Online processing of cases and e-communication with courts

Belgien

1 Is it possible to initiate court proceedings via the internet?

This issue is covered by the 'Phenix laws', more specifically:

the Law of 10 July 2006 on legal proceedings conducted by electronic means (*loi relative à la procédure par voie électronique*) (Belgian Official Gazette of 7 September 2006);

the Law of 5 August 2006 amending certain provisions of the Judicial Code for legal proceedings conducted by electronic means (*loi modifiant certaines dispositions du Code judiciaire en vue de la procédure par voie électronique*) (Belgian Official Gazette of 7 September 2006).

The Phenix laws owe their name to the IT project of the same name that aims to provide computer access to all the courts in Belgium so that the entire legal process can be conducted electronically in due course.

Since 31 December 2012, two laws have gradually come into force in addition to the Phenix laws referred to above. These are:

the Law of 31 December 2012 laying down various provisions, particularly in the area of justice (*loi portant dispositions diverses, spécialement en matière de justice*);

the Law of 31 December 2012 laying down various provisions in the area of justice (*loi portant dispositions diverses en matière de justice*).

However, this gradual entry into force does not yet mean that legal proceedings can be carried out electronically, as these provisions are mainly those that could also be applied to written legal proceedings. 'Conventional' non-electronic legal proceedings therefore remain the rule for the time being.

In the meantime, court registries and public prosecution secretariats have been provided with a case-management IT application enabling them to process all documents and information electronically. Furthermore, numerous options are being studied to enable procedural documents and evidence to be submitted to court registries electronically.

2 If so, for what types of cases is it available? Are any proceedings available exclusively via the internet?

Not applicable.

3 Is the facility available at all times (i.e. 24 hours a day, 7 days a week) or just during specific hours? If so, what are those hours?

Not applicable.

4 Should the details of the claim be provided in any particular format?

Not applicable.

5 How is transmission and storage of data secured?

Not applicable.

6 Is it necessary to use any kind of electronic signature and/or time record?

Not applicable.

7 Are court fees payable? If so, how can they be paid and are they different to those for non-electronic procedures?

Not applicable.

8 Is it possible to withdraw a claim that has been initiated via the internet?

Not applicable.

9 If the claimant initiates proceedings via the internet is it possible and/or compulsory for the defendant to respond using the internet as well?

Not applicable.

10 In terms of the electronic procedure what happens if the defendant responds to the claim?

Not applicable.

11 In terms of the electronic procedure what happens if the defendant does not respond to a claim?

Not applicable.

12 Is it possible to submit documents to a court electronically and if so in what type of proceedings and under what conditions is it possible?

Article 32 ter of the Judicial Code (*Code judiciaire*) provides that any notification or communication to or any filing with the courts and tribunals, public prosecution service or judicial services, including court registries and public prosecution secretariats, or any notification or communication to a lawyer, court officer or notary by the courts or tribunals, public prosecution service or judicial services, including court registries and public prosecution secretariats, or by a lawyer, court officer or notary can be carried out using the judicial IT system.

Based on this provision, the e-Box network has been set up for notifications or communications and for filings, and the e-Deposit system has been set up more specifically for filing conclusions, submissions and evidence in civil and criminal matters.

These tools can only be used in the courts listed in a ministerial order.

13 Can judicial documents, and particularly judgments, be served via the internet?

Not applicable.

14 Can judicial decisions be given electronically?

Not applicable.

15 Can an appeal be made and its decision served via the internet?

Not applicable.

16 Is it possible to initiate enforcement proceedings via the internet?

Not applicable.

17 Can the parties or their legal representatives consult on-line cases? If so, how this can be done?

Not applicable.

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