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Court fees concerning Small Claims procedure

Belgium

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Introduction

This subject is regulated by Articles 1017 to 1022 of the Belgian Judicial Code (*Code judiciaire*) and by Article 953 of that Code with regard to the payment of witness fees. It is also governed by the Belgian Code of Registration, Mortgage and Court Registry Fees (*Code des droits d'enregistrement, d'hypothèque et de greffe*), and particularly Articles 142 et seq. and 268 et seq. with regard to registration fees.

What fees are applicable?

Article 1018 of the Belgian Judicial Code specifies the nature of the costs:

1° Court registry, registration and other fees. Court registry fees include listing fees, drafting fees and certified copy fees (see Articles 268 et seq. of the Belgian Code of Registration, Mortgage and Court Registry Fees). The listing fee is between EUR 30 and EUR 100, depending on the court. The drafting fee is EUR 35.

Registration fees are payable for decisions in cases where the principal amount is more than EUR 12,500 (excluding court fees). They are set at 3% of this amount. Therefore, they do not apply to small claims;

2° The cost of court processes and the related salaries and emoluments.

3° The cost of a certified copy of the judgment: between EUR 0.85 and EUR 5.75 per page;

4° The costs of any means of giving or obtaining evidence, including expert and other witness fees. The Royal Decree of 27 July 1972 set this amount at BEF 200 per witness, which is now equivalent to around EUR 5. Added to this is the travel allowance (EUR 0.0868 per kilometre).

If an expert witness is called, he or she is free to set his or her own costs and fees. However, the calculation method must be clearly stated and the amount may, if necessary (for example, where costs have been incurred unnecessarily), be reduced by the court in the detailed assessment of court fees.

5° Travel and subsistence expenses for judges, clerks and parties to the case, where their travel has been ordered by the court, and deed costs, where they have been made solely for the purposes of the trial.

6° Case preparation fee (Article 1022 of the Belgian Judicial Code). This is paid by the losing party and is a fixed contribution to the legal costs and fees of the winning party. The amounts are based on the consumer price index and will be increased or reduced by 10% if the index rises or falls by 10 percentage points.

Amount of the claim	Basic amount	Minimum amount	Maximum amount
EUR 250.00 or less	EUR 180.00	EUR 90.00	EUR 360.00
EUR 250.01 to EUR 750.00	EUR 240.00	EUR 150.00	EUR 600.00
EUR 750.01 to EUR 2,500.00	EUR 480.00	EUR 240.00	EUR 1,200.00

Employment tribunal (special rules)

Amount of the claim	Basic amount	Minimum amount	Maximum amount
EUR 250.00 or less	EUR 43.75	EUR 31.75	EUR 55.75
EUR 620.00 or less	EUR 87.43	EUR 69.43	EUR 105.43
EUR 2,500.00 or less	EUR 131.18	EUR 107.18	EUR 155.18

7° The fees, emoluments and expenses of the ombudsman appointed in accordance with Article 1734 of the Belgian Judicial Code.

How much shall I pay?

In view of the above, the amount to be paid depends entirely on each case, depending on whether or not you win, whether expert witnesses were called, whether other witnesses were summoned, whether the judges had to travel abroad, whether an ombudsman was involved, etc.

What happens if I do not pay the court fees on time?

Court registry fees must be paid in advance, otherwise the case will not be added to the listing.

Expert witnesses always require an advance payment before starting work.

If you request the hearing of a witness, you will first have to pay the amount due to the clerk. If you do not pay this amount, it will be assumed that you no longer require the witness to be heard.

How can I pay the court fees?

Payment may be made by a credit transfer or payment order, electronic transfer, cash or cheque payable to the court registry (the latter option being reserved for legal practitioners and bailiffs).

What shall I do after the payment?

All proof of payment must be kept in a safe place so that it can be produced immediately upon request.

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