KINGDOM OF BELGIUM

FEDERAL PUBLIC SERVICE ECONOMY, SME’S, MIDDLE CLASS AND ENERGY


Philippe I, King of the Belgians

To all present, and those to come, Salutations.

Following the proposal by the Minister of Economy and Consumers and of the Minister of Justice,

WE ADOPTED AND HEREBY ADOPT:

The Minister of Economy and Consumers and the Minister of Justice are responsible for presenting and submitting in Our Name to the legislative Chambers and to submit to the House of Representatives the draft law written as follows:

CHAPTER I. General provision

Article 1. The present law regulates a matter referred to in Article 78 of the Constitution.

CHAPTER II. The Code of economic law

Article 2. A chapter 13 is inserted in book I, Title 2, of the Code of economic law, written as follows:

“Chapter 13: Definitions specific to book XVII

Art. I.21. The following definitions are applicable to book XVII, title 2:

1° collective harm: all the individual damages having a common cause suffered by the members of a group;

2° group: all the consumers individually affected by the collective harm and represented in the collective redress action;

3° collective redress action: action which aims to repair a collective harm;

4° exclusion option system: system in which all the consumers affected by the collective harm are members of the group, except those who have expressed their intention not to be part of this group;

5° inclusion option system: system in which only those consumers affected by the collective harm who have expressed their intention to be part of the group are members of the group;

6° representative of the group: the association acting on behalf of the group during a collective redress action or the autonomous public service referred to in article XVI. 5 of the present Code;

7° collective redress agreement: the agreement between the representative of the group and the defendant organising the compensation for the collective harm;

Art. 3. A title 2 is inserted in book XVII “Specific jurisdictional procedures” of the same Code, written as follows:
Title2. – The collective redress action

Chapter 1: General provisions

Section 1. Jurisdiction of the courts of Brussels

[Art. XVII. 35].

Section 2. Admissibility criteria

Art. XVII. 36. Notwithstanding articles 17 and 18 of the judicial Code, the collective redress action is admissible when each of the following conditions is fulfilled:

1° the claimed cause is a potential violation by the company of one of its contractual obligations, one of the European regulations or one of the laws referred to in article XVII. 37 or their implementing decrees;

2° the action is brought by an applicant which satisfies the requirements referred to in article XVII. 39 and which is considered as adequate by the judge;

3° the recourse to a collective redress action seems more efficient than an action under general law.

Art. XVII. 37. The European regulations and the laws referred to in article XVII. 36, 1° are:

1° the following books of the present Code:
   a) book IV – Protection of competition;
   b) book V – Competition and price evolutions;
   c) book VI – Market practices and consumer protection;
   d) book VII – Payment and credit services;
   e) book IX – Products and services security;
   f) book XI – Intellectual property;
   g) book XII – Electronic economy law;
   h) book XIV – Market practices and consumer protection relating to liberal professions;

2° the law of 25 March 1964 on medicines;

3° the law of 12 April 1965 on transport of gaseous products and others by pipeline;

4° the law of 9 July 1971 regulating the construction of houses and the sale of houses to be constructed or in construction;

5° the law of 24 January 1977 on consumer health protection relating to food and other products;

6° the law of 21 November 1989 on the compulsory liability insurance in respect of motor vehicles;

7° the law of 25 February 1991 on liability for defective products;

8° the law of 25 June 1992 on the terrestrial insurance contract;

9° the law of 9 March 1993 aimed at regulating and controlling the activities of marital brokerage firms;

10° the law of 8 December 1992 on privacy protection with regard to the processing of personal data;

11° article 21, 5°, of the Code of income tax;
12° the law of 25 June 1993 on the exercise and organisation of itinerant and fairground activities;

13° the law of 16 February 1994 governing the contract of travel organisation and the contract of travel intermediary;

14° regulation 2027/97 (CE) of the Council of 9 October 1997 on air carrier liability in the event of accidents;

15° the law of 29 April 1999 on the organisation of the electricity market;

16° the law of 29 April 1999 on the organisation of the gas market and on the fiscal status of the electricity producers;

