



AUGUSTAABOGADOS

NEWSLETTER

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NEW MANDATORY ASBESTOS CERTIFICATE FOR THE SALE OR LETTING OF PROPERTIES IN CATALONIA

On 3 October, Law 8/2026 on the eradication of asbestos in Catalonia enters into force, introducing new obligations for owners who sell or let properties located in Catalonia.

Although the law has a broad scope and pursues objectives related to public health, the prevention of occupational risks, environmental protection, and the management of asbestos-containing waste, this note focuses on its impact on the real estate sector.

The principal innovation is the obligation to provide a certificate of the presence or absence of asbestos upon the formalisation of the sale or letting of a property. Pursuant to Article 21 of the law, this certificate must evidence the circumstances to be determined by the future implementing regulations. In the absence of such regulations, the law provides that the certificate must indicate, at a minimum, the visible presence or absence of asbestos, the state of conservation of any asbestos-containing materials, and any risk that such materials may pose to individuals.

It should be noted that a certificate stating the absence of asbestos does not necessarily mean that the property is entirely free of this material, but rather that no asbestos is visible, at least under the current wording of the law.

The law also imposes information obligations on professionals and companies involved in the management and removal of asbestos. Such persons and entities must disclose the presence or absence of asbestos in offers, promotional materials and

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advertising relating to the sale or letting of residential properties intended for consumers. In addition, property managers must ensure that owners comply with the obligations established by the law and assist them with the corresponding procedures.

Another relevant aspect is that the law, in its Seventh Additional Provision, establishes that the certification of the presence of asbestos-containing materials must be recorded in the Land Registry upon the registration of transfers of ownership, such as in the case of a sale and purchase transaction.

Finally, failure to comply with the obligation to provide the certificate constitutes a minor infringement, punishable by fines ranging from EUR 100 to EUR 3,000, without prejudice to any other liabilities that may arise depending on the specific circumstances. However, this sanctioning regime will enter into force upon the approval of the decree implementing such regime. Until then, the general environmental sanctioning provisions will apply.

Accordingly, property owners, real estate professionals and property managers should begin taking this new documentary requirement into account in any sale and purchase or lease transaction formalised from the date on which the law enters into force. Close attention should be paid to the approval of the implementing regulations, which will specify the characteristics of the certificate, and the persons authorised to issue it.



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