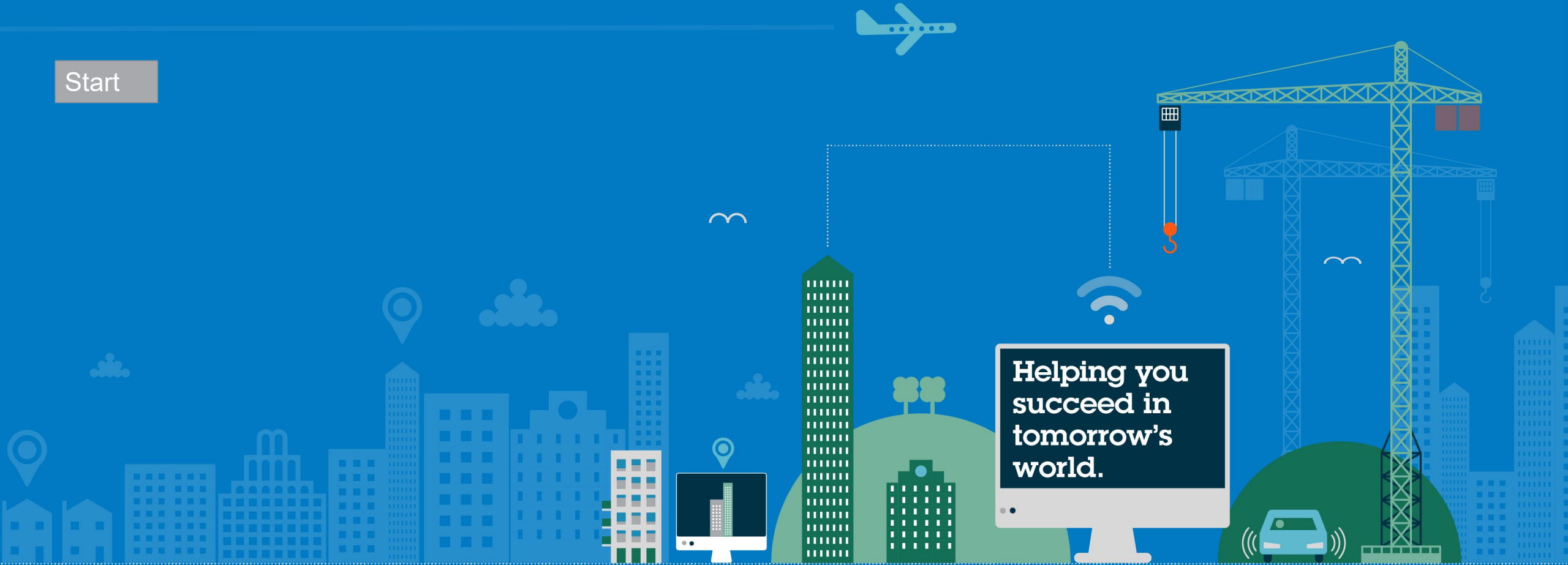


# Overview of Environmental Obligations in Real Estate and Real Estate Transactions in Belgium



November 2023

Start



Helping you  
succeed in  
tomorrow's  
world.



# Overview of environmental obligations in RE transactions in Belgium

Asbestos	<b>What?</b>	Draw up and hand over an asbestos certificate.		
Soil		If necessary, removal of asbestos.		
Energy performance certificate	<b>Who?</b>	Transferor of a right in rem or in the context of restructuring of a company		
Energy efficient renovation	<b>Which property?</b>	All buildings built before 2001 and with land area larger than 20 m <sup>2</sup> .		
Charging stations	<b>Which transactions?</b>	Asset deals		
Fuel oil tanks		Mergers & Acquisitions		
Air quality				
Solar panels				
Water	<b>Since when?</b>	23 November 2022 From 2032 every owner must have an asbestos certificate		
Green roofs	<b>Certificate validity period</b>	10 years		
Parking	<b>Legal base</b>	Materials Decree of 23 December 2011 VLAREMA Chapter 6.4 VLAREM		
Other information				
Hidden defects	Flanders	Brussels	Wallonia	Federal regulation





# Overview of environmental obligations in RE transactions in Belgium

Asbestos	<b>What?</b>	Draw up and hand over an asbestos certificate
Soil		If necessary, removal of asbestos.
Energy performance certificate	<b>Who?</b>	Right in rem Holder (owner, long lease holder, building right holder, usufruct holder, ...)
Energy efficient renovation	<b>Which property?</b>	All buildings involved in an asbestos treatment project
Charging stations	<b>Which transactions?</b>	When applying for a building or environmental permit, where asbestos-containing materials are removed or affected, or in case of demolition or transformation of a building.
Fuel oil tanks		
Air quality		
Solar panels		
Water		
Green roofs	<b>Since when?</b>	1 July 2008
Parking	<b>Certificate validity period</b>	1 year
Other information	<b>Legal base</b>	Brussels Order of 10 April 2008 on the conditions applicable to construction sites for the removal or encapsulation of asbestos





# Overview of environmental obligations in RE transactions in Belgium

Asbestos	<b>What?</b>	In Wallonia, there is no regulation at the regional level regarding asbestos.			
Soil					
Energy performance certificate	<b>Who?</b>	NA			
Energy efficient renovation	<b>Which property?</b>	NA			
Charging stations	<b>Which transactions?</b>	NA			
Fuel oil tanks					
Air quality					
Solar panels					
Water	<b>Since when?</b>	NA			
Green roofs	<b>Certificate validity period</b>	NA			
Parking	<b>Legal base</b>	NA			
Other information					
Hidden defects		Flanders	Brussels	Wallonia	Federal regulation





