

The Federal Government Resignation

General

The Federal government stays in power for a maximum period of 5 years. This corresponds to the period that Parliament is elected for (Parliamentary term), as the government is always dependent on the confidence of the House.

However, for decades a government that reached the end of its term (until 2014: 4 years, since 2014: 5 years) was the exception rather than the rule. From 1946⁽¹⁾ to 1955, governments stayed in power for an average of barely two years. In recent years, governments became more stable.

How is the government dismissed?

» First possibility: the Prime Minister hands the resignation of his government to the King

This is the usual scenario. When insurmountable differences of opinion arise between the political parties forming the coalition government and there is a political crisis, the Prime Minister has no other choice than to send the resignation of the federal government to the King.

The King may accept or refuse the resignation. He may also reserve his decision and give the government parties time to work out a compromise.

When the King accepts the resignation he dissolves the House of Representatives, on condition that a majority of its deputies support this. Elections must be called within 40 days for the House of Representatives, and the newly-elected House must meet within 2 months (article 46 of the Constitution).

Then negotiations are started in order to form a new government (see information sheet 17).

» Second possibility: the House of Representatives forces the resignation of the government

In practice it is very rare for a government to fall because it does not have a majority in the House of Representatives. In general, internal problems within the government cause its early resignation.

The House of Representatives may force the government to stand down, in a so-called “constructive manner”, and replace it with another (article 96 of the Constitution).

This happens as follows:

A majority of the deputies (minimum 76 of the 150) adopt a motion of constructive disapproval or reject a motion of confidence relating to government policy, and make the motion “constructive” by proposing a new Prime Minister to the King within 3 days. This motion is called “constructive” because it provides the appointment of a new Prime Minister in addition to the resignation of the existing government. The Head of State is obliged to assign the person proposed with the task of forming a government. In this scenario the replacement of the government by the House of Representatives does not require new elections.

This possibility was introduced in the new 1993 Constitution and has not yet been used. The aim was to avoid too many early elections which undermines the continuity of political management.

The House of Representatives may also make the government fall by adopting a motion of disapproval or by rejecting a motion of confidence, without having to propose a new Prime Minister within three days. Although, from a legal point of view, the government is not required to resign in such circumstances, in practice it cannot continue to govern. In this case the King (the federal government) can dissolve the House, which leads to new elections.

It should also be said that the House of Representatives and the Senate are automatically dissolved as soon as these two chambers adopt a “declaration of revision of the Constitution”, specifically as from the date of publication in the *Moniteur Belge*.

(1) Since 17/02/1946 - Date of the first elections held after the Second World War.

(Official State Journal) of the declarations of revision of the Constitution (see information sheet 4). In this case, the House of Representatives and the Senate are convened within three months.

Ongoing affairs

In the period between the dismissal of the former government and the appointment of the new government, the former government stays on. Its competence is limited to dealing with so-called “ongoing affairs”, which consist in particular of taking measures that are of an urgent nature and completing routine affairs. The notion of “ongoing affairs” is based on legal precedent. No formal text governs this issue.

The necessary continuity of political management means that ministers continue to govern. Their competences are limited because of the absence of effective control on the government by the deputies.

When the House of Representatives is dissolved at the end of the parliamentary term, the federal government stays on: it has thus not resigned but it is no longer overseen by the House of Representatives which has been dissolved.

In that case too, the government only administers “ongoing affairs”.