

# Frequently asked questions

## Taxation as Resident in Belgium – by international staff and PhD students

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## 1 General tax questions

- 1.1 I don't understand why I have to complete and how I have to complete the tax document.

Check our webinar on taxation as a resident in Belgium for international staff. A lot of the general questions are answered during the webinar.

- 1.2 Do I need to fill in the second part (DEEL 2) of the taxation documents? Should I fill in a company number?

You only need to fill the second part if you have your own business or are a self-independent consultant with a VAT number. If you are not registered as self-independent person or your business, you don't have to complete it. If you are acting as consultant in Belgium but didn't apply for a VAT number, this must be done first through a 'self-independent employment counter'. Never fill in the VAT number of Ghent University for example, as this will only lead to confusion for the tax authorities.

- 1.3 If I receive a simplified form, can I still fill the tax form online and ignore the letter?

Yes, you can as long as you sent in the document before the deadline of returning.

- 1.4 Even if I received a brown envelope with the paper tax documents, I can still choose to do it online instead, right ?

Yes

- 1.5 Is Myminfin also available in English?

No, only in the official languages of Belgium : Dutch and French.

- 1.6 Where exactly can we ask for the non-resident tax forms?

You can find the contact address on the website: <https://finance.belgium.be/en/private-individuals/tax-return/non-residents>

- 1.7 What happens if I miss tax declaration?

You have to pay a fine

## 2 Taxation and residency questions

### 2.1 If we moved to Belgium in 2021, do we still have to fill in a tax form for 2020?

No, a tax form for the previous year must not be filled in if you did not live in Belgium at that time. Unless you worked for a Belgian employer in 2020 and not lived in Belgium - then a non-resident tax form must be completed.

### 2.2 I receive a scholarship or grant that is tax exempted in Belgium. Do I need to send back the documents?

Yes, check the instructions [here](#)

### 2.3 I'm a PhD student, but also receive a salary paid by the University.

You need to file your taxation documents as employee. You have received a salary for which taxes must be paid and are deducted through your payslip. You will find a fiscal file 281.10 at Apollo.

### 2.4 I have a post-doctoral scholarship, but I also did the exam supervision as part of UGent staff last year in the summer. I think the amount I got for that hasn't been taxed so I suppose I need to note it as additional income, would you know where exactly?

A separate fiscal file 281.50 is sent from the finance Department from Ghent University. Contact them on how to add the information as additional income on the fiscal file.

### 2.5 If I have a tax exemption (postdoc), is this only on the salary, or all other incomes as well?

The tax exemption is only on your scholarship or grant that you receive in Belgium. If you also have another income, this is not tax exempted.

### 2.6 I am in Belgium for 11 months now, I am an assistant at UGent. Does this mean that I am a resident?

Yes

### 2.7 I have a scholarship. But the official paper is in English, do I need to translate it into Dutch and send them back?

No English will be accepted as proof of income or scholarship if it is from a foreign institute

### 2.8 To be considered as resident, you have to stay 24 months in the past or in the future in Belgium. Can also the period I studied be taken into account (as student; PhD student)

Yes; as from the moment any kind of residency will or has exceeded the 24 months, you are a resident of Belgium.

2.9 If your employment contract is longer than 24 months, do you become a resident after the period of 24 months or sooner?

You become a resident as from the moment you move to Belgium and get a registration at the commune. It is your intention to stay 24 months (or more) in Belgium so you are a resident.

2.10 Is a PhD who arrived September 2020 a resident or a non-resident? Does the 24 month apply to someone with a 3 year contract who arrived at that time?

Yes, you are a resident in Belgium.

2.11 We moved in on September 2020 with my family. Are we considered resident or non-resident because somewhere it says we need to live 24 months?

If your plan is to stay in Belgium with your family more than 24 months, you are a resident in Belgium as from the beginning of the stay in Belgium.

The authorities check on the 1<sup>st</sup> of January if you and your family are registered and have received a Belgian ID card. If this is the case, you will normally already receive a tax document as resident in May 2020.

If you or your family members were not complete registered at the commune, you might receive a tax document as non-resident. You have to request a tax document as resident to the tax authorities.

2.12 I have been living in Belgium now for one and half year but I have a contract for more than 24 months. Yet, I have received the tax forms. Shall I consider myself now as resident?

Yes!

Belgian residents (natural persons) are subject to Belgian personal income tax.

You are a Belgian resident if:

- Your 'place of residence' is in Belgium or
- you have established the 'seat of your wealth' in Belgium (if your 'place of residence' is not in Belgium).

Your 'place of residence' is characterized by a certain permanence and continuity. This is the place where you actually reside on a permanent basis.

The 'seat of your wealth' can be described as the centre of your business affairs or financial interests.

The location of your 'place of residence' or of the 'seat of your wealth' is assessed on the basis of your circumstances.

If you are entered in the National Register in Belgium, there is a legal presumption that you are a Belgian resident (this presumption can be rebutted).

