

Domov>Sprožitev sodnega postopka>Kje in kako>Stroški

Izvirna jezikovna različica te strani [\[fr\]](#) je bila pred kratkim spremenjena. To jezikovno različico trenutno prevajajo naši prevajalci.

francoščina

Opozarjamo, da so že na voljo naslednje jezikovne različice: [\[en\]](#) [\[nl\]](#).

Swipe to change

Stroški

Belgija

Na tej strani so na voljo informacije o sodnih stroških v Belgiji. Natančnejše podatke o stroških postopka boste našli v študijah primerov: Družinsko pravo - ločitev Družinsko pravo - skrbništvo otrok Družinsko pravo - preživnina Gospodarsko pravo – pogodba Gospodarsko pravo – odgovornost

Za izbrano jezikovno različico ni uradnega prevoda.

Tukaj je na voljo strojni prevod vsebine. Opozarjamo, da je prevod samo okvirjen. Lastnik te strani ne prevzema nikakršne odgovornosti glede kakovosti tega strojno prevedenega besedila.

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Predpisi, ki urejajo plačila za storitve zaposlenih v pravnih poklicih

Sodni izvršitelji

V civilnih zadevah

Plačila za storitve sodnih izvršiteljev v civilnih in gospodarskih zadevah ureja kraljeva uredba z dne 30. novembra 1976. Cenik za leto 2009 je bil objavljen v Moniteur belge z dne 31. decembra 2008.

Besedila in cenik so na voljo na spletni strani [Nacionalne zbornice sodnih izvršiteljev Belgije](#) (razdelek „cenik in obrestne mere“, nato pa „vse zadeve“) ali na spletni strani [portala belgijske sodne oblasti](#) (razdelek „zakonodaja“).

V kazenskih zadevah

Plačila za storitve sodnih izvršiteljev v kazenskih zadevah urejata kraljeva uredba z dne 28. decembra 1950 in ministrska okrožnica z dne 22. januarja 2009. Cenik za leto 2009 je bil objavljen v Moniteur belge z dne 12. januarja 2009.

Besedila in cenik so na voljo na spletni strani [Nacionalne zbornice sodnih izvršiteljev Belgije](#) (rubrika „cenik in obrestne mere“, nato pa „kazenske zadeve“) ali na spletni strani [portala belgijske sodne oblasti](#) (razdelek „zakonodaja“).

Odvetniki

Plačila za storitve odvetnikov niso **zakonsko urejena**. Odvetniki jih prosto določajo, o njih pa se lahko dogovorita stranka in odvetnik, vendar v razumnih mejah. Odvetniška zbornica lahko nadzira, da odvetnik teh meja ne preseže.

Obstaja več načinov obračuna: urna postavka, plačilo glede na storitev, plačilo glede na vrednost zadeve (odstotek vrednosti spora)... Dogovor o plačilu, povezan izključno z izidom spora, je prepovedan v skladu s členom 446b belgijskega Sodnega zakonika. Odvetnik mora predhodno svojo stranko obvestiti o načinu obračunavanja plačil za svoje storitve. Plačila za storitve odvetnikov so izvzeta iz sistema DDV v Belgiji.

Fiksni pravni stroški

Fiksni stroški v civilnih postopkih

Fiksni stroški strank v civilnih postopkih

Sodne takse v Belgiji so fiksne. **Stroški se spreminjajo glede na sodišče**, pred katerim poteka postopek, in **glede na stopnjo postopka** (prva stopnja ali prizivna stopnja).

Strošek sodnega postopka se imenuje „**sodna taksa**“ in je naveden v členu 1017 in naslednjih členih Sodnega zakonika. V členu 1018 so podrobno navedeni stroški, ki sodijo v sodne takse. Sodne takse zajemajo:

različne pristojbine, sodne in registracijske takse. Pristojbine obsegajo stroške vpisa v sodni koledar, priprave in pošiljanja in so podrobno navedene v zakonu o dajatvah za vpis, hipoteko in sodnih taksah v členu 268 in naslednjih členih;

stroški, pristojbine in nadomestila v zvezi s sodnimi listinami;

stroški izdaje sodbe;

stroški preiskovalnih ukrepov, vključno s stroški prič in izvedencev. Kraljeva uredba z dne 27. julija 1972 določa višino takse in povračila stroškov za priče; potni stroški in stroški bivanja sodnikov, sodnih uradnikov in strank, če njihovo potovanje odredi sodnik, in stroški listin, če so bile sestavljene izključno za postopek;

stroški postopka, določeni v členu 1022;

honorarji, nagrade in stroški mediatorja, imenovanega v skladu s členom 1734.

Člen 1019 določa, da **pristojbine za registracijo**, ki spadajo med sodne takse, vključujejo:

splošno fiksno pristojbino,

posebne fiksne pristojbine in

sodne takse za obsodilne sodbe ter sodbe glede unovčenja ali zasega gotovine ali vrednostnih papirjev.

V nekaterih primerih, **če tožeča stranka ali posrednik v postopku ni Belgijec in če je tožena stranka Belgijec**, slednja lahko zahteva, da tožeča stranka ali posrednik plača **kavcijo**, s katero jamči plačilo odškodnine in obresti, ki izhajajo iz postopka, razen če ni v mednarodni pogodbi določena oprostitev in v posebnih primerih. To določa člen 851 Sodnega zakonika.

