

18 JULY 1991

**ACT GOVERNING REVIEW OF THE POLICE
AND INTELLIGENCE SERVICES AND OF THE
COORDINATION UNIT FOR THREAT ASSESSMENT**

CHAPTER I - GENERAL PROVISIONS

Article 1

Both a Standing Police Services Review Committee and a Standing Intelligence Agencies Review Committee shall be established. In particular, review shall relate to:

1° The protection of the rights conferred on individuals by the Constitution and the law, as well as the coordination and effectiveness of the police services on the one hand and the intelligence and security services on the other;

2° The protection of the rights conferred on individuals by the Constitution and the law, as well as the coordination and effectiveness of the Coordination Unit for Threat Assessment;

3° The way in which the other supporting services satisfy the obligation laid down in Articles 6 and 14 of the Act of 10 July 2006 on threat assessment.

An Investigation Service shall be established for each of these committees.

Art. 2

The review governed by this Act does not relate to judicial authorities nor to the actions taken by them in the exercise of the prosecution function. The review does not relate to the administrative police authorities either.

The review referred to in this Act is governed without prejudice to the review or inspection governed by or by virtue of other legislation. In the event of review or inspection governed by or by virtue of other legislation, the review referred to in this Act relating to the activities, methods, documents and directives of the police services and of the intelligence and security services, shall only be undertaken to ensure fulfilment of the assignments provided for in this Act.

Art. 3

For the purposes of this Act, the following definitions shall apply:

1° "Police services": in addition to the local police and the federal police, the services that come under the authority of the public authorities and public interest institutions, whose members have been invested with the capacity of judicial police officer or judicial police agent;

2° "Intelligence and security services": State Security and the General Intelligence and Security Service of the Armed Forces;

3° "Coordination Unit for Threat Assessment": the service referred to in the Act of 10 July 2006 on threat assessment;

4° "Other supporting services": the services other than the police services and the intelligence and security services referred to in this Act, that are required, in accordance with the Act of 10 July 2006 on threat assessment, to pass on information to the Coordination Unit for Threat Assessment;

5° "Threat Assessment Act": the Act of 10 July 2006 on threat assessment;

6° "Ministerial Committee": the Ministerial Committee referred to in Article 3, 1° of the Act of 30 November 1998 governing the intelligence and security services.

Shall be equated to police services for the purposes of this Act, the people who are individually authorised to detect and establish criminal offences.

CHAPTER II - REVIEW OF THE POLICE SERVICES

This chapter that concerns review of the police services by the Standing Committee P is not reproduced.

CHAPTER III - REVIEW OF THE INTELLIGENCE SERVICES

Section 1 - The Standing Intelligence Agencies Review Committee

Subsection 1 - Composition

Art. 28

The Standing Intelligence Agencies Review Committee, hereinafter referred to as the "Standing Committee I", shall consist of three full members, including a Chairman. Two substitutes shall be appointed for each of them. They shall all be appointed by the Senate, who may dismiss them if they perform one of the functions or activities or hold one of the positions or mandates referred to in paragraph 4, or for serious reasons.

The Standing Committee I shall be assisted by a registrar. In his absence, the Standing Committee I shall provide for his replacement in accordance with the terms defined in the rules of procedure referred to Article 60.

At the time of their appointment, the members and their substitutes shall satisfy the following conditions:

1° Be Belgian;

2° Enjoy civil and political rights;

3° Have attained the age of 35 years;

4° Reside in Belgium;

5° Hold a Master's degree in Law and demonstrate at least seven years' relevant experience in the field of criminal law or criminology, public law, or management techniques, acquired in positions related to the operation, activities and organisation of the police services or of the intelligence and security services, as well as having held positions requiring a high level of responsibility;

6° Hold a top secret level security clearance in accordance with the Act of 11 December 1998 on classification and security clearances.

The members and their substitutes may not hold a public elected office. They may not perform a public or private function or activity that could jeopardise the independence or dignity of the office. They may not be members of the Standing Police Services Review Committee, nor of a police service, an intelligence service, the Coordination Unit for Threat Assessment, or another supporting service.

