

Date Printed: 01/13/2009

JTS Box Number: IFES_26
Tab Number: 32
Document Title: BELGIUM CONSTITUTION
Document Date: 1996
Document Country: BEG
Document Language: ENG
IFES ID: CON00042





the Constitution

Title I

On Federal Belgium, its components and its territory.

Article I

Belgium is a Federal State made up of communities and regions.

Art. 2

Belgium is made up of three communities: The French Community, the Flemish Community and the German Community.

Art. 3

Belgium is made up of three regions: The Walloon region, the Flemish region and the Brussels region.

Art. 4

Belgium has four linguistic regions: The French-speaking region, the Dutch-speaking region, the bilingual region of Brussels Capital and the German-speaking region. Each «commune» (county borough) of the Kingdom is part of one of these linguistic regions.

The limits of the four linguistic regions can only be changed or modified by a law adopted by majority vote in each linguistic group in each Chamber, on the condition that the majority of the members of each group are gathered together and from the moment that the total of affirmative votes given by the two linguistic groups is equal to at least two-thirds of the votes expressed.

Art. 5

The Walloon region is made up of the following provinces: The Walloon Brabant, Hainaut, Liege, Luxemburg and Namur. The Flemish region is made up of the following provinces: Antwerp, the Flemish Brabant, West Flanders, East Flanders and Limburg.

It lies with the law to divide the territory into a greater number of provinces, if need be.

A law can shield certain territories whose limits it fixes, from division into provinces, make them

depend directly on the federal executive power, and make them subject to a statute of their own. This law must be adopted by majority vote as provided for in Article 4, last paragraph.

Art. 6

The provincial sub-divisions can only be established by law.

Art. 7

The limits of the State, the provinces and the «communes» can only be changed or modified by law.





the Constitution

Title II

On Belgians and their rights

Art. 8

The title of Belgian is acquired, preserved and lost according to rules determined by civil law.

The Constitution and the other laws relative to political rights, determine which are, apart from this title, the necessary conditions for the exercise of these rights.

Art. 9

Naturalization is accorded by the federal legislative power.

Art. 10

There are no class distinctions in the State.

Belgians are equal before the law; they are the only ones eligible for civil and military service, but for the exceptions that could be made by law for special cases.

Art. 11

Enjoyment of the rights and freedoms recognized for Belgians should be ensured without discrimination. To this end, laws and decrees guarantee notably the rights and freedoms of ideological and philosophical minorities.

Art. 12

Individual freedom is guaranteed.

No one can be prosecuted except in the cases provided for by law, and in the form prescribed by law.

Except in the case of flagrante delicto, no one can be arrested except by a justifiable judge's order, that must be served at the moment of arrest, or at the latest within twenty-four hours.

Art. 13

No one can be separated, unwillingly, from the judge that the law has assigned to him.

Art. 14

No punishment can be made or given except in pursuance of the law.

Art. 15

The domicile is inviolable; no visit to the individual's residence can take place except in the cases provided for by law and in the form prescribed by law.

Art. 16

No one can be deprived of his property except in the case of expropriation for a public purpose, in the cases and manner established by law, and in return for a fair indemnity paid beforehand.

Art. 17

Punishment by confiscation of assets cannot be made

Art. 18

Civil death is abolished; it cannot be brought back into force.

Art. 19

Freedom of worship, public practice of the latter, as well as freedom to demonstrate one's opinions on all matters, are guaranteed, except for the repression of offences committed when using this freedom.

Art. 20

No one can be obliged to contribute in any way whatsoever to the acts and ceremonies of a religion, nor to observe the days of rest.

Art. 21

The State does not have the right to intervene either in the nomination or in the installation of ministers of any religion whatsoever, nor to forbid these ministers from corresponding with their superiors, from publishing their acts, except, in the latter case, taking into consideration normal responsibilities in matters of press and publication.

A civil wedding should always precede nuptial benediction except in cases established by law, should this be necessary.

Art. 22

Everyone has the right to the respect of his private and family life, except in the cases and conditions determined by law.

The laws, decrees and rulings alluded to in Article 134 guarantee the protection of this right.

Art. 23

Everyone has the right to lead a life in conformity with human dignity. To this end, the laws, decrees and rulings alluded to in Article 134 guarantee, taking into account corresponding obligations, economic, social and cultural rights, and determine the conditions for exercising them.

These rights include notably:

1° the right to employment and to the free choice of a professional activity in the framework of a general employment policy, aimed among others at ensuring a level of employment that is as stable and high as possible, the right to fair terms of employment and to fair remuneration, as well as the right to information, consultation and collective negotiation;

2° the right to social security, to health care and to social, medical and legal aid;

3° the right to have decent accommodation;

4° the right to enjoy the protection of a healthy environment;

5° the right to enjoy cultural and social fulfilment.

Art. 24

§ 1. Education is free; any preventative measure is forbidden; the repression of offences is only governed by law or decree.

The community offers free choice to parents.

The community organizes neutral education. Neutrality implies notably the respect of the philosophical, ideological or religious conceptions of parents and pupils.

The schools organized by the public authorities offer, until the end of obligatory scholarship, the choice between the teaching of one of the recognized religions and non-denominational moral teaching.

§ 2. If a community, in its capacity as an organizing authority, wishes to delegate competency to one or several autonomous bodies, it can only do so by decree adopted by a two-third majority vote.

§ 3. Everyone has the right to education with the respect of fundamental rights and freedoms. Access to education is free until the end of obligatory scholarship.

All pupils of school age have the right to moral or religious education at the community's expense.

§ 4. All pupils or students, parents, teaching staff or institutions are equal before the law or decree. The law and decree take into account objective differences, notably the characteristics of each organizing authority, that justify appropriate treatment.

§ 5. The organization, the recognition and the subsidizing of education by the community are regulated by law or decree.

Art. 25

The press is free; censorship can never be established; security from authors, publishers or printers cannot be demanded.

When the author is known and resident in Belgium, neither the publisher, nor the printer, nor the distributor can be prosecuted.

Art. 26

Belgians have the right to gather peaceably and without arms, in conformity with the laws that regulate the exercise of this right, without submitting it to prior authorization.

This provision does not apply to open air meetings, which are entirely subject to police regulations.

Art. 27

Belgians have the right to enter into association or partnership; this right cannot be liable to any preventative measures.

Art. 28

Everyone has the right to address petitions signed by one or more persons to the public authorities. Constituted bodies are alone able to address petitions in a collective name.

Art. 29

The confidentiality of letters is inviolable.

The law determines which nominated representatives can violate the confidentiality of letters entrusted to the postal service.

Art. 30

The use of languages current in Belgium is optional; only the law can rule on this matter, and only for acts of the public authorities and for legal matters.

Art. 31

No prior authorization is necessary to take legal action against civil servants because of their public office, except with regard to what has been ruled on concerning ministers and members of the community and regional governments.

Art. 32

Everyone has the right to consult any administrative document and to have a copy made, except in the cases and conditions stipulated by the laws, decrees or rulings referred to in Article 134.





the Constitution

Title III

On Power

Art. 33

All power emanates from the Nation.

This power is exerted in the manner established by the Constitution.

Art. 34

The exercising of determined power can be attributed by a treaty or by a law to international public institutions.

Art. 35

The federal authority only has power in the matters that are formally attributed to it by the Constitution and the laws carried in pursuance of the Constitution itself.

The communities and the regions, each in its own field of concern, have power for the other matters, under the conditions and in the terms stipulated by law. This law must be adopted by majority vote as provided for in Article 4, last paragraph.

Temporary Disposition

The law referred to in paragraph 2 determines the date on which the present article comes into force. This date cannot precede the date of the implementation of the new article to be inserted in Title III of the Constitution, which determines the exclusive powers of the federal authority.

Art. 36

The federal legislative power is exerted collectively by the King, the Chamber of Representatives and the Senate.

Art. 37

The federal executive power, as stipulated by the Constitution, belongs to the King.

Art. 38

Each community has assignments which are recognized by the Constitution or by the laws carried in pursuance of it.

