

Table of contents

The purpose of the parliamentary information sheets is to inform the general public of the structures of the Belgian State, its history and the workings of the Federal Parliament.

These information sheets can also be downloaded on www.lachambre.be.

N° 01.00	The birth of Belgium	N° 11.11	The panel of Federal ombudsmen
N° 02.00	The separation of powers	N° 12.00	House of Representatives Bodies
N° 03.00	The territory of the Federal State of Belgium	N° 12.01	House of Representatives Plenary assembly
N° 04.00	The Belgian Constitution	N° 12.02	House of Representatives The committees
N° 05.00	The dividing up of competences	N° 12.03	House of Representatives The president
N° 06.00	The levels of authority	N° 13.00	House of Representatives Workings
N° 07.00	The personal status of the head of state	N° 13.01	House of Representatives The House in figures
N° 08.00	Royal family tree	N° 13.02	House of Representatives Votes
N° 09.00	House of Representatives Election	N° 14.00	Senate Composition
N° 09.01	House of Representatives Electoral legislation	N° 15.00	Senate Competences
N° 09.02	House of Representatives Results of the federal elections from 9 June 2024	N° 16.00	Senate Operation
N° 09.03	House of Representatives Results of the federal elections from 26th May 2019	N° 17.00	The Federal Government Formation
N° 10.00	House of Representatives Composition	N° 17.01	The Federal Government Historic overview
N° 11.00	House of Representatives Competences	N° 18.00	The Federal Government Composition
N° 11.01	House of Representatives The budget	N° 19.00	The Federal Government Workings
N° 11.02	House of Representatives Interpellations	N° 20.00	The Federal Government Dismissal
N° 11.03	House of Representatives Parliamentary questions	N° 21.00	The Judiciary Division of law
N° 11.04	House of Representatives Legislative competence: monocameral procedure	N° 22.00	The Judiciary Organisation
N° 11.05	House of Representatives Legislative competence: bicameral procedure	N° 22.01	The Judiciary General principles
N° 11.06	House of Representatives Legislative competence: optional bicameral procedure	N° 23.00	The Communities and Regions Competences
N° 11.07	The Parliamentary Conciliation Committee	N° 24.00	The Flemish Community and the Flemish Region
N° 11.08	The second reading	N° 25.00	The French Community and the Walloon Region
N° 11.09	House of Representatives Enquiry committees	N° 26.00	The Brussels-Capital Region
N° 11.10	House of Representatives Special competences: naturalisations	N° 27.00	The German-speaking Community

- N° 28.00** Cooperation and settlement of conflicts within the Federal State of Belgium
- N° 29.00** The Constitutional Court
- N° 30.00** The Council of State
- N° 31.00** The Court of Audit
- N° 32.00** The Provinces
- N° 33.00** The Communes
- N° 34.00** The European Union
The Member States
- N° 34.01** The European Union
Establishment
- N° 34.02** The European Union
Institutions
- N° 34.03** The European Union
Decision-making
- N° 34.04** The European Union
Financing
- N° 35.00** International parliamentary assemblies
Consultative Inter-parliamentary Council of Benelux
- N° 36.00** International parliamentary assemblies
The Council of Europe
- N° 37.00** International parliamentary assemblies
The Organization for Security and
Co-operation in Europe

The Birth of Belgium

After the defeat of Napoleon, the great powers (France, Prussia, Austria, Russia, and England) decided on the fate of Europe at the Congress of Vienna which opened on 1 October 1814.

The way in which Europe was artificially carved up and the resulting mistakes would have a direct impact on the explosion of revolutions that would soon shake the whole of Europe.

The bulk of Belgian territory was ceded to the Netherlands. In 1815 the United Kingdom of the Netherlands consisted of seventeen provinces (in the North and South). The Hague and Brussels were alternately the seat of Parliament for one year each.

The authoritarian way in which King William I governed the country, the restrictions on liberties, the introduction of censorship, the hold that the King's Dutch civil servants (from the northern provinces) had over administration, language policy, the successful insurrection in Greece, and the rising nationalist sentiments in Europe are all factors that explain the outbreak of the Belgian revolution in 1830.

The difficult social and economic conditions in a society in full industrial transformation, and the convergence of the two ideological movements of the day, ie the Catholics and the Liberals, further explain the revolt of the population against the Dutch regime.

In September there were confrontations between Dutch troops and a Belgian volunteer army. For four days the fighting raged in the area around the Park of Brussels. On 4 October 1830, while the Dutch were still retreating from the territory, the provisional Belgian government proclaimed the independence of the Belgian provinces. The nine members of the provisional government ordered the election of the National Congress on 3 November.

On 18 November 1830 the National Congress proclaimed the independence of the Belgian people and Belgium was recognised by the London Conference on 26 December 1830.

The National Congress, whose president was a liberal aristocrat, Surlet de Chokier, drew up a very liberal constitution in 1831 which confirmed the fundamental freedoms (freedom of thought, religion, education, the press, assembly, association, and languages), the principle of the separation of powers (legislative power, executive power and judicial power), the representative institutions and the constitutional State.

For the State of Belgium, the National Congress adopted a constitutional monarchy and introduced a unitary parliamentary State with a decentralisation of power towards the provinces and communes. Parliament consisted of two assemblies: the Senate and the House of Representatives.

The National Congress chose Leopold of Saxe-Coburg-Gotha as the first King of the Belgians, who took the constitutional oath on 21 July 1831.

The international recognition of the independence of Belgium was confirmed by the peace treaty of 19 April 1839.

Belgium would remain a unitary State for 140 years with three levels of power: the central state, the provinces and the communes.

The existence of two large communities within the Belgian State, each aspiring towards greater independence, mainly for cultural reasons in Flanders and mainly for economic reasons in Wallonia, and the widening language requirements would convert the unitary Belgian State into the federal State that we currently have today.

The constitutional revisions of 1970, 1980, 1988, 1993, 2001 and 2012-2014 ended up in the creation of a federal State "which consists of Communities and Regions" as article 1 of the Constitution reads. The existence of two large cultural communities (the Dutch Community and the French Community) and three regions (Flanders, Wallonia and Brussels) was recognised by the first revision of 1970. In 1980 the German-speaking Community was created.

The 1980 reform granted legislative power (the Councils) to the Communities and Regions (except Brussels) and their own governments. The Councils however consisted of members of the national Parliament who thus had a "dual mandate".

In Flanders, a Flemish Council (Vlaams Parlement) was created to combine the regional and community Councils. The Concilia-

tion Court also came into being to settle conflicts of jurisdiction between the various powers.

In 1988 the powers of the Communities and Regions were widened and the new “Brussels-Capital Region” was given its own powers, with its own parliament and government.

The constitutional revision of 1993 ended up in the direct election of the Councils, a thorough reform of the bicameral system, a reduction of the number of federal ministers, and the dividing up of the province of Brabant into the provinces of Flemish Brabant and Walloon Brabant.

The State Reform of 2001 consisted of the Lombard and Lambertmont Agreements. The working of the Brussels institutions was changed, there was further regionalisation of powers and the financing of the communities was revised.

The Sixth State Reform, during the 53rd legislature, radically modified the bicameral system, the division of powers and the financing of the various entities of the country. It led to many institutional changes, without altering the federal nature of the Belgian State.

The Separation of Powers

“When the same person or the same public office simultaneously holds both the legislative power and the executive power, there is no freedom.

There is also no freedom if the power to judge is not separated from the legislative and executive power.”

Montesquieu, in *“De l’Esprit des Lois” (1748)*

Introduction

The Constitution of the United Kingdom of the Netherlands of 1815 proclaimed that law is made “in the name and on behalf of the Sovereign Prince”. The French Charter of 1830 also proclaimed that “all justice emanates from the King”. The members of the commission assigned with drawing up a draft Constitution for the newly-founded Belgian State adopted these two Constitutions to a large extent.

The Belgian Constitution, enacted on 7 February 1831 by the National Congress, nevertheless exhibited many differences giving it its own uniqueness. In addition to a long list of freedoms and rights guaranteed to citizens, it also confirmed the principle of the separation of powers. However, the Constitution doesn’t contain a specific provision concerning the separation of powers.

This principle is derived from the Constitution which makes a distinction between three bodies assigned with different functions (legislative, executive, judicial)⁽¹⁾.

Everyone knows that this principle was described by Montesquieu (1689 - 1755) in his famous chapter, “De L’Esprit des Lois” on the English Constitution. What Montesquieu perceptively confirmed was that these three powers being held by one single body was a danger to freedom. These powers have to be divided into three elements in order to avoid totalitarianism. The thinking of Montesquieu had considerable influence on the French revolutionaries. This principle was also adopted by article 16 of the 1789 Declaration of the Rights of Man and the Citizen. The ideal tripartite model outlined by Montesquieu would come to be found in many constitutional monarchies that came into being in Europe, as well as in the federal Constitution of the United States of America.

The separation of powers today

The presidential system of the United States has remained the most faithful to the Montesquieu model, in contrast to other indirect presidential or parliamentary systems, which either involve the subordination of parliament to the government, or a confusion of roles which makes legislation incoherent and government activity rather ineffective.

Moreover, the principle of the separation of powers no longer involves the exercise of power exclusively by three separate and distinct categories of bodies. Strictly speaking, it is more of a functional separation of powers.

It is thus better to speak of the “cooperation” or “interpenetration” of powers rather than the separation of powers. The House of Representatives thus exercises certain judicial functions (indicting ministers, lifting parliamentary immunity, parliamentary enquiries) and acts in the nomination or presentation of candidates for certain functions (judges of Council of State and Conciliation Court).

It should not be lost from view, either, that Parliament is not the exclusive holder of legislative power. The executive is also able to take legislative initiatives in the same way as Parliament.

Other phenomena, such as the federalisation of Belgium which involves the exercise of legislative and executive power by the Communities and Regions, as well as the European integration process, also limit the scope of this principle.

1 Constitution art. 33: “All powers emanate from the Nation. They are exercised in a way established by the Constitution.”

Constitution art. 36: “The federal legislative power is collectively exercised by the King, the House of Representatives and the Senate.”

Constitution art. 37: “The federal executive power belongs to the King, as governed by the Constitution.”

Constitution art. 88: “The King can do no wrong; his ministers are responsible.”

Constitution art. 40: “Judicial power is exercised by the courts and tribunals.

The rulings and judgements are enforced in the name of the King.”

Conclusion

The mechanisms on which the principle of the separation of powers is based have undergone many changes in the course of time.





It nevertheless remains that this principle constitutes one of the foundations of our institutional system and is the best defence against totalitarianism.

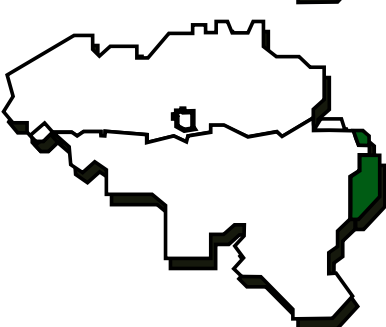
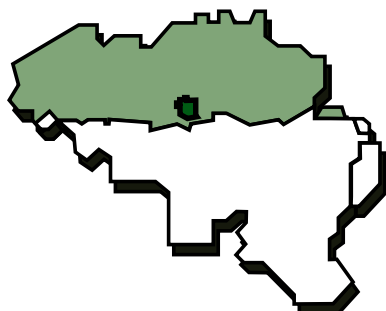
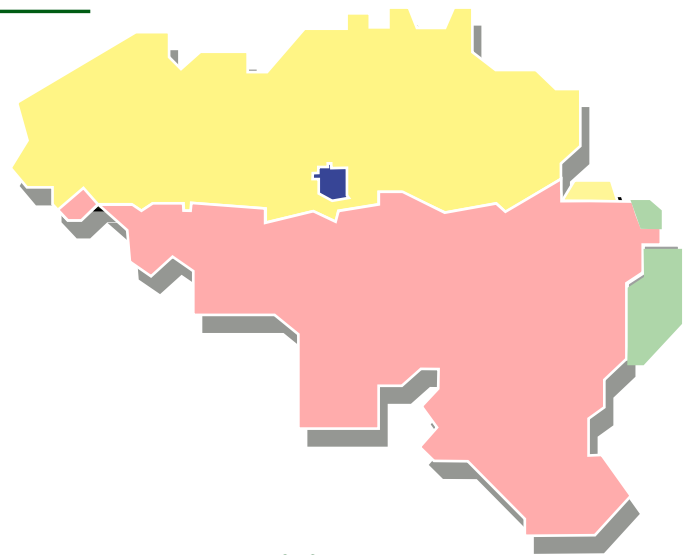
It may, however, be asked whether the existence of other powers (media, large multinational companies), alongside the powers recognised by the Constitution, will not be one of the major challenges of the 21st century.

The Territory of the Federal State of Belgium

Communities and regions

Belgium consists of four language regions

-  The Dutch-speaking Region
-  The French-speaking Region
-  The bilingual Region of Brussels-Capital
-  The German-speaking Region

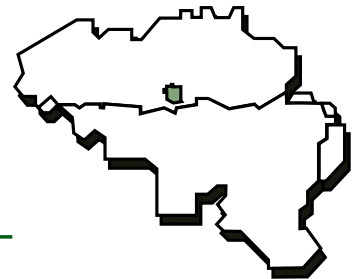
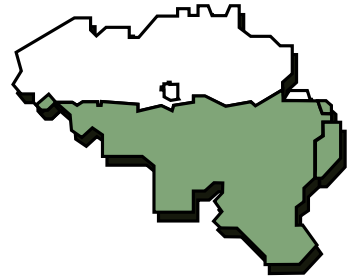
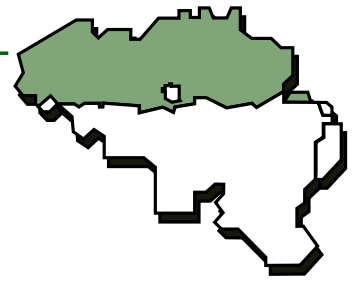


Belgium consists of 3 communities

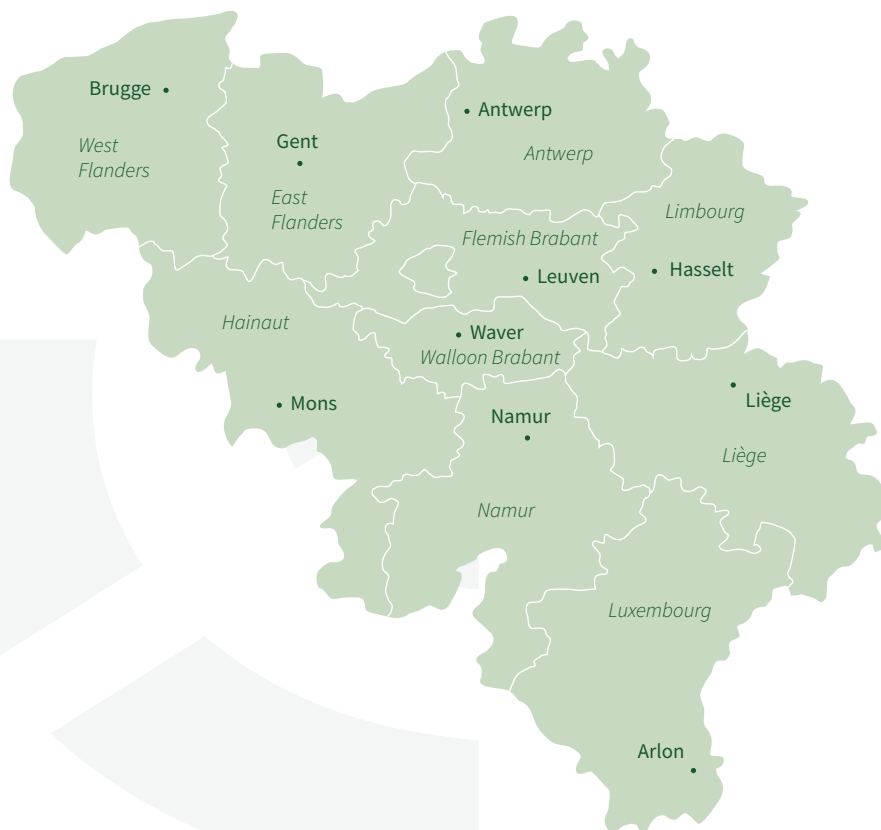
1. The Flemish Community (= the Region of Flanders plus the Dutch-speaking institutions in the Brussels-Capital Region)
2. The French Community (= the Region of Wallonia, without the German-speaking region, but with the French-speaking institutions in the Brussels-Capital Region)
3. The German-speaking Community (= the German-speaking Region : the communes of Amel, Büllingen, Burg-Reuland, Bütgenbach, Eupen, Kelmis, Lontzen, Raeren and Sankt-Vith)

Belgium consists of 3 regions

1. The Flemish Region (= the Dutch-speaking Region)
(Art. 5 of the Constitution : "...the Flemish Region is made up of the following provinces: Antwerp, Flemish Brabant, West Flanders, East Flanders and Limburg...")
Population: 6.821.770
2. The Walloon Region (= the French-speaking region and the German-speaking region) (Art. 5 of the Constitution : "...the Walloon Region is made up of the following provinces : Walloon Brabant, Hainaut, Liege, Luxemburg and Namur...")
Population: 3.692.283
3. The Brussels Region (= the bilingual Region of Brussels-Capital)
Population: 1.249.597



Belgium consists of 10 provinces



The Belgian Constitution

The Constitution is the fundamental law

The Constitution defines the organisation of the State, determines the competences of the representatives of authority, and the way in which they exercise them.

Given that the Constitution specifies the fundamental rules for the organisation of the State, the constitutional framework is positioned above federal laws, community decrees and regional decrees or ordinances in the hierarchy of legal standards.

The Belgian Constitution is a written constitution (coordinated February 17, 1994) containing over 200 articles.

What does the Belgian Constitution provide?

The Constitution states, sometimes explicitly, sometimes implicitly, a certain number of basic principles on which the organisation of the State is founded.

For example:

Explicitly : «All powers emanate from the Nation» (art. 33).

Implicitly: the separation of powers (information sheet 3).

On the basis of these principles, Belgium can be considered as: a constitutional state, a democratic state, a parliamentary monarchy, a federal state, a welfare state and a social state.

»» Division and composition of the federal Belgium

«Belgium is a federal State made up of Communities and Regions» (art. 1)

«Belgium has four linguistic regions» (art. 4)

On February 7th 1831, the members of the National Congress adopted the Belgian Constitution. However, it took until 1967 before its Dutch version got an authentic character. Until then, the Dutch text was only a translation without any official value. Since 1991, an official German version of the Belgian Constitution does also exist.

»» The fundamental rights and freedoms of the citizen

- The equality of all Belgians before the law, the guarantee of non-discrimination and the equality between men and women (art. 10, art 11 and 11bis)
- The right of individual freedom (art. 12, 13)
- Minimum rules for criminal penalties (art. 14, 14bis)
- The inviolability of the home (art. 15)
- The right to property (art. 16)
- The freedom of religion (art. 19, 20, 21)
- The respect of private and family life (art. 22)
- The rights and freedoms of children (art. 22 bis)
- The right to conduct a life in compliance with human dignity which implies the right to work, social security, decent accommodation, protection of a clean environment and cultural and social development (art. 23)
- The freedom and right of education (art. 24)
- The freedom of the press (art. 25)
- The freedom of assembly (art. 26) and association (art. 27)
- The freedom to submit signed petitions (art. 28)
- Inviolability of the confidentiality of mail (art. 29)
- Freedom regarding language usage (art. 30)
- The right to consult administrative documents (art. 32)

»» The division of competences between the various levels of authority and the tasks of their institutions

- The competences of the federal State, the federal executive power (the King and government) and the federal legislative power (the King, House of Representatives and Senate)
- The competences of the communities and regions, the executive power (governments) and the legislative power (parliaments) of the communities and regions
- The provincial and communal institutions
- The judicial power

How is the Constitution changed?

The Constitution is a fundamental law. The legal foundation of the State must be sustainable. That is why it is not desirable for the Constitution to be revised at every turn and to be at the mercy of changing political majorities. In this respect, the National Congress provided a certain number of restrictions on the ability to revise the Constitution and devised a special revision procedure that has remained unchanged since 1831.

» Some restrictions

The Constitution may not be revised in times of war (art. 196), certain articles may not be revised during a regency (art. 197). The Constitution may not be completely revised but only partly so.

Certain things that the Constitution prohibits may never be introduced, such as censorship for example (art. 25).

» The revision procedure

Ordinary procedure

The Constitution is changed in three stages.

1. The declaration for the revision of the Constitution

In this stage each branch of the federal legislature (House of Representatives, the Senate and the King read the government) designates, in three separate declarations, the articles of the Constitution which may be revised by the constitutioner after the elections. The declarations of revision from the House or Senate are adopted by an ordinary majority. Only the provisions stipulated in the same way in the three declarations may be revised. After the publication of the declarations of revision in the *Moniteur Belge* (the official State journal) the federal Parliament is dissolved.

2. Elections for constituting the federal legislative Chambers

Federal elections are organised within 40 days of Parliament being dissolved. The new constituent Chambers must meet within two months of the dissolution.

3. The revision itself

At this stage, the deputies, senators and the government may introduce proposed amendments to the Constitution. Only the articles designated before the new constituent assembly may be revised.

The revision procedure is bicameral, in the same way as the ordinary parliamentary bills. This means that both the House of Representatives and Senate must adopt the amendments to the Constitution.

The draft and proposed amendments are approved by each assembly with a double majority, which means that during the vote two thirds of the members of each house must be present, and the amendment must receive two thirds of the votes.

Transitional procedure

On the occasion of the Sixth State Reform, a transitional arrangement was inserted into Article 195 of the Constitution. In this way, the amendment of articles of the Constitution, in a given sense, without declaration of revision and without prior elections, was made possible.

The Constitution is revised more frequently

During the last decades, the Constitution was more frequently revised than before. The first two revisions of the Constitution (1893 and 1920) were aimed at reforming the electoral system: the next six (1970, 1980, 1988, 1993, 2001 and 2012-2014) had the purpose of gradually reforming the unitary Belgian State into a federal State.

DOC 55 3719/005	DOC 55 3719/005
CHAMBRE DES REPRÉSENTANTS DE BELGIQUE	BELGISCHE KAMER VAN VOLKSVERTEGENWOORDIGERS
2 mai 2024	2 mei 2024
RÉVISION DE LA CONSTITUTION Projet de révision de l'article 7bis de la Constitution, en vue d'ajouter un alinéa régulant le bien-être des animaux	HERZIENING VAN DE GRONDWET Ontwerp van herziening van artikel 7bis van de Grondwet, om een lid toe te voegen dat het dierenwelzijn regelt
Texte adopté par la séance plénière et soumis à la sanction royale	Tekst aangenomen door de plenaire vergadering en aan de Koning ter bekrachtiging voorgelegd
SÉNAT Document: 7-481 - 2022/2023: N° 1: Proposition de révision de la constitution de MM. Andrioux, Ben Chikha et Uyttendaele, Mme Masal, MM. Eerdekens, Vanderhove, Van Goidseghoven et Dodimont, Mme D'Hose et M. Daems. N° 2: Rapport. N° 3: Auditions. N° 4: Texte adopté par la commission. Annales du Sénat: 24 novembre 2023.	SENAAI Stukken: 7-481 - 2022/2023: Nr. 1: Voorstel van herziening van de grondwet van de heren Andrioux, Ben Chikha en Uyttendaele, mevrouw Masal, de heren Eerdekens, Vanderhove, Van Goidseghoven en Dodimont, mevrouw D'Hose en de heer Daems. Nr. 2: Verslag. Nr. 3: Hoortzittingen. Nr. 4: Tekst aangenomen door de commissie. Handelingen van de Senaat: 24 november 2023.
CHAMBRE DES REPRÉSENTANTS Document: Doc 55 3719/ (2023/2024): 001: Projet transmis par le Sénat. 002: Rapport. 003: Texte adopté par la commission. 004: Amendements. 005: Texte adopté par la séance plénière et soumis à la sanction royale. Voir aussi: Compte rendu intégral 25 avril et 2 mai 2024.	KAMER VAN VOLKSVERTEGENWOORDIGERS Stukken: Doc 55 3719/ (2023/2024): 001: Ontwerp overgezonden door de Senaat. 002: Verslag. 003: Tekst aangenomen door de commissie. 004: Amendementen. 005: Tekst aangenomen door de plenaire vergadering en aan de Koning ter bekrachtiging voorgelegd. Zie ook: Integraal verslag: 25 april en 2 mei 2024.
12168	
CHAMBRE - 6 ^{te} SESSION DE LA 55 ^e LÉGISLATURE	KAMER - 6 ^{de} ZITTING VAN DE 55 ^e ZITTINGSPERIODE
2023 2024	

The Dividing up of Competences

When Belgium proclaimed independence in 1830, it was organised as a unitary State with a decentralisation of power to the provinces and communes.

The public at this time was thus confronted by national, provincial and communal authorities.

The constitutional revisions of 1970, 1980, 1988, 1993, 2001 and 2012-2014 progressively transformed Belgium into a federal State, which now consists of Communities and Regions.

This means that the public is currently confronted with five levels of power:

- The federal level
- The community level
- The regional level
- The provincial level
- The communal level

For absolute completeness, the European level should also be added because it will undoubtedly have an increasing influence over the years to come.

Each level of authority has a certain set of competences, as stipulated in international treaties, in the Constitution, and in special and ordinary laws.

How are these competences divided up ?

Supranational level

» The European level

In order to realise a common policy within the European Union, the European level intervenes in various areas such as currency, trade, the free flow of goods, services and capital, agriculture and fishing, transport, social policy and environment policy, community networks, etc.

Parallel levels of authority

» The federal level

The successive reforms of the State have reduced the number of matters for which the federal State has powers.

Following the Sixth Reform of the State, the federal level still has major powers for: the labour market, defence, the central bank, maintenance of law and order, international relations and development cooperation, pensions, social security (except family allowances), nuclear energy, protection of savings, broad areas of the judicial system and home affairs, ...

» The community level

The Communities have authority for matters including person-related issues:

- Education, excepting the following matters : compulsory school attendance, conditions for granting qualifications and the pension system for teachers;
- Cultural matters such as art, cultural heritage, museums, audiovisual media, support for the written press and artistic training;
- Matters relating to individuals, such as several aspects of health policy (provision of health care in and outside health care institutions, with exceptions, organisation of front-line health care provision, and support to front-line health professionals, health education ...), aspects of policy concerning aid to individuals (family policy, social welfare, with exceptions; reception and integration policy;...);
- Law centres;
- Family allowances;
- Use of languages in administrative matters, education, social relations between employer and personnel, as well as official and legal documents that govern the life of the company;
- International relations limited to the community competences.

» The regional level

The Regions have authority for territory-related issues: regional development, the environment, agriculture, housing policy, water policy, regional energy policy, regional economy, trade in weapons, employment (the placement of unemployed people), transport and road networks, ports, public works, subordinate levels, international relations limited to regional competences.

» The division of powers between parallel levels is not a simple matter

The legislator considers the federal State, the Communities and Regions to be equivalent levels of authority. In order to avoid conflicts of authority, they have been exclusively allocated. This means that for a well defined competence or an aspect of such competence, a set level has authority to the exclusion of all others. Immigration policy is an illustration of this situation: the reception and integration of immigrants comes under the Community authority, access to the territory, abode and establishment come under the federal State authority, and housing of immigrants comes under the Regions authority.

» And what about the competences that have not been allocated?

The remaining competences currently come under the federal authority, which means that the federal authority has all the competences that have not been allocated to the Communities and Regions. This principle was unaffected by the Sixth Reform of the State.

When the legislator has determined in a special law the exclusive competences of the federal level, the residual competences will be entrusted to the Communities and Regions (art. 35 of the Constitution).

» The division of competences: a continuous progress

Since the federalisation of Belgium, the transfer of federal competences to the Communities and Regions took place gradually. It is beyond any doubt that this division of competences does always go hand in hand with many negotiations. The aim is to constitute homogeneous sets of competences. This entails a lot of negotiations as the options of French-speaking and Flemish parties are often different.

In 2002, the regions for instance obtained agriculture and the communal and provincial legislation. In 2003, import, export and transit of weapons and ammunition came under the Regions authority. Since 2004, the Communities and Regions have authority for the areas of development cooperation directly related to Community and regional competences. The Sixth Reform of the State made a further modification to the distribution of powers. This concerns health care and assistance to individuals, justice, family allowances, the labour market, telecommunications, film licensing, energy and environment policy, housing, agricultural, economic and industrial policy, the provinces, animal welfare, mobility and road safety, compulsory purchase

procedures and acquisition committees, the civil service, bicultural subjects of regional interest and security in Brussels.

Levels of subordinate authority

» The provincial level

The province may intervene in all areas which seem to be in its interest insofar that it respects the authority of the communes and that the matter concerned does not come under the authority of a higher level (the federal State, Communities and Regions). Especially, the regions decide which matters come under the provincial authority.

The following are some of the competences allocated to the provinces: provincial education, the network of provincial roads, “disaster” plans, treatment of household refuse, etc.

» The communal level

The commune acts in all matters which are of a communal interest, insofar that it respects the authorities of the province and those allocated to a higher level (federal State, Communities and Regions). Especially, the regions decide, to a large extent, which matters have to be exercised by the communes.

The following are some of the communal powers: public centre for social services, the local police, communal roads, communal finance, sports infrastructure.

The Levels of Authority in Federal Belgium

Federal Belgium is characterised by six levels of authority

» **The European Union**

» **The federal State**

» **The Communities**

» **The Regions**

» **The provinces**

» **The communes**

Each level has its own competences.

As a result of their competences, each level can conduct a policy on the basis of rules imposed on a population in a given territory.

The federal, community and regional levels are parallel, and the provincial and communal levels are subordinate to the preceding ones.

This division, which might appear complicated on first sight, has two objectives:

- The search for greater effectiveness by enlarging the structures.
The competences of the national State have been moved towards the supranational level.
- To bring policy closer to the public by allocating competences to the Communities and Regions.

A legislative and an executive body have been created at each level

Bearing in mind the relative separation of powers, there is a legislative and an executive body at each level.

Given that Belgium is a democratic state consisting of representative institutions, all persons who sit within a legislative body, irrespective of the level, are appointed by elections which are regularly organised.

At each level the executive power is accountable to the elected legislative body for its actions.

The table on the back of this sheet will help you understand this mechanism...

Level of authority	Territory population	Competences	Elections	Legislative Body	Standard	Executive Body
Europe	27 member countries ± 446.800.000 ⁽¹⁾	Common market / Economic and Monetary Union (EMU) / Common foreign and safety policy / Cooperation for justice and internal affairs	5 years	Council of Ministers + European Parliament	Regulation, Directive, Decision, Opinion, ...	Comission + Council of Ministers
Federaal	Belgium 11.584.008 ⁽²⁾	Institutional, economic, financial and social unity, public security	5 years (in principle) Delegation ⁽⁷⁾	House of Representatives Senate	Law	Federal government
Communities	Flemish French ⁽⁴⁾ German-speaking	Culture Use of languages Person-related issues (education, family policy, child protection, ...)	5 years Delegation ⁽⁵⁾ 5 years	Flemish Parliament ⁽⁵⁾ Parliament of the French Community Parliament of the german-speaking Community	Decree Decree Decree	Flemish government ⁽²⁾ Government of the French Community Government of the German-speaking Community
Regions	Flemish Region: 6.698.876 ⁽²⁾ Walloon Region: 3.662.495 ⁽²⁾ Brussels-Capital Region: 1.222.637 ⁽²⁾	Territory-related issues (town and country planning, agriculture, environment, ...)	5 years 5 years 5 years	Flemish Parliament ⁽³⁾ Walloon Parliament Parliament of the Brussels-Capital Region ⁽⁶⁾	Decree Decree Ordinance	Flemish government ⁽²⁾ Government of the Walloon Region Government of the Brussels-Capital Region
Provinces	10 provinces	Provincial interest (the network of provincial roads, disaster plans, ...)	6 years	Provincial Council	Regulation Ordinance	Deputation (Flemish Region) "Collège provincial" (Walloon Region)
Communes	581 communes	Communal interest (Public centers for social services, the local police, communal finance, ...)	6 years	Communal Council	Regulation Order	Committee of Mayor + Deputy Mayors

1 ec.europa.eu/eurostat

2 statbel.fgov.be/en/themes/population/structure-population

3 The competences of the Flemish Region are exercised by the Flemish Community, i.e. the Flemish Parliament and the Flemish government have assumed the community and regional competences.

4 Many competences of the French Community have been transferred to the Walloon Region and to the French Community Commission of the Parliament of the Brussels-Capital Region.

5 The Parliament of the French Community is not directly elected but consists of 75 elected deputies from the Walloon Parliament and 19 French-speaking members from the Parliament of the Region of Brussels-Capital.

6 The language groups (F) + (D) of the Parliament of the Brussels-Capital Region sit under the name of the French Community Commission or the Flemish Community Commission when it concerns community matters involving French-speaking or Dutch-speaking people respectively in Brussels. These commissions can thus be considered as "extensions" of the French and Flemish Communities with regard to the exercise of their competences in the Brussels-Capital Region.

7 Since the Sixth Reform of the State, the Senate is no longer directly elected but its members are appointed by the Parliaments of the federated entities or coopted by the letter.

The status of the Head of State

In 1830 Belgium opted for a monarchy

The independence of Belgium had international repercussions given its geographic position and the European political context of the time.

In order not to collide with the absolute monarchies such as Prussia, Austria and Russia, on 22 November 1830 the National Congress, the first legislative assembly of Belgium, ruled in favour of a constitutional monarchy by 174 votes to 13.

» The monarchy is hereditary

Article 85 of the Constitution stipulates: “The King’s constitutional powers are hereditary through the direct, natural and legitimate descent of H. M. Leopold, George, Christian, Frederick of Saxony-Coburg, by order of progeniture. Since the 1991 revision of the Constitution, women may also accede to the throne.

» The heir to the throne only accedes to the throne after having taken the solemn oath

Between the time of the King’s death and the swearing of the oath by his successor to the throne, the King’s constitutional powers are exercised by the Council of Ministers.

On the death of the King, both Chambers of Parliament meet, at the latest ten days after his death.

The King only accedes to the throne after having taken a solemn oath, within the Chambers together, ie before the deputies and senators who sit together in the House of Representatives. The oath is as follows: “I swear to observe the Constitution and the laws of the Belgian people, to preserve our national independence and our territorial integrity” (art. 90 and 91 of the Constitution).

On 21 July 2013, King Philippe swore the constitutional oath before both houses of parliament. By swearing the oath, he succeeded his father Albert II as King of the Belgians. Previously, King Albert II had signed an act of abdication, whereby he renounced the exercise of the functions of Head of State.

The Belgian monarchy is a constitutional monarchy

In 1830 “enlightened” despotism was still fresh in the minds of the constitutional powers. That is why the King has no powers other than those formally allocated to him by the Constitution and by specific laws established by virtue of the Constitution itself (art. 105 of the Constitution).

» What authority does the Constitution grant to the King?

The King has authority within the three powers:

- He is the head of the executive.
He appoints and dismisses his ministers (art. 96 of the Constitution). He has the right to dissolve the House of Representatives under certain conditions (art. 46 of the Constitution). He sanctions and promulgates laws (art. 109 of the Constitution). He establishes regulations and decrees required for execution of laws (art. 108 of the Constitution). He commands the armed forces (art. 167 of the Constitution). He bestows ranks in the army (art. 107 of the Constitution). He manages international relations and concludes certain treaties (art. 167 of the Constitution), etc.
- He exercises a certain number of functions which form part of the legislative power.
He may submit draft Bills to the federal Parliament (art. 75 of the Constitution). He gives royal assent to laws, etc.
- The King intervenes in the judiciary:
He appoints the first presiding justice and the judges of the Supreme Court of Justice, the judges of courts and tribunals on the basis of justification (art. 151 of the Constitution).

He appoints and dismisses officers of the State Prosecution working within courts and tribunals (art. 153 of the Constitution).

Belgium is a parliamentary monarchy

» “The King can do no wrong”

Art. 88 of the Constitution “The King’s person is inviolable; his ministers are responsible.”

This means that:

- on the criminal level: the King cannot be prosecuted, arrested or convicted because of crimes.
- on the civil level: the King cannot be summoned to appear before a civil court, even if it concerns private contracts concluded with regard to his private estate. However, the manager of the civil list may be summoned in law.
- on a political level the King cannot be held accountable before the House of Representatives, but the federal ministers are accountable.

The inviolability of the monarchy requires restraint, but it is also the guarantee of its permanence. Thanks to this principle, the monarchy can rise above the political, social and philosophical groupings and play a conciliatory role.

» The King cannot act alone without the political cover of a minister

Article 106 of the Constitution stipulates: “No actions of the King may take effect without the countersignature of a minister, who, in doing so, takes the responsibility upon himself.”

This article applies to any action of the King liable to have direct or indirect political repercussions.

» The inviolability and non-responsibility of the King are coupled with ministerial responsibility

This responsibility consists of the fact that a minister can be held accountable before the House of Representatives.

The King thus exercises his powers “jointly” with his ministers. The management of the State belongs to the government, who is accountable to the House of Representatives.

The development of royal power

Leopold I interpreted the constitutional powers very widely. He was able to act in this way because the new State was under diplomatic and military pressure. The survival of the State required a great spirit of union.

The widening and the democratization of the right to vote and the creation of political parties would severely limit the power of the King in government policy.

Leopold II, Albert I, and Leopold III, however, succeeded in retaining certain areas of policy (eg. Leopold II on urban development, Leopold III on foreign policy).

Since the “Royal Question” in 1951, the King has no longer had any direct power.

This does not mean that the King does not exert any political influence. The King has maintained the right “to be consulted by his ministers, to encourage them, and to caution them.” This influential power is exercised in particular during government crises.

But even in normal circumstances the King may exercise his power of influence on government action during his audiences. Each week the King receives the Prime Minister. The meeting is secret like the participation of the King in final decisions.

The monarchy has an important symbolic role. The monarchy is the personification of the State and the unity of the country. The King sees that the principles of the federal State are respected.

The fact that our monarchy has a more important role than in other European countries with a similar system is undoubtedly due to the phenomenon of “coalition government” which is a consequence of our proportional representation electoral system.

