



## Working for a European or U.S. Company in Belgium



LEGAL ASSISTANCE OFFICE  
NORTHERN LAW CENTER

SUPREME HEADQUARTERS ALLIED POWERS EUROPE BELGIUM

In a military community, it is common for our spouses and family members to run, or desire to run, a small business from their home. For example, a home cleaning service, selling items on eBay for others, etc. If you or your spouse are thinking of starting a home business or working remotely for a U.S. company in Belgium there is some very important information that you need to be aware of. While integrating into the community you may have heard of status of forces agreements (SOFA.) These agreements cover Americans overseas working for the government or government affiliates such as AAFES. The SOFA tells us what we can and cannot do in a foreign country.

Unlike Germany, there is no bi-lateral SOFA or supplemental agreement between the US and Belgium. The applicable agreement used is the 1951 NATO SOFA. Article II of the NATO SOFA requires US personnel to respect host nation law. Article X, paragraph 2 of the NATO SOFA provides that any profitable enterprise will be subject to taxation in the receiving state. Article XI, paragraph 7 of the NATO SOFA establishes that no customs exemption will be granted for a commercial activity.

What all of this means to us is under Belgian law, US personnel cannot have both NATO SOFA status and be engaged in a commercial activity. US dependents engaging in a commercial activity lose their NATO SOFA status and are immediately treated as an ordinary resident of Belgium. Please note that you will retain most of your privileges as they come from your sponsor. This distinction between having NATO SOFA status and being considered an ordinary Belgian resident applies regardless of the type of commercial activity you are involved in (i.e., self-employment or employment with an off-post non-government affiliated company) or where the business takes place (in US owned/leased housing or in privately leased housing or building).

### ***IN ORDER TO ENGAGE IN COMMERCIAL ACTIVITY IN BELGIUM YOU MUST OBTAIN A WORK PERMIT***

This subjects the home run business or employment wages to all tax, visa and work permit requirements under Belgian law. You will also lose your Belgian Protocol ID card, and you will have to apply for a Resident Belgian ID card at the city hall of your local City (Commune).

#### ***ELIGIBILITY***

Once you obtain a work permit, you are no longer eligible to take a job with the U.S. Forces in Belgium. (I.e. AAFES, Commissary, USAG Benelux, etc.)

If you or your spouse are thinking of starting a home business here in Belgium, be sure and review the costs and benefits of running that business before starting it. Research the answers to the questions you have using the references below for specific questions and concerns.

#### ***REFERENCES AND USEFUL LINKS***

##### ***American Chamber of Commerce in Belgium***

This organization assists people starting a business activity in Belgium. For more information, consult the website: <[www.amcham.be](http://www.amcham.be)>.

##### ***Belgian VAT and Customs offices***

They are located on SHAPE, Belgium: building 210. To schedule an appointment, check their availability on the SHAPE2day website : <<https://www.shape2day.com/>>.

##### ***Forms and other information on working in Belgium***

Consult the KINGDOM OF BELGIUM, Federal Public Service, Foreign Trade and Development Cooperation website : <<https://diplomatie.belgium.be/en/protocol>>.

## **TESTIMONY OF A DEPENDANT WHO WENT THROUGH THE PROCESS OF OBTAINING A WORK PERMIT IN BELGIUM**

### **HOW DID YOU START THE PROCESS?**

*I started this process after finding a job. Through networking in my field, I found out about an open position in a museum in Brussels. I interviewed with an employment agency before I even started the permit process. I went into the process of obtaining a work permit only after I had an employer who was interested in hiring me.*

### **DO YOU KNOW THE LOCAL LANGUAGE? IF NOT, HOW DID YOU DO TO FIND THE INFORMATION?**

*I do not. I only speak English. I found out about this opportunity through my own networks in the museum field. And I think that this opportunity was only made possible because it is with an organization that is so multinational. The museum that I work is a part of the European Parliament and as such, English is the common language spoken amount all the employees.*

