

## Case Study 4 - Commercial law - contracts - 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	Initial costs of proceedings	Transcription costs	Is this option available in this type of case?	Costs
Case A	EUR 82	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 No 64 of 30 November 1939, Belgian Official Gazette 1 December 1939)	Yes	See the section entitled 'What is the cost of mediation?' on the Mediation in Belgium page
Case B	EUR 52 (European Payment Order)	EUR 2.85 per page (royal decree No 64 of 30 November 1939, Belgian Official Gazette 1 December 1939)	EUR 186	EUR 2.85 per page (royal decree No 64 of 30 November 1939, Belgian Official Gazette 1 December 1939)	Yes	See the section entitled 'What is the cost of mediation?' on the Mediation in Belgium page

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

Case study	Lawyer		Bailiff		Expert witness	
	Is representation compulsory?	Average costs	Is representation compulsory?	Costs prior to the judgment	Costs after the judgment	Is their involvement compulsory?
Case A	no	around EUR 2 000	no	around EUR 250	around EUR 250	no
Case B	no	around EUR 2 000	no	around EUR 52	around EUR 100	no

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

Case study	Payment of witnesses Are witnesses paid?	Proof by oath or other guarantee
	Cost	Does this apply and when and how is it implemented? 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 A	yes BEF 200 or EUR 4.96	
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		Interpretation		Other costs relating to cross-border disputes?	
	When and under what conditions is it necessary?	Approximate cost?	When and under what conditions is it necessary?	Approximate cost?	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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