



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



25 March 2021

GrecoRC4(2021)5

FOURTH EVALUATION ROUND

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

SECOND COMPLIANCE REPORT BELGIUM

For adoption by GRECO at its 87th Plenary Meeting
(Strasbourg, 22-25 March 2021)

FOURTH
EVALUATION
ROUND

I. INTRODUCTION

1. The [Fourth Round Evaluation Report on Belgium](#) was adopted by GRECO at its 63rd plenary meeting (28 March 2014) and made public on 28 August 2014, following authorisation by Belgium. GRECO's Fourth Evaluation Round deals with "Corruption Prevention in respect of Members of Parliament, Judges and Prosecutors".
2. In the [Compliance Report](#), adopted by GRECO at its 73rd plenary meeting (21 October 2016), it was concluded that Belgium had not implemented satisfactorily or dealt in a satisfactory manner with any of the fifteen recommendations contained in the Fourth Round Evaluation Report. Four recommendations had been partly implemented. In the light of these results, GRECO concluded that the very low level of compliance with the recommendations was "globally unsatisfactory" within the meaning of Rule 31 paragraph 8.3 of its Rules of Procedure. It therefore decided to apply Rule 32 paragraph 2 (i) in respect of members not in compliance with the recommendations contained in the mutual evaluation report and called on the head of the Belgian delegation to submit a report on progress in implementing the outstanding recommendations.
3. In the [Interim Compliance Report](#), adopted by GRECO at its 79th plenary meeting (23 March 2018), it was concluded that Belgium had made little progress in implementing the recommendations, with only one of the fifteen recommendations having been implemented satisfactorily and seven having been partly implemented. GRECO therefore reiterated its conclusion that the level of compliance with the recommendations was "globally unsatisfactory" within the meaning of Rule 31 paragraph 8.3 of the Rules of Procedure. In accordance with Rule 32 paragraph 2 (ii) a), GRECO drew the attention of the head of the Belgian delegation to the failure to comply with the relevant recommendations and the need to take determined action with a view to achieving further progress as soon as possible.
4. In the [Second Interim Compliance Report](#), adopted by GRECO at its 83rd plenary meeting (21 June 2019), GRECO concluded that Belgium had made some progress, two of the fifteen recommendations having been implemented in a satisfactory manner, twelve partly implemented and one not implemented. The level of compliance with the recommendations at that stage was no longer "globally unsatisfactory". Pursuant to paragraph 8.2 of Rule 31 of the Rules of Procedure, GRECO asked the head of the Belgian delegation to provide a report on the measures taken to implement the outstanding recommendations by 30 June 2020 at the latest, a deadline that was later extended to 30 September 2020. That report, submitted on 30 September 2020, forms the basis of this report.
5. [This second Compliance Report](#) assesses progress in implementing the outstanding recommendations since the previous Interim Report (recommendations i to vi, viii to x and xii to xv) and provides an overall appraisal of the level of Belgium's compliance with these recommendations.
6. [GRECO](#) selected France (in respect of parliamentary assemblies) and Monaco (in respect of judicial institutions) to appoint Rapporteurs for the compliance procedure. The Rapporteurs appointed were Mr Vincent FILHOL, *Chargé de mission* for international civil and criminal issues at the Ministry of European and Foreign Affairs, on behalf of France and Mr Jean-Marc GUALANDI, Technical Adviser at the SICCFIN, Department of Finance and Economy, on behalf of Monaco. They were assisted by GRECO's Secretariat in drawing up this report.

II. ANALYSIS

Corruption prevention in respect of members of parliament

Recommendation i.

7. *GRECO recommended ensuring that consistent and effective regulations are in place for MPs i) in respect of gifts, donations and other benefits accepted by MPs, providing in particular for their public disclosure, as well as of donors' identities, and ii) regulating the question of foreign donors.*
8. It is recalled that this recommendation was considered not implemented in the previous Interim Compliance Report, as GRECO had not noted tangible progress with regard to regulations concerning gifts received by parliamentarians and foreign donations.
9. The Belgian authorities now report, with respect to the first part of the recommendation, that the Chamber's Conference of Chairs has decided to hold a consultation with the executive to draw up common rules on the establishment of a register of gifts¹. In view of the political situation and the health crisis, that consultation has not yet taken place. With respect to the second part of the recommendation, Parliament unanimously adopted on 18 March 2021 a text which includes explicitly in the law of 4 July 1989 on the financing of political parties that the latter applies to both Belgian individuals and foreign individuals, and to both domestic and foreign donations.
10. GRECO, as regards the first part of the recommendation, notes the intentions of the Chamber of Representatives and the Senate to develop consistent regulations on gifts received by parliamentarians. This has not yet been translated into law. It welcomes the fact that Parliament has recently and explicitly addressed the issue of foreign donations in the law on the financing of political parties, in accordance with the second part of its recommendation.
11. GRECO concludes that recommendation i has been partly implemented.

