**ENTREPRENEURSHIP**

Foreigners can start a business in Belgium as long as they meet the minimum requirements and are entitled to work in the country. If a person meets the requirements, they can choose to be self-employed or to start a company.

**Professional card**

Foreigners who are citizens of an EU member state or of Norway, Iceland or Lichtenstein can set up business in Belgium without restriction. **Non-EU nationals** must apply for a professional card (beroepskaart/carte professionelle) at the Belgian embassy or consulate in their home country, or, if they are already in Belgium, at the municipality where they live.

The following documents are needed for the application:

- A completed registration form
- A photocopy of the passport or residence permit
- A medical certificate
- A certificate of good conduct from the last country of residence (or an equivalent document recognized by the Belgian authorities)
- A CV

Applications are sent to the Federal Public Service for the Economy, which investigates the application. If it is approved, the municipality issues a professional card with an exact description of the authorized activity. This card can be valid for up to five years.

Federal Public Service for the Economy

At: WTC III, Boulevard Simon Bolivar 30, 1000 Brussels

Tel: 02 277 74 01

Fax: 02 277 53 66

In addition to nationals of a Member State of the European Economic Area, this formality is waived for certain other persons, such as asylum seekers and nationals of countries which have a special relationship with Belgium under a treaty. The countries that currently have such a special relationship are Bulgaria and Romania. However, nationals of these countries require a permit to be able to conduct a self-employed business. The permit must be applied for from the Federal Public Department for the Economy.

**Basic requirements**

A person must be at least 18 years of age to set up as self-employed. Minors cannot start up their own businesses, even if they are no longer subject to parental control. For those in the trades, the date on which they become eligible is the date on which they complete their compulsory education, generally 30 June of the year in which they have their 18th birthday.

The spouse's agreement is not usually required. However, a spouse can object through the courts if the business might have a detrimental impact on them or the children of the marriage.

**Proof of level of education**

Proof of secondary or tertiary education or of relevant experience is usually needed to register the business to demonstrate basic management knowledge. Other qualifications may also be required, depending on the type of business activity.

Non-Belgians' qualifications must be certified as equivalent to Belgian ones. This takes about four months to obtain and should be done before registering the business.

Certification can be done through:

Ministry of the French Community

Ministry of the Flemish Community

**Bankruptcy**

A person who has been declared bankrupt may start a new commercial business as a self-employed person as long as the bankruptcy was not due to serious negligence or deliberate misconduct on the bankrupt's part. If it was, then a court may prevent the bankrupt from starting a business for between three and ten years from the date of bankruptcy. This ban can be lifted by a judge.

**Lack of legal capacity**

An adult may not set up a business if he or she lacks legal capacity, for example if property belonging to that adult is temporarily held in trust, if the adult falls under the statute of extended minority, if the adult is subject to a guardianship order or is a ward of court, etc.

## Setting Up a New Business

If a resident or someone planning to move to Belgium decides to start up a business, they must complete a number of formalities before starting operations for each type of business.

Public business coordination centres (ondernemingsloketen/guichets d'enterprise) deal with most of the formalities for setting up a business – either a company or as self-employed. They are one-stop shops between businesses and the public services.

For a full list of public business coordination centres see the Ministry of the Economy website (in French)

Through them, companies and starter self-employed persons register with the electronic Register of Companies (Kruispuntbank voor Ondernemingen/Banque-Carrefour des Entreprise - KBO/BCE). This is set up within the Federal Public Department for the Economy, Small and Medium-sized Enterprises, Self-employed and Energy (Economie, KMO, Middenstand en Energie/Economie, PME, Classes moyennes et énergie)

The main steps to setting up a business are:

Opening an account with a financial institution (such as a bank)

Obtaining a company number

Registration for VAT

Registering for social security

Registering with a mutual health insurance fund

Registering a trade name

Opening a bank account

To carry on a commercial business an account must be opened with a bank or other financial institution. This account must be separate from any private account and only used for operations related to the business. The name of the financial institution where the account has been opened and the account number must appear on all commercial documents (letters, invoices, order forms, etc). An account must be opened before any other administrative formalities are undertaken through the public business coordination centre.

Obtaining a Company Number

To register the business and obtain a company number the person should apply to a public business coordination centre. The following information is required:

Personal data of the founders

- first and last names
- gender
- profession
- address
- place and date of birth
- nationality and a residence permit/identity card

For those who are or have been married, all details on the marriage contract or certificate:

- spouse's first last names
- marriage date and, if applicable, date of divorce
- type of marital agreement

Details of the commercial activities

- company name and logo
- address
- commercial activity
- net surface area devoted to sales in the case of a retail business
- date on which trading will start

Proof of basic knowledge of management

A certified copy of the documents that entitle the person to conduct their business and a certification of professional capacity and relevant licences for certain professions

Bank account number

The registration fee

Full details are available from the public business coordination centres and at the Ministry of the Economy.