# Overview of environmental obligations in RE transactions in Belgium

Asbestos	<b>What?</b>	Blanket ban on the sale and use of products containing asbestos.
Soil		For workplaces containing asbestos, yearly asbestos inventory with management programme.
Energy performance certificate		
Energy efficient renovation	<b>Who?</b>	Employer
Charging stations	<b>Which property?</b>	Workplaces
Fuel oil tanks	<b>Which transactions?</b>	NA
Air quality		
Solar panels		
Water	<b>Since when?</b>	1 <sup>st</sup> January 2002
Green roofs	<b>Certificate validity period</b>	1 year
Parking	<b>Legal base</b>	Royal Decree of 23 October 2001 banning use and sale of asbestos
Other information		Code on well-being at work

Hidden defects

Flanders

Brussels

Wallonia

Federal regulation





# Overview of environmental obligations in RE transactions in Belgium

Asbestos	<b>What?</b>	Obtain and hand over a soil certificate.
Soil		If necessary, soil remediation.
Energy performance certificate	<b>Who?</b>	Transferor of a right in rem or in the context of restructuring of a company
Energy efficient renovation	<b>Which property?</b>	Any land, developed or not (based on cadastral data).
Charging stations	<b>Which transactions?</b>	Asset deals
Fuel oil tanks		Mergers & Acquisitions
Air quality		
Solar panels	<b>Since when?</b>	29 April 1996
Water	<b>Certificate validity period</b>	As long as the contents correspond to the actual situation, and until each new transfer.
Green roofs		
Parking	<b>Legal base</b>	Flemish Soil Decree of 27 October 2006 VLAREBO
Other information		





# Overview of environmental obligations in RE transactions in Belgium

Asbestos	<b>What?</b>	Obtain and hand over a soil certificate.
Soil		If necessary, soil remediation.
Energy performance certificate	<b>Who?</b>	Transferor of a right in rem or in the context of restructuring of a company
Energy efficient renovation	<b>Which property?</b>	Any land, developed or not (based on cadastral data).
Charging stations	<b>Which transactions?</b>	Asset deals
Fuel oil tanks		Mergers & Acquisitions
Air quality		
Solar panels		
Water	<b>Since when?</b>	1 January 2010
Green roofs	<b>Certificate validity period</b>	The validity of a soil certificate depends on the category in which the land is listed: unlimited for 1 and 2 ; 1 year maximum for other categories.
Parking	<b>Legal base</b>	Brussels Ordinance of 5 March 2009 on the management and remediation of contaminated soils Implementing orders, of which notably the Order of 17 December 2009 on the list of risk activities
Other information		





# Overview of environmental obligations in RE transactions in Belgium

Asbestos	<b>What?</b>	Obtain and hand over a soil certificate.
Soil		If necessary, soil remediation.
Energy performance certificate	<b>Who?</b>	Transferor of a right in rem or in the context of restructuring of a company
Energy efficient renovation	<b>Which property?</b>	Any land, developed or not (based on cadastral data).
Charging stations	<b>Which transactions?</b>	Asset deals
Fuel oil tanks		Mergers & Acquisitions
Air quality		
Solar panels	<b>Since when?</b>	6 June 2009
Water	<b>Certificate validity period</b>	10 year (unless the content does not longer match the actual situation)
Green roofs		
Parking	<b>Legal base</b>	Walloon Soil Decree of 1 March 2018
Other information		Walloon Order of 6 December 2018 regarding soil management and soil remediation







# Overview of environmental obligations in RE transactions in Belgium

Asbestos	<b>What?</b>	Draw up and hand over an EPC certificate
Soil	<b>Who?</b>	Transferor of a right <i>in rem</i> Lessor
Energy performance certificate	<b>Which property?</b>	All buildings.
Energy efficient renovation	<b>Which transactions?</b>	New developments and major renovations Asset deals Lease Public buildings must continuously have a valid EPC certificate. For other buildings this obligation applies gradually from 1 January 2026. Public buildings with a surface area of more than 250m <sup>2</sup> must also continuously have a valid EPC certificate on display.
Charging stations		
Fuel oil tanks	<b>Since when?</b>	Residential buildings: <ul style="list-style-type: none"> <li>• 2009</li> <li>• 1 April 2022 in case of long lease or building rights agreements.</li> <li>• common areas: <ul style="list-style-type: none"> <li>• 2-4 units: 1 January 2024</li> <li>• 5-14 units: 1 January 2023</li> <li>• 15+ units: 1 January 2022</li> </ul> </li> </ul> Small non-residential buildings: 1 Jan 2020 Large non-residential buildings: 1 Jan 2023
Air quality		
Solar panels		
Water		
Green roofs	<b>Certificate validity period</b>	10 years for residential buildings and for small non-residential buildings 5 years for large non-residential buildings
Parking		
Other information	<b>Legal base</b>	Flemish Energy Decree of 8 May 2009 Flemish Energy Order of 19 November 2010