Recommendation ii.

12. *GRECO recommended that rules should be introduced for Members of Parliament on how to engage in relations with lobbyists and other third parties seeking to influence the parliamentary process.*
13. It is recalled that this recommendation was considered partly implemented in the previous Interim Compliance Report. GRECO welcomed the creation of a register of lobbyists and the adoption of rules of conduct for them, and the indication of the links of interests of people heard by a committee. However, the rules for the parliamentarians themselves when they interact with third parties were yet to be adopted and the transparency of such contacts remained to be developed.
14. The Belgian authorities now report that the Chamber's Conference of Chairs has decided to hold a consultation with the executive to draw up common rules on the establishment of a register of lobbyists². In view of the political situation and the health crisis, this consultation has not yet taken place.

¹ That should also enable it to address the recommendation made by GRECO in the fifth evaluation round with respect to gifts received by persons entrusted with top executive functions.

² That should also enable it to address the recommendation made by GRECO in the fifth evaluation round with respect to relations between persons entrusted with top executive functions and lobbyists.

15. GRECO takes note of the information provided which is limited, at this stage, to a mandate given by the Chamber's Conference of Chairs to a working group in order to examine lobbying issues. It further notes that a common register of lobbyists for the parliamentary and executive bodies will not be sufficient to implement the recommendation. The expectation is indeed that that rules applicable to parliamentarians in their dealings with third parties will be put in place and measures taken to ensure the transparency of such contacts.
16. GRECO concludes that recommendation ii remains partly implemented.

Recommendation iii.

17. *GRECO recommended i) that the system of declarations clearly includes income, the various assets and an estimate of their value – whatever their form (including those held directly or indirectly, in Belgium or abroad) as well as liabilities, and that there is a duty to update the information in the course of a mandate; ii) that consideration be given to extending the system so as to include information on the spouse and dependent family members (it being understood that this information would not necessarily be made public).*
18. It is recalled that this recommendation was considered partly implemented in the previous Interim Compliance Report. More specifically, GRECO welcomed the fact that the income bands to be declared for private activities had been refined and complemented, but called for the exact amount of remuneration received in the exercise of private activities to be declared. It also recommended that more systematic measures be taken concerning declarations of assets, and that the system be extended to include information on spouses and dependent family members.
19. The Belgian authorities now report that, as with the explanations provided for the previous recommendations, there are plans to hold a consultation between legislative and executive authorities in order to draw up common rules in this area, and with the aim of addressing similar recommendations concerning top executive functions made in the fifth evaluation round. Because of the political situation and the health crisis, it has not yet been possible to proceed with this consultation. A working group has been appointed by the Chamber's Conference of Chairs to work on these issues.
20. GRECO encourages the Belgian authorities to launch the planned consultation as soon as possible, and to proceed swiftly with the adoption and actual implementation of additional measures regarding declarations of parliamentarians' assets. In the meantime, GRECO concludes that recommendation iii remains partly implemented.

Recommendation iv.

21. *GRECO recommended that the various declarations, including those on assets, as supplemented in particular by information on income, should be subject to public disclosure and made more easily accessible through an official internet website.*
22. It is recalled that this recommendation was considered partly implemented in the previous Interim Compliance Report. GRECO welcomed the fact that parliamentarians' biographical pages were to include a link to their mandate declaration when published by the Court of Audit, as well as some information regarding remunerations, while at the same time regretting that only income bands would be published. GRECO also expressed regret that the deadline for submitting mandate declarations had been postponed, and that there was no progress to report with regard to the publication of declarations of assets, it being understood that parliamentarians were public figures.

