

# **THE BELGIAN CONSTITUTION**

This publication contains the text of the Belgian Constitution as updated following the constitutional revision of 24 October 2017 (*Belgian Official Gazette* of 29 November 2017)

JULY 2018  
BELGIAN HOUSE OF REPRESENTATIVES

## TITLE III

### ON POWERS

#### Article 33

All powers emanate from the Nation.  
These powers are exercised in the manner laid down by the Constitution.

#### Article 34

The exercising of specific powers can be assigned by a treaty or by a law to institutions of public international law.

#### Article 35

The federal authority only has competences in the matters that are formally assigned to it by the Constitution and the laws passed by virtue of the Constitution itself.

The Communities and the Regions, each in its own field of concern, have competences for the other matters, under the conditions and in the terms stipulated by the law. This law must be adopted by a majority as described in Article 4, last paragraph.

#### *Transitional provision*

The law referred to in the second paragraph determines the date on which this article comes into force. This date cannot precede the date of the entry into force of the new article to be inserted in Title III of the Constitution, which determines the competences exclusive to the federal authority.

#### Article 36

The federal legislative power is exercised jointly by the King, the House of Representatives and the Senate.

### Article 37

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

### Article 38

Each Community has those powers which are recognised by the Constitution or by the laws passed by virtue of the Constitution.

### Article 39

The law assigns to the regional bodies that it creates and that are composed 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 scope and according to the manner laid down by a law. This law must be passed by a majority as described in Article 4, last paragraph.

### Article 39bis

Except for matters relating to finances or budget or matters that are regulated by a majority of two thirds of the votes cast, matters attributed exclusively to regional bodies can be the subject of a referendum in the Region concerned.

The rule referred to in Article 134 determines the procedures and arrangements for the referendum, and is adopted by a majority of two thirds of the votes cast, under the condition that the majority of the members of the Parliament concerned is present. A law passed by a majority as described in Article 4, last paragraph lays down additional majority requirements with respect to the Brussels-Capital Region.

### Article 39ter

The law, federate law or rule referred to in Article 134 that regulates the elections for the House of Representatives or a Community or Regional Parliament, and that is promulgated less than one year before the date on which the legislative term is to come to an end, comes into force no sooner than one year after it has been promulgated.

### *Transitional provision*

This article comes into force on the day when the first elections for the European Parliament take place after it has been published in the *Belgian Official*

Gazette.

#### Article 40

Judiciary power is exercised by the courts.  
Court decisions are executed in the name of the King.

#### Article 41

Interests which are exclusively of a municipal or provincial nature are ruled on by municipal or provincial councils, according to the principles laid down by the Constitution. However, the rule referred to in Article 134 can abolish the provincial institutions in implementation of a law passed by a majority as described in Article 4, last paragraph. In such a case, the rule referred to in Article 134 can replace them by supra-municipal collectivities, the councils of which rule the exclusively supra-municipal interests in accordance with the principles established by the Constitution. The rule referred to in Article 134 must be adopted by a majority of two thirds of the votes cast, under the condition that the majority of the members of the Parliament concerned is present.

The rule referred to in Article 134 defines the competences, working rules and mode of election of intra-municipal territorial bodies that are authorised to regulate matters of municipal interest.

These intra-municipal territorial bodies are created in municipalities with more than 100,000 inhabitants following the initiative of the municipal council. Their members are directly elected. In implementation of a law adopted by a majority as described in Article 4, last paragraph, the federate law or rule referred to in Article 134 regulates the other conditions and the way in which such intra-municipal territorial bodies may be created.

This federate law and the rule referred to in Article 134 can only be adopted by a majority of two thirds of the votes cast, under the condition that the majority of the members of the Parliament concerned is present.

Matters of municipal, supra-municipal or provincial interest can be the subject of a referendum in the municipality, supra-municipal collectivity or province concerned. The rule referred to in Article 134 regulates the procedures and arrangements for the referendum.

# CHAPTER I

## ON THE FEDERAL HOUSES

### Article 42

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

### Article 43

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

§ 2. For cases determined by the Constitution, senators, except the senator appointed by the Parliament of the German-speaking Community, are divided into a Dutch linguistic group and a French linguistic group.

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

#### *Transitional provision*

This article comes into force on the day when elections take place with a view to the complete renewal of the Community and Regional Parliaments in 2014.

The following provisions apply until that day:

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

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

### Article 44

The Houses meet by right each year on the second Tuesday of October,

unless they have been convened prior to this by the King.

The Houses must meet for at least forty days each year. The Senate is a non-permanent body.

The King pronounces the closing of the session.

The King has the right to convene the Houses to an extraordinary meeting.

#### *Transitional provision*

The second sentence of the second paragraph comes into force on the day when elections take place with a view to the complete renewal of the Community and Regional Parliaments in 2014.

### Article 45

The King can adjourn the Houses. However, the adjournment cannot be for longer than one month, nor can it be repeated in the same session without the consent of the Houses.

### Article 46

The King has the right to dissolve the House of Representatives only 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 of the day of the rejection of the motion, the appointment of a successor to the prime minister;
- 2° or adopts a motion of no confidence with regard to the Federal Government and does not simultaneously propose to the King the appointment of a successor to the prime minister.

The motions of confidence and no confidence can only be voted on forty-eight hours after the tabling of the motion.

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

The act of dissolution convenes the electorate within forty days and the House of Representatives within two months.

In case both Houses are dissolved in accordance with Article 195, the Houses are convened within three months.

In case of early dissolution, the new federal parliamentary term may not extend beyond the day when the first election of the European Parliament following this dissolution is held.

### *Transitional provision*

After the 2014 election of the European Parliament, a law, passed by a majority as described in Article 4, last paragraph, fixes the date when the sixth paragraph comes into force. This date is that on which Article 65, third paragraph and Article 118, § 2, fourth sub-paragraph come into force.

The fourth and fifth paragraphs come into force on the day when elections take place with a view to the complete renewal of the Community and Regional Parliaments in 2014. Until this date, the following provisions are applicable in lieu of the fourth and fifth paragraphs:

“The dissolution of the House of Representatives entails the dissolution of the Senate.

The act of dissolution convenes the electorate within forty days and the Houses within two months.

