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FIFTH EVALUATION ROUND

Preventing corruption and promoting integrity in
central governments (top executive functions) and
law enforcement agencies

SECOND COMPLIANCE REPORT

BELGIUM



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



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

COUNCIL OF EUROPE



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I. INTRODUCTION

1. The fifth GRECO evaluation round concerns “Preventing corruption and promoting integrity in central governments (top executive functions) and law enforcement agencies”.
2. This [Second Compliance Report](#) assesses the measures taken by the Belgian authorities to implement the recommendations made in the [Fifth Round Evaluation Report](#) on Belgium, which was adopted by GRECO at its 84th plenary meeting (6 December 2019) and made public on 23 January 2020, following authorisation by Belgium. The [corresponding Compliance Report](#) was adopted by GRECO at its 89th Plenary Meeting (3 December 2021) and made public on 21 January 2022, following authorisation by Belgium.
3. As required by GRECO’s Rules of Procedure,¹ the Belgian authorities submitted a Situation Report containing information on measures taken to implement the recommendations in the Evaluation Report. This report, which was received on 29 September 2023, served as a basis for this Second Compliance Report.
4. GRECO selected Switzerland (in respect of top executive functions in central governments) and Monaco (in respect of law enforcement agencies) to appoint Rapporteurs for the compliance procedure. The Rapporteurs appointed were Mr Olivier GONIN, Deputy Head of the International Criminal Law Unit, Federal Department of Justice and Police, on behalf of Switzerland, and Ms Hélène ZACCABRI, Head of the General Inspection of Administration, on behalf of Monaco. They were assisted by the GRECO Secretariat in drawing up the Compliance Report.

II. ANALYSIS

5. GRECO made twenty-two recommendations to Belgium in its Evaluation Report. In the Compliance Report, it concluded that recommendations xv and xvi had been implemented satisfactorily, recommendations i and iv had been partly implemented and recommendations ii, iii, v, vi, vii, viii, ix, x, xi, xii, xiii, xiv, xvii, xviii, xix, xx, xxi and xxii had not been implemented. Compliance with the twenty outstanding recommendations is dealt with below.

Preventing corruption and promoting integrity in central governments (top executive functions)

Recommendation i

6. *GRECO recommended that (i) rules be laid down setting out the conditions governing the direct recruitment and employment of members of strategy units/private offices that take account of the risks relating to integrity and conflicts of interest, and that (ii) the names and duties of all “collaborateurs de fond” be published on the government’s internet sites.*
7. It is recalled that, in the Compliance Report, the recommendation was partly implemented. More specifically, regarding the first part of the recommendation, GRECO noted that no measures had been taken to draw up a document on integrity and conflicts of

¹ The compliance procedure for the Fifth Evaluation Round is governed by GRECO’s Rules of Procedure as amended: see Rule 31 revised bis and Rule 32 revised bis.

interest or to clarify the ethical framework for members of strategy units (private offices). It also noted that the provisions on the recruitment of the relevant personnel did not appear to promote tighter regulation of their selection, their terms of employment, checks on their integrity or specification of their tasks. At the same time, GRECO welcomed the publication of the full list of members of private offices and considered that this good practice meant that the second part of the recommendation could be considered to have been implemented.

8. The Belgian authorities now state that the 2014 Code of conduct for public office holders was extended to members of strategy units/private offices by the law of 17 July 2023. These PTEFs are therefore subject to rules relating to integrity (including honesty, loyalty, caution, probity, fairness, impartiality and incorruptibility), which provide the ethical basis for decision-making, and to conflicts of interest (extended to office holders' family members, in particular spouses and children). Moreover, with a view to preventing conflicts of interest, a Royal Decree which came into force on 17 September 2023 now prohibits the secondment of members of staff of listed publicly owned autonomous companies to private offices, while allowing a transitional period for persons already appointed, provided that their remuneration is paid in full by the relevant ministry and that they do not deal with matters specifically relating to the companies concerned.

9. With regard to the second part of the recommendation, the authorities state that the requirement that ministries must now publish the names of private office members will be formalised in law. Corresponding amendments to the existing legislation are being debated in Parliament.

10. GRECO welcomes the extension of the Code of conduct for public office holders, laying down rules on dealing with conflicts of interest, to members of ministers' private offices and the statutory ban on employing staff members of listed publicly owned autonomous companies in private offices. That is consistent with the first part of the recommendation. GRECO nevertheless notes that tighter rules are required regarding the direct recruitment and employment terms of members of private offices, in particular as regards multiple activities, effective checks on their integrity before and during employment, the specification of their tasks and transparency regarding their remuneration. In spite of significant progress, it therefore cannot consider that the first part of the recommendation has been fully implemented. With regard to the second part of the recommendation, which had already been considered to have been implemented, GRECO welcomes the forthcoming statutory requirement to publish and update the full list of members of private offices.

11. GRECO concludes that recommendation i remains partly implemented.

Recommendation ii

12. *GRECO recommended that a co-ordinated strategy be drawn up, based on a risk analysis, aimed at promoting the integrity of persons performing top executive functions.*

13. It is recalled that, in the Compliance Report, the recommendation was not implemented, with GRECO noting that the authorities were only giving preliminary consideration to implementation.