# Overview of environmental obligations in RE transactions in Belgium

Asbestos	<b>What?</b>	Draw up and hand over an EPC certificate.
Soil	<b>Who?</b>	Transferor of a right <i>in rem</i> Lessor
Energy performance certificate	<b>Which property?</b>	All buildings.
Energy efficient renovation	<b>Which transactions?</b>	New developments and major renovations Asset deals Lease Public buildings must continuously have a valid EPC certificate. For other buildings this obligation gradually from 1 January 2031. Public buildings with a surface area of more than 250m <sup>2</sup> must also continuously have a valid EPC certificate on display.
Charging stations		
Fuel oil tanks		
Air quality		
Solar panels	<b>Since when?</b>	21 May 2013
Water	<b>Certificate validity period</b>	10 years 12 months for public buildings
Green roofs		
Parking	<b>Legal base</b>	Brussels Air, Climate and Energy Management Code of 2 May 2013 Brussels Order of 1 December 2018 on the EPB certificate for public buildings
Other information		





# Overview of environmental obligations in RE transactions in Belgium

Asbestos	<b>What?</b>	Draw up and hand over an EPC certificate.
Soil	<b>Who?</b>	Transferor of a right <i>in rem</i> Lessor
Energy performance certificate	<b>Which property?</b>	All buildings.
Energy efficient renovation	<b>Which transactions?</b>	New developments and major renovations Asset deals Lease Public buildings must continuously have a valid EPC certificate. For other buildings this obligation applies from 1 January 2028. Public buildings with a surface area of more than 250m <sup>2</sup> must also continuously have a valid EPC certificate on display.
Charging stations		
Fuel oil tanks		
Air quality		
Solar panels		
Water	<b>Since when?</b>	1 May 2015
Green roofs	<b>Certificate validity period</b>	10 years
Parking	<b>Legal base</b>	Walloon Decree of 28 November 2013 on the energy performance of buildings; Walloon Order of 15 May 2014 implementing the decree of 28 November 2013 on the energy performance of buildings
Other information		

Hidden defects

Flanders

Brussels

Wallonia

[Contact our experts](#)




# Overview of environmental obligations in RE transactions in Belgium

Asbestos	<b>What?</b>	Renovation of building within 5 years using a number of measures such as roof insulation, glazing, heating, cooling, solar panels, etc.
Soil		New constructions must be 'nearly zero-energy buildings'.
Energy performance certificate	<b>Who?</b>	New owner, long leaseholder or building right holder.
Energy efficient renovation	<b>Which property?</b>	Residential buildings with an EPC score below a certain threshold (currently labels E and F, but will become stricter over time).
Charging stations	<b>Which transactions?</b>	All non-residential buildings.
Fuel oil tanks		Asset deals
Air quality	<b>Since when?</b>	Residential buildings: 1 January 2023
Solar panels		Non-residential buildings: 1 January 2022
Water	<b>Certificate validity period</b>	NA
Green roofs		
Parking	<b>Legal base</b>	Flemish Energy Decree of 8 May 2009
Other information		Flemish Energy Order of 19 November 2010

Hidden defects

Flanders

Brussels

Wallonia

Contact our experts





# Overview of environmental obligations in RE transactions in Belgium

Asbestos	<b>What?</b>	Renovation of building using a number of measures such as roof insulation, glazing, heating, cooling, solar panels, etc.
Soil		New constructions must be 'nearly zero-energy buildings'.
Energy performance certificate	<b>Who?</b>	Right in rem Holder (owner, long lease holder, building right holder, usufruct holder, ...)
Energy efficient renovation	<b>Which property?</b>	Residential buildings with an EPC score below a certain threshold (currently labels F, but will become stricter over time).
Charging stations	<b>Which transactions?</b>	All non-residential buildings.
Fuel oil tanks		NA
Air quality		
Solar panels	<b>Since when?</b>	Residential buildings: 1 January 2033 (TBC) Non-residential buildings: TBC
Water	<b>Certificate validity period</b>	NA
Green roofs		
Parking	<b>Legal base</b>	Brussels Air, Climate and Energy Management Code of 2 May 2013 Brussels Ordinance of 7 June 2007 on the energy performance and indoor climate of buildings Brussels Order of 21 December 2007 determining energy performance and indoor climate requirements for buildings Brussels Policy Statement 2019-2024 Brussels Air Climate Energy Plan of May 2023
Other information		

Hidden defects

Flanders

Brussels

Wallonia

Contact our experts





# Overview of environmental obligations in RE transactions in Belgium

Asbestos	<b>What?</b>	Renovation of building within 5 years using a number of measures such as roof insulation, glazing, heating, cooling, solar panels, etc.
Soil		New constructions must be 'nearly zero-energy buildings'.
Energy performance certificate	<b>Who?</b>	New owner, long leaseholder or building right holder. Lessor in case of lease.
Energy efficient renovation	<b>Which property?</b>	Residential buildings with an EPC score below a certain threshold (becoming stricter over time). All non-residential buildings.
Charging stations	<b>Which transactions?</b>	Asset deals
Fuel oil tanks		Lease
Air quality	<b>Since when?</b>	Residential buildings transferred to a new owner: 1 July 2026 (TBC)
Solar panels		Residential buildings not transferred: 1 July 2031 (TBC)
Water		New leases: 1 January 2025 (TBC) Existing leases: 1 January 2027 (TBC) Non-residential buildings: TBC
Green roofs	<b>Certificate validity period</b>	NA
Parking	<b>Legal base</b>	Walloon Decree of 28 November 2013 on the energy performance of buildings Walloon Implementing Order of 15 May 2015 Ministerial Decision of 23 December 2014 on the energy performance of buildings Wallonia Policy Statement 2019-2024; Walloon strategy for long-term energy renovation of buildings of 12 November 2020.
Other information		Walloon Air Climate Energy Plan on 21 March 2023

Hidden defects

Flanders

Brussels

Wallonia

[Contact our experts](#)