The dissolution of the House of Representatives leading to parliamentary elections at federal level that take place the same day as the 2014 election of the Community and Regional Parliaments entails the dissolution of the Senate. The electorate for the House of Representatives is convened within forty days. The Houses are convened within three months.”.

### Article 47

The sittings of the Houses are public.

Nevertheless, each House can meet in camera at the request of its president or of ten members.

It decides afterwards, by absolute majority, whether the sitting must be continued in public on the same subject.

### Article 48

Each House verifies the credentials of its members and judges any dispute that can be raised on this matter.

### Article 49

One cannot be a member of both Houses at the same time.

### Article 50

Any member of either House appointed by the King as minister and who

accepts this appointment ceases to sit in Parliament and takes up his mandate again when the King has terminated his office as minister. The law determines the rules for his replacement in the House concerned.

#### Article 51

Any member of either House appointed by the Federal Government to any salaried position other than that of minister and who accepts the appointment immediately ceases to sit in Parliament and only takes his seat again after having been re-elected.

#### Article 52

Each session, each House appoints its president, its vice-presidents, and forms its bureau.

#### Article 53

All resolutions are passed by an absolute majority of the votes cast, except for what is established by the rules of procedure of the Houses with regard to elections and nominations.

If the vote is tied, the proposal submitted for discussion is rejected.

Neither of the two Houses can pass a resolution unless a majority of its members is present.

#### Article 54

Except for budgets and laws requiring a special majority, a reasoned motion signed by at least three-quarters of the members of one of the linguistic groups and tabled following the depositing of the report and prior to the final vote in a public sitting can declare that the provisions that it designates of a Government bill or private member's bill can gravely damage relations between the Communities.

In this case, Parliamentary procedure is suspended and the motion is referred to the Council of Ministers, which within thirty days gives its reasoned opinion on the motion and invites the House involved to pronounce on this opinion or on the Government bill or private member's bill that, if need be, has been amended.

This procedure can be applied only once by the members of a linguistic group with regard to the same Government bill or private member's bill.



## Article 55

Votes are cast by sitting and standing or by call-over; on the laws as a whole is always voted by call-over. The election and nomination of candidates are carried out by secret ballot.

## Article 56

The House of Representatives has the right to hold an enquiry.

At the request of fifteen of its members, the House of Representatives, a Community or Regional Parliament or the King, the Senate can decide by absolute majority of the votes cast, with at least a third of the votes cast in each linguistic group, that an information report will be drafted concerning an issue that also has repercussions on the competences of the Communities or Regions. The report is approved by absolute majority of the votes cast, with at least a third of the votes cast in each linguistic group.

### *Transitional provision*

This article comes into force on the day when elections take place with a view to the complete renewal of the Community and Regional Parliaments in 2014. Until this day, the following provision applies:

“Each House has the right to hold an enquiry.”

## Article 57

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

The House of Representatives has the right to send to ministers petitions that are addressed to it. The ministers are obliged to give explanations on the content of these petitions whenever the House so requires.

### *Transitional provision*

The second paragraph comes into force on the day when elections take place with a view to the complete renewal of the Community and Regional Parliaments in 2014. Until this day, the following provision applies in lieu of the second paragraph:

“Each House has the right to send to ministers petitions that are addressed

to it. The ministers are obliged to explain the content of these petitions whenever the House so requires.”.

#### Article 58

No member of either House can be prosecuted or be the subject of any investigation with regard to opinions expressed and votes cast by him in the exercise of his duties.

#### Article 59

Except in the case of a flagrant offence, no member of either House may, during a session and in criminal matters, be directly referred or summoned before a court or be arrested, except with the authorisation of the House of which he is a member.

Except in the case of a flagrant offence, coercive measures requiring the intervention of a judge cannot, during a session and in criminal matters, be instituted against a member of either House, except by the first President of the appeal court at the request of the competent judge. This decision is to be communicated to the President of the House concerned.

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

During the session, only the officers of the public prosecutor’s office and competent officers may institute criminal proceedings against a member of either House.

The member concerned of either House may at any stage of the judicial enquiry request during a session and in criminal matters that the House of which he is a member suspend proceedings. To grant this request, the House concerned must decide by a majority of two thirds of the votes cast.

Detention of a member of either House or his prosecution before a court is suspended during the session if the House of which he is a member so requests.

#### Article 60

Each House determines, in its rules of procedure, the way in which it exercises its duties.

## SECTION I

### ON THE HOUSE OF REPRESENTATIVES

#### Article 61

The members of the House of Representatives are elected directly by citizens who are at least eighteen years of age and who do not fall within the categories of exclusion stipulated by the law.

Each elector has the right to only one vote.

#### Article 62

The composition of the electoral colleges is regulated by the law.

Elections take place in accordance with the system of proportional representation that the law determines.

Voting is obligatory and secret. It takes place in the municipality, except in the cases determined by the law.

#### Article 63

§ 1. The House of Representatives is composed of one hundred and fifty members.

§ 2. The number of seats in each electoral district corresponds to the result of dividing the number of inhabitants of the electoral district by the federal divisor, which is obtained by dividing the number of the population of the Kingdom by one hundred and fifty.

The remaining seats are assigned to the electoral districts with the greatest surplus of population not yet represented.

§ 3. The distribution of the members of the House of Representatives among the electoral districts is determined by the King in proportion to the population.

The number of inhabitants in each electoral district is established every ten years by a census or by any other means defined by the law. The King publishes the results within six months.

Within three months of this publication, the King determines the number of seats to be assigned to each electoral district.

The new distribution is applied as of the following general election.

§ 4. The law determines the electoral districts; it also determines the conditions required to be an elector as well as the way in which elections are conducted.

However, the law determines special rules with a view to protecting the legitimate interests of French and Dutch-speaking people in the former province of Brabant.

The provisions which establish these special rules may only be amended by a law passed by a majority as described in Article 4, last paragraph.

#### Article 64

To be eligible, one must:

1° be Belgian;

2° enjoy civil and political rights;

3° have reached the age of eighteen;

4° be resident in Belgium.

No other condition of eligibility can be required.

#### *Transitional provision*

The first paragraph, 3° comes into force on the day when elections take place with a view to the complete renewal of the Community and Regional Parliaments in 2014. Until this day, and without prejudice to Article 64, 1°, 2° and 4°, one must have reached the age of twenty-one.

