

DO I NEED A PEB CERTIFICATE?

THE SCOPE OF THE PEB CERTIFICATE FOR INDIVIDUAL HOUSING

Anyone wishing to sell or rent a home must have a valid ILL certificate for that home. This fact sheet outlines the limitations of the regulation and in particular the situations in which it is not necessary to have an EPB certificate when renting or selling a home. These situations and the procedures to follow are explained below.

1. WHAT ARE THE REAL ESTATE TRANSACTIONS FOR WHICH A PEB CERTIFICATE IS MANDATORY?

- Selling:

- private sales, including partial sales and sales of assets of a legal entity;
- forced (e.g. following a seizure) and voluntary public sales;
- the exchange.

- The rental

- *but also less frequent transactions:*

- Lease transfer ;
- The conclusion of a real estate leasing ;
- The translative transfer of a real right or the establishment of a real right inter vivos for valuable consideration, such as, for example, the sale with reservation of usufruct (=establishment of a right of bare ownership), the constitution of a right of emphyteusis.

What are the exceptions; the acts for which the possession of an ILL certificate is not mandatory?

- Expropriation;
- Succession;
- The contribution in company ;
- Easements;
- The sharing or equipollent act to sharing ;
- The establishment of mortgages and marriage contracts and their modifications;
- The donation.

If you have any doubts about the type of deed, we invite you to contact your notary or the consultation service of the [Royal Belgian Federation of Notaries](#), who will be happy to give you a detailed answer.



2. IS THE PROPERTY COVERED BY THE PEB CERTIFICATE REGULATIONS?

The current EPB regulation for dwellings provides that an EPB certificate must be available only for a transaction entered into on an "EPB unit of individual dwelling assignment".

This means that a property falls within the scope of the PEB certification if it meets the following 2 conditions:

- 1) The property meets the definition of an "ILL unit" (see section 2.1)
- 2) This EPB unit meets the definition of "single family dwelling" (see section 2.2)

These two concepts are explained and illustrated below.

2.1. THE PROPERTY MEETS THE DEFINITION OF A "PEB UNIT"

Legal definitions :

An **ILL unit** consists of "a collection of premises in a single protected volume, designed or modified for separate use, that meets the definition of an assignment. "¹

The **protected** ^{volume1&2} is defined as a "volume of spaces in which energy is used, and in any case always includes spaces heated or cooled continuously or intermittently as well as spaces not heated or cooled directly but which are not separated from the heated or cooled spaces by an insulated wall. The latter spaces are considered to be heated or cooled indirectly by heat transfer from the heated or cooled spaces."

Points of attention:

The concept of a 'complex of premises designed or modified for separate use' can be equated with the privacy of the premises of the dwelling, which must be guaranteed by doors with a functioning lock for all private rooms accessible from the outside or common premises.

The partial or total absence of a heating system is not a sufficient reason to exclude a property from the scope. In this case, the certification procedure uses default values for the evaluation of the missing elements of the heating system (the boiler, part of the radiators, convectors or pipes).

2.2. THE PEB UNIT MEETS THE DEFINITION OF "SINGLE FAMILY DWELLING".

Legal definitions :

A "single dwelling" EPB unit must meet the following 4 cumulative conditions:

¹ Ordinance of 02/05/2013 establishing the Brussels Code on Air, Climate and Energy Management, art 2.1.1 2°)

² Decree of the Government of the Brussels-Capital Region of January 26, 2017 establishing the guidelines and criteria necessary for the calculation of the energy performance of the EPB units and amending various decrees implementing the ordinance of 02/05/2013 on the Brussels Air, Climate and Energy Management Code, Annex 2



1. have a useable area (i.e., carpet area) of at least 18m².
;
2. have at least one private toilet (= for the sole use of the occupants of the dwelling) or at least one connection point to the sewage pipes and a cold water supply, in a room reserved for this use, or in a toilet, a shower room or a bathroom;
3. have a private bathroom/shower or at least one point of connection to the sewage pipes and a cold water supply;
4. have a clean and private space for preparing meals (kitchen or kitchenette), with a sink and equipment for cooking food, i.e. at least a connection to the sewage system, a cold water supply and electrical outlets for household appliances or a gas supply

A dwelling offered for sale or rent generally meets the legal definition of a "single-family dwelling". However, a dwelling that does not meet one or more of the above conditions does not fall within the definition of "single family dwelling" and is therefore not covered.

