

QUESTIONS

Quelles sont les mesures économiques d'urgences prises par la ville, la région et l'état (applicables aux AISBL) ?

What are the urgent economic measures taken by the city, the region and the state applicable to AISBL?

**1 Les AISBL ont-elles accès à la garantie d'Etat sur les prêts bancaires ?
Can AISBL benefit from the State's guarantee for bank loans?**

The Belgian government has approved a system whereby the State acts as guarantor towards the relevant banks for all new loans and credit lines (excluding refinancing credits) having a maximum duration of 12 months that Belgian banks grant to associations from 1 April 2020 until 30 September 2020.

Do not fall within the scope of this measure:

- Refinancing and renewals of existing credits before 1 April 2020;
- financial leases;
- factoring contracts;
- consumer loans;
- loans and credits that the relevant bank chooses to exclude from the guarantee scheme; and
- loans exclusively used to finance the association's activities abroad.

Specific limitations as to the amount of the State guarantee apply and should be checked on a case by case basis.

Request for this guarantee must be addressed by the association directly to the relevant bank.

Only associations (ASBL or AISBL) which comply with the following requirements may benefit from this State guarantee system:

- Associations which have fewer than 250 workers; and
- which meet the following requirements: a) their annual turnover does not exceed 50 million euros; and/or b) their annual balance sheet total does not exceed 43 million euros .

Are excluded and therefore cannot benefit from this State guarantee the associations which:

- were in a insolvency procedure as at 31 December 2019;
- have outstanding payments towards their bank in respect of existing loans or towards the tax social security authorities; or
- were undergoing a banking restructuring of their existing credits as at 31 January 2020.

Source:

- *Royal Decree dated 14 April 2020 granting a state guarantee for certain credits in the framework of the fight against the consequences of the coronavirus* <http://reflex.raadvst-consetat.be/reflex/pdf/Mbbs/2020/04/15/143848.pdf>

**2 Les AISBL ont-elles droit à un report du précompte professionnel ?
Do AISBL have a right to a delay in payment of the payroll tax?**

Yes, non-profit organizations can benefit from a delay for the payment of the professional withholding tax. The delay is automatically granted.

The payment of the professional withholding tax related to April 2020 is postponed to 15 July 2020.

Source:

- <https://finances.belgium.be/fr/Actualites/18-03-2020-coronavirus-mesures-soutien-supplementaires>
- <https://finances.belgium.be/fr/Actualites/coronavirus-mesure-de-soutien-supplementaire-tva-precompte-professionnel>



**3 Il y a-t-il des mesures contre les faillites des AISBL ?
Do measures against bankruptcy of AISBL exist?**

Yes, however, the applicability of this measure expired on 17 June 2020.

Associations (ASBL or AISBL) heavily impacted by the covid-19 crisis or its consequences are covered by the provisions of Royal Decree n°15 concerning a grace period for enforcement and other measures against undertakings and for the duration of the covid-19 crisis.

Royal Decree No. 15 provides that even if the relevant association fulfils the criteria to file for bankruptcy, the directors, provided that certain criteria are met, do not have an obligation to file for bankruptcy.

Similar provisions apply in case of winding-up or judicial reorganisations of associations.

In addition to the above a series of measures applied to associations who were late with payments. Even though the provisions of Royal Decree N. 15 have expired, it useful to mention the following:

- Suspect period: if an association declares bankruptcy, special creditors' protection rules as to the possible revocation of security interests granted by the association or other facilitations obtained before the 17th of June 2020 will not apply.
- Protection against attachments: attachment of goods of the association for unpaid debts could not be carried out from 24 April 2020 to **17 June 2020**.
- Protection against early termination of existing contracts: except in the framework of employment contracts, if the association was in breach of its payment obligations during the period mentioned-above, third parties could not unilaterally terminate contracts concluded with the association before 24 April 2020.

