

## **The Belgian Central Office for the Repression of Corruption**

The Central Office for the Repression of the Corruption (called in French: "Office Central pour la Répression de la Corruption" - O.C.R.C.) has been established as part of the significant reform of Belgian law enforcement system in 2001. OCRC is a part of the Directorate for Economic and Financial Crime (ECOFIN) belonging to the Belgian Federal Judicial Police. It has the legal power to carry out investigations on the entire Belgian territory and for investigating all serious cases of corruption offences. The main tasks of the O.C.R.C. is to investigate complex and serious crimes of corruption in the public service and the private sector, as well as other related offences like misappropriation of public funds, conflicts of interest and embezzlement committed by a person who holds a public office, offences committed in connection with public procurement contracts and public subsidies and the issue of authorizations, permits, approvals and acceptances.

The Office recruits a number of specialists and experts in different fields as support to effectively carry out its functions. It should be noted that the OCRC's priority mission is carrying out particularly complex investigations requiring a very high level of expertise or being of a very delicate nature.

Next to this central office, the 27 district judicial police services, spread over the all country, handle also investigations related to corruption. The Central Office and the District police services often cooperate on various investigations.

If the perpetrators of offences are Police officers, the General Inspectorate of the Police Services (AIG) and the Standing Police Monitoring Committee (Comité P) are first competent.

In addition, some public departments have their internal audit units that may conduct administrative inquiries.

Finally, two other partners of the OCRC should be mentioned: the Bureau for Administrative Ethics and Deontology (of the Federal Public Service Budget and Management Control), which plays a part in the prevention of corruption, and the Department for Criminal Policy (of the Federal Public Service Justice), which intervenes in the development of criminal policy.

### ***Historical background Information***

The origin of the O.C.R.C. goes back to 1910 with the creation Superior Control Committee (C.S.C.) that was an administrative control board, first competent for the detection of misuses into the national railway and later for all public administrations.

The O.C.R.C., as full police investigation service was established by a Royal Decree of 17 February 1998. It shall be noted that the O.C.R.C. was not, strictly speaking, a new body, but rather a transformation of an existing structure. It was then positioned within the General Commissariat of the Judicial Police.

Since the fundamental reorganization of all Belgian police forces in 2001, The O.C.R.C. answers now functionally to the Director General of the Judicial Police. The federal judicial police is placed under the authority of the Minister of Justice and the judicial authorities (Art. 97 of the Act of 7 December 1998 organising an integrated police service).

## ***Legal and institutional framework***

A major change was introduced in the Belgian penal code in the late 90<sup>th</sup>, as far as the offense of corruption is concerned, through the Law of 10 February 1999 (later amended by the Law of 11 May 2007). The Belgian Government's determination to make more means available for combating corruption has led to the adoption of this law on the repression of corruption, which amends and supplements the provisions of the Criminal Code and the Code of Criminal Investigation.

Among the reasons for that important legal change, the following factors may be identified as playing or having played an important role. First, -before the Law of 10 February 1999- there were a number of gaps in the domestic provisions designed to fight corruption, especially with regards to the definition of the facts themselves or the conducts and behaviours capable of being subject of criminal charges. In addition, the existence of a "corruption pact" had to be proved, which rendered prosecution difficult. Moreover, owing to their size, especially in the field of real estate, major town-planning projects created conditions favourable to the growth of corruption. Lastly, the presence on the Belgian territory of international institutions administering considerable funds, especially in the sphere of technical assistance to Member States of the European Union and non-member countries, increases the risks of corruption.

It should also be noted that some of the OCRC's corruption cases concern European Community officials, as the major European institutions are located on the Belgian territory. These cases are investigated in close co-operation with the European Anti-Fraud Office (OLAF), which has its seat in Brussels.

The "Federal Security Plan" sets forth Belgium's anti-corruption policy. The Plan points out in particular the destructive effects of corruption (threat to democracy, upsetting the market economy, loss of confidence in the State from common citizens), and arranges anti-corruption policy around two projects. On one hand, it aims to adopt a global, multi-disciplinary approach of corruption, based on prevention and law-enforcement, which forms part of the reform designed to modernise the civil service and reorganise the financial control system. On the other hand, the plan provides for the creation of a Federal Anti-Corruption Network to coordinate the efforts of the different public administrations. The priority is given to the fight against fraud in public procurement.

In accordance with Articles 95 and 102 of the Law of 7 December 1998 O.C.R.C. has been organised as an integrated police service at two levels, assimilate an integrated approach, a programmatic function and a proactive research function.

A ministerial directive of 16 March 1999 specifies moreover that inquiries relating to corruption and complex and serious crimes and other offences detracting from the moral or physical interests of the public service are to be entrusted to the federal police unless the magistrate (prosecutor or investigating judge) decides otherwise. This means that all serious cases of corruption are dealt with, in principle, by the O.C.R.C., even though other police services also have legal competence in this sphere. The positioning of the O.C.R.C. within the Federal Judicial Police gives the O.C.R.C. the national competence. The O.C.R.C. is responsible for :

- investigating complex and serious crimes and other offences detracting from the moral or physical interests of the public service (including corruption in the private sector);
- supporting the districts of the federal judicial police in investigating such crimes and offences;
- investigating and supporting investigations of offences committed in connection with public procurement contracts and public subsidies and the issue of authorisations, permits, approvals and acceptances; and
- managing and analysing specialised documentation.

The O.C.R.C. undertakes these tasks only when asked to do so by the public prosecutor's office and does not act on its own initiative.

### ***Human, Training and Material Resources***

The O.C.R.C. currently employs approximately 60 investigators. The O.C.R.C.'s internal organisation is such that the investigators are spread over 2 sections, namely: "Public procurement contracts" and "Financial fraud" (dealing with the other inquiries).

In addition, the service is led by a head of service (assisted by a secretariat and a strategic analyst) who co-ordinates the operational missions in cooperation with the heads of unit and their assistants. Finally, some investigators have specialized in specific subjects so as to be able to assist the other investigators: criminal analysis, police tactics, special police techniques, general national data base, etc.

The Belgian authorities have pointed out that since the 1998 reform which brought the various police forces together in a single entity (federal police) all federal police officers have had the same status and consequently been subject to the same conditions of recruitment and mobility. Legislative provisions provide that specialised personnel may be recruited to the police thus enabling the specific requirements of specialised services to be catered for, accordingly the O.C.R.C. has a practice of recruiting accountants, engineers and other professionals. More particularly with respect to the O.C.R.C., the specialised investigators include, *inter alia*, criminologists, engineers, graduates in topography and civil engineering graduates.

Although the actual strength of the O.C.R.C. is quite comfortable, reports indicate that the service should be strengthened with additional personnel. Analysis of the service's statistics shows that this is due, above all, to the complexity of the cases handled.

### ***Practice and Highlights***

As for exchange of information between the O.C.R.C. and other police services, a ministerial memorandum of February 2002 stipulated that the federal police should be responsible for investigating corruption cases. That meant that in practice such cases would be examined by the specialised federal police service, namely the O.C.R.C. Furthermore, both levels of police (federal and local) were now using a single computerised system in which they stored their respective information. It contains all O.C.R.C. cases and the corruption cases district judicial services transmitted to the Office were gradually being entered.

### ***Conclusion***

Thanks to his experience and his national structure, the Central Office against Corruption is willing to play an important role in the framework of a integral, multidisciplinary and borderless policy for a governance with integrity, defined by our political and judicial Authorities, in collaboration between all involved actors (citizens, private and public sector, Police, Justice, international institutions,...)

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