



Belgium Report

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Sustainable Governance Indicators 2022

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Executive Summary

Belgium is a country of 31,000 km² located at the heart of northwestern Europe. It is densely populated (11.6 million inhabitants) and very open to the rest of the world. This is a strong asset that the country normally exploits very well, but which turned into a weakness when the COVID-19 pandemic hit.

One of the main reasons for Belgium's openness is institutional: the country hosts the headquarters of several supranational institutions (prominently the European Commission, the European Council and NATO) and the headquarters of several multinational corporations. Perhaps related, the country has a history of migration, both in and out. The country's capital, Brussels, is now home to people from 179 different nationalities; about a third of its population is not Belgian.

The Belgian economy is globally healthy and quality-of-life indicators are globally advantageous, although with a few sticking points that we extensively discuss in this report. The country's 2019 GDP reached €478 billion (or \$614 billion). GDP per capita is the eighth-highest in the EU, ahead of France but behind Germany – Eurostat data). In real terms, GDP had grown by 35% above its 2000 level (to be compared with about 27% for France and Germany, or 4% for Italy, according to IMF data). The unemployment rate was 5.4% in 2019, a good performance both by recent historical standards and better than the euro area average. However, after the eruption of the pandemic, GDP contracted by 6.3% and was not forecast to have fully recovered in 2021.

The flipside of this high degree of internationalization is that, like the rest of Europe, Belgium was hit suddenly and severely by the COVID-19 pandemic in March 2020. The crisis was compounded by the inability of the country to respond promptly and appropriately to the shock. While the initial vulnerability was clearly beyond the country's (or Europe's for that matter) control, the delayed and initially clumsy response was a sign of the country's institutional complexity and political stasis. On the other hand, after the end of 2020, the country managed to turn the tables and perform better than most of its regional peers.

While debates about what would have been the most appropriate response will remain with us for some time, we can already venture some conjectures about causes and effects.

To start with, why did the pandemic impact European countries, including Belgium, so hard? Available evidence suggests that initial conditions predestined Europe to high hospitalization and eventually mortality, rates. For example, COVID-19 is particularly lethal for older and overweight people, and Belgium's population is old and overweight indeed: the median age is 42 years (44 for the EU), 25% of the population is 60 or older (27% for the EU), and 50% are overweight (53% for the EU). These risk factors were exacerbated by the country's international openness and high population density. Finally, Europeans travel extensively and commute via public transportation, facilitating the transmission of a virus like the coronavirus. All this helps explain why Belgium was exposed to a comparatively sudden and significant wave of infections in March 2020, which resulted in one of the world's highest official COVID-19 death tolls per capita during the first wave (with hindsight, excess mortality was similar in neighboring countries; this reveals that, when there was doubt, and in contrast to most other countries, Belgium's statistical procedures assigned deaths to COVID-19).

How to evaluate the country's policy response? Initially, authorities were sanguine, then sluggish, until a rather stringent lockdown was implemented in the second half of March 2020. This delayed government response can be understood only through the fractured political landscape inherited from the regional, federal and European elections of May 2019. That election penalized incumbent parties and produced a highly fractionalized parliament, producing largely opposed majorities between the North (Flanders) and the South (Wallonia) of Belgium. This made the formation of a federal government nearly impossible. It was actually a caretaker government that was in place when the pandemic hit the country, with a substitute prime minister and a diminished minister of health whose main experience was in curbing the costs of healthcare via a variety of restrictions.

For historical reasons, Belgium's institutional setup is also exceedingly complex: The federal government does not have authority over subnational entities, and each entity has both a minister of health and other ministers (say, of education) that possess some competence relevant to rolling out a COVID-19 response. In total, Belgium features nine different ministers with some healthcare responsibility, with no formal hierarchy between them. Any element of policy response required corralling all of them into making a joint decision. The structures meant to produce a swift response were simply absent,

and the caretaker government eventually had to request temporary special powers to enforce coordination during the first wave.

On the economic front, however, the Belgian response was significant and effective. Armed with the experience of the 2008 economic crisis, the government rapidly organized temporary unemployment measures, together with relatively targeted support to ensure that private companies (including SMEs) did not suffer too much from cashflow problems. The measures probably erred on the side of caution; bankruptcy rates in 2020 and 2021 actually reached long-term lows. But the response was effective at limiting the contraction in the GDP and the rise in unemployment during the pandemic. It likely contributed to the solid economic recovery experienced by the country in 2021.

The political situation evolved only when the second wave of the pandemic loomed in the autumn of 2020. This time, political parties realized they had to form a new, full-fledged government despite their ideological differences. After a year and a half of failed attempts, a grand coalition formed under the leadership of the right-of-center Prime Minister Alexander De Croo. The second most prominent figure was probably the left-of-center Health Minister Frank Vandenbroucke. This government instituted improved procedures for coordinating the different federated entities and organizing a more coherent response to the pandemic.

The country's handling of the second wave turned out to be quite effective in regional comparison. Belgium actually managed to avoid another wave in the first months of the year 2021, unlike France for instance. Helped by delays in the delivery of vaccines across the continent, the country also managed to mount an effective vaccination response, and now boasts a vaccination rate close to 80% for the entire population (94% among those 65 and older). As soon as vaccination rates advanced, and whenever the sense of emergency receded, however, political tensions came back to the fore, both between the different subnational governments and within the government coalition.

The pandemic response, both in its strengths and its failures, epitomizes Belgium: when pressed, it has the required talent and industry (a significant share of Pfizer's vaccines are produced in Belgium, for example) to move forward, innovate, and offer a good or very good performance, both economically and socially. But all too often, this energy and force of innovation is misdirected into rent-seeking and self-damaging measures that handicap the country.

Technological and environmental changes will pose many important challenges, that will require hard decisions and leadership. Belgium's fractured political landscape risks producing very mixed responses to these challenges as well.

Citation:

"Brussels, is now home to people from 179 different nationalities; about a third of its population is not Belgian": <https://brussels-express.eu/one-three-inhabitants-brussels-not-belgian/>.

Excess mortality compared to officially reported COVID-19 deaths: <https://www.economist.com/graphic-detail/coronavirus-excess-deaths-estimates>

Key Challenges

Before the pandemic hit the continent, many countries in the European Union, including Belgium, were still trying to recover from the global economic and euro crises of 2008-2011. Economic growth was anemic (below 2% a year), perceived inequalities were rising, and political fractionalization followed. Belgium, like many surrounding countries, was finding it difficult to determine how to transition toward a renewed dynamic that would be more encompassing than in previous years.

The pandemic exacerbated all of these weaknesses, while also forcing policymakers to examine solutions that would make it possible to organize a coordinated and inclusive response to shocks of historical proportions. However, it also made terribly clear that political and other tensions tend to be quelled only under extreme and urgent circumstances. Environmental challenges and technological transformations will require tremendous adjustments, but do not seem to produce the same sense of emergency. Deep adjustments in the country's economic and technological structure will likely be needed, which will require effective coordination and leadership from authorities, as well as foresight. While the country has many technological advantages, the COVID-19 experience highlights the need for enhanced, inclusive and coordinated leadership.

One of the immediate tests the country will face is the energy transition, with a need to effect a switch in electricity production: organizing the phase-out of nuclear and fossil-fuel-based electricity production, while simultaneously addressing the expanding needs of the industry and of the population. Failure to do so risks creating electricity shortages with potentially damaging consequences for the country's reputation and economic fabric.

Another challenge will be to improve the education system to allow it to address the demand for new (increasingly unmet) skills within an evolving

economic landscape. Finally, the country must revivify its institutional capacity: for example, the justice and higher education systems are substantially underfunded, while healthcare spending is slightly above the EU average, but the coronavirus crisis has tested the limits of previous cost-cutting measures. Other reforms, including of the pension system and related budget sustainability measures, have been delayed for too long. Up to this point in time, Belgium has been able to coast on a strong initial position, but the time to change course actively is now past.

Belgium is not structurally well equipped to meet these major challenges. On the one hand, it does possess a lot of scholarly expertise, an overall diversified economy, a skilled labor force, quite well-developed and dense infrastructures, a broad multiparty system that enables diverse citizens to at least “feel represented” by political elites, and a strong terrain of intermediate organizations including employers’ organizations, trade unions and very diverse civil society organizations. On the other hand, the very cumbersome institutional structure that has been put in place after six successive state reforms from 1970 onward is generating multiple bottlenecks. The multiplicity of players (multiple parliaments, governments and ministers; so that up to nine distinct federal, regional and community ministers end up sharing the health portfolio, for instance), the absence of constitutional hierarchy between the federal and regional/community levels, and the asymmetrical party systems in the North (more right-wing) and the South (more left-wing) of the country all contribute to deadlocks, veto games, and eventually policy responses that are often suboptimal and sluggish. The overarching issue is: How, possibly via a seventh state reform, can a more “mature and constructive” federal model be designed that is both policy-efficient and effective? This might require the re-federalization of some competences that have been delegated to regional or community authorities – an eventuality that remains absolutely taboo at least for the country’s strongest party, the Flemish Nationalist N-VA. And yet, one way or the other, the country’s political elites will need to find a way to create more homogeneous “packages” of competences, at both the federal and the regional/community levels.

Party Polarization

The COVID-19 crisis has been a terribly hard stress test for democratic countries, Belgium included. It brought back to the fore questions and tradeoffs perhaps not explicitly discussed since World War II, in particular how far a government may restrict its citizens’ freedom to meet, move, assemble or even exit their homes. Combined with different majorities in

Belgium's federated entities (Flanders, Brussels Capital region and Wallonia), these issues significantly increased polarization in the country: between left and right, between some Flemish and Francophone political leaders, and not least between population subgroups. It pitted the poor against the wealthy, the conventionally employed against the entrepreneur, the foreign-born against the native Belgians, and economic sectors against each other.

Parties that initially positioned themselves to the right in terms of economic freedom slid further to the right, whereas those that initially positioned themselves to the left in terms of the government needing to intervene to correct social and market failures slid further to the left. This polarization was reinforced by an increasing share of the vote (and hence number of seats) having gone to radical left (mainly in Wallonia) and radical right (mainly in Flanders) parties in the 2019 parliamentary elections. Trust in government dropped significantly.

Nonetheless, in a global perspective, this polarization may be less handicapping in Belgium than in some other countries. Polarization is probably less strong than in the United States or in France, and less harmful than in the United Kingdom, but definitely stronger than in Germany and more harmful to government efficiency than in France, due to the higher degree of fractionalization in government and in particular a form of competition between the federal and federated entities, reinforced by debates over the whole COVID-19 response. (Score: 4)

Citation:

<https://www.lesoir.be/411979/article/2021-12-13/grand-barometre-la-crise-de-confiance-envers-les-politiques-se-confirme>

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Sustainable Policies

I. Economic Policies

Economy

Economic Policy
Score: 6

Located at the heart of the euro area and the European Union, Belgium is a small open economy. It thus faces very strong external competition from foreign producers. This motivated the Belgian government in July 1996 to enact a law for the “promotion of employment and preventively safeguard competitiveness” (see Bogaert 2012 for a detailed historical overview). This law both supports and limits wage negotiations across the country; wages may increase above the inflation rate, but by an amount that is limited to the wage increases in neighboring countries. This upward limit is of course regularly challenged by trade unions, but the authorities in charge of implementing them are systematically careful to maintain the safeguards in place (see also the communiqué by Pieter Timmermans, the Enterprises Union’s director, in 2021).

A second pillar of the Belgian policy is the goal of increasing private and public R&D spending combined to above 3% of GDP (a European Target since 2002). Data released in 2021 showed that this milestone was reached in 2019.

In terms of total economic impact, these policies are in some senses effective, but have failed to make Belgium more competitive than its neighbors. Indeed, while Belgian exports are expected to grow by about 3% per annum over the medium term; and corporate investment by about 2% (their share in the Belgian GDP should thus keep expanding), the market share of Belgium within the EU is not progressing, and is indeed falling behind that of the Netherlands or Germany, two of the reference neighbors in the 1996 law (see also “Tax Policy”). Belgium’s trade balance has moderately degraded since the early 2000s. The coronavirus crisis provided a boost to exports, since the country is home to vaccine production factories. But this risks being only a

temporary reversal to a long-term trend of falling market shares in the area of high-value-added exports.

Citation:

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Timmermans, Pieter (22 September 2021) “La loi de 1996 est plus que jamais nécessaire!”, https://www.feb.be/domaines-daction/economie-conjoncture/competivite/la-loi-de-1996-est-plus-que-jamais-necessaire-_2021-09-22/

Federal Government Press Communiqué (July 2021): “Recherche et Développement (R&D) : la Belgique franchit pour la première fois le cap des 3% du PIB” <https://dermine.belgium.be/fr/recherche-et-d%C3%A9veloppement-rd-la-belgique-franchit-pour-la-premi%C3%A8re-fois-le-cap-des-3-du-pib>

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Schwab, Klaus and Sala-i-Marti, Xavier (2017). The Global Competitiveness Report 2017–2018. World Economic Forum editor.

Productivity growth is slowing: <http://www.oecd.org/global-forum-productivity/country-profiles/belgium.htm>

Reforms and economic perspective: http://www.plan.be/admin/uploaded/201606211317350.FOR_MIDTERM_1621_11276_F.pdf

Too little entrepreneurship: http://www.plan.be/admin/uploaded/201606240814370.WP_1606.pdf

Labor Markets

Labor Market
Policy
Score: 7

Despite an economic growth rate that has been consistently below 2% since 2010, a slate of reforms had produced the lowest unemployment rate for more than 25 years right before the onset of the coronavirus crisis. However, Belgium’s neo-corporatist and consociational system remains complex, and protects specific pockets of jobs over non-traditional forms of employment. This produces structural mismatches between the demand and supply of skills, and according to a study by Bodart, Dejemeppe and Fontenay (2019), helps explain why Belgium’s employment rate (which increased from 67% in 2011 to 70.5% in 2019) has continuously trailed Germany’s (76.5% in 2011; 80.6% in 2019).

The Michel I cabinet (2014-18) took steps to encourage labor market participation by gradually increasing retirement age, restricting access to unemployment benefits and reducing labor costs. One of these measures was a (rather badly designed) decision to allow people to undertake “small jobs” (less than €6,340 per year) without having to pay taxes. This lack of a comprehensive policy showed its limits with the coronavirus crisis, when

socioeconomically disadvantaged adolescents who had to work to maintain a living went slightly beyond this threshold, say by 25€ and found themselves having to pay thousands of euros in social security and tax arrears (see the December 2020 article from Le Soir).

An important ruling in December 2021 over the Deliveroo platform defined the company's gig workers as independent contractors, which should open many doors to the gig economy in Belgium. A week earlier, another ruling, against Uber, forbade that company from operating in Brussels, forcing the regional government to improvise a legal quick fix to allow them to resume operations a couple of weeks later. Such mishaps may eventually trigger a more comprehensive review of the incentives to work, which would hopefully result in a much more dynamic job market within a decade.

Insofar as traditional employer-employee jobs are concerned, Belgium's consociational system provides a much more fruitful policy framework. In particular, the 2008 crisis shock already induced Belgium to undertake partial unemployment measures that protected jobs by offering financial support to employers. Such schemes were rapidly resuscitated in 2020, and were extended to the self-employed and the companies most impacted by the lockdowns across multiple sectors.

Citation:
Council of Europe's recommendations: <https://eur-lex.europa.eu/legal-content/EN/TXT/?qid=1560258016104&uri=CELEX:52019DC0501>
Bodart, Dejemeppe, and Fontenay (2019) "Évolution de l'emploi en Belgique : tentons d'y voir plus clair," Regards Economiques No 146.
OECD's analysis:

<https://www.oecd-ilibrary.org/sites/83a87978-en/index.html?itemId=/content/publication/83a87978-en>

Articles about gig economy:

<https://plus.lesoir.be/344780/article/2020-12-21/impots-des-livreurs-sommes-de-rembourser-plusieurs-milliers-deuros>

<https://www.lesoir.be/411251/article/2021-12-08/les-coursiers-deliveroo-sont-des-independants-les-details-du-jugement>

<https://www.lesoir.be/408442/article/2021-11-24/uberx-force-linactivite-des-vendredi-soir-bruxelles>

Taxes

Tax Policy
Score: 6

During the 2010s, the Belgian federal government managed to reduce its deficit from a peak of 4.3% in 2011-12 down to 0.8% in 2018. It crept back to 1.9% in 2019 (an election year) and jumped to 7.2% in 2020 in the wake of the COVID-19 crisis. In its 2021 forecast, the Federal Planning Bureau expects this deficit to remain as high as 5.6% of GDP through 2026, highlighting the need for deep tax and other reforms. The tax wedge on labor is among the

OECD's highest according to the 2021 Taxing Wages report (Tables 3.2 & 3.3). Corporate taxation was reformed in 2017, on Christmas day, with the nominal tax rate reduced to 25% as of 2021 (20% for small companies).

