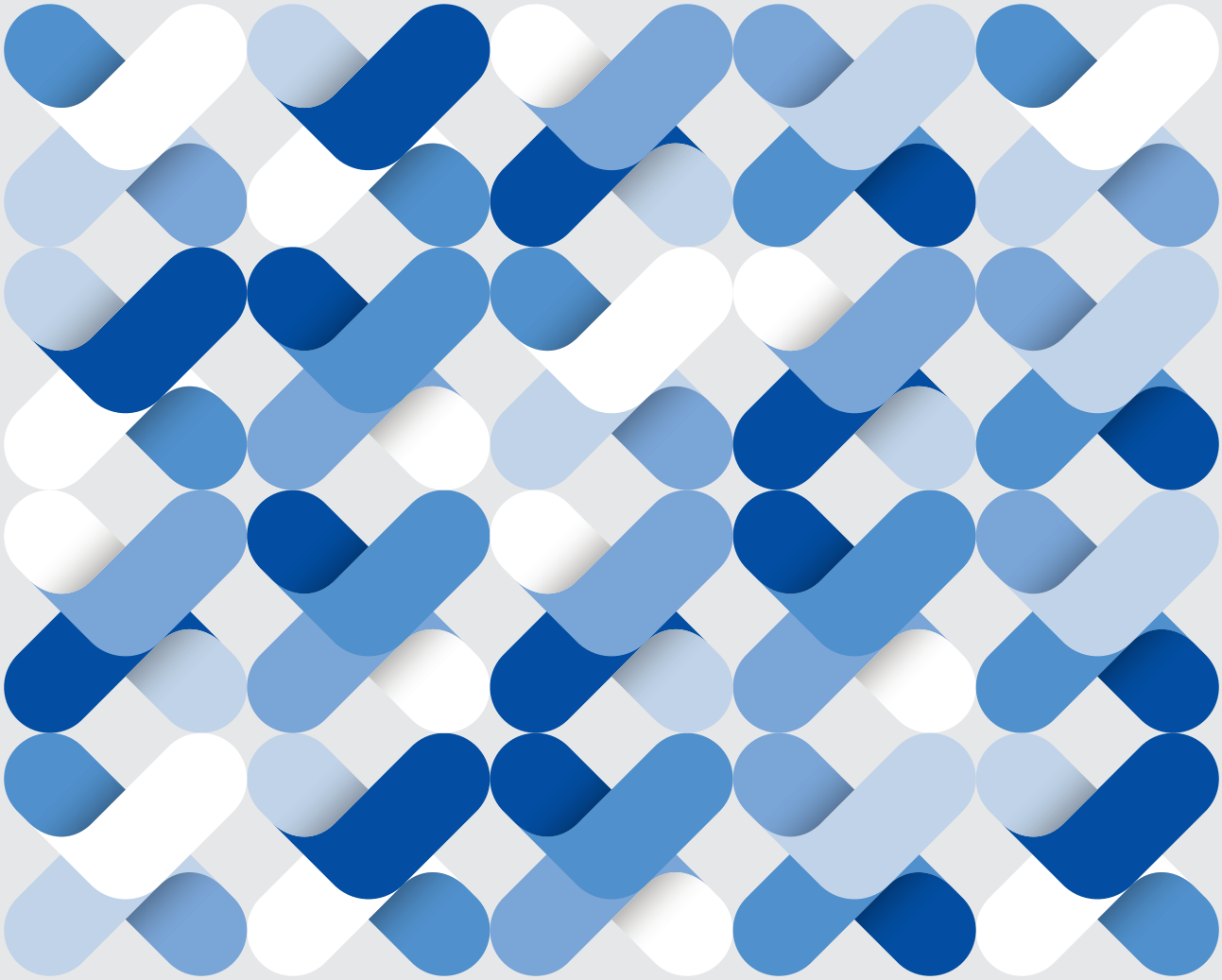
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Interregional Crime and Justice
Research Institute

MUTUAL LEGAL ASSISTANCE GUIDE

BELGIUM



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Editing: Christopher Plagnol

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Overview

This guide provides practical guidance on the preparation and execution of Mutual Legal Assistance (MLA) requests to Belgium in criminal matters. It is intended to help practitioners from non-European Union (EU) countries identify relevant information and adapt it to the specific needs of each request.