23. As with the previous recommendations, the Belgian authorities now merely indicate that it is intended to hold a consultation between the legislative and executive authorities in order to arrive at common rules in this area once the political situation allows it, and that a working group has been appointed by the Chamber's Conference of Chairs to work on these issues.
24. GRECO can only conclude, therefore, that recommendation iv remains partly implemented.

Recommendation v.

25. *GRECO recommended that i) compliance with the current and yet to be adopted rules on the integrity of parliamentarians in the Codes of deontology and other pertinent rules (such as those on donations), be subject to effective supervision by the parliamentary assemblies themselves rather than only by the parliamentary political groups, and that at the same time the ability to act ex officio be granted to the future Federal Ethics Committee also in individual cases; ii) declarations of mandates and of assets be subjected to effective verification by strengthening the role of and interaction between the Court of Audit and the prosecutorial authorities, or by designating as the need may be another institution equipped with adequate means for these purposes.*
26. It is recalled that this recommendation was considered partly implemented in the previous report. No progress had been reported in respect of the first part of the recommendation. With respect to the second part, GRECO welcomed the introduction of an electronic application for mandate declarations, the reinforcement of the staffing of the Court of Audit registry and the stepping up of contact between this Court and the prosecution service with a view to applying sanctions - whose effectiveness remained to be confirmed in practice. GRECO pointed out that the supervision carried out by the Court of Audit did not make it possible to detect important asset variations caused by illicit enrichment sources.
27. The Belgian authorities now indicate that the second part of the recommendation is included in the examination carried out by the Constitutional Revision Committee on the implementation of GRECO's recommendations relating to the list of mandates and the declaration of assets.
28. GRECO notes that at this stage that no new proposal has yet been formulated to fully implement the recommendation and concludes that recommendation v remains partly implemented.

Recommendation vi.

29. *GRECO recommended that infringements of the main present and future rules in respect of integrity of parliamentarians carry adequate sanctions and that the public be informed about their application.*
30. It is recalled that this recommendation, following the introduction of more gradual sanctions imposed by the Court of Auditors for breaches of the rules on mandate declarations, was considered partly implemented in the previous reports, with GRECO expressing regret that there were no sanctions for the main breaches of the ethical rules governing parliamentarians.
31. The Belgian authorities have not reported any new developments other than the intention to hold a consultation between legislative and executive authorities already mentioned in connection with the previous recommendations.

32. GRECO concludes that recommendation vi remains partly implemented.

Recommendation viii.

33. *GRECO recommended that at the level of the two houses of parliament regular specialised training courses be given on questions of integrity for all parliamentarians.*
34. It is recalled that this recommendation was considered partly implemented in the previous report. GRECO welcomed the forthcoming organisation of training for the members of the new legislature regarding integrity issues.
35. The Belgian authorities now report that the training course on “parliamentary ethics”, the running of which had been entrusted to the Federal Ethics Committee by the Conference of Chairs, took place on 9 October 2019 and was attended by 32 MPs. It provided an introduction to the Committee, its competences and how it operates. Participants were issued with information packs.
36. GRECO welcomes the fact that this first training session for parliamentarians on integrity issues has taken place. It points out, however, that this was an initial, general presentation on the functioning of the Federal Ethics Committee, not a specialised training course on substantive issues, and that whether such training becomes a regular event remains to be seen.
37. GRECO concludes that recommendation viii remains partly implemented.

Corruption prevention in respect of judges and prosecutors

38. By way of introduction, the Belgian authorities point out that the provisions of the Law of 23 March 2019 amending the Judicial Code (the so-called “GRECO Act”) and, in particular, the criteria for becoming and serving as a substitute judge or substitute council member, and which require disciplinary bodies to use a standard form for their activity reports, entered into force on 1 January 2020.
39. On the basis of this legislation, several regulations have been adopted concerning the procedures for the organisation of examinations for those wishing to become substitute judges and allowing (lawyers) judges and substitute councillors to sit the oral evaluation examination. Other recent regulations ratify the syllabus for the examination to become a substitute judge or substitute councillor and prescribe the standard form to be used by disciplinary bodies when producing their activity reports. A form respecting anonymity is provided for the Disciplinary Tribunal and another for the Disciplinary Appeals Tribunal. Minor penalties imposed by heads of courts on members of the judiciary are included in the form of the disciplinary tribunals.

Recommendation ix.