17° article 25, §5, 27, §§2 and 3, 28ter, 30bis, and 39, §3 of the law of 2 August 2002 on financial sector supervision and financial services, and violations referred to in article 86bis of the same law;

18° the law of 20 December 2002 on amicable recovery of consumer debts;


20° the law of 11 June 2004 penalising odometer fraud on cars;

21° the law of 1st December 2004 on consumer protection in case of sale of consumer goods;

22° the law of 13 June 2005 on electronic communications;

23° regulation (CE) n° 2111/2005 of the European Parliament and of the Council of 14 December 2005 on the establishment of a Community list of air carriers subject to an operating ban within the Community and on informing air transport passengers of the identity of the operating air carrier, and repealing article 9 of Directive 2004/36/EC;

24° regulation (CE) n° 1107/2006 of the European Parliament and of the Council of 5 July 2006 concerning the rights of disabled persons and persons with reduced mobility when travelling by air;

25° the law of 15 May 2007 on consumer protection with regard to radio transmission and radio distribution services;

26° the law of 3 June 2007 on gratuitous guarantees (cautionnement à titre gratuit / kosteloze borgtocht);


28° articles 23 to 52 of the law of 24 July 2008 containing miscellaneous provisions;


31° the law of 30 July 2013 on the resale of tickets giving access to events.
Section 3. Composition of the group

Art. XVII. 38. §1. The group will be composed of all consumers who have been personally affected as a result of a collective harm, as described in the admissibility decision referred to in article XVII.43 and:

1° for those who usually reside in Belgium:
   a) in the case of the exclusion option system, those who did not explicitly express the intention not to be part of the group within the period determined in the admissibility decision;
   b) in the case of the inclusion option system, those who explicitly expressed the intention to be part of the group within the period determined in the admissibility decision;

2° for those who do usually not reside in Belgium, those who explicitly expressed the intention to be part of the group within the period determined in the admissibility decision.

The consumer shall notify its option to the clerk. The King can determine how the consumer can notify its option with the clerk.

The exercise of the option is irrevocable save for the application of articles XVII.49, §4, and XVII.54, §5.

§2. The group can be divided into subcategories for the purpose of the collective redress.

Section 4. Representative of the group

Art. XVII. 39. The group can only be represented by one single representative.

Can act as representative of the group:

1° an association for the defence of consumer interests that has legal personality and that is represented in the Council on Consumption, or that is recognised by the Minister, according to the criteria that are to be determined in a royal decree deliberated by the Council of Ministers.

2° an association with legal personality that is recognised by the minister, whose corporate purpose is directly connected with the collective harm that is suffered by the group and that does not pursue an economic goal in a sustainable way. This association must have legal personality for at least three years on the day it files the collective redress action. The association will prove, through the submission of its activity reports or any other document, that there is an actual activity that corresponds to its corporate purpose and that that activity relates to the collective interest that it aims to protect.

3° the autonomous public service referred to in article XVI.5 of this Code, which can only represent the group during the process of negotiating a collective redress agreement in accordance with articles XVII.45 to XVII.51.

Art. XVII. 40 During the entire procedure for collective redress, the representative of the group will comply with the conditions set out in article XVII.39.

The applicant will lose its capacity of representative of the group if these conditions are no longer complied with during the procedure. The judge will in that case appoint a different representative of the group, with the express consent of the latter.

If no other candidate-representative fulfils the conditions of article XVII.39 or accepts the capacity of representative of the group, the judge will decide to terminate the procedure for collective redress.

A copy of the court decision referred to in the second and third paragraphs will be sent to the FPS Economy, SMEs, Self-employed and Energy, who makes this decision fully known on its website.
The second and third paragraphs are also applicable in case the autonomous public service referred to in article XVI.5 of this code files the action and the negotiating phase has ended in the absence of a ratified agreement.

**Art. XVII. 41** Except for the hypothesis referred to in article XVII.40, the representation by the representative of the group will end when:

- the judge, during the session referred to in article XVII.61, §2, determines that the collective harm has been fully redressed in accordance with the ratified collective redress agreement, or, in the absence of such an agreement, in accordance with the decision on the merits.

- the judge grants the abatement of proceedings when applying article XVII.65.