Art. 39

The Law attributes to the regional bodies that it creates and that are made up of elected representatives, the power to manage the matters that it determines, with the exception of those referred to in Articles 30 and 127 to 129, within the jurisdiction and according to the manner established by the law. The latter must be adopted by majority vote as provided for in Article 4, last paragraph.

Art. 40

Judiciary power is exerted by the courts and tribunals.

Rulings and court decisions are carried out in the name of the King.

Art. 41

Interests which are exclusively of a communal or provincial nature are ruled on by communal or provincial councils, according to the principles established by the Constitution.

The law defines the competencies, rules of functioning and mode of election of intra-municipal territorial organs that are authorised to regulate matters of municipal interest.

These intra-municipal territorial organs are created in municipalities with more than 100,000 inhabitants at the initiative of the local council. Their members are elected directly. In execution of an act adopted by majority vote defined by article 4, last paragraph, the decree or regulation envisaged in article 134 regulates the other conditions and modes according to which such intra-municipal territorial organs may be established.

This decree and the regulation envisaged by article 134 can only be adopted after a majority vote of two-thirds of the expressed votes, under the condition that the majority of the members of the council in question are in agreement.





the Constitution

Chapter I

On the Federal Chambers

Art. 42

The members of the two Chambers represent the Nation, and not only those who elected them.

Art. 43

§ 1. For cases determined by the Constitution, the elected members of each Chamber are divided into a French linguistic group and a Dutch linguistic group, in the manner determined by law.

§ 2. The senators referred to in Article 67, §1, 2°, 4° and 7°, make up the French linguistic group of the Senate. The Senators referred to in Article 67, §1, 1°, 3° and 6°, make up the Dutch linguistic group of the Senate.

Art. 44

The Chambers meet by right each year on the second Tuesday of October, unless they have been called together prior to this by the King.

The Chambers must meet each year for at least forty days.

The King pronounces the closing of the session.

The King has the right to convoke the Chambers to an extraordinary meeting.

Art. 45

The King can adjourn the Chambers. However, the adjournment cannot exceed the period of one month, nor be renewed in the same session without the consent of the Chambers.

Art. 46

The King has only the right to dissolve the Chamber of Representatives if the latter, with the absolute majority of its members:

1° either rejects a motion of confidence in the Federal Government and does not propose to the King, within three days from the day of the rejection of the motion, the nomination of a successor to the Prime Minister;

2° or adopts a motion of disapproval with regard to the Federal Government and does not simultaneously propose to the King the nomination of a successor to the Prime Minister;

The motions of confidence and disapproval can only be voted on after a delay of forty-eight hours after the introduction of the motion.

Moreover, the King may, in the event of the resignation of the Federal Government, dissolve the Chamber of Representatives after having received its agreement expressed by the absolute majority of its members.

The dissolution of the Chamber of Representatives entails the dissolution of the Senate.

The act of dissolution involves the convoking of the electorate within forty days and of the Chambers within two months.

Art. 47

The sessions of the Chambers are public.

Nevertheless, each Chamber can meet in a secret committee, at the request of its president or of ten members.

It can decide afterwards, by absolute majority, if a session on the same subject has to be held again in public.

Art. 48

Each Chamber controls the powers of its members and judges any dispute that can be raised on this matter.

Art. 49

It is not possible to be a member of both Chambers at the same time.

Art. 50

Any member of one of the two Chambers, appointed by the King as a minister and who accepts this nomination, ceases to sit in the Chamber and takes up his mandate again when the King has put an end to his functions as a minister. The law provides for the terms of his replacement in the Chamber concerned.

Art. 51

Any member of either of the two Chambers, appointed by the Federal Government to any salaried function other than that of minister and who accepts the appointment, immediately ceases to sit in the Chamber and only takes his functions up again by virtue of a new election.

Art. 52

At each session, each of the Chambers appoints its president, its vice-presidents, and forms its committee.

Art. 53

Any resolution is made by absolute majority of votes, except with regard to what is established by the regulations of the Chambers with regard to elections and presentations.

If the votes are divided, the proposal submitted for discussion is rejected.

Neither of the two Chambers can take a resolution until the majority of its members are in session.

Art. 54

With the exception of budgets and laws requiring a special majority, a justified motion, signed by at least three-quarters of the members of one of the linguistic groups and introduced following the introduction of the report and prior to the final vote in a public session, can declare that the provisions of a draft bill or of a motion are of a nature to gravely damage relations between the communities.

In this case, the parliamentary procedure is suspended and the motion referred to the Council of Ministers which, within thirty days, gives its justified recommendations on the motion and invites the implicated Chamber to express its opinion on these recommendations or on the draft bill or motion that has been revised if need be.

This procedure can only be applied once by the members of a linguistic group with regard to the same bill or motion.

Art. 55

Votes are given by rising or remaining seated or by call-over; most of the laws are voted by call-over.

The election and presentation of candidates are carried out by secret ballot.

Art. 56

Each Chamber has the right to hold an enquiry.

Art. 57

It is forbidden to present petitions to the Chambers in person.

Each Chamber has the right to send back to the ministers the petitions that are addressed to it. The ministers are obliged to give explanations about their content, each time that the Chamber so requires.

Art. 58

No member of either of the two Chambers can be prosecuted or pursued with regard to opinions and votes given by him in the exercise of his duties.

Art. 59

Except in the case of a flagrant offence, no member of any Chamber may, during a session, be directly remanded or summoned before a court or tribunal regarding repressive matters nor be arrested except with the authorisation of the Chamber of which he is a member.

Except in the case of a flagrant offence, restraining measures requiring the intervention of a judge cannot be instituted against a member of any Chamber for the duration of a session, regarding repressive matters, except by the first President of the Court of Appeal at the demand of the competent judge. This decision is communicated to the President of the concerned Chamber.

All searches or seizures executed by virtue of the paragraph above can be performed only in the presence of the President of the Chamber concerned or a member appointed by him.

During the session, only the officers of the public prosecutor's department and competent officers may institute repressive proceedings against a member of any Chamber.

The member of any Chamber in question may at all stages of the investigations regarding repressive measures, request for the duration of the session that the Chamber of whom he is a member suspend the proceedings. The Chamber in question must grant this request if supported by a majority of two-thirds of the votes given.

Detention of a member of any Chamber or his investigation by a court or Tribunal is suspended for the duration of the session if the Chamber of whom he is a member so requests.

Art. 60

Each Chamber determines, by its regulations, the way in which it exercises its duties.

Section I**On the Chamber of Representatives****Art. 61**

The members of the Chamber of Representatives are elected directly by citizens who have completed the age of eighteen and

who do not fall within the categories of exclusion stipulated by law.

Each elector has the right to only one vote.

Art. 62

The establishing of the constituencies or electoral colleges is governed by law.

Elections are carried out by the system of proportional representation that the law determines.

The ballot is obligatory and secret. It takes place at the «commune», except in the cases determined by law.

Art. 63

§ 1. The Chamber of Representatives is made up of one hundred and fifty members.

§ 2. Each electoral circumscription has as many seats as the number of the members of its population contains a multiple of the federal divisor, obtained by dividing the number of the population of the Kingdom by one hundred and fifty.

The remaining seats are attributed to the electoral circumscriptions which have the greatest surplus of population not yet represented.

§ 3. The sharing of the members of the Chamber of Representatives among the electoral circumscriptions is allocated to the population by the King.

The size of the population of each electoral circumscription is determined

every ten years by a census or by any other means defined by law. The King publishes the results within a period of six months.

During the three months of this publication, the King determines the number of seats attributed to each electoral circumscription. The new distribution is applied as of the following general election.

§ 4. The law determines the electoral circumscriptions; it also determines the conditions required to be an elector as well as those for the carrying out of electoral operations.

Art. 64

To be eligible, one must:

1° be Belgian;

2° enjoy civil and political rights;

3° have completed the age of twenty-one;

4° be legally resident in Belgium.

No other condition of eligibility can be required.

Art. 65

The members of the Chamber of Representatives are elected for four years.

The Chamber is renewed every four years.