40. *GRECO recommended that to the widest possible extent, the judges concerned at federal and regional level be subject to appropriate safeguards and rules as regards their independence, impartiality, integrity (professional conduct, conflicts of interest, gifts, etc.), supervision and the applicable sanctions.*
41. It is recalled that this recommendation was considered partly implemented in the previous Interim Compliance Report. More specifically, with regard to the Flemish Region, GRECO stated that the Decree of 4 April 2014 appeared to respond to some of the concerns raised in the recommendation as regards independence, supervision and the disciplinary rules applicable to judges. The decree, however, did not contain any rules of conduct applicable to all the region’s administrative court judges.

Furthermore, no information had been reported regarding the courts of the other federated entities, or the federal administrative courts. As regards the Council of State, there was a lack of rules with regard to professional conduct, conflicts of interest, gifts and other advantages. GRECO had called for the introduction of an inventory of the courts concerned, at least at federal level. It concluded that little follow-up had been given to the recommendation.

42. The Belgian authorities recall beforehand that the federal character of Belgium has the consequence that alongside the federal administrative courts, there are regional and community administrative courts, as well as provincial and local courts. There are thus several hundred administrative courts, each governed by specific rules. This makes it impossible to establish an inventory of administrative courts and does not make it possible for the State Council to impose reforms on decentralized courts.
43. By focusing on a non-exhaustive panel of representative administrative courts, the authorities now explain that the replies to the letter sent to the various professional orders falling within the scope of the recommendation make it possible to affirm that the administrative (disciplinary) courts have put in place procedures respecting independence, impartiality, integrity, as well as the supervision of applicable sanctions. They cite the example of the Order of Physicians, which is based on Royal Decree No. 79 of 10 November 1967 and its implementing instruments, which lay down the rules governing the appointment and election of members of the Order's disciplinary bodies, provide for appeals, stipulate incompatibilities, the duration of terms of office, the conditions for renewal and the procedure for disqualification from office. The law also determines the disciplinary procedure: in the first instance, the judges are doctors assisted by a legal assessor from a court of first instance; the boards of appeal consist of five doctors and five judges from the courts of appeal. In the case of professional members of the judiciary, the Judicial Code establishes an absolute incompatibility with any paid public office or duties. The exceptions to this rule are listed exhaustively by law and require a strict prior authorisation procedure. The Code formally prohibits members of courts and tribunals from directly or indirectly engaging in commercial activities. They are not allowed to be business agents or to participate in the management, administration or supervision of commercial companies. The Code prohibits judges from engaging in any activity of a profit-making nature. Parajudicial activities such as arbitration or providing expert opinions are prohibited. Under the Code, a judge or prosecutor must stand down, on pain of disciplinary action, if he or she is the spouse of or related by blood or marriage to the lawyer or representative of one of the parties. The prevention of conflicts of interest is ensured by strict rules on the recusal of judges in case of bias, and on the removal of cases from courts and tribunals on the grounds of reasonable suspicion. According to the Code, a judge who has a personal interest in a dispute, either directly or through his or her spouse, must withdraw from the case or face disqualification. The same rules on prevention of conflicts of interest also apply to doctors. In addition, from an ethical standpoint, medical members of the Order's judicial bodies are subject to the Code of Medical Ethics, which was rewritten in 2018 around four chapters: professionalism, respect, integrity and responsibility. Members of the Order's disciplinary bodies regularly attend meetings dealing with disciplinary procedure issues, particularly following developments in the case-law of the European Court of Human Rights and the Court of Cassation. Given the statutory framework and the number of members required to hold a hearing, the authorities maintain that the risk of corruption among members of these courts is negligible. In 2016, the Order itself issued a plan to reform its procedures in order to address, *inter alia*, potential conflicts of interest. This proposal was submitted to the Minister of Public Health.³

³ <https://www.ordomedic.be/fr/avis/conseil/avant-projet-de-loi-concernant-la-modification-de-l-arrete-royal-n-79-du-10-novembre-1967-relatif-a-l-ordre-des-medecins>