In the case of jointly taxed married or legally cohabiting couples, the place of residence for tax purposes is determined by where the family is based. Spouses and legally cohabiting partners are therefore

either both Belgian residents or both non-residents, depending on their place of residence for tax purposes (i.e. whether or not this is in Belgium).

2.13 When you have placed 'domicilie' upon arrival, you will be considered a (fiscal) resident right?

If the intention is also stay and live in Belgium for more than 24 months, yes.

2.14 What if I stay for less than 24 months in Belgium but I am no longer a resident in my previous country?

You have to complete your taxation documents as non-resident in Belgium.

2.15 If I arrived in Belgium from abroad in August 2020, does it mean that I have to fill up 2 forms? 1-as a resident (Aug - Dec) and 2- as a non-resident (Jan-Aug)?

For the period January to Augustus 2020 you have to file your taxes in your previous country

For the period Augustus 2020 you can file as a resident in Belgium, if your intention is to stay more than 24 months in Belgium. If this is not the intention, you have to file as non-resident.

2.16 In the year that I moved to Belgium, if I did not receive any Belgian income for the period of the year that I was not a resident yet. So do I have to file that income separately as non-resident?

If you received another income (non-Belgian income) while you live in Belgium, you have to file that income in Belgium. Depending on the period of stay you file this as a resident or non-resident. You must also check the double tax treaties on double taxation, to know where you have to pay the taxes on that foreign income.

2.17 Am I a resident or non resident?

*I started my PhD abroad due to the pandemic. I started my PhD on April 2020, and started to receive scholarship from UGent. I arrived at Belgium on September 2020. Do I report myself as a non-resident from January to September 2020, but have Belgian income since April? Or do I report my income as a resident since April 2020?"*

You only have to start the Belgian tax filings from the date you actually arrived in Belgium (so from September onwards) and became a Belgian tax resident.

2.18 What are the consequences of filling the tax documents as a resident or non-resident? Will that make a difference on the taxes I'll need to pay?

The main difference is that a resident tax form includes world-wide income while a non-resident form only includes income from sources or activities in Belgium. Other income, such as real estate, interest or dividends outside Belgium are not included in a non-resident tax form but should be reported in a resident form.

There is also a difference at the level of deductions: certain deductions are only (fully) granted to non-residents if at least 75% of their income is subject to tax in Belgium. Deductions are limited for non-residents as the authorities assume that you would get these in another country.

Filling in the wrong form (resident where you actually are non-resident or the opposite) may at first look not result in major issues (in many cases, the outcome is quite similar). In the longer run, this may, however, cause major problems as more than one year may at some moment in time may need to be corrected. Using a wrong form may also result in international double taxation (if you are actually a non-resident, but by accident did file a resident form or did not object to a VVA). Correcting this type of situation quickly becomes very complex and time consuming.

## 2.19 Question from a student :

*I wanted to check with you if I am supposed to be filling as a resident or a non-tax resident. I thought as a student I should be a tax resident only in my home country, but the rule here seems to be that if I lived in Belgium for more than 183 days/calendar year I am a resident here. So in 2020, I am here a non-resident taxpayer and for 2021 (next year), I will be a resident taxpayer? Are international non-working students not a special case?*

Several issues are raised in the question:

- a) You first have to consider your family situation: if you are part of a family, living abroad, and from which you depend (they support you financially during your studies), you will still be part of the family abroad. In such case you are non-resident, irrespective of the time you spend in Belgium (a student, away from the family home for study reasons and who is not financially independent is not treated as an independent family member).
- b) If you have established your own home (i.e. you are financially independent and have set up your own home, independent from the former family home with your parents) then your Belgian residency status follows the normal rules:
  - if the projected stay in Belgium is at least 24 months, you are a Belgian tax resident. Residency starts on the day of your arrival in Belgium (thus already in 2020)
  - if the projected stay is less than 24 months, you can be considered a non-resident for the full period, spent on Belgian territory for your studies
- c) The 183 day principle can be found in tax treaties and in the tax law of several countries. In Belgium, however, there is no such rule. A person does not become a tax resident of Belgium for a year when more than 183 days is spent on Belgian territory. Instead, we consider the following:
  - Do you have your own home in Belgium (as explained under a))
  - Is the projected duration of your stay in Belgium 24 months or longer
- d) By registering with the commune in Belgium, the tax authorities will automatically presume that you are a resident from the day of arrival onwards. If you agree with this, you can start filing resident tax returns. In case you do not agree with this, you may need to inform the tax office that you need to be taxed under non-resident rules (in that case you only have to file a tax return if there is any taxable income in Belgium or when you want to claim certain deductions that would result in a credit to your benefit).

**1b.** What influence does this have on my status in my home country? As a student, in the Czech Republic, the state pays for me my health and social insurance, if I am a taxpayer in a different country

I fear that this might not count anymore. Does the Belgian state pay for me my social insurance here? (I do have also private health insurance, so I worry less about that.)

The Belgian tax status is fully independent from the Czech one. Although, if the Czech Republic is still funding your social insurance, this may be an indication that you keep close ties to the countries and that maybe you should be treated as a non-resident of Belgium (see also the replies under the first question). Within the EU a person can only be covered by the social insurance of one EU member state. Consequently, I expect that you would never have to contribute into two different systems at any moment in time.