Art. 66

Each member of the Chamber of Representatives benefits from an annual indemnity of twelve thousand francs.

Within the national borders, the members of the House of Representatives shall have the right to

move without expense over any and all means of transportation which are operated by or conceded to government authorities.

An annual indemnity to be deducted from the allocation destined to cover the expenditure of the Chamber of Representatives can be attributed to the President of this assembly.

The Chamber determines the amount of the deductions that can be applied to the indemnity by way of a contribution to the pension funds that it judges necessary to establish.

Section II

On the Senate

Art. 67

§ 1. Without prejudice to Article 72, the Senate is made up of seventy-one senators, of whom:

1° twenty-five senators elected in conformity with Article 61, by the Dutch electoral college;

2° fifteen senators elected in conformity with Article 61, by the French electoral college;

3° ten senators appointed by and within the Council of the Flemish Community, named the Flemish Council.

4° ten senators appointed by and within the Council of the French Community.

5° one senator appointed by and within the Council of the German Community.

6° six senators appointed by the senators referred to in 1° and 3°;

7° four senators appointed by the senators referred to in 2° and 4°.

§ 2. At least one of the senators referred to in §1, 1°, 3° and 6° is to be legally resident, on the day of his election, in the bilingual region of Brussels-Capital.

At least six of the senators referred to in §1, 2°, 4° and 7° are to be legally resident, on the day of their election, in the bilingual region of Brussels-Capital. If four or fewer of the senators referred to in §1, 2° are not legally resident, on the day of their election, in the bilingual region of Brussels-Capital, at least two of the senators referred to in §1, 4° must be legally resident, on the day of their election, in the bilingual region of Brussels-Capital.

Art. 68

§1. The total number of senators referred to in Article 67, §1, 1°, 2°, 4°, 6° and 7°, is shared within each linguistic group on the basis of the electoral figure of the lists obtained at the moment of the election of the senators referred to in Article 67, §1, 1° and 2°, according to the system of proportional representation that is determined by law.

For the designation of the senators referred to in Article 67, §1, 3° and 4°, only the lists can be taken into consideration on which at least one senator referred to in Article 67, §1, 1° and 2°, is elected and from the moment that a sufficient number of members elected on this list sit, according to the case,

on the Council of the Flemish Community or the Council of the French Community. For the designation of the senators referred to in Article 67, §1, 6° and 7° only the lists can be taken into consideration on which at least one senator referred to in Article 67, §1, 1° and 2°, is elected.

§ 2. For the election of the senators referred to in Article 67, §1, 1° and 2°, the ballot is obligatory and secret.

Voting takes place at the «commune», except for cases determined by law.

§ 3. For the election of senators referred to in Article 67, §1, 1° and 2°, the law determines the electoral circumscriptions and the composition of the electoral colleges; it also determines the conditions which must be met in order to be an elector, as well as those for the carrying out of electoral operations. The law determines the designation of the senators referred to in Article 67, §1, 3° and 5°, with the exception of the terms stipulated by a law adopted by the majority provided for in Article 4, last paragraph, which are determined by decree by the Community Councils, each one for matters of its concern. This decree must be adopted by a two-third majority of the votes expressed, on condition that the majority of the members of the Council concerned are present.

The senator referred to in Article 67, §1, 5°, is appointed by the Council of the German community with absolute majority of the votes expressed.

The law determines the appointment of the senators referred to in Article 67, §1, 6° and 7°.

Art. 69

In order to be elected or appointed as a senator one must:

- 1° be Belgian;
- 2° enjoy civil and political rights;
- 3° have completed the age of twenty-one;
- 4° be legally resident in Belgium.

Art. 70

The senators referred to in Article 67, §1, 1° and 2° are elected for four years. The senators referred to in Article 67, §1, 6° and 7° are appointed for four years. The senate is entirely renewed every four years.

The election of the senators referred to in Article 67, §1, 1° and 2°, coincides with the election for the Chamber of Representatives.

Art. 71

Senators do not receive a salary. They do, however, have the right to be compensated for any disbursement; this compensation is fixed at four thousand francs per year.

Within the national borders, the members of the Senate shall have the right to move without expense

over any and all means of transportation which are operated by or conceded to government authorities.

Art. 72

The King's children or, in the absence of children, the Belgian descendants of the branch of the royal family called on to reign, are senators by right at the age of eighteen.

They are only entitled to a seat and vote at the age of twenty-one.

They are not taken into account for the determination of the quorum of attendance.

Art. 73

Any assembly of the Senate that takes place outside the time of the session of the Chamber of Representatives, is automatically void.





the Constitution

Chapter II

On federal legislative power

Art. 74

Notwithstanding Article 36, federal legislative power is jointly exercised by the King and by the Chamber of Representatives for:

- 1° the granting of naturalization;
- 2° laws relative to the civil and penal responsibilities of the King's ministers;
- 3° State budgets and accounts, without prejudice to Article 174, 1st paragraph, second sentence;
- 4° the establishment of the army quotas.

Art. 75

Each branch of the federal legislative power has the right of initiative.

Except for those matters described in Article 77, draft bills submitted to the Chambers at the King's initiative are brought to the Chamber of Representatives, then forwarded to the Senate.

Draft bills relating to the approval of treaties submitted to the Chambers on the King's initiative, are introduced to the Senate and afterwards transmitted to the Chamber of Representatives.

Art. 76

A draft bill may be adopted by a Chamber only after having been voted on article by article.

The Chambers have the right to amend and to sub-divide those articles and amendments proposed.

Art. 77

The Chamber of Representatives and the Senate are equally competent with respect to:

1° the declaration of constitutional revision and for constitutional revision;

2° matters requiring settlement by both legislative Chambers

by virtue of the Constitution;

3° laws described in Articles 5, 39, 43, 50, 68, 71, 77, 82, 115, 117, 118, 121, 123, 127 to 131, 135 to 137, 140 to 143, 145, 146, 163, 165, 166, 167, § 1, paragraph 3, § 4 and § 5, 169, 170,

§ 2, paragraph 2, § 3, paragraphs 2 and 3, § 4, paragraph 2 and 175 to 177, in addition to those laws executed on the basis of the above-mentioned laws and articles;

4° laws to be adopted by majority vote as described in Article

4, last paragraph, in addition to those laws executed on the basis of the latter;

5° laws described in Article 34;

6° laws relating to the approval of treaties;

7° laws adopted in keeping with Article 169, to ensure respect of international or supranational commitments;

8° laws relating to the Council of State;

9° the organization of courts and tribunals;

10° laws approving co-operation agreements between State, communities, and regions.

A law adopted by majority vote as described in Article 4, last paragraph, may designate other laws for which the Chamber of Representatives and the Senate are competent on an equal basis.

Art. 78

Regarding matters other than those described in Articles 74 and 77, draft bills adopted by the Chamber of Representatives are then forwarded to the Senate.

At the request of fifteen Senate members at least, the Senate examines the draft bills. This request is made within fifteen days after receiving the draft bill.

The Senate may, within a time period not exceeding sixty days:

- decide against amendment of the draft bill;
- adopt the bill following amendment.

Should the Senate fail to act on the bill within the established time frame, or should the Senate have informed the Chamber of Representatives of its decision not to amend the bill, the latter is then forwarded to the King by the Chamber of Representatives.

If the bill has been amended, the Senate forwards it to the Chamber of Representatives, which then

makes a final decision: the draft bill is either adopted, or those amendments established by the Senate are either partially or entirely rejected.

Art. 79

Should, during the course of an examination as described in Article 78, last paragraph, the Chamber of Representatives adopt a new amendment, the draft bill is then returned to the Senate, which expresses its opinion on the amended bill. The Senate may, within a time period not exceeding fifteen days

- decide to accept the bill as amended by the Chamber of Representatives;
- adopt the draft bill following further amendment.

Should the Senate fail to act within the established time frame, or should it inform the Chamber of Representatives of its decision to support the draft bill as voted by the Chamber of Representatives, the latter then forwards the bill to the King.

Should the bill once again be amended, the Senate forwards it to the Chamber of Representatives which then makes a final decision by either adopting or by amending the draft bill.