Source:

- Royal Decree n° 15 dated 24 April 2020 relative to the grace period of enforcement and other measures in favour of undertakings for the duration of the covid-19 crisis:
http://www.ejustice.just.fgov.be/cgi_loi/change_lg.pl?language=fr&la=F&cn=2020042401&table_name=loi
- Royal Decree dated 13 May 2020 extending the measures taken with Royal Decree No. 15:
http://www.ejustice.just.fgov.be/cgi_loi/change_lg.pl?language=fr&la=F&table_name=loi&cn=2020051302

**4 Les AISBL ont-elles droit à un report du paiement de la TVA ?
Do AISBL have the right to a delay in payment of the VAT?**

There were general extensions of the filing and payment deadlines for the VAT returns of February, March, April and Q1 2020, and accelerated VAT refunds. However, these measures ended with the VAT return of May 2020. As from May 2020 the regular filling and payment deadlines have to be considered by all taxpayers.

Some initiatives remain in force till the end of the year 2020, such as reduced VAT rates on surgical masks and hydro-alcoholic gels (exemption till 31 July; 6% VAT from 1 August till 31 December).

Source:

- <https://financien.belgium.be/nl/coronavirus#q24>

**5 Les AISBL ont-elles droit à une suspension des prêts hypothécaires ?
Do AISBL have the right to interruption of a mortgage loan?**

No.

The Belgian measures applicable to an interruption of mortgage loans are only applicable to individuals and not to companies or associations. Similar measures for associations are however available and are explained under question 8 here below.

Indeed, on 31 March 2020, the Belgian Federal Finance Minister signed two Charters with Febelfin, the official Belgian federation of the financial sector, and the national Bank of Belgium, one applicable to individuals (the Charter concerning the deferment of mortgage loan payments) and one applicable to enterprises, including associations (see question 8 here below).



Source:

- Charter relating to deferment of payment mortgage loan dated 31 March 2020 between Finance Minister, Febelfin and the national Bank of Belgium https://www.febelfin.be/sites/default/files/2020-04/charte_report_de_paiement_credit_hypothecaire.pdf
- Charter relating to the terms of payments extensions dated 31 March 2020 between Finance Minister, Febelfin and the national Bank of Belgium https://www.febelfin.be/sites/default/files/2020-04/charte_report_de_paiement_credit_aux_entreprises.pdf

**6 Les AISBL ont-elles droit à la prime forfaitaire exceptionnelle de EUR 4000 ? Sous quelles conditions ?
Do AISBL have the right to the exceptional lump sum premium of EUR 4000? Under which conditions?**

The deadline for submitting an application for the premium of EUR 4.000 (available for entities with activities limited to certain NACE codes, e.g. horeca) was 1 June 2020 and only available to entities with an economical and commercial business purpose.

Source:

- <https://servicepublic.brussels/prime-covid-19/>

In case they did not benefit from the lump sum premium of EUR 4.000 from the Brussels Region or another Region, certain non-profit organizations can apply for a compensation premium of EUR 2.000 under certain conditions until 30 June 2020:

- The association employs maximum 5 FTE and had at least one operational unit in Brussels on 18 March 2020
- The majority of employees was technical unemployed due to the covid-19 crisis (which implicitly means they need to have at least 1 employee on the payroll)
- The association has an economical and commercial business purpose
- During this and the two previous taxable years, the association did not receive more than EUR 200.000 de minimis-support

Source:

- <http://werk-economie-emploi.brussels/fr/prime-covid-19-compensatoire>

**7 Les AISBL peuvent-elles demander accès aux fonds exceptionnels de la FWB ? Comment ?
Can AISBL apply for exceptional funds of the Federation Wallonie-Bruxelles? If so, how?**

The Federation Wallonie-Bruxelles has set up the emergency fund for the cultural and sports sectors suffering from the covid-19 crisis.

To apply for the subventions of the urgency funds, legal entities have to fulfill certain conditions specific to the sector concerned (sport/cultural sector).