The public business coordination centre then issues the new business with a company number and documents summarizing details of the business. This number will, in due course, replace the VAT and social security numbers. Full details on the name of the

business, its structure, founders, legal documents and licenses, and the type of activity are entered on the electronic Register of Companies.

All documents, such as invoices, relating to a commercial business must show the company number. The company number should also appear on all real estate for commercial use and on vehicles used for the business.

Any person may, by paying a fee, obtain information from the public business coordination centre about other registered businesses.

**Is there a program that helps migrants start their own businesses?**

Yes, several programmes, in particular in the professional integration organisations, FOREM in Wallonia, ACTIRIS in Brussels and VDAB in Flanders. There are other structures/ASBLs that help migrants to start businesses.

Ressources :

- https://dies.be/la-cooperative/
- https://dies.be/brucoop/
- http://www.credal.be/
- https://microstart.be/fr
- http://www.jecreemonjob.be/
- https://www.ucm.be/Entreprendre/Je-cree-mon-entreprise/Creation-d-entreprise-Je-sollicite-des-aides-publiques
- https://www.french-connect.com/90-entreprendre-en-belgique-quels-sont-les-differents-organismes-d-aide-a-la-creation-d-entreprise-en-belgique.html
- https://www.uvcw.be/no_index/adl/ressources/2-2/DEThY.pdf
- http://www.aides-entreprises.be/Midas_web/fr/index.awp
- https://www.leforem.be/particuliers/creer-mon-emploi.html
- https://www.leforem.be/entreprises/aides-financieres-creation-activite-independant-airbag.html
- http://www.creajob.be/
- http://www.jobin.be/
- https://be.brussels/services-en-ligne/travailler-entreprendre/entreprendre-a-bruxelles/creation-dune-entreprise
- https://be.brussels/travailler-et-entreprendre/entreprendre-a-bruxelles/le-guide-de-lentrepreneur/demarrer-votre-entreprise
- https://be.brussels/travailler-et-entreprendre/entreprendre-a-bruxelles
- https://www.beci.be/formalites/demarrer-une-entreprise/
- https://www.groupeone.be/creer-son-entreprise/
- https://economie.fgov.be/fr/themes/entreprises/creer-une-entreprise/les-demarches-pour-creer-une
- https://wegate.eu/fr/fonds-de-participationparticipatiefonds-belgique#
- http://www.actionnariatwallon.be/organisme/fonds-de-participation-participatiefonds-be-2930

**Registration for VAT**

If the business is subject to VAT, the next step is to register with the local VAT inspectorate in the relevant district or with a public business coordination centre. Certain liberal professions that are exercised as private persons and traditional agricultural businesses are not subject to this obligation. If there is any doubt about the obligation to obtain a VAT number, the local VAT office can help. The addresses of local offices are given in the telephone directory under "SPF Finance".

For companies, two certified copies of the memorandum and articles of association and any documents amending the articles of association must be submitted.

Registration is free of charge. Once registered, the business must charge VAT on the price of goods and services sold to its customers and make quarterly tax returns and provide a list of customers registered for VAT numbers annually.

Registration with a social security fund

Businesses and self-employed persons are required to register with a social security fund within 90 days of starting to trade.

For a full list of social security funds: Click here

Registration with a mutual health insurance fund

Business or self-employed persons must also register with a mutual health insurance fund (ziekenkas/mutuelle) or with an ancillary health and disability insurance fund.

**Registering a trading name**

A business may be carried on under a trade name. There are no restrictions on the choice of name, provided it does not give rise to unfair competition. It is protected without the need for registration to be lodged or filed.

A specific brand name can be attributed to the products that are to be marketed. The brand names must be registered to ensure protection. To check whether an identical brand name exists apply to the Trade Marks Office (Merkenbureau/Bureau des marques) of the Federal Public Department for the Economy, Small and Medium-sized Businesses, Small Traders and Energy (in French).

Changes during the lifetime of a business

Special rules apply to any changes in the assets, ownerships of shares, changes in directors, changes to the articles of association or to the amount of capital for each type of company. It is advisable to get further details on these from a business, legal or tax adviser.

**Funds and Support for Small Businesses**

Whether at European, federal, regional or provincial level, an impressive range of public financial aid is available to businesses and the self-employed. Apart from certain sectors officially excluded by the public authorities, most businesses and self-employed persons are entitled to support. Much of this aid can be combined and particular attention is paid to starter companies and self-employed persons. The key categories of subsidized investments are set out below.