Points of attention:

The private use of these premises must be guaranteed by one or more doors equipped with a lock in working order for all rooms accessible from the outside or the common premises.

Neither the dilapidation, the healthiness or the difficulty of access of a property determines the obligation to have the EPB certificate established.

If a property that is sold as a shell (sometimes referred to as a CASCO) has the minimum connections and equipment for the toilet, bathroom/shower and kitchen, it meets the definition of a single-family dwelling.

A house whose fitted kitchen has been removed, for example because a new one has been ordered, remains a single-family dwelling in the meantime (the connection points and drains are still present).

2.3. EXAMPLES OF GOODS THAT MAY BE EXCLUDED FROM THE SCOPE OF APPLICATION AND THEREFORE DO NOT NEED A PEB CERTIFICATE

Cas e	Explanatio n
A house with some parts of the façade missing.	It is not possible to define a protected volume, and therefore not possible to identify an ILL unit. (§2.1)
A house that burned down and whose roof was completely gone.	It is not possible to define a protected volume, and therefore not possible to identify an ILL unit. (§2.1)
A dilapidated dwelling, without windows.	It is not possible to define a protected volume, and therefore not possible to identify an ILL unit. (§2.1)
An inaccessible property such as a house where all the windows have been walled up or which is under police seal.	It is not possible to visit it and thus identify an ILL unit. (§2.1)

<p>A duplex apartment whose levels are connected by the common corridor of the building, used by the occupants of the other units. The 5 doors of this duplex giving on the common corridor are old and do not all have a functional lock. The current tenant has placed a cabinet behind two of them to lock them.</p>	<p>The apartment is not an ILL unit because the requirement to use a common space to move from one level of the duplex to another, without the private use of the dwelling being guaranteed for all rooms, demonstrates that the entirety of its premises was not designed or modified for separate use. (§ 2.1). In order for this set of premises to be defined as an ILL unit, it would be necessary for the certifier to verify and attest that the private use of the dwelling is guaranteed by doors with a functioning lock for all rooms accessible from the outside or the common premises.</p>
<p>The studio is located on the top floor of a house and is accessed through the only stairwell of the house, which is used by its occupants to move from one floor to another. The studio is equipped with a door with a functional lock. The rest of the premises are not equipped with doors with locks.</p>	<p>The entire house must be certified as a single EPB unit, because even if the studio is accessed through a landing door with a working lock, the rooms that make up the rest of the house are not equipped with doors with working locks and cannot be considered as forming an EPB unit because they are not designed or modified to be used separately from the studio (§2.1).</p>
<p>A studio of 17 m² of floor space.</p>	<p>A property with a use area of less than 18 m² does not qualify as a "single-family dwelling". (§2.2 - condition n°1)</p>
<p>An apartment that has only one toilet on the common landing and whose use is shared with the occupants of another unit.</p>	<p>The dwelling does not have at least one private toilet (= for the sole use of the occupants of the dwelling) and therefore does not meet the "individual dwelling" assignment. (§2.2 - condition n°2)</p>
<p>An apartment that has only one bathroom on the common landing, the use of which is theoretically reserved for the occupants of the apartment, but whose private character is not guaranteed by a functional lock.</p>	<p>The dwelling does not have at least one private bathroom (= guaranteed single use for occupants of the dwelling) and therefore does not meet the assignment "individual dwelling". (§2.2 - condition n°3)</p>
<p>A dwelling under construction, emptied and renovated thoroughly, and from which all the pipes (gas and cold water, electricity) have been removed up to the meters.</p>	<p>The dwelling does not have the connections and the minimum equipment for toilet, bathroom/shower and kitchen. Therefore, it does not meet the assignment "individual dwelling". (§2.2 - conditions n°2, 3 and 4)</p>
<p>A student kot with a floor area of 20 m² with a private bathroom with toilet and a kitchen shared with several other kots.³</p>	<p>The unit does not have a private kitchen or kitchenette and therefore does not meet the assignment "individual dwelling" (§2.2 - condition n°4)</p>

If you find yourself in one of the cases mentioned in this table, please refer to point 4 for further information.

