



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



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## FOURTH EVALUATION ROUND

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

### ADDENDUM TO THE SECOND COMPLIANCE REPORT BELGIUM

Adopted by GRECO  
at its 96th plenary meeting (Strasbourg, 18-22 March 2024)

## **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 73<sup>rd</sup> plenary meeting (21 October 2016), it was 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 79<sup>th</sup> plenary meeting (23 March 2018), it was concluded that Belgium had made little progress in implementing the recommendations and that the level of compliance with the recommendations remained "globally unsatisfactory". 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 tangible progress as soon as possible.
4. In the [Second Interim Compliance Report](#), adopted by GRECO at its 83<sup>rd</sup> plenary meeting (21 June 2019), GRECO concluded that Belgium had made some progress, two of the fifteen recommendations having been implemented in a satisfactory manner, 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 Belgium had not made sufficient or decisive progress in fully implementing the recommendations, since the vast majority of recommendations remained partly implemented, and that consequently the situation was again "globally unsatisfactory". GRECO decided to once again apply Rule 32 and asked the head of the Belgian delegation to provide a report on the progress made in implementing the outstanding recommendations.
6. In the [Third Interim Compliance Report](#) adopted by GRECO at its 91st plenary meeting (17 June 2022), GRECO concluded that the overall level of compliance with the recommendations was no longer "globally unsatisfactory" and asked the head of the Belgian delegation to provide a report on the measures taken to implement the outstanding recommendations by 30 June 2023 at the latest. This report, submitted on 29 September 2023, served, together with additional information, as a basis for this report.
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 Lise CHIPAULT, *magistrat* and special adviser on international civil and criminal cases for the Directorate of Legal Affairs, Ministry of Europe and Foreign Affairs, on behalf of France, and H el ene ZACCABRI, Head of the General Inspection of Administration, on behalf of Monaco. They were assisted by GRECO's Secretariat in drawing up this report.
8. This [Addendum to the second Compliance Report](#) assesses progress in implementing the outstanding recommendations since the previous compliance report and provides

an overall appraisal of the level of Belgium's compliance with these recommendations.

## **II. ANALYSIS**

9. In its Evaluation Report, GRECO made 15 recommendations to Belgium. In the subsequent Compliance Reports, GRECO concluded that recommendations vii, ix, x, xi, xiii, xiv had been implemented satisfactorily or dealt with in a satisfactory manner, and recommendations i, ii, iii, iv, v, vi, viii, xii and xv had been partly implemented. Compliance with the nine outstanding recommendations is therefore assessed below.

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

#### **Recommendation i**

10. *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.*
11. It is recalled that, in the Third Interim Compliance Report, this recommendation was partly implemented. With regard to the first part of the recommendation, GRECO noted that parliamentarians' stated intentions with regard to the management of gifts received had not yet been translated into applicable rules. GRECO had previously found that the second part of the recommendation had been implemented, as foreign gifts were now dealt with in the law on the financing of political parties.
12. The Belgian authorities now report that the Senate has taken note of the decision adopted on 22 February 2022 by the Chamber of Representatives working group on "Political parties" not to set up a register of gifts but to change the code of conduct for members of the Chamber of Representatives. This decision was based on the Federal Ethics Committee's general opinion no. 2021/3 of 8 September 2021, in which the committee questions the advisability of establishing a register of gifts given how difficult it would be to check the entries and the administrative burden it would entail. The Federal Ethics Committee makes a distinction between symbolic gifts which may be accepted and gifts which may not and suggests an approximate value of less than €150. It recommends drawing up a handbook including questions and answers and specific examples. The Senate has stated that it will act on this opinion.
13. GRECO notes again that the regulations on gifts to parliamentarians continues to be the subject of stated intentions by the Chamber of Representatives and the Senate, following an opinion issued by the Federal Ethics Committee, but that these intentions have not yet been translated into applicable rules. It notes again that the Chamber of Representatives does not intend to set up a register of gifts and reiterates its recommendation that gifts received by members of parliament and the identity of donors should be made public. No significant progress having been observed in this area, the first part of the recommendation remains unimplemented.
14. GRECO concludes that recommendation i remains partly implemented.

