

## Belgium: Implementation of the Representative Actions Directive

### Law of 21 April 2024 amending Books I, XV and XVII of the Code of Economic Law (Code de droit économique)

Belgium transposed the Directive, after the deadline, through the Law of 21 April 2024, published in the Belgian Official Gazette on 31 May 2024 and in force from 10 June 2024. The transposing provisions are found in the Code of Economic Law, alongside the Judicial Code. The Federal Public Service Economy is the competent authority.

Belgium had operated a collective redress framework since 2014, extended to SMEs in 2018, and was already broadly aligned with the Directive's requirements. The 2024 Law introduced targeted amendments rather than structural reform, namely widening the material scope, refining the participation regime, enabling cross-border standing, and introducing third-party funding disclosure requirements.

The material scope extends beyond the Directive's Annex I instruments: representative actions may also be based on any breach of contractual obligations by a trader, and Article XVII.37 of the Code of Economic Law adds further domestic grounds, including certain financial services matters, event ticket resale, home construction, and B2B late payment. SMEs as well as consumers fall within the protected class.

Standing differs between the two mechanisms. Injunctive actions may be brought by qualified entities or by the Minister responsible for economic affairs and consumer protection. Redress actions are reserved only for qualified entities. The Consumer Ombudsman Service may represent a group during the mandatory negotiation phase, but has no role in the judicial procedure and is not treated as a qualified entity under Belgian law. Foreign qualified entities designated in other Member States may bring representative actions in Belgium without domestic recognition.

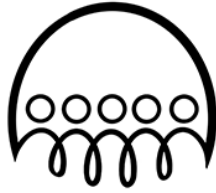
The 2024 Law follows a default **opt-in** system post-judgment (while collective redress settlements allow for a discretion-based approach, with parties agreeing on either opt-in or opt-out): following a finding of liability, affected parties have four months to decide whether to claim. Opt-in is also mandatory under statute in certain circumstances, eg, claims on behalf of persons not resident in Belgium and for physical or moral damages. Each individual class member's limitation period is suspended for the duration of the proceedings.

Proceedings follow a four-phase structure of admissibility, mandatory negotiation, merits, and distribution. The admissibility phase proceeds with a summary hearing. A court-appointed claims

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handler, funded by the defendant, administers distribution, and settlements require judicial homologation. Punitive damages are unavailable. Regarding litigation funding, all third-party funding must be disclosed in the originating request. Exclusive territorial jurisdiction is held by the courts of Brussels.

**For official texts:**

Law of 21 April 2024: <https://www.ejustice.just.fgov.be/eli/loi/2024/04/21/2024005024/justel>; Code of Economic Law (consolidated): <https://www.ejustice.just.fgov.be/eli/loi/2013/02/28/2013A11134/justel>

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