The Chairman shall be a magistrate.

The decisions assigned to the Standing Committee I by this Act or other acts shall be taken in plenary session.

Art. 29

The registrar shall be appointed by the Senate, who may dismiss him or terminate his appointment in the cases referred to in Article 28, paragraph 4. At the time of his appointment, the registrar shall satisfy the following conditions:

1° Be Belgian.

2° Enjoy civil and political rights;

- 3° Have knowledge of the French and Dutch languages;
 - 4° Have attained the age of 30 years;
 - 5° Reside in Belgium;
 - 6° Hold a Master's degree in Law;
 - 7° Have at least two years' relevant experience;
 - 8° Hold a top secret level security clearance in accordance with the Act of 11 December 1998 on classification and security clearances.
- Before taking up his duties, the registrar shall take the oath prescribed by Article 2 of the decree of 30 July 1831 before the President of the Senate.

Art. 30

The members of the Standing Committee I and their substitutes shall be appointed for a renewable term of six years starting from the time they take their oath. At the end of this term, the members shall remain in office till their successors have taken their oath.

The substitutes shall be appointed for a renewable term of six years starting from the time the member whom they are replacing took his oath.

A member whose mandate ends before the expiry of the term of six years shall be replaced for a new term of six years by his first substitute or if the latter relinquishes this position, by his second substitute. If a position of substitute member should become vacant, the Senate shall appoint a new substitute member forthwith.

For the appointment of a substitute member, the conditions laid down in Article 28, paragraph 4, shall be verified by the Senate upon taking up his duties.

Before taking up their duties, the members of the Standing Committee I shall take the oath prescribed by Article 2 of the decree of 30 July 1831 before the President of the Senate.

Subsection 2 - Definitions

Art. 31

§1. For the purposes of this chapter, "the competent ministers" shall mean:

- 1° The minister responsible for National Defence, with regard to the General Intelligence and Security Service;
- 2° The minister responsible for Justice, with regard to State Security;
- 3° The minister responsible for a service referred to in Article 3, 2°, *in fine*;
- 4° The minister responsible for the Interior, with regard to the assignments of State Security relating to the maintenance of law and order and the protection of people, as well as the organisation and administration of State Security when that organisation and administration have a direct influence on the execution of assignments relating to the maintenance of law and order and the protection of people;
- 5° The Ministerial Committee, with regard to the Coordination Unit for Threat Assessment or the other supporting services.

In this chapter, "the competent authority" shall mean the director of the Coordination Unit for Threat Assessment.

Subsection 3 - Assignments

Art. 32

If the investigation concerns an intelligence service, the Standing Committee I shall act either on its own initiative, or at the request of the House of Representatives, the Senate, the competent minister or the competent authority.

When the Standing Committee I acts on its own initiative, it shall forthwith inform the Senate thereof.

Art. 33

Within the framework of the objectives laid down in Article 1, the Standing Committee I shall investigate the activities and methods of the intelligence services, the Coordination Unit for Threat Assessment, and the other supporting services, their internal rules and directives, as well as all documents regulating the conduct of the members of these services. The intelligence services, the Coordination Unit for Threat Assessment, and the other supporting services shall, on their own initiative, send to the Standing Committee I the internal rules and directives, as well as all documents regulating the conduct of the members of these services. The Standing Committee I and the Investigation Service for the intelligence services shall have the right to be provided with all texts that they consider necessary for the performance of their assignment. The Standing Committee I may, based on a reasoned request of its Chairman, request the administrative authorities to provide it with the regulations, guidelines and documents issued by these authorities which the Committee considers essential for the performance of its assignment. The concerned administrative authority has the right to assess whether it is relevant to communicate the requested regulations, guidelines and documents to the Standing Committee I.

The Standing Committee I shall provide the competent minister or the competent authority, as well as the Senate with a report on each investigation assignment. This report shall be confidential until its communication to the Senate in accordance with Article 35.

This report shall include the conclusions relating to the texts, activities or methods that could jeopardise the objectives laid down in Article 1.