#### **Recommendation ii**

15. *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.*

16. It is recalled that, in the Third Interim Compliance Report, this recommendation was partly implemented. GRECO encouraged the Belgian authorities to complete the parliamentary work under way concerning relations between parliamentarians and third parties and lobbyists so as to guarantee the transparency of these relations.
17. The Belgian authorities recall that work aimed at establishing a system relating to relations with third parties and lobbyists was suspended with a view to the possible creation of a common transparency register between the two parliamentary chambers and the Government. They now indicate that the Government is ultimately not in favour of establishing such a common register - a transparency register should be created for the Government. It follows that the two parliamentary chambers can, on the basis of the bill previously suspended<sup>1</sup>, resume their work to adopt a mechanism specific to the legislative power governing contacts with lobbies. The House of Representatives must resume examination of proposed law No. 2394/01 establishing a transparency register. For its part, the Senate, while awaiting the possible creation of a register common to both chambers, could adopt a regulation and/or a code of ethics introducing a register of lobbyists. and prohibiting parliamentarians from having contact with unregistered lobbyists.
18. GRECO notes that both houses of parliament are still considering measures to ensure transparency in relations between parliamentarians and third parties and lobbyists. There is currently no common draft for the Chamber and the Senate, but each chamber indicates its intention to work to establish rules on its own. It notes the intentions displayed by the authorities so that initiatives are successful before the end of the legislature. GRECO regrets that, almost ten years after the adoption of the Fourth Evaluation Round Report, and after six compliance reports, no rules have been introduced effectively for parliamentarians on the management of relations with lobbyists and other third parties who seek to influence the parliamentary process. GRECO once again invites the Belgian authorities to prepare, adopt and implement appropriate rules.
19. GRECO concludes that recommendation ii remains partly implemented.

### **Recommendation iii**

20. *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).*
21. It is recalled that, in the Third Interim Compliance Report, this recommendation was partly implemented. GRECO noted that parliamentary work to tighten up and supplement the rules on declarations of parliamentarians' assets was continuing.
22. The Belgian authorities now report that the amendments to the law of 2 May 1995 on the requirement to lodge a list of offices held, duties and occupations, together with a declaration of assets, adopted by parliament on 21 December 2022, make it clear that declarations of assets must also include liabilities. The authorities report that the work of the Constitution and Institutional Renewal Commission has not, at this stage, been pursued further with a view to fleshing out the legislative provisions on asset declarations. They nevertheless reiterate parliament's willingness to work towards this goal before the end of the legislature.

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<sup>1</sup> Doc 55 N° 2394/001.

23. GRECO notes that, having previously refined and complemented the income bands to be declared in the case of MPs, the law has now widened the declaration to include liabilities. This is a welcome development, but GRECO reiterates its call for the exact amount of remuneration received in the exercise of private activities and the value of the assets to be declared, and for the asset declarations to be updated in the course of a mandate. It further notes that no consideration has been given to extending the system to include information on spouses and dependent family members, as requested in the second part of the recommendation. GRECO invites the Belgian authorities to follow through on parliament's stated intentions in this area in order to tighten up and supplement the rules on declarations of parliamentarians' assets in line with the recommendation.

24. GRECO concludes that recommendation iii remains partly implemented.

#### **Recommendation iv**

25. *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.*

26. It is recalled that, in the Third Interim Compliance Report, this recommendation was partly implemented. GRECO was awaiting the completion of the parliamentary work to tighten up the rules on the declaration of parliamentarians' assets.

27. The Belgian authorities now state that there is no progress to report, despite Parliament's repeated commitment to working towards more comprehensive rules on declarations of parliamentarians' assets before the end of the parliamentary term.

28. GRECO notes that with the previously mentioned sole exception of the plan for parliamentarians' biographical page to include a link to their mandate declaration when published by the Court of Auditors, together with some information regarding remuneration, there is no further progress to report regarding the public disclosure of parliamentarians' asset declarations.

29. GRECO concludes that recommendation iv remains partly implemented.

#### **Recommendation v**

30. *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.*

31. It is recalled that, in the Third Interim Compliance Report, this recommendation was partly implemented. GRECO did not note any progress in respect of the first part of the recommendation, and, with regard to the second part, noted that parliamentary work was under way to tighten up the rules on declarations of parliamentarians' assets.

