Belgian legislation on security interests in movable assets: entry into force to be postponed

In 2013 new legislation was enacted to substantially overhaul the existing Belgian law rules on security interests in movable assets (the "2013 Act"). This new act was to enter into force on a date to be set by Royal Decree, or ultimately on 1 December 2014 (please refer to the Stibbe Newsletter of 7 June 2013).

The centre piece of that new legislation was the establishment of an electronic, online filing system, called the National Pledge Register, which would allow for perfection of security interests (pledges) merely by way of a filing.

The establishment of the National Pledge Register is, however, taking substantially more time than anticipated. To avoid a legal vacuum, in the sense that the old legislation would have been cancelled, but that the practical tools are not yet available to use the new legislation, the Belgian legislator has opted to postpone the entry into force of the 2013 Act.

On 20 November, the Belgian Parliament has approved an additional act (the "Postponement Act"), which stipulates that the ultimate date for entry into force of the 2013 Act is postponed from 1 December 2014 to 1 January 2017. However, the possibility to arrange for entry into force earlier by way of a Royal Decree, remains in place.

Publication of the Postponement Act is expected to take place as soon as possible but it provides that, irrespective of its date of publication, the postponement will enter into force and take effect as per 1 December 2014.

The approved text of the Amending Act can be found here.