The financial resources at the disposal of the King and the royal family

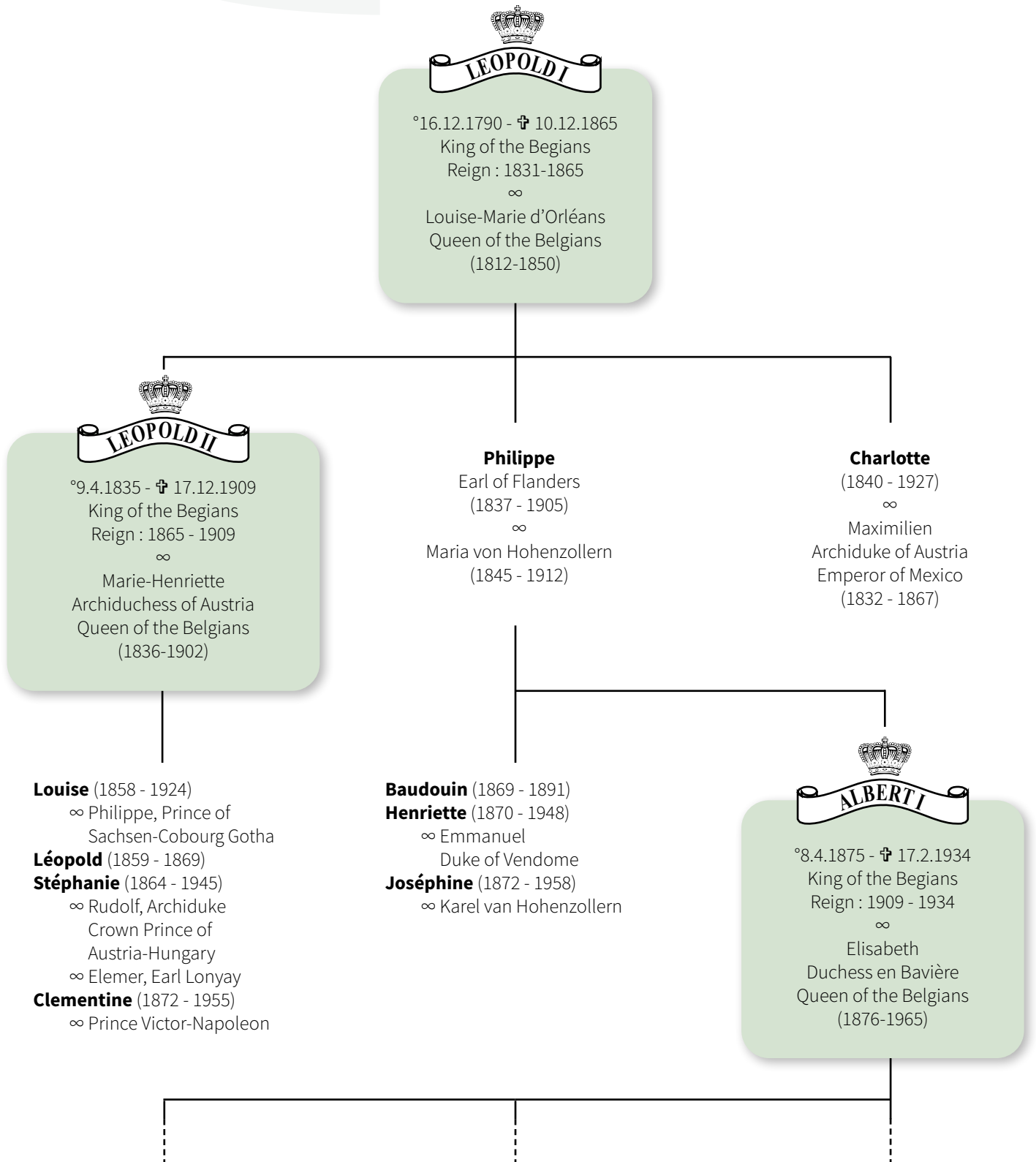
The King is granted a civil list which allows him to perform his duties as head of State. The amount of this is established by law for the duration of each reign (art. 89 of the Constitution). In this way an annual debate is avoided which would risk jeopardising the dignity of the royal function. The legal amount is linked to the consumer price index. For 2024, the amount of the civil list is 14,896 million euro.

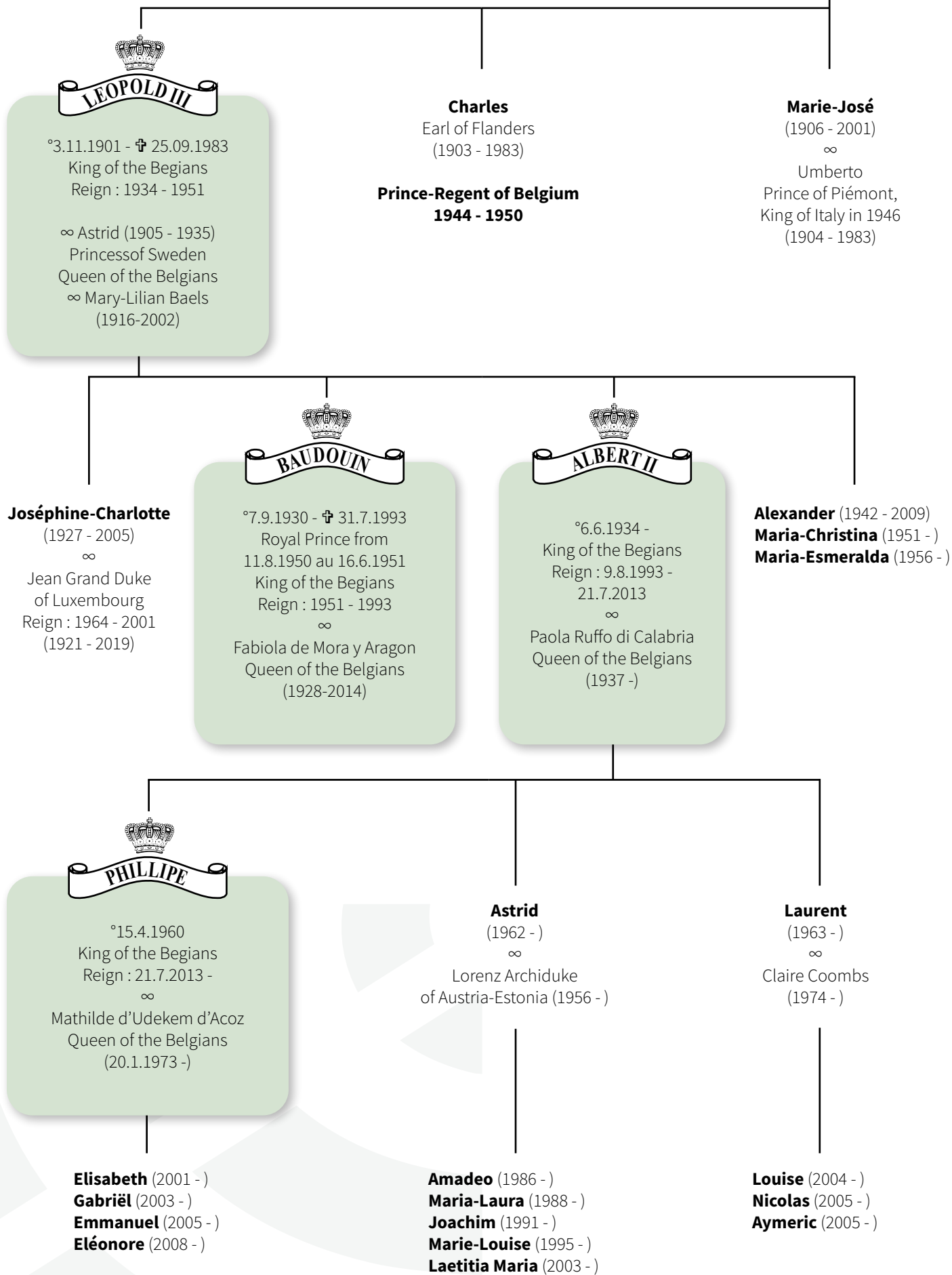
Neither the House of Representatives, nor the government, nor the State Audit Office are entitled to check the use of these financial resources.

Furthermore, the following members of the royal family receive a yearly emolument: King Albert II (1,165,000 euro), Princess Astrid (404,000 euro) and Prince Laurent (388,000 euro).

Their emoluments are partly a remuneration and partly an allowance intended to cover operating and staff costs. The remuneration is subject to personal income tax; the legality and regularity of expenses charged against the allowance intended to cover operating and staff costs are audited by the First President and the President of the State Audit Office.

Royal Family Tree





The House of Representatives Election

The House of Representatives consists of 150 deputies who are directly elected in one vote from 11 electoral constituencies for a period of five years unless the House is dissolved before the end of this period.

Eleven constituencies

The law sets the electoral constituencies. They coincide with the provinces, except in Brussels-Capital. The number of seats in each electoral constituency is proportional to the population in the constituency concerned.

Who can vote?

Electoral law stipulates that all Belgians aged 18 or over, whether male or female, are entitled to vote. Voting in the federal elections is compulsory.

Who can be elected?

The Constitution stipulates the following conditions for being able to be elected to the House (conditions of eligibility: art. 64 of the Constitution)

To be eligible, one must

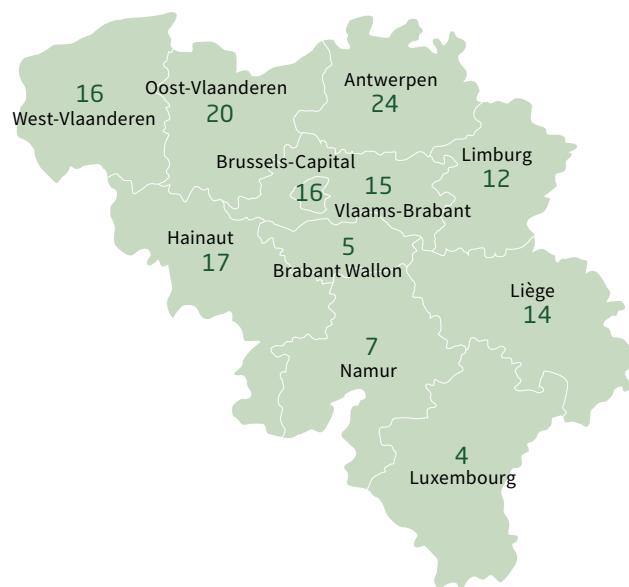
- be Belgian,
- enjoy civil and political rights,
- have completed the age of eighteen,
- be legally resident in Belgium.

No other condition of eligibility can be required (thus no knowledge of other official languages than the mothertongue is required).

How are the seats distributed?

The seats are distributed in proportion to the total number of validly cast votes (party list votes and named candidate votes) to the party list of candidates that achieved at least 5% of the total number of validly cast votes in the electoral district.⁽¹⁾ The seats are thus distributed proportionally (provided by the law - Art. 62 of the Constitution).

The distribution of seats requires several steps.



» 11 Electoral constituencies:

Antwerpen	: 24
Oost-Vlaanderen	: 20
Hainaut	: 17
West-Vlaanderen	: 16
Vlaams-Brabant	: 15
Brussels-Capital	: 16
Liège	: 14
Limburg	: 12
Namur	: 7
Brabant Wallon	: 5
Luxembourg	: 4



» Determining the electoral figure

First of all, the electoral figure of each list has to be determined. This is the total number of validly cast votes allocated to a list, either as a list vote or as a vote for one or several individual candidates on this list (named votes).

¹ The calculation method for the application of the proportional representation system was developed by the Belgian lawyer, Victor D'Hondt (1841-1901). The D'Hondt system is also used in many other countries.

» Determining the electoral divisor

This is the minimum number of valid votes required to obtain a seat. The procedure, known as the D'Hondt system, works as follows :

- The electoral quotients are determined by dividing the electoral figure of each list by 1, 2, 3, etc.
- Electoral quotients are then arranged from the highest to the lowest down to the point where the number of quotients equals the number of seats to be allocated.
- The last quotient allowing a list to win a seat is called electoral divisor.

» Determining the number of seats allocated to a list

To determine the number of seats won, the electoral figure of each list is divided by the electoral divisor. In case of two identical quotients, the list with the higher electoral figure has priority.

Example:

The following example illustrates the application of this procedure in an election involving 4 parties competing for 7 seats.

	List A	List B	List C	List D
Electoral figure	48 000	136 000	88 000	140 000
Divided by 1	48 000 (6)	136 000 (2)	88 000 (3)	140 000 (1)
Divided by 2	24 000	68 000 (5)	44 000	70 000 (4)
Divided by 3	16 000	45 333	29 333	46 667 (7)
Divided by 4	12 000	34 000	22 000	35 000
Divided by ...				

Conclusion: List D won 3 seats, list B 2 seats, lists A and C both 1 seat.

» Allocation of seats

When one knows how many seats the party lists have in each electoral constituency, the seats must be allocated to the individual candidates. This operation is done as follows:

The eligibility figure is determined for each list that has won some seats. This figure is obtained by dividing the electoral figure (the number of votes obtained by a list) by the number of seats acquired plus one (Electoral Code - art. 172).

The candidate who reaches the eligibility figure is elected. Are taken into account: the number of named votes obtained by each candidate and half of the list votes.

The list votes are added to the named votes obtained by the first candidate until this person obtains the eligibility figure. If any list votes remain, they are added to the named votes obtained by the second candidate, and so on until half of the list votes have been used.

The following example illustrates how this operation is done.

List D, which has 5 candidates, won 3 seats.

Named votes: 100.000 – List votes: 40.000

Electoral figure: $100.000 + 40.000 = 140.000$

Eligibility figure: $140.000 : 4 = 35.000$

Half of the 40.000 list votes allocated to the individual candidates: 20.000

	Named votes	Division of list votes	Total	(1)
Candidate 1	32 000	3 000	35 000	Y
Candidate 2	19 000	16 000	35 000	Y
Candidate 3	11 000	1 000	12 000	N
Candidate 4	36 000		36 000	Y
Candidate 5	2 000		2 000	N
Total	100 000	20 000		

(1) Y = elected N = not elected

Meeting of the House after the elections

The Constitution stipulates that the decree announcing the dissolution of the previous House includes the calling of elections within forty days and the meeting of the new House within two months (within three months in the event of adoption of a declaration of revision of the Constitution (Art. 46 of the Constitution)).

Verification of credentials

This is the examination by which the new House verifies whether the members satisfy the conditions of eligibility and whether the election was conducted properly.

In practice this verification is done as follows: during the first meeting of the House after the elections, six committees are set up, each with seven members drawn by lots. Each committee examines the election reports from a certain number of electoral constituencies and draws up a statement. The conclusions of each committee are voted in the plenary meeting.

Taking the oath

Before entering into office, the members take the following oath: "I swear to observe the Constitution."

Many MPs choose to take the oath in two or three national languages. For those elected from the Brussels-Capital constituency, the language they use first determines which language group they belong to.

The House of Representatives

Electoral legislation

In this information sheet we explain different aspects of the legislation concerning the elections for the House of Representatives. You will find an overview of all laws, royal and ministerial decrees on the special web pages of the Federal Public Service Home Affairs: www.elections.fgov.be.

Provincial electoral constituencies

For the House of Representatives the constituencies match with the provinces. The electoral constituency of Brussels-Capital is an exception to this rule, because its boundaries coincide with the territory of the administrative district of Brussels-Capital.

In addition, there are special rules for the voters of the Rhode-Saint-Genève electoral district, who live on the territory of Flemish Brabant province, but have the possibility of voting either for a list from the Flemish Brabant constituency or for a list from the Brussels-Capital constituency. The Rhode-Saint-Genève electoral district includes the municipalities of Rhode-Saint-Genève, Drogenbos, Linkebeek, Wemmel, Kraainem and Wezembeek-Oppem.

There are, consequently, 11 constituencies for the House.

Electoral threshold

There is an electoral threshold of 5% for the election to the House. This is to say, that a list is only allowed into the seat distribution system on condition that it achieves at least 5% of the total number of validly cast votes in the electoral district. So it is entirely possible that a list has no deputies from one or more constituencies because the party did not achieve the 5% threshold there, although it does have deputies from another electoral district where it did pass the threshold.

Equal representation of men and women

With the electoral law of 13 December 2002 the equal representation of men and women on the electoral lists became a reality. On a list with for example 21 candidates a maximum of 11 may be of the same gender. That condition applies both to the list of actual candidates and to the list of reserve candidates. Moreover, neither the first two candidates, nor the first two reserve candidates may be of the same gender. For the other places on the list there is no required order but for the entire list the 50-50-proportion must be observed.

Candidate and reserve candidates

At the elections to the House of Representatives you can vote for effective candidates as well as for reserve candidates. The probability that someone who stands as a reserve candidate becomes a member of parliament after the elections is not small. This is because members of parliament who become a minister or secretary of state are replaced in the House by a reserve during their executive mandate.

The importance of the list votes

In order to determine who is elected, the list votes must be assigned to individual candidates. In accordance with the law of 27 December 2000, only half of the list votes are transferred to the individual candidates. The list votes are added to the named votes obtained by the first candidate until this person obtains the eligibility figure (see information sheet n° 9). If any list votes remain, then they are added to the named votes obtained by the second candidate until this person also has sufficient votes to be elected. And so on until half of the list votes have been used.

Belgians abroad

All Belgians who are registered in the Belgian diplomatic or consular services abroad and are entitled to vote, are obliged to vote in the federal elections. They are registered on the list of voters of the Belgian municipality with which they have an objective relationship, which is generally the municipality where they were last registered in the population register. The precise arrangements are laid down in the law of 19 July 2012.

There are five ways of doing so. They can:

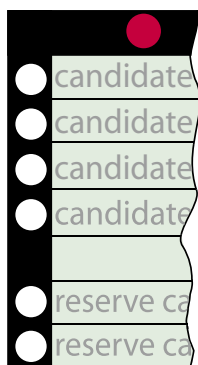
- vote in the Belgian commune in person
- vote in a Belgian commune through a proxy
- vote personally in the diplomatic or consular service in which they are registered
- vote in the diplomatic or consular service in which they are registered, via a proxy
- have a postal vote.

Election campaign

Candidates are not allowed to put whatever amount of money into their election campaign. The Belgian legislator limits the amount political parties as well as individual candidates can spend. Candidates must account for their expenditure during the “reference period” (four months before the elections) and declare it, via the President of the main electoral office, to the Federal Electoral Expenditure Commission for elections to the House and the European Parliament. Candidates may not buy advertising space on the radio or television, or in cinemas. However, they are allowed to publish advertising clips on the Internet.

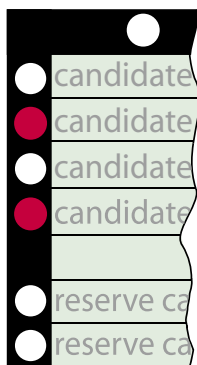
More information
www.elections.fgov.be

How to vote validly?



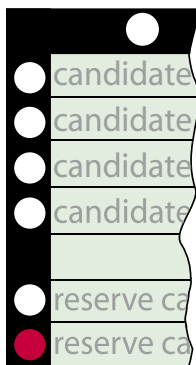
1st possibility

You agree with the order of the candidates.



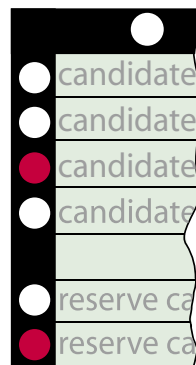
2nd possibility

You mark your preference for 1 or more effective candidates



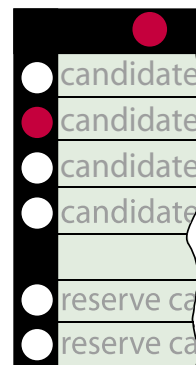
3rd possibility

You mark your preference for 1 or more reserve candidates



4th possibility

You mark your preference for 1 or more effective candidates and 1 or more reserve candidates

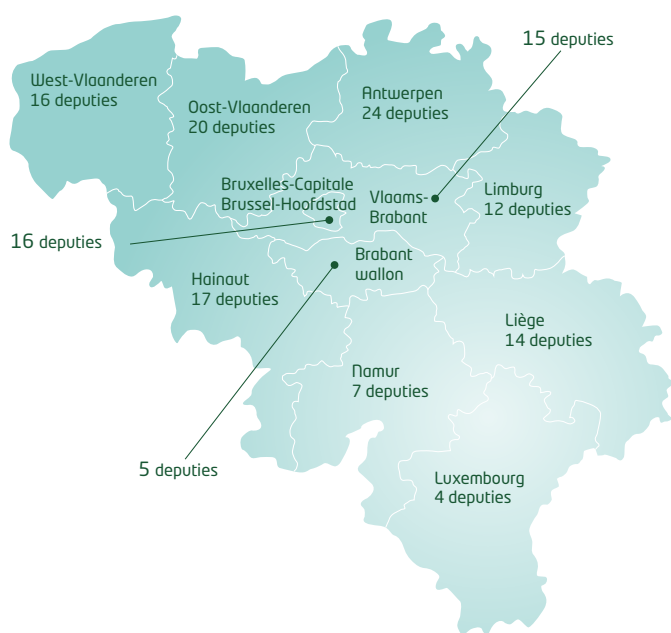


5th possibility

Only the name vote will be taken into account

The House of Representatives

Results of the federal elections from 9th June 2024



National results

List of candidates	Number of votes	%	Seats
N-VA	1 167 061	16,71	24
Vlaams Belang	961 601	13,77	20
MR	716 934	10,26	20
PTB-PVDA	688 369	9,86	15
Vooruit	566 436	8,11	13
PS	561 602	8,04	16
cd&v	557 392	7,98	11
Les Engagés	472 755	6,77	14
Open Vld	380 659	5,45	7
GROEN	324 608	4,65	6
ECOLO	204 438	2,93	3
DéFI	84 024	1,20	1
Blanc or invalid	416 577	5,69	

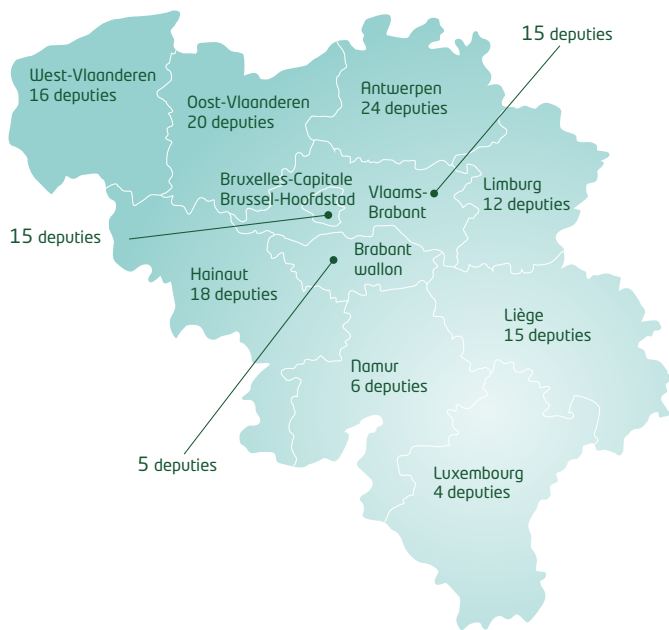
Results per constituency

	List of candidates	Number of votes	%	Seats
Constituency of Antwerpen	N-VA	368 877	30,97	8
	Vlaams Belang	249 826	20,97	5
	Vooruit	127 973	10,74	3
	cd&v	125 894	10,57	3
	PVDA	125 257	10,52	2
	GROEN	90 370	7,59	2
	Open Vld	70 890	5,95	1
	Blanc or invalid	44 400	3,63	
Constituency of Brabant Wallon	MR	90 486	35,31	3
	Les Engagés	58 077	22,66	1
	PS	31 741	12,39	1
	Blanc or invalid	13 779	5,20	
Constituency of Brussel-Hoofdstad / Bruxelles-Capitale	MR	120 155	23,15	4
	PS	96 516	18,60	4
	PTB-PVDA	86 927	16,75	3
	ECOLO	58 645	11,30	2
	Les Engagés	49 425	9,52	2
	DéFI	34 143	6,58	1
Blanc or invalid	31 588	5,91		

	List of candidates	Number of votes	%	Seats
Constituency of Hainaut	PS	213 501	28,86	6
	MR	192 759	26,05	5
	Les Engagés	114 559	15,48	3
	PTB	103 339	13,97	3
	Blanc or invalid	79 718	9,85	1
Constituency of Liège	MR	179 296	28,37	5
	PS	137 443	21,75	3
	Les Engagés	103 711	16,41	3
	PTB	91 188	14,43	2
	ECOLO	49 936	7,90	1
	Blanc or invalid	53 780	7,95	
Constituency of Limburg	Vlaams Belang	141 988	24,62	3
	N-VA	136 606	23,68	3
	cd&v	90 715	15,73	2
	Vooruit	75 191	13,04	2
	PVDA	52 303	9,07	1
	Open Vld	40 985	7,11	1
	Blanc or invalid	29 320	4,87	
Constituency of Luxembourg	Les Engagés	56 289	32,09	2
	MR	54 196	30,90	1
	PS	29 488	16,81	1
	Blanc or invalid	18 282	9,67	1
Constituency of Namur	Les Engagés	90 694	29,05	3
	MR	84 042	25,64	2
	PS	52 913	16,95	1
	PTB	31 463	10,08	1
	Blanc or invalid	26 171	7,83	1
Constituency of Oost-Vlaanderen	Vlaams Belang	234 888	22,61	5
	N-VA	231 470	22,29	5
	Vooruit	127 758	12,30	3
	cd&v	125 871	12,12	2
	Open Vld	119 200	11,48	2
	GROEN	103 722	9,99	2
	PVDA	75 942	7,31	1
	Blanc or invalid	44 712	4,16	
Constituency of Vlaams-Brabant	N-VA	182 883	25,52	4
	Vlaams Belang	119 345	16,65	3
	Vooruit	98 092	13,69	2
	cd&v	93 465	13,04	2
	Open Vld	83 744	11,68	2
	PVDA	57 600	8,04	1
	Blanc or invalid	35 012	4,70	
Constituency of West-Vlaanderen	Vlaams Belang	202 800	24,52	4
	N-VA	192 037	23,22	4
	Vooruit	137 422	16,62	3
	cd&v	121 447	14,68	2
	Open Vld	65 840	7,96	1
	GROEN	45 502	5,50	1
	PVDA	44 129	5,34	1
	Blanc or invalid	39 815	4,63	

The House of Representatives

Results of the federal elections from 26 May 2019



National results

List of candidates	Number of votes	%	Seats
N-VA	1 086 787	16,03	25
PS	641 623	9,46	20
Vlaams Belang	810 177	11,95	18
MR	512 825	7,56	14
Ecolo	416 452	6,14	13
CD&V	602 520	8,89	12
PTB*PVDA	584 621	8,62	12
Open Vld	579 334	8,54	12
sp.a	455 034	6,71	9
Groen	413 836	6,10	8
cdH	250 861	3,70	5
Défi	150 394	2,22	2
Blanc or invalid	438 095		

Results per constituency

	List of candidates	Number of votes	%	Seats
Constituency of Antwerpen	N-VA	361 022	31,23	8
	Vlaams Belang	217 333	18,80	5
	CD&V	128 036	11,07	3
	Groen	127 131	11,00	2
	Open Vld	111 505	9,64	2
	sp.a	93 114	8,05	2
	PVDA	88 430	7,65	2
	Blanc or invalid	44 187		
Constituency of Brabant Wallon	MR	86 463	34,97	3
	Ecolo	48 874	19,77	1
	PS	37 730	15,26	1
	Blanc or invalid	14 520		
Constituency of Brussel-Hoofdstad / Bruxelles-Capitale	Ecolo	108 144	21,57	4
	PS	100 195	19,98	3
	MR	87 594	17,47	3
	PTB*PVDA	61 589	12,28	2
	Défi	51 544	10,28	2
	cdH	29 161	5,82	1
Blanc or invalid	36 650			

	List of candidates	Number of votes	%	Seats
Constitutency of Hainaut	PS	250 146	34,24	8
	MR	116 528	15,95	3
	PTB	114 243	15,64	3
	Ecolo	89 898	12,30	3
	cdH	58 695	8,03	1
	Blanc or invalid	80 234		
Constitutency of Liège	PS	154 232	24,91	5
	MR	121 732	19,66	3
	PTB	101 860	16,45	3
	Ecolo	95 878	15,48	3
	cdH	52 167	8,43	1
	Blanc or invalid	56 094		
Constitutency of Limburg	N-VA	125 273	22,58	3
	Vlaams Belang	109 499	19,74	3
	CD&V	103 625	18,68	2
	sp.a	76 614	13,81	2
	Open Vld	66 602	12,00	1
	Groen	38 154	6,88	1
	Blanc or invalid	33 423		
Constitutency of Luxemburg	MR	40 242	23,56	1
	cdH	40 056	23,45	1
	PS	31 898	18,67	1
	Ecolo	27 338	16,00	1
	Blanc or invalid	17 858		
Constitutency of Namur	PS	67 422	22,11	2
	MR	60 266	19,77	1
	cdH	51 977	17,05	1
	Ecolo	46 320	15,19	1
	PTB	36 330	11,92	1
	Blanc or invalid	25 724		
Constitutency of Oost-Vlaanderen	N-VA	218 023	21,83	5
	Vlaams Belang	200 173	20,04	4
	Open Vld	178 349	17,85	4
	CD&V	127 024	12,72	2
	Groen	103 061	10,32	2
	sp.a	101 447	10,16	2
	PVDA	55 209	5,53	1
	Blanc or invalid	50 149		
Constitutency of Vlaams-Brabant	N-VA	193 735	28,08	5
	Open Vld	106 175	15,39	3
	CD&V	94 743	13,73	2
	Vlaams Belang	92 844	13,46	2
	Groen	81 620	11,83	2
	sp.a	65 347	9,47	1
	Blanc or invalid	34 989		
Constitutency of West-Vlaanderen	N-VA	172 751	21,42	4
	Vlaams Belang	164 427	20,39	4
	CD&V	142 512	17,67	3
	sp.a	118 512	14,70	2
	Open Vld	105 192	13,04	2
	Groen	63 870	7,92	1
	Blanc or invalid	44 267		

The House of Representatives Composition

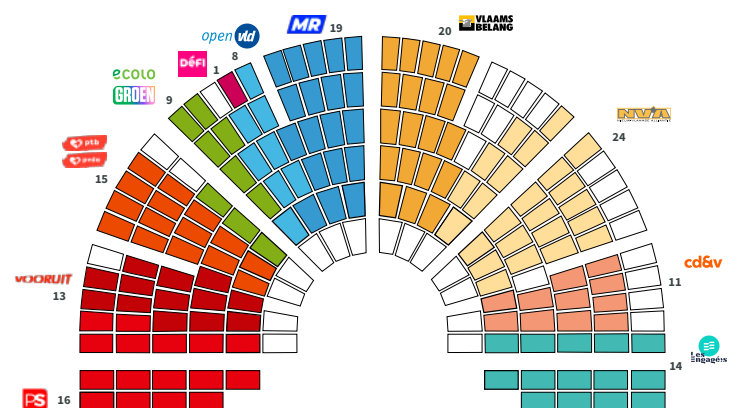
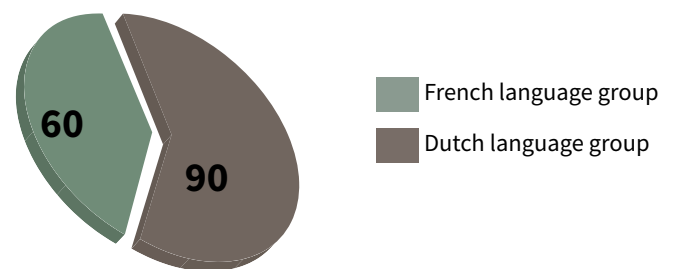
Dividing up in language groups

The 150 deputies are divided into a French language group and a Dutch language group.

A deputy automatically belongs to the French language group or the Dutch language group depending on whether the constituency in which he was elected forms an integral part of the French language region or the Dutch language region. As for those elected in the constituency of Brussels-Capital, the language that they use first when taking the oath determines which language group they belong to.

Those elected from the German-speaking region belong to the French language group.

The dividing up in language groups is important. In fact certain special laws require, in addition to a majority of two thirds in total, a majority within each language group (the “community laws”).



Political groups

The deputies who belong to one party constitute a political group. In principle, a political group can also include members from different parties. The House rules stipulate that a political group must have at least five members¹ in order to be recognised. The group members meet regularly to draw up a common line of policy. The group leader, elected by the members of the group, acts as the spokesman who sets out the position of the group in the plenary meetings. The groups receive financial resources from the House for the good working of the group (personnel remuneration, administrative charges,...).

PS	Parti Socialiste
Vooruit	Flemish socialists
PTB-PVDA	Parti du Travail de Belgique - Partij van de Arbeid van België
Ecolo-Groen	The French-speaking ecologists (ecolo) and the Flemish ecologists (Groen) have built one political group in the House
DéFi	Démocrate Fédéraliste Indépendant
Open Vld	Open Vlaamse liberalen en democraten
MR	Mouvement Réformateur
Vlaams Belang	Vlaams Belang
N-VA	Nieuw-Vlaamse Alliantie
CD&V	Christen-Democratisch en Vlaams
Les Engagés	Les Engagés

¹ Consequently, the DéFi MP doesn't belong to a political group.

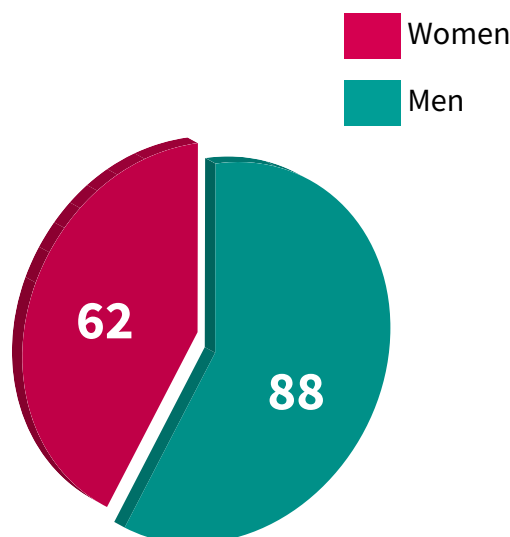
Dividing up: men and women

There have been some women who have seated in the House since 1929. They were eligible as deputies but could not take part in legislative elections. It was only in 1948 (introduction of female suffrage) that they obtained the right to vote.

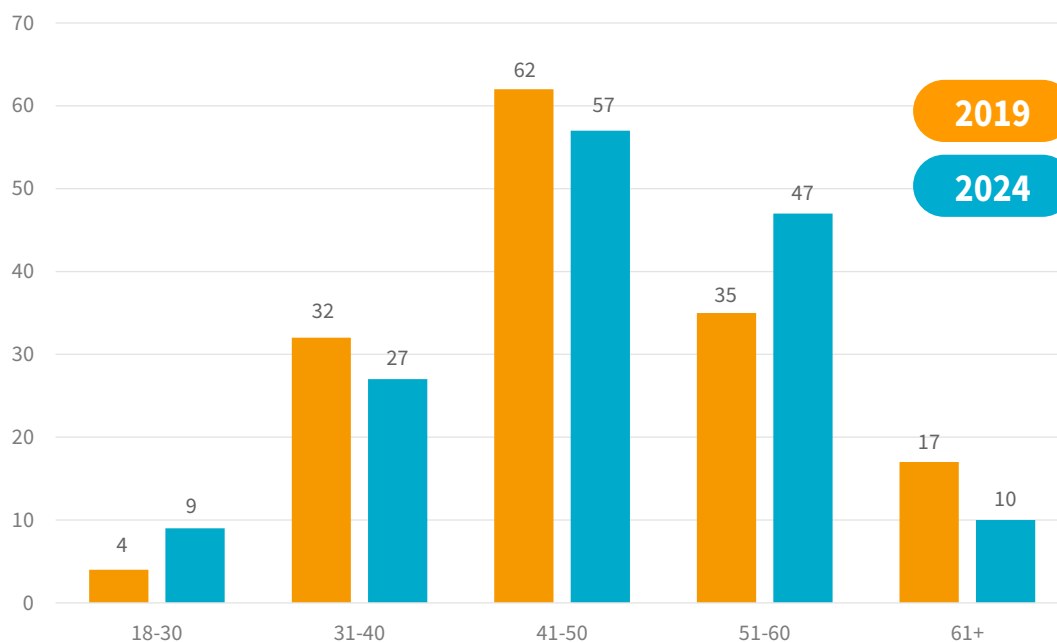
Up until the seventies, the number of women represented in Parliament varied from around 2 to 4%. In the 1974 elections, the number of women in Parliament doubled. After that, the percentage of women represented in Parliament has remained static at around 10%.

In 1994, quotas for the representation of men and women on the lists of candidates were introduced in the electoral code. The law of May 24,1994 stated that maximum two thirds of the total number of places on the list could be taken by candidates of the same gender.

With the electoral law of 13 December 2002 the equal representation of men and women on the electoral lists became a reality. On a list with for example 21 candidates a maximum of 11 may be of the same gender. Moreover, the first two candidates may not be of the same gender. As a result of that law, at this moment, 41,33% of the deputies are women.



» Breakdown according to the age category



The House of Representatives

Competences

The powers of a parliament

The traditional powers of a parliament are:

- Granting (or not) confidence in a government
- Power of control (monitoring the federal government)
- Regulatory power
- The power to be kept informed on the management of the state

Special powers of any kind

From a situation of equal powers to a situation of the breakdown of competences between the House and Senate

Initially the House of Representatives and the Senate had almost the same competences.

The constitutional revision of 1993 changed this situation. Since the elections of 21 May 1995, there has been a breakdown of powers between the House and the Senate. After the elections of 25 May 2014, these powers were amended to reflect the Sixth Reform of the State and the new composition of the Senate.

What are the competences of the House of Representatives?

» Granting confidence

This is a power that is exclusive to the House of Representatives. When taking office, the government asks for the confidence of the House.

Consequently, the government political statement and the subsequent vote of confidence take place in the House.

» The control of the federal government

This is an exclusive power of the House of Representatives (article 101 of the Constitution).

Political control

The confidence given to the government at the time of its taking into office is conditional and may always be revoked by a motion of constructive disapproval, i.e. by appointment of a new Prime Minister or by rejecting a (constructive) motion of confidence.

Policy statements

Each member of the government makes a policy statement to the House on taking office. This document sets out the strategic options and the main thrust of policy implementing the government agreement. The relevant committees of the House debate these policy statements and may formulate recommendations.

Control of the ministers' policy

The right of interpellation, which is a means of political control of ministers, is reserved to the members of the Houses of Representatives. What characterises the interpellation is that it may be concluded by a vote on a motion of confidence in which confidence is given or not to the minister or government.

Financial and budgetary control

The House has exclusive competence for adopting or rejecting budgets and establishing the final accounts (article 74 of the Constitution). The Court of Audit, whose members are appointed by the House of Representatives, may be called upon to provide technical advice and assistance.

» Legislative power

With regard to this competence, 3 types of division of power (legislative procedures) have been developed:

The House and the Senate have equal powers (= compulsory bicameral procedure, Article 77 of the Constitution) for:

- revision of the Constitution
- the laws which must be passed by a special majority
- laws concerning the institutions and the funding of the German-speaking Community
- laws concerning the funding of political parties and the audit of electoral expenditure
- laws concerning the organisation of the Senate and the statute of Senator.¹

¹ See Info Sheet n° 11.05

The House is competent but the Senate has a right of evocation, which means that the Senate may propose amendments but that the House has the final say (optional bicameral procedure, Article 78 of the Constitution) for:

- laws enacted pursuant to laws subject to a special majority
- laws concerning the organisation of the State which are not covered by Article 77 of the Constitution
- laws relating to the Council of State and federal administrative jurisdictions
- laws adopted pursuant to Article 169 of the Constitution in order to guarantee compliance with international or supranational obligations.²

The House has exclusive competence for :

all other legislation and specifically for matters other than those covered by Articles 77 and 78 of the Constitution (monocameral procedure, Article 74 of the Constitution).³

» The power to be kept informed on the management of the State

The right to ask questions

The deputies may put written or oral questions to the ministers. Since the sixth State Reform (2014), senators can only submit written questions to the government.

Enquiry committees

The House has the right of inquiry, and may therefore set up commissions of inquiry (Article 56, paragraph 1, of the Constitution). The Senate does not have the right of inquiry but may, particularly at the request of the House, draw up information reports on issues which also have consequences for the powers of the Communities and Regions (Article 56, paragraph 2, of the Constitution).

» Special powers

The House has exclusive authority for:

- Authorization for any requisitioning aiming at the settlement of the procedure, any direct summons to appear before the Court of Appeal and, except in the case of flagrante delicto, any arrest of ministers (article 103 of the Constitution)
- Granting Belgian nationality (naturalisation) (article 74 of the Constitution)
- Appointing parliamentary ombudsmen and examining their activity reports
- Establishing the army quotas (article 74 of the Constitution)
- Monitoring the operation of the Standing Committee for Oversight of the Police Services and the Standing Committee for Oversight of the Intelligence Services (Act of 18 July 1991)

- Monitoring electoral expenditure for elections to the House of Representatives (Act of 4 July 1989)
- Monitoring of military procurement
- Scrutiny of motions aimed at preventing any discrimination on ideological or philosophical grounds (Article 131 of the Constitution, Act of 3 July 1971)
- Adoption of resolutions aimed at maintaining Brussels' international role and function as a capital (Articles 45 and 46 of the Special Act of 12 January 1989).

The House and the Senate each have competence for:

- Controlling the powers of their respective members (article 48 of the Constitution)
- Authorization for the remanding or summoning their respective members to appear before a court or tribunal or for their arresting (article 59 of the Constitution)
- Developing and modifying their Standing Orders (article 60 of the Constitution)
- Setting their financial allowances (article 174 of the Constitution)
- Examining petitions submitted to each House, but only the House has the right to refer petitions back to ministers (Article 57 of the Constitution).