# Overview of environmental obligations in RE transactions in Belgium

Asbestos	<b>What?</b>	Each parking space of residential buildings to be equipped with charging infrastructure.
Soil		Non-residential buildings to install minimum 2 charging stations per parking area, and charging infrastructure for at least 1/4 of parking spaces.
Energy performance certificate	<b>Who?</b>	Right in rem Holder (owner, long lease holder, building right holder, usufruct holder, ...)
Energy efficient renovation	<b>Which property?</b>	Residential buildings with 2 (new construction) or more than 10 (major renovation) parking spaces. Non-residential buildings with more than 10 parking spaces.
Charging stations	<b>Which transactions?</b>	When applying for an environmental permit for a new building or a major renovation.  Existing non-residential buildings with more than 20 parking spaces, even if they are not renovated, must have at least 2 charging points from 2025 onwards.
Fuel oil tanks	<b>Since when?</b>	11 March 2021
Air quality		
Solar panels	<b>Certificate validity period</b>	NA
Water	<b>Legal base</b>	Flemish Energy Decree of 8 May 2009 Flemish Energy Order of 19 November 2010 AFIR
Green roofs		
Parking		
Other information		





# Overview of environmental obligations in RE transactions in Belgium

Asbestos	<b>What?</b>	Residential buildings to install a charging point per parking space within a reasonable time after the residents having an electric vehicle.
Soil		Offices to install charging points for 10% or the parkings spaces, with a minimum of 2 charging points (gradually becoming stricter).
Energy performance certificate		Public parkings to install charging points for 5% or the parkings spaces, with a minimum of 2 charging points (gradually becoming stricter).
Energy efficient renovation	<b>Who?</b>	Right in rem Holder (owner, long lease holder, building right holder, usufruct holder, ...)
Charging stations	<b>Which property?</b>	All buildings
Fuel oil tanks	<b>Which transactions?</b>	NA (to be complied with at all times)
Air quality		
Solar panels		
Water	<b>Since when?</b>	1 January 2025
Green roofs	<b>Certificate validity period</b>	NA
Parking	<b>Legal base</b>	Brussels Electricity Ordinance of 23 July 2018
Other information		Brussels Order of 28 March 2019 on the roll-out of alternative fuel infrastructure Brussels Order of 29 September 2022 determining the ratios of recharging points for car parks, as well as certain additional safety conditions applicable thereto. AFIR







# Overview of environmental obligations in RE transactions in Belgium

Asbestos	<b>What?</b>	Each parking space of residential buildings to be equipped with charging infrastructure.
Soil		Non-residential buildings to install minimum 2 charging stations per parking area, and charging infrastructure for at least 1/4 of parking spaces.
Energy performance certificate	<b>Who?</b>	Right in rem Holder (owner, long lease holder, building right holder, usufruct holder, ...)
Energy efficient renovation	<b>Which property?</b>	Residential buildings with 2 (new construction) or more than 10 (major renovation) parking spaces. Non-residential buildings with more than 10 parking spaces.
Charging stations	<b>Which transactions?</b>	When applying for an environmental permit for a new building or a major renovation. Existing non-residential buildings with more than 20 parking spaces, even if they are not renovated, must also meet the requirements set out above.
Fuel oil tanks		
Air quality		
Solar panels	<b>Since when?</b>	11 March 2021
Water	<b>Certificate validity period</b>	NA
Green roofs	<b>Legal base</b>	Walloon Decree of 28 November 2013 on the energy performance of Walloon Implementing Order of 15 May 2014. AFIR
Parking		
Other information		





# Overview of environmental obligations in RE transactions in Belgium

Asbestos	<b>What?</b>	Maintain the tank in good working order at all times (subject to environmental declaration or permit for larger tanks).
Soil		Mandatory (re)inspection at regular intervals (5 years up to 5,000l; 3 years 5,000l and above). In case of decommissioning: a certificate must be issued by a certified fuel oil technician.
Energy performance certificate	<b>Who?</b>	Right in rem Holder (owner, long lease holder, building right holder, usufruct holder, ...)
Energy efficient renovation	<b>Which property?</b>	All buildings with an above- or underground fuel oil tank.
Charging stations	<b>Which transactions?</b>	NA (to be complied with at all times)
Fuel oil tanks		
Air quality		
Solar panels		
Water	<b>Since when?</b>	1 August 1995 Ban on the new installation or replacement of fuel oil tanks from 1 January 2022.
Green roofs	<b>Certificate validity period</b>	NA, but regular inspections depending on the type of tank. An above-ground fuel oil tank in a residential building does not require periodic inspections after commissioning since 1 March 2009. In case of decommissioning: a certificate must be issued by a certified fuel oil technician.
Parking	<b>Legal base</b>	Flemish Energy Decree of 8 May 2009 VLAREM II
Other information		





# Overview of environmental obligations in RE transactions in Belgium

Asbestos	<b>What?</b>	Maintain the tank in good working order at all times (subject to environmental declaration or permit for larger tanks).
Soil		Mandatory (re)inspection at regular intervals for tanks of 3,000l and above (5 years if above-ground; 3 years if underground). In case of decommissioning: a soil investigation must be carried out within 6 months.
Energy performance certificate	<b>Who?</b>	Right in rem Holder (owner, long lease holder, building right holder, usufruct holder, ...)
Energy efficient renovation	<b>Which property?</b>	All buildings with an above- or underground fuel oil tank.
Charging stations	<b>Which transactions?</b>	NA (to be complied with at all times)
Fuel oil tanks		
Air quality		
Solar panels		
Water	<b>Since when?</b>	5 June 1997 Ban on the new installation or replacement of fuel oil tanks from 1 January 2025.
Green roofs	<b>Certificate validity period</b>	NA, but regular inspections depending on the type of tank.
Parking	<b>Legal base</b>	Brussels Ordinance of 5 June 1997 on environmental permits Brussels Air, Climate and Energy Management Code of 2 May 2013 Brussels Order of 1 February 2018 on deposits of flammable liquids used as fuel
Other information		