Upoštevati je treba tudi morebitne stroške sodnega izvršitelja, odvetnikov (glej zgoraj), prevajalcev in tolmačev (glej spodaj).

Faza civilnega postopka, v kateri mora stranka plačati fiksne stroške

Nekatere stroške je treba plačati pred vložitvijo tožbe. To je **sodna taksa**, ki se zaračuna ob vpisu v sodni koledar.

Stroški, ki nastanejo med postopkom, se praviloma zaračunajo med postopkom.

Za nekatere stroške je potrebno oblikovati **rezervo**. Izvedenci se tako plačajo iz rezerve, ki jo oblikuje stranka, ki je zahtevala pripravljajno preiskavo. Tudi člen 953 določa, da mora stranka, ki zahteva zaslišanje priče, pred zaslišanjem pri sodnem uradniku vplačati polog, ki predstavlja znesek takse in povračila stroškov (potni stroški,...).

Sodne stroške lahko vnaprej plača tudi odvetnik in se nato vključijo v njegove stroške in honorar.

Fiksni stroški v kazenskih postopkih

Fiksni stroški vseh strank v kazenskem postopku

Vprašanje fiksnih stroškov v kazenskih postopkih urejajo člen 91 in naslednji členi Kraljeve uredbe z dne 28. decembra 1950.

Faza kazenskega postopka, v kateri mora stranka plačati fiksne stroške

Vprašanje fiksnih stroškov v kazenskih postopkih urejajo člen 91 in naslednji členi Kraljeve uredbe z dne 28. decembra 1950.

Sodni stroški v ustavnih postopkih

Fiksni stroški strank v ustavnih postopkih

Edini stroški, ki se zaračunavajo strankam v ustavnem postopku, so stroški **poštne** za priporočeno pošiljko.

Predhodne informacije, ki jih zagotovijo zakoniti zastopniki (odvetniki)

Informacije o pravicah in obveznostih strank

Pravila deontologije odvetnikom nalagajo, da obveščajo svoje stranke in jim svetujejo. To pomeni, da odvetnik svoji stranki zagotovi **informacije v zvezi z njenimi pravicami in obveznostmi**.

Odvetnik mora med drugim svoje stranke obvestiti o **načinu obračunavanja svojih honorarjev**.

Viri informacij o sodnih stroških

Kje je mogoče najti informacije o sodnih stroških v Belgiji?

Informacije o tem so na voljo na spletni strani [Zvezne javne službe za pravosodje](#), na spletni strani [Komisije za modernizacijo pravnega reda](#) (razdelek „pravne informacije“) ali na spletnih straneh različnih pravosodnih poklicev.

Podobne informacije je mogoče najti tudi v predpisih ali v tajništvu sodišča oziroma pri odvetniku.

V katerih jezikih je mogoče dobiti informacije o sodnih stroških v Belgiji?

Te informacije so na voljo v nizozemskem in francoskem jeziku.

Kje najti informacije o mediaciji?

Informacije o mediaciji so na voljo na spletni strani [Zvezne javne službe za pravosodje](#) (razdelek „publikacije“) in na spletni strani

[Zvezne komisije za mediacijo](#).

Kje najti druge informacije o stroških?

Spletna stran o sodnih stroških

Glej zgoraj.

Kje najti informacije o povprečnem trajanju postopka?

Odvetnik vam lahko da nekaj informacij o oceni trajanja vašega postopka. To je odvisno **od vrste postopka in od sodišča**, pred katerim želite sprožiti postopek.

Kje najti informacije o celotnih povprečnih stroških postopka?

Odvetnik vam lahko da nekaj informacij o oceni stroškov vašega postopka. To je odvisno **od vrste postopka in od sodišča**, pred katerim želite sprožiti postopek.

Davek na dodano vrednost (DDV)

Kje najti informacije o tem? Kakšne so veljavne stopnje?

Objavljene informacije o stroških ne vključujejo DDV. Veljavna stopnja DDV je 21 %.

Pravna pomoč

Kakšni so dohodkovni pragovi za upravičenost do pravne pomoči v civilnih zadevah?

To področje urejajo člen 508/1 in naslednji členi belgijskega Sodnega zakonika.

Primarna pravna podpora je brezplačna za vse. Obsega prvi pravni nasvet za boljšo seznanitev:

praktične informacije,

pravne informacije,

prvo mnenje ali napotilo na specializirano organizacijo.

Ta prvi nasvet zagotovijo pravni strokovnjaki in je **popolnoma brezplačen** ne glede na vaše dohodke.

Sekundarna pravna podpora omogoča osebam, katerih dohodki ne zadoščajo za stroške odvetnika, da prejmejo brezplačno ali deloma brezplačno pomoč odvetnika. Odvetnik vam pomaga, tako da vam svetuje in vas zastopa. Kraljeva uredba z dne 18. decembra 2003 določa pogoje popolnoma ali delno brezplačne sekundarne pravne podpore in pravne pomoči.

