

An online register has recently become available in Belgium that you can consult to check whether someone has been given a director disqualification. The tool, called JustBan, collects disqualifications from performing certain functions, professions or activities, ruled by a Belgian court.

In Belgium, directors of companies or other legal entities may be subject to a director disqualification from criminal or corporate judges. Director disqualifications of this type are valid between 3 and 10 years. During this period, the convicted persons are no longer allowed to exercise a directorship. These director disqualifications are usually imposed in the context of (fraudulent) bankruptcies or serious negligence in managing companies. The register currently only has professional disqualifications that have been pronounced by the criminal court. It is expected that during the course of 2024 the professional disqualifications that have been pronounced by corporate judges will also be accessible via JustBan.

Consequence of a director disqualification:

Persons subject to director disqualification cannot be appointed as:

- Directors
- Business managers
- Daily or managing directors
- Permanent representatives of legal entities-directors
- Members of an executive committee, board of directors or supervisory board
- Liquidators

of companies, non-profit associations, international non-profit association or a foundation. Therefore, it may be worthwhile, for example, to check in the event of a permit application whether persons on the application have a director disqualification in Belgium.

Purpose of the register

First of all, the establishment of this register is the result of a European directive. In addition, an overview of all director disqualifications that had been pronounced by a judge was not available in the past. As a result, these director disqualifications were often not enforced and people would fall victim to fraudulent entrepreneurs. One example is construction contractors who keep going bankrupt over and

over again, but still continue to set up new companies. They may request large advances, for example, and then not carry out the work because they are declared bankrupt. People would lose the advance they have paid as a result.

This register helps, for example, the court registry to check, when publishing director appointments, that no director disqualification has been imposed on a person to be appointed. If the person who wishes to be appointed as a director or manager of a company has a director disqualification, the court registry will refuse to publish the appointment. If a person has a director disqualification, that person cannot take up their mandate.

Not only registry offices, notaries and police services have access to this register. Everyone can access the register, although the information that is visible varies.

Access for foreign citizens/partners

European citizens could also check whether a certain entrepreneur has received a director disqualification from a Belgian court. After all, JustBan is being integrated into the European BRIS ([Business Registers Interconnection System](#)), which links the business registers of the EU Member States.

For the time being, however, it is only possible to search by company name and company number via BRIS. Moreover, it is not possible to log in via Justban by using Eidas (the system that makes it possible to log in with foreign identification documents). This will change in the future and it will become possible to search for a person via BRIS. In addition, it will also be possible to log in to Justban via Eidas. An exact schedule of these changes is not yet available.

Access to the registry is free of charge.

Information that is/will be accessible via Justban

You can search for natural persons as well as legal entities. If you want to search for natural persons, you will also need to provide the date of birth of the person.

A search will yield the following information about the director disqualification:

- Start and end date of the disqualification. Once the disqualification has expired or is reversed by a judge, the disqualification disappears from the register of director disqualifications

- If it concerns a natural person: the surname and first name of the relevant person
- If it concerns a legal entity:
 - The company name
 - Company registration number
 - Legal form