



Group of States against Corruption  
Groupe d'États contre la corruption

COUNCIL OF EUROPE



CONSEIL DE L'EUROPE

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## FOURTH EVALUATION ROUND

Corruption prevention in respect of members of  
parliament, judges and prosecutors

### THIRD *INTERIM* COMPLIANCE REPORT

### BELGIUM

Adopted by GRECO at its 91st Plenary meeting  
(Strasbourg, 13-17 June 2022)

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## **I. INTRODUCTION**

1. The [Fourth Round Evaluation Report on Belgium](#) was adopted by GRECO at its 63rd plenary meeting (28 March 2014) and made public on 28 August 2014, following authorisation by Belgium. GRECO's Fourth Evaluation Round deals with "Corruption Prevention in respect of Members of Parliament, Judges and Prosecutors".
2. In the [Compliance Report](#), adopted by GRECO at its 73rd plenary meeting (21 October 2016), it was concluded that Belgium had not implemented satisfactorily or dealt in a satisfactory manner with any of the fifteen recommendations contained in the Fourth Round Evaluation Report. Four recommendations had been partly implemented. In the light of these results, GRECO concluded that the very low level of compliance with the recommendations was "globally unsatisfactory" within the meaning of Rule 31 paragraph 8.3 of its Rules of Procedure. It therefore decided to apply Rule 32 paragraph 2 (i) in respect of members not in compliance with the recommendations contained in the mutual evaluation report and called on the head of the Belgian delegation to submit a report on progress in implementing the outstanding recommendations.
3. In the [Interim Compliance Report](#), adopted by GRECO at its 79th plenary meeting (23 March 2018), it was concluded that Belgium had made little progress in implementing the recommendations, with only one of the fifteen recommendations having been implemented satisfactorily and seven having been partly implemented. GRECO therefore reiterated its conclusion that the level of compliance with the recommendations was "globally unsatisfactory" within the meaning of Rule 31 paragraph 8.3 of the Rules of Procedure. In accordance with Rule 32 paragraph 2 (ii) a), GRECO drew the attention of the head of the Belgian delegation to the failure to comply with the relevant recommendations and the need to take determined action with a view to achieving further progress as soon as possible.
4. In the [Second Interim Compliance Report](#), adopted by GRECO at its 83rd plenary meeting (21 June 2019), GRECO concluded that Belgium had made some progress, two of the fifteen recommendations having been implemented satisfactorily, twelve partly implemented and one not implemented. The level of compliance with the recommendations at that stage was no longer "globally unsatisfactory".
5. In the [Second Compliance Report](#) adopted by GRECO at its 87th plenary meeting (25 March 2021), GRECO concluded that four of the fifteen recommendations had been implemented or dealt with satisfactorily and that Belgium had not made sufficient or decisive progress in fully implementing these recommendations as the great majority of them (eleven) had still not been implemented. Consequently, the situation was again "globally unsatisfactory" within the meaning of Rule 31 paragraph 8.3 of the Rules of Procedure. GRECO decided to apply again Rule 32 concerning members found not to be in compliance with the recommendations contained in the Evaluation Report and asked the head of the Belgian delegation to provide a report on the measures taken to implement the outstanding recommendations by 31 March 2022 at the latest. That report, submitted on 30 March 2022 formed the basis for this report.
6. [This Third Interim Compliance Report](#) assesses progress in implementing the eleven outstanding recommendations since the previous Compliance Report (recommendations i to vi, viii, ix, xii, xiv and xv) and provides an overall appraisal of the level of Belgium's compliance with these recommendations.
7. [GRECO](#) selected France (in respect of parliamentary assemblies) and Monaco (in respect of judicial institutions) to appoint Rapporteurs for the compliance procedure. The Rapporteurs appointed were Vincent FILHOL, special adviser on international civil

and criminal cases for the Ministry of Europe and Foreign Affairs, on behalf of France, and Mr Jean-Marc GUALANDI, Technical Adviser at the SICCFIN, Department of Finance and Economy, on behalf of Monaco. The GRECO Secretariat assisted them in drawing up this report.