The House and Senate alternately have, among other things, authority for presenting:

- Candidate judges for the Constitutional court
- Candidate members for the Council of State.

² See Info Sheet n° 11.06

³ See Info Sheet n° 11.04

The House of Representatives

The Budget

Background

Adopting the budget is one of the most important roles of Parliament. There is a historical reason for this. After the Middle Ages a movement towards centralisation developed throughout Europe, which ended up in the birth of the modern states. The sovereigns then needed an operational army and a large body of civil servants. To finance this apparatus, the sovereign called on the three “estates” of the realm (the nobility, the clergy and the bourgeoisie). In exchange they claimed certain privileges, such as the right of representation. When the sovereign wished to levy new taxes he needed their approval. Modern parliaments have their origin in this system. The power vested in them to authorise or reject the levy of new taxes was the main instrument of power of the three estates for a long time. They held the power of the purse.

What is a budget?

The budget is an estimation of income and an estimation and authorization of expenditure for a budget year. In Belgium the budget year is the same as the calendar year. The budget is a real political instrument from which the political choices and priorities of the government can clearly be seen. That is why the budget is discussed together with the policy documents of the ministers and secretaries of State. In their policy document the members of government indicate what policy they will pursue in the next year.

The federal budget consists of two parts

» The budget of means and resources

This contains the evaluation of the income of the federal State for the next budget year. It authorises the government to collect taxes, in compliance with the tax legislation in force and to take out loans to cover the deficit.

» The general expenses budget

This contains the evaluation of the expenditure of the federal State for the next budget year. It authorises the government to make expenses and is subdivided into programmes specifying this expenditure.

Characteristics of the budget

Set by the House

The federal budget comes under the exclusive authority of the House of Representatives (Article 174 of the Constitution).

Yearly

The budget must be set each year.

Universality

The budget must be general and complete, ruling out the existence of a hidden budget.

Speciality

The House only authorises well specified expenditure stipulated in each programme. The government may not use an excess in one item to cover a deficit in another item.

Publicity

The draft budget is a public document that can be consulted on the House’s website. Once adopted by the House in plenary session, it is published just like any other law in the State Official Gazette.

Annual justification

Each year the government must account for itself to the House regarding the implementation of the budget. Article 174 of the Constitution specifies that each year the House rules on the approval of State accounts and votes on the budget.

DOC 55 3646/001	DOC 55 3646/001
CHAMBRE DES REPRÉSENTANTS DE BELGIQUE	BELGISCHE KAMER VAN VOLKSVERTEGENWOORDIGERS
10 novembre 2023	10 november 2023
PROJET DE LOI	WETSONTWERP
contenant le budget des Voies et Moyens pour l'année budgétaire 2024	houdende de Middelenbegroting voor het begrotingsjaar 2024

The accounts are set by the Finance Minister and are submitted to the House at the same time as the observations of the Court of Audit. While the budget is only an evaluation, the accounts show the real income and expenditure. By adopting the Accounts Act, the House gives a final verdict on the finance policy of the government.

How is the budget set up?

The draft budgets are examined, perhaps amended and voted on in the same way as ordinary Bills. There is however a precise timetable in order to accelerate the procedure.

» Two years earlier

November (x-2)

The European Commission publishes an annual growth estimate.

» One year earlier

February (x-1)

The ministers and the public institutions assess the income and expenditure for the next budget year.

April (x-1)

Discussions take place between the Budget and Finance Ministers and the different departments regarding the accuracy of the assessment done in February.

The EU Member States present their stability and convergence programmes and their national reform programme (concerning, in particular, their social objectives) to the European Commission, and publish their Medium-Term Fiscal Plan.

June (x-1)

A summary is submitted to the Council of ministers. The European Commission makes recommendations to each Member State.

July (x-1)

The government enters into “a budgetary conclave” and sets the final figures as well as the accompanying measures that should allow the objectives to be reached. The government then draws up the final draft budgets.

The European Council of Ministers sends each Member State a strategic opinion.

End of September (x-1)

The Prime Minister informs the House of the major points of government policy for the year to come.

October - December (x-1)

The Member States present their draft budget to the European Commission.

The general expenditure budget and the means and resources budget are distributed to the House by October 15 at the latest. The Court of Audit communicates its observations and remarks on the draft of the budget. By the end of October at the latest, the ministers and secretaries of State submit their policy document for the next year. The budget and the overall policy documents are discussed jointly. The Committee on public Finances and Budget examines the drafts. It appoints a rapporteur. The explanations of the Finance and Budget Ministers are heard. A debate is also held on the general government policy. The standing committees are invited to give their opinion on the programmes that concern them. For this purpose, they meet the competent ministers.

After examining the drafts and the votes of the Committee on public Finance and Budget, the report is distributed and the rapporteur reports to the plenary assembly. In the plenary meeting there is then a general debate on the budget and a debate on the items to be amended.

30 November (x-1)

The European Commission makes recommendations to the Member States.

The general expenditure budget and the means and resources budget are passed by 31 December (x-1) at the latest.

» The budget year

1 January

A budget comes into force on 1 January of the budget year concerned. If the general expenditure budget has not been approved before the start of the budget year, the government can work on the basis of provisional credits that are allocated to it by means of a distinct Bill. If the means and resources budget has not been approved either, the submission of a finance Bill must allow the government to collect taxes and, if necessary, contract loans.

30 April to 30 June

In April of the budget year the government carries out a budgetary control. The budget often has to be adjusted (for example because of changes in the economic situation, lower income than expected, etc). The government thus adjusts the budget and submits a draft to the House to this effect. The amended administrative budgets are included in the adjusted general expenditure budget.

» The following year

October

In principle the House votes on the Accounts Act (Bill on the final settlement of the budget). In practice this vote often takes place later.

The House of Representatives Political control: Interpellations

What is interpellation?

Interpellation is a means of parliamentary control allowing a member of the House to ask one or more federal ministers to account for a political act, a given situation, or general or specific aspects of government policy.

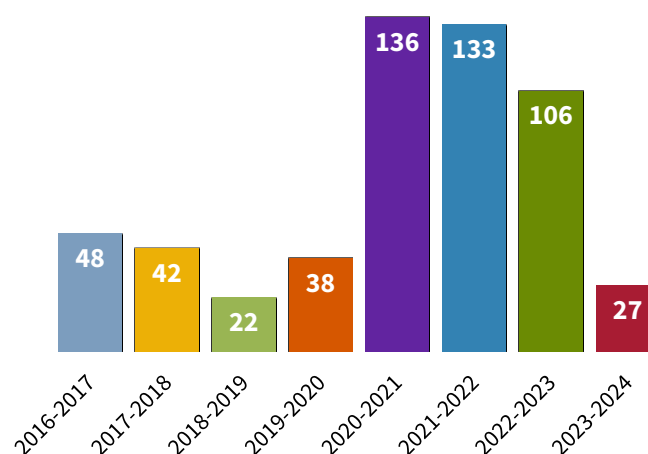
At the end of interpellations motions may be submitted calling into question the responsibility of the government or a member of the government, or making a recommendation to the government. Ministers may only be questioned on their policy and not on their intentions.

The right to interpellate members of the federal government is reserved to members of the House. Only the House is competent for the political control of the federal government.

The right to interpellate is not expressly provided by the Constitution. Its foundation is contained in the constitutional principle of ministerial accountability to the House.

Why interpellate?

The members of the House interpellate in order to raise an important problem. Current affairs, both domestic and international, may be the subject of interpellations.



What is the procedure?

The procedure is contained in the Standing Orders of the House of Representatives.

» Submission

A member who wishes to interpellate the government makes it known in writing to the President of the House. The President reads out this written declaration in the plenary meet-

01 Interpellation et question jointes de

- Reccino Van Lommel à Pierre-Yves Dermagne (VPM Économie et Travail) sur “La filtration illégale d’eau minérale” (55000475I)
- Anneleen Van Bossuyt à Pierre-Yves Dermagne (VPM Économie et Travail) sur “Les pratiques trompeuses concernant l’eau minérale” (55041218C)

01.01 **Reccino Van Lommel** (VB): Un énorme scandale a éclaté en France ces dernières semaines. La société française Alma, distributeur des marques Perrier et Vittel, entre autres, a vendu de l’eau filtrée sous l’appellation d’eau minérale naturelle ou d’eau de source, ce qui est strictement interdit. En outre, il s’agit d’une forme de tromperie à l’égard des consommateurs. Certaines installations de filtrage ayant été dissimulées, on peut également parler de tromperie à l’égard des contrôleurs. Les faits ont seulement été mis en lumière lorsqu’un travailleur a alerté les autorités et a tiré la sonnette d’alarme. Entre-temps, Nestlé a également admis avoir filtré illégalement de l’eau en 2021. La société avance plusieurs motifs environnementaux pour se dédouaner. Néanmoins, l’eau filtrée a été vendue comme étant de l’eau minérale.

ing. The interpellant then draws up a memo for the President of the House in which he sets out the purpose of his interpellation as well as the facts on which the explanations are requested. The Secretary general of the House (also called the Clerk of the House) forwards this memo to the minister so that he can prepare his reply.

» Admissibility

The President of the House rules on the admissibility of an interpellation. The President can turn an interpellation into an oral question on advice of the Conference of presidents.

» Referral

- In public committee meetings
The interpellation is generally held in public committee meetings
- In plenary session
The Conference of presidents may however decide that an interpellation relating to a matter of a general interest or to a special policy will be held in the plenary session.

» Discussion

The procedure is identical for interpellations conducted in public committee meetings and in the plenary sessions.

The interpellant first of all takes the floor for a maximum of ten minutes. Then any other members can interpellate on the same subject. Oral questions can be added. The speaking time of the other interpellants and questioners is limited to five minutes. When the importance of an interpellation justifies it, the Conference of presidents may, however, decide to extend the speaking time. The minister then replies to the questions. The interpellant (or interpellants if several members ask questions on the same subject) may then take the floor for a reply.

» Motions

- At the end of the discussion when all points of view have been set out, motions may be submitted. There are different types of motion:
- A simple motion: this motion is aimed at going back to the agenda (i.e. simply continuing with the proceedings). It has priority over all other motions. Its adoption leads to the other motions being cancelled.
- A motion of constructive disapproval: with this motion the House withdraws its confidence in the government and simultaneously proposes to the King the appointment of a successor to the Prime Minister.
- A motion of disapproval: by this motion the House withdraws its confidence in a minister or the government (but does not simultaneously propose to the King the appointment of a successor to the Prime Minister).
- A motion of recommendation: this is a reasoned motion by which the House does not decide on its confidence in or disapproval of the government or minister but suggests political acts to be conducted by the government.

» Vote

The Standing orders stipulate that the motions are not voted on immediately but the votes take place in the week following the interpellation. This period of reflection allows the authors to amend the motions.

In general an ordinary motion is adopted, supported by the majority parties.

Where do you find the interpellations?

The interpellations and the government answers are published in the integral report (verbatim account of the Assembly proceedings in the language of the speaker) and in the summary report of the public committee meetings and the plenary sessions. These reports can be consulted on the House's website.

Une motion de recommandation a été déposée par M. Reccino Van Lommel et est libellée comme suit:

“La Chambre,

ayant entendu l'interpellation de M. Reccino Van Lommel et la réponse du vice-premier ministre et ministre de l'Économie et du Travail, demande au gouvernement

- de mobiliser toutes les autorités compétentes pour examiner les effets de ces pratiques déloyales dans notre pays;

- de prendre les initiatives nécessaires pour la protection des consommateurs;

- de vérifier si des pratiques analogues ont également cours dans des entreprises belges qui produisent de l'eau minérale.”

Committee on Economy and Consumer Protection - 07/02/2024

The House of Representatives Parliamentary Questions

Parliamentary questions: a means of political information

One of the roles of the House is to control the government. In order to be able to fulfil this task it is essential for the members of Parliament to be properly informed of the policy of the government and its ministers.

The parliamentary question is one of the means that members of Parliaments have at their disposal to collect some political information. The right to ask questions is not explicitly provided by the Constitution but it is contained in the principle of ministerial accountability to the House. The technique of the parliamentary question was introduced in 1897. It is inspired by the system used in the United Kingdom. The first parliamentary question was asked almost by accident in upper House in 1727. An independent parliamentary procedure resulted from it.

Parliamentary questions form a large source of information for members of Parliament as well as for the press and the public.

The parliamentary question is not an interpellation

Parliamentary questions differ fundamentally from interpellations. The question is not put to the government but to a particular minister.

The answer to a parliamentary question cannot give rise to the submission of a motion or a vote. The parliamentary question thus does not end up in the question of confidence in the government or a minister and should not in principle lead to the resignation of the minister or government.

Questions jointes de

- Josy Arens à Georges Gilkinet (VPM Mobilité) sur “L’adaptation des horaires de la SNCB en période de congés scolaires” (55042277C)
- Olivier Vajda à Georges Gilkinet (VPM Mobilité) sur “L’impact des congés scolaires sur l’offre de trains” (55042330C)

04.01 **Josy Arens** (Les Engagés): La SNCB aurait adapté ses horaires la semaine du 5 avril, qui n’était pas une semaine de congés scolaires pour tout le pays. Le confirmez-vous? Les voyageurs avaient-ils été prévenus? La SNCB se fonde-t-elle sur son expérience pour prendre une telle décision? Prévoit-on ce genre d’adaptations à chaque congé scolaire?

04.02 **Olivier Vajda** (Ecolo-Groen): Les calendriers scolaires entre le nord et le sud du pays n’étant plus harmonisés, la SNCB doit s’adapter. Elle aurait réduit ses trains dans l’ensemble du pays début avril alors que l’enseignement obligatoire francophone tournait à plein régime. Confirmez-vous que la SNCB a modifié ses horaires début avril? Comment a-t-elle anticipé la différence des rythmes scolaires?

Transport committee - 17/04/2024

The conditions that the questions must satisfy

The Standing Orders stipulate that the questions must be precise, concise and limited to the terms essential for their understanding.

The Standing Orders also stipulate that the following questions are inadmissible:

- Questions relating to a private interest or personal affair
- Questions aimed at obtaining information purely of a statistical nature
- Questions that constitute requests for documentation
- Questions whose sole purpose is to gain advice of a legal nature
- Questions whose subject is the same as a request for an interpellation or a Bill or Private Member's Bill previously submitted.

Types of questions

» Written questions and answers

Members ask thousands of written questions each session. From October 2023 till May 2024, 2 620 written questions were asked to the ministers of the Federal Government.

The written question is signed by its author and submitted to the President of the House who then sends it to the minister concerned through the legislative departments of the House. The minister must return his reply to the President or to the legislative departments within a period of twenty working days.

The written questions and answers are published in French and Dutch on the House's website.

We also mention the questions that the ministers did not reply on time.

» Oral questions and answers in plenary session

The members may generally question ministers on Thursday afternoon from 14:15 (Question Time). The oral questions must be submitted to the President of the House on Thursday before 11:00. The President appreciates their admissibility. In order to keep the debate brief and lively, the speakers must draft their questions and answers without using any documents. The opposition and the majority alternately have the floor. The overall speaking time for setting out a question and a reply may not exceed five minutes. This technique was introduced in 1979, following the example of "question time" in the British Parliament. The oral questions must be of a general interest and topical nature.

536 oral questions were asked from October 2023 till May 2024.

» The topical debate

When several questions relate to a topical subject, on the unanimous opinion of the presidents of the political groups, or on the advice of the conference of presidents, the President of the House may group these questions together to be dealt with in the form of a topical debate which is also preferably held on Thursday afternoon.

A topical debate may not give rise to the submission of motions. With the introduction of the question time and the topical debate, the House wanted to make parliamentary proceedings more accessible to the public and the press. The oral questions asked in plenary sitting together with the replies thereto, as well as the topical debates, are published in the Verbatim Report and in the Summary Report.

» Oral questions in committees

Once a week, at the start of a committee meeting, the members of the standing and special committees are entitled to put questions to one or more ministers.

The questions must be topical and refer to current events of general interest.

The President of the House of Representatives appreciates their admissibility. If at least three questions concerning the same issue are put, the President of the committee can organize a topical debate in committee.

From October 2023 till May 2024, 2 360 oral questions were put in committees.

The questions and the replies thereto in committee are published in a verbatim report and a bilingual summary report.

The House of Representatives

Legislative competence: monocameral procedure

What does monocameral mean?

The monocameral legislative procedure means that a single house, i.e. the House of Representatives, adopts a federal law. The Senate does neither intervene in the examination nor the vote of these laws.

It is the simplest federal legislative procedure. The two other procedures (optional and compulsory bicameral⁽¹⁾) follow the same basic idea, although the House and the Senate have to agree on the same text (compulsory bicameral procedure) or the Senate may make observations that the House may or may not take into account (optional bicameral procedure).

The monocameral procedure is the general rule

Article 74 of the Constitution does not list the monocameral matters. This procedure therefore applies in all cases that are not compulsory bicameral (House and Senate have equal power⁽¹⁾) or optional bicameral (the House has the last word, but the Senate has a right of evocation⁽²⁾).

Procedure

» Initiative

Only the members of the House and the King (= the Federal government) can take a legislative initiative.

Bill

When the legislative initiative comes from the King (= the federal government) it is called a Bill. The office of the minister or department first prepares a draft Bill which is then submitted for approval to the Council of ministers.

The draft Bill is also sent to the legislation section of the Council of State, for advice. The Bill then may be amended on the basis of this advice.

Private Member's Bill

When the initiative comes from one or more members of the House, then it is called a Private Member's Bill. A Private Member's Bill is not automatically submitted to the Council of State.

The President of the House may, however, at any time in the procedure, request the opinion of the Council of State on Bills, Private Member's Bills and amendments. The President is bound to request the advice of the Council of State when one third of the members of the House or a majority of the members of a language group request so.

» Submission of a Bill

A Bill, the presentation of the reasons in which the government explains the objectives of the Bill, the advice of the Council of State, and possibly the impact analysis of the regulation (the preceding evaluation of the possible consequences of the Bill) are sent to the House. The texts, drawn up in French and Dutch, are printed and distributed.

» Submission of a Private Member's Bill

A Private Member's Bill is submitted to the President. He decides whether the Private Member's Bill may be further developed, translated, printed and distributed.

There is an additional step with regard to the Private Member's Bills: the author must request the House to take his proposal into consideration. In general this is merely a formality. Nevertheless, as an exception it sometimes happens that it is only taken into consideration after a vote, for example when some deputies think it should not be examined.

» Referral

The President of the House refers the Bills and Private Member's Bills to one or more committees in relation to the subject dealt with.

1 See information sheet 11.05.

2 See information sheet 11.06.

» Committee examination

The committee meets in the presence of the responsible minister. He is helped by assistants from his office or by civil servants from his department. In principle, the committee meetings are public. A majority of the committee members must be present all the time for the Bills and Private Member's Bills to be examined.

- The author or authors set out the reasons for submitting the Bill or Private Member's Bill.
- There is a general discussion and a discussion on each article.
- Then there is a vote, first of all on each article and then on the whole text. The majority of the committee members must be present for the vote to be valid.

The members of the House or government are always able to submit amendments. These amendments may be submitted up until the close of the general discussion in the plenary session (see further). The members may also split articles. This last technique may turn out to be useful in order to separate certain contested provisions from provisions on which there is agreement.

The committee discussion is normally the subject of a report written by one or more members of the committee chosen by their colleagues, who act as rapporteur(s). The report includes an analysis of the committee discussion and the reasoned conclusions proposing the adoption, amendment or rejection of the Bill or Private Member's Bill. The committee reports are translated, printed and distributed at least three days before the general discussion in the plenary session, unless the House requested urgency.

» Examination in plenary session

A general discussion is devoted to the general objectives of the Bill or Private Member's Bill. It normally starts with a reading by the committee rapporteur.

There is then a discussion of the articles of the text, as they have been adopted by the committee.

Then there is a vote, on each article or on part of an article and then on the whole text (possibly after a second reading). The final vote is done by a name call. In the past the secretaries read out the names of the House members in alphabetical order. Since 1955 the vote has been done automatically.

» Submission to the King

The House submits the adopted Bills for royal signature.

Royal signature and promulgation

With his signature, the King marks his formal agreement with the text of the law. No time limit is set for royal signature. The federal government is responsible in the event of the King's refusal to sign a law.

The King promulgates the law. As head of the executive the King confirms the existence of the law and orders its implementation.

» Publication

All laws are published in the *Moniteur belge* (the State official Journal) in French and Dutch. They enter into force on the tenth day of their publication, unless the text of the law gives another date. It must then be observed by all the citizens.

The House of Representatives

Legislative competence: bicameral procedure

The bicameral procedure

This procedure (also called two-chamber legislative procedure) means that a Bill or Private Member's Bill must be examined and approved by both the House and the Senate. The two houses have equal power with regard to this procedure.

Before the constitutional revision of 1993, all the federal laws were drawn up according to this procedure. It is currently only used in a certain number of cases given in article 77 of the Constitution.

The compulsory bicameral procedure is used for:

- the declaration of revision of the Constitution, as well as the revision and coordination of the Constitution
- matters that must be regulated by both legislative chambers under the Constitution
- laws to be adopted by a special majority
- laws concerning the institutions and the funding of the German-speaking Community
- laws concerning the funding of political parties and the scrutiny of electoral spending
- laws concerning the organisation of the Senate and the status of Senator.

The procedure

The principles governing the examination of the Bills and Private Member's Bills in committees and in plenary sessions, and the royal signature and promulgation, are the same as those for the monocameral procedure (see information sheet 11.04) and are thus not explained any further here.

DOC 55 3719/005	DOC 55 3719/005
CHAMBRE DES REPRÉSENTANTS DE BELGIQUE	BELGISCHE KAMER VAN VOLKSVERTEGENWOORDIGERS
2 mai 2024	2 mei 2024
RÉVISION DE LA CONSTITUTION	HERZIENING VAN DE GRONDWET
Projet de révision de l'article 7bis de la Constitution, en vue d'ajouter un alinéa réglant le bien-être des animaux	Ontwerp van herziening van artikel 7bis van de Grondwet, om een lid toe te voegen dat het dierenwelzijn regelt
Texte adopté par la séance plénière et soumis à la sanction royale	Tekst aangenomen door de plenaire vergadering en aan de Koning ter bekrachtiging voorgelegd
<p>SÉNAT Documents: 7-481 – 2022/2023: N° 1: Proposition de révision de la constitution de MM. Anceaux, Ben Chikha et Uytendaele, Mme Masai, MM. Conkiers, Vandenhove, Van Goidsenhoven et Dodriont, Mme D'Hose et M. Daems. N° 2: Rapport. N° 3: Auditions. N° 4: Texte adopté par la commission. Annales du Sénat: 24 novembre 2023. CHAMBRE DES REPRÉSENTANTS Documents: Doc 55 3719/ (2023/2024): 001: Projet transmis par le Sénat. 002: Rapport. 003: Texte adopté par la commission. 004: Amendements. 005: Texte adopté par la séance plénière et soumis à la sanction royale. Voir aussi: Compte rendu intégral: 25 avril et 2 mai 2024.</p>	<p>SENAAT Stukken: 7-481 – 2022/2023: Nr. 1: Voorstel van herziening van de grondwet van de heren Anceaux, Ben Chikha en Uytendaele, mevrouw Masai, de heren Conkiers, Vandenhove, Van Goidsenhoven en Dodriont, mevrouw D'Hose en de heer Daems. Nr. 2: Verslag. Nr. 3: Hoorzittingen. Nr. 4: Tekst aangenomen door de commissie. Handelingen van de Senaat: 24 november 2023. KAMER VAN VOLKSVERTEGENWOORDIGERS Stukken: Doc 55 3719/ (2023/2024): 001: Ontwerp overgezonden door de Senaat. 002: Verslag. 003: Tekst aangenomen door de commissie. 004: Amendementen. 005: Tekst aangenomen door de plenaire vergadering en aan de Koning ter bekrachtiging voorgelegd. Zie ook: Integraal verslag: 25 april en 2 mei 2024.</p>
CHAMBRE • 6 ^e SESSION DE LA 55 ^e LÉGISLATURE	KAMER • 6 ^e ZITTING VAN DE 55 ^e ZITTINGSPERIODE
2023 2024	12168



Initiative

A legislative initiative in bicameral matters may be taken by the members of the House(1), the senators or even the federal government (= the King)(2)

(1) Private Member's Bill

(2) A Bill



Submission

The Bills and Private Member's Bills may be submitted either to the House or to the Senate



Examination 1st chamber

Examination by the chamber where the Bill or Private Member's Bill has been submitted first
This is either the House of Representatives or the Senate depending on the case. The Bill or Private Member's Bill is examined, perhaps amended and adopted within the competent committee. The same then happens in the plenary session.



Sending

The adopted text is sent to the second chamber
This is the House of Representatives or the Senate depending on the case. A Private Member's Bill adopted by one of the chambers becomes a Bill.



(Referral)

Possibly: referral to the first chamber
If the second chamber amends the Bill, it is referred to the first chamber. The first chamber may accept the amendments and adopt the Bill. If the Bill is amended again by the first chamber, it must be referred to the second chamber again. The Bill may then be referred indefinitely from one chamber to the other until the House and the Senate agree on the text.



Examination 2nd chamber

Examination by the second chamber
The Bill, as adopted by the first chamber, is examined, if necessary amended and adopted within the competent committee. The same then happens in the plenary session.



Royal signature

Royal signature and promulgation by the King



Publication

Publication in the Moniteur belge (Official State Journal)

Steps 7 and 8 of the procedure are the same as in the monocameral procedure (see information sheet 11.04).

The House of Representatives

Legislative competence: optional bicameral procedure

The optional bicameral procedure (article 78 of the Constitution)

In the framework of this procedure (also called the optional two-chamber legislative procedure) the House decides and the Senate intervenes as a “chamber of consideration and reflection”. The Senate may “evoke” the Bills submitted to the House of Representatives, i.e. read them, examine and amend them. The House of Representatives has the last word and may adopt or reject the amendments made by the Senate. The evocation and examination by the Senate are subject to strict time limits. The parliamentary conciliation committee, consisting of deputies and senators with parity of representation, may extend or reduce the time limits in question¹.

Application of the optional bicameral procedure

The matters in which this procedure applies are explicitly listed in the Constitution. It concerns, insofar as the compulsory bicameral procedure², meant by article 77 of the Constitution, is not applied:

- laws enacted pursuant to laws subject to a special majority
- the institutional legislation concerning the structure and the functioning of the State (art. 78, paragraph 1, 2° of the Constitution)
- laws adopted pursuant to article 169 of the Constitution in order to guarantee compliance with international or supranational obligations
- laws relating to the Council of State and the federal administrative jurisdictions.

<p>DOC 55 3951/005</p> <p>CHAMBRE DES REPRÉSENTANTS DE BELGIQUE</p> <p>22 mai 2024</p> <p>PROJET DE LOI</p> <p>modifiant la loi relative à l'assurance obligatoire soins de santé et indemnités coordonnée le 14 juillet 1994, en ce qui concerne les litiges relatifs aux décisions-cadres concernant l'accès rapide ou précoce</p> <p>Projet non évoqué par le Sénat et soumis à la sanction royale</p>	<p>DOC 55 3951/005</p> <p>BELGISCHE KAMER VAN VOLKSVERTEGENWOORDIGERS</p> <p>22 mei 2024</p> <p>WETSONTWERP</p> <p>tot wijziging van de wet betreffende de verplichte verzekering voor geneeskundige verzorging en uitkeringen, gecoördineerd op 14 juli 1994, wat betreft geschillen met betrekking tot kaderbeslissingen tot snelle of vroege toegang</p> <p>Ontwerp niet geëvoceerd door de Senaat en aan de Koning ter bekrachtiging voorgelegd</p>	
<p>CHAMBRE DES REPRÉSENTANTS Documents: Doc 55 3951/ (2023/2024): 001: Projet de loi. 002: Rapport. 003: Texte adopté par la commission. 004: Texte adopté par la séance plénière et transmis au Sénat.</p> <p>Voir aussi: Compte rendu intégral: 2 mai 2024.</p> <p>SÉNAT Document: 7-547/ (2023/2024): N° 1: Projet non évoqué par le Sénat.</p> <p>CHAMBRE DES REPRÉSENTANTS Document: Doc 55 3951/ (2023/2024): 005: Projet non évoqué par le Sénat et soumis à la sanction royale.</p>	<p>KAMER VAN VOLKSVERTEGENWOORDIGERS Stukken: Doc 55 3951/ (2023/2024): 001: Wetsontwerp. 002: Verslag. 003: Tekst aangenomen door de commissie. 004: Tekst aangenomen door de plenaire vergadering en overgezonden aan de Senaat.</p> <p>Zie ook: Integraal verslag: 2 mei 2024.</p> <p>SENAAT Stuk: 7-547/ (2023/2024): Nr. 1: Ontwerp niet geëvoceerd door de Senaat.</p> <p>KAMER VAN VOLKSVERTEGENWOORDIGERS Stuk: Doc 55 3951/ (2023/2024): 005: Ontwerp niet geëvoceerd door de Senaat en aan de Koning ter bekrachtiging voorgelegd.</p>	
<p>CHAMBRE - 64^e SESSION DE LA 55^e LÉGISLATURE</p>	<p>2023 2024</p>	<p>KAMER - 64^e ZITTING VAN DE 55^e ZITTINGSPERIODE</p>

1 See information sheet 11.07

2 See information sheet 11.05

The procedure⁽³⁾

In this procedure, the senators have no right of initiative

1

Initiative

The members of the House of Representatives (through Private Member's Bills), and the King i.e. the federal government (through Bills) may take a legislative initiative.

2

Submission

The Private Member's Bills from members of the House of Representatives are submitted to the House. The government Bills are always submitted to the House of Representatives.

3

Examination

House of Representatives: first examination
The Bill or Private Member's Bill is examined, perhaps amended and voted on within the competent committee and then in the plenary session.

4

Sending

The adopted Bill is sent to the Senate
The senators must decide within a period of 15 days of receipt of the bill, whether they wish to "evoke" it or not, i.e. examine it. Evocation is only possible at the request of the majority of the senators (= at least 31 senators), with at least one-third of the members of each linguistic group.

If the Bill is not evoked (on time) by the Senate, it is immediately submitted for Royal signature and promulgated by the King (step 8).

5

Examination

Examination by the Senate
The Senate has a period of 30 days to examine the evoked Bill. If the Senate does not amend the text or if it allows the examination period to lapse without making a decision, the Bill is immediately submitted for Royal signature by the House of Representatives (step 8).

6

Referral

Referral to the House of Representatives
If the Senate amends the Bill, it is referred back to the House.

7

Examination

House of Representatives: second (definitive) examination
The House has the last word. Whatever the decision of the House may be (agree with the amendments of the Senate, reject the amendments of the Senate, new amendments), it concerns a final decision: that means the end of the parliamentary procedure.
The House sends the text it adopted to the King for Royal signature and promulgation.

8

Royal signature

Royal signature and promulgation

9

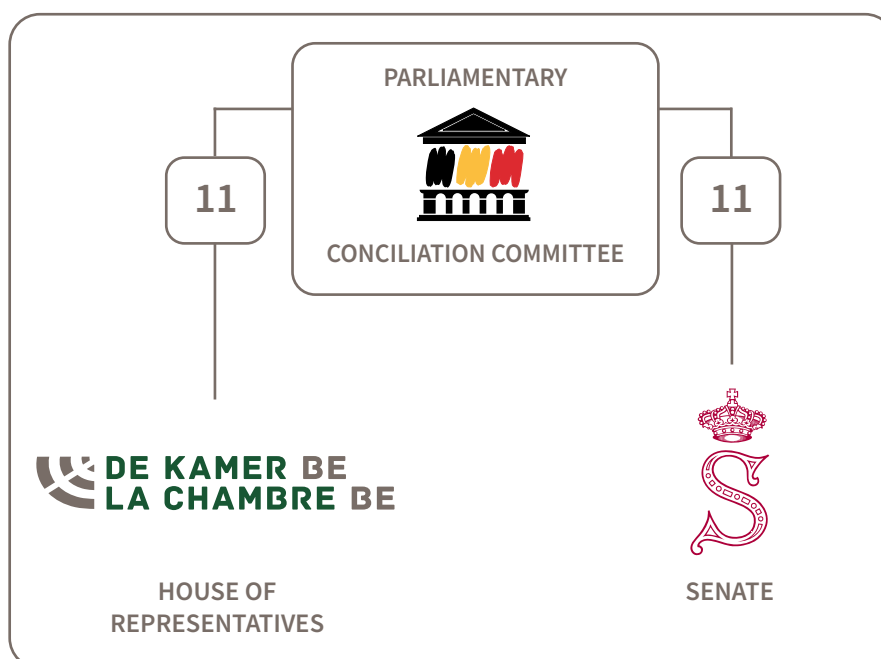
Publication

Publication in the Moniteur belge (Official State Journal)

(3) We refer to information sheet 11.04 for the general aspects concerning the treatment of Bills and Private Member's Bills in the committees and the plenary meeting in each chamber.

The House of Representatives

The Parliamentary Conciliation Committee



General

The 1993 constitutional revision brought an end to the system in which the House of Representatives and the Senate were equally competent (total bicameralism). This system has been replaced by a system providing a division of tasks between the two legislative assemblies. In order to guarantee the good working of this, it was decided to create a conciliation body consisting of an equal number of members of the House of Representatives and the Senate: the parliamentary conciliation committee (article 82 of the Constitution).

There was already an informal arrangement between the two legislative assemblies on the organisation of parliamentary proceedings, generally in conciliation with the government. This conciliation partly takes place in a structured way in the framework of the parliamentary conciliation committee.

Composition

The parliamentary conciliation committee consists of 22 members, i.e. 11 members of the House of Representatives, including the President of the House of Representatives, and 11 Senators, including the President of the Senate.

The permanent members as well as their substitutes are appointed by their respective assembly for the duration of the legislature of the House of Representatives (in principle 5 years) according to the system of proportional representation of the political groups.

The committee is chaired for the duration of a session (i.e. a parliamentary year, in principle from October to October of the next year) in turns by the President of the House of Representatives and the President of the Senate.

Competences

» Settling conflicts of competence between the House of Representative and Senate regarding legislation

Taking the division of competences between the House and Senate into account, three legislative procedures are possible.

The monocameral procedure⁽¹⁾ (article 74 of the Constitution); (also called single chamber legislative procedure)

The House of Representatives is exclusively competent for all subjects which are not expressly mentioned in articles 77 and 78 of the Constitution.

The bicameral procedure⁽²⁾ (article 77 of the Constitution); (also called the two-chamber legislative procedure)

The House of Representatives and Senate are equally competent for a certain number of subjects (the Constitution, the institutions and the financing of the German-speaking Community, the financing of political parties, ...).

The optional bicameral procedure⁽³⁾ (article 78 of the Constitution); (also called optional two-chamber legislative procedure)

For some other subjects, the House of Representatives is competent but the Senate may examine the Bill (right of evocation) and propose amendments to the House of Representatives.

The author or authors of the Bills or Private Member's Bills are bound to indicate in article 1 of the text which procedure applies. There may be disputes on this respect. The conciliation committee thus decides which parliamentary procedure is to be followed. The committee may request the opinion of the Council of State, legislation section, in this respect. When examining the Bills, Private Member's Bills and the amendments on which it has to give its advice, the Council of State is bound to verify, on its own initiative, that the dividing up of authorities between the legislative chambers has been respected.

» Competence for time limits

The optional bicameral procedure requires the Senate to observe a certain number of time limits, in particular a 15-day time limit for evocation and a 30 day scrutiny time limit. The scrutiny time limit may be extended by the parliamentary conciliation committee.

Working

An issue may be put to the conciliation committee, either by the President of the House or the Senate, or on the request of at least eight committee members.

The conciliation committee takes its decision with an absolute majority of the members in each of its two components (i.e. at least 6 of the 11 members of the House of Representatives and at least 6 of the 11 Senators). If this majority is not reached, the decision is taken by a majority of two thirds of all of the members (i.e. at least 15 of the 22 members).

The decisions taken by the committee bind the two assemblies and are brought to the attention of their members by their respective President.

1 See information sheet 11.04
2 See information sheet 11.05
3 See information sheet 11.06

The House of Representatives

Second reading

What is second reading ?

The sixth Reform of the State has considerably modified the role of the Senate as co-legislator. The Senate was primarily responsible for examining the texts adopted by the House and thus the guardian of the quality of the legislation. Most of the Government bills and Private Member's bills are no longer sent to the Senate in order to be possibly examined a second time.

Because of the increased risk to pass flawed legislation, the House adapted its rules of procedure in order to make a thorough second "reading" (= examination) by the House itself possible. It is often useful to examine a text "passed in first reading" a second time, after a time for reflection, mainly to control the coherence and the quality of the articles passed in first reading.¹

Procedure

A second reading can take place in a committee as well as in the plenary meeting.

The procedure does not start automatically but only if at least one committee member² (in committee) or the president or a third of the members (in plenary meeting) so requests. If this request is done on time³, it should be granted.

The committee may only go on to second reading after at least ten days, starting from the time when the committee report is circulated together with the text passed in first reading. For an urgent Government or Private Member's bill the ten day period is reduced to five days.

During second reading, amendments can be tabled and legislative-technical improvements can be submitted, where applicable according to suggestions offered in a note from the House services, to the text passed in first reading. These amendments or improvements may not entail a third reading in the committee.

If the plenary assembly goes on to a second reading, the text of the Government bills or the Private Member's bill is sent back to the competent committee which examines the text once again in exactly the same way as if the committee had gone to a second reading. In this case, however, the committee can start examining the text immediately.

If the House amends during second reading a text it adopted in first reading or a text that was amended in committee, it can decide to submit them to a third reading and to adjourn the vote on the whole of the Government or Private Member's bill till a later sitting.

DOC 55 3969/005	DOC 55 3969/005
CHAMBRE DES REPRÉSENTANTS DE BELGIQUE	BELGISCHE KAMER VAN VOLKSVERTEGENWOORDIGERS
7 mai 2024	7 mei 2024
PROJET DE LOI instaurant un Service citoyen	WETSONTWERP tot invoering van een Samenlevingsdienst
Texte adopté en deuxième lecture par la commission des Affaires sociales, de l'Emploi et des Pensions	Tekst aangenomen in tweede lezing door de commissie voor Sociale Zaken, Werk en Pensioenen
Le texte adopté est identique aux articles adoptés en première lecture par la commission (DOC 55 3969/003, p. 3 à 18).	De tekst aangenomen is dezelfde als de artikelen aangenomen door de commissie in eerste lezing (DOC 55 3969/003, blz. 3 tot 18).
Voir: Doc 55 3969/ (2023/2024) 001: Projet de loi. 002: Rapport. 003: Articles adoptés en première lecture. 004: Rapport de la deuxième lecture.	Zie: Doc 55 3969/ (2023/2024) 001: Wetsontwerp. 002: Verslag. 003: Artikelen aangenomen in eerste lezing. 004: Verslag van de tweede lezing.
CHAMBRE • 44 ^e SESSION DE LA 51 ^e LEGISLATURE	KAMER • 44 ^e ZITTING VAN DE 51 ^e ZITTINGSPERIODE (ingevorderd verslag - Centrale drukkerij)
	12370

1 However, a second reading can not take place for Government bills relating to budgets, accounts, loans, domain operations and the military quota, nor for Government bills by which assent is given to a treaty, nor to proposals for naturalisation. In this case, one considers that a second reading is less justified considering the fact that the texts do not contain general rules of law.

2 Or, when the bill under consideration is a bill that the Senate has sent back to the House, if a third of the committee members so requests.

3 At the latest after the vote on the last article and before the vote on the whole of the text.

The House of Representatives

Political Control: Committees of Enquiry

Introduction

The House of Representatives is authorized to set up committees of enquiry (article 56 of the Constitution).

These committees enquire about important problems that have appeared within our society.

The House of Representatives thus controls the government and the policy conducted by the previous governments. Such enquiries also allow a large amount of information to be collected, which will possibly allow existing legislation to be improved.

The House of Representatives has had the right to conduct enquiries since 1830. It is regulated by the law of 3 May 1880, amended by the law of 30 June 1996. Standing Orders with regard to parliamentary committees of enquiry were adopted by the House on 23 October 1997.

