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European payment order

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 29(1)(a) - Courts with jurisdiction

Under the Belgian Judicial Code (*Code judiciaire/Gerechtigd Wetboek*), the courts that have jurisdiction to issue a European payment order, depending on the place and on the subject matter of the case, are the civil magistrate's court (*juge de paix/vrederechter*), the court of first instance (*tribunal de première instance/rechtbank van eerste aanleg*), the commercial court (*tribunal de l'entreprise/ondernemingsrechtbank*) and the labour tribunal (*tribunal du travail/arbeidsrechtbank*).

Article 29(1)(b) - Review procedure

Depending on the circumstances there are several courses that may be open to a party wishing to secure a review of a decision.

- First, Article 1051 of the Judicial Code provides that an appeal on points of fact and law (*appel/hoger beroep*) may be lodged against a judgment within one month of service of the judgment, or in some cases within one month of notice of the judgment given under the second and third paragraphs of Article 792 of the Code. This applies whether or not both parties appeared in the proceedings.

- Second, Article 1048 of the Code provides that where a judgment is given in default of appearance of one of the parties, an objection (*opposition/oppositie*) may be entered, likewise within one month of service of the judgment or in some cases within one month of notice of the judgment given under the second and third paragraphs of Article 792 of the Code.

- Where neither of those remedies is any longer available against a judgment of a civil court, (or of a criminal court ruling on the civil aspects of a case before it), a party may in certain circumstances be able to make an application seeking an extraordinary review under Article 1133 of the Code (*requête civile/herroeping van het gewijsde*), within six months of learning of the judgment, with a view to having the judgment revoked.

The time-limits set out above for appeal, objection and application for extraordinary review do not affect:

- time-limits laid down in imperative provisions of supranational and international law;
- the provision in Article 50 of the Judicial Code that allows a time-limit after which an entitlement lapses to be extended under certain conditions laid down by law;
- the possibility of applying the general principle of law, repeatedly confirmed by the Belgian Court of Cassation,

according to which the time allowed for the performance of an act is extended in favour of a party who has been prevented from performing the act by *force majeure*.

Article 29(1)(c) - Means of communication

The means of communication that are accepted by and available to the Belgian courts for purposes of the Regulation are confined to two: the form A application in Annex I may be lodged directly, with the supporting documents, at the registry of the court with jurisdiction; or the same form, with the supporting documents, may be sent to the court by registered post.

Article 29(1)(d) - Accepted languages

For purposes of Article 21(2)(b), Belgium does not accept languages other than the official language or languages of the place of enforcement as provided in Belgian domestic legislation.

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