## **II. ANALYSIS**

### *Corruption prevention in respect of members of parliament*

#### **Recommendation i.**

8. *GRECO recommended ensuring that consistent and effective regulations are in place for MPs i) in respect of gifts, donations and other benefits accepted by MPs, providing in particular for their public disclosure, as well as of donors' identities, and ii) regulating the question of foreign donors.*
9. It is recalled that in the Second Compliance Report, this recommendation was partly implemented. More specifically, GRECO concluded that the second part of the recommendation had been implemented, as foreign donations were now dealt with in the law on the financing of political parties. It also found, however, that the first part of the recommendation had not yet been implemented in accordance with the Parliament's stated intention to establish consistent regulations on gifts.
10. The Belgian authorities now report that on 8 September 2021 the Federal Ethics Committee issued a general opinion<sup>1</sup> on preventing corruption of parliamentarians, dealing in particular with gifts. The Commission states that there must be a clear definition of the symbolic and occasional nature of gifts authorised by the Code of Conduct for members of the Chamber of Representatives and suggests an approximate value of less than €150. It recommends drawing up a handbook including questions and answers and specific examples. It questions whether it is advisable to establish a register of gifts given how difficult it would be to check the entries and the enormous administrative burden it would entail. On the basis of this opinion, which was complemented by an interpretative opinion,<sup>2</sup> the working group of the Chamber of Representatives on "Political parties" decided, on 22 February 2022, not to set up a register of gifts and planned to change the members' Code of Conduct to respond to the Commission's recommendations.
11. GRECO notes that the regulations on gifts to parliamentarians continues to be the subject of stated intentions by the Chamber of Representatives following an opinion of the Federal Ethics Committee but these have not yet been translated into applicable rules. It notes that the Chamber of Representatives does not intend, at this stage in the discussions, to set up a gift register, and points out in this respect that it has recommended that gifts received by members of parliament and the identity of donors should be made public. The Senate, in order to maintain uniformity in the regulations, as recommended by the Federal Ethics Commission, awaits any possible initiatives to be taken by the Chamber of Representatives. The first part of the recommendation therefore has still only been partly implemented.
12. GRECO concludes that recommendation i remains partly implemented.

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<sup>1</sup> No. 2021/3 of 8 September 2021.

<sup>2</sup> No. 2021/5 of 30 November 2021.

## **Recommendation ii.**

13. *GRECO recommended that rules should be introduced for Members of Parliament on how to engage in relations with lobbyists and other third parties seeking to influence the parliamentary process.*
14. It is recalled that in the Second Compliance Report, this recommendation was partly implemented. GRECO stated that it expected rules on the transparency of parliamentarians' relations with third parties to be established, amounting to something more than a joint register of lobbyists applying both to parliamentary and to executive bodies. It noted that progress at that stage was limited to an instruction given by the Conference of Presidents of the Chamber of Representatives to a working group.
15. The Belgian authorities now report that a bill to set up a transparency register<sup>3</sup>, relating both to the executive and the legislature<sup>4</sup>, is being discussed by the Constitution and Institutional Renewal Commission of the Chamber of Representatives. This proposal specifies that law proposals and projects, motions for resolutions and amendments must include a paragraph on transparency which must be accessible to the public. It also extends the existing lobby register in the Chamber and replaces it with a new mandatory transparency register that will apply simultaneously to the Chamber, the Senate and the Federal Government. In addition, it explicitly defines "lobbying" and "lobbyists" and provides that lobbyists who fail to comply with the law will be removed from the register and placed in a separate category of "violators". On 14 February 2022 the Council of State gave an opinion on the bill, which is currently being considered by the Commission.
16. GRECO notes that Parliament is currently working on the relations between parliamentarians and lobbyists and encourages the Belgian authorities to complete this work so as to guarantee the transparency of these relations.
17. GRECO concludes that recommendation ii remains partly implemented.

## **Recommendation iii.**

18. *GRECO recommended i) that the system of declarations clearly includes income, the various assets and an estimate of their value – whatever their form (including those held directly or indirectly, in Belgium or abroad) as well as liabilities, and that there is a duty to update the information in the course of a mandate; ii) that consideration be given to extending the system so as to include information on the spouse and dependent family members (it being understood that this information would not necessarily be made public).*
19. It is recalled that in the Second Compliance Report, this recommendation was partly implemented. More specifically, GRECO had recognised previously, with regard to the first part of the recommendation, that some changes had been made by the laws adopted by the Chamber of Representatives on 1 March 2018 concerning the gross public remuneration to be declared annually and the declarations of remuneration corresponding to the exercise of private activities – although it had regretted that only the range in which such remuneration fell had to be declared. However, no other measure had been taken since with regard to declarations of assets by parliamentarians. GRECO therefore encouraged the authorities to adopt without delay and implement additional measures regarding declarations of parliamentarians' assets.

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<sup>3</sup> DOC 55 No. 2394/001.

<sup>4</sup> This law may respond to GRECO's recommendations in the 4th evaluation round (members of parliament) and the 5th (top executive functions).

