
INTERNATIONAL EXECUTION AGAINST JUDGMENT DEBTORS

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Chapter 7

Belgium

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I. OVERVIEW

§ 7:1 In general

Belgium has a modern legal system of recognition and enforcement of foreign judgments. Not only is Belgium bound by European regulations and the most important international treaties, but it also has an advanced domestic regulation that applies to the recognition and enforcement of foreign judgments that do not fall under international legal instruments.

§ 7:2 Government attitude toward recognition and enforcement

The attitude of the Belgian Government toward the recognition and enforcement of foreign judgments can be generally described as open, internationally oriented, and positive, but it also is cautious as far as having respect for fundamental values of the Belgian legal order is concerned.

General indications of the Government's attitude can be found in the preparatory legislative works for the 2004 Code of Private International Law. In the late 1990s, the Government requested a group of private international law professors to conduct research with the aim of drafting a new code of private international law, which would include provisions on recognition and enforcement of foreign judgments.

The main goals of the new Code were to provide up-to-date solutions that would be adapted to the changed circumstances of the contemporary society, i.e., where international transfer of goods and services and international migrations have become widespread, and to ensure that the rights acquired abroad by foreign judgments are recognized in Belgium.

Judgments are recognized in Belgium *de plano*, i.e., without any specific procedure. As a result, a majority of judgments, particularly in family law matters, are recognized by the civil administration without difficulty. The administration is bound by the instructions that are issued by the Federal Government. Recognition of the majority of judgments, albeit in family law matters, confirms the Government's generally supportive attitude. The Government is more cautious, however, towards the recognition of divorce judgments that have been rendered in countries generally known to grant lesser protection to the rights of women than in Europe, such as in Islamic countries.