#### Article 65

The members of the House of Representatives are elected for five years.

The House is re-elected as a whole every five years.

Elections for the House take place on the same day as elections for the European Parliament.

#### *Transitional provision*

After elections for the European Parliament have been held in 2014, a law passed by a majority as described in Article 4, last paragraph sets the date on which the third paragraph comes into force. This date is that on which Article 46, sixth paragraph and Article 118, § 2, fourth sub-paragraph come into force. Parliamentary elections at federal level will in any case take place on the same day as the first elections for the European Parliament following the publication of this revision in the *Belgian Official Gazette*.

## Article 66

Each member of the House of Representatives has an annual indemnity of twelve thousand francs.

Within the national borders, the members of the House of Representatives have the right to free travel on all means of transport operated or conceded by the public authorities.

The President of the House of Representatives can be granted an annual indemnity to be charged to the allowance that covers the expenses of this assembly.

The House determines the amount that can be deducted from the indemnity to form a contribution to retirement and pension funds that it considers necessary to set up.

## SECTION II

### ON THE SENATE

## Article 67

§ 1. The Senate is composed of sixty senators, of whom:

- 1° twenty-nine senators appointed by the Flemish Parliament from among its members or from among the members of the Dutch linguistic group of the Parliament of the Brussels-Capital Region;
- 2° ten senators appointed from among its members by the Parliament of the French Community;
- 3° eight senators appointed from among its members by the Parliament of the Walloon Region;
- 4° two senators appointed from among its members by the French linguistic group of the Parliament of the Brussels-Capital Region;
- 5° one senator appointed from among its members by the Parliament of the German-speaking Community;
- 6° six senators appointed by the senators referred to in 1°;
- 7° four senators appointed by the senators referred to in 2° to 4°.

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

Three of the senators referred to in § 1, 2° are member of the French linguistic group of the Parliament of the Brussels-Capital Region. As a departure

from § 1, 2°, one of these three senators must not be a member of the Parliament of the French Community.

§ 3. The Senate is composed of no more than two-thirds of senators of the same gender.

§ 4. When a list mentioned in Article 68, § 2 is not represented by senators respectively referred to in § 1, 1° or in § 1, 2°, 3° or 4°, the senators referred to in § 1, 6° or in § 1, 7° may be appointed by the Members of the House of Representatives who have been elected on the aforesaid list.

#### *Transitional provision*

This article comes into force on the day when elections take place with a view to the complete renewal of the Community and Regional Parliaments in 2014. Until this day, the following provisions apply:

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

- 1° twenty-five senators elected in accordance with Article 61 by the Dutch electoral college;
- 2° fifteen senators elected in accordance with Article 61 by the French electoral college;
- 3° ten senators appointed from among its members by the Parliament of the Flemish Community, called the Flemish Parliament;
- 4° ten senators appointed from among its members by the Parliament of the French Community;
- 5° one senator appointed from among its members by the Parliament of the German-speaking 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°.

When their Parliament is re-elected as a whole and this re-election does not coincide with the renewal of the Senate, the senators referred to in the first paragraph, 3° to 5° who no longer have a seat in their Parliament retain the mandate of senator until the opening of the first session following the re-election of their Parliament.

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

At least six of the senators referred to in § 1, 2°, 4° and 7° are to be legally

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

## Article 68

§ 1. The Senate seats referred to in Article 67, § 1, 1° are distributed among the lists according to the system of proportional representation determined by the law, in the way laid down by the law, on the basis of the addition of the vote counts of the lists obtained in the different electoral districts at the election for the Flemish Parliament.

The lists of which the vote counts are added up in pursuance of the first subparagraph only qualify for being allocated Senate seats referred to in Article 67, § 1, 1° provided that they have obtained at least one seat in the Flemish Parliament.

The Senate seats referred to in Article 67, § 1, 2° to 4° are distributed among the lists according to the system of proportional representation determined by the law, in the way laid down by the law, on the basis of the addition of the vote counts of the lists obtained in the different electoral districts at the election for the Parliament of the Walloon Region and the vote counts of the lists for the French linguistic group obtained at the election for the Parliament of the Brussels-Capital Region.

The lists of which the vote counts are added up in pursuance of the third subparagraph only qualify for being allocated Senate seats referred to in Article 67, § 1, 2° to 4° provided that they have obtained at least one seat respectively in the Parliament of the French Community, in the Walloon Parliament and in the French linguistic group of the Parliament of the Brussels-Capital Region.

The law determines the rules for the appointment of the senators referred to in Article 67, § 1, 1° to 4°, with the exception of the detailed rules which, in pursuance of a law passed by a majority as described in Article 4, last paragraph, are laid down by the Community Parliaments, each for itself, by federate law. This federate law must be passed by a two-thirds majority of the votes cast, on condition that the majority of the members of the Parliament concerned is present.

The senator referred to in Article 67, § 1, 5° is appointed by the Parliament of the German-speaking Community by absolute majority of the votes cast.

§ 2. The Senate seats referred to in Article 67, § 1, 6° to 7° are distributed among the lists according to the system of proportional representation determined by the law, in the way laid down by the law, on the basis of the addition of the vote counts of the lists obtained at the election for the House of Representatives. The aforesaid system of proportional representation is the system which is described

in Article 63, § 2 of the Constitution. A law passed by a majority as described in Article 4, last paragraph determines the electoral districts of which the votes are taken into consideration for distributing the seats of the senators referred to in Article 67, § 1, 6° and 7° who belong respectively to the Dutch and the French linguistic group.

A list may only be taken into consideration for distributing the seats of a single linguistic group.

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

#### *Transitional provision*

This article comes into force on the day when elections take place with a view to the complete renewal of the Community and Regional Parliaments in 2014, with the exception of § 2, first sub-paragraph, last sentence. Until this day, the following provisions apply:

“§ 1. The total number of senators referred to in Article 67, § 1, 1°, 2°, 3°, 4°, 6° and 7° is divided, according to the system of proportional representation that the law determines, among each linguistic group on the basis of the vote count of the lists obtained at the election of the senators referred to in Article 67, § 1, 1° and 2°.

For the appointment of the senators referred to in Article 67, § 1, 3° and 4°, only those lists are taken into consideration on which at least one senator referred to in Article 67, § 1, 1° and 2° is elected and provided that a sufficient number of members elected on this list sit, according to the case, in the Parliament of the Flemish Community or the Parliament of the French Community.