Upravičenci do **popolnoma brezplačne** pravne pomoči zaradi svojega socialnega položaja so:

samske osebe, katerih mesečni neto dohodek je nižji od 944 EUR;

samske osebe z vzdrževano osebo, katerih mesečni neto dohodek je nižji od 1 213 EUR (+163,47 EUR na vzdrževano osebo);

osebe, ki živijo v skupnem gospodinjstvu (z zakonskim partnerjem ali drugo osebo) in katerih mesečni neto dohodek gospodinjstva je nižji od 1 213 EUR (+163,47 EUR na vzdrževano osebo);

osebe, upravičene do dodatka za socialno integracijo ali socialne pomoči;

osebe, upravičene do zajamčenega dohodka za starejše osebe (GRAPA);

osebe, upravičene do nadomestil dohodka za invalide, ki ne prejemajo dodatka za integracijo;

osebe z vzdrževanimi otroki, ki prejemajo družinske dajatve;

najemniki socialnih stanovanj, ki v flamski regiji in regiji glavnega mesta Bruslja plačujejo najemnino v višini polovice osnovne najemnine ali ki v valonski regiji plačujejo minimalno najemnino;

mladoletne osebe;

tuji državljani ob vložitvi prošnje za ureditev statusa prebivališča ali upravne ali sodne pritožbe proti odredbi, izdani v skladu z zakoni o vstopu na ozemlje, prebivanju, stalni naselitvi in izgonu tujcev;

prosilci za azil ali osebe, ki vložijo izjavo ali prošnjo za priznanje statusa begunca ali razseljene osebe;

oseba, vključena v postopek skupne poravnave dolgov ali ki želi vložiti prošnjo za skupno poravnavo dolgov.

Upravičenci do brezplačne pravne podpore zaradi **domnevi o nezadostnih dohodkih** (domnevi je mogoče nasprotovati) :

osebe v priporu ali osumljenci, za katere zakon določa takojšnje sojenje in za katere se domneva, razen če ni dokazano nasprotno, da nimajo zadostnih sredstev;

duševni bolniki, za katere velja ukrep, določen v zakonu z dne 26. junija 1990 o zaščiti duševnih bolnikov, za katere se domneva, razen če ni dokazano nasprotno, da nimajo zadostnih sredstev;

obtoženci, za katere zakon določa takojšnje sojenje.

Storitev bo **delno brezplačna** (odvetnik v tem primeru lahko zahteva manjši znesek, da pokrije svoje stroške) za:

samske osebe, katerih mesečni neto dohodek znaša od 944 EUR do 1 213 EUR;

samske osebe z vzdrževano osebo, katerih mesečni neto dohodek znaša od 1 213 EUR do 1 480 EUR (+163,47 EUR na vzdrževano osebo);

osebe, ki živijo v skupnem gospodinjstvu z zakoncem ali drugo osebo in katerih mesečni neto dohodek na gospodinjstvo znaša od 1 213 EUR do 1 480 EUR (+163,47 EUR na vzdrževano osebo).

Zgoraj navedeni zneski se usklajujejo letno glede na indeks cen življenjskih potrebščin.

Pravna pomoč je povezana s sodnimi stroški. Če stranka nima zadostnih sredstev za plačilo sodnih stroškov, se lahko sama ali prek svojega odvetnika, obrne na urad za pravno pomoč. Glede na stopnjo plačilne nesposobnosti je lahko v celoti ali delno oproščena plačila stroškov sodnega izvršitelja, izvedenca itd. To urejajo člen 664 in naslednji členi Sodnega zakonika.

Kakšni so pogoji za pridobitev pravne pomoči za obdolžence v kazenskem postopku ali žrtve oziroma obtožence kaznivega dejanja?

Pogoji za pridobitev pravne pomoči za obdolžence v kazenskem postopku ali žrtve oziroma obdolžence kaznivega dejanja so enaki, kot so navedeni zgoraj.

Ali obstajajo brezplačni postopki?

Da, na primer postopek za skupno poravnavo dolgov ali možnost nastopanja pred sodiščem brez stroškov.

Kdaj mora stranka, ki v postopku ni uspela, plačati stroške stranke, ki je uspela?

V civilnih in gospodarskih zadevah

Po izreku sodbe stroške, zajete v **sodni taks** (stroški izvršitelja, izvedencev, sodišč,...), v skladu s členom 1017 in naslednjimi členi praviloma **poravna stranka, ki v pravdi ne uspe**.

Stranka, ki je pravdo izgubila, krije pavšalni znesek stroškov in honorarjev odvetnika stranke, ki je v pravdi zmagala. To se imenuje „**odvetniški honorar**“ (*indemnité de procédure*), pavšalni znesek pa se izračuna po lestvici, določeni glede na zneske pravde. Ni nujno, da ta znesek pokrije celotne stroške honorarjev. Kraljeva uredba z dne 26. oktobra 2007 določa zneske tega „odvetniškega honorarja“. Ti zneski vključujejo najvišje in najnižje dovoljene, sodnik pa v okviru tega oceni znesek honorarja.

V nekaterih primerih je mogoče, da sodišče od stranke, ki je v pravdi izgubila, ne zahteva plačila sodnih taks, temveč to vprašanje uredi drugače (delitev stroškov,...).

V kazenskih zadevah

V primeru obsodbe obdolžencev in civilno odgovornih oseb ti praviloma nosijo stroške postopka, kakor tudi povrnitev stroškov postopka (pavšalni znesek stroškov in honorarjev odvetnika stranke, ki je v postopku uspela – glej zgoraj v civilnih in gospodarskih zadevah). Če pa obdolženci in civilno odgovorne osebe niso obsojene in v pravdi izgubi oškodovanec, se od slednjega lahko ali se mora zahtevati celotno ali delno plačilo stroškov postopka državi in obdolžencu, kakor tudi postopkovne odškodnine. V nekaterih primerih stroške postopka plača država. Ta pravila so navedena v **Zakoniku o kazenski preiskavi**.