The competent minister or the competent authority may, with regard to the investigation reports, hold an exchange of views with the Standing Committee I. The Standing Committee I may itself propose that such an exchange of views be held.

The competent minister or the competent authority shall inform the Standing Committee I within a reasonable period of time of his/its response to its conclusions.

The Standing Committee I may only advise on a Bill, Royal Decree, Circular Letter, or any documents expressing the political orientations of the competent ministers, at the request of the House of Representatives, the Senate, or the competent minister.

When the Standing Committee I acts at the request of the competent minister, the report shall only be submitted to the Senate at the end of the term laid down in accordance with Article 35, § 1, 3°. The Chairman of the Monitoring Committee concerned referred to in Article 66*bis* shall be informed of the request of the minister to the Standing Committee I and of the content of the report before the end of the term laid down in Article 35, § 1, 3°.

Art. 34

Within the framework of the objectives laid down in Article 1, the Standing Committee I deals with the complaints and denunciations it receives with regard to the operation, the intervention, the action or the failure to act of the intelligence services, the Coordination Unit for Threat Assessment, and the other supporting services and their personnel.

Without prejudice to the provisions of Article 46, the Standing Committee I may decide not to follow up a complaint or a denunciation that is clearly unfounded. It may delegate this responsibility to the Head of the Investigation Service for the intelligence services.

The decision of the Standing Committee I not to follow up a complaint or denunciation and to close the investigation shall be justified and communicated to the party who made the complaint or denunciation.

When the investigation is closed, the results shall be communicated in general terms.

The Standing Committee I shall inform the managing officer of the intelligence service, the director of the Coordination Unit for Threat Assessment, or the managing officer of the other supporting service, depending on the case, of the conclusions of the investigation.

Art. 35

§ 1. The Standing Committee I shall report to the House of Representatives and the Senate in the following cases:

1° Annually, through a general activity report, which shall include, if applicable, conclusions and proposals of a general nature, and which shall cover the period from 1 January to 31 December of the preceding year. This report shall be sent to the Presidents of the House of Representatives and the Senate, and to the competent ministers by 1 June at the latest. In this report, the Standing Committee I shall pay special attention to the specific and exceptional methods for gathering information, as referred to in Article 18/2 of the Act of 30 November 1998 governing the intelligence and security services, as also to the application of Chapter IV/2 of the same Act and to the implementation of the Act of 10 July 2006 on threat assessment.

2° When the House of Representatives or the Senate has entrusted it with an investigation.

3° When at the end of a period that it believes to be reasonable, it notes that no action has been taken concerning its conclusions, or that the measures taken are inappropriate or inadequate. This period may not be less than sixty days.

§ 2. The Standing Committee I shall present a report to the Senate every six months regarding the application of Article 18/2 of the Act of 30 November 1998 governing the intelligence and security services. A copy of this semi-annual report shall also be provided to the Ministers of Justice and Defence, who may draw the attention of the Standing Committee I to their remarks.

The report shall contain the number of clearances granted, the duration for which the exceptional methods for gathering information are applicable, the number of persons involved and, if necessary, the results obtained. The report shall also mention the activities of the Standing Committee I.

The elements appearing in the report should not affect the proper functioning of the intelligence and security services or jeopardise the cooperation between Belgian and foreign intelligence and security services.

Art. 36

In order to prepare their conclusions of a general nature, the House of Representatives and the Senate may request the Standing Committee I to provide each and every investigation dossier, according to the terms and conditions that they determine and which in particular aim to safeguard the confidential nature of these dossiers and to protect the privacy of individuals. If the investigation was initiated at the request of a competent minister, his consent shall be required before handover of the investigation dossier, unless the term laid down in Article 35, § 1, 3° has expired.

Art. 37

After acquiring the advisory opinion of the competent ministers or the competent authority, the Standing Committee I shall decide, within a period of one month from the request for advice, to make public all or part of its reports and conclusions, according to the terms and conditions it stipulates.

The reports and conclusions made public shall include the advisory opinion of the competent ministers and the competent authorities.