## 2.20 I only stay for 19 months in Belgium.

*I arrived on January 2020, and I'll leave the country by the end of July, so I'll have stayed here for 19 months, which I believe makes me a non-resident. I have several questions about it. First, if I am a "not-resident" in Belgium, does it have any implications regarding my home country? Usually, I won't need to process my taxes there because I'm only receiving income from Belgium. But since here I'll be a non-resident, it confuses me whether I should also notify my home country.*

Indeed, you are a non-resident of Belgium. However, the Belgian tax authorities may presume that you are a resident based on your registration with the commune. If you received a paper tax form (brown envelope), a VVA or notice that a resident tax return has been set up for you on Tax-on-Web, it is recommended that you send a letter to the local tax office after you have deregistered from the commune.

With the letter you can add a copy of your deregistration and you can inform the tax office that, due to the fact that you were only 19 months in Belgium, you can not be treated as a tax resident of the country.

If you earned any taxable income in Belgium in 2020, a tax filing obligation as a non-resident exists. You should then register with the non-resident tax office and request a tax form (see also comments on this matter elsewhere in this report).

In your home country, you have to check the residency rules as well. It is possible that you would be a resident of that country for 2020 (depends on the local legislation). If that is the case, you may need to file a resident tax return in your home country and claim tax treaty exemption to avoid international double taxation. In most countries, a home tax filing obligation would exist (this is not always the case so you will have to check this in your home country).

## 2.21 My contract has started on October 2020 for one year. My contract will be extended until October 2023, but I haven't received a confirmation. So, I assume I am a resident although the expiry date on my ID card is now October 2021. Is that correct?

As from the moment you intend to live more than 24 months in Belgium, you are a resident. But also, your family is living here, so there is no doubt on your Belgian residency.

### 3 Tax questions that follow out of your position (student, staff, tax exempted researcher)

#### 3.1 How do I check if my income falls under a scholarship?

*I am doing a postdoc through a FWO scholarship, but I get paid by the university. On my payslip I see all the taxes I contribute and what I pay into social security. Is that income, or scholarship?*

Check the information on the salary and deductions here.

If you don't receive a fiscal file 281.10; it is a scholarship that you receive and not an income.

#### 3.2 If I graduated from my PhD in April this year and now working in Belgium, what should I do for my tax returns?

*I received my simplified tax as "scholarship" so no need to pay taxes. Should I just file it as it is?*

Yes, as in 2020 your status was still a PhD scholarship researcher. Next year you will have to check your income that is earned in 2021.

#### 3.3 I am a PhD student at Ghent University, I just received my tax form. But I don't know Dutch, it seems very difficult to me to fill the tax paper. So I am wondering can I just send these tax paper back with a copy of my enrollment paper?

You have to fill in some basic information and sign the document as well. You can check the translations that are available on this website.

#### 3.4 As an UGent employee, what is the use of the fiscal file 281.10?

This is the document that you use to complete your tax documents. Only staff receive this document, not beneficiaries from a scholarship or grant from the University.

#### 3.5 What is the legal description of "Overheidspersoneel zonder arbeidsovereenkomst" mentioned on the fiscal file and in the tax declaration?

This is an informative field to indicate that you are employed as a civil servant. All tenured staff from the University is marked as 'overheidspersoneel zonder arbeidsovereenkomst'.

#### 3.6 Student:

*I am also a scholarship beneficiary of the Erasmus Mundus Scholarship. I found out online that I have to also request some paperwork for that to prove it to the authorities although it is not a taxable income. I don't see anywhere a space to upload files in the tax report, do I have to send these documents via post separately? To where?*

You can use any document, available to you to prove that you have the scholarship and add this to your Belgian tax return (only if you have a tax filing obligation in Belgium as explained above). If you file on paper, you can add the documents to the tax form (together with the green sheet that is added to the tax form as a cover page for annexes) and drop the whole package in the mailbox of the tax authorities. If you file online, you can attach documents in a PDF format to the online tax return.

### 3.7 I have received fiscal file 281.50. What should I do with this?

Fiscal file 281.50 is a document created by the Finance department of the University, as you received a reimbursement or payment that also needs to be declared to the Belgian authorities. In case you have questions how and where the information needs to be put in the tax document, you can contact [helpdesk.dfin@ugent.be](mailto:helpdesk.dfin@ugent.be).

## 4 How to complete the tax document ?

### 4.1 If I take a personal loan from the Bank here in Belgium, is it possible to apply for tax benefits?

No, this is no longer possible. (only if you bought a house in Belgium before 2017 you can benefit from interest deductions).

### 4.2 Let's say, we signed legal cohabitation in 2020. I understand that we then do not have to file our taxes together for 2020? Can we choose to do them together if we like?

No, you have to file separately for 2020; and together as from 2021.

### 4.3 Can I get deductible for pension savings outside of Belgium?

In theory, it is possible to request a deduction in Belgium for pension savings or for an individual life insurance, concluded outside Belgium as long as the provider is established in another country of the European Economic Area.