Source:

- <https://subsides-covid19.cfwb.be/>
- <https://1819.brussels/en/blog/coronavirus-faq-entrepreneurs>

**8 Les AISBL peuvent-elles bénéficier de reports de paiement ?
Can AISBL benefit from extensions of terms of payments?**

No legislative measures has been approved in this respect.

However, on 31 March 2020, the Belgian Federal Finance Minister signed a Charter with Febelfin, the official Belgian federation of the financial sector, and the national Bank of Belgium relating to the extensions of terms of payment granted by banks to enterprises, including associations.

This Charter is applied on a voluntary basis by banks which are not bound by the terms of this Charter.



The Charter provides that associations may benefit of extensions of terms of principal repayments provided that they fulfil all the following requirements:

- Their registered office is established in Belgium.
- The association has no outstanding payments for ongoing credits, taxes or social security contributions as at 1 February 2020; or was less than 30 days late in paying its outstanding ongoing credits, taxes or social security contributions as at 29 February 2020.
- The association has fulfilled all its contractual credit obligations with all banks during the last 12 months prior to 31 January 2020 and is not, as at 31 January 2020, in the process of active credit restructuring.

A payment deferral can be requested for one of the following loans:

- credits with a fixed repayment plan
- cash credits
- fixed advances

Leasing and factoring are not covered by the Charter.

Requests for deferral can be submitted for up to six months, from 1 April 2020 until 31 October 2020 included.

Payment deferrals can only be obtained for future monthly instalments. Retroactivity on the amounts debited is not possible.

At the end of the deferral period, payments will resume. The duration of the credit will be extended by the duration of the deferral (6 months maximums but may be shorter).

Interests keep running during the referral, therefore, at the end of the deferral period, highest interests will be due than if it ended at the original term.

Source:

- *Charter relating to the terms of payments extensions dated 31 March 2020 between Finance Minister, Febelfin and the national Bank of Belgium https://www.febelfin.be/sites/default/files/2020-04/charte_report_de_paiement_credit_aux_entreprises.pdf*

9 Les AISBL peuvent-elles bénéficier de réductions/exonérations de loyer ? Can AISBL benefit from reductions / exoneration of rental fees?

There is no specific measure taken by the government applying to associations in this respect.

Depending on the relevant contractual arrangements and the reasons for the non-payment of rental fees associations might be afforded some defence based on general principles of Belgian law, such as principles of force majeure.

10 Le chômage temporaire est-il applicable aux AISBL ? Is technical employment applicable to AISBL?

Yes, in principle, temporary unemployment based on 'force majeure' is applicable to the employees of a non-profit organization to the extent that the private sector regulations are applicable and that the employees are bound through an employment agreement.

In principle, the employees who are placed under the system of temporary unemployment receive a replacement income from the Belgian authorities amounting to 70% of the average capped salary; the maximum capped salary amounts to 2.754,76 EUR per month.

Source:

- https://www.onem.be/sites/default/files/coronavirus/Faq_Corona_FR_20200528.pdf

**11 Le revenu de remplacement est-il étendu aux AISBL ?
Is the replacement income extended to AISBL ?**

No, the replacement income (also called “transitional rights” or “bridging allowance”) is only applicable to self-employed persons (main occupation or secondary occupation) who are a natural person.

Source:

- <https://socialsecurity.belgium.be/fr/elaboration-de-la-politique-sociale/droit-passerelle-pour-independants>

**12 Les AISBL peuvent-elles accéder aux Centre pour entreprises en difficulté (CEd), notamment pour ses permanences juridiques et comptables ?
Do AISBL have access to the Centers for Companies in Difficulties, especially for their legal and accounting services?**

Yes. The “Center for Companies in Difficulties” is available for any association requesting first advice on credit facilities, accountancy and legal matters. The Centers also offer coaching and strategic advices.

An appointment can usually be booked with the Centers, but due to the coronavirus situation, the Centers can currently be contacted by phone.