**Chapter 2: The procedure**

**Section 1. The admissibility stage**

**Art. XVII. 42.** § 1. Without prejudice to the application of articles 1034bis and the following of the Judicial Code, the application for a collective redress will be addressed to or filed with the clerk of the court of first instance, where applicable, the commercial court, and will contain:

1° proof that the admissibility criteria referred to in article XVII.36 have been complied with;

2° a description of the collective harm that is the subject of the collective redress action;

3° the proposed option system and the reasons for this choice;

4° a description of the group which the representative of the group intends to represent, with an estimate, as accurately as possible, of the number of persons affected; this information should be provided by subcategory if the group consists of subcategories;

§ 2. The parties to a collective redress agreement can file a joint application in court in order to obtain ratification of the agreement.

Without prejudice to the application of articles 1034bis and following of the Judicial Code, the application will contain proof that the admissibility criteria referred to in article XVII.36 have been complied with.

The collective redress agreement that will be attached to the application will contain the elements determined in articles XVII.45, §3, 2° to 13°, and will determine the option system to be applied as well as the period that is granted to consumers to exercise their option right.

§ 3. If the application is incomplete, the clerk will invite the applicant to supplement it within a period of eight days.

The applicant which supplements the application within eight days following receipt of the invitation referred to in the first paragraph will be deemed to have filed the application on the date of its first filing.

An application that is not filed, that has been filed incomplete or late, will be deemed not to have been filed.

**Art. XVII. 43.** § 1. Within two months following filing of the complete or supplemented application referred to in article XVII.42, §1, the judge will rule on the admissibility of the collective redress action.
§ 2. The judge allows the collective redress action if the admissibility conditions fixed in article XVII. 36 are fulfilled and mentions in its decision on the admissibility:

1° the description of the collective harm which constitutes the subject of the action;

2° the claimed cause of the collective harm;

3° the applicable option system; if the collective redress action seeks compensation for a physical or moral collective harm, only the inclusion option system is applicable;

4° description of the group, with an estimation as accurate as possible of the number of injured persons; in case the group contains sub-categories, such information shall be mentioned by sub-category;

5° the name of the representative of the group, the address, if applicable the company number, and the name and title of the person or persons signing on its behalf;

6° the corporate name or the first and last name of the defendant, his address and company number;

7° the time period and terms of the exercise of the option rights laid down in article XVII. 38, § 1: this time period shall not be less than thirty days nor more than three months;

8° the time period given to the parties to negotiate an agreement on the compensation of the collective harm; this period, starting as from the expiration of the period referred to in 7°, shall not be less than three months nor more than six months;

9° if applicable, the additional publicity measures of the admissibility decision, in case the Court considers that the measures referred to in paragraph 3 are insufficient.

§ 3. The clerk shall immediately communicate, after the period for lodging an appeal has expired if applicable, the admissibility decision to the competent services of the Belgian Official Gazette (Moniteur Belge) ensuring its integral publication within ten days. A copy will also be sent to the FPS Economy, S.M.E.s, Self-employed and Energy, who will publish the integral decision in full on its website.

More detailed rules regarding the content and format of the publication referred to in the first paragraph can be established by the King.

§ 4. The time period referred to in paragraph 2, 7°, starts from the day following the publication in the Belgian Official Gazette (Moniteur Belge).

Art. XVII. 44. § 1. Within two months after the filing of the complete or completed application referred to in article XVII. 42, § 2, the judge rules on the homologation application of the collective redress agreement, to ensure its conformity with articles XVII. 36 and XVII. 45, § 3, 2° to 13°.

§ 2. The judge will reject the homologation if the admissibility conditions referred to in article XVII. 36 are not fulfilled.

§ 3. The provisions of articles XVII. 49 to 51 shall apply by analogy at the later stages of the homologation procedure.

Section 2. The negotiation of a collective redress agreement

Art. XVII. 45. § 1. During the time period fixed by the judge, the representative of the group and the defendant will negotiate an agreement on compensation for the collective harm.

