

The concept of

Volume Property

and 3D representation

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Significant Modification of the
Belgian Civil Code
and property legislation
superficie



Translation of art 3.177 of the new civil code

Surperficie is a real right of use which confers the ownership of volumes, whether built or not, in whole or in part, on, above or below the land of others, for the purpose of having any works or plantations .



The notion of Superficie as a
(possibly) perpetual real right

to allow the division into volumes of a
complex and heterogeneous building
comprising several volumes that can be used
independently and differently and do not
have any common parts. (art.3180)



Volume ownership / Co-ownership

- no common parts between the volumes
- individual real rights
- possibly joint by volumes where co-ownership exists
- not limited to the soil and buildings, plantations, surface, minerals and other materials and substances present above and below ground; it actually extends to the volumes above and below, in height and depth.



Some examples

- often in order to obtain a more efficient use of public space
- a possibility to come to a better better description and limitation of public and private restrictions and servitudes











Problem

- how to register these real rights in a legally binding way?
- how to define the boundaries?
- how to visualize the right in a 3D way?
- to what extent full ownership extends above and below the surface?



Action plan for benchmarking

- the Belgian Agency of Patrimonial Documentation will launch a questionnaire
- please answer these questions, describing the situation in your country
- in one of the future ELRN meetings there will be a presentation on the findings
- hopefully we can learn out the results



Further questions, suggestions;
please contact :

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thank you!

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