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**francouzština**

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## Costs

### Belgie

This page provides information about the costs of legal proceedings in Belgium.

The following case studies will give you a clearer idea of the cost of the proceedings:

[Family law – Divorce](#)

[Family law – Custody of children](#)

[Family law – Maintenance allowance](#)

[Commercial law – Contracts](#)

[Commercial law – Liability](#)

## Provisions relating to fees of legal professions

### Bailiffs

#### Civil matters

The fees of bailiffs in civil and commercial proceedings are regulated by a Royal Decree of 30 November 1976. Since 1 January 2012, bailiffs in Belgium have been subject to VAT legislation. Subject to the legally provided exceptions, they must calculate the VAT on their fees and expenses.

**The texts and tariffs may be consulted** on the website of the [National Chamber of Bailiffs of Belgium](#) or on the website [Portal of the Judiciary of Belgium](#) ('*Législation*' (Legislation) section).

#### Criminal matters

The fees of bailiffs in criminal proceedings are regulated by a Royal Decree of 23 August 2015. Since 1 January 2012, bailiffs in Belgium have been subject to VAT legislation. Subject to the legally provided exceptions, they must calculate the VAT on their fees and expenses.

**The texts and tariffs may be consulted** on the website of the [National Chamber of Bailiffs of Belgium](#) or on the website [Portal of the Judiciary of Belgium](#) ('*Législation*' (Legislation) section).

### Lawyers

Lawyers' fees are **not regulated**. Lawyers set them freely and they may be negotiated between client and lawyer, but lawyers must still set them within suitably restrained limits. The Council of the Bar Association may check that lawyers do not exceed these limits.

**Several calculation methods are possible**: hourly remuneration, remuneration for each service provided, remuneration according to the value of the case (percentage of the amount involved in the proceedings), etc. A fees pact solely linked to the outcome of the action is prohibited by Article 446ter of the Belgian Judicial Code ('*pactum de quota litis*'). Lawyers must inform their clients in advance of their fee calculation method. Lawyers' fees are not subject to VAT in Belgium.

## Fixed costs in legal proceedings

### Fixed costs in civil proceedings

#### Fixed costs for litigants in civil proceedings

Court costs are fixed in Belgium. **Costs vary depending on the court** before which the proceedings are brought **and the stage of the proceedings** (first instance or appeal).

Costs in legal proceedings are termed '**legal costs**' and are the subject of Article 1017 et seq. of the Belgian Judicial Code. Article 1018 of the Belgian Judicial Code sets out the costs classed as legal costs. Legal costs consist of:

the various registry and registration fees. Registry fees consist of fees for register entry, drafting and copy execution and are set out in the Code on Registration, Mortgage and Registry Fees, under Article 268 et seq.;

the cost of judicial documents and related emoluments and salaries;

the cost of providing a copy of a judgment;

the costs of any measures of inquiry, particularly the witness and expert fees. With regard to witnesses, a Royal Decree of 27 July 1972 determines the amounts of the allowance and of reimbursements;

travel and subsistence costs for members of the national legal service, registrars and parties when their journey has been ordered by the judge, and document costs, when these have been produced solely for the proceedings;

the case preparation allowance referred to under Article 1022 of the Belgian Judicial Code;

the fees, emoluments and costs of a mediator appointed in conformity with Article 1734 of the Belgian Judicial Code.

Article 1019 states that **the registration fees** classed as legal costs consist of:

a general fixed fee;

specific fixed fees; and

fees due on judgments leading to conviction, liquidation or collocation of monies or securities.

In some cases, **when the applicant or the intervening party in the proceedings is not Belgian and the respondent is Belgian**, the latter may, in the absence of an international agreement providing for dispensation and except in special circumstances, request that the applicant or the intervening party provide **surety** to guarantee payment of damages arising from the action. This is provided for in Article 851 of the Judicial Code.

The costs of bailiffs and lawyers (see above) and translators and interpreters (see below) must also be taken into account, as appropriate.

#### Stage in civil proceedings when a party must settle fixed costs

Some costs must be settled before an action is brought. This applies to the **registry fee**, which is collected when the case is entered in the register.

Costs arising during the proceedings are generally collected while the proceedings are underway.

For some costs a **reserve** has to be established. In this way, experts are paid from a reserve established by the party that sought the measure of inquiry. Likewise, Article 953 states that the party requesting that a witness be heard must, before such hearing, deposit a reserve with the registrar representing the amount of the allowance and the reimbursement of costs (travel, etc.).

Costs in legal proceedings are sometimes advanced by lawyers and therefore included in their statement of costs and fees.