Art. 80

Should, during the presentation of a draft bill as described in Article 78, the federal government indicate urgency, the parliamentary consultation committee described in Article 82 must determine the time frame within which the Senate must make its decision.

Should the commission fail to reach agreement, the time frame granted to the Senate becomes seven days, while the examination period described in Article 78, paragraph 3, becomes thirty days.

Art. 81

Should the Senate, by virtue of its right of initiative, adopt a draft bill in the areas described in Article 78, the draft bill is then forwarded to the Chamber of Representatives.

Within a time period not exceeding sixty days, the Chamber must give its final decision, either by rejecting or by adopting the draft bill.

Should the Chamber amend the draft bill, the latter is then returned to the Senate, which must debate the amendments in accordance with the rules in Article 79.

In the event of application of Article 79, paragraph 3, the Chamber statutes in a final manner within fifteen days.

Should the Chamber fail to reach agreement within the time frames established in paragraphs 2 and 4, the parliamentary consultation commission described in Article 82 must meet within fifteen days and establish a time limit within which the Chamber must make a decision.

Should the commission fail to reach agreement, the Chamber must make a decision within sixty days.

Art. 82

A parliamentary consultation commission composed on an equal basis of members of the Chamber of Representatives and of the Senate settles competency conflicts which may arise between the two chambers and may, with mutual agreement, extend the study periods described in Articles 78 to 81 at all times.

Lacking majority representation by either of the two groups composing the commission, the latter must statute on a two-thirds majority basis.

A law determines the composition and functioning of the commission, in addition to a method of calculating the time periods described in Articles 78 to 81.

Art. 83

All motions and all draft bills specify whether contents refer to those issues described in Article 74, Article 77, or Article 78.

Art. 84

The authoritative interpretation of laws remains the sole competency of the law.





the Constitution

Chapter III

On the King and the Federal Government.

Section I

On the King

Art. 85

The King's constitutional powers are hereditary through the direct, natural and legitimate descent from H.M. Leopold, Georges, Chretien, Frederic of Saxony-Coburg, by order of primogeniture.

Shall be deprived of his rights to the crown, that descendant described in paragraph 1, who marries without the King's consent or, in the absence thereof, without the consent of those exercising the King's powers in cases provided for by the Constitution.

His lost right may nonetheless be re-established by the King, or, in the absence thereof, by those exercising the King's powers in cases provided for by the Constitution, in the event of agreement on the part of both Chambers.

Art. 86

For lack of a descendant to H.M. Leopold, Georges, Chretien, Frederic of Saxony-Coburg, the King may name his successor, with the approval of the Chambers, in such a manner as described in Article 87.

In the absence of a nomination undertaken in the above-mentioned manner, the throne shall be vacant.

Art. 87

The King may not simultaneously act as head of another state without the consent of both Chambers.

Neither of the two Chambers may debate this matter unless two-thirds of their members are present, and the resolution may be adopted only with a two-thirds majority vote.

Art. 88

The King's person is inviolable; his ministers are responsible.

Art. 89

The civil list for the duration of each reign is established by law.

Art. 90

Upon the King's death, the Chambers meet without convocation, ten days following the decease at latest. Should the Chambers have been previously dissolved, and should the convocation in the dissolution act have been made for a time later than the tenth day following the decease, then the former

Chambers are to return to their functions until the establishment of those destined to replace them.

From the moment of the King's death and until the taking of oath by his successor to the throne or by the Regent, the King's constitutional powers are exercised, in the name of the Belgian people, by the Council of Ministers, and under their responsibility.

Art. 91

The King attains his majority upon completion of his eighteenth year of age.

The King may accede to the throne only after having taken the following oath before the united Chambers: *"I swear to observe the Constitution and the laws of the Belgian people, to preserve our national independence and our territorial integrity"*.

Art. 92

Should, upon the King's death, his successor be under age, the two Chambers meet as a single assembly, for the purpose of regency and guardianship.

Art. 93

Should the King find himself unable to reign, the ministers, having observed this inability, immediately summon the Chambers. Regency and guardianship are to be provided by the united Chambers.

Art. 94

Regency may be conferred on only one person.

The Regent may take office only after having taken the oath as specified in Article 91.

Art. 95

Should the throne be vacant, the Chambers, debating as one assembly, temporarily ensure regency, until the convening of the fully renewed Chambers. This meeting must take place within two months. The new Chambers, debating as one assembly, provide permanent cover for the vacancy.

Section II

On the Federal Government.

Art. 96

The King appoints and dismisses his ministers.

The Federal Government offers its resignation to the King if the Chamber of Representatives, by an absolute majority of its members, adopts a motion of disapproval, proposing to the King the nomination of a successor to the Prime Minister, or proposes to the King the nomination of a successor to the Prime Minister within three days of the rejection of a motion of confidence. The King names the proposed successor as Prime Minister, who takes office the moment the new Federal Government is sworn in.

Art. 97

Belgians alone may be ministers.

Art. 98

No member of the royal family may be a minister.

Art. 99

The Council of Ministers includes fifteen members at most.

With the possible exception of the Prime Minister, the Council of Ministers includes as many French-speaking members as Dutch-speaking members.

Art. 100

Ministers have access to both Chambers and must be heard whenever they so request.

The Chamber of Representatives may demand the presence of ministers. The Senate may request their presence for discussion of a motion or a draft bill as described in Article 77 or of a motion or a draft bill as described in Article 78, or for the exercise of its right to investigate as described in Article 56. For other matters, the Senate may request their presence.

Art. 101

Ministers are responsible before the Chamber of Representatives.

No minister may be prosecuted or pursued on account of opinions expressed in the line of his duties.

Art. 102

Under no circumstances may a written or verbal order of the King diminish the responsibilities of a minister.

exceptions established by law.

He appoints individuals to other functions only by virtue of specific provisions of a law.

Art. 108

The King establishes regulations and decrees required for the execution of laws, without ever having the power to either suspend the laws themselves, or to dispense from their execution.

Art. 109

The King sanctions and promulgates laws.

Art. 110

The King has the right to annul or to reduce sentences pronounced by judges, except for that which is statuted relative to ministers and members of Community and Regional governments.

Art. 111

The King may not pardon a minister or the member of a Community or Regional government condemned by the Supreme Court of Appeal, except at the express demand of the Chamber of Representatives or of the council concerned.

Art. 112

The King may mint money, in keeping with the law.

Art. 113

The King may confer titles of nobility, while remaining unable to attach privileges to the latter.

Art. 114

The King may give military orders within the limits prescribed by law.





the Constitution

Chapter IV

On Communities and Regions

Section I

On Bodies

Sub-section I

On Community and Regional Councils

Art. 115

§ 1. There is a French Community Council and a Flemish Community Council, named Flemish Council, the composition and the functioning of which are established by law, adopted by majority vote as described in Article 4, last paragraph.

There is a German Community Council, the composition and the functioning of which are determined by law.

§ 2. Without prejudice to Article 137, regional bodies as described in Article 39 comprise a Council for each region.

Art. 116

§ 1. The Councils are composed of elected representatives.

§ 2. Each Community Council is composed of members elected directly as members of the concerned community council or as members of a regional council.

The application of Article 137 notwithstanding, each regional council is composed of members elected directly as members of the regional council concerned or as members of a community council.

Art. 117

Council members are elected for a period of five years.

The councils are completely renewed every five years.

Unless a law, adopted by majority vote as described in Article 4, last paragraph, should specify otherwise, council elections are to take place on the same day and are to coincide with European Parliamentary elections.

Art. 118

§ 1. Elections described in Article 116, § 2, as well as the composition and functioning of Councils are fixed by law. But for the German Community Council, this law is adopted by majority vote as described in Article 4, last paragraph.

§ 2. A law, adopted by majority vote as described in Article 4, last paragraph, establishes those matters relative to the election, composition, and functioning of the French Community Council, of the Walloon Regional Council and of the Flemish Community Council, which are regulated by their respective councils, either by decree or by ruling as described in Article 134, according to the case. This decree and this ruling as described in Article 134 are adopted by a two-thirds majority vote, provided that a majority of members of the council concerned are present.