The tax-to-GDP ratio was destabilized by the COVID-19 crisis in ways that are unlikely to reflect future trends. Yet according to the European Commission, it remains true that tax revenues are significantly more concentrated on labor and capital revenue than the EU average. By contrast, the share of revenue provided by indirect taxes is below the EU average. Belgium's revenues from environmental taxes are slightly above the European average, and are more substantial than in France or Germany, but lower than in the Netherlands, which is Belgium's closest competitor and typical reference point. Furthermore, Belgium was one of the countries with the highest increases in average effective carbon tax rates in the road sector between 2015 and 2018 (OECD 2019). However, this increase was only due to an increase in average fuel excise tax rate, which itself could raise equity concerns. In terms of export performance, Eurostat data show that Belgian export volumes grew by 38% between 2005 and 2020. This is more than twice the comparable rate in France, but close to 20 percentage points below the German performance, and half that of the Netherlands.

Citation:

<https://finances.belgium.be/sites/default/files/downloads/121-reforme-isoc-2018.pdf>
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Budgets

Budgetary Policy
 Score: 6

Between 2014 and 2019, Belgium's public debt decreased from 107% to 97.7% of GDP. In 2020, as in all other OECD countries, the COVID-19 crisis called for massive public intervention to stabilize the economy. This intervention was successful in the case of Belgium. This increased the debt-to-GDP ratio to 112.8% by the end of 2020 (Eurostat data). Importantly, while the Belgian debt ratio was the fourth-highest in the EU in 2019, it fell to the

seventh-highest in 2020, a sign of the efficacy of the Belgian stabilization program.

Belgium's history of high levels of public debt since the 1970s also gives it an advantage in terms of debt management. According to government officials, the debt maturity has been lengthened to a great extent. This will protect Belgium from interest rate swings over the coming years.

While this is evidence of excellent debt management, the long-term sustainability of the public finances may need to be improved. Due to its consistently high levels of public debt, Belgium was already in the preventive arm of the Stability and Growth Pact, and subject to the debt rule of the European Semester. The complex and inefficient federal constitution also increases the number of institutions that can contract debt, and prevents a coordinated debt reduction policy.

By 2050, the budgetary cost of population aging is estimated to reach 30% of GDP (Federal Planning Bureau, July 2021), with variability of about +3 percentage points possible in case of slower migration or productivity growth, and of about -1.4 points in case of unexpectedly high mortality rates among the elderly or higher migration rates. Altogether, while the financial position of the federal government remains solid, that of the federated entities has been weakened by the COVID-19 crisis and by the floods that hit Wallonia in the summer of 2021. In December 2021, Moody's "downgraded by one notch the ratings of Communauté Française de Belgique, community of Flanders, the Walloon region, as well as two government-related issuers (GRIs)." The rating of the Walloon region dropped from A2 to A3 (upper medium grade, one notch above Baa grade), and that of Flanders from Aa2 to Aa3 (still in the high-quality range).

The Council of Europe's "semester" was largely suspended due to the COVID-19 crisis. Back in 2019, it highlighted the tax reforms as potentially growth enhancing, and the Council stated: "The composition and efficiency of public spending can be improved in order to create space for more public investment. In spite of a recent decrease, total expenditure as a share of GDP in Belgium remains among the highest in the euro area. ... Given the high level of public expenditure, the outcomes of certain policies and the quality of certain public services raises questions of cost efficiency. Spending reviews and policy evaluations can help Belgium prioritize and improve the efficiency of public expenditure. Furthermore, spending reviews could be used to assess the efficiency of the indirect public support for business research and development."

Fast forward to 2021: Today, the European NextGenerationEU Recovery and Resilience Facility translates into an almost €6 billion plan in Belgium. Fully 88% of the plan targets investments in physical capital (FPB, April 2021). The Federal Planning Bureau expects a 0.2-percentage-point GDP boost in the short run due to demand-side effects (or a peak impact of 4,000 jobs with a public investment of €1.5 million per job), and a long-term 0.1-percentage-point GDP boost (or 1,000 jobs) in the long run, due to enhanced productivity and capital, before the effects of enhanced export prospects are taken into account.

Two main critiques emerged in the press: first, many of the proposed measures just recycle pre-existing government wishes, and some are not targeted at enhancing the economy's dynamism (such as the renovation of the palace of justice in Brussels). Second, the Walloon plan lacks strategic thinking and prioritization: It is a laundry list of 319 measures, without key performance indicators or any proposed assessment of their efficacy. This is exactly the issue that was raised by the Council of Europe two years earlier.

Citation:

[https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32018H0910\(01\)&from=EN](https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32018H0910(01)&from=EN)

FPB:

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http://www.indicators.be/en/i/SDI_G04_LLL/Lifelong_learning

<https://www.plan.be/press/communique-1788-fr-perspectives+a+cinq+ans+pour+l+economie+belge+ralentissement+de+la+croissance+economique+taux+de+chomage+au+plus+bas+et+pas+de+retour+a+l+equilibre+budgetaire+sans>

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Research, Innovation and Infrastructure

R&I Policy
Score: 6

R&D policy is shared between the federal government, which can offer tax incentives, and the subnational (regional and community) governments, which are responsible for managing the bulk of European subsidies and supporting university R&D and related projects. This increases subnational accountability but hurts coordination and limits economies of scale. According to KPMG, a consultancy, Belgium has “increased its attractiveness as a prime location for

companies involved in research and development activities and in the exploitation of patents.” The country’s location, transportation facilities and infrastructure offer considerable advantages to potential investors, KPMG says.

General investment levels have declined across the OECD since the onset of the financial crisis in 2007. Belgium withstood that negative trend comparatively well, with investment as a share of GDP hovering around 23% (comparable to France and Austria, and three points above Germany or the Netherlands, according to IMF data). Specific R&D investment stands at 2.5% of GDP, which is lower than in Germany, Denmark and Austria, but ahead of France, the Netherlands or the EU average (Eurostat data).

In spite of this, Belgium still suffers from a chronic shortage of new and innovative enterprises. Dumont and Kegels (2016) write that “Belgium performed rather well in terms of net job creation over the period 2000 – 2014, in comparison with [...] neighboring countries. [...] However, our results underline the importance of the decrease in industry-level productivity growth as the main explanation of the aggregate productivity-growth slowdown. [...] Belgium stands out unfavorably from other OECD countries, in its low entry of new firms. [...] The specific tax benefit for young innovative companies, introduced by the Belgian federal government in 2006, and the Startup Plan that was initiated in 2015, seem to be good practice in targeting tax incentives on young firms [... It] seems that access to finance is the major barrier for entrants and young firms in Belgium. [...] Despite improved fiscal incentives, Belgium remains technologically considerably behind other European countries of a similar size such as Denmark and the Netherlands. While some indicators such as patent registration and monetary returns may be improving, the technological content of the country’s exports is progressively eroding. Universities are chronically underfunded [...]. This should not overshadow important exceptions; a highly skilled work force is present, and fiscal incentives have attracted some research-intensive firms in the chemical, pharmaceutical, and more recently computer-science sectors (such as Google, in the latter category).”

As a silver lining, the COVID-19 crisis displayed the dynamism of the Belgium-based pharmaceuticals industry, with vaccine production and new upcoming technologies well represented in the country.

Dumont and Kegels (2016): http://www.plan.be/admin/uploaded/201606240814370.WP_1606.pdf

Eurostat on R&D expenditures:

<http://ec.europa.eu/eurostat/tgm/graph.do?tab=graph&plugin=1&pcode=tsc00001&language=en&toolbox=data>

IMF for total investment:

http://www.imf.org/external/pubs/ft/weo/2017/02/weodata/weorept.aspx?pr.x=20&pr.y=14&sy=1998&ey=2022&scsm=1&ssd=1&sort=country&ds=.&br=1&c=122%2C124%2C138%2C132%2C134&s=NID_NGDP&grp=0&a

Global Financial System

Stabilizing
Global Financial
System
Score: 8

Belgian banks suffered extensively during the global financial and economic crisis, and the Belgian government was more proactive than many of its European peers in restructuring banks. Yet Belgium is clearly too small to be able to restore financial stability alone. Indeed, some of the largest Belgian banks are structurally linked to other European banks, or have in fact become subsidiaries of larger banks with headquarters based in neighboring countries (e.g., ING, BNP Paribas). This has led the government to promote international efforts to restore financial stability and combat financial fraud and tax evasion (from which Belgium is a clear loser, in spite of repeated initiatives to recover revenues lost through tax evasion using banks based in countries such as Luxembourg). Belgium also took an active part in the creation of the so-called banking union in the euro area, and has sought to improve banking supervision within its borders. Various scandals such as the Panama and Paradise papers press leaks have also given new impetus to the government's efforts to improve banking transparency. Indeed, some Belgian investigative journalists were instrumental in these projects, working alongside peers from other countries. In October 2018, Belgium's judiciary was granted comprehensive access to citizens' financial records. The purpose is to improve the fight against financial criminal activities, as investigators previously could only access citizens' financial information through the banks and credit institutions.

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II. Social Policies

Education

Education Policy
Score: 6

OECD data show that Belgium invests more than the OECD average on education (,322 per student vs an OECD average of \$10,454) and yet achieves one of the lowest “proportion of 25- to 64-year-olds who attained a doctoral or equivalent tertiary education degree” (OECD, EAG 2021). That proportion

was just 0.6% of the population, placing Belgium at rank 28 out of 36 countries in 2020.

Altogether, the evidence suggests that Belgium is a top performer in the early stages of education (with 98% of three- to five-year-olds enrolled in early childhood education, 10 percentage points above the OECD average); however, the country fails to sustain that performance in later stages. Recurrent problems include the lack of integration of less well-off populations (non-native speakers being a case in point) and the increasingly substantial underfunding of tertiary education.

Over the last decade, the decline in education indicators prompted a flurry of reforms by both the Flemish and Francophone subnational authorities (education is a decentralized competence). However, being overly complicated and ill-designed, most of these reforms actually had adverse effects.

As a result, many available job vacancies remain unfilled, while job-seekers cannot find employment (see the Council of the European Union's recommendations for Belgium, the World Economic Forum's Global Competitiveness Report, and Dumont and Kegels (2016)). The Flemish community is trying to address the mismatch problem by improving the financing of higher education and has initiated a specific science, technology, engineering and mathematics program. Though this approach has not yet produced concrete results.

The general affordability of education helps render access to tertiary education equitable on paper. University fees remain quite low (€35 per year in French-speaking universities, about €60 in Flemish universities). De facto discriminatory factors include the minimal study grants for poorer students, and the increasingly overcrowded classrooms. As reported by Vanden Bosch (2014), the European Commission has also pointed to the "lack of coherence between education and employment policies, given the specific needs of the migrant population." Nonetheless, it is altogether fair to say that higher education fares well in terms of quality, both in universities and in the country's diverse non-university higher education institutions.

Citation:

OECD: Overview of the education system (EAG 2021)

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Social Inclusion

Social Inclusion
Policy
Score: 7

Belgium is a quite inclusive and socially progressive society. It is among the first countries to have legalized gay marriage, facilitated euthanasia in case of terminal illness, and so on. On 26 March 2020, “the Belgian government decided to put in place a system allowing the automatic identification of potential beneficiaries of increased reimbursement of healthcare costs. The decision is part of a broader approach aiming to reduce non-take-up of benefits. It builds on extensive academic research on the positive impact of automation of access to social rights, such as strengthening the effectiveness of social policy and reducing non-justifiable inequalities and hard-to-cure poverty” (ESPN report, 17/4/2020).

Another inclusion tool is the automatic wage indexation granted to salaried workers, which triggered a wage increase of nearly 4% in January 2022. However, this did not prevent national strikes organized by workers’ unions that argued in favor of higher wage increases to compensate for the decreasing share of labor in GDP. This observation is confirmed by hard data: the eventual impact of wage indexation on the share of compensation of employees in GDP appears to be relatively limited (it stood at 49.2% in 2018, as compared with 47.8% across the euro area as a whole).

Belgium is also the last EU country to offer unemployment benefits that are potentially unlimited in time. Several ongoing initiatives are aiming at reining in these unemployment-benefit entitlements. Finally, according to official statistics, income inequality is also slightly more limited than in the rest of the EU (14.1% of the Belgians were considered to be “at risk of poverty” in 2020 according to StatBel (15/06/2021), as compared with a euro area average of 16.4% according to Eurostat). Yet close to 41% of the Belgian population is “unable to save in a typical month,” according to Statbel (14/10/2021).

The extensiveness nature of Belgium’s social safety net earns the country a rank of 17th place out of 189 countries in the Human Development Index. The

main weakness remains the persistent inability to integrate non-EU immigrants into the labor market (in 2019, the employment rate among native Belgians and EU immigrants was around 70%. For non-EU immigrants, this was 43.3%).

As in the rest of the OECD, however, popular resentment against inequality, a lack of real wage growth and economic hardship is growing. This is increasing political support for populist parties of the left and right, produced a highly fractionalized parliament in May 2019 and delayed the formation of a full-fledged government until October 2020.

Citation: ESPN Flash Report, 17/04/2020:
<https://ec.europa.eu/social/main.jsp?langId=en&catId=89&newsId=9649&furtherNews=yes>

Statbel:
 “Poverty risks in Belgium in 2020” (15/06/2021) <https://statbel.fgov.be/en/news/poverty-risks-belgium-2020>
 “More than 4.5 million Belgians unable to save money” (14/10/2021)
<https://statbel.fgov.be/en/themes/households/poverty-and-living-conditions/risk-poverty-or-social-exclusion>

<https://plus.lesoir.be/198293/article/2019-01-01/des-experts-prefacent-2019-limmigration-vient-bousculer-les-clivages-politiques>

<https://plus.lesoir.be/245147/article/2019-09-01/competitivite-et-investissements-deux-chantiers-pour-les-nouveaux-gouvernements>

<https://plus.lesoir.be/art/d-20190227-3RHMD7?referer=%2Farchives%2F recherche%3Fdatefilter%3Dlastyear%26facets%3DGL%253A3776BF00-132A-4411-BD5B-C493EDBB2DD6%26sort%3Dweight%26start%3D20%26word%3Dimmigration>

OECD Economic Surveys: <https://www.oecd.org/economy/belgium-economic-snapshot/>

OECD better life initiative: <http://www.oecd.org/belgium/Better-Life-Initiative-country-note-Belgium.pdf>

Health

Health Policy
 Score: 7

The Belgian healthcare system is very efficient in normal circumstances: public (or publicly funded) hospitals own and maintain excellent equipment, and university hospitals offer advanced treatments, given the institutions’ participation in medical research. Coverage is broad and inclusive. Access to healthcare is also generally affordable and inclusive, with ample public intervention helping to cover costs of medication and treatment.

However, as emphasized in previous years, the system was not totally sustainable previously, and the COVID-19 crisis has pushed the system beyond its limits. Cost cuts have reduced the appeal of many medical professions, particularly for nurses, which has now created an increasingly critical skills shortage. A schizophrenic policy of “numerus clausus” restricts

the number of young graduates allowed to practice medicine, despite the looming lack of doctors.

A second problem came to light during the COVID-19 crisis: the Belgian system does not engage sufficiently in prevention, and was ill-prepared for a public health or epidemiologic crisis. The country indeed has a robust supply of well-equipped hospitals (public, private and linked to the major universities). On paper, it also boasts a comparatively large medical workforce; according to data from Eurostat and the OECD, it has the OECD's second-highest number of general practitioners per capita (but official data also count retired doctors: for a small fee, doctors can maintain their prescription rights beyond retirement, and are then still counted as being active). The number of nurses per capita is also comparatively high, although recent news reports claim that the sector is hemorrhaging workers since the COVID-19 crisis.

The common point is that the objective of containing public deficits was partially reached by reducing wages and hospital costs (including a reduction in the total number of hospital beds) in ways that may not be entirely viable in the long run, particularly given the aging population. Too few doctors are allowed to graduate and practice, while the short supply of doctors in hospitals is increasingly translating into abusive and underpaid or even unpaid working hours (totaling 70-100 hours per week) for young graduates. While the number of doctors is high, this tendency to limit the supply of doctors also has an impact on healthcare access, mainly for those who don't know how to navigate the medical sector.