In practice, the tax deduction will most often not be possible because there are many conditions to be met for the pension scheme, to qualify for tax deduction. Belgian banks and insurance companies develop specific products, that comply with all conditions for tax deduction in Belgium. The products, offered by foreign providers most often do not meet all conditions and consequently tax deduction in Belgium may not be accepted by the tax office.

### 4.4 Can we declare child care expenses even if we are exempted due to scholarship?

If a tax return is filed without any taxable income (exemption due to scholarship), there will be no tax exemption for child care expenses as the benefit is only credited against actual taxes due.

However, there still will be the standard tax benefit for the child and this would still result in a refundable tax credit (although no tax is to be paid, there still will be a refund) for the child.

If no child care expenses are included in the tax return, the credit is even increased for children aged 3 or less on 1 January of the year, following the income year. A box is to be completed on the tax form to claim the increased credit: code 1038 (this box in the tax form is not compatible with use of the child care deduction for the same child).

### 4.5 Where do you add details about foreign income on myminfin?

Foreign income appears two times in the tax form:

1. The taxable amount (i.e. gross minus social security and minus any foreign taxes paid) is taken in code 1250 or 2250 (in case of salary income) in box IV of the tax form.
2. Subsequently the same amount is also mentioned further down in the same box IV all at the end in section O (this section appears after codes 1299/2299).

If the income can be exempt from Belgian tax based on a tax treaty, you have to complete section O,2. (Inkomsten waarvoor u aanspraak maakt op belastingvermindering voor inkomsten van buitenlandse oorsprong), where you have to mention the country, the tax code

(1250 or 2250) and the same amount as already listed above. This will activate the tax treaty exemption on this part of your income.

Somewhat strangely, there is no specific code number for the information that you will enter in this part of the tax return.

#### 4.6 Where can I find instruction about taxation for my abroad investment? (for example: stock or cryptocurrency investment)

You can start with the website of the Belgian tax authorities or ask an accountant. <https://finance.belgium.be/en/private-individuals> or <https://financien.belgium.be/nl/particulieren>

#### 4.7 So a PhD student would enter code 1250 and then write the digit '0' in 'Bedragen, data, andere...'?"

Yes => see the information on the website <https://www.ugent.be/en/facilities/money/taxes.htm>

#### 4.8 For legal cohabitation starting in 2020, do we file the taxes for 2020 together or not?"

If you were legally cohabitated on the 1st of January 2020, you will file the taxes together. If not, you need to file it separately

#### 4.9 2- I have married and our marriage is registered in Gent city hall in March 2021. My wife has been here since April 2019, but her contract with UGent has been ended on February 2021. Should we fill the tax forms separately?

If you were legally cohabitated or married on the 1st of January 2020, you will file the taxes together. If not, you need to file it separately and file together as from next year (tax year 2021).

## 5 International employment related tax questions

### 5.1 I will be working from July on at UGent with a grant funded by the Spanish government. I'm going to pay taxes in Spain. What should I do with Belgian taxes?

There is a double tax treaty between Spain and Belgium. You can check how you receive the details here on the application of the double tax treaty. If Spain is the country where you need to pay your taxes, you will need to proof to the Belgian authorities that you have paid them in Spain (by an extract of the tax declaration and calculation).

### 5.2 If we have paid taxes already to another country on our worldwide income from outside Belgium, can we get a deduction from our Belgian taxes, or can we (preferably) exclude this from our taxable income?

If there is a double tax treaty and the taxation must be done in the home country, you have to report the income and the application of the double tax treaty. Due to the double tax treaty you will not be taxed twice on that income.

### 5.3 What about the income you have in our home country?

First you have to check if there is a double tax treaty applicable, and what the result is of that double tax treaty. You can find the instructions here.

If your income must be taxed in your home country and you are living and working in Belgium as a resident, the income must be reported and taxed as non-resident in the home country. You have to mention it in the Belgian tax documents as income that was already taxed. More information can be found here:

### 5.4 I recently filled in my Dutch tax return. Do I still have to fill in my Belgian tax return as well?

Yes, this is possible.

#### **You will domicile in Belgium**

- You must submit a personal income tax return.
- In the year following the year in which you moved to Belgium, you will receive the declaration form by post or e-mail during the month of May. However, if you have not received a return by the end of May, please contact your tax office.

#### **You remain domiciled abroad and have income in Belgium**

- You must declare this income in Belgium and will be taxed on it.
- You must register to receive a non-resident tax return.

You will receive this declaration by post in the course of the second semester (the year following the year in which you received that income). You can also submit your declaration via MyMinfin (with your Belgian electronic identity card, your PIN code and a card reader).

As long as you have income in Belgium, you must submit a tax return for non-residents.

5.5 If you get income from abroad (e.g. a house), do you have to pay taxes on it in Belgium, on top of the taxes that you pay abroad?"

Income from a house abroad is exempt from tax in Belgium. However, the income must still be reported in the Belgian resident tax form (for the exemption with progression rule) as the income will impact the tax rate on your Belgian taxable income.