Few enquiry committees were created in the first half of the twentieth century. This instrument has been used more frequently since 1980: several committees of enquiry were set up at that time, following certain shocking events. In this respect, one could think of the enquiry committee charged with examining the reasons for the failure of the investigation into the “Brabant Killers”, whose crimes took the lives of 29 people, or the enquiry committee set up to investigate how the problem of sexual abuse inside and outside the Church was addressed.

Parliamentary enquiry committees and special committees

While the number of enquiry committees fell from 2000 onward, ‘special committees’ were set up regularly with a view to carrying out large-scale enquiries (for example, let us cite the special committee charged with examining how the COVID-19 pandemic was managed by the Belgian authorities or the special committee on human trafficking and human smuggling). A special has less wide-ranging powers than an enquiry committee and is therefore able to start work more quickly. If necessary, it may be converted subsequently into an enquiry committee.

Overview of enquiry committees since 1972

- 1972 : television advertising
- 1985 : the events during the Liverpool-Juventus match of 29 May 1985 (Heysel disaster)
- 1987 : arms supplies
- 1988 : fraud and breaches to the nuclear non-proliferation treaty by the Centre of studies for nuclear energy and related companies
- 1988 : the fight against organised crime and terrorism (Brabant Killers I)
- 1992 : the trade of human beings
- 1993 : arms purchases
- 1996 : sects
- 1996 : enquiry on the disappearance of children
- 1996 : Brabant Killers II
- 1999 : dioxin
- 1999 : Lumumba
- 2002 : Sabena
- 2008 : Tax fraud
- 2009 : Fortis
- 2016 : Terrorist attacks
- 2016 : Optima
- 2016 : Penal transaction
- 2017 : Panama Papers
- 2023 : Sexual Abuse
- 2024 : Operation Chalice

Other parliaments also regularly create enquiry committees. In the United States, for example, parliament frequently uses “investigation committees” which have very wide powers.

The European Parliament and the Community and Regional Parliaments also have the right of enquiry.

Constitution

One or more parliamentarians submit a proposal aimed at setting up an enquiry committee. The assignment of the committee is described as accurately as possible in it. This proposal is examined in the same way as Private Member’s Bills (monocameral procedure): examination in committee, possibility of amendment, discussion and adoption in the plenary meeting.

Composition

The members of the enquiry committee (no maximum or minimum number is imposed) are designated by the plenary session and are members of it, according to the rule of proportional representation. Each group thus has a certain number of members in relation to its size. The committee appoints a chairman and a board.

Duration

The mandate of the committee is always limited in time. The time limit for the enquiry is set by the plenary session on the proposal of the conference of presidents.

Competence

The committee has the same powers as an investigating magistrate in a judicial enquiry. The committee may thus summon witnesses and hear them under oath, confront one witness with another, request or seize documents, order searches, organise visits on location, etc.

To carry out certain acts of investigation, the committee sends a request to the first president of the Court of Appeal, who then designates the competent magistrates. They are placed under the authority of the chairman of the committee.

The committee may also call on the special “P and I” (police and Intelligence) standing committees. These are control bodies that belong to parliament and exercise control on the police and intelligence services.

Working

In principle, the committee meetings are public, unless the committee decides otherwise. The committee members are bound by confidentiality with regard to the information obtained during meetings in camera.

Report

The observations of the enquiry committee are consigned to a report by the rapporteur(s). This report is submitted to the plenary session which then reaches a decision on the conclusions and recommendations given in it. The reports are public documents.

DOC 55 3617/003	DOC 55 3617/003
CHAMBRE DES REPRÉSENTANTS DE BELGIQUE	BELGISCHE KAMER VAN VOLKSVERTEGENWOORDIGERS
18 octobre 2023	18 oktober 2023
PROPOSITION VISANT À INSTITUER UNE COMMISSION D'ENQUÊTE PARLEMENTAIRE	VOORSTEL TOT OPRICHTING VAN EEN PARLEMENTAIRE ONDERZOEKSCOMMISSIE
chargée d'enquêter sur le traitement des abus sexuels commis au sein et en dehors de l'Église, y compris sur leur traitement judiciaire, et sur leurs conséquences actuelles pour les victimes et pour la société	belast met het onderzoek naar de aanpak van seksueel misbruik, in de Kerk en daarbuiten, met inbegrip van de gerechtelijke behandeling, en de gevolgen op vandaag voor slachtoffers en samenleving
Texte adopté par la commission de la Justice	Tekst aangenomen door de commissie voor Justitie
Voir: Doc 55 3617/ (2023/2024) : 001: Proposition de M. Segers, Mme Van Peel, MM. Senesaël, Bihet, Vajda et Geens, Mme Gabriëls, M. Van Hecke et Mmes Matz et Ribhony. 002: Rapport.	Zie: Doc 55 3617/ (2023/2024) : 001: Voorstel van de heer Segers, mevrouw Van Peel, de heren Senesaël, Bihet, Vajda en Koen, mevrouw Gabriëls, de heer Van Hecke en de dames Matz en Ribhony. 002: Verslag.
CHAMBRE • 6 ^e SESSION DE LA 55 ^e LÉGISLATURE	10388 KAMER • 6 ^e ZITTING VAN DE 55 ^e ZITTINGSPERIODE
2023 2024	

The House of Representatives

Special Competences: Naturalizations

General

Generally speaking, foreigners can obtain the Belgian nationality in three ways: through *assignation*, *declaration* and *naturalization*. The procedures are described in the Code of Belgian Nationality.

The **assignation** can be obtained automatically by foreigners who are born in Belgium and of whom the parent or adoptive parent has already been residing for a long period of time in Belgium.

Judicially speaking, the nationality can be **obtained (acquisition)** when the foreigner starts the procedure (*declaration* and *naturalization*).

A foreigner who has been residing in Belgium for a long period of time and who can prove that he or she is proficient in one of the national languages and has integrated into Belgian society and, if appropriate, is contributing to its economic life, can make a **declaration of nationality**. This declaration is treated by a public servant of the Register Office and/or by the Court of First Instance.

Foreigners can also obtain the Belgian nationality by **naturalization**. Only the Belgian House of Representatives is competent for the granting of naturalizations (stipulated by article 74 of the Constitution).

The conditions to be met to be able to submit a request for naturalization were radically changed by the law of 4 December 2012 amending the Belgian nationality code in order to make acquisition of Belgian nationality neutral from the immigration viewpoint. Since then, the naturalization procedure has become an exceptional arrangement.

Who can be naturalized Belgian?

The conditions to be fulfilled to be able to be a naturalized Belgian read as follows:

EITHER:

1. Must be aged at least 18 or must be emancipated before;
2. Must be resident legally in Belgium;
3. Must have demonstrated or be able to demonstrate to Belgium exceptional merit in the scientific, sporting or socio-cultural field and, for this reason, being able to make a special contribution to the international reputation of Belgium;
4. And demonstrate why it is virtually impossible for him/her to acquire Belgian nationality by making a declaration of nationality pursuant to Article 12bis of the Belgian nationality code.

OR:

1. Must be aged at least 18 or must be emancipated before;
2. Must be a stateless person in Belgium pursuant to prevailing international conventions;
3. Must have been legally resident in Belgium for at least two years.

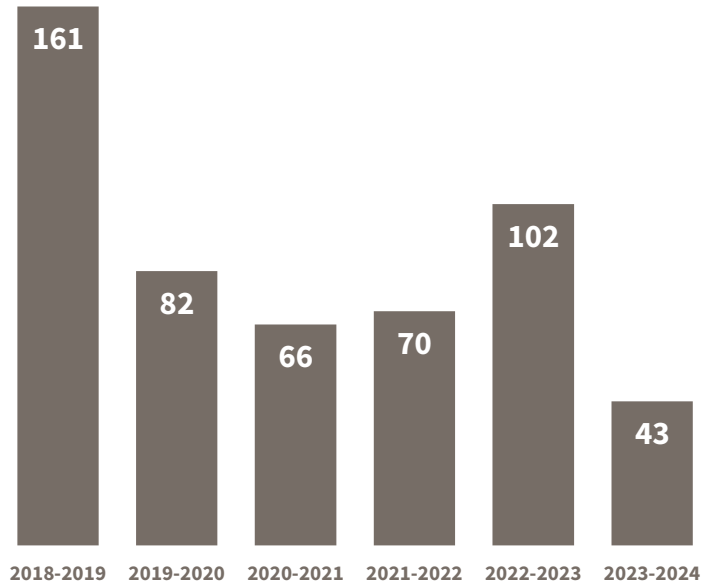
The procedure

- The application form as well as a brochure containing general information may be obtained from the local authorities (municipality administration).
- The completed application form must be sent with the requisite documents to the Register Office for the applicant's domicile or the secretary general of the House of Representatives - Citizenship Department. The form together with the attached documents are checked by the department.
- The department requests the advice of the public prosecutor for the domicile of the applicant, the Aliens Office and State Intelligence Service. It is checked whether there are any serious facts of a nature to constitute an obstacle to obtaining Belgian nationality or not. If the prosecutor has not sent his advice within four months, it is presumed to be positive and the procedure may be continued. Additional information may also be requested from other authorities.
- The complete file is then submitted to the naturalizations committee of the House of Representatives. This committee may propose a new enquiry, adjourn, approve or reject the application.
- The proposal of the committee is subject to approval by the plenary assembly of the House of Representatives.
- The naturalization certificate approved by the House must be sanctioned by the King.
- It is then published in the Moniteur belge (State Official Journal).
- The applicant becomes Belgian on the date of publication.

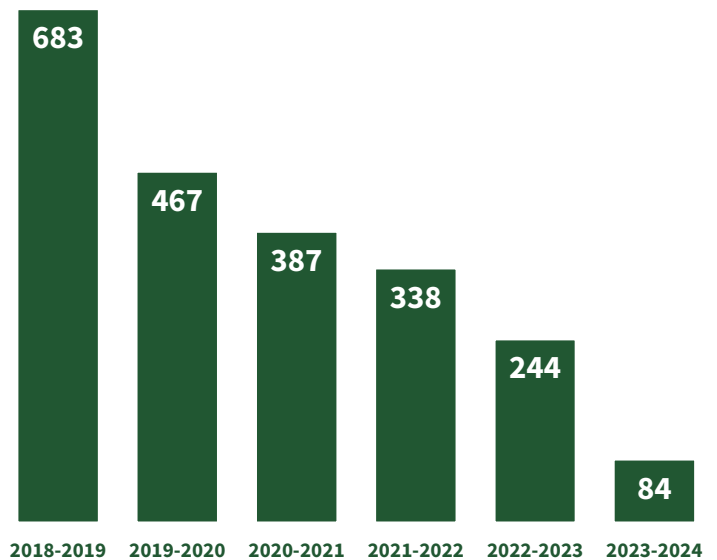
SERVICE CITOYENNETÉ

rue de Louvain 48
1000 BRUXELLES

Number of applications



Number of naturalizations*



* These figures also refer to files introduced a few years ago.

The House of Representatives The Federal Ombudsman

The mission of the Federal Ombudsman

The Federal Ombudsman is an independent collateral body of the Chamber of Representatives.

It works for the efficient functioning of democracy. It handles citizen's and companies' complaints about federal public services and seeks solutions through dialogue. It examines reports of integrity violations in the various federal public services and coordinates the handling of reports of breaches of law within private companies. In both sectors, it protects whistleblowers from possible retaliations. Through these different missions, the Federal Ombudsman acts as a natural point of contact for citizens experiencing problems with the public services and as a promoter of good governance and integrity and as a protector of whistleblowers.

How does the Federal Ombudsman work?

The institution employs around fifty persons.

It is run by a French-speaking ombudsman and a Dutch-speaking ombudsman, who act as a college. They are appointed by the Chamber of Representatives following a public call for candidates. Their mandate lasts six years and can be renewed once, following a new call. The current ombudsmen are Jérôme Aass (French-speaking) and David Baele (Dutch-speaking).

The Federal Ombudsman works :

- Free of charge
- Independently and impartially: it takes account of all points of view
- In complete confidentiality: employees are bound by professional secrecy
- Professionally: employees are competent in the matters they deal with and handle cases with care.

What type of complaints does the Federal Ombudsman handle?

The Federal Ombudsman examines complaints relating to the actions and functioning of the federal public services. It therefore only deals with complaints relating to federal matters (such as social security, personal income tax, VAT, the Immigration Office, etc.) Any person concerned by the problem raised can file a complaint. Legal entities and de facto associations can also file a complaint.

Before turning to the Federal Ombudsman, the citizens must first contact the federal administration concerned by the problem. The administration must be able to resolve the problem itself. If it does not lead to a solution, the citizen can then ask the Federal Ombudsman for help.

The Petitions Committee of the Chamber Representatives can also forward petitions to the Federal Ombudsman who will treat them as a complaint.

What type of complaints does the Federal Ombudsman not handle?

It does not handle complaints that do not concern a federal public service. The Federal Ombudsman is therefore not competent to handle complaints relating to municipal, regional, community matters, etc. Nor does it handle complaints for which other (ombudsman) services are competent, such as those relating to pensions, SNCB, Bpost, telecoms, etc. It forwards the complaints to the competent ombudsman service.

The Federal Ombudsman can also refuse to handle anonymous complaints or complaints filed more than a year after the facts. It therefore explains the reasons for this to the person that filed the complaint.

Meaningless or fictitious complaints are not handled by the Federal Ombudsman.

If the citizen starts court proceedings or lodges an organised administrative appeal for facts that are part of his complaint to the Federal Ombudsman, then the Ombudsman suspends its examination.

The only exception is if the person concerned introduces an annulment appeal with the Council of State. In this case, the Federal Ombudsman may continue to handle the complaint. A complaint to the Ombudsman does not suspend the deadline for the appeal.



What whistleblowers reports are examined by the Federal Ombudsman?

The Federal Ombudsman examines whistleblowers' reports concerning situations that happened in a professional context. It deals with reports concerning integrity violations in the various federal public services. It could be reports of an abuse, a fraud, favouritism or an irregularity. It also writes investigation reports with recommendations.

It also examines reports of breaches of law in the private sector and forwards them to the competent authorities for investigation.

Anonymous reporting is possible in both sectors.

The Federal Ombudsman also protects whistleblowers against retaliations, in both public and private sectors.

Reports and recommendations

Every year, the Federal Ombudsman submits an annual report to the President of the Chamber of Representatives by the 31 March at the latest. The report is then made public. It is also presented to and discussed by the Chamber's Petitions Committee.

The annual report contains the main figures relating to complaints and an overview of the problems for which citizens most frequently contacted the Federal Ombudsman during the year. It also describes the Ombudsman's work concerning whistleblowers, the progress in structural cases and the way the institution operates as well as its contacts with other institutions and organizations.

In addition to the annual report, the Federal Ombudsman also writes investigation reports, reports and recommendations in response to structural problems raised in complaints. In these reports and recommendations, it analyses the problem and, if necessary, invites the federal public services and/or Parliament to adapt administrative practice or legislation. It also reports on the follow-up to its reports and recommendations to the Petitions Committee.

After examining whistleblowers' reports in the federal public service, the Federal Ombudsman also writes investigation reports that may contain recommendations. These reports are transmitted to the most senior manager of the federal public service in question and are not made public.

How to contact the Federal Ombudsman?

You can file a complaint against a federal public service or make a report as a whistleblower by using the forms available on www.federalombudsman.be

You can contact the Federal Ombudsman by **mail: contact@federalombudsman.be** (complaints) or **integrity@federalombudsman.be** (whistleblowers.)

You can ask your question by calling the **free phone number: 0800 99 961**. From abroad: +32 2 289 27 27.

Postal address: Federal Ombudsman (Or: "Federal Ombudsman-Integrity Centre" if you are a whistleblower), rue de Louvain 48, letter box 6, 1000 Brussels.

It is also possible **to make an appointment** with one of the Federal Ombudsman's members of staff at its offices in Brussel or in a city close to the place of residence of the person concerned, by calling 0800 99 961 or by sending an e-mail to contact@federalombudsman.be.

The annual and intermediary reports and answers to frequently asked questions, examples of cases handled by the Federal Ombudsman and the latest news about the Federal Ombudsman can be found at www.federalombudsman.be

The House of Representatives

Bodies

The House determines the way in which it exercises its duties (article 60 of the Constitution). The workings of the House are determined by its Rules of procedure which are approved by the plenary session. The Rules of procedure provide for several bodies. There are:

- Political bodies: they carry out the parliamentary assignments (regulating, controlling government, etc)
- Management bodies: they allow the House to carry out parliamentary assignments as optimal as possible.

Political bodies

» Plenary session

The plenary session is the meeting of the 150 directly elected deputies who sit in the plenary assembly room of the House⁽¹⁾⁽¹⁾. The debates and votes on government declarations, Private Member's Bills (legislative initiative of members of the House of Representatives), Bills (legislative initiative of the Federal government), amendments and the budget are dealt with in the plenary session.

In the plenary session the members of the House may also interpellate ministers and ask them oral questions.

The organisation of the debates (eg. speaking time) is determined by the Rules of procedure or by the Conference of presidents (see below). The votes are sometimes done by standing and sitting, but mainly by electronically done call-over.

In principle, the session is public. This means that the public are admitted to the galleries. Exceptionally, the members of the House may meet in camera.

» The President

The President⁽²⁾⁽²⁾ is the representative of the House as an institution. He is elected by the plenary assembly for the duration of a session (from the second Tuesday of October to the second Tuesday of October of the following year). In practice, he stays in office for the duration of the parliamentary term (in principle 5 years unless the House is dissolved beforehand). In general, he is a member of the majority. In consultation with the presidents of the political groups, he manages the activities of the House and in order to do this he has considerable powers. He maintains order during the sessions, requests the advice of the Council of State regarding Bills, etc.

» Committees

Types

- Standing committees: their competences are to a large extent identical to those of the ministerial departments (eg. external relations, finance, social affairs, national defence, etc).
- Temporary committees: are set up to examine certain Bills or Private Member's Bills.
- Special committees: naturalisations, petitions, committee assisting the Standing Committee on monitoring Police Services and the Intelligence Services, etc.
- Advisory committees: these are committees that work in specific areas (eg. the advisory committee on European affairs consisting of ten members of the House of Representatives and ten Belgian members of the European Parliament).
- Enquiry committees: the House is entitled to conduct enquiries (article 56 of the Constitution). The enquiry committees are set up by the plenary assembly to solve problems arising in a sector of life in society.

1 The plenary assembly hall of the House was built in 1817 to house the second chamber of the States General of the Netherlands. The Belgian House of Representatives has sat there since 1831. A fire destroyed the hall in 1883. It was rebuilt by H. Beyaert in 1886.

2 The current President of the House is Mr Peter De Roover, who is part of the N-VA group.

Composition

The standing committees consist of 17 members. The other committees have a variable number of members. The political composition of the committees is proportional to the number of seats the groups have in the plenary assembly. Members specialised in certain fields sit on them. The committees are chaired by a committee chairman. The chairmanships are distributed among the different groups proportionally, no matter whether they belong to the majority or the opposition.

Workings

The proceedings of the plenary session are prepared in the committees as the work can be done more effectively and quickly in this way. The Bills and Private Member's Bills are discussed, amended and then submitted to the plenary assembly with a report.

The committees are taking on an increasing amount of parliamentary work that used to be done in the plenary session. The committee members may put questions to the ministers and interpellate them (the votes on motions however take place in the plenary session). The centre of gravity of parliamentary work lies with the committees.

Generally the committee meetings are public. Exceptionally, committees meet in camera.

»» Conference of presidents

This consists of the President and vice-presidents of the House of Representatives, former presidents who are still deputies, and the president and a member of each political group. A minister responsible for the relations with the house attends these meetings.

Each week the Conference discusses the working rules of the plenary session (eg. speaking time) and the coordination between the different bodies of the House of Representatives. It also decides on the opportunity of all matters submitted to it (eg. sending parliamentary delegations abroad).

The Conference is one of the most important bodies of the House.

Management bodies

»» The Bureau

Composition:

- A President appointed by the plenary assembly, three vice-presidents and members of the Bureau appointed on a proposal by the political groups
- The former presidents of the House
- As many "associated" members as necessary so that each political group has at least one representative within the Bureau
- The presidents of the political groups.

The Bureau has general authority for the management of the House. In this respect it determines the status of the personnel and the bodies of the House. It appoints and dismisses members of staff.

»» The Management Committee

The Management Committee is an integral part of the Bureau, and consists of three vice-presidents and two members of the Bureau of the House. It is charged with preparing decisions by the Bureau and following-up the implementation of these decisions. It draws up the draft budget and the draft accounts of the House.

»» The Accounts Committee

This committee, chaired by the President of the House of Representatives, consists of eleven members and is responsible for examining the accounts of the House funds.

On the proposal of the Management Committee, this committee determines the House of Representatives' budget and accounts and submits them to the plenary session for its approval.

»» The clerk

The clerk, with the rank of secretary-general, is appointed for a period of indefinite duration by the plenary assembly. He is the adviser to the President. He has authority over all the departments of the House of Representatives and their personnel.

The House of Representatives

The Plenary Assembly

The 150 directly elected deputies meet in the plenary session. It is held in the plenary assembly room of the House of Representatives⁽¹⁾. This is the aspect of parliamentary proceedings that the public is most familiar with.

The composition of the plenary assembly

Deputies can build political groups. Usually, it concerns deputies belonging to the same political party⁽²⁾. The recognized political groups are made up of at least five members.

The language groups: the deputies are divided into a Dutch language group and a French language group⁽³⁾.

When are the plenary sessions held?

In principle the plenary sessions are held on Thursday afternoon. In busy periods, for example at the end of the year when the budget is discussed, there are also plenary sessions on other days.

Who chairs the plenary assembly?

At the beginning of a new parliamentary term (or new session), the House of Representatives is chaired by the outgoing President or, for lack of him, the member with the greatest length of service in the House. He is assisted by the two youngest deputies.

After the election of the Definitive Bureau by the House of Representatives, which consists of a President, three vice-presidents and members of the Bureau, the new President chairs the plenary session.

What happens in the plenary session?

The activities in the plenary session are highly varied. They are dictated by political events. Each week (generally on Wednesday morning), and more frequently if necessary, the Conference of presidents (consisting of the President and vice-presidents of the House, former presidents who are still members of the House, as well as the president and a member of the various political groups) meet to set the agenda for the plenary session. The plenary assembly generally approves the proposed agenda.

» Political control

Government declaration

The plenary assembly listens to the government declaration, debates it and then votes its confidence in the government.

Interpellations

An interpellation allows a deputy to ask one or more federal ministers to account for an act of policy, a given situation, general or specific aspects of government policy⁽⁴⁾. To close the debate about an interpellation the deputies can submit motions which are voted on later.

Oral questions

The oral questions asked in the plenary session must be topical and of a general interest.

In principle, question time is held on Thursday afternoon starting at 14.15.

Topical debate

When several oral questions are put on the same subject, the President of the House of Representatives, may, on the agreed advice of the presidents of the political groups or on the advice of the Conference of presidents, combine these questions to be dealt in the form of a topical debate.

1 The plenary assembly room of the House was built in 1817. It was at the disposal of the second chamber of the States General of the Netherlands. The Belgian House of Representatives has sat there since 1831. A fire destroyed the plenary assembly room in 1883. It was rebuilt by H. Beyaert.

2 See information sheet 10

3 See information sheet 10

4 See information sheet 11.02

» Financial control

One of the essential roles of the House of Representatives is to approve the federal budget and accounts⁵.

» Legislative work

The legislative work begins with the general discussion.

This discussion is related to the underlying principle and the whole of a Bill or Private Member's Bill. The debate is generally preceded by a presentation by the rapporteur (the member who wrote the report of the committee discussion). All the deputies may take the floor during the debate. The minister generally takes the floor at the end of the debate to answer the observations made by the deputies.

When a number of deputies wish to speak, the President draws up a list of speakers. The speakers mandated by a group have priority. The President ensures that the advocates and opponents speak in turn.

At the end of the general discussion, the discussion on the articles and any amendments relating to it starts.

Speaking time

The speaking time is set by the Standing Orders. It is 30 minutes for the general discussion and 15 minutes for the discussion on the articles. The author of an amendment has 5 minutes to speak. For important Bills or Private Member's Bills the Conference of presidents (see above) sometimes proposes to depart from these rules. Each member can ask to speak during the debate by order motion, provided that it is declared admissible by the President. A member can ask to speak because of a personal fact (e.g.: a personal attack).

Vote⁶

After the closure of the debate, explanations for votes can be expressed. The Standing Orders stipulate that the House votes by a name call or by sitting and standing. In practice the vote is generally done electronically.

It is logical for the decisions to be taken by a vote, majority against opposition. The 150 deputies in fact represent the different convictions and trends within society. A consensus is consequently exceptional.

After the vote, a member who has abstained from voting can express the reasons for his (her) abstention.

The public nature of the sessions

In principle, the plenary sessions are public. All and one may attend them. The visitors have access to the Parliament through the rear entrance, located Leuvenseweg 13. They have to show their identification card at the document desk.

The citizens can inform themselves through a large number of channels.

- They can follow the plenary meeting live via the House's website and also watch preceeding meetings.
- They can consult the integral report and the summary report of the meetings on the website. In the integral report, the debates are published in the language of the speaker. The summary report contains concise minutes of the debates in Dutch and French.
- They can inform themselves on the parliamentary activities via television, radio, newspapers and magazines.

On the request of the President or ten deputies, the House may decide to meet in camera.

Reports of meetings

» Integral report

Everything said in a plenary session is entered in an integral report. These reports, written only in the language of the speaker, are available at the website of the House two hours after the meeting. For public sessions of the House of Representatives, a copy of the integral report signed by the President and the clerk constitutes the record of the proceedings.

» Summary report

During the session, writers make a summary of the discussions. The text of this summary is available on the House's website in French and Dutch on the day after a meeting.

5 See information sheet 11.01

6 See information sheet 13.02

The House of Representatives

The Committees

General

The committees are the organs of the Parliament which carry out the preparatory legislative work and a substantial proportion of oversight of government.

Each committee is competent for a well defined field (for example justice, national defence, etc) and its members are specialised in the area in question. Consisting of a limited group of parliamentarians, the committees allow work to be done in a more effective manner.

Committees in the House of Representatives

»» The standing committees

The names and powers of the standing committees are established at the start of the legislative term.

There are currently 11 standing committees:

- Social affairs, Work and Pensions
- Constitution and Institutional Reform
- Defence
- Economy, Consumer Protection and Digitalization
- Energy, Environment and Climate
- Finance and Budget
- Interior, Security, Migration and Administrative Affairs
- Justice
- Mobility, Public Enterprises and Federal Institutions
- Foreign Affairs
- Health and Equal Opportunities

»» The special or temporary committees

These committees are created for the purpose of examining a specific Bill or Private Member's Bill. Once that scrutiny has been completed, they cease to exist.

The special committees are charged with specific missions other than the scrutiny of government or private members' bills (e.g.: the Prosecutions Committee, the Rules Committee; the Accounts Committee; the Committee in Charge of Parliamentary Oversight of the Standing Committee for Monitoring the Police Services).

»» Committees of enquiry

The House has a right of enquiry (article 56 of the Constitution) and may create enquiry committees, authorized to take any investigative actions provided for in the Code of Criminal Procedure. These committees enquire about problems that arise in our society (for example the bankruptcy of Sabena, tax fraud, terrorist attacks, ...).

»» Advisory committees

There are three advisory committees:

- The advisory committee on European affairs
- The advisory committee on social emancipation
- The advisory committee on scientific and technological questions

»» Joint Committees

There are also joint committees composed by deputies as well as senators, such as the parliamentary conciliation committee (see information sheet 11.07).

Focus on the standing committees

» Composition

After each renewal of the House of Representatives (i.e. after the federal legislative elections) it appoints the standing committees from among its deputies.

The standing committees consist of 17 members. The appointments are made by proportional representation of the political groups within the plenary assembly.

Deputies who do not form part of a group or who form part of a small group may also participate in the work of one or more committees, but without being entitled to vote.

In addition to the permanent members, the committees also have substitute members.

» Role

Preparatory legislative work

The committees examine and, where appropriate, amend the Bills and Private Member's Bills referred to them by the President of the House. The Bills and Private Member's Bills are put to the vote. The rapporteur (or rapporteurs) draws up a report of the proceedings. The rapporteurs are appointed by their colleagues on the committee. The report and the text adopted by the committee are submitted to the plenary assembly which either adopts the text as proposed after having amended it if appropriate, or rejects it, or sends it back, if appropriate, to the committee.

» Government control

The committee members may ask questions of the members of the federal government. Since 1987 most of the oral questions and interpellations have been raised at the committee stage.

Only the most important interpellations and oral questions are still raised in the plenary session.

The committees may organise hearings or meetings in order to inform the members. Just like the plenary assembly, the committee may also request the presence of a minister.

» Workings of a committee

In principle the committee meetings are public. A certain number of committees meet in camera, such as the Committee on prosecution and the naturalisation Committee.

The meetings are managed by a chairman. The vice-presidents of the House and the members of the Bureau of the House chair by right one of the standing committees of which they are members. If one of these renounces the chair, the political group to which he/she belongs may propose to the Conference of Presidents that the Chair of that committee should be another of its members on the committee. The Chair of each of the other committees is designated from the members of the committee by the President of the House of Representatives, on a proposal by the Conference of Presidents.

The committee chairmen have the same competences at the committee level as the President of the House of Representatives at the plenary session level: order, observance of the Rules of procedure, admissibility of texts.

The committee's agenda is set by the committee, or failing that, by its chairman or by the President of the House. With regard to the legislative work, priority is given to Bills and budgets.

In each committee, a majority of the members must be present at any time for the committee to be able to examine Bills and Private Member's Bills. For adopting a report and, a fortiori, for voting Bills or Private Member's Bills, the presence of a majority of the members is required.

The House of Representatives

The President

General

The President represents the House of Representatives as an institution. He manages and coordinates the work of the House in consultation with the presidents of the political groups. He has wide competences for this purpose, which are set out in the Rules of Procedure. The President of the House of Representatives is chosen from among the politicians who have considerable experience in the political arena. He must be able to get groups working together even if they have divergent points of view.

Election of the President and the Bureau

The first session of the House of Representatives after the elections is chaired by the outgoing President or, for lack of him, the member with the greatest length of service in the House. The youngest two representatives assist him in this task.

After verification of the credentials (during which the House checks the regularity of the elections), the House of Representatives then elects a “Definitive Bureau”.

The Definitive Bureau consists of:

- a President
- three vice-presidents
- members of the Bureau

The presidents of the recognized political groups also form part of the Bureau. The political groups which are not providing the President, a vice-president or a member of the Bureau can appoint an associate member.

The President is elected by the plenary assembly. The vice-presidents as well as the members of the Bureau are appointed by the House of Representatives, based on a proposal by the political groups.

It is the tradition for the President of the House of Representatives to come from one of the parties forming the government coalition. On three occasions only in the history of the House has a member of the opposition been the President⁽¹⁾.

The Bureau is elected for the duration of a session (which starts on the second Tuesday of October and ends on the second Tuesday of October of the following year). In practice the composition of the Bureau remains the same for the entire duration of the parliamentary term (five years, except in the event of the House of Representatives being dissolved early).

Resignation of the President

It is extremely rare for a President to resign during a parliamentary term. It did however happen on some occasions in the nineteenth century⁽²⁾.

Competences of the President

- The role of the President is to maintain order during the plenary session and to have the Rules of Procedure observed. He ensures for example that the speakers observe the speaking time allowed to them.
- The President may call a deputy to order. If a deputy is subject to a second call to order, he may not speak for the rest of the session. The President may also propose that a deputy is expelled. The assembly decides on this expulsion by standing and sitting⁽³⁾.
- He assesses the admissibility of the texts, motions and other proposals.
- The President asks questions and submits them to the vote. The President may only speak in a debate to present the state of affairs of an issue. If he wants to participate in the debate, he must leave the presidential seat and take his own seat in the House. The President does however participate in the vote.
- He announces the results of the votes and the decisions of the House.

2 After very serious incidents in the House, Presidents Guillery (in 1881) and de Lantshere (in 1895) resigned.

3 The first deputy to be expelled was a deputy from Liège, excluded on 21 January 1898. On 26 November 1959, the head of the socialists, Van Eynde, was also expelled.

1 E. Brunet in 1921; F. Van Cauwelaert in 1946; A. Van Acker in 1966.

- He is the spokesman of the House of Representatives.
- The President may request the advice of the Council of State, legislation section, on all Bills and Private Member's Bills, as well as on the amendments.
- The President manages a certain number of committees, such as the committee on bookkeeping.

When the President is absent, he is replaced by one of the vice-presidents.

The current President of the House is Peter De Roover. He belongs to the N-VA political group.

Presidents of the House since 1831

E.C. de Gerlache	10.09.1831	18.07.1832	E. Tibbaut	16.08.1928	05.09.1930
J. Raikem	10.11.1832	24.05.1839	J. Poncelet	11.11.1930	13.04.1936
J. Fallon	18.11.1839	10.09.1842	C. Huysmans	23.06.1936	06.03.1939
J. Raikem	09.10.1842	06.04.1843	F. Van Cauwelaert	21.04.1939	12.03.1954
C. Liedts	17.11.1843	20.05.1848	C. Huysmans	27.04.1954	11.11.1958
P.T. Verhaegen	28.06.1848	03.04.1852	P. Kronacker	11.11.1958	17.04.1961
N.J.A. Delfosse	26.10.1852	24.04.1855	A. Van Acker	18.04.1961	30.04.1974
J. De Lehaye	25.04.1855	13.06.1857	A. Dequae	30.04.1974	07.06.1977
P.T. Verhaegen	17.12.1857	30.05.1859	E. Leburton	07.06.1977	03.04.1979
A.E.P. Orts	19.07.1859	18.07.1860	Ch.F. Nothomb	03.04.1979	18.05.1980
D. Vervoort	23.11.1860	27.05.1863	J. Defraigne	20.05.1980	24.10.1980
E. Vanden Peereboom	15.12.1863	23.08.1867	J. Michel	24.10.1980	18.12.1981
H. Dolez	23.10.1867	20.05.1870	J. Defraigne	18.12.1981	19.01.1988
Vicomte Ch. Vilain XIII	11.08.1870	26.07.1871	E. Vankeirsbilck	19.01.1988	10.05.1988
X. Thibaut	15.11.1871	29.05.1878	Ch.F. Nothomb	10.05.1988	21.05.1995
Ch. Rogier	01.08.1878	26.08.1878	J. Dupré	08.06.1995	28.06.1995
J. Guillery	13.11.1878	10.03.1881	R. Langendries	28.06.1995	01.07.1999
J. Descamps	22.03.1881	17.05.1884	H. De Croo	01.07.1999	12.07.2007
X. Thibaut	23.07.1884	02.09.1884	H. Van Rompuy	12.07.2007	30.12.2008
T. de Lantsheere	12.11.1884	25.01.1895	P. Dewael	31.12.2008	20.07.2010
A. Beernaert	30.01.1895	07.05.1900	A. Flahaut	20.07.2010	30.06.2014
L. de Sadeleer	18.07.1900	08.11.1901	P. Dewael	30.06.2014	14.10.2014
F. Schollaert	12.11.1901	09.01.1908	S. Bracke	14.10.2014	26.05.2019
G. Cooreman	16.01.1908	08.08.1912	P. Dewael	20.06.2019	13.10.2020
F. Schollaert	12.11.1912	29.06.1917	E. Tillieux	13.10.2020	27.05.2024
P. Poulet	28.11.1918	13.10.1919	P. De Roover	10.07.2024	
E. Brunet	10.12.1919	06.08.1928			

The House of Representatives

Workings

Parliamentary term

The period for which the deputies are elected is called the “Parliamentary term” (in principle five years, unless the House is dissolved early).

» Start

In general, the newly elected House gathers the third or fourth week after the elections.

The first session of deputies after the elections is chaired by the outgoing President of the House or, for lack of him, the member with the greatest length of service in the House, who is assisted by the two youngest deputies. Their first task at the start of the new parliamentary term is to verify the credentials which means checking the eligibility of these members and verifying the validity of their election. All the members can take part in this verification. Following this, the deputies take the constitutional oath in a plenary session open to the public.

One of the first tasks of the deputies consists of appointing the President and the members of the Bureau, forming the committees, the presidency, etc. All the political groups may claim a certain number of appointments on the basis of their numerical size in the plenary assembly.

» End

Often, the parliamentary term comes to an end before the normal end of the term after a declaration of revision of the Constitution has been adopted. In that case, elections are organized within forty days and the new chambers (House and Senate) meet within three months (art.46 of the Constitution). (See illustration)

Session

» Ordinary session

An ordinary session is the period of one year during which the House of Representatives meets by right. It goes from the second Tuesday of October until the day before the second Tuesday of October in the following year (art. 44 Constitution). Each parliamentary term in principle consists of five ordinary sessions.

» Extraordinary session

It is an extraordinary session when the House of Representatives is dissolved early (before the normal end of the parliamentary term) and elections are held. The newly elected House is then convoked by the King (= government) in extraordinary session, which lasts until the day before the beginning of the next ordinary session.

» Start of the session: opening of the parliamentary year

The Constitution stipulates that Parliament meets by right on the second Tuesday of October (art. 44 Constitution). “By right” means that the ordinary session is opened automatically without being convened by the King (= the federal government).

» Duration of the session

The Constitution stipulates that Parliament must meet each year for at least 40 days (art. 44 Constitution).

» End of session

The parliamentary session is closed by the King (= the federal government) by Royal Decree. In reality it is done on the day before the next session is opened, so that the Parliament remains in session throughout the year.

Parliamentary week

The House draws up its own agenda according to political events. The weekly schedule below gives an idea of the organisation of a parliamentary week. In practice the House agenda often departs from this schedule.

» Monday

In principle, the management bodies of the political parties (the party bureaus) meet on Monday. In general the parliamentarians are represented within the bureau (the practical composition of which differs from one party to the next). During these meetings the parties set out their positions concerning the government decisions or political problems. The position of a party constitutes an important signal, both for the government, the parliamentary groups, the members of the party and for the citizen.

The committees of enquiry and other special committees also meet regularly on Monday.

» Tuesday

The parliamentary standing committees meet on Tuesday. They discuss Bills and Private Member's Bills and interpellate or question ministers.

If the agenda so requires, the House of Representatives meets in plenary session on this day, but it is fairly rare.

» Wednesday

On Wednesday the Conference of presidents meets. This consists of the President and vice-presidents of the House of Representatives, former presidents who are still deputies, the president and a member of each political group, and a government representative. The Conference sets the agenda for the plenary session. The plenary assembly then approves it. Like on Tuesday, committees also meet on Wednesday. If the agenda so requires, the House of Representatives meets in plenary session on Wednesday.

» Thursday

The political groups meet on Thursday morning. They establish their positions on political problems and the parliamentary work.

The afternoon is reserved for the plenary session.

Question time starts at 2.15 pm. The deputies may then put questions to ministers on topical subjects.

After that, Bills and Private Member's Bills are discussed. Subsequently, newly submitted texts are taken into consideration and finally follow the motivations of the votes by the political groups and the votes themselves on the Bills, Private Member's Bills, resolutions and motions.

» Friday

On Friday there are generally no parliamentary activities in order to allow deputies to devote their time to local matters. It can be seen, however, that the committees of enquiry and the special committees meet on Fridays.

SERVICE PUBLIC FEDERAL
CHANCELLERIE DU PREMIER MINISTRE
ET SERVICE PUBLIC FEDERAL INTERIEUR

[C – 2024/005134]

18 MAI 2024. — Arrêté royal portant convocation des collèges électoraux pour l'élection de la Chambre des représentants, ainsi que convocation des nouvelles Chambres

PHILIPPE, Roi des Belges,
A tous, présents et à venir, Salut.