Prevention is furthermore not Belgium's strong suit. While it boasts advanced warning systems for flu-like symptoms, it performs much less well on several cancer types. Expected "healthy life years at birth" is close to but below the EU average. Although Belgium was part of the WHO's influenza preparedness initiative, it did not invest in emergency drills, and did not have concrete plans ready for an epidemic of COVID-19 proportions. As a result, the 2019 Global Health Security Index for Belgium was very high overall, but the country scored a zero in the categories of "Emergency Preparedness and Response Planning" and "Risk Communication." This diagnostic proved painfully relevant during the crisis.

Citation:

Doctors and nurses per capita: https://ec.europa.eu/eurostat/statistics-explained/images/e/e3/Physicians%2C_by_speciality%2C_2018_Health20.png

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 Hospital beds and equipment: https://ec.europa.eu/eurostat/statistics-explained/index.php/Healthcare_resource_statistics_-_beds
https://ec.europa.eu/eurostat/statistics-explained/index.php?title=Healthcare_resource_statistics_-_technical_resources_and_medical_technology

Budget cuts: <https://www.levif.be/actualite/belgique/qui-a-coupe-dans-mes-soins-de-sante-sophie-wilmes-at-elle-une-part-de-responsabilite/article-normal-1269381.html>

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<https://www.euro.who.int/en/health-topics/communicable-diseases/influenza/pandemic-influenza/pandemic-preparedness>

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Very critical article on the Belgian response: <https://www.revuepolitique.be/covid-19-agir-plutot-que-reagir/>

Report to the parliament: https://www.rtf.be/info/dossier/epidemie-de-coronavirus/detail_que-dit-le-rapport-d-yves-coppieters-pour-la-commission-speciale-sur-la-gestion-du-coronavirus?id=10574411

Families

Family Policy
Score: 8

Although childcare for children below the age of three is “rationed,” Belgium is a good performer in this area overall. Essentially free public schooling is available for children after the age of three, and free or very cheap childcare is available from 7.30am to 6pm on weekdays.

At the time of writing, the biggest change this year has been the reform of child benefits (allocations familiales/kinderbijslag) in each federated entity. Until 2018, they were low for the first two children and higher for the third child onward. Since 2019, this competence has been devolved to the federated entities. Effective from January 2019 in Flanders and January 2020 in Wallonia, the allowance has been substantially increased for the first child and the premium for large families has essentially been scrapped.

Additional child subsidies include personal income tax cuts and other in-kind benefits (e.g., a certain number of free garbage bags per year, reduced prices in some shops and lower public transportation fares), while parents of larger families (3 children or more) may also keep some of these advantages (reduced prices in some shops and lower public transportation fares) even when their children have grown up and are not entitled to child benefits anymore.

The main hurdle to female labor force participation in recent years has been the high implicit tax rate on low-wage earners, which creates a substantial barrier to labor market entry for low-skilled second earners (who are typically women). Eurostat statistics show that the labor market activity rate is as low as 42% for women with low educational attainment (68% for women with intermediate educational attainment), as opposed to 63% and 79% for men, respectively. Such gaps are substantially higher than in neighboring France and Germany.

Citation:

<https://kids.partena.be/content/default.asp?PageID=39>

https://finances.belgium.be/fr/particuliers/famille/personnes_a_charge/enfants#q3

Eurostat – EU-LFS microdata

<https://www.lalibre.be/economie/placements/allocations-familiales-tout-savoir-sur-la-reforme-5c0f96fdcd70e3d2f730358e>

https://www.standaard.be/cnt/dmf20181212_04029342

Pensions

Pension Policy
Score: 7

Pension policy has long been a touchy issue in Belgium. Previous attempts at reforming the system had been either delayed or watered down until the arrival of the financial crisis. Then, despite considerable political opposition, the Michel government steadfastly pursued an effort – based on a firm plan passed by parliament in July 2015 – to gradually raise the legal pension-eligibility age from 65 to 66 years (by 2025) and ultimately to 67 years (by 2030). It is also seeking stronger limits on access to early retirement (especially before 60 years of age). These were major steps forward, which may explain the jump in employment rates among those aged 55-64, from 35.3% in 2009 to 52% in 2019 (still eight percentage points below the euro area average, according to Eurostat data).

However, these improvements are falling short of reining in pension expenditures by 2050: the estimated budgetary cost of population aging is still estimated to reach 30% of GDP (Federal Planning Bureau, July 2021), with variability of about +3 percentage points possible in case of slower-than-expected migration or productivity growth, and of about -1.4 points in case of unexpectedly high mortality rates among the elderly or higher migration rates.

Citation:

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<https://plus.lesoir.be/212077/article/2019-03-13/la-pension-65-ans-recalee>

Integration

Integration Policy
Score: 6

Belgium has a contradictory attitude toward immigration. On the one hand, it has traditionally been quite welcoming to political refugees. Its initial reaction to the Syrian refugee inflow was no exception. The government responded with the rapid creation of emergency accommodation centers, followed by the distribution of families among different cities and villages to promote integration and avoid the creation of ghettos. But the situation deteriorated since then, particularly in the wake of the terrorist attacks on Brussels and in the rest of Europe. As in many – if not most – EU member states, popular support for a complete halt to immigration has risen strongly. Like the previous governments, the current De Croo I cabinet further tightened its policy, creating strong tensions in the coalition between the left-of-center Socialists and the right-of-center Liberals. Some immigrants who were refused asylum launched a hunger strike, and the Socialists threatened to scupper the government coalition if the strike resulted in any deaths. The immigration minister eventually agreed to some compromises with the strikers, but these proved to be very limited a few months later.

Though legally recognized as Belgian citizens, second and third generation immigrants have also become victims of these tensions. The OECD and the European Semester have repeatedly underlined the dismal performance of Belgian schools, based on PISA scores, with regards to the educational performance of pupils and students with a migrant background. In its June 2019 recommendations, the Council of the European Union reported: “People

with a migrant background, in particular women, continue to experience higher unemployment, lower activity rates, higher in-work poverty and over-qualification.” According to EU-SILC data, the risk of poverty among foreign-born residents is three times higher than for native-born citizens, which increases to four times higher for non-EU-born residents. The employment gap was 20 percentage points in 2016. The Itinera Institute has argued in favor of enhanced data collection within these communities to produce fresh, evidence-based policies to improve the job placement rate of migrant workers.

Thus, Belgium has been a country of immigration, and is generally opposed to overt racism and discrimination. Yet its performance in terms of eventual social inclusion and labor market participation ought to be improved.

Citation:

<http://www.oecd.org/pisa/>

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http://www.luttepauvrete.be/chiffres_nombre_pauvres.html

<https://eur-lex.europa.eu/legal-content/EN/TXT/?qid=1560258016104&uri=CELEX:52019DC0501>

Safe Living

Internal Security
Policy
Score: 8

Belgium has always been a generally safe country and the situation has continued to improve over the last years. Yet, some violence does occur and the country’s crime rate is slightly above several neighboring countries. In addition, Belgium has become infamous for having attracted a number of Islamist terror activists, who are producing a new type of threat that the country has found difficult to manage. This is, however, a general issue in Europe and among OECD countries.

With regard to low-level criminality, self-reported rates of victimization are slightly above the OECD average, in part due to an above-average incidence of bullying that has not received sufficient policy attention. Underfunded and overcrowded prisons are another problem, in spite of a scheme to build new prisons with modern equipment. The court system remains slow (due to a huge backlog) and is often perceived as lenient. This helps maintain a feeling of impunity for misdemeanor offenders. Yet, the country’s social stability, neo-corporatist arrangements and limited levels of income inequality have largely insulated it from mass demonstrations or riots of the kind sometimes observed in France or other EU member states.

Crime rates are going down, and the government has decided to increase funding for the police forces.

Citation:

OECD 2015. Better life initiative. How is life in Belgium? October 2015. <http://www.oecdbetterlifeindex.org/countries/belgium/>

https://www.rtf.be/info/belgique/detail_1-armee-en-rue-a-fait-baisser-la-criminalite-de-30-a-bruxelles-et-anvers?id=8947069

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<http://www.stat.policefederale.be/statistiquescriminalite/interactif/graphique-par-categorie-principales-des-infractions/>

Global Inequalities

Global Social
Policy
Score: 4

The economic crisis has placed continued pressure on the government's development-aid efforts. International-development policies, which are now split between the federal and federated entities, are increasingly being seen as an instrument to help Belgian firms export to developing countries. Unrelated aid is being cut, and Belgium has repeatedly missed its own spending targets despite recognized Belgian expertise in the field, particularly in sub-Saharan Africa, given the country's privileged ties with former colonies and protectorates (Congo, Rwanda and Burundi). Most of Belgium's cooperation aid is channeled via its main federal public agency (formerly Belgian Technical Cooperation (BTC), but called ENABEL since 2018) and diverse NGOs. The federated entities also provide their own independent support for cooperation aid, via higher education institutions and NGO-supported projects. At the international level, Belgium has been part of efforts to push for more fair-trade arrangements, but has not been an agenda-setter.

Citation:

<https://diplomatie.belgium.be/sites/default/files/rapport-annuel-cd-2017.pdf>

<https://www2.compareyourcountry.org/aid-statistics?cr=625&cr1=oced&lg=en&page=0>

III. Environmental Policies

Environment

Environmental
Policy
Score: 5

As on other fronts, Belgium's environmental policy ranges from bad to exemplary, depending on the dimension of concern. With regard to waste collection and recycling, Belgium is among the EU leaders (European Commission, 2019, doi:10.2779/54230). Belgium (Flanders taking the lead

here) also features very dynamic circular economy policies. All regions have active green infrastructure initiatives, and provincial and municipal authorities are quite proactive in pushing a variety of environmentally friendly policies in areas such as waste management, green mobility and nature conservation. These are visible, politically conspicuous and clearly rewarded initiatives.

When it comes to the politically more sensitive dimension of reducing greenhouse gas emissions, the outlook is different. It is widely accepted that one of the policy components will require increasing the cost of energy, a particularly thorny political issue. The political landscape makes this even thornier in Belgium, and the OECD's 2021 Environmental Review headline is plain: "Belgium is not on track to achieve climate neutrality by 2050." The stated objective of the new National Energy and Climate Plan was to cut GHG emissions by 35% between 2005 and 2030. The COP26 meetings induced Belgium to talk about upping this ambition, to a 47% cut in sectors not covered by the EU Emissions Trading System (ETS). But this seems mainly to have opened a new rift between regions about the burden-sharing agreement. Decisions about how to progress in this direction are still in the making.

As for healthcare, Belgium boasts a record number of ministers with responsibilities for environmental matters (at least four). The OECD writes that "the fragmentation of competences and lack of an independent coordinating body hamper development of a shared long-term vision and implementation of coherent policies. ... Oil and gas dominate the energy mix. ... Energy supply from renewable sources has increased but accounted for only 9.4% of gross final energy consumption in 2018, half the EU average." At any rate, the OECD projections are that Belgian GHG emissions will actually increase until 2030 under existing measures.

According to a ranking by a collective of environmental NGOs, Belgium fell from 16th place in 2015 to 49th place this year, one of the worst performers among EU countries.

While there are several initiatives to accelerate Belgium's energetic and sustainability transition, they come across as improvised, poorly planned and uncoordinated. Back in 2003, the federal government imposed rules that would phase out the use of nuclear power by 2025. But this did not translate into a sufficiently proactive policy to implement the transition until 2021. At the end of 2021, a botched attempt to auction off the right to build fresh production capacity (by building new gas-turbine stations) left Belgian parties still wondering if the country can actually afford to close nuclear power stations built in the early 1970s. Meanwhile, the demand for electricity is bound to increase. Several cities, including Brussels, embarked on a policy of forbidding GHG-emitting vehicles by 2030. This is already translating into a

strong growth in demand for electricity-powered vehicles, although the plans to build charging stations are scheduled to end several years after the 2030 deadline.

On a more positive note, the reduction in particle emissions has been noteworthy, thanks to tighter vehicle regulations. Moreover, Belgium boasts companies that are leading in the recycling of used equipment and cars (including batteries) and in developing various green technologies. Remaining challenges include reducing nitrogen oxides emissions, reducing the release of nitrates that pollute water and soils, and accelerating the modernization of buildings with respect to insulation and energy consumption.

Citation:

<https://ccpi.org/country/BEL/>

Official national sources

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- <https://climat.be/politique-climatique/belge/nationale/repartition-des-charges>
- <https://www.elia.be/en/electricity-market-and-system/adequacy/capacity-remuneration-mechanism#>
-
- https://mobilier.belgium.be/fr/nouvelles/nieuwsberichten/2021/cop26_la_belgique_promet_un_engagement_fort_en_matiere_de_transport
- OECD
- <https://www.oecd.org/env/oecd-environmental-performance-reviews-belgium-2021-738553c5-en.htm>
- <http://www.oecd.org/belgium/environmental-tax-profile-belgium.pdf>
- NGO ranking:
- <https://ccpi.org/country/BEL/>
- Press articles:
- <https://www.lesoir.be/405425/article/2021-11-09/cop26-les-belges-actent-labsence-daccord-national-sur-les-objectifs-climatiques>
- <https://www.lesoir.be/405384/article/2021-11-09/lutte-contre-le-rechauffement-climatique-la-belgique-est-lun-des-plus-mauvais>
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Global Environmental Protection

Global
Environmental
Policy
Score: 4

Global efforts to foster environmental protection are coordinated by the European Commission. Until recently, the Belgian federal government took a backseat role in that process. As an illustration, in the 2009 – 2014 federal government, the portfolio of minister of sustainable development was held by the minister of finance.

Things have changed since the formation of the most recent federal government (the De Croo I cabinet, installed in 2020), with two Green Party ministers now in charge of the environmental and of energy portfolios.

However, these ministers in some cases face resistance from regional governments with different party majorities. As a case in point, the federal minister of energy has made it her top priority to enact the 2003 law that called for the closure of nuclear power plants by 2025. One key strategic element of that strategy is the auctioning of new gas-powered units to partially compensate for the lost capacity. However, the Flemish minister in charge of awarding building permits belongs to the right-of-center N-VA, which is fiercely opposed to the Green Party and altogether quite pro-nuclear power. Unsurprisingly, that minister blocked the permit for one of the main gas-powered stations, de facto forcing the federal minister to put the country's energy supply security at risk.

The lack of a clear environmental strategy was dramatically visible at the COP26 in Glasgow in November 2021. This meeting called for immediate action, but Belgium managed only to commit to a policy initiative led by Denmark to lay the groundwork for a zero-emission maritime transport sector. Both the OECD and the European Commission also stress the need for new measures to maintain biodiversity in the country.

Given the strong popular demand for a more active environmental policy, a demand reinforced by the catastrophic floods that hit Belgium in the summer of 2021, there is a reasonable chance that Belgium will eventually take a more active role in developing international (or at least EU) climate policy. But the path leading to this more active role is neither obvious nor certain.

Robust Democracy

Electoral Processes

Candidacy
Procedures
Score: 8

Standard legal restrictions, such as requiring a certain number of signatures before an individual may run as a candidate, are fair and are effective in controlling the number of candidates in any election. The same holds for parties, which can be relatively easily registered and at very little cost, even in a single constituency (or electoral “arrondissement”). In practice, however, such restrictions may represent a higher hurdle for smaller or local parties or candidates. One reason is that the registration process has been mastered by the more established parties, but poses more of a challenge for individual candidates. Most political parties offer a broad diversity of candidates along the dimensions of gender, age and ethnicity. Following successive reforms, gender rules are now quite specific, with mandatory quotas for electoral lists at all electoral levels (i.e., local, provincial, regional, federal and European). These rules are abided by the parties, though there remains overall a higher proportion of male candidates at the top of party lists (i.e., with a much higher chance of being elected).

Media Access
Score: 7

All mainstream political parties, or so-called democratic parties, have broadly equal access to the media, both public and private. However, the provision of equal public-media airtime is not guaranteed by law, though those parties with parliamentary representation (as well as the main trade unions, employers’ organizations and religious denominations) receive some specific airtime for short broadcasts of their own. Minor parties and so-called non-democratic (essentially post-fascist) parties do not have equal access to media, as the main TV stations, for instance, reserve the right to ban such political parties from broadcasts. Print media also offer broad and mostly balanced coverage of political parties, although some newspapers may have preferential links to this or that party “family.”

The influence of post-fascist or national-populist parties varies depending on geographical region. In Flanders, the national-populist Vlaams Belang is considered to be an acceptable party for media interviews and broadcasts. The communist PTB/PVdA receives considerable media coverage across the country since it is now represented in parliament, has a quite mediagenic leader and is popular in polls (especially among French-speaking Belgians).

