

Belgium

Self-rule

INSTITUTIONAL DEPTH AND POLICY SCOPE

Belgium was transformed from a decentralized unitary state with a single regional tier (*provincies/provinces*) in 1950 to a federal state with an additional, increasingly dominant, tier of *regions* and *communities* by 1993.

The constitution of 1831 enshrined the principle of local and provincial autonomy, but it did not enumerate provincial competences (C 1831, Art. 108). An enabling law (the *Provinciewet* of 1836, and revisions) devolved competences in economic policy, cultural-educational policy, and welfare policy. Provinces also administer secondary education, roads, and social welfare. And they are responsible for implementing national laws and, since federalization, communal and regional decrees (Council of Europe: Belgium 1999, 2006; Law No. 043001/1836). With the partition of Brabant in 1993, there are now ten, rather than nine, provinces (Delmartino 1991, 1993; Valcke, De Ceuninck, Reynaert, and Steyvers 2008). Regions obtained full control over provincial and municipal government in 2001 (discussed below) and the *Vlaams Gewest* took over provincial competencies in sport, youth, welfare, and culture in 2018 (Law No. 036606/2016). Provinces in *Vlaams Gewest* score 1 on policy scope as of 2018.

The constitutional reform of 1970 created a new, higher level intermediate tier in response to autonomist demands. Two models of devolved government were instituted (Hooghe 1991a, 2004; Swenden 2006). The constitution defined three cultural communities with somewhat fluid boundaries (*Communauté française, Vlaamse Gemeenschap, Deutsche Gemeinschaft*) (C 1970, Art. 3ter).¹ The *Communauté française* encompasses the Walloon region and French speakers in Brussels;² the *Vlaamse Gemeenschap* encompasses the Flemish region and Dutch speakers in Brussels; the *Deutsche Gemeinschaft* encompasses the eastern cantons. Law makers also wrote the principle of regional autonomy into the constitution to accommodate demands for socio-economic territorial autonomy (C 1970, Art. 3bis). In contrast to the communities, the regions—*Vlaams Gewest, Région wallonne, Bruxelles-Région-Capitale/Brussel Hoofdstedelijk Gewest*—have identifiable, albeit contested, boundaries.³

¹ Initially these were called the French, Dutch, and German-speaking cultural communities. The reference to culture was dropped in 1980 for the former two, and in 1983 for the latter.

² Since 2011 it calls itself the *Fédération Wallonie-Bruxelles* <<http://www.federation-wallonie-bruxelles.be>>.

³ Belgium's overlapping jurisdictions may lead to double-counting when estimating country scores. To avoid this, we keep the Brussels region (*Brusselse Agglomeratie/Agglomération bruxelloise* for 1971-1988 and *Bruxelles-Région-Capitale/Brussel Hoofdstedelijk Gewest* for 1989-2018) separate from the *Vlaamse Gemeenschap, Communauté française*, and the *Deutsche Gemeinschaft* when we calculate country scores. We augment the scores for the Brussels region for the competences exercised by the *Vlaamse Gemeenschap* and the *Communauté française* over the citizens in Brussels.

A limited form of community autonomy was put into effect in 1971 when a special law set up two cultural councils consisting of Dutch-speaking and French-speaking members of the national parliament, respectively (Law No. 072101/1971).⁴ The councils monitored small executive cells within the national government and had authority to pass decrees on narrowly defined aspects of culture, education, and language. They receive a score of 1 on policy scope. The German cultural council was directly elected from 1974 (Law No. 071002/1973).

The 1980 reform (Law No. 080801/1980) extended autonomy to the regions and deepened community autonomy. Separate executives and administrations were created for the Flemish and Walloon regions and the Flemish, Francophone, and German communities, but no directly elected councils (except for the previously established German Community Council). The region of Brussels remained under national tutelage (Swenden 2016) which consisted of a Brussels conurbation of 19 municipalities (discussed below). The Flemish and Walloon regions gained responsibility in regional economic development, water resources and sewage, land-use planning and urban renewal, nature conservation, and some aspects of environmental policy and energy policy. The communities gained competences in cultural policy, including international cultural relations, and minor aspects of health and welfare policy (Law No. 080801/1980, Arts. 4–5). The institutions of community and region were merged on the Flemish side (Swenden 2016).⁵ Hence from 1980 the scores for Flemish community combine regional and community competences. The institutions have remained separate on the Francophone side, and so we continue to provide separate scores for the *Communauté française* and the *Région wallonne*.⁶