Full details and application forms can be found at EcoSubsiBru under Alle tegemoetkomingen/Toutes les aides (in Dutch & French)

Regional aid

The Flemish and Walloon Regions and the Brussels-Capital Region offer a range of investment aid set up to assist Belgian or foreign businesses established in the region concerned. The investment must be made in that region. Many of these measures are aimed at starter businesses and the self-employed.

Assistance can take various forms, the most popular of which are:

Interest subsidies (interestsubsidies/subventions en intérêts) and capital contribution grants (kapitaalpremies/primes en capital). The amount of these subsidies depends on a number of factors, notably the amount of the investment that can be subsidized, the sector of business, and the size and age of the company

Support for specific types of investment, such as those favoring the environment, permitting savings in energy and raw materials or investment of an innovative nature

Supplementary subsidies for investments favoring job creation

Tax advantages (where a capital contribution grant or interest subsidy has been granted)

Accelerated depreciation

Exemption from withholding tax over a specified period

The type of assistance available, the selection criteria, and the formalities and conditions to be fulfilled differ from one region to another. The source of funding will therefore depend on the particular project and the place where it is going to set up.

The Participation Fund

The Participation Fund (participatiefonds/fonds de participation) is a federal public institution involved in the market for small and medium-sized businesses and the self-employed. It offers the Starteo loan, the Optimeo loan, the start-up loan and the joint loan.

The Starteo loan: This loan is aimed at the self-employed, small companies and those in the liberal professions with businesses that have been in operation for less than four years. The support consists of a subordinated loan of no more than €250,000 at a preferential rate of 3% for the first two years. The loan is granted for five, seven or ten years, depending on the project type. The amount of the loan is decided on the basis of the capital investment made by the business itself in the project concerned. The loan can never be more than four times the investment made by the business itself and cannot exceed the amount loaned by the business's bank to finance the project.

The Optimeo loan: This is a variant on the Starteo loan and intended for companies with more than four years' activity behind them. The maximum amount of the loan in this case is limited to three times the capital investment made by the company itself.

The start-up loan: The start-up loan (startlening/prêt lancement) is aimed at the fully unemployed who have been receiving benefits or a job-seeker's allowance (wachtuitkering/allocations d'attente) for less than three months, or those on subsistence

allowance (bestaansminimum/ minimexe) who wish to become self-employed or set up a company. The support consists of a subordinated loan not exceeding €30,000, for a period no longer than ten years, at a preferential rate of 4 percent. The applicant must contribute one quarter of the sum borrowed, which could be through a loan granted by a financial institution.

Should activity cease during the first five years, the Fund may waive repayment of the balance if proof can be shown, within three months of activity ceasing, that the stoppage was beyond the control of the person concerned. The start-up loan can be combined with a Starteo or Optimeo loan provided the conditions under which these are granted are met.

A joint loan: This loan is aimed at a private person who starts up as self-employed or who sets up a business and who has substantial financial difficulties (e.g. a person receiving a social reintegration income (leefloon/revenu d'intégration sociael, LL/RIS), social security benefits, unemployment benefits, etc). The support consists of a subordinated loan not exceeding €12,000, repayable over four years at a fixed rate of 3%. The joint loan can be combined with a start-up loan provided the conditions under which the latter is granted are met.

**Employer obligations**

The obligations when engaging staff are numerous. An employer must:

Register for social security with the National Office for Social Security (Rijksdienst voor Sociale Zekerheid/Office national de la sécurité sociale - RSZ/ONSS) through an approved payroll office (sociaal secretariat/secrétariat social)

Register with a family allowances fund within 90 days of its first employee being engaged

Register with a holiday pay fund if employing manual workers and apprentices

Join an external accident prevention and protection at work organization unless employees are family members up to the third degree, servants and household staff

Set up an internal accident prevention and protection at work department

Take out insurance against industrial accidents

Set up a staff register and file an official employment notification

Ensure that each member of his personnel joins a mutual health insurance fund and is allocated a pension number

Each time staff are engaged or leave the company, the employer must submit, by email, an official employment notification (onmiddellijke aangifte/déclaration immediate, DIMONA).

Processing of personal data

Any company that processes and keeps personal data on its employees must, in principle, notify the Commission for the Protection of Privacy (Commissie voor de Bescherming van de persoonlijke levenssfeer/Commission pour la Protection de la vie privée) accordingly. Certain operations (which can reasonably be expected not to pose a threat to the privacy of the persons concerned) are exempt from this notification requirement.

Further Information

There is a wealth of information available from the Belgian government sites for foreign investors:

InvestinBelgium

business.belgium

The Federal Portal for Belgium

The Finance Ministry (in Dutch)

The Brussels Enterprise Agency – an official agency of the Brussels Region

The Wallonia Investment Agency – for useful documents in English

American Chamber of Commerce in Belgium

The Flemish Chambers of Commerce and Industry (VOKA)