Art. 38

The Prosecutor-General and the Auditor-General shall ex-officio send to the Chairman of the Standing Committee I a copy of the judgments and judicial decisions relating to the

crimes or offences committed by the members of the intelligence services and the Coordination Unit for Threat Assessment.

The public prosecutor, the labour prosecutor, the federal prosecutor or the prosecutor-general of the Court of Appeal, depending on the case, shall inform the Chairman of the Standing Committee I whenever a criminal or judicial investigation into a crime or offence is initiated against a member of an intelligence service or the Coordination Unit for Threat Assessment.

At the request of the Chairman of the Standing Committee I, the prosecutor-general or the auditor-general may provide a copy of the deeds, documents or information relating to criminal proceedings against members of the intelligence services and the Coordination Unit for Threat Assessment for crimes or offences committed in the execution of their duties.

However, if the deed, document or information concerns an ongoing judicial investigation, it may only be communicated with the consent of the examining magistrate.

The copies shall be delivered without charge.

Art. 39.

The Standing Committee I shall exercise its authority over the Investigation Service for the intelligence services, assign investigations to it, and receive reports on all investigations that are carried out.

However, when they perform a judicial police assignment, the Head and the members of the Investigation Service for the intelligence services shall be subject to review by the prosecutor-general of the Court of Appeal or the federal prosecutor.

Section 2 - The Investigation Service for the intelligence services

Art. 40

By order of the Standing Committee I or, except with regard to the Coordination Unit for Threat Assessment and the other supporting services, on its own initiative, in which case it shall immediately inform the Chairman of the Standing Committee I, the Investigation Service for the intelligence services, hereinafter referred to as the "Investigation Service I", shall supervise the operations of the intelligence services, the Coordination Unit for Threat Assessment and the other supporting services, through investigations, within the limits of Article 1.

It shall examine the complaints and denunciations of individuals who have been directly concerned by the intervention of an intelligence service, the Coordination Unit for Threat Assessment or another supporting service. Any public officer, any person performing a public function, and any member of the armed forces directly concerned by the directives, decisions or rules applicable to them, as well as by the methods or actions, may lodge a complaint or file a denunciation without having to request authorisation from his superiors.

On its own initiative or at the request of the competent public prosecutor, military public prosecutor or examining magistrate, it shall, together with the other officers and agents of the judicial police, and even with a right of priority over them, investigate the crimes and offences which the members of the intelligence services and the Coordination Unit for Threat Assessment are charged with. With regard to the members of the other supporting services, this provision only applies with respect to the obligation laid down by Articles 6 and 14 of the Act of 10 July 2006 on threat assessment.

If the person filing a denunciation so wishes, his anonymity shall be guaranteed. In this event, his identity may only be disclosed within the Service and to the Standing Committee I.

Art. 41

A person may not be appointed Head of the Investigation Service I if he has not been a magistrate or a member of an intelligence or police service for a period of five years, or if he cannot demonstrate at least five years' relevant experience as a public servant in positions relating to the activities of the intelligence or police services. At the time of his appointment he must have attained the age of 35 years.

The Head of the Investigation Service I shall be appointed by the Standing Committee I for a renewable term of five years.

Before taking up his duties, the Head of the Investigation Service I shall take the oath prescribed by Article 2 of the decree of 30 July 1831 before the Chairman of the Standing Committee I.

He must have knowledge of the French and Dutch languages.

He shall retain his right to advancement and salary increase.

He may be dismissed by the Standing Committee I.

Art. 42

Without prejudice to Article 39, second paragraph, the Head of the Investigation Service I shall manage it and set out the tasks, under the collegial authority, direction and supervision of the Standing Committee I.

He shall be responsible for relations with the Standing Committee I, from which he shall receive the assignments and to which he shall send the reports.

He shall be responsible for relations with the judicial authorities, from which he shall receive the requests and to which he shall send the reports referred to in Article 46.

Art. 43

Except for the cases laid down by Articles 40, paragraph 3, and 46, the Head of the Investigation Service I shall inform the competent minister or the competent authority that an investigation is initiated.