14. The Belgian authorities now state that the Code of conduct for public office holders has been extended to members of private offices (see above), which helps to promote their integrity. They also state that under the Royal Decree of 18 April 2023 on integrity policy and integrity management in certain federal executive agencies, an integrity co-ordinator has been appointed, or is being appointed, in each strategy body by the highest official of the relevant body. The integrity co-ordinators have the task of providing know-how and expertise in terms of integrity management and promoting a corresponding organisational culture. They are the central contact points for integrity management and provide information, support and advice on implementing integrity values and standards, including on a confidential basis where appropriate. A federal network of integrity co-ordinators (RFCI) has been made operational from September 2023 et meets regularly to share know-how, expertise and good practice between the various agencies, promote a common vision and co-operation between the agencies' integrity co-ordinators and carry out joint awareness-raising, information work and communication. The network is also responsible at international level for issues relating to the integrity of public bodies.

15. The authorities state that the integrity co-ordinators and the network are to draw up a co-ordinated strategy to promote the integrity of PTEFs. In July 2023, a study commissioned by the government from the University of Utrecht regarding the issue of "revolving doors" and conflicts of interest in the federal administration, including private offices, partly analysed the risks relating to revolving doors, conflicts of interest and strategy bodies. Lastly, implementation of the Royal Decree of 18 April 2023 requires each federal agency to adopt an annual integrity management plan by 1 January 2024, submitted by the highest manager of the agency to the competent minister and the Integrity Office. Most federal services have sent their action plan to the Integrity Office. Some federal departments are still finalising it.

16. GRECO notes that integrity co-ordinators have been appointed within the federal public services to raise awareness and provide advice (including individually and confidentially) regarding integrity and draw up, together with the RFCI, an integrity policy aimed at all the public agencies under the authority of a minister. It notes that some data for mapping risks in this area are available and that a royal decree requires the adoption by each federal public service of annual integrity management plans as from 1 January 2024. GRECO invites the authorities to continue with this policy and further develop the steps taken so that a co-ordinated strategy is actually put in place to promote the integrity of PTEFs, ensuring that ministers are also covered by such a strategy.

17. GRECO concludes that recommendation ii has been partly implemented.

Recommendation iii

18. *GRECO recommended that (i) an ethical code be adopted for ministers and steps be taken to ensure that members of strategy units/private offices are subject to a clear and harmonised ethical framework, and that (ii) the code or codes is/are accompanied by supervisory arrangements and appropriate sanctions.*

19. It is recalled that, in the Compliance Report, the recommendation was not implemented, with GRECO noting that no tangible measures had been taken.

20. With regard to the first part of the recommendation, the Belgian authorities now report that a Code of conduct for members of the government was adopted by the Council of Ministers and set out in a ministerial circular that has been in force since 27 June 2023. This Code of conduct, which is published on the government's information website, clarifies and completes the fundamental ethical principles and the rules of conduct for government members, lays down rules on integrity, accountability and transparency, defines and addresses conflicts of interest, limits and regulates the holding of multiple posts, governs the acceptance of gifts, sets out obligations that apply upon leaving office and lays down arrangements for supervision by the Prime Minister and the Federal Ethics Committee of compliance with the rules. The authorities also point out that the Code of conduct for public office holders has been extended to members of private offices (see above) and that rules of conduct therefore also apply to all political advisors, as well as to secretariat staff and administrative staff in private offices.

21. With regard to the second part of the recommendation, the authorities state that an advisory mechanism is provided for ministers and members of private offices through the Federal Ethics Committee set up under the law of 6 January 2014. As regards ministers, the Committee is responsible for issuing advice on issues of professional conduct, ethics or conflicts of interest, at the request of a government member. It cannot act *ex officio*. Its opinions are kept confidential by the Committee. The Committee does not have the power to impose sanctions in the event of breaches of the codes of conduct. Nevertheless, the authorities point out that the Code of conduct for members of the government provides that breaches by ministers may be brought to the attention of the Prime Minister and that the resulting calls to order within the government and the political consequences for the minister concerned (or even dismissal from the government) may in themselves be regarded as a type of sanction. They add that ministers are scrutinised politically by the House of Representatives, which can approve motions of recommendation or no-confidence against any ministers whom they deem to have breached the rules of conduct. As far as members of private offices are concerned, the Committee's mission is to formulate opinions or recommendations of a general nature, excluding specific cases targeting one or more public officials by name, on the basis of a request signed by at least one third of the members of the Senate or by at least fifty members of the House of Representatives. These opinions are communicated to the public representative concerned or to the minister or secretary of state concerned or, where appropriate, to the House of Representatives or to the Government. The opinions and recommendations are published on the Committee's website. Opinions formulated at the request of a public representative, a minister or a secretary of state, on a particular question concerning him or her, are published anonymously, with the prior consent of the person concerned. When the Committee becomes aware of a crime or an offense, it is required to refer the matter to the public prosecutor's office.