32. The Belgian authorities now report that neither house of parliament has considered additional verification measures, or new sanctions, in respect of parliamentarians for non-compliance with the integrity rules.
33. GRECO notes that in March 2018 it welcomed measures to give greater authority to the Court of Auditors to impose sanctions in the event of failure to comply with the legislation on declarations of mandates and assets, to define an order of priority between criminal and administrative proceedings and to introduce electronic submission of the list of mandates to facilitate verification. These measures represented the beginning of the implementation of the recommendation. It regrets that, since then, it has received no new information that would indicate a tightening of the rules in line with the recommendation.
34. GRECO can therefore only conclude that recommendation v remains partly implemented.

#### **Recommendation vi**

35. *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.*
36. It is recalled that, in the Third Interim 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.
37. As no further progress has been reported by the Belgian authorities, GRECO can only conclude that recommendation vi remains partly implemented.

#### **Recommendation viii**

38. *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.*
39. It is recalled that, in the Third Interim Compliance Report, this recommendation was partly implemented. More specifically, GRECO noted that the Federal Ethics Committee intended to continue providing training for parliamentarians on integrity, which had thus far consisted of an initial general session, and encouraged the authorities to provide specific training on integrity issues for all parliamentarians.
40. The Belgian authorities now report that an information session for members of the Chamber of Representatives and the Senate on substantive issues relating to integrity, scheduled for October 2022, was postponed for organisational reasons, and has not yet been rescheduled. They point out that the Speaker of the Chamber of Representatives and the Chair of the Federal Ethics Committee are working together to consider what initiatives should be taken in this area.
41. GRECO notes that to date no specific, regular integrity training for the members of both houses of parliament has been put in place. The general session previously run remains for now a one-off initiative which does not fully meet the objectives of the recommendation.
42. GRECO concludes that recommendation viii remains partly implemented.

**Recommendation xii**

43. *GRECO recommended that an assessment of the arrangements for assigning cases between judges be carried out in due course.*
44. It is recalled that, in the Third Interim Compliance Report, this recommendation was partly implemented. GRECO noted 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.
45. The Belgian authorities now report that the High Council of Justice (HCJ) has concluded from information gathered from appeal courts that there is sufficient harmonisation of practices regarding the allocation of cases to single-judge chambers, and that there is therefore no need to assess the arrangements for assigning cases. More generally, they state that the existing arrangements for allocating cases between judges within the courts are not perceived as problematic in overseeing the judicial system, given the risk of deviance, considered to be minor, and the proven practical efficiency with which the arrangements are implemented.
46. GRECO notes that it welcomed the specific investigation conducted by the HCJ among courts of appeal into the arrangements for assigning cases to single-judge chambers, but pointed out that such an investigation represented only partial implementation of the recommendation. It called on the HCJ to draw the appropriate conclusions from the differences that this investigation highlighted in order to put in place measures aimed at achieving greater harmonisation of practices between courts (appeal courts and courts of first instance), for example by making recommendations for heads of courts. GRECO now notes that the Belgian authorities do not wish to carry out an assessment of the arrangements for assigning cases between judges, as they believe that the current system does not pose a risk to the proper functioning of justice and is a guarantee of efficiency. GRECO reiterates, however, that an element of objectivity and randomness in the assignment of cases is necessary to ensure the transparency and fairness of proceedings, including through uniform criteria or practices between courts. These criteria and practices, which were lacking at the time of the evaluation,<sup>2</sup> have not been implemented to date and differences in case allocation practices are still the norm, despite the creation in 2014 of court management committees.
47. GRECO therefore concludes that recommendation xii remains partly implemented.

**Recommendation xv**

48. *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.*
49. It is recalled that, in the Third Interim Compliance Report, this recommendation was partly implemented. GRECO encouraged the authorities to complete the legislative work under way to improve the provision of information and the publication of detailed, reliable data on disciplinary proceedings concerning judges and prosecutors and to keep these data in the appropriate manner.

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<sup>2</sup> See paragraph 96 of the Evaluation Report (Greco Eval IV Rep(2013)8).

