BELGISCHE VERENIGING VOOR ZEERECHT – ASSOCIATION BELGE DE DROIT MARITIME

OPGERICHT IN 1896
FONDEE EN 1896

COVID 19 QUESTIONNAIRE :

COURT PROCEDURES IN YOUR JURISDICTION AND FLAG ADMINISTRATION

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1. Are the Courts in your jurisdiction open and functioning as per normal?

The courts are open but will only deal with urgent matters. Parties are requested not to burden the courts with matters that are not urgent.

Some courts still deal with cases but without court pleadings. In such instances the parties have to agree on foregoing the oral pleadings and just to refer to their written submissions. If no agreement is found the cases are most likely postponed to a later date.

2. If not, are there any exceptions to the arrest of ships and / or are other injunctive or enforcement procedures available?

Arrests can still be made as per usual custom. These are considered urgent matters.

Injunctive or enforcement procedures can be pursued but only if they meet the urgency criteria. Same applies for the appointments of court surveyors, sequestrators, …

3. Can Judicial Sale of Ships still take place?

These are considered urgent matters under Belgian law and as such we see no reason why the Judicial Sale of Ships could not be pursued.

Organizing the auction for the public sale will have to be done taking into account Covid-19 restrictions imposed by the government.

4. Do you know how long the Courts in your jurisdiction will be closed for?

This is evaluated on a weekly basis but as set out above the Belgian courts are not closed.

5. Is the flag registry in your jurisdiction (if applicable) operating as per normal in terms of the registration of ships and registration of mortgages and deletion of same.

The Belgian Ship Registry is still operating as per normal in terms of the registration of ships and registration of mortgages and deletion of same, but works behind closed doors.

6. Has your flag administration issued any special exemptions for the period of the Pandemic

We can refer to https://mobilit.belgium.be/nl/scheepvaart/covid_19_coronavirus