22. GRECO welcomes the adoption of a Code of conduct for members of the government, which sets out the principles of integrity, accountability and transparency, lays down the rules on conflicts of interest, gifts, the holding of multiple posts and obligations that apply upon leaving office, and sets out supervisory arrangements. It also notes that a clear and harmonised ethical framework now applies to all members of private offices, in accordance with the aim of the first part of the recommendation, which may therefore be regarded as having been implemented. With regard to the second part of the recommendation, GRECO notes that, for ministers, there is, on the one hand, an advising mechanism through the Federal Ethics Committee, and, on the other hand, arrangements for political supervision of

ministers' actions by the Prime Minister and Parliament, including compliance with the rules of conduct. However, such arrangements cannot as such be regarded as a means of supervising the implementation of the ethical and integrity rules applicable to the ministers, or imposing sanctions for possible breaches of these rules. For the other PTEFs, the mechanism for opinions requested from the Federal Ethics Committee also does not make it possible to sanction violations of ethical rules. In the absence of a real mechanism for sanctioning failure by PTEFs to comply with the rules of conduct, GRECO cannot therefore consider this part of the recommendation to have been implemented.

23. GRECO concludes that recommendation iii has been partly implemented.

Recommendation iv

24. *GRECO recommended (i) ensuring that all persons exercising top executive functions have access to mechanisms for promoting and raising awareness of integrity matters, including confidential advice, and (ii) that these persons receive training when they take up their duties and at regular intervals thereafter.*

25. It is recalled that, in the Compliance Report, the recommendation was partly implemented. GRECO noted that the members of private offices were to take part in integrity awareness-raising workshops in 2022, while pointing out that this awareness-raising measure should be conducted regularly and be extended to ministers. GRECO also noted that there was no institutionalised mechanism for confidential advice.

26. With regard to the first part of the recommendation, the Belgian authorities now state that an advice mechanism is provided for ministers and members of private offices by the Federal Ethics Committee set up under the law of 6 January 2014, which is responsible for issuing advice on issues of professional conduct, ethics or conflicts of interest. In addition, the Strategy and Support Federal Public Service is responsible for providing individual advice, on a confidential basis, regarding ethical conduct and integrity.²

27. With regard to the second part of the recommendation, the authorities state that the Integrity Office of the Strategy and Support Federal Public Service offers all members of private offices the opportunity to take part in training courses on ethics and integrity challenges on a monthly basis. Ministers are able to take part (in practice, one minister has done so once).

28. GRECO notes that ministers and members of private offices may obtain confidential advice on ethics and integrity from the Federal Ethics Committee and the Integrity Office of the Strategy and Support Federal Public Service, the remit of which is institutionalised in the relevant regulations. This is in line with the aim of the first part of the recommendation. GRECO also notes that the Integrity Office of the Strategy and Support Federal Public Service provides training courses on ethics and integrity challenges. Despite being held regularly and potentially being open to all PTEFs, these courses are not mandatory and, in practice, are almost never attended by ministers. In line with the second part of the recommendation,

² Article 4, 2 of the Royal Decree of 18 April 2023 on integrity policy and integrity management in certain federal executive agencies and amending the Royal Decree of 22 February 2017 establishing the Strategy and Support Federal Public Service.

GRECO therefore invites the authorities to ensure that members of private offices actually attend training upon taking up their duties and at regular intervals thereafter.

29. GRECO concludes that recommendation iv remains partly implemented.

Recommendation v

30. *GRECO recommended ensuring that strategy units/private offices are made clearly subject to the legislation on administrative disclosure of information.*

31. It is recalled that, in the Compliance Report, the recommendation was not implemented. GRECO noted that the authorities understood the challenges in implementing the recommendation, which required substantial legislative reform which had not yet begun.

32. The Belgian authorities now report that a draft law amending the current federal legislation on administrative disclosure of information is being debated in Parliament, the purpose of which is to extend the personal scope of the existing legislation, give effect to active disclosure and optimise and clarify the grounds for exceptions which may apply in passive requests for public access. The draft legislation should accordingly extend the scope of the law, thereby ensuring that ministerial private offices are subject to it. In addition, the draft law should clarify the obligations covered by the concept of active information disclosure and access to administrative documents.

33. GRECO notes that a draft law being debated in Parliament should subject the private offices of ministers and state secretaries to the law on administrative disclosure of information, in line with the recommendation. It invites the Belgian authorities to adopt and implement the law, which could enable it to conclude that the recommendation had been fully implemented. In the meantime, GRECO concludes that recommendation v has been partly implemented.

Recommendation vi

34. *It is recalled that, GRECO recommended ensuring that documents produced by the government, ministers and their strategy units/private offices are kept in an appropriate manner and that they are available to their successors to ensure that affairs are properly conducted.*

35. It is recalled that, in the Compliance Report, the recommendation was not implemented. GRECO expressed the hope that a regulation on long-term record-keeping for ministerial private offices would be adopted, and pointed out that measures should not only be taken for the purpose of historical preservation but should also ensure that State information and the right to access public information are properly managed.

36. The Belgian authorities now state that all government members were urged in a ministerial circular of 1 December 2021 to immediately take steps before the end of the parliament to ensure long-term record-keeping. They also point out that a decision by the Council of Ministers in 2007 prohibits the destruction of records built up in ministries during a parliamentary period, which must be transferred, in the form and state in which they had been constituted and created, either to the State Archives of Belgium or to an officially

approved private archive and/or documentation centre. In addition, the new Code of conduct for members of the government requires the latter to ensure that current files are properly maintained and made available to their successors and to guarantee that government records are preserved.