50. The Belgian authorities now state that, as of the end of 2022, the HCJ adopts a report on disciplinary measures taken by judicial entities for the previous year, and that this report is posted on the HCJ website.<sup>3</sup> The report is now published annually, on the basis of information contained in the operating reports of the judicial entities (courts and public prosecutors' offices) and the information contained in the activity reports of the relevant disciplinary bodies.
51. The authorities also state that the law of 26 December 2022 introducing various provisions on the organisation of the judiciary amended certain organisational measures to ensure effectiveness and continuity in the operation of the disciplinary bodies, by providing for a mechanism to replace the representative of the Bar Association, extending the term of office from five to seven years and allowing members of the disciplinary bodies to receive an allowance. In addition, a preliminary draft law on the evaluation of judges and discipline is being discussed, which would give the prosecution service the power to refer cases to the disciplinary and investigative (appeal) court, and requires the prosecution service operating in disciplinary bodies to report annually to the HCJ on the exercise of this power.
52. GRECO notes with satisfaction that the regular publication of significant consolidated information and data on disciplinary action against judges and prosecutors is now established and implemented by the HCJ via a dedicated annual report. This practice, established since 2022, is in itself sufficient to implement the recommendation. It should be enhanced by an annual report from the prosecution service to the HCJ on referrals by the prosecution service to the disciplinary and investigative (appeal) court. GRECO further notes that the legislative framework concerning the bodies responsible for disciplining judges and prosecutors has been supplemented to make for greater effectiveness and continuity in disciplinary bodies dealing with judges and prosecutors, which is to be welcomed.
53. GRECO concludes that recommendation xv has been implemented satisfactorily.

### **III. CONCLUSIONS**

54. **In view of the above, GRECO concludes that Belgium has made some progress in implementing the recommendations concerning judges and prosecutors but there is still room for improvement, in particular where parliamentarians are concerned. Ten years after the publication of the Evaluation Report, only seven of the fifteen recommendations contained in the Fourth Round Evaluation Report have been implemented satisfactorily or dealt with in a satisfactory manner.** The eight other recommendations have been partly implemented.
55. More specifically, recommendations vii, ix, x, xi, xiii, xiv and xv have been implemented satisfactorily or dealt with in a satisfactory manner, and recommendations i, ii, iii, iv, v, vi, viii and xii are partly implemented.
56. As regards corruption prevention in respect of members of parliament, once again, there has been no improvement since the last report. It was previously noted that an application had been launched for the electronic submission of lists of mandates, the staffing of the Court of Auditors registry had been reinforced and interaction between the Court of Auditors and the prosecution service had been stepped up with a view to applying sanctions. Training including integrity issues had been introduced

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<sup>3</sup> <https://csj.be/admin/storage/hrj/20221123-rapport-consolide-discipline-2021.pdf>



for new members of parliament but not systematised. The regulation on donations from foreigners had been specified in the law on the financing of political parties. However, no measures have effectively been taken yet to ensure transparency of contacts between parliamentarians and third parties and the rules on gifts need to be improved. Sanctions for the main breaches of the ethical rules governing parliamentarians remain to be adopted. Improvements to the system of declarations of parliamentarians' assets are also expected, together with the publication of such declarations. Parliament's stated intentions in these areas cannot be considered sufficient, and must be followed through with the adoption and implementation of concrete measures.

57. As to judges and prosecutors, GRECO welcomes the real progress made, as only one recommendation remains partly implemented. Federal-level administrative judges are subject to ethical rules, supervision and appropriate sanctions and progress has been made at regional level. Amendments to the Judicial Code have 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 is now in place. The bodies responsible for disciplining judges and prosecutors have been strengthened and detailed information and data are now published on a regular basis. Improvements still need to be made to standardise the distribution of cases between judges in the courts.
58. In conclusion, GRECO urges the Belgian authorities to take determined and prompt action with a view to addressing the eight pending recommendations. In accordance with Rule 31 revised, paragraph 9, of its Rules of Procedure, GRECO asks the head of the Belgian delegation to provide a report on progress in implementing recommendations i, ii, iii, iv, v, vi, viii and xii by 31 March 2025.
59. Lastly, GRECO invites the Belgian authorities to authorise publication of this report as soon as possible.