For income of 2020, you have to report the rent received or the deemed rental value of the property (depending on the case) in codes 1130/2130.

Please note that from 2021 onwards the system completely changes. You will have to report foreign properties to the tax office (in case you do not receive an information request, you will have to contact the tax office yourself) and a deemed Belgian cadastral value will be given to each property. This will become the basis for the tax return from income year 2021 onwards (tax filings in 2022 and later).

5.6 I am resident. We sold our house elsewhere in Europe. What do we have to indicate on our BE tax document?

If you owned a house elsewhere in the world, in most cases it has to be reported in the Belgian tax return (for a house in Europe, this will be in code 1130/2130). You then have to report the rent or deemed rental value for the period, during which you owned the property (up to the date of the sale).

5.7 QUESTION FROM A STUDENT:

*I have some (small) taxable income in my home country and now I do not fully understand if I have to divide that income per year by 12 months and then pay that times the number of months I have lived in Belgium or if I have to pay here for the income, that I have received in the months of September-December. Also, do I have to submit some proofs of the amounts? I just see spaces to write the amounts, but how will the authorities know I didn't "cheat"?*

Again the residency question is the key: if you are a non-resident of Belgium, the income in the Czech Republic will not be taxed in Belgium (there may in some cases be a reporting obligation to calculate your personal tax deductions, but this is only relevant if there has been any taxable income in Belgium for 2020. The fact that you earned income abroad in 2020 is an indication for us that you would be a non-resident of Belgium.

If you are a resident of Belgium (from the date of arrival in Belgium onwards), you have to complete code 1199 of the tax return (number of months in the Belgian residency period). You then have to report the net Czech income in the Belgian tax return and subsequently complete the section in the tax return (see replies on this issue elders in this document) to claim exemption so that there is no double tax with Belgium.

5.8 Employment in Finland

*I moved to Belgium in the middle of January 2020, and become officially registered in Belgium at the end of February. Although I ended my work contract in Finland in December 2019, my final salary was paid in January 2020. Do I need to report this final salary from Finland in the 2020 Belgian tax return, and if so, which part on myminfin (and which code) would I use?*

You first have to determine the starting date of your Belgian tax residency. Although you only registered in Belgium at the end of February, the actual date of arrival is more relevant.

You first have to complete code 1199 in the tax return (if you were in Belgium before 15 January nothing must be mentioned in the code and if you arrived on or after 15 January, you should mention 11 (months of Belgian tax residency)).

Then you must look at the moment when the Finnish salary was paid: if this happened during a period when you were already a tax resident of Belgium, you must in principle include this income in the Belgian tax return and claim tax treaty exemption. If it was paid out before you moved to Belgium, the income is certainly not to be included.

In practice, I often note that tax payers are not 100% strict when applying cutoff rules for salary when they move from one country to another one. If your Finnish salary is mentioned on tax documents for 2019, most taxpayers would fully relate it to Finland and keep it out of the Belgian tax return altogether. If the payment is reported on a 2020 Finnish tax document, you may need to include it (i.e. gross income minus social security and minus Finnish tax paid) in the 2020 Belgian tax form (as tax treaty exempt income). In such case, the Belgian tax authorities may receive the information from Finland and raise a question in case it does not appear on your Belgian tax form.

## 6 Questions regarding MyMINFIN

### 6.1 How can I login on the website of the Belgian fiscal authorities?

To enter myminfin (and other Belgian governmental websites) you need a digital key to access the website. Login in to the online services of the government is done in Belgium through the services of CSAM. <https://www.csam.be/> All information about the digital keys is available online, included detailed English help section. The first step is to create a username and password. This can be done on this website : <https://idp.iamfas.belgium.be/fasui/registration/weakprofile>

After the registration of the username, you will need to activate a digital key of choice. There are several digital keys available. You choose between an logging in with the EID card reader, the app 'itsme', a token or through SMS.

To choose your digital key of choice you will need your Belgian ID card and ID card reader one time to activate the other keys. This is the second step. You will need your activated EID card, your Pin and PUK code and an EID card reader. You will need to install EID software to use the EID card reader on your computer. It can be downloaded on this website. <https://eid.belgium.be/en>

As from the moment you have your username, password and an active digital key, you can continue on to the next step: login on the website of the fiscal authorities: [www.myminf.be](http://www.myminf.be) to fill in your tax documents or go to [www.socialsecurity.be](http://www.socialsecurity.be) to check your social security e-mail inbox. You can also use the digital key for other governmental websites, such as [www.mypension.be](http://www.mypension.be) or [www.ehealth.fgov.be](http://www.ehealth.fgov.be).

### 6.2 Where does one get a card reader?

The token or EID card reader can be used everywhere in the world. The app doesn't work outside Belgium. An EID card reader can be bought in multimedia stores in Belgium, such as the Fnac, Mediamarkt, Vandenborre, ... or borrow one from colleagues on your faculty.

### 6.3 Are the CSAM mandates free or you have to paid for this service?

CSAM is a mandate to enter the online websites. So it is free. If you give a mandate to an accountant; you will have to pay the accountant.