Vu l'article 195, alinéas 1^{er}, 2 et 3, et l'article 46, alinéa 5, de la Constitution;

Vu l'article 105, alinéa 3, du Code électoral, inséré par la loi du 19 avril 2018, l'article 106, alinéa 1^{er}, du même Code, modifié en dernier lieu par la loi du 6 janvier 2014, et l'article 142, alinéa 1^{er}, du même Code, modifié en dernier lieu par la loi du 6 janvier 2014;

Vu la loi du 7 février 2014 organisant le vote électronique avec preuve papier, notamment l'article 15, alinéa 1^{er}, 3^e;

Vu l'arrêté royal du 9 juillet 2023 fixant la date de l'élection du Parlement européen ;

Vu l'arrêté royal du 18 février 2024 réglant certaines opérations en vue des élections simultanées pour le Parlement européen, la Chambre des représentants et les Parlements de Région et de Communauté du 9 juin 2024 ;

Vu la déclaration du pouvoir législatif fédéral du 17 mai 2024 portant qu'il y a lieu à révision des dispositions constitutionnelles qu'il y désigne;

Vu l'avis de l'Inspection des Finances, donné le 26 avril 2024;

Vu l'accord de Notre Secrétaire d'Etat du Budget, donné le 8 mai 2024 ;

Vu l'article 8, § 1^{er}, 3^e et 4^e de la loi du 15 décembre 2013 portant des dispositions diverses en matière de simplification administrative ;

Sur la proposition de Notre Premier Ministre et de Notre Ministre de l'Intérieur, des Réformes institutionnelles et du Renouveau démocratique, et de l'avis de Nos Ministres qui en ont délibéré en Conseil,

Nous avons arrêté et arrêtons :

Article 1^{er}. Les collèges électoraux de toutes les circonscriptions électorales du Royaume sont convoqués le dimanche 9 juin 2024 entre 8 et 14 heures dans les cantons électoraux et communes où le vote s'exprime au moyen de bulletins en papier, et entre 8 et 16 heures dans les cantons électoraux et communes où le vote est électronique, à l'effet d'élire le nombre requis de membres de la Chambre des représentants.

Art. 2. La nouvelle Chambre des Représentants est convoquée le jeudi 4 juillet 2024.

Le nouveau Sénat est convoqué le jeudi 18 juillet 2024.

Art. 3. Le présent arrêté entre en vigueur le jour de sa publication au *Moniteur belge*.

Art. 4. Notre Premier Ministre et Notre Ministre de l'Intérieur, des Réformes institutionnelles et du Renouveau démocratique sont chargés de l'exécution du présent arrêté.

Donné à Bruxelles, le 18 mai 2024.

PHILIPPE

Par le Roi :

Le Premier Ministre,
A. DE CROO

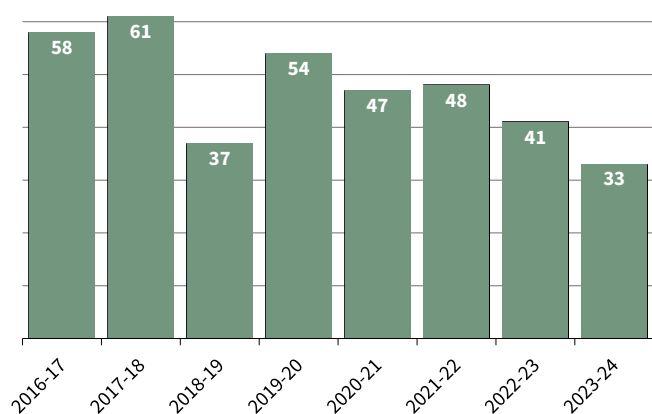
La Ministre de l'Intérieur, des Réformes institutionnelles
et du Renouveau démocratique,
A. VERLINDEN

The House of Representatives

The House in figures

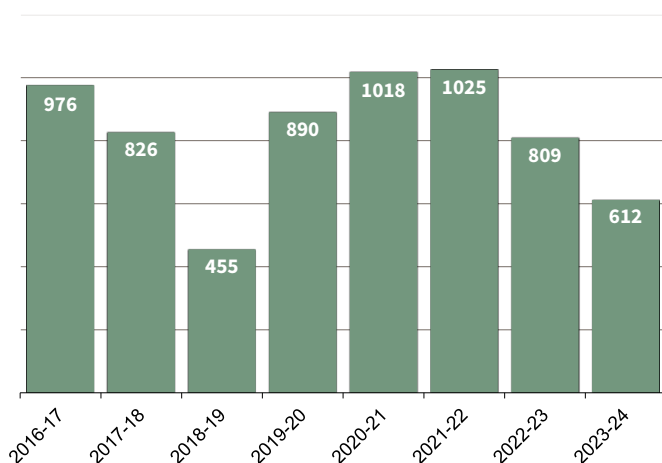
Number of plenary meetings

The plenary meetings are public. Everybody can attend them.



Number of committee meetings

Most committee meetings are open to the public. Everybody can attend them.



A parliamentary session goes from October to October.

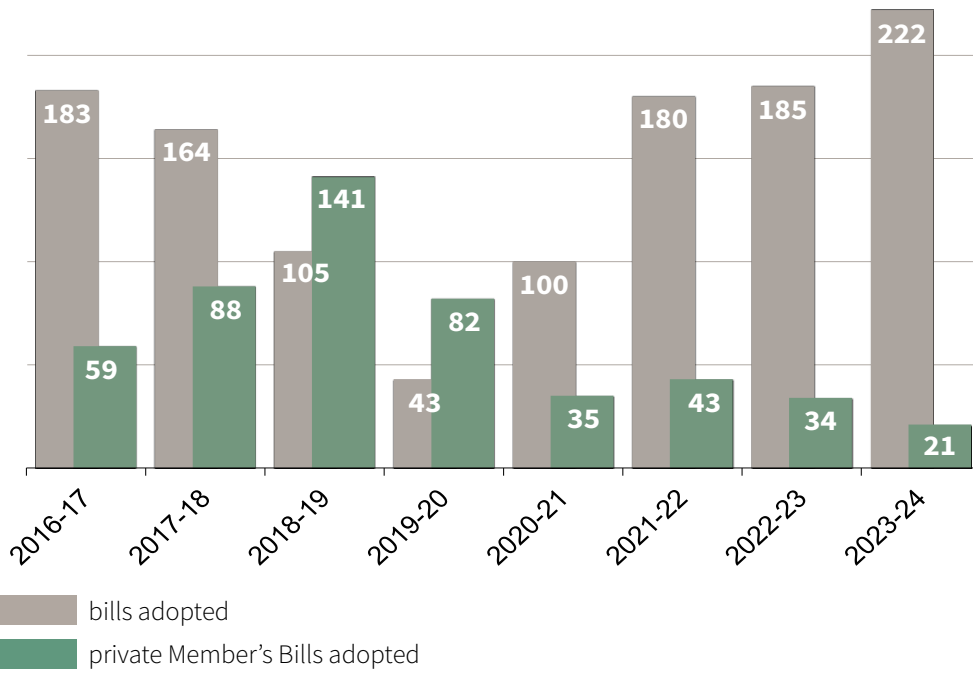
Legislative competence: how many laws are voted on?

Bills (government legislative initiative and bills transmitted by the Senate)

	submitted	adopted
2016-17	172	183
2017-18	171	164
2018-19	84	105
2019-20	56	43
2020-21	122	100
2021-22	184	180
2022-23	157	185
2023-24	164	222

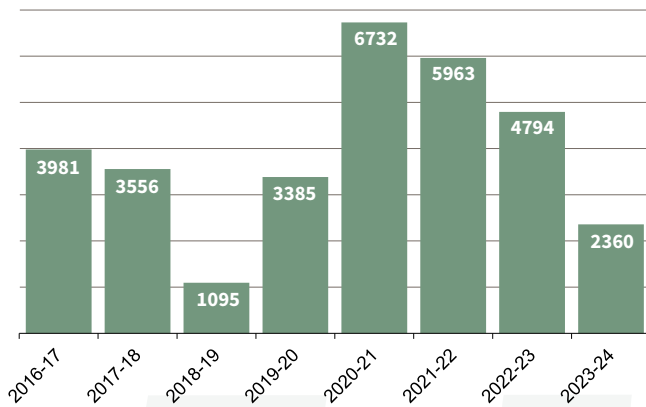
Private Member's Bills adopted (legislative initiatives of deputies)

	submitted	adopted
2016-17	342	59
2017-18	353	88
2018-19	269	141
2019-20	608	82
2020-21	245	35
2021-22	214	43
2022-23	170	34
2023-24	85	21

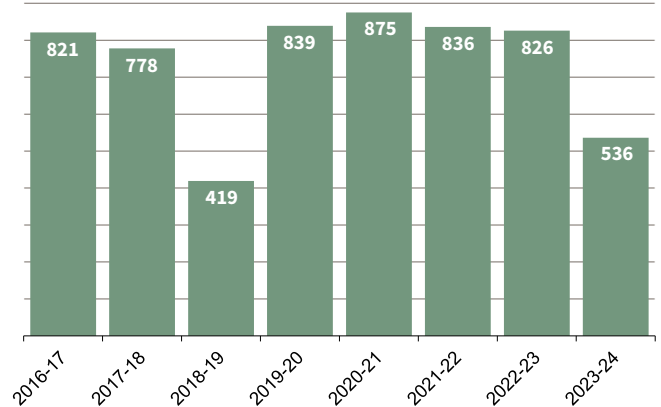


The power to be informed on the management of the State

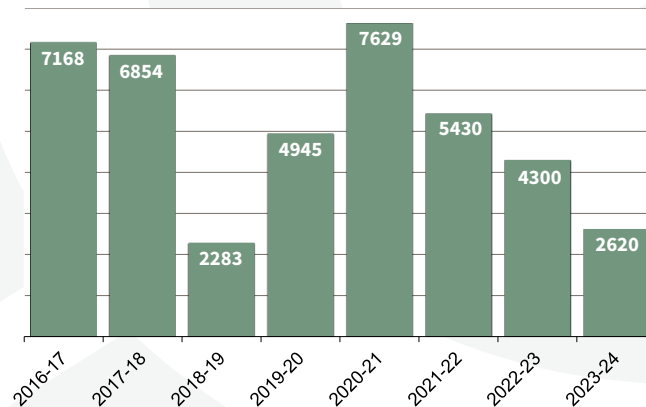
Number of oral questions in committee meetings



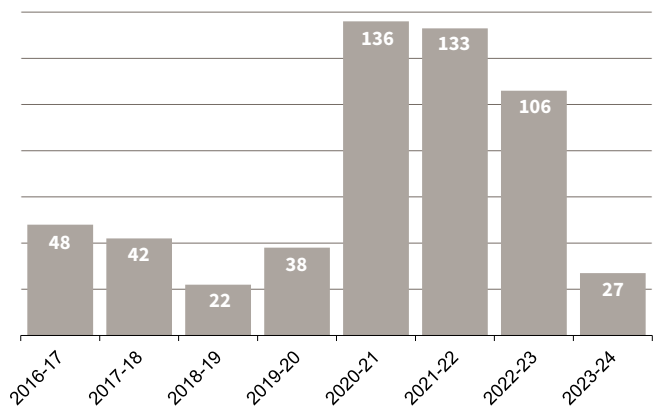
Number of oral questions in plenary meetings



Number of written questions



Political control of government policy: number of interpellations



The House of Representatives

Votes

General

Parliaments take decisions that fundamentally affect the life of the citizens. Given the importance of these parliamentary decisions (such as laws for example), procedures have been set up. These are aimed at determining whether the proposals have the support of the majority of the deputies.

Moreover, democracy is based on the idea that rules supported by the majority of the population will be better applied.

The parliamentary decision process “par excellence” is the vote. Through this process it can be verified whether a proposal is supported by a majority of deputies or not.

In this context two ideas are important.

- **The quorum:**

In order to avoid a limited number of parliamentarians taking decisions, the presence of a certain number of them is required, otherwise the vote is invalid.

- **The majority:**

In a democracy decisions are taken by a majority. This is most often a half plus one. In certain cases concerning very important decisions (eg. constitutional revision) a special majority is required in order to protect the minority.

Majorities

» Absolute majority

Article 53 of the Constitution stipulates that any resolution is taken with an absolute majority of the votes. In the event of a tie, the proposal submitted to discussion is rejected¹.

A quorum of half plus one is required (= 76 deputies)

PRESENT	“YES” VOTES
At least half plus one (= 76 deputies)	The majority of the votes cast

» Special majority

This is a qualified majority of two-thirds. This majority is required for a constitutional revisions (article 195 of the Constitution) and also for changing the numbering and the subdivisions of the Constitution (article 198 of the Constitution).

In this case a quorum of two-thirds (= 100 deputies) is required.

PRESENT	“YES” VOTES
At least two-thirds (= 100 deputies)	At least two-thirds of the votes cast

¹ All the appointments and presentations that the House is called on to make, are also taken with an absolute majority of the votes. However when reaching the third round of voting, the relative majority is sufficient. In case of equality of votes, the member with the greatest length of service, is appointed.

» Reinforced qualified majority

In certain cases a reinforced qualified majority is required (article 4 of the Constitution):

- a majority of the votes cast in each language group
- in addition, a majority of two-thirds of the votes cast in the two language groups.

In this case the quorum is the majority of the members of each language group.

This majority is required, in particular:

- to change the boundaries of the linguistic regions (Article 4 of the Constitution)
- to bring certain territories directly under the federal executive power (Article 5 of the Constitution)
- to create regional bodies (Article 39 of the Constitution)
- to amend the guarantees provided to Dutch-speakers and French-speakers in the former province of Brabant during elections for the House of Representatives (Article 63 of the Constitution)
- to broaden the bicameral and optional bicameral legislative procedures (Articles 77 and 78 of the Constitution)
- where it is a matter of the composition and workings of the parliaments and governments of the Communities and Regions, with the exception of the Parliament and Government of the German-speaking Region (Articles 118 and 121 of the Constitution)
- to amend the way in which the Flemish and the French-speaking Communities can exercise the powers of the Flemish and Walloon Region respectively (Article 137 of the Constitution)
- for the settlement of conflicts of interest (Article 143 of the Constitution)
- to amend certain essential elements of the organization of the Brussels judicial district and certain rules relating to the general assembly of the administrative litigation section of the Council of State (Articles 157bis and 160 of the Constitution)
- where it concerns the system for funding the Communities and Regions, except that applicable to the German-speaking Community (Articles 175 and 177 of the Constitution).

PRESENT

The majority of each language group

“YES” VOTES

The majority of the votes cast in each language group

Two-thirds of the two language groups together

Voting procedures

The Rules of Procedure provide for three types of voting:

» The call-over (= electronic vote)

The deputies used to cast their vote, one after the other, by calling out after their name was called in alphabetical order. Since 1955 the vote has been done electronically. Electronic voting is considered equivalent to the call-over method and is the most frequently used voting method.

In certain cases this type of vote is compulsory:

- at the end of debates on a government statement
- the vote on laws as a whole
- when requested by at least 8 members.

» Vote by sitting and standing

In less important cases requiring quick treatment and in which there is a clear majority the vote is done by sitting and standing. This type of vote is anonymous: it is impossible to know afterwards who voted for or against. In the event of doubt the vote is taken again or done electronically.

This voting procedure is used for votes on amendments and individual articles or a vote on an urgent motion.

» Secret vote

In principle the votes are public. The public must be able to check the position adopted by a deputy. It is the democratic way of proceeding. In accordance with the Constitution, votes on Bills or Private Member's Bills are always public. On the legislative level there are no secret votes.

On the other hand the appointments and presentations that the House is called on to make are by secret ballot (eg. members of the Court of Audit).

Senate Composition

The revision of the Constitution in 2014

The revision of the Constitution in 1993 had already revolutionised the composition of the Senate.

The revision of the Constitution in 2014, as part of the Sixth State Reform, radically reformed the composition of the Senate.

As from the 2014 elections, the Senate ceased to be composed of directly-elected Senators, and became a body consisting of members designated by the parliaments of the federated entities. The aim was to transform the Senate into a body where the various entities of the country meet. Only the institution of co-opted Senators remains from the previous composition. The institution of “Senators by right” (certain members of the royal family) has disappeared.

Who can be co-opted as a Senator?

To be designated as a Senator, the candidate must:

- be a Belgian
- not have been deprived of his/her civic and political rights
- be at least eighteen years of age
- be domiciled in Belgium.

How is the Senate made up?

Designated Senators

The Senate has the following designated Senators:

- 29 Senators designated by the Flemish Parliament from its ranks or from the ranks of the Dutch linguistic group of the Parliament of the Brussels-Capital Region
- 10 Senators designated by the Parliament of the French-speaking Community from its ranks
- 8 Senators designated by the Parliament of the Walloon Region from its ranks

- 2 Senators designated by the French linguistic group of the Parliament of the Brussels-Capital Region from its ranks
- 1 Senator designated by the Parliament of the German-speaking Community from its ranks.

These seats are divided between the lists, to reflect the totals of the electoral results of the lists, obtained in the various electoral constituencies at elections for the parliament of the federal entity concerned, according to the system of proportional representation.

Co-opted Senators

The Senate has the following co-opted Senators:

- 6 Senators co-opted by the Senators designated by the Flemish Parliament or the Dutch linguistic group of the Parliament of the Brussels-Capital Region from its ranks
- 4 Senators co-opted by the Senators designated by the Parliament of the French-speaking Community from its ranks, by the Parliament of the Walloon Region from its ranks or by the French linguistic group of the Parliament of the Brussels-Capital Region from its ranks.

These seats are divided between the lists, to reflect the totals of the electoral results of the lists, obtained in the elections for the House of Representatives, according to the system of proportional representation.

Website of the Senate:
www.senate.be

Senate Competences

The revision of the Constitution in 2014

The revision of the Constitution in 2014, following the Sixth State Reform, made fundamental reforms to the powers and responsibilities of the Senate.

At the elections for the Community and Regional Parliaments in 2014, the Senate was turned into a chamber of the federated entities. The objective of the reform of the Senate was to guarantee the participation by the parliaments of the federated entities in the organisation and operation of the Federal State, as well as to create a meeting place for the Community and Regional Parliaments.

The Senate has limited powers and responsibilities. From the normative viewpoint, this assembly is on an equal footing with the House of Representatives for procedures of revision and coordination of the Constitution, special laws and subjects which, in accordance with the Constitution, must be regulated by both assemblies. Moreover, the Senate continues to have competence for certain ordinary laws of an institutional nature. For certain other ordinary laws for which the Senate had competence on an equal footing with the House before the Sixth State Reform, the Senate still has a right of evocation. The other matters have become monocameral.

The powers and responsibilities of the Senate¹

» Legislative power

The Senate's right of initiative is limited to matters covered by article 77 of the Constitution, i.e. subjects where the House of Representatives and the Senate are competent on an equal footing.

The House of Representatives and the Senate are competent on an equal footing only for federal legislative norms relating to the following matters (compulsory bicameral procedure, article 77 of the Constitution):

- the declaration of revision of the Constitution, as well as the revision and coordination of the Constitution
- matters that must be regulated by both legislative chambers under the Constitution
- laws to be adopted by a special majority
- laws concerning the institutions of the German-speaking Community and its funding
- laws concerning the funding of political parties and the scrutiny of electoral spending
- laws concerning the organisation of the Senate and the status of Senator
- other matters designated by a law adopted by a special majority, for which the House of Representatives and the Senate have competence on an equal footing.

¹ This info sheet can be read jointly with info sheet no. 11 about the powers and responsibilities of the House of Representatives.

The Senate may evoke and examine federal legislative norms only relating to the following subject matter (optional bicameral procedure, article 78 of the Constitution):

- laws adopted pursuant to laws that must be adopted by a special majority
- the laws referred to in articles 5, 39, 115, 117, 118, 121, 123, 127 to 129, 131, 135 to 137, 141 to 143, 163, 165, 166, 167, § 1, para. 3, 169, 170, § 2, para. 2, § 3, paras. 2 and 3, and § 4, para 2, 175 and 177 of the Constitution, as well as laws implementing the laws and articles mentioned above, except for the legislation governing electronic voting
- laws adopted pursuant to article 169 of the Constitution in order to guarantee compliance with international or supranational obligations
- laws relating to the Council of State and the federal administrative courts
- other matters designated by a law adopted by a special majority, for which the Senate has a right of evocation and scrutiny.

At the request of the majority of its members, with at least one-third of the members of each linguistic group, the Senate can scrutinise the government bill. This request must be formulated within fifteen days of receipt of the bill.

In all other subject areas, the legislative power is not exercised by the Senate (monocameral procedure, article 74 of the Constitution). In other words, the adoption of federal legislative norms is now only a matter for the House of Representatives, apart from the exceptions listed above (articles 77 and 78 of the Constitution).

» Advisory role, mediation, presentation and appointment

The Senate has an advisory role for ‘cross-cutting’ topics, for which cooperation is necessary between the federated entities and the federal State.

The Senate retains its role as a mediator in the context of conflicts of interest.

The Senate has powers for a number of presentation and appointment procedures. So the Senate plays a role in the presentation of candidates or the nomination of judges to the Constitutional Court, State Counsellors and Assessors of the Council of State, as well as those members of the High Council for Justice who are not judges.

» Political oversight and international function

The Senate’s function of oversight of the federal government is restricted by the Sixth State Reform. The Senate has lost the power of inquiry, the possibility of asking oral questions or submitting requests for government statements. However, the Senate retains the right to ask written questions, provided that they relate to subject matters that come within the powers of the Senate.

The Senate’s international function is also restricted by the Sixth State Reform. The Senate still sends a delegation to a number of international parliamentary assemblies, to guarantee the representation of the federated entities but no longer has the power to assent to treaties.

Senate Operation

Meetings

Pursuant to article 44, paragraph 2 of the Constitution, the Senate is a non-permanent body.

The Senate holds eight ordinary plenary sessions each year. If the bureau of the Senate observes that there are no items on the agenda, it may decide not to hold an ordinary plenary session. The bureau of the Senate may convene extraordinary plenary sessions.

Linguistic groups

The Dutch linguistic group consists of

- the 29 Senators designated by the Flemish Parliament from its ranks or from the ranks of the Dutch linguistic group of the Parliament of the Brussels-Capital Region;
- the 6 Senators co-opted by the Senators designated by the Flemish Parliament or the Dutch linguistic group of the Parliament of the Brussels-Capital Region from its ranks.

The French linguistic group consists of

- the 10 Senators designated by the Parliament of the French-speaking Community from its ranks;
- the 8 Senators designated by the Parliament of the Walloon Region from its ranks;
- the 2 Senators designated by the French linguistic group of the Parliament of the Brussels-Capital Region from its ranks;
- the 4 Senators co-opted by the Senators designated by the Parliament of the French-speaking Community from its ranks, by the Parliament of the Walloon Region from its ranks or by the French linguistic group of the Parliament of the Brussels-Capital Region from its ranks.

The senator appointed by and from the Parliament of the German-speaking Community does not belong to the linguistic groups. However, when voting on a law to be adopted by a special majority, a yes vote by this senator is counted in the total of the yes votes and in the votes cast.

Political groups

Senators may form political groups. No member may form part of more than one group.

The bureau of the Senate sets the amount of the subsidy allocated to the groups, and the conditions of the facilities they occupy and the right of access to the premises of the Senate for their staff.

Committees

Each time the Senate is re-elected, and after the appointment of the definitive bureau, the assembly appoints from its ranks the standing committees; their number (which may not exceed five), name and duties shall be decided by the bureau. The committees meet every fortnight on Mondays and/or Fridays.

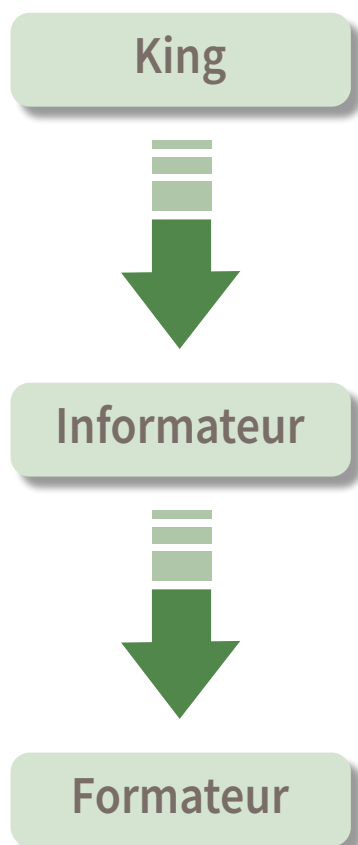
The Federal Government Formation

The government making power belongs to the House of Representatives: the government must obtain the confidence of the majority of the House.

No party has a majority in the House of Representatives: this is one of the consequences of the proportional representation electoral system. To form a government, coalitions have to be formed.

From a historical point of view, ministers were the servants of the King. The Head of State still plays an important role in the formation of the government. Article 96 of the Constitution stipulates moreover that the King appoints and dismisses “his” ministers.

The formation of the government is based more on custom and tradition than on written law.



How is a government formed?

» Consultations with the King

After the elections, the initiative to form a new government rests with the King. He first consults the Presidents of the House of Representatives and the Senate. Then, he conducts meetings with a number of prominent people in socio-economic and political spheres in order to learn of their opinions on the election results and on the policy that a new government should conduct. In general an informateur is appointed following these meetings. If the election results show a clear parliamentary majority, then the King can immediately appoint a formateur.

» Appointment of an informateur

The informateur is often an experienced politician who learns from the representatives of the political parties and explores the various government coalition possibilities. His task is to verify which political parties have the majority of seats and to examine whether they can form a coalition or not on the basis of their respective manifestos.

He reports these possibilities to the King and advises him regarding the appointment of a formateur.

» Appointment of a formateur

The King appoints the formateur on the basis of the report of the informateur. His assignment is to reach a government agreement (these are the main objectives that the government wishes to reach during the legislature). This operation takes place at the time when the formateur is conducting his negotiations with the party leaders he has approached with a view to forming a coalition. The negotiations concern the practical composition of the government. The majority parties make their desiderata known and present their candidates for the posts of ministers and secretaries of State.

If these negotiations succeed, he presents a new government team to the King. Most of the time the formateur becomes the Prime Minister.



King

**SERVICE PUBLIC FEDERAL
CHANCELLERIE DU PREMIER MINISTRE**

[C – 2020/15683]

**1^{er} OCTOBRE 2020. — Arrêté royal
Gouvernement. — Démission. — Nomination**

PHILIPPE, Roi des Belges,
A tous, présents et à venir, Salut.
Vu la Constitution, l'article 96 ;
Sur la proposition de la Première Ministre,

Nous avons arrêté et arrêtons :

Article 1^{er}. La démission offerte par M. Alexander De Croo, de ses fonctions de Vice-Premier Ministre et Ministre des Finances, chargé de la Lutte contre la fraude fiscale, et Ministre de la Coopération au développement, est acceptée.

Il est nommé Premier Ministre.

Art. 2. Le présent arrêté entre en vigueur ce jour.

Art. 3. La Première Ministre est chargée de l'exécution du présent arrêté.

Donné à Bruxelles, le 1^{er} octobre 2020.

PHILIPPE

Par le Roi :

La Première Ministre,
S. WILMES



House

Investiture of the government

» The King appoints his ministers (article 96 of the Constitution).

The King is “incapable” of acting alone without being covered by a minister (see information sheet 7).

In practice events happen in the following manner:

- the Prime Minister who is standing down signs together with the King the first decree that appoints the new Prime Minister (see illustration).
- the new Prime Minister signs jointly with the King the decree that appoints the other members of the government.

The appointed ministers take the oath before the King. After taking the oath, the ministers meet and draw up the government statement.

The government statement to the House of Representatives ("State of the Union")

The Prime Minister reads the government statement to the House of Representatives. He sets out the main lines of the government agreement (“State of the Union”). Following this statement, a debate takes place in plenary session.

The debate on the government statement ends in a vote of confidence. If at the end of the debate on the government statement, the Prime Minister obtains the confidence of the majority (by a motion of confidence being adopted), he may begin implementing the government agreement. It is then said that the government has obtained its investiture.

Policy statements by the members of the government

Each member of the government makes a policy statement to the House on taking office. This document sets out the strategic options and the main thrust of policy implementing the government agreement. The relevant committees of the House debate these policy statements and may formulate recommendations.

Legislature

The federal government remains in power for a maximum period of five years (the equivalent of a parliamentary term). The confidence that the government receives at the time of its accession to power is conditional, however, and may be revoked at any time. In other words a government must always ensure that a majority of members support its policy.

Historic overview of Belgian Governments

List of Belgian governments since the Second World War

Prime Minister	Appointment	Composition	Prime Minister	Appointment	Composition
A. Van Acker	12.02.1945	PSB, Kath., Lib., PCB	M. Eyskens	06.04.1981	CVP, PSC, PS, SP
A. Van Acker	02.08.1945	PSB, Lib., PCB, UDB	W. Martens	17.12.1981	CVP, PRL, PSC, PWV
P.H. Spaak	13.03.1946	PSB	W. Martens	28.11.1985	CVP, PRL, PSC, PWV
A. Van Acker	31.03.1946	PSB, Lib., PCB	W. Martens	21.10.1987	CVP, PRL, PSC, PWV
C. Huysmans	03.08.1946	PSB, Lib., PCB	W. Martens	09.05.1988	CVP, PSC, PS, SP, VU
P.H. Spaak	20.03.1947	PSB, PSC	W. Martens	29.09.1991	CVP, PSC, PS, SP
P.H. Spaak	27.11.1948	PSB, PSC	J.-L. Dehaene	07.03.1992	CVP, PSC, PS, SP
G. Eyskens	11.08.1949	PSC, Lib.	J.-L. Dehaene	23.06.1995	CVP, PSC, PS, SP
J. Duvieusart	08.06.1950	PSC	G. Verhofstadt	12.07.1999	VLD, Agalev, Ecolo, PRL-FDF-MCC, PS, SP
J. Pholien	16.08.1950	PSC			
J. Van Houtte	15.01.1952	PSC	G. Verhofstadt	12.07.2003	VLD, MR, PS, sp.a, Spirit
A. Van Acker	23.04.1954	PSB, Lib.			
G. Eyskens	26.06.1958	PSC	G. Verhofstadt	21.12.2007	Open VLD, cdH, cd&v, MR, PS
G. Eyskens	06.11.1958	PSC, Lib.			
Th. Lefèvre	25.04.1961	PSC, PSB	Y. Leterme	20.03.2008	cd&v, cdH, MR, Open VLD, PS
P. Harmel	28.07.1965	PSC, PSB			
P. Vanden Boeynants	19.03.1966	PSC, PLP	H. Van Rompuy	30.12.2008	cd&v, cdH, MR, Open VLD, PS
G. Eyskens	17.06.1968	CVP, PSC, PSB			
G. Eyskens	21.01.1972	CVP, PSC, PSB	Y. Leterme	25.11.2009	cd&v, cdH, MR, Open VLD, PS
E. Leburton	26.01.1973	PSB, CVP, PLP, PSC, PWV			
L. Tindemans	25.04.1974	CVP, PLP, PSC, PWV	E. Di Rupo	05.12.2011	PS, cdH, cd&v, MR, Open VLD, sp.a
L. Tindemans	11.06.1974	CVP, PLP, PSC, PWV, RW	C. Michel	11.10.2014	MR, cd&v, N-VA, Open VLD
L. Tindemans	06.03.1977	CVP, PRLW, PSC, PWV	C. Michel	09.12.2018	MR, cd&v, Open VLD
L. Tindemans	03.06.1977	CVP, FDF, PSC, PSB, VU	S. Wilmès	17.03.2020	MR, cd&v, Open VLD
P. Vanden Boeynants	20.10.1978	PSC, BSP, CVP, FDF, PS, VU	A. De Croo	01.10.2020	Open VLD, cd&v, Ecolo-Groen, MR, PS, Vooruit
W. Martens	03.04.1979	CVP, BSP, FDF, PSC, PS	B. De Wever	04.02.2025	N-VA, MR, Les Engagés, Vooruit, cd&v
W. Martens	23.01.1980	CVP, BSP, PSC, PS			
W. Martens	18.05.1980	CVP, PRL, PSC, PS, PWV, SP			
W. Martens	22.10.1980	CVP, PSC, PS, SP			

Alphabetical list of abbreviations

Agalev	Anders Gaan Leven	PLP	Parti de la Liberté et du Progrès
BSP	Belgische Socialistische Partij	PRL	Parti Réformateur Libéral
cd&v	Christen-Democratisch en Vlaams	PS	Parti Socialiste
cdH	Centre Démocrate Humaniste	PSB	Parti Socialiste Belge
Comm.	Parti communiste / Communistische Partij	PSC	Parti Social Chrétien
CVP	Christelijke Volkspartij	PVV	Partij voor Vrijheid en Vooruitgang
FDF	Front Démocratique des Francophones Since 2010: Fédéralistes Démocrates Francophones	RW	Rassemblement Wallon
Lib.	Parti libéral / Liberale Partij	SP	Socialistische Partij
MCC	Mouvement des Citoyens pour le Changement	Sp.a	Sociaal Progressief Alternatief
MR	Mouvement Réformateur	Spirit	Sociaal Progressief Internationaal Regionalistisch Integraal-democratisch en Toekomstgericht
N-VA	Nieuw-Vlaamse Alliantie	VLD	Vlaamse Liberalen en Democraten
Open Vld	Open Vlaamse Liberalen en Democraten	VU	Volksunie

Splitting up of the Belgian parties

- 1968: splitting up of the Belgian christian democratic party PSC into the French-speaking PSC and the Dutch-speaking CVP
- 1972: splitting up of the Belgian liberal party PLP into the French-speaking PLP and the Dutch-speaking PVV
- 1978: splitting up of the Belgian socialist party PSB into the French-speaking PS and the Dutch-speaking BSP

The federal government Composition

Composition

The federal government consists of 15 ministers at the most, including the Prime Minister, and an indeterminate number of secretaries of State (art. 99 of the Constitution).

The Council of ministers (also called Cabinet), excluding the Prime Minister, includes as many French-speaking as Dutch-speaking ministers (art. 99 of the Constitution).

Who can become a minister?

The Constitution stipulates that only Belgians can become minister (art. 97 of the Constitution). Deputies are generally appointed as minister.

No member of the Royal Family may become a minister (art. 98 of the Constitution).

A minister can neither be a member of the Federal Parliament nor a member of a community or regional Parliament.

A federal deputy, who is appointed as a minister or secretary of State by the King, ceases to hold office as a deputy and is replaced by the first substitute on the party list from which he was elected. When he no longer forms part of the government, he then resumes his parliamentary mandate (art. 50 of the Constitution). The ministers have access to the parliamentary sessions and must be heard whenever they so request. Their presence may also be requested by the House of Representatives (art. 100 of the Constitution).

The ministerial function is also incompatible with a provincial mandate, a judicial office, or an office in the Constitutional Court, the Council of State, or the State Audit Office.

Mayors and deputy mayors (also called “aldermen”) are considered as being unavailable during the period that they hold a position as a minister or secretary of State.

Personal status of ministers (and secretaries of State)

» Opinions

No minister may be prosecuted or pursued on account of his opinions in the line of his duties (art. 101 of the Constitution).

» Acts

During their term of office, ministers can only be prosecuted by the public prosecutor at the Court of Appeal. Only that court can try them. After their term of office, former ministers can only be tried by that court for crimes they might have committed in the exercise of their office; the ordinary courts are competent for other crimes.

An appeal against the decrees of the Court of Appeal can be lodged in the Supreme Court of Appeal.

The authorisation of the House of Representatives is needed for:

- any requisition aiming at the settlement of the procedure
- any direct summon to appear before the Court of Appeal (except in case of flagrante delicto)
- any arrest.

In Belgian history it only happened a few times that a minister was prosecuted.

The Prime Minister: a team captain

The office of Prime Minister has its origins in practice. In the beginning this office did not exist. In 1831 the ministers really were “servants”¹. In the vision of King Leopold I (1831- 1865), ministers were his personal assistants, each individually accountable to him². The King himself chaired the Cabinet (Council of ministers). The Cabinet slowly became a more independent body. In 1919, the introduction of universal suffrage for men and the birth of coalition governments required the King to relinquish the chairmanship of the Cabinet to the “Head of the Cabinet”. The Head is almost always the formateur of the government. Nonetheless, the King has never formally renounced his right to chair the Council of ministers. That is why the Prime Minister is not the “Minister President” (= President) as in the Netherlands. The title “Prime Minister” has been used since 1918 and the name was taken from the English political system³.

It was only in 1920 that this title was officially given to the head of government. In 1970 the office of Prime Minister was formally mentioned for the first time in the Constitution.

The competences of the Prime Minister are based more on custom and tradition than on legal texts.

1 The word “minister” means “servant” in Latin.

2 Article 96 stipulates that “the King appoints and dismisses his ministers”.

3 King George I of England was of German origin and did not speak English. In the Cabinet he was represented by a minister who over time was called the “Prime Minister”.

The Prime Minister is the central figure of all political and parliamentary events. He is the head of government and the guarantor of unity and political coherence within the government team.

He plays the role of intermediary between the King and the other members of government.

Deputy Prime Ministers: the link between the government and the government parties

The role of the Deputy Prime Minister is not specified in the Constitution. It is imposed by force of custom. It was only in 1961 that a person in this position was called the deputy prime minister.

In practice each political party of the government coalition has a deputy prime minister. The deputy prime ministers play the role of intermediary between their party and the government. Within a government they are the guarantors of their party. They defend the government's position before their party. In this way the discussions within the government are facilitated and the partners can reach compromises.

The deputy prime ministers are also generally in charge of a given federal government department, usually an important one (eg. Economy, Home Office, Finance, External Trade, Budget).

The ministers

A minister is at the head of one or more federal public departments and is accountable to the House of Representatives for the policy that he is responsible for. The distribution of competences differs from government to government.

The secretaries of State (art. 104 of the Constitution)

The federal secretaries of State must be considered as deputy ministers or as civil servants responsible for a special assignment. Their competences are determined by Royal Decree.

The Government - the Council of ministers

The Government consists of the prime minister, the ministers and the secretaries of State. The Council of ministers only comprises the prime minister and the ministers. The secretaries of State attend the meetings of the Council of ministers only when issues of their province are examined.

Crown Council

The Crown Council consists of ministers in office and ministers without portfolio under the chairmanship of the King. The honorary title of "Minister without Portfolio" is given to eminent people of State from different political backgrounds (former Prime ministers, Presidents of the House or Senate, presidents of political parties, former important ministers, etc).

They do not enjoy any particular benefit and have no special competences.

This Council meets in exceptional circumstances in order to advise the King. It met in 1870 (declaration of the Franco-Prussian War), in 1914 (ultimatum sent by Germany to Belgium), in 1919 (Treaty of Versailles) and 1950 (Royal Question), and 1960 (independence of Congo).

Federal government departments

The majority of Federal Public Services (FPS) are tasked with a specific policy area (Finance, Public Health, ...) and support a Minister. The FPS Policy and Support (BOSA) supports federal organisations in various areas: IT, HR, organisational control and integrity policy, budget, accounting and public procurement.

A number of Federal Public Planning Services (PPS) have also been created alongside the Federal Public Services. PPS handle ad hoc matters associated with socially-based issues that require coordination between several FPS: science policy and social integration.

Policy cell and secretariat ("cabinet")

Each member of the federal government has a policy cell and a secretariat. The policy cell comprises advisors who work out proposals in close consultation with the departments for which the minister is responsible. The secretariat comprises spokespersons, senior staff, the personal secretary and executive personnel.

The entire group of staff members of a minister (member of government) is generally referred to as "cabinet".

You will find actual information on the federal government at <http://www.belgium.be>

The federal government Workings

General

The workings of the Council of ministers (Cabinet) are based on custom and tradition. When forming the government, the new Prime Minister gives each of his ministers and secretaries of State a collection of papers containing directives relating to the workings of government in general and the Cabinet in particular. It specifies the times and days of meetings, which files must be submitted to the Cabinet as well as the procedure to be followed on this occasion. These papers also contain instructions concerning ministerial ethic, such as the confidentiality of discussions, etc.

With regard to taking decisions, the individual ministers used to have wide powers themselves: they took alone decisions relating to their department, without consulting their colleagues in the government team.

Gradually, however, the decisions have been taken in a more collective manner within the Cabinet. This development was considered necessary to guarantee cohesion within the government team, which is always based on a coalition, but which must nevertheless lead to a coherent policy.

Currently the situation is such that certain decisions that have not been subject to discussion in the Cabinet are null and void.

What does the Council of ministers (Cabinet) discuss?