For the appointment of the senators referred to in Article 67, § 1, 6° and 7°, only those lists are 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°, voting is obligatory and secret. Voting takes place in the municipality, except in the cases that the law determines.

§ 3. For the election of senators referred to in Article 67, § 1, 1° and 2°, the law determines the electoral districts 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 the way in which elections are conducted.

The law determines the rules for the appointment of the senators referred to in Article 67, § 1, 3° to 5°, with the exception of the detailed rules which, in pursuance of a law passed by a majority as described in Article 4, last paragraph, are



laid down by the Community Parliaments, each for itself, by federate law. This federate law must be adopted by a two-thirds majority of the votes cast, on condition that the majority of the members of the Parliament concerned is present.

The senator referred to in Article 67, § 1, 5° is appointed by the Parliament of the German-speaking Community by absolute majority of the votes cast.

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

## Article 69

In order to be appointed as a senator, one must:

- 1° be Belgian;
- 2° enjoy civil and political rights;
- 3° have reached the age of eighteen;
- 4° be resident in Belgium.

### *Transitional provision*

This article comes into force on the day when elections take place with a view to the complete renewal of the Community and Regional Parliaments in 2014. Until this day, the following provisions apply:

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

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

## Article 70

The mandate of the senators referred to in Article 67, § 1, 1° to 5° runs from the day when they take the oath in the Senate and ends, after the complete renewal of the Parliament that has appointed them, on the day when the first session of the latter is opened.

The mandate of the senators referred to in Article 67, § 1, 6° and 7° runs from the day when they take the oath in the Senate and ends on the day when the first session of the House of Representatives following its complete renewal is opened.

### *Transitional provision*

This article comes into force on the day when elections take place with a view to the complete renewal of the Community and Regional Parliaments in 2014. Until this day, the following provisions apply:

“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 in any case renewed as a whole when the elections for the Community and Regional Parliaments are held in 2014.”

### Article 71

Senators do not receive a salary.

They do, however, have the right to be compensated for expenses.

The compensation granted to the senators referred to in Article 67, § 1, 1° to 4° is fixed by the Community or Regional Parliament that appoints them. It is charged to this Parliament.

The compensation granted to the senator referred to in Article 67, § 1, 5° is the same as the compensation granted to the senators referred to in Article 67, § 1, 3° and is charged to the Parliament of the German-speaking Community.

The compensation granted to the senators referred to in Article 67, § 1, 6° and 7° is charged to the Senate’s allowance.

Within the national borders, the members of the Senate have the right to free travel on all means of transport operated or conceded by the public authorities.

### *Transitional provision*

The insertion of the third to fifth paragraphs of this article becomes effective on the day when elections take place with a view to the complete renewal of the Community and Regional Parliaments in 2014.

Until this day, senators are entitled to a compensation of four thousand francs a year.

### Article 72

*[Repealed]*

## Article 73

Any assembly of the Senate that is held when the House of Representatives is not in session is null and void.

# CHAPTER II

## ON FEDERAL LEGISLATIVE POWER

## Article 74

As a departure from Article 36, federal legislative power is jointly exercised by the King and the House of Representatives for other matters than those described in Articles 77 and 78.

### *Transitional provision*

This article comes into force on the day when elections take place with a view to the complete renewal of the Community and Regional Parliaments in 2014. Until this day, the following provisions apply:

“As a departure from Article 36, federal legislative power is jointly exercised by the King and by the House of Representatives for:

- 1° the granting of naturalisation;
- 2° laws relating to the civil and criminal liability of the King’s ministers;
- 3° State budgets and accounts, without prejudice to Article 174, first paragraph, second sentence;
- 4° the setting of army quotas.”.

## Article 75

Each branch of the federal legislative power has the right to propose legislation. However, the Senate can only exercise this right with respect to the matters described in Article 77.

With respect to the matters described in Article 78, draft bills submitted to the Houses on the King’s initiative are tabled with the House of Representatives and then sent to the Senate.

### *Transitional provision*

This article comes into force on the day when elections take place with a view to the complete renewal of the Community and Regional Parliaments. Until this day, the following provisions apply:

“Each branch of the federal legislative power has the right to propose legislation.

Except for those matters described in Article 77, draft bills submitted to the Houses following the King’s initiative are tabled with the House of Representatives and are then sent to the Senate.

Draft bills relating to the approval of treaties submitted to the Houses following the King’s initiative are tabled with the Senate and then sent to the House of Representatives.”.

### Article 76

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

The Houses have the right to amend and to split the articles and amendments proposed.

The Rules of Procedure of the House of Representatives provide for a second reading procedure.

### *Transitional provision*

The third paragraph comes into force on the day when elections take place with a view to the complete renewal of the Community and Regional Parliaments in 2014.

### Article 77

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

- 1° declaring that there are reasons to revise such constitutional provision as they determine, and with respect to revising and co-ordinating the Constitution;
- 2° matters that must be settled by both legislative Houses by virtue of the Constitution;
- 3° the laws to be passed by a majority as described in Article 4, last paragraph;

- 4° the laws relating to the institutions and financing of the German-speaking Community;
- 5° the laws relating to the financing of political parties and the control of electoral expenditure;
- 6° the laws relating to the organisation of the Senate and the senator's status.

A law passed by a majority as described in Article 4, last paragraph may designate other matters for which the House of Representatives and the Senate are equally competent.

*Transitional provision*

This article comes into force on the day when elections take place with a view to the complete renewal of the Community and Regional Parliaments in 2014. Until this day, the following provisions apply:

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

- 1° declaring that there are reasons to revise such constitutional provision as they determine, and with respect to such constitutional revision;
- 2° matters that must be settled by both legislative Houses by virtue of the Constitution;
- 3° the 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, third sub-paragraph, § 4 and § 5, 169, 170, § 2, second sub-paragraph, § 3, second and third sub-paragraphs, § 4, second sub-paragraph, and 175 to 177, as well as the laws enacted in order to execute the above-mentioned laws and articles;
- 4° the laws to be adopted by a majority as described in Article 4, last paragraph, as well as the laws enacted in order to execute such laws;
- 5° the laws referred to in Article 34;
- 6° the laws approving treaties;
- 7° the laws adopted in accordance with Article 169, to guarantee that international or supranational commitments are observed;
- 8° the laws relating to the Council of State;
- 9° the organisation of the courts;
- 10° the laws approving cooperation agreements between the State, the Communities and the Regions.