Art. 118bis

Within the national borders, the members of the Regional and Community Councils, referred to in Articles 2 and 3, shall have the right to move without expense over any and all means of transportation which are operated by and conceded to government authorities.

Art. 119

A Council member's mandate is incompatible with that of a member of the Chamber of Representatives. Moreover, it is incompatible with a Senator's mandate as described in Article 67, § 1, 1°, 2°, 6°, and 7°.

Art. 120

All council members benefit from those immunities described in Articles 58 and 59.

Sub-section II

On regional and community governments.

Art. 121

§ 1. There is a French Community Government and a Flemish Community Government, the composition and functioning of which are established by law, adopted by majority vote as described in Article 4, last paragraph.

There is a German Community Government, the composition and functioning of which are established by law.

§ 2. Without prejudice to Article 137, the regional bodies described in Article 39 include a government for each region.

Art. 122

Members of each community or regional government are elected by their councils.

Art. 123

§ 1. The law establishes the composition and functioning of Community and of Regional governments. But for the case of the German Community Government, this law is adopted by majority vote as described in Article 4, last paragraph.

§2. A law, adopted by majority vote as described in Article 4, last paragraph, determines those matters relative to the composition and to the functioning of the French Community Government, the Walloon Regional Government, and the Flemish Community Government, which are regulated by their respective councils, either by decree or by ruling as described in Article 134, according to the case. This decree and this ruling described in Article 134 are adopted by a two-thirds majority vote, provided that a majority of members of the council concerned are present.

Art. 124

No member of a community or of a regional government may be prosecuted or pursued on the basis of opinions or votes expressed by him in the line of his duties.

Art. 125

Regional and community councils possess the right to accuse members of their respective governments and to confront the latter before the Supreme Court of Appeal which alone may judge them, chambers together, but for that which is statuted by law regarding the exercising of civil suits by victimized parties and concerning crimes and misdeeds which regional or community government members may have committed outside the line of their duties.

A law shall determine the cases of responsibility, the sentences to be passed upon members of regional or community governments, in addition to the manner of proceeding against them, either on the basis of the accusations expressed by their Councils or on the basis of a civil suit engaged by a victimized party.

Those laws described in paragraphs 1 and 2 must be adopted by a majority vote, as described in Article 4, last paragraph.

Temporary Disposition

Until being covered by the law described in paragraph 2, regional and community councils possess the discretionary power to accuse a member of their government, and the Supreme Court of Appeal to judge the latter in those cases described in penal law and through the application of penalties stipulated therein.

Art. 126

Constitutional dispositions relative to regional and community government members, in addition to those executory laws described in Article 125, last paragraph, apply to regional secretaries of state.

Section II

On responsibilities

Sub-Section I

On community responsibility

Art. 127

§ 1. The French and Dutch Community Councils, respectively, establish by decree:

1° cultural issues;

2° education, with the exception of:

- a) the determination of the beginning and of the end of mandatory scholarship;
- b) minimum standards for the granting of diplomas;
- c) attribution of pensions;

3° inter-community co-operation, in addition to international co-operation, including the drafting of treaties for those matters described in 1° and 2°.

A law adopted by majority vote as described in Article 4, last paragraph, establishes those cultural matters described in 1°, types of co-operation described in 3°, in addition to terms governing the conclusion of treaties described in 3°.

§ 2. These decrees have force of law in French-language and in Dutch-language regions respectively, as well as in those institutions established in the bilingual region of Brussels-Capital which, on account of their activities, must be considered as belonging exclusively to one community or the other.

Art. 128

§ 1. The French and Flemish Community Councils rule by decree, in as much as each is concerned, on personal issues, in addition to what is included in such issues, matters of inter-communal and international cooperation, including the ratification of treaties.

A law adopted by majority vote as described in Article 4, last paragraph, establishes such personal issues, in addition to the various forms of cooperation and the terms governing ratification of treaties.

§ 2. These decrees have force of law in French-language and in Dutch-language regions respectively, as well as in those institutions established in

the bilingual region of Brussels-Capital which, on account of their activities, must be considered as belonging exclusively to one community or the other, unless a law adopted by majority vote as provided for in Article 4, last paragraph, makes other provisions with regard to those institutions in the bilingual region of Brussels-Capital.

Art. 129

§ 1. The French and Dutch Community Councils rule by decree, inasmuch as each is concerned, excluding the federal legislator, on the use of language for:

1° administrative matters;

2° education in those establishments created, subsidized, and recognized by public authorities;

3° social relations between employers and their personnel, in addition to corporate acts and documents required by law and by regulations.

§ 2. These decrees have force of law in French-language and in Dutch-language regions respectively except as concerns:

- those communes or groups of communes contiguous to another linguistic region and in which the law prescribes or allows use of another language than that of the region in which they are located. For these communes, a modification of the rules governing the use of languages as described in §1 may take place only through a law adopted by majority vote as described in Article 4, last paragraph.

- services the activities of which extend beyond the linguistic region within which they are established;

- federal and international institutions designated by law, the activities of which are common to more than one community.

Art. 130

§ 1. The German Community Council rules by decree on:

1° cultural issues;

2° personal issues;

3° education, within the limits established by Article 127, §1, paragraph 1, 2°;

4° inter-community co-operation, in addition to international co-operation, including the conclusion of treaties, for issues described in 1°, 2°, and 3°.

The law establishes cultural and personal issues described in 1° and 2°, in addition to the forms of co-operation described in 4° and the manner in which treaties are concluded.

§ 2. These decrees have force of law in the German-language region.

Art. 131

The law determines measures designed to prevent all forms of discrimination for ideological or philosophical reasons.

Art. 132

The right of initiative belongs to the Community Government and to members of the Community Council.

Art. 133

The interpretation of decrees by voice of authority belongs solely to the decree.

Sub-Section II

On regional responsibility

Art. 134

Laws executed on the basis of Article 39 determine the judicial force of the rules which the organs that they create may take in matters which they determine.

They may confer the power to decree with force of law to these organs, with the responsibilities and in the manner which they establish.

Sub-Section III

Special Dispositions

Art. 135

A law adopted by majority vote as described in Article 4, last paragraph, designates those authorities within the bilingual region of Brussels-Capital which exercise those responsibilities not attributed to communities as described in Article 128, § 1.

Art. 136

There are linguistic groups within the Brussels-Capital Regional Council, and among the governing bodies, qualified with respect to community issues; their composition, functioning, and responsibilities and, without prejudice to Article 135, their financing, are regulated by a law adopted by majority vote as described in Article 4, last paragraph.

The governing bodies together form the United Governing Bodies, acting as an inter-community consultation and co-ordination organ.

Art. 137

In view of the application of Article 39, the French and Flemish Community Councils, in addition to their respective governments, may exercise the responsibilities, respectively, of the Walloon and of the Flemish Regional Governments, along the terms and according to those conditions established by law. This law must be adopted by a majority vote as described in Article 4, last paragraph.

Art. 138

The French Community Council, on one hand, and the Walloon Regional Council and the French linguistic group of the Brussels-Capital Regional Council, on the other hand, may decide of common accord and each by decree, that the Walloon Regional Council and Government, in the French-language

region, and the Brussels-Capital Regional Council and its governing bodies in the bilingual region of Brussels-Capital may exercise, in full or in part, the responsibilities of the French Community.

These decrees are adopted by a two-thirds majority vote within the French Community Council, and by absolute majority within the Walloon Regional Council and by the French linguistic group within the Brussels-Capital

Regional Council, provided that a majority of the Council members or of the members of the linguistic group concerned are present. They may settle the financing of the responsibilities which they designate, in addition to transfers of personnel, of assets, of rights and of obligations which may concern them. These responsibilities are exercised, according to the case, either by decree, by order, or by ruling.

Art. 139

Upon request by their respective governments, the German Community Council and the Walloon Regional Council may, by decree, decide of common accord that Walloon Regional responsibilities may be exercised in whole or in part by the German Community Council and Government in the German-language region. These responsibilities may be exercised, according to the case, either by decree, by order, or by ruling.