44. The same applies to the Order of Architects (French- and German-speaking boards) which has a vade-mecum on procedures to guarantee the independence and impartiality of the Order's representatives and legal assessors. In addition, a set of rules has been drawn up regarding the composition of disciplinary bodies, the prohibition of multiple office-holding, recusal and removal of cases. A procedure for drawing lots has been introduced at national level in cases where a complaint is lodged against a representative or if there is a lack or appearance of lack of independence or impartiality on the part of a representative or legal assessor. The Representatives' Charter stipulates that representatives must act in an ethical, independent and neutral fashion. The decisions handed down by the Order's bodies are published in a database (Archilex) accessible to all members of the Order.
45. The authorities have also indicated that disciplinary rules are set for the Institute of Company Auditors. The deliberations are recorded in minutes kept at the Institute's headquarters, an extract of which is provided to interested parties on request.
46. GRECO notes the information relating to the rules on independence and integrity in place for three professional orders acting in the context of administrative law disputes. These rules are in line with the Recommendation, although the organisation of Belgian institutions does not make it possible to generalize to all administrative courts and to assert that they can be systematic and exhaustive in covering all the essential areas concerning independence, impartiality, integrity, supervision and applicable sanctions. GRECO further notes that no new information has been provided in this area with regard to the federal level (State Council).
47. GRECO concludes that recommendation ix remains partly implemented.

Recommendation x.

48. *GRECO recommended reforming the conditions for the appointment of substitute judges in accordance with Article 87 of the Judicial Code (and possibly of substitute "magistrats" in accordance with Article 156bis of the Judicial Code) to perform the functions of judge or prosecutor.*
49. It is recalled that this recommendation was considered partly implemented in the second Interim Compliance Report. More specifically, GRECO expressed satisfaction that measures as regards recruitment, training and confusion over the roles of substitute judges, members of the prosecution service and lawyers feature in the Law of 23 March 2019 amending the Judicial Code. It also noted that the system of supervision and sanctions applicable to substitute judges had been clarified. However, the amended Judicial Code was not yet in force at the time when the previous report was approved.
50. The Belgian authorities now report that the Law of 23 March 2019 entered into force on 1 January 2020. The terms and conditions for organising the examination for persons wishing to become substitute judges or substitute councillors were laid down in the Royal Decree of 15 December 2019. The syllabus for the examination to become a substitute judge or substitute councillor was approved by the ministerial decree of 25 December 2019. Two examination sessions for persons wishing to become substitute judges or substitute councillors were planned for 2020. 28 candidates out of 77 sat the examination held in the first part of 2020. A second examination was advertised in September 2020; 24 candidates out of 74 succeeded.

51. GRECO notes that the recommended legal framework is now in force and is being applied in practice. It concludes that recommendation x has been implemented satisfactorily.

Recommendation xii.

52. *GRECO recommended that an assessment of the arrangements for assigning cases between judges be carried out in due course.*
53. It is recalled that this recommendation was considered partly implemented in the previous report. GRECO acknowledged that the specific investigation conducted by the High Council of Justice (HCJ) into the application of the new rules on assigning cases to single-judge chambers represented significant progress where the courts of appeal were concerned, while at the same time noting that there were diverging interpretations of the rules and differing practices in the assignment of cases within appeal courts. GRECO called on the HCJ to encourage heads of courts to better harmonise case assignment processes, for the sake of equality of litigants and in view of the need for courts to be seen as impartial. The letters sent to the heads of courts were a first step in this direction, and further efforts were needed. GRECO also welcomed the HCJ's intention to draw the appropriate conclusions from this exercise for first instance courts.
54. The Belgian authorities now report that in the spring 2019 the HCJ continued to lobby the Courts of Appeal with a view to harmonising their case assignment practices. However, it had to take into account the cycle of renewal of the terms of office of heads of courts and chose to let the First Presidents of the Courts of Appeal newly appointed at the end of 2019 work together to narrow the differences and report back to the HCJ. The health crisis due to the Covid-19 pandemic has prevented this from happening for now.
55. GRECO notes that the cycle of renewal of heads of courts and the health crisis have so far prevented the appeal courts from harmonising their rules and practices regarding the assignment of cases. It further notes that the HCJ has not yet taken any specific steps along these lines at the level of the courts of first instance.
56. GRECO concludes that recommendation xii remains partly implemented.

Recommendation xiii.