### **WHEN DID YOU GIVE YOUR PROTOCOL ID CARD BACK AND TO WHOM?**

*This was a huge point of confusion. Honestly, many people on base and even my employers had no real idea about the proper procedure. It took me months to track down the correct answers but I eventually found answers after reaching out directly to employees at the KINGDOM OF BELGIUM, Federal Public Service, Foreign Trade and Development Cooperation. This department referred me to a detailed document called the Protocol Guide, which you can find on their website. In this guide, I was referred to the procedure mentioned under point no 11.4.3. It was explained to me that my situation, as the spouse of US military member who at the time held protocol Id, doesn't fall within the scope of the bilateral agreement between Belgium and the USA with regard to gainful activities by family members of the diplomatic and consular staff. What this means is, with a Protocol ID, we as spouses are not legally allowed to apply for a work permit in Belgium. After restitution of the protocol ID an attestation of restitution will be issued. This document allows to register and request the declaration of arrival from the commune."*

### **WHAT WAS THE OVERALL PROCESS ONCE YOU FOUND THE CORRECT PEOPLE TO TALK TO?**

*First, I went to SHAPE and surrendered my Protocol ID to the SHAPE Federal Police. They gave me a piece of paper called an "Attestation of Restitution".*

*Then I went to my local commune with this paper and my passport and requested to register and asked for a declaration of arrival. My commune is small and no one speaks English. I relied on my employer to play the go between. I know there was some confusion about the declaration of arrival in particular but ultimately it was worked out. I think it is important to note here that they required my work contract from my employer at this point. The reason for this is, they will not start the work permit process if you do not have a job ready to go. At least that was my understanding.*

*After that I received a document called "Annex 49 Attestation" which seemed to be the in-between identification document for me since I no longer had my protocol id and my work permit was not ready.*

*Finally I received my identification card which is basically my work permit, its a temporary residence card basically, from Belgium. I picked this up from the commune.*

### **WHO WAS THE MOST HELPFUL?**

*It was absolutely the Unit P1.1, P1.2, and P1.3 department: at the KINGDOM OF BELGIUM, Federal Public Service, Foreign Trade and Development Cooperation*

### **WHO WAS THE LEAST HELPFUL?**

*My employer, who is an external employment agency (not the museum). Also, the staff on SHAPE base honestly. Anyone outside the Belgian government, specifically the department I shared above, do not know the proper procedure. I could have saved myself months of confusion if I went to at the KINGDOM OF BELGIUM, Federal Public Service, Foreign Trade and Development Cooperation from the very start. I was literally told by someone on the SHAPE base that pursuing work off base was too complicated and I should just get a job on base because it was easier and less complicated for everyone.*

*One drawback that kept getting mentioned to me about surrendering my protocol ID is that once you do, you cannot work on a military base again in Belgium. As far as I can tell this is true. But for me, this is not a big deal. I never wanted to work on base. My field is the cultural/heritage sector so this "downside" was completely not applicable to my situation but it might be to someone else who is considering working on base in the near future.*

### **HOW LONG DID THE PROCESS TAKE?**

*Once I learned about the actual correct procedure from the KINGDOM OF BELGIUM, Federal Public Service, Foreign Trade and Development Cooperation, I immediately started the process with my own local commune. I received my work permit and was able to start my job within four months of starting the process.*

### **WAS IT EXPENSIVE?**

*There were some fees at my local commune associated with picking up my actual work permit and for providing identification pictures for my ID. But in total it didn't cost me more than 40 euros. I will note here that there was a kind of processing fee early in the process that was 200-300 euros. However, my employer covered this.*

### **DID YOU NEED DOCUMENTS TRANSLATED? WHERE DID YOU GO?**

*I didn't really need any documents translated. Having an employer already there provided me with native speakers to turn to if it was necessary, but overall it was not really an issue that I remember.*

### **ARE THERE ANY OTHER ISSUES THAT HAVE COME UP THAT PEOPLE SHOULD BE AWARE OF?**

*Taxes. I only just started in February so taxes were not an issue for me this year. They will be next. I don't know what to expect. I have been advised to seek the help of a CPA when it is time to file next year due to the complications with my income in Belgium and avoiding double taxation as a US resident working abroad. I do not have more information on this as I have not gone through it yet.*

*I would seriously encourage other spouses to start the process if they find work they are interested in. I was discouraged at so many points along the way, I cannot tell you how many people on base told me "This is too complicated don't do it". Yes, it is complicated, but I am working in a major museum in Brussels, and gaining incredible work experience while living in Europe. I do not regret the headaches and confusion for a second!*