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Mutual recognition of protection measures in civil matters

Belgium



Belgium

FINDING COMPETENT COURTS/AUTHORITIES

The search tool below will help you to identify court(s)/authority(ies) competent for a specific European legal instrument. Please note that although every effort has been made to ascertain the accuracy of the results, there may be some exceptional cases concerning the determination of competence that are not necessarily covered.

Article 18 (a)(i) - the authorities which are competent to order protection measures and issue certificates in accordance with Article 5

The following have the power to order protection measures according to the subject of the case in which a protection measure is requested: the family court (*tribunal de la famille*), the labour court (*tribunal du travail*) or public prosecutor's office (*ministère public*), with subsequent verification by the family court or juvenile court (*tribunal de la jeunesse*).

The chief registrar (*greffier en chef*) of the court which ordered the protection measure, or the public prosecutor's office if applicable, is responsible for issuing the certificate.

Article 18 (a)(ii) - the authorities before which a protection measure ordered in another Member State is to be invoked and/or which are competent to enforce such a measure

The public prosecutor's office of the place where the person under protection is/will be entered in the population register, or where the person is/will be usually resident.

Article 18 (a)(iii) - the authorities which are competent to effect the adjustment of protection measures in accordance with Article 11(1)

The public prosecutor's office of the place where the person under protection is/will be entered in the population register, or where the person is/will be usually resident. This adjustment may be appealed before the Court of First Instance (*tribunal de première instance*) in accordance with Article 11(5).

Article 18 (a)(iv) - the courts to which the application for refusal of recognition and, where applicable, enforcement is to be submitted in accordance with Article 13

The Court of First Instance.

Article 18 (b) - the language or languages accepted for translations as referred to in Article 16(1)

French, Dutch and/or German are accepted for the translations referred to in Article 16(1), depending on the official languages of the place of enforcement in accordance with Belgian law.

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