



Practice Area Anti-Bribery and Anti-Corruption — Belgium

Foreign and Domestic Public Officials

Articles 246-252 of the Belgian Criminal Code (BCC) prohibit bribery of any person exercising a public function. The prohibition applies to Belgian officials, foreign officials and representatives of international organisations.

The crime of active public bribery includes proposing, directly or through intermediaries, an offer, promise or advantage of any kind to a person exercising a public function to induce them to —

- perform a proper, but unpaid, official act
- engage in an improper act while carrying out official duties or refrain from carrying out a proper one
- commit a criminal offence or misdemeanour in the course of official duties
- use influence derived from their official functions to induce an act or omission by a public authority

The offence of passive public bribery applies to a public official who solicits, accepts or receives the bribe to act in a manner described above.

Private Commercial Bribery

Articles 504bis through 504ter of the BCC prohibit private foreign and domestic bribery.

Active private bribery consists of offering or giving a company director an advantage with the intent to induce him to act or to refrain from an act, without the board of directors' authorisation. A director soliciting, accepting or receiving such a bribe or offer would be liable for passive private bribery.

Facilitation Payments

Facilitation payments are prohibited.



Agents and Contractors

The BCC allows a firm to be held criminally liable for an employee's, agent's or contractor's act of bribery or corruption.

Penalties

Individuals involved in bribery may be subject to imprisonment from six months to 15 years and criminal fines ranging from EUR 600 to EUR 600,000.

If the bribe involves a public official who is a police officer or member of the Public Prosecutor's Office, all penalties are doubled. If the bribed public official is an arbitrator, a judge-assessor, a juror or judge, the penalties are increased to up to 15 years imprisonment and up to EUR 600,000 in fines.

For companies/legal entities, penalties include fines from EUR 18,000 up to EUR 2.16 million. Other potential penalties include prohibitions on the defendant holding certain offices and confiscation of the bribe and any resulting proceeds.ⁱ

ⁱ Updated March 30, 2020.