20. The Belgian authorities now report that a special bill has been drawn up by an interparliamentary working group, providing that parliamentarians' declarations of assets should be submitted annually and that these declarations should include information on the declarer's current debts and estimate the value of each of their assets. These proposals are still to be submitted to the Conference of Presidents of the parliamentary assemblies with a view to tabling the bill in the Chamber of Representatives.
21. GRECO notes that parliamentary work to tighten up the rules on declarations of parliamentarians' assets is continuing and encourages the authorities to complete this work with due regard for its recommendation.
22. GRECO concludes that recommendation iii remains partly implemented.

#### **Recommendation iv.**

23. *GRECO recommended that the various declarations, including those on assets, as supplemented in particular by information on income, should be subject to public disclosure and made more easily accessible through an official internet website.*
24. It is recalled that in the Second Compliance Report, this recommendation was partly implemented. The only change that GRECO had noted previously was the plan for parliamentarians' biographical pages to include a link to their mandate declaration when published by the Court of Audit, together with some information regarding remunerations. It noted that no additional measure had been taken and the authorities had simply stated their intention to instigate parliamentary work in consultation with the executive to arrive at joint rules on the subject.
25. The Belgian authorities now report that parliamentary work to flesh out the provisions on declarations of parliamentarians' assets is under way (see paragraph 20 above).
26. GRECO takes note of the parliamentary work under way to tighten up the rules on the declaration of parliamentarians' assets and can only conclude, pending completion of this work, that recommendation iv remains partly implemented.

#### **Recommendation v.**

27. *GRECO recommended that i) compliance with the current and yet to be adopted rules on the integrity of parliamentarians in the Codes of deontology and other pertinent rules (such as those on donations), be subject to effective supervision by the parliamentary assemblies themselves rather than only by the parliamentary political groups, and that at the same time the ability to act ex officio be granted to the future Federal Ethics Committee also in individual cases; ii) declarations of mandates and of assets be subjected to effective verification by strengthening the role of and interaction between the Court of Audit and the prosecutorial authorities, or by designating as the need may be another institution equipped with adequate means for these purposes.*
28. It is recalled that in the Second Compliance Report, this recommendation was partly implemented. More specifically, GRECO had not noted any progress in respect of the first part of the recommendation. With regard to the second part, GRECO had previously welcomed the introduction of an electronic application for mandate declarations, the reinforcement of the staffing of the Court of Audit registry and the stepping up of contact between the Court and the prosecution service with a view to applying sanctions, while regretting that the supervision carried out by the Court of Audit did not make it possible to detect major asset variations caused by illicit enrichment sources. No other progress had been noted since.

29. The Belgian authorities now confirm that the bills referred to above (paragraph 20) provide that declarations of assets must be submitted annually thus making it possible to detect major asset variations caused by illicit enrichment sources.
30. GRECO notes that no new information has been provided concerning the first part of the recommendation. With regard to the second part, it notes that parliamentary work is under way to tighten up the rules on declarations of parliamentarians' assets.
31. GRECO concludes that recommendation v remains partly implemented.

**Recommendation vi.**

32. *GRECO recommended that infringements of the main present and future rules in respect of integrity of parliamentarians carry adequate sanctions and that the public be informed about their application.*
33. It is recalled that in the Second Compliance Report, this recommendation was partly implemented. GRECO did not note any new information in this area, although it had previously taken note of the introduction of more gradual sanctions imposed by the Court of Auditors for breaches of the rules on mandate declarations, while regretting that there were no sanctions for the main breaches of the ethical rules governing parliamentarians.
34. The Belgian authorities now report that there has been no progress in this area.
35. GRECO can only conclude that recommendation vi remains partly implemented.

**Recommendation viii.**

36. *GRECO recommended that at the level of the two houses of parliament regular specialised training courses be given on questions of integrity for all parliamentarians.*
37. It is recalled that in the Second Compliance Report, this recommendation was partly implemented. More specifically, GRECO welcomed the organisation of a first training session for parliamentarians on integrity issues, while noting that this was not yet a regular specialised training course on substantive issues.
38. The Belgian authorities now report that the Federal Ethics Committee is to hold a further training session for parliamentarians before summer 2022 on substantive issues relating to parliamentary assistants, conflicts of interest and contacts with lobbyists.
39. GRECO notes that the Federal Ethics Committee intends to continue providing training for parliamentarians on substantive issues relating to integrity and encourages the authorities to provide regular training of this type for the members of both chambers of the parliament. As training so far has consisted only of a single general session, it cannot be considered that the recommendation has been implemented satisfactorily.
40. GRECO concludes that recommendation viii remains partly implemented.

