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# Maintenance obligations

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 71 1. (a) - Courts for application for a declaration of enforceability and courts for appeal against decisions on such applications

The court with jurisdiction to deal with declarations of enforceability is the family court (*tribunal de la famille/familie rechtbank*).

The defendant may challenge the initial decision before the family court; the defendant may appeal to the court of appeal (*cour d'appel/hof van beroep*).

### Article 71 1. (b) - Redress procedure

An appeal on a point of law (*pourvoi en cassation/cassatieberoep*) may be lodged against the second judgment.

Address of the Court of Cassation (*Cour de cassation/Hof van cassatie*): Palais de justice/Justitiepaleis, Place Poelaert/Poelaertplein 1, 1000 Brussels.

### Article 71 1. (c) - Review procedure

Depending on the specific circumstances of the case, under Belgian law 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 (*Code judiciaire/Gerechtelijk Wetboek*) 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 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 71 1. (d) - Central Authorities

The Federal Public Service for Justice  
 International civil cooperation (Service de coopération internationale civile)  
 Boulevard de Waterloo 115  
 1000 Bruxelles  
 Belgique  
 E-mail:  
[aliments@just.fgov.be](mailto:aliments@just.fgov.be) (for cases to be dealt with in French)  
[alimentatie@just.fgov.be](mailto:alimentatie@just.fgov.be) (for cases to be dealt with in Dutch)  
 Telephone:  
 +32(0)2 542 67 85 (for cases to be dealt with in French)  
 +32(0)2 542 67 62 (for cases to be dealt with in Dutch)

#### Article 71 1. (f) - Competent authorities for enforcement

The competent authority for the purposes of Article 21 of Regulation (EC) No 4/2009 is the judge of attachments (*juge des saisies/beslagrechter*) with jurisdiction for the place of attachment. Pursuant to Article 1395 of the Judicial Code, the judge of attachments has jurisdiction for all applications relating to attachments and proceedings for enforcement. Territorial jurisdiction is determined under Article 633 of the Code.

Moreover, the Code states that the court of first instance (*tribunal de première instance/rechtbank van eerste aanleg*) has general territorial jurisdiction. Under Article 569(5) of the Code, the court of first instance deals with disputes regarding the enforcement of judgments and rulings. It also has unlimited jurisdiction pursuant to Article 566 of the Code.

Lastly, pursuant to Articles 509 et seq. of the Judicial Code, the authorities competent for the enforcement of a ruling delivered by a court under the Regulation referred to above are the court bailiffs (*huissiers de justice/gerechtsdeurwaarders*).

#### Article 71 1. (g) - Accepted languages for translations of documents

Belgium does not accept languages other than the official language or languages of the place of enforcement as provided in Belgian domestic legislation.

#### Article 71 1. (h) - Languages accepted by Central Authorities for communication with other Central Authorities

The Belgian central authority will also accept English, in addition to its national languages, namely Dutch, French and German, as the language of communication.

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