Nagrade izvedencem

V civilnih in gospodarskih zadevah

Nagrade izvedencem niso **zakonsko urejene** in slednji prosto določajo višino svojih honorarjev. Sodnik te honorarje nadzoruje v neznatni meri (ukrepa lahko v primeru nesoglasja med strankama in izvedencem), ne obstaja pa pravni dokument, ki bi določal višino nagrad izvedencem. Ta način je urejen v členu 987 in naslednjih členih Sodnega zakonika in v Kraljevi uredbi z dne 24. maja 1933.

Kraljeva uredba z dne 14. novembra 2003 pa **določa** višino honorarjev in stroške za izvedence, ki jih imenujejo delovna sodišča v okviru priprave

zdravstvenih izvedenskih mnenj glede:

sporov, povezanih z dodatki za invalide,

družinskih dodatkov za zaposlene in samozaposlene,

zavarovanja za primer brezposelnosti in

obveznega zdravstvenega in invalidskega zavarovanja.

V kazenskih zadevah

Nagrade izvedencem v kazenskih zadevah **urejata** Kraljeva uredba z dne 28. decembra 1950 in ministrska okrožnica z dne 22. januarja 2009. Cenik za leto 2009 je bil objavljen v Moniteur belge z dne 12. januarja 2009.

Ustrezna besedila najdete na spletni strani **Komisije za modernizacijo pravnega reda** (razdelek „pravne informacije“ – „izvedenci“ – „tarife“ – „sodni stroški“) ali na spletni strani **portala belgijske sodne oblasti** (razdelek „zakonodaja“).

Nagrade prevajalcem in tolmačem

Med postopkom se lahko zgodi, da je treba poklicati prevajalca ali tolmača. Tak primer je, kadar se predložijo dokumenti v jeziku, ki ni jezik postopka, ali kadar se priča izraža v drugem jeziku. Enako velja tudi v primeru, ko ena stranka govori jezik, ki ni jezik postopka, in ne razume jezika postopka ali pa sodnik ne razume jezika, ki ga ta stranka uporablja. Veljavna pravila so navedena v **zakonu z dne 15. junija 1935 o uporabi jezikov v sodnih zadevah**.

V kazenskih zadevah

Nagrade prevajalcem in tolmačem v kazenskih postopkih **urejata** Kraljeva uredba z dne 28. decembra 1950 in ministrska okrožnica z dne 22. januarja 2009. Cenik za leto 2009 je bil objavljen v Moniteur belge z dne 12. januarja 2009.

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Sorodne povezave

[Zvezna javna služba za pravosodje](#)

[Komisija za modernizacijo pravnega reda](#)

Sorodni dokumenti

Poročilo Belgije o študiji preglednosti stroškov  (829 Kb) 

Zadnja posodobitev: 20/09/2019

Strani v jezikih držav članic pripravljajo posamezni nacionalni organi, njihov prevod pa zagotavlja prevajalska služba Evropske komisije. Prevodi zato morda še ne vsebujejo kasnejših sprememb izvirnika, ki so jih vnesli nacionalni organi. Evropska komisija ne prevzema nobene odgovornosti za informacije ali podatke, ki jih vsebuje oziroma na katere se sklicuje ta dokument. Za pravila o avtorskih pravicah države članice, ki je odgovorna za to stran, glejte pravno obvestilo.

Case study 1 - family law - divorce - Belgium

In this case study on family law – divorce, Member States were asked to advise the party filing for divorce on litigation costs in the following situations:

Case A – National situation: a couple gets married. Later they separate and agree to a divorce.

Case B – Transnational situation: two nationals from the same Member State (Member State A) marry. The marriage is celebrated in Member State A. After the wedding, the couple moves to live and work in another Member State (Member State B), where they establish their residence. Shortly thereafter, the couple separates, with the wife returning to Member State A and the husband remaining in Member State B. The couple agrees to a divorce. Upon her return to Member State A, the wife immediately files for a divorce before the courts of Member State B.

Important preliminary remark: Lawyers' costs and fees are not regulated in Belgium (they depend on the difficulty and significance of the case, the name and reputation of the lawyer, the urgency of the matter, the outcome of the case, etc.). However, lawyers in Belgium are bound by rules of professional conduct and are legally required to estimate costs in a way that is fair and moderate (see above).

The estimate of costs is provided on a purely indicative basis.

Costs in Belgium

Costs of proceedings at first instance and appeal, and Alternative Dispute Resolution (ADR)

Case study	Proceedings at first instance			Appeal proceedings			Alternative Dispute Resolution (ADR)	
	Initial court fees	Transcription fees	Other fees	Initial court fees	Transcription fees	Other fees	Is this option available in this type of case?	Fees
Case A	EUR 82	EUR 2.85 per page (royal decree (<i>arrêté royal</i>) No 64 of 30 November 1939, Belgian Official Gazette 1 December 1939)		EUR 186	EUR 2.85 per page (royal decree (<i>arrêté royal</i>) No 64 of 30 November 1939, Belgian Official Gazette 1 December 1939)		no	
Case B	EUR 82	EUR 2.85 per page (royal decree No 64 of 30 November 1939, Belgian Official Gazette 1 December 1939)		EUR 186	EUR 2.85 per page (royal decree No 64 of 30 November 1939, Belgian Official Gazette 1 December 1939)		no	

Costs of lawyers, bailiffs (*huissier de justice*) and expert witnesses (*expert*)

