Y 8HQ, England or on www.linklaters.com and such persons are either solicitors, registered foreign lawyers or European lawyers. Please refer to www.linklaters.com/regulation for important information on our regulatory position.

GC34833_F/01.26