37. GRECO notes that the June 2023 Code of conduct for members of the government specifically lays down rules on maintaining departmental files and making them available to ministers' successors. It also notes that rules on archiving documents were set out in a ministerial decision from 2007 and that all ministers have been reminded accordingly. This set of rules guarantees that government and departmental files are properly maintained and passed on to successor administrations to ensure the smooth functioning of the state and facilitate access to public information. This is consistent with the aims of the recommendation.

38. GRECO concludes that recommendation vi has been satisfactorily implemented.

Recommendation vii

39. *GRECO recommended (i) ensuring an appropriate level of public consultation on government draft legislation, and (ii) that the results of public consultations are published online in due time and are easily accessible.*

40. It is recalled that, in the Compliance Report, the recommendation was not implemented, with GRECO noting that no measures had been taken to that end.

41. The Belgian authorities now state that the Federal Government regularly holds public consultations when European and international obligations so require, but there is no procedure for systematic consultation on all draft legislation. They nevertheless point out that the Government does take steps to promote transparency and public participation, for instance the proactive publication of the files of the Council of Ministers to enable the public to respond more quickly to draft legislation. In addition, in April 2022, the Federal Government launched an online platform, "A country for the future," for public consultation about the development of democracy and government structures, under the supervision of a scientific committee, which produced a report submitted to the Federal Government and Parliament.³

42. GRECO notes that specific one-off measures are taken to ensure public consultation about certain legislation in the European or international sphere or regarding certain institutional topics, but that the Government has not developed a policy or measures to consult society regularly about draft legislation according to established and predictable criteria, or to ensure the transparency of the process. The measures described by the authorities do not change the situation as described in the Evaluation Report and continue to be carried out at the discretion of the authorities concerned. It therefore cannot be considered that the recommendation has been implemented, even partly.

43. GRECO concludes that recommendation vii remains not implemented.

Recommendation viii

³ www.unpayspourdemain.be

44. *GRECO recommended that (i) rules and guidelines be introduced on how persons exercising top executive functions should manage their contacts with lobbyists and other third parties seeking to influence government processes and decisions, and that (ii) steps be taken to make the purpose of such contacts more transparent by identifying the persons with whom (or on behalf of whom) the contact has taken place and the specific subject matter of the discussions.*

45. It is recalled that, in the Compliance Report, the recommendation was not implemented. GRECO pointed out that the purpose of the recommendation was not only to ensure that contacts between lobbyists and PTEFs were transparent but also to lay down rules applying to PTEFs themselves, namely ministers and members of private offices, in a document such as a code of conduct.

46. The Belgian authorities now state that a proposal is being discussed among the private offices, and also presented to parliament, with a view to increasing transparency in relations between government members and lobbyists. It should enable all citizens to keep track of lobbyists' dealings with ministers. The Council of Ministers is due to vote on the proposal shortly. The authorities also state that the Code of conduct for members of the government (see above) provides that "members of the government shall ensure transparency in the contacts they have with representatives of interest groups." At the same time, the Code of conduct applicable to members of private offices (see above) includes rules on ethics and conflicts of interest. As regards the establishment of a register of lobbies, the Government states that the one that exists for Parliament cannot be extended, as it stands, to the executive power.

47. GRECO notes that ministers are now subject to an obligation of transparency regarding their contacts with lobbyists, which is consistent with the recommendation, although GRECO also expects clarification to be provided as to how the obligation can be implemented. It also regrets the fact that the obligation is not explicitly applicable in similar terms to members of private offices, even though they are now covered by the Code of conduct for public office holders. GRECO further notes that work is under way to ensure the transparency of lobbyists' dealings with ministers but it has not yet had an opportunity to study the relevant details. It stresses that these rules should be extended to lobbyists' contacts with members of private offices. GRECO therefore invites the authorities to finalise the work under way, taking these aspects into account, so that a comprehensive system that fully meets the aims of the recommendation can be put into operation.

48. GRECO concludes that recommendation viii has been partly implemented.

Recommendation ix

49. *GRECO recommended that an ad hoc reporting requirement be introduced for persons occupying top executive functions whenever situations of conflict between their private interests and their official duties arise.*

50. It is recalled that, in the Compliance Report, the recommendation was not implemented, with GRECO noting no progress and pointing out that the rules on the *ad hoc* management of conflicts of interest should apply to ministers and members of private offices.

51. The Belgian authorities now report that the new Code of conduct for members of the government (see above) requires ministers to avoid any conflicts of interest affecting them (or members of their family or family circle), to report situations of potential conflicts of interest and notify the Prime Minister of any problems of this kind, and to refrain from taking any action relating to such situations. Members of private offices are subject to similar rules under the Code of conduct for public office holders that now applies to them (see above).

52. GRECO notes with satisfaction that ministers and members of their private offices are now subject to specific rules on dealing with conflicts of interest, including when they arise on an ad hoc basis, as they are covered by the Code of conduct for members of the government and the Code of conduct for public office holders, respectively. This is consistent with the aims of the recommendation.

53. GRECO concludes that recommendation ix has been implemented satisfactorily.

Recommendation x

54. *GRECO recommended that a full set of rules be drawn up on gifts and other benefits for persons occupying top executive functions, in the form of practical and relevant directives requiring them to declare gifts and other benefits, and that this information be made available to the public.*

55. It is recalled that, in the Compliance Report, the recommendation was not implemented, with GRECO not noting any progress in terms of dealing with gifts received by PTEFs.