At the joint request of the parties, the time period referred to in the preceding paragraph may be extended once by the judge for a maximum term of six months.
§ 2. At the joint request of the parties, or on his own initiative but with the agreement of the parties, the judge may designate, under the same conditions as those laid down in article 1734 of the Judicial Code, an accredited mediator in order to facilitate the negotiation of the agreement.

§ 3. The collective redress agreement contains, at least, the following elements:

1° a reference to the decision referred to in article XVII 43;

2° a detailed description of the collective harm, the object of the agreement;

3° a description of the group and, if any, of its different sub-categories, and an indication or estimation as accurate as possible of the number of consumers concerned;

4° the name of the representative of the group, its address, if applicable the company number, and the name and title of the person or persons signing on its behalf;

5° the corporate name or last name and first name of the defendant, its address and its company number;

6° the terms and content of the redress; when the redress occurs by equivalence, the amount of the indemnity can be calculated on an individual or a global basis for all or certain categories of the group;

7° when the admissibility decision of the judge or the collective reparation agreement referred to in article 42, § 2 provides for the exclusion option system, the time period during which the members of the group can contact the clerk in order to obtain individual redress and the procedures to be followed;

8° the amount of the indemnity due by the defendant to the representative of the group, which amount shall not exceed the actual costs incurred by the representative;

9° the fact that the expenses linked to the publicity measures referred to in articles XVII. 43, § 2, 9° and § 3 and XVII. 50 will be borne by the parties;

10° if applicable, the guarantees to be provided by the defendant;

11° if applicable, the revision procedure of the collective redress agreement in case of occurrence of damages, foreseeable or not, after its homologation; if no procedure is specified, the agreement is not binding for the members of the group regarding any new damage or unpredictable worsening of the damage occurring after the conclusion of the agreement;

12° in the event the measures referred to in article XVII. 50 are considered insufficient, the additional publicity measures of the homologated collective redress agreement;

13° if applicable, the text of the agreement that will be published pursuant to article XVII 50;

14° the date of the agreement as well as the signature of the parties.

Art. XVII.46. The conclusion of a collective redress agreement shall not constitute an admission of liability or guilt of the defendant.

Art. XVII. 47. The most interested party shall submit the collective redress agreement to the ratification of the judge. It shall inform the other party without delay by mentioning the exact date.

Art. XVII. 48. When the representative of the group and the defendant fail to conclude a collective redress agreement before the deadline set by the judge, the representative of the group shall inform the judge without delay. He shall also inform the defendant without delay of the date of this communication to the judge.
Section 3. Ratification of the collective redress agreement

Art. XVII.49. § 1. The judge examines the collective redress agreement filed with the clerk in order to verify its conformity with article XVII. 45, §3.

In the case of non-conformity with article XVII. 45, §3, the judge shall return the agreement to the parties and invite them to complete it, within the deadline set by the judge, by specifying which elements need to be completed.

§ 2. Once the agreement is complete or has been completed, the judge ratifies the agreement, unless:
- the agreed compensation is manifestly unreasonable for the group or a sub-category;
- the deadline referred to in article XVII. 45, §3, 7° is manifestly unreasonable;
- the additional publicity measures referred to in article XVII. 45, §3, 11° are manifestly unreasonable;
- the indemnity under article XVII. 45, §3, 8° exceeds the costs actually incurred by the representative of the group;

If the judge believes he needs to refuse the ratification of the agreement on the basis of a reason referred to in paragraph 1, he may invite the parties to revise their agreement within a time limit set by him.

§ 3. In his ratification order, the judge appoints the liquidator among those persons mentioned on the list drawn up pursuant to article XVII. 57.

§ 4. The ratification order has the effect of a judgment within the meaning of article 1043 of the Judicial Code. It is binding upon all members of the group, with the exception of the consumer, who, although being part of the group, demonstrates not having reasonably been able to examine the admissibility decision within the deadline set in accordance with article XVII. 43, § 2, 7 °.

Art. XVII. 50. Immediately after the expiry of the appeal period, the clerk shall communicate the ratification order of the collective redress agreement and the text of this agreement to the services of the Belgian State Gazette which shall ensure its publication in full within ten days. A copy is also sent to the FPS Economy, SMEs, Self-employed and Energy, which publishes these documents in full on its website.

