

## Belgium

This section presents an overview of specialised courts in Belgium.

**Specialised courts**

All information concerning courts specialising in a particular field (employment law, commercial law) may be found in the 'Ordinary courts' section.

**Constitutional Court**

The **Constitutional Court** examines **conformity** of acts, decrees and ordinances **with the Constitution**. It also oversees **proper division of powers** between the federated entities and the federal State.

It is a court consisting of 12 judges who ensure that the Constitution is observed by Belgian legislators. It may **annul and suspend acts, decrees and ordinances**. The Constitutional Court was conceived as a specialised court. Because of its particular role, it is independent of the legislature, the executive and the judiciary.

It succeeded the 'Court of Arbitration', established in 1980 at the time when Belgium was progressively being transformed into a federal State. It was given its first name by the Constituent Assembly because of its original role as arbitrator between the various legislators, that of the federal State and those of the Communities and the Regions. Its role was thus limited to monitoring the conformity of acts, decrees and ordinances with the rules on division of powers contained in the Constitution and acts of institutional reform.

The name 'Constitutional Court', which it has had since 7 May 2007, is more in keeping with its powers, which have been extended to monitoring acts, decrees and ordinances with regard to Title II of the Constitution (Articles 8 to 32 relating to the rights and freedoms of Belgians), and also Articles 170 and 172 (legality and equality of taxes) and 191 (protection of foreign nationals).

**Six judges** belong to the French language group, **six** to the Dutch language group. One of the judges must have an adequate knowledge of German. In each language group three judges have at least five years' experience as members of a parliamentary assembly and three judges have practised law (lecturer in law at a Belgian university, judge at the Court of Cassation or the Council of State, legal secretary at the Constitutional Court).

Source: Internet site of the [Constitutional Court](#).

**Administrative courts****Council of State**

The **Council of State**, both an advisory and a judicial institution where the legislature, the executive and the judiciary come together, primarily owes its existence to the legislator's desire to offer all natural or legal persons effective recourse against irregular administrative acts that may have harmed them.

As a result the principal powers of the Council of State are to **suspend and annul administrative acts** (individual acts and regulations) that are **contrary to the legal rules in force**.

Protecting against arbitrary administrative action is not, however, the Council's only role. It also **acts as an advisory body** on legislative and regulatory issues.

The Council of State is also a **court of cassation** hearing appeals **against the decisions of inferior administrative courts**.

The Council of State rules by means of judgments and orders on the applications made.

The Council **consists** of 44 members appointed for life, these being a senior president, a president, 14 presidents of chambers and 28 State judges.

The members sit in the General Assembly of the Council of State and in one of the chambers of the Administrative Litigation Section or the Legislation Section.

Source: [Internet site of the Council of State of Belgium](#).

**Legal databases in these fields**

Internet site of the [Council of State](#).

Internet site of the [Constitutional Court](#).

**Is access to the database free of charge?**

Yes, access is free of charge.

**Related Links**

[Federal Public Service Justice](#)

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