In 1989, devolution was considerably deepened—and became much more complex. The major new competence for the communities was education. Communities also gained authority over culture, tourism, social care (youth, family, elderly), and hospitals, which we reflect by increasing policy scope to 2. Regions acquired a broad range of economic powers: infrastructure including harbor policy, road building, waterways, public local and regional transport, and airports (except for the national airport in *Zaventem*); agricultural subsidies; natural resources; and trade. They also acquired control over active labor market policy, as well as some aspects of local government (Law No. 010882/1989). Residual powers, police, and the bulk of local government, including supervision of municipalities with a special language regime, remained national. Regions score 2 on policy scope. The central government cannot suspend or veto decrees passed by regions and communities, and a special Arbitration Court is created to handle conflicts (Alen 1989). Hence institutional depth increases from 2 to 3 in 1989 for the Flemish and Walloons regions and the

⁴ We code from 1970 to be consistent with academic practice, which tends to take the constitutional reform as its reference point. However, the councils were established the following year.

⁵ The parliament of the *Vlaamse Gemeenschap* consists of 124 members, six of whom are elected in *Bruxelles-Région-Capitale/Brussel Hoofdstedelijk Gewest* from a list of Dutch-speaking candidates. The members elected in Brussels vote only on community matters (Deschouwer 2005: 53–54).

⁶ The parliament of *Région wallonne* consists of 75 directly elected members. The parliament of the *communauté française* consists of these 75 members plus 19 francophone members from the parliament of *Bruxelles-Région-Capitale/Brussel Hoofdstedelijk Gewest* (Deschouwer 2005: 53–54).

three communities.

A Brussels conurbation (*Brusselse Agglomeratie/Agglomération bruxelloise*) was established in 1971 to provide several tasks mainly related to economic policy for its 19 municipal members: urban development, transport, airports, firefighting, public health, street cleaning, and refuse collection (Council of Europe 1996; Council of Europe: Belgium 2014; Law No. 072603/1971, Art. 4).⁷ The law foresaw regular direct elections for the Brussel council every five years but elections were only held once on 21 November 1971 (Council of Europe 1996).

A reform in 1989 reform (Law No. 021006/1989) set up a consociational governance structure for the Brussels region (Hooghe 1991a, 2004). The competences of the Brussels conurbation were taken over by the *Bruxelles-Région-Capitale/Brussel Hoofdstedelijk Gewest*. The Brussels parliament functions as the assembly (*Verenigde Vergadering; Assemblée réunie*) and elects an eight-member executive (*Verenigd College; Collège réuni*) consisting of the minister-president, four ministers (two from each language community), and three state secretaries (Delmartino, Dumont, and Van Drooghenbroeck 2010: 61).⁸ The Brussels region has the same policy competences as the Flemish and Walloon regions except for few additional tasks such as firefighting, urgent medical assistance, refuse disposal, and taxi's (Council of Europe 1996; Council of Europe: Belgium, 2014; Law No. 021006/1989, Title II, Art. 4), but, contrary to the other two regions, it remains subject to a central veto. The national government can suspend and ultimately annul decisions of the Brussels region on urban development, city and regional planning, public works, and transport if these decisions are deemed to negatively affect Brussels' role as an international and national capital (Council of Europe: Belgium 2014; Law No. 021006/1989, Art. 45).^β Furthermore, Brussels' legal ordinances do not have equal status with decrees or national laws (Alen 1989; Deschouwer 2005: 53). These constraints are reflected in our scoring of institutional depth (2) and policy scope (2).

Education, culture, social care, and other community matters in the Brussels region are controlled within the Flemish and Francophone communities. Governance is mostly decentralized to the Flemish and Francophone community commissions, the *Vlaamse Gemeenschapscommissie* (VGC) and *Commission communautaire française* (COCOF). Each is a dual structure comprised of an assembly of the Dutch- or French-speaking members of the Brussels parliament and an executive of ministers of the same language group in the Brussels College alongside a minister of the Flemish or Francophone community having a consultative role. There is also a joint commission (*Gemeenschappelijke Gemeenschapscommissie; Commission communautaire commune de Bruxelles-Capitale*), which combines members of VGC and COCOF and with responsibility for intercommunal institutions (Peeters 2012).

⁷ The law also foresaw the establishment of four other metropolitan areas in Antwerp, Charleroi, Gent, and Liège (Law No. 072603/1971, Art. 1) but only the Brussels conurbation was established (Council of Europe: Belgium 1996, 2006).

