

FEE FORM 281.50 OBLIGATION – REDUCTION ADMINISTRATIVE BURDEN

Earlier this year the 'law on various tax provisions of 21 January 2022' was published in the Belgian Official Gazette. Within this month's Tax Insights, special attention is paid to one of these provisions which drastically alters the existing regulations on the annual preparation of the fee forms 281.50 aiming to reduce the administrative burden for companies.

Each year before the end of June, all individual fee forms 281.50 in relation to certain commissions, fees, trade discounts, allowances and fringe benefits, ... paid and/or attributed during the previous calendar year to beneficiaries for whom these payments are taxable professional income have to be filed with the tax authorities.

Commissions or fees paid or attributed to non-residents (individuals or entities) always needed to be reported on fee forms 281.50 to the extent that these costs or benefits exceeded a limit of €125.

NEW REGULATION

Pursuing a much-needed reduction of the unnecessary administrative burden sprouting from this annual fee form obligation, the aforementioned law of January 21st abolishes the obligation to submit 281.50 fee forms, provided that:

- the expenses relate to goods or services provided by a European Economic Area tax resident (European Union, Iceland, Norway and Liechtenstein),
- and
- these transactions are subject to a legal or regulatory obligation to issue an invoice or equivalent document.

In addition, the law on various tax provisions delegates the discretionary authority to the King to determine a threshold below which the annual fee form reporting obligation does not apply. The current threshold amounts to €250 which is calculated per provider of goods or services.

This new regulation is applicable to income paid or owed from 1 January 2021.

RSM Belgium wishes, through this document, to provide general information, without the information contained in this document being considered as an opinion. The editorial staff shall endeavour to compose this edition as accurately as possible. However, we cannot guarantee that this information will always be accurate when it is received or that it will always be accurate in the future.

The fee forms 281.50 and summary statements for calendar year 2021 must be submitted (electronically) by 29 June 2022.

Negligence or failure to file said fee forms 281.50 can result in the assessment of a secret commission tax at the rate of 100% or 50% in case the beneficiary is subject to corporate income tax.

If you have any questions regarding this topic, or if you would like our assistance with the completion of the formalities related to the abovementioned fee forms 281.50, don't hesitate to contact our RSM Belgium | Tax team (tax@rsmbelgium.be).

RSM Belgium | Tax

RSM Belgium wishes, through this document, to provide general information, without the information contained in this document being considered as an opinion. The editorial staff shall endeavour to compose this edition as accurately as possible. However, we cannot guarantee that this information will always be accurate when it is received or that it will always be accurate in the future.