### 6.4 I received the tax form but I am not in Belgium during this summer, and the Tax-on-Web is also not available, how to complete the tax documents?

If this is the case, we advise you to contact an accountant to fulfill this obligation.

### 6.5 If 1 partner leaves Belgium and turns in his Belgian ID card, how can he log in to myminfin to sign the form?

*His itsme app also does not work. Do we then need to send the paper form? What if we didn't receive it?*

In recent years, there were indeed many problems for non-resident taxpayers to get access to the MyMinFin application or to obtain a paper tax form.

A web-based tool exists for making an application for a non-resident tax form. Here under you can find the link to the page.

It is advised not to do the application too early in the year as the form then is not yet available. The authorities indicated that the forms would be issued from September onwards.  
<https://eservices.minfin.fgov.be/webForm/public/inrbni/inrBni.jsf>

In case no form is received (last year, the web tool did not perform seamlessly), one can also contact the non-resident tax office:

Beheer en dienstverlening Belasting niet-inwoners BNI 1  
Gaston Crommenlaan 6 bus 516, 9050 Gent  
Telephone: 02 575 46 00  
e-mail: [p.bru.bni1@minfin.fed.be](mailto:p.bru.bni1@minfin.fed.be)

It is also possible to use the services of an accountant or tax consultant, who is dealing with a number of non-resident tax returns. They usually have direct communication channels with the foreign tax department, enabling them to obtain access to the Tax-on-Web records for their clients, based on a specific paper proxy form (this form is then converted into an electronic proxy upon request of the consultant).

## 6.6 I don't have a Belgian ID card due to my very short stay in Belgium

If you don't have an activated EID card or EID card reader, you can also go to a registration office to start the procedures. You will need to go in person to the registration office, and receive a personal activation code. After activation of the digital key that is sent to your personal e-mail address, you will be able to enter the online services of the government. Keep in mind that the procedure may take several weeks!

## 6.7 I'm trying to fill the tax form using Myminfin. In which section should I include that I'm a not a resident?

It is not possible to indicate a non-resident status in a resident tax return. You need to inform the resident tax office (after leaving Belgium) that you will file a non-resident tax return for 2020. Then you should register with the non-resident tax office (generally we do this in September) and request a paper non-resident tax form or access to a non-resident tax form on Tax-on-Web. By filing a non-resident tax return, it is immediately clear to the authorities that you want to be treated under non-resident tax rules.

And finally, I'll be leaving the country soon. From the seminar, I understood that I have three months since my departure to fill an additional paper tax form - I guess with the info concerning the remaining seven months that I'll have stayed in Belgium: from January 2021 to July 2021. Is that correct? Or do I need to process that later on, on 2022? And where should I contact to get this paper tax form?

The departure tax return only applies if you were a tax resident in Belgium from 2020 onwards. This is not the case for you. Consequently you will have to consider the non-resident tax filing deadlines:

- November or December 2021 for income of 2020
- November or December 2022 for income of 2021

For questions relating to non-resident taxes, you will have to contact the non-resident tax office.

## 7 How to check the tax document?

### 7.1 I have some question with simplified tax form (VVA). How can we check this simulation? What would be the important things to be checked?

1. You can always check the “wedden en lonen” because that’s the column, you should have information about.
2. You can also check all other data that are available on the following places:
  - in Tax-on-Web, in the section called ‘bijlagen’: if you open this section, also other available Belgian tax information is shown (like loan certificates, deductible charities, etc...). You can then see whether all info was taken into consideration in the VVA calculation.
  - on the MyMinFin site, there is also a section ‘documenten’: this shows further tax documents, that have been uploaded by the authorities on your personal tax file. You can double check whether all information has been taken on the VVA.
3. Other calculation elements like “staat”, “federale”, “gemeente” en “gewestelijke” tax: this part of the calculation usually is quite accurate as it comes from the calculation software of the tax authorities. You can always verify this by accessing your file on Tax-on-Web and by activating the tax calculator (option ‘berekenen’). This should result in the same outcome as the VVA. The tax calculator also helps you to see the impact of any changes you would like to request with the authorities regarding the VVA.
4. If the input for the calculation is correct, normally all deductions (“belastingvermindering”) should also be correct. Any errors at the level of the calculation always result from errors in the basic input of the tax form.

Common elements in a VVA, that are worth checking (a significant number of VVA documents are not accurate):

- Number of tax dependent children taken into the calculation; especially in case one is not married or legal co-habitant, we see errors (one has to check whether the child is credited against the tax of the partner, where this has the most impact)
- For married persons or legal co-habitants: it is important to check the deductions for family members, that may reside outside Belgium (for example the partner or any dependent children that are living or studying abroad). Family related deductions for family members abroad are often not correct in a VVA.
- Any deduction for child care expenses or children up to 3 years of age (these deductions are not automatically included in a VVA)
- Deductible charities (sometimes not all charities were considered in the VVA)
- Any deductions related to real estate (bank loans etc...)
- Any salary or investment income, earned outside Belgium (this information is not included in a VVA)
- Any income from real estate, owned outside Belgium (never included in a VVA)
- The dividend exemption up to 800 Euro per partner – this is never included in a VVA

## 8 Taxation in case when you leave Belgium

### 8.1 If I leave Belgium, do I remain subject to personal income tax?

**Belgian residents** (natural persons) are subject to Belgian personal income tax.

You are a Belgian resident if:

- your **'place of residence'** is in Belgium or
- you have established the **'seat of your wealth'** in Belgium (if your 'place of residence' is not in Belgium).