⁸ De Gemeenschappelijke Gemeenschapscommissie van Brussel-Hoofdstad. "Bevoegdheden," "Financiering & Begroting," "Historiek," and "Verenigde Vergadering." <<http://www.ccc-ggc.irisnet.be/nl>>.

The constitutional reform of 1993 formally declared Belgium a federation of three communities and three regions (C 1994, Arts. 1–3; Law No. 021259/ 1993). Five constituent units have legal personality: the Walloon region, the Brussels region, the German community, the Francophone community, and the Flemish community (this last combines community and regional competences; Swenden 2016). The 1993 constitutional revisions, which came into force in 1995, put in place institutions typical of modern federations: directly elected assemblies, a senate representing territorial interests, residual competences residing with the constituent units, fiscal federalism, and intergovernmental coordination and conflict resolution (C 1994, Ch. IV and Ch. V; Hooghe 2004). In addition, communities and regions have the authority to make international treaties on matters within their competence (C 1994, Art. 167). The two larger communities (not the German community) and regions (not Brussels) acquired some constitutive autonomy, though the most important features—including the design of electoral constituencies, the size of the parliament and executive, and parliamentary–executive relations—remained subject to federal law.

In 2001, regions gained full control over provincial and local government as well as more extensive competence in agriculture and external trade, and from 2004, over development cooperation (Law No. 021378/2001; Swenden 2006). The Brussels region gained control over local government, although provisions were built in to protect Flemish representation in decision making (Koppen, Distelmans, and Janssens 2002; Witte et al. 2003). When these changes come into effect in 2002, we increase policy scope for the regions from 2 to 3.

The Walloon region initially exercised regional competences in the territory of the German community, but these were gradually transferred to the German community: social aid and anti-poverty policy (1993), rural planning and nature protection (1994), employment policy (2000), and local government (2005).⁹ From 2005, the German community scores 3 on policy scope.

The constitutional reform negotiated in 2011 and implemented in 2012 and 2014 granted full constitutive autonomy to the communities and regions as well as to the German Community and the Brussels region (Law No. 204228/2012). The communities received further competences in hospitals, mental care, and justice and they gained full control over child allowances and child care (Law No. 200341/2014; Popelier and Cantillon 2013). Regions obtained regulatory powers regarding the labour market, traffic rules, traffic safety, and renting and leasing of houses (Law No. 200341/2014).

To summarize, regions exercise competences over regional economic development (including employment policy, industrial restructuring, the environment, labor market, nature conservation, and rural development), housing, land-use planning and urban renewal, water resources and sewage, energy policy (except for national infrastructure and nuclear energy), roads, waterways, regional airports and public local transport, traffic, local government, agriculture, and external trade. Communities have responsibility for non-territorial personal matters: culture (including arts, youth policy, tourism), language policy (except in local authorities with a special language regime), education, health, and welfare (including hospitals and child care but not social security),

⁹ Deutschsprachige Gemeinschaft Belgiens. “Die institutionelle Entwicklung.” <<http://www.dg.be>>.

with far-reaching international competences in these areas. In addition, the communities set the legislative framework for culture and for secondary and tertiary education (C 1994, Art. 127; Council of Europe: Belgium 1999, 2006; Husson, Mathieu and Sägerser 2017: 72–73; Swenden 2006; Watts 1999a). The list of exclusive federal competences is brief: defense, justice and national security, social security, fiscal and monetary policy, citizenship, and immigration (Béland and Lecours 2005, 2007; C 1994, Ch. II; Lecours 2002; Swenden 2006; Watts 1999a, 2008).

FISCAL AUTONOMY

Provinces have fiscal autonomy and may set the base and rate for several provincial taxes within the parameters of national legislation (C 1994, Art. 162; Law No. 043001/1836 Art. 65). This has included taxes on dog licenses, bicycles, productive energy, surface water protection, employees, hunting and fishing licenses, motorcycles and mopeds, boats, dangerous unsanitary establishments, and water collection (Council of Europe: Belgium 1999, 2006).^a The list of such taxes has varied over the decades and from province to province, but it has not included major taxes. Over the past fifteen years, most special provincial taxes have been replaced by a general provincial tax which consists of a tax on business establishments and on residential occupancy. General provincial taxes generate around 20 percent of provincial revenues. The bulk of provincial revenue comes from a surtax on the property tax as well as from government grants through the *provinciefonds* (provincial fund).¹⁰ Until 2001 the *provinciefonds* was funded by the central government, and since then, by the regions (Valcke, Reynaert, and Steyvers 2014: 45–48).