Case study	Lawyer		Bailiff			Expert witness	
	Is representation compulsory?	Average costs	Is representation compulsory?	Pre-judgment costs	Post-judgment costs	Is use compulsory?	Fees
Case A	no	around EUR 2 500	no	around EUR 250	around EUR 250	no	
Case B	no	around EUR 3 500	no	around EUR 350	around EUR 350	no	

Costs of witness (*témoin*) compensation, proof by oath (*serment*) or other guarantee and other relevant fees

Case study	Witness compensation		Proof by oath or other guarantee		Other fees	
	Are witnesses compensated?	Cost	Does this apply and when and how is it used?	Cost	Description	Cost
Case A	yes	EUR 4.96	In civil cases, as a general rule, an obligation to provide a security when instituting proceedings may be imposed in the situation provided for in Article 851 of the Judicial Code (<i>Code judiciaire</i>). This is an exception applying to foreign applicants. A Belgian respondent may request that the foreign			

			applicant or intervening party provide a security. Article 852 specifies the form which the security may take (sum of money, surety, etc.). See page on transparency of costs.			
Case B	yes	EUR 4.96	In civil cases, as a general rule, an obligation to provide a security when instituting proceedings may be imposed in the situation provided for in Article 851 of the Judicial Code. This is an exception applying to foreign applicants. A Belgian respondent may request that the foreign applicant or intervening party provide a security. Article 852 specifies the form which the security may take (sum of money, surety, etc.). See page on transparency of costs.			

Costs of legal aid (*aide juridique*) and other reimbursements

See the 'Legal Aid' section of the page dealing with costs of proceedings.

Costs of translation and interpretation

Case study	Translation		Interpretation		Other costs relating to transnational disputes?	
	When and under which conditions is it necessary?	Approximate cost?	When and under which conditions is it necessary?	Approximate cost?	Description	Approximate cost?
Case A	when the documents are necessary for the proceedings	between EUR 7.57 and EUR 34.48 per page	when the respondent does not understand the language of the proceedings	between EUR 31.61 and EUR 54.62 per hour		
Case B	when the documents are necessary for the proceedings	between EUR 7.57 and EUR 34.48 per page	when the respondent does not understand the language of the proceedings	between EUR 31.61 and EUR 54.62 per hour	costs of declaration of enforceability	around EUR 100

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Case Study 2 – Family law – Custody of children – Belgium

In this case study on family law - custody of children (*garde des enfants*), Member States were asked to advise the applicant on litigation costs in the following situations:

Case A – National situation: two people have lived together unmarried for a number of years. They have a three-year-old child when they separate. A court grants custody of the child to the mother and right of access (*droit de visite*) to the father. The mother takes legal action to limit the father's right of access.
Case B - Transnational situation from the perspective of a lawyer practising in Member State A: two people have lived together unmarried in a Member State (Member State B) for a number of years. They have a child together but separate immediately after the birth of their child. A court in Member State B grants custody of the child to the mother and right of access to the father. The mother and child move to another Member State (Member State A), as authorised to do so by the court, while the father remains in Member State B. A few years later, the mother takes legal action in Member State A to change the father's right of access.

Important preliminary remark: Lawyers' costs and fees are not regulated in Belgium (these depend on the difficulty and significance of the case, the name and reputation of the lawyer, the urgency of the matter, the outcome of the case, etc.). However, lawyers in Belgium are bound by rules of professional conduct and are legally required to estimate costs in a way that is fair and moderate (see above).

The estimate of costs is provided on a purely indicative basis.

Costs in Belgium

Costs of proceedings at first instance and appeal, and Alternative Dispute Resolution (ADR)

Case study	Proceedings at first instance			Appeal proceedings			Alternative Dispute Resolution (ADR)	
	Initial court fees	Transcription fees	Other fees	Initial court fees	Transcription fees	Other fees	Is this option available in this type of case?	Fees
		EUR 2.85 per page (royal decree (<i>arrêté</i>))			EUR 2.85 per page (royal decree (<i>arrêté</i>))			

Case A	EUR 52	royal) No 64 of 30 November 1939, Belgian Official Gazette 1 December 1939)	EUR 186	royal) No 64 of 30 November 1939, Belgian Official Gazette 1 December 1939)	no	
Case B	EUR 52	EUR 2.85 per page (royal decree (<i>arrêté royal</i>) No 64 of 30 November 1939, Belgian Official Gazette 1 December 1939)	EUR 186	EUR 2.85 per page (royal decree (<i>arrêté royal</i>) No 64 of 30 November 1939, Belgian Official Gazette 1 December 1939)	no	

Costs of lawyers, bailiffs (*huissier de justice*) and expert witnesses (*expert*)

Case study	Lawyer		Bailiff			Expert witness	
	Is representation compulsory?	Average costs	Is representation compulsory?	Pre-judgment costs	Post-judgment costs	Is use compulsory?	Fees
Case A	no	around EUR 1 500	no	EUR 52	around EUR 100	no	
Case B	no	around EUR 1 000	no	EUR 52	around EUR 100	no	

Costs of witness (*témoign*) compensation, proof by oath (*serment*) or other guarantee and other relevant fees

Case study	Witness compensation		Proof by oath or other guarantee
	Are witnesses compensated?	Cost	Does this apply and when and how is it implemented?
Case A	yes	BEF 200 or EUR 4.96	In civil cases, as a general rule, an obligation to provide a security when instituting proceedings may be imposed in the situation provided for in Article 851 of the Judicial Code (<i>Code judiciaire</i>). This is an exception applying to foreign applicants. A Belgian respondent may request that the foreign applicant or intervening party provide a security. Article 85: specifies the form which the security may take (sum of money, surety, etc.). See page on transparency of costs.
Case B	yes	BEF 200 or EUR 4.96	In civil cases, as a general rule, an obligation to provide a security when instituting proceedings may be imposed in the situation provided for in Article 851 of the Judicial Code. This is an exception applying to foreign applicants. A Belgian respondent may request that the foreign applicant or intervening party provide a security. Article 852 specifies the form which the security may take (sum of money, surety, etc.). See page on transparency of costs.