It is not a standardized template.

Important Note on Early Coordination and Informal Contact

Before submitting a formal MLA request, it is considered good practice for the Requesting State to engage in early coordination. Preliminary contact can help identify the appropriate competent authorities, clarify jurisdictional links, refine investigative leads, and ensure that the scope of the request is targeted and proportionate before formal transmission.

Early coordination may take place through central authorities, cooperation networks – such as the Camden Asset Recovery Inter-Agency Network (CARIN) – and technical-support organizations, depending on the nature of the case and the assistance sought.

Type of Contact	Purpose	Examples
Central Authorities	Clarify procedural requirements, applicable legal bases, competent authorities, and formal MLA expectations	Federal Public Service of Justice (Service Public Fédéral Justice (FPS Justice))
Cooperation Networks	Verify information, refine leads, trace or identify assets, and facilitate informal contact	CARIN, Egmont Group of Financial Intelligence Units (FIUs), INTERPOL
Technical and Advisory Organizations	Provide expertise, training, and practical assistance in structuring or refining MLA requests, and to facilitate cross-border practitioner dialogue.	UNICRI, International Centre for Asset Recovery (ICAR), Stolen Asset Recovery Initiative (StAR)

Kindly note that these channels do not replace formal MLA procedures. They support early clarification and preparation and may improve the quality and effectiveness of the requests.

The sections below outline the legal basis, formal requirements, and practical steps relevant to MLA requests to Belgium, providing guidance on how such requests are prepared, transmitted, and executed in practice.

I. Legal Basis for MLA Requests to Belgium

In Belgium, MLA requests may be submitted under the following frameworks:

- **Multilateral Conventions:** such as the United Nations Convention against Corruption (UNCAC) Article 46, or the United Nations Convention against Transnational Organized Crime (UNTOC) Article 18.[1]

Note: UNCAC applies to the prevention, investigation, and prosecution of corruption offences, including bribery, embezzlement, abuse of functions, illicit enrichment, and related asset recovery measures.

UNTOC applies to serious transnational offences involving an organized criminal group, including money laundering, and other forms of organized crime.

- **Bilateral MLA Treaties:** where such treaties exist between Belgium and the Requesting State.[2]

- **Belgian Domestic Law:** Law of 9 December 2004 on International Mutual Legal Assistance in Criminal Matters (LMLA), which provides a comprehensive framework for MLA.[3] For requests specifically concerning the execution of seizure or confiscation measures, the Law of 20 May 1997 on International Cooperation in the Execution of Seizures and Confiscations may also be relevant.[4]

- **Reciprocity:** In the absence of a treaty, Belgium may grant assistance based on reciprocity, subject to dual criminality and Belgian procedural safeguards, provided the request explicitly refers to this principle and assures mutual cooperation.[5]

Draft example (legal basis section of the MLA request):

- If both States are Parties to the UNCAC or the UNTOC:

This request is made pursuant to Article 46 of the United Nations Convention against Corruption (UNCAC), to which both Belgium and [Requesting State] are parties, and in accordance with the Law of 9 December 2004 on International Mutual Legal Assistance in Criminal Matters (LMLA).

OR

This request is made pursuant to Article 18 of the United Nations Convention against Transnational Organized Crime (UNTOC), to which both Belgium and [Requesting State] are parties, and in accordance with the Law of 9 December 2004 on International Mutual Legal Assistance in Criminal Matters (LMLA).

- If a bilateral or multilateral treaty exists:

This request is made in accordance with [relevant article] within [relevant bilateral/ multilateral treaty].

