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Serving documents

Belgium

NBI Council Regulation (EC) No 1393/2007 has been replaced by Regulation (EU) 2020/1784 of the European Parliament and of the Council as of 1 July 2022.

Notifications made under the new Regulation can be found [here!](#)

Article 2(4)(c) – Means of receipt of documents

Means of receipt available: post, telephone, fax or e-mail.

Article 2(4)(d) – Languages that may be used for the completion of the standard form set out in Annex I

The standard form may be completed in French, Dutch, German or English.

Article 3 – Central body

The central body is the National Bailiffs' Association of Belgium (*Chambre nationale des huissiers de justice*).

Chambre Nationale des Huissiers de Justice

Avenue Henri Jaspar 93

B-1060 Brussels

Tel.: +32 2 538 00 92

Fax: +32 2 539 41 11

E-mail: info@nkgb-cnjb.be

Information may be sent by post, fax, e-mail or telephone.

Languages accepted: French, Dutch, German or English.

Article 4 – Transmission of documents

Belgium will accept standard request forms which are completed in English, as well as French, Dutch or German.

Articles 8(3) and 9(2) – Particular periods set by national law for serving documents

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

In accordance with Article 53a 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 his/her 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 10 – Certificate of service and copy of the document served

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

Article 11 – Costs of service

There is a flat-rate fee for the costs of service by a bailiff of 165 euros (including 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 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 applicant.

Article 13 – Service by diplomatic or consular agents

Belgium is opposed to the exercise in its territory of the right conferred by Article 13(1).

Article 15 – Direct service

Belgium is not opposed to direct service as provided for by Article 15.

Article 19 – Defendant not entering an appearance

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

An application for relief as provided for in paragraph 4 must be filed within one year of the judgment.

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