56. The Belgian authorities now state that the Code of conduct for members of the government and the Code of conduct for public office holders (see above) lay down rules on dealing with gifts and other benefits received by ministers and members of their private offices, respectively. They may neither seek nor accept any financial or material benefits, including any gifts other than of symbolic value. If it is not possible to refuse gifts, members of private offices must hand them over to a Belgian public-interest body of their choice. For ministers, a register of gifts has also been established.

57. GRECO notes with satisfaction that ministers and members of their private offices are now subject, through the codes of conduct that apply to them respectively, to rules on dealing with gifts and other benefits received in the course of their duties. This is in line with the recommendation. GRECO nevertheless notes that these rules do not provide for the registration of gifts for members of private offices and also do not provide for measures to inform the public in this connection, either for ministers or for members of private offices. It invites the authorities to supplement the existing rules accordingly so that the recommendation can be considered to have been fully implemented.

58. GRECO concludes that recommendation x has been partly implemented.

Recommendation xi

59. *GRECO recommended that (i) for a certain period, persons occupying top executive functions be required to inform an appropriate body of any new professional activities entered into, and that (ii) following assessment, such activities be regulated or prohibited, as*

appropriate, to avoid any suspicion of a conflict of interest when they concern a field of activity subject to authorisation or scrutiny by the body that the individual is leaving.

60. It is recalled that, in the Compliance Report, the recommendation was not implemented, with GRECO not noting any change in this area.

61. The Belgian authorities now state that the Code of conduct for members of the government and the Code of conduct for public office holders (see above) now lay down rules on PTEFs' obligations upon leaving public office, which require them to comply with their duty of honesty and discretion in accepting certain duties or certain benefits. They also state that PTEFs are required to submit declarations of offices to the Audit Court, so that the posts they take on after leaving public office can be checked. The Audit Court publishes on its website, no later than February 15 of each year, the list of mandates, functions and professions of people who have exercised a mandate or function subject to legislation. In addition, the law of 6 August 1931 "establishing incompatibilities and prohibitions concerning ministers, former ministers and ministers of state, as well as members and former members of the legislative chambers" provides that former ministers may not be involved in the management or supervision of a company holding a concession from the state for five years after leaving office. Lastly, they point out that the government and Parliament are currently working on these matters.

62. GRECO notes that the codes of conduct now applicable to ministers and members of their private offices introduce certain relevant ethical rules governing the termination of their public duties. These rules are, however, inadequate insofar as they, firstly, do not entail an obligation to give notification, for a period to be specified, of any new professional activities and, secondly, are not sufficient to regulate or prohibit any new activities so as to avoid any suspicion of conflict of interest. There are no clear rules applicable to members of private offices in this area and the law of 1931 prohibiting former ministers from involvement in the management or supervisory bodies of companies for five years after leaving office applies only to companies holding concessions from the state. Its scope should at least be extended to other types of companies. The recommendation cannot therefore be considered to have been fully implemented, especially since leaving public office and moving to private companies is a widespread practice in Belgium. GRECO therefore invites the authorities to strengthen the regulatory provisions in this area in line with the recommendation.

63. GRECO concludes that recommendation xi has been partly implemented.

Recommendations xii and xiii

64. *GRECO recommended:*

- *(i) that the published declarations of persons occupying top executive functions also include relevant information on their assets, including liabilities, their previous activities and their outside activities, and (ii) considering also including information on these persons' spouses and dependent members of their families (on the understanding that such information would not necessarily have to be published) (recommendation xii);*

- *that declaration and oversight arrangements be substantially revised to ensure more rapid publication of these declarations, coupled with proactive and effective oversight (recommendation xiii).*

65. It is recalled that, in the Compliance Report, the recommendations were not implemented. GRECO noted that the work done in this area was only at a very preliminary stage and called on the Belgian authorities to tackle the issue of declarations of assets by PTEFs with greater determination.

66. The Belgian authorities now state that political debate is still taking place in the House of Representatives. They indicate that they agree about the need to take account of liabilities in PTEFs' declarations of assets. With regard to information access, they point out that the online transmission and publication of the list of PTEFs' offices by the Audit Court improves data flow.

67. GRECO notes that the information provided does not show any real progress, either in terms of including in PTEFs' declarations relevant information on their assets (including liabilities) and on their previous activities and their outside activities or in terms of extending the declarations to relevant information on their spouses and dependent family members. The declaration and oversight arrangements have not been substantially revised to ensure more rapid publication of the declarations, coupled with proactive and effective oversight, as called for in the recommendation. In this respect, the mere online publication of the list of PTEFs' offices by the Audit Court is not sufficient. GRECO cannot therefore consider that the authorities have made determined efforts to improve the regime of PTEFs' declarations and of their control.

68. GRECO concludes that recommendations xii and xiii remain not implemented.

Recommendation xiv

69. *GRECO recommended that the legislation on reporting suspected breaches of integrity in federal administrative authorities be extended to cover strategy units/private offices.*

70. It is recalled that, in the Compliance Report, the recommendation was not implemented. GRECO welcomed the fact that the recommendation had been taken into account in the draft law transposing European Directive 2019/1937 on the protection of persons who report violations of Union laws, but regretted that the work on the draft legislation was only at a preliminary stage.