The Cabinet discusses the general policy of the country. The agenda contains the points of current affairs that concern public opinion, foreign relations, as well as all questions that risk jeopardising government solidarity.

The Cabinet also discusses the draft bills that will be submitted to the House of Representatives, and draft royal decrees, certain draft ministerial decrees and circulars with a budgetary impact.

How do things work in practice?

» Preparation

Each minister prepares the dossiers relating to his department, together with the Policy Cell. The subjects that come under the competence of several members of government are subject to prior consultation in order to adopt a common position.

» Consultations

When political initiatives are developed, the minister and the Policy Cell of the federal government department consult with the sector concerned, community or regional governments, trade unions and other institutions.

» Preparation of the Council of Ministers

When a member of government decides to take an initiative, he requests that the item is placed on the Cabinet agenda. Each file is submitted in 60 copies to the Cabinet and generally contains:

- an “introductory note to the Cabinet” which is concluded by a concrete “proposed decision”
- the document itself: the draft bill, draft royal decree, and a presentation of the motives or the report to the King
- documents supplementing the dossier, such as:
 - the opinion of the State Council
 - the opinion of the Finance Inspectorate
 - the impact analysis of the regulation.

When a member of the government wishes to submit such papers, he must give notice of his intention beforehand.

The dossier is distributed to all the members of government as well as to certain other bodies concerned with the workings of the Cabinet, such as the King’s cabinet, the presidents of the federal government departments... This way of working allows other ministers to make comments if necessary.

The Prime Minister draws up an agenda for the next meeting.

»» Deliberations and decision making process

Unless decided otherwise, the Cabinet meets once a week, on Friday morning.

The ministers meet at 16 rue de la Loi in Brussels, which houses the chancellery of the Prime Minister (the administration).

For reasons of government cohesion, in principle they do not vote. The Cabinet deliberates until a consensus has been obtained. The Prime Minister closes the debate when there is an agreement between the ministers. Once a decision has been taken, all ministers are jointly and individually responsible. A member of government cannot openly express reservations regarding a collective decision.

If it turns out impossible to obtain a consensus, the examination of the matter is deferred. In many cases the matter is referred to a working group with a view to reaching a solution acceptable to all ministers on the basis of the proposals and counter proposals. Any minister who cannot ultimately go along with a consensus has to resign.

»» Public information

The contents of the Cabinet debates are secret. Full discretion is expected on the part of ministers. Over the years the custom has developed that a press pack is issued after the Cabinet meetings through the federal information service. This press pack contains all the press communiqués on the Cabinet decisions. The Prime Minister and the ministers concerned may also hold a press conference at the end of the Cabinet meeting.

»» Notification and minutes

The decisions taken by the Cabinet are recorded in notifications and are distributed to all members of government.

The Cabinet Secretary makes a “summary report” of the meeting. This report has only been done systematically since 1918.

»» Archives

When the Prime Minister resigns from his office, it is customary for him to take his personal files with him. The majority of former Prime Ministers (or their heirs) have placed their personal archives in the Royal Archives Deposit. The summary reports of the Cabinet meetings have also been held there since 1920. The minutes of the Council of Ministers’ meetings for the period 1918-1979 may be consulted on the Internet site of the General Archives of the Kingdom (www.arch.be/conseildesministres).

You will find actual information on the federal government at <http://www.belgium.be>

The Federal Government Resignation

General

The Federal government stays in power for a maximum period of 5 years. This corresponds to the period that Parliament is elected for (Parliamentary term), as the government is always dependent on the confidence of the House.

However, for decades a government that reached the end of its term (until 2014: 4 years, since 2014: 5 years) was the exception rather than the rule. From 1946⁽¹⁾ to 1955, governments stayed in power for an average of barely two years. In recent years, governments became more stable.

How is the government dismissed?

» First possibility: the Prime Minister hands the resignation of his government to the King

This is the usual scenario. When insurmountable differences of opinion arise between the political parties forming the coalition government and there is a political crisis, the Prime Minister has no other choice than to send the resignation of the federal government to the King.

The King may accept or refuse the resignation. He may also reserve his decision and give the government parties time to work out a compromise.

When the King accepts the resignation he dissolves the House of Representatives, on condition that a majority of its deputies support this. Elections must be called within 40 days for the House of Representatives, and the newly-elected House must meet within 2 months (article 46 of the Constitution).

Then negotiations are started in order to form a new government (see information sheet 17).

» Second possibility: the House of Representatives forces the resignation of the government

In practice it is very rare for a government to fall because it does not have a majority in the House of Representatives. In general, internal problems within the government cause its early resignation.

The House of Representatives may force the government to stand down, in a so-called “constructive manner”, and replace it with another (article 96 of the Constitution).

This happens as follows:

A majority of the deputies (minimum 76 of the 150) adopt a motion of constructive disapproval or reject a motion of confidence relating to government policy, and make the motion “constructive” by proposing a new Prime Minister to the King within 3 days. This motion is called “constructive” because it provides the appointment of a new Prime Minister in addition to the resignation of the existing government. The Head of State is obliged to assign the person proposed with the task of forming a government. In this scenario the replacement of the government by the House of Representatives does not require new elections.

This possibility was introduced in the new 1993 Constitution and has not yet been used. The aim was to avoid too many early elections which undermines the continuity of political management.

The House of Representatives may also make the government fall by adopting a motion of disapproval or by rejecting a motion of confidence, without having to propose a new Prime Minister within three days. Although, from a legal point of view, the government is not required to resign in such circumstances, in practice it cannot continue to govern. In this case the King (the federal government) can dissolve the House, which leads to new elections.

It should also be said that the House of Representatives and the Senate are automatically dissolved as soon as these two chambers adopt a “declaration of revision of the Constitution”, specifically as from the date of publication in the *Moniteur Belge*

1 Since 17/02/1946 - Date of the first elections held after the Second World War.

(Official State Journal) of the declarations of revision of the Constitution (see information sheet 4). In this case, the House of Representatives and the Senate are convened within three months.

Ongoing affairs

In the period between the dismissal of the former government and the appointment of the new government, the former government stays on. Its competence is limited to dealing with so-called “ongoing affairs”, which consist in particular of taking measures that are of an urgent nature and completing routine affairs. The notion of “ongoing affairs” is based on legal precedent. No formal text governs this issue.

The necessary continuity of political management means that ministers continue to govern. Their competences are limited because of the absence of effective control on the government by the deputies.

When the House of Representatives is dissolved at the end of the parliamentary term, the federal government stays on: it has thus not resigned but it is no longer overseen by the House of Representatives which has been dissolved.

In that case too, the government only administers “ongoing affairs”.

The Judiciary

Breakdown of Law

What is “law”?

The rules of law are necessary for properly organising life in society, preventing and settling conflicts. The essence of the rules of law are enshrined in international law, in the Constitution and in the legislation.

However, not everyone respects these rules of law. There thus has to be an organised structure for settling the ensuing disputes and punishing indictable offences and compensating the prejudice sustained. This task falls on the courts and tribunals.

Judiciary organisation

- **Specialisation**

The courts and tribunals are specialised in the application of a given area of law. Thus the civil courts have competence for settling civil conflicts.

- **Territoriality**

In addition each court has jurisdiction for a certain territory (for example: Justice of the Peace within a canton, the Court of First Instance within a judicial district, etc.)

- **Hierarchy**

There is a hierarchy between the lower and upper courts. Appeals may mostly be lodged with a court at a higher level of jurisdiction.

The breakdown of law

Traditionally, national law has been divided up into two major sections: private law and public law.

In simple terms, private law governs the relations between citizens. It includes, among others:

- Civil law
- Business law
- Social law
- Private procedural law (also known as private judicial law).

Public law governs the relations between the State and the citizen and between the States themselves. It includes, among others:

- International law
- Constitutional law
- Administrative law
- Tax law
- Penal Law

»» Civil law

Civil law governs the relations between citizens. It concerns the status of the person (name, domicile, nationality, etc), adoption, marriage and divorce, inheritance, status of property (property disputes, usufruct, etc) and contracts (purchase, lease, etc) ...

Civil law is governed basically by the Civil Code, as well as specific laws.

The Civil Code came into effect in 1804, when Belgium formed part of France. It goes without saying that since then it has been profoundly changed and adapted to social development. The Belgian Civil Code is currently undergoing a major reform. This reform will entail the abolition of the structure of the current Code, and the new Civil Code will comprise ten books. Seven of these have already been adopted in whole or in part.

In the event of disputes, those involved in a case may turn to the Justice of the Peace, the Court of First instance (civil chamber), the Family and Juvenile Court or the Court of Appeal (civil chamber).

»» Business law

Business law governs the status of traders and commercial activities. It is governed by the Code of economic law and many other specific laws.

Disputes are settled by the Company Court and the Court of Appeal.

In the Company Courts there are two professional magistrates and two non-professional judges who are trader or entrepreneur. They are called “consular judges”.

» Social law

Social law is divided into two parts: labour law which governs the relations between employers and workers or employees, and social security law which is the branch of public law that organises the assumption by society of social risks (such as sickness, unemployment, old age or maternity) and certain situations of poverty. This last area also partly comes under public law.

Disputes are brought before the labour courts and tribunals. They consist of professional judges, and also representatives of organisations representing workers, employees and the self-employed. They are called “social judges”.

» Private procedural law

Private procedural law (or private judicial law) governs the organisation and jurisdiction of courts and tribunals and the conduct of proceedings. The Judicial Code, as well as other specific laws, govern this area.

» Constitutional law

The Constitution draws up the basic rules for the organisation of the State and the fundamental rights of the citizen.

The Constitutional Court may cancel laws, decrees or ordinances which infringe certain articles of the Constitution or other fundamental principles of the structure of the State. It concerns articles relating to the dividing up of competences between the federal State, the communities and regions, the articles of title II of the Constitution (“On Belgians and their rights”), the federal loyalty (art. 143, § 1, of the Constitution), the principle of legality of taxes (art. 170 of the Constitution), the principle of equality before taxes (art. 172 of the Constitution) and the ban on discrimination against foreigners (art. 191 of the Constitution).

» Administrative law

Administration law governs the organisation and workings of public administration. Its enforcement is assured by the administrative courts and the State Council. Any citizen may lodge a request for cancellation to the Council of State, administration section, against the orders or regulations of an administrative authority.

There are also specialised administrative courts at the level of the communities and regions, authorised to take administrative decisions concerning matters arising from the powers of the federated entities.

» Tax law

Tax law sets the base and rate of tax and regulates its collection. It is mainly governed by several tax codes (the Income Tax Code, Inheritance Tax Code, etc).

» Criminal Law

This defines the prohibited behaviour and sets the penalties in the event of violations (fines, imprisonment, sequestration).

Article 14 of the Constitution formulates the general principle “No punishment can be made or given except in pursuance of the law”. Nobody can be punished for an act that was not yet against the law at the time it was committed.

Criminal law is governed by the Criminal Code and other specific laws. On 8 April 2024, the new Criminal Code was published in the *Moniteur belge*. It comes into force on 8 April 2026, two years after its publication. Some criminal provisions are also found in other areas of law (eg. tax law).

The judgements are Magistrates’ Courts, Correctional Courts and the correctional chambers of the Court of Appeal. Each province and Brussels has an Assize Court which operates with a public jury. The Court of Appeal has jurisdiction over serious crimes, political and press crimes, with the exception of press crimes inspired by racism or xenophobia. It is not possible to appeal against an Assize Court judgement.

The Sentence Enforcement Courts ensure that sentences handed down are applied.

» Criminal procedural law

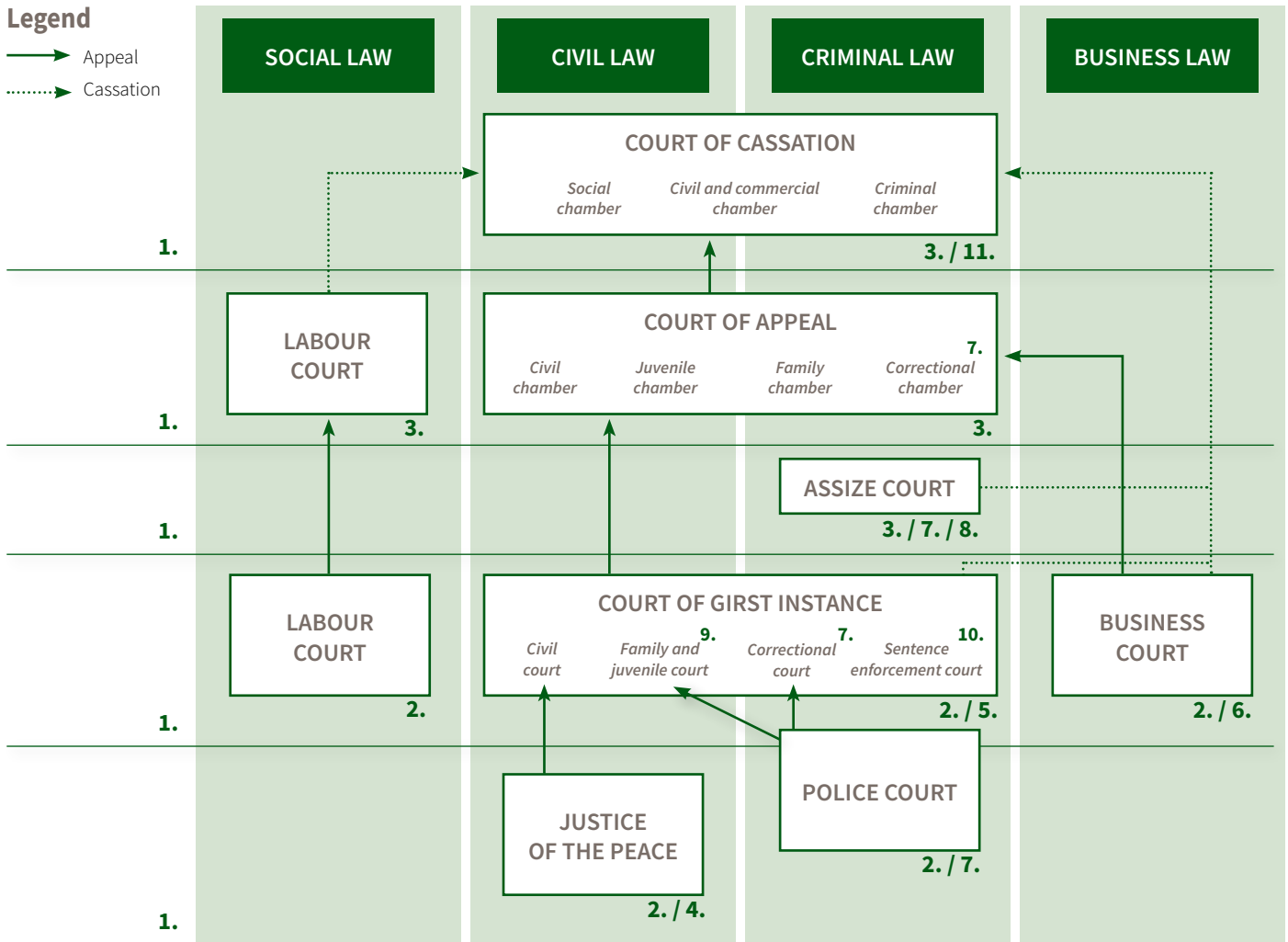
The criminal procedural law governs the conduct of criminal proceedings, the organisation of the criminal courts and their jurisdiction. It is mainly governed by the Code of Criminal Procedure.

Judiciary Organisation

1. Each court only has jurisdiction for a given part of the territory (principle of territoriality). Belgian territory is divided up on a judicial level as follows:
 - 162 cantons (Justice of the Peace)
 - 12 judiciary districts, comprising 13 Courts of First Instance (1 per district, except in Brussels where there are two Courts of First Instance, one French-speaking and one Dutch-speaking) and 15 police courts (1 per district, except in Brussels where there is one French-speaking and one Dutch-speaking court, plus one police court in Halle and Vilvoorde)
 - 5 jurisdictions, which comprise 9 business courts, 9 labour courts and 5 courts of appeal:
 - The Brussels Court of Appeal has jurisdiction over the provinces of Walloon Brabant, Flemish Brabant and the bilingual region of Brussels–Capital
 - The Gent Court of Appeal has jurisdiction over the provinces of East and West Flanders
 - The Antwerpen Court of Appeal has jurisdiction over the provinces of Antwerp and Limburg
 - The Liège Court of Appeal has jurisdiction over the provinces of Liège, Namur, and Luxembourg
 - The Mons Court of Appeal has jurisdiction over the province of Hainaut.
 - 1 Supreme Court of Appeal (also called Court of Cassation) with jurisdiction over the entire country (article 147 of the Constitution)
2. The judgements of the lower courts are called “jugements/vonnissen” in French/Dutch respectively. The judges are called “juges/rechters”.
3. The judgements of the higher courts are called “arrêts/arresten” in French/Dutch respectively. The judges are called “conseillers/radsheren”.
4. The Justices of the Peace deal with civil litigation to the level of a certain amount. For certain matters such as leases, expropriations... the Justice of the Peace always has competence, irrespective of the amount at stake.
5. The Courts of First Instance settle civil litigation that exceeds the competence of the Justice of the Peace. They also deal with appeals against the decisions of Justices of the Peace in civil acts.
6. The Business Courts deal with all litigation between companies, irrespective of the amount at issue and provided that these cases are not the competence of another court.
7. With regard to criminal courts, jurisdiction is defined in relation to the nature of the crime:
 - The police courts deal with misdemeanours (minor offences) or more serious offences considered as a misdemeanour following the admission of attenuating circumstances. They decide on claims for compensation in case of a traffic accident, irrespective of the amount at stake.
 - The Correctional Courts deal with crimes (intermediate category of crime).
 - The Assize Court, assisted by a jury advised by professional judges, deals with felonies (the most serious crimes) as well as political crimes and crimes of the press, with the exception of press crimes inspired by racism or xenophobia. Felonies are also frequently dealt with by the Correctional Courts. An offence is classified by the chamber of the counsel and the chamber of indictment. They may “correctionalise” a felony i.e. refer it to the Correctional Court instead of the Assize Court.
8. The Assize Court judges in the “first and last instance”. In other words you cannot appeal against the decisions of this court.
9. The Family and Juvenile Court is competent for civil family disputes as well as criminal cases involving minors. Particular emphasis is placed on conciliation between the parties.
10. The Sentence Enforcement Court decides on the arrangements for application of sentences imposed on people sentenced for a minimum of three years.
11. It is generally said that the Supreme Court of Appeal (Court of Cassation) only judges “in law” and does not examine “the facts”. More precisely, it only checks that the law has been correctly interpreted and applied and that no procedural error has been committed. The Supreme Court of Appeal never judges on the case in itself. It is consequently not an instance of appeal as the case is not totally re-examined.

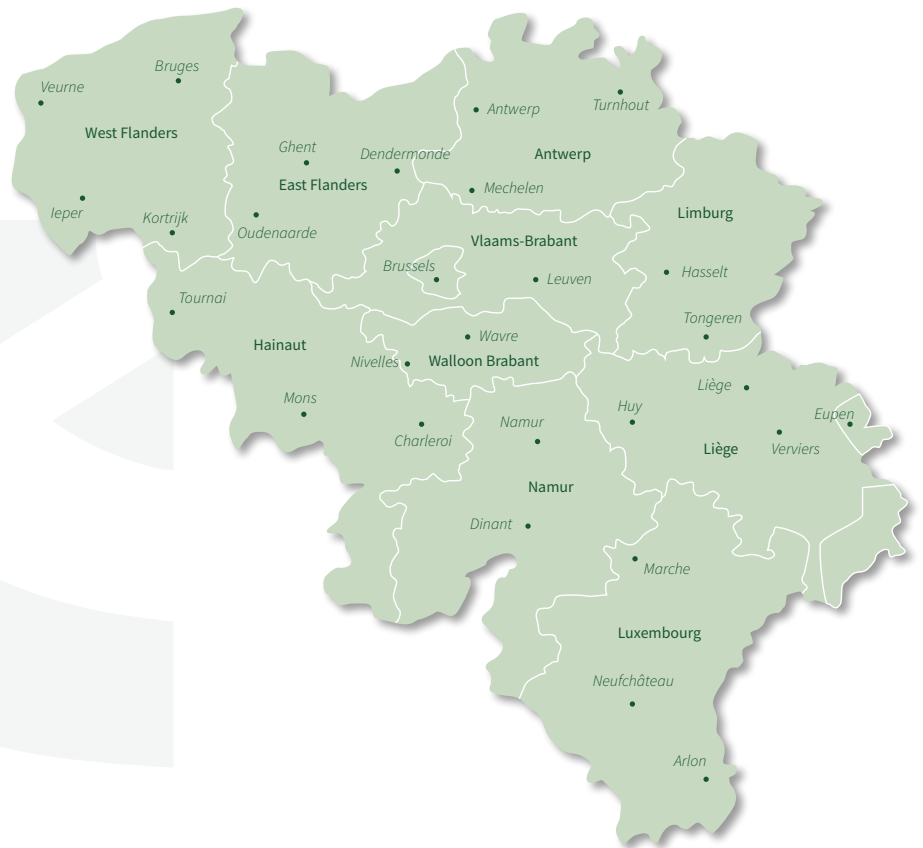
Legend

- > Appeal
- ⋯> Cassation



» The 12 judicial districts

1. **West Flanders**
(Bruges – Kortrijk – Veurne – Ieper)
2. **East Flanders**
(Ghent – Dendermonde – Oudenaarde)
3. **Antwerp**
(Antwerp – Turnhout – Mechelen)
4. **Limburg**
(Hasselt – Tongeren)
5. **Leuven**
6. **Brussels**
7. **Walloon Brabant**
8. **Eupen**
9. **Liège**
(Liège – Verviers – Huy)
10. **Namur**
(Namur – Dinant)
11. **Luxembourg**
(Marche – Neufchâteau – Arlon)
12. **Hainaut**
(Mons – Tournai – Charleroi)



The Judiciary

General Principles

General⁽¹⁾

In a totalitarian State all the powers are concentrated in the hands of a single person or institution. In a constitutional State, on the other hand, the missions of the State (the Constitution talks of powers) are entrusted to different institutions. This is the principle of the separation of powers: the legislative, executive and judicial powers are independent but must nevertheless work together in a system of checks and balances. The State cannot work without this cooperation and these checks and balances.

A balance of power thus arises: the different powers of the State maintain an equilibrium between themselves. The constitutional State is thus aimed at avoiding abuses of power.

What is the judiciary?

According to article 40 of the Constitution, the judiciary (the judicial power) consists of the courts and tribunals. This is the judiciary in the organic sense of the term. However, the concept of judiciary can also be interpreted in the functional sense, and in this case, concerns all bodies which exercise a jurisdictional function, such as the Constitutional Court and the administrative courts, the main one being the Council of State, Administrative Litigation Division.

Judges have an essential role to play in society: they settle conflicts between citizens and in certain cases between the State and citizens. They punish offenders on the basis of written and unwritten law.

The organisation of the judiciary (in the organic sense)

»» The jurisdiction of courts is limited

In space (territoriality)

Each court only has competence for a certain jurisdiction. For example: the Justice of the Peace at the canton level, the Court of First Instance at the district level.

In relation to the nature of the dispute

The law is subdivided into several major branches: civil law, criminal law, business law and social law. The division of the courts to a large extent follows the subdivisions of the law.

Each court only has competence for litigation in a specific area of law: this is called the material competence of a court (for example the correctional courts on the criminal level, the labour courts on the social level, etc).

»» Distinction between the State Prosecutors and the judges of the bench

The state prosecutor, also called the public prosecutor, has the task of prosecuting people for crimes. The members of this body are appointed and dismissed by the King. The public prosecutor is independent in the exercise of individual investigations and actions in law.

The judges of the bench consist of judges and counsel of the various courts (the "bench").

»» Pyramid structure

To avoid large discrepancies in the interpretation and application of legislation by the different courts, the judiciary has a pyramid structure. Actions are brought before the lower courts. In appeal, the judgments of these courts may be changed by a smaller number of higher courts. Further still, the supreme court of appeal is the Court of Cassation.

The independence of the judiciary

In order to be able to fulfil their role properly, judges must be able to act in complete independence. To this end the Constitution specifies the following.

»» Judges are appointed for life (art. 152 of the Constitution)

The career of a judge may only be ended for reasons of health or because he reaches retirement age. The Judicial Code reserves the right to impose "major penalties", including dismissal, for specific courts - disciplinary courts.

1 This sheet should be read together with information sheet 22: The Judiciary, Organisation

» Access to the judiciary and appointment of the prosecutors

Role of the High Council of Justice

To ensure an objective selection process, access to this profession depends on passing an examination organised by the High Council of the Judiciary. There are four different examinations, in which candidates may take part depending on their previous experience: the competitive examination for admission to the judicial traineeship, the professional aptitude examination, the oral assessment examination, and the examination giving access to the position of deputy judge and deputy adviser.

The justices of the Peace, the justices of courts and of the Court of Cassation and the (first) presiding justices of the courts shall be appointed by the King (= the government) on reasoned submission of the Nomination and Appointment Commissions of the High Council of Justice.

The High Council of Justice was set up in 1999 in order to:

- objectivize the appointment and promotion of magistrates;
- introduce external control on the judiciary.

The High Council of Justice competences are stipulated in the article 151 of the Constitution. Some of those competences are: the submission of candidates for an appointment as judge, the access to the magistrature, the good working of the judiciary.

» Judges are irrevocable (art. 152 of the Constitution)

Neither the government nor Parliament may dismiss judges from their positions. Only the judiciary itself, (other judges), may decide that a judge must be dismissed from his position, for example for misconduct.

» Judges cannot be moved (art. 152 of the Constitution)

If the government could require a judge to perform his duties in another area without his consent (for example in Brussels instead of Antwerp) it would be an important tool for applying pressure. The constitutioner wanted to avoid such a situation. Thus a judge cannot be moved without his consent.

» Remuneration (art. 154 of the Constitution)

The remuneration of the members of the judiciary order is fixed by the law, i.e. by the legislative and not by the executive power. This provision also avoids any pressure on the part of the government.

» No other duties (art. 155 of the Constitution)

Judges may not accept any other salaried position of the government. This provision is to avoid judges being able to be influenced. This rule may be departed from when it concerns a teaching role (lecturer, assistant, etc).

Principles aimed at protecting the citizen

Nobody may evade the court assigned to him by virtue of the law, i.e. the court assigned to him by virtue of the general rules of allocation (territorial and material)⁽²⁾. All people in an identical position must be judged by the same courts.

The Constitution also prohibits the creation of extraordinary courts or committees under any name⁽³⁾. The constitutioner wanted to avoid the creation of ad hoc courts judging certain cases.

» Court hearings are public (art. 148 of the Constitution)

The reasons for this article are obvious: the public may attend hearings and thus exercise a certain control on what happens there. Only in the event of a danger to public order or public morals may the court decide that the public is not to be admitted. The judgements and rulings are always pronounced in public hearings (art. 149 of the Constitution).

» Judgements and rulings must be reasoned (art. 149 of the Constitution)

Any judicial decision must be reasoned. This means that judges must specify in their judgements and rulings the reasons for which they have taken a decision. They should answer all the demands and means of defence put forward by the parties in the case under penalty of seeing the Court of Cassation (the Supreme Court of Appeal) quash the judgement or ruling.

» The principle of double instance

In order to protect the parties in question against errors or arbitrariness, every case may be entirely re-examined in appeal by different judges. There are some exceptions to this principle. Appeal in Cassation is not a third instance as the Court of Cassation does not examine the substance of the case (= the facts) but only in law (correct application of the legal rules).

» The judge decides the law for the parties in question

The decisions of the courts and tribunals only apply to the parties in question and are not of a general scope.

More information on the judiciary is available on the website of the Justice Federal Public Service: <http://justice.belgium.be/fr>

2 Article 13 of the Constitution

3 Article 146 of the Constitution

The Communities and Regions

Competences

General⁽¹⁾

The dividing up of competences between the federal State, the communities and regions is set by the Constitution and the laws passed by a special majority. Only the federal Parliament may change this dividing up of competences. In order to do this special majorities are required, including within each language group.

The communities and regions only have allocated competences. These are powers in competences expressly granted to them. What is not expressly allocated (= residual competences) is provisionally governed by the federal authority. After the entry into force of Article 35 of the Constitution, the residual competences will lie with the communities and regions.

These competences are exclusive. This means that a single legislator has authority for a given issue. However, some matters have been divided up into different aspects and distributed between the federal State, the communities, and the regions.

The competences of the regions

The regions have authority for all “territory-linked” matters.

Territorial planning

This includes namely:

- sector plans
- planning permission and licences to divide land
- urban renovation
- protection of monuments and sites
- green areas

Housing policy

This includes namely:

- social housing
- combating dereliction
- specific rules concerning the letting of houses, apartments, studio flats, rooms, etc.

Rural development and nature conservation

This includes:

- nature protection
- forests
- hunting, fishing and fish farming

However the federal level has authority for the production, trade and possession of hunting weapons, as well as for bird trapping.

Environment

This includes:

- combating air, ground and water pollution
- noise pollution
- waste processing policy
- pollution caused by hazardous, unhealthy, and nuisance-causing enterprises
- financial intervention following damage caused by public disasters

However, the federal level is competent for the general standards concerning pollution and nuisance thresholds which may not be exceeded.

Its competences also extend to safety at work within hazardous companies.

Agriculture and fishing

This includes namely:

- agricultural policy, horticultural and fishing products and the promotion of agricultural products
- research and development
- export policy

The federal Government remains competent for the control on raw materials and vegetable products, for the security of the food chain, the animal's health and quality of animal products (the federal food agency).

Animal welfare

Water policy

This includes namely:

- purification of waste water
- production and distribution of drinking water

The economy

This includes namely:

- general economic policy
- assistance to companies
- conditions for establishment, except for the conditions for access to health care professions and intellectual professions providing services (lawyers, notaries, architects, ...)
- rules on commercial leases
- the activities of the “Participation Fund” and compensation for self-employed businesses which suffer inconvenience due to public works
- tourism

1 This information sheet is best read alongside information sheets 3, 5, and 6.

With regard to their economic policy, the regions must stay within the general framework of the federal economic and monetary union. The federal level is competent for finance and monetary policy, competition law, commercial law, company law, social security, etc.

Employment

This includes:

- employment-finding
- providing work for people who are entitled to claim financial benefits
- verification of the availability for work of unemployed persons, and sanctions in this regard, except the competence of the federal authorities for the normative framework;
- the conditions under which unemployed people in receipt of benefits can keep their benefits, while being exempted from the obligation to be available on the labour market when they are studying, undergoing a vocational training course, as well as the decision whether to grant this exemption or not.
- the promotion of local services and jobs;
- the granting of subsidies to increase the chances of older workers finding work, and to improve their working conditions;
- the system of paid educational leave;
- the local employment agencies (LEAs)

Energy policy

This includes:

- the distribution of electricity and natural gas

The communes, provinces, and intercommunal societies

This includes namely:

- the composition, organisation, competence and working of the provincial and communal institutions
- the election of provincial, communal and intercommunal bodies
- the financing of the communes and provinces

Public works and traffic

This includes namely:

- roads
- ports and regional airports
- urban and suburban transport
- minimum technical standards relating to road building and maintenance
- the regulation of transport of hazardous substances and unusual loads by road, apart from exceptional cases
- several aspects of road safety

International matters and scientific policy

The regions may, to the extent that they fall within their competences, conclude international agreements with other States and undertake scientific research.

Competences of the communities

Culture

This includes namely:

- cultural heritage, museums and libraries
- radio and television offices
- sport
- support for the written press
- artistic training, continuing occupational education and training
- defending the language

Education

This includes practically all aspects of education policy. The communities are also competent for setting the administrative and financial status of teaching staff.

However, the federal authority may take general measures to moderate wages. It is also competent for:

- setting the duration of compulsory school attendance
- minimum conditions for issuing qualifications
- regulations regarding pensions

Person-linked matters

This includes namely:

- the protection of youth
- family and crèche policy
- policy for senior citizens and the disabled
- integrating immigrants

The Sixth State Reform also transferred several aspects of health policy to the Communities. These include:

- mental health care in care facilities outside hospitals
- care in old people's homes
- care in rehabilitation centers

Sickness and invalidity insurance is still a matter for the federal authorities.

Use of languages

This includes namely:

- the use of languages in education, in administration and in the relations between employers and their staff.

The Flemish Community and the French Community are not competent in this respect for the communes (municipalities) that are subject to a special language regime.

The use of languages in these communes comes under the federal authority. The federal level is also competent for the use of languages in the bilingual Brussels-Capital Region and in the German-speaking region.

International matters and scientific policy

The communities may, insofar that they come within their competences, conclude international agreements with other States and are competent for the area of scientific research.

The Flemish Community and the Flemish Region

Legislative and executive power

At the level of the communities and regions, the legislative competence is exercised by a Parliament (Vlaams Parlement) and the executive power by a government.

Flemish region and community matters are governed by the same institutions: there is one Flemish Parliament and one Flemish government.

The Flemish Parliament

» Elections

The elections for the Flemish Parliament are held every five years. They are held on the same day as the elections for the European Parliament. The members of the Flemish Parliament were directly elected for the first time on 21 May 1995. The last elections were held on 9 June 2024.

Such as for the federal elections there is an electoral threshold of 5% in each constituency for the regional elections and there must be as many women as men on the electoral lists. The age in order to be eligible for election is 18 years.

» Legislative Parliament

The Flemish Parliament is a “legislative parliament” which means that it cannot be dissolved before the end of the period that it has been elected for.

» Composition

The Flemish Parliament has 124 members:

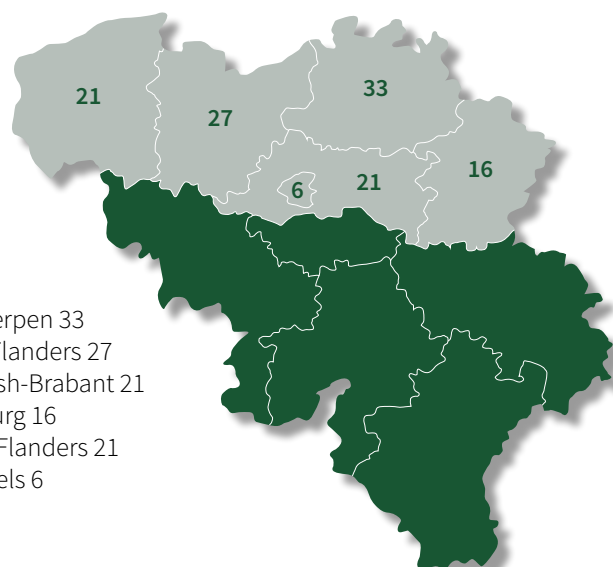
- 118 members are directly elected in 5 electoral constituencies of the Flemish Region.
- Six members are directly elected by the voters of the Brussels Region who have first voted on a list from the Dutch-speaking group for the Parliament of the Brussels Capital Region. They only vote on community matters. They do not participate in votes on regional matters.

» Electoral constituencies

Since June 13, 2004, we have provincial constituencies for the elections of the Flemish Parliament. The Flemish Parliament adopted on 14 January 2004 a decree on this matter.

There are, Brussels excepted, 5 constituencies for the Flemish Parliament.

Seats per constituency⁽¹⁾



Antwerpen 33
East-Flanders 27
Flemish-Brabant 21
Limburg 16
West-Flanders 21
Brussels 6

⁽¹⁾ The number of seats is calculated on the basis of the National Register population figures.

» Competences

Issuing decrees

The Flemish Parliament passes decrees. These decrees have the same force of law as federal laws but only apply within the Dutch-speaking language Region as well as to certain Brussels institutions.

Appointments and political control

The Flemish government is elected by the Flemish Parliament. It also gives it its investiture.

The Parliament can only force the government to resign in certain well defined circumstances through “motions of constructive disapproval”. A motion of disapproval is passed when the government no longer has the confidence of the Parliament. It is called constructive because the Parliament must immediately propose a new government.

Although not the case at the federal level, the Flemish Parliament may force an individual member of government to resign without the continuation of the entire government being jeopardised.

Financial control

The Flemish Parliament approves the budget for the Flemish Community each year.

» Workings and composition of the Flemish Parliament

The Flemish Parliament itself, i.e. without approval from the federal level (constitutional revision or legal changes), governs a certain number of aspects of its own workings and composition. It may for example change the boundaries of the electoral constituencies, the number of members of the Flemish Parliament and government, etc.

The Flemish government

The Flemish government numbers a maximum of 11 members. At least one minister must reside within the bilingual Brussels-Capital Region.

The members of the government take their oath before the President of the Parliament. The President takes his oath before the King. The President of the Flemish government is called the “Minister-President”.

The members of the government issue “decrees”.

The Flemish government is assisted by a large administrative department. Certain public assignments are done by specialised public institutions such as VRT (Flemish television), De Lijn (Flemish public transport company), Kind en Gezin (Family and child agency), OVAM (Flemish waste agency) and VDAB (the Flemish agency for job centres and occupational training, equivalent to the Employment Office in the U.K.).

The French Community and the Walloon Region

The Walloon Region

» The Walloon Parliament

Elections

The elections for the Walloon Parliament are held every five years. They take place on the same day as the elections for the European Parliament.

The members of the Walloon Parliament were directly elected for the first time on 21 May 1995. The last elections were held on 9 June 2024.

Such as for the federal elections there is an electoral threshold of 5% in each constituency for the regional elections and there must be as many women as men on the electoral lists. The age in order to be eligible for election is 18 years.

The Walloon Parliament is a “legislative parliament” which means that it cannot be dissolved before the end of the period that it has been elected for.

Competences

Issuing decrees

The Walloon Parliament issues decrees that are applicable to the French-speaking language Region (not Brussels) and the German-speaking language Region.

Appointments and political control

The Walloon Parliament appoints the Walloon regional government. The government is accountable to the Parliament.

The Parliament can only force the government to resign by passing a “motion of constructive disapproval”. With such a motion the Parliament withdraws its confidence in the government and immediately proposes a new government.

The Parliament may also force an individual member of the government to resign and deal with his replacement.

Financial control

Every year the Parliament approves the Walloon regional budget.

Workings and composition of the Walloon Parliament

The Walloon Parliament itself can, i.e. without the approval of the federal political authorities, govern a certain number of aspects of its own workings and composition. It may for example

change the boundaries of the electoral constituencies, the number of members of the Parliament and government, etc.

Transfer of competences

Article 139 of the Constitution stipulates that the bodies of the German-speaking Parliament can exercise certain competences of the Walloon Region. By a law adopted at the end of 2001¹, more competences were transferred. Next to monuments and sites, the German-speaking Community is also competent for the election expenditures of the Parliament and the announcements of the government and the additional financing of the political parties.

Composition

The Walloon Parliament consists of 75 directly elected members in the Walloon Region.

Number of seats per constituency

Tournai-Ath-Mouscron: 7

Mons: 5

Soignies-La Louvière: 5

Charleroi-Thuin: 10

Nivelles: 8

Namur: 7

Dinant-Philippeville: 4

Neufchâteau-Virton-

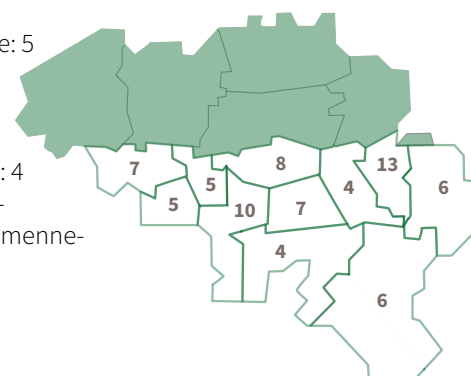
Arlon-Marche-en-Famenne-

Bastogne: 6

Liège: 13

Verviers: 6

Huy-Waremme: 4



» The Walloon government

The Walloon regional government numbers 8 members. The members of government take the oath before the President of the Parliament. They are called ministers. The President himself takes the oath before the King. He is called the Minister-President.

¹ Law of 7 January 2002 modifying the law of 31 December 1983 reforming the institutions of the German-speaking community.

The French Community

(in French called *Fédération Wallonie-Bruxelles*)

» The Parliament of the French Community

Composition

The Parliament is not directly elected. It consists of the 75 members who form the Walloon Parliament, and an additional 19 members from the French-speaking language group of the Brussels-Capital Regional Parliament. The Parliament thus has a total of 94 members.