All other parties have quite fair access to the media. Difficulty of access seems to be a substantial issue only for ultra-minority parties, largely because of their small size.

Voting and
Registration
Rights
Score: 9

Voting is compulsory in Belgium, and all resident Belgian citizens are automatically registered to vote. Non-Belgian residents and Belgian nationals living abroad must register on a voluntary basis.

There are two marginal limitations in terms of the proportion of voters concerned. In some municipalities with “linguistic facilities” around Brussels (i.e., situated in Flanders, but with a significant proportion of French-speaking voters), voters may not receive voting documents in their native language. The situation is usually handled quite pragmatically, but in 2015 this led to the prolongation of a stalemate in one “commune à facilités/ faciliteitengemeente” in the Flemish periphery of Brussels. In this municipality, Linkebeek, no arrangement could be found for the (Francophone) mayor to be officially installed by the (Flemish) regional authorities, although he and his list had captured a broad majority of the (largely francophone) vote. Eventually another Francophone mayor was installed in Linkebeek after the 2018 local elections, but local tensions and complications persist, as in some other “communes à facilités/ faciliteitengemeenten.” Most Francophone voters did not receive voting documents in their native language for the 2019 regional, federal and European elections.

The fact that compulsory voting is not extended to Belgian nationals living abroad means that their actual degree of representation is lower than that of regular voters. There are no specifically allocated parliamentary seats (or alternative arrangement) to represent Belgian nationals living abroad.

Party Financing
Score: 10

All political parties represented in parliament are largely financed by the state, based on the number of votes cast and the number of parliamentary seats, and private contributions are limited. Electoral campaigns at all levels are subject to tight regulations on allowed spending, both in terms of amount and item. After each election, all advertising and campaign spending and contributions are scrutinized in detail by a special parliamentary committee, with limited partisan bias. Candidates who infringe the rules may, for instance, lose the right to be elected, even though such instances are rare. In most cases, a range of more modest (financial) sanctions are implemented, typically seeing the candidate forced to repay non-eligible expenses or overspending.

Tight financial control over the party accounts is also exerted during non-electoral periods, again by a special largely nonpartisan parliamentary

Popular Decision-
Making
Score: 4

committee. In 2015, two parties received modest sanctions following some remarks on their accounting techniques. This was quite hotly debated and framed in terms of majority/opposition tensions, but can generally be seen as an indication that the system of checks and balances functions quite well.

Referendums are illegal in Belgium. The main rationale is to avoid a “tyranny of the majority,” given the fragmentation between Flemish speakers (a majority at the national level), German speakers (the smallest group at the national level), and French speakers (about 40% of the national population, but a majority in the Brussels region).

However, the situation is developing in the positive direction, with several political parties now openly pushing for the incorporation of public consultations and deliberation in political decision-making. An ambitious “citizen dialogue” (“Bürgerdialog”) system has been institutionalized within the German-speaking community (“Ostbelgien,” the smallest of the three communities, after the Flemish and French-speaking) via the creation of a permanent citizen assembly (Bürgerversammlung) and a citizen council (Bürgerrat), both of which closely cooperate with the Ostbelgien parliament. The citizen assembly is composed of randomly selected members of the population, in the spirit of the G1000 initiative, and is involved in policymaking on themes that are identified by the citizen council. Various similar participatory and/or deliberative schemes, though less ambitious and extensive at this stage, are beginning to be implemented in the other larger regions and communities. In the Brussels Capital region, for instance, some focused “deliberative committees” composed three-quarters of randomly selected citizens and one-quarter of regional members of parliament are being installed; they will produce specific recommendations that will be used to develop legislation.

Another positive evolution has been the wave of regular demonstrations initiated by “climate express” and “coalition climate,” which have been supported by high school pupils and by students. These demonstrations brought environmental concerns to the forefront, influencing the recent electoral debates and boosting the vote share of Belgium’s various green parties (although more so in the French-speaking part of the country). This development reflects pre-existing dynamics, mainly driven by bottom-up citizen (e.g., the G1000) or academic (e.g., Re-Bel – Rebuilding Belgium) initiatives.

Citation:

About the ‘G1000’ deliberative process (and linked initiatives): <http://www.g1000.org/en/>

About re-bel: <https://rethinkingbelgium.eu/>

<https://plus.lesoir.be/208837/article/2019-02-25/la-communaute-germanophone-se-dote-dune-assemblee->

citoyenne

<https://plus.lesoir.be/254845/article/2019-10-19/extinction-rebellion-bruxelles-une-enquete-interne-est-ouverte-suite-aux>

Brussels Government agreement: see Axe 3, paragraph 3 of the “Déclaration de politique générale commune au Gouvernement de la Région de Bruxelles-Capitale et au Collège réuni de la Commission communautaire commune. LÉGISLATURE 2019-2024”

Walloon Government agreement: see Chapter 21 of the “Déclaration de politique régionale pour la Wallonie, 2019-2024”

https://democratie.brussels/pages/cd_open [official www pages of the Brussels Capital region “deliberative committees”]

<https://www.buergerdialog.be/> [official www pages of the Ostbelgien “citizen dialogue”]

Access to Information

Media Freedom
Score: 8

Some of the main public television and radio stations are managed by representatives of the main political parties; the head of the main French-speaking public media organization actually is appointed by the government and claims an official post comparable to that of a civil servant. Nevertheless, the media organization’s journalists work largely free from direct control or political influence, even if some reporting may at times be a bit too uncritical of the government position.

The country’s main private television and radio stations in general operate independently of political parties, even though some interpersonal connections exist at the levels of upper management. Privately held press organizations are largely independent, and they do their best to scrutinize public activities despite increasing financial pressures.

Media Pluralism
Score: 6

Relatively few entities have an ownership stake in the major private media companies, a situation normal within an economy of this size and within an oligopolistic market. In practice, the various media outlets (television, radio, print and web) offer a diverse range of opinions, and most political positions are well represented. The boards of Belgium’s two large public media entities for radio and television (the Flemish VRT and the francophone RTBF) are composed of representatives from most political parties, including opposition parties (from among the main parliamentary parties).

One issue affecting media outlets is the growing financial stress on print media. Tighter budgets have restricted newspapers’ ability to pursue in-depth investigations on a systematic basis, and have in general diminished some of the public scrutiny that a free press is in theory supposed to exert. Most of the major print press groups, both Flemish and Francophone, are encountering

Access to
Government
Information
Score: 8

severe financial difficulties as print sales continue to decline and web-based business models appear unable to sustain a broad pool of professional journalists.

If anything, the COVID-19 crisis improved both media access to government information and the media's scrutiny of the government's decisions as the waves of infection succeeded one another. Most mainstream media went from an attitude of rubber-stamping government decisions in March 2020 to a relatively constructive questioning of the coherence of the various actions by December 2021. This proactive role has partially spilled over to other areas of concern, like corruption in the former colony of Congo, tax evasion, graft and so on.

The pre-COVID-19 starting point was already quite good. Legally, access to information is expected to be provided without impediment (Belgium was one of the signatories of the Convention on Access to Official Documents in 2009). In practice, some information can be (made) hard to find. This is further complicated by the multilevel structure of state institutions and administration (federal, regional/community, provincial and local), which is additionally characterized by ineffective sharing and aggregation of information across all levels.

However, judicial mechanisms for appeal are effective and judicial decisions can set a precedent that modify access to information. In particular, courts have occasionally forced authorities or government-related institutions to share internal documentation with the public. At the other extreme, Belgium often has a narrow interpretation of the individual right to data protection, which occasionally hinders research. During much of the COVID-19 crisis, for instance, even academic virologists could not even access the city-level information they needed to forecast the spread of the virus, out of anonymity concerns. More broadly, such a narrow interpretation often makes it difficult to implement evidence-based policies.

Civil Rights and Political Liberties

Civil Rights
Score: 6

There is an anti-discrimination law in Belgium that dates from 1981. It is framed in opposition to both racism and xenophobia, and has been interpreted in a broad sense.

Belgian courts operate independently of political interests, and regularly challenge political decisions. Tensions between judges and politicians can even be said to have increased in recent years. Civil rights have traditionally been well-protected.

As in all countries, the COVID-19 crisis called for strong action that in some cases included the suppression of individual liberties. Liberty of movement, the right of association and the right to demonstrate have all been constrained during infection peaks. This very sensitive tension between public safety and liberty was present in all democratic countries. Belgium was among those countries that put more weight on safety. As far as one can tell, this did not damage the demand for civil liberties, nor the independence of the judiciary. Yet amid a global trend of the erosion of democratic rights, caution and continuous monitoring of the situation are called for.

Among the points requiring attention, the judicial system has been chronically underfunded. Judicial delays and independence are among the indicators that ought to improve with time. This was already a sticking point in earlier periods, to an extent that damaged Belgium's position in both the World Economic Forum (WEF) and World Bank rankings.

A small number of citizens with dual citizenship who have engaged in activities deemed to be terrorist (especially in Syria) have been stripped of their Belgian nationality, and have therefore lost access to basic associated rights.

Citation:

https://fedweb.belgium.be/sites/default/files/downloads/broch_po_diversite_guide_methodologique_outil5_1ois_antidiscrimination.pdf

<http://www.doingbusiness.org/data/exploreeconomies/belgium#enforcing-contracts>

<http://reports.weforum.org/global-competitiveness-index-2017-2018/countryeconomy-profiles/#economy=BEL>

Human Rights Watch: https://www.hrw.org/sites/default/files/report_pdf/belgium1116_web.pdf

Political Liberties
Score: 8

Belgium is a mature democracy in which political rights are generally well-protected. During the COVID-19 crisis, political liberties remained intact. Although some opposition parties occasionally spread “fake news” or discouraged the use of the Belgian “Coronalert” phone app under the argument that it could be used to track citizens, there was no attempt to limit the opposition's freedom of speech.

Instead, civil liberties came under pressure during the crisis, with the government imposing restrictions on the right to assemble, and therefore to demonstrate. The high tension – not to say exhaustion – within police forces translated into periodic acts of violence, both from and against the police. While these were in no way part of a deliberate policy to restrict civil liberties, they resulted in a progressive erosion of norms. This trend, which probably started with the 2001 terror attacks in the United States and accelerated in the

wake of the 2015 and 2016 attacks across Europe, is not entirely new.

By the end of 2021, there was greater awareness that public health measures could impact civil and political liberties. This had induced a more liberty-focused approach by the government, despite loud warnings by virologists and other epidemiological experts. Thus, if anything – and perhaps fleetingly – the needle seems to have been moving back toward political liberties.

Citation:

<https://www.brusselstimes.com/news/belgium-all-news/135719/vlaams-belang-tom-van>

<https://plus.lesoir.be/326867/article/2020-09-22/sante-en-lutte-itineraire-dun-deploiement-policier-qui-fait-mal>

https://www.rtf.be/info/societe/detail_manifestations-la-sante-en-lutte-le-droit-de-manifester-est-l-un-des-droits-les-plus-fondamentaux-en-democratie?id=1052196

World Bank: https://www.doingbusiness.org/en/data/exploreconomies/belgium#DB_ec

Non-
discrimination
Score: 6

Belgium is a highly diverse and generally tolerant country. Residents of Brussels represent 184 nationalities. Gay marriage has been legal since 2003, although cohabitation is not always easy. Nevertheless, racist or homophobic hate speech does exist and could be more harshly penalized. Discrimination also translates into lower employment rates and educational achievements among Belgian residents of foreign origin.

A dark spot has been the refugee crisis that led from the Libyan and Syrian civil wars. Although the government denies wrongdoing, human rights activists denounced police abuse when dealing with the presence of refugees in public parks. Hate speech also seems to have increased during the electoral period and elections witnessed a renewal for the extreme-right, with the Vlaams Belang winning 18% of votes in the Flemish regional elections in May 2019. In this context, the newly created Flemish government decided to withdraw from UNIA, the Interfederal Centre for Equal Opportunities and Opposition to Racism.

Though, to repeat, this dark spot is not the whole picture. The press, the judiciary and most political forces actively oppose racism and discrimination.

Less apparent, Belgium is less active in its support for disabled people and, in that regard, Belgium performs less well than most northern European countries. Another significant issue, which has thus far been systematically neglected, is the rights of and protections for elderly people living in retirement homes. Retirement home residents comprise a growing proportion of the population and it is clear – though this is not systematically monitored – that there are issues related to residents' rights (e.g., issues of maltreatment).

Citation:

UNIA: <https://www.unia.be/en>

https://www.rtf.be/info/belgique/detail_accord-flamand-une-politique-d-immigration-et-d-integration-nettement-plus-strict?id=10329078

https://www.rtf.be/info/societe/detail_violences-policieres-sur-migrants-30-des-victimes-sont-des-mineurs?id=10054512

<https://plus.lesoir.be/243237/article/2019-08-22/les-signalements-de-haine-en-ligne-ont-double-en-periode-electorale>

<https://fondspourlejournisme.be/telechargements/A-MImpeImagine.pdf>

Rule of Law

Legal Certainty
Score: 6

The rule of law is generally strong in Belgium. However, the COVID-19 crisis created the necessity for frequent changes in legal rules, making law enforcement particularly difficult, and occasionally nigh impossible. Many decisions were challenged, sometimes successfully, in court. Different courts actually interpreted newly passed measures differently. For instance, the digital COVID certificates granted to those who had been vaccinated, received negative tests or recovered from the coronavirus (called “Covid-Safe Tickets” in Belgium) either should be or could not be subjected to examination by the police, depending on the local interpretation of the law. Earlier in the crisis, the question of whether citizens had the right to buy their food in a store outside their own city was also interpreted differently by different police zones.

However, such chaotic circumstances are the exception rather than the rule. Traditionally, officials and administrations act in accordance with the law. The most salient weakness of the country is probably its evolving devolution of responsibilities from the federal to the regional governments, which complicates the homogeneity of the law, and hence its application by citizens and authorities alike.

Citation:

<https://www.lesoir.be/art/d-20211118-GR04MC>

Judicial Review
Score: 8

The Constitutional Court (until 2007 called the Cour d’Arbitrage/Arbitragehof) is responsible for overseeing the validity of laws adopted by the executive branch. The Council of State (Conseil d’État/Raad van Staat) has supreme jurisdiction over the validity of administrative acts. These courts operate independently of the government, and often question or overturn executive branch decisions at the federal, subnational and local levels. The most recent sources of contention have been the anti-terror measures passed by the government, along with measures restricting foreigners’ rights. As in many countries, policymakers seeking to extend the police’s powers of investigation have skirted the thin line between respecting

and infringing upon fundamental civil rights. Consequently, government proposals in these areas have regularly been struck down or modified by these two courts.

The Council of State is split into two linguistic chambers, with one being Dutch-speaking and the other French-speaking. These chambers are each responsible for reviewing the administrative acts of the regions and communities that fall under their respective linguistic auspices. This poses challenges with regard to government independence, especially when a case involves language policy or the balance of powers between different government levels.

Citation:

<http://www.lexadin.nl/wlg/courts/nofr/eur/1xctbel.htm>

<http://www.business-anti-corruption.com/country-profiles/belgium>

Appointment of
Justices
Score: 9

The Constitutional Court is composed of 12 justices who are appointed for life by the king, who selects candidates from a list submitted alternately by the Chamber of Deputies and by the Senate (with a special two-thirds majority). Six of the justices must be Dutch-speaking, and the other six French-speaking. One must be fluent in German. Within each linguistic group, three justices must have worked in a parliamentary assembly, and three must have either taught law or have been a magistrate.

The appointment process is transparent yet attracts little media attention. Given the appointment procedure, there is a certain level of politicization by the main political parties, and indeed most justices have had close links to one of the parties or have previously held political mandates before being appointed to the court. However, once appointed, most justices act independently.

Corruption
Prevention
Score: 8

While outright corruption is very uncommon in Belgium, several scandals involving abuse of public-office positions came to the fore. In most of these cases, the public officials involved actually did respect the letter of the law and thus could not be convicted by tribunals. But the scandals were so prominent in the press and shocking for the population that political parties expelled the individuals involved, and when possible, also removed them from the positions they were holding. This was also followed by a number of announcements by prominent long-time politicians that they were about to end their political careers.

The most recent case concerns a large public-private company in Wallonia. The company's board of managers was tasked with divesting and privatizing a number of assets, but eventually had to be sacked for alleged abuse (with some

lawsuits under way). This case follows a number of others, and may prove a turning point toward a stricter implementation of anti-corruption and abuse of public-office legislation in Belgium.

