

# The costs of legal proceedings

The costs of legal proceedings before Belgian civil courts can be high. Below you can find an overview of these costs as well as the party that has to bear them.

## 1 THE COST OF A WRIT OF SUMMONS

In general, legal proceedings are initiated with a writ of summons to be served by a bailiff. This is done at legal rates and usually costs between 200 EUR and 500 EUR per party to be summoned. In a number of cases, proceedings may also be initiated by a petition (e.g. on appeal). The costs of the writ of summons and the register fees are borne by the losing party at the end of the proceedings. The costs of the writ of summons must be paid in advance by the plaintiff. In the event of insolvency of the defendant and provided the latter is condemned, these costs will remain at the expense of the plaintiff.

## 2 REGISTER FEES

This is a tax to put the case onto the court's agenda. The rates vary according to the level of the court. Initiating a case at the Justice of the Peace costs 50 EUR, at the Court of First Instance and the Business Court it is 165 EUR. Initiating a case at the Court of Appeal costs 400 EUR, at the Supreme Court it is 650 EUR. The losing party must ultimately bear these costs. No register fees are due before the labour courts, before the family court or before the undertaking court for insolvency proceedings.

In its final decision, the court will condemn the party or parties liable to pay the fee or to pay their share thereof. The register fee becomes due from the date of the judgment, and the decision of the court on the rolling right cannot be the subject of a separate appeal. Late payment of the register fees may lead to administrative fines and the absence of an appeal date. If the register fee is not paid by the plaintiff on appeal, a judgment whose enforceability the court had excluded becomes enforceable within three months of the act of appeal. In the event of a reform of the first judgment on appeal, the winning party will be able to claim the register fees from the eventual unsuccessful party.

## 3 PROCEDURAL INDEMNITY – LAWYER'S FEES

The lawyer's fees are non-recoverable except partially through the procedural indemnity.

This is a fixed contribution per instance for the costs and fees of the winning party's lawyer. The amount is based on the value of the claim: the greater the value of the claim, the greater the contribution. Disputes that cannot be valued in monetary terms are subject to a separate fixed contribution.

This procedural indemnity does not reimburse the full lawyer's costs and fees. However, the costs and fees of a technical adviser (accountant, physician, architect, etc.) do not fall within this fixed contribution and can be claimed separately, insofar as they are necessary in nature.

The judge may, however, in certain cases take into account:

- the complexity of the case;
- the financial capacity of the losing party;
- contractually agreed compensation for the successful party; and
- the manifestly unreasonable nature of the situation

to reduce or increase the contribution, on the condition that this is requested by one of the parties to the proceedings, and to the extent that the contribution remains within the limits of the maximum and minimum amounts provided for by law. An overview of the statutory fixed amounts of the contribution for civil matters can be found in the table on the second page (table is periodically indexed).

## 4 REGISTRATION FEES

Registration fees can be qualified as taxes and are intended as a general payment for services provided by the court (in addition to the register fees). Only in the event of judgments ordering payment of more than 12,500 EUR, a registration fee of 3% is to be paid by the losing party on the amount to which it has been condemned and in the case of several losing parties to the extent that the condemnation has been pronounced at its expense. In the event of the insolvency of the unsuccessful party, these costs will be definitively borne by the successful party. The following condemnations are exempt from registration fees: fines (criminal, civil, disciplinary), maintenance grants, injunctions in summary proceedings.

## 5 THE SERVICE BY BAILIFF OF A JUDGMENT

This is an official notification of a judgment by the bailiff at the request of one of the parties. The service of a judgment means that the time limit begins to run for the use of legal remedies such as opposition, appeal and cassation, and makes it possible to enforce the decision. This service happens at statutory rates which will usually be between 200 and 500 EUR. To this end, the bailiff will have to order a "certified copy" from the court registry at no additional cost in the event of a first enforceable certified copy of judgments.

## 6 PROCEDURAL COSTS AT THE SUPREME COURT (COURT OF CASSATION)

An appeal at the Supreme Court is only possible against final decisions rendered in last instance and on the grounds of violation of the law.

Before initiating any proceedings at the Supreme Court, an opinion will be sought from a lawyer admitted at the Supreme Court who will verify whether the above conditions of appeal are met.

The cost of proceedings at the Supreme Court depends on the lawyer's fees and the complexity of the case. The opinion of the lawyer at the Supreme Court costs approximately 2,500 EUR; the same goes for the effective conduct of proceedings. Unlike in 'ordinary' proceedings, the successful party cannot claim lawyer fees or procedural indemnity (based on fixed amounts). As a rule, however, the Supreme Court will order the losing party to pay the costs of the proceedings, which consist of:

- The service costs towards the other party of the petition at the Supreme Court, amounting to approximately 275 EUR per party.
- Except in labour or social law disputes, where a register fee of 650 EUR is due.

### Overview of the statutory fixed amounts of the contribution for civil matters

SCALE	FROM	UP TO	BASE AMOUNT	MINIMUM AMOUNT	MAXIMUM AMOUNT
	EUR 0.00	EUR 250.00	EUR 180.00	EUR 90.00	EUR 360.00
	EUR 250.01	EUR 750.00	EUR 240.00	EUR 150.00	EUR 600.00
	EUR 750.01	EUR 2,500.00	EUR 480.00	EUR 240.00	EUR 1,200.00
	EUR 2.500.01	EUR 5,000.00	EUR 780.00	EUR 450.00	EUR 1,800.00
	EUR 5.000.01	EUR 10,000.00	EUR 1,080.00	EUR 600.00	EUR 2,400.00
	EUR 10.000.01	EUR 20,000.00	EUR 1,320.00	EUR 750.00	EUR 3,000.00
	EUR 20.000.01	EUR 40,000.00	EUR 2,400.00	EUR 1,200.00	EUR 4,800.00
	EUR 40.000.01	EUR 60,000.00	EUR 3,000.00	EUR 1,200.00	EUR 6,000.00
	EUR 60.000.01	EUR 100,000.00	EUR 3,600.00	EUR 1,200.00	EUR 7,200.00
	EUR 100.000.01	EUR 250,000.00	EUR 6,000.00	EUR 1,200.00	EUR 12,000.00
	EUR 250.000.01	EUR 500,000.00	EUR 8,400.00	EUR 1,200.00	EUR 16,800.00
	EUR 500.000.01	EUR 1,000,000.00	EUR 12,000.00	EUR 1,200.00	EUR 24,000.00
	EUR 1.000.000.01	...	EUR 18,000.00	EUR 1,200.00	EUR 36,000.00
	Cannot be valued in money		EUR 1,440.00	EUR 90.00	EUR 12,000.00

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