Competences

Issuing decrees

The decrees of the French Community Parliament apply to the French-speaking language Region and also to certain Brussels institutions.

Appointments and political control

The Parliament of the French Community appoints the government of the French Community. The government is accountable to the Parliament.

The Parliament may, in the same way as the Walloon Parliament, force the government to resign by passing a “motion of constructive disapproval”.

Financial control

The Parliament of the French Community approves the French Community budget every year.

Transfer of competences

The French Community has ceded a certain number of competences. They concern social promotion, occupational retraining, school transport, subsidizing communal and private sporting infrastructure, family assistance, immigration policy, senior citizens, rest homes, policy for the disabled, etc. For the French-speaking Region these competences are exercised by the institutions of the Walloon Region. In Brussels these powers are exercised by the French Community Commission of the Brussels-Capital Region (see information sheet 26). This transfer of competences is provided by article 138 of the Constitution. Other competences may also be transferred in the future.

Workings and composition of the French Community Parliament

The French Community Parliament may also stipulate the basic rules regarding its number of members, status, indemnities, etc.

» The French Community government

The French Community government numbers six members. One minister at least must have his residence in the bilingual Region of Brussels-Capital.

The members of the government take the oath before the President of the Parliament. The President himself takes his oath before the King.

The members of the government issue decrees.

The ministers of the government of the French Community can also be part of the Walloon government and of the government of the Region of Brussels-Capital.

French Community

Government: www.gouvernement.cfwb.be

Parliament: www.pfwb.be/be

Walloon Region

Government: www.wallonie.be

Parliament: www.parlement-wallonie.be

Brussels-Capital Region

The Brussels Regional Parliament

» Elections

The Brussels Regional Parliament is elected every five years. The first direct elections were held on 18 June 1989. The last elections were held on 9 June 2024 at the same time as the elections for the European Parliament and the House of Representatives. Such as for the federal elections there is an electoral threshold of 5% in each constituency and there must be as many women as men on the electoral lists. The age in order to be eligible for election is 18 years.

» Legislative parliament

The Brussels Regional Parliament is a legislative parliament, which means that it cannot be dissolved before the end of the period that it has been elected for.

» Composition

The Parliament consists of 89 directly elected members. They are divided into two language groups (in pursuance of the “Lambermont” and “Lombard”⁽¹⁾ agreements of 2001):

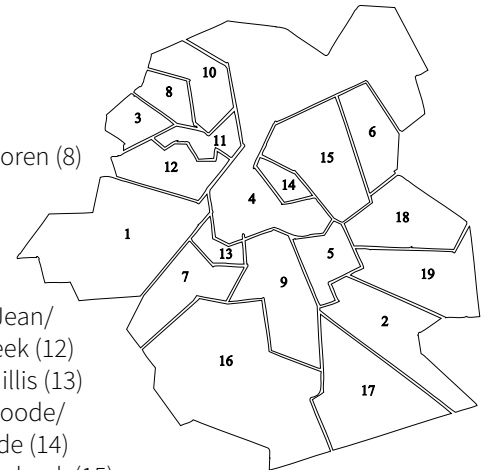
- The 17 members elected from the Dutch-speaking lists form the Dutch-speaking language group
- The 72 members elected from the French-speaking lists form the French-speaking language group.

» Electoral constituencies

The MPs of the Brussels-Capital Region are directly elected by the citizens of the Brussels Region which consists of 19 municipalities:

- Anderlecht/Anderlecht (1)
- Auderghem/Oudergem (2)
- Berchem-Sainte-Agathe/Sint-Agatha-Berchem (3)
- Bruxelles-ville/Brussel-stad (4)
- Etterbeek/Etterbeek (5)

- Evere/Evere (6)
- Forest/Vorst (7)
- Ganshoren/Ganshoren (8)
- Ixelles/Elsene (9)
- Jette/Jette (10)
- Koekelberg/
Koekelberg (11)
- Molenbeek-Saint Jean/
Sint-Jans Molenbeek (12)
- Saint-Gilles/Sint-Gillis (13)
- Saint-Josse-Ten-Noode/
Sint-Joost-Ten Node (14)
- Schaerbeek/Schaarbeek (15)
- Uccle/Ukkel (16)
- Watermael-Boitsfort/
Watermaal-Bosvoorde (17)
- Woluwé-Saint-Lambert/
Sint-Lambrechts Woluwe (18)
- Woluwé-Saint-Pierre/Sint-Pieters Woluwe (19)



» Competences

Legislation

The Parliament issues ordinances. These govern the regional matters of Brussels. They have almost the same legal force as decrees. But there is one important difference.

There is a limited control on ordinances which is not the case for decrees. The ordinary and administrative jurisdictional colleges can, within certain limits, check for example that the ordinances are not contrary to the Constitution or to a special law relating to Brussels.

In addition there is a limited control by the federal authorities in order to preserve the international role and the status of capital city Brussels. The King (the federal government) may cancel the enforcement of ordinances relating to urban planning, regional development, public works or transport. An ordinance is submitted to a cooperation commission consisting of an equal number of federal ministers and members of the government of the Brussels-Capital Region. If no agreement is reached within this commission, the House of Representatives may, as a last resort, invalidate a cancelled ordinance (a majority within the two language groups is required).

¹ Law of 13 July 2001 containing several institutional reforms concerning the local institutions of the Brussels-Capital Region.

The Parliament has assumed the competences of the former Brussels Conurbation. This concerns the collection and processing of refuse, taxis, the fire service, emergency medical assistance, etc.

For these matters the Parliament issues ordinances.

Appointments and political control

The Brussels government is appointed by the Parliament. At any time the Parliament may pass a motion of disapproval in the government or one or more ministers or secretaries of State in order to force them to resign. The Parliament must propose a successor, otherwise the motion is inadmissible (it is thus a motion of constructive disapproval). When a motion is targeted at the government it may only be adopted by a majority of the members within each language group.

Financial control

Each year the Brussels Regional Parliament adopts the regional budget.

The Brussels government

The government issues decrees.

It consists of eight members, including a Minister-President, two French-speaking ministers, two Dutch-speaking ministers and three secretaries of State. At least one secretary of State must belong to the less numerous language group.

Decisions are taken collectively and there must be a consensus.

Community matters

With regard to community matters, the two language groups of the Brussels regional Parliament sit separately. The Dutch-speaking group is called the “Council of the Flemish Community Committee”. The French language group is called the “Council of the French Community Committee”.

The members of the government also meet separately, according to the language group that they form part of. The Dutch-speaking members of the Brussels government form the College of the Flemish Community Committee. The French-speaking members of the Brussels government form the College of the French Community Committee.

The community committees have community competences (culture, education, person-related matters, etc) with respect to French-speaking and Dutch-speaking citizens of Brussels. They do so through Parliament ordinances and College decrees.

The French Community also delegates certain competences (tourism, health policy, etc) concerning Brussels French-speaking inhabitants to the French Community Committee. These competences are exercised by decree.

There is also a Joint Community Committee. It consists of the two language groups of the Brussels Parliament. It is thus called the “joint Assembly” and exercises authority over the institutions that do not exclusively belong to one or another community (the “bicomunity institutions” such as CPAS for example). It also has authority towards people in health policy, over social policy, towards disabled people and senior citizens, etc. The joint Assembly issues ordinances (regulations when it acts as the organising power). It decides by a majority of votes in each language group.

Government :

<http://be.brussels>

Parliament:

www.parlement.brussels

French community Committee:

www.ccf.brussels

Flemish community Committee:

www.vgc.be

The German-speaking Community

Background

The Eastern cantons have been part of Belgium since the end of the First World War. At the Versailles peace conference, which lasted from 12 January to 16 May 1919, it was decided to allocate the districts of Malmedy and Eupen to Belgium as reparations for the damage suffered in the war.

General

The German-speaking Community is the smallest of the three communities. It has a population of some 80.000 inhabitants and occupies an area (the German-speaking Region) of 854 km². The seat of the community institutions is in Eupen.

The festival of the German-speaking Community is held on 15 November, as set by decree.

The Constitution places the German-speaking Community on an equal footing with other communities: it has the same competences and issues decrees.

The competences have been granted by an ordinary federal law and not by a special law, which can only be changed with a special majority, as is the case for the other communities and regions.

The federal authorities are competent for the use of languages in the German-speaking Region.

With regard to regional matters, the German-speaking Region is part of the Walloon Region.

Competences transferred by the Walloon Region

Article 139 of the Constitution stipulates that the bodies of the German-speaking Community can exercise certain competences of the Walloon Region. The law of 7 January 2002 transferred competences of the Walloon Region to the German-speaking Community. Next to monuments and sites, the German-speaking Community is also competent for the election expenditures of the Parliament and the announcements of the government and the additional financing of the political parties.

The Parliament of the German-speaking Community

» Elections

The Parliament is elected every five years, on the same day as the European Parliament. The last elections were held on 9 June 2024, the same day as the elections for the House of Representatives.

As for the federal elections there is an electoral threshold of 5% in each constituency and there must be as many women as men on the electoral lists. The age in order to be eligible for election is 18 years.

» Legislative parliament

The German-speaking Community Parliament is a legislative parliament, which means that it cannot be dissolved before the end of the period for which it has been elected.

» Composition

Members with voting rights

The Parliament consists of 25 directly elected members from the German-speaking language region. One of them also sits in the Senate as the Senator appointed by the parliament of the German-speaking Community.

Members with advisory votes

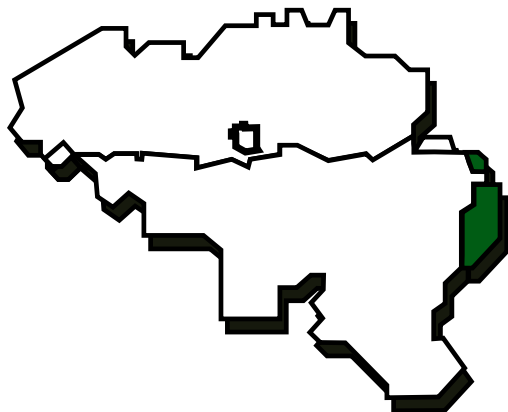
These are certain members of other legislative assemblies. They must however reside in the German-speaking Region and first take the oath in German. They only have an advisory vote.

- Members of the House of Representatives, the European Parliament and the Walloon Parliament elected from the Verviers constituency.
- Members elected in the Eupen district of the Provincial Council.

» Electoral constituency

The German language region has 9 municipalities within Liège province. They constitute one constituency.

Amel
Büllingen
Burg-Reuland
Büttgenbach
Eupen
Kelmis
Lontzen
Raeren
Sankt-Vith



» Competences

Legislation

The Parliament issues decrees. These decrees only have the force of law in the German-speaking Region.

Appointments and political control

The government of the German-speaking Community is appointed by the Parliament. At any time it may adopt a motion of disapproval towards the government or one or more ministers so as to require them to resign. For the motion to be admissible the Parliament must propose a successor (it is thus a constructive motion of disapproval).

Financial control

Each year the Parliament adopts the Community budget.

The government of the German-speaking Community

The government issues decrees.

It consists of four ministers, including one Minister-President. The decisions are taken by consensus.

Cooperation and Settlement of Conflicts within the Federal State of Belgium

Cooperation and conflicts: the two sides of the federal coin

The competences of the Belgian State have been divided up among the federal authorities, the communities and the regions. These three levels of power are on an equal footing and may, within the limits of their competences, develop their own policies. The policies of the respective authorities must nevertheless be in accordance. A certain number of problems are also connected to each other or are of a cross-border nature (water, transport, pollution for example). The federal model is thus only viable if autonomy is matched by the will to cooperate. This will is realised in practice through the application of cooperation procedures.

Despite good intentions the administration does not always proceed harmoniously in a federal State. Tensions may arise between the different levels of power because of disputes regarding competences or because of conflicting interests. The good working of the federal model requires the adoption of procedures to enable solutions to be provided or to bring an end to these conflicts.

Basic principle of cooperation: federal loyalty

The constitutioner defined this principle (art. 143 of the Constitution) as being a means of avoiding conflicts of interest. It follows that both the federal authorities, the communities and regions must be mindful of their mutual interests when exercising their competences.

How does this cooperation proceed in practice?

» Bodies for cooperation

The Concertation committee

The Concertation committee consists of the Prime Minister and five members of the federal government, the Minister-President and a member of the Flemish government, the respective Minister-Presidents of the government of the French Community

and the Walloon Region, the Minister-President of the government of the Brussels-Capital Region and a member of this government belonging to the other language group. The Concertation committee deals with problems submitted to it, deliberates and decides by a consensus.

The interministerial conferences

The interministerial conferences are the places where informal agreements are made on the policies to be followed in certain areas. These conferences do not have decision making power but are used for preparing the decisions of the respective authorities. Example: the interministerial conference on foreign policy, where the federal power informs the community and regional governments of its foreign policy.

The metropolitan Community of Brussels

With a view to consultation on certain matters of importance to more than one region, in particular mobility, road safety and road works in, towards and around Brussels, a metropolitan Community of Brussels was set up. In particular, the junctions and exits of the Brussels Ring motorway (R0) can only be closed or made unusable after consultation between the regions within the metropolitan Community.

The regions are members of this Community, as are the local authorities of the Brussels-Capital Region and the federal authority. The provinces of Flemish Brabant and Walloon Brabant are free to join it. A cooperation agreement will establish the arrangements and the purpose of this consultation.

» Forms of cooperation

The laws reforming the institutions list various forms of cooperation. The non-observance of the compulsory cooperation procedures forms grounds for cancelling as well the legislative standards as the decrees and ordinances.

Cooperation agreements

The federal, community and regional authorities may conclude agreements concerning the joint exercise of competences, and the creation and management of common services. In certain cases such agreements have been made compulsorily by law (for cross-border transport, roads and watercourses).

The obligation to inform

In certain cases, the respective authorities are required to inform each other. This procedure allows it to be examined whether there is a risk of a conflict of interest or a conflict of competence and thus allows an appropriate response.

The obligation to take advice

Before taking certain decisions, the authority with decision-making power is required to seek the advice of the other authority. It can be ordinary advice, but in certain cases the advice has to be unanimous.

The obligation to consult

The authority that has decision-making power is required to take the point of view of the other authorities into account, without losing its freedom of action. Concertation takes place prior to the decision.

How are conflicts resolved?

Two types of conflict may arise between the different levels of power of a federal State: conflicts of competence and conflicts of interest.

» Conflicts of competence

These are disputes that arise when, in the implementation of policy, the federal authority, a community or a region violates the existing rules regarding the dividing up of competences. These disputes are of a legal nature and are settled by judicial means.

Preventing conflicts of competence

The legislation section of the Council of State gives advice on:

- all the draft laws, decrees or ordinances
- certain private member's bills, decrees or ordinances after being tabled at the House of Representatives and/or the Senate or at the community or regional parliaments.

When making such advice the Council of State may find that there has been a breach of the dividing up of competences.

Settling conflicts of competence

If after developing a law, decree or ordinance it is found that competences have been exceeded, individual persons (if they can demonstrate an interest) or authorities may contest this standard before the Constitutional Court (art. 142 of the Constitution). If the Constitutional Court accedes to the request, the standard concerned is cancelled.

» Conflicts of interest

Even if, in the implementation of its policy, an authority strictly observes the bounds of its competences, it is still possible that the interests of other authorities are harmed. Conflicts of interest are of a political nature and are settled by political dialogue. The procedure for resolving conflicts of interest cannot relate to laws, decrees, regulations, acts and decisions by the Federal State relating to taxable basis, tax rates, exemptions or any other factor affecting the calculation of income tax.

These conflicts of interest may arise on the parliamentary or government level.

Settling conflicts of interest between parliaments

In a motion adopted by 3/4 of the votes a parliamentary assembly may judge that a legislative initiative (law, decree, ordinance) of another parliamentary assembly seriously harms its interests. This motion suspends the contested bill or private member's bill for a period of 60 days. If no solution has been found during this period the Senate must give its reasoned advice within 30 days to the Concertation committee, which must adopt a position within 30 days.

If the motion comes from a federal legislative assembly the intervention of the Senate is not needed and the Concertation committee decides within 60 days.

Settling conflicts of interest between governments

A draft decision, a decision or the absence of a decision from the government level may be submitted to the Concertation committee on the request of the Prime Minister or the respective presidents of the community or regional governments. The Concertation committee then endeavours to find a solution within 60 days. In the meantime the decision or draft decision are suspended.

The Constitutional Court

The creation of the Constitutional Court (at that time called Court of Arbitration) was written in the 1980 Constitution. It was formally set up on 1 October 1984. Article 142 of the Constitution and the special law of 6 January 1989 govern the activities of the Court.

General

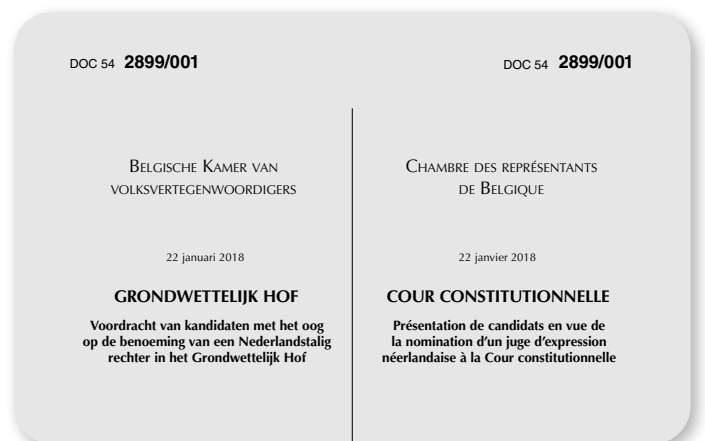
In a federal state within which competences are divided up among different authorities, conflicts cannot be ruled out. The federal authorities, communities and regions are at the same level of hierarchy and thus have an equivalent position in their respective areas of competences and on their territory. The question was raised as to know who would settle a dispute if one authority exceeded its competences. There thus had to be an independent arbitrator. As in other European federal states, this task has been entrusted to an independent court that does not come under the hierarchy of the other courts and tribunals. This independent Court was called in 1980 Court of Arbitration as its purpose was to see that the constitutional provisions governing the division of competences were observed. Afterwards, the Court was entrusted with other competences (see overleaf). Therefore, in May 2007, the Court was renamed 'Constitutional Court'.

Composition

The Court consists of twelve judges: six French-speaking and six Dutch-speaking judges. Each language group consists of three jurists (university professors, magistrates,) and three former parliamentarians (members of the House of Representatives, Senate or a community or regional parliament) who have held these positions for at least five years.

Within each linguistic group, the judges elect a president who holds, in turn for a one year period, the presidency of the Court. The judges must be at least 40 years old. Judges may exercise their office until they reach the age of 70.

In the event of a vacancy, two candidates are presented in turn by the House of Representatives and the Senate which decides by a majority of two-thirds. The King (the federal government) appoints one of the two proposed candidates.



Working

Each case is dealt with by a chamber consisting of seven judges (three of each language group and the President of the Court). The decisions are taken by a majority. The Court is assisted by two public auditors and two clerks (one French-speaking and one Dutch-speaking).

Role of the Constitutional Court

»» To act as an independent arbitrator between the federal State, the communities and the regions

The role of the Court mainly consists of settling conflicts of competence between the federal State, the communities and the regions. If one of these authorities passes laws, decrees or ordinances in which it exceeds its authority the Constitutional Court cancels the laws, decrees or ordinances in question.

» To guarantee the observance of certain fundamental rights of the citizen

The Court ensures observance of certain articles of the Constitution: art. 8-32 (rights and liberties), 170, 172 and 191.

It can cancel the laws, decrees and ordinances if they breach these constitutional provisions.

The federal legislator may, in addition, by a law passed with a special majority, extend the supervisory competence of the Court to other articles of the Constitution, which was done by the special law of 9th march 2003.

The Court is not authorised to judge the constitutionality of the acts of the executive, nor of the decrees and regulations of the provinces and communes. The Council of State is competent in this respect (see information sheet n° 30.00).

» To rule on preliminary questions

The judges of other courts may (or must sometimes) put questions to the Constitutional Court if a law, decree or ordinance that they have to apply with regard to a concrete dispute is contrary to the Constitution (art. 8-32, 170, 172 and 191 or the rules governing the dividing up of competences). We call this a preliminary question. The judges await the reply of the Constitutional Court before giving their own judgements. If the Constitutional Court judges that the law, decree or ordinance in question is in fact contrary to the Constitution, it is not applied and a new period of six months to cancel it is started by the Constitutional Court.

» Other missions

The powers of the Constitutional Court were broadened further in 2014. In addition to the missions set out above, the Court is also charged with:

- scrutiny of the compliance of laws, decrees and ordinances with the principle of federal loyalty enshrined in the Constitution
- scrutiny of the constitutionality of any regional referendum
- examination of appeals against decisions by the audit committee on electoral spending for elections to the House of Representatives.

Who may submit an appeal to cancel a law, decree or ordinance?

- The Council of ministers, regional and community governments.
- The presidents of the House of Representatives, Senate, and regional and community parliaments on the request of two-thirds of the members.
- Any person demonstrating an interest in the cancellation. The law, decree or ordinance must be concretely harmful to the party making the request.

Procedure

Any appeal to cancel a law, decree or ordinance must be submitted, as a general rule, within a period of six months following the publication in the Moniteur belge (Official State Journal).

The request submitted to the Constitutional Court must give the subject of the appeal and must contain grounds.

The party making the request may also request that the law, decree or ordinance that he is asking to be cancelled is suspended. Suspension may only be decided on if the application of the law, decree or ordinance risks causing serious harm to the requesting party that would be difficult to put right. A request aiming at suspending a law, a decree or an ordinance must be submitted within a period of three months following the publication in the Moniteur Belge (Official State Journal).

The procedure is essentially written, with both parties being heard. Maximum accessibility is desired. The parties use their own language. The proceedings are free of charge and the parties do not have to be represented by a lawyer. The judgements are published in the Moniteur Belge (Official State Journal) in the three languages (Dutch, French and German).

More information
www.const-court.be

The Council of State

The Council of State is an independent court instituted by the law of 23 December 1946.



Composition

First president A president	/// →	They are at the head of the Council of State. They are chosen by their peers and from within the Council of State. In certain cases they are called on to take urgent decisions, ruling alone.
Fourteen presidents of chamber	/// →	They preside over the different chambers. In theory, each chamber consists of a president and two advisers (councillors). In certain cases (for instance claims for suspension and disputes regarding foreigners), there is only one councillor who sits.
State Councillors	/// →	They are the 28 Judges (14 French-speaking and 14 Dutch-speaking) of the Council of State. They are appointed for life by the federal government (King) from a list of three candidates presented by the Council of State itself followed, in certain cases, by a list presented alternately by the House of Representatives and the Senate. The candidates must be aged at least 37, graduates, masters or doctors of law, and have at least ten years of legal experience.
Assessors	/// →	They are renowned lawyers, generally university professors specialised in a particular area of law. Depending on the type of text submitted they assist the legislation section. They are appointed for a period of five years by the federal government (King) on the proposal of the Council of State and in certain cases of the House and the Senate.
Auditors	/// →	They constitute the “Public Prosecutions Department” at the Council of State. In the administrative litigation section, the members of the prosecutions department are charged with the inquiries into cases. They give their opinion in open court. In the legislative section, they write a report on the text submitted for the opinion of the Council of State.
Coordination office	/// →	The task of the members of the Coordination Office is, amongst others, to scrutinize the state of the legislation, to put documentation at the disposal of the two sections of the Council of State, to put documentation about the state of the legislation at the disposal of the general public and to prepare the coordination, the codification and the simplification of the legislation.

The legislation section

This section gives reasoned legal advice on the preliminary draft Bills, Private members' Bills, decrees, ordinances, draft regulations and on certain amendments and verifies

- whether the submitted texts respect the higher legal standards (Constitution, law, etc)
- whether the initiating authority is competent for the subject dealt with
- whether the legal texts are of good quality: clarity of text, absence of contradictions, consistency between the French text and the Dutch text.

The Council of State does not reach a decision on the “appropriateness” of the texts submitted to it for advice. The Council of State gives technical and legal advice but not political advice.

» Compulsory opinion

- ➊ Preliminary draft Bills, decrees or ordinances (submitted by the various governments)

There are two exceptions to this rule:

1. A certain number of preliminary draft texts that are not of a general scope (budgets, accounts, loans, transactions on estates belonging to the State, army quota) do not have to be submitted to the Council of State.
2. When the government invokes urgency, and justifies it, the Council of State only gives limited advice. It then only verifies the competence of the initiating body, examines the legal base and the formalities to be gone through first and controls the legislative procedure to be followed.

- ➋ Draft royal decrees or community or regional government decrees

Exception: when the government invokes urgency, and justifies it, the advice of the Council of State is not required.

If the advice of the Council of State has not been requested, (except if urgency has been invoked) the decree is illegal. The ordinary courts and tribunals may refuse to apply the decree in the framework of litigation, and the administrative litigation section of the Council of State (see below) may cancel the decree in question.

» Request for optional opinion

The Presidents of the legislative assemblies (House of Representatives, Senate, Community or Regional Parliaments) as well as the members of the various governments (at the federal, community, or regional level), each with regard to matters of their own competence, may request the advice of the Council of State on Bills, Private member's Bills, decrees or ordinances, as well as on the amendments to the texts in question.

Exception

The Presidents of the legislative assemblies must consult the Council of State:

- if one third of the members of the assembly concerned so request
- if the majority of the members of a language group (of the House of Representatives, the Senate or the Brussels-Capital Regional Parliament or the joint Community Commission) so request
- if at least twelve members of the parliamentary concertation committee so request.

The administrative litigation section

The administrative litigation section of the Council of State is the highest administrative jurisdiction in the country. Any citizen or legal personality (companies, non-profit organisations, etc) may request the suspension or cancellation of administrative acts or regulations issued by an administrative authority. Royal decrees, community and regional government decrees, administrative acts of the provincial councils, communal councils, the councils of mayors and deputy mayors, mayors, examination committees are all concerned.

Besides suspension or cancellation, the administrative litigation section may also award compensation as reparation of damages caused by an illegal act.

Finally, the administrative litigation section is also the court of cassation for appeals against the decisions by lower administrative courts (for example, the Aliens Litigation Council).

www.raadvst-consetat.be

The Court of Audit

General

One of the essential tasks of the House is to adopt the budgets and the accounts. It is assisted in this task by a body called the Court of Audit.

This institution plays a “watchdog” role for the House of Representatives with respect to the Federal government. The Court of Audit monitors how the government uses the public purse and informs the House of Representatives of its observations. The House of Representatives needs this information to properly fulfill its role of control over the Federal government.

The Court of Audit has existed since the independence of Belgium in 1830.

Composition

The Court of Audit consists of two chambers, a French-speaking chamber and a Dutch-speaking chamber. Each of these two chambers consists of a president, four councillors (advisers) and a secretary general. The eldest president has the title of First President of the Court of Audit. All the members of the Court of Audit are appointed by the House of Representatives for a period of six years. They may be appointed several times in a row. The House of Representatives is always entitled to dismiss them.

The First President takes the oath before the King, in the presence of the speaker of the House, and the other members before the First President. Their remunerations and pensions are set by the law.

What does the Court of Audit do?

The Court of Audit has threefold competence (article 180 of the Constitution), the most important undoubtedly being its task of assisting the legislative power.

» Information and control

The Court of Audit is an essential aid for the House of Representatives and for the Community and Regional Parliaments with regard to controlling expenditure and to a lesser extent, income.

With regard to the yearly budget

The Court of Audit gives advice to the House of Representatives regarding the draft expenditure and income budget submitted by the Federal government.

With regard to the implementation of the budget

Each year the government must justify the budget implementation before the House of Representatives⁽¹⁾.

In principle, the State Accounts Bill is voted on in the month October that follows the budgetary year. The House of Representatives thus discharges the government from the implementation of the budget concerned. The Court of Audit first of all draws up a report in which it verifies the implementation of the budget and draws attention to any breaches of budgetary rules. This report is called the “Observations report”. Errors committed by the public authorities are also exposed in it. The observations of the Court of Audit concern the legality and regularity of expenditure. The Court is also charged with the monitoring of the sound use of public funds, but does not rule on the political opportunity of one expense or another.

Since 1989 the Court of Audit has also drawn up such a “report” for the Community and Regional Parliaments.

The Court of Audit also exercises general control on tax income. It may look for deficiencies in the implementation of tax legislation without however being able to control individual matters or files.

Moreover, every member of parliament has, on certain conditions, access to or can obtain information on the files of the Court of Audit.

1 See information sheet 11.01.

» Legality audit

The Court of Audit sees that the principle of speciality⁽²⁾ is observed. In the budget the House of Representatives only authorises clearly defined expenditure.

The Court of Audit verifies that

there is sufficient credit for the expense in question
the expense has been imputed to the appropriate item of the budget
the debt actually exists and may be proven by means of supporting documents
all the legal provisions have been respected.

» Jurisdictional task

The Court of Audit assesses the liability of 'public accounting officers' when their management leads to a deficit. Public accounting officers are public servants who collect and manage public money.

The Court discharges the public accounting officer if it concludes he/she is out of debt, or sentences the accounting officer to (partially) indemnify the State if it finds he/she made a serious mistake or negligence. It is also the case if the mistake is of minor importance, but occurs regularly and facilitates or causes the deficit to happen.

The judgements of the Court of Audit may be subject to an appeal with the Supreme Court of Law.

www.ccrek.be

² See information sheet 11.01.

The Provinces

Background

Before the emergence of modern centralised states there existed Earldoms (for example the Earldom of Flanders), Duchies (for example the Duchy of Brabant), and Principalities (for example the Principality of Liège), etc.

When Belgium was part of France (1794-1815) a highly centralised administration was set up. Under the French regime Belgium was divided up into nine departments, precursors of the provinces. The departments, however, had no decision making power.

Under the Dutch regime (1815-1830) the departments were converted into provinces vested with its own competences.

In 1830 the Belgian constitutioner continued this process and conferred general competences to the provinces regarding provincial matters.

After the emergence of new levels of power, such as the communities and regions, the provinces have progressively lost their importance. A province can take initiatives in all areas that it considers to be of a provincial interest and which do not come under the competence of another level of power.

Ten provinces

Belgium has 10 provinces⁽¹⁾:



In the Walloon Region

- Hainaut (chief city: Mons)
- Liège (Liège)
- Luxembourg (Arlon)
- Namur (Namur)
- Walloon Brabant (Wavre)



In the Flemish Region

- Antwerpen (Antwerpen)
- Limburg (Hasselt)
- Oost-Vlaanderen (Gent)
- West-Vlaanderen (Brugge)
- Vlaams Brabant (Leuven)

The district of Brussels-Capital does not form part of any province. The provincial tasks in Brussels are generally dealt with by the institutions of the Brussels-Capital Region and by the French Community Committee, the Flemish Community Committee or by the Joint Community Committee (see information sheet 26).



1 On 01/01/1995, the province of Brabant was divided into two provinces, one in the Flemish Region and one in the Walloon Region.

A regional competence...

During the state reform of 2001, the competence with regard to provincial institutions (and other subordinated administrations) was transferred to the regions.

The regions have the authority to abrogate, complete, modify or replace the existing legislation (provincial law of April 30, 1836), which they have already done.

- In the Walloon Region, the provincial legislation has been inserted into the Code on local democracy and decentralization.
- In the Flemish Region, the provincial decree of 9 December 2005 is applicable. If the legal framework is currently very similar in the regions, this situation might change.

...but not exclusively

There are exceptions to the principle of the competence of the regions. The Federal State remains indeed competent in certain cases.

So, the regions are for instance competent for the appointment of provincial governors but after unanimous advice of the federal Council of Ministers. Regulations relating to the deputy governor of the administrative District of Brussels-Capital and to the deputy governor of the Flemish Brabant province also come under the competence of the federal authorities.

The provincial bodies

The composition, the competences and the working of the provincial bodies come under the competence of the regions.

At present, all the provinces have their own legislative and executive body:

- The provincial council, whose members are elected for 6 years, is the legislative body;
- The provincial college (in the Walloon provinces) or the “deputatie” (in the Flemish provinces) is the executive body.

The provincial governor

» Appointment

The governor is appointed for an undetermined period by the regional government after unanimous advice of the federal Council of Ministers. He has specific competences, among others, as representative of the central authorities.

» Brussels Deputy Governor

In the administrative district of Brussels-Capital, the function of governor has been suppressed by the law of January 6, 2014 on the sixth state reform with regard to the matters referred to in article 78 of the Constitution.

The regional government appoints a deputy governor, after unanimous advice of the federal Council of Ministers. He must be able to demonstrate considerable knowledge of both French and Dutch. He is in charge of ensuring that the language legislation is observed in Brussels.

» Deputy Governor of the Flemish Brabant province

He is appointed by the Flemish government after unanimous advice of the federal Council of Ministers and must prove that he has considerable knowledge of both French and Dutch. He ensures that language legislation is observed in the peripheral communes of the Flemish Brabant province.

The Municipalities

Background

The municipalities have always played an important role in Belgium. They have considerable independence.

Under the French regime (1794 - 1815) a centralisation policy was conducted with respect to the local administrations without much success.

In 1830 the Belgian constitutioner expressly acknowledged the general competence of the municipalities for communal matters.

In 1976, Belgium still had 2,359 municipalities. But a major process of merging that began in 1977 reduced their number to 589. For some time now, in a bid to professionalise, strengthen and save money, municipalities have been encouraged to continue this merger process on a voluntary basis. As a result, their number continues to fall.⁽¹⁾

With the ratification of the Lambertmont Agreements in 2001, the regions became responsible for the composition, the organisation, the competences and the activities of the municipal institutions.

Role of the local authorities

The municipalities are the level of power closest to the citizen. They are competent for all matters of municipal interest that have not been allocated to other levels of power (federal, community, regional, provincial).

The concept of municipal interest enables them to act in many fields.

They maintain public order, they keep the population registers, issue planning permission, maintain local roads and take initiatives in the area of education, culture, sport, etc. They also have responsibilities for social welfare, through the municipal welfare institutions (CPAS).

Regional authority ...

The three regions can cancel, complement, modify or replace the existing legislation (New Municipal Act, ...). That has happened, in the mean time.

- In the Flemish Region, the Municipal Decree of December 22th, 2017 applies.
- The Walloon Region has entered the municipal legislation into the Code of local democracy and decentralisation.
- The Brussels Region has modified stipulations of the New Municipal Act by means of ordinances, the most recent dating from 12 July 2018.

... yet not quite

The principle of regional authority has a number of exceptions. In certain cases the federal state remains responsible.

As such, the regions are responsible for the municipal election legislation. But the municipal voting rights of non European nationals were introduced by the federal act of March 19th, 2004 because that is still a federal matter (art. 8 of the Constitution).

1 https://www.belgium.be/en/about_belgium/government/Communes

The municipal bodies

Until now, all municipalities have their own legislative and executive bodies:

- the municipal council, whose members are elected every six years, is the legislative body;
- the college of mayor and aldermen (or college) form the executive body, charged with the day-to-day running of the local authority.

The mayor is not just the head of the municipality, he also has specific responsibilities as the representative of the federal government. In this capacity, he is responsible for the implementation of laws, decrees and ordinances. The mayor is also the head of the local police force.



Status > 2018: 589 municipalities

The European Union

The Member States

Chronological overview of entries

- 1951** | The Six Founding Fathers (Belgium, the Federal Republic of Germany, France, Italy, Luxemburg and the Netherlands) sign the Treaty of Paris (establishing the ECSC – the European Coal and Steel Community).
- 1973** | Denmark, Ireland and the United Kingdom enter into the European Community.
- 1981** | Greece becomes the tenth member state.
- 1986** | Spain and Portugal enter into the European Community.
- 1995** | Finland, Austria and Sweden become members of the European Union. Following a referendum, Norway does not join the EU.
- May 1st 2004** | Cyprus, Estonia, Hungary, Latvia, Lithuania, Malta, Poland, Slovenia, Slovakia and the Czech Republic enter into the European Union.
- January 1st 2007** | Bulgaria and Romania become member of the European Union.
- July 1st 2013** | Croatia becomes EU Member State.
- January 31st 2021** | The United Kingdom leaves the European Union.
The EU consists now of 27 Member States.

Candidate Member States

As soon as the European authorities have decided to examine the candidate membership status for a country, they conclude a stabilisation and association agreement with that country.

Turkey had entered into an association agreement with EU in 1963 already, in order to form a customs union. The country applied for EU membership in 1987. Accession negotiations started in October 2005. Apart from the general conditions (compliance with the Copenhagen Criteria: respect for human rights, democratic institutions,...), the EU also asks that Turkey recognizes the Republic of Cyprus officially.

These countries were also given the EU candidate status:

North-Macedonia

(December 2005)

Montenegro

(December 2010)

Serbia

(March 2012)

Albania

(June 2014)

Moldova

(June 2022)

Ukraine

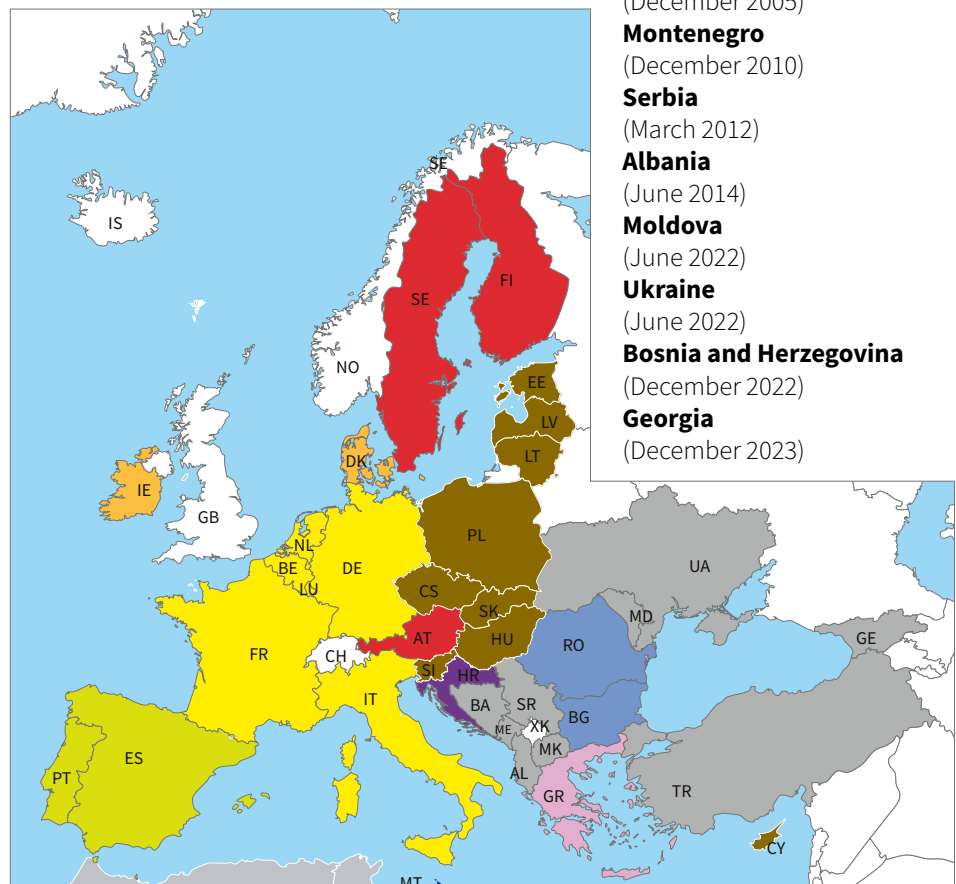
(June 2022)

Bosnia and Herzegovina

(December 2022)

Georgia

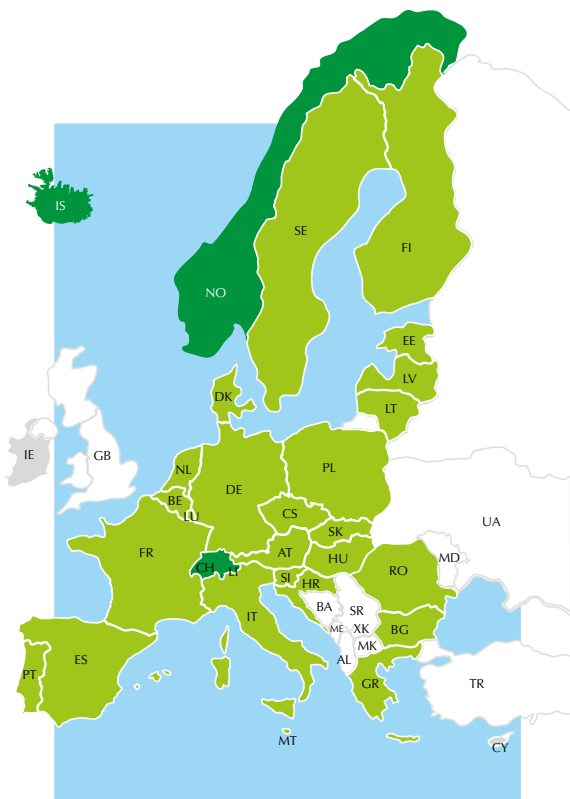
(December 2023)



The Schengen Countries⁽¹⁾

In 1995, the Schengen agreements entered into effect. These agreements created an area without internal borders, known as the Schengen area. Schengen allows the citizens to travel freely without having to pass border checks. As a countermeasure, measures were being worked on in order to strengthen the controls at the outer borders of the Schengen area. Twenty-nine countries belong to the Schengen area: 25 EU Member States and 4 non-EU countries.