71. The Belgian authorities now report that the law of 8 December 2022 on reporting channels and the protection of whistleblowers in federal public sector bodies and in the integrated police transposes Directive (EU) 2019/1937 into domestic law. The law provides that members of private offices are included in its scope.

72. GRECO welcomes the transposition into Belgian law of Directive (EU) 2019/1937, which enables the measures relating to reporting of suspected breaches of integrity in federal administrative authorities to be extended to members of ministerial private offices, in line with the recommendation.

73. GRECO concludes that recommendation xiv has been implemented satisfactorily.

Preventing corruption and promoting integrity in the federal police

Recommendation xvii

74. *GRECO recommended that an examination be carried out of ways of increasing the stability of the Federal Police senior management, with a view to taking relevant measures to that effect.*

75. It is recalled that, in the Compliance Report, the recommendation was not implemented. GRECO welcomed the fact that some senior management posts had been filled on a permanent basis, but noted that the examination recommended had not been started and that there was still a degree of instability in senior management.

76. The Belgian authorities now state that there are 59 cases of interim appointments (*commissionnement*) at senior management level in the Federal Police out of a total of 14 068 staff, which were justified by the vacancy (temporary or otherwise) of the posts and the urgent need to fill these management posts. Of these 59 cases, 8 concern top management posts (seven senior officers (*mandataires*) and one director) and the procedures necessary for permanent appointments are in progress or will be initiated shortly⁴. The Commissioner General and the directors general of the criminal and the administrative police are currently appointed on an ad interim basis, although these officials have decision-making powers conferred by the Ministers of the Interior and of Justice.

77. GRECO notes that 59 senior management posts in the Federal Police are not currently filled on a permanent basis and that senior positions in the criminal and the administrative police are still filled on an interim basis. It also notes that the examination recommended to avoid these interim appointments at senior management level in the Federal Police has not been carried out, although it remains relevant.

78. GRECO concludes that recommendation xvii remains not implemented.

Recommendation xviii

79. *GRECO recommended that checks on candidates' integrity be carried out in the context of changes of post and promotion – including promotion to senior grades – and at regular intervals during the course of officers' careers.*

80. It is recalled that, in the Compliance Report, the recommendation was not implemented. GRECO regretted the fact that no concrete measures had been taken regarding the plan to introduce a career-long screening process for operational and administrative members of the police.

81. The Belgian authorities now state that a working group has been set up to outline a system for checking integrity throughout police careers. A plan was agreed in summer 2023

⁴ The Belgian authorities indicated, at the time of adoption of this report, that the positions corresponding to the most important management functions within the police (*mandataires*) were all filled or in the process of being filled, with vacancies remaining significant in the other executive functions of the police.

and submitted to the Minister of the Interior. The authorities nevertheless point out that determining the arrangements, purposes and consequences of such checks in regulatory and organisational terms is a long-term undertaking. Contacts have been established with the defence forces, which have already developed such a system, although it would then have to be adapted to the organisational structure of the police. A legal framework will have to be agreed, in consultation with the trade unions. Measures are also planned to interconnect the joint databases on terrorism and radicalisation with the databases employed in the screening process. Funding has been granted for the development of an ICT platform to facilitate management of the security verification process accordingly.

82. GRECO notes that a policy to step up checks on integrity has been initiated with the development of a plan which is pending, subject to the approval by the Minister of the Interior. It notes that the implementation of the plan is a long-term undertaking, as it will affect the status of police officers and the organisation of the police force. It also notes that measures are being developed to interconnect various files concerning public security, which will make it possible to screen police officers in this respect. It encourages the authorities to continue the work started to strengthen checks on police officers' integrity throughout their careers.

83. GRECO concludes that recommendation xviii has been partly implemented.

Recommendation xix

84. *GRECO recommended that the right to exercise outside activities be strictly governed by objective and transparent criteria and that this be accompanied by effective oversight arrangements.*

85. It is recalled that, in the Compliance Report, the recommendation was not implemented. GRECO stated that, although it was necessary, the amendment of the Code of conduct to align the rules on the authorisation of outside activities with the relevant legislation did not meet the aims of the recommendation, and awaited the outcome of the discussions of a planned working group, the purpose of which would be to regulate police officers' outside activities more effectively.

86. The Belgian authorities now state that, between 2022 and 2023, a general conference on police integrity had addressed the issues of conflicts of interest and incompatible outside activities. The participants had agreed that more clear-cut and objective regulation was required regarding outside activities. More in-depth discussion of the issue took place in February 2024, where the dilemmas linked to conflicting accessory activities were discussed with around twenty directors and managers, then with internal experts from the Federal Police within the internal network of primary integrity actors (CORESPO Transversal). The aim of this work is to study to what extent new criteria, an evaluation committee and a new working process can be introduced into the current legislative framework. A report presenting the dilemmas and recommendations surrounding the conflicting secondary activities will be presented on this basis to the Executive Committee of the Federal Police, the Executive Committee of the Integrated Police and the Coordination Committee of the Integrated Police. But the authorities fear a union reaction. Since the new circular, around 1,600 operational agents of the federal police have announced an outside activity. The authorities point out that under the existing process, requests for outside activities are subject to prior (centralised)

checks as to statutory incompatibilities and as to the criteria of integrity and availability (checks by superiors).