Until 1989, communities and regions were financed almost exclusively from central government transfers. Communities received also part of radio and television tax, for which base and rate were set by the central government. Grants to regions were calculated in relation to population, revenues from personal income tax, and surface area. The *Brusselse Agglomeratie/Agglomération bruxelloise* could set a surtax on provincial taxes and on the property tax within boundaries set out in federal law (Council of Europe: Belgium 1996; Law No. 072603/1971, Art. 48).

Since 1989, communities have a tax-sharing arrangement whereby the central government refunds a proportion of value added tax and income tax. Communities do not set the rate or base. Between 1993 and 2001, radio and television tax was entirely refunded to the communities; after 2001 this became a regional tax, but it remained earmarked to fund communities, not regions. The German community receives federal grants (Law No. 021010/ 1989 and No. 021379/2001; Swenden 2006: 130–133).

In 1989, regions obtained authority over eight minor regional taxes with varying degrees of autonomy: control over base and rate (e.g. gambling taxes), rate only (e.g. inheritance tax), rate within limits (e.g. registration fees on property transfer), or no control (e.g. vehicle registration) (Law No. 080901/1989 and No. 021010/1989, Arts. 3–4). In the ensuing years, several environmental taxes were also transferred to the regions. Yet the majority of regional revenues

¹⁰ As of 2023, provinces in Flanders will not be able to apply a surcharge on the property tax (Law No. 36202/2013 and No. 036606/2016).

came from a tax-sharing arrangement on personal income tax which had a built-in equalization mechanism.

Since 1995 regions have been able to levy additional taxes or rebates on personal income tax within federally set limits, which justifies an increase on tax autonomy to 3 (Bogaert and Père 2001; Law No. 021259/1993; Swenden 2006: 130–133).

Fiscal arrangements for regions and communities were revised once again in 2001. Regions and communities acquired authority over the base and rate of twelve taxes. In some cases this was subject to prior intergovernmental agreement to avoid regime competition (Law No. 021379/2001, Art. 5). Regional authority to adjust the rate of personal income tax was also broadened, though within federal limits (Deschouwer 2005: 65–68; Law No. 021379/2001, Art. 6).

A reform in 2014 granted regions the right to impose an unlimited surcharge on the personal income tax with the only restriction that the tax must remain progressive (Gérard 2014; Law No. 003016/2014). The share of own, self-determined revenues increased to 70 percent of total regional revenue (Schnabel 2017: 173–195). The Brussels region receives supplementary grants which are earmarked to cover for additional burdens that Brussels bears in comparison to the other regions with regard to bilingualism, mobility, training, and safety (Goosens and Cannoot 2015; Law No. 203016/2014, Arts. 64–66). The German community receives grants from the federal government (Husson, Mathieu, and Sägeser 2017: 62–64).

BORROWING AUTONOMY

Provincial borrowing is subject to prior approval from the higher government. Before provincial and local government was transferred to the regions approval was given by the centrally appointed governor (Humes and Martin 1969).^a In addition, the federal government exercised supervision on provincial accounts and budgets (Council of Europe 1997). Since 1999, provincial borrowing in the Walloon region is subject to prior approval by the Walloon government (Law No. A27184/2004, Part II-Title III). Similar arrangements are in place in the Flemish region (Law No. 036605/2005, Ch. III; Council of Europe: Belgium 2006).

The *Brusselse Agglomeratie/Agglomération bruxelloise* could borrow with prior approval from the federal government (Council of Europe 1996; Law No. 072603/1971, Art. 50). Since 1989, regions and communities have the right to borrow (Law No. 021010/1989, Ch. VI), but they require prior approval by the minister of finance (Bogaert and Père 2001; Joumard and Kongsrud 2003; Law No. 021010/1989, Art. 49.2). Subsequent reforms have only marginally relaxed the conditions. The 2001 fiscal reform allowed communities and regions to borrow in the short term provided the minister of finance was notified (Law No. 021010/1989, Art. 49.3 and No. 021379/2001, Art. 36). To qualify for admission to the EMU, the central government adopted several convergence programs including a requirement that provinces, communities, and regions balance their budgets (Vanneste 2002).