The time period referred to in article XVII. 45, §3, 7° starts the day after the publication in the Belgian State Gazette.

Art. XVII. 51. The ratification of a collective redress agreement shall not constitute an admission of liability or guilt of the defendant.

Section 4. Decision on the merits

Art. XVII. 52. The examination of the collective redress action, introduced under article XVII. 42, § 1, is pursued by the judge when:
- the representative of the group and the defendant have not concluded a collective redress agreement within the period set by the court in its admissibility decision, pursuant to article XVII. 43, § 2, 8°, possibly extended in accordance with article XVII. 45. § 1;
- the representative of the group and the defendant have not responded to the invitation by the judge to complete the agreement within the deadline set in accordance with article XVII. 49, § 1, paragraph 2;
- the judge has refused the ratification of the agreement pursuant to article XVII. 49, §2.
Art. XVII. 53. Within a month, the clerk shall convene the representative of the group and the defendant by court letter to appear at the hearing set by the judge.

The one month period shall start on the day after:

- the day on which the representative of the group informed the judge of the absence of an agreement in conformity with article XVII. 48;
- the deadline set by the judge in its admissibility decision, pursuant to article XVII. 43, § 2, 8°, possibly extended in accordance with article XVII. 45. § 1;
- the day of notification by the clerk pursuant to article 792 of the Judicial Code, notifying the judge's decision not to ratify the collective redress agreement under article XVII. 49, § 2.

At this hearing, the judge shall determine the time for the trial and the decision of the case.

Art. XVII. 54. § 1. The judge’s decision on the merits that leads to an obligation of collective redress for the defendant contains at least the following elements:

1° reference to the decision on the admissibility referred to by article XVII.43;

2° a detailed description of the collective prejudice;

3° a description of the group and, where necessary, of its different sub-categories, as well as the indication or the estimation, as precise as possible, of the number of consumers concerned;

4° the name of the representative of the group, the address, if applicable the company number, and the name and title of the person or persons signing on its behalf;

5° the corporate name or last name and first name of the defendant, its address and its company number;

6° where necessary, the additional publicity measures of the decision on the merits, if the judge considers that those laid down under article XVII.55 are not sufficient;

7° the terms and the amount of the compensation; if the latter occurs by equivalence, the judge evaluates, regarding the circumstances of the case, the opportunity to fix a global amount, where necessary by sub-categories, to share between the members of the group, or an individualized amount due to each consumer that will declare himself. The terms of the compensation may vary between the eventual sub-categories of the group;

8° if, at the moment of his decision on the admissibility, the judge applies the exclusion option system, the term during which the members may contact the clerk, in order to obtain compensation, as well as the procedures to be followed;

9° where necessary, the guarantees to be provided by the defendant;

10° the procedure for the revision of the collective redress decision in case of damages, foreseeable or not, after the judgment.

§ 2. In his decision on the merits, the judge indicates the liquidator among the persons who appear on the list made in the application of article XVII.57.

§ 3. The judge’s decision on the merits that dismisses the collective redress action refers to the decision on admissibility referred to in article XVII.43

§ 4. The costs relating to the publicity measures referred to in article XVII.43,§2,9° and §3, in article XVII. 55 and at § 1, 6°, of this article will be borne by the losing party.
§ 5. The judge’s decision on the merits is binding to all members of the group, except for the consumer who, although being part of the group, proves not to have reasonably had the opportunity to be aware of the decision on the admissibility during the time period established in article XVII.43§2,7°

Art. XVII. 55. The clerk immediately communicates, after the expiry of the appeal period, the judge’s decision on the merits to the services of the Moniteur Belge (Belgian Official Gazette) that will take care of its complete publication within ten days. A copy is also communicated to the S.P.F. Economie, P.M.E., Classes moyennes et Energie (Public Federal Service, SME, Middle classes and Energy), that publishes this decision on its website.

The time period under article XVII.54, § 1, 8°, starts the day after the publication of the decision by the Moniteur Belge.