³ For your information: New properties that meet the definition of a non-residential ILL Unit with accommodation functions, such as student kots in which the living facilities (kitchen, dining room, toilets and bathroom, etc.) are wholly or partly shared, are not considered to be single dwellings. For some years now, they have received an EPB certificate after their construction. However, this certificate does not yet have to be legally produced at the time of a real estate transaction.



3. WHAT IF THE PROPERTY REQUIRES A SINGLE-FAMILY DWELLING PEB CERTIFICATE?

If your property

- is an ILL unit (see §2.1) ✓
- assignment Single-family dwelling (see §2.2) ✓
- and that the proposed transaction is covered by the regulations (see §1) ✓

then, as the owner or as an intermediary in the real estate transaction, you will need to have a valid EPB certificate for that unit.

3.1. WHEN DO I NEED A PEB CERTIFICATE?

The EPB certificate must be available **as soon as the property is put on the market**, i.e. WELL BEFORE the transaction is concluded. You will find more information on this subject in our fact sheet "[Advertising obligations](#)".

To avoid publishing a real estate ad in violation of a missing ILL indicator, it is best to do so as soon as possible.

Since the EPB certificate must be available as soon as the property is put up for sale and the purchaser is not yet known, the intentions of a potential future purchaser as to the future of the property are not taken into account in the need to draw up an EPB certificate.

For example, if the owner thinks that a future buyer might want to destroy the unit he intends to sell or turn it into an office, an EPB certificate will still be required if the unit falls within the scope.

3.2. HOW MANY PEB CERTIFICATES SHOULD BE ISSUED?

The certifier does not deal with planning violations (rental house converted into a single-family home or single-family home converted into a rental house, without any planning changes) and certifies as many single-family home EPB units as it finds.

If the building contains more than one single-family dwelling BDP unit within the meaning of the BDP, each single-family dwelling BDP unit subject to the transaction must have its own BDP certificate.

Examples:

- In the case of a single-family home converted to an apartment building, with a self-contained unit on each floor that meets the definition of a single-dwelling unit, there will be as many EPB certificates as there are units.
- In the case of a tenement house transformed into a single-family home, i.e. the stairwell allows circulation between the kitchen-living-dining room space on the 1st floor and the bedroom and bathroom space on the 2nd floor and not between different individual PEB housing units, there will be only one PEB certificate to be issued

- In the case of a building with 4 apartments, the 2 former apartments on the 2nd and 3rd floors were combined into a duplex without the need for planning permission and the stairwell was partitioned off from the second floor. There will be as many EPB certificates to be issued as there are individual dwelling EPB units, i.e. 3.

3.3. ACTIONS TO BE TAKEN BEFORE MARKETING :

Check that no EPB certificate has already been issued for the dwelling subject to the transaction. Either you have the EPB certificate or you can find this information by consulting the [Register of EPB certificates for Brussels housing](#);



SITUATION 1: A **valid EPB certificate** exists in the Register of EPB certificates of Brussels dwellings. No work has been carried out in this dwelling since the EPB certificate was issued. If you no longer have the EPB certificate, contact the residential certifier who issued it. You can find their contact details [here](#).
You are ready.



SITUATION 2 : A **valid EPB certificate** exists in the Register of EPB certificates of Brussels dwellings and **renovation works** modifying the energy characteristics of the property have been carried out (replacement of the boiler, windows, insulation,...) after the establishment of this EPB certificate. For information, the date of establishment can be found by deducting 10 years from the date of expiry of the EPB certificate. This certificate does not represent the quality of the good anymore. In this case, its EPB data must be updated so that it corresponds to the state of the dwelling at the time it was put on the market. Gather all the documents related to this work and consult the [Residential Certifier's Visit](#) fact sheet. Use a [residential certifier](#). Updating the original EPB certificate will be done easily by the certifier who issued the previous EPB certificate, as they know the property and will only need to change the data that has changed.



SITUATION 3: You have a document entitled "**energy performance certificate**", but the Register of EPB certificates for Brussels housing does not recognize it or indicates that it is **no longer valid**.