# Overview of environmental obligations in RE transactions in Belgium

Asbestos	<b>What?</b>	Maintain the tank in good working order at all times (subject to environmental declaration or permit for larger tanks).
Soil		Mandatory (re)inspection at regular intervals for tanks of 3,000l and above (on a frequency depending on the type of oil-tank) In case of decommissioning: a soil investigation must be carried out within 6 months.
Energy performance certificate	<b>Who?</b>	Right in rem Holder (owner, long lease holder, building right holder, usufruct holder, ...)
Energy efficient renovation	<b>Which property?</b>	All buildings with an above- or underground fuel oil tank.
Charging stations	<b>Which transactions?</b>	NA (to be complied with at all times)
Fuel oil tanks		
Air quality		
Solar panels		
Water	<b>Since when?</b>	5 June 1997 Ban on the new installation or replacement of fuel oil tanks planned in the Walloon Air Climate Energy Plan on 21 March 2023
Green roofs	<b>Certificate validity period</b>	NA, but regular inspections depending on the type of tank.
Parking	<b>Legal base</b>	Walloon Decree of 11 March 1999 on environmental permits Walloon Order of 17 July 2003 determining the full conditions for the storage of combustible liquids in fixed tanks, excluding bulk storage of petroleum products and dangerous substances, as well as storage at service stations
Other information		





# Overview of environmental obligations in RE transactions in Belgium

Asbestos	<b>What?</b>	a) Provide documentation about ventilation and air purification systems; Maintain the air quality systems; Allow access to technical areas for the certifier to assess everything;
Soil		b) Use a CO2 meter; Conduct a risk analysis and create an action plan to be made available;
Energy performance certificate		c) Apply for certification and display the label; Operate the establishment in accordance with the label.
Energy efficient renovation	<b>Who?</b>	a) The right in rem holder (owner, long lease holder, building right holder, usufruct holder, ...); b) The right in rem holder (owner, long lease holder, building right holder, usufruct holder, ...); c) The occupier of the building.
Charging stations	<b>Which property?</b>	Buildings open to the public (not merely for residential or working purposes).
Fuel oil tanks	<b>Which transactions?</b>	NA (to be complied with at all times)
Air quality		
Solar panels	<b>Since when?</b>	a) 11 December 2022; b) 10 December 2023; c) 1 January 2025;
Water	<b>Certificate validity period</b>	NA
Green roofs	<b>Legal base</b>	Federal Air Quality Act of 6 November 2022
Parking		
Other information		





# Overview of environmental obligations in RE transactions in Belgium

Asbestos	<b>What?</b>	a) Provide documentation about ventilation and air purification systems; Maintain the air quality systems; Allow access to technical areas for the certifier to assess everything;
Soil		b) Use a CO2 meter; Conduct a risk analysis and create an action plan to be made available;
Energy performance certificate		c) Apply for certification and display the label; Operate the establishment in accordance with the label.
Energy efficient renovation	<b>Who?</b>	a) The right in rem holder (owner, long lease holder, building right holder, usufruct holder, ...); b) The right in rem holder (owner, long lease holder, building right holder, usufruct holder, ...); c) The occupier of the building.
Charging stations	<b>Which property?</b>	Buildings open to the public (not merely for residential or working purposes).
Fuel oil tanks	<b>Which transactions?</b>	NA (to be complied with at all times)
Air quality		
Solar panels	<b>Since when?</b>	a) 11 December 2022; b) 10 December 2023; c) 1 January 2025;
Water	<b>Certificate validity period</b>	NA
Green roofs	<b>Legal base</b>	Federal Air Quality Act of 6 November 2022
Parking		
Other information		





# Overview of environmental obligations in RE transactions in Belgium

Asbestos	<b>What?</b>	a) Provide documentation about ventilation and air purification systems; Maintain the air quality systems; Allow access to technical areas for the certifier to assess everything;
Soil		b) Use a CO2 meter; Conduct a risk analysis and create an action plan to be made available;
Energy performance certificate		c) Apply for certification and display the label; Operate the establishment in accordance with the label.
Energy efficient renovation	<b>Who?</b>	a) The right in rem holder (owner, long lease holder, building right holder, usufruct holder, ...); b) The right in rem holder (owner, long lease holder, building right holder, usufruct holder, ...); c) The occupier of the building.
Charging stations	<b>Which property?</b>	Buildings open to the public (not merely for residential or working purposes).
Fuel oil tanks	<b>Which transactions?</b>	NA (to be complied with at all times)
Air quality		
Solar panels	<b>Since when?</b>	a) 11 December 2022; b) 10 December 2023; c) 1 January 2025;
Water	<b>Certificate validity period</b>	NA
Green roofs	<b>Legal base</b>	Federal Air Quality Act of 6 November 2022
Parking		
Other information		