Here is the link to the Center: <https://www.beci.be/solutions/centre-des-entreprises-en-difficulte/>

**13 Les AISBL ont-elles droit à des réduction de taxes ?
Do AISBL have the right to tax deductions?**

In principle, there are no tax reductions available to non-profit organizations. Legal entities subject to corporate income tax and not to legal entity tax can, under certain conditions, benefit from a carry-back of tax losses (estimated for assessment year 2021) in assessment year 2020.

Source:

- <https://www.lachambre.be/FLWB/PDF/55/1309/55K1309001.pdf>

**14 Les AISBL ont-elles droit à un étalement du paiement des cotisations ONSS et des charges patronales ?
Are AISBL entitled to a staggered payment of " ONSS" contributions and employer charges?**

Non-profit organizations can benefit from a delay for the payments related to social security contributions. For businesses obliged to close down following the corona measures, an automatic delay of payment is granted.

In case the business was not obliged to close but still decided to do so, a motivated request can be filed with the Belgian social security authorities to obtain a payment delay.

Finally, businesses which did not fully close down but are experiencing difficulties following the corona crisis and see their economic activities severely reduced, could also apply to obtain a delay of payment of the Belgian social security contributions.

Source:

- https://www.socialsecurity.be/site_fr/general/coronavirus/index.htm

**15 Certains secteurs non-marchands bénéficient-ils de subsides supplémentaires (ex : culture, social, éducation) ?
Do certain non-market sectors benefit from additional subsidies (example: culture, social, education)?**

Several sector-specific subsidies or measures have been granted by various Belgian authorities and are applicable in Brussels. Summarised here below are some of the available subsidies as these are presented on publicly available



sources. This list is non exhaustive and additional subsidies may exist.

All sectors

- Indemnity of 2000 euros for small associations based in Brussels
Application on www.primecovid.brussels from 8 June 2020 to 30 June 2020.
- For associations who are the beneficiaries of a grant that must be paid in subsequent instalments from the Wallonie-Bruxelles Federation, the Federation pays some (or the totality of the) instalments in advance to grant liquidity to the beneficiaries. Applications on <https://www.transversal.cfwb.be/sub/extranet/dispositif-consulter.sub?sigle=c19-octroj>.
- For associations who are the beneficiaries of a grant from the Wallonie-Bruxelles Federation and that, as a consequence of the covid-19 crisis, cannot satisfy one or more conditions to obtain payment of part of the grant, the Federation accepts to pay even if not all conditions are met. Applications on <https://www.transversal.cfwb.be/sub/extranet/dispositif-consulter.sub?sigle=c19-derog>.
- Payment of subsidies for events which are subsidised by the Brussels-Capital Region, but which have been cancelled or postponed due to the covid-19 crisis.
http://www.ejustice.just.fgov.be/mopdf/2020/05/04_3.pdf#Page40

Cultural sector

- (Expired) Grant covering all or part of the covid-19 damages for associations which are beneficiaries of subsidies from the Wallonie-Bruxelles Federation. Requests should have been introduced between 1 May 2020 and 18 May 2020.
- Indemnity of 2000 EUR from Brussels Economy and Employment (BEE) for associations registered in Brussels active in the cultural and creative sectors. https://rudivervoort.brussels/news/_le-gouvernement-bruxellois-et-les-commissions-communautaires-prennent-des-mesures-pour-soutenir-le-secteur-culturel-et-creatif-de-la-region-bruxelloise/ and <https://clerfayt.brussels/fr/culture-cest-tout-fait-bruxelles-est-bruxelles-nous-voulons-se-deploie-nouveau>
- Emergency cash loan as well as moratorium on outstanding loans for associations based in Brussels or Wallonia. This measure is granted by Start, fund for culture and creativity.
<http://start-invest.be/-Pret-tresorerie-d-urgence-?lang=fr>

Sport

- Subsidies for sport federations or sport associations/clubs in Brussels or Wallonia.
Request by filling out the form on Adeps website (<http://www.sport-adepts.be/index.php?id=8716>) and sending it out on this platform: <https://www.transversal.cfwb.be/sub/login-tiers.sub> between 15 June and 19 June 2020.