

# Belgium

## Preserving individual debtor's human dignity in distress

You are invited to fill in the tables below as follow:

- Incomes are monthly
- Figures are the latest available data from official sources. If necessary, indicate the year in brackets
- The amounts are in national currency

### 1. Monthly income

Adults	Single person	With 2 dependent children
Minimum wage for a full-time employee: Salaire minimum national	Gross: <b>€ 1,562.59</b> Net:	
Median income per capita		

Poverty threshold	<b>€ 1,139</b>	
Minimum solidarity allowance for an adult without income <u>Revenu d'intégration</u>	<b>€ 928,73 €</b>	Cohabiting with 1 or more people: <b>€ 619,15</b> with dependent family: <b>€ 1,254.82</b>

Elderly people	Single person	Couple
Minimum pension for a former employee (full career) Pension minimum garantie	<b>€ 1253,83</b>	<b>€ 1566.79</b>
Average pension per capita (all types of pensions) 2017 data	<b>€ 1,100 € (gross)</b>	
Minimum solidarity allowance for elderly people with no or very limited pension GRAPA (garantie de revenus aux personnes âgées)	<b>€ 1,118.36 €</b>	<b>€ 745. 57 € (if the beneficiary lives with one or more people)</b>

**Additional information:**

## 2. Garnishment of funds in bank accounts

Unseizable funds:	€ 1,128 (single person)	
Unseizable income: (per type)	Description	Designation
	<ol style="list-style-type: none"> <li>1. family allowances,</li> <li>2. pensions and annuities of orphans,</li> <li>3. disability benefits,</li> <li>4. guaranteed income for the elderly,</li> <li>5. social integration income and social assistance paid by the CPAS (social office)</li> <li>6. the allowance for assistance of a third person for serious accidents at work,</li> <li>7. the reimbursement of care paid by the mutual (social security),</li> <li>8. work accident insurance or the occupational diseases fund,</li> <li>9. payments to inmates as remuneration for their work</li> <li>10. Meal vouchers</li> <li>11. Allowances for volunteer workers</li> </ol>	<ol style="list-style-type: none"> <li>1. Les allocations familiales,</li> <li>2. les pensions et rentes d'orphelins,</li> <li>3. les allocations d'handicapés,</li> <li>4. le revenu garanti aux personnes âgées,</li> <li>5. le revenu d'intégration sociale et l'aide sociale versée par le CPAS</li> <li>6. l'allocation pour aide d'une tierce personne pour les accidents du travail graves,</li> <li>7. le remboursement des soins versés par la mutuelle,</li> <li>8. l'assurance accidents du travail ou le fonds des maladies professionnelles,</li> <li>9. les sommes versées aux détenus à titre de rémunération pour leur travail.</li> <li>10. Les chèques repas</li> <li>11. Les indemnités des travailleurs bénévoles</li> </ol>
Partly seizable income  <b>Beyond € 1,128</b> considered as the minimum living recognized to each citizen by Article 1409 bis of the Judicial Code. This amount is indexed and adjusted annually by royal decree	<ol style="list-style-type: none"> <li>1. Wages</li> <li>2. Self-employed incomes</li> <li>3. Unemployment benefits,</li> <li>4. Mutual benefits (social security),</li> <li>5. Pensions or benefits in lieu thereof,</li> <li>6. Alimony to the former spouse,</li> <li>7. Compensation for an accident at work or an occupational disease,</li> <li>8. Holiday pay,</li> <li>9. Career interruption benefits</li> </ol>	<ol style="list-style-type: none"> <li>1. <u>La rémunération</u></li> <li>2. <u>Les revenus des indépendants</u></li> <li>3. Les allocations de chômage,</li> <li>4. les indemnités de mutuelle,</li> <li>5. les pensions ou avantages en tenant lieu,</li> <li>6. les pensions alimentaires à l'ex-époux,</li> <li>7. les indemnités réparant un accident du travail ou une maladie professionnelle,</li> <li>8. les pécules de vacances,</li> <li>9. les indemnités d'interruption de carrière</li> </ol>
Income that can be fully seized		

### Additional information:

A code system has been designed to ensure that the amounts protected on a current account are easily identifiable. Unemployment funds, family allowance funds, mutual (social security), employers must assign a code to protected income they award and communicate this code to the bank when paying the income. If this is not the case, they are subject to fines.

### 3. Seizures on wages and from third parties

Unseizable amount	€ 1,128 (single person)			
Seizable amounts (single person)	Income range	Monthly income	Percentage portion that can be seized	Maximum amount that can be seized per month
	1	From € 0 to € 1,128	0%	<b>0</b>
	2	From € 1,128.01 to € 1,212	20%	<b>€ 16.80</b>
	3	From € 1,212.01 to € 1,337	30%	<b>€ 37.50</b>
	4	From € 1,337.01 to € 1,462	40%	<b>€ 50</b>
	5	> € 1,462	100%	<b>Total amount</b>
	6			
	7			

#### Additional information:

These thresholds are increased by € 70 per dependent child.

The same rules apply for replacement income, such as

- unemployment benefits,
- allowances for work incapacity,
- alimony;
- pensions,
- sums paid for occupational diseases,
- allowances in case of interruption of professional career,
- holiday pay and the supplement to the holiday pay paid under the Workers' Retirement and Survivors' Pension Act,
- the amounts paid due to accidents at work.

### 4. Additional rules for the protection of debtors

As part of an amicable debt mediation procedure or of a personal bankruptcy procedure, some additional protection rules exist in some countries, such as:

- The freezing of the recovery costs and default interest;
- The freezing of recovery procedures (made by registered mail or through a bailiff);
- The possibility for the debt advisor or the judge to lower or increase the protected amounts;
- The possibility of choosing other methods or calculation rules to determine the remaining income.

If similar rules exist in your country, it would be very useful to describe them.

- Possibility of asking the judge for terms and deadlines;
- Possibility for the judge to reduce excessive criminal clauses
- Possibility of requesting a conciliation before a judge in all matters
- In tax matters, the possibility of applying for an administrative debt settlement or indefinite suspension (remission of the tax debt subject to the fulfillment of certain conditions)
- In the field of social security (independent social security contributions), the possibility of requesting the exemption of interest and surcharges under certain conditions;
- In the matter of social security contributions of the self-employed, possibility of requesting the exemption (debt forgiveness)
- The self-employed person has the possibility to protect his building (home) against possible seizures of his professional creditors;

- The independent natural person has the possibility to request the cancellation of his debts as part of his personal bankruptcy;

- The collective debt settlement procedure allows a natural person (who is not a company) to obtain the freezing of interest and costs at first, then at the end of the procedure, a debt forgiveness of any what would not have been paid (except for certain types of debts)

- In Belgium, there are also licensed debt mediation services whose mission is to verify the legality of the amounts claimed by creditors and to negotiate clearance plans with them.

Do you accept we include your name, or the name of your organisation, in the list of respondents that will be included in the final report?	YES	NO
	ok	
Personal name	Sylvie Moreau	
Name of the organisation	Centre d'appui service de médiation de dettes	