Costs of legal aid (*aide juridique*) and other reimbursements

See the 'Legal Aid' section of the page dealing with costs of proceedings.

Costs of translation and interpretation

Case study	Translation		Interpretation		Other costs relating to transnational disputes?	
	When and under which conditions is it necessary?	Approximate cost?	When and under which conditions is it necessary?	Approximate cost?	Description	Approximate cost?
Case A	when the documents are necessary for the proceedings	between EUR 7.57 and EUR 34.48 per page	when the respondent does not understand the language of the proceedings	between EUR 31.61 and EUR 54.62 per hour		
Case B	when the documents are necessary for the proceedings	between EUR 7.57 and EUR 34.38 per page	when the respondent does not understand the language of the proceedings	between EUR 31.61 and EUR 54.62 per hour	costs of declaration of enforceability	around EUR 100

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Case Study No° 3 - Family law - maintenance allowance - Belgium

In these case studies on family law – maintenance allowance (*pension alimentaire*), Member States were asked to advise the claimant on the costs of proceedings in the following situations:

Case A – National situation: two persons have lived together unmarried for a number of years. They have a three-year-old child at the time they separate. A court grants custody (*droit de garde*) of the child to the mother. The only outstanding point at issue relates to the amount of maintenance allowance owed to the mother by the father for the maintenance and upbringing of the child. The mother commences legal proceedings on this issue.

Case B – Cross-border situation from the perspective of a lawyer practising in Member State A: two persons have lived together unmarried in Member State B. They have a three-year-old child. They separate. A court in Member State B grants custody of the child to the mother. With the agreement of the father, the mother and the child go to live in Member State A, where they establish residence.

One point remains at issue. It relates to the amount of maintenance allowance owed to the mother by the father for the maintenance and upbringing of the child. The mother commences legal proceedings on this issue in Member State A.

Important preliminary remark: Lawyers' fees are not regulated in Belgium (they are determined on the basis of the difficulty and significance of the case, the name and reputation of the lawyer, the urgency of the case, the outcome of the case, etc.). However, lawyers in Belgium are bound by ethical rules and are legally obliged to give an estimate of expenses and costs that is fair and moderate (see above).

The estimate of expenses and costs is purely indicative.

Costs in Belgium

Costs of proceedings at first instance and appeal, and alternative dispute resolution (ADR)

Case study	Proceedings at first instance			Appeal proceedings			Alternative dispute resolution (ADR)	
	Initial costs of proceedings	Transcription costs	Other Costs	Initial costs of proceedings	Transcription costs	Other Costs	Is this option available in this type of case?	Costs
Case A	EUR 27	EUR 2.85 per page (royal decree (<i>arrêté royal</i>) No° 64 of 30 November 1939, Belgian Official Gazette 1 December 1939)		EUR 82	EUR 2.85 per page (royal decree No° 64 of 30 November 1939, Belgian Official Gazette 1 December 1939)		no	
Case B	EUR 27	EUR 2.85 per page (royal decree No° 64 of 30 November 1939, Belgian Official Gazette 1 December 1939)		EUR 82	EUR 2.85 per page (royal decree No° 64 of 30 November 1939, Belgian Official Gazette 1 December 1939)		no	

Fees of lawyers, bailiffs (*huissier de justice*) and expert witnesses (*expert*)

Case study	Lawyer		Bailliff			Expert witness	
	Is representation compulsory?	Average costs	Is representation compulsory?	Costs prior to the judgment	Costs after the judgment	Is their involvement compulsory?	Costs
Case A	no	around EUR 1 000	no	around EUR 27	around EUR 60	no	
Case B	no	around EUR 1 000	no	around EUR 27	around EUR 60	no	

Costs relating to payment of witnesses (*témoïn*), proof by oath (*serment*) or other guarantee and other fees

Case study	Payment of witnesses		Proof by oath or other guarantee
	Are witnesses paid?	Cost	Does this apply and when and how is it implemented?
Case A	yes	between EUR 15.65 and EUR 48.24	In civil proceedings, as a general rule, the obligation to provide a deposit when commencing proceedings may arise in the case provided for in Article 851 of the Judicial Code (<i>Code judiciaire</i>). In this case, a claimant who is a foreign national may be obliged to provide a deposit. A Belgian respondent may request that the foreign claimant or intervener provide a deposit. Article 852 specifies the form the deposit may take (sum of money, security, etc.). See fact sheet on transparency of costs.

Case B	yes	BEF 200 or EUR 4.96	In civil proceedings, as a general rule, the obligation to provide a deposit when commencing proceedings may arise in the case provided for in Article 851 of the Judicial Code. In this case, a claimant who is a foreign national may be obliged to provide a deposit. A Belgian respondent may request that the foreign claimant or intervener provide a deposit. Article 852 specifies the form the deposit may take (sum of money, security, etc.). See fact sheet on transparency of costs.
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Legal aid (*aide juridique*) costs and other types of reimbursement

See the Legal aid section of the page on the costs of proceedings.