In the public sphere, rules are increasingly being tightened. Yet, according to Cumuleo, an activist group seeking to improve the regulation and oversight of public offices, Belgium still occasionally suffers from deep malpractice in reporting public decisions and a lack of actual control from the authorities that are expected to oversee these decisions.

Citation:

WEF: Schwab, Klaus (ed) (2019). The Global Competitiveness Report 2019. World Economic Forum.

<http://plus.lesoir.be/archive/recup/1452484/article/soirmag/meilleur-du-soir-mag/2017-03-03/vrai-salaire-net-nos-elus>

<https://www.sudinfo.be/id149334/article/2019-10-31/nethys-stephane-moreau-pol-heyse-et-benedicte-bayerse-sont-remuneres-en-cash-et>

<http://www.business-anti-corruption.com/country-profiles/belgium>

<http://www.tradingeconomics.com/belgium/corruption-rank>

<http://www.brusselstimes.com/opinion/8047/is-belgium-fighting-hard-enough-against-corruption>

<https://www.cumuleo.be/>

www.cumuleo.be/presse/cp/02-09-2019.php

Good Governance

I. Executive Capacity

Strategic Capacity

Strategic
Planning
Score: 7

Each minister (or secretary of state) works closely with a team of collaborators in each ministerial cabinet. Each cabinet is usually large, with as many as 30 to 40 senior staff and experts. Meetings take place often, and the team designs policies in line both with the minister's objectives and the government agreement. The minister and the advisory team are then responsible for drafting bill projects which are then submitted to the government in weekly meetings.

In terms of long-term planning, the knowledge accumulated by a minister's collaborators can be lost at the end of a legislative period, as the ministerial team changes with the minister. Moreover, the frequency of staff rotation is generally high. In contrast, public administration is run by civil servants with longer tenures of office, but these groups do not generally take part in strategic ministerial decisions. Long-term planning (beyond a legislative term) is therefore made difficult. The main rationale for relying on the minister's team instead of civil servants is that the former are the minister's (and the party's) close aides and tend to be more flexible in terms of working hours and availability for emergency situations.

The federal Planning Bureau (Bureau du Plan/Planbureau) does play a role in providing longer strategic planning options, but in general it is the ministerial cabinets that are the main movers of legislative efforts.

Expert Advice
Score: 6

Consultation with non-governmental academic experts depends on the subject matter; their actual influence on eventual decisions is most of the time quite limited, and certainly marginal when compared to the influence of experts who work full-time for the ministers' or state secretaries' "cabinet" (or office, see below). The government and/or the parliament do consult full-time academic experts with independent views, but rarely in a systematic way (this is left to

the initiative of parliamentary committees), and not necessarily to enable genuine scientific debate. However, in Belgium's neo-corporatist system, representatives of the social partners (employers' organizations and trade unions) are systematically summoned for participation when a strategic decision is to be made on socioeconomic issues. In other politically sensitive areas (e.g., tax reform) academic and international expertise has had very limited influence.

The management of the health crisis required a different approach, with new, improvised procedures. The government summoned an advisory group of non-governmental academic experts in virology, epidemiology and economic crisis management, among other fields. They initiated systematic meetings and reports, initially in a chaotic manner. The head of the team has subsequently described how unclear their mission was, and discovered only after the fact that she could potentially be held personally liable for some of the damage created by the COVID-19 crisis. Only in subsequent updates of the group were the procedures and responsibilities clarified.

The multiple iterations of this newfound approach to working with experts led to an alphabet soup of expert groups. These groups were given guidance in their missions and everyday functioning by their respective ministers. At the onset of the crisis, the government activated the National Security Council (NSC), a structure designed to closely monitor and provide advice in the event of major crises and national emergencies. Most relevant were its Risk Assessment Group (RAG) and Risk Management Group (RMG) components, which were combined in an emergency "medical cluster." To assess the potential economic impact of the epidemic, another NSC expert group, the Economic Risk Management Group (ERMG), was also created. Later on, a fourth expert group was installed, the Group of Experts for the Exit Strategy (GEES), focusing on concrete strategies for exiting the first lockdown. As the idea that the crisis was not temporary became more prevalent, the GEES was replaced by the GEMS: the Group of Experts in Management Strategy, which continues to advise the government with regular reports on the evolution of the public health situation and suggests possible measures that could be taken.

Citation:

<https://vsse.be/fr/notre-fonctionnement/cadre-legal-et-administratif/le-conseil-national-de-securite>

<https://www.vocabulairepolitique.be/conseil-national-de-securite/>

<https://plus.lesoir.be/342853/article/2020-12-10/coronavirus-voici-le-casting-du-nouveau-groupe-dexperts-qui-conseillera-le>

<https://plus.lesoir.be/343730/article/2020-12-15/coronavirus-le-gems-succede-au-gees>

Interministerial Coordination

GO Expertise
Score: 7

The Prime Minister's Office contains a "strategic cell" that helps the prime minister evaluate and steer policy across all levels. Typically, this oversight function is shared with deputy prime ministers (one per coalition party, apart from the prime minister's party) in a regular meeting called the "Kern" (core). Each of the advisers and experts in the cell specializes in one field. They assess only the most important issues, as the relatively small size of the team limits its ability to deal with all issues at hand. The fact that governments are always coalitions (comprising at least four parties) also gives a central role to party advisers of the corresponding minister in the lawmaking process.

Line Ministries
Score: 10

Before implementation, each government project is submitted to the ministers' council, which meets weekly. The council is composed of a secretariat that scrutinizes each proposal before it is debated and prepares the ministers' council agenda, along with 14 line ministers and the prime minister, who debate each proposal. Decisions are made on the basis of political consensus, not of majority vote.

Either directly or through the council's secretariat, the prime minister can block any item presented and either return it for redrafting or turn it down completely. This may be because a project does not fit the government agreement or conflicts with one of the coalition parties' agenda, but can be for any other reason as well. All government members must by contrast defend accepted projects on a collegial basis.

The COVID-19 crisis has somewhat changed this way of working, or at least for matters related to management of the crisis. In particular, even though it was agreed that the policy measures and the overall strategy are in the hands of the federal authorities, policies must be agreed and coordinated with federated entities (regions and communities). The latter also have their own ministers of health, as health policy prerogatives are shared between the federal, regional and community levels. To avoid the lack of coordination that can be particularly detrimental during a health crisis, decisions are therefore made collectively, first within the National Security Council (NSC), and then within the "concertation committee" (comité de concertation/overlegcomité); this model came into use once the sense of unique urgency had passed, and reflects the legal basis of the latter as opposed to the former (although it lacks constitutional recognition).

Both bodies existed before the crisis. The first one, the NSC, was initially created within the federal government to manage and coordinate Belgium's security and intelligence policy. The concertation committee (comité de

concertation, or CoDeCo), for its part, has existed since 1980 as a body bringing together federal, regional and community ministers. Its original role was to anticipate or resolve conflicts of interest and some of the conflicts of competence that may arise between the different authorities of the Belgian federal state. The two bodies, each in turn, became increasingly important with the health crisis, and are now central to all decision-making related to it, as the collegial process allows, at the very least, for a basis of agreement regarding the decisions taken made. This collegiality is nonetheless undermined at times by the fact that the concertation committee has to address measures impacting regions or communities whose ministers are not present at the meeting. This can lead to contradictory communications (see also “Policy Communication”) and an impression of amateurism in the management of the crisis.

Citation:

<http://www.premier.be/fr/conseil-des-ministres>

<https://www.vocabulairepolitique.be/comite-de-concertation/>

<https://www.vocabulairepolitique.be/conseil-national-de-securite/>

https://www.rtbf.be/info/belgique/detail_un-comite-de-concertation-coronavirus-ce-vendredi-qui-sera-autour-de-la-table-infographie?id=10609975

Cabinet
Committees
Score: 10

The Council of Ministers (Conseil des ministres/Raad van ministers), which is one of the central components of the government, meets every week. Each minister is responsible for drafting a proposal, which gets submitted to the council. The council’s secretariat then checks whether the proposal can be debated, asking a number of questions: Is it complete and technically sound? Does it conflict with other past decisions? Is it contained in the governmental agreement? Proposals are debated by ministers only if they pass this first filter, a process that allows them to focus on the strategic aspects of the issue. However, the most important strategic considerations are mainly political.

Before reaching the Council of Ministers, projects are always discussed beforehand in formal or informal cabinet committee meetings that include experts and senior officers from the relevant ministerial cabinets. Most negotiation is performed at that stage and, if necessary, further fine-tuned in the actual Council of Ministers meeting. In the case of particularly important or sensitive policy issues, for instance the issue of nuclear power plants’ future, the process can take longer. In some instances, this may involve repeated shuttling between the Council of Ministers or its restricted version (the Kern), where the actual negotiations take place, and the inter-cabinet ministerial working groups responsible for preparing the discussion by clarifying the technical and legal issues.

Citation:

https://www.belgium.be/en/about_belgium/government/federal_authorities/federal_government/strategic_cells_and_secretariats_government_members

https://www.rtf.be/info/belgique/detail_sortie-du-nucleaire-toujours-pas-d-accord-au-sein-du-gouvernement-federal?id=10902076

Ministerial
Bureaucracy
Score: 5

While ministries are not significantly involved in preparing cabinet meetings, each minister has a large team of close collaborators and advisers (the ministerial cabinet) to prepare projects, which are first submitted to the minister, and then to the Council of Ministers. For some decisions, responsibilities are shared among several ministers, a situation that happens regularly. In this case, ministerial teams must coordinate their actions in cabinet committee meetings before being able to submit a proposal to receive the approval of each minister. Proposals may be submitted to the ministers' council only at this stage.

The bottom line is that top civil servants do not play a significant role – in most cases, they are at best informed of ongoing discussions and are simply asked to deliver data and information.

Informal
Coordination
Score: 7

Belgian governments are typically broad coalition governments, and informal coordination mechanisms are necessary to their operations.

The central unit of coordination – the inner cabinet or “Kern” – is comprised of deputy prime ministers (one from each coalition party), and the prime minister. The Kern meets regularly to negotiate any strategic decision not foreseen in the governmental agreement which arises due to changing circumstances or specific difficulties within the coalition. Further down the line, party leaders and party whips ensure policy coordination with other ministers, secretaries of states and members of parliament. This kind of coordination relies heavily on strong linkages between each deputy prime minister and his or her respective party leader, and on the ability of both to impose the compromises reached within the Kern to their respective ministers/secretaries of state and parliamentary groups. This is most frequently the case, as strong party discipline normally prevails.

However, the functional logic of the Kern was shattered under the previous government when the N-VA, the (nationalist) right-wing conservative member of the former coalition, decided to withdraw from the government following the decision of the former prime minister to participate in a conference held in Morocco and vote to endorse the U.N. Global Compact for Safe, Orderly and Regular Migration. The N-VA opposed that compact.

Even though tensions are not as high in the current government, dissension is increasingly visible. This was evidenced by the recent internal debates around nuclear energy and the inability of the Kern to reach a clear agreement. As noted under “Implementation,” shortly after the announcement of an

agreement on the nuclear energy issue, the opposing parties in the negotiations (the Greens advocating a strict nuclear phase-out and the French-speaking Liberals in support of maintaining the facilities) each announced the victory of their respective positions. The truth seems to be that the decision was postponed, since several issues crucial to the decision remain unresolved (for instance, the gas power plant which is supposed to replace the closed nuclear power plants is still awaiting a permit, which has been blocked by a N-VA minister of the Flemish government).

In general, the political parties are increasingly often promoting their own positions rather than government projects or the government agreement, and some increasingly rely on public threats rather than in-Kern dialogue. The recent crisis concerning the regulation of undocumented migrants, following a hunger strike by some of them, is a one example of this. The secretary of state for asylum and migration, a member of the CD&V (the Flemish Christian Democrats), refused to negotiate on a potential change of regularization criteria or a massive regularization as took place in 2000 under the Verhofstadt cabinet. With some hunger strikers reaching critical health situations, the party presidents of the Greens and the francophone Socialists threatened to leave the government if any of the strikers died. The strike ended following half-hearted promises from the secretary of state. However, as of the time of writing, the crisis appeared likely to resurface, as the secretary of state had returned to his strong positions, and most of the applications submitted by undocumented migrants had been rejected. Another example could be the recent contradictory messages issued by different coalition parties concerning the “agreement” on a nuclear phase-out plan as discussed under “Coherent Communication.”

On the nuclear “agreement” :

<https://www.lesoir.be/414286/article/2021-12-23/un-accord-nucleaire-pour-ne-presque-rien-decider>

On the undocumented migrants crisis:

<https://www.lesoir.be/385250/article/2021-07-21/vers-la-fin-de-la-greve-des-sans-papiers-ou-pas>

<https://www.lesoir.be/384880/article/2021-07-19/la-greve-des-sans-papiers-menace-dempporter-la-vivaldi>

<https://www.lesoir.be/404370/article/2021-11-03/sans-papiers-sammy-mahdi-appelle-sexpliquer-dans-une-vivaldi-agitee>

<https://www.lesoir.be/406125/article/2021-11-12/regularisation-des-sans-papiers-une-video-du-dg-de-loffice-des-etrangers-remet>

Digitalization for
Interministerial
Coordination
Score: 6

The Federal Public Service for Information & Communication Technology (FEDICT) is responsible for defining and implementing an e-governance strategy. However, this agency focuses primarily on government-to-citizen (G2C) and government-to-business (G2B) communication, while government-to-government (G2G) interactions seem to be largely overlooked. Furthermore, the federal structure of the state does not help the sharing common IT programs or platforms, as every government level is responsible for its own digital infrastructure.

Overall, there is still much to improve, as Belgium is faring increasingly poorly in international comparison. The U.N. E-Government Survey 2020 ranked Belgium 41st out of 193 U.N. member countries in its E-Government Development Index (EGDI – a 22-position drop in comparison with four years earlier), making it the 26th country among the 33 European countries.

Citation:

[https://d9db56472fd41226d193-](https://d9db56472fd41226d193-1e5e0d4b7948acaf6080b0dce0b35ed5.ssl.cf1.rackcdn.com/events/forum/2004/panel_handouts/fedict.pdf)

[1e5e0d4b7948acaf6080b0dce0b35ed5.ssl.cf1.rackcdn.com/events/forum/2004/panel_handouts/fedict.pdf](https://digitaldashboard.belgium.be/fr)

<https://digitaldashboard.belgium.be/fr>

[https://publicadministration.un.org/egovkb/Portals/egovkb/Documents/un/2020-Survey/2020%20UN%20E-Government%20Survey%20\(Full%20Report\).pdf](https://publicadministration.un.org/egovkb/Portals/egovkb/Documents/un/2020-Survey/2020%20UN%20E-Government%20Survey%20(Full%20Report).pdf)

Evidence-based Instruments

RIA Application
Score: 3

There are few formal RIA procedures, and when these do exist, they are generally treated only as a formality, being invoked only at the end of the decision-making process, once decisions have already been reached. Authorities thus typically “fly blind,” with unexpected policy outcomes far from unusual.

For example, with regard to carbon emissions, energy experts recommended making improvements to house insulation in order to reduce energy demand. Instead, the various governments (especially regional) heavily subsidized solar panels, which were politically more appealing. In the absence of a proper RIA, the ex post measure of success was the rate of adoption (subsidy pick up) and volume of green-energy production. It took years for the various operators to admit that the cost overruns were unmanageable, and they ultimately had to freeze subsidies suddenly and partially renege on previous commitments.

The situation appears to have been improved following some key regulatory decisions. In 2018, the telecommunication regulator proceeded with a 97-page impact evaluation into the possibility of allowing for a fourth mobile phone operator. The regulator’s report summarized an extensive body of literature and analyzed a significant set of case studies to examine the pros and cons of this decision – a clear improvement over past performance. However, such an RIA-compliant methodology is still not being applied in a systematic manner in the various policy domains.

As mentioned elsewhere, the management of the health crisis has seen consultation with non-governmental academic experts become more systematic, as expert groups routinely report to consultation committees on the evolution of the health situation and indicating potential measures to be taken.

Nonetheless, given the very short time frame for producing such reports, RIA methodological standards are seldom met.