- If no bilateral or multilateral treaty exists:

In the absence of a bilateral or multilateral treaty, this request is made on the basis of reciprocity, pursuant to the Law of 9 December 2004 on International Mutual Legal Assistance in Criminal Matters (LMLA). We confirm our assurance of mutual cooperation. Where this request concerns the execution of seizure or confiscation measures, reference is also made to Article 2 of the Law of 20 May 1997 on international cooperation concerning the execution of seizures and confiscations.

Note: For requests involving asset freezing, confiscation, or return, the Requesting State should also cite Article 55 UNCAC in addition to Article 46, as it specifically governs cooperation for confiscation and asset recovery.

Depending on the facts of the case, MLA requests may rely on both the UNCAC and the UNTOC, in particular where corruption offences are linked to money laundering or other forms of organized criminal activity.

II. Formal Requirements for Submitting an MLA Request to Belgium

An MLA request to Belgium must comply with specific formal requirements in order to be accepted and efficiently processed. Key elements are outlined below:

Criminal Nature and Admissibility of Confiscation Orders

Belgium acts on MLA requests when they relate to criminal matters. The underlying conduct must constitute a criminal offence both under Belgian law and under the law of the Requesting State, consistent with the principle of dual criminality. This principle applies particularly to coercive measures such as search, seizure, freezing, or confiscation.[6]

Confiscation in Belgium is primarily conviction-based and treated as a criminal sanction imposed by the court following a final judgment. Where foreign proceedings have not yet reached conviction stage, the Requesting State may seek provisional measures, for example, the freezing or seizure of assets, under Belgian law. These temporary measures preserve assets pending the outcome of criminal proceedings, after which a confiscation order may be recognized in accordance with Belgian law.[7]

Note: Belgian law does not provide for a standalone civil or administrative Non-Conviction-Based confiscation regime. Confiscation is primarily conviction-based. However, mechanisms such as extended confiscation or confiscation following proceedings in absentia may apply within the framework of criminal proceedings. As of May 2026, Belgium was in the process of transposing EU Directive 2024/1260, which provides for certain forms of non-conviction-based confiscation.[8] Such measures are initiated and decided exclusively within the requested State's own criminal proceedings and cannot be directly requested through an MLA request. Requesting States may instead seek the recognition and enforcement of an existing foreign confiscation order or request provisional measures.

Central Authority

MLA requests are generally addressed to Belgium's Federal Public Service of Justice (Service Public Fédéral Justice (FPS Justice)), which acts as the central authority for incoming MLA requests.[9]

Transmission Channels

When made under a treaty, the transmission method specified must be followed. Most multilateral instruments, such as the UNCAC or UNTOC, establish central authorities as the primary channel for the transmission of MLA requests. Belgium has designated the FPS Justice as its central authority, unless the applicable treaty provides otherwise. Where no treaty applies, requests are generally transmitted via diplomatic channels, typically through embassies or ministries of foreign affairs.[10]

Note: Early drafts or clarifications should preferably be discussed informally before filing the MLA request.

Official Language

Requests to Belgium may be submitted in English, French or Dutch, as notified by Belgium to the Secretary-General under Article 46(14) of the UNCAC. Supporting documents should be provided in one of the accepted languages or accompanied by an official translation.[11]

Note: The Requesting State should always verify the applicable language requirements under the relevant treaty or domestic provisions before transmission to avoid delays.

Official Form

Belgium does not require a standardized form for MLA requests. A formal written request on official letterhead is sufficient, provided it contains all required information. Requests are commonly made in the form of a letter rogatory and should be issued and signed by a competent authority of the Requesting State.[12] To enhance clarity and efficiency, requests should be clearly structured and bear the issuing authority's official seal where available. Where multiple copies are submitted, it is good practice for at least one copy to bear an original signature. Notarization or legalization is not generally required, unless expressly provided for in an applicable treaty.[13]

III. Key Content Requirements

The MLA request must include the following:

Description of the Case

The request should include a clear and detailed summary of the facts, including dates, locations, alleged offences, and the individuals or legal entities involved. It should also explain the connection to Belgium, such as the presence of assets, evidence, companies, or bank accounts in Belgian territory. This information enables the Belgian authorities to assess dual criminality and determine whether the requested measures can be lawfully executed under Belgian law.[14]

Legal Provisions

The request should clearly outline the offences under investigation, including the relevant legal definitions and statutory provisions under the Requesting State's law. This is essential where coercive measures are sought, as Belgian authorities must assess dual criminality and ensure that the measure is compatible with Belgium's own criminal procedure.[15]

Therefore, before submitting the request, the Requesting State should review the relevant Belgian offence categories to ensure that the described conduct can satisfy the dual-criminality requirement. Where the foreign offence does not have an exact equivalent under Belgian law, the Requesting State should describe the underlying conduct in neutral factual terms, enabling Belgian authorities to identify the closest corresponding domestic offence.[16]

Note: Where appropriate, the Requesting State should strongly consider discussing the case with an official in the Belgian central authority to anticipate and address potential dual-criminality issues before submitting the request.

Purpose and Object of the Request

The Requesting State should clearly specify the measures it asks Belgium to take, such as:[17]

- Identification or tracing of assets (bank accounts, real estate, companies in which a defendant may be a beneficial owner)
- Freezing or seizure of assets
- Gathering of evidence (bank records, property deeds, corporate documents)
- Conducting searches or seizures of evidence
- Enforcement of a foreign confiscation order
- Taking of witness or expert statements
- Return of assets post-enforcement

Where the connection to Belgium has not yet been fully confirmed, the Requesting State may seek assistance to clarify specific leads, such as targeted asset identification or targeted inquiries, provided the request sets out a sufficient factual basis demonstrating necessity and avoids overly broad or speculative measures.

Note: While a single MLA request to Belgium can include multiple investigative or provisional measures (e.g. asset tracing, provisional freezing, evidence collection), confiscation and asset return generally require a second request once a final order is obtained. Early consultation with Belgian authorities is strongly recommended to structure MLA requests accordingly.

Supporting Documentation (with certified or officially translated versions where possible)

An MLA request to Belgium should be accompanied by supporting documentation to ensure it can be executed effectively. Attachments may include:[18]

- **A certified copy of any freezing or confiscation order.** For provisional measures, the relevant domestic order may be attached if available, or the request should explain the legal basis, facts, and urgency justifying the measure. Where no prior order exists, a well-substantiated request may still be considered.
- **Evidence linking the asset to the alleged offence**, such as bank records or corporate ownership documents. While not mandatory, providing such evidence strengthens the request.
- **Copies of the relevant legal provisions from the Requesting State**, such as the penal code sections for the offences or confiscation law provisions. It is recommended to provide official or certified translations.

- **Witness statements or investigator affidavits** summarizing key facts, particularly asset-related information, could also be useful.

Note: Notwithstanding the above, it is generally not good practice to send an entire case file to a Requested State, as this can serve to inundate authorities with too much information. Supporting documentation should therefore be limited to materials that are necessary and relevant to the specific assistance sought.

Early Measures and Urgency

Belgium may employ provisional or protective measures when there is credible information indicating criminal origin, in order to preserve assets or prevent their dissipation. Such urgent measures require judicial or prosecutorial authorization under Belgian domestic law.[19]

International cooperation networks can also be used at an early stage. Belgium is an active member of INTERPOL[20] and CARIN.[21] Additionally, Belgium's Financial Intelligence Processing Unit (CTIF-CFI) may impose temporary suspensions of suspicious financial transactions under anti-money laundering rules, providing a short window to submit a formal MLA request.[22] Another non-coercive tracing tool is the INTERPOL Silver Notice, introduced in 2025 to help identify assets linked to corruption, fraud, or money-laundering cases. While these mechanisms do not replace formal MLA requests, they can prompt targeted tracing and follow-up through MLA or FIU channels.[23]
Belgium may spontaneously share information about assets or criminal proceeds under UNCAC Article 56 and, in organized crime cases, under UNTOC Article 18(4).[24]

An advance copy of the MLA request may be shared with the FPS Justice or other competent authorities to allow an initial informal assessment and clarification before the formal request is transmitted.[25]

Note: Early coordination with Belgian authorities can help clarify requirements and strengthen MLA requests. Such advance communication has no legal effect. In cases involving assets at risk, urgency should be highlighted to allow Belgian authorities to timely seek preservation or seizure orders under domestic law.