REPRESENTATION

Provincial councils have been directly elected since 1830. Until 1994 they were held in conjunction

with national elections, but since 1994 they take place on a six-year cycle jointly with local elections (C 1831, Art. 108.1 and C 1994, Art. 162.1; Law No. 043001/1836, Art. 2). The provincial executive is dual: the executive head, the governor, is appointed by the regional government (until 1994, the national government), and the other members of the executive are elected by the provincial council (Law No. 043001/1836, Arts. 3 and 4). The powers of the provincial governor have been eroding. As of 1987, the governor had to share executive power with the council and the other members of the executive and in 1997 the governor lost voting rights (Valcke, Reynaert, and Steyvers 2014: 31–39). In the Walloon provinces the governor lost the chairmanship of the provincial council as well (Valcke et al. 2008). The reform of 2018 in the Flanders provinces halved the total number of provincial councilors (from 375 to 175) and reduced the number of members on the executive board from 6 to 4 (Law No. 020498/2017).

Representational institutions in the communities and regions have been transformed. From 1970–1980, communities had indirectly elected councils of members of the lower and upper house of the relevant linguistic community. Each community had an executive composed of Dutch- or French-speaking ministers which was lodged in the national government (Law No. 072101/1971). From 1980 the Flanders and Walloon regions also acquired indirectly elected councils. The Flanders and Walloon regions and the three communities had separate executives and administrations (Hooghe 2004; Law No. 080801/1980). The council for the *Brusselse Agglomeratie/Agglomération bruxelloise* was only once directly elected on 21 November 1971. For most of its existence, the council was indirectly elected from among the councils of its 19 member municipalities. The Brussel conurbation council elected a chair and at least three board members from among its members (Law No. 072603/1971, Art. 36). In 1989, the council for the Brussels region became directly elected, and the Flemish council, Walloon regional council, and French community council followed in 1995 (Law Nos. 021006/1989 and 021259/1993). A constitutional revision in 2005 designated the regional and community assemblies as full-fledged parliaments (Law No. 021034/2005). The German community followed a separate path with direct elections from 1974 and an executive elected by the council from 1984 (Law No. 071002/1973 and No. 023027/1984).

Shared rule

LAW MAKING

Up to 1995, provincial assemblies appointed one-third of the upper chamber (*Senaat/Sénat/Senat*) in rough proportion to the population in each province (*L1, L2, L3*). The senate had equal powers to the lower chamber (*L4*). Communities and regions had no representatives in the senate.

The 1995 reform eliminated provincial senate representation and introduced a system of forty popularly elected senators in electoral districts representing the two large language communities (twenty-five Flemish and fifteen Francophone), twenty-one community senators elected by and from the Community councils (ten Flemish, ten Francophone, one German), ten co-opted senators elected by the previous two categories of senators convening by language group (six Flemish and

four Francophone), and three senators by right (adult children of the king).¹¹ For each senatorial category and each of the larger language groups, the constitution required a specific number of senators to be resident of the Brussels region (C 1994, Arts. 67–68).

With the 1995 reform, the senate lost some power but it remained a strong upper chamber. It retained equal legislative powers with the lower chamber on freedom of religion, language use, the judicial system, international treaties, and constitutional change (Deschouwer 2005: 62). On other matters, it could invoke a “reflection period” if requested by fifteen of its members (C 1994, Arts. 77–78).⁷

The reform of 2014 reduced the total number of senators from 71 to 60 and transformed the senate into a fully territorial chamber whereby 50 seats are allocated to senators who are appointed by and from the parliaments of the communities and regions (*L3*) (Dandoy, Dodeigne, Reuchamps, and Vandeleene 2015; Goosens and Cannoot 2015). 29 senators are appointed by the Flemish Parliament and the Flemish language group of the Brussels region. The French community, the Walloon region, and French language group of the Brussels region elect respectively 10, 8, and 2 senators (*L1, L2*). The German community appoints one senator. The remaining ten senators are co-opted and elected by the Flemish (six senators) and Francophone (four senators) language groups (C 2014, Art. 67; Husson, Mathieu and Sägesser 2017: 50; Law No. 200153/2014). The reform stripped off most of the competences for the Senate and its approval is not required for laws on the organization of courts and for the adoption of international agreements (Dandoy, Dodeigne, Reuchamps, and Vandeleene 2015; Goosens and Cannoot 2015). Requesting a ‘reflection period’ requires a majority of senators as well as at least one third of the members in each language group (C 2014, Art. 78; Peeters and Haljan 2016). We consider the Senate a weak upper chamber from 2014 onwards (*L4*).