Citation:

<https://www.oecd.org/gov/regulatory-policy/Impact-assessment-in-Belgium-June-2015%20fr.pdf> (see end)

https://soc.kuleuven.be/web/files/11/72/ICW_wp_2009.pdf

From <https://www.law.kuleuven.be/home/algemeen/agenda20152016/doctoraatsverdediging-sven-sobrie> :

“In our neighboring countries, it is not unusual for important legal reforms to be preceded by ex ante impact assessments. The OECD, too, has for years been stressing the importance of quantitative Regulatory Impact Assessment (RIA). In comparison, the Belgian legislator flies blind, by creating and passing laws based on not much more than gut feeling, modifying them afterwards at best. This should change.”

https://www.ibpt.be/public/files/fr/22539/Etude%20d%27impact%20march%C3%A9%20mobile%20FR_120718.pdf

Quality of RIA
Process
Score: 2

Regulatory impact assessments are compulsory, but seem to be treated as a formality for many important government decisions. There are however interesting and valuable exceptions, such as for the possibility of adding a fourth mobile phone operator in Belgium.

Citation:

<http://www.lesoir.be/1351413/article/actualite/regions/bruxelles/2016-10-25/un-organe-controle-independant-pour-decider-des-orientations-stib>

Sustainability
Check
Score: 2

Regulatory impact assessments are compulsory, but seem to be treated as a formality for many important government decisions. There are however interesting and valuable exceptions, such as for the possibility of adding a fourth mobile phone operator in Belgium.

Quality of Ex
Post Evaluation
Score: 2

The typical strategy is to pick the data that justify the decisions that have been made. For instance, Brussels changed its speed limit from 50 to 30 kph in 2021, and the regional government claimed that accident figures have dropped substantially. However, these are most likely attributable to the COVID-19 lockdowns since, due to a lack of speed controls, the actual driving speed in the city has barely changed.

This approach has led to counterproductive decisions in the areas of, for example, education, energy conservation, subsidies for solar panels and immigration. There may be some scattered ex post evaluations undertaken on the initiative of individual line ministries, but these evaluations have no direct impact on the revision of existing policies since they are not seriously considered by ministerial cabinets, where all strategic policy choices are initiated and arbitrated. The management of the health crisis, however, increased the use of expert panels for a short-term monitoring of impact but not systematic ex post evaluation.

Societal Consultation

Public
Consultation
Score: 6

Belgium's socioeconomic model is one of consensual (neo-corporatist) socioeconomic policymaking, whereby the governments consult established stakeholders, in particular workers' and employers' representatives, in order to facilitate policy acceptance. Such consultations have also become institutionalized in other fields through the creation of specific consultative bodies, for instance the Federal Council for Sustainable Development, which includes representatives of environmental organizations.

Unionization rates are still very high in Belgium, with trade union density at 49.1% in 2019 (OECD data). This is one of the highest such rates in the OECD, after most Nordic countries and on par with Norway. However, recent technological change with regard to services platforms (Uber and its peers), the internationalization of the economy, trade agreements such as CETA, and efforts by the previous (right-wing) government to reduce the power of workers' unions have progressively eroded unions' influence (unionization stood at 57% in the beginning of the 2000s and was still at 55% in 2012), modifying the government's hands-off tradition of letting workers' and employers' unions negotiate wage arrangements. Arguably, some of this culture of consensus had previously stalled important but necessary reforms. Nevertheless, the previous government's strategy has come as a cultural shock.

Citation:

<https://plus.lesoir.be/art/d-20190515-3TYHK4>

https://www.standaard.be/cnt/dmf20190918_04615735

<https://references.lesoir.be/article/pourquoi-le-syndicalisme-progresse-t-il-en-belgique/>

Unionization rates: <https://stats.oecd.org/viewhtml.aspx?datasetcode=TUD&lang=fr>

Policy Communication

Coherent
Communication
Score: 3

Throughout the coronavirus pandemic, and despite the genuine attempts at regular consultation and collegial and informed decision-making regarding public health measures, government communication has regularly been filled with contradictions and dissenting voices, even from within single parties. The reason is clearly the fact that each measure may – or not – target specific sectors, and hence interest groups. Each minister or legislator caters to a different constituency, and their preferences are often misaligned. In particular, some party leaders – including those from the federal coalition – regularly announced softer measures shortly after the announcement of restrictive measures by the federal government, sometimes either explicitly or implicitly blaming another party (i.e., Flemings or Francophones) for the measures taken. The more complicated the measures, or the more likely they were to be unpopular, and the more accusatory the tone.

The contradictory messages and flip-flopping negatively affected citizens' support for government decisions. At the end of December 2021, with the omicron wave looming, the government for instance decided to shut down theaters and other cultural activities. This decision immediately triggered a revolt in the cultural sector and in the press. Health experts advising the government ended up alleging that such measures had been taken only because policymakers had not dared to impose stricter measures affecting restaurants. In light of the opposition even the ministers who had voted for the closure played the blame game, and majority members of parliament questioned the prime minister in the House of Representatives, asking him to reconsider the decision.

This lack of coherent communication goes well beyond public health measures, however. Dissension was just as blatant following the government's announcement of an agreement to phase out nuclear power plants. This took place despite the fact that the phase out had been approved back in 2003, and was part of the government-formation agreement. In this case, the blame game was initiated by G-L Bouchez, the president of the French right-of-center party MR, who lobbied in favor of maintaining nuclear power, and was opposed by the socialists and the Greens, who reemphasized the government agreement. The compromise has been to approve a motion that both parties could interpret (or rather publicly claim) as leaning in their favor. This regular indecision, nearing populism, undermined government effectiveness and the various parties' reputations.

Citation:

<https://www.lesoir.be/414245/article/2021-12-23/la-chambre-les-partis-de-la-vivaldi-interpellent-de-croo-et-critiquent-les>

<https://www.lesoir.be/414678/article/2021-12-27/benedicte-linard-ministre-de-la-culture-ce-nest-pas-mon-role-de-demander-au>

<https://www.lesoir.be/414652/article/2021-12-26/mesures-anticovid-la-desobeissance-civile-soutenue-par-les-autres-pouvoirs>

<https://www.lesoir.be/414324/article/2021-12-23/codeco-nucleaire-experts-la-rupture-lincomprehension>

<https://www.lesoir.be/414286/article/2021-12-23/un-accord-nucleaire-pour-ne-presque-rien-decider>

Implementation

The continuation and resurgence of the health crisis (with the third and fourth waves) has somewhat slowed progress on longer-term issues and commitments made in the government agreement (e.g., green transition, tax reform, nuclear phase out). Even if there have been some advances (e.g., increase in minimum pension, extension of parental leave, reform of sexual criminal law, right to vote at 16 in European Parliament elections, reform of

Government
Effectiveness
Score: 6

company cars, tax on securities accounts) they are often perceived as marginal and the government does not seem able to make strong decisions on major or “difficult” issues such as the exit from nuclear power or on tax reform, mainly due to the brittleness and ideological diversity of its coalition.

Regarding the measures taken to contain the coronavirus pandemic, the country went through different phases, with varying degrees of effectiveness. This led pundits to describe the government’s crisis management as a roller coaster (or even as “zeroes,” in the words of F. Dehousse in his December 2021 op-ed). At the beginning of 2021, the newly formed De Croo I cabinet inherited a complicated health situation, to say the least, since Belgium had (on paper at least) twice broken the world record for COVID-19 mortality in 2020. This poor performance was partly due to the previous government’s indecision, but also had broader causes. Belgium is a densely populated international hub, home to European institutions. Most of its territory in fact constitutes a large conurbation with connected urban and suburban areas, and there is also a lot of commuting to and from neighboring hubs in the Netherlands, Luxembourg, Germany (the Aachen area) and the north of France (the whole Lille area).

The new government and its strong new federal health minister then imposed strict measures, which, even though they were sometimes criticized by certain elected officials within the majority coalition after they were taken collectively (see also “Interministerial Coordination” and “Policy Communication”), had noticeable effects. So much so that, six months later, the country was making a remarkable recovery. The coronavirus appeared to be under control, and the vaccination rate was one of the highest in Europe.

However, the government, in order to pass its restrictive measures, communicated widely on the forthcoming exit of the crisis thanks to the vaccine solution. The prime minister even said in the media that “the epidemic is becoming an epidemic of the unvaccinated.” This message was given such a strong focus that the non-pharmacological measures of prevention such as social distancing or mask wearing were relegated to the second rank. This has been evidenced, among other factors, by the naming of the “COVID Safe Ticket,” the certification that a person has been vaccinated, received a negative test or has recovered from the coronavirus. Belgium is not the only country to introduce such a measure, but its description and the use of the word “safe” has been subject to criticism for suggesting the absence of risk. The fall of 2021 ended up being characterized by the return of the epidemic in a fourth wave. For its part, the government had lost its unity, and was no longer able to issue clear rules or hold a coherent discourse, being partly betrayed by its own communication during the summer.

The government's actions were of course complicated by the emergence of the new variants (delta, quickly followed by omicron) that hit all European countries hard. And despite the bungling government performance, at the turn of 2021/22, Belgium's reproduction rate was still well below that of neighboring countries (the Netherlands had to implement a strong lockdown due to its lack of earlier measures, for instance). The good vaccination rate, among the highest in Europe, as well as the solid start of the booster campaign, together with the fact that earlier measures delayed the omicron wave by a few weeks could partially restore popular support for the government's less popular measures, and hopefully recover part of its lost effectiveness.

Citation:

<https://www.lecho.be/opinions/edito/dans-ce-pays-on-ne-sait-plus-comment-decider/10355714>

<https://www.lesoir.be/397726/article/2021-09-30/la-vivaldi-un-et-encore-tout-prouver>

F. Dehousse (Dec. 2021 oped): <https://www.levif.be/actualite/belgique/la-belgique-et-le-coronavirus-le-retour-des-nuls-de-la-gestion-carte-blanche/article-opinion-1507157.html>

https://covid-19.sciensano.be/sites/default/files/Covid19/COVID-19_FAQ_ENG_final.pdf

https://cepr.org/sites/default/files/policy_insights/PolicyInsight110.pdf

https://www.rtf.be/info/societe/detail_cette-epidemie-devient-une-epidemie-des-non-vaccines-les-mots-du-premier-ministre-pourraient-etre-contreproductifs-on-risque-de-raidir-cette-population?id=10844350

<https://www.lesoir.be/413306/article/2021-12-19/leurope-panique-face-omicron-la-belgique-dans-lexpectative>

Ministerial
Compliance
Score: 8

One must distinguish *de jure* powers from the government's *de facto* powers to provide incentives to each minister. *De jure*, the prime minister has little power to exclude ministers from the government. The main architects of government positions are the party presidents who, at the government-formation stage, negotiate for control of the various portfolios and then nominate their people. Every minister's primary incentive is thus to push his or her own party's views, rather than the government's potential view. The same holds for secretaries of state (junior ministers).

That said, this hierarchical structure is actually able to impose strong discipline on each minister when the incentives of party presidents are sufficiently aligned with those of the government. Regular meetings of the Kern and consultations with party presidents in effect ensures the implementation of the government agreement and provides fine tuning whenever new developments make reactions necessary.

The current government was formed as a coalition without much political coherence other than the fear of renewed elections and, with them, the rise of radical parties (far-right nationalists in Flanders and the far left in Wallonia). The appointment of the current prime minister, therefore, did not follow the tradition that the choice should be made by the country's leading political grouping. He nonetheless enjoys a relatively high level of popularity, placing

him in first or second place among political personalities in all three regions in the latest polls. He is further seen as able to remain above the fray and act as a referee, which probably allows him to avoid conflicts with the presidents of other parties in the coalition. However, this has earned him criticism from his own political allies, the right-of-center liberals, for being too accommodating with left-of-center coalition partners.

Citation:

<https://www.lesoir.be/397726/article/2021-09-30/la-vivaldi-un-et-encore-tout-prouver>

<https://www.lesoir.be/411711/article/2021-12-10/grand-barometre-le-ps-decroche-bruxelles-mais-redecolle-en-wallonie>

Monitoring
Ministries
Score: 6

The hierarchical structures inside ministries is such that the line minister (or ministers, when a ministry's set of responsibilities are shared by more than one government portfolio) controls the ministry at the political level. The ministry itself is presided over by a general administrator, whose nomination used to be purely political, but is now (at least partly) determined through a competitive exam. The fact that the tenure of the general administrator and the minister are different opens the gate to potential tensions between the minister and the ministry.

Monitoring
Agencies,
Bureaucracies
Score: 6

Belgium has relatively few agencies that are funded and controlled by the government, but are also formally independent of the government. Agencies of this type include the public radio and television broadcasters, Child Focus, a foundation for missing or sexually exploited children, UNIA (against various forms of discrimination), and local public social-service centers (Centres Publics d'Action Sociale (CPAS) / Openbare Centra voor Maatschappelijk Welzijn (OCMW)). Monitoring of these agencies takes place through several channels. Two are most relevant here. First, a government or party delegate will generally sit on the board. Second, the agency must submit a yearly report to the government. This monitoring mechanism is extremely effective, in part thanks to party discipline.

However, effective monitoring is not synonymous with efficiency. Among other issues, the absence of impact assessment or efficiency monitoring allows public agencies to increase their costs without effective sanctions. Second, as noted in the Corruption Prevention section (D4.4), effective monitoring has been hampered by the outsourcing of many areas of government to ostensibly private entities that are in fact controlled by public officeholders.

The outcome has been a decline in public trust, reflected in lower performances for Belgium in the World Economic Forum's ratings on issues such as "public trust in politicians," "diversion of public funds," "favoritism in decisions of government officials," and "efficiency of government spending."

Citation:

http://www.lecho.be/tablet/newspaper_economie_politique/Il_reste_des_centaines_d_e_millions_d_euros_d_economies_a_faire_dans_les_services_publics.9776078-7320.art?utm_campaign=app&utm_medium=tablet&utm_source=IPAD

WEF: Schwab, Klaus (ed) (2019). The Global Competitiveness Report 2019. World Economic Forum.

Task Funding
Score: 4

Over the course of recent decades, Belgium has delegated several sovereign functions of the central government to local entities: to the three regions (Flanders, the Brussels region and Wallonia), to linguistic communities (Flemish, French, and German), and to municipalities (*communes/gemeenten*; a city may be subdivided into several *communes*). Due to recurrent political stalemates between the Flemings and the Francophones, the Brussels region is chronically underfunded. This makes it unable to implement its policy with full independence. It depends on cash injections from the other regions or the federal government.

Municipalities are sufficiently funded only in rich areas, as their main source of funding is the personal income tax levied on locals. Reductions in unemployment benefits have also had spillover effects on these municipalities, since they are financially responsible for providing minimum income support to the poor. Meanwhile, the COVID-19 crisis has increased their expenditure (for instance, some of the local contact centers – *Centres Publics d’Action Sociale / Openbare Centra voor Maatschappelijk Welzijn* – experienced a 49% increase in requests in 2020 in comparison with 2019) and reduced their income (as a series of taxes, such as those on *café/restaurant terraces*, parking and markets were extremely negatively impacted).

Likewise, the government agreement also implies serious cuts in financial transfers from Flanders to Wallonia in the coming years. But since Wallonia is a post-industrial region still in economic transition, with unemployment levels twice as high as those in Flanders, it is difficult to see Wallonia not continuing to suffer from chronic underfunding. All this has been made even more difficult after the floods that hit Wallonia hard in the summer of 2021 (damages were much less severe in Flanders). In contrast with Germany, where Berlin agreed to cover half of the costs (for a total of €30 billion) following the floods that hit the Rhineland, a much richer region than Wallonia, in Belgium, the federal government proposed a loan of €1.5 billion, rejecting the idea of a transfer as suggested by the secretary of state for recovery, asserting that the current financing law does not allow the federal government to make such a transfer.

The government agreement also envisioned a decentralization of taxation. However, the main sources of state financing (direct taxes and VAT) will remain centrally controlled and collected, with the funds redistributed

according to pre-agreed sharing rules. Redistribution issues remain a bone of contention between the main regions and communities, with the health crisis following on the heels of the recent financial crisis having heightened tensions.

Citation:

<https://www.rtl.be/info/belgique/societe/le-coronavirus-en-belgique-impacte-fortement-les-cpas-1269600.aspx>

<https://www.lalibre.be/belgique/politique-belge/2021/09/30/le-federal-navait-quune-solution-pour-aider-la-wallonie-un-pret-et-pas-un-don-DYSMV6OU3JFXFLHGG33S5U3XJ4/>

https://www.rtb.be/info/article/detail_wallonie-inondations-et-solidarite?id=10843102

<https://www.lecho.be/economie-politique/belgique/wallonie/la-fin-des-transferts-pas-la-fin-du-monde/10352832.html>

<https://www.lecho.be/economie-politique/belgique/wallonie/la-wallonie-est-elle-au-bord-de-la-faillite/10352831>

Constitutional
Discretion
Score: 10

The federal state has no formal authority over regions and communities, because there is no constitutionally regulated hierarchy between the federal and regional/community levels. When compared with other federal systems, this creates major complications. For instance, any single region has the ability to block an international treaty, since it has exactly the same prerogatives as the federal state. This occurred in September and October of 2016, when the Walloon region singlehandedly blocked the signing of a major treaty between the European Union and Canada (CETA). The treaty was only signed after weeks of pressure and tense negotiations.