Translation and interpretation costs

Case study	Translation		Interpretation		Other costs relating to cross-border disputes?	
	When and under what conditions is it necessary?	Approximate cost?	When and under what conditions is it necessary?	Approximate cost?	Description	Approximate cost?
Case A	where the documents are necessary for the proceedings	between EUR 7.57 and EUR 34.48 per page	where the respondent does not understand the language of the proceedings	between EUR 31.61 and EUR 54.62 per hour		
Case B	where the documents are necessary for the proceedings	between EUR 7.57 and EUR 34.48 per page	where the respondent does not understand the language of the proceedings	between EUR 31.61 and EUR 54.62 per hour	costs of declaration of enforceability (<i>exequatur</i>)	around EUR 100

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Case Study 4 – Commercial law – contracts – Belgium

In these case studies on commercial law – contracts, Member States were asked to advise the seller on the costs of proceedings in the following situations:
Case A – National situation: a company delivers goods worth EUR 20 000. The seller is not paid because the buyer considers that the goods do not correspond to what was agreed.

The seller decides to commence legal proceedings to obtain full payment of the price.

Case B – Cross-border situation: a company whose registered office is in Member State B delivers goods worth EUR 20 000 to a buyer in Member State A. The contract is governed by the law of Member State B, and is written in the language of Member State B. The seller is not paid because the buyer in Member State A considers that the goods do not correspond to what was agreed. The seller decides to commence legal proceedings in Member State A to obtain full payment of the price as provided in the contract with the buyer.

Important preliminary remark: Lawyers' fees are not regulated in Belgium (they are determined on the basis of the difficulty and significance of the case, the name and reputation of the lawyer, the urgency of the case, the outcome of the case, etc.). However, lawyers in Belgium are bound by ethical rules and are legally obliged to give an estimate of expenses and costs that is fair and moderate (see above).

The estimate of expenses and costs is purely indicative.

Costs in Belgium

Costs of proceedings at first instance and appeal, and alternative dispute resolution (ADR)

Case study	Proceedings at first instance		Appeal proceedings		Alternative dispute resolution (ADR)	
	Initial costs of proceedings	Transcription costs	Initial costs of proceedings	Transcription costs	Is this option available in this type of case?	Costs
Case A	EUR 82	EUR 2.85 per page (royal decree (<i>arrêté royal</i>) No 64 of 30 November 1939, Belgian Official Gazette 1 December 1939)	EUR 186	EUR 2.85 per page (royal decree No 64 of 30 November 1939, Belgian Official Gazette 1 December 1939)	Yes	See the section entitled 'What is the cost of mediation?' on the Mediation in Belgium page
Case B	EUR 52 (European Payment Order)	EUR 2.85 per page (royal decree No 64 of 30 November 1939, Belgian Official Gazette 1 December 1939)	EUR 186	EUR 2.85 per page (royal decree No 64 of 30 November 1939, Belgian Official Gazette 1 December 1939)	Yes	See the section entitled 'What is the cost of mediation?' on the Mediation in Belgium page

Fees of lawyers, bailiffs (*huissier de justice*) and expert witnesses (*expert*)

Case study	Lawyer	Bailiff	Expert witness
		Average costs	

	Is representation compulsory?		Is representation compulsory?	Costs prior to the judgment	Costs after the judgment	Is their involvement compulsory?
Case A	no	around EUR 2 000	no	around EUR 250	around EUR 250	no
Case B	no	around EUR 2 000	no	around EUR 52	around EUR 100	no

Costs relating to payment of witnesses (*témoïn*), proof by oath (*serment d'engagement*) or other guarantee and other fees

Case study	Payment of witnesses		Proof by oath or other guarantee
	Are witnesses paid?	Cost	Does this apply and when and how is it implemented?
Case A	yes	BEF 200 or EUR 4.96	In civil proceedings, as a general rule, the obligation to provide a deposit when commencing proceedings may arise in the case provided for in Article 851 of the Judicial Code (<i>Code judiciaire</i>). In this case, a claimant who is a foreign national may be obliged to provide a deposit. A Belgian respondent may request that the foreign claimant or intervener provide a deposit. Article 852 specifies the form the deposit may take (sum of money, security, etc.). See fact sheet on transparency of costs.
Case B	yes	BEF 200 or EUR 4.96	In civil proceedings, as a general rule, the obligation to provide a deposit when commencing proceedings may arise in the case provided for in Article 851 of the Judicial Code. In this case, a claimant who is a foreign national may be obliged to provide a deposit. A Belgian respondent may request that the foreign claimant or intervener provide a deposit. Article 852 specifies the form the deposit may take (sum of money, security, etc.). See fact sheet on transparency of costs.

Legal aid (*aide juridique*) costs and other types of reimbursement

See the Legal aid section of the page on the costs of proceedings.