There are no special provisions for representatives of particular communities or regions to have input or a veto over ordinary legislation affecting their units. The provision that there has to be a majority in particular linguistic groups does not apply to ordinary legislation.

EXECUTIVE CONTROL

Provinces never had executive control. Regions and communities have had multilateral binding executive power since 1989, when a law introduced a negotiation committee (*Overlegcomité*) to resolve intergovernmental conflicts (Hooghe 2004). The negotiation committee consists of the prime minister and five other federal members, two representatives of the Flemish community/region, one member of the Francophone community, one member of the Walloon region, and two members of the Brussels region (Law No. 080901/1989, Art. 31). The German community may send one representative from its parliament or executive when its competences are involved (Law No. 080901/1989, Art. 31.3). We code this as a non-binding form of bilateral shared rule for the German community.^β

The 1989 law (Law No. 080901/1989, Art. 31*bis*) gave the negotiation committee the competence to set up interministerial committees of federal government representatives with

¹¹ The 2014 constitutional reform abolished the category of “senators by right.”

regional or community representatives on the model of German *Politikverflechtung* (Poirier 2002). Eighteen interministerial conferences have been set up since 1995.¹²

Interministerial conferences have no formal decision making power (Law No. 801695/1995, Art. M3.1), but they are the most important venue for concluding binding intergovernmental cooperation agreements (Law No. 801695/1995, Art. M3.2). Intergovernmental cooperation has been extended to European policy (Beyers and Bursens 2013; Deschouwer 2005: 59).

FISCAL CONTROL

Until 1995, provinces could influence the national distribution of revenues and the tax regime by virtue of their institutional presence in the senate.

Between 1970 and 1995, communities and regions (after 1980) had a veto on fiscal control because regional and community parliamentarians also constituted the national parliament (under the so-called “double mandate”). That is to say, national parliamentarians wore two hats in addition to their national mandate: as members of one of the community councils (linguistic affiliation), and as members of one of the regional councils (residence based).¹³ We conceive these parliamentarians as representatives of their respective sub-national governments.^β Their control over fiscal policy derives from the fact that amendments to the special law regulating the finances of communities and regions require a double majority: an absolute majority in each linguistic group in either national chamber, and an overall two-thirds majority in each chamber. This gave representatives of the two large communities and the three regions a veto (C 1970, Art. 32*bis*). The German council was directly elected from 1974, and its representatives in the national parliament never had a double mandate.

The double mandate was abolished in 1995 (C 1994, Art. 119). However, regions and communities have a veto over the distribution of tax revenues through executive channels. Regions, communities, and the federal government are legally bound to reach agreement on amendments to the special law regulating the financing of communities and regions (Law No. 021010/1989). The constitutional revision of 2001, which increased subnational fiscal autonomy, made autonomy conditional upon “compulsory agreements” among the entities. These agreements are intended to constrain fiscal competition (C 1994, Arts. 175–178 and Law No. 021379/2001).

The veto of the communities and regions over the distribution of federal tax revenues was further reinforced with the reform of 2014 which transformed the senate into a fully territorial chamber whereby a vast majority of the senators are appointed by and from the parliaments of the communities and regions (C 2014, Art. 67). Special laws, including the law regulating the financing of communities and regions, require absolute majorities of both the Dutch- and the French-speaking linguistic groups in both the upper and lower chambers (C 2014, Art. 77; Law

¹² There are interministerial conferences for: institutional reform; economy and energy; mobility, infrastructure, and telecommunication; science and culture; foreign policy; foreign trade; finance; internal affairs; public order; labour activation policy; civil service; agriculture; health; environment; sustainability; large cities, integration, and housing; welfare, sport, and families; justice.

¹³ So in legal terms parliamentarians exercised a triple mandate.

No. 200234/2014).

The German community does not have fiscal shared rule but is financed primarily from a federal grant regulated by federal law. An amendment to this law does not require consultation of the German community. Since 2014, the law on the institutions and financing of the German community is a special law that is subject to approval by the Dutch- and the French-speaking linguistic groups (C 2014, Art. 77; Coppens 2012: 9; Law No. 023027/1984).

