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Succession

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 78 (a) - the names and contact details of the courts or authorities with competence to deal with applications for a declaration of enforceability in accordance with Article 45(1) and with appeals against decisions on such applications in accordance with Article 50(2)

Applications for a declaration of enforceability: the court of first instance (*tribunal de première instance/rechtbank van eerste aanleg*)

Appeals against decisions on such applications:

- an objection (*opposition/verzet*) can be brought before the same court of first instance
- a full appeal (*appel/beroep*) can be brought before the Court of Appeal (*Cour d'appel/Hof van Beroep*)

Article 78 (b) - the procedures to contest the decision given on appeal referred to in Article 51

The Court of Cassation (*Cour de Cassation/Hof van Cassatie*) reviews points of law. It does not review the facts. Lodging an action before the Court of Cassation is a special procedure. A case can be brought before the Court of Cassation only when the ordinary redress procedures, such as objections or appeals, have been exhausted; the court of Cassation considers only whether the contested judgment or ruling is contrary to law or to some rule of law. If it is, the Court of Cassation will quash the contested decision and refer the case to another court at the same level as the first. That court must then try it afresh on the merits.

Cour de Cassation/Hof van Cassatie

Palais de justice/Justitiepaleis
Place Poelaert/Poelaertplein 1
1000 Brussels

Article 78 (c) - the relevant information regarding the authorities competent to issue the Certificate pursuant to Article 64

Certificates pursuant to Article 64 are issued by [notaries](#).

Article 78 (d) - the redress procedures referred to in Article 72

The Family Court (*Tribunal de la Famille/Familierechtbank*) was created by the Act of 13 July 2013; it is a division of the court of first instance. In the interests of simplification and in order to reduce the cost of legal

proceedings, the new Act lays down the general rule that proceedings should be brought by application (*requête/verzoekschrift*) made to the court. However, in many cases proceedings may still be instituted by summons (*citation/dagvaarding*) served on the other party, which gives the plaintiff more control over the date when the case is actually brought to court.

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