87. GRECO welcomes the authorities' growing awareness of the need to regulate police officers' outside activities more effectively and encourages them to take concrete measures at the earliest opportunity to determine objective criteria for authorising such activities and monitoring them effectively. In the meantime, it cannot consider that this growing awareness means that the recommendation has been implemented, even partly.

88. GRECO concludes that recommendation xix remains not implemented.

Recommendation xx

89. *GRECO recommended assessment of the need to introduce an obligation to declare assets/interests in respect of management positions and/or certain at-risk positions in the police, with a view to introducing such rules.*

90. It is recalled that, in the Compliance Report, the recommendation was not implemented, as the authorities had not reported any practical measures.

91. The Belgian authorities now point out that remuneration scales, salary components, bonuses and allowances are determined by standards accessible to the public through the Belgian Official Gazette (Moniteur belge/Belgisch Staatsblad) and the website www.ssgpi.be. The Federal Police have started to work on a mapping of the risks and ethical challenges within their forces, based on the incidents registered between 2019 and 2023. A select committee holds monthly meetings, and an enlarged group has been set up. There are plans to deepen this work to more precisely identify incidents and risks, as well as vulnerable functions and processes. Concerning assets/interests in management positions and/or certain risk positions, the authorities also refer to the security investigation resulting from a security clearance request for which an asset check /interest is carried out.

92. GRECO notes the authorities' stated intention to work towards implementing the recommendation and welcomes the measures taken to map the risks concerning integrity in the Federal Police. It encourages the authorities to carry through this work. Nevertheless, it reiterates that the obligation to declare assets and interests set out in the recommendation is a proactive obligation subject to checks, which applies individually to police officers deemed to be at risk in terms of integrity, and cannot in any circumstances be satisfied by general regulatory provisions published online. On the basis of the information provided to date, GRECO cannot consider that the recommendation has been implemented, even partly.

93. GRECO concludes that recommendation xx remains not been implemented.

Recommendation xxi

94. *GRECO recommended ensuring that the internal control department is given the resources to combat corruption actively and to offer meaningful statistical oversight of disciplinary cases in the federal police.*

95. It is recalled that, In the Compliance Report, the recommendation was not implemented, with GRECO noting that the internal control system of the Federal Police had not been substantially strengthened and that there were no relevant statistics on disciplinary matters.

96. The Belgian authorities now report that a charter on oversight of internal operation and the quality of the Federal Police is in the process of being prepared and should be finalised in 2024. In addition, standardised monitoring of disciplinary files has been in place since the beginning of 2023, making it possible to update the necessary data. The indicators are currently being verified. An annual disciplinary report from the federal police will be drawn up in March 2024.

97. The authorities also state that the Federal Police take part in the Ministry of the Interior's "Transparent and accessible oversight" platform, in particular with the General Inspectorate of the Federal Police and the Local Police, and the Standing Committee for Monitoring. This platform aims to be a precursor to the implementation of the "draft law aimed at establishing a single portal and uniform regulations for the filing of complaints and reports concerning the police". Are all reports recorded in the KLFP database. This is a computerized system for global complaints management developed jointly by the Permanent Committee for Control of Police Services and the General Inspectorate of Federal and Local Police (AIG) in 2008. The system was implemented available to the federal police and local police. The federal police can only register complaints in this database. In addition, the Federal Police have issued a favourable opinion on the bill of 21 February 2022 introducing a standard complaint procedure for lodging complaints and reports concerning the police. The development of client-oriented complaints management is also a declared objective of the Federal Police with a view to raising the profile and increasing the availability of the single point of contact for the public, incorporating new areas where complaints may be made, providing statistical analysis of data and improving lead-times, monitoring and the standard of responses to complaints from the public. It is planned to draw up an annual report on citizens' complaints, setting out recommendations.

98. GRECO notes the authorities' stated intention to develop a series of measures to step up internal control of the operation of the Federal Police, report more effectively on disciplinary measures concerning police officers, facilitate public access to mechanisms for complaining about police activity and report on and learn from such feedback from the public. GRECO encourages the authorities to implement the planned measures and build on those already in place to ensure strengthened, proactive internal control of the Federal Police and report in a systematic, well-organised and accessible manner on the consequences of that control, in particular in disciplinary matters, in line with the aims of the recommendation. At this stage, GRECO is not able to consider that these aims are met, even partly, by the existing or planned measures listed.

99. GRECO concludes that recommendation xxi remains not implemented.

Recommendation xxii

100. *GRECO recommended that members of the police be obliged to reveal that status when they are the subject of a criminal investigation or conviction, or that they inform the competent internal service of the integrated police of an ongoing criminal investigation or conviction.*

101. It is recalled that, in the Compliance Report, the recommendation was not implemented. GRECO encouraged the authorities to take account of situations in which judges and prosecutors are unaware that the person subject to legal proceedings is a member of the police, with a view to amending the relevant legislation and thereby ensuring that the Integrated Police are notified and are able to take the necessary disciplinary or career management action in relation to the police officer concerned.