On some policy dimensions (e.g., spatial planning, transport, education, culture, applied research and local authorities), the regions and communities are actually becoming more powerful than the federal government. The tensions between the country's linguistic communities, as well as between its geographically defined regions (both the communities and regions have their own political institutions and administrations), have contributed to reinforcing this trend.

However, the new importance gained by bodies such as the consultation committee ("Comité de Concertation"/"Overlegcomité," aka CoDeCo), which bring together representatives of the different levels (federal and regional/community), could enhance coordination and therefore quell potential tensions between the different levels, at least if the implementation of policies is discussed there beforehand. However, this would require that the body be less instrumentalized by certain parties than has already been the case. Recently, an N-VA minister (a party in power in Flanders, but in the opposition at the national level) who is usually in favor of the relaxation of public health measures summoned a third CoDeCo meeting in slightly more than two weeks with the goal of reinforcing public health measures (one week after having blocked them, and one day after having opposed further

tightening). The single, suddenly important point was to ban some indoor recreational activities. It soon became apparent that his hidden agenda was to cancel a giant Santa Claus event in Antwerp, saving the mayor, his party president, from having to do so himself.

Citation:

<http://www.lesoir.be/1353096/article/economie/2016-10-27/ceta-belgique-trouve-un-accord>

<https://www.lesoir.be/410376/article/2021-12-03/le-codeco-quon-nattendait-pas-tourne-la-foire-dempoigne>

National
Standards
Score: 5

Formally, the national (federal) government has no authority over regional governments and administrations, but it can impose some standards and policies. Environmental policies, for instance, have been largely regionalized, but environmental standards and norms are set at the European and federal levels. As a result, environmental policy coordination has been deadlocked since 2012. In addition, subnational and local executives have to abide by budgetary constraints set by the federal government.

In general, the federal government does not have the ability to enforce or control more detailed standards with regard to issues such as performance figures. The government can only try to maintain influence through more general (legal or budgetary) levers. Another informal mechanism is party discipline; whenever the same parties are in power at the federal and subnational levels, coordination is facilitated.

On the one hand, significant political misalignment between the regions (mainly right-wing in the north and left-wing in the south) and high fractionalization in the federal parliament did not help coordination. On the other, the COVID-19 crisis called for policy responses designed jointly, and thus led to coordination at levels rarely seen before, mainly through the National Security Council at first, and afterward through the concertation committee.

Effective
Regulatory
Enforcement
Score: 6

Belgium's system of proportional representation easily falls prey to lobbying. Belgium is actually recognized as a neo-corporatist system. When a strategic decision involves key socioeconomic issues, representatives of the "social partners" (i.e., the powerful and well-organized employers' organizations and trade unions) systematically negotiate a bilateral agreement, which is then passed to the executive for legal implementation.

For this reason, the design of regulations may tend to be biased and at times ineffective, as it is based on a temporary and uneasy compromise between the social partners.

This enforcement was at times challenged during the health crisis given the speedy and restrictive nature of the measures taken. As in other countries, such

as Spain, the courts have invalidated certain state decisions, considering their legal basis to be insufficient. More recently, as described under “Policy Communication,” enforcement was hampered by the politicians themselves when several local elected officials, as well as the minister of culture of the French community, announced in the media that they would not take retaliatory measures against cultural venues that decided to remain open despite the decision of the consultation committee to close them. The decision was then voided by the State Council, forcing a new meeting of the consultation committee.

Citation:

<https://www.lesoir.be/415020/article/2021-12-28/un-codeco-ce-mercredi-pour-rouvrir-immediatement-les-theatres-et-cinemas>

<https://www.lesoir.be/364048/article/2021-03-31/coronavirus-la-justice-rappelle-letat-ses-devoirs>

<https://www.lesoir.be/409639/article/2021-11-30/la-base-legale-du-covid-safe-ticket-se-fissure>

Adaptability

Domestic
Adaptability
Score: 6

Belgium is one of the founding states of the European Union and is an active member of many international agreements. In some instances, Belgium has even played a leading role in international agreements (such as banning the production of land mines).

However, Belgium is today regularly criticized for not fully complying with rules agreed upon at the European Union, United Nations or NATO. For instance, critics have taken aim at Belgium’s slower-than-average progress in abiding by EU environmental norms. According to the European Commission, this is mainly because “the country’s environmental governance has been shaped by EU environmental law and policy (top-down process),” while “the regions’ powers in environmental matters have been increasing since the 1980s (reinforcing the bottom-up nature of environmental governance in Belgium).” The commission further stresses that “[t]he lack of a hierarchy of legislative acts reduces the effectiveness and efficiency of environmental policymaking in Belgium.”

Citation:

http://www2.derand.be/livingintranslation/en/Minorities_Convention.php

<https://www.coe.int/en/web/minorities/fcnm-factsheet>

European Commission, DG Environment (2019) “The EU Environmental Implementation Review 2019 Country Report – BELGIUM”

International
Coordination
Score: 7

Belgium hosts various supranational institutions, including the majority of the offices of the European Union. The country has always displayed enthusiasm toward joint-reform initiatives. This can be illustrated by the large number of Belgian politicians involved in the highest levels of such organizations (e.g.,

Herman Van Rompuy, a former president of the European Council; Charles Michel, current president of the European Council; Guy Verhofstadt, leader of the liberal group in the European Parliament). Moreover, the country's small size makes it heavily dependent on international coordination. It therefore supports international reform efforts in areas such as tax systems, carbon-dioxide regulation, and as of 2015, on the European equivalent of the American Foreign Account Tax Compliance Act. However, with regard to implementation, Belgium does not always fulfill its commitments.

Organizational Reform

Self-monitoring
Score: 3

In 1993, Belgium became a federal state with one federal government, three regional governments (Flanders, Brussels Capital, Wallonia), three communities (Dutch-, French- and German-speaking, each with a parliament and a government), 10 provinces, and 589 municipalities (following a merger in 1975). The absence of a hierarchy of decision-making powers between the federal and regional/community institutions means that self-monitoring efforts within administrative organizations is limited in practice. It takes a constitutional crisis to trigger a comprehensive process of reflection on institutional functionality. Resulting revisions are typically motivated by pre-existing political agendas rather than by a sound impact evaluation.

There have been six such state reforms from 1970 onwards; the 6th state reform was agreed upon in 2011 and led to the transfer of multiple further competences to the regional and community levels. The federal and regional/community governments nevertheless maintained overlapping competences (as evinced by the fact that there are nine public health ministers) because each state reform was the result of a difficult compromise between those pushing for more devolution and those pushing for reinforced federal competences.

As a consequence, Belgian institutions are far from efficient. The responsibility split between municipalities and regions has not been reoptimized appropriately, particularly in Brussels. Many decisions require interministerial coordination between the federal, regional and community authorities, which makes Belgium almost as complex as Europe. A formal body – the “concertation committee” (comité de concertation/overlegcomité) – has been developed for such coordination. The committee includes federal, regional and community ministers and is supposed to prevent conflicts of interest between the three levels. Very frequently, however, no rational solution emerges.

It is also often the case that major policy initiatives requiring coordination are not even initiated because of a local government acting as a veto player that blocks the entire initiative. There are several examples of this in all policy fields with shared competences, most notably with regard to environmental/climate change and health policies. The unprecedented collaboration observed throughout the COVID-19 crisis, during which the concertation committee took a central decision-making role, could nonetheless give hope that coordination and collaboration will improve in the future. For these hopes to be realized, parties will have to stop instrumentalizing this body as described under “Constitutional Discretion.”

Citation:

https://www.standaard.be/cnt/dmf20191108_04707701

https://www.standaard.be/cnt/dmf20191104_04699282

<https://plus.lesoir.be/130823/article/2017-12-23/francois-bellot-et-alexander-de-croo-pour-une-refederalisation-de-la-mobilite>

https://www.rtf.be/info/belgique/detail_climat-tendu-au-comite-de-concertation-pour-l-organisation-de-la-cop26-en-belgique?id=10181671

https://www.rtf.be/info/belgique/detail_etat-federal-et-regions-se-disputent-le-gateau-financier-des-licences-5g?id=10181618

Institutional
Reform
Score: 3

Most reforms are the consequence of bargaining between power levels, with successive political tensions between Flemish, Walloon, Brussels, and francophone interests. Eventually, protracted negotiations typically end up with some type of compromise that rarely improves overall efficiency. Each one of the six successive state reforms from 1970 to 2011 followed this logic.

The main bone of contention is the Brussels capital region (which is restricted to about one-fourth the actual Brussels agglomeration in terms of socioeconomic base, and one-half in terms of population). Its restricted boundaries result in numerous overlapping jurisdictions with Flanders and Wallonia. Moreover, within the Brussels region, competences are split between the 19 municipalities (communes/gemeeten) and the region. This creates another layer of overlaps and gridlocks, particularly with regard to city planning. The creation of a pedestrian zone in the city center, without sufficient coordination with the other municipalities or the region, created major traffic jams. Questions regarding the Brussels airport or the highway “ring” around Brussels are managed by Flanders. The building of a rapid train service to the south (to provide alternative transportation to Walloons commuting to Brussels) requires close administrative follow-up from the Walloon region, which has priorities beyond reducing traffic in Brussels. The large forest in the south of Brussels spans across the Brussels, Flemish and Walloon regions, which makes its management quite cumbersome. As part of the 6th state reform, a bill passed in 2012 created the “Brussels metropolitan community” which in principle would cover the greater Brussels basin (>2 million inhabitants) and would facilitate policy coordination. Due to staunch

resistance by some mayors in Flemish communes around Brussels and the reluctance of the N-VA (Flemish nationalists) to engage in such a logic, this legislation has yet to be implemented.

However, as the general process has trended toward decentralization, local efforts have had positive effects and can be seen as an improvement in strategic capacity.

II. Executive Accountability

Citizens' Participatory Competence

Political
Knowledge
Score: 7

There are few sources of data that allow one to assess the citizenry's level of information with precision. Furthermore, the web of overlapping competencies between different layers of government reduces accountability. Finally, the trend toward less and less coherent communication, as described under "Policy Communication," makes it increasingly difficult for citizens to distinguish between true and fake news. Nonetheless, it is quite clear that, over the last year, the population has become considerably more active in demanding specific policies from the various governments in Belgium.

Throughout the COVID-19 crisis, the decisions made by the government in the National Security Council and then the consultation committee were announced and justified in press conferences that included representatives of all relevant country entities, with the goal of projecting unity. While this exercise was justified when there were big announcements to be made that would affect whole areas of life, it became less and less justified when more marginal decisions were taken, drawing criticism from some experts and feeding the perception that these events had become a TV show rather than an instrument of transparency and information.

Citation:

<https://www.lesoir.be/371155/article/2021-05-09/des-experts-critiquent-le-comite-de-concertation-un-defile-de-ministres-pour>

Open
Government
Score: 7

In 2011, Belgium launched an open data platform with the aim of making government information readily available to citizens; as of late 2021, this platform (Data.Gov.Be) was making more than 13,000 databases accessible, across a broad span of policy sectors. In general, Belgium is comparable to the average European country in terms of open data policy. However, perhaps due to a lack of communication, Belgium continues to lag behind its European

counterparts in terms of the use and impact of open data initiatives.

Belgium is ranked 22nd out of 115 countries in the Open Data Barometer Global Report Fourth Edition (2016) and 22nd out of 94 countries in the Global Open Data Index 2016/2017. The Global Open Data Index highlights Belgium's poor performance regarding the availability of information on government spending, land ownership, election results, draft legislation and national laws.

As a response to the lack of information, Transparencia, a private platform, was created in 2016 with the aim of helping citizens access information held by the government.

Throughout the crisis, the government's Sciensano (the Belgian equivalent of the CDC in the United States) has published comprehensive data updated on a daily basis, and made data available in a user-friendly way (a PDF report with the main graphs and figures, plus regular press conferences). The public can access detailed information on the number of cases, deaths, hospital occupation rates and so on. This has been true for each region and province, broken down by age group and gender. Epidemiological studies performed by Sciensano are also available. However, following a tradition of secrecy regarding official data, Sciensano held on to its raw data and initially refused to share it even with specialized academics. The ones who were eventually appointed to the government's response advisory groups eventually obtained it, but only under strict confidentiality conditions, which prevented them from sharing the data with specialized university research groups that could have detected valuable patterns.

Information on the measures taken, the availability of tests and the way contract tracing is performed, as well as more practical information on how and when to wear a mask, for example, is also provided to the citizens on a dedicated website. All this contributed to the population's quite broad compliance with the measures taken by the government.

Citation:

http://digitaldashboard.belgium.be/sites/default/files/basic-page/files/2018-03/country-factsheet_belgium.pdf

<https://index.okfn.org/place/be/>

https://opendatabarometer.org/data-explorer/?_year=2015&indicator=ODB&lang=en&open=BEL

<https://data.gov.be/fr/info-faq>

Private substitute:

<https://transparencia.be/help/about>

<https://www.sudinfo.be/art/1699151/article/2016-10-19/transparencia-une-plate-forme-bruxelloise-pour-obliger-les-autorites-a-plus-de-t>

Datastudio:

<https://datastudio.google.com/embed/reporting/c14a5cfc-cab7-4812-848c-0369173148ab/page/ZwmOB>

information on the measures and others:

<https://www.info-coronavirus.be/>

Scientists complain about the difficulty to access data:
https://www.standaard.be/cnt/dmf20201214_98115880

Coronavirus-dedicated website:
www.info-coronavirus.be

Legislative Actors' Resources

Parliamentary
Resources
Score: 9

Belgium is a parliamentary democracy. Thanks to Belgium's strong party system, information flows well between the government and parliament. As party presidents are central figures in any political agreement, they can coordinate action at each level. Individual members of parliament as well as party parliamentary groups are also well-supported by state-funded expert staff and by parliamentary assistants – their overall level of resources is thus high, even though there is often a high level of party discipline in the federal parliament.

In addition, parliament can summon any person, even ministers, to request information. It can initiate special investigations through ad hoc committees, and the Audit Office (Cour des Comptes/Rekenhof), which monitors all Belgian institutions, is a collateral institution of the federal parliament and operates on a nonpartisan basis.

Obtaining
Documents
Score: 9

Parliamentary committees are de facto able to obtain essentially all documents they need, as long as the latter are not deemed highly confidential. The more sensitive areas include domestic and foreign security, in particular regarding the police and intelligence services, for which two special regular parliamentary committees (the so-called P and R committees) have been set up. The members of parliament taking part in these two special committees do have access to classified data and information upon demand, but must follow a very strict code of conduct (which they do in practice). The P committee oversees the law enforcement forces (R stands for police) and the R committee oversees the intelligence services (R stands for Renseignements, which means intelligence).

The powers of such committees become even stronger when they are set up to initiate a parliamentary investigation. However, this often leads to a strategy of not collecting data on sensitive issues in order to avoid having to disclose sensitive information. In response, Cumuleo, an activist group seeking to improve the regulation and oversight of public offices, has denounced several illegal attempts to restrict access to public documents.

This does of course imply that government policymaking takes place somewhat in the dark or with limited oversight.

Citation:

<https://www.cumuleo.be/presse/cp/02-09-2019.php>

Summoning
Ministers
Score: 10

Ministers are regularly summoned to parliamentary committees. The rights of committees are in practice not restricted. This is reinforced by the fact that most members of parliament (majority and opposition alike) have little chance of seeing their individual proposals pass in parliament. Therefore, they concentrate much of their time on written questions (which must be answered by the minister in charge), which can improve a member's media visibility. However, when the media attention on a topic is intense, one frequently sees prominent ministers replaced by (less prominent) state secretaries (i.e., junior ministers) during questioning.

Parliament also has the ability to establish investigative committee with the power to take all the investigative measures provided for in the Code of Criminal Procedure. These commissions have extensive investigatory powers, including the ability to summon ministers. Such commissions were set up by the federal and regional parliaments to investigate the management of the COVID-19 crisis.