Art. XVII. 56. At any time during the procedure on the merits referred to in articles XVII.51 to 54 and until the judge has rendered his decision referred to in article 53.§1, the parties can conclude an agreement of collective redress and submit it to the judge for its homologation. This latter will be done according to the procedure laid out in articles XVII. 49 to XVII. 51.

Section 5. Execution of the homologated agreement or the decision on the merits

Art. XVII. 57. § 1. The liquidator is chosen among the persons included in the list established by the general assembly of the jurisdiction competent to judge on a collective redress action.

Only attorneys, ministerial officers or agents of justice, presenting guarantees of competence in the area of procedures of resolution of prejudice, are admissible to the list referred to in paragraph 1.

§ 2. The liquidator ensures the correct execution of the homologated agreement referred to by article XVII. 49, § 2, or the decision on the merits referred to by article XVII. 54, §1.

Art. XVII. 58. § 1. Within a reasonable time limit, and on the basis of the data the clerk communicates to him, the liquidator establishes a provisory list of group members that wish to obtain compensation, where relevant by sub-category. The provisory list contains the details of members who expressly made themselves known.

Where the liquidator considers that a group member who identified himself does not meet the description of the group, or where relevant of a sub-category or to the prescribed terms, he mentions that he challenged his registration on the provisory list and specifies his grounds.

§ 2. As soon as the provisory list is established, the liquidator communicates it to the judge, to the group’s representative and to the defendant. Simultaneously, he informs the members of the group he proposes to exclude, with an indication of the grounds for their exclusion. The list can be consulted at the clerk.

§ 3. Within thirty days of the notification of the provisory list, extendable by the judge at the request of the liquidator or of one of the parties, the group’s representative and the defendant can challenge, at the clerk, the registration of or the exclusion of a member of the group of the provisory list, with an indication of the grounds.

At the latest, within fourteen days after the expiry of the time limit laid down at the first paragraph, the clerk informs the members of the group concerned and the liquidator with an indication of the grounds.

Within a time limit of fourteen days, the group’s representative, the defendant, the members of the group whose registration on the provisory list has been challenged, and the liquidator can share their position with the clerk.
§ 4. Within thirty days after the expiry of the time limits laid down at paragraph 3, the judge convenes the liquidator, the defendant and the group’s representative, as well as the members of the group whose registration on the provisory list has been challenged, in order to decide on the final list.

At the hearing referred to in paragraph 1, the judge hears the arguments of the liquidator, the defendant and the group’s representative, as well as the members of the group whose registration on the provisory list has been challenged.

§ 5. The final list of the members of the group having right to compensation is established at the end of the hearing referred to in paragraph 4.

The clerk communicates the final list to the liquidator, to the group’s representative and to the defendant. He informs, without delay, the members of the group whose registration on the final list has been refused by the judge.

Art. XVII. 59. § 1. The liquidator communicates to the judge a detailed quarterly report about the execution of this mission.

§ 2. The defendant fulfills his obligation of compensation in nature under the supervision of the liquidator and, in the case of compensation in equivalence, pays the indemnity established according to what has been convened in the agreement homologated in accordance with article XVII. 45, § 3, 6° or in accordance with article XVII. 54, § 1, 7°.

Art. XVII.60. The judge retains jurisdiction until the compensation specified in the homologated agreement or the decision on the merits is fully executed to the benefit of all members of the group appearing on the final list established in accordance with article XVII.58, §5.

Art. XVII.61. § 1. When the homologated agreement or the judge’s decision on the merits is fully executed, the liquidator communicates a final report to the judge. This report is also communicated for information purpose to the group’s representative and to the defendant.

This final report contains all information necessary to allow the judge to pronounce on the closing of the collective redress action. Where necessary, the final report indicates the amount of the remaining balance not yet reimbursed to the consumers.

This final report also contains a detailed statement of expenses and compensation of the liquidator. The compensation is calculated according to the rules established by the King.

§ 2. The judge pronounces on the final report. He determines the use the defendant must make of the eventual remaining balance, as referred to by paragraph 1, second indentation. By approving the final report, the judge ends the execution procedure conducted by the liquidator.

The approval of the final report by the judge has the value of an enforceable instrument, on the basis of which the liquidator may claim the payment of his expenses and services by the defendant.