Art. 140

The German Community Council and Government exercise by means of decrees and rulings all other responsibilities attributed by law.

Article 159 is applicable to these decrees and rulings.





the Constitution

Chapter V

On the Court of Arbitrage, conflict prevention and resolution

Section I

On the prevention of responsibility conflicts

Art. 141

The law organizes procedures tending to foresee conflicts between laws, decrees and rulings described in Article 134, in addition to between decrees among themselves and the rulings described in Article 134 among themselves.

Section II

On the Court of Arbitrage

Art. 142

There is, for all of Belgium, a Court of Arbitrage, the composition, competencies, and functioning of which are established by law.

This court statutes by means of ruling on:

1° those conflicts described in Article 141;

2° the violation through a law, a decree, or a ruling as described in Article 134 of Articles 10, 11, and 24;

3° the violation through a law, a decree, or through a ruling as described in Article 134, of constitutional articles determined by law.

The court may be solicited by any authority designated by law, by any person with justified interests, or, on an interlocutory basis, by any jurisdiction.

Those laws described in paragraph 1, in paragraph 2, 3°, and in paragraph 3 are adopted by majority vote as described in Article 4, last paragraph.

Section III

On the prevention and the settling of conflicts of interest.

Art. 143

§ 1. In the exercise of their respective responsibilities, the Federal Government, the communities, the regions, and the common Community Commission act in the interests of federal loyalty, in order to prevent conflicts of interest.

§ 2. The senate makes decisions, by means of well-founded judgments, on conflicts of interest which may exist between the various bodies through laws, decrees, or rulings as described in Article 134, within the conditions and according to the procedures determined by a law adopted by majority vote as described in Article 4, last paragraph.

§ 3. A law adopted by majority vote as described in Article 4, last paragraph, organizes the procedures designed to prevent and to settle conflicts of interest between Federal, Community, and Regional Governments, and between the common Community Commission assembly.

Temporary Disposition

Concerning the prevention and the settling of conflicts of interest, the ordinary law of August 9th, 1980 regarding institutional reform remains valid; it nonetheless can be rescinded, completed, modified, or replaced only by those laws described in §§2 and 3.





the Constitution

Chapter VI

On judiciary power

Art. 144

Courts hold exclusive competency with respect to conflicts involving civil rights issues.

Art. 145

Courts hold competency with respect to conflicts involving political rights, save for the exceptions established by law.

Art. 146

Under no circumstance may a court or contentious jurisdiction be established, other than on the sole basis of a law. Under no denomination may a commission or an extraordinary tribunal be created.

Art. 147

There is a Supreme Court of Appeal for the whole of Belgium.

This court lacks competency regarding matters of substance, save for the judgment of ministers and of members of Regional and Community Governments.

Art. 148

Court hearings are open, unless public access should jeopardize morals or order. In this case, the court so declares by ruling.

Regarding political wrongdoings or those of the press, proceedings behind closed doors may be undertaken only on the basis of a unanimous vote.

Art. 149

All judgments are well-founded. They are pronounced in open court.

Art. 150

The jury is established for all criminal matters, in addition to issues of political and press wrongdoings.

Art. 151

Court magistrates and court judges are directly named by the King.

Appeal judges and the presidents and vice-presidents of the high Courts of

Justice to which they are attached are named by the King on two double lists. One is presented by the courts, the other by provincial councils and by the Brussels-Capital Regional Council, as the case may be.

Judges of the Supreme Court of Appeal are named by the King on two double lists. One is presented by the Supreme Court of Appeal, the other, alternately, by the Chamber of Representatives and by the Senate.

In both cases, candidates of one list may be placed on the other. All presentations are made public, at least fifteen days prior to nomination.

Courts choose within themselves their presidents and vice-presidents.

Art. 152

Judges are appointed for life. They retire at an age determined by law and benefit from the pension foreseen by law.

No judge can be deprived of his post nor suspended except by court decision.

The transfer of a judge can only take place with his consent and after a replacement has been appointed.

Art. 153

The King appoints and dismisses officers of the public ministries working within courts and tribunals.

Art. 154

Remuneration of members of the judiciary order is established by law.

Art. 155

No judge may accept a salaried role on behalf of a government, unless this role is exercised free of charge and without the existence of incompatibility determined by law.

Art. 156

There are five courts of appeal in Belgium:

1° that of Brussels, with jurisdiction over the provinces of the Walloon Brabant, of the Flemish Brabant, and of the bilingual region of Brussels-Capital;

2° that of Gent, with jurisdiction over the provinces of West Flanders and of East Flanders;

3° that of Antwerp, with jurisdiction over the provinces of Antwerp and of Limburg;

4° that of Liege, with jurisdiction over the provinces of Liege, of Namur, and of Luxemburg;

5° that of Mons, with jurisdiction over the province of Hainaut.

Art. 157

Specific laws cover the organization of military courts, their attributions, the rights and the obligations of the members of these courts, in addition to the duration of their assignments.

There are commercial courts, in locations determined by law. Their organization, attributions, and member nomination methods, in addition to the duration of assignment of their members, are described in the law.

The law also covers the organization of work jurisdictions, their attributions, the manner in which their members are nominated, and the duration of their assignments.

Art. 158

The Supreme Court of Appeal makes decisions in attribution conflicts in the manner provided for by law.

Art. 159

Courts and tribunals may apply decisions and general, provincial, or local rulings only inasmuch as these are in conformity with the law.





the Constitution

Chapter VII

On the State Council and administrative jurisdictions

Art. 160

There is a State Council for all of Belgium, the composition, responsibilities, and functioning of which are determined by law. However, the law may allow the King to establish the procedure in keeping with those principles it describes.

The State Council statutes by ruling as an administrative jurisdiction, and provides an opinion in those cases determined by the law.

Art. 161

Under no circumstance may administrative jurisdiction be established other than on the sole basis of a law.





the Constitution

Chapter VIII

On provincial and communal institutions.

Art. 162

Provincial and Communal institutions are governed by the law.

The law applies the following principles:

1° the direct election of provincial and of communal council members;

2° the attribution to provincial and communal councils all that which is in

the provincial or communal interest, without prejudice to the approval of their actions in cases and following that manner determined by law;

3° the decentralization of attributions in favour of provincial and communal institutions;

4° the publicizing of provincial and communal council meetings within the limits established by law;

5° the publicizing of accounts and budgets;

6° the intervention of overseeing authorities or of the federal legislative power, to prevent violations of the law or harm to public interests.

In application of a law adopted by majority vote as described in Article 4,

last paragraph, the organization and application of administrative overseeing may be determined by community or regional councils.

In application of a law adopted by majority vote as described in Article 4, last paragraph, the decree or the ruling described in Article 134 establishes the conditions and the manner in which several provinces or communes may associate themselves or co-operate. However, the convening of several provincial or communal councils for joint deliberation may not be allowed.

Art. 163

Those responsibilities exercised within the Walloon and Flemish Regions by elected provincial bodies are exercised, in the bilingual region of Brussels-Capital, by the French and Dutch Communities, and by the common Community Commission, each with respect to matters within their jurisdictions and by virtue of Articles 127 and 128 and, with respect to other issues, by the Brussels-Capital Region.

However, a law adopted by majority vote as described in Article 4, last paragraph, establishes the conditions by which the Brussels-Capital Region or all institutions the members of which are designated by the latter exercise the responsibilities described in paragraph 1 which do not depend upon those matters described in Article 39. A law adopted by the same majority establishes the attributions to those institutions described in Article 136 of all or part of the responsibilities described in paragraph 1, subject to those matters described in Articles 127 and 128.

Art. 164

The drafting of civil acts and maintenance of registers belong exclusively to the attributions of communal authorities.

Art. 165

§ 1. The law creates urban entities and federations of communes. It determines their organization and their responsibilities through application of those principles described in Article 162. For each urban area and for each federation there exists a council and an executive committee.

The president of the executive committee is elected by and within the council; his election is ratified by the King; the law establishes his statute.