57. *GRECO recommended that the compendia of rules of conduct (applying to judges and prosecutors) be combined into a single text and that all necessary further measures be taken to ensure that these rules are clearly binding on all judicial court judges and prosecutors, whether professional or not.*
58. It is recalled that this recommendation was considered partly implemented in the previous Interim Compliance Report. In particular, GRECO welcomed the systematic issuing of the Handbook on ethics by the HCJ and the fact that the Law of 23 March 2019 ensured that the ethics principles established by the HCJ were applicable to all members of the judiciary, whether they were career judges and prosecutors or not. The legislation was not yet in force at the time when the previous report was approved, however.
59. The Belgian authorities now state that the Law of 23 March 2019 amending the Judicial Code laying down general ethical principles governing all categories of members of the judiciary, including substitute and non-professional members, entered into force on 1 January 2020. The Judicial Advisory Council has been asked to formulate an opinion for the HCJ which is to establish these general principles.

Initial training courses are currently being run by the Judicial Training Institute, including a module on ethics, for all judges who are not career judges (commercial court judges, substitute judges and council members, judges and council members in the labour courts, assessors in courts responsible for the execution of sentences). The first initial training courses took place at the end of May 2020. The Belgian authorities also state that, in the wake of the previous Interim Compliance Report, the HCJ has issued every new judge or prosecutor with a copy of the Handbook on ethics⁴ and has included professional ethics in the syllabus of the examination for admission to the judiciary.

60. GRECO welcomes the entry into force of the Law of 23 March 2019 amending the Judicial Code, under which the ethical principles apply to all members of the judiciary, and also the introduction of initial training for lay judges including ethical issues. It encourages the Belgian authorities to continue providing this training. GRECO also welcomes the moves by the HCJ to issue every new judge or prosecutor with a copy of the Handbook on ethics and to include professional ethics in the syllabus of the examination for admission to the judiciary.
61. GRECO concludes that recommendation xiii has been implemented satisfactorily.

Recommendation xiv.

62. *GRECO recommended that the High Council of Justice introduce periodic general reports on the functioning of the courts and the prosecution service and, at the same time, expand its audit and investigation activities.*
63. It is recalled that this recommendation was considered partly implemented in the previous compliance reports. GRECO noted that a working group had been set up to optimise the activity reports of the judicial entities. It was interested to learn of the outcome of that work. It also welcomed the introduction of legislation strengthening the competences of the HCJ in the area of investigations and audits.
64. The Belgian authorities now report that the working group has finished adapting the standard form to be used by the prosecution service when drawing up its activity report. It has also approved a Handbook to guide the bodies that make up the prosecution service in drawing up their activity reports using this form. They report that a similar exercise was carried out with a view to adapting the standard form for courts and tribunals. The documents concerned were approved by the general meeting of the HCJ in October 2020 to constitute one of the opinions prior to the establishment by the Minister of Justice of the standard form to be followed for the drafting of operating reports.
65. GRECO takes note of the new information provided, in particular the proposal for adapting the form for the operating reports of the prosecution service, the courts and tribunals, as well as a subsequent Handbook. However, all of these documents only constitute a proposal that remains to be formalized by regulation as required by law.
66. GRECO concludes that recommendation xiv remains partly implemented.

Recommendation xv.

67. *GRECO recommended that measures be taken to ensure that reliable and sufficiently detailed information and data are kept on disciplinary proceedings concerning judges*

⁴ http://www.csj.be/sites/default/files/press_publications/o0023f.pdf. This systematic issuing of the handbook supplements the issuing by the High Council of Justice in October 2017 of principles of positive ethics, which are reiterated in this handbook aimed at all career and substitute judges as well as lay judges.

and prosecutors, including possible publication of the relevant case-law, while respecting the anonymity of the persons concerned.