Your 'place of residence' is characterised by a certain permanence and continuity. This is the place where you actually reside on a permanent basis.

The 'seat of your wealth' can be described as the centre of your business affairs or financial interests.

The location of your 'place of residence' or of the 'seat of your wealth' is assessed on the basis of your circumstances.

If you are entered in the **National Register** in Belgium, there is a legal presumption that you are a Belgian resident (this presumption can be rebutted).

In the case of jointly taxed married or legally cohabiting couples, the place of residence for tax purposes is determined by **where the family is based**. Spouses and legally cohabiting partners are therefore either both Belgian residents or both non-residents, depending on their place of residence for tax purposes (i.e. whether or not this is in Belgium).

### 8.2 What after I leave Belgium and handed in my Belgian ID card?

To avoid problems after leaving Belgium, we advise that you request a token as you won't have a valid ID card anymore. There will be a final tax declaration after leaving Belgium for which you will need to enter the fiscal websites. The digital keys can also be used to check your pension information, and will be used even more in the future to enter personal data in Belgium. As a token can only be requested with the EID reader, it is important to have sufficient digital keys to enter the websites from the Belgian authorities.

### 8.3 If partner A leaves Belgium and partner B stays,

*Partner A will get paper tax return "special form", and this is to be filed separately (there is no joint tax return anymore, even though partner B is still in Belgium)?*

Married persons and legal co-habitants always file a joint tax return (except for the year of marriage or the year when the co-habitation starts). Both partners must thus file a tax return in the same type of tax (resident or non-resident) and they should always file a joint return (i.e. only one tax return per family).

The paper tax return "special form" should only be requested and completed when the second partner (partner B) also leaves Belgium.

Note: if partner A starts to work outside Belgium, while partner B still continues to work in Belgium, the income of partner A is to be included in the resident tax return of the family (world wide income reporting obligation), but if there is a tax treaty between Belgium and the country where partner A is working, in most cases tax treaty exemption can be requested in the Belgian tax form of the family.

#### 8.4 Or do we need to file joint tax return for as long as partner B stays in Belgium?

*Then partner A even doesn't need to ask for this "special form")? I am confused by the statement "when a partner leaves, he is still resident for as long as the other partner stays in Belgium." What does that mean tax-wise? Separate paper form, or joint tax?*

Indeed, as long as partner B stays in Belgium, partner A should take no action to request a special form.

#### 8.5 Regarding 3-month deadline when leaving Belgium,

*My husband left and notified the tax office 1 month ago, but he still did not receive the paper form. Is the 3 month deadline counted from the date of departure, or from the date when you actually receive the envelope with the tax form?*

The possible leave for delay might be that the tax documents are only available as from May. If you haven't heard anything after two months, we advise to contact the authorities again on the request. Check the link with contact information [here](#).

## 9 Providing information regarding the foreign bank account

### 9.1 I have a foreign bank account that I need to report to the authorities

Since assessment year 2012 (income 2011), the annual personal income tax return must contain details of the existence of foreign accounts of which the taxpayer, his spouse, as well as the children whose income has been added to that of the parents, have been holders during the taxable period. era and of the countries where these accounts were opened.

The personal income tax return form contains the necessary sections to indicate the existence of foreign accounts and, from 2015, to indicate that the numbers of these accounts have been communicated to the Central Contact Point (CAP).

The Royal Decree, which lays down the data relating to the foreign accounts to be reported to the CAP, as well as the reporting method, was published on 13 April 2015 in the Belgian Official law Journal.

As a result, at the latest at the same time as filing the income statement stating the existence of foreign accounts, the account numbers, the name of the bank, exchange, credit or savings institution and the countries where these accounts were opened, are reported to the CAP.

### 9.2 Who must report a foreign bank account?

Any natural person who must or had to declare the existence of at least one account abroad in section XIV.A of part 1 of the personal income tax return (PB return).

Specifically, it concerns:

- any natural person who is holder or joint holder of one or more accounts opened abroad. In the event of a joint assessment, each spouse or legal cohabitant must separately communicate to the CAP the details of the aforementioned foreign account (s) of which he or she himself or herself is the holder or co-holder,
- The parent of (at least) one child who is the holder or co-holder of one or more accounts opened abroad, if the income of that child has been added to that of the parents during the taxable period in accordance with Article 126, § 4, WIB 92. In that case, each parent must not only provide the CAP separately with the data regarding their own foreign accounts, but also those regarding the foreign account(s) of the aforementioned children.

The foreign account of which several natural persons subject to the tax in Belgium are co-holders must therefore be notified to the CAP separately by each co-holder, since each of them must state the existence of this account in his PB declaration.

