

Case Study 2 – Family law – Custody of children – Belgium

Important preliminary remark: Lawyers’ costs and fees are not regulated in Belgium (these depend on the difficulty and significance of the case, the name and reputation of the lawyer, the urgency of the matter, the outcome of the case, etc.). However, lawyers in Belgium are bound by rules of professional conduct and are legally required to estimate costs in a way that is fair and moderate (see above).

The estimate of costs is provided on a purely indicative basis.

Costs in Belgium

Costs of proceedings at first instance and appeal, and Alternative Dispute Resolution (ADR)

Case study	Proceedings at first instance			Appeal proceedings			Alternative Dispute Resolution (ADR)	
	Initial court fees	Transcription fees	Other fees	Initial court fees	Transcription fees	Other fees	Is this option available in this type of case?	Fees
Case A	EUR 52	EUR 2.85 per page (royal decree (<i>arrêté royal</i>) No 64 of 30 November 1939, Belgian Official Gazette 1 December 1939)		EUR 186	EUR 2.85 per page (royal decree (<i>arrêté royal</i>) No 64 of 30 November 1939, Belgian Official Gazette 1 December 1939)		no	
Case B	EUR 52	EUR 2.85 per page (royal decree (<i>arrêté royal</i>) No 64 of 30 November 1939, Belgian Official Gazette 1 December 1939)		EUR 186	EUR 2.85 per page (royal decree (<i>arrêté royal</i>) No 64 of 30 November 1939, Belgian Official Gazette 1 December 1939)		no	

Costs of lawyers, bailiffs (*huissier de justice*) and expert witnesses (*expert*)

Case study	Lawyer		Bailiff			Expert witness	
	Is representation compulsory?	Average costs	Is representation compulsory?	Pre-judgment costs	Post-judgment costs	Is use compulsory?	Fees
Case A	no	around EUR 1 500	no	EUR 52	around EUR 100	no	
Case B	no	around EUR 1 000	no	EUR 52	around EUR 100	no	

Costs of witness (*témoin*) compensation, proof by oath (*serment*) or other guarantee and other

relevant fees

Case study	Witness compensation Are witnesses compensated?	Proof by oath or other guarantee
	Cost	Does this apply and when and how is it implemented? In civil cases, as a general rule, an obligation to provide a security when instituting proceedings may be imposed in the situation provided for in Article 851 of the Judicial Code (<i>Code judiciaire</i>). This is an exception applying to foreign applicants. A Belgian respondent may request that the foreign applicant or intervening party provide a security. Article 852 specifies the form which the security may take (sum of money, surety, etc.). See page on transparency of costs.
Case A yes	BEF 200 or EUR 4.96	In civil cases, as a general rule, an obligation to provide a security when instituting proceedings may be imposed in the situation provided for in Article 851 of the Judicial Code. This is an exception applying to foreign applicants. A Belgian respondent may request that the foreign applicant or intervening party provide a security. Article 852 specifies the form which the security may take (sum of money, surety, etc.). See page on transparency of costs.
Case B yes	BEF 200 or EUR 4.96	In civil cases, as a general rule, an obligation to provide a security when instituting proceedings may be imposed in the situation provided for in Article 851 of the Judicial Code. This is an exception applying to foreign applicants. A Belgian respondent may request that the foreign applicant or intervening party provide a security. Article 852 specifies the form which the security may take (sum of money, surety, etc.). See page on transparency of costs.

Costs of legal aid (*aide juridique*) and other reimbursements

See the 'Legal Aid' section of the page dealing with costs of proceedings.

Costs of translation and interpretation

Case study	Translation		Interpretation		Other costs relating to transnational disputes?	
	When and under which conditions is it necessary?	Approximate cost?	When and under which conditions is it necessary?	Approximate cost?	Description	Approximate cost?
Case A	when the documents are necessary for the proceedings	between EUR 7.57 and EUR 34.48 per page	when the respondent does not understand the language of the proceedings	between EUR 31.61 and EUR 54.62 per hour		
Case B	when the documents are necessary for the proceedings	between EUR 7.57 and EUR 34.38 per page	when the respondent does not understand the language of the proceedings	between EUR 31.61 and EUR 54.62 per hour	costs of declaration of enforceability	around EUR 100

Last update: 01/03/2022

The national language version of this page is maintained by the respective Member State. The translations have been done by the European Commission service. Possible changes introduced in the original by the competent national authority may not be yet reflected in the translations. The European Commission accepts no responsibility or liability whatsoever with regard to any information or data contained or referred to in this document. Please refer to the legal notice to see copyright rules for the Member State responsible for this page.