If the first application for planning permission or building permission (the one for the construction) for your dwelling dates from **before 02/07/2008**, check in the Register of EPB certificates if another EPB certificate has not been issued for this dwelling.

If this is the case and it is still valid, get it from the certifier who issued it.

If this is not the case, a new EPB certificate must be issued. [Contact a residential certifier](#) and consult the fact sheet entitled '[the residential certifier's visit](#)'.

If the first application for planning permission (the one relating to the construction) of your dwelling dates from **after 01/07/2008**.

The EPB certificate that was issued at the time of construction is still valid (it has not passed its validity date). Unfortunately, the EPB certificates issued for new properties are not yet included in the Register of EPB certificates for Brussels housing. You are now ready.



SITUATION 4 : To your knowledge, **no EPB certificate** exists for your dwelling, which is confirmed by the Register of EPB certificates for Brussels dwellings.

If the first application for a planning or building permit (the one for construction) for your dwelling was made **before 02/07/2008**, you will need to [contact a residential certifier](#) to have one established and consult the fact sheet entitled ["the visit of the residential certifier"](#).

If the first application for planning permission (the one relating to the construction) of your dwelling dates from **after 01/07/2008** :

If the construction is not yet completed and the property does not yet have its EPB certificate, you will have to contact the project's EPB advisor and ask him/her to prepare an interim report using the EPB calculation software. This interim report is equivalent to the ^{EPB4} certificate.

In all situations, please refer to the fact sheet ["Advertising Requirements"](#).

3.4. REMARKS FOR NEW GOODS :

The EPB certificates issued for new properties are not yet included in the Register of EPB certificates for Brussels housing.

With the exception explained below, an EPB certifier may not issue the first EPB certificate for new construction, i.e., where the **first application for planning permission was submitted after July 1, 2008⁵**.

For these new constructions which must respect the performance requirements linked to the "EPB works" regulation, it is Brussels Environment which issues an EPB certificate, on the basis of an EPB declaration introduced by the EPB adviser who followed the building site. The EPB certificate is issued at the end of the construction site, within 2 months from the date of receipt of the complete EPB declaration.

The model of the EPB certificate for new dwellings differs very slightly from the one for other dwellings because, among other things, it does not contain recommendations to improve the building, but its legal value is the same and you can use its results in the same way. For more information on this subject, consult the ["EPB work"](#) section of our website.

There is one exception to this procedure: If the property is in violation because it has not followed the procedures of the "EPB Work" regulation and Brussels Environment confirms that it will not be granted a new EPB certificate, the residential certifier can establish the EPB certificate himself.

⁴ in accordance with Article 2.2.11, §3 of the Ordinance of May 2, 2013 on the Brussels Code on Air, Climate and Energy Management

⁵ Or for renovated units that are treated as new



4. WHAT SHOULD YOU DO IF YOU THINK YOUR PROPERTY SHOULD NOT HAVE A SINGLE-FAMILY DWELLING CERTIFICATE?

Before contacting a residential certifier, if you think, after reading the above elements, that the property to be put on the market should not be certified, you can send a request for advice to Brussels Environment containing a detailed explanation, accompanied by evidence and a photo report illustrating the condition of the property put on the market. The photo report and any additional documents must show how the property does not meet the definition of a PEB unit or an individual dwelling.

This request should be sent to info-certibru@environnement.brussels.

In case of a positive answer to your request, you will receive by e-mail a positive advice from the PEB Certification Department of Brussels Environment.

This notice can be produced before the notary or in case of control of the obligations of publicity. It remains valid as long as no changes have been made to the property between the realization of the above-mentioned photo report and the conclusion of the transaction!

In case of doubt, never hesitate to contact the PEB Certification Department of Brussels Environment as soon as possible: info-certibru@environnement.brussels.

For other questions related to ILL:

You are an individual:

For general information on the EPB regulations, contact Homegrade:

- by phone at 1810 (Tuesday to Friday from 10am to 12pm and from 2pm to 4pm)
- by e-mail: info@homegrade.brussels
- via the [contact form](#)
- at the counter/information point For

more details: www.homegrade.brussels

You are a professional:

Use the service of the [Sustainable Building Facilitator](#):

- free of charge by phone 0800/85 775
- by email facilitateur@environnement.brussels
- via the [contact form](#)