# Overview of environmental obligations in RE transactions in Belgium

Asbestos	<b>What?</b>	Installation of PV panels on buildings with a consumption of more than 1 GWh per connection point, at the latest 1 January of the 4 <sup>th</sup> year following the year the 1 GWh threshold was surpassed.
Soil		For buildings of public authorities and organisations this threshold is lowered to 250 MWh, and from 2026 to 100 MWh.
Energy performance certificate	<b>Who?</b>	AREI certification before commissioning
Energy efficient renovation		Right in rem Holder (owner, long lease holder, building right holder, usufruct holder, ...)
Charging stations	<b>Which property?</b>	All buildings.
Fuel oil tanks	<b>Which transactions?</b>	NA
Air quality		
Solar panels	<b>Since when?</b>	30 June 2025
Water	<b>Certificate validity period</b>	Indefinite
Green roofs		
Parking	<b>Legal base</b>	Flemish Energy Decree of 8 May 2009 Flemish Energy Order of 19 November 2010
Other information		







# Overview of environmental obligations in RE transactions in Belgium

Asbestos	<b>What?</b>	NA
Soil		
Energy performance certificate	<b>Who?</b>	NA
Energy efficient renovation	<b>Which property?</b>	NA
Charging stations	<b>Which transactions?</b>	NA
Fuel oil tanks		
Air quality		
Solar panels		
Water	<b>Since when?</b>	NA
Green roofs	<b>Certificate validity period</b>	NA
Parking	<b>Legal base</b>	NA
Other information		



# Overview of environmental obligations in RE transactions in Belgium

Asbestos	<b>What?</b>	NA
Soil		
Energy performance certificate	<b>Who?</b>	NA
Energy efficient renovation	<b>Which property?</b>	NA
Charging stations	<b>Which transactions?</b>	NA
Fuel oil tanks		
Air quality		
Solar panels		
Water	<b>Since when?</b>	NA
Green roofs	<b>Certificate validity period</b>	NA
Parking	<b>Legal base</b>	NA
Other information		



# Overview of environmental obligations in RE transactions in Belgium

Asbestos	<b>What?</b>	Mandatory installation of a rainwater tank, unless the roof is covered by a green roof.
Soil		Construction of an infiltration facility.
Energy performance certificate		Reusing of the rainwater for toilet flushing, cleaning water, washing machine and outdoor use
Energy efficient renovation	<b>Who?</b>	Certification of the rain water system before commissioning.
Charging stations		Right in rem Holder (owner, long lease holder, building right holder, usufruct holder, ...)
Fuel oil tanks	<b>Which transactions?</b>	New constructions or renovated buildings with a horizontal roof area of more than 75 m <sup>2</sup> , or of which the roof area is expanded by more than 50 m <sup>2</sup> .
Air quality		When applying for a building permit.
Solar panels		
Water	<b>Since when?</b>	1 January 2014
Green roofs	<b>Certificate validity period</b>	Indefinite
Parking	<b>Legal base</b>	Flemish Rainwater Regulation of 10 February 2023
Other information		





# Overview of environmental obligations in RE transactions in Belgium

Asbestos	<b>What?</b>	Mandatory installation of a rainwater tank.
Soil		
Energy performance certificate	<b>Who?</b>	Right in rem Holder (owner, long lease holder, building right holder, usufruct holder, ...)
Energy efficient renovation	<b>Which property?</b>	All buildings
Charging stations	<b>Which transactions?</b>	When applying for a building permit.
Fuel oil tanks		
Air quality		
Solar panels		
Water		
	<b>Since when?</b>	3 January 2007
Green roofs	<b>Certificate validity period</b>	NA
Parking	<b>Legal base</b>	Brussels Building Regulation of 21 November 2006
Other information		





# Overview of environmental obligations in RE transactions in Belgium

Asbestos	<b>What?</b>	In Wallonia, there is no regulation at the regional level that requires the installation of a rainwater tank. However, specific requirements are included in many municipal building regulations. The Walloon legislator is also considering introducing regional legislation.
Soil		
Energy performance certificate	<b>Who?</b>	NA
Energy efficient renovation	<b>Which property?</b>	NA
Charging stations	<b>Which transactions?</b>	NA
Fuel oil tanks		
Air quality		
Solar panels		
Water	<b>Since when?</b>	NA
Green roofs	<b>Certificate validity period</b>	NA
Parking	<b>Legal base</b>	NA
Other information		

Hidden defects

Flanders

Brussels

Wallonia

[Contact our experts](#)




# Overview of environmental obligations in RE transactions in Belgium

Asbestos	<b>What?</b>	In Flanders, there is no regulation at the regional level regarding green roofs. However, specific requirements are included in many municipal building regulations.
Soil		
Energy performance certificate	<b>Who?</b>	NA
Energy efficient renovation	<b>Which property?</b>	NA
Charging stations	<b>Which transactions?</b>	NA
Fuel oil tanks		
Air quality		
Solar panels		
Water	<b>Since when?</b>	NA
Green roofs	<b>Certificate validity period</b>	NA
Parking	<b>Legal base</b>	NA
Other information		



# Overview of environmental obligations in RE transactions in Belgium

Asbestos	<b>What?</b>	Installation of a green roof.
Soil		
Energy performance certificate	<b>Who?</b>	Right in rem Holder (owner, long lease holder, building right holder, usufruct holder, ...)
Energy efficient renovation	<b>Which property?</b>	Inaccessible flat roofs of more than 100 m <sup>2</sup> , i.e. roofs not equipped for use as recreational terraces under the applicable building permit.
Charging stations	<b>Which transactions?</b>	When applying for a building permit.
Fuel oil tanks		
Air quality		
Solar panels		
Water	<b>Since when?</b>	3 January 2007
Green roofs	<b>Certificate validity period</b>	NA
Parking	<b>Legal base</b>	Brussels Building Regulation of 21 November 2006
Other information		





