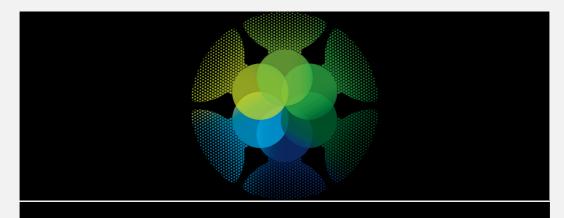
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Global Employer Services Individual tax

Foreign real estate: new taxable base and reporting obligation for Belgian tax residents

The Belgian parliament on 17 February 2021 adopted legislation (<u>Dutch</u> | <u>French</u>) regarding the valuation of deemed income from foreign real estate for individual income tax purposes. The new law is intended to redress the difference in treatment under Belgian legislation of real estate located in Belgium and real estate located abroad, which according to a 2018 decision of the European Court of Justice, violates the free movement of capital principle of EU law.

As from 1 January 2021, all foreign real estate is allocated a notional rental value (similar to real estate located in Belgium), with the result that Belgian resident taxpayers owning such real estate are no longer taxed on the actual rental value when the property is not rented out or is rented to an individual for their private use.

On 1 March 2021, the Belgian tax authorities published guidance in the format of frequently asked questions (FAQs) (<u>Dutch</u>| <u>French</u>), clarifying the legislation and practical application of the provisions.

Action required by Belgian tax residents with foreign real estate

Belgian tax residents who have reported foreign real estate income in years 2019 and 2020 (tax years 2020 and 2021) are required to provide the Belgian tax authorities with the following information by 31 December 2021:

• A brief description of the property;

- The location of the property (i.e., the country and the address or other identifying information); and either
- The normal sales value for constructed property or the surface area for undeveloped property; or
- If the normal sales value is not known: the acquisition price of the property and the year in which it was acquired, together with the cost of renovation works performed after the acquisition and the year in which any renovation was completed.

Belgian taxpayers who acquire foreign real estate as from 1 January 2021 must provide the information to the tax authorities within four months of the transfer of the right in rem.

The tax authorities will then determine the notional rental value of the foreign property and notify the Belgian resident taxpayer accordingly.

The FAQs elaborate among other areas on the following practical aspects of the law:

- Action required by Belgian tax residents to determine the notional rental value of their real estate located abroad;
- The formula to determine the notional rental value;
- Action required where there is a change in value of the foreign real estate;
- Determination of the taxable foreign immovable property income; and
- Deductibility of foreign taxes and the application of double tax treaties.

Contacts

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