He shall send a report to the Standing Committee I at the end of each investigation assignment.

However, in the cases referred to in Articles 40, paragraph 3, and 46, the report shall be limited to the information necessary for the Standing Committee I to perform its assignments.

Art. 44

The members of the Investigation Service I shall be appointed and dismissed by the Standing Committee I on the recommendation of the Head of the Investigation Service I.

At least half of the members, and this for a renewable term of five years, shall be seconded from an intelligence or police service or an administration in which they have acquired at least five years' experience in positions relating to the activities of the intelligence or police services.

The members of the Investigation Service I shall take the same oath as the Head of the Service.

In the service or administration that they have been seconded from, they shall retain their right to advancement and salary increase.

Art. 45

The Head and the members of the Investigation Service I shall have the capacity of judicial police officer, assistant public prosecutor and assistant military public prosecutor.

In order to be appointed, they must hold a top secret level security clearance in accordance with the Act of 11 December 1998 on classification and security clearances.

Art. 46

When a member of the Investigation Service I has knowledge of a crime or offence, he shall produce a formal report that is forthwith sent by the Head of the Investigation Service I to the public prosecutor, to the military public prosecutor, or the examining magistrate, depending on the case.

The person who lodged the complaint or filed the denunciation, or the authority who called upon the Standing Committee I, shall be informed thereof by the Head of the Investigation Service I.

Art. 47

When a member of the Investigation Service I observes facts during an investigation that could constitute a disciplinary offence, the Head of the Investigation Service I shall forthwith inform the competent disciplinary authority thereof.

Section 3 - Investigation procedures

Art. 48

§1. Without prejudice to the legal provisions relating to the immunity and privilege, the Standing Committee I and the Investigation Service I may summon for hearing any person they believe useful to hear.

The members of the intelligence services, the Coordination Unit for Threat Assessment, and the other supporting services which are being heard may testify about facts covered by professional secrecy.

§2. The Chairman of the Standing Committee I may have members of the intelligence services, the Coordination Unit for Threat Assessment, and the other supporting services summoned through the medium of a bailiff. The members of the intelligence services, the Coordination Unit for Threat Assessment, and the other supporting services are bound to testify after having taken the oath prescribed by Article 934, paragraph 2 of the Judicial Code.

The members of the intelligence services, the Coordination Unit for Threat Assessment, and the other supporting services are bound to disclose to the Standing Committee I the secrets that they know of. If these secrets relate to an ongoing criminal or judicial inquiry, the Standing Committee I shall consult the competent magistrate in advance regarding this.

If the member of the intelligence service, the Coordination Unit for Threat Assessment, or the other supporting services is of the opinion that he must not disclose the secret he has knowledge of because its disclosure would risk exposing a person to physical danger, the question shall be submitted to the Chairman of the Standing Committee I, who shall rule, or, if it concerns a member of the Coordination Unit for Threat Assessment or another supporting service, the Chairmen of the two Standing Committees, who shall rule jointly.

§3. The Standing Committee I and the Investigation Service I may request the collaboration of interpreters and experts. They shall take the oath in the way used in the Assize Court. The remuneration due to them shall be paid in keeping with the rates for fees in civil cases.

§4. Article 9 of the Act of 3 May 1880 on parliamentary investigations shall apply to the members of the intelligence services, the Coordination Unit for Threat Assessment, and the other supporting services who are heard or summoned by the Standing Committee I as witnesses, and to the experts and interpreters who are called upon.

The formal reports establishing the offences committed before the Standing Committee I shall be drawn up by the Chairman and sent to the prosecutor-general of the Court of Appeal in the district where they were committed.

The members of the intelligence services, the Coordination Unit for Threat Assessment, and

the other supporting services who refuse to testify before the Standing Committee I, and the experts and interpreters who refuse to collaborate, shall be liable to imprisonment of between one month and one year.

Art. 49

The members of the Investigation Service I may request the assistance of the public power in the performance of their assignments.

