

Step back in the sustainability-push for forced co-ownership

April 2025

In September 2023, Members of the Chamber of Representatives proposed a draft law that aimed at addressing **the issue of sustainability** in Belgium's building stock.

Approximately 25% of residents in Belgium live in apartments, many of which are part of buildings built over 35 years ago. So far, only 4% of apartments (and 1% of houses) have been given an EPC A-label.

The **forced co-ownership regime** is often seen as an additional obstacle to coming to agreements on what should be done, how and when and starting necessary work.

The initial draft law suggested **several ambitious solutions** to ease the complexity of the decision-making process within the general meeting of co-owners and to ensure that the co-ownership associations take steps **towards improving durability**, such as the establishment of a multi-year maintenance plan or modifying rules for reserve funds.

18 months later, in an amended draft law dated 3 April 2025*, the legislator **revisited the issues**, significantly **narrowing the scope of the measures and solutions** intended to enhance sustainability.

In our blog, we are assessing the current Draft Law in the light of the initial draft law.

* Proposition de loi modifiant le Code civil en ce qui concerne la copropriété forcée d'immeubles ou de groupes d'immeubles afin d'éliminer les obstacles à l'amélioration de la durabilité des appartements – Wetsvoorstel tot wijziging van het Burgerlijk Wetboek met betrekking tot de gedwongen mede-eigendom van gebouwen of groepen van gebouwen, teneinde drempels voor de verduurzaming van appartementen weg te nemen (“**Draft Law**”)?



What are the obstacles to sustainability measures in forced co-ownership?

The legislator recognises the challenges posed by the decision-making process within the general assembly, especially when combined with the financial constraints faced by certain co-owners, which can hinder the implementation of energy efficiency improvements like solar panels or heat pumps.

To address these issues comprehensively, the legislator engaged in consultations with the sector to gain insights into the role of the trustee (syndic/syndicus), the decision-making dynamics, and strategies for optimising the use of the reserve fund before crafting tangible proposals.



What were the ambitious measures envisaged in the September 2023 Draft Law?

The initial Draft Law sought to simplify the decision-making process with the goal of improving sustainability for apartment buildings by:

- > modifying rules for **reserve funds** to cover adequately energy efficiency works;
- > requiring them to establish a **multi-year maintenance plan** composed of a statement of the building's energy and architectural condition, a description of all the maintenance work, as well as all the work required to obtain the highest-scoring EPC label, a 10-year plan containing all the foreseen investments and the financing models envisaged by the co-ownership association for certain scheduled works, whether for maintenance, energy or both;
- > granting co-ownership associations the **right to enter into loans**; and
- > updating rules on **decision-making processes**.



What measures remain in the amended Draft Law?

The legislator emphasises the need for a broader and better coordinated approach before new concepts such as the multi-year maintenance plan are introduced into the rules on forced co-ownership.

Taking a **more realistic and progressive approach**, the legislator focuses on **three measures at this stage**:

- > the **inclusion of energy efficiency works in the list of items that can be paid for out of reserve funds** as a non-periodical expense;
- > the **limitation of the option not to create a reserve funds** (“opt-out”) to small forced co-ownership (composed of less than three blocks); and
- > the **provision of additional information** – in the context of a sale of a block within a co-ownership – **on outstanding loans taken out by the co-ownership association** and their outstanding amount, as well as **certificates relating to the common parts of the buildings** (such as asbestos-free certificates and EPC certificates) which aims to formalise an existing practice.

For more information, do not hesitate to reach out to us.



Corentin Burton

Junior Associate, Brussels
Tel: +32 2 501 95 44
corentin.burton@linklaters.com



Bénédicte Deboeck

Counsel, Knowledge, Brussels
Tel: +32 2 501 93 67
benedicte.deboeck@linklaters.com