IV. Execution of the MLA Request in Belgium

MLA requests received in Belgium are generally administered as follows:

Reception and Preliminary Review

The FPS Justice receives incoming requests and conducts a preliminary review to ensure that they comply with formal requirements. The request must: [26]

- Be in writing
- Be translated into an accepted language
- Contain the necessary legal basis and factual details

If the request is incomplete, FPS Justice will usually contact the Requesting State to seek clarification or additional documents. Formal refusal typically occurs if deficiencies cannot be remedied (for example, no legal basis or non-criminal conduct). Once the request is deemed complete and admissible, it is transmitted to the competent Belgian judicial authority for execution.[27]

Judicial Procedure and Legal Assessment

Requests are executed under the Belgian LMLA and the Code of Criminal Procedure. Depending on the nature of the request:[28]

- A prosecutor (*procureur du Roi* or federal prosecutor) may conduct investigative steps and preliminary inquiries and, in circumstances provided by Belgian law, may order certain urgent measures.
- An investigating judge (*juge d'instruction / onderzoeksrechter*) is required for certain coercive measures, particularly intrusive measures such as searches or interceptions, and may also authorize asset freezing or seizures where judicial authorization is required under Belgian law.

For coercive measures, a domestic Belgian judicial order is generally required. The competent judge or prosecutor assesses whether the legal conditions for execution are met, including:[29]

- Dual criminality
- Sufficient factual basis
- Respect for the rights of defence and third parties

Note: In practice, the FPS Justice first reviews the request for completeness and admissibility, but it is ultimately the Belgian prosecutor or investigating judge who ensures the legal conditions are satisfied before executing coercive measures.

Belgian authorities do not reassess the foreign facts or re-litigate the case.[30]

Recognition, Enforcement, and Remedies

Where the legal conditions are satisfied, Belgium may give effect to a confiscation order through domestic judicial proceedings. Enforcement is carried out under the supervision of the public prosecutor, with assets administered by the Organe central pour la saisie et la confiscation (OCSC), Belgium's specialized asset management authority.[31] Belgium may give effect to a final conviction-based foreign confiscation order through domestic judicial proceedings, provided that the order is final and enforceable in the Requesting State and compatible with Belgian law.

Affected parties, including third parties with a legitimate interest, may challenge seizures or confiscation orders before Belgian courts.[32]

Note: The Requesting State is strongly encouraged to maintain close communication with Belgian authorities during the execution phase, particularly where clarifications or supplementary information may be required.

Asset Management

Once assets are seized in Belgium, the Organe central pour la saisie et la confiscation (OCSC) is responsible for their management and ensures that seized property is preserved pending judicial decisions. Its functions include:[33]

- Custody of seized assets, including crypto assets, vehicles, and valuables.
- Administration of seized funds.
- Disposal or sale of assets when ordered or authorized by the competent judicial authority.
- Coordination of return or distribution of assets once a final confiscation order is enforced.

For bank account seizures, Belgian law provides that funds may be frozen as part of a seizure ordered under the Code of Criminal Procedure. A seizure of bank balances is carried out by notifying the financial institution, which must then block the funds. In urgent and legally defined circumstances, the prosecutor may order a temporary seizure, which must subsequently be confirmed or authorized by an investigating judge in accordance with the Code of Criminal Procedure. Once seized, the administration of the funds falls under the responsibility of the OCSC.[34]

Follow-Up and Communication

Belgian authorities typically communicate through the FPS Justice and may:[35]

- Provide updates or court orders
- Request clarifications or additional information
- Expect prompt follow-up to avoid delays

Note: Engaging proactively with the designated focal point in Belgium could improve efficiency.

