

The Belgian order for payment

The "first potpourri law" of 19 October 2015, which was intended to speed up the civil procedure law and make it more efficient^[1], introduced the Belgian order for payment.

Following the example of the already-familiar European order for payment, the objective of the Belgian order for payment is to collect undisputed money debts easily, quickly and cheaply. The scope of application is limited to a B2B context.

Nevertheless, the procedure for obtaining a Belgian order for payment differs significantly from that for the European order for payment. The legislator has chosen a procedure outside the courts, with a view to achieving savings and reducing the workload within the justice system.

The first step must be taken by the creditor's lawyer, who can commission the bailiff to make the collection. Thus it is firstly up to the lawyer to verify whether a debt claim qualifies for the Belgian order for payment procedure.

Subsequent to the lawyer's request, the bailiff will put the debtor on notice to make payment within one month.

If the debtor disputes the debt in a substantiated manner, the procedure stops and the creditor will have to follow the normal judicial path.

By contrast, if the debt is not disputed but remains unpaid, the bailiff can draw up a non-dispute certificate. He can also do that when the creditor and the debtor have agreed on payment facilities, which are not complied with.

At the bailiff's request, the certificate is declared to be enforceable by a magistrate of the Management and Supervisory Committee at the CBB (central register of notices of seizure, delegation, transfer, collective debt settlement and protest).

Thus the creditor can possess an enforceable title without having to appear before the ordinary judge. The execution of the non-dispute certificate can be suspended at the debtor's initiative, if the latter still wishes to submit the case to the judgement of the court.

The Belgian order for payment will enter into force on a date yet to be determined by royal decree, but at the latest by 1 September 2017.

^[1]See our earlier [newsflash](#) on this topic.

For more information on this topic, you can consult Lesley Jorgensen and Geert De Buyzer (the authors) and Gwen Bevers (unit head).

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