### 9.3 Which accounts must be reported?

These are "accounts of any kind": do they mean current accounts, savings accounts, term accounts, securities accounts, accounts linked to a mortgage loan or any other form of credit, etc. Whether the institution with which the account is held is an entity to a foreign law or an entity under Belgian law that is active abroad through the actions of a subsidiary or a branch is irrelevant: only the place where the account was opened plays a role in this.

#### 9.4 How to report the bank accounts?

By way of exception, a payment account opened with a foreign institution must only be used for the immediate transfer of funds from or to an account opened by the taxpayer in Belgium and when these funds are not held in this account for longer than strictly necessary from a technical point of view for the execution of the money transfer, are not reported to the CAP.

Two types of forms (paper or electronic) allow you to fulfill your obligations regarding the reporting of accounts opened abroad. They store:

- either the first report of an account abroad (available since May 2015);
- or the changes that the taxpayer wishes to make to accounts reported in a previous return (available since December 2015).

However, for the declaration to be complete and correct, it is absolutely necessary that you use the explanatory notes drawn up by the Federal Public Service (FPS) Finance, regardless of the reporting method you choose, and that you respect all the stated provisions.

Your notification can be done as follows:

- 1) electronically. Take your eID card and connect your card reader so that you can identify yourself. Click on the website link: <https://cappcc.nbb.be/my.policy>
- 2) either in writing using the standard forms <https://www.nbb.be/nl/kredietcentrales/centraal-aanspreekpunt/buitenlandse-rekeningen/formulieren-en-verklarende-notas>, drawn up by the FPS Finance and which you or can download. These forms can immediately entered on the screen (which is recommended) and then printed, or printed first and then completed by hand. And sent by post to the CAP at the address mentioned below.
  - by e-mail at the address [cap.pcc@nbb.be](mailto:cap.pcc@nbb.be),
  - or in writing at the address stated below: Nationale Bank van België Centraal aanspreekpunt; de Berlaïmontlaan 14; 1000 Brussel

#### 9.5 What is the consequence of reporting your bank account number?

During the process leading to the validation of the data, certain verifications are performed in real time by the online application, such as e.g. compliance with required data formats, correctness of the check digit of the data wearing one (such as the national register number) and checking the certificate stored on the electronic identity card. Other logical checks are also performed. In the event of an anomaly detected, the person entering the data into the online application will be immediately notified and requested to complete the missing data or correct the incorrect data. Until this happens, the communication process cannot be brought to a successful conclusion. This person then has a period of thirty calendar days to communicate the correct data to the CAP.

When the entered data successfully undergoes all the verifications performed by the online application in real time, the person entering the data is requested to validate this data. From this validation, the communication to the PCC is considered final, which is indicated to this person by a message on the screen showing all validated data. It is strongly recommended that this notice be printed or kept as proof of the proper execution by the taxpayer of his obligation to communicate his foreign accounts to the CAP.

When the notification is made by an agent on behalf of the taxpayer, the NBB will send a receipt of this notification by post within ninety calendar days to the address of the taxpayer entered in the

National Register of Natural Persons (or, failing that, in the "register -bis" of the Social Security Crossroads Bank).

More (Dutch) information can be found here: <https://www.nbb.be/nl/kredietcentrales/centraal-aanspreekpunt/faq-centraal-aanspreekpunt> or <https://financien.belgium.be/nl/particulieren/internationaal/buitenlandse-inkomsten-en-rekeningen>

9.6 Student: In the tax form, there is also a space for declaring my foreign bank accounts.

*Online I found out that I am supposed to first declare all of them to the Belgian national bank before declaring them in the tax report, is that correct? Do I need some translated proofs from all those banks?*

You only need to report bank accounts outside Belgium if you are a tax resident of Belgium. You can complete the account information online on the website of the National Bank. In an annual Belgian resident tax form, you can mention the existence of the accounts on the last page of the document. No evidence is to be provided at any time (not to the National Bank and not in the tax return).

9.7 What if I don't use/have no income in the bank account I have abroad (in my home country)

You will still have to notify the Belgian authorities even if you don't have an income.

9.8 I have income in my home land, but I can not use it because of the sanctions (I can not bring money here). So, Should I report that income?

You have to report worldwide earnings in the Belgian resident income tax return, even if you can not bring the money into Belgium (it is assumed that the funds can be used outside Belgium).

9.9 If you have bank transfers from your Belgian bank account to your other bank account in your home country, can this have any consequences in your tax declaration?"

Transfers between bank accounts (within Belgium or with foreign banks) have no tax impact.

If you transfer funds from abroad into a Belgian bank account, the bank may raise questions (they may start a check based on anti-money laundering procedures) so it is best to inform the bank up front in case large amounts are remitted into a Belgian bank account.

9.10 Do I have to report my Dutch bank account even if I am tax exempted due to my PhD scholarship?

All foreign bank accounts must be registered with the National Bank of Belgium and the account is to be reported on the last page of the tax return. This also applies in case of an exempt scholarship.