Art. 50

Any member of a police service who observes a crime or offence committed by a member of an intelligence service shall draw up an information report and send it to the Head of the Investigation Service I within a period of fifteen days.

Art. 51

The members of the Investigation Service I may make all observations in any location. They may at all times, in the presence of their Head of Department, or his substitute, and of the chief of police, director or senior civil servant concerned, or his replacement, enter the premises where members of an intelligence service, the Coordination Unit for Threat Assessment or other supporting service perform their duties, in order to make substantive observations. In these locations, they may confiscate any objects and documents useful to their investigation, except for those relating to an ongoing criminal or judicial investigation. If the chief of police or his substitute is of the opinion that the confiscation of classified information would constitute a threat to the performance of the assignments of the intelligence and security services referred to in Articles 7, 8 and 11 of the Act of 30 November 1998 governing the intelligence and security services, or would risk exposing a person to physical danger, the question shall be submitted to the Chairman of the Standing Committee I, who shall rule. If the director or the senior civil servant or his replacement is of the opinion that the confiscation of classified information would constitute a threat to the performance of the assignments of the intelligence and security services referred to in Articles 7, 8 and 11 of the Act of 30 threat ass 1998 governing the intelligence and security services, or would risk exposing a person to physical danger, the question shall be submitted to the Chairmen of the two Standing Committees, who shall rule jointly. The confiscated objects and documents shall be recorded in a special register kept for this purpose.

CHAPTER IV - JOINT MEETINGS OF THE STANDING POLICE SERVICES AND INTELLIGENCE AGENCIES REVIEW COMMITTEES

Art. 52

The Standing Committees shall exchange information on their activities and send each other the reports and conclusions referred to in Articles 9, 11, 33 and 35.

At least twice a year, they shall hold joint meetings, during which additional information may be exchanged.

Art. 53

During their joint meetings, the Standing Committees shall jointly perform their assignments (laid down in Articles 9, 10, 11, 33, 34 and 35):

- 1° With regard to the public services that perform both police and intelligence assignments;
- 2° With regard to the division of the assignments and the coordination of the operation between the police services on the one hand, and the intelligence services on the other;

3° With regard to any question put to them, either by a joint request from the ministers responsible for the Interior, Justice and National Defence, or at the request of the House of Representatives or the Senate;

4° With regard to any question that each Standing Committee believes does not fall within its exclusive competence;

5° With regard to any question considered by a Standing Committee to be sufficiently important to warrant a joint meeting;

6° With regard to the Coordination Unit for Threat Assessment or another supporting service.

A report shall be produced jointly by the Standing Committees at each joint meeting. This report may include advisory opinions and recommendations. It shall be sent as stipulated in Articles 9, 11, 33 and 35.

Art. 54

These joint meetings shall be chaired alternately by the Chairmen of the Standing Committees.

The functions of the secretariat of the joint meetings shall be performed by the longest serving registrar or, in the event of equal length of service, by the youngest registrar.

Art. 55

During the joint meetings, the Standing Committees may decide to assign investigation assignments to the two Investigation Services or to either one of them. They shall receive the reports on all the investigations that are carried out.

CHAPTER V - COMMON PROVISIONS

Art. 56

Each Standing Committee shall examine the complaints that are lodged with it by its former members or by former members of the Investigation Services who believe they have been subject to prejudicial measures because of the functions they have carried out in the Standing Committees or in the Investigation Services.

Art. 57

The funds required for the operation of the Standing Committees and the Investigation Services established by this Act shall be imputed to the appropriations budget.

The Chairmen, the members and the registrars of the Standing Committees, as well as the Director-General of the Investigation Service P and the Head of the Investigation Service I shall enjoy exemption from postal charges for official business.

Art. 58

Each Standing Committee shall appoint and dismiss the members of its administrative staff, on its own initiative or at the proposal of the registrar.

Under the collegial authority and supervision of the Standing Committee in question, the registrar shall be responsible for leading and managing the members of the administrative staff and shall distribute the tasks among them.

