

Case Study No° 3 - Family law - maintenance allowance - Belgium

Important preliminary remark: Lawyers' fees are not regulated in Belgium (they are determined on the basis of the difficulty and significance of the case, the name and reputation of the lawyer, the urgency of the case, the outcome of the case, etc.). However, lawyers in Belgium are bound by ethical rules and are legally obliged to give an estimate of expenses and costs that is fair and moderate (see above).

The estimate of expenses and costs is purely indicative.

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 costs of proceedings	Transcription costs	Other of Costs	Initial costs of proceedings	Transcription costs	Other type of Costs case?
Case A	EUR 27	EUR 2.85 per page (royal decree (<i>arrêté royal</i>) No° 64 of 30 November 1939, Belgian Official Gazette 1 December 1939)	EUR 82	EUR 2.85 per page (royal decree No° 64 of 30 November 1939, Belgian Official Gazette 1 December 1939)		no
Case B	EUR 27	EUR 2.85 per page (royal decree No° 64 of 30 November 1939, Belgian Official Gazette 1 December 1939)	EUR 82	EUR 2.85 per page (royal decree No° 64 of 30 November 1939, Belgian Official Gazette 1 December 1939)		no

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

Case study	Lawyer		Bailiff		Expert witness	
	Is representation compulsory?	Average costs around	Is representation compulsory?	Costs prior to the judgment	Costs after the judgment	Is their involvement compulsory?
Case A	no	EUR 1 000	no	around EUR 27	around EUR 60	no
Case B	no	EUR 1 000	no	around EUR 27	around EUR 60	no

Costs relating to payment of witnesses (*témoin*), proof by oath (*serment*) or other guarantee and other fees

Case study	Payment of witnesses Are witnesses paid?	Cost	Proof by oath or other guarantee Does this apply and when and how is it implemented?
Case A	yes	between EUR 15.65 and EUR 48.24	In civil proceedings, as a general rule, the obligation to provide a deposit when commencing proceedings may arise in the case provided for in Article 851 of the Judicial Code (<i>Code judiciaire</i>). In this case, a claimant who is a foreign national may be obliged to provide a deposit. A Belgian respondent may request that the foreign claimant or intervener provide a deposit. Article 852 specifies the form the deposit may take (sum of money, security, etc.). See fact sheet on transparency of costs.
Case B	yes	BEF 200 or EUR 4.96	In civil proceedings, as a general rule, the obligation to provide a deposit when commencing proceedings may arise in the case provided for in Article 851 of the Judicial Code. In this case, a claimant who is a foreign national may be obliged to provide a deposit. A Belgian respondent may request that the foreign claimant or intervener provide a deposit. Article 852 specifies the form the deposit may take (sum of money, security, etc.). See fact sheet on transparency of costs.

Legal aid (*aide juridique*) costs and other types of reimbursement

See the Legal aid section of the page on the costs of proceedings.

Translation and interpretation costs

Case study	Translation When and under what conditions is it necessary?	Approximate cost?	Interpretation When and under what conditions is it necessary?	Approximate cost?	Other costs relating to cross-border disputes?	
					Description	Approximate cost?
Case A	where the documents are necessary for the proceedings	between EUR 7.57 and EUR 34.48 per page	where the respondent does not understand the language of the proceedings	between EUR 31.61 and EUR 54.62 per hour		
Case B	where the documents are necessary for the proceedings	between EUR 7.57 and EUR 34.48 per page	where 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 (<i>exequatur</i>)	around EUR 100

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