V. Transmission of Evidence to the Requesting State

After execution is complete, the collected evidence is transmitted to the Requesting State under the supervision of the competent Belgian judicial authority.[36]

Judicial Transmission

In most cases, evidence is transmitted through the FPS Justice. Where a treaty provides otherwise, transmission may take place directly between judicial authorities or via diplomatic channels.[37]

Upon receiving the evidence, the Requesting State should verify that everything requested is included and, if needed, request additional follow-up.

Another important aspect is the authentication of evidence. If the Requesting State requires the evidence to be certified or accompanied by an affidavit to be admissible in court, it should be specified in the MLA request.[38]

Use Restrictions

Belgium applies use-limitation conditions in line with UNCAC and UNTOC, meaning that evidence obtained through MLA may only be used for the purposes expressly stated in the request. Any secondary use, such as for unrelated proceedings, transmission to third parties, or administrative investigations, requires the prior consent of the Belgian authorities.[39]

Note: It is advisable to specify in the MLA request the intended use in the request to mitigate any concerns of possible misuse.[40]

VI. Confidentiality and Proportionality

The Requesting State may ask Belgium to treat the MLA request confidentially, particularly where early disclosure could jeopardize an investigation, facilitate asset flight, or lead to evidence being destroyed. Requested measures must be proportionate and should not unduly affect third parties. Belgian judicial authorities verify these conditions during the execution of the request.

Proportionality and Public Order

In Belgium, courts assess whether the measure is appropriate and necessary in light of the gravity of the offence, the illicit benefit involved, and the rights of affected persons or bona fide third parties. Judicial review guarantees that proportionality and legality are upheld throughout the process.[41]

Belgian judicial authorities may refuse to execute a request on grounds such as:[42]

- Lack of dual criminality
- Violation of due process or defence rights.
- Absence of a sufficient territorial or factual link to Belgium (for example, where no relevant assets, evidence, or persons are located in Belgium)
- Political or purely military offences, or where execution of the request would threaten Belgium's sovereignty, security, or public order.

In politically sensitive cases, Belgian courts consider whether the proceedings are genuinely criminal and not politically motivated. Requesting States are therefore encouraged to demonstrate that the case is bona fide and consistent with international cooperation principles.[43]

Confidential Handling of Requests

Requesting States may request that an MLA request and the evidence obtained through it be treated confidentially, particularly where investigative secrecy is essential to avoid a risk of asset dissipation or evidence tampering. In line with the UNCAC and UNTOC, Belgian authorities may maintain such confidentiality unless disclosure is necessary for the execution of the request. Evidence transmitted or obtained through MLA is handled in accordance with Belgian procedural law and applicable international conventions.

Where confidentiality is requested, Belgian judicial authorities may defer disclosure or notification to affected persons in order to protect the investigation. However, where the execution of the request involves coercive measures or affects defence rights, disclosure is subject to Belgian procedural law and judicial oversight, ensuring respect for due process guarantees and the right to a fair trial.[44]

VII. Asset Disposal and Return

In Belgium, the return of confiscated assets to a Requesting State is subject to Belgian domestic law and judicial procedures. In practice, asset return depends on the existence of a final confiscation order issued by a Belgian court, and where applicable, proof of entitlement or ownership by the Requesting State or its nationals. Execution must also comply with applicable safeguards, including the protection of bona fide third-party rights and proportionality requirements.[45]

The return or sharing of confiscated assets generally occurs once the confiscation decision has become final under Belgian law.[46]

Note: UNCAC encourages pre-request consultations regarding the possible sharing of assets.[47]

To facilitate asset return and build trust, it is advisable for the Requesting State to include in the MLA request a brief explanation of how the returned assets would be managed or monitored. This may include victim compensation or specified public projects. It is also good practice to indicate transparency and oversight measures that would be put in place, for example, through the involvement of an independent civil society organization.