Art. XVII.62. The clerk communicates the decision referred to by article XVII.61. §1 to the services of the Moniteur belge that publishes it in full within ten days. It also communicates it to the S.P.F. Economie, P.M.E., Classes moyennes et Energie, which publishes it on its website.

The limitation period of the civil liability action of the group’s representative and the liquidator starts upon the publication in the Moniteur belge.

Chapter 3: Limitation period, procedural incidents and interactions with other proceedings

Section 1. Limitation period

Art. XVII.63. §1. When the request for a collective redress action is declared admissible by the judge, the limitation period for the individual action of the consumer that chose exclusion from the group in application of article XVII.38. §1, 1°, a) is suspended for the time period between the day of the
publication in the Moniteur belge of the decision on the admissibility and the day he communicated his option to the clerk.

§ 2. When the judge declares the end of the procedure in collective redress in application of article XVII.40, the limitation period of the individual action of the consumer who is a member of the group is suspended for the time period between the day of the publication in the Moniteur belge of the decision on the admissibility and the day the closing of the procedure is declared.

§ 3. The limitation period of the individual action of the consumer excluded from the final list in application of article XVII.58. §4 is suspended for the time period between the day of the publication of the decision on the admissibility referred to in article XVII.43 in the Moniteur belge and the day when he is informed by the clerk of his non-registration on the list, in application of article XVII.58. §5.

Section 2. Procedural incidents

Art. XVII. 64. Notwithstanding article 807 of the judicial Code, the representative of the group may no longer modify or extend the collective redress action.

Art. XVII. 65. Notwithstanding article 820 of the judicial Code, the representative of the group may only discontinue the proceedings with the agreement of the judge.

Notwithstanding article 826 of the judicial Code, when the judge grants the discontinuance of the proceedings, the limitation period of the individual action of the members of the group is deemed to be suspended from the date of filing of the application referred to in article XVII. 42.

Notwithstanding article 821 of the judicial Code, the representative of the group may not withdraw from the action.

Art. XVII. 66. Notwithstanding articles 566 and 856, paragraph 2, of the judicial Code, a collective redress claim and an individual claim for damages may not be joined by way of connexity.

Section 3. Interactions with other procedures

Art. XVII. 67. The judge rules on the admissibility of a collective redress action, on the homologation of the collective redress agreement or on the merits of the case, notwithstanding any proceedings before a criminal court based on the same facts.

A consumer who becomes a civil party to a criminal action may not be a member of the group and will not benefit from the collective action redress, unless he withdraws from its action as civil party to the criminal action before the expiry of the option period referred to in article XVII. 43, § 2, 7°.

Art. XVII. 68. The collective redress action does not preclude a member of the group and the defendant from participating in a common cause to an alternative dispute resolution. If such a resolution leads to a solution of the dispute, the consumer ceases to be a member of the group and the defendant shall inform the clerk about it.

Art. XVII. 69. From the moment the judge has taken a decision admitting collective redress proceedings in accordance with Article XVII. 43,

- any individual procedure already introduced by a person who is a member of the group in accordance with article XVII. 38 against the same defendant and having the same object and the same cause is extinguished;

- any new individual procedure introduced by a person who is a member of the group in accordance with article XVII. 38 against the same defendant and having the same object and the same cause is inadmissible.
CHAPTER III. Transitional provisions

Article 4. The collective redress action may only be introduced if the common cause of the collective has occurred after the entry into force of the present law.

CHAPTER IV. Allocation of powers

Article 5. The King may coordinate the provisions of the Code of economic law, as inserted by the present law, with provisions that would expressly or implicitly have modified them when the coordination will take place.

To this end, He may:

1° modify the order, numbering and, in general, the presentation of the provisions to coordinate;
2° modify the references contained in the provisions to coordinate in order to put them in line with the new numbering;
3° modify the drafting of the provisions to coordinate in order to ensure consistency and unification of terminology without modifying the principles contained in these provisions.

CHAPTER V. Entry into force

Article 6. The King fixes the date of entry into force of each provision of the present law and of each provision inserted by the present law in the Code of economic law.

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