Translation and interpretation costs

Case study	Translation		Interpretation		Other costs relating to cross-border disputes?	
	When and under what conditions is it necessary?	Approximate cost?	When and under what conditions is it necessary?	Approximate cost?	Description	Approximate cost?
Case A	where the documents are necessary for the proceedings	between EUR 7.57 and EUR 34.48 per page	where the respondent does not understand the language of the proceedings	between EUR 31.61 and EUR 54.62 per hour		
Case B	where the documents are necessary for the proceedings	between EUR 7.57 and EUR 34.48 per page	where the respondent does not understand the language of the proceedings	between EUR 31.61 and EUR 54.62 per hour	costs of declaration of enforceability (<i>exequatur</i>)	around EUR 100

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Case Study 5 – Commercial law – liability – Belgium

In these case studies on commercial law – liability, Member States were asked to advise the customer on the costs of proceedings in the following situations:
Case A – National situation: a heating equipment manufacturer delivers a heating appliance to an installer. The installer sells the appliance to a customer and installs it in the customer's house. The house catches fire shortly afterwards. Each of the parties (manufacturer, installer, end customer) is insured. The cause of the fire is disputed. No one wishes to compensate the customer.

The customer decides to commence proceedings against the manufacturer, the installer and the insurance companies to obtain full compensation.

Case B – Cross-border situation: a heating equipment manufacturer established in Member State B delivers a heating appliance to an installer in Member State C. The installer sells the appliance to a customer in Member State A and installs it in the customer's house. The house catches fire shortly afterwards. Each of the parties (manufacturer, installer, end customer) is insured by an insurance company in their own Member State. The cause of the fire is disputed. No one wishes to compensate the customer.

The customer decides to commence proceedings in Member State A against the manufacturer, the installer and the insurance company in Member State A to obtain full compensation.

Important preliminary remark: Lawyers' fees are not regulated in Belgium (they are determined on the basis of the difficulty and significance of the case, the name and reputation of the lawyer, the urgency of the case, the outcome of the case, etc.). However, lawyers in Belgium are bound by ethical rules and are legally obliged to give an estimate of expenses and costs that is fair and moderate (see above).

The estimate of expenses and costs is purely indicative.

Costs in Belgium

Costs of proceedings at first instance and appeal, and alternative dispute resolution (ADR)

Case study	Proceedings at first instance		Appeal proceedings		Alternative dispute resolution (ADR)	
	Initial costs of proceedings	Transcription costs	Initial costs of proceedings	Transcription costs	Is this option available in this type of case?	Costs
Case A	EUR 82	EUR 2.85 per page (royal decree (<i>arrêté royal</i>) No 64 of 30 November 1939, Belgian Official Gazette 1 December 1939)	EUR 186	EUR 2.85 per page (royal decree No 64 of 30 November 1939, Belgian Official Gazette 1 December 1939)	yes	See the section entitled 'What is the cost of mediation?' on the Mediation in Belgium page
Case B	EUR 82	EUR 2.85 per page (royal decree No 64 of 30 November 1939, Belgian Official Gazette 1 December 1939)	EUR 186	EUR 2.85 per page (royal decree No 64 of 30 November 1939, Belgian Official Gazette 1 December 1939)	yes	See the section entitled 'What is the cost of mediation?' on the Mediation in Belgium page

Fees of lawyers, bailiffs (*huissier de justice*) and expert witnesses (*expert*)

Case study	Lawyer		Bailliff		Expert witness	
	Is representation compulsory?	Average costs	Is representation compulsory?	Costs prior to the judgment	Costs after the judgment	Is their involvement compulsory?
Case A	no	around EUR 3 000	no	around EUR 500	around EUR 250	no
Case B	no	around EUR 3 000	no	around EUR 500	around EUR 250	no

Costs relating to payment of witnesses (*témoin*), proof by oath (*serment*) or other guarantee

Case study	Payment of witnesses		Proof by oath or other guarantee
	Are witnesses paid?	Cost	Does this apply and when and how is it implemented?
Case A	yes	BEF 200 or EUR 4.96	In civil proceedings, as a general rule, the obligation to provide a deposit when commencing proceedings may arise in the case provided for in Article 851 of the Judicial Code (<i>Code judiciaire</i>). In this case, a claimant who is a foreign national may be obliged to provide a deposit. A Belgian respondent may request that the foreign claimant or intervener provide a deposit. Article 852 specifies the form the deposit may take (sum of money, security, etc.). See fact sheet on transparency of costs.
Case B	yes	BEF 200 or EUR 4.96	In civil proceedings, as a general rule, the obligation to provide a deposit when commencing proceedings may arise in the case provided for in Article 851 of the Judicial Code. In this case, a claimant who is a foreign national may be obliged to provide a deposit. A Belgian respondent may request that the foreign claimant or intervener provide a deposit. Article 852 specifies the form the deposit may take (sum of money, security, etc.). See fact sheet on transparency of costs.

Legal aid (*aide juridique*) costs and other types of reimbursement

See the Legal aid section of the page on the costs of proceedings.

Translation and interpretation costs

Case study	Translation		Interpretation		Other costs relating to cross-border disputes?	
		Approximate cost?		Approximate cost?	Description	Approximate cost?

	When and under what conditions is it necessary?		When and under what conditions is it necessary?			
Case A	where the documents are necessary for the proceedings	between EUR 7.57 and EUR 34.48 per page	where the respondent does not understand the language of the proceedings	between EUR 31.61 and EUR 54.62 per hour		
Case B	where the documents are necessary for the proceedings	between EUR 7.57 and EUR 34.48 per page	where the respondent does not understand the language of the proceedings	between EUR 31.61 and EUR 54.62 per hour	costs of declaration of enforceability (<i>exequatur</i>)	around EUR 100

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