In practice, some Requested States are cautious about returning the confiscated assets to the Requesting State fearing that the funds could be misused after repatriation. Highlighting how returned assets will be handled in a transparent manner aligns with international best practices for asset recovery, can help streamline cooperation and avoid delays.

Annex

I. MLA Checklist

1. Preliminary Consultation

- ☐ Identify focal point(s) in Belgium and hold preliminary discussion about case, including intention to submit an MLA request – ask focal point for what Belgium may need to see included in any MLA request.
- ☐ Confirm the appropriate transmission channel for the MLA request.
- ☐ Clarify formal requirements, including format, certifications, and supporting documentation.
- ☐ Confirm any specific requirements for coercive measures (e.g., freezing, seizure, searches).
- ☐ Identify any potential grounds for refusal under the Requested State's law.
- ☐ Where relevant, clarify the legal and procedural framework governing the return or disposal of assets.

2. Legal Basis

- ☐ Identify the applicable legal basis for the request (bilateral treaty, multilateral convention, or reciprocity).

3. Central Authorities

- ☐ Identify the competent central authority of the Requested State responsible for receiving MLA requests.

4. Official Language and Translations

- ☐ Confirm the language requirements of the Requested State.
- ☐ Attach required translations of the request and supporting documents where applicable.

5. Scope of Assistance Requested

- ☐ Identification of assets (bank accounts, real estate, companies)
- ☐ Investigative measures requested, such as:
  - Gathering of evidence (bank records, property deeds, corporate documents)
  - Taking of witness statements

- Conducting searches or seizures

☐ Asset-related measures requested, such as:

- Freezing or seizure of assets
- Enforcement of a foreign confiscation order
- Return of assets following confiscation

6. Description of the Case

☐ Provide a clear, concise summary of the relevant facts of the case.
☐ Explain the link between the facts of the case and the assistance requested.

7. Offences and Legal Qualification

☐ Describe the offences in factual terms.
☐ Identify the relevant legal provisions, where appropriate.
☐ Address dual criminality requirements, where applicable.

8. Confidentiality and Proportionality

☐ Clearly state the purpose of the request.
☐ Explain why the requested measures are necessary and proportionate.
☐ Request confidential handling of the request, where necessary to protect the investigation.

9. Asset-Related Requests (if applicable)

☐ Clearly identify and, to the extent possible, locate the assets concerned.
☐ Explain the link between the assets and the offence.
☐ Indicate the status of confiscation proceedings (e.g., final confiscation order issued or pending).
☐ Include a request for asset seizure, confiscation and/or, when appropriate (if needed in a subsequent request), return of the assets.

10. Supporting Documentation

☐ Attach relevant supporting documents, such as court orders, warrants, judgments, or evidence summaries required for the execution of the request.

II. Offences Recognized by the Belgian Law, and Which are Often Linked to the Issue of Asset Recovery.[48]

Corruption and Bribery
Money Laundering
Tax Crimes
Predicate Crimes
Fraud and Property Offences
Terrorism and Terrorist Financing
Criminal Association and Organized Crime
Abuse of Office and Misuse of Public Funds

III. Template:

While no national template is provided, Belgium adheres to international practice. Requesting States may use widely accepted MLA templates, such as Basel Institute's, to ensure completeness.

It is recommended to consult the relevant central authority.

IV. Contacts

Belgium:

Service Public Fédéral Justice
centralauthority_iccm@just.fgov.be

CARIN focal point / Asset Recovery Office (ARO) & Asset Management Office (AMO) Belgium
OCSC ocsc@just.fgov.be

Other useful contact email addresses:

Camden Asset Recovery Inter-Agency Network (CARIN)
carin@europol.europa.eu

International Centre for Asset Recovery (ICAR)
info@baselgovernance.org

INTERPOL
To contact INTERPOL, complete the form available here.

