



# Belgium

## Country Report 2010 – Flemish Bar Association (Belgium)

Due to the political situation in Belgium in 2010 and the resulting standstill of pending legislation in the Belgian Parliament and Senate, the activities of the Flemish Bar Association were focused less, than in previous years, on following up the legislative process.

### 1. Consumer Rights

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In 2010 an ambitious action was launched to better inform citizens, the consumers of law, of their rights.

The action included:

- the launch of two websites with accessible legal information on the rights of consumers: on consumer rights ([www.advocatenhoudenconsumentenrecht.be](http://www.advocatenhoudenconsumentenrecht.be)) and on marriage, cohabitation, separation and divorce ([www.onzewegenscheiden.be](http://www.onzewegenscheiden.be)),
- three call-centres in cooperation with Flemish radio (on e-commerce, tenancy and on whether to marry or cohabit), and
- a specialised consumer law continuous legal education course, which was followed by over 500 Flemish lawyers.

### 2. “Justitierapport”

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The OVB sent out a questionnaire to its lawyers in which they were asked about their experiences with the judicial instances, amongst others on the quality of judicial services and the judicial infrastructure. More than 1350 lawyers responded.

The study, “*het Justitierapport*”, concluded that Flemish lawyers are moderately pleased, but that there appears to be a need for modernization and a more “customer-oriented” approach within the judicial instances. Anno 2010 it should be possible to submit documents electronically to the courts and the report highlighted the need for a study on the work load of magistrates, so that efficiency and quality of all judicial services, regardless of their district, can be attained.

### 3. Maintenance allowances and Salduz

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The entry into force of legislation on maintenance allowances, whereby these allowances have to be set based on objective parameters that magistrates have to refer to in their decision, was

closely followed up by the OVB. The OVB placed a model pleading at the disposal of its lawyers and organised 5 continuous legal education courses, which were followed by over 1000 lawyers.

The OVB will continue to analyse case law in this area to determine how the parameters are applied in practice and to improve the tools it places at the disposal of its lawyers.

With regards to the case law of the European Court of Human Rights in *Salduz v Turkey*, concerning the presence of a lawyer during police questioning, the Flemish Bar Association developed a model pleading that its lawyers can use before the national courts and a model petition to the ECtHR.

#### **4. Access to the legal profession: educational requirements**

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In accordance with article 428 of the Belgian Judicial Code the degree of *doctor* or *licentiaat in de rechten* required is for access to the legal profession in Belgium.

Due to the introduction of the bachelor-master system in Belgium, this had to be changed and two laws of 30 December 2009 stipulate that the title *master in de rechten* (master of law) can be equated with a *doctor* or *licentiaat in de rechten* for the purpose of access to the legal profession if certain conditions have been met.

The candidate can obtain his master degree, which should be a continuation of the education at bachelor's level and not a specialisation master, in any Member State of the European Union. The candidate also has to have taken exams in certain subjects of Belgian law, during the course of obtaining a bachelor of master degree at a Belgian institute of higher education. This can be at either a university or a *hogeschool* (university college).

These subjects of Belgian law are:

- Constitutional law
- Contract law
- Civil procedure
- Criminal law
- Criminal procedure
- And at least four of the following subjects: property law, law of persons and family law, specific contracts, administrative law, labour law, social security law, commercial law, tax law.

#### **5. Lawyers without Rights**

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In 2009 and 2010 the Flemish Bar Association, together with five of its member bars, hosted "Lawyers without Rights" in Belgium. This exhibition of the German Bundesrechtsanwaltskammer describes the fate of Jewish lawyers in Germany from 1933-1945.

The OVB expanded the exhibition to cover the fate of Jewish lawyers in Belgium, members at the bar of Antwerp and Brussels, during this period. The exhibition was built up in the court houses of Antwerp, Brussels, Gent and Hasselt, and the Gallo-Roman Museum in Tongeren.

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