

Alert | Real Estate/Renewable Energy



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Every New Building in the Netherlands Must Be (Almost) Energy Neutral Starting Jan. 1, 2021

As of Jan. 1, 2021, all permit applications for new buildings in the Netherlands are being tested against new criteria which aim to ensure that these new buildings are (almost) energy neutral. This requirement was already in place for new Dutch governmental buildings, but now it has been expanded to cover every new building (residences, offices, etc.). The new requirement is set forth in an amendment to the Dutch Building Decree (*Bouwbesluit 2012*), abbreviated as ‘BENG’ which is short for ‘Almost Energy Neutral Buildings’ (*Bijna Energie Neutrale Gebouwen*). BENG is the result of the Dutch Energy Agreement for Sustainable Growth (*Energieakkoord*) and the EU Energy Performance of Buildings Directive.

The near energy neutrality of buildings is achieved by three types of rules: (BENG 1) the outer layer of the building must reduce the energy demand, (BENG 2) the remaining required energy (the primary fossil energy consumption) must be generated as efficiently as possible, and (BENG 3) the energy demand from the use of the building must be met by an energy supply generated as much as possible from renewable sources. In the calculation of the energy consumption of a building, only building-related energy consumption is included (for heating, cooling, ventilation, and warm water). For utility buildings, lighting and (where present) humidification are also taken into account.

Only limited exceptions to the BENG requirements are available. For instance, an exception applies when, due to its location, a residential building cannot meet the requirements for energy from renewable sources. In addition, BENG does not include transitory law, meaning that every application for a building permit (*omgevingsvergunning*) must comply with BENG when filed on or after Jan. 1, 2021.

These new requirements will likely further boost demand for renewable energy in the Netherlands.

** This GT Alert is limited to non-U.S. matters and law.*

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