Stolen Asset Recovery Initiative (StAR)
starinitiative@worldbank.org

United Nations Interregional Crime and Justice Research Institute (UNICRI)
unicri.assetrecovery@un.org

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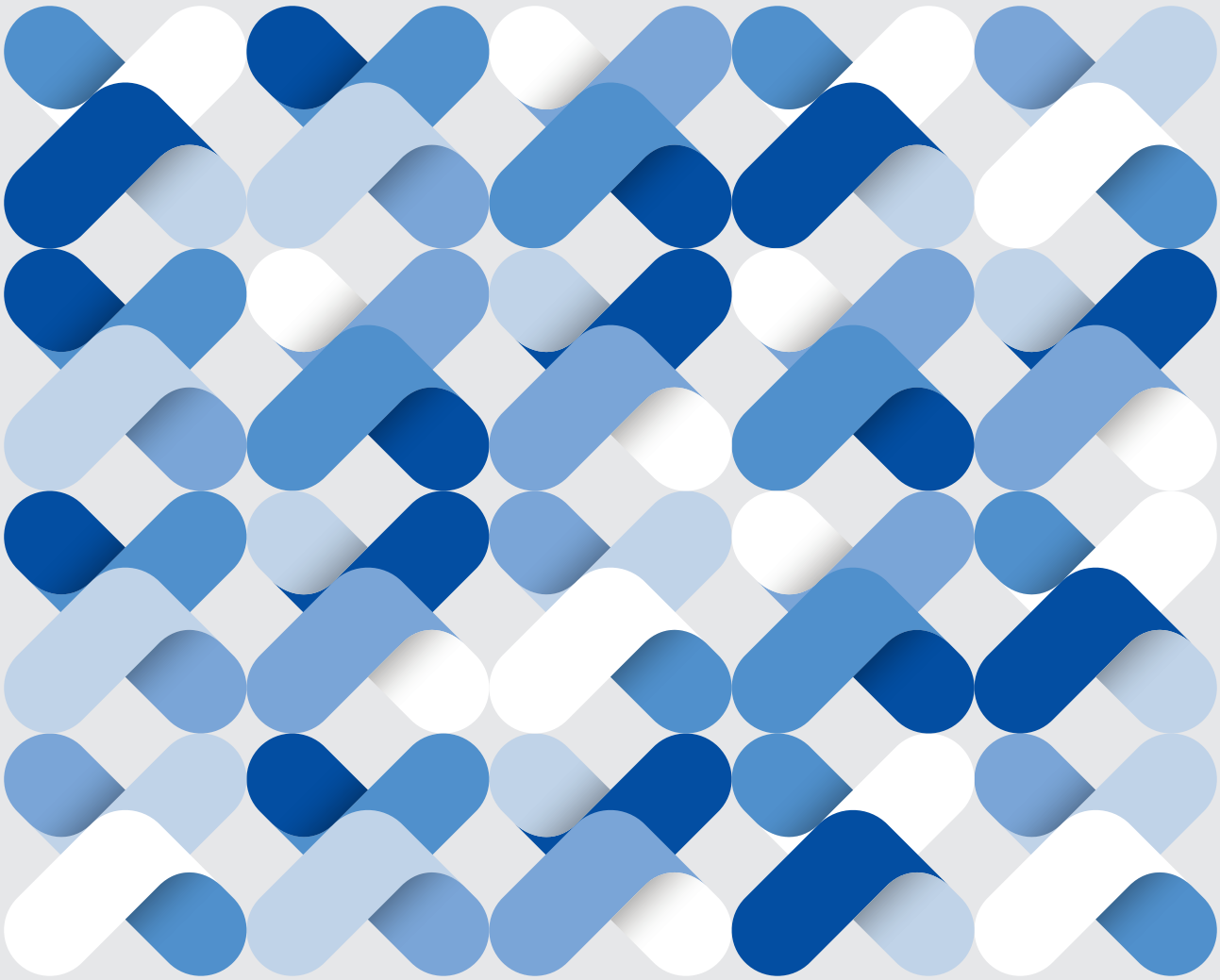
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