BORROWING CONTROL

There was no shared rule on borrowing until 1989,^a when the special law on finances reformed the High Council of Finance (*Hoge Raad van Financien/Conseil Supérieur des Finances*) and established a Public Borrowing Requirements Section within the High Council (Law No. 021010/1989, Art. 49; Schnabel 2017: 173–195, 2019). This section is an expert body consisting of 12 members, three appointed by the federal government, six designated by the regions and communities, and three ex officio members: the governor, vice-governor, and the senior director of the National Bank of Belgium. Linguistic parity for the whole committee is observed (Bogaert and Père 2001; Law No. 021010/1989, Art. 49.6; Ter-Minassian and Craig 1997; Vanneste 2002). The provinces do not participate.

Until 1996, the Council's recommendations on borrowing were non-binding. The Council recommended restrictions on subnational borrowing, which could be imposed by the federal government for a period up to two years (Bogaert and Père 2001; Law No. 021010/1989, Art. 49.7). The federal government has not used this provision to restrict subnational borrowing (Buffel 2010: 97; Schnabel 2019: 126–130). Since 1996, the federal government and the regions and communities regularly negotiate cooperation agreements that formalize the fiscal targets recommended by the Council.¹⁴ These agreements are approved by a deliberation committee (*Overlegcomité/Comité de Concertation*) which consists of the prime ministers of the federal government, regions, and communities including the prime-minister of the German community (Schnabel 2017: 173–195, 2019: 130; Husson, Mathieu, and Sägesser 2017: 53–55). Regions and communities score 1 on borrowing control until 1995 and 2 from 1996 onwards.

CONSTITUTIONAL REFORM

Since 1831, constitutional reform requires a two-thirds majority in both the senate and house of representatives (C 1831, Art. 131), and since 1970, also absolute majorities of both the Dutch- and the French-speaking linguistic groups in each chamber (C 1970, Art 4; Deschouwer 2005).

Until 1994, provincial delegates controlled a third of the senate seats and could, therefore, theoretically block constitutional change. When the double mandate was introduced in 1970, communities acquired a veto over constitutional change, as did the regions when the double mandate was extended to regional councils in 1980. The double mandate did not extend to representatives of the German community.

Between 1995 and 2014, the three community councils send 21 representatives to the senate,

¹⁴ Cooperation agreements were signed in 1996, 1999, 2000, 2005, and 2013 (Schnabel 2019: 136).

where they comprised less than one-third of the total. They were consulted on constitutional change, but they could not raise the decision hurdle or exert a veto. The forty directly elected senators represented the two large language groups. They constituted a majority and were in a position to veto constitutional change (C 1994, Arts. 67–68 and 195–198). The votes of representatives living in Brussels were added to the language group to which their political party belonged. The German community had one representative among the community senators, who could not raise the hurdle or exert a veto.

The reform of 2014 transformed the senate into a fully territorial chamber whereby 50 out of a total of 60 seats are allocated to senators who are appointed by and from the parliaments of the communities and regions (C 2014, Art. 67; Goosens and Cannoot 2015). Constitutional revisions require a two-third majority among the senators. The reform has given all regions and communities, including Brussels, the Walloon region, and the Germany community, a veto over constitutional change. In addition, the adoption and revision of special laws require absolute majorities of both the Dutch- and the French-speaking linguistic groups in the Senate as well as the House of Representatives. Special laws regulate constitutional issues such as the institutions and financing of the communities and regions, special provisions concerning the Brussels region and the German Community, the constitutional court, and compliance with international or supranational obligations (C 2014, Art. 77; Law No. 200234/2014; Peeters and Haljan 2016).

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Self-rule in Belgium

			Institutional depth	Policy scope	Fiscal autonomy	Borrowing autonomy	Representation		Self-rule
							Assembly	Executive	
Provincies/Provinces	I	1950-1969	2	2	2	1	2	1	10
	I → II	1970-2001	2	2	2	1	2	1	10
Vlaamse Gemeenschap	I	1970-1979	2	1	0	0	1	0	4
	I	1980-1988*	2	2	0	0	1	2	7
	I	1989-1994*	3	2	2	1	1	2	11
	I	1995-2001*	3	2	3	1	2	2	13
	I	2002-2018*	3	3	3	1	2	2	14
Provincies	II	2002-2017	2	2	2	1	2	1	10
	II	2018	2	1	2	1	2	1	9
Communauté française	I	1970-1979	2	1	0	0	1	0	4
	I	1980-1988	2	1	0	0	1	2	6
	I	1989-1994	3	2	0	1	1	2	9
	I	1995-2018	3	2	0	1	2	2	10
Deutsche Gemeinschaft	I	1970-1973	2	1	0	0	0	0	3
	I	1974-1983	2	1	0	0	2	0	5
	I	1984-1988	2	1	0	0	2	2	7
	I	1989-2004	3	2	0	1	2	2	10
	I	2005-2018	3	3	0	1	2	2	11

