

Reform of enrolment duties 2015

On February 6, 2015, the government approved a draft bill to reform enrolment duties. The payment of these enrolment duties is due to submit a case before the court.

The objective of this new legislation is to reform, simplify, and modernize the current system of enrolment duties, partly by determining the amount of enrolment duties as a function of the value of the dispute. This is necessary given the ever-increasing workload of courts and tribunals, where we can observe that disputes tend to be settled more frequently through legal action.

The increase in enrolment duties should contribute to further encourage amicable agreements, and also to avoid reckless and frivolous lawsuits.

Enrolment duties will not only be increased, they'll now be calculated according to the value of the claim of the plaintiff. The calculation will use a pro fisco statement of the value of the final claim, which the plaintiff will have to provide when submitting the preliminary deed. The draft of the Royal Decree defining the model for this pro fisco statement was also approved by the Ministry Cabinet on February 6, 2015.

Another novelty is that from now on, for all enrolments, one single tariff will be applicable per court and per instance. Enrolment duties will also be levied per claimant party and no longer per case.

Finally, for the Family Court, a flat rate of € 100.00 will only need to be paid once for the entire procedure (this includes possible proceedings in appeal or appeal in cassation).

The table with the new enrolment duties can be consulted via the following link [[link nog toe te voegen](#)].

For more information on this specific subject, please contact Eva Zaman & Maarten Somers (the authors) and Chantal De Smedt-Quintelier (head of department).

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