A law adopted by a majority as described in Article 4, last paragraph may designate other laws for which the House of Representatives and the Senate are equally competent.”

## Article 78

§ 1. With the reservation of what is provided for in Article 77, draft bills adopted by the House of Representatives with respect to the following matters are sent to the Senate:

- 1° the laws enacted in order to execute laws to be passed by a majority as described in Article 4, last paragraph;
- 2° the laws described in Articles 5, 39, 115, 117, 118, 121, 123, 127 to 129, 131, 135 to 137, 141 to 143, 163, 165, 166, 167, § 1, third sub-paragraph, 169, 170, § 2, second sub-paragraph, § 3, second and third sub-paragraphs, and § 4, second sub-paragraph, 175 and 177, as well as the laws enacted in order to execute the above-mentioned laws, with the exception of the legislation on the organisation of automated voting;
- 3° the laws passed in accordance with Article 169, to guarantee that international and supranational commitments are observed;
- 4° the laws relating to the Council of State and the federal administrative courts.

A law passed by a majority as described in Article 4, last paragraph may designate other matters that the Senate can examine according to the procedure as described in this article.

§ 2. The Senate examines the draft bill at the request of the majority of its members, including at least a third of the members of each linguistic group. This request is made within fifteen days from the receipt of the bill.

The Senate may, within no more than thirty days:

- decide that there is no ground to amend the bill;
- adopt the bill after having amended it.

If the Senate does not pronounce on the bill within the time allotted, or if it has informed the House of Representatives of its decision not to amend, the bill is sent by the House of Representatives to the King.

If the bill has been amended, the Senate sends it to the House of Representatives, which makes a final decision by either passing or amending it.

### *Transitional provision*

This article comes into force on the day when elections take place with a view to the complete renewal of the Community and Regional Parliaments in 2014. Until this day, the following provisions apply:

“In other matters than those described in Articles 74 and 77, draft bills

adopted by the House of Representatives are sent to the Senate.

At the request of at least fifteen senators, the Senate examines the draft bills. This request is made within fifteen days of the draft bill being received.

The Senate may, within no more than sixty days:

- decide not to amend the draft bill;
- adopt the bill after having amended it.

If the Senate does not pronounce on the bill within the time allotted, or if the Senate has informed the House of Representatives of its decision not to amend, the bill is sent by the House of Representatives to the King.

If the bill has been amended, the Senate sends it to the House of Representatives, which makes a final decision by either adopting or rejecting all or some of the amendments adopted by the Senate.”.

#### Article 79

*[Repealed]*

#### Article 80

*[Repealed]*

#### Article 81

*[Repealed]*

#### Article 82

A Parliamentary consultation committee composed equally of members of the House of Representatives and of the Senate settles conflicts of competence that arise between the two Houses and may, by mutual agreement, extend the examination deadline set in Article 78 at any time.

If no majority exists in the two groups composing the committee, the latter makes its decision by a majority of two thirds of its members.

A law determines the composition and functioning of the committee, as well as the way of calculating the time limits set in Article 78.

#### *Transitional provision*

This article comes into force on the day when elections take place with a view to the complete renewal of the Community and Regional Parliaments. Until this day, the following provisions apply:

“A Parliamentary consultation committee composed equally of members of the House of Representatives and of the Senate settles conflicts of competence that arise between the two Houses and may, by mutual agreement, extend the examination deadlines set in Articles 78 to 81 at any time.

In no majority exists in the two groups composing the committee, the latter makes its decision by a majority of two thirds of its members.

A law determines the composition and functioning of the committee, as well as the way of calculating the time limits set in Articles 78 to 81.”

#### Article 83

Each private member’s bill and each Government bill mentions whether it concerns a matter described in Article 74, Article 77 or Article 78.

#### Article 84

Only the law can give an authoritative interpretation of laws.

## **CHAPTER III**

### **ON THE KING AND THE FEDERAL GOVERNMENT**

#### *SECTION I*

#### *ON THE KING*

#### Article 85

The constitutional powers of the King are hereditary through the direct, natural and legitimate descent from H.M. Leopold, George, Christian, Frederick of Saxe-Coburg, by order of primogeniture.

The descendant mentioned in the first paragraph who marries without the King’s consent or, in his absence, without the consent of those exercising the King’s powers in cases provided for by the Constitution shall be deprived of his right to the crown.

Nonetheless, this right may be restored by the King or, in his absence, by those exercising the powers of the King in cases provided for by the Constitution, but only with the assent of both Houses.



## Article 86

For lack of a descendant of H.M. Leopold, George, Christian, Frederick of Saxe-Coburg, the King may appoint his successor, the assent of the Houses, in the manner described in Article 87.

In the absence of an appointment made in the manner described above, the throne is considered vacant.

## Article 87

The King may not at the same time act as head of another State without the consent of both Houses.

Neither House may deliberate on this matter unless two thirds of its members are present, and the resolution is only adopted if it attracts at least two thirds of the votes.

## Article 88

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

## Article 89

The law determines the civil list for the duration of each reign.

## Article 90

Upon the death of the King, the Houses meet without being convened at the latest on the tenth day after his death. If the Houses have been dissolved previously, and if the act of dissolution convenes them to meet later than the tenth day following the King's death, the members of the former Houses take up their seats again until the meeting of those who will replace them.

From the death of the King until the oath is sworn 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 ministers meeting in council, and under their responsibility.

## Article 91

The King attains his majority upon his eighteenth birthday.

The King only accedes to the throne after having sworn the following oath before the united Houses:

*“I swear to observe the Constitution and the laws of the Belgian people, to preserve the country’s national independence and its territorial integrity.”.*

#### Article 92

If upon the death of the King, his successor is a minor, the two Houses meet as a single assembly to appoint a Regent and a Guardian.

#### Article 93

If the King finds himself unable to reign, the ministers, having had this inability stated, immediately convene the Houses. The Regent and Guardian are appointed by the joint Houses.

#### Article 94

Only one person may be Regent.

The Regent takes up office only after having sworn the oath as prescribed in Article 91.