Articles 159 and 190 apply to the rulings and regulations of urban entities and federations of communes.

The geographical limits of urban entities and of federations of communes may only be changed or rectified on the sole basis of a law.

§ 2. The law creates the body within which each urban entity and nearby federations of communes may meet, according to the conditions and manner which the law establishes, for the examination of common problems of a technical nature within their respective areas of competence.

§ 3. Several federations of communes may cooperate or associate themselves with one or more urban entities in accordance with the conditions and in the manner prescribed by law, to jointly manage and regulate those issues within their respective areas of competence. Their councils may not engage in joint deliberation.

Art. 166

§ 1. Article 165 applies to that urban entity to which the capital of the Kingdom belongs, with the exception of that which is established hereafter.

§ 2. The responsibilities of the urban entity to which the Kingdom's capital belongs are, in the manner determined by a law adopted by majority vote as described in Article 4, last paragraph, exercised by those bodies of the Brussels-Capital Region created by virtue of Article 39.

§ 3. The bodies described in Article 136:

1° possess, each for its community, responsibilities identical to those of other organizing powers with respect to cultural, educational and personal matters;

2° exercise, for their respective communities, the responsibilities delegated to them by the French Community Council and by the Flemish Community Council;

3° jointly settle those matters described in 1° which are of common interest.





the Constitution

Title IV

On international relations

Art. 167

§ 1. The King manages international relations, without prejudice to the ability of communities and regions to engage in international co-operation, including the signature of treaties, for those matters within their responsibilities as established by the Constitution and in virtue thereof.

The King commands the armed forces, and determines the state of war and the cessation of hostilities. He notifies the Chambers as soon as State interests and security permit and he adds those messages deemed appropriate. Territorial transfers, exchanges, and additions may take place only by virtue of a law.

§ 2. The King concludes treaties, with the exception of those described in § 3. These treaties may take effect only following approval of the Chambers.

§ 3. Those Community and Regional Governments described in Article 121 conclude, in matters that concern them, treaties regarding matters that are in the scope of the responsibilities of their Councils. These treaties may take effect only following approval by the Council.

§ 4. A law adopted by majority vote as described in Article 4, last paragraph, specifies the terms for conclusion of treaties described in § 3, and for those treaties not exclusively concerned with issues within the competence of regions or communities or by virtue of the Constitution.

§ 5. The King may denounce treaties concluded before May 18th, 1993 and covering matters described in § 3, of common accord with those community or regional governments concerned.

The King denounces these treaties if the community or regional governments concerned invite him to do so. A law adopted by majority vote as described in Article 4, last paragraph, establishes the procedure in the event of disagreement between the community or regional governments concerned.

Art. 168

The Chambers are informed from the beginning of negotiations concerning any revision of the treaties establishing the European Community in addition to treaties and acts which may have modified or completed the latter. They are aware of the planned treaty prior to signature.

Art. 169

In order to ensure respect of international or supranational obligations, the authorities described in Articles 36 and 37 may, within the limits established by law, temporarily substitute themselves for those bodies described in Articles 115 and 121. This law must be adopted by majority vote as established in Article 4, last paragraph.





the Constitution

Title V

On finance

Art. 170

§ 1. Taxes to the benefit of the State may be imposed only by virtue of a law.

§ 2. Taxes to the benefit of Communities or Regions may be imposed only through a decree or ruling as described in Article 134.

The law determines, with respect to those taxes described in paragraph 1, those exceptions of proven necessity.

§ 3. A fee or tax may be established by a province only following the decision of its Council.

A law determines, with respect to the taxes described in paragraph 1, those exceptions of proven necessity.

The law can suppress, either totally or partially, the taxes referred to in paragraph 1.

§ 4. No charge or tax can be established by the urban districts, by the federation of communes nor by the communes except by a decision made by their councils. The law determines, with respect to the taxes described in paragraph 1, those exceptions of proven necessity.

Art. 171

Taxes to the benefit of the State, the community, or the region are voted on an annual basis.

Rules which determine them remain valid for one year if they are not renewed.

Art. 172

No privileges with regard to taxes can be established.

No exemption or reduction of taxes can be established except by a law.

Art. 173

Except for the provinces, polders and drainage systems, and those cases formally excepted by the laws, the decrees and rules described in Article 134,

taxes may be imposed upon citizens only for the benefit of the State, the community, the region, the urban entity, the federation of communes or the commune.

Art. 174

Each year, the Chamber of Representatives rules on the approval of State accounts and votes on the budget. However, the Chamber of Representatives and the Senate establish their respective allocations on an annual basis.

All State receipts and expenditure must be included in the budget and included in the accounts.

Art. 175

A law adopted by majority vote as described in Article 4, last paragraph, establishes the method of financing for the French Community and for the Flemish Community.

The French and Flemish Community Councils decide upon the spending of their respective attributions by decree.

Art. 176

The method of financing of the German Community is established by law.

The German Community Council decides upon the spending of its financial attributions by decree.

Art. 177

A law adopted by majority vote as described in Article 4, last paragraph, fixes the methods of financing for regions.

Regional Councils determine, respectively, the uses to which financial means are applied, in keeping with the terms described in Article 134.

Art. 178

Within the conditions and the terms described by a law adopted by majority vote as described in Article 4, last paragraph, the Brussels-Capital Regional Council transfers, by virtue of the rule described in Article 134, financial means to the joint Community Commission and to the French and Flemish Community Commissions.

Art. 179

Under no circumstance may a pension or other form of compensation be attributed other than by sole virtue of a law.

Art. 180

Members of the State Audit Office are nominated by the Chamber of Representatives for a duration established by law.

This Office is responsible for the examination and for the liquidation of general administration accounts and for the accounts of accountants working for the public treasury. It must see that no budgetary item is surpassed and that no transfers take place. The Office also oversees operations relative to the establishment and to the perception of State income, including tax collection. It establishes the accounts of the various State administrations, and is responsible, in this regard, for the collection of all required information and accounting items. General accounts of the State are submitted to the Chamber of Representatives with State Audit Office observations.

This Office is organised by law.

Art. 181

§ 1. The State awards remuneration and pensions to religious leaders; those amounts required are included in the budget on an annual basis.

§ 2. The State awards remuneration and pensions to representatives of organizations recognized by the law as providing moral assistance according to a non-religious philosophical concept; those amounts required are included in the budget on an annual basis.





the Constitution

Title VI

On the army and police force

Art. 182

Army recruitment methods are determined by law. The law also establishes matters of promotion, and the rights and obligations of military personnel.

Art. 183

Military quotas are voted annually. The law establishing them remains valid for one year if it is not renewed.

Art. 184

The organization and the attributions of the «Gendarmerie» (State Police) are the subject of a law.

Art. 185

Under no circumstance may foreign troops be admitted within the service of the State, or occupy or cross through the territory other than on the sole basis of a law.

Art. 186

Military personnel may be deprived of rank, honours, and pensions only in the manner described by law.





the Constitution

Title VII

General dispositions

Art. 187

The Constitution may not be wholly or partially suspended.

Art. 188

From the day on which the Constitution becomes enforceable, all laws, decrees, rulings, rules and other acts are annulled.

Art. 189

Constitutional texts are established in French, in Dutch, and in German.

Art. 190

No law, decree, or general administrative ruling, whether provincial or communal, may take effect until having been published in the manner described by law.

Art. 191

All foreigners on Belgian soil benefit from that protection provided to persons and property, save for those exceptions provided for by law.

Art. 192

No oath may be imposed other than by sole virtue of a law. The latter determines wording.

Art. 193

The Belgian Nation adopts red, yellow, and black colours, while the coat of arms depicts the Lion of Belgium with the motto: UNION MAKES STRENGTH.

Art. 194

The city of Brussels is the capital of Belgium and the headquarters of the Federal Government.





the Constitution

Title VIII

On the revision of the Constitution

Art. 195

The federal legislative power has the right to declare a warranted constitutional revision of those matters which it determines.

Following such a declaration, the two Chambers are dissolved by full right.

Two new Chambers are then convened, in keeping with the terms of Article 46.