# Overview of environmental obligations in RE transactions in Belgium

Asbestos	<b>What?</b>	In Wallonia, there is no regulation at the regional level regarding green roofs. However, specific requirements are included in many municipal building regulations.
Soil		
Energy performance certificate	<b>Who?</b>	NA
Energy efficient renovation	<b>Which property?</b>	NA
Charging stations	<b>Which transactions?</b>	NA
Fuel oil tanks		
Air quality		
Solar panels		
Water	<b>Since when?</b>	NA
Green roofs	<b>Certificate validity period</b>	NA
Parking	<b>Legal base</b>	NA
Other information		





# Overview of environmental obligations in RE transactions in Belgium

Asbestos	<b>What?</b>	In Flanders, there is no regulation at the regional level regarding parkings. However, specific requirements included in many municipal building regulations.
Soil		
Energy performance certificate	<b>Who?</b>	NA
Energy efficient renovation	<b>Which property?</b>	NA
Charging stations	<b>Which transactions?</b>	NA
Fuel oil tanks		
Air quality		
Solar panels		
Water	<b>Since when?</b>	NA
Green roofs	<b>Certificate validity period</b>	NA
Parking	<b>Legal base</b>	NA
Other information		



# Overview of environmental obligations in RE transactions in Belgium

Asbestos	<b>What?</b>	Maximum number of parking spaces for cars allowed.
Soil		Minimum number of parking spaces for bikes to be provided.
Energy performance certificate	<b>Who?</b>	Right in rem Holder (owner, long lease holder, building right holder, usufruct holder, ...), holding the building permit or environmental permit
Energy efficient renovation	<b>Which property?</b>	Multi-Units Residential Buildings Commercial Buildings Office Buildings
Charging stations	<b>Which transactions?</b>	When applying for a building or environmental permit.
Fuel oil tanks		
Air quality		
Solar panels		
Water		
Green roofs	<b>Since when?</b>	5 February 2014
	<b>Certificate validity period</b>	NA
	<b>Legal base</b>	Brussels Air, Climate and Energy Management Code of 2 May 2013 Brussels Building Regulation of 21 November 2006
Parking		
Other information		





# Overview of environmental obligations in RE transactions in Belgium

Asbestos	<b>What?</b>	In Wallonia, there is no regulation at the regional level regarding parkings. However, specific requirements are included in many municipal building regulations.
Soil		
Energy performance certificate	<b>Who?</b>	NA
Energy efficient renovation	<b>Which property?</b>	NA
Charging stations	<b>Which transactions?</b>	NA
Fuel oil tanks		
Air quality		
Solar panels		
Water	<b>Since when?</b>	NA
Green roofs	<b>Certificate validity period</b>	NA
Parking	<b>Legal base</b>	NA
Other information		



# Overview of environmental obligations in RE transactions in Belgium

Asbestos	<p><b>Other (non-environmental) information to be provided in the context of a real estate transaction</b></p> <ul style="list-style-type: none"> <li>• Allotments</li> <li>• As built certificate</li> <li>• Central heating</li> <li>• Electric certification</li> <li>• Heritage</li> <li>• Information from the association of co-owners</li> <li>• Mortgage certificate</li> <li>• Postintervention file</li> <li>• Pre-emption rights</li> <li>• Urban planning information</li> </ul>			
Soil				
Energy performance certificate				
Energy efficient renovation				
Charging stations				
Fuel oil tanks				
Air quality				
Solar panels				
Water				
Green roofs				
Parking				
Other information				
Hidden defects				



# Overview of environmental obligations in RE transactions in Belgium

Asbestos	<p><b>Other (non-environmental) information to be provided in the context of a real estate transaction</b></p> <ul style="list-style-type: none"> <li>• Allotments</li> <li>• As built certificate</li> <li>• Central heating</li> <li>• Electric certification</li> <li>• Heritage</li> <li>• Information from the association of co-owners</li> <li>• Mortgage certificate</li> <li>• Postintervention file</li> <li>• Pre-emption rights</li> <li>• Urban planning information</li> </ul>			
Soil				
Energy performance certificate				
Energy efficient renovation				
Charging stations				
Fuel oil tanks				
Air quality				
Solar panels				
Water				
Green roofs				
Parking				
Other information				
Hidden defects				





# Overview of environmental obligations in RE transactions in Belgium

Asbestos	<p><b>Other (non-environmental) information to be provided in the context of a real estate transaction</b></p> <ul style="list-style-type: none"> <li>• Allotments</li> <li>• As built certificate</li> <li>• Central heating</li> <li>• Electric certification</li> <li>• Heritage</li> <li>• Information from the association of co-owners</li> <li>• Mortgage certificate</li> <li>• Postintervention file</li> <li>• Pre-emption rights</li> <li>• Urban planning information</li> </ul>			
Soil				
Energy performance certificate				
Energy efficient renovation				
Charging stations				
Fuel oil tanks				
Air quality				
Solar panels				
Water				
Green roofs				
Parking				
Other information				
Hidden defects				





# Overview of environmental obligations in RE transactions in Belgium

Asbestos	<b>What?</b>	Duty to inform the buyer of any (major) defects he has knowledge of, even if these defects are not visible.
Soil		Objective liability for hidden defects.
Energy performance certificate	<b>Who?</b>	Transferor of a right in rem or in the context of restructuring of a company
Energy efficient renovation	<b>Which property?</b>	All buildings
Charging stations	<b>Which transactions?</b>	Asset deals
Fuel oil tanks		Share deals (through the representations and warranties)
Air quality		Mergers & Acquisitions
Solar panels	<b>Since when?</b>	Pre 2000
Water	<b>Certificate validity period</b>	NA
Green roofs		
Parking	<b>Legal base</b>	Art. 1641-1649 old Civil Code
Other information		