#### Article 95

If the throne is vacant, the Houses, deliberating as one assembly, provisionally appoint a Regent, until the convening of the fully renewed Houses; this meeting must take place within two months. The new Houses, deliberating as one assembly, fill the vacancy.

## SECTION II

### ON THE FEDERAL GOVERNMENT

#### Article 96

The King appoints and dismisses his ministers.

The Federal Government offers its resignation to the King if the House of Representatives, by an absolute majority of its members, adopts a motion of no-confidence proposing a successor to the prime minister for appointment by the King or proposes a successor to the prime minister for appointment by the King within three days of the rejection of a motion of confidence. The King

appoints the proposed successor as prime minister, who takes office when the new Federal Government is sworn in.

#### Article 97

Only Belgians may be ministers.

#### Article 98

No member of the royal family may be a minister.

#### Article 99

The Council of Ministers is composed of no more than fifteen members.

With the possible exception of the prime minister, the Council of Ministers is composed of an equal number of Dutch-speaking members and French-speaking members.

#### Article 100

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

The House of Representatives may require the presence of ministers. The Senate may require their presence for the matters mentioned in Article 77 or 78. For other matters, it may request their presence.

#### *Transitional provision*

The second sentence of the second paragraph comes into force on the day when elections take place with a view to the complete renewal of the Community and Regional Parliaments in 2014. Until this day, the following provision applies, without prejudice to the first paragraph and the first and last sentences of the second paragraph:

“The Senate may require their presence for discussion of a Government bill or private member’s bill as mentioned in Article 77 or a Government bill as mentioned in Article 78 or for the exercise of its right of inquiry as mentioned in Article 56.”.

## Article 101

Ministers are accountable to the House of Representatives.

No minister can be prosecuted or be the subject of any investigation with regard to opinions expressed by him in the exercise of his duties.

## Article 102

In no circumstances may a written or oral order of the King exempt a minister from his accountability.

## Article 103

Ministers are tried exclusively by the appeal court for offences they have allegedly committed in the exercise of their duties. The same rule applies in the case of offences allegedly committed by ministers outside the exercise of their duties and for which they are tried during the exercise of their duties. As the case may be, Articles 59 and 120 are not applicable.

The law determines the manner of proceeding against them, both when they are prosecuted and when they are tried.

The law designates the appeal court having jurisdiction, which sits in banc, and specifies its composition. The judgments of the appeal court can be appealed to the united chambers of the Supreme Court, which does not pronounce on the merits of the case.

Only the public prosecutor to the appeal court that has jurisdiction may institute and lead criminal proceedings against a minister.

Authorisation by the House of Representatives is required for any public prosecutor's request to refer the minister concerned to a particular court or to discharge him, for his direct summons before the appeal court and, except in a case of a flagrant offence, for his arrest.

The law determines the procedure to be followed when Articles 103 and 125 are both applicable.

A pardon may be granted to a minister convicted in accordance with the first paragraph only upon request by the House of Representatives.

The law determines in which cases and in accordance with which rules injured parties may institute a civil action.

### *Transitional provision*

The present article is not applicable to acts which have been the subject of a preliminary judicial investigation or to proceedings instituted prior to the

entry into force of the law implementing the article.

In such a case, the following rule applies: the House of Representatives has the right to indict ministers and to bring them before the Supreme Court. Only the united chambers of this court have jurisdiction to try ministers in cases covered by the criminal laws and by application of the penalties prescribed by such laws. The Law of 17 December 1996 concerning the temporary and partial implementation of Article 103 of the Constitution remains applicable in such cases.

#### Article 104

The King appoints and dismisses the federal secretaries of State.

These are members of the Federal Government. They do not form part of the Council of Ministers. They are deputies to a minister.

The King determines their duties and the limits within which they may receive the right to countersign.

Constitutional provisions that apply to ministers apply equally to federal secretaries of State, with the exception of Articles 90, second paragraph, 93 and 99.

### *SECTION III*

#### *ON RESPONSIBILITIES*

#### Article 105

The King has no powers other than those formally attributed to him by the Constitution and by specific laws passed by virtue of the Constitution itself.

#### Article 106

No act of the King can take effect without the countersignature of a minister, who, in doing so, assumes responsibility for it.

#### Article 107

The King bestows ranks within the army.

He appoints civil servants to positions in the general and foreign affairs administrations of the State, but for those exceptions created by the laws.

He makes appointments to other positions only by virtue of specific legal provisions.

#### Article 108

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

#### Article 109

The King sanctions and promulgates laws.

#### Article 110

The King has the right to remit or to reduce sentences passed by judges, except with regard to what has been ruled on concerning ministers and members of the Community and Regional Governments.

#### Article 111

The King may not pardon a minister or a member of a Community or Regional Government convicted by the Supreme Court, except at the request of the House of Representatives or of the Parliament concerned.

#### Article 112

The King may mint money, in execution of the law.

#### Article 113

The King may confer titles of nobility, without ever having the power to attach privileges to them.

#### Article 114

The King grants military orders, with consideration of the rules laid down by the law.

## **CHAPTER IV**

### **ON COMMUNITIES AND REGIONS**

#### *SECTION I*

##### *ON BODIES*

##### SUB-SECTION I

#### **ON COMMUNITY AND REGIONAL PARLIAMENTS**

##### Article 115

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

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

§ 2. Without prejudice to Article 137, the regional bodies referred to in Article 39 include a Parliament for each Region.

##### Article 116

§ 1. The Community and Regional Parliaments are composed of elected representatives.

§ 2. Each Community Parliament is composed of members elected directly as members of the Community Parliament concerned or as members of a Regional Parliament.

Except when Article 137 is applied, each Regional Parliament is composed of members elected directly as members of the Regional Parliament concerned or as members of a Community Parliament.

##### Article 117

Members of the Community and Regional Parliaments are elected for a period of five years. The Community and Regional Parliaments are re-elected as

a whole every five years.

Elections for the Community and Regional Parliaments take place on the same day and coincide with elections for the European Parliament.

In execution of a law as described in Article 118, § 2, fourth sub-paragraph, a federate law or a rule referred to in Article 134, passed in accordance with Article 118, § 2, fourth sub-paragraph, may derogate from the first and second paragraphs.

