

# Ownership on the divide: a legal framework for the possibilities and consequences of a division of ownership in Belgium

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## Detective COMICS



**THE MYSTERY OF THE TRUST(-LIKE FIGURES)!  
A DIVISION BETWEEN CONTROL AND OWNERSHIP?!**

**THE TAX AUTHORITIES?**



**THE  
ADMINISTRATOR?**



**ALLOCATION OF  
PROPERTY RIGHTS FOR  
TAX PURPOSES?!**

**DOES HE OWE TAXES?**



**THE BENEFICIARY?**

**"DIVISION OF  
OWNERSHIP"?!**

**DOES THIS EVEN  
EXIST?!**

**IN BELGIUM?  
IN THE UK? THE US?  
FRANCE? THE NETHERLANDS?**

According to current Belgian law, a 'division of ownership' is not possible. Moreover, Belgian law is not familiar with the concept of the trust, where the property rights to the trust goods are divided into a 'legal' and 'equitable' title. But, because of the need to apply trust-like structures, the structure of a trust is often replicated by using recognized legal figures, such as foundations, certification institutions and corporations. In other cases, trusts are set up abroad. These practices pose many problems, because there is no fundamental 'groundwork' with respect to the division of ownership in Belgium. This causes (tax) authorities to struggle with such structures. The aim of this project is to provide a groundwork for such a division, taking into account its tax consequences.

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