# Overview of environmental obligations in RE transactions in Belgium

Asbestos	<b>What?</b>	Duty to inform the buyer of any (major) defects he has knowledge of, even if these defects are not visible.
Soil		Objective liability for hidden defects.
Energy performance certificate	<b>Who?</b>	Transferor of a right in rem or in the context of restructuring of a company
Energy efficient renovation	<b>Which property?</b>	All buildings
Charging stations	<b>Which transactions?</b>	Asset deals
Fuel oil tanks		Share deals (through the representations and warranties)
Air quality		Mergers & Acquisitions
Solar panels	<b>Since when?</b>	Pre 2000
Water	<b>Certificate validity period</b>	NA
Green roofs		
Parking	<b>Legal base</b>	Art. 1641-1649 old Civil Code
Other information		







# Overview of environmental obligations in RE transactions in Belgium

Asbestos	<b>What?</b>	Duty to inform the buyer of any (major) defects he has knowledge of, even if these defects are not visible.
Soil		Objective liability for hidden defects.
Energy performance certificate	<b>Who?</b>	Transferor of a right in rem or in the context of restructuring of a company
Energy efficient renovation	<b>Which property?</b>	All buildings
Charging stations	<b>Which transactions?</b>	Asset deals
Fuel oil tanks		Share deals (through the representations and warranties)
Air quality		Mergers & Acquisition
Solar panels	<b>Since when?</b>	Pre 2000
Water	<b>Certificate validity period</b>	NA
Green roofs		
Parking	<b>Legal base</b>	Art. 1641-1649 old Civil Code
Other information		





# Overview of environmental obligations in RE transactions in Belgium

- Asbestos
- Soil
- Energy performance certificate
- Energy efficient renovation
- Charging stations
- Fuel oil tanks
- Air quality
- Solar panels
- Water
- Green roofs
- Parking
- Other information



**Fran Claes**

Partner  
Belgium

T +32 2 515 9347  
[fran.claes@osborneclarke.com](mailto:fran.claes@osborneclarke.com)



**Cedric Degreeef**

Counsel  
Belgium

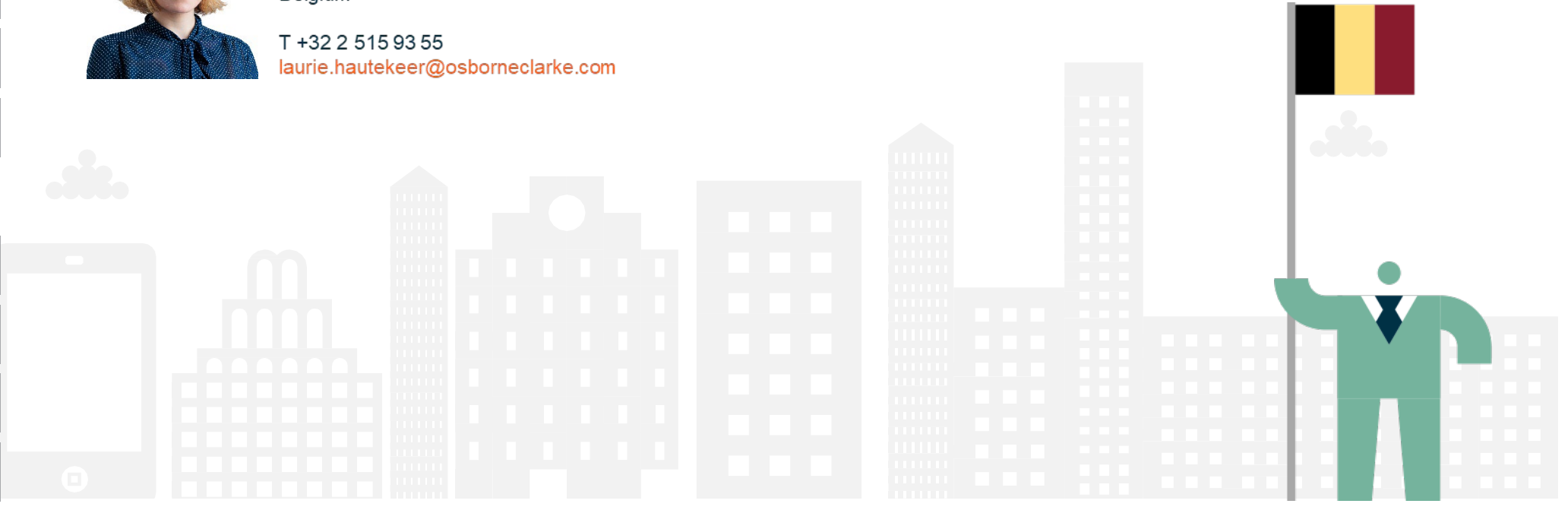
T +32 2 515 9318  
[cedric.degreeef@osborneclarke.com](mailto:cedric.degreeef@osborneclarke.com)



**Laurie Hautekeer**

Associate  
Belgium

T +32 2 515 93 55  
[laurie.hautekeer@osborneclarke.com](mailto:laurie.hautekeer@osborneclarke.com)



Hidden defects

Flanders

Brussels

Wallonia

Contact our experts