## Article 118

§ 1. Elections referred to in Article 116, § 2, as well as the composition and functioning of Community and Regional Parliaments are regulated by the law. Except for the Parliament of the German-speaking Community, such a law is adopted by a majority as described in Article 4, last paragraph.

§ 2. A law adopted by a majority as described in Article 4, last paragraph designates those matters relating to the election, composition and functioning of the Brussels-Capital Region Parliament, the Flemish Community Parliament, the French Community Parliament and the Walloon Region Parliament which these Parliaments regulate, each for itself, either by federate law or by rule as referred to in Article 134, according to the case. This federate law and this rule as referred to in Article 134 are adopted by a two-thirds majority of the votes cast, provided that a majority of the members of the Parliament concerned is present.

The law as described in the first sub-paragraph determines additional majority requirements with respect to the Parliament of the Brussels-Capital Region.

A law designates those matters relating to the election, composition and functioning of the Parliament of the German-speaking Community which this Parliament regulates by federate law. This federate law is adopted by a two-thirds majority of the votes cast, provided that a majority of the members of the Parliament is present.

The law as described in the first or third sub-paragraph, according to the case, may entitle the Community and Regional Parliaments to determine, each for itself, by federate law or rule referred to in Article 134, according to the case, the duration of the term for which they are elected and the date of their election. This federate law and rule referred to in Article 134 are adopted by majorities as described in the first to third sub-paragraphs.

### *Transitional provision*

After elections for the European Parliament have been held in 2014, a law passed by a majority as described in Article 4, last paragraph sets the date on



which § 2, fourth sub-paragraph, comes into force. This date is that on which Article 46, sixth paragraph and Article 65, third paragraph come into force.

#### Article 118bis

Within the national borders, the members of the Regional and Community Parliaments, referred to in Articles 2 and 3, have the right to free travel on all means of transport operated or conceded by the public authorities.

#### Article 119

A member of a Community or Regional Parliament cannot be at the same time a member of the House of Representatives. Moreover, neither can he be a senator as referred to in Article 67, § 1, 6° and 7°.

#### *Transitional provision*

This article comes into force on the day when elections take place with a view to the complete renewal of the Community and Regional Parliaments in 2014. Until this day, the following provisions apply:

“A member of a Community or Regional Parliament cannot be at the same time a member of the House of Representatives. Moreover, neither can he be a senator as referred to in Article 67, § 1, 1°, 2°, 6° and 7°.”

#### Article 120

All members of Community and Regional Parliaments benefit from the immunities described in Articles 58 and 59.

### SUB-SECTION II ON COMMUNITY AND REGIONAL GOVERNMENTS

#### Article 121

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

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

§ 2. Without prejudice to Article 137, the regional bodies referred to in Article 39 include a Government for each Region.

#### Article 122

Members of each Community or Regional Government are elected by their Parliament.

#### Article 123

§ 1. The law establishes the composition and functioning of the Community and Regional Governments. Except with regard to the Government of the German-speaking Community, this law is adopted by a majority as described in Article 4, last paragraph.

§ 2. A law adopted by a majority as described in Article 4, last paragraph designates those matters relating to the composition and functioning of the Brussels-Capital Region Government, the Flemish Community Government, the French Community Government and the Walloon Region Government which their Parliaments regulate, each one in so far as it is concerned, either by federate law or by rule as referred to in Article 134, according to the case. This federate law and this rule referred to in Article 134 are adopted by a two-thirds majority of the votes cast, provided that a majority of the members of the Parliament concerned is present.

The law as described in the first sub-paragraph determines additional majority requirements with respect to the Parliament of the Brussels Capital Region.

A law designates those matters relating to the composition and functioning of the government of the German-speaking Community which the Parliament of this Community regulates by federate law. This federate law is adopted by a two-thirds majority of the votes cast, provided that a majority of the members of the Parliament is present.

#### Article 124

No member of a Community or Regional Government can be prosecuted or be the subject of any investigation with regard to opinions expressed and votes cast by him in the exercise of his duties.

## Article 125

Members of a Community or Regional Government are tried exclusively by the appeal court for offences they have allegedly committed in the exercise of their duties. The same rule applies in the case of offences allegedly committed by members of a Community or Regional Government outside the exercise of their duties and for which they are tried during the exercise of their duties. As the case may be, Articles 120 and 59 are not applicable.

The law determines the manner of proceeding against them, both when they are prosecuted and when they are tried.

The law designates the appeal court that has jurisdiction, which sits in banc, and specifies its composition. The judgments of the appeal court can be appealed to the united chambers of the Supreme Court, which does not pronounce on the merits of the case.

Only the public prosecutor to the appeal court having jurisdiction may institute and lead criminal proceedings against a member of a Community or of a Regional Government.

Authorisation by the Parliament of the Community or Region, each one for matters of its concern, is required for any public prosecutor's request to refer the member concerned to a particular court or to discharge him, for his direct summons before the appeal court and, except in a case of a flagrant offence, for his arrest.

The law determines the procedure to be followed when Articles 103 and 125 are both applicable and when there is a double application of Article 125.

A pardon may be granted to a member of a Community or Regional Government convicted in accordance with the first paragraph only upon request by the Community or Regional Parliament concerned.

The law determines in which cases and in accordance with which rules injured parties may bring a civil action.

The laws referred to in the present article must be adopted by a majority as described in Article 4, last paragraph.

### *Transitional provision*

The present article is not applicable to acts which have been the subject of a preliminary judicial investigation or to proceedings instituted prior to the entry into force of the law implementing the article.

In such a case, the following rule applies: the Community or Regional Parliament concerned has the right to indict members of their Government and to bring them before the Supreme Court. Only the united chambers of this court have jurisdiction to try ministers in cases covered by the criminal laws

and by application of the penalties prescribed by such laws. The special Law of 28 February 1997 concerning the temporary and partial implementation of Article 125 of the Constitution remains applicable in such cases.

## Article 126

Constitutional provisions that apply to members of the Regional and Community Governments, as well as the implementing laws referred to in Article 125, last paragraph apply equally to Regional secretaries of State.