**Recommendation ix.**

41. *GRECO recommended that to the widest possible extent, the judges concerned at federal and regional level be subject to appropriate safeguards and rules as regards their independence, impartiality, integrity (professional conduct, conflicts of interest, gifts, etc.), supervision and the applicable sanctions.*
42. It is recalled that in the Second Compliance Report, this recommendation was partly implemented. More specifically, GRECO recognised that the rules on independence and integrity in place for three professional orders acting in the context of administrative law disputes were moving in the right direction. It noted that the organisation of Belgian institutions did not make it possible to apply these in all administrative courts and that that no new information had been provided with regard to the federal level (Council of State).
43. The Belgian authorities now state that at federal level the consolidated laws on the Council of State of 12 March 1973<sup>5</sup> and the Royal Decree of 23 September establishing the disciplinary regulations for the members of the Judicial Support Department (Auditorat), the Co-ordinating Office and Registry of the Council of State make it possible to address the recommendation on compliance with safeguards and rules as regards independence, impartiality, integrity, supervision and the applicable sanctions. This legislation is complemented by the consolidated laws on the Council of State which make the rules of the Criminal Code on denials of justice applicable along with the Regent's Decree of 23 August 1948 on the procedure before the administrative litigation division of the Council of State, namely challenging judges. In addition, the Royal Decree of 25 April 2014 setting out the arrangements and the criteria for the appraisal of persons holding office in the Council of State also refers to the "professional ethics" of members of the Council of State, the Judicial Support Department and the Co-ordinating Office, and of registrars. Lastly, the authorities point out that the Rules of Procedure of the Council of State approved by the Royal Decree of 7 July 2020 prohibits judges from participating in deliberations in cases in which they have a direct personal interest and those sitting in the administrative litigation division from speaking to the parties or their representatives about current disputes.
44. GRECO notes that there is legislation under which federal administrative judges are subject to appropriate safeguards and rules as to their independence, impartiality, integrity, supervision and the applicable sanctions. It also recognises that such safeguards and rules have been drawn up for several professional orders acting in the context of administrative law disputes at regional level. It notes that the organisation of Belgian institutions prevents them from being applied in all the country's administrative courts because there are several hundreds of administrative courts, each of which are governed by specific rules, meaning that it is impossible for the Council of State to impose reforms on the decentralised courts. GRECO considers therefore that real progress has been shown and the Belgian authorities have gone as far as possible in implementing this recommendation.
45. GRECO concludes that recommendation ix has been dealt with satisfactorily.

**Recommendation xii.**

46. *GRECO recommended that an assessment of the arrangements for assigning cases between judges be carried out in due course.*

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<sup>5</sup> Chapter 8: "Incompatibilities and discipline", under Title VII (see LOI-WET (fgov.be)).

47. It is recalled that in the Second Compliance Report, this recommendation was partly implemented. GRECO, which had previously welcomed the investigation conducted by the High Council of Justice (HCJ) into the application of the new rules on assigning cases to single-judge chambers, reiterated its finding that the appeal courts had not harmonised their rules and practices regarding the assignment of cases. It also noted that the HCJ had not taken any steps along these lines at the level of the courts of first instance.
48. The Belgian authorities now report that in December 2021 the HCJ received information from 4 of the 5 appeal courts enabling it to follow up on the investigation begun in 2018 on the application of the new rules on assigning cases to single-judge chambers. In their view the persistence of the Covid-19 crisis explains the lack of any progress in harmonising the rules and practices of appeal courts in this area and hence in providing for their general application in first instance courts. New HCJ initiatives in this area have been announced.
49. GRECO takes note of the lack of any progress on harmonising rules and practices for the distribution of cases between judges in appeal courts and courts of first instance, and can only conclude that recommendation xii remains partly implemented.

#### **Recommendation xiv**

50. *GRECO recommended that the High Council of Justice introduce periodic general reports on the functioning of the courts and the prosecution service and, at the same time, expand its audit and investigation activities.*
51. It is recalled that in the Second Compliance Report, this recommendation was partly implemented. GRECO hoped that the proposal to adapt the standard form for the operating reports of the prosecution service, the courts and the tribunals and the related handbook would be formalised by regulation.
52. The Belgian authorities now report that the standard form to be filled in when drawing up the operating reports of the prosecution service, the courts and the tribunals is described in the Ministerial Decree of 26 January 2022. They also state that the auditing and investigating capacities of the HCJ have been enhanced by increasing the number of posts reserved for university graduates,<sup>6</sup> enabling the HCJ to recruit four more auditors to the unit tasked with auditing and investigating activities in 2021.
53. GRECO notes that the normative framework on the operating reports of the courts and the prosecution service has now been adopted. It also notes that the body tasked with audits and investigations within the HCJ has been reinforced with additional auditors, enabling it to expand its activities. These significant advances are consistent with the recommendation.
54. GRECO concludes that recommendation xiv has been implemented satisfactorily.

