

# A Green Loan in The Netherlands?

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13 november 2020

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# Milieudefensie vs. Shell

- not developing policies to reduce CO2 is a breach of a duty of care by the Dutch State (*Urgenda court case*)
- Now also private companies are held liable
- Milieudefensie demands that Shell align its policy and investments with the Paris Climate Agreement, in the sense that it must reduce its emissions to zero by 2050
- The first hearings next month (December 1, 3, 15 and 17, 2020)  
The Hague District Court

# Triodos home loans

- Some companies take their responsibility
- In 2020 Dutch Triodos bank will introduce:
  - a maximum loan of 90 % of the home value for homes with energy label C or lower.
  - investments to make a transition possible (making the home more energy-efficient) loan up to 106 % of the value of the house.
  - Triodos energy saving loan (next to the home loan) with a 50% discount on the interest.

# The Netherlands closing the ranks in the energy transition

- total of 9 million buildings
- only 4.4 % have solar panels
- solar panels supply less than 2 % of total Dutch electricity demand
- (In Germany this is 8.2 % in 2019; in Italy 8 % in 2017)
  
- On- and Offshore wind turbines contributed 12% of Dutch electricity demand in 2019
- EU average 15 %
- wind turbines contributed 5.4% of Italy electricity generation in 2015

- Milieucentraal 2015 <https://www.milieucentraal.nl/nieuwsbrieven/professionals/juli-2016/400000-huizen-met-zonnepanelen-hoe-kom-je-er-bij/>

# Polderen: climate-tables

- five themes discussed
  - Sustainable industry
  - Sustainable mobility
  - Building and renovating
  - Clean energy
  - Sustainable agriculture & land use

# Polderen: climate-tables & climate-agreement

- The Klimaattafels resulted in a Climate agreement (klimaataakkoord).
- Building and renovating
- the Climate agreement proposed
  - Subsidy for home insulation
  - Subsidy for the installation of solar panels
  - making residential areas free of natural gas (heating and cooking)
  - a higher tax on natural gas
  - a 'heat fund' for advantageous loans to finance energy-saving measures

# Loan connected to the building

- Klimaattafel:
  - There is a need for a new sort of loan, connected to the building which is to be renovated
- perpetual clause (art. 6:252 BW)
- Building-connected loans (new)
  - loans are a personal obligation, a natural or legal person can get a loan from a bank or other party, but houses are no legal persons, only their owners.
- Transfer of real property in freehold into a leasehold (art. 5:85 BW)
- Energy Service Company (ESCo)

# Questions?

- Hope to see you soon
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