These Chambers statute, of common accord with the King, on those points submitted for revision.

In this case, the Chambers may debate only provided that two-thirds of the members composing each Chamber are present; and no change may be adopted unless voted upon by a two-thirds majority.

Art. 196

No constitutional revision may be undertaken or pursued during times of war or when the Chambers are prevented from meeting freely on Federal territory.

Art. 197

During a regency, no changes may be brought to the Constitution regarding the constitutional powers of the King and Articles 85 to 88, 91 to 95, 106 and 197 of the Constitution.

Art. 198

In agreement with the King, the Constituting Chambers may adapt the numerical order of articles and of sub-articles of the Constitution, in addition to sub-divisions of the latter into titles, sections, and chapters, modify the terminology of dispositions not submitted for revision in order for them to be in keeping with the terminology of new dispositions, and ensure the concordance of French, Dutch, and German constitutional texts.

In this case, the Chambers may debate only provided that two-thirds of the members composing each Chamber are present; and no change may be adopted unless voted upon by a two-thirds majority.



the Constitution

Title IX

The taking of effect and transitory dispositions.

I. _ The dispositions of Article 85 shall for the first time be applicable to the descent from H.R.H. Prince Albert, Felix, Humbert, Theodore, Christian, Eugene, Marie, Prince of Liege, Prince of Belgium, it being understood that the marriage of H.R.H. Princess Astrid, Josephine, Charlotte, Fabrizia, Elisabeth, Paola, Marie, Princess of Belgium, with Lorenz, Archduke of East Austria, was meant to have obtained the consent described in Article 85, paragraph 2.

Until such time, the following dispositions remain in effect.

The constitutional powers of the King are hereditary through the direct, natural, and legitimate descent from H.M. Leopold, George, Chretien, Frederic of Saxony-Coburg, from male to male, by order of primogeniture and with the permanent exclusion of women and of their descendants.

Shall be deprived of his rights to the crown any prince who marries without the consent of the King, or, in his absence, of those who exercise his authority as provided for by the Constitution.

He may, however, be relieved of this deprivation by the King, or, in his absence, by those who exercise his authority as provided for by the Constitution, provided the consent of the two Chambers is obtained.

II. _ Article 32 takes effect on 1 January, 1995.

III. _ Article 125 is valid for events taking place after 8 May, 1993.

IV. _ The next Council elections, in keeping with those dispositions of Articles 115, § 2, 116, § 2, 118, and 119, with the exclusion of Article 117, take place on the same day as the next general elections to the Chamber of Representatives. The following Council elections, in keeping with Articles 115, § 2, 116, § 2, 118 and 119 take place on the same day as the second European Parliamentary elections following the taking of effect of Articles 115, § 2, 118, 120, 121, § 2, 123 and 124.

Prior to the next elections to the Chamber of Representatives, Articles 116, § 2, 117, and 119 are not applicable.

V. _ § 1. Prior to the next complete renewal of the Chamber of Representatives, notwithstanding the dispositions of Articles 43, § 2, 46, 63, 67, 68, 69, 3°, 70, 74, 100, 101, 111, 151, paragraph 3, 174, paragraph 1, and 180, paragraph 2, last sentence, the following dispositions remain in effect.

a) Federal legislative power is collectively exercised by

the King, by the Chamber of Representatives, and by the Senate.

b) The King has the right to dissolve both Chambers

simultaneously, and the dissolution act implies voter

convocations for within forty days and Chamber convocations for within two months.

c) There are 212 members of the Chamber of Representatives,

and the federal divisor can be obtained by dividing the population of the Kingdom by 212.

d) The Senate is composed:

1° of 106 elected members, on the basis of the population of

each province, in keeping with the terms of Article 61. The dispositions of Article 62 are applicable to the election of these Senators;

2° of members elected by provincial Councils, on the basis of

one senator per 200,000 inhabitants. For each 125,000 surplus inhabitants, one additional senator is allowed. Nonetheless, each provincial council appoints at least three senators.

These members may not belong to the assembly which elects them, nor may they have been a part of the electing assembly for a period of two years prior to the election date.

3° of members elected by the Senate up to one-half of the

number of senators elected by the Provincial Councils. Should this number be odd, one unit is added.

These members are designated by the senators elected by virtue of 1° and 2°.

The election of senators elected by virtue of 2° and 3° is carried out using the proportional representation system determined by law.

Should it become necessary, following 31 December 1994, to replace a senator elected by the Brabant Provincial Council, the Senate elects a member in accordance with those conditions established by law. With respect to this law, the Chamber of Representatives and the Senate are competent on an equal footing. e) In order to be elected senator one must, notwithstanding

Article 69, 1°, 2°, and 4°, have completed forty years of age. f) Senators are elected for a period of four years.

g) Ministers may have a participatory voice in debates only in

that Chamber of which they are members.

They have access to both Chambers, and must be heard upon their request.

The Chambers may demand the presence of ministers.

h) The King may pardon a minister or the member of a community

or regional government condemned by the Supreme Court of Appeal only following the request of one of the two Chambers or of that Council concerned.

i) Judges of the Supreme Court of Appeal are appointed by

the King on two double lists, one being presented by the Senate,

the other by the Supreme Court of Appeal.

j) Every year, the Chambers vote on the budget and rule on

government accounts.

k) The State Audit Office submits the general State accounts,

with observations, to the Chamber of Representatives and to the Senate.

§ 2. Articles 50, 75, paragraphs 2 and 3, 77 to 83, 96, paragraph 2, and 99, paragraph 1, take effect from the moment the next complete renewal of the Chamber of Representatives is effected.

VI. _ § 1. Until 31 December 1994, and in derogation to Article 5, paragraph 1, the provinces are: Antwerp, Brabant, West Flanders, East Flanders, Hainaut, Liege, Limburg, Luxemburg, and Namur.

§ 2. The next provincial elections shall coincide with the next communal elections and shall take place on the second Sunday of October 1994. Inasmuch as the law described in § 3, paragraph 1 has taken effect, electors shall be called upon on that same Sunday for the election of the Flemish Brabant and of the Walloon Brabant Provincial Councils.

§ 3. The personnel and the assets of Brabant Province shall be split between the Province of Walloon Brabant, the Province of Flemish Brabant, the Region of Brussels-Capital, the authorities and the institutions described in Articles 135 and 136, in addition to the federal authority, in keeping with the terms determined by a law adopted by majority vote as described in Article 4, last paragraph.

Following the next renewal of the provincial councils and until the moment of their repartition, personnel and assets remaining in common shall be jointly managed by the province of Walloon Brabant, that of Flemish Brabant, and by the competent authorities of the bilingual region of Brussels-Capital.

§ 4. Until 31 December 1994, appeals court judges and the presidents and the vice-presidents of the High Courts of Justice upon which they depend, notwithstanding Article 151, paragraph 2, are named by the King on two double lists, one being presented by these courts, the other by the provincial councils.

§ 5. Until 31 December 1994, notwithstanding Article 156, 1°, the

province of Brabant remains within the jurisdiction of the Appeals Court of Brussels.

MODIFICATIONS

Art. 66.

1) Paragraph 2 shall be replaced as follows :

"Within the national borders, the members of the House of Representatives shall have the right to move without expense over any and all means of transportation which are operated by or conceded to government authorities.";

2) Paragraph 3 shall be repealed.

(March 25, 1996 - M.B. 04.19.1996)

Art. 71.

1) Paragraph 3 shall be replaced as follows :

"Within the national borders, the members of the Senate shall have the right to move without expense over any and all means of transportation which are operated by or conceded to government authorities.";

2) Paragraph 4 shall be repealed.

(March 25, 1996 - M.B. 04.19.1996)

Art. 118bis.

An article 118bis shall be added to Title III, chapter IV of the Constitution as follows :

"Article 118bis. Within the national borders, the members of the Regional and Community Councils, referred to in Articles 2 and 3, shall have the right to move without expense over any and all means of transportation which are operated by or conceded to government authorities."

(March 25, 1996 - M.B. 04.19.1996)

20.07.1996