68. It is recalled that this recommendation was considered partly implemented in the previous reports. GRECO noted that the measures provided for in the Law of 23 March 2019 confirmed the information of which it had made a positive assessment in its previous report (adoption of a standard form for the drawing up of the annual reports of the disciplinary bodies, including the sanctions handed down, consolidated report of the HCJ on disciplinary measures taken by the judicial entities), reiterating its wish to check the extent of detail of the information and data on disciplinary matters that would be conserved, and in particular whether the conduct penalised would be specified alongside the sanctions imposed.
69. The Belgian authorities now state that the Law of 23 March 2019 entered into force on 1 January 2020 and does indeed provide that a form will be produced for the drawing up of the annual reports of the disciplinary bodies and that all future sanctions handed down by the disciplinary authorities in the course of the year will be included in those reports. The HCJ will draw up a consolidated annual report on the disciplinary measures taken by the judicial entities, which must be shown in their respective annual activity reports. The consolidated report of the HCJ will be made public. In order to carry out this compilation exercise, the HCJ must be in possession of the annual activity reports of the judicial entities, which will include, already for 2020 and consequently without waiting for the effective adaptation of the annual reports (see para 62 and the following), the "disciplinary measures taken, including disciplinary sanctions, and initiatives taken with a view to ensuring HCJ report until after the courts have drawn up their annual reports effectively containing this additional information and after the information has been aggregated by the HCJ.
70. The Belgian authorities also point out that account must be taken of the ministerial decree of 28 June 2020 prescribing the standard form for drawing up the activity reports of the disciplinary bodies, as referred to in Article 423, paragraph 2, of the Judicial Code, together with the form respecting anonymity to be used by the disciplinary tribunal and the form to be used by the disciplinary appeals tribunal. They also indicate that minor penalties imposed by heads of courts on members of the judiciary are included in the form for disciplinary tribunals.
71. GRECO welcomes the entry into force of the Law of 23 March 2019, as well as the regulatory provisions, which require more information on disciplinary action against judges and prosecutors to be provided, in line with its recommendation. It notes that it will be able to verify in practice the details of the disciplinary information and data kept once the HCJ has had an opportunity to draw up its first report, on the basis of the annual reports that the courts will prepare for the first time in 2021.
72. GRECO concludes that recommendation xv remains partly implemented.

III. CONCLUSIONS

73. **In view of the above, GRECO concludes that Belgium has made some progress in implementing the recommendations in the 2nd Fourth Round Compliance Report, but the results remain poor. In total, only four of the fifteen recommendations contained in the Fourth Round Evaluation Report have been implemented or dealt with in a satisfactory manner.** The eleven remaining recommendations have been partly implemented.
74. More specifically, recommendations vii, x, xi and xiii have been implemented satisfactorily or dealt with in a satisfactory manner, and recommendations i to vi, viii, ix, xii, xiv and xv have been partly implemented.
75. As regards corruption prevention in respect of members of parliament, an application has been launched for the electronic submission of lists of mandates, the staffing of the Court of Audit registry has been reinforced and interaction between the Court of Audit and the prosecution service has been stepped up with a view to applying sanctions. Training including integrity issues has been introduced for new members of parliament. The regulation on donations from foreigners has been specified in the law on the financing of political parties. However, the regulation on gifts needs to be improved, as does the transparency of contact between parliamentarians and third parties. Rules providing guidance for parliamentarians regarding such contact must be adopted, as well as sanctions for the main breaches of the ethical rules governing parliamentarians. Improvements to the system of declarations are also expected, together with the publication of declarations of parliamentarians' assets. Parliament's stated intentions in these areas have not yet been translated into law and practice, in particular in view of the health situation due to Covid-19.
76. As regards judges and prosecutors, the entry into force of the Law of 23 March 2019 amending the Judicial Code has enabled some progress to be made, notably in the recruitment and training of substitute judges, the expansion of the audit and investigation activities of the High Council of Justice and the circulation of rules of professional conduct that are uniform for all members of the judiciary, professional or other. Other projects are under way with regard to the conservation of data on disciplinary matters in respect of judges and prosecutors and the optimisation of the activity reports of the judicial entities. Finally, it remains to be ensured that administrative tribunal judges at federal level are subject to ethical rules, supervision and adequate sanctions.
77. In view of the above, GRECO observes that in the absence of any definitive results, Belgium has not made sufficient or decisive progress in fully implementing these recommendations. Since the vast majority of recommendations remain partly implemented, GRECO has no choice but to conclude that the current level of compliance with the recommendations is again "globally unsatisfactory" within the meaning of Rule 31 paragraph 8.3 of the Rules of Procedure. GRECO therefore decides to apply Rule 32 concerning members found not to be in compliance with the recommendations contained in the Evaluation Report and asks the head of the Belgian delegation to provide a report on the progress made in implementing recommendations i to vi, viii, ix, xii, xiv and xv as soon as possible and, in any case, not later than 31 March 2022.
78. Lastly, GRECO invites the Belgian authorities to authorise the publication of this report, to translate the report into the other national languages and to make those translations publicly available.