Citation:

<https://www.robert-schuman.eu/fr/questions-d-europe/0558-le-controle-parlementaire-dans-la-crise-sanitaire>https://www.rtf.be/info/dossier/epidemie-de-coronavirus/detail_creation-d-une-commission-speciale-coronavirus-a-la-chambre?id=10529914<https://plus.lesoir.be/301051/article/2020-05-15/coronavirus-vers-une-commission-denquete-pour-evaluer-la-gestion-de-la-crise>

Summoning
Experts
Score: 9

Experts are regularly invited and questioned in parliamentary committees. The rights of committees do not appear to be restricted. Experts are often called upon, for instance when committees are addressing so-called ethical laws (involving issues such as euthanasia, adoption rights for same-sex couples, religious-related disputes, and so on) or institutional reforms. There are some de facto restrictions as to the range of experts invited, as the decision in principle to query expert advice must be validated by an absolute majority of committee members. This gives a de facto veto power to the majority parties.

The management of the COVID-19 crisis relied heavily on experts' opinions, and different groups were created to coordinate the inputs. At the onset of the crisis, the government activated the National Security Council (NSC), a structure designed to closely monitor and provide advice in the event of major crises and national emergencies. Most critical in this regard were its Risk Assessment Group (RAG) and Risk Management Group (RMG) components, which collaborated in an emergency "medical cluster." To assess the potential economic impact of the epidemic, another NSC expert group, the Economic Risk Management Group (ERMG), was created. Later on, a fourth expert

group was installed, the Group of Experts for the Exit Strategy (GEES), focusing on concrete strategies for exiting the first lockdown. As the idea that the crisis was not temporary became more prevalent, the GEES was replaced by the GEMS, or the Group of Experts in Management Strategy, which continues to advise the government with regular reports on the evolution of the public health situation and suggests possible measures that could be taken.

Citation:

<https://vsse.be/fr/notre-fonctionnement/cadre-legal-et-administratif/le-conseil-national-de-securite>

<https://www.vocabulairepolitique.be/conseil-national-de-securite/>

<https://www.lesoir.be/343730/article/2020-12-15/coronavirus-le-gems-succede-au-gees>

<https://www.lesoir.be/342853/article/2020-12-10/coronavirus-voici-le-casting-du-nouveau-groupe-dexperts-qui-conseillera-le>

Task Area
Congruence
Score: 8

The number of parliamentary committees in the House of Representatives is slightly larger than the number of ministries. There are 11 permanent committees that address key policy areas largely aligned with ministerial portfolios (e.g., defense, justice, budget or external affairs), while 13 special committees focus on specific topics (e.g., committees on COVID-19 or on Belgium's colonial past in Congo) or cross-cutting issues (e.g., constitutional reform). Committees are largely able to monitor ministries, but the effectiveness of this monitoring can be underwhelming, as the recent experience regarding nuclear safety and electricity supply has demonstrated.

Citation:

List and functioning of commissions:

<https://www.lachambre.be/kvvcr/showpage.cfm?section=/none&language=fr&cfm=/site/wwwcfm/comm/LstCom.cfm>

https://www.lachambre.be/kvvcr/pdf_sections/pri/fiche/fr_12_02.pdf

Media

Media Reporting
Score: 6

The country's main television-news programs and radio channels, both public and private, and the web-based extensions of these, provide a reasonable level of information, with a greater share of high-quality content and less focus on personalities than in Italy or France, for example.

For the rest, on the one hand, the economic crisis in the media sector is accelerating a trend toward sensational, lower-quality information, as well as a growing inability to conduct in-depth investigations or monitor policymaking, leading to a downward-trending public perception of media quality. On the other hand, the COVID-19 crisis improved media access to government information and the media's scrutiny of government decisions as the waves of infection progressed. Most mainstream media shifted from an attitude of automatic approval of government decisions in March 2020 to relatively constructive questioning of the consistency of various actions in December

2021. This proactive role has partially extended to other areas of concern, such as corruption in the former Congo colony, tax evasion, bribery and so on.

Citation:

<http://www.institut-solidaris.be/wp-content/uploads/2017/07/LaConfianceDansLesMedias.pdf>

Parties and Interest Associations

Intra-party
Decision-Making
Score: 5

Belgium maintains a multiparty political system, with 12 parties represented in the national parliament. Party organizations come in a broad variety of forms. Due to the high fractionalization of the May 2019 election, only two parties maintained a vote share above 10% at the national level: the conservative, separatist New Flemish Alliance (N-VA, 16%) and the extreme-right, separatist Vlaams Belang (12%). The historically dominant parties, such as the Socialists (respectively 9.5% and 6.7% for the French and Flemish wings), Christian Democrats (respectively 8.9% and 3.7% for the Flemish and French wings), the Liberals (8.5% and 7.5%) and the Greens (6.1% for both wings) all individually fell below 10%.

However, this observation must be qualified by the fact that each party runs only in its own district, mainly Flanders and Brussels for Flemish parties, or Wallonia and Brussels for French-speaking parties. Hence, the actual percentage totals for each given party should be increased by about a 70% ratio for the Flemish parties and by a 130% ratio for the French-speaking parties. The big picture is that the historically dominant party groupings (Socialists, Christian Democrats and Liberals) have been losing ground over the last decades, achieving historically low results in 2019.

Regarding internal selection procedures, Bram Wauters (2013) writes that “all Belgian parties represented in parliament give their members a direct say in the appointment of the party leader, be it at a party conference in which all members can participate and vote or via internal elections granting each member one vote (either by postal or electronic voting, or by arranging polling booths in local party sections).

Many of the parties selected new leaders over the 2019-2021 period. The competitiveness of internal party elections varies widely. In many internal elections, the winner is elected by a crushing majority – and, sometimes, there is only one candidate. But it does happen that some internal elections are highly competitive, and lead to surprising results (among others, the Greens typically have competitive internal elections, and both the Christian Democrats and the Liberals have occasionally tight contests). Overall, the process is thus mostly controlled by the party elites.

Electoral results: <https://elections2019.belgium.be/fr>

Parties asking their voters to validate government agreements: <https://plus.lesoir.be/250867/article/2019-10-02/accords-gouvernementaux-wallonie-bruxelles-et-flandre-prennent-un-cap-different>

Election in the liberal party: <http://www.mr.be/candidatsalapresidence/>

https://www.rtbf.be/info/belgique/detail_qui-sont-les-quatre-candidats-a-la-presidence-du-mr?id=10337835

Election in the Christian Democratic party: <https://www.cdenv.be/wie-zijn-we/voorzittersverkiezingen/kandidaten/>

Elections in the socialist parties: https://www.rtbf.be/info/belgique/detail_paul-magnette-elu-comme-prevu-nouveau-president-du-ps?id=10345699

https://www.standaard.be/cnt/dmf20191108_04707702

Wauters, Bram (2013). "Democratising Party Leadership Selection in Belgium: Motivations and Decision Makers." *Political Studies* 62/S1, 62-80, DOI: 10.1111/1467-9248.12002.

Association
Competence
(Employers &
Unions)
Score: 8

Belgium has a high level of trade union membership and a strong tradition of social consensus implemented through strong and well-organized trade unions and employers' organizations. For instance, most proposals on wage regulation and employee protection are the result of negotiations between employers' associations and trade unions. Moreover, the trade unions and employers' organizations each have their own well-developed study services with technical (e.g., legal and budgetary) expertise, even covering topics outside their traditional focus areas.

When the outcome of negotiations are positive, proposals are validated by the government and translated into law. This continuous mechanism of cooperation forces these actors to present realistic and well-argued demands (budgeted and framed in legal terms), even if some bargaining and bluffing occurs.

However, it has also happened that negotiations have failed to produce a positive result. In particular, pension and minimum wage negotiations have previously been derailed.

It should be noted that, in contrast to political parties, employers' associations and trade unions are still structured at the national level. However, there are some elements within Belgium's social organizations that appear resistant to change, given a general conservatism and perceived need to protect the institution.

<https://plus.lesoir.be/254159/article/2019-10-16/retour-la-case-depart-sans-toucher-au-salaire-minimum>

Va-t-on ramener l'âge de la retraite à 65 ans?

[https://plus.lesoir.be/224006/article/2019-05-13/va-t-ramener-lage-de-la-retraite-65-](https://plus.lesoir.be/224006/article/2019-05-13/va-t-ramener-lage-de-la-retraite-65-ans?referer=%2Farchives%2Frecherche%3Fdatefilter%3Dlastyear%26sort%3Dweight%26word%3Dretraite)

[ans?referer=%2Farchives%2Frecherche%3Fdatefilter%3Dlastyear%26sort%3Dweight%26word%3Dretraite](https://plus.lesoir.be/224006/article/2019-05-13/va-t-ramener-lage-de-la-retraite-65-ans?referer=%2Farchives%2Frecherche%3Fdatefilter%3Dlastyear%26sort%3Dweight%26word%3Dretraite)

La pension à 65 ans recalée

[https://plus.lesoir.be/212077/article/2019-03-13/la-pension-65-ans-](https://plus.lesoir.be/212077/article/2019-03-13/la-pension-65-ans-recalee?referer=%2Farchives%2Frecherche%3Fdatefilter%3Dlastyear%26sort%3Dweight%26word%3Dretraite%2520pension)

[recalee?referer=%2Farchives%2Frecherche%3Fdatefilter%3Dlastyear%26sort%3Dweight%26word%3Dretraite%2520pension](https://plus.lesoir.be/212077/article/2019-03-13/la-pension-65-ans-recalee?referer=%2Farchives%2Frecherche%3Fdatefilter%3Dlastyear%26sort%3Dweight%26word%3Dretraite%2520pension)

Il faut centrer le débat sur l'âge légal de la pension
<https://plus.lesoir.be/art/d-20190515-3TYHK4?referer=%2Farchives%2Fcherche%3Fdatefilter%3Dlastyear%26sort%3Dweight%26word%3Dretraite%2520pension>

La pension à mi-temps passe, les doutes restent
<https://plus.lesoir.be/art/d-20190403-3T61XD?referer=%2Farchives%2Fcherche%3Fdatefilter%3Dlastyear%26sort%3Dweight%26word%3Dretraite%2520pension>

Association
 Competence
 (Others)
 Score: 7

There is a wide range of civil society groups with influence on policy formation in Europe, and Belgium performs well in this regard. A broad diversity of noneconomic interest associations, at all levels from local to national, receive state funding, including environmental, cultural, religious/philosophical, sports/leisure and minority (such as individuals with handicaps) groups.

The largest groups can both make proposals and influence policy. Consociationalism also implies that some socially important decisions are made smoothly. The decisions to legalize same-sex marriage in 2003 and euthanasia in 2002 followed intense but quite dispassionate debates. The contrast with France or the United States over similar issues is all the more striking.

The main reason why this can happen is again related to the predominance of political parties. Some groups and associations that receive funding either initially have, or subsequently develop, preferential political relationships with political parties and/or government actors. This means that social groups, associations and (to some extent) some leaders and cadres of publicly funded educational institutions often have long-standing ties to a given political party. It implies that there is a strong incentive for noneconomic interest associations to propose policies, and further to ensure that these proposals are well founded, as there is a high probability that the proposals will somehow enter into the parliamentary debates. In addition, many civil society groups attempt to influence policy via the (all important) ministerial cabinets; this may be efficient in terms of exerting influence over policy formulation, especially when some interpersonal and partisan ties exist.

Obviously, the negative aspect of this structure is its dependence on public funding. On the positive side, some groups are able to coalesce into broader umbrella organizations (e.g., around environmental protection), which are able to hire stable staff with policy expertise and are thus able to intervene in policy debates.

Audit Office
Score: 9

Independent Supervisory Bodies

Established by the constitution (Article 180), the Court of Audit (Cour des Comptes/Rekenhof) is a collateral body of the parliament. It exerts external controls on the budgetary, accounting and financial operations of the federal state, the communities, the regions, the public-service institutions that depend upon them, and the provinces. Some public firms, non-profit organizations and “private” (but largely state-funded) organizations such as some universities, are also subject to thorough review. The Court of Audit’s legal powers allow it considerable independence and broad autonomy to fulfill its mandate. The members of the Court of Audit are elected by parliament but then operate in a very autonomous manner. The court’s reports are public and presented to parliament along with the accounts of the state. The body regularly attracts media attention for its critical remarks regarding the management of public entities or services (such as over the roads in Wallonia or the roadwork procurement in the Brussels Capital region).

This happened to a lesser extent during the COVID-19 crisis: the Court of Audit occasionally warned of the costs of the crisis for the social security system (not unexpectedly), but did not try to stop the government from reacting as it did. It also promptly investigated the government’s failed policy of stockpiling surgical and FFP2 masks, but without being particularly critical. More routinely, it tracked the procurement measures taken by the government during the crisis and commented on the likely public deficits of 2020 and 2021. It was also requested to perform occasional analyses, for example, on how to restructure Belgium’s security services or on how to modify the pricing of GP consultations.

While the Court of Audit appears sufficiently independent, the enforcement of its numerous recommendations remains limited, as can be seen with regard to the public management of roadworks in the Brussels Capital region. Here, it pointed out “major discrepancies between the services actually provided and the services to be provided at the time of the contracts” in 2003. This problem does not appear to be fully solved, as a 2021 report stated that the three major operators “do not always control the deadlines or the costs.”

Citation:

<https://www.ccrek.be/EN/Presentation/Presentation.html>

<https://www.courdescomptes.be/EN/>

https://www.ccrek.be/Docs/2021_30_AnnualReport2020_ShortVersion.pdf

https://www.courtofaudit.be/Docs/2021_35_ManagementRoadworksBCR_Abstract.pdf

https://www.ccrek.be/Docs/may_2003_road_infrastr_brssls_abstract.pdf

Ombuds Office
Score: 9

The independent federal ombuds office was established in 1995. The goal of the office is to have direct contact with citizens and inform them of the administrative process if need be and collect complaints against the administration. Parliament elects members of the ombuds office, but after their election, ombudsmen are totally independent and autonomous from government. The office makes a public report to parliament every year (7,544 complaints and information demands were addressed in 2020, in comparison with 6,852 in 2019). However, the ombudsman's role is only informative and deals with facilitation or advocacy; it has no coercive power.

Some difficulties occur when a complaint touches upon an issue which concerns both federal and regional or community authorities. Regional and community authorities have their own ombuds offices, also established in the 1990s and early 2000s, and which have also become fairly active. Hence, some overlap occurs.

Citation:

<http://www.federaalombudsman.be/homepage> [federal]

<https://www.le-mediateur.be/> [Walloon Region + francophone Community]

<https://www.vlaanderen.be/vlaamse-ombudsdienst> [Flanders]

Data Protection
Authority
Score: 5

In May 2018, the Belgian federal government instituted the Data Protection Authority (Autorité de protection des données /Gegevensbeschermingsautoriteit). The authority's mission is to ensure that individual's privacy is respected when personal data are processed. To improve efficiency, various pre-existing but dispersed authorities and services were regrouped under (and are now coordinated by) the Data Protection Authority. The new authority is accountable to the lower house (House of Representatives) and its board of directors are politically appointed for 6-year terms.

Both its independence and effectiveness have rapidly revealed significant limitations. In October 2019, two members of the Data Protection Authority (DPA) warned the lower house of the body's inefficiency, mainly due to the conflicts of interest held by several of its members who also hold public offices. Complaints were filed to the European Commission, which took action against Belgium saying that "some members of the Belgian Data Protection Authority cannot currently be considered free of external influence, as they either report to a management committee dependent on the Belgian government, have participated in government projects to trace COVID-19 contacts, or are members of the Information Security Committee." The Commission gave Belgium until 12 January 2022 to address this issue. Failure to respond would result in a reference of the matter to the European Court of

Justice. Belgium thus risked becoming the first state convicted of violating the GDPR.

The problem is in some senses deeply rooted, since the individuals indirectly designated by the European Commission were appointed as DPA members by the lower house of parliament, even though their conflicts of interest were already known. The measures taken as of the time of writing appeared unlikely to satisfy the Commission, as Belgium's lower house decided in mid-December to revoke the mandate of only one of the three individuals indirectly designated by the Commission's report (citing serious misconduct) while also, for purposes of regional balance, to revoke the mandate of one of the two whistleblowers (the other had already resigned). The irony is that the European directive aimed at protecting whistleblowers took full effect in Belgium that same week. Further action should include the drafting of a new law on the matter, on which the secretary of state for privacy (Mathieu Michel) had already started working.

Citation:

<https://www.autoriteprotectiondonnees.be/> (in French, with more information)

<https://www.dataprotectionauthority.be/> (in English, with limited information)

<https://www.brusselstimes.com/belgium-all-news/193520/european-commission-questions-independence-of-belgiums-data-protection-authority>

<https://www.lesoir.be/art/d-20211217-GRJXQZ>

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Bertelsmann Stiftung: Gütersloh.
<https://doi.org/10.11586/2022085>

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