

[Home](#) > ... > [Taking Legal Action](#) > [European Judicial Atlas In Civil Matters](#) > [Serving Documents \(recast\)](#) Belgium

Serving documents (recast)

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 3(1) - Transmitting agencies

- Bailiffs;
- In cases where Belgian law provides for the service of judicial documents by courts, the registries of those courts;

Article 3(2) - Receiving agencies

[Bailiffs.](#)

Article 3(4)(c) - Means of receipt of documents

Registered post with acknowledgement of receipt or qualified electronic registered delivery service.

Article 3(4)(d) - Languages that may be used for the completion of the standard form set out in Annex I

In addition to forms completed in Dutch, French and German, forms completed in English will also be accepted.

Article 4 - Central body

National Bailiffs' Association of Belgium (*Nationale kamer van gerechtsdeurwaarders*)
Henri Jasparlaan 93
1060 Brussels
BELGIUM

Telephone: +32 2 5380092
Fax: +32 2 5394111
Email: info@nkgb-cnhb.be

Information may be sent by post, fax, email or telephone.
Languages accepted: French, Dutch, German, English.
Territorial jurisdiction: Belgium (whole country)

Article 7 - Assistance in address enquiries

Under Article 7, Belgium provides assistance as referred to in paragraph 1(a). The competent authorities to which transmitting agencies may address requests on the determination of the address of the person to be served are the bailiffs.

In order to request assistance in determining addresses, bailiffs' details can be found via [this website](#).

Belgium declares that bailiffs who are properly authorised to serve a document in their territory, in their capacity as receiving agencies are generally required by law to verify, on their own initiative, the authenticity of the address of the document's addressee in the same territory, in accordance with the rules of national law in force. The address is verified by consulting the existing databases to which bailiffs have legal access and which provide information on the official residence of all persons (Belgian or foreign) domiciled, residing or authorised to reside in Belgium.

Article 8 – Transmission of documents

Belgium accepts form A completed in English, as well as in French, Dutch or German.

Article 12 – Refusal to accept a document

Not applicable.

Article 13 – Date of service

Belgium applies a double date system for determining the moment of service; the date to be taken into account as the date of service differs according to whether this relates to the addressee or to the sender.

In accordance with Article 53bis of the Belgian Judicial Code, with regard to the addressee and unless the law stipulates otherwise, the time periods which start to run as of the service of a paper-based document are calculated with effect from:

- 1) the first day following that on which the judicial registered letter or the registered letter with acknowledgment of receipt is presented at the home address of the addressee or, where applicable, at their residence or address for service;
- 2) the third working day following that on which the registered letter or ordinary letter is presented to the postal service, unless the addressee provides evidence to the contrary.

With regard to the sender of the document, it is the date of sending (or the date of presentation to the postal service or to the court registry) that is regarded as the date of service.

Accordingly, if a party to the proceedings loses its case at first instance and wishes to lodge an appeal, it must be able to do so without awaiting formal notification of the judgment.

The same also applies if a person wishing to interrupt the running of the limitation period arranges for the service of an interruption document (extrajudicial document).

Article 14 – Certificate of service and copy of the document served

Belgium accepts form K completed in English, as well as in French, Dutch or German.

Article 15 – Costs of service

There is a single flat-rate fee for the costs of service by a bailiff of EUR 165 (including Belgian VAT) payable by the applicant for each document served to a natural or legal person. This amount, or a part thereof, may be requested by the bailiff before any action is taken.

In cases where VAT is applied by the country of origin on the flat-rate fee for the costs of service under European legislation on the common system of value added tax, the bailiff will reimburse any amount overpaid. Payment should be made directly through a bank or financial institution in Belgium approved by the country of the applicant. Bank charges are payable by the transmitting agency.

If the transmitting agency is subject to VAT and informs the Belgian bailiff of this, the bailiff will proceed directly to reverse-charging the VAT in order to avoid having to refund any overpayment and the related administrative procedures and costs. In this case, transmitting agencies subject to VAT may pay the Belgian bailiff the flat-rate fee excluding VAT of EUR 136.36.

Article 17 – Service by diplomatic agents or consular officers

Belgium is opposed to service within its territory of judicial documents as referred to in Article 17(1) of the Regulation, unless such documents are to be served on nationals of the Member State in which the documents originate.

Article 19 – Electronic service

National law in Belgium does not in principle allow service of document by ordinary email, but Belgium does allow service by electronic means in accordance with Article 19(2), provided that the following additional conditions are met:

the process used must make it possible to:

- reliably identify the parties to the electronic communications;
- ensure the integrity of the documents transmitted and the security and confidentiality of exchanges;
- ensure that the transmissions carried out are retained;
- determine with certainty the date on which the document was sent;
- provide certainty that the addressee has consented to electronic service.

These conditions do not apply to service of documents that are purely informative and do not produce legal effects such as triggering the start of the time period for lodging an appeal.

Article 20 – Direct service

Belgian law is not opposed to direct service as provided for by Article 20. Direct service on persons residing in Belgium must be effected through the bailiff with territorial jurisdiction over the place of residence of the person to be served.

<https://www.gerechtsdeurwaarders.be/bailiff>

Article 22 – Defendant not entering an appearance

Notwithstanding the provisions of Article 22(1) of the Regulation, courts in Belgium may give judgment if all the conditions of paragraph 2 are fulfilled.

An application for relief as provided for in Article 22(4) of the Regulation must be filed within one year of the judgment.

Article 29 – Relationship with agreements or arrangements between Member States

Belgium declares that, in its relations with the other Member States, the Regulation prevails in matters within its scope over the following instruments:

- Convention of The Hague of 1 March 1954 on civil procedure;
- Convention of 1 March 1956 between Belgium and France on mutual judicial assistance in civil and commercial matters;
- Agreement of 25 April 1959 between the Government of Belgium and the Government of the Federal Republic of Germany to facilitate the application of the Convention of The Hague of 1 March 1954 on civil procedure;
- The Hague Convention of 15 November 1965 on the Service Abroad of Judicial and Extrajudicial Documents in Civil or Commercial Matters;
- Convention of 23 October 1989 between Belgium and Austria on mutual judicial assistance and legal cooperation, additional to the Convention of The Hague of 1 March 1954 on civil procedure.

Article 33(2) - Notification on the early use of the decentralised IT-system

Not applicable.

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