## SECTION II

### ON RESPONSIBILITIES

#### SUB-SECTION I

#### ON THE RESPONSIBILITIES OF THE COMMUNITIES

## Article 127

§ 1. The Parliaments of the Flemish and French Communities, each one in so far as it is concerned, regulate by federate law:

- 1° cultural matters;
- 2° education, with the exception of:
  - a) the setting of the beginning and of the end of compulsory education;
  - b) minimum standards for the granting of diplomas;
  - c) the pension scheme;
- 3° cooperation between the Communities, as well as international cooperation, including the concluding of treaties for those matters referred to in 1° and 2°.

A law adopted by a majority as described in Article 4, last paragraph designates the cultural matters referred to in 1° and determines the forms of cooperation referred to in 3°, as well as the specific arrangements for the concluding of treaties referred to in 3°.

§ 2. These federate laws have the force of law in the Dutch-speaking and French-speaking regions respectively, as well as in those institutions established in the bilingual region of Brussels-Capital which, because of their activities, must be considered as belonging exclusively to one Community or the other.

## Article 128

§ 1. The Parliaments of the Flemish and French Communities regulate by federate law, each one in so far as it is concerned, person-related matters, as well as, in such matters, cooperation between the Communities and international cooperation, including the concluding of treaties.

A law adopted by a majority as described in Article 4, last paragraph designates such person-related matters and determines the forms of cooperation, as well as the specific arrangements for the concluding of treaties.

§ 2. These federate laws have the force of law in the Dutch-speaking and French-speaking regions respectively, as well as – unless a law adopted by a majority as described in Article 4, last paragraph determines otherwise – with regard to those institutions established in the bilingual region of Brussels-Capital which, because of their organisation, must be considered as belonging exclusively to one Community or the other.

## Article 129

§ 1. The Parliaments of the Flemish and French Communities, to the exclusion of the federal legislator, regulate by federate law, each one as far as it is concerned, the use of languages for:

- 1° administrative matters;
- 2° education in the establishments created, subsidised or recognised by the public authorities;
- 3° social relations between employers and their personnel, as well as company acts and documents required by the law and by regulations.

§ 2. These federate laws have the force of law in the Dutch-speaking and French-speaking regions respectively, except as concerns:

- the municipalities or groups of municipalities adjacent to another linguistic Region and in which the law prescribes or permits the use of another language than that of the Region in which they are located. For these municipalities, a change to the rules governing the use of languages in the matters as described in § 1 may be made only by a law adopted by a majority as described in Article 4, last paragraph;
- services whose activities extend beyond the linguistic region within which they are located;
- federal and international institutions designated by the law whose activities are common to more than one Community.

## Article 130

§ 1. The Parliament of the German-speaking Community regulates by federate law:

- 1° cultural matters;
- 2° person-related matters;
- 3° education, within the limits established by Article 127, § 1, first subparagraph, 2°;
- 4° cooperation between the Communities, as well as international cooperation, including the conclusion of treaties, for matters referred to in 1°, 2° and 3°;
- 5° the use of languages for education in establishments created, subsidised or recognised by the public authorities.

The law designates the cultural and person-related matters referred to in 1° and 2° and determines the forms of cooperation referred to in 4°, as well as the manner in which treaties are concluded.

§ 2. These federate laws have the force of law in the German-speaking region.

## Article 131

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

## Article 132

The right to propose legislation belongs to the Community Government and to the members of the Community Parliament.

## Article 133

Only the federate law can give an authoritative interpretation of federate laws.

## SUB-SECTION II ON THE COMPETENCES OF THE REGIONS

### Article 134

Laws passed in order to execute Article 39 determine the judicial force of the rules which the bodies that they create enact in matters which they determine.

They can confer to these bodies the power to pass federate laws that have the force of law, within the jurisdiction and in the manner that they determine.

## SUB-SECTION III SPECIAL PROVISIONS

### Article 135

A law adopted by a majority as described in Article 4, last paragraph designates the authorities which exercise for the bilingual region of Brussels-Capital the competences not assigned to the Communities in the matters referred to in Article 128, § 1.

### Article 135bis

A law passed by a majority as described in Article 4, last paragraph can attribute to the Region of Brussels-Capital, for the bilingual region of Brussels-Capital, powers that have not been assigned to the Communities in the matters referred to in Article 127, § 1, first sub-paragraph, 1° and in the same sub-paragraph, 3°, insofar as this 3° concerns matters referred to in the aforesaid 1°.

### Article 136

There are linguistic groups within the Parliament of the Brussels-Capital Region, as well as executive colleges, responsible for Community matters; their composition, functioning and competences and, without prejudice to Article 175, their financing are regulated by a law adopted by a majority as described in Article 4, last paragraph.

The colleges together form the United College, which acts as a consultation and coordination body between the two Communities.

#### Article 137

With a view to the application of Article 39, the Parliaments of the Flemish and French Communities, as well as their respective Governments, may exercise the competences, respectively, of the Flemish Region and of the Walloon Region, under the conditions and according to the terms set by the law. This law must be adopted by a majority as described in Article 4, last paragraph.

#### Article 138

The Parliament of the French Community, on one hand, and the Parliament of the Walloon Region and the French linguistic group of the Parliament of the Brussels-Capital Region, on the other hand, may decide by common accord and each by federate law, that in the French-speaking region, the Parliament and the Government of the Walloon Region and, in the bilingual region of Brussels-Capital, the French linguistic group of the Parliament of the Brussels-Capital Region and its executive college exercise, in full or in part, competences of the French Community.

These federate laws are adopted by a two-thirds majority of the votes cast within the Parliament of the French Community and by absolute majority of the votes cast within the Parliament of the Walloon Region and within the French linguistic group in the Parliament of the Brussels-Capital Region, provided that a majority of the Parliament members or of the members of the linguistic group concerned is present. They can regulate the financing of the competences which they designate, as well as the transfer of personnel, assets, rights and obligations linked with these competences.

These competences are exercised, according to the case, by means of federate laws, decisions or regulations.

#### Article 139

Upon proposal by their respective Governments, the Parliament of the German-speaking Community and the Parliament of the Walloon Region can, each by federate law, decide by common accord that the Parliament and the Government of the German-speaking Community exercise, in whole or in part, competences of the Walloon Region.

These competences are exercised, according to the case, by means of federate laws, decisions or regulations.



## Article 140

The Parliament and the Government of the German-speaking Community exercise by means of decisions and regulations all other competences attributed to them by the law.

Article 159 is applicable to these decisions and regulations.