The Schengen countries have a common visa policy: a visa for one Schengen country is valid for all Schengen countries. They also cooperate in the fields of justice and police. In order to promote the exchange of information between the Schengen countries, the Schengen Information System (SIS) is being developed.



- EU and Schengen
- EU, not Schengen
- Schengen, not EU

Since 1997, the Schengen agreements are part of the EU Treaty and the so-called *acquis communautaire*⁽²⁾. However, a Schengen visa is not valid for Cyprus.

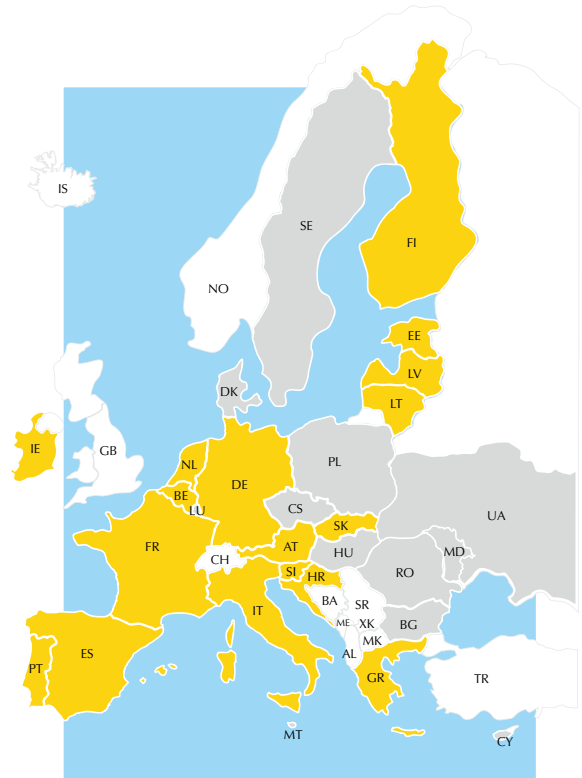
Ireland is not Schengen member but has the possibility to apply certain parts of the agreements. Northern Ireland left the EU as a part of the United Kingdom, but has been given a special status. Iceland, Norway, Switzerland and Liechtenstein are not EU Member States but take part in Schengen.

1 Schengen is the city in Luxemburg where the agreement was signed.

2 *Acquis communautaire* means: "the EU as it is". The *acquis* contains all treaties, laws and international agreements of the EU and the jurisprudence of the European Court of Justice.

The Euro Area

On January 1st 1999, the 11 countries of the Economic and Monetary Union (EMU) created the euro as their official currency. In 2001 Greece joined them as 12th EMU-member. On January 1st 2002, the euro replaced the national currency of these countries. Afterwards, Slovenia, Cyprus, Malta, Slovakia, Estonia and Latvia also joined the euro area. Lithuania joined the euro zone on 1 January 2015, Croatia on 1 January 2023. So the Euro zone now has 20 Member States. Thanks to the euro, people can travel almost all EU countries without having to change money.



The countries of the euro area have to reduce their budgetary deficit to 3% of their GDP (the so-called Maastricht standard). In accordance with the Stability Pact (1997), the euro countries draw up a stability program when entering the euro area. That contains the measures they will take on the middle-long term to balance their budgets as much as possible. In response to the financial crisis of 2008, the EU reinforced its oversight of all Member States' budgets. A package of measures (the 'six-pack', the 'two pack' and a treaty on European governance) are intended to ensure that budgetary and economic policy match the objectives agreed at European level. This is all integrated into a chronological framework known as the European Semester.

More information:
<http://europa.eu/>

The European Union Establishment

For centuries, Europe was the scene of frequent wars. In the period 1870 to 1945, France and Germany fought each other three times. A number of European leaders became convinced that the only way to secure a lasting peace in Europe was to unite their countries economically and politically.

1951 – Treaty of Paris

Establishment of the European Coal and Steel Community (ECSC)⁽¹⁾

About five years after the Second World War, the French Foreign Minister Robert Schuman proposed integrating the coal and steel industries of a number of European countries – mainly active in weapon manufacturing. In addition to the economic motives, the unified coal and steel market between Belgium, Germany, France, Italy, Luxembourg and the Netherlands (the Six) was also based on a striving for peace.

1957 – Treaties of Rome

Establishment of the EEC and Euratom

In 1957 the Six signed the treaties of Rome, or the treaties establishing the European Economic Community (EEC) and the European Atomic Energy Community (Euratom). This was the first attempt to create a common market. On the long term, they wanted to evolve towards a political union that would come into force in 1992 with the Treaty of Maastricht. But important steps were taken between 1957 and 1992.

- Decision to introduce a common agricultural policy (1965).
- Creation of the European Monetary System (EMS) (1978): the member states increase monetary cooperation in order to limit exchange rate fluctuations
- The first direct elections to the European Parliament (1979).
- Schengen Agreement (1990): the Schengen countries abolish checks at the borders (see information sheet n° 34)

1986 – Single European Act

Introduction of the qualified majority in the Council; co-operation between the Council and the EP in the field of legislation.

1992 – Treaty of Maastricht

Establishment of the European Union

In 1992, the European Union was created through the Treaty of Maastricht. The EU became a political union with one institutional framework, based on three pillars (see information sheet 34.3).

The free traffic of persons, goods, services and capital allows European citizens to travel freely between European Countries. This Treaty unified the internal market of the European Union. The Economic and Monetary Union (EMU) was created with the introduction of a single currency as its main aim.

On January 1st 2002, the Euro replaced the national currency in 12 European countries, of which Belgium was one.

1996 – Treaty of Amsterdam

Since the Maastricht Treaty, the introduction of the Euro has been on the agenda all the time. Furthermore, the choice between ‘deepening’ (extension of the Community based approach, thus more impact from the European institutions, namely the Commission and the EP) and ‘widening’ (accession of new Member States, which could weaken the decision-making) of the EU was constantly under discussion.

From the beginning of the 90ies (after the fall of the Berlin Wall) there was a consensus to unify Europe.

The importance of the Treaty of Amsterdam lies mainly in the notion of ‘stronger cooperation’, which led to a Europe on different speeds. This so-called ‘stronger cooperation’ allows a number of member states to work closer together on a certain area, such as the Schengen countries and the Euro countries (see information sheet n° 34).

1 The ECSC treaty expired on July 23, 2002.

2000 – Treaty of Nice

Nice focussed on the extension of the EU. In order to prepare the decision-making system to the extension, fundamental changes were required. In Nice, it was decided to limit the number of Commissioners and to make the Council decide on more topics with a qualified majority.

2001 – Laeken Declaration

During the Laeken European Council (2001), under Belgian presidency, the European government leaders suggested to replace the existing treaties by one European Constitution. They wanted to make the European organisation more transparent, give the citizens a larger involvement in the European project and clearly delimitate the competencies between the member states and the European Union. The government leaders set up a European Convention to prepare a European Constitution. This Convention was composed of representatives of the most important institutions in the EU (national parliaments, European Parliament, national governments and the European Commission).

2004 – European Constitution

At the European Summit in Brussels at the end of 2003, the heads of state and government leaders failed to reach a consensus on the draft European Constitution. Poland and Spain, among others, expressed their criticism. These countries felt that because of the voting proportions set forward in the draft they would have too little power within the Union.

In June 2004, the heads of State and Government finally reached an agreement on the European Constitution, which then had to be ratified by all the Member States (approval by the parliament and/or by a referendum). In 2005, the ratification process was interrupted after negative referendums in France and the Netherlands. By then, about ten member States had already ratified the European Constitution. After a period of reflection, the European leaders decided to abandon the constitutional concept and to limit the project to a modification of the existing European treaties: the Treaty on the European Union (TEU) and the Treaty on the functioning of the European Union (TFEU).

2007 - Treaty of Lisbon

An Intergovernmental Conference (composed of representatives from the governments of the Member States) was convened in order to prepare amendments on the founding treaties of the EU, which resulted at the end of 2007 in the Treaty of Lisbon. That treaty too had to be ratified by all Member States. In a first referendum (June 2008) the Irish voted against it. After a laborious information campaign, they finally voted in favor in a second referendum (October 2009).

In the Czech Republic, the ratification process didn't go smoothly either. On November 3rd 2009, the Czech president Vaclav Klaus signed the Treaty, as the last European Head of State, only after the Czech Constitutional Court stated that the Treaty was compatible with the Czech Constitution. He regretted, however, that the Treaty compromised Czech sovereignty.

The European Constitution had to make Europe more transparent. Did the Treaty of Lisbon meet that target? Paradoxically, no. The European Constitution was rejected in some Member States. It was replaced by the Treaty of Lisbon, which is a reform treaty. It is an additional treaty that merely indicates what has to be amended in the existing European treaties. That makes it even more complicated. The EU has nevertheless become a more visible actor on the world stage, which is positive. Thanks to the Lisbon Treaty, EU has a Permanent President of the European Council, often called European President (from 2019 till 2024: the Belgian Charles Michel), and a High Representative for Foreign Affairs.

A troublesome process

The unification of Europe is a democratic process currently involving 27 countries and a large number of political families. Hence, it is logical that certain areas of tension appear. Opinions greatly differ on the measure to which the member states should transfer competencies to the Union. Minimalists are opposed to maximalists. The minimalists opt for an intergovernmental approach. They feel things should be arranged on a national level through deliberation among the governments. This group consists of the strong member states, such as Germany and France who would not like to give up much of their sovereignty. The maximalists want Europe to have more power. Belgium and Luxemburg belong to this group. This attitude is also called the communal approach. In order to reconcile these differences of opinion, the Treaty of Maastricht introduced the principle of subsidiarity: everything should be executed at the appropriate level of power, as close to the citizens as possible.

In addition, also the financing of the Union creates opposite interests. On the one hand, there are member states who contribute more to the Union than they receive (net payers) such as Germany, the Netherlands ... On the other hand, certain countries receive more than they contribute (net receivers) such as Greece, Portugal and a large part of the new member states. The net payers would like to limit the contribution of the member states to the Union to 1% of the Gross National product.

Of course, there are also ideological oppositions. The liberal parties believe that the free market will create more prosperity and that the differences in prosperity among the member states will be reduced. The social democratic parties would like to accentuate the social themes and find that a liberalisation should never endanger the services of general interest.

More information:
www.europa.eu

The House of Representatives

Institutions

The European Union has a large number of institutions to guarantee its functioning and efficiency. The Commission, the Council of the European Union (Council of ministers), European Parliament and the European Council are clearly the most important and the best known.

The European Commission

The European Commission handles a great deal of the daily activities of the Union. For its functioning, the Commission does not depend on the governments of the member states. It defends Europe's interests.

The European Council (2009) decided that each country would keep a Commissioner, although the intention was to reduce the number of Commissioners to 18 from 2014 onward.

The President of the European Commission is proposed by the European Council. In this respect, the result of the European elections must be taken into account. The President of the European Council must consult the European Parliament to this end. The candidate of the Heads of State and Government must be supported by an absolute majority at the European Parliament. The governments of the member states then appoint the commissioners in deliberation with the future president. They must appear individually before hearings at the European Parliament. The Commission can only act after EP has approved the whole of the Commission. One of the Commissioners is also the High Representative for Foreign and Security Policy.

The Commission is appointed for a five-year period but EP controls the Commission and can force the whole commission to step down, even intermediately.

The Commission meets weekly in Brussels. The meetings are not public.

» Tasks

- The Commission drafts new European “laws” that will be presented to EP, the Council of the European Union and the national parliaments.
- It ensures that the regulations and directives of the EU are being put into effect.
- The Commission makes sure that the member states comply with the European treaties and the European “laws”. It has the right to “punish”.

- The Commission carries out the decisions taken by the Council of the European Union.
- It represents the EU in international organisations and negotiates about trade, association and affiliation.
- The Commission controls the financial means of the Union.

The Council of the European Union

The Council consists of **ministers of the member states**. They defend the interests of their member states. The composition of the sessions of the Council depends on which topic is on the agenda.

The Ministers of Foreign Affairs meet every month to discuss foreign affairs. The Foreign Affairs Council is chaired by the **High Representative of the Union for Foreign Affairs and Security Policy**. She conducts the common foreign and security policy of the EU. She is also a member of the European Commission. In that capacity, she ensures the implementation of the decisions of the European Council and the Council of the European Union.

In general, the foreign ministers, the economics, finance and agriculture ministers meet once a month. The other Council configurations meet between one and three times every six months. If the topic on the agenda is, in Belgium, a competency of the communities (e.g. education) or the regions (e.g. agriculture), the competent minister of Belgium's community or regional governments who speaks and votes on behalf of our country is determined by a rotation system.

Every six months, a different member state presides the Council. That country sets the European agenda. The competent minister of the presiding country presides over the Council.

The meetings are held in Brussels and Luxembourg.

» Tasks

- The Council is the legislative body of the EU, together with EP (ordinary legislative procedure or co-decision).
- Together with EP, the Council sets the budget. The Commission executes it.
- The Council coordinates economic policies by setting general guidelines and making recommendations to member states.
- The Council enters into international agreements with non-member states and international organisations.

- The Council takes decisions to set and execute common foreign and safety policies.
- The Council coordinates the actions of the member states and organises cooperation where police and justice are concerned.

European Parliament

The European Parliament represents the citizens of the European Union. Members of European Parliament are elected every five years. Each citizen of the EU who is registered to vote may vote, depending on the Community electoral law of the EU and the respective electoral laws of the member states. The most recent European elections were held from 6 till 9 June 2024. The EP has 720 members, 22 of which are Belgians.

European Members of Parliament are not grouped per country but based on their political conviction, they are subdivided into 8 political groups.

Political groups in the European Parliament	Number of seats	Belgian parties whom are part thereof	Belgian MEPs
Group of the European People's Party (Christian democrats)	188	CD&V, CSP	3
Group of the Progressive Alliance of Socialists and Democrats	136	Vooruit, PS	4
Patriots for Europe	84	Vlaams Belang	3
European Conservatives and Reformists	78	N-VA	3
Renew Europe	77	Les Engagés, Open Vld, MR	5
Group of the Greens/ Free European Alliance	53	Groen, Ecolo	2
The Left - GUE/NGL	46	PTB	2
Non-attached members	33		
Europe of Sovereign Nations	25		
Total	720		22

» Main tasks

- Discuss and approve European legislation, jointly with the Council of the European Union (ordinary legislative procedure or co-decision procedure).
- Set the annual budget of the EU together with the Council.
- Democratic control of the other institutions of the EU, mainly the Commission. EP approves or rejects the members of the Commission. The Parliament can even force the Commission to resign.
- Approve important international agreements, such as the accession of new EU member states, trade agreements or association treaties between the EU and other countries.

The European Council

Since the Lisbon Treaty (December 2009), the European Council has become a real institution.

The European Council's task is to set the broad lines of policy, and deliberate on the future of the Union.

The European Council consists of the **heads of state and government** of the member states and the president of the European Commission. For Belgium, not the head of state but the prime minister has a seat in the European Council.

The High Representative of the Union for Foreign Affairs and Security Policy takes part in the work of the European Council.

Since 1 December 2009, the European Council has a **President**. The President's term of office is two and a half years (which is renewable once). The current President of the European Council is the Belgian Charles Michel, who took office on 1 December 2019.

The President prepares the meetings of the European Council. He ensures the external representation of the Union on issues concerning its common foreign and security policy. He represents the EU at world level.

The members of the European Council may decide each to be assisted by a minister and, in the case of the President of the Commission, by a member of the Commission.

The Council meets, in principle, four times a year in Brussels. Such meetings are also called European summits.

Other institutions

In addition to these four important institutions, the EU has several other institutions or bodies such as the Court of Justice, the Court of Auditors, the European Central Bank and the European Investment Bank, the European Economic and Social Committee and the Committee of the Regions.

The European Union Decision-making

Evolution of the decision-making process

» From an inter-governmental decision-making process to the Community decision-making process

The process of European integration is dominated by two dimensions of decision-making: on the one hand, the inter-governmental dimension (decision by the Council of Ministers and unanimously by all the member states), and on the other hand, the Community dimension (decisions are taken by the European institutions themselves, i.e.: the Commission; the Council and the European Parliament, which together form the legislative branch, known as the “Bundesrat model”).

It should be noted, throughout the integration process, that there is a continuing evolution from the purely intergovernmental method of decision-making to Community decision-making.

» Evolution towards a process of decision-making by qualified majority

The above trend is associated with a change in the voting procedure in the Council (from a right of veto to a qualified majority).

Each member state has a certain number of votes (approximately in proportion to the size of the population: e.g. 29 votes for large countries like Germany; 12 votes for smaller countries like Belgium). A proposal is adopted when there is a dual majority (as from November 2014): the number of votes in the Council must reach 55% and these member states (at least 15) must represent at least 65% of the population.

» Transfer of policy fields to the Community sphere

More and more policy fields are becoming the subject of the ordinary decision-making procedure. Areas of policy which, before the Lisbon Treaty (2009) were still the prerogative of the member states (and which were therefore predominantly inter-governmental) are now the subject of the Community decision-making process (these include aspects of judicial affairs and police cooperation).

The Common Foreign and Security Policy still remain largely inter-governmental (unanimous vote in the Council).

Recent measures to contend with the financial crisis have also mostly been taken on an inter-governmental basis.

Current legislative procedures

Since the Lisbon Treaty, only two legislative procedures still exist.

- **The ordinary decision-making procedure**
This is the co-decision procedure, where the European Commission exercises the right of initiative, and where the Council and the European Parliament together form the legislative power.
- **Special decision-making procedures**
These are laid down in the Treaty on a case by case basis. In this case, the Council is often the only legislator. The European Parliament now has a consultative role or approval role. Examples of such procedures are: procedures for consultation of the European Parliament; the assent procedure of the European Parliament (in the case of accession treaties) and the budget procedure.

In most of these cases, the Council plays the key role and these are therefore inter-governmental procedures.

There is also what is known as a “passerelle” procedure for using the ordinary legislative procedure with a qualified majority, without a complete revision of the treaty.

Legislative instruments

» Regulation

A regulation is binding on all member states, is immediately applicable and does not have to be implemented first in national law.

» Directive

A European directive is binding on all member states, but only imposes an objective to be achieved. Member states may decide for themselves what means are used to achieve the objective set. So directives require implementation in national legislation.

» Decision

A decision is directly applicable and binding on persons, undertakings, or States to which it is addressed.

» Recommendation

Recommendations are not binding. They encourage member states or other players (institutions) to behave in a particular way.

» Opinion

An opinion is not binding either. It may be issued to member states, other European institutions or another group of players.

New features of the decision-making process

The Lisbon Treaty (2009) introduced two new features.

» Right of initiative

Before the Lisbon Treaty, the European Commission had the sole power to put legislative proposals before the Council and the European Parliament.

The treaty introduced the citizens' initiative. Over a million citizens - drawn from at least 7 member states - may call on the Commission to take a legislative initiative. The first citizens' initiative that met the conditions required is "Right2Water". The European Commission took it into consideration, but did not deem it necessary to draft a new legislative proposal in the field of water policy.

» Subsidiarity

The Treaty of Lisbon ascribes a major role to national parliaments. They can verify whether a legislative proposal by the European Commission complies with the subsidiarity principle. This means that the European Commission can only take an initiative if it can show that an objective cannot be achieved more efficiently at national or regional level.

More information:
www.europa.eu

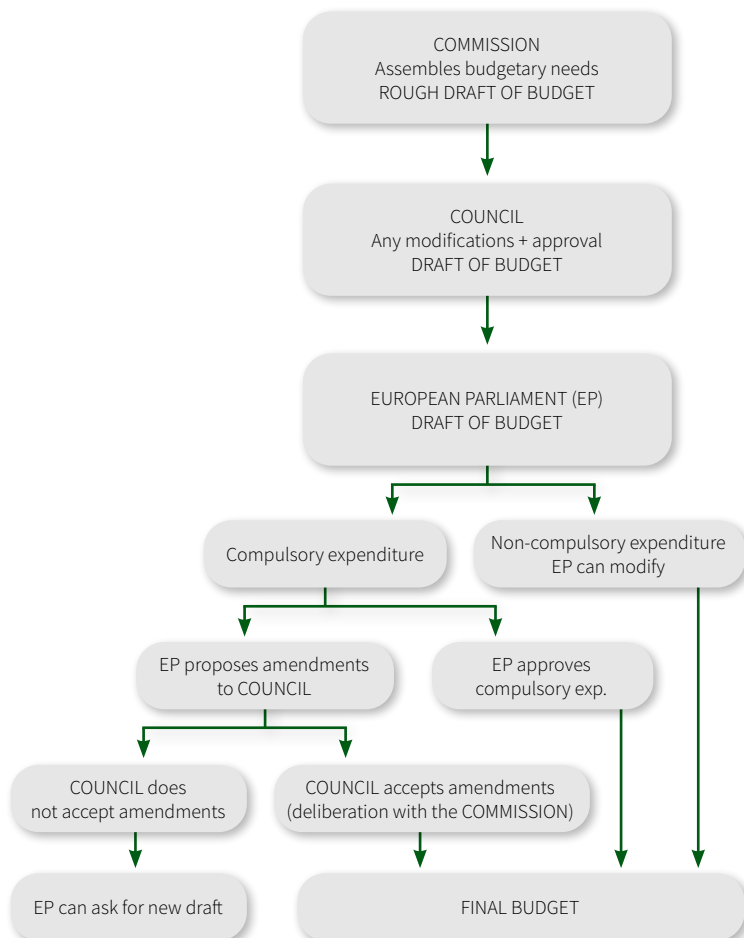
The European Union Financing

The European Union - financing

For the execution of its tasks, the European Union has a budget that amounts to 199,44 billion Euros for 2025. That is equal to the budget of a small member state.

How is the budget created?

The European Parliament and the Council share budgetary responsibility. They are the “budget authority” of the Union. They set the guidelines for the budget in a seven-year framework (currently running from 2021 to 2027). These guidelines are used to set the annual budget.



Expenditure checks

The European Parliament verifies if the money of the Community is used in a correct way. For these permanent checks, the Budget Control commission was created.

The European Court of Auditors assists the Parliament and the Council in this controlling task. They verify if the means have been used as was determined in the budget. The Court of Auditors publishes its findings in an annual report.

What is the income of the European Union?

There has been great debate about the income of the EU due to the fact that the Union does not have any direct income. The EU does not levy taxes. Will European citizens have to pay direct taxes to the Union as well? That would give the Union more independence and responsibility. But not all member states or political parties are willing to yield more power to the EU (see information sheet 34.01). Currently, the Union only has the means that are recovered and paid for by the member states. These are the “own resources” because they belong to the EU, and are derived from the operation of the Union (the common market).

The most important resources are

Customs duties on the importation of goods from non-EU countries, including levies on the import of agricultural products.

- Part of the VAT paid by citizens and companies.
- Contributions by the member states (depending on their wealth – Gross National Income).

There is a ceiling on what each member state pays to the EU: 1.23% of its gross national income. Yet, this percentage is heavily debated. The net payers (member states that pay more to the EU than they receive from the EU) feel this percentage should not be higher than 1%.

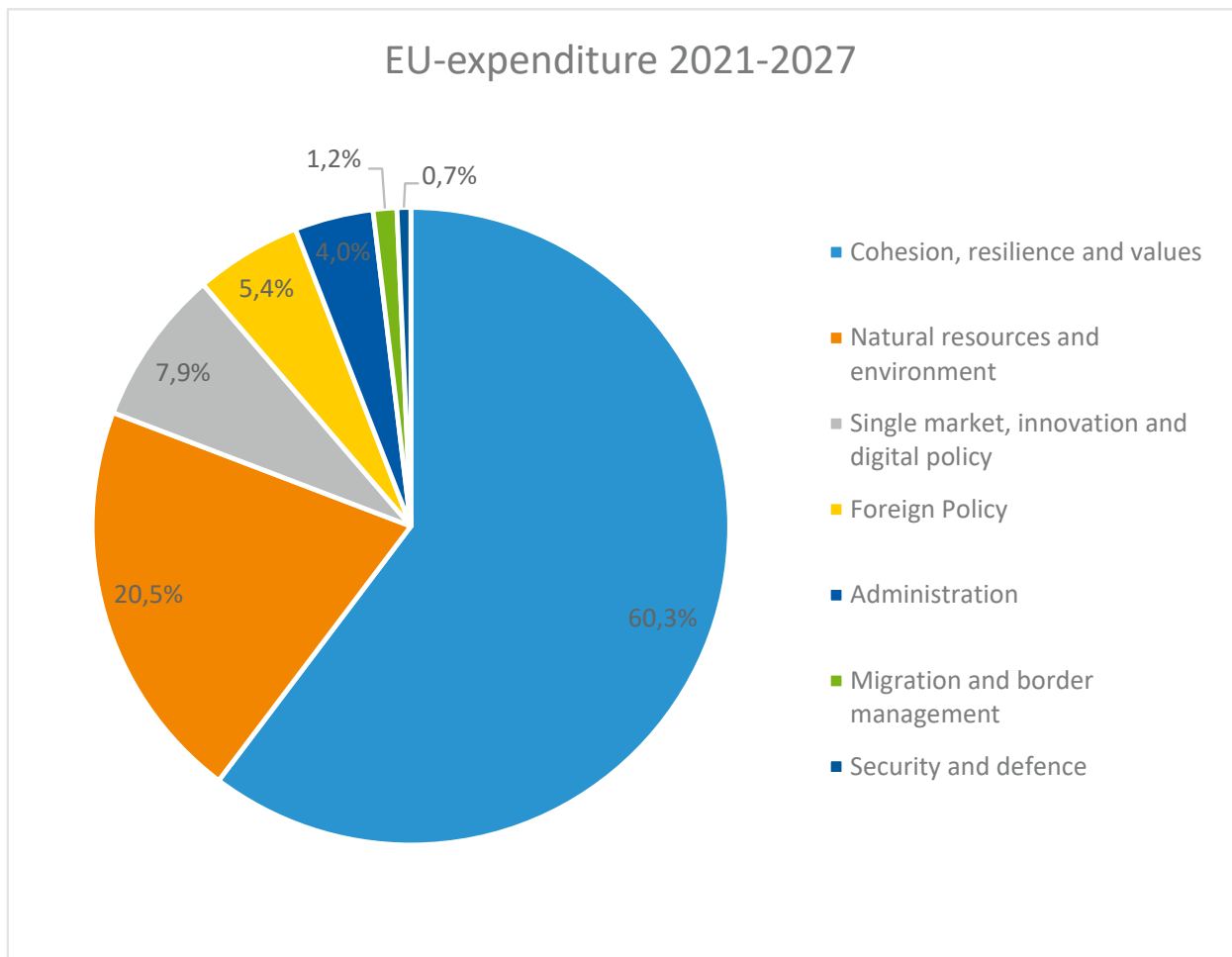
What is the budget used for?

It is important to note that the EU does only intervene for matters under its competency. It does not intervene when member states judge their management more efficient. That is what we call the “subsidiarity principle”.

The EU’s long-term budget for the period 2021-2027, called the Multiannual Financial Framework, amounts to €1800 billion, the highest amount yet. This amount includes the NextGenerationEU recovery fund, a temporary instrument to support the Member States affected by the COVID-19 pandemic.

In addition to the economic recovery, the focus is on the transition to a greener, more digitally efficient Europe. Several programmes and funds will receive more resources, such as Erasmus+. Member States that do not respect the rule of law risk sanctions under certain conditions.

The long-term budget rests on seven pillars



International parliamentary assemblies

Inter-Parliamentary Consultative Council of Benelux

Benelux Union

» What is the Benelux Union ?

The Benelux is an intergovernmental cooperation arrangement between Belgium, the Netherlands and Luxembourg.

» Creation

The Benelux was created in 1944 in the form of a Customs Union. Belgium, the Netherlands and Luxembourg were the forerunners of European integration. In 1958, this Customs Union led to the signature of the treaty establishing the Benelux Economic Union. This treaty was intended to increase economic cooperation between the three States.

A new treaty was signed on 17 June 2008. The name “Benelux Economic Union” became “Benelux Union”.

» Main objectives

The Benelux Union aims at deepening and broadening cross-border cooperation between the three countries. Because the cooperation may go beyond European cooperation (cf. article 306 of the EC treaty), Benelux plays a pioneering role within Europe.

The Benelux cooperation has two components: cooperation within the Benelux Union and intergovernmental cooperation. Cooperation is based on three pillars: the internal market & economic union, sustainable development, and justice & security. The intergovernmental component covers foreign affairs and military cooperation.

» Structures

- 🕒 **Inter-Parliamentary Consultative Council of Benelux** (Benelux Parliament): cf. below
- 🕒 **Committee of Ministers:** the ministers set the priorities for cooperation within the Benelux. Its composition varies depending on the agenda. The Committee is chaired in turn by each of the countries for a one-year term.

In 2024, Belgium held the presidency. Top officials from the competent ministries prepare the Committee's dossiers within the Benelux Council.

- 🕒 **Secretariat General:** The College of Secretaries General (one secretary-general and two deputies) heads the Secretariat General, which supervises cooperation on economy, sustainability and security.
- 🕒 **The Benelux Court of Justice:** The nine judges of this international jurisdiction aim to promote uniformity in the application of the legal rules of the Benelux. These common rules concern intellectual property, penalties, recovery of tax debts and equality of tax treatment. In case of doubt about the interpretation of a common rule of Benelux law, national courts ask for an explanation from the Benelux Court which gives a binding ruling. The members of the Benelux Court are appointed from among the judges of the Court of Cassation of Belgium, the Supreme Court of the Netherlands, and the Higher Court of Justice of Luxembourg.
- 🕒 **Office Benelux de la Propriété intellectuelle:** The Benelux Office for Intellectual Property is the official body for registration of trade marks, patterns or designs in the Benelux. The Office offers the possibility of establishing the existence of ideas, concepts, creations, prototypes, etc.

» External relations

The Benelux Union cooperates with the other Member States of the European Union, with the federated entities of these States and the bodies which promote regional cooperation between these States. Thus, for example, the Benelux Union has set up a partnership with the German Land of North-Rhine Westphalia.

Inter-Parliamentary Consultative Council of Benelux (Benelux Parliament)

» Creation

5 November 1995

» Composition

49 members chosen from among the members of the national parliaments of the 3 countries and appointed by them: 21 Belgian, 21 Dutch and 7 Luxembourg.

» Objectives

Cooperation between the parliaments of the 3 member countries of Benelux and democratic control of the workings of the Union. The Benelux Parliament aligns its activities with the annual plans of the Benelux Union and closely monitors intergovernmental cooperation (e.g., European policy and the consequences of Brexit for the Benelux).

» Powers

The Benelux Parliament formulates opinions in the form of recommendations for the three governments.

» Operation

In principle: 3 plenary sessions per year, each lasting 2 days. Belgium, the Netherlands and Luxembourg hold the presidency in turn for a 2-year term. The Benelux Parliament consists of a Bureau, a Permanent Committee and seven Standing Committees. Besides committee meetings, these committees organise working visits and thematic conferences.

» Composition of the Belgian delegation

The Benelux Parliament has three recognized political groups: the Christian group, the Liberal group and the Socialist group.

The Belgian delegation has 21 members of parliament, 10 of whom are appointed by the House of Representatives and 11 by the parliaments of the communities and the regions.

More info

Benelux Union: www.benelux.int

Benelux Parliament: www.beneluxparl.eu

Benelux Court of Justice:

<https://www.courbeneluxhof.int>

Benelux Office for Intellectual Property:

<https://www.boip.int/en>

International Parliamentary Assemblies

The Council of Europe

Creation

5 May 1949 (Treaty of London)

Composition

- 46 member countries (among which the member countries of the EU)
- 5 countries with the status of observer member of the Committee of Ministers (Canada, Holy See, Japan, Mexico, USA)

A country can only join the Council of Europe on the condition that it respects human rights, the democratic principles and the rule of law.

Objectives

- To defend human rights, the parliamentary democracy and the rule of law.
- To standardise the social and legal practices which differ from member country to member country.
- To promote awareness of a European identity based on shared values and cutting across different cultures.
- Since 1989, its main job has become:
 - acting as a political anchor and human rights watchdog for Europe's post-communist democracies
 - assisting the countries of central and eastern Europe in carrying out political, legal, constitutional and economic reforms
 - providing know-how in areas such as human rights, local democracy, education, culture and the environment.

Organs

- The Committee of Ministers
This is the decision-making body, consisting of the ministers of Foreign Affairs of the member states.
- The Parliamentary Assembly
This is the deliberative body of the Council.

Institutions

- The European Court of Human Rights
- The Commissioner for Human Rights
- The Congress of Local and Regional Authorities = the advisory body which represents local and regional authorities

Monitoring mechanisms implemented through specific bodies

The **European Commission against Racism and Intolerance** (ECRI) was established at the Vienna Summit in 1993. ECRI is an independent monitoring mechanism charged with assisting the Member States of the Council of Europe in the battle against racism, xenophobia, anti-Semitism and intolerance.

The **Group of States against Corruption** (GRECO) was set up in 1999 by the Council of Europe to oversee compliance by the Member States with anti-corruption standards that it puts in place. GRECO contributes to highlighting loopholes in political measures to fight corruption taken at national level, and encourages Member States to take the necessary legislative, institutional and practical reforms.

The **Venice Commission** issues legal opinions and assists the Member States in their efforts to adapt their legal and institutional framework to European regulation on democracy, human rights and the rule of law.

The Parliamentary Assembly

The Parliamentary Assembly was created simultaneously with the Council of Europe itself and has its headquarters in Strasbourg (Palace of Europe).

» Composition

The Parliamentary Assembly comprises 306 actual members and 306 substitutes.

They are appointed or elected by the national or federal parliaments among their own members. The balance of political parties within each national delegation must ensure a fair representation of the political parties or groups in their national parliaments.

» Working

The sessions of the Parliamentary Assembly are divided into four part-sessions, each lasting for about a week and taking place at the end of January, April, June and September. When the Assembly is not in session, the Standing Committee acts on behalf of it.

» Powers

The Assembly votes on recommendations, resolutions and advice. The parliamentarians speak in a personal capacity and do not bind their governments. They do however observe the voting instructions issued by the 5 political groups that make up the Assembly.

» Organisation

The work of the Assembly is prepared by eight specialised committees:

- Committee on Political affairs and Democracy
- Committee on Legal affairs and Human rights
- Committee on Social affairs, Health and Sustainable development
- Committee on Migration, Refugees and Displaced persons
- Committee on Culture, Science, Education and Media
- Committee on Equality and Non-discrimination
- Committee on Rules of procedure, Immunities and Institutional affairs
- Committee on the Honouring of obligations and Commitments by member states of the Council of Europe

Council of Europe:
www.coe.int

Parliamentary Assembly:
<http://assembly.coe.int>

International parliamentary assemblies

Organization for Security and Cooperation in Europe

What is the Organization for Security and Cooperation in Europe (OSCE)?

The OSCE is a collaboration between 57 “Participating States” in Europe, North America and Central Asia.

Creation

The OSCE, which came about through the Helsinki Final Act of 1975, was originally called the “Conference on Security and Cooperation in Europe.” The Charter of Paris of 1990 gave the Conference permanent bodies. In 1994, the Conference evolved into the “Organization for Security and Cooperation in Europe.”

Main objectives

The OSCE aims to strengthen security and cooperation among the participating states in an area stretching from “Vancouver” to “Vladivostok”. The Organization focuses collaboration among its members on the “three key areas of the Helsinki Final Act”, namely:

- Political and Security Affairs (including the prevention of conflict, the “treaty on conventional forces in Europe”, weapons inspections, exchange of information on military exercises, confidence building measures)
- Economic Affairs, Science, Technology and Environment (including the fight against money-laundering, management of water, security of energy supplies)
- Democracy, human rights and humanitarian questions (including the rule of law, human rights and freedoms, observation missions to elections).

Structures

- Parliamentary Assembly of the OSCE (cfr. below).
- The Chairperson-in-Office is appointed for one year from a participating state, which is designated by a decision of the Ministerial Council.
- The Ministerial Council, comprising the ministers of Foreign Affairs of the participating countries, meets once a year at the Summit, held at the end of the term of the “Chairperson-in-office” and at which a declaration is adopted.
- The Permanent Council, with its headquarters in Vienna, is a body consisting of diplomats, which meets weekly to analyse issues that are relevant in the OSCE area.
- The Secretariat, headed by a secretary general, supports the cooperation at the operational level. The secretariat is based in Vienna. Besides the secretariat in Vienna, there are also field missions that are active in Eastern Europe, South-East Europe, the Caucasus and Central Asia. The field missions promote the development of the rule of law and are organised for the purpose of prevention and settlement of conflicts.
- The institutions that assist the OSCE in the context of carrying out its mandate, such as the High Commissioner on National Minorities, the Representative for the freedom of the press and the Office for Democratic Institutions and Human Rights (ODIHR), which is responsible in particular for long-term electoral observations.

For more information:

www.osce.org

Parliamentary Assembly of the Organization for Security and Cooperation in Europe

Creation

In April 1991, the delegates of the parliaments that participated in the Conference on Security and Cooperation in Europe decided to set up a parliamentary assembly (OSCE PA). The OSCE PA Secretariat is based in Copenhagen.

Composition and objectives

The OSCE PA has 323 MPs designated by the national parliaments of the 56⁽¹⁾ participating states. The Belgian delegation to the OSCE PA consists of five permanent members of the House of Representatives and three senators. An equal number of reserve candidates can be designated.

The OSCE PA oversees the implementation of the OSCE's objectives and examines the topics raised at the meetings of the Ministerial Council and the Summits of Heads of State and Government. The OSCE PA develops and promotes mechanisms with a view to the prevention and settlement of conflicts. The OSCE PA supports the strengthening and development of democratic institutions in the OSCE area.

Workings and powers

Besides a Standing Committee consisting of the President, the members of the Bureau and the presidents of the national delegations, there are three committees: the Political Affairs and Security committee, the Economic Affairs, Science, Technology and Environment committee and the Democracy, Human Rights and Humanitarian Questions committee.

The OSCE PA meets three times per year in plenary session. Besides the summer session, the OSCE PA organises a winter session and an autumn session.

The summer session is the most important plenary session of the OSCE PA, because in each committee, a draft general resolution and several "supplementary points" relating to topical issues in the OSCE area are adopted. After being amended, these texts are merged into a Declaration.

The election observation missions form an important part of the work of the OSCE PA. The Office of Democratic Institutions and Human Rights is responsible for long-term electoral observations, whereas the OSCE PA is responsible for short-term electoral observations, under the leadership of an OSCE PA Special Coordinator. Only members of OSCE PA national delegations can take part in these short term election observation missions. At the end of each electoral observation, a declaration concerning the holding of free and fair elections is drafted.

For more information:
www.oscepa.org

1 The Holy See sends one delegate as a guest of honour.