The Director-General of the Investigation Service P and the Head of the Investigation Service I shall have authority over the members of the administrative staff, where the number of members and their job requirements shall be defined by the Standing Committee in question, which assigns these members to them.

The registrar shall have authority over the members of the Investigation Service P or I, depending on the situation, where the number of members and the job requirements shall be defined by the Standing Committee in question, which assigns these members to him. The staff members referred to in the third and fourth paragraphs shall retain the rights and obligations specific to the statute applicable to them.

Art. 59

The travel and subsistence expenses of the Chairman, the members and the registrar of each Standing Committee, the Director-General of the Investigation Service P, the Head of the Investigation Service I and the members of these services shall be determined according to the provisions applicable to the public services.

Art. 60

Each Standing Committee shall adopt its rules of procedure. The rules of procedure for the joint meetings shall be adopted jointly by the two Standing Committees.

The rules of procedure of the Standing Committee P shall be approved by the House of Representatives. The rules of procedure of the Standing Committee I shall be approved by the Senate.

The rules of procedure for the joint meetings shall be approved by the House of Representatives and by the Senate.

In accordance with paragraphs 2 and 3, the House of Representatives and the Senate may amend the rules of procedure after acquiring the advisory opinion of the Standing Committee concerned. The advisory opinion shall be deemed favourable if it has not been given within sixty days of the request.

Art. 61

§1. The members of the Standing Committees shall enjoy the same status as the councillors of the Court of Audit. The rules governing the financial statute of the councillors of the Court of Audit, contained in the Act of 21 March 1964 on the remuneration of the members of the Court of Audit, as amended by the Acts of 14 March 1975 and 5 August 1992, shall apply to the members of the Standing Committees.

The members of the Standing Committees shall enjoy the pension scheme applicable to the civil servants of the General Administration. The following special conditions shall also apply.

The pension may be granted as soon as the person concerned has attained the age of fifty-five years. It shall be calculated on the basis of the average remuneration of the last five years, in proportion to one twentieth per year of service as a member of the Standing Committee.

A member who is no longer able to perform his duties due to illness or infirmity, but who has not attained the age of fifty-five years, may retire irrespective of his age. The pension shall be calculated according to the method laid down in the preceding paragraph.

The services that do not fall under the regulations referred to in paragraphs two to four and that qualify for the calculation of a state pension, shall be taken into account in application of the laws governing the calculation of the pensions for these services.

§2. Unless he has been dismissed, the member of a Standing Committee shall, when his duties are terminated or if his term of office is not renewed, receive a fixed severance grant equivalent to the gross monthly salary of the last eighteen months.

If this severance grant is granted before expiry of the first period of five years, it shall be reduced accordingly.

The following are excluded from this allowance:

1° The members to which Article 65 applies.

2° The members who were members of a police service or an intelligence and security service before their appointment to the Standing Committee and who rejoin this service.

§3. The registrars of the Standing Committees shall enjoy the same statute and pension scheme as the registrars of the Court of Audit.

Article 365, §2, a), of the Judicial Code shall apply to the registrars of the Standing Committees.

Art. 61bis

The Chairman of each Standing Committee shall, in accordance with the principle of collective responsibility, preside the meetings of that Committee and assume the day-to-day management of its activities. He shall ensure the application of the rules of procedure, the proper functioning of the Committee, as well as the proper performance of its assignments. He shall also ensure that the performance of the judicial police assignments does not impede the performance of the investigations. To this end, he shall hold the necessary consultations with the competent judicial authorities.

For the implementation of the authorities entrusted to him, the Chairman of each Standing Committee shall be assisted by the registrar and, respectively, by either the Director-General of the Investigation Service P or the Head of the Investigation Service I.

Art. 62

Without prejudice to Article 58, the registrar shall act under the collegial authority and the supervision of the Standing Committee in question, the registrar of each Committee shall among others manage the following:

- the administrative staff;
- the infrastructure and equipment of the Committee;
- the secretariat of the Committee meetings and the minutes of the meetings;
- the sending of documents;
- the preservation and protection of the secrecy of the documentation and archives.

He shall prepare the budget of the Committee and keep the accounts.