102. The Belgian authorities now refer to the right of members of the police not to incriminate themselves and to the principle of equality before the law, which means that police officers must not be covered by different rules than other public servants. They state that College of Prosecutors General circular 4/2003 on discipline within police departments was revised on 27 April 2022 to strengthen and better regulate the flow of information between the judicial and disciplinary authorities. The circular provides that in the event of suspicions that the person under investigation is a police officer, and pending an automated procedure for checking that status, checks may be made by email,⁵ enabling prompt replies to be received regarding the individual's career data (identity, identification number, unit or department). However, if the person concerned has anonymised status that prevents their identification, a special procedure will apply (status governed by COL 07/2017 on protection of the identity of members of police forces belonging to special units or tasked with investigating or intervening in particularly serious offences). The authorities also state that the integrity screening measures during police officers' careers (see above) can also improve communication of information regarding convictions of police officers to their management.

103. GRECO notes that College of Prosecutors General circular 4/2003 on discipline within police departments has been amended, making it possible for judges and prosecutors quickly to obtain information as to whether a person subject to criminal proceedings is a police officer, which should enable them to notify the relevant internal department of the Integrated Police. GRECO believes that this amendment of the circular is fair and proportionate in relation to the aim of the recommendation, which is to ensure that the Federal Police are informed about the proceedings so that they are able to take the necessary disciplinary or career management action in relation to the police officer concerned. It therefore considers that the aims of the recommendation have been taken into account and addressed.

104. GRECO concludes that recommendation xxii has been dealt with in a satisfactory manner.

III. CONCLUSIONS

105. **In view of the above, GRECO notes some progress in preventing and combating corruption both among PTEFs and in the Federal Police, but substantial efforts still need to be made in these two areas. It concludes that Belgium has only implemented satisfactorily, or dealt with in a satisfactory manner, six of the twenty-two recommendations contained in the Fifth Round Evaluation Report.** Of the remaining recommendations, nine have been partly implemented and seven have not been implemented.

⁵ DRP.Career@police.belgium.eu

106. More specifically, recommendations vi, ix, xiv, xv, xvi and xxii have been implemented satisfactorily, recommendations i, ii, iii, iv, v, viii, x, xi and xviii have been partly implemented, and recommendations vii, xii, xiii, xvii, xix, xx and xxi have not been implemented.

107. In relation to persons exercising top executive functions, some significant progress has been made. Ministers and members of private offices are now subject to rules on conduct and integrity, including for conflicts of interest. Some of these rules still need to be supplemented, in particular regarding gifts and restrictions on employment upon leaving office, and with a mechanism for sanctions in the event of breaches. Even though the names and duties of members of private offices are now published and individuals from listed publicly owned companies may not be employed in them, the terms of recruitment and employment of these PTEFs still need to be regulated more strictly. Integrity co-ordinators have been appointed to provide confidential advice on integrity, data suitable for mapping risks are available and annual integrity management plans are now adopted. Nevertheless, a co-ordinated integrity strategy still has to be implemented and awareness-raising and regular training on these issues must be stepped up. Measures have been taken to ensure that government files are properly maintained and made available to successor administrations. Although ministers are now subject to an obligation of transparency regarding their contacts with lobbyists, the rules on dealing with such contacts must be extended to members of private offices and tightened up. Members of private offices are now subject to measures concerning the reporting of suspected breaches of integrity. Regarding the other recommendations, they are still the subject of preliminary consultations or have remained at the stage of declarations of intent.

108. In relation to the police, few measures have been taken since the last report. The staffing levels of the Commissioner General/Integrity department have been increased and senior officials have been appointed on a permanent basis, but the issue of permanent appointments remains for some key positions. Work has begun on strengthening control of the integrity of police officers throughout their careers, but this still has to be finalised. Other initiatives have been embarked upon but have not yet led to any tangible outcomes, for instance the adoption of objective criteria governing police members' outside activities. The College of Prosecutors' General's circular on discipline within police departments has been amended to allow judges and prosecutors quickly to obtain information as to whether persons subject to criminal proceedings are police officers, which should enable them to inform the relevant internal department of the Integrated Police. Some recommendations have yet to be addressed, including with regard to greater effectiveness of internal control and to declarations of assets/interests by holders of certain exposed posts.

109. In view of the above, GRECO concludes that Belgium is not complying sufficiently with the recommendations contained in the Fifth Round Evaluation Report within the meaning of Rule 31 revised bis, paragraph 10, of the Rules of Procedure. GRECO therefore decides to apply Rule 32, paragraph 2 (i), and asks the Head of the Belgian delegation to provide a report on the progress in implementing the outstanding recommendations (i.e. recommendations i, ii, iii, iv, v, vii, viii, x, xi, xii, xiii, xvii, xviii, xix, xx and xxi) by 31 March 2025.

110. In addition, in accordance with Rule 32 revised, paragraph 2(ii)(b), of the Rules of Procedure, GRECO invites the President of the Statutory Committee to send a letter to the Permanent Representative of Belgium to the Council of Europe – with a copy to the Head of the Belgian delegation –, drawing attention to the non-compliance with the relevant

recommendations and the need to take determined action with a view to achieving substantive progress as soon as possible.

111. Lastly, GRECO invites the Belgian authorities to authorise publication of this report as soon as possible.