Brussels									
Brusselse Agglomeratie /Agglomération bruxelloise	I	1971-1988	2	1	1	1	1	2	8
Brussels Gewest /Région bruxelloise	I	1989-1994	2	2	2	1	2	2	11
	I	1995-2001	2	2	3	1	2	2	12
	I	2002-2018	2	3	3	1	2	2	13
Région wallonne	I	1980-1988	2	1	0	0	1	2	6
	I	1989-1994	3	2	2	1	1	2	11
	I	1995-2001	3	2	3	1	2	2	13
	I	2002-2018	3	3	3	1	2	2	14
Provinces	II	2002-2018	2	2	2	1	2	1	10

* Combines regional and community institutions with respect to Flanders and Dutch-speakers in Brussels.

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Shared rule in Belgium

		Law making						Executive control		Fiscal control		Borrowing control		Constitutional reform		Shared rule
		L1	L2	L3	L4	L5	L6	M	B	M	B	M	B	M	B	
Provincies	1950-1994	0	0.5	0	0.5	0	0	0	0	1	0	0	0	4	0	6
/Provincies	1995-2001	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Vlaamse	1970-1988	0	0	0	0	0	0	0	0	2	0	0	0	4	0	6
Gemeenschap	1989-1994	0	0	0	0	0	0	2	0	2	0	1	0	4	0	9
	1995	0.5	0.5	0.5	0.5	0	0	2	0	2	0	1	0	3	0	10
	1996-2013	0.5	0.5	0.5	0.5	0	0	2	0	2	0	2	0	3	0	11
	2014-2018	0.5	0.5	0.5	0	0	0	2	0	2	0	2	0	4	0	11.5
Provincies	2002-2018	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Communauté	1970-1988	0	0	0	0	0	0	0	0	2	0	0	0	4	0	6
française	1989-1994	0	0	0	0	0	0	2	0	2	0	1	0	4	0	9
	1995	0.5	0.5	0.5	0.5	0	0	2	0	2	0	1	0	3	0	10
	1996-2013	0.5	0.5	0.5	0.5	0	0	2	0	2	0	2	0	3	0	11
	2014-2018	0.5	0.5	0.5	0	0	0	2	0	2	0	2	0	4	0	11.5
Deutsche	1970-1988	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Gemeinschaft	1989-1994	0	0	0	0	0	0	0	1	0	0	1	0	0	0	2
	1995	0.5	0.5	0.5	0.5	0	0	0	1	0	0	1	0	0	0	4
	1996-2013	0.5	0.5	0.5	0.5	0	0	0	1	0	0	2	0	0	0	5
	2014-2018	0.5	0.5	0.5	0	0	0	0	1	0	0	2	0	4	0	8.5

Brussels																	
Brusselse Agglomeratie/ Agglomération bruxelloise	1971-1988	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Brussels	1989-1994	0	0	0	0	0	0	2	0	2	0	1	0	4	0	9	
Gewest/ Région bruxelloise	1995	0	0	0	0	0	0	2	0	2	0	1	0	0	0	5	
	1996-2013	0	0	0	0	0	0	2	0	2	0	2	0	0	0	6	
	2014-2018	0.5	0.5	0.5	0	0	0	2	0	2	0	2	0	4	0	11.5	
Région wallonne	1980-1988	0	0	0	0	0	0	0	0	2	0	0	0	4	0	6	
	1989-1994	0	0	0	0	0	0	2	0	2	0	1	0	4	0	9	
	1995	0	0	0	0	0	0	2	0	2	0	1	0	0	0	5	
	1996-2013	0	0	0	0	0	0	2	0	2	0	2	0	0	0	6	
	2014-2018	0.5	0.5	0.5	0	0	0	2	0	2	0	2	0	4	0	11.5	
Provinces	2002-2018	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	

National legislature has: L1 = regional representation; L2 = regional government representation; L3 = majority regional representation; L4 = extensive authority; L5 = bilateral regional consultation; L6 = veto for individual region. Total for shared rule includes the highest score of either multilateral (M) or bilateral (B).

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