Art. 63

The members of the Standing Committees are prohibited from attending the deliberations on affairs in which they have a direct or personal interest, or in which relatives by blood or marriage to the fourth degree inclusive, have a direct or personal interest.

Art. 64

The members of the Standing Committees, the registrars, the members of the Investigation Services, and the administrative staff shall be obliged to preserve the secrecy of the information that comes to their attention in the performance of their duties. The obligation of confidentiality shall also apply after they leave office.

Without prejudice to Article 458 of the Penal Code, they shall be liable to imprisonment of between eight days to one year, and a fine between one hundred francs and four thousand francs, or only one of these penalties, if they divulge these secrets in circumstances other than those stipulated by law or by the rules of procedure.

Art. 65

§1. Articles 1, 6, 1 and 12 of the Act of 18 September 1986 instituting political leave for the members of staff of the public service shall apply, where appropriate and with the necessary adaptations, to members of the Standing Committees.

§2. Members of the judiciary may be appointed as members of the Standing Police Services Review Committee and as members of the Standing Intelligence Agencies Review

Committee, and as Director-General of the Investigation Service P or Head of the Investigation Service I.

Article 323*bis*, paragraph 3, of the Judicial Code shall apply if a magistrate from the public prosecutor's office is a chief of police.

Art. 66

Excluding its Chairman, each Standing Committee shall have as many French-speaking members as Dutch-speaking members.

The Chairman of one of the Standing Committees shall be French-speaking, the Chairman of the other Dutch-speaking.

Art. 66*bis*

§1. The House of Representatives and the Senate shall each create a permanent committee responsible for monitoring the Standing Committee P and the Standing Committee I respectively.

The House of Representatives and the Senate shall stipulate in their respective regulations, the rules relating to the composition and functioning of each monitoring committee.

§2. Each monitoring committee shall supervise the operation of the Standing Committee concerned, and ensure observance of the provisions of this Act and the rules of procedure.

The monitoring committee of the House of Representatives shall also perform the assignments assigned to the House of Representatives by Articles 8, 9, 11, 1°*bis*, 2° and 3°, 12, 32, paragraph 1, 33, paragraph 7, 35, § 1, 2° and 3°, 36 and 60.

The monitoring committee of the Senate shall also perform the assignments assigned to the Senate by Articles 8, paragraph 1, 9, paragraph 7, 11, 1°*bis*, 2° and 3°, 12, 32, 33, 35, § 1, 2° and 3°, 36 and 60.

§3. The permanent committees shall sit together in order to:

1° Examine the annual reports of the Standing Committees before their publication, in the presence of their members. The conclusions of the monitoring committee shall be attached to the reports;

2° Examine the draft budget of the Standing Committees;

3° Supervise the operation of the Standing Committees in the cases referred to in Articles 52 to 55.

They may also sit together to analyse the results of an investigation requested by the House of Representatives to the Standing Committee I or by the Senate to the Standing Committee P.

§4. Each monitoring committee shall meet at least once per quarter with the Chairman or the members of the Standing Committee concerned. It may also meet at the request of the majority of the members of the monitoring committee, or at the request of the Chairman of the Standing Committee, or at the request of the majority of the members of the Standing Committee.

Every denunciation by a member of the Standing Committee concerned relating to the inadequate functioning of that Standing Committee, the non-observance of this Act, or the rules of procedure, may be brought before the monitoring committee.

The monitoring committee may issue recommendations to the Standing Committee concerned, or to each of its members, relating to the functioning of the Standing Committee, the observance of this Act, or the rules of procedure.

§5. The members of the monitoring committees shall take the necessary measures to safeguard the confidential nature of the facts, acts or intelligence that they have knowledge of by virtue of their position, and shall be subject to an obligation of confidentiality. They shall be obliged to preserve the secrecy of any information that comes to their attention in the performance of their duties. The obligation of confidentiality shall also apply after they leave office.

Unofficial translation

Any violation of this obligation of confidentiality shall be penalised in accordance with the rules of the Chamber they belong to.