#### **Recommendation xv.**

55. *GRECO recommended that measures be taken to ensure that reliable and sufficiently detailed information and data are kept on disciplinary proceedings concerning judges and prosecutors, including possible publication of the relevant case-law, while respecting the anonymity of the persons concerned.*

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<sup>6</sup> Royal Decree of 9 August 2020 (Belgian Gazette (Moniteur belge) 21-VIII-2020).

56. It is recalled that in the Second Compliance Report, this recommendation was partly implemented. GRECO noted that the entry into force of the Law of 23 March 2019 and the regulatory provisions requiring more information to be provided on disciplinary action against judges and prosecutors were in line with the recommendation; however, it was also waiting to be able to read the HCJ's first report on the subject.
57. The Belgian authorities state again that the HCJ's first report on disciplinary action against judges and prosecutors is supposed to be based on the annual reports of disciplinary bodies, which have not yet been passed on to it. They point to the major problems there have been with the setting up and functioning of disciplinary bodies, which have undermined the preparation of such reports. To address these problems and consolidate these disciplinary bodies, a preliminary draft law is being discussed by the Federal Government under which the renewal of terms of office on disciplinary bodies will be authorised, terms will be extended from five to seven years and mechanisms will be set up for the temporary replacement of the representative of the Bar Association and the payment of the judges and members. This law could be adopted by summer 2022.
58. GRECO notes that current legislative work to increase the long-term viability of disciplinary bodies could help in future to improve the provision of information and the publication of detailed, reliable data on disciplinary proceedings concerning judges and prosecutors. It encourages the authorities to complete this work with this goal in mind.
59. GRECO concludes that recommendation xv remains partly implemented.

### III. CONCLUSIONS

60. **In view of the above, GRECO concludes that Belgium has made some progress in implementing the recommendations, however the result remains to be improved. In total, six of the fifteen recommendations in the Fourth Round Evaluation Report have been implemented or dealt with satisfactorily.** All of the nine outstanding recommendations have been partly implemented.
61. More specifically, recommendations vii, ix, x, xi, xiii and xiv have been implemented or dealt with satisfactorily and recommendations i, ii, iii, iv, v, vi, viii, xii and xv have been partly implemented.
62. As to corruption prevention in respect of parliamentarians, there has been no improvement since the last report. An application has been launched for the electronic submission of lists of mandates, the staffing of the Court of Audit registry has been reinforced and interaction between the Court of Audit and the prosecution service has been stepped up with a view to applying sanctions. Training that includes integrity issues has been introduced for new members of parliament. Rules on foreign donations have been clarified in the law on party political funding. By contrast, rules on gifts need to be improved, as does the transparency of contacts between parliamentarians and third parties. Rules providing guidance for parliamentarians regarding such contacts must be adopted, together with sanctions for the main breaches of the ethical rules governing parliamentarians. Improvements to the system of declarations are also expected, together with the publication of declarations of parliamentarians' assets. Parliament's stated intentions in these areas have not yet been translated into law and practice, in light in particular of the health situation due to Covid-19.
63. As to judges and prosecutors, GRECO notes that real progress has been made. Federal-level administrative court judges are subject to ethical rules, supervision and appropriate sanctions, and progress has been made at regional level. The entry into force of the Law of 23 March 2019 amending the Judicial Code has enabled some progress to be made, notably in the recruitment and training of substitute judges, the expansion of the audit and investigation activities of the High Council of Justice and the circulation of rules of professional conduct that are uniform for all members of the judiciary, professional or other. Legislation governing the operating reports of the courts and prosecution service has now been adopted. Improvements still need to be made to standardise the distribution of cases between judges at appeal and first instance court level, and work still needs to be done to conserve data on disciplinary proceedings in respect of judges and prosecutors.
64. In view of the foregoing, GRECO concludes that the overall level of compliance with its recommendations is no longer "globally unsatisfactory" within the meaning of Rule 31 revised, paragraph 8.3 of the Rules of Procedure. GRECO therefore decides that it will not continue to apply Rule 32 concerning members found not to be in compliance with the recommendations contained in the Evaluation Report.
65. In accordance with Rule 31 revised, paragraph 8.2, of its Rules of Procedure, GRECO asks the head of the Belgian delegation for additional information on the implementation of recommendations i, ii, iii, iv, v, vi, viii, xii and xv by 30 June 2023 at the latest.
66. Lastly, GRECO invites the Belgian authorities to authorise the publication of this report, to translate the report into the other national languages and to make those translations publicly available.