#### **Fixed costs in criminal proceedings**

##### **Fixed costs due from all parties in criminal proceedings**

The issue of fixed costs in criminal proceedings is regulated under Article 91 et seq. of the Royal Decree of 28 December 1950.

##### **Variable costs in criminal proceedings**

If the victim files a complaint with an application to join proceedings as a civil party with the investigating judge (Article 66 of the Code of Criminal Procedure), the latter has the option to request that the victim deposit a certain amount of money with the registrar of the court. If the complaint is admissible and well founded, the surety will be refunded.

##### **Stage in criminal proceedings when a party must settle fixed costs**

The issue of fixed costs in criminal proceedings is regulated under Article 91 et seq. of the Royal Decree of 28 December 1950.

##### **Stage in criminal proceedings when a civil party must settle variable costs**

The estimated variable costs must be deposited by the victim at the request of the investigating judge at the time of joining proceedings as a civil party, at the start of the investigation. This surety may increase during the criminal proceedings.

#### **Costs of legal proceedings in constitutional matters**

##### **Fixed costs for litigants in constitutional proceedings**

The only costs attributed to the parties in constitutional proceedings are the **costs of sending** items by registered post.

#### **What prior information can you expect to receive from your legal representative (lawyer)?**

##### **Information relating to the rights and obligations of the parties**

The rules of professional conduct impose a duty of information and advice on lawyers with regard to their clients. This involves lawyers providing their clients with **information about their rights and obligations**.

Lawyers must, among other things, inform their clients about the **method of calculating their fees**.

#### **Sources of information on costs of legal proceedings**

##### **Where can I find information about costs of legal proceedings in Belgium?**

Information on this subject is available on the website of the [FPS Justice](#), on the website of the [courts and tribunals](#) or on the websites of the various legal professions.

Such information may also be found in statutory texts or by contacting the registrar or a lawyer.

##### **In which languages can I find information about the costs of legal proceedings in Belgium?**

This information is available in Dutch and French.

##### **Where can I find information on mediation?**

Information on mediation is available on the website of the [FPS Justice](#) ('publications' section) and on the website of the [Federal Mediation Commission](#).

##### **Where can I find additional information on costs?**

##### **Website on costs of legal proceedings**

See above.

##### **Where can I find information on the average duration of proceedings?**

A lawyer will be able to give you some information on the estimated duration of your proceedings. This varies **depending on the type of proceedings** that you wish to bring and **the court** before which you wish to take action.

##### **Where can I find information on the average aggregate cost for particular proceedings?**

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#### **Value Added Tax (VAT)**

##### **Where can I find information on this subject? What are the applicable rates?**

Where information on costs is published, the costs indicated do not include VAT. The applicable VAT rate is 21%.

However, these costs remain fixed and therefore invariable.

#### **Legal aid**

##### **What are the income limits for receiving this in civil matters?**

This matter is governed by Article 508/1 et seq. of the Belgian Judicial Code.

##### **Frontline legal aid** is free for all. It involves initial legal advice, and more specifically:

practical information;

legal information;

an initial opinion or referral to a specialist organisation.

This initial advice is given by law professionals and is **totally free of charge**, whatever your income.

**Second-line legal aid** allows those whose income does not enable them to meet the costs of a lawyer to obtain free or partly free assistance from a lawyer. A lawyer helps you by advising and defending you. A Royal Decree of 18 December 2003 determines the requirements for free or partly free second-line legal aid and legal assistance.

The following persons will **receive totally free** legal aid due to their social circumstances:

any single person whose net monthly income is less than EUR 978;

any single person with a dependant whose net monthly income is less than EUR 1 255 (+ EUR 173.48 for each dependant);

any person forming a household (married or cohabiting) whose net monthly household income is less than EUR 1 255 (+ EUR 173.48 for each dependant);

any person receiving social integration or social welfare income;

any person receiving the income guarantee to older persons (GRAPA);

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any social tenant who, in the Flemish or Brussels-Capital Regions, pays a rent equal to half of the base rent or who, in the Walloon Region, pays minimum rent;

any minor;

any foreign national, in order to make a residence permit application or bring an administrative or judicial action against a decision taken pursuant to the acts on admission to the territory, stay, settlement and expulsion of foreign nationals;

any asylum seeker, any person declaring himself or herself a refugee or making an application for refugee status or making an application for displaced person status;

a person engaged in collective debt settlement proceedings or wishing to submit a request for collective debt settlement.

The following persons will receive free legal aid due to a **presumed lack of income** (a presumption that may be reversed):

any person in detention or any accused person covered by the law concerning immediate summary trial who is presumed, unless proved otherwise, to be a person without adequate resources;

any mentally ill person made the subject of a measure provided for by the Act of 26 June 1990 on protection of mentally ill people who is presumed, unless proved otherwise, to be a person without adequate resources;

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The help will be **partly free** (lawyers may, in this case, ask for a limited contribution to cover their services) for:

any single person whose net monthly income is between EUR 978 and EUR 1 255;

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The amounts shown above are adjusted each year in line with the consumer price index.

**Legal assistance** concerns the costs of legal proceedings. If clients do not have adequate resources to meet the costs of legal proceedings, they may apply, directly or through their lawyer, to the legal assistance office. They may, depending on their degree of insolvency, be exempted, in full or in part, from paying the costs of bailiffs, experts, etc. This matter is governed by Article 664 et seq. of the Judicial Code.

**What are the requirements for obtaining it as a defendant in a criminal trial, a victim of crime or an accused person?**

The conditions for obtaining legal aid as a defendant in a criminal trial, a victim or an accused person are the same as set out above.

**Are some proceedings exempt from costs?**

Yes, for example, proceedings seeking collective debt settlement or an opportunity to participate in court proceedings without costs.

**When does the losing party have to pay the winning party's costs?**

**Civil and commercial matters**

In conformity with Article 1017 et seq., the costs that constitute **legal costs** (costs for bailiffs, experts, courts, etc.) will be, in general, **awarded against the losing party**, once the judgment is delivered.

A one-off contribution to the lawyer costs and fees of the winning party is part of the legal costs awarded against the losing party. This contribution is termed the '**case preparation allowance**' and is a one-off contribution calculated according to a scale based on the amounts involved in the case. It does not necessarily cover all of the fee costs. A Royal Decree of 26 October 2007 determines the amounts of this 'case preparation allowance'. The amounts are minima and maxima and it is for the judge to assess the amount of the allowance within this range.

In some instances the court may not award legal costs against the losing party but settle this question differently (shared costs, etc.).

**Criminal matters**

When the court finds against the defendant and those civilly liable, the costs of the proceedings are generally awarded against them, as well as a case preparation allowance (one-off contribution to the lawyer costs and fees of the winning party – see civil and commercial matters above). On the other hand, if the court does not find against the defendants and those civilly liable and the party claiming damages loses, the latter may or must be ordered to pay all or part of the costs of proceedings to the State and to the defendant, as well as a case preparation allowance. In some instances the costs of proceedings are paid by the State. These rules are contained in the **Code of Criminal Procedure**.

**Experts' fees**

**Civil and commercial matters**

Experts' fees are **not regulated** and experts set the amount of their fees freely. The judge monitors these fees in a marginal way (he or she may intervene in the event of disagreement between the parties and the expert) but there is no legal text establishing the amounts of experts' fees. This matter is governed by Article 987 et seq. of the Judicial Code, as well as by a Royal Decree of 24 May 1933.

A Royal Decree of 14 November 2003 does, however, **establish** the tariff of fees and costs due to experts appointed by the employment courts in the context of **medical reports** concerning:

cases relating to benefits for people with disabilities;

family benefits for salaried workers and self-employed workers;

unemployment insurance; and

the compulsory insurance scheme for health care and allowances.

**Criminal matters**

Experts' fees in criminal proceedings are **regulated** by a Royal Decree of 28 December 1950 and by a ministerial circular of 22 January 2009. The tariffs for 2010 were published in the Belgian Official Gazette of 2 February 2010.

Texts available for consultation on the website of the [Commission for the Modernisation of the Judiciary](#) ('*infos juridique*' (legal information) – '*professionnels*' (professionals) – '*tarifs*' (tariffs) – '*frais de justice*' (costs of legal proceedings) section) or on the [Portal of the Judiciary of Belgium](#) ('*Législation*' (Legislation) section).

**Translators' and interpreters' fees**

It may be necessary to call upon a translator or interpreter in the course of proceedings. Such is the case when documents are presented in a language other than the one used for the proceedings or when a witness can only express himself or herself in another language. It is also the case when a party speaks a language other than the one used for the proceedings and does not understand the language of the proceedings or when the judge does not understand the language used by that party. The applicable rules are contained in **the Act of 15 June 1935 concerning use of languages in judicial matters**.

**Criminal matters**

Translators' and interpreters' fees in criminal proceedings are **regulated** by a Royal Decree of 22 December 2016.

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**Related links**

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**Related Attachments